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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/DP07-0146 **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.

TO OBTAIN A DEVELOPMENT PERMIT TO ADDRESS THE  
FORM AND CHARACTER OF EXISTING BUILDING AND SITE  
LANDSCAPING

**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;

THAT the Council authorize the issuance of Development Permit No. DP07-0146 for Stata Lot 2, District Lot 14, ODYD, Strata Plan KAS2898, located at 620-622 Wardlaw Avenue, Kelowna, B.C subject to the following:

- a) The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
- c) Landscaping to be provided on the land be in general accordance with Schedule "C";

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. The applicant has also applied for a Development Permit to address the form and character of the existing building and landscaping. The existing semi-detached housing was designed in a manner that could easily accommodate a conversion to four-plex housing. The applicant has indicated that both of the semi-detached housing units have the potential for two independent living quarters.

## 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:

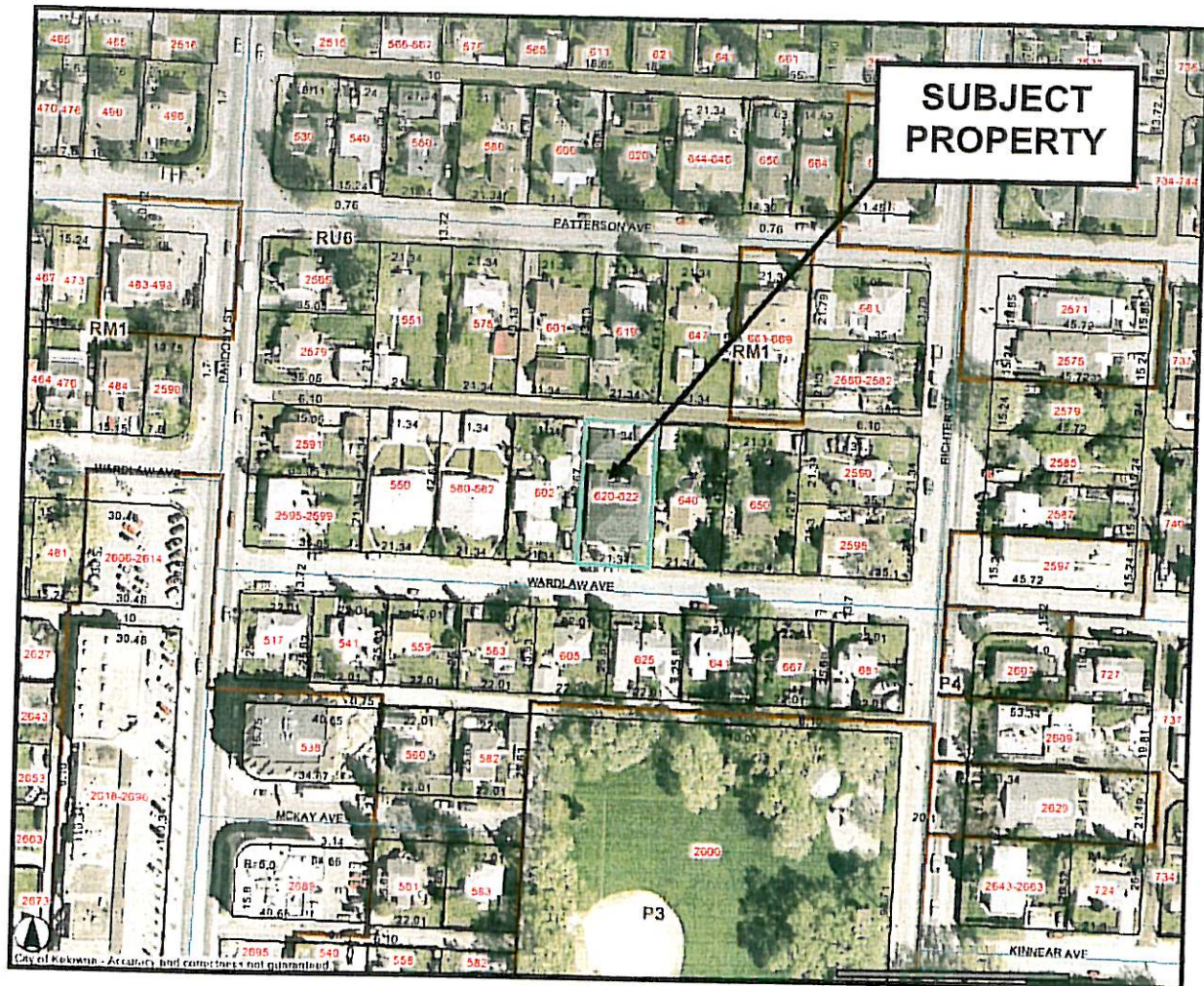
North - RU6 – Two Dwelling Housing – Single family residence  
East - RU6 – Two Dwelling Housing – Single family residence  
South - RU6 – Two Dwelling Housing – Single family residence  
West - RU6 – Two Dwelling Housing – Single family residence

