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**CITY OF KELOWNA  
MEMORANDUM**

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**Date:** July 14, 2006  
**To:** City Manager  
**From:** Planning & Corporate Services Department  
**Subject:**

**APPLICATION NO.** DVP06-0071      **APPLICANT:** Brent Robertson

**AT:** 795 Elliot Ave.      **OWNERS:** Brent Robertson

**PURPOSE:** TO VARY THE REQUIRED SIDE YARD SETBACK TO THE WEST SIDE OF THE PROPOSED DWELLING FROM 2.0 M FOR A 1 OR 1½ STOREY PORTION OF A BUILDING TO 1.2 M

**EXISTING ZONE:** RU6 – TWO DWELLING HOUSING ZONE

**REPORT PREPARED BY:** NELSON WIGHT

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## **1.0 RECOMMENDATION**

THAT Council authorize the issuance of Development Variance Permit No. DVP06-0071 for Lot 15, D.L. 138 ODYD Plan 3233, located at 795 Elliot Avenue, Kelowna, B.C. subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

**Section 13.6.6 (d) RU6 – Two Dwelling Housing (minimum side yard setback)**

Vary the required side yard setback to the west side of the proposed dwelling from 2.0 m for a 1 or 1½ storey portion of a building to 1.2 m.

## **2.0 SUMMARY**

This application seeks to allow a reduction in the required side yard setback to the west side of the proposed dwelling from 2.0 m to 1.2 m. Approval of this development variance permit would allow the Applicant to move an existing dwelling to this location.

## **3.0 ADVISORY PLANNING COMMISSION**

Pursuant to *Advisory Planning Commission Bylaw No. 8456* Section 3.4 (c), the requirements for review by the Advisory Planning Commission have been waived by the Director of Planning and Development Services in this case because the application is minor in nature and confirmation from affected neighbours supporting the variance has been received (see attached letters in support attached to this report).

## **4.0 HISTORY**

In September of 2004, Council approved a variance to lot width, from 18.0 m to 17.14 m, to allow for construction of a second principal dwelling on this property, which is zoned RU6 – Two Dwelling Housing (DVP04-0079).

## **5.0 BACKGROUND**

### **5.1 The Proposal**

The Applicant is proposing to move a ± 109 m<sup>2</sup> (1,176 ft<sup>2</sup>) single storey dwelling onto the subject property. A variance to the west side yard setback is required, in order to site the

dwelling in the most logical manner, while maintaining adequate space along the east side of the lot for vehicle parking. The existing garage is to be demolished or moved off the site.

Because the subject property is a “through-lot” (double-fronting), each house would have driveway access from the respective roads that they would face. That is, the existing house would continue to have vehicular access to Elliot Ave., and the proposed dwelling would have access to Copeland Place.

The table below shows this application’s compliance/non-compliance with the requirements of the RU6 zone:

CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Subdivision Regulations		
Site Area (m <sup>2</sup> )	782 m <sup>2</sup>	700 m <sup>2</sup>
Site Width (m)	17.14 m <sup>A</sup>	18.0 m
Development Regulations		
Site Coverage (%)	24%	40%
Site Coverage (building, parking, and driveways)	36%	50%
Storeys (#)	1 storey	2 ½ storeys
Height (m)	5.0 m	9.5 m
<b>Setbacks (m)</b>		
- Front (Elliot Ave.)	7.8 m	4.5 m or 6.0 m from a garage or carport
- Front (Copeland Place)	4.5 m	4.5 m or 6.0 m from a garage or carport
- Side (east)	3.0 m	2.0 m (1 ½ storey) 2.3 m (2 ½ storey)
- Side (west)	1.2 m <sup>B</sup>	2.0 m (1 ½ storey) 2.3 m (2 ½ storey)
Separation Distance	17 m	4.5 m
Other requirements		
Parking Stalls (#)	4 spaces	4 spaces
Private Open Space	meets requirements	30 m <sup>2</sup> of private open space per dwelling

<sup>A</sup> The Applicant was granted a variance to lot width from 18.0 m required to 17.14 m (DVP04-0079)

<sup>B</sup> The Applicant is applying to vary the required side yard setback from 2.0 m to 1.2 m.

