
**CITY OF KELOWNA
MEMORANDUM**

Date: January 10, 2008
To: City Manager
From: Planning & Development Services Department

APPLICATION NO. DP07-0228 **APPLICANT:** Johnny & Joy Klemptner
DVP07-0299

AT: 800 Fuller Ave. **OWNER(S):** Johnny & Joy Klemptner
804 Fuller Ave. Michael Daley
Josephine Tyabji

PURPOSE: TO OBTAIN A DEVELOPMENT VARIANCE PERMIT IN ORDER TO
VARY THE LOT WIDTH REQUIREMENT FROM 13.0 M TO 11.4 M.
TO OBTAIN A DEVELOPMENT VARIANCE PERMIT IN ORDER TO
VARY THE MINIMUM SIDE YARD SETBACK FROM 2.0 M TO 1.5 M

EXISTING ZONE: RU6 – TWO DWELLING HOUSING ZONE

REPORT PREPARED BY: NELSON WIGHT

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Permit No. DP07-0228, for Lot 23, District Lot 138, O.D.Y.D., Plan 694, and Lot 1, District Lot 138, O.D.Y.D., Plan 947, located on Fuller Avenue, 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";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with annotated Schedule "B";
3. The landscaping be in general accordance with annotated Schedule "C"

AND THAT Council authorize the issuance of Development Variance Permit No. DVP07-0299, for Lot 23, District Lot 138, O.D.Y.D., Plan 694, and Lot 1, District Lot 138, O.D.Y.D., Plan 947, located on Fuller Avenue, Kelowna, B.C.

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

13.6.5(a) RU6 Subdivision Regulations – Lot Width

Vary the minimum lot width requirement from 13.0 m to 11.4 m.

13.6.6(d) RU6 Development Regulations – Lot Width

Vary the minimum side yard setback requirement from 2.0 m to 1.5 m.

2.0 SUMMARY

The applicants have temporarily relocated two halves of a former semi-detached building on the subject properties. They intend to renovate these now separate structures in order to accommodate one principal and one secondary dwelling unit in each. They are situated today on two parcels having a combined frontage of 22.9 m (one is 7.6 m (25 ft) wide, and the other lot is 15.2 m (50 feet)).

A lot line adjustment is required in order to equalize the area of each of the subject properties, and allow the construction to commence. However, both lots would remain below the minimum lot area for the RU6 zone, which necessitates successful approval of a development variance permit in order for the subdivision approving officer to allow the lot line adjustment.

3.0 BYLAW COMPLIANCE

The proposed development meets the requirements of the RU6 – Two Dwelling Housing zone, as follows. The one conflict with the Zoning Bylaw regulations for this zone is detailed immediately following the table:

Zoning Bylaw No. 8000			
CRITERIA	PROPOSAL		RU6 ZONE REQUIREMENTS
Subdivision Regulations			
	Lot A	Lot B	
Lot Area	440.5 m ²	440.5 m ²	400 m ²
Lot Width	11.4 m	11.4 m ^A	13.0 m
Lot Depth	38.5 m	38.5 m	30.0 m
Development Regulations			
Site Coverage (buildings)	30%	30%	40%
Site Coverage (buildings/parking)	48%	48%	50%
Height	6.0 m		2 ½ storeys / 9.5 m
Front Yard	6.1 m	4.9 m	4.5 m or 6.0 m to a garage
Side Yard (east)	2.0 m	1.5 m ^B	4.5 m
Side Yard (west)	1.5 m	2.0 m	2.0 m (1 - 1 ½ storey) 2.3 m (2 storey)
Rear Yard	12.9 m	14.1 m	6.0 m (1 – 1 ½ storey) 7.5 m (2-storey)
Other Requirements			
Floor Area	263 m ²	263 m ²	n/a
Floor Area (secondary suite)	76.4 m ² 29%	76.4 m ² 29%	the lesser of 90 m ² or 40% of total floor area
Parking Stalls (#)	3	3	3 spaces
Private Open Space	31 m ² per dwelling	38 m ² per dwelling	30 m ² of private open space per dwelling

^A The applicant is requesting to vary the minimum lot width requirement from 13.0 m to 11.4 m.

^B The applicant is requesting to vary the side yard setback requirement from 2.0 m to 1.5 m.

3.1 **Site Context**

The subject property is located on the north side of Fuller Avenue, mid-block between Richter Street and Ethel Street. The surrounding area has been developed primarily as a single- and two-family neighbourhood. More specifically, the surrounding uses are as follows:

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

3.2 **Existing Development Potential**

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

4.0 **TECHNICAL COMMENTS**

(See attached)

5.0 **PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS**

History

The former semi-detached building—which was comprised of the two structures sitting on the subject properties—used to be on a lot facing Harvey Avenue, and had to be removed in order to allow a multi-family project to proceed (DP06-0242 Harvey Benson). At that time the applicants met with Planning staff to review the proposal. Staff indicated that they were satisfied with the proposed renovations to the structures, and would support the project.

As part of the relocation of the structures, the applicant was required to provide notice to the neighbouring properties. It was evident that there was some opposition to the proposal in the neighbourhood. Consequently, the subdivision approving officer had some reluctance in approving the necessary lot line adjustment, and chose, instead, to forward this to Council. This would also allow for a more public forum in which to debate the merits of the project.

