
**CITY OF KELOWNA
MEMORANDUM**

DATE: August 6, 2008

TO: City Manager

FROM: Planning & Development Services Department

APPLICATION: DVP08-0156
AT: 795-797 Birch Avenue

APPLICANT: Velma Feeny
OWNERS: Velma Feeny

PURPOSE: TO VARY THE SIDE YARD SETBACKS FROM 4.5M REQUIRED TO 2.38 M AND 2.47 M FOR THE EXISTING SIDE YARD SETBACKS AND TO VARY THE LOADING SPACES FROM 3 REQUIRED TO 0 PROPOSED.

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

PROPOSED OCP DESIGNATION: EDUCATIONAL / MAJOR INSTITUTIONAL
PROPOSED ZONE: P2 – EDUCATION AND MINOR INSTITUTIONAL

REPORT PREPARED BY: Alec Warrender

1.0 RECOMMENDATION

THAT Final Adoption of OCP Amending Bylaw No. 10057 be considered by Council;

THAT Final Adoption of Zone Amending Bylaw No. 10058 be considered by Council;

THAT Council authorize the issuance of Development Variance Permit No. DVP08-0156 for Strata Lot 1 D.L. 136, ODYD, Strata Plan KAS1996 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on Form 1, located at 795-797 Birch Avenue, Kelowna, B.C;

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

Section 16.2.5(e) Development Regulations – Setbacks

Vary the required side yard setbacks from 4.5m required to 2.38m and 2.47m proposed.

Table 8.2 Loading Spaces – Care Centres, Major

To vary the required loading spaces from 3 required to 0 proposed

2.0 SUMMARY

The applicant has applied to vary the side yard setbacks from 4.5m required to 2.38m and 2.47 m for the existing side yard setbacks. A variance is also required to reduce the loading space requirements from three required to one proposed.

3.0 THE PROPOSAL

The applicant has applied to amend the Official Community Plan Future Land Use Designation from Single / Two Unit Residential to Educational / Major Institutional and rezone the subject property from the RU6 – Two Dwelling Housing zone to the P2 – Education and Minor Institutional zone in order to facilitate the expansion of the existing day care facility. This Development Variance Permit is required as the P2 zone has stricter side yard set back requirements. As such, the applicant has applied to vary the side yard setbacks from 4.5m required to 2.38m and 2.47 m for the existing side yard setbacks. A variance is also required to reduce the loading space requirements from three required to one proposed. The proposal compares to Zoning Bylaw No. 8000 as follows;

CRITERIA	PROPOSAL	P2 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	1,010 m ²	660 m ²
Lot Width	24 m	18 m
Lot Depth	42 m	30.0 m
Development Regulations		
Site Coverage	Meets requirements	40% - Buildings
Site Coverage		60% - Building /Parking Roads
Height	Meets requirements	3 storeys / 13.5m
Front Yard	8.5 m	6.0 m
Side Yard (west)	2.38 m ¹	4.5 m
Side Yard (east)	2.47 m ²	4.5 m
Rear Yard	14.6 m	7.5 m
Other requirements		
Parking Stalls (#)	6 spaces	6 spaces
Loading Stalls	0 spaces ³	3 spaces
Private Open Space	Meets Requirements	60m ²

¹ Vary western side yard setback from 4.5 m required to 2.38 m proposed (existing).

² Vary eastern side yard setback from 4.5 m required to 2.47 m proposed (existing).

³ Vary loading space requirement from 3 required to 0 proposed.

3.1 Site Context

The surrounding area has been developed primarily as a single/two-family neighbourhood. More specifically, the adjacent land uses are as follows:

North	P3 – Parks & Open Space - Park
East	RU6 – Two Dwelling Housing – Residential
South	RU6 – Two Dwelling Housing – Residential
West	RU6 – Two Dwelling Housing – Residential

