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

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**DATE:** November 7, 2008  
**FILE NO.:** Z08-0026

**TO:** City Manager

**FROM:** Community Sustainability Division

**APPLICATION NO.** Z08-0026                      **OWNER:** SIMRAN ENTERPRISES LIMITED

**AT:** 370 HARTMAN ROAD                      **APPLICANT:** T. THOMAS & ASSOCIATES

**PURPOSE:** TO REZONE FROM THE RM1 – FOUR PLEX HOUSING ZONE TO THE PROPOSED RM3 – LOW DENSITY MULTIPLE HOUSING ZONE TO ALLOW ADDITIONAL UNITS IN THE BUILDINGS.

**EXISTING ZONE:** RM1 – FOUR DWELLING HOUSING

**PROPOSED ZONE:** RM3 – LOW DENSITY MULTIPLE HOUSING

**REPORT PREPARED BY:** PAUL McVEY

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**1.0**    RECOMMENDATION

THAT Rezoning Application No. Z08-0026 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of East ½ Block 30, Sec. 26, Twp 26, O.D.Y.D. Plan 264, Except Plans B3948, B5293 and KAP76444, located on Hartman Road, Kelowna, B.C. from the existing RM1 – Four Dwelling Housing zone to the proposed RM3 – Low Density Multiple Housing zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Variance Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

**2.0**    SUMMARY

The applicant is proposing to rezone the subject property from the existing RM1 – Four Dwelling Housing zone to the proposed RM3 – Low Density Multiple Housing zone in order that there can be three more units added to the recently approved 3 unit development proposal. There has not been a new Development Permit application

made as part of the rezoning application, as the exterior of the proposed buildings are not anticipated to change from the designs previously approved. However, there has been a Development Variance Permit application made to vary the west side yard setback from 4.5m required to 2.8m proposed to the two unit building, to vary the east side yard setback from 4.0m required to 1.8m proposed to the carport, and to vary the lot width from 30.0 m required to 22.0 m existing. The proposed use is consistent with the Multiple Unit Residential – Low Density designation of the Official Community Plan.

### 2.1 Advisory Planning Commission

The above noted application (Z08-0026) was reviewed by the Advisory Planning Commission at the meeting of July 15, 2008 and the following recommendation was passed:

THAT the Advisory Planning Commission support Rezoning Application No. Z08-0026, for 370 Hartman Road, East ½ Block 30, Sec. 26, Twp 26, O.D.Y.D., Plan 264, Except Plans B3948, B5293 and KAP76444 by Ted Thomas & Associates Ltd. (Simaran Ent. Ltd.), to rezone the subject property from the RM1 – Four Plex Housing zone to the RM3 – Low Density Multiple Housing zone to allow additional units in the buildings.

### 3.1 The Proposal

The applicant recently had applications to rezone to the RM1 – Four Unit Housing zone (Z06-0046) approved, and development permit (DP06-0154) issued to authorize the construction of a three unit development.

This current application seeks to have the subject property rezoned from the existing RM1 – Four Dwelling Housing zone to the proposed RM3 – Low Density Multiple Housing zone in order that the basement level of the previously approved development proposal can be developed as three separate one bedroom dwelling units, for a total of 6 dwelling units on the subject property.

These three additional units are not anticipated to change the exterior elevations of the previously approved Development Permit.

The three additional one bedroom units will require an additional 4 parking stalls. The applicant is proposing to provide the 4 additional parking spaces by providing 3 additional stacked stalls on the paved driveway area in front of the garages, and creating one parking space adding an additional stall to the east side of the most northerly unit.

The proposed use is consistent with the Multiple Unit Residential – Low Density future land use designation of the Official Community Plan.

There has been application made for a Development Variance Permit to deal with the changes required from the current RM1 zone to the setbacks required in the proposed RM3 zone under application. The original proposal conformed with the requirements of the RM1 zone in terms of setbacks. However, when the required setbacks area applied to the proposed development under the RM3 zone, the required side yard setbacks go from 2.0m required for 1 or 1½ storey portion and 2.3m for 2 or 2½ storey portion under the RM1 zone to 4.0m required for 1 or 1½ storey portion and 4.5m for 2 or 2½ storey portion for the RM3 zone.

The applicant has moved the rear building to the east in order that the west side yard setback complies to the RM3 zoning requirements. However, when that building is moved away from the west property line, there is a variance triggered to the east side

yard setback to the carport structure. The two storey high portion of the main building is set back 4.55m from the east property line, a distance which complies to the RM3 siting requirements.

This application will be circulated to Council for consideration should this application for rezoning be supported.