Variances:

With regard to the requested variance for lot width, Staff has no concerns, given that the applicants have demonstrated that the structures can be suitably accommodated on the site.

As part of the renovation, the applicants are proposing to add a second entrance for the main level on the east side of the house on Lot A, and the west side of the house on Lot B. Because this level is 1.5 m above grade, stairs and a landing will be needed, which encroach in the side yard setback. Provided that there is no conflict with B.C. Building Code, Staff has no concerns with this requested variance.

Form and Character Issues:

Through previous discussions with Staff, the applicant has agreed to some of the recommendations made. Although it was preferred that the original roof be replaced with a traditional gable roof, the applicant proposed a unique solution with opposing-angle roof elements. Staff are willing to accept that solution. Similarly, it was recommended that the applicant consider providing a front door, facing the street, which provides an improved "face" to the building, in addition to ensuring strong connectivity to the street. The applicant favoured keeping the original floor plan, where the front door for each house is located along the side yard. Staff also conceded on this point, given (a) the roof element above the door, which helps emphasize the entrance; (b) the commitment to enhanced landscaping, which achieves some sense of connectivity to the street, and (c) a pergola structure on the front of the building, wrapping around the side to the second entrance, which provides more interest to the building.

Staff consider that these structures can be sensitively integrated along this street, and recommend that Council approve the development permit.



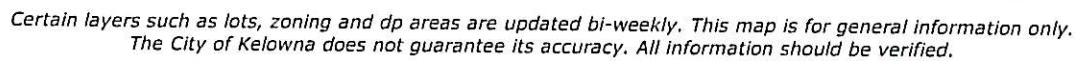
Shelley Gambacort
Current Planning Supervisor

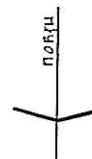
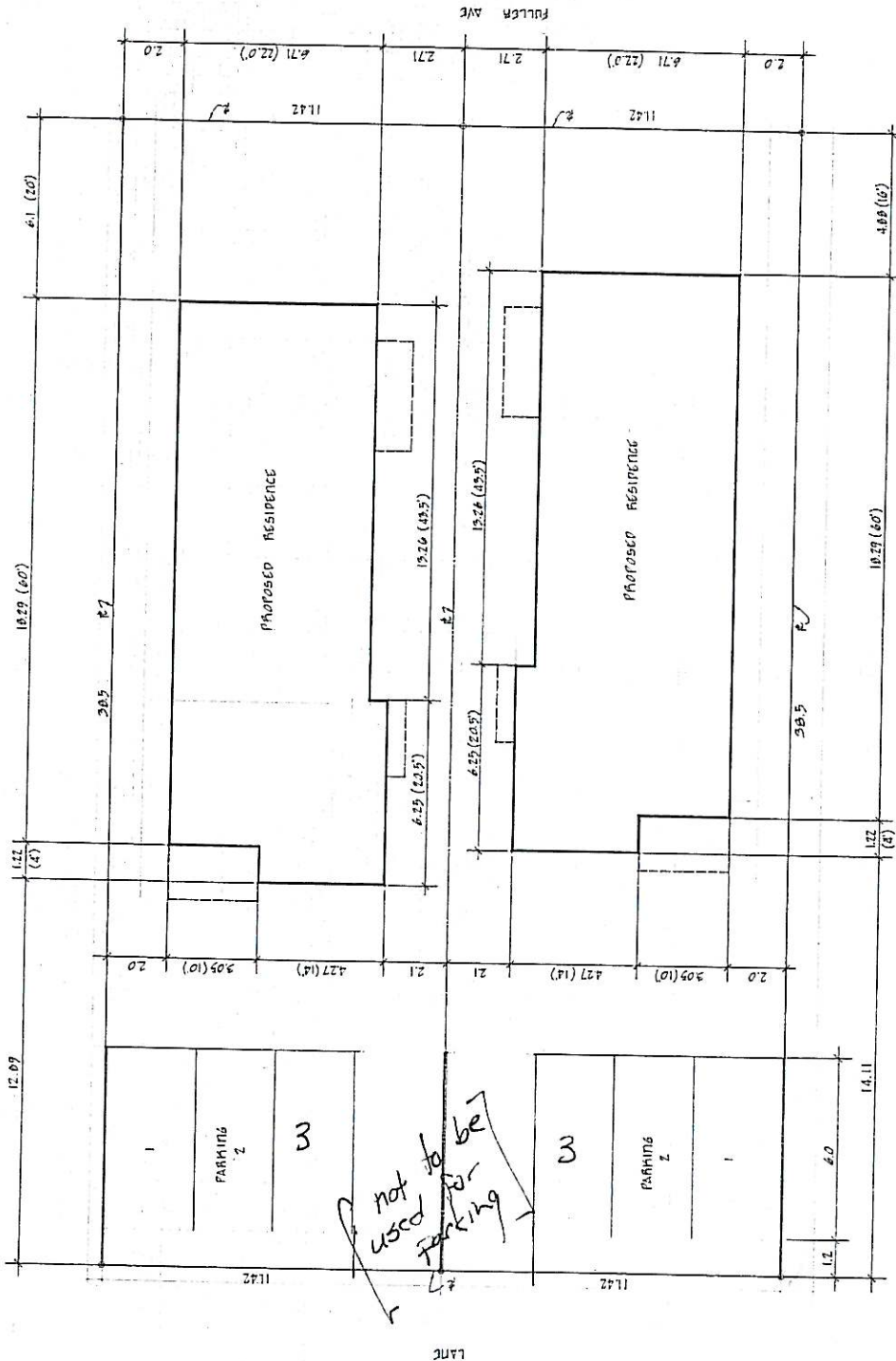
NW//nw

