
**CITY OF KELOWNA
MEMORANDUM**

Date: December 1, 2008

To: City Manager

From: Community Sustainability Division

APPLICATION NO. DVP07-0168 **APPLICANT:** Peter Chataway

AT: 3432 Scott Road **OWNER:** Kelly Robinson
Clayton Robinson

PURPOSE: TO OBTAIN A DEVELOPMENT VARIANCE PERMIT IN ORDER TO VARY THE FOLLOWING REGULATIONS: (A) ALLOW AN ACCESSORY BUILDING CONTAINING A SUITE TO BE 5.6 M IN HEIGHT, WHERE THE MAXIMUM ALLOWABLE IS 4.5 M; (B) TO ALLOW A SITE COVERAGE FOR AN ACCESSORY BUILDING OF 15.5%, WHERE THE MAXIMUM ALLOWABLE IS 14%; AND (C) TO ALLOW DRIVEWAY ACCESS OFF OF SCOTT ROAD, WHERE IT OTHERWISE WOULD NOT BE ALLOWED.

EXISTING ZONE: RU1 – LARGE LOT HOUSING

PROPOSED ZONE: RU1s – LARGE LOT HOUSING WITH SECONDARY SUITE

REPORT PREPARED BY: NELSON WIGHT

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP07-0168 for Lot 6, District Lot 135, O.D.Y.D., Plan 3886, located on Scott Road, Kelowna, B.C.,

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 13.1.7 (d) – RU1s - Large Lot Housing – Other Regulations

A variance is required to allow for proposed vehicle access from Scott Road, where none is permitted if the development has access to a rear lane.

AND THAT variances to the following sections of Zoning Bylaw No. 8000 **NOT** be granted:

Section 6.5.7 – General Development Regulations – Accessory Development

To vary the maximum allowable site coverage for an accessory building from 14% to 15.5%.

Section 9.5.1 (e) – Specific Use Regulations – Secondary Suites

To vary the maximum allowable height for an accessory building containing a secondary suite from 4.5 m to 5.6 m.

2.0 SUMMARY

The applicant is proposing to demolish the existing dwelling unit and construct a new single family dwelling, in addition to a secondary suite in an accessory building. A change in the zoning of the property would be required from RU1 to RU1s (the zone amending bylaw is currently sitting at 3rd reading). This Development Variance Permit application seeks to address the following conflicts with Zoning Bylaw No. 8000 (a) site coverage of accessory building, (b) height of accessory building, and (c) driveway access from Scott Road.

3.0 ADVISORY PLANNING COMMISSION

At a meeting held on January 18, 2008 the Advisory Planning Commission passed the following motion:

THAT the Advisory Planning Commission support Development Variance Permit Application No. DVP07-0168, for 3432 Scott Road, Lot 6, Plan 3886, Sec. 12, Twp. 25 & Sec. 7, Twp. 26, ODYD by K and K Robinson (Peter Chataway), to obtain a development variance permit in order to vary the following regulations: (a) allow an accessory building containing a suite to be 2-storeys and 5.6 m in height, where the maximum allowable is 1 1/2 storeys and 4.5 m.

4.0 BACKGROUND

There is an existing single-family home on the subject property. The applicant intends to redevelop the entire site, constructing a new 2 1/2 storey principal dwelling, and a 2-storey accessory building with secondary suite.

The proposed development meets the requirements of the RU1 – Large Lot Housing with Secondary Suite zone, as follows. Conflicts with the Zoning Bylaw regulations for this zone are detailed immediately following the table:

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RU1s ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	460.0 m ²	550 m ²
Lot Width	15.24 m	15.0 m
Lot Depth	30.15 m	30.0 m
Development Regulations		
Site Coverage (buildings)	34%	40%
Site Coverage (buildings/parking)	49%	50%
Site Coverage (accessory building)	15.5% ^A	14%
Height (proposed house)	2 1/2-storeys / 9.5 m	2 1/2 storeys / 9.5 m
Height (accessory building)	2-storey / 5.6 m ^B	1 1/2 storeys / 4.5 m
Front Yard	4.6 m / 6.1 m	4.5 m or 6.0 m to a garage
Side Yard (north)	2.4 m	2.0 m (1 - 1 1/2 storey) 2.3 m (2 storey)
Side Yard (south)	2.4 m	2.0 m (1 - 1 1/2 storey) 2.3 m (2 storey)
Rear Yard (accessory bldg)	1.5 m	1.5 m

Separation Distance Between Houses	5.1 m	5.0 m
Floor Area (new house)	± 230 m ²	n/a
Floor Area (secondary suite)	89 m ²	lesser of 90 m ² or 75% of principal dwelling
Other Requirements		
Parking Stalls (#)	meets requirements	3 spaces
Lane Access Only	does not meet requirements ^C	Where the development has access to a rear lane, vehicular access to the development is only permitted from the rear lane.
Private Open Space	meets requirements	30 m ² of private open space per dwelling

^A The applicant is seeking a variance to this site coverage requirement for accessory buildings.