The proposal as compared to the RM3 zone requirements is as follows:

CRITERIA	PROPOSAL	RM3 ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	1,268 m <sup>2</sup>	900 m <sup>2</sup>
Site Width (m)	22 m ❶	30.0 m
Site Coverage (%) buildings	29.2%	40%
Buildings and paved areas	50%	50%
Total Floor Area (m <sup>2</sup> )	721.4 m <sup>2</sup>	802.6 m <sup>2</sup> @ FAR = 0.633
F.A.R.	0.567	FAR = 0.50 + 2/3 prkg bonus MAX FAR = 0.633
Storeys (#)	2½ storeys (8.1m)	2½ storeys or 9.5m
Setbacks (m)		
- Front	4.5 m	4.5m
- Rear	7.7 m	7.5m
- West Side	2.8 m for 1or1½ stry❷ 3.63 m for 2 or 2½ stry	4.0 m for 1 or 1½ stry 4.5 m for 2 or 2½ stry
- East Side	1.8 m for 1 storey ❸	4.0 m for 1 or 1½ stry 4.5 m for 2 or 2½ stry
Parking Stalls (#)	12 stalls provided 6 in garage, 6 stacked	10 stalls required

**Parking Calculations**

3 – two bedroom units – 3 x 2 = 6 stalls  
 3 – one bedroom units – 3 x 1.25 = 4 stalls  
**Total Parking required = 10 stalls**

Variances required;

- ❶ Lot width from 30m required to 22.3 existing,
- ❷ West Side yard setback from 4.0 for 1 or 1½ storey and 4.5 for 2 or 2½ storey to 2.8m & 3.63m to two unit building,
- ❸ East Side yard setback from 4.0 for 1 or 1½ storey to 1.8m to carport

**3.2 Site Context**

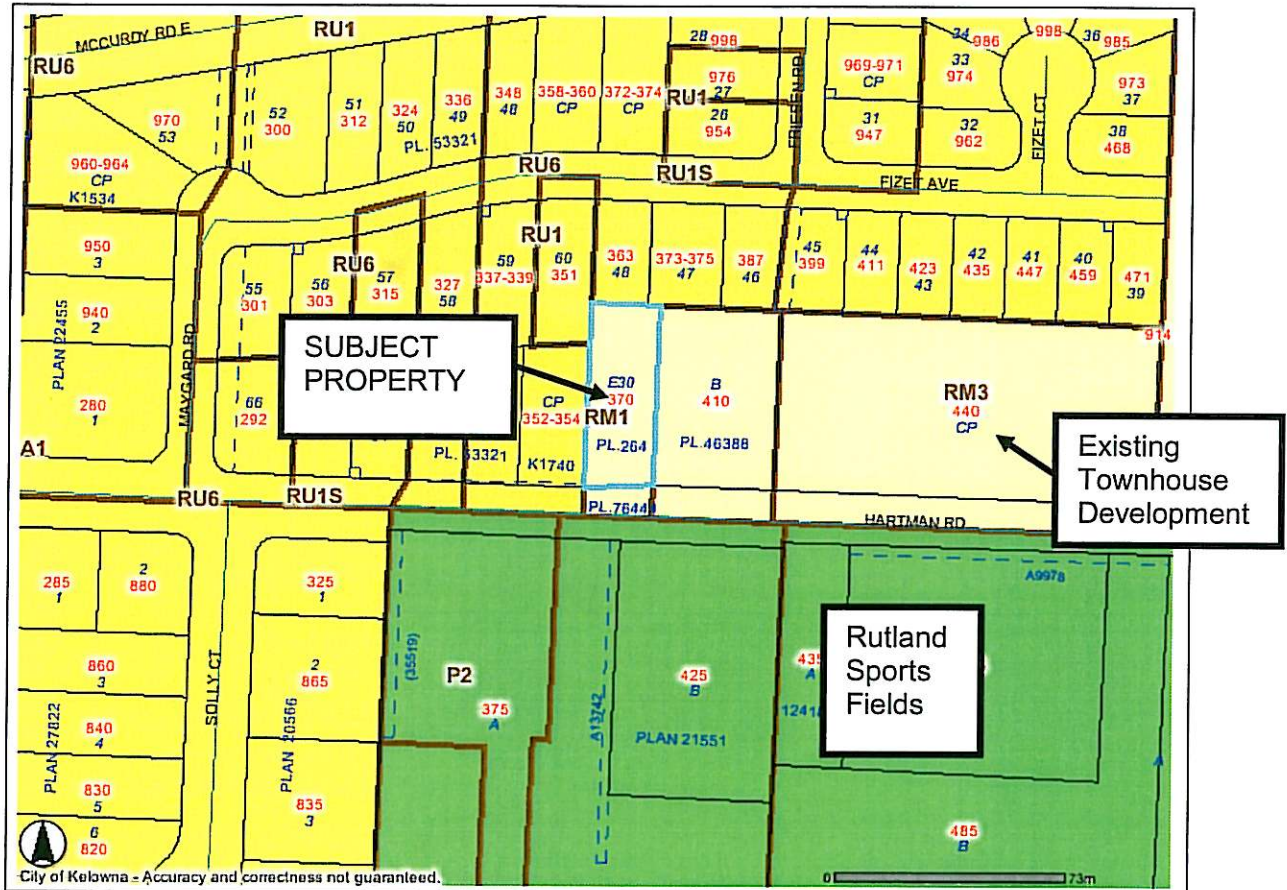
The subject property is located on the north side of Hartman Road, between Maygard Road and Craig Road. The Rutland Sports fields are located across Hartman Road from the subject property. There has been some recent development of some low density multiple unit residential uses to the east, near Craig Road.

