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**CITY OF KELOWNA  
MEMORANDUM**

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**DATE:** December 29, 2006  
**TO:** City Manager  
**FROM:** Planning and Development Services Department  
**SUBJECT:**

<b>APPLICATION:</b>	DP06-0146	<b>OWNERS:</b>	Rob Martell Charmeyn Martell
<b>AT:</b>	948 - 950 Fuller Ave.	<b>APPLICANTS:</b>	Rob Martell Charmeyn Martell

**PURPOSE:** TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO ALLOW FOR A REDUCTION IN THE REAR YARD SETBACK FROM 6.0 M TO 3.0 M.  
**EXISTING ZONE:** RU6 – TWO DWELLING HOUSING  
**REPORT PREPARED BY:** NELSON WIGHT

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**1.0 RECOMMENDATION**

THAT Council authorize the issuance of Development Variance Permit No. DVP06-0146 for Parcel C (being a consolidation of Lots 29 and 30, See LA148302), District Lot 138, ODYD, Plan 1102, located on Fuller 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 (e) Rear Yard Setback**

A variance to the rear yard setback requirement, allowing a setback of 3.0 m where 6.0 m is required;

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

**2.0 SUMMARY**

This application seeks to allow a variance to the rear yard setback from 6.0 m to 3.0 m in order to add a landing and stairs for the rear entrance to the rear dwelling unit.

**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 letter in support of this application, which is attached to this report).

#### 4.0 BACKGROUND

The proposed development meets the requirements of the RU6 – Two Dwelling Housing zone, as follows; conflicts with the Zoning Bylaw and Sign Bylaw requirements are detailed immediately following the table:

<b>Zoning Bylaw No. 8000</b>		
<b>CRITERIA</b>	<b>PROPOSAL</b>	<b>RU6 ZONE REQUIREMENTS</b>
<b>Subdivision Regulations</b>		
Lot Area	769 m <sup>2</sup> (0.19 ac)	700 m <sup>2</sup>
Lot Width	20.0 m	18.0 m
Lot Depth	37.9 m	30.0 m
<b>Development Regulations</b>		
Site Coverage (buildings)	35%	40%
Site Coverage (buildings/parking)	39%	50%
Height (front house)	1 ½ storey	2 ½ storeys / 9.5 m
Height (rear house)	1 ½ storey	2 ½ storeys / 9.5 m
Front Yard	4.65 m to house	4.5 m or 6.0 m to a garage
Side Yard (west)	2.2 m	2.0 m (1 - 1 ½ storey) 2.3 m (2 storey)
Side Yard (east)	7.15 m	2.0 m (1 - 1 ½ storey) 2.3 m (2 storey)
Rear Yard	3.0 m <sup>A</sup>	1.5 m
Separation Distance Between Houses	6.0 m	4.5 m
<b>Other Requirements</b>		
Parking Stalls (#)	4 spaces	4 spaces
Private Open Space	meets requirements	30 m <sup>2</sup> of private open space per dwelling
No Parking in Front Yard Lane Access Only	legally non-conforming <sup>B</sup>	Where the development has access to a rear lane, vehicular access to the development is only permitted from the rear lane.

<sup>A</sup> The Applicant is requesting a variance to the rear yard setback requirement to allow a setback of 3.0 m, where the minimum setback is 6.0 m.

<sup>B</sup> This parcel had a driveway off of Fuller Avenue serving the previous home, and therefore may be considered legally non-conforming to this regulation.

#### 4.1 **Site Context**

The subject property is located on the north side of Fuller Avenue, mid block between Ethel Street and Graham Street. The surrounding neighbourhood is developed for single- and two-unit residential uses, within the RU6 – Two Dwelling Housing Zone.

North-	RU6 – Two Dwelling Housing Zone
East	RU6 – Two Dwelling Housing Zone
South	RU6 – Two Dwelling Housing Zone
West	RU6 – Two Dwelling Housing Zone

#### 4.2 **Existing Development Potential**

The purpose is to provide a zone for development of a maximum of two dwelling units per lot.

#### 4.3 **Current Development Policy**

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

Goal #1 – To maintain, respect, and enhance our natural environment.

Goal #2 – To foster a strong, stable, and expanding economy.

Goal #3 – To foster the social and physical well-being of residents and visitors.

##### 4.3.2 Kelowna 2020 – Official Community Plan (OCP)

###### **Future Land Use**

The subject property is designated Single/Two Unit Residential on Map 19.1 Generalized Future Land Use in the Kelowna 2020 – Official Community Plan.

###### **Objectives for Residential Development**

- All development should be an appropriate response to its physical context, or anticipated future context where an area is designated for increased density or land use transition in the OCP;
- All development should provide visual interest and human scale;
- All development should contribute to a sense of community identity and sense of place (integration of development within larger community belonging, community cohesiveness);
- All development should facilitate access by, and minimize conflicts among pedestrian, bicycle, and vehicular modes of transportation (access, mobility);
- All development should promote safety and security of persons and property within the urban environment (CPTED);

## **5.0 TECHNICAL COMMENTS**

The application has been submitted to various technical agencies and City departments, and there were no concerns identified.

## **6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS**


These two Art Moderne-style houses were salvaged from the site now being developed for the Centuria project on Bernard Avenue and Gordon Drive. Over the past two years, the Applicants sought to find a site for them, and—after a couple attempts—finally settled on these two lots on Fuller Avenue, which have since been consolidated. The subject property previously had a derelict home that was eventually burned down by the transients that occupied it. The Applicants subsequently purchased this lot, and moved these two houses onto the lot, in accordance with the necessary approvals from the City of Kelowna (see DP06-0041).

The reduction in the rear yard setback is supported by Staff in this case. The only options to the variance are to either resolve the staircase internally, or remove this entrance (there is a second entrance on the west side of this house, in addition to the walk-out basement entrance on the north side). Staff consider the variance to be a best alternative, particularly in light of the support from the abutting landowners.

Staff consider this to be a model development that should be showcased for its success. In particular, this infill project achieved the preservation of a heritage resource in a manner that is sensitively integrated into the surrounding community.

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Shelley Gambacort  
Acting Development Services Manager

Approved for   
inclusion

Mary Pynenburg, MRAIC MCIP  
Director of Planning & Development Services

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## **ATTACHMENTS**

Location of subject property  
Schedule "A" Site Plan (1 of 1)  
Photo of Existing Houses (2 pages)  
Letter in Support from Abutting Landowners