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**CITY OF KELOWNA**

**MEMORANDUM**

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**DATE:** June 21, 2007  
**TO:** City Manager  
**FROM:** Planning and Development Services Department  
**APPLICATION NO.** DVP07-0126      **OWNER:** Dennis Canuel  
**AT:** 390 Wardlaw Avenue      **APPLICANT:** Dennis Canuel  
**PURPOSE:** TO VARY THE REAR YARD SETBACK FROM 6.0M TO 1.9M  
AND TO VARY THE FLANKING SIDE YARD SETBACK FROM  
6.0M TO 3.0M TO PERMIT THE EXISTING GARAGE  
**EXISTING ZONE:** RU6-TWO DWELLING HOUSING  
**REPORT PREPARED BY:** Alec Warrender

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**1.0**      **RECOMMENDATION**

THAT Council authorize the issuance of Development Variance Permit No. DVP07-0126, Lot 2, District Lot 14, O.D.Y.D., Plan 4276 located at 390 Wardlaw Avenue; Kelowna, B.C. subject to:

1. Vehicle access to the property from Abbott Street be removed;
2. All vehicle access be via the rear lane; and
3. The small addition to the garage within the proposed 1.9m setback be removed.

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 13.6.6(d) - RU6 – Two Dwelling Housing Development Regulations,  
Vary the flanking side yard setback from 6.0m to 3.0m.

Section 13.6.6(e) - RU6 – Two Dwelling Housing Development Regulations,  
Vary the rear yard setback from 6.0m to 1.9m.

**2.0**      **SUMMARY**

A single family dwelling and an attached garage are currently located on the subject property. The applicant is proposing to vary the rear yard and flanking side yard

setbacks in order to legalize the existing garage. The home has recently been sold and as part of the transaction the required variances were to be obtained.

The application does not meet the development regulations of the RU6 – Two Dwelling Housing zone as follows:

CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Side Yard (Garage/Flanking St.)	3.0 m	6.0 m
Rear Yard	1.9 m	6.0 m

## 2.2 Site Context

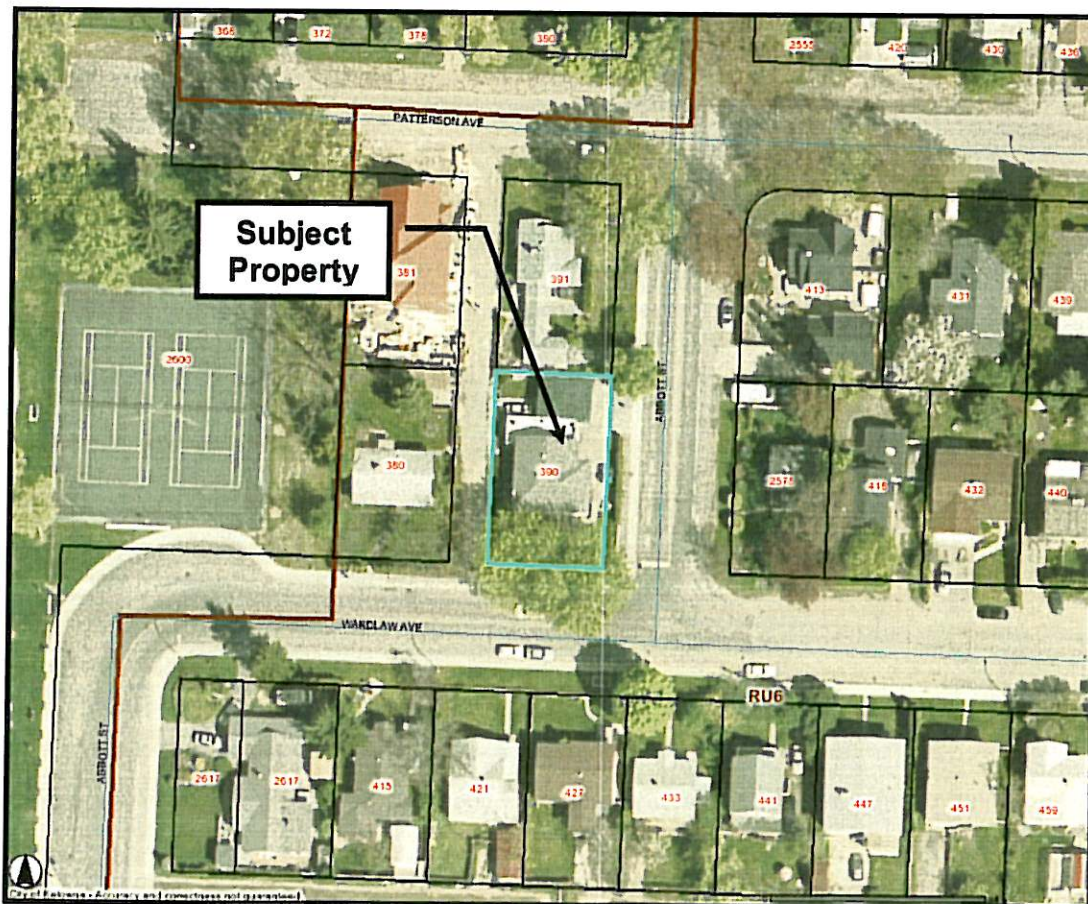
The subject property is located on the corner of Wardlaw Avenue and Abbott Street. Access is currently gained via the rear lane and Abbott Street.