Adjacent zones and uses are, to the:

- North - RU6 – Two Dwelling Housing zone / Two dwelling housing & Single dwelling housing with suites
- East - RR3 – Rural Residential 3 / Single Unit residential uses
- South - P3 – Parks and Open Space / Rutland Sports Fields

West - RU6 – Two Dwelling Housing zone / Two dwelling housing

**SUBJECT PROPERTY MAP**



**3.3 Existing Development Potential**

The proposed zone of RM3 – Low Density Multiple Housing zone allows for: Multiple Dwelling Housing, Congregate Housing, Group Home – Major, Boarding or Lodging Houses, Supportive Housing as principal permitted uses, and Care Centres – major, Home Based Business – minor, and Community Recreation Services as permitted secondary uses.

**3.4 Current Development Policy**

**3.4.1 Kelowna Official Community Plan**

The Kelowna Official Community Plan designates the subject property as “Multiple Unit Residential – Low Density” future land use, a designation which is consistent with the proposed RM3 – Low Density Multiple Housing zone.

### 3.4.2 City of Kelowna Strategic Plan (2004)

The City of Kelowna Strategic Plan 2004 also states as Goal 3;  
“To foster the social and physical well-being of residents and visitors.”

The City of Kelowna Strategic Plan 2004 also states as Objectives for Goal 3;

Realize construction of housing forms and prices that meet the needs of Kelowna residents.

- a. Work in partnership with housing organizations and finance institutions to monitor the range of housing options required in the City.
- b. Identify ways to establish partnerships with builders, developers and other levels of government in an effort and legislative tools to influence the supply and diversity of housing and to increase the supply of affordable housing.

## 4.0 TECHNICAL COMMENTS

The application has been circulated to various technical agencies and City departments and their comments have been attached to this report.

## 5.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

The proposed development appears to be a reasonable form of development for the subject property. The development as originally designed met the RM1 zone requirements. However, the RM3 – Low Density Multiple Housing zone under application does require greater side yard setbacks than those required by the RM1 zone. There has been an application made for a Development Variance permit to vary the side yard setback requirements of the RM3 – Low Density Multiple Housing zone to be reduced to the setbacks identified in the RM1 – Four Plex Housing zone. As well, there has also been application made to vary the lot width from 30.0m required to 22m existing. That application will be forwarded to Council for consideration should this rezoning application be supported.

The site plan provided indicates that the northern unit has been moved towards the eastern property line in order that the west side of the proposed building meets the RM3 zone side yard setbacks.

Each of the proposed units at the main level has a two car garage, which also have space available in front of each of the garages to provide space for additional stacked parking stalls that will not impact the adjacent access driveway.

The conversion of the basement areas of the previously approved units into additional dwelling units is not anticipated to alter the exterior form and character of the site development.

The proposed RM3 – Low Density Multiple Housing zone is consistent with the existing Multiple Unit Residential – Low Density future land use designation of the Official Community Plan.

In conclusion, the Land Use Management Department supports this application, and recommends for positive consideration by Council.



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Shelley Gambacort  
Director of Land Use Management

PMc/pmc  
Attach.