3.2 Site Location Map:

795-797 Birch Avenue

4.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

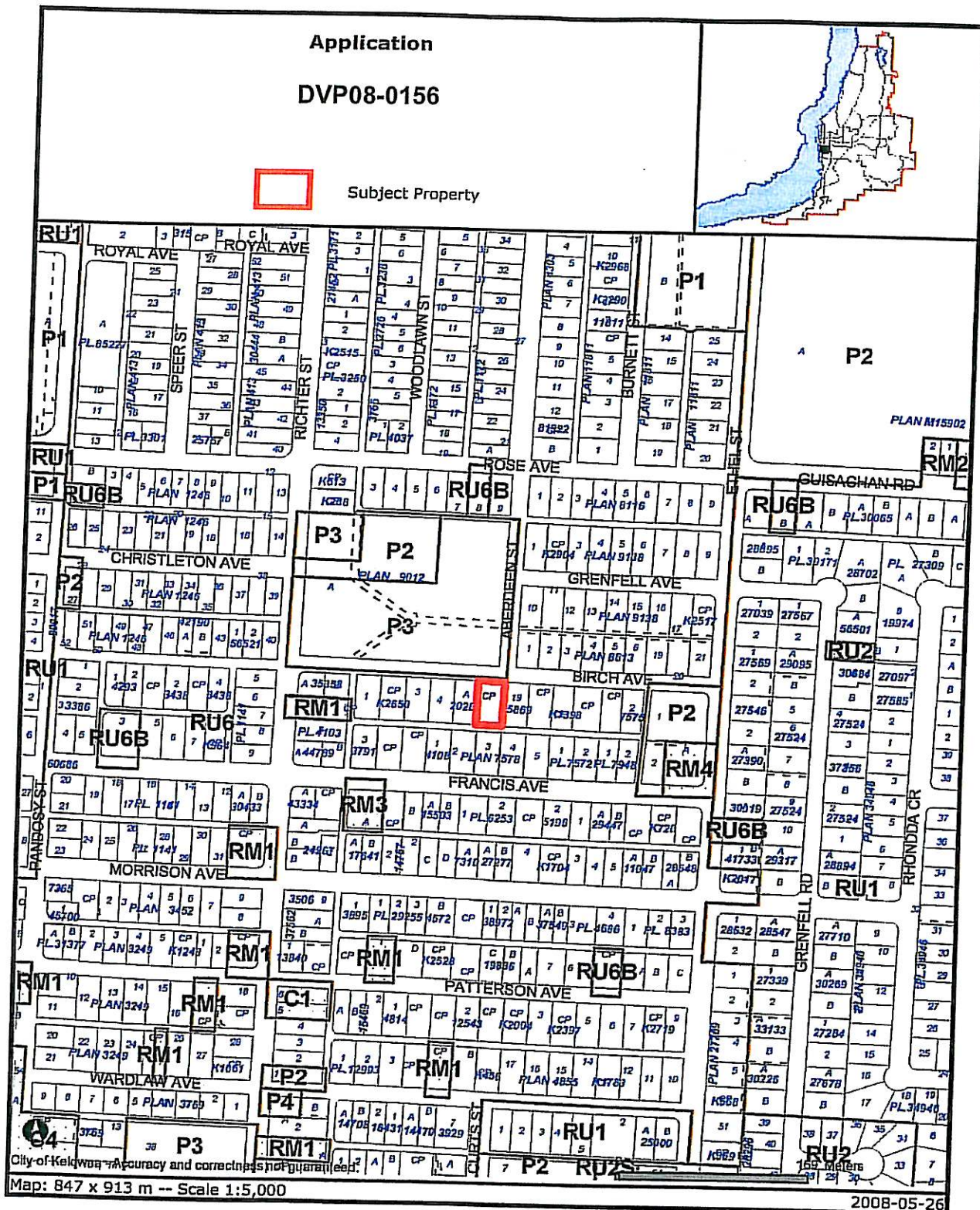
Staff worked with the applicant to determine the best solution for the increased parking demand. Accommodating the required parking and loading spaces in the rear yard would take the valuable play space and turn it into a parking surface. The applicant is able to accommodate the required parking off of the lane, while an additional tandem space could be added if parking becomes an issue. Interior Health and the neighbouring property owners have provided letters of support.