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:

CRITERIA	PROPOSAL	RM1 ZONE REQUIREMENTS
Subdivision Regulations		
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
Development Regulations		
Site Coverage (buildings)	34.0%	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.

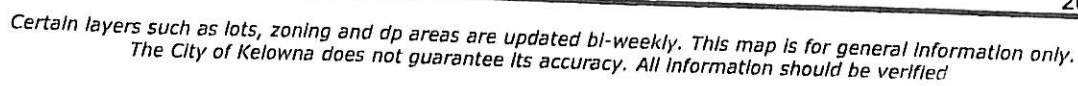
  
 Shelley Gambacort  
 Current Planning Supervisor

DS/SG/aw

Approved for Inclusion



 David L. Shipclark  
 Acting Director of Planning & Development Services





LANE

620 WARDLAW AVE.

LOT PLAN

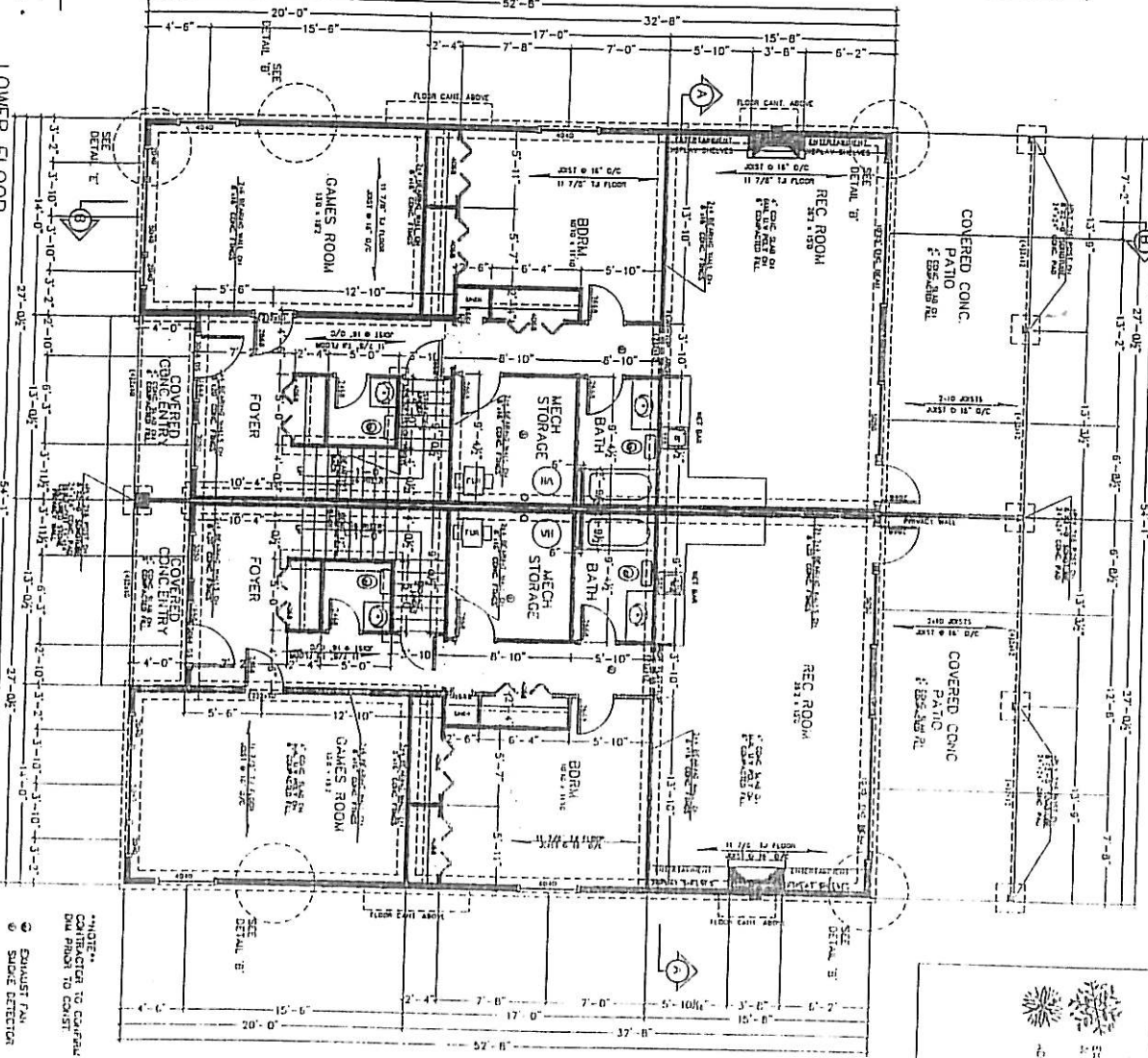
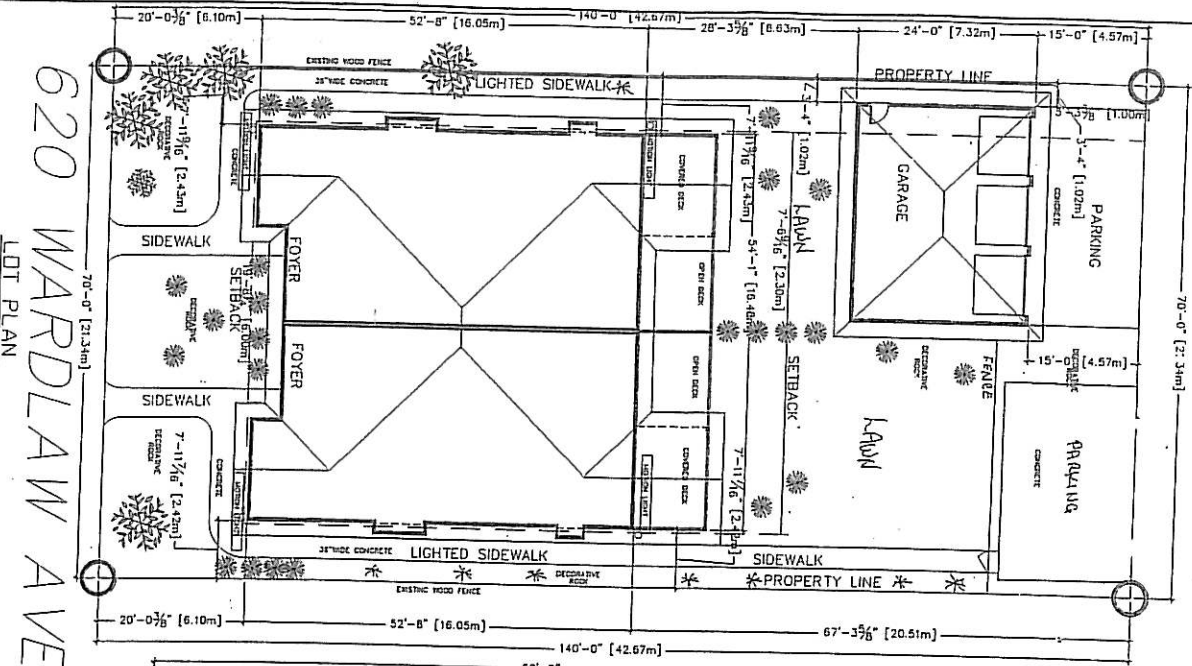
SCALE: 1/8" = 1'-0"

LOWER FLOOR

AREA: 1300 SQ.FT.

LOWER FLOOR

AREA: 1300 SQ.FT.