Attachments

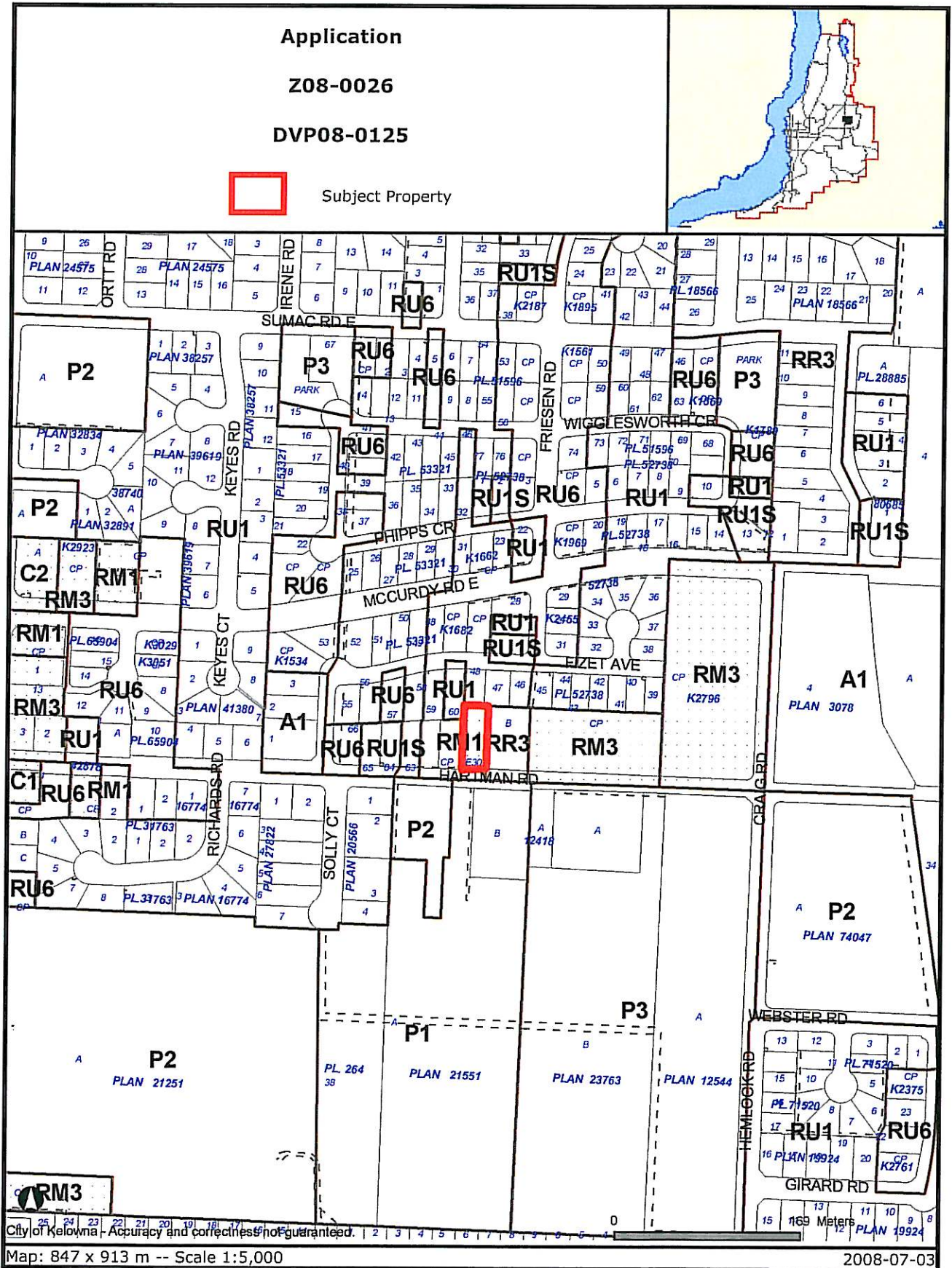
Subject Property Map

3 pages of site plans & basement conversion diagrams

1 page site plans showing requested variances

Memo – Works and Utilities Dept. servicing requirements

Print-Out – Tracking System Detail Report



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.



File: Z08-0026

Application

File: Z08-0026

Type: REZONING

File Circulation

Seq	Out	In	By	Comment
				B.C. Assessment Authority (info only) 2008-03-18 2008-03-18
				Community Development & Real Estate Mgr 2008-03-18 2008-03-28
			SALEXAND	CD&RE Comments for Inclusion in Council Report: Please contact the Land Agent for road dedications over 20 metres in width, land dedications and land transfers to or from the City of Kelowna, road closures and road reserves. Depending on the type of land transaction being contemplated, the processing time can vary from 3 weeks to 3 months. The Land Department requires a full size copy, together with an 8 ? x 11 copy, of any survey plans.
				Fire Department 2008-03-18 2008-04-23
			MNEID	Requirements of Section 9.36, Secondary Suites, of the BCBC 2006 are to be met.
				FortisBC 2008-03-18 2008-05-23
				No response
				Inspections Department 2008-03-18 2008-04-02
			RREADY	Exterior basement stairway at patio from suite cannot block egress from basement bedroom window. Fire separation between units to requirements of BCBC 2006.
				Irrigation District - BMID 2008-03-18 2008-03-28
				This letter sets out our requirements for water supply related to the addition of three legal suites to the duplex and house currently under construction at 370 Hartman Road on Lot E? Blk 30 Plan 264.
				CONNECTION FEES & CAPITAL CHARGES
				As per Bylaw No. 667, the Connection fee for a legal suite is \$100.00. As per Bylaw No. 678, the capital expenditure charge for the proposed addition of a suite is \$1,080.00. This money is to fund water source development and larger supply transmission mains as defined in the BMID Capital Plan.
				SUMMARY OF CHARGES
				" Connection Fees - 3 @ \$100.00 \$ 300.00
				" Capital Charges - 3 @ \$1080.00 \$3240.00
				If the applicant agrees to the above conditions and rezoning is approved for construction of the suite, please come in to our office to complete a BMID Application for Building form.
				Please review this information and call us if you have questions. Additional information on the development process can be found at our website at <a href="http://www.bmid.ca">www.bmid.ca</a> .
				R. Hrasko, P.Eng. Administrator
				Mgr Policy, Research & Strategic Plannin 2008-03-18 2008-03-19
				no comment
				Park/Leisure Services Dir. (info only) 2008-03-18 2008-03-18
				Parks Manager 2008-03-18 2008-03-27
			TBARTON	No comment
				Public Health Inspector 2008-03-18 2008-04-23
				No concerns provided community water & canitary sewer are available
				RCMP 2008-03-18 2008-05-23
				No response
				School District No. 23 2008-03-18 2008-05-23
				No response
				Shaw Cable 2008-03-18 2008-04-07
				Owner/Developer to supply and install an underground conduit system per Shaw Cable drawings and specifications
				Telus 2008-03-18 2008-04-22
				TELUS will provide underground facilities to this development. Developer will be required to supply and install conduit as per TELUS policy.
				Terasen Utility Services 2008-03-18 2008-04-29
				No comment
				Works & Utilities 2008-03-18 2008-07-29
				see documents tab
				2008 03 31 see documents tab