^B The applicant is seeking a variance to the maximum height requirement for an accessory building.

^C The Applicant is seeking to vary this requirement in order to allow for a vehicle access to a surface parking area in the front yard.

5.0 SITE CONTEXT

The subject property is located on the west side of Scott Road, just south of where it meets Moberly Road. The area has been developed primarily as a single- and two-family neighbourhood, with the exception of lands adjacent to the north, which were recently developed to accommodate a row-housing project.

North- RM3 – Low Density Multiple Housing
 East RU2 – Medium Lot Housing
 South RU1 – Large Lot Housing
 West RU1 – Large Lot Housing

6.0 TECHNICAL COMMENTS

(See attached)

7.0 POLICY

Kelowna 2020 Official Community Plan (OCP)

Future Land Use Designation - The property is designated Single/Two Unit Residential, pursuant to Map 19.1 of the OCP.

Development Permit Process - This development is subject to the Development Permit Guidelines for Form and Character of Secondary Suite and Two Dwelling Housing Development.

8.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

The proposal contemplates a development that does not conform entirely to the regulations governing secondary suite development. The list of variances requested by the applicant is as follows:

- allow site coverage for accessory buildings of 15.5%, where the maximum is 14%
- allow an accessory building 5.6 m in height, where the maximum allowable height is 4.5 m.
- allow vehicle access from Scott Road, where this otherwise would not be allowed, because rear lane access is provided.

Staff is non-supportive of the variances for height and site coverage, and from the pre-application stage onwards, have been encouraging the applicant to revise their proposal such that it conform to the development regulations specified in Zoning Bylaw No. 8000. Staff is, however, supportive of the variance to allow a driveway on Scott Road.

The applicant is proposing to construct a green roof on both the main house and the accessory building. Although the green roof concept is highly desirable, there is concern with regard to its application on a wood-frame structure. If this project goes ahead to the building permit stage, the applicant would be required to provide supporting documentation from the necessary registered professionals to the satisfaction of the Building Inspections Supervisor.

It should also be acknowledged that the floor area of the proposed secondary suite is only achievable if the development proceed in its entirety (i.e. based on floor area of principal dwelling exceeding 120 m², and in a structure exceeding 4.5 m in height). Should the Development Variance Permit and Development Permit applications be approved, the principal dwelling would need to be constructed first.

