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CITY OF KELOWNA

MEMORANDUM

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**DATE:** August 23, 2007

**TO:** City Manager

**FROM:** Planning and Development Services Department

**APPLICATION NO.:** DVP07-0147      **OWNER:** Peter & Patricia Mosychuk

**AT:** 620-622 Wardlaw Avenue      **APPLICANT:** Peter Mosychuk

**PURPOSE:** TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO VARY  
THE WESTERN SIDE YARD SETBACK FROM 2.5M TO 2.42M,  
THE EASTERN SIDE YARD SETBACK FROM 2.5M TO 2.44M.

**EXISTING OCP DESIGNATION:** SINGLE/TWO UNIT RESIDENTIAL  
**EXISTING ZONE:** RU6 – TWO DWELLING HOUSING

**PROPOSED OCP DESIGNATION:** MULTIPLE UNIT RESIDENTIAL – LOW DENSITY  
**PROPOSED ZONE:** RM1 – FOUR DWELLING HOUSING

**REPORT PREPARED BY:** Alec Warrender

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1.0 RECCOMENDATION

THAT Final Adoption of OCP Amending Bylaw No. 9858 be considered by Council;

THAT Final Adoption of Zone Amending Bylaw No. 9859 be considered by Council;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP07-0147 for Strata Lot 2, District Lot 14, ODYD, Strata Plan KAS2898, located at 620-622 Wardlaw Avenue, Kelowna, B.C.;

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

Section 13.7.6 (e) Development Regulations – Side Yard Setback

Vary the western side yard setback from 2.5 m required to 2.42 m proposed and the eastern side yard setback from 2.5 m to 2.44 m.

2.0 SUMMARY

The applicant has applied for variances to both of the side yard setbacks. More specifically the applicant is requested to vary the western side yard setback from 2.5m to 2.42m, the eastern side yard setback from 2.5m to 2.44m.



### 3.0 ADVISORY PLANNING COMMISSION

At a meeting held on July 31, 2007, the APC passed the following motions:

THAT the Advisory Planning Commission support Development Variance Permit Application No. DVP07-0147, for 620-622 Wardlaw Avenue, Lot CP, Sec. 13, Twp. 25, and Sec. 18, Twp. 26, ODYD by Mosycjuk, to obtain a Development Variance Permit to vary the western side yard setback from 2.5 m to 2.42 m and the eastern side yard setback from 2.5 m to 2.44 m.