Paul Macklem
Acting Director of Planning & Development Services

ATTACHMENTS

Location of subject property
Site Plan
Schedule A
Schedule B (5 pages)
Schedule C
Technical Comments (3 pages)
Petition in Support





hilmer house plans Ph 860-7525 204 - 1823 Harvey Ave. Kalamazoo	Project: 800 FULLER AVE.	SITE PLAN	Scale: 1/8" = 1'-0" Date: SEP 07 Drawn by: ALL	NOTE: All dimensions to be checked on job by builder.	Sheet	of
					Plan	14-07-29

SCHEDULE "A"
 This forms part of development
 Permit # DP07-0228

SCHEDULE "B" 1 of 5

This forms part of development

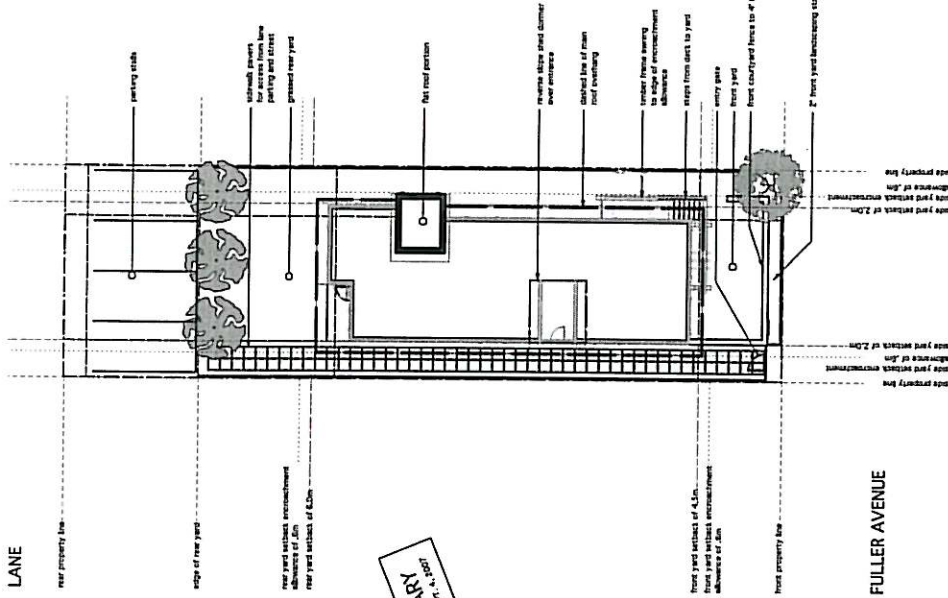
Permit # DP07-0228

1 OF 1

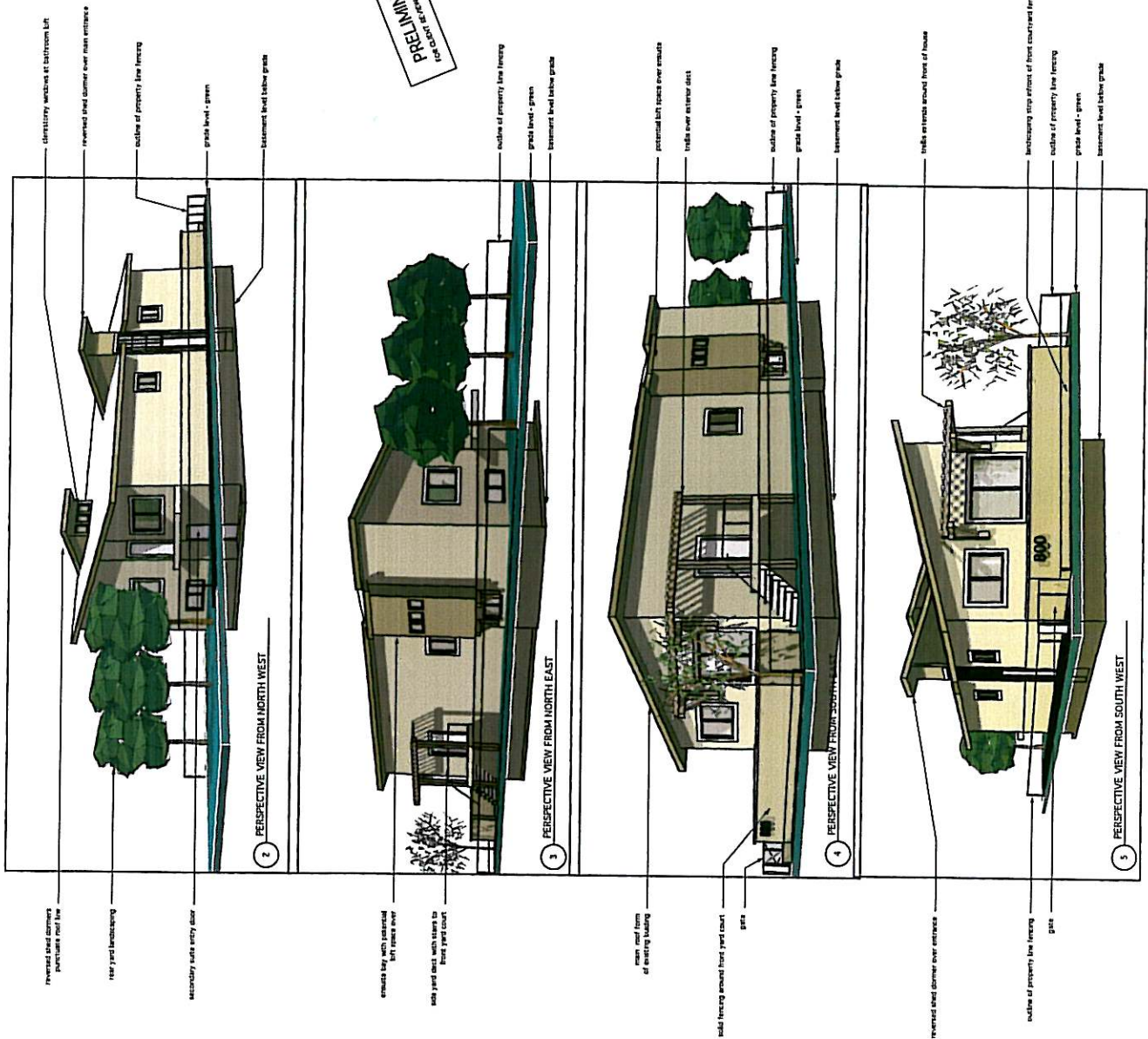
ROBERT
MACKENZIE
ARCHITECT

102 - 100, N. Main Street, Suite 100
Portland, ME 04101
Phone: 207-555-1234
Fax: 207-555-5678
E-mail: info@mackenziearchitect.com

Copyright © 2007 Robert Mackenzie Architect