9.0 ALTERNATE RECOMMENDATION

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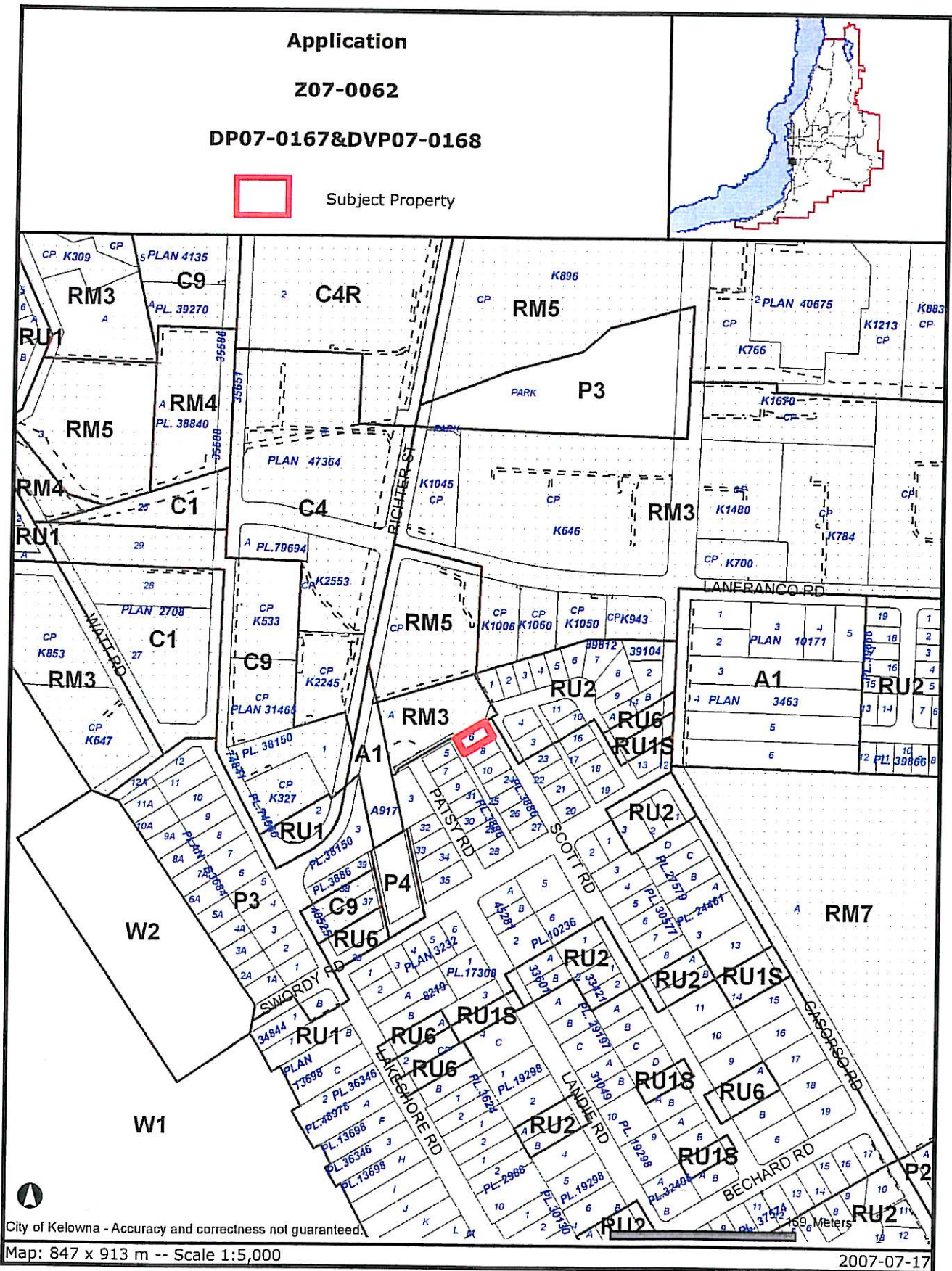
Shelley Gambacort
Director of Land Use Management

Approved for inclusion 

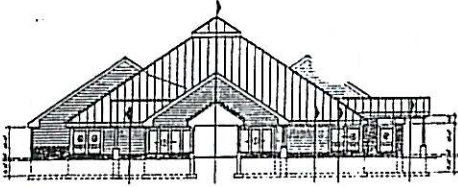
Jim Paterson
General Manager of Community Sustainability
NW//nw

ATTACHMENTS

Location of subject property
Drawing Set
Air Photo
Letters in Support
Technical Comments



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.



Peter J. Chataway, B.Sc., B.Arch.

HOUSE PLANS AND DESIGN 3 CADDER AVE.