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

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**Date:** July 25, 2008 Revised  
**File No.:** Z08-0026  
**To:** Planning and Development Officer (PMcV)  
**From:** Development Engineering Manager (SM)  
**Subject:** 370 Hartman Road – E ½ of Block 30, Plan 264, Section 26, Township 26, ODYD

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The Works & utilities Department comments and requirements regarding this application to rezone the subject property from RM1 to RM3 are as follows:

1. General.

Provide easements as may be required.
  
2. Sanitary Sewer.
  - a) The subject property is located within the specified area # 20 and currently serviced by the municipal sanitary sewer collection system. The developer has previously paid for 3 units under Z06-0046 and therefore will be responsible to cash commute the sanitary sewer specified area charge for an additional 3 units. The charge is currently set at \$4,863.78 (until March 31, 2009) per Equivalent Dwelling Unit created. The total charge is \$10,213.94 (3 x 0.70 = 2.1 Units @ \$4,863.78).
  - b) The property has a 100mm. diameter service to the property line.
  
3. Domestic water and fire protection.
  - a) This development is within the service area of the Black Mountain Irrigation District (BMID). The developer is required to make satisfactory arrangements with the BMID for these items. All charges for service connection and upgrading costs are to be paid directly to the BMID.
  - b) The water system must be capable of supplying domestic and fire flow demands in accordance with the Subdivision & Servicing Bylaw. The applicant must provide water computations for this development to confirm the available water supply.

4. Power and Telecommunication Services.

The services to this development are to be installed underground. It is the developer's responsibility to make a servicing application to the respective utility companies. The utility companies are then required to obtain the city's approval before commencing their works.

5. Road improvements.

Hartman Road.

The Hartman Road frontage is fully urbanized, therefore, no further upgrade is required under this application. Presumably the existing driveway is adequate for the proposed development, any changes to the existing curb or the sidewalk to accommodate the proposed development will be at the cost of the developer.

6. Engineering.

Design, construction, supervision and inspection of all off-site civil works and site servicing must be performed by a consulting civil Engineer and all such work is subject to the approval of the city engineer.