Adjacent zones and uses are:

- North - RU6 – Two Dwelling Housing – Single Family Dwelling
- East - RU6 – Two Dwelling Housing – Single Family Dwelling
- South - RU6 – Two Dwelling Housing – Single Family Dwelling
- West - RU6 – Two Dwelling Housing – Single Family Dwelling

Site Location Map:

390 Wardlaw Avenue





3.0 TECHNICAL COMMENTS

3.1 Inspection Services

Garage addition built without building permit, also there is an addition to the north wall of this garage that encroaches even closer to the property line. If building inspector unable to review this building for structural stability, a professional engineer's report will be required.

3.2 Works & Utilities

The requested variance to reduce the rear yard setback from the required 6.0m to 1.89m, and the side yard setback from the required 6.0m to 3.0m, does not compromise Works and Utilities servicing requirements.

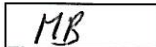
The existing small addition to the garage within the 1.89m setback will need to be removed. The garage access to Abbott Street shall be converted to accessing the abutting lane as per RU-6 Guidelines.

4.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

This application has not been circulated to the Advisory Planning Commission, as the applicant has discussed the variances with adjacent residents, and has received their support in writing. The Planning and Development Department supports this application for variances to the flanking side yard setback from Abbott Street and the rear yard setback from the north property line, and recommends this application for positive consideration.