ANDSCAPE SCHEDULE  
 1. PLANTING  
 2. TREES  
 3. SHRUBS  
 4. FLOWERING PLANTS  
 5. PERENNIALS  
 6. ANNUALS  
 7. GRASSES  
 8. ROCKS  
 9. WATER FEATURES  
 10. LIGHTING  
 11. FURNITURE  
 12. OTHER

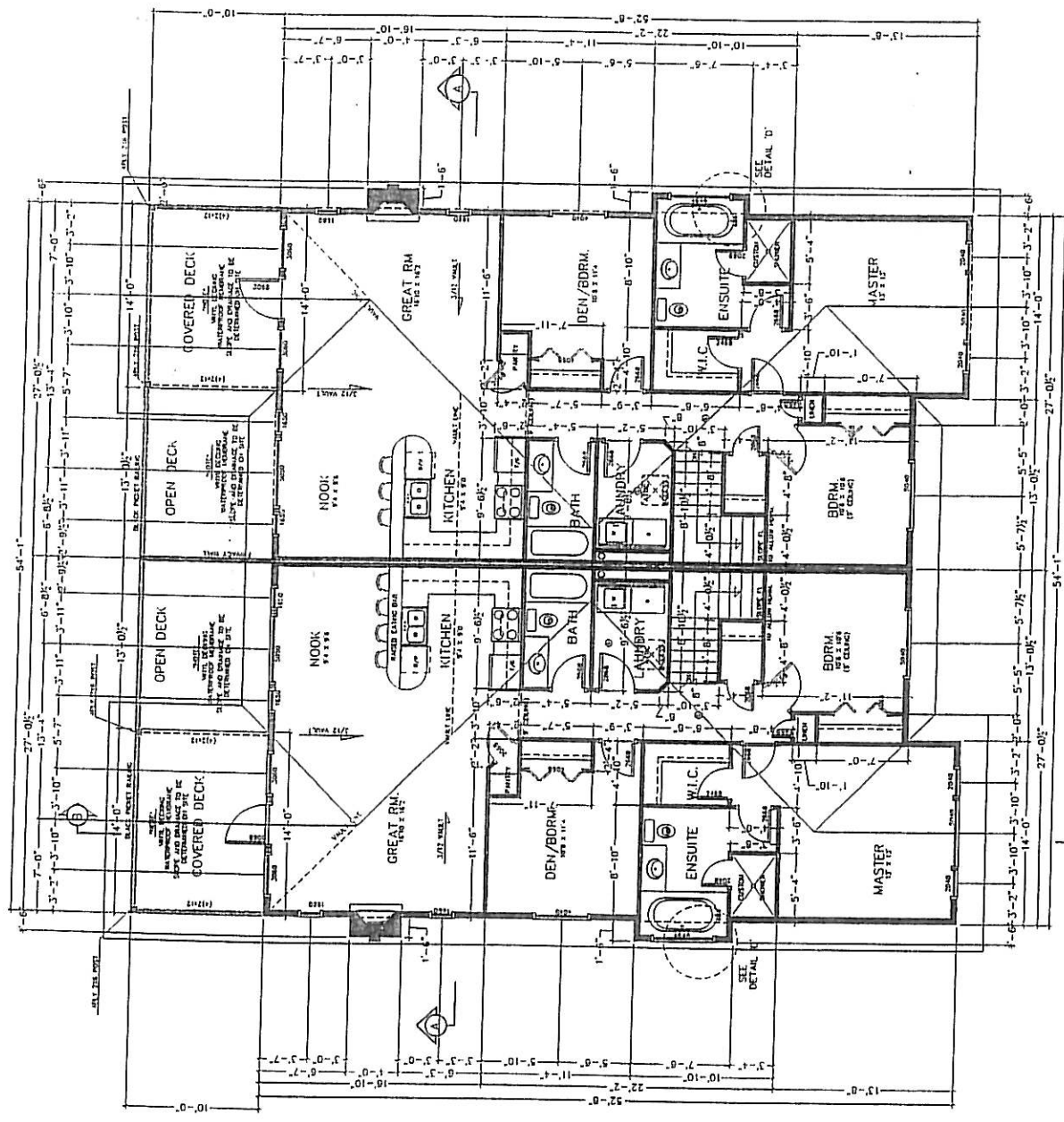
MULLINS  
 DRAFTING & DESIGN  
 500 WARDLAW AVE.  
 SUITE 100  
 WARDLAW, ALA 35401  
 PHONE: 205-981-1234  
 FAX: 205-981-1235  
 E-MAIL: info@mullinsdd.com  
 WWW: www.mullinsdd.com