7. Bonding and Levies Summary.

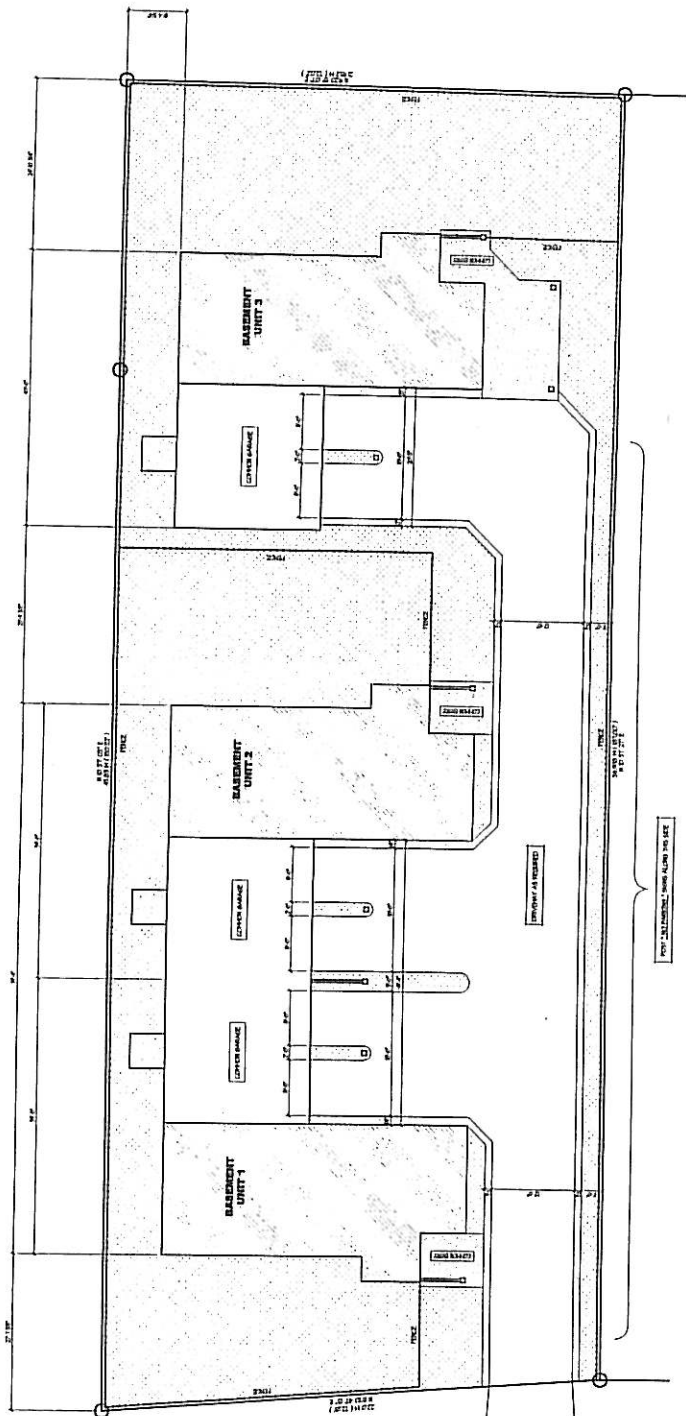
a)Performance Bonding	N/A
b)Levies	
Sewer specified Area # 20 fees	<b>\$10,213.94</b>

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Steve Muenz, P. Eng.  
Development Engineering Manager  
DC



HARTMAN ROAD



- 1. UNFINISHED AREA - REFER TO APPROVED PLAN
- 2. FINISH AREA
- 3. CONCRETE SLAB / TERRAZZO
- 4. BRICK / BRICK
- 5. GARAGE
- 6. DRIVEWAY DRIVE

- 1. FINISH AREA - REFER TO APPROVED PLAN
- 2. FINISH AREA - REFER TO APPROVED PLAN
- 3. FINISH AREA - REFER TO APPROVED PLAN
- 4. FINISH AREA - REFER TO APPROVED PLAN

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

DATE	REVISION

THIS DRAWING IS THE PROPERTY OF TED J. THOMAS & ASSOCIATED, INC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. ANY REUSE OR MODIFICATION OF THIS DRAWING WITHOUT THE WRITTEN CONSENT OF TED J. THOMAS & ASSOCIATED, INC. IS STRICTLY PROHIBITED.

DATE: \_\_\_\_\_  
SCALE: \_\_\_\_\_

**TED J. THOMAS & ASSOCIATED, INC.**  
ARCHITECTS  
1000 W. HARTMAN ROAD  
SUITE 200  
HARTMAN, MISSISSIPPI 38901  
PHONE: 662-363-3333  
FAX: 662-363-3334  
WWW.TJTA.COM

PROJECT: \_\_\_\_\_  
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CHECKED BY: \_\_\_\_\_  
DATE: \_\_\_\_\_

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REVISIONS		DATE	
NO.	DESCRIPTION		
1	ISSUED FOR PERMITS		
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THIS PRINT IS STRICTLY FOR CONSTRUCTION PURPOSES ONLY. IT IS TO BE USED TO CONSTRUCT THE PROJECT AS SHOWN AND NOT TO BE USED AS A BASIS FOR LIABILITY. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY MATERIALS AND LABOR. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING CURBS AND SIDEWALKS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING TREES AND PLANTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING FENCES AND SIGNAGE. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING CURBS AND SIDEWALKS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING TREES AND PLANTS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING FENCES AND SIGNAGE. DO NOT SCALE THIS DRAWING.