All rights reserved. No part of this document may be reproduced without written permission from the author.



1 SITE PLAN



2 PERSPECTIVE VIEW FROM NORTH WEST

3 PERSPECTIVE VIEW FROM NORTH EAST

4 PERSPECTIVE VIEW FROM SOUTH WEST

5 PERSPECTIVE VIEW FROM SOUTH EAST

SCHEDULE "B" *2 of 5*

This forms part of development

Permit # 07-0228

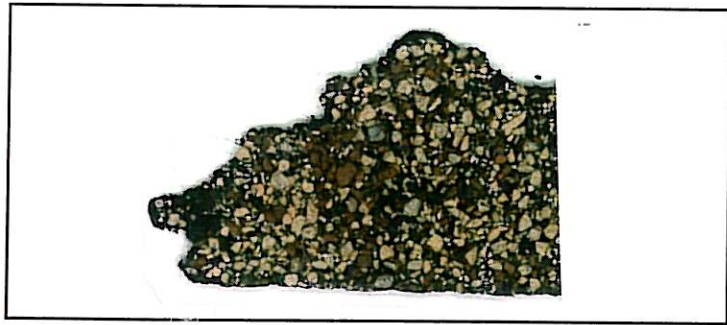
Date: _____ *Office Use Only*

Signature: _____ *Office Use Only*

The following finishes are proposed for the Principal and Secondary Dwellings:

Roofing Material:

Colour:



Main Body:

Material:

Colour:



Second Colour/Accent Colour:
(If applicable):

Material:

Colour:

Window/Door/Trim Colour:

Material:

Colour:

YOUR PERSONAL CODE:
1075292949



SCHEDULE "B" 3 of 5

This forms part of development

Permit # 07-0228

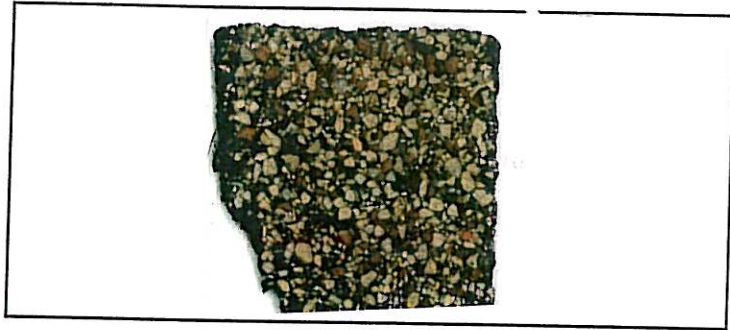
Date: _____

Signature: _____

The following finishes are proposed for the Principal and Secondary Dwellings:

Roofing Material:

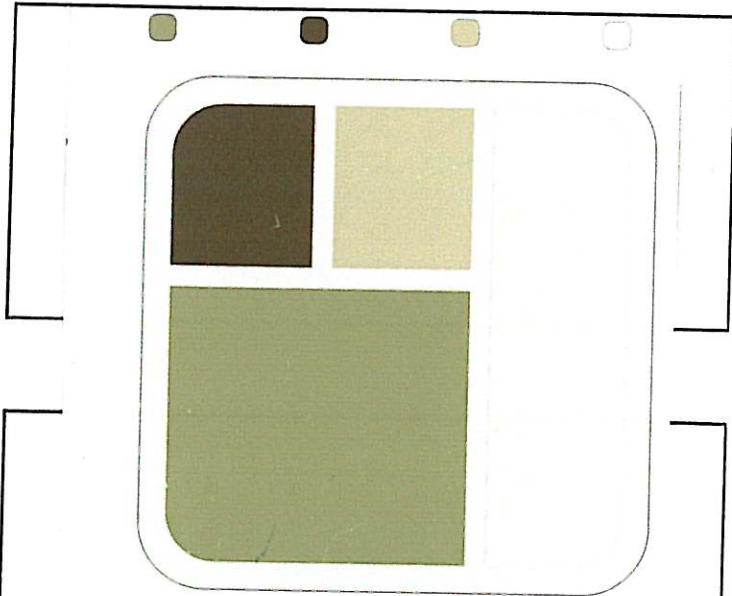
Colour:



Main Body:

Material:

Colour:



Second Colour/Accent Colour:
(If applicable):

Material:

Colour:

Window/Door/Trim Colour:

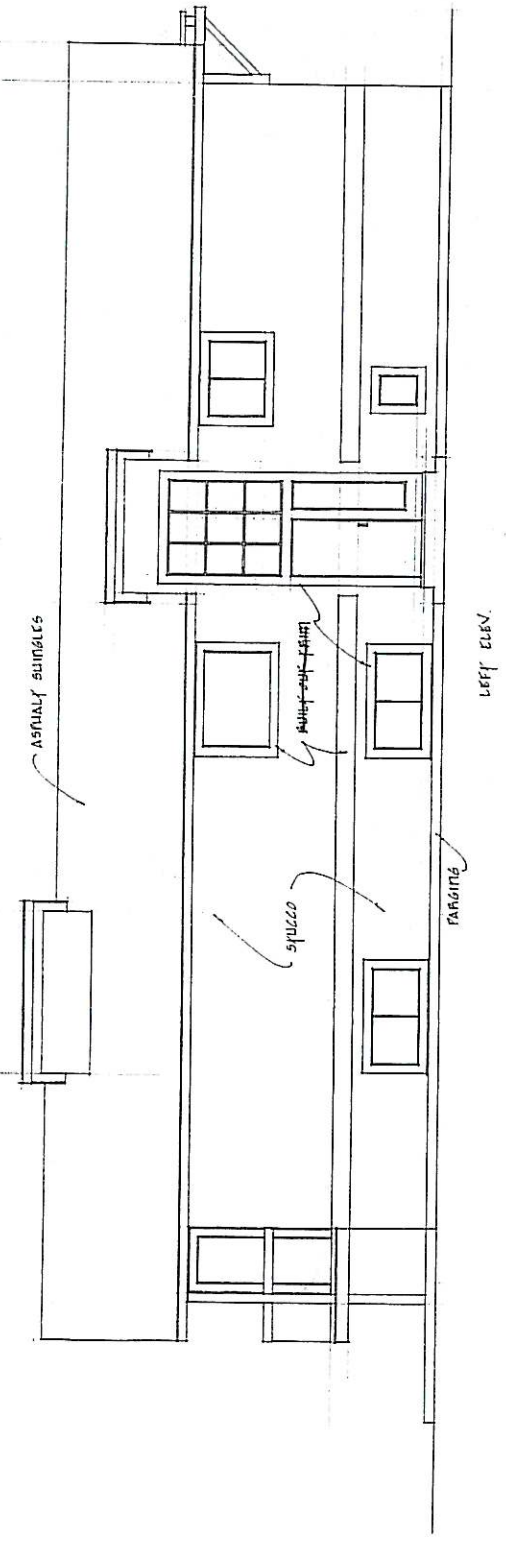
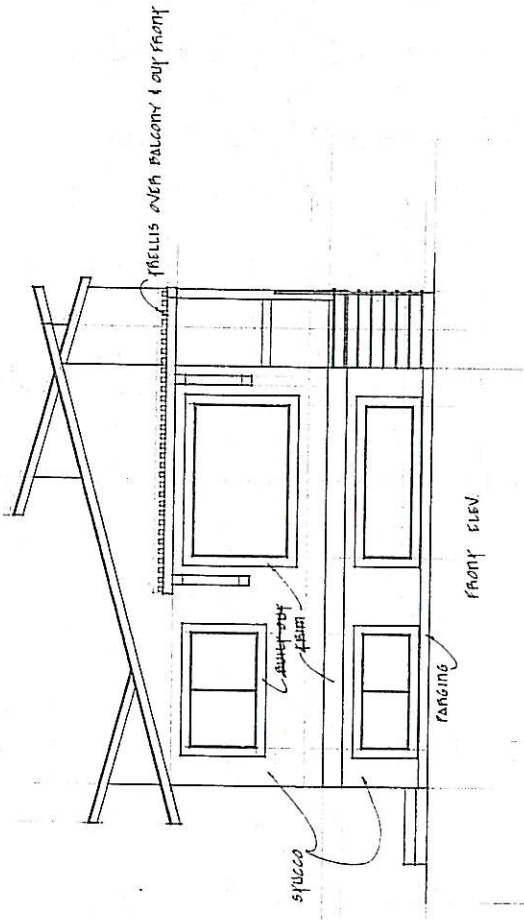
Material:

Colour:

YOUR PERSONAL CODE:
179703525



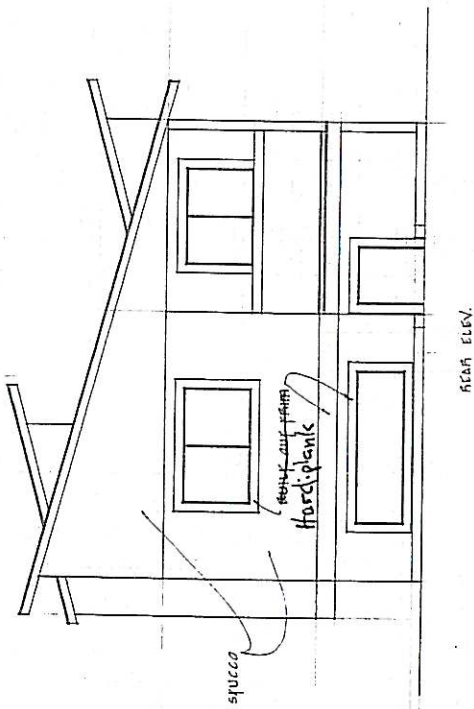
[window & door trim: Hardiplank
bellyband may be stucco bullboard]



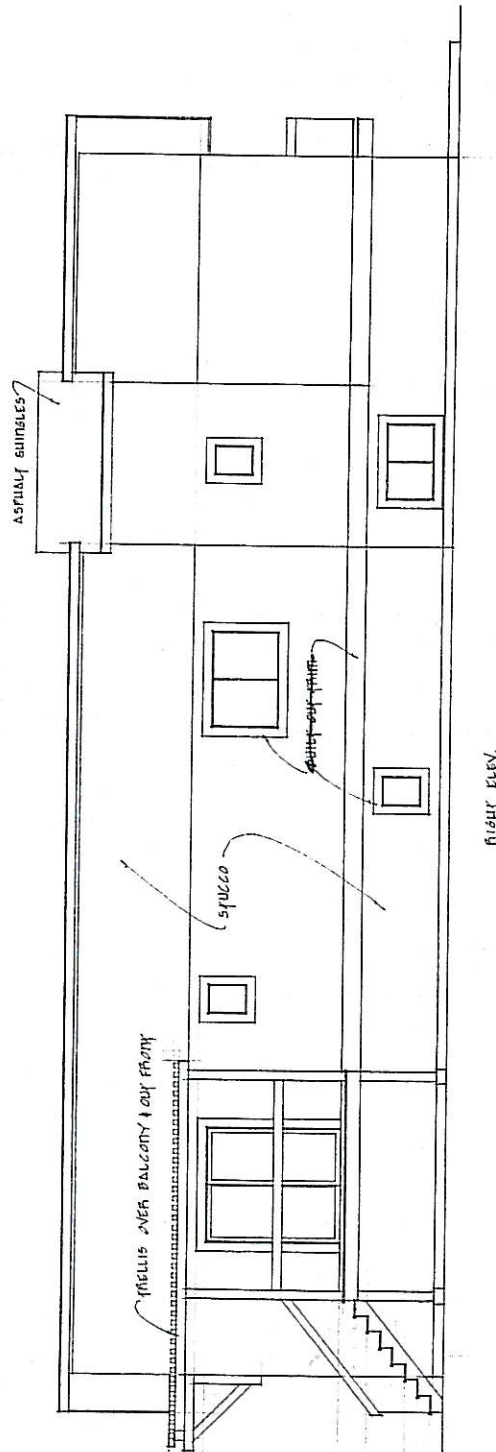
SCHEDULE "B" 4 of 5
This forms part of development
Permit # DP07-0228

hilmer house plans Ph 800 7556 204-1823 Harvey Ave Kelowna	Project :	ELEVATIONS			Scale : 1/4" = 1'-0"	NOTE: All dimensions to be checked on job by builder.	Sheet 5 of 7
		Date : SEP 07	Drawn by : A.U.		Plan 11-07-90		

window & door trim: Hardiplank
 bellyband may be stucco buildout



REAR ELEV.