**MULLINS**  
DRAFTING & DESIGN  
1934 GUYTON STREET, KILGORE, TEXAS 75142  
TEL. 335-1777 FAX 335-1778  
E-MAIL: mullinsdesign@aol.com

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

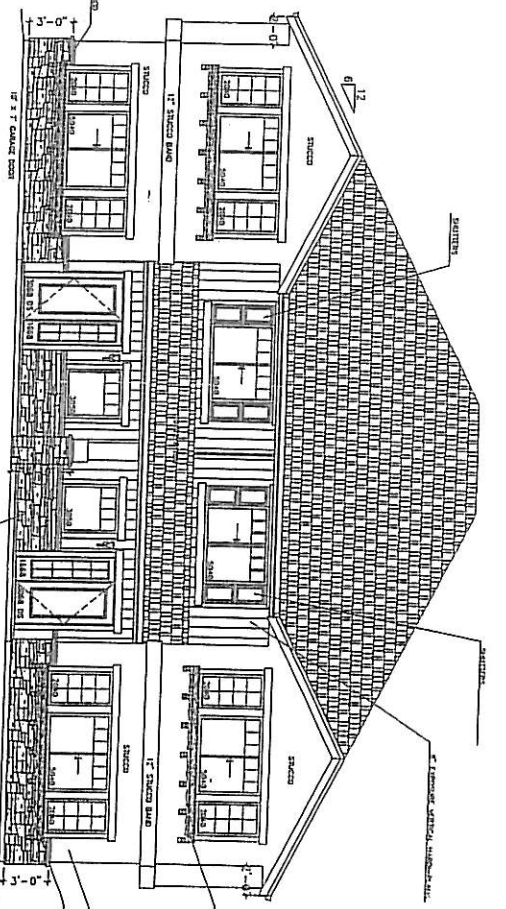
PLACE:  
5 OF 5

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.

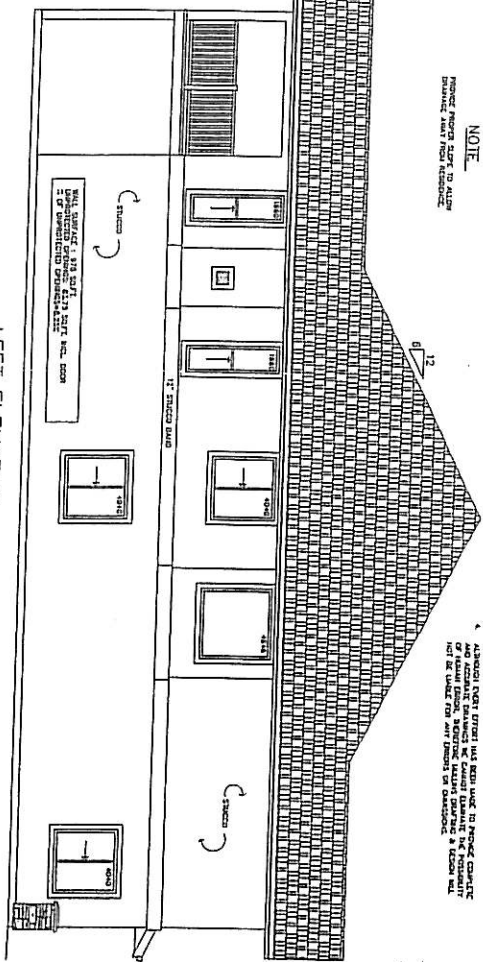
### NOTE

MOVING FURNITURE START TO ALLOW MOVING FURNITURE FROM RESIDENCE.