Kelowna, B.C. V1Y 5N1

Office: (250) 763-1334

Home: 763-5367

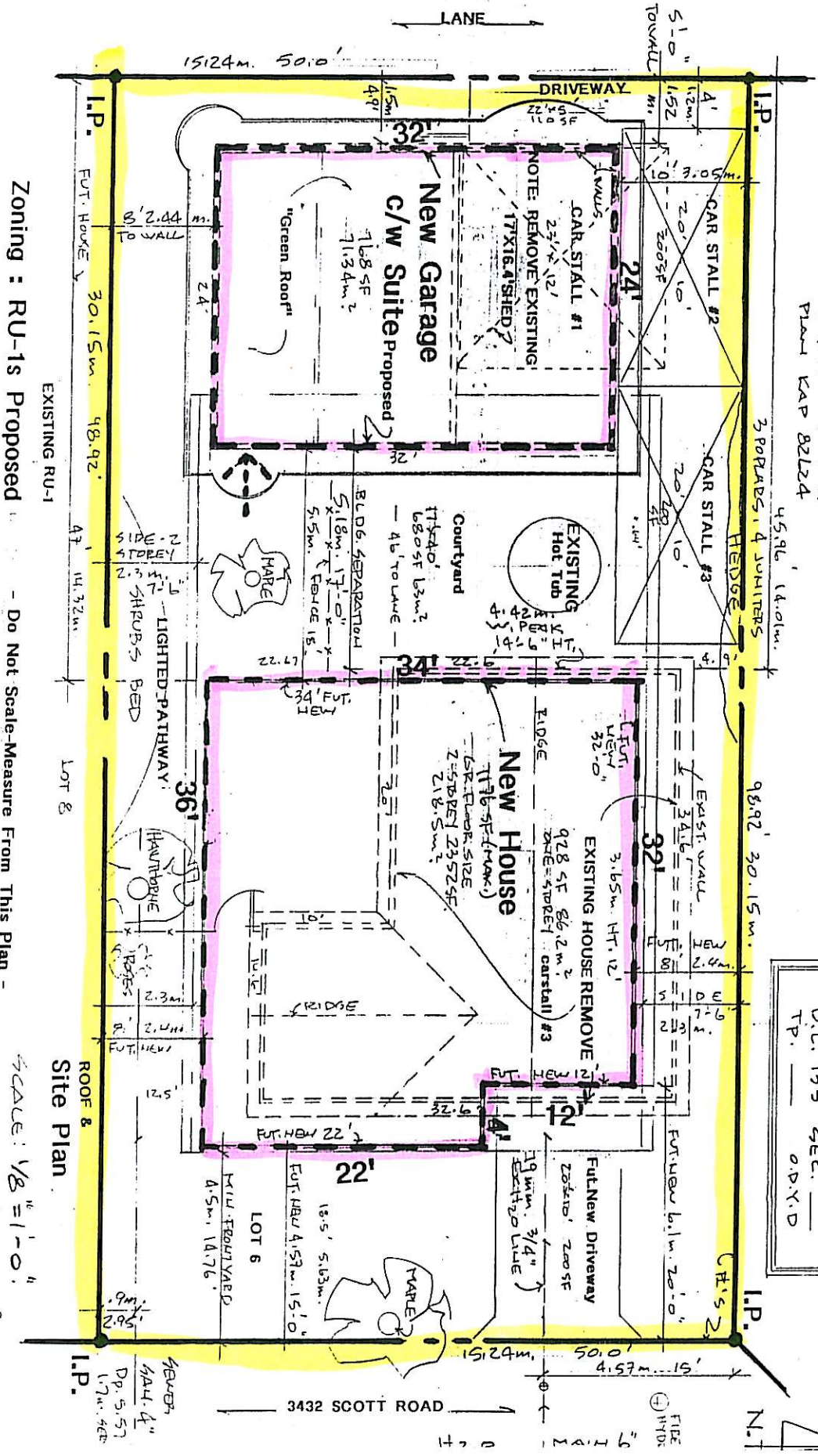
E-mail: muncha@cnx.net

ROBINSON House c/w Garage & Suite
3432 SCOTT ROAD, KELOWNA, B.C.