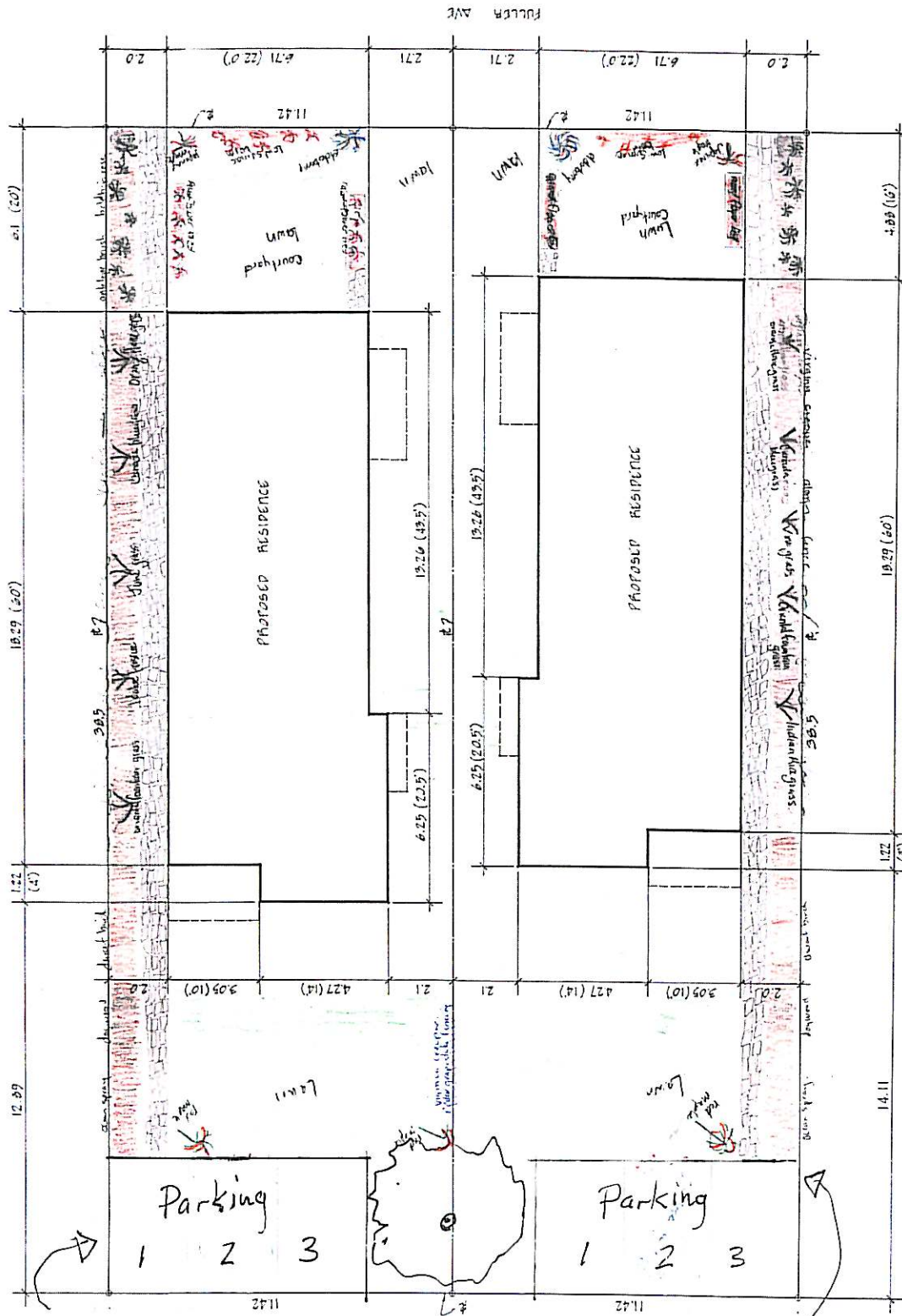


RIGHT ELEV.

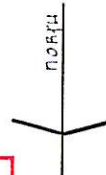
hilmer house plans Ph 660-7526 204 - 1822 Harvey Ave Kelowna	Project:	ELEVATIONS			NOTE: All dimensions to be checked on job by builder.	Sheet Plan	6 of 7 4-07-90
		Scale: 1/4" = 1'-0" Date: Sep 07 Draw by: AU					

SCHEDULE "B" 5 of 5
 This forms part of development
 Permit # DP07-0228

Remove & replace fencing
on both sides. Replace
with min. 5' cedar fencing



SCHEDULE "C"
This forms part of development
Permit # DP07-0228



hilmer house plans Ph 860-7526 204 - 1823 Harvey Ave Kelowna	Project: 800 FULLER AVE.	SITE PLAN	Scale : 1/8" = 1'-0" Date : SEP 07 Draw by : ALL	NOTE: All dimensions to be checked on job by builder.	Sheet 1 of 1 Plan 4-07-29
---	--------------------------	-----------	--	---	------------------------------

File: DP07-0228

Application

File: DP07-0228

Type: DEVELOPMENT PERMIT - NON APC

Customer ID: 1359355

Applicant: Klompner, John & Joy

Address: 848 Leon Ave

Kelowna BC

V1Y 6J8

Postal Code:

Phone: 250-717-1244

Fax:

Cell:

Email:

Contact:

Phone:

Fax:

Cell:

Email:

Received By: LIZ CAMPBELL

Legal:

Development Officer: NELSON WIGHT

Status: Open

Planner: SHELLEY GAMBACORT

Engineering Contact: JOHN FILIPENKO

Owners

Owner Name	Address	Postal Code	Phone	Fax
Klompner, John & Joy	848 Leon Ave Kelowna BC	V1Y6J8	250-717-1244	
Tyabji, Joseph	143 Westview Dr Penticton BC	V2A7V9		

Properties

Kid	Type	Plan	Lot	Block	Unit	Number	Street Name	Dir	St	LTO
439760		694	23			800	Fuller Ave		A	R