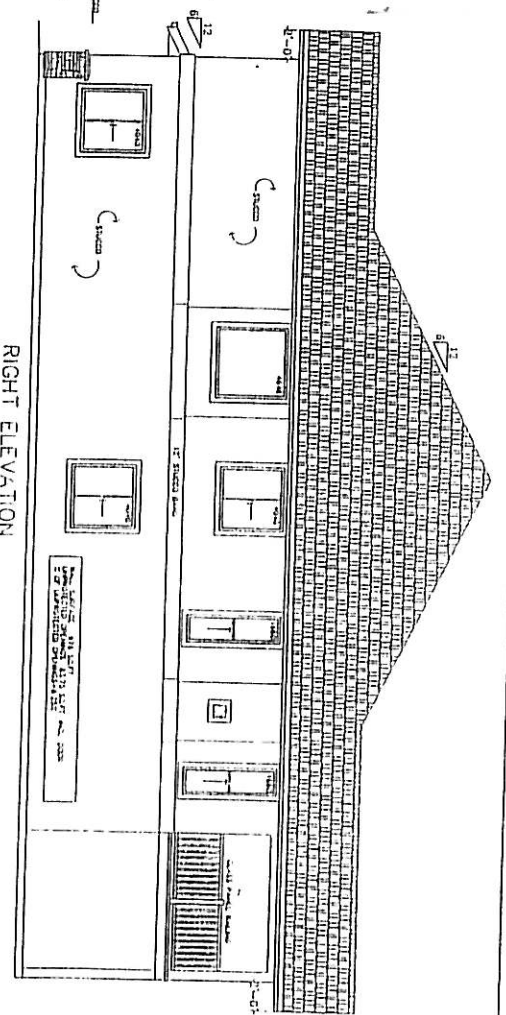
## FRONT ELEVATION

### GENERAL NOTES

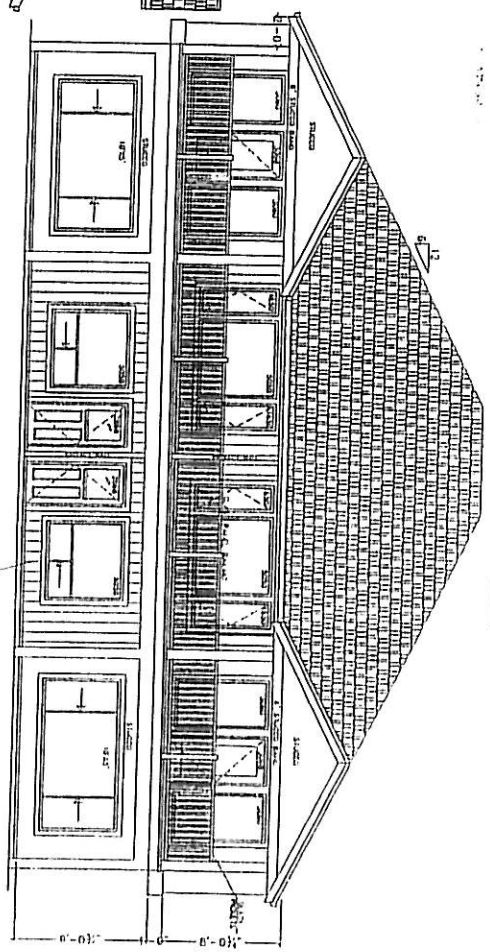
1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT EDITION OF THE IBC BUILDING CODE AND ALL LOCAL LAWS AND ORDINANCES.
2. BEFORE CONSTRUCTION COMMENCES IT IS THE RESPONSIBILITY OF THE OWNER/CONTRACTOR TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND TO MAINTAIN THEM THROUGHOUT THE PROJECT.
3. IT IS THE RESPONSIBILITY OF THE OWNER/CONTRACTOR TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND TO MAINTAIN THEM THROUGHOUT THE PROJECT.
4. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT EDITION OF THE IBC BUILDING CODE AND ALL LOCAL LAWS AND ORDINANCES.



## LEFT ELEVATION



## RIGHT ELEVATION



## REAR ELEVATION

NOTE: CONTRACTOR TO COMPLY WITH ALL LOCAL LAWS AND ORDINANCES.

MULLINS

DRAFTING & DESIGN

1000 S. 10th Ave.

Phoenix, AZ 85006

Phone: (602) 251-1111

Fax: (602) 251-1112

Email: info@mullinsdd.com

Project No.

Client

Location

Architect

Engineer

Contractor





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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