LOT A (RM-3)
 PLAN KAP 82L24

FRONT YARD 21m

Legal:
 LOT 6 PLAN 3886
 D.L. 135 SEC. 1
 T.P. _____
 O.P.X.D

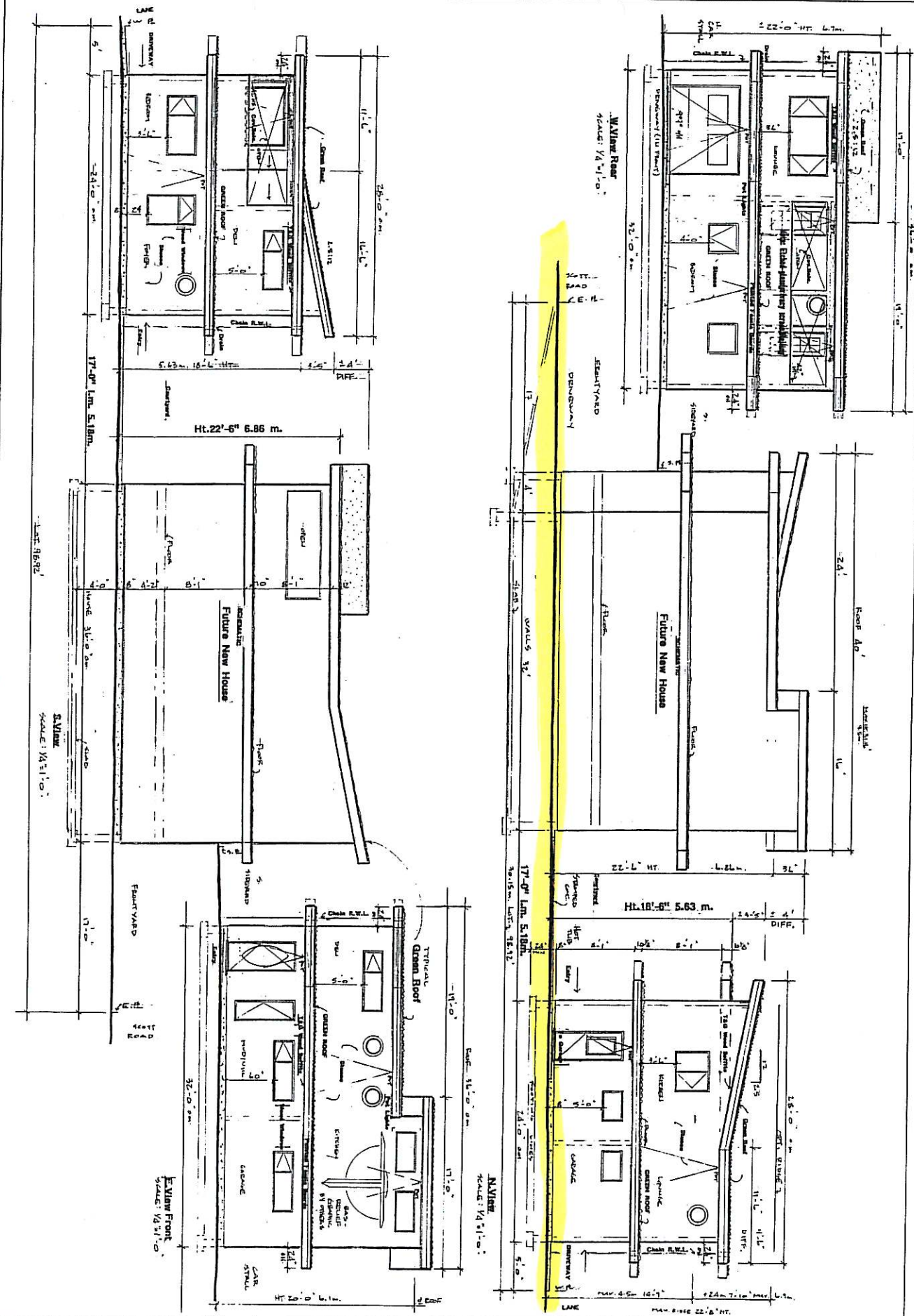


Zoning : RU-1s Proposed

- Do Not Scale-Measure From This Plan -

SCALE: 1/8" = 1'-0"
 LOT SIZE: 459.50m²
 0.0459 Ha.

ROOF &
 Site Plan



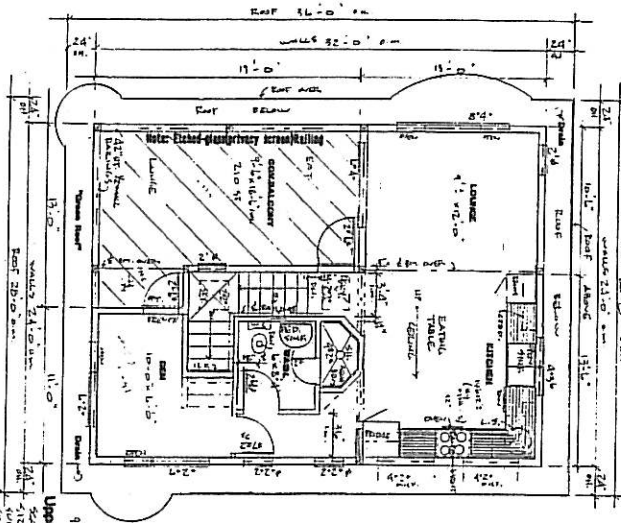
DWG. NO.
2
OF 2.

ROBINSON Garage c/w Suite (Proposed)
 3432 SCOTT ROAD, KILGORE, R.D. VII-213
 SCALE: AS SHOWN
 DATE: AUGUST 22, 1996
 DWG. P.C.

