
CITY OF KELOWNA
MEMORANDUM

DATE: November 28, 2008
FILE NO.: **DVP08-0125**

TO: City Manager

FROM: Community Sustainability Division

DEVELOPMENT VARIANCE PERMIT APPLICATION NO. DVP08-0125 **OWNER:** SIMRAN ENTERPRISES LTD (N. & H. SAHOTA)

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

PURPOSE: TO SEEK A DEVELOPMENT VARIANCE PERMIT:
1. TO VARY LOT WIDTH FROM 30M REQUIRED TO 22M EXISTING,
2. TO VARY WEST SIDE YARD FROM 4.5M REQUIRED TO 2.8M PROPOSED TO THE TWO UNIT BUILDING, AND
3. TO VARY THE EAST SIDE YARD FROM 4.0M REQUIRED TO 1.8M PROPOSED TO THE CARPORT

EXISTING ZONE: RM1 – FOUR DWELLING HOUSING

PROPOSED ZONE: RM3 – LOW DENSITY MULTIPLE HOUSING

REPORT PREPARED BY: PAUL McVEY

1.0 RECOMMENDATION

THAT Final Adoption of Zone Amending Bylaw No. 10120 be considered by the Municipal Council;

AND THAT Municipal Council authorize the issuance of Development Variance Permit No. DVP08-0125; 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.;

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

- a) Section 13.9.5(a) **Subdivision Regulations:** Vary lot width from 30.0m required to 22.3 m proposed,
- b) Section 13.9.6(e) **Development Regulations:** Vary west side yard setback for 1 or 1½ storey portion from 4.0 m required to 2.8m, setback for 2 or 2½ storey portion from 4.5m required to 3.68m proposed,
- c) Section 13.9.6(e) **Development Regulations:** Vary east side yard setback for 1 or 1½ storey portion from 4.0 m required to 1.8m to proposed carport,

2.0 SUMMARY

The applicant has rezoned 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. This application for a Development Variance Permit application has been 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.

There has not been a new Development Permit application made as the exterior of the proposed buildings are not anticipated to change from the designs previously approved.

2.1 Advisory Planning Commission

The above noted application (DVP08-0125) 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 Development Variance Permit Application No. DVP08-0125, for 370 Hartman Road, Lot 30, Plan 264, Sec. 26, Twp. 26, O.D.Y.D by Ted Thomas & Associates Ltd. (Simran Ent. Ltd.), to obtain a Development Variance Permit to vary lot width from 30m required to 22m existing.

AND THAT the Advisory Planning Commission support Development Variance Permit Application No. DVP08-0125, for 370 Hartman Road, Lot 30, Plan 264, Sec. 26, Twp. 26, O.D.Y.D by Ted Thomas & Associates Ltd. (Simran Ent. Ltd.), to obtain a Development Variance Permit to:

1. vary west side yard from 4.5m required to 2.8m proposed to the two-unit building; and
2. vary the east side yard from 4.0m required to 1.8m proposed to the carport.

3.1 The Proposal

The three proposed additional units will not 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 by adding an additional stall to the east side of the most northerly unit.

This Development Variance Permit application seeks to vary; the requirements of the RM3 – Low Density Multiple Housing zone as follows;

- Vary required lot width from 30m required to 22.3m existing
- Vary the west side yard setback for 1 & 1½ storey portion of the building from 4.0m required to 2.8m proposed and for the 2 & 2½ storey portion of the building from 4.5m required to 3.63m proposed,
- Vary the west side yard setback for 1 & 1½ storey portion of the building from 4.0m required to 1.8m proposed to the carport.

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 relocated the location of the rear building by moving it 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.