### 4.0 SITE CONTEXT

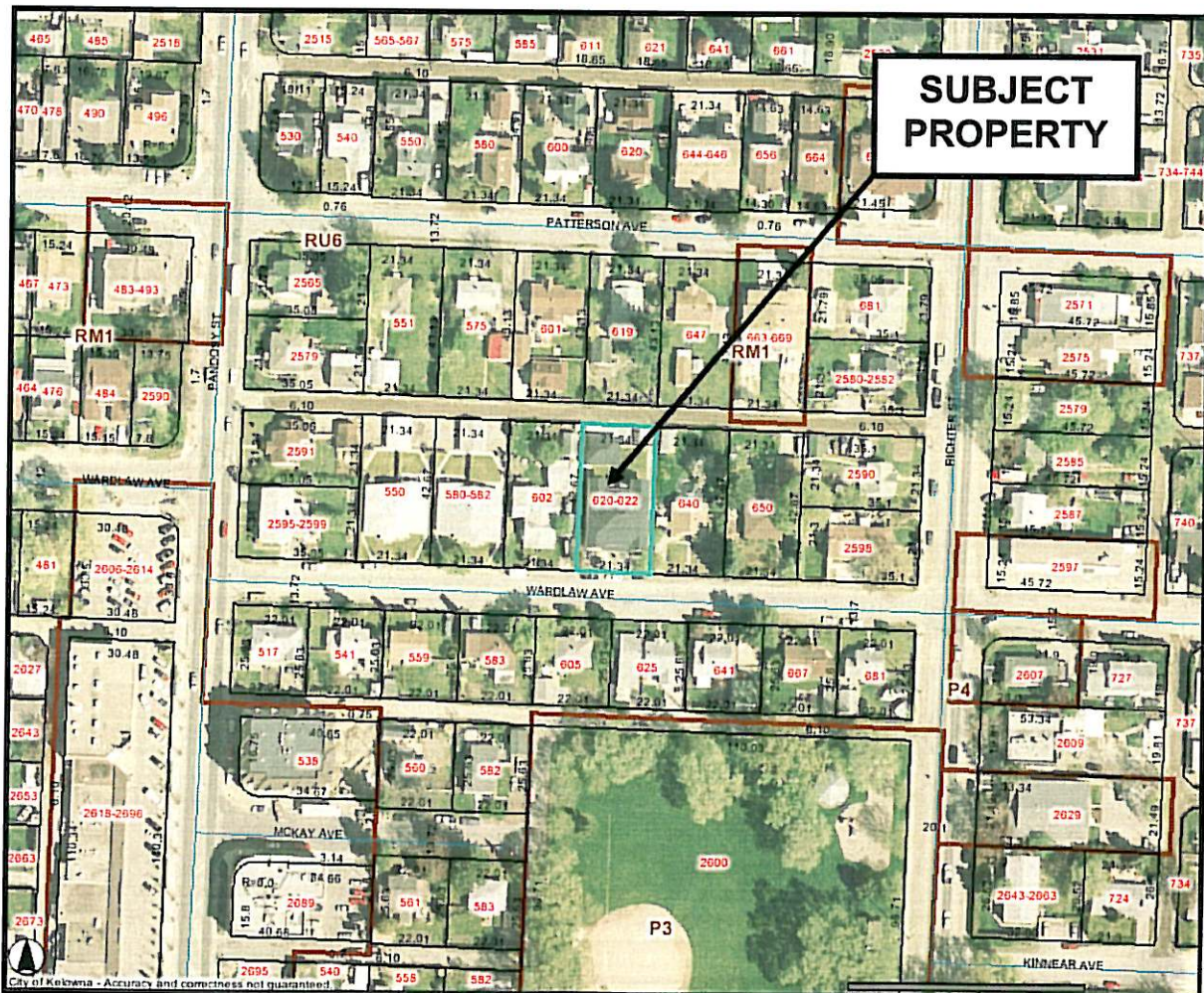
Adjacent zones and land uses are:

North - RU6 – Two Dwelling Housing – Single family residence  
East - RU6 – Two Dwelling Housing – Single family residence  
South - RU6 – Two Dwelling Housing – Single family residence  
West - RU6 – Two Dwelling Housing – Single family residence

Although the immediate neighbourhood is primarily composed of single family dwellings, there are also a number of semi-detached and four-plex housing units.

#### 4.1 Site Location Map

Subject Property: 620-622 Wardlaw Avenue



#### 4.2 DEVELOPMENT ANALYSIS

The application conforms to the City's Zoning Bylaw No. 8000 as follows:

<u>CRITERIA</u>	<b>PROPOSAL</b>	<b>RM1 ZONE REQUIREMENTS</b>
<b>Subdivision Regulations</b>		
Lot Area	910.5 m <sup>2</sup>	700 m <sup>2</sup>
Lot Width	21.34 m	20.0 m
Lot Depth	42.67 m	30.0 m
<b>Development Regulations</b>		
Site Coverage (buildings)	34. %	40%
Site Coverage (buildings, parking and driveways)	49%	50%
Height	2 ½ storeys < 7.6 m	2 ½ storeys / 9.5 m
<b>Setbacks</b>		
Front Yard (Gordon Drive)	6.01m	4.5 m or 6.0 m to a garage
Side Yard (west)	2.42m <sup>1</sup>	2.5 m - 2 or 2½ storey
Side Yard (east)	2.44m <sup>2</sup>	2.5 m - 2 or 2½ storey
Rear Yard	20.5m / 4.5m	7.5 m / 1.5 m from accessory buildings
<b>Other Regulations</b>		
Private Open Space	meets requirements	25 m <sup>2</sup> per dwelling unit
Parking Requirements	7 standard stalls/4 small stalls	8 spaces required

<sup>1</sup> Existing side yard setback (west) 2.42 where RM1 zone requires 2.5 m.