  
Shelley Gambacort  
Current Planning Supervisor

Approved for Inclusion

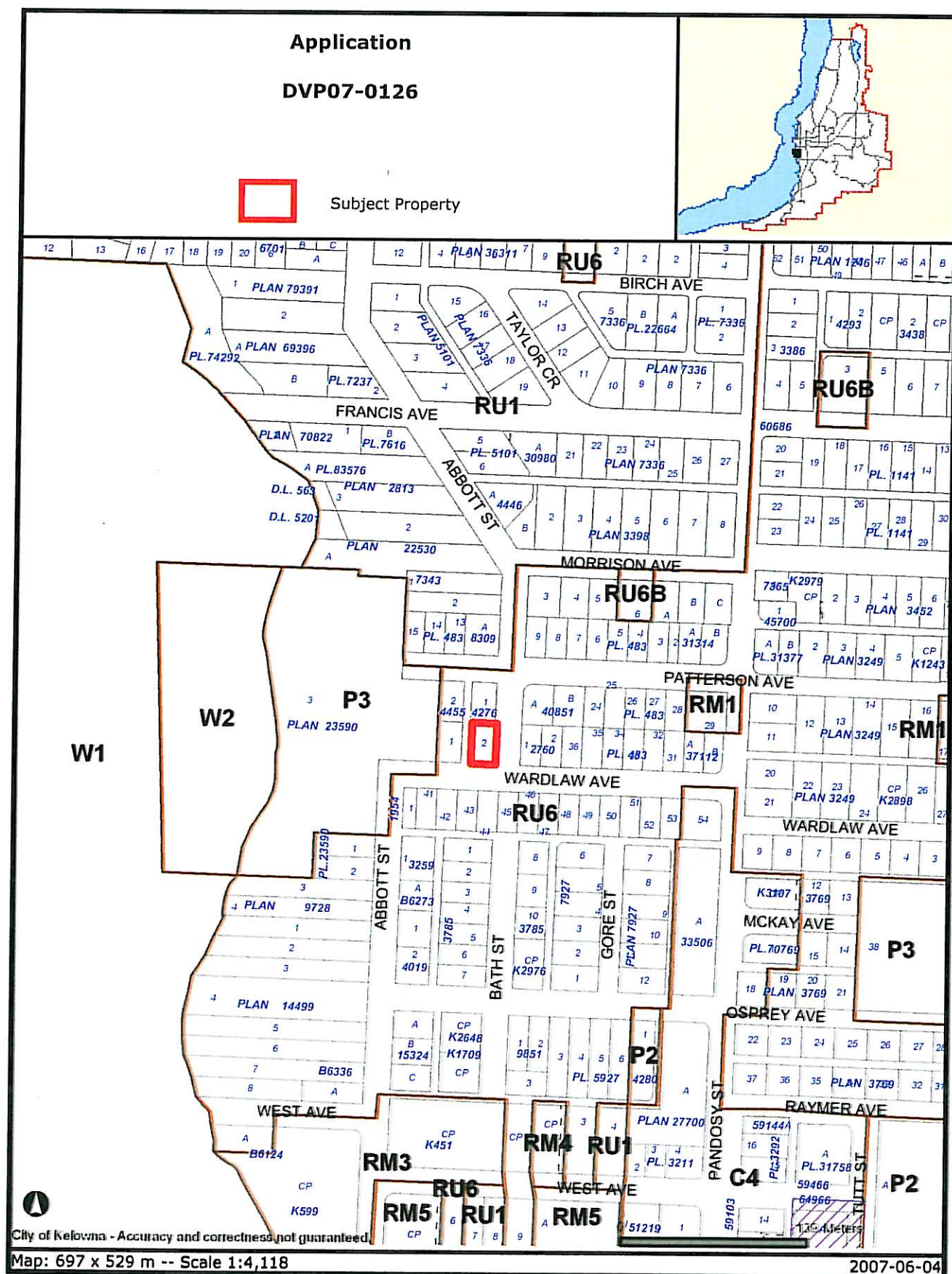


*for*  
Ron Dickinson  
Inspection Services Manager

RD/SG/aw

**ATTACHMENTS:**

- Location Map
- Site Plan
- Air Photo
- Photographs (2)
- Land Title

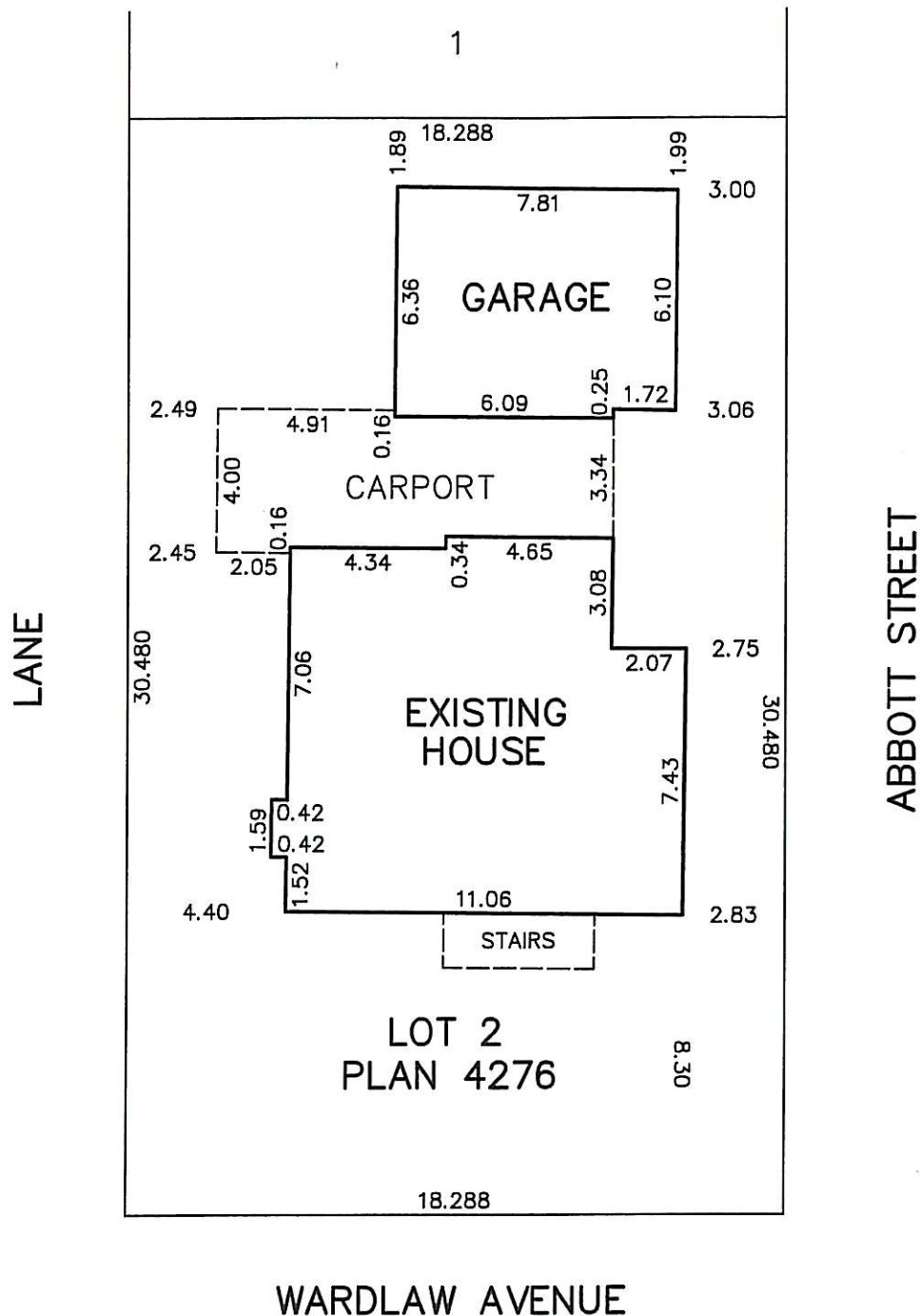


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
The City of Kelowna does not guarantee its accuracy. All information should be verified.



B.C. LAND SURVEYORS CERTIFICATE OF LOCATION ON LOT 2,  
PLAN 4276, D.L. 14, O.D.Y.D.

390 WARDLAW AVENUE



I HEREBY CERTIFY THAT THE ABOVE  
SKETCH SHOWS THE REGISTERED  
DIMENSIONS OF THE ABOVE DESCRIBED  
PROPERTY AND RELATIVE LOCATION OF  
THE BUILDINGS THEREON.

*T.E. Ferguson*  
B.C.L.S., C.L.S.

THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY  
SIGNED AND SEALED

THIS PLAN IS FOR THE USE OF THE BUILDING INSPECTOR AND/OR MORTGAGEE ONLY  
AND IS NOT TO BE USED FOR THE RE-ESTABLISHMENT OF PROPERTY BOUNDARIES.

CLIENT: DENNIS CANUEL

DATE: MARCH 28, 2007

SCALE: 1:200 METRES

FILE: 17473

©T.E. FERGUSON LAND SURVEYING LTD.

T.E. Ferguson Land Surveying Ltd.

B.C. AND CANADA LAND SURVEYORS  
216-1626 RICHTER STREET, KELOWNA, B.C.

TELEPHONE: (250) 763-3115

FAX: (250) 763-0321





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As Seen from Abbott St.





As Seen From the lane.