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

CRITERIA	PROPOSAL	RM3 ZONE REQUIREMENTS
Site Area (m ²)	1,268 m ²	900 m ²
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 ²)	721.4 m ²	802.6 m ² @ 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 1 or 1½ stry ❷ 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

NOTES;

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;

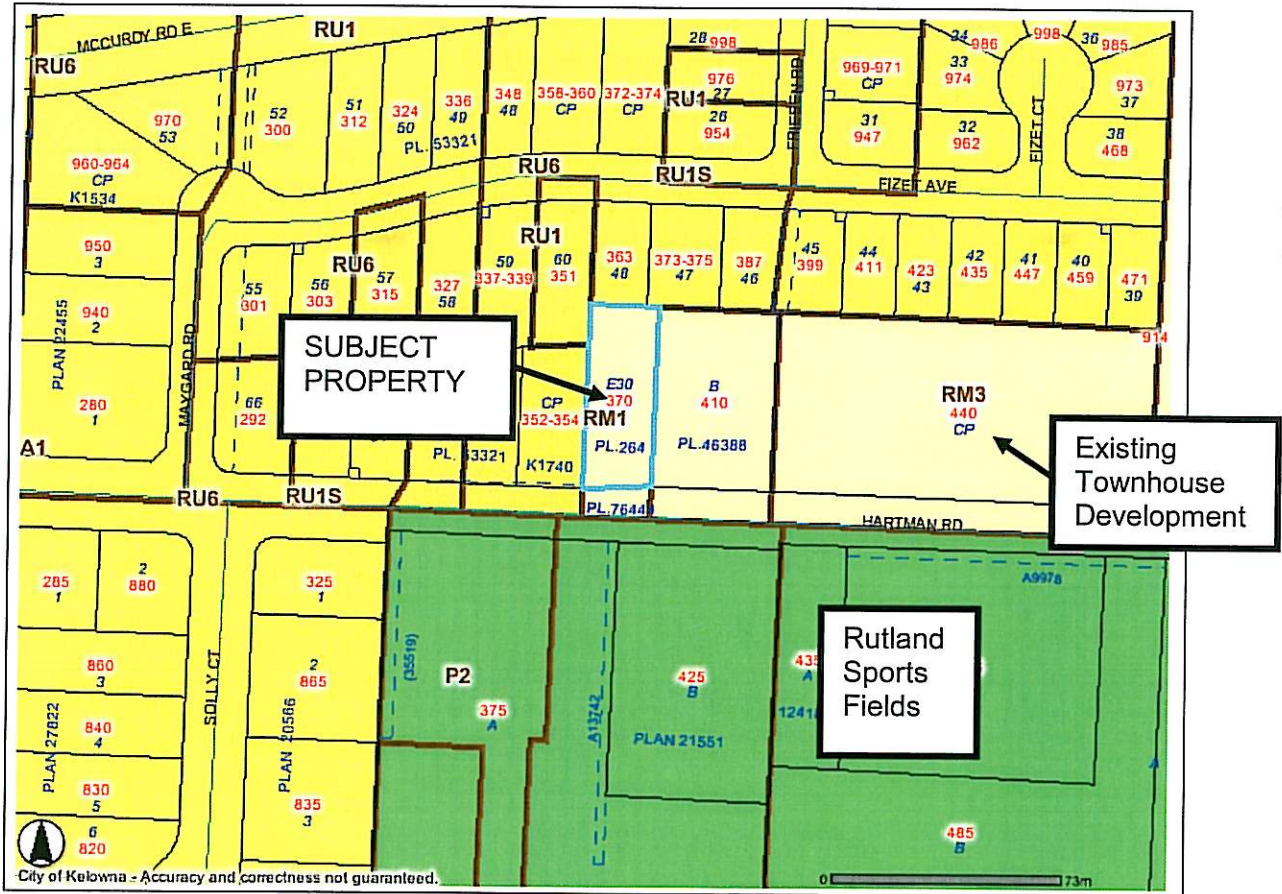
❶ Lot width from 30m required to 22.3 existing,

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

SUBJECT PROPERTY MAP



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

3.3 Current Development Policy

3.3.1 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.

3.3.2 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 development as originally designed met the RM1 zone requirements. However, the RM3 – Low Density Multiple Housing zone for the subject property does require greater side yard setbacks than those required by the RM1 zone. This application for a Development Variance permit has been made 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.

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 applicant has addressed the outstanding concerns of the Works and Utilities Department.