<sup>2</sup> Existing side yard setback (east) 2.44 where RM1 zone requires 2.5 m.

#### 6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The project is commendable in that it maximizes the building frontage facing Wardlaw Avenue, while hiding the on-site parking behind the building. The proposed site coverage of 49% means that the building just meets Bylaw requirements (50%), as such there is a limited amount of open space. However, including the open decks facing the rear yard the amount of private open space is sufficient.

The application also proposes variances to the side yard setbacks. Given the minor nature of the requested variances and that the building exists today, Staff feels that they are supportable.

*for*   
Shelley Gambacort  
Current Planning Supervisor

DS/SG/aw

Approved for Inclusion



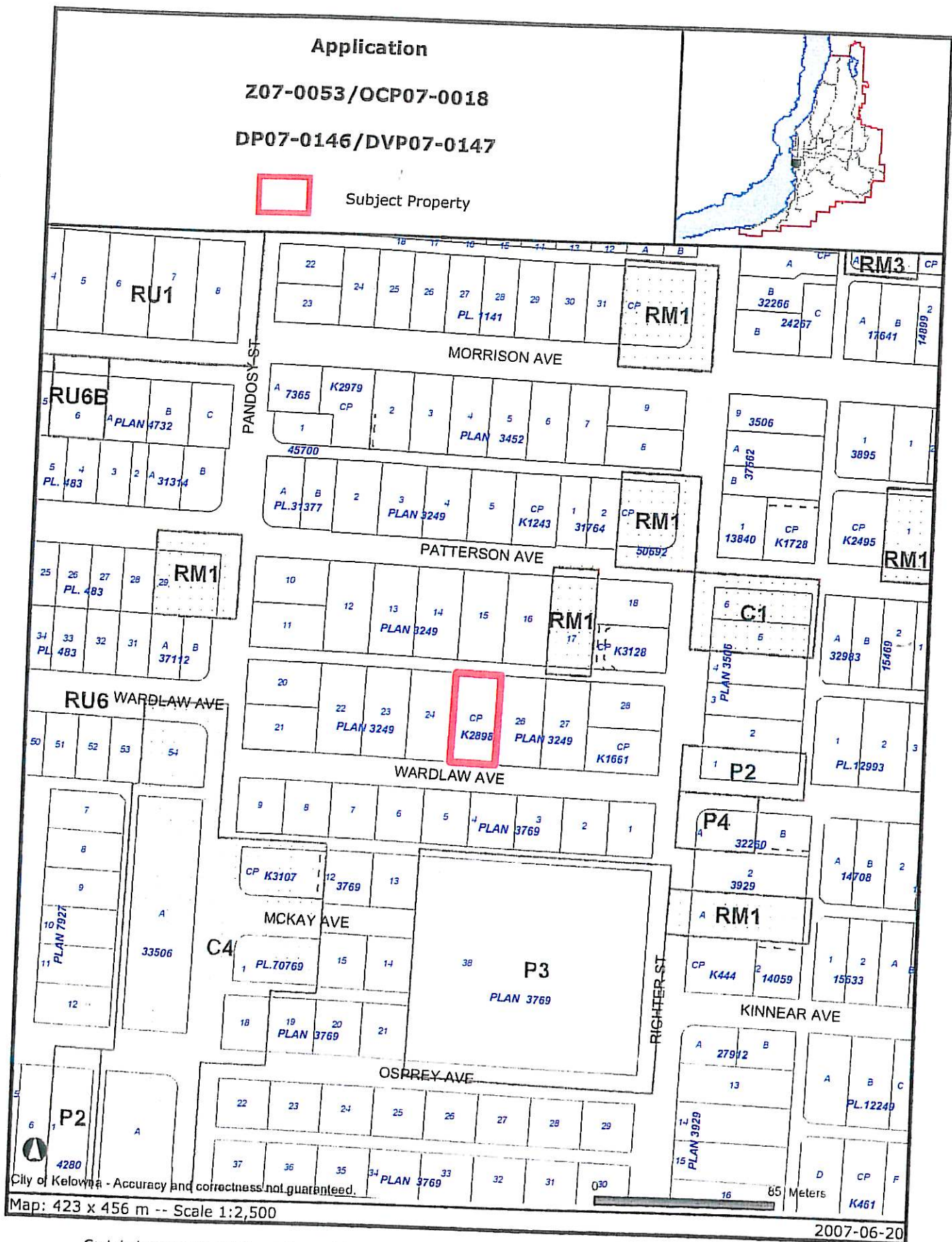
*for* David L. Shipclark  
Acting Director of Planning & Development Services