SubdivisionFile Links

DVP07-0299 Child

Technical

OCP Designation: S2RES - SINGLE/TWO FAMILY RESIDENTIAL & ASSOCIATED USES

OCP Amend Req'd: No

Sector Plan: DRAFT CENTRAL CITY SECTOR PLAN

Sector Designation:

Neighbourhood Plan:

Neighbourhood Designation:

Heritage Register:

DP Area: Yes

Bylaw:

File: DP07-0228

Existing Use: vacant

Conform: Yes

Proposed Use: Placement of an existing bldg with basement added to include a secondary suite

Proposed Lots:	Units:	
Final Lots:	Units:	General Comment:
Remainder Lots:	ESA Remainder Comment:	
Floor Space:	m2	
Lot Size:	ha	m2
Front x Depth:	m X	m Irregular:

Development Areas

Area	Location
------	----------

SECOND UNIT

Zoning

Existing Zone: RU6 # Lots:

Fees

Invoice	Status	Date	Parameter	Fee	Charge
104361	Active	2007-09-19	Development Permit		578.00
					578.00

File Progress

Step	Date	Comment
Application Accepted	2007-09-19	Direct DP
Applicant Contacted Re Sign		
Application Circulated	2007-09-20	
E-Application Received	2007-09-12	
E-Report Sent to Planning	2007-09-21	
All Agency Comments Received		
Additional Info Required		
Additional Info Received		
Report Forwarded to Council		
Council Consideration		
Extension Application Rec'd		
Extension Rpt to Council		
Extension Council Consid		
Landscape Bond Received		
Issuance of Permit		
Forwarded to L.T.O.		
L.T.O. Registration		
Renewal Applica. Rec'd		
Renewal Rpt to Council		
Renewal Council Consid		
Landscape Inspection		
Landscape Bond Released		
File Closed		

File Circulation

File: DP07-0228

Seq	Out	In	By	Comment
				B.C. Assessment Authority (info only) 2007-09-20 2007-09-20
				Fire Department 2007-09-20 2007-09-25
			MNEID	The site plan shows less than 1100mm clear access to the back property line. Maintain a minimum width of 1100mm for fire fighter access to the rear of the property. Fire fighter access from the front or street side of the property to the back building(s)/property line is not to be impeded at anytime. If a fence is ever constructed a six foot wide gate is required. Any gate is to open with out special knowledge. Fire Department access is never from a back or side lane, it is always from the main street. The addresses for all residences are to be visible from the street. Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw
				No concerns
			RREADY	
2			RREADY	DP application approval required prior to issuance of building placement certificate and building permit application.
				Inspections Department 2007-09-20 2007-09-25
				Works & Utilities 2007-09-20 2007-09-24
				1. Domestic Water and Fire Protection
				This property is currently serviced with a 19mm-diameter copper water service. The existing service is of sufficient size to provide adequate water for Lot 23 Plan 649. Provide an additional 19mm copper water service to Lot 1 Plan 947. Service upgrades can be provided by the City at the owner's cost.
				2. Sanitary Sewer
				The 100mm-diameter sanitary sewer service should be adequate for Lot 23 Plan 694. An inspection chamber (IC), complete with brooks box, must be installed on the service at the owner's cost. Provide an additional 100mm sanitary service complete with IC and brooks box to Lot 1 Plan 694. Service upgrades can be provided by the City at the owner's cost.
				3. Development Permit and Site Related Issues
				By registered plan provide a lot line adjustment. On-site parking areas must meet bylaw requirements. Direct the roof drains into on-site rock pits. This will help dissipate the roof drain water and prevent additional concentrated flows onto the rear lane.
				4. Electric Power and Telecommunication Services
				It is the applicant's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services which would be at the applicant's cost.

Remarks

November 20, 2007

To whom it may concern:

We have been informed that 800 Fuller Ave. presently consists of 2 RU6 lots 800 and 804 Fuller Avenue. This zoning allows for a single family dwelling with a legal suite.

We understand that one of the lots is currently substantially smaller than the other. We understand the new owners now are considering 2 options:

1. To leave the 2 RU6 lots as they exist today one approximately 7.5 metres and the other approximately 15.5 which would result in the building of one house substantially narrower and one substantially wider on the other.
2. To apply for a variance through the City of Kelowna for a lot line adjustment to change the existing RU6 lots so the lots become relatively equal in size. This would make the lots 11.42 metres and give better balance to the lots for eventual building.

We support option number 2 which would result in the ability to build 2 building similar or the same size as we believe this will be a better long term solution and aesthetically more pleasing to the neighbourhood.

Signed:

Name	Address	Signature	Date
Alexandra Cicchelli	801 Fuller Ave	Alex Cicchelli	Nov 20/07
Bertha Bradeen	801 Wilson Ave	Bertha Bradeen	Nov 20/07
Robert Bradeen	801 Wilson Ave	R & B Bradeen	Nov 20/07
Ron Eugene	793 Wilson Ave	Ron Eugene	Nov 20/07
Brenda Bailey	790 Fuller	Brenda Bailey	
Erwin Zellmer	808 Fuller Ave	Erwin Zellmer	

Erwin Zellmer, wir unterstützen die Anträge der