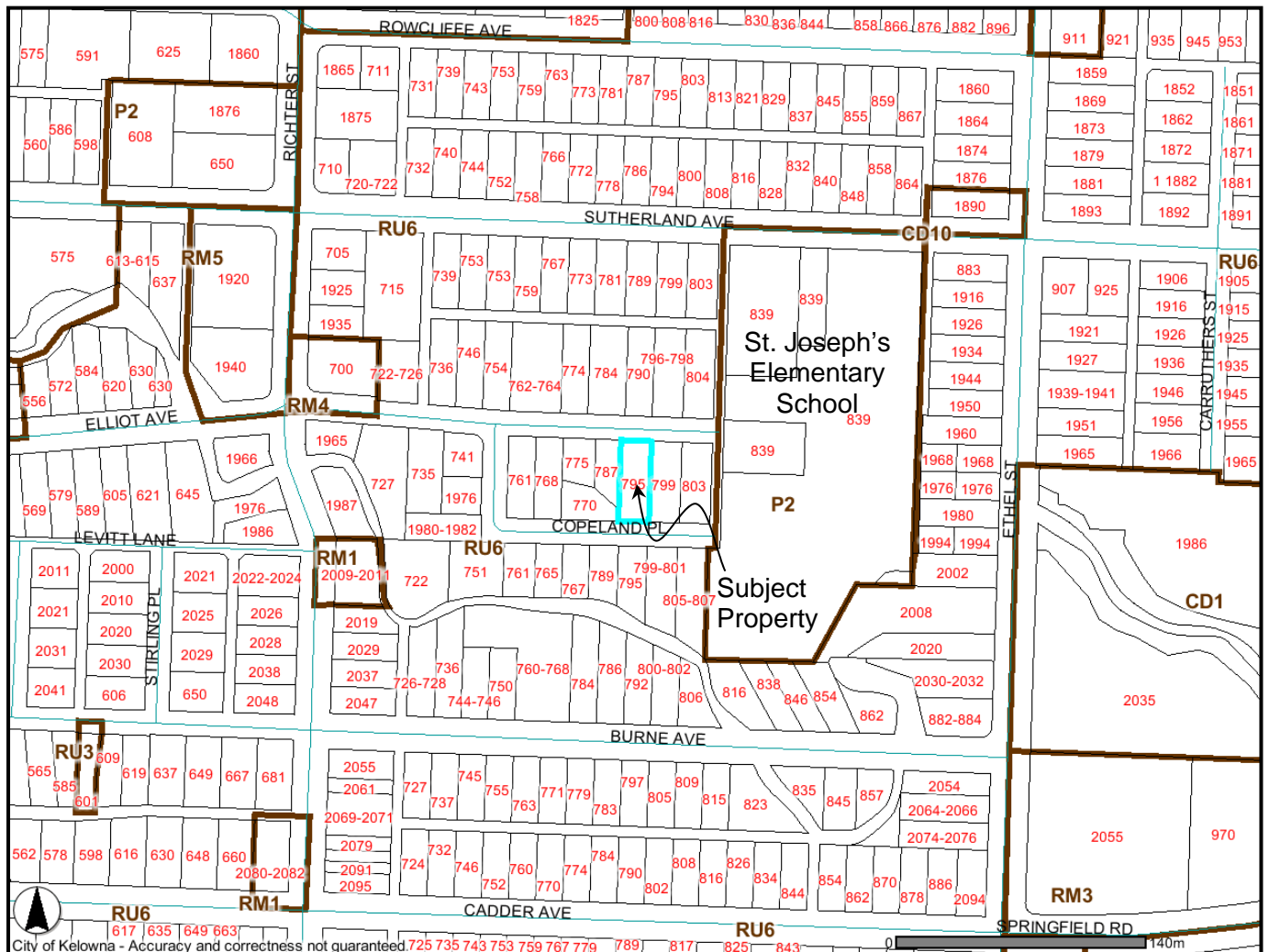
## 5.2 Site Context

The subject property is a double fronting lot, in between Elliot Avenue and Copeland Place, ½-block north of Mill Creek, and one block east of Richter street. The surrounding area is largely residential, with St. Joseph Elementary School located just east of the subject property at the east end of Elliot Avenue. More specifically, the adjacent land uses are as follows:

North	RU6 – TWO DWELLING HOUSING
East	RU6 - TWO DWELLING HOUSING
South	RU6 - TWO DWELLING HOUSING
West	RU6 - TWO DWELLING HOUSING

### Site Location Map

Subject property: 795 Elliot Avenue



## 5.3 Current Development Policy

### 5.3.1 City of Kelowna Strategic Plan (2004)

*Objective #4* – Realize construction of housing forms and prices that meet the needs of Kelowna residents.

*Objective #5* – Achieve accessible, high quality living and working environments.

*Objective #7* – Sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas.

### 5.3.2 Kelowna 2020 Official Community Plan (OCP)

*Future Land Use Designation* - The property is designated Single/Two Unit Residential, pursuant to Map 19.1 of the OCP. The proposed RU6 zone is consistent with that future land use designation.

*Development Permit Process* - This development is subject to the Development Permit Guidelines for Form and Character of Secondary Suite and Two Dwelling Housing Development.

## 6.0 TECHNICAL COMMENTS

### Fire Department

Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw. If the proposed residence is going to have a Copeland PI address and has the required fire department access is from Copeland Pl., then there appears to be no problem. However if the proposed residence is to be an Elliot Ave. address then please note Fire Department access is never from a back lane, it is always from the main street. Fire fighter access from the front/street side of the property to the back building(s) is not to be impeded at anytime. The address for both residences is to be visible from the street.

### Inspections Department

No comments.

### Works and Utilities Department

The requested Variance to reduce the required side-yard setback from 2.00m to 1.20m does not compromise Works and Utilities servicing requirements.

## 7.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

Staff has no concerns with the proposed development variance permit application, and therefore recommends that it be approved by Council.

A development permit application has been made by the Applicant. Staff will be reviewing the form and character of this project to ensure that it complies with the Development Permit Guidelines for Form and Character of Secondary Suite and Two Dwelling Housing Development, as detailed in Section 8 of the OCP.

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Shelley Gambacort  
Acting Development Services Manager

Approved for inclusion

Signe K. Bagh, MCIP  
Manager, Policy, Research & Strategic Planning  
Acting Director Planning and Development Services

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Attachments (10 pages):

Subject Property Map

Annotated Site Plan

Elevations (4 pages)

Letters in Support (4 pages)