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



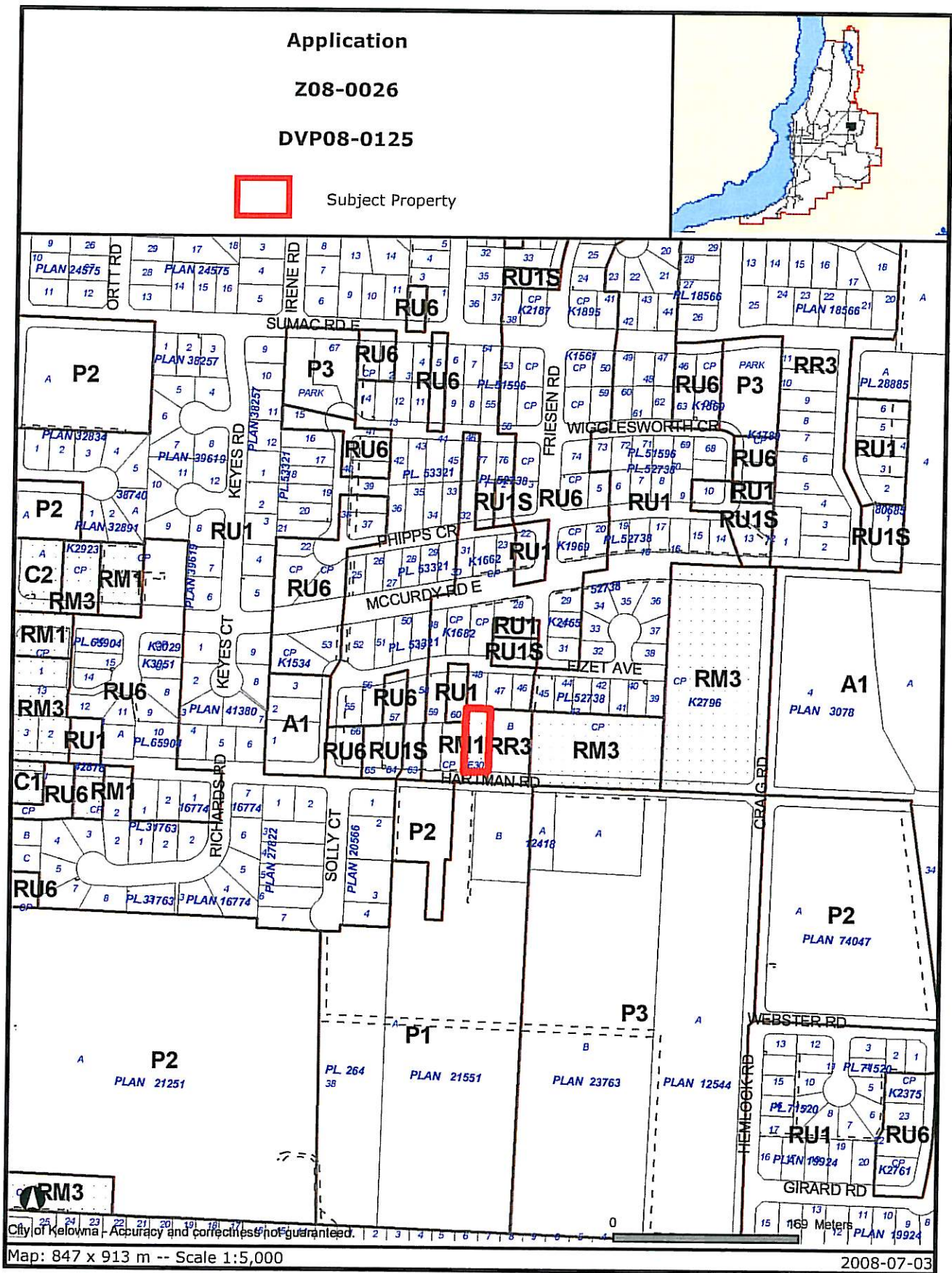
Shelley Gambacort
Director of Land Use Management

PMc/pmc
Attach.