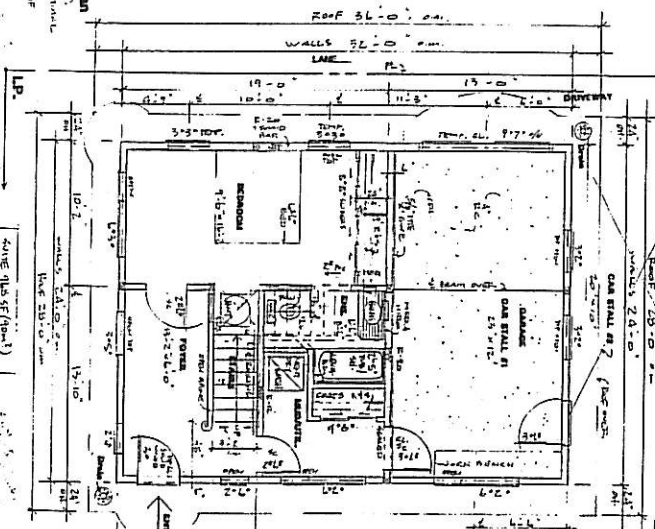
NOTES:
 PEG. NO. 2007-02-01
 PEG. P.C.

Peter J. Chataway, B. Arch.
 358 Cadder Avenue
 Kelowna, B.C. V1Y 5H1
 Tel. 763-834 Fax
 House Plans & Design

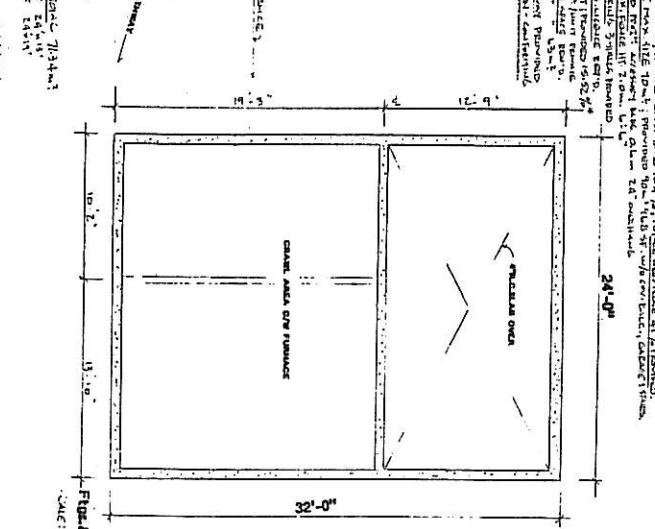
MARK REVISIONS:
 DATE



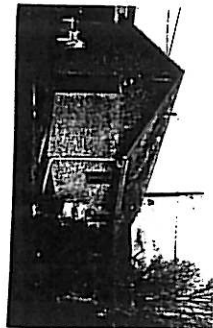
Upper Floor Plan



Gr-Floor Plan



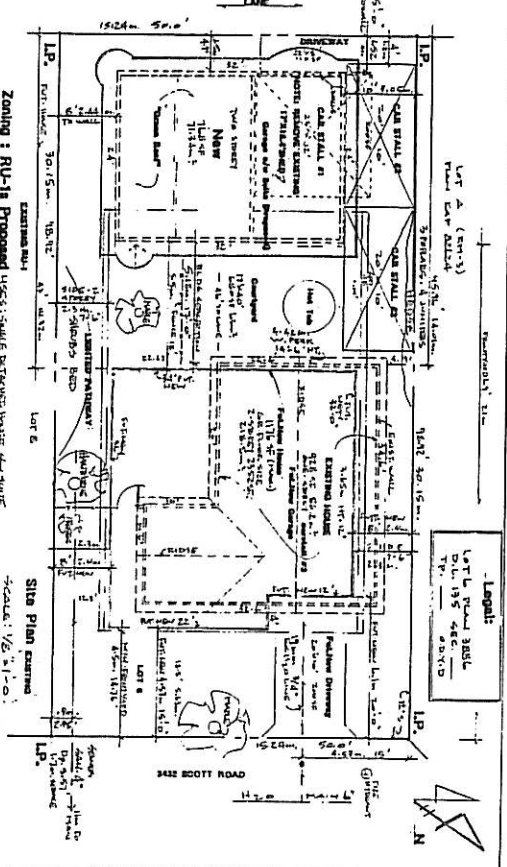
Rear Floor Plan



Exist-House-SW Rear



Exist-House-SE Front



Site Plan

Zoning: R-10 Proposed uses: single detached house, 2-4 storey

Lot 1: 30' x 15'

Lot 2: 30' x 15'

Lot 3: 30' x 15'

Lot 4: 30' x 15'

Lot 5: 30' x 15'