SEA

DATE

**TED J. THOMAS**  
 ARCHITECTURE

2203 N. GUYTON AVE.  
 VIRGINIA BEACH, VA 23462  
 PHONE: (757) 481-2333  
 FAX: (757) 481-2336  
 WWW: www.tedthomasarchitect.com

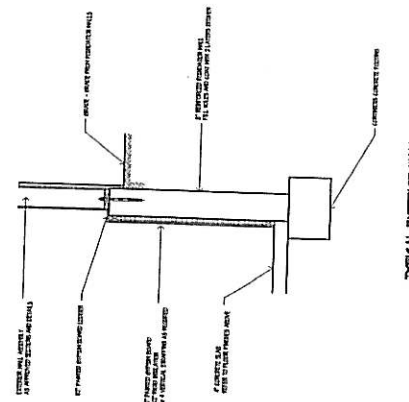
PROJECT:  
 BASEMENT FLOOR AND UPDATES  
 2203 N. GUYTON AVE., VIRGINIA BEACH, VA 23462

OWNER:  
 MR. & MRS. JAMES W. THOMAS, JR.  
 2203 N. GUYTON AVE., VIRGINIA BEACH, VA 23462

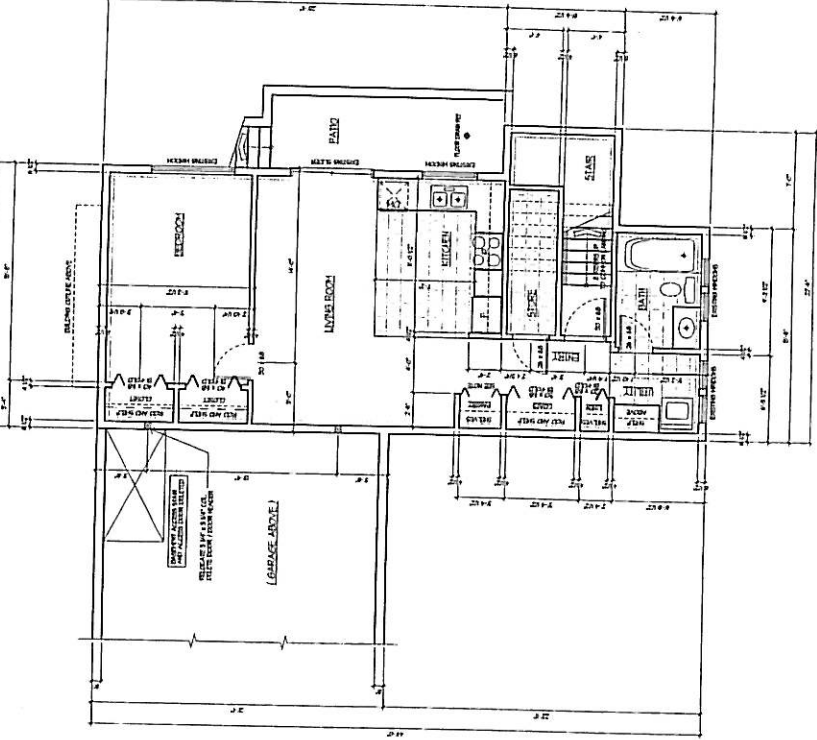
DATE: 12/15/2023  
 SCALE: 3/4" = 1'-0"

**A 3.0**

- NOTES:**
- 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF VIRGINIA BUILDING CODE AND ALL APPLICABLE LOCAL ORDINANCES.
  - 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF VIRGINIA BUILDING CODE AND ALL APPLICABLE LOCAL ORDINANCES.
  - 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF VIRGINIA BUILDING CODE AND ALL APPLICABLE LOCAL ORDINANCES.
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  - 10. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF VIRGINIA BUILDING CODE AND ALL APPLICABLE LOCAL ORDINANCES.



**TYPICAL EXTERIOR WALL**  
 SCALE: 3/4" = 1'-0"



**BASEMENT PLAN - TYPICAL**  
 SCALE: 3/4" = 1'-0"

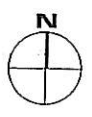
DATE	REVISED	DESCRIPTION	BY
12/28	1	INITIAL PLAN	BT
12/28	2	ADJUSTED TO VARIANCE	BT
12/28	3	REVISED	BT

THIS PLAN IS PREPARED TO BE USED FOR THE PROPOSED CONSTRUCTION OF THE PROJECT. IT IS THE RESPONSIBILITY OF THE CLIENT TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE CLIENT IS ADVISED THAT THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSES WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT. ANY CHANGES TO THIS PLAN MUST BE APPROVED BY THE ARCHITECT.