Attachments

Subject Property Map
3 pages of site elevations / diagrams



*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.*

DATE	REVISIONS	DESCRIPTION	BY
03/19	A	ISSUED FOR PERMITS	BT
03/19	B	REVISED PERMITS	BT
03/19	C	REVISED PERMITS	BT

THIS PROJECT IS SUBJECT TO VARIOUS REGULATIONS AND CODES. ALL DIMENSIONS ARE GIVEN 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 PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

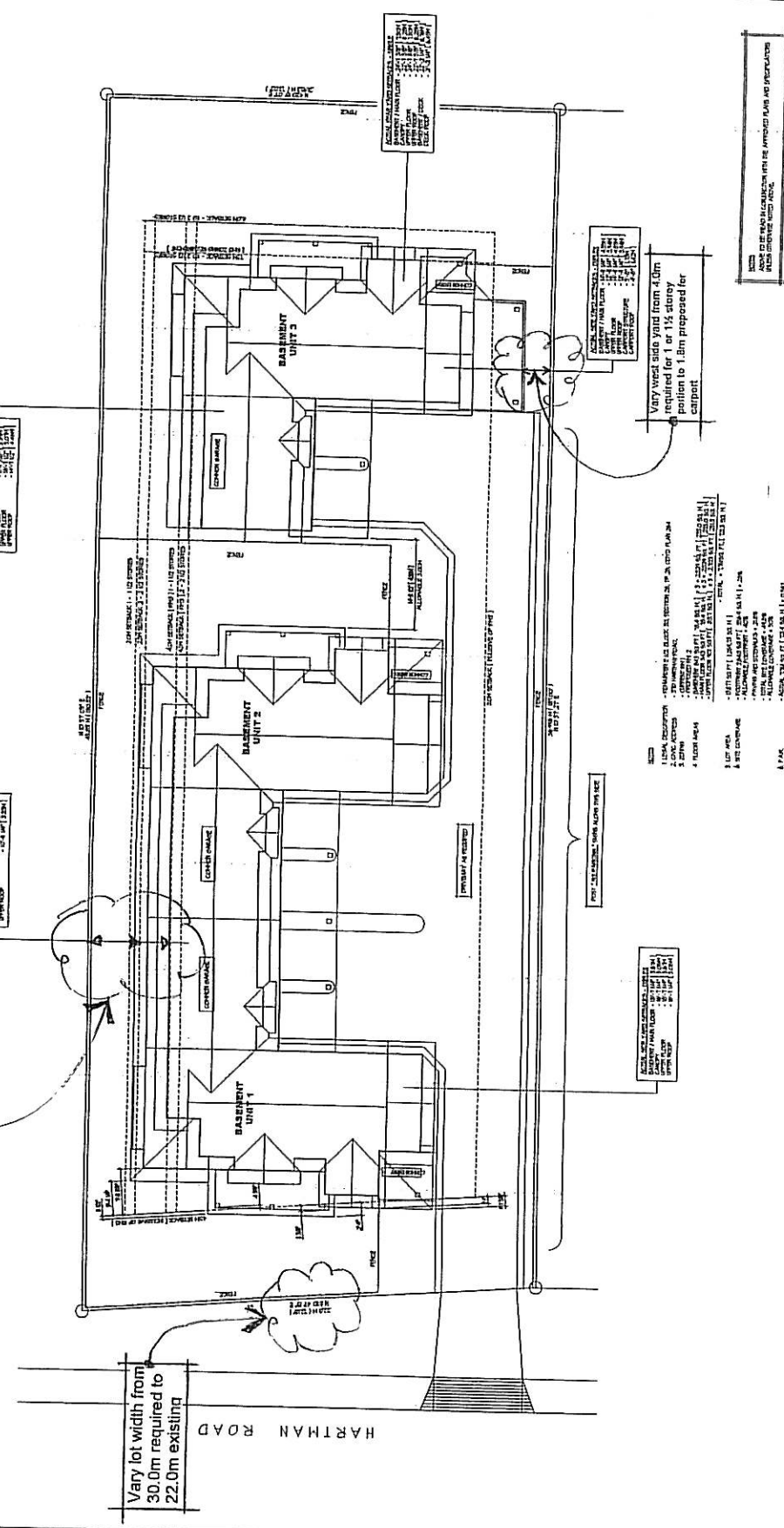
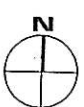
SEALED