Attach.

- Location Map
- Site Plan & Elevations
- Photograph
- Works & Utilities - Comments







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

LANE

620 WARDLAW AVE.

LOT PLAN

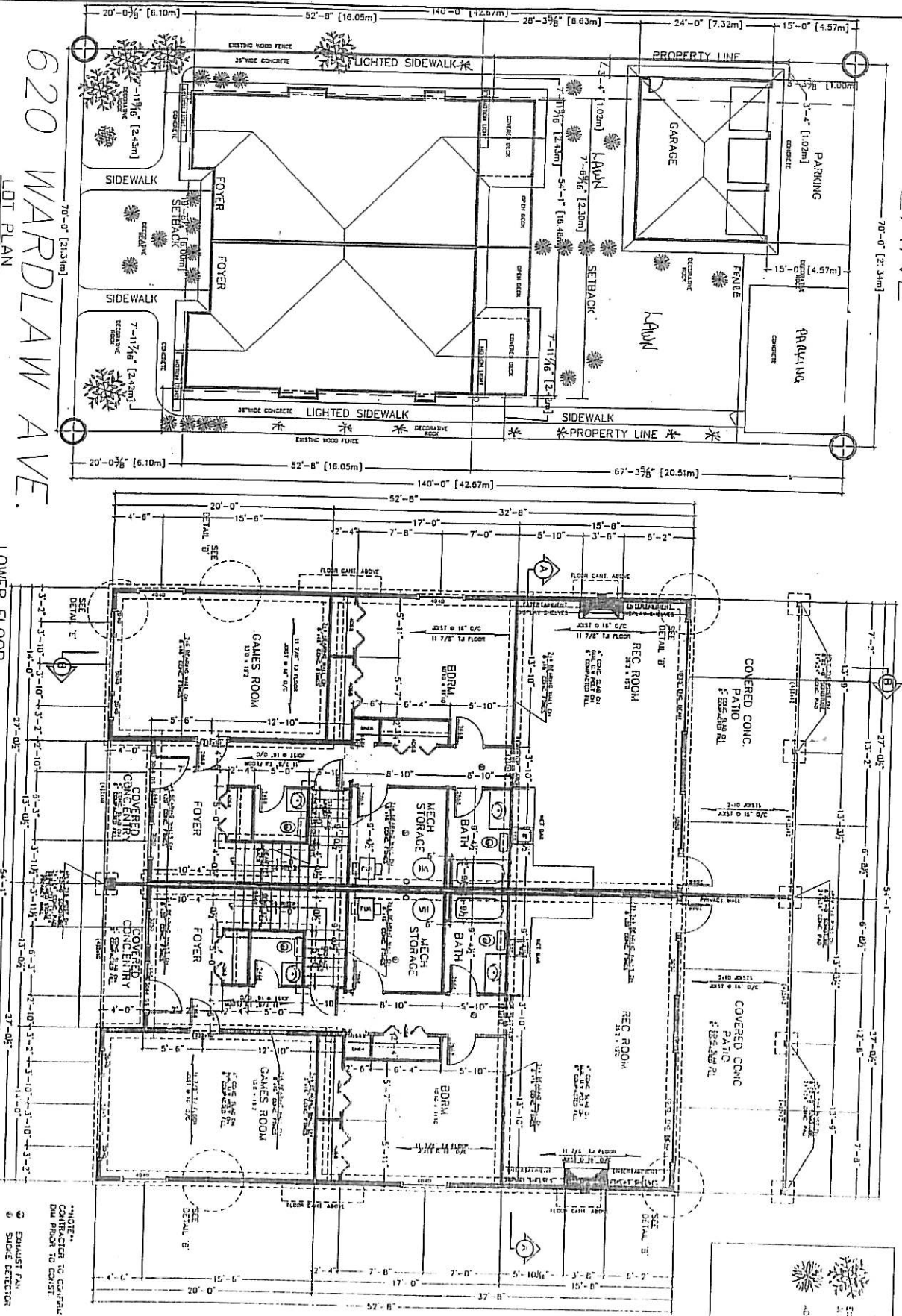
SCALE: 1/8" = 1'-0"