Shelley Gambacort
Planning and Development Services

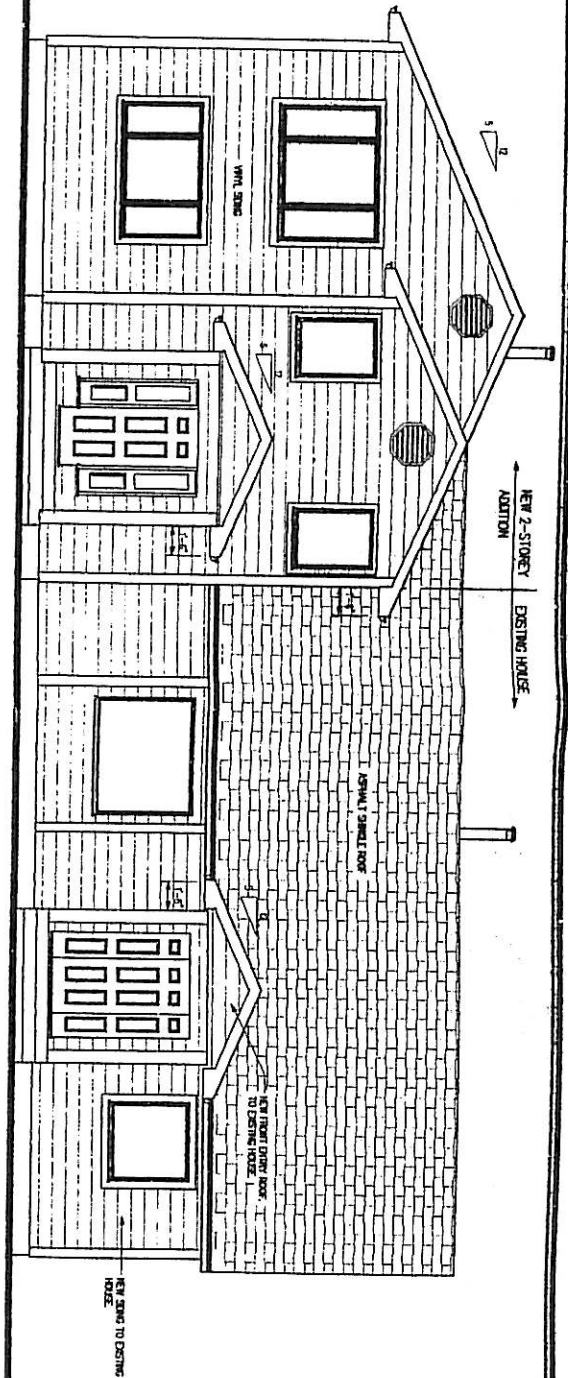
SG/aw

ATTACHMENTS

Location of subject property
Site Plan
Elevations

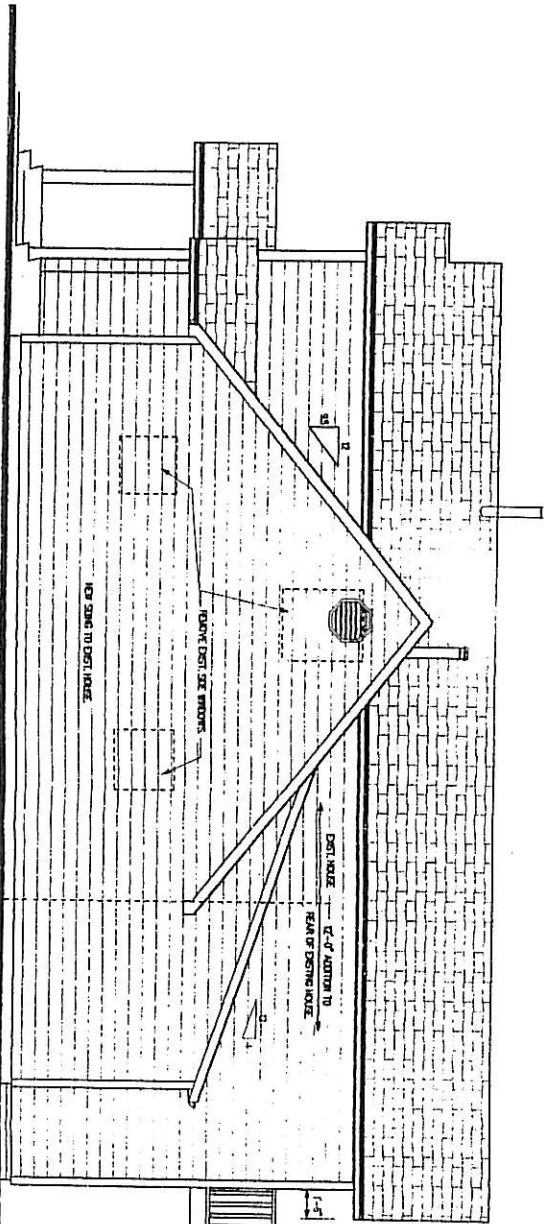


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.