DATE

TED J. THOMAS
 & ASSOCIATES INC.
 200-475 HUNTER AVE.
 WELDON, NS
 P.M. # 250 339 2200
 E-MAIL: THOMAS@THOMASINC.COM

PROJECT
 BASEMENT PLAN AND UPDATES
 570 HARTMAN RD, WELDON, NS
 HIRSHL BLDG

JOB NO. 2003-01 REVISION. 9
 DRAWN BY: BIRNBAUM
 CHECKED DATE: 03/19/2003
 FILE NAME: 2574
 PLOT BY: BT



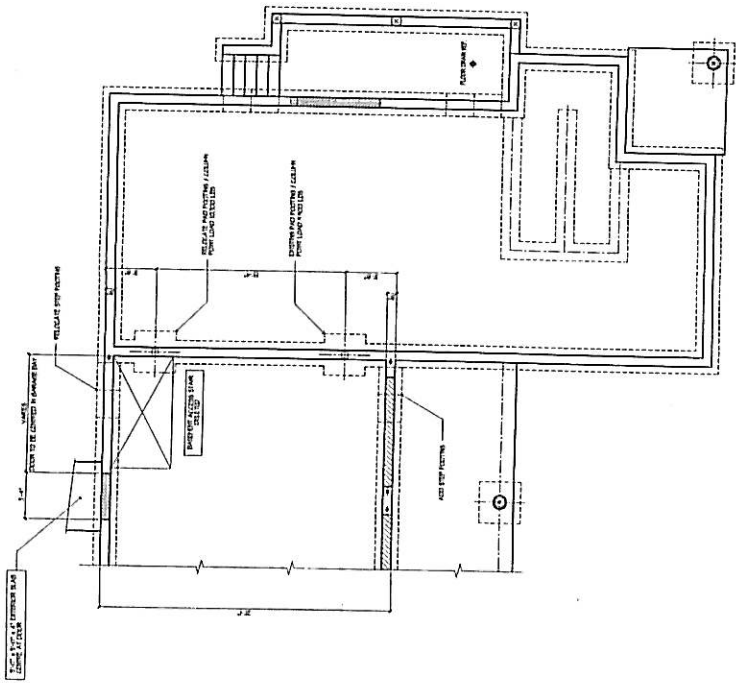
Vary west side yard from 4.0m required for 1 or 1 1/2 storey portion and 4.5m for 2 or 2 1/2 storey portion to 2.8m proposed for 1 or 1 1/2 storey portion and 3.63m proposed for 2 or 2 1/2 storey portion

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 1.0m proposed for carport

- PROPOSED VARIANCES**
- 1. USE, OCCUPANCY
 - 2. CIVIL ACCESS
 - 3. SETBACK
 - 4. FLOOR AREA
 - 5. LOT AREA
 - 6. SITE COVERAGE
 - 7. PAVEMENT
 - 8. PARKING
- REMARKS: 1. AS PER 2003 NS ZONING BY-LAW, PART 24
 2. TO MAINTAIN 1.0m
 3. TO MAINTAIN 1.0m
 4. TO MAINTAIN 1.0m
 5. TO MAINTAIN 1.0m
 6. TO MAINTAIN 1.0m
 7. TO MAINTAIN 1.0m
 8. TO MAINTAIN 1.0m

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



DATE	BY	REVISION
12/15/06	A	ISSUE FOR PERMIT

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DATE: _____
 SEAL: _____

DATE: _____
 SEAL: _____

TED J. THOMAS & ASSOCIATES Inc.
 222 SOUTH MAIN AVE. VT 05401
 FERRISBURGH, VT
 PHONE: 202 362 3222
 FAX: 202 362 3222
 E-MAIL: ted@tedjthomas.com