LOWER FLOOR

AREA: 1300 SQ.FT.

LOWER FLOOR

AREA: 1300 SQ.FT.



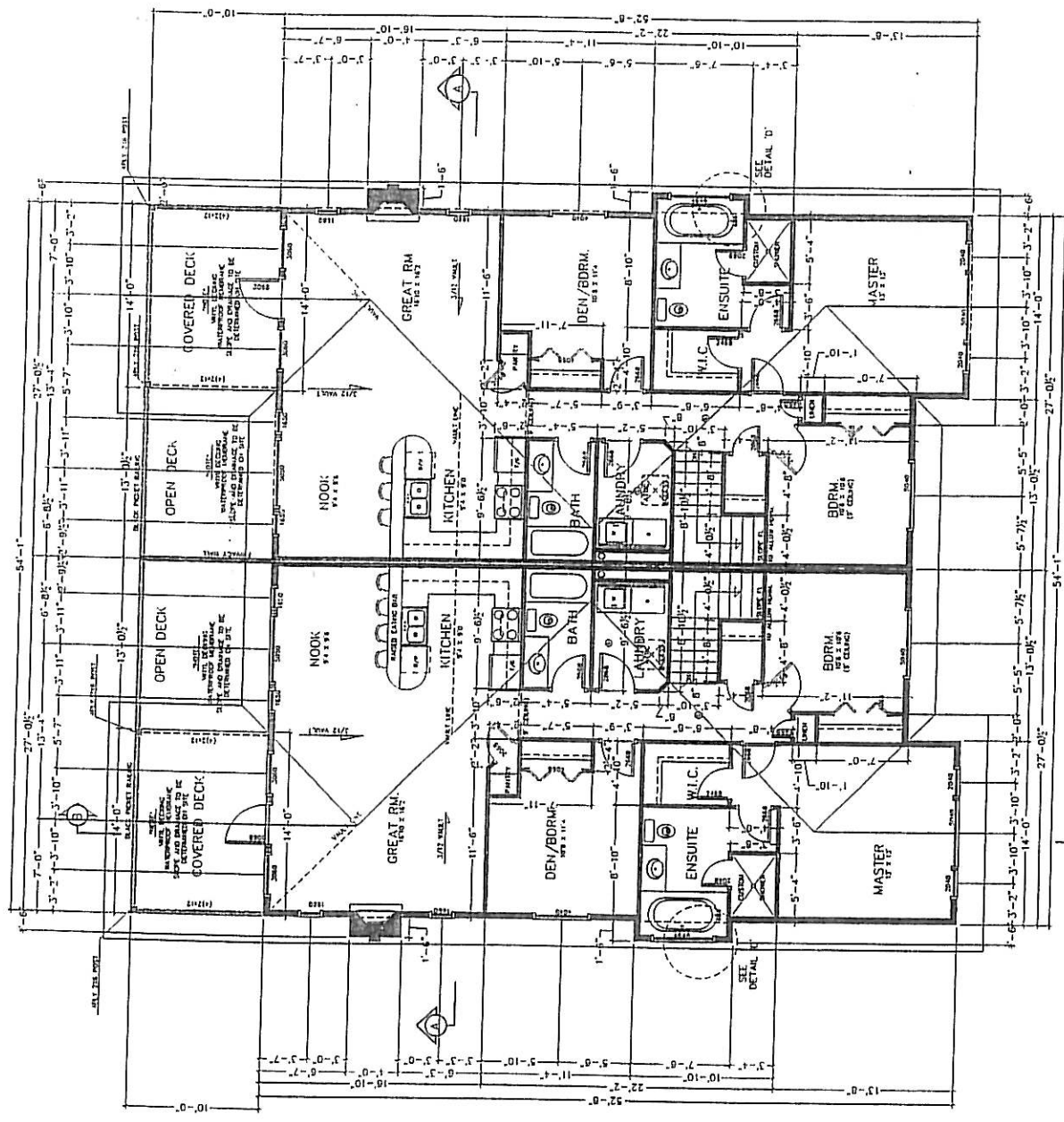
LANDSCAPE SCHEDULE  
 1. PLANTING  
 2. TREES  
 3. SHRUBS  
 4. FLOWERING SHRUBS  
 5. PERENNIALS  
 6. ANNUALS  
 7. GRASSES  
 8. MULCH  
 9. SOIL  
 10. FERTILIZER  
 11. IRRIGATION  
 12. LIGHTING  
 13. FENCE  
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 1032. BALCON