FRONT ELEVATION
SCALE: 1/4" = 1'-0"

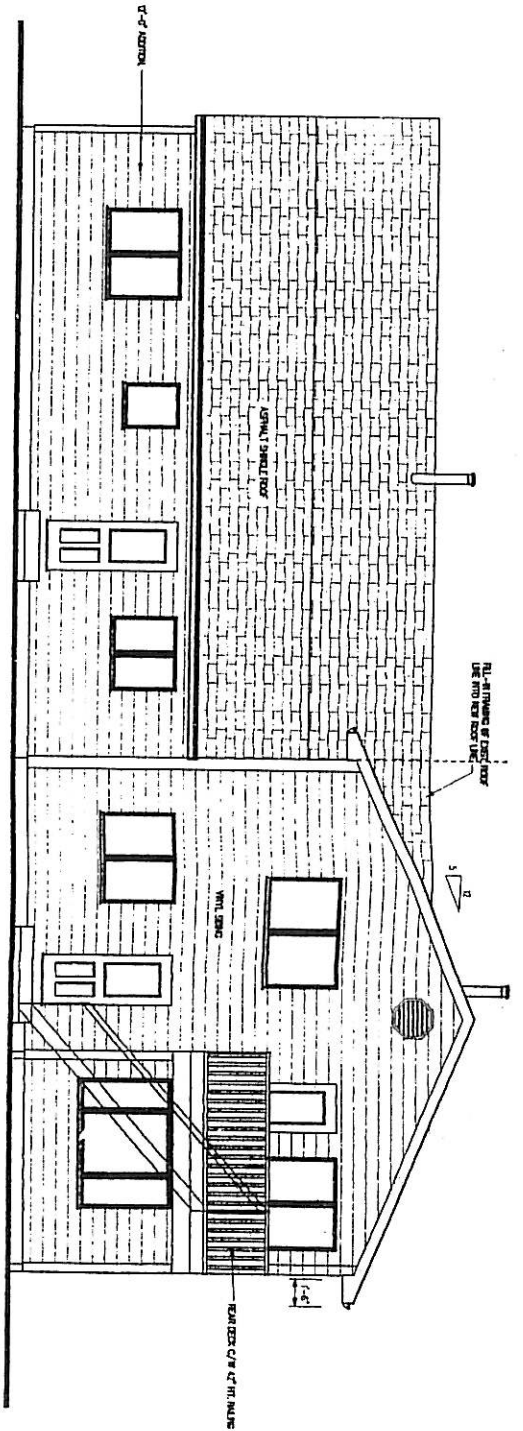
APPROVED
FORMING PART OF BUILDING PERMIT # 10859
THESE DRAWINGS SHALL REMAIN ON SITE
AVAILABLE TO CITY BUILDING INSPECTIONS



RIGHT SIDE
SCALE: 1/4" = 1'-0"

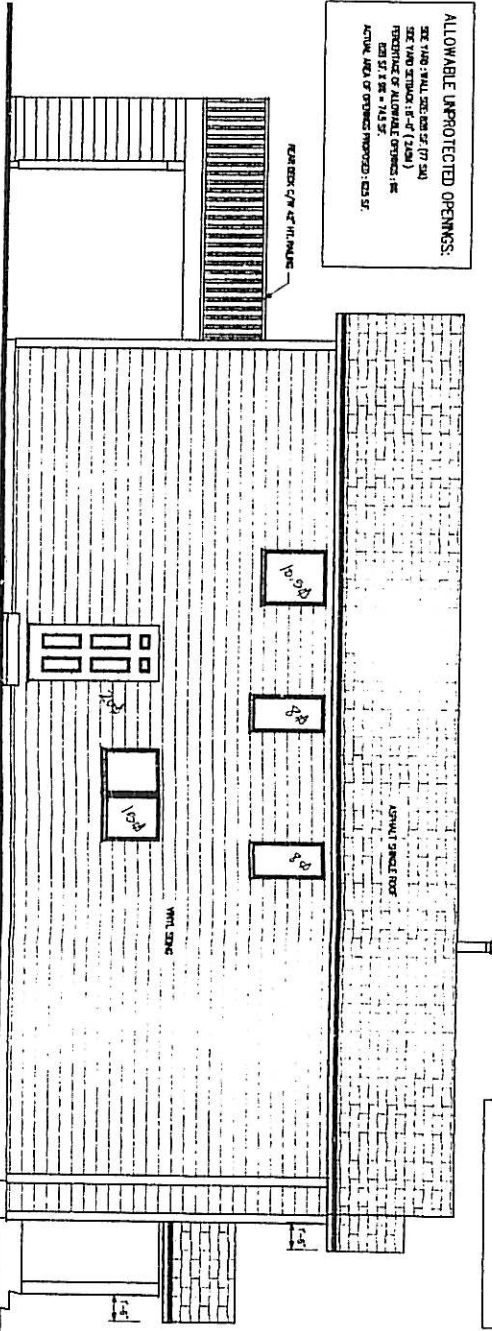
(11)