Lot 6: 30' x 15'

Lot 7: 30' x 15'

Lot 8: 30' x 15'

Lot 9: 30' x 15'

Lot 10: 30' x 15'

Lot 11: 30' x 15'

Lot 12: 30' x 15'

Lot 13: 30' x 15'

Lot 14: 30' x 15'

Lot 15: 30' x 15'

Lot 16: 30' x 15'

Lot 17: 30' x 15'

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Lot 93: 30' x 15'

Lot 94: 30' x 15'

Lot 95: 30' x 15'

Lot 96: 30' x 15'

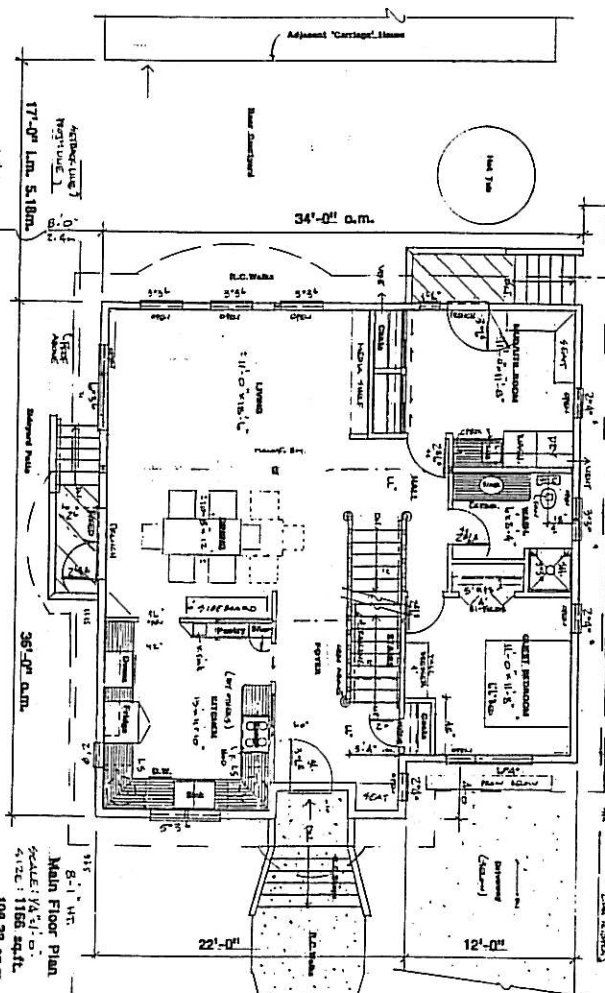
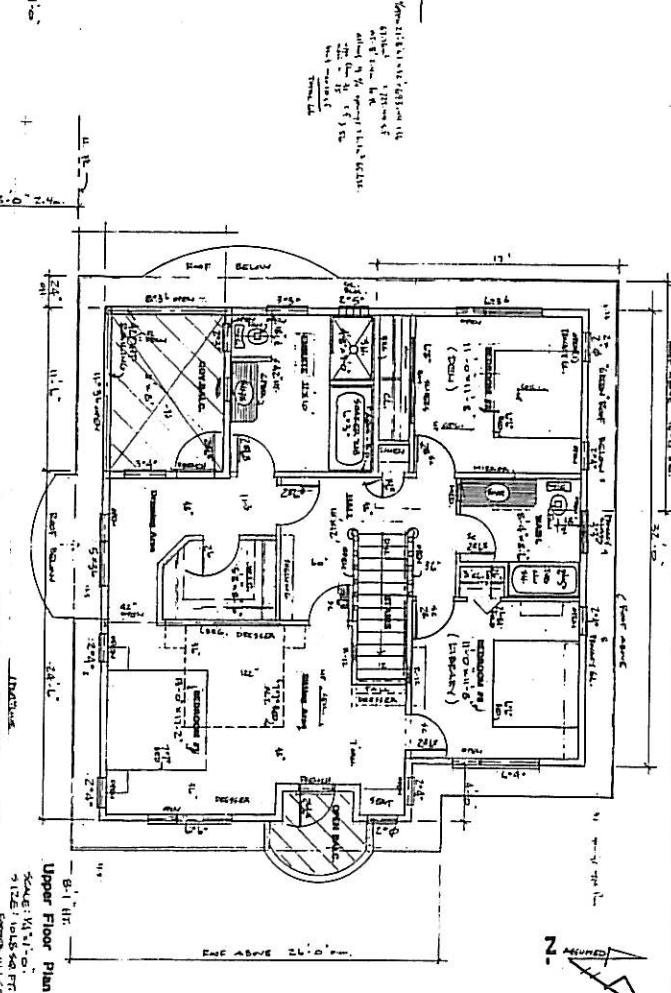
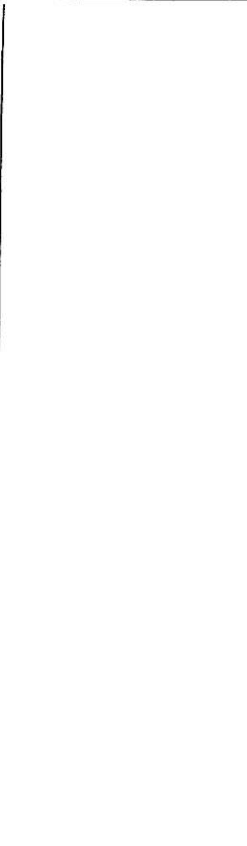