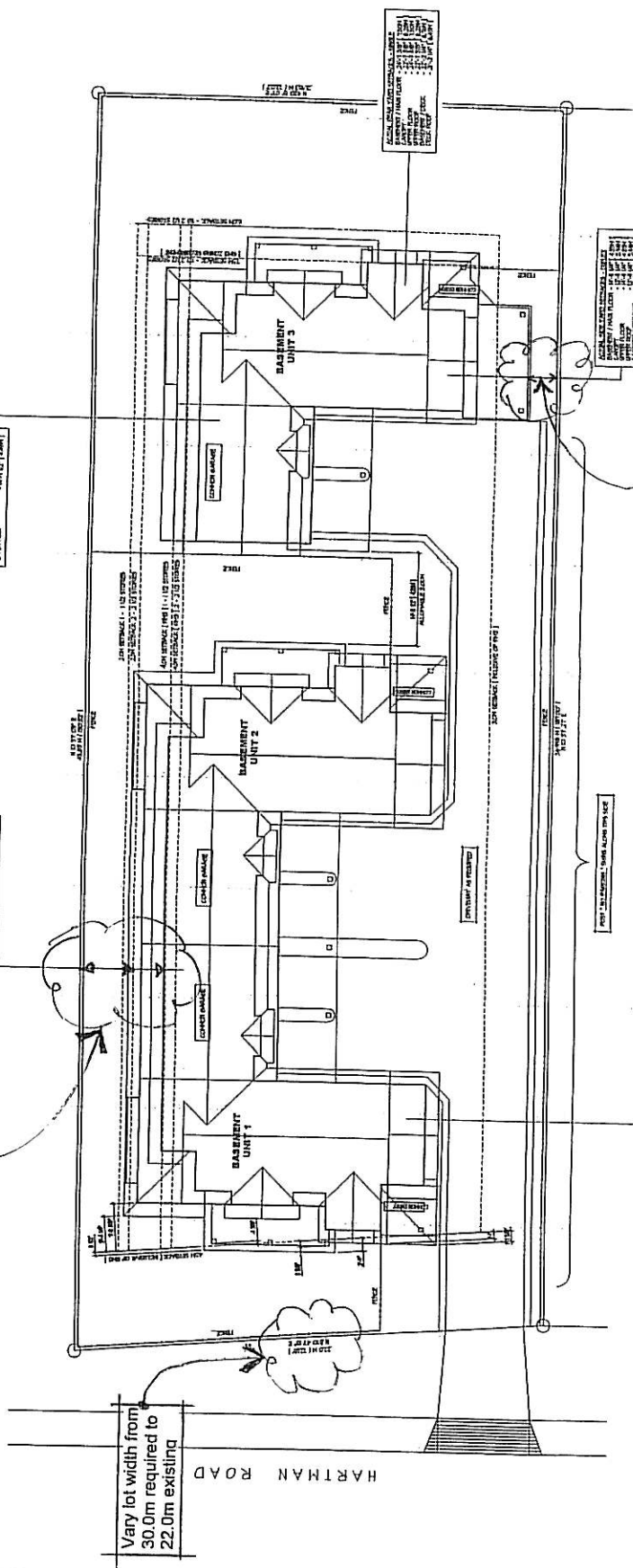
**TED J. THOMAS & ASSOCIATES INC.**  
 ARCHITECTS  
 1000 W. 10TH AVE. WY 40A  
 PHOENIX, AZ 85001  
 PHONE: 602.944.3300  
 FAX: 602.944.3309  
 WWW: TTTARCHITECTS.COM

**PROJECT:**  
 BASEMENT PLAN AND UPDATES  
 375 HARTMAN RD, KILGORE, TX  
 KILGORE, TEXAS

DATE: 12/28/21  
 DRAWN BY: BT  
 CHECKED BY: BT  
 SCALE: 1/8" = 1'-0"



Vary west side yard from 4.0m required for 1 or 1 1/2 storey portion and 4.5m for 2 or 2 1/2 storey portion to 2.8m proposed for 1 or 1 1/2 storey portion and 3.63m proposed for 2 or 2 1/2 storey portion



Vary lot width from 30.0m required to 22.0m existing

Vary west side yard from 4.0m required for 1 or 1 1/2 storey portion to 2.8m proposed for 1 or 1 1/2 storey portion and 3.63m proposed for 2 or 2 1/2 storey portion

- PROPOSED VARIANCES**
- 1. LOT AREA - INCREASE FROM 10,000 SQ FT TO 10,500 SQ FT
  - 2. SIDE YARD - DECREASE FROM 4.0M TO 2.8M
  - 3. FRONT YARD - DECREASE FROM 5.0M TO 3.0M
  - 4. REAR YARD - DECREASE FROM 5.0M TO 3.0M
  - 5. LOT WIDTH - DECREASE FROM 30.0M TO 22.0M
  - 6. SETBACK - DECREASE FROM 1.0M TO 0.5M
  - 7. MAXIMUM FLOOR AREA - INCREASE FROM 10,000 SQ FT TO 10,500 SQ FT
  - 8. MAXIMUM HEIGHT - INCREASE FROM 10.0M TO 10.5M
  - 9. MAXIMUM NUMBER OF STOREYS - INCREASE FROM 2 TO 3
  - 10. MAXIMUM NUMBER OF UNITS - INCREASE FROM 2 TO 3

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

**PROPOSED VARIANCES**