1	DRAWG. NO.	QUALITY HOME	CLIENT: ERNEST DECK
			LOCATION: LOT - B DUNCAN AVE.
			DATE: _____
			JOB NO: _____
- KEITH P. GARES - KELOWNA, B.C. - 862-2725 -			



REAR ELEVATION
SCALE: 1/4" = 1'-0"

ALLOWABLE UNPROTECTED OPENINGS:
SEE TAB 2: MAX. SIZE OF 17'-0"
SEE TAB 3: MAX. SIZE OF 17'-0"
PERCENTAGE OF ALLOWABLE OPENINGS: 18%
SEE TAB 4: 18% = 74.25'
ACTUAL AREA OF OPENINGS PROPOSED: 103.57'



LEFT SIDE
SCALE: 1/4" = 1'-0"

L.O.D. 3'-0" x 2'-4 1/2"
WALL 4'-0" x 5'-4" x 2'-4 1/2"
1/2" x 4'-5" x 1'-0"

@ 10% = 19.74

2

DWG. NO.

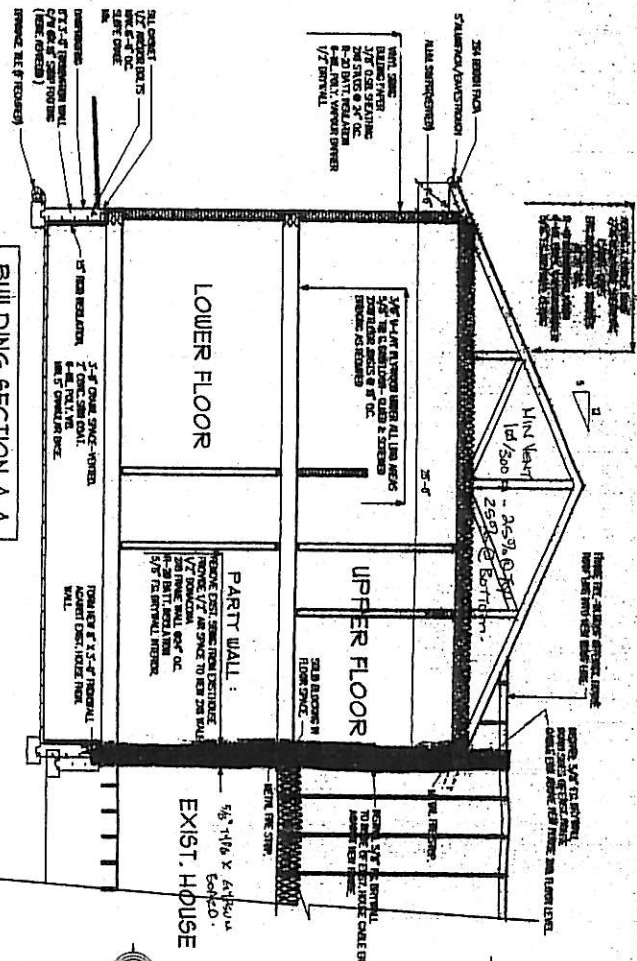


— KEITH P. GARES — KULOWNA, D.C. — 862-2725 —

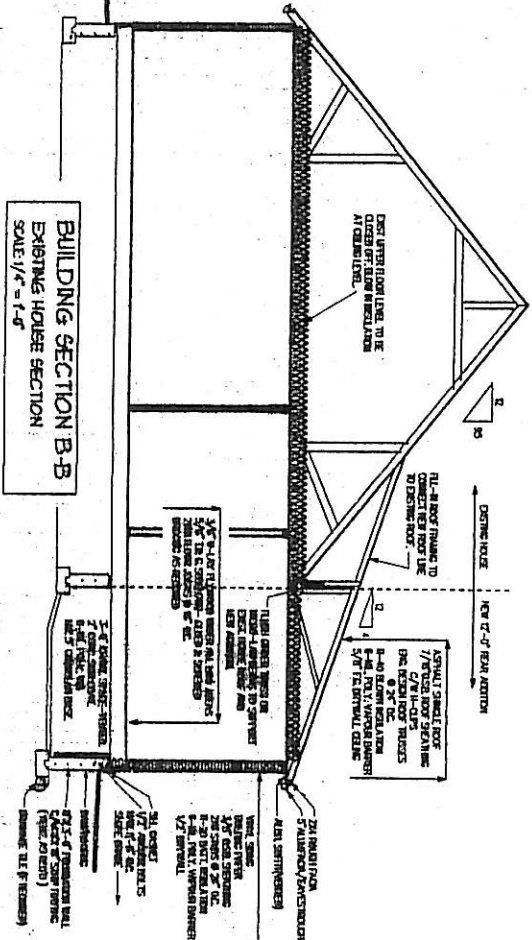
CLIENT: ERNEST BECK