**MULLINS**  
DRAFTING & DESIGN  
1934 GUYTON STREET, KILGORE, TEXAS 75142  
TEL. 335-1717 FAX 335-1718  
E-MAIL: mullinsdesign@aol.com

PROJECT: MULLINS  
MOSCAVOI COMPLEX  
630 WARDLAW  
DATE: MAY 27/2000  
SCALE: 1/4" = 1'-0"

PLACE:  
5 OF 5

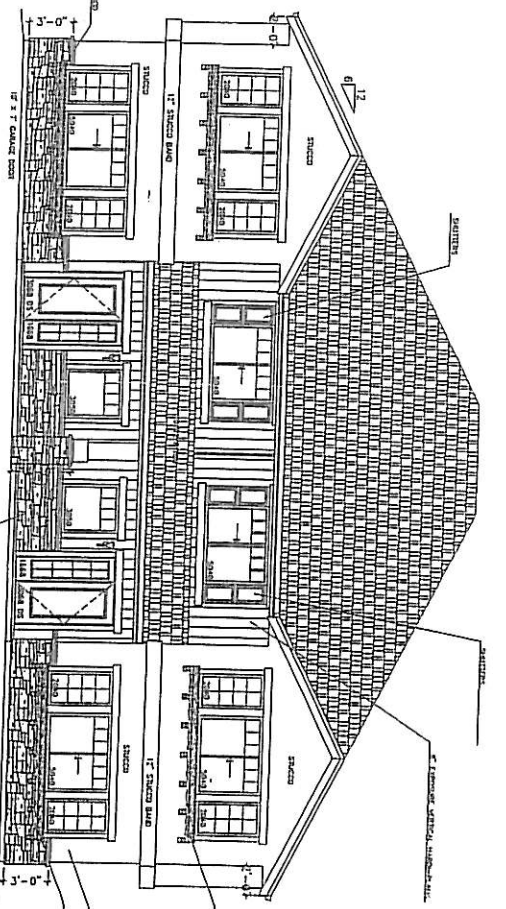
NOTE:  
CONTRACTOR TO CONFIRM  
DIM PRIOR TO CONST.  
● EXHAUST FAN  
○ SMOKE DETECTOR



MAIN FLOOR  
AREA: 1309.50 FT<sup>2</sup>

MAIN FLOOR  
AREA: 1309.50 FT<sup>2</sup>





**NOTE**

WHICH APPLICABLE TO BE COMPLETED BY OWNER/CONTRACTOR PRIOR TO ANY CONSTRUCTION WORKING AND ERECTION.