PROJECT: BARRINGTON CENTER AND UPLANDS
 875 HARTMAN RD. WASHINGTON, DC
 20001-5401

DATE: 12/15/06
 DRAWN BY: J. THOMAS
 CHECKED BY: J. THOMAS
 SCALE: 1/4" = 1'-0"

A 20

NOTED: THIS DRAWING IS SUBJECT TO THE TERMS AND CONDITIONS OF THE AGREEMENT BETWEEN THE CLIENT AND THE ENGINEER. THE ENGINEER'S LIABILITY IS LIMITED TO THE DESIGN OF THE FOUNDATION. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND FOR THE ACCURACY OF THE INFORMATION PROVIDED TO THE ENGINEER.

FOUNDATION PLAN
 SCALE: 1/4" = 1'-0"

REVISIONS	
DATE	DESCRIPTION

THIS DRAWING IS THE PROPERTY OF THE ARCHITECT AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.

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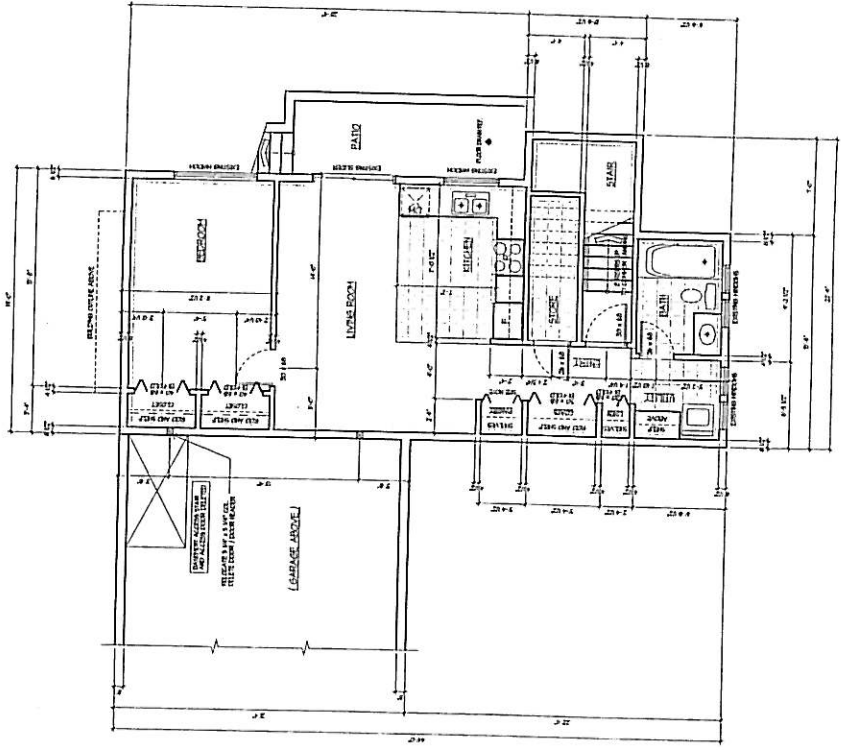
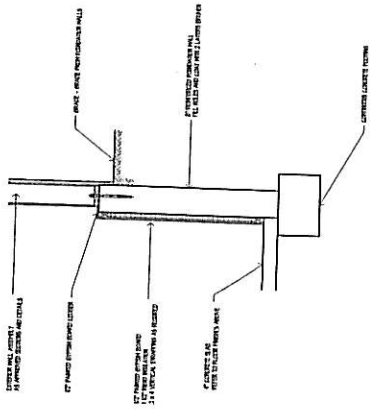
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 FAX: 803.781.1112
 E-MAIL: ted@tedthomas.com

PROJECT:
 BASEMENT SITE AND UPDATES
 375 HARTMAN RD., ROCKHILL, SC
 29730

DATE: 02/25/21
 DRAWN BY: J. THOMAS
 CHECKED BY: J. THOMAS
 SCALE: AS SHOWN

A 3.0

- REVISIONS:**
1. CORRECT THE FINISH FLOOR AND CEILING FINISHES.
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 10. CORRECT THE FINISH FLOOR AND CEILING FINISHES.



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

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