LOCATION: LOT - 8 BROWN AVE.

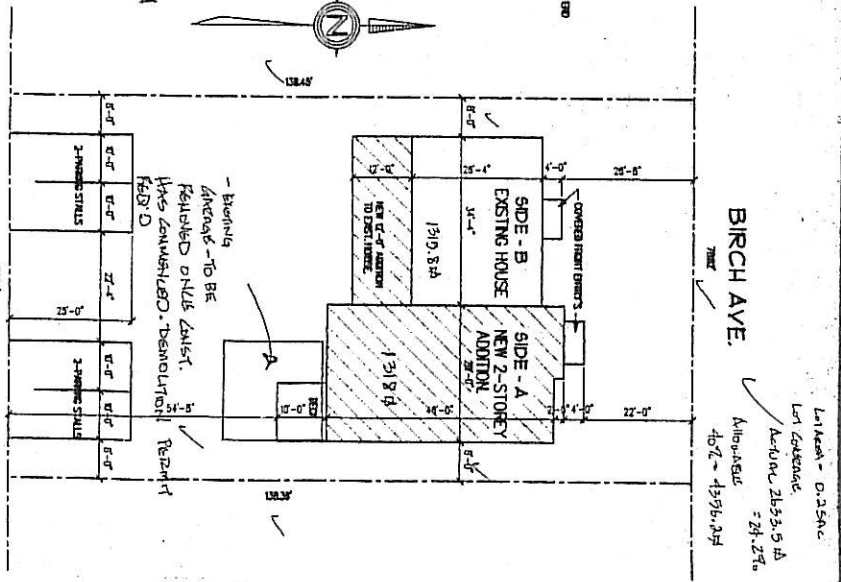
DATE: JOB NO:



BUILDING SECTION A-A
SCALE 1/4" = 1'-0"



BUILDING SECTION B-B
EXISTING HOUSE SECTION
SCALE 1/4" = 1'-0"



SITE PLAN
SCALE 1/8" = 1'-0"

LEGAL DESCRIPTION
LOT NO. B
PLAN NO. 20288
ADDRESS: 753 BIRCH AVE.

NOTES:
1. ALL WORK TO BE DONE IN ACCORDANCE WITH THE CITY OF KELLOWNA ZONING BY-LAW.
2. THE PROPOSED ADDITION SHALL BE CONSTRUCTED TO THE EXISTING FOUNDATION.
3. THE PROPOSED ADDITION SHALL BE CONSTRUCTED TO THE EXISTING FOUNDATION.
4. THE PROPOSED ADDITION SHALL BE CONSTRUCTED TO THE EXISTING FOUNDATION.
5. THE PROPOSED ADDITION SHALL BE CONSTRUCTED TO THE EXISTING FOUNDATION.