**NOTE**

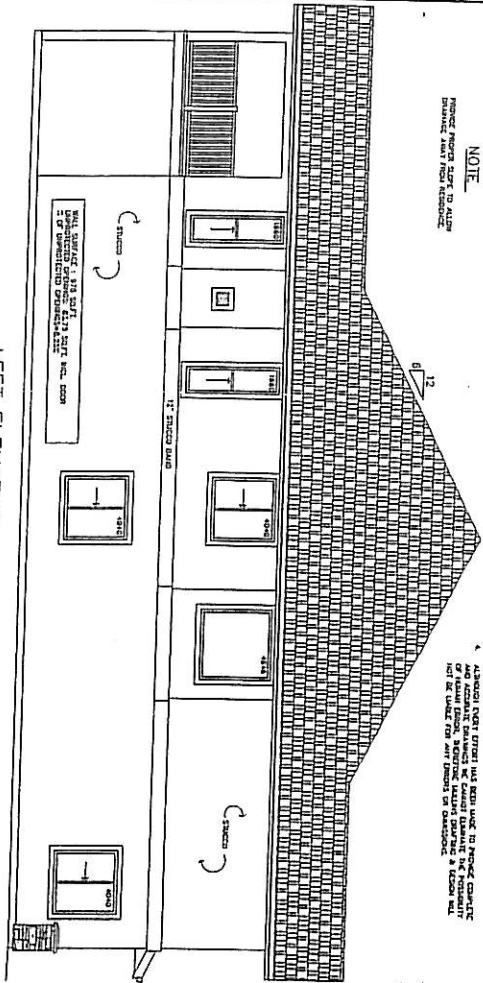
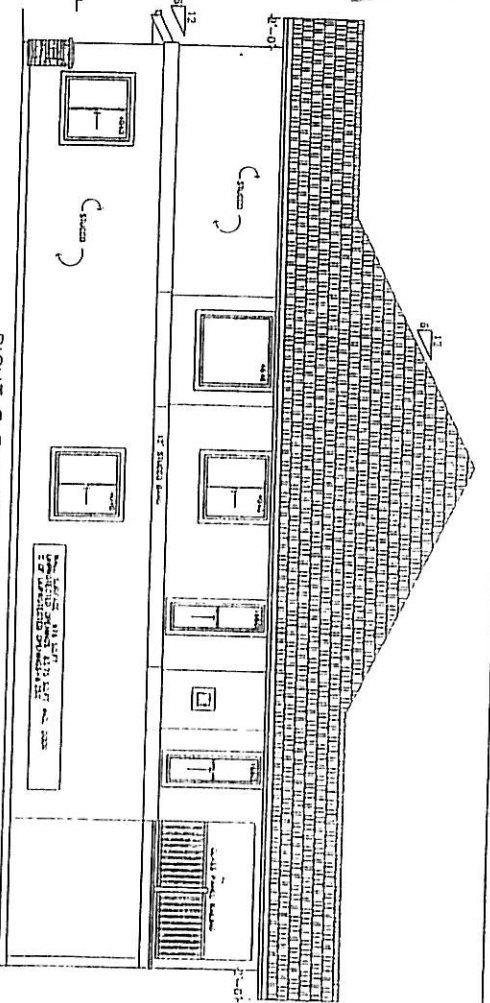
MOVING FURNITURE START TO ALLOW PROTECTIVE MATS FROM REMOVAL.

**FRONT ELEVATION**

**GENERAL NOTES**

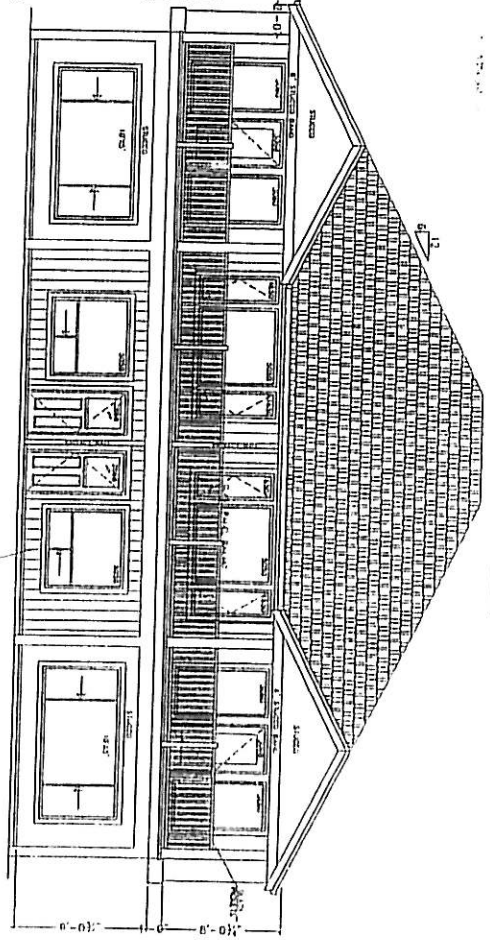
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT EDITION OF THE IBC BUILDING CODE AND ALL LOCAL LAWS AND ORDINANCES.
2. BEFORE CONSTRUCTION COMMENCES IT IS THE RESPONSIBILITY OF THE OWNER/CONTRACTOR TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND TO MAINTAIN THEM AND TO OBTAIN THEM FOR THE PROJECT.
3. IT IS THE RESPONSIBILITY OF THE CONTRACTOR FOR THE CORRECT AND ACCURATE PLACEMENT OF ALL MATERIALS AND TO MAINTAIN THEM IN PLACE UNTIL THEY ARE REMOVED OR DESTROYED.
4. ALWAYS NOTE: THERE HAS BEEN NO CHANGE IN THE CONTRACT AND NO CHANGE IN THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE CORRECT AND ACCURATE PLACEMENT OF ALL MATERIALS AND TO MAINTAIN THEM IN PLACE UNTIL THEY ARE REMOVED OR DESTROYED.

**RIGHT ELEVATION**



**LEFT ELEVATION**

**REAR ELEVATION**



NOTE: CONTRACTOR TO COMPLY AND PRIOR TO COMST.

**MULLINS**  
 DRAFTING & DESIGN  
 1000 S. 10th St.  
 Suite 100  
 Phoenix, AZ 85001  
 Phone: (602) 233-1111  
 Fax: (602) 233-1112  
 Email: mullins@mulldesign.com  
 Website: www.mulldesign.com

1 of 5





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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** August 8, 2007  
**File No.:** Z07-0053 DP07-0146 DVP07-0147 OCP-0018  
**To:** Planning & Development Services Department (AW)  
**From:** Development Engineering Manager  
**Subject:** 620-622 Wardlaw Ave Lots 1, 2 PL K2898

The Works & Utilities Department have the following comments and requirements associated with this application to rezone from RU-6 to RM-1.

1. Domestic Water and Fire Protection

The existing property is serviced with two 19mm diameter copper water services. Water metering must comply with the City Plumbing Regulation and Water Regulation bylaws.

2. Sanitary Sewer

Our records indicate that this property is serviced with a 100mm-diameter sanitary sewer service complete with inspection chamber. The service should be adequate for this application.

3. Road Improvements

Wardlaw Avenue must be upgraded to a full urban standard along the full frontage of this property, including curb and gutter, sidewalk and pavement widening and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The City wishes to defer the upgrades to Wardlaw Avenue fronting this property. Therefore, cash-in-lieu of immediate construction is required. The cash-in-lieu amount is determined to be \$ 5,353.00

The rear lane fronting this property must be upgraded to paved standard. The City wishes to defer the upgrades to lane fronting this property. Therefore, cash-in-lieu of immediate construction is required. The cash-in-lieu amount is determined to be \$ 2,520.00

4. Development Permit and Site Related Issues

The requested variance to reduce the side yard setbacks from the required 2.50m to 2.42m and 2.44, does not compromise Works and Utilities servicing requirements.

5. Access, Manoeuvrability and Parking Requirements

A minimum of six off-street vehicle parking spaces are required. The parking modules must meet bylaw requirements.

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Steve Muenz, P. Eng.  
Development Engineering Manager  
JF/jf