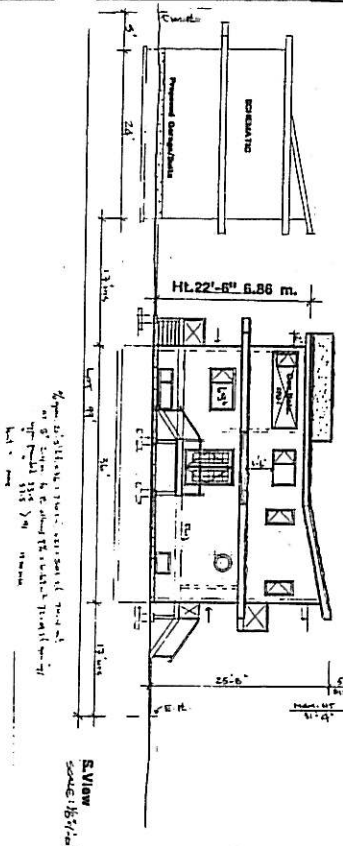
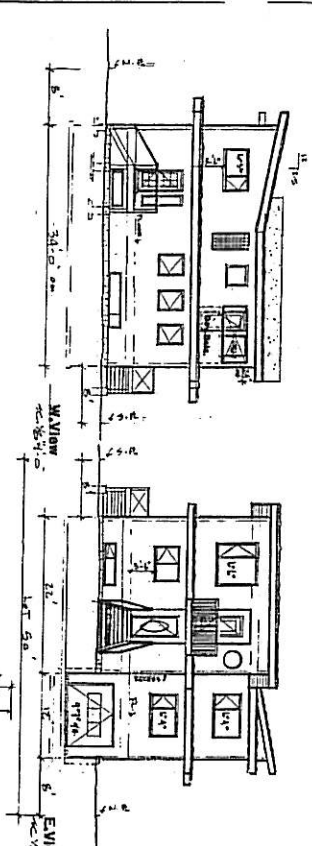
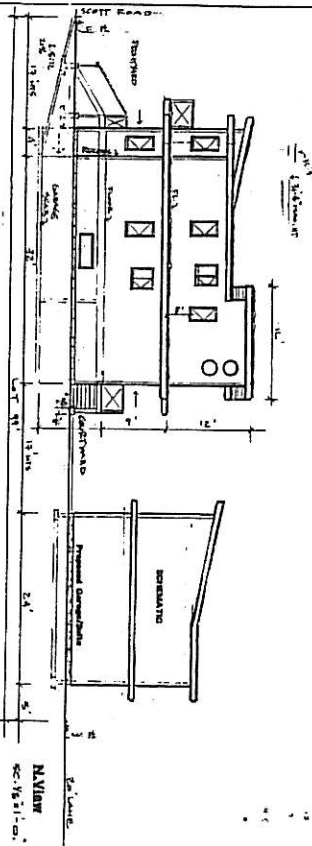
Lot 97: 30' x 15'

Lot 98: 30' x 15'

Lot 99: 30' x 15'

Lot 100: 30' x 15'

DWG No	ROBINSON Garage c/w Suite (Proposed)	DATE: AUGUST 26, 2006	DWG PIC	Project: 2007-02-06	Scale: As Shown	DATE: AUGUST 26, 2006	DWG PIC	Peter J. Chataway, B. Archt. 368 Cadder Avenue Kelowna, B.C. V1Y 5N8 Tel. 763-834, Fax House Plans & Design
1.								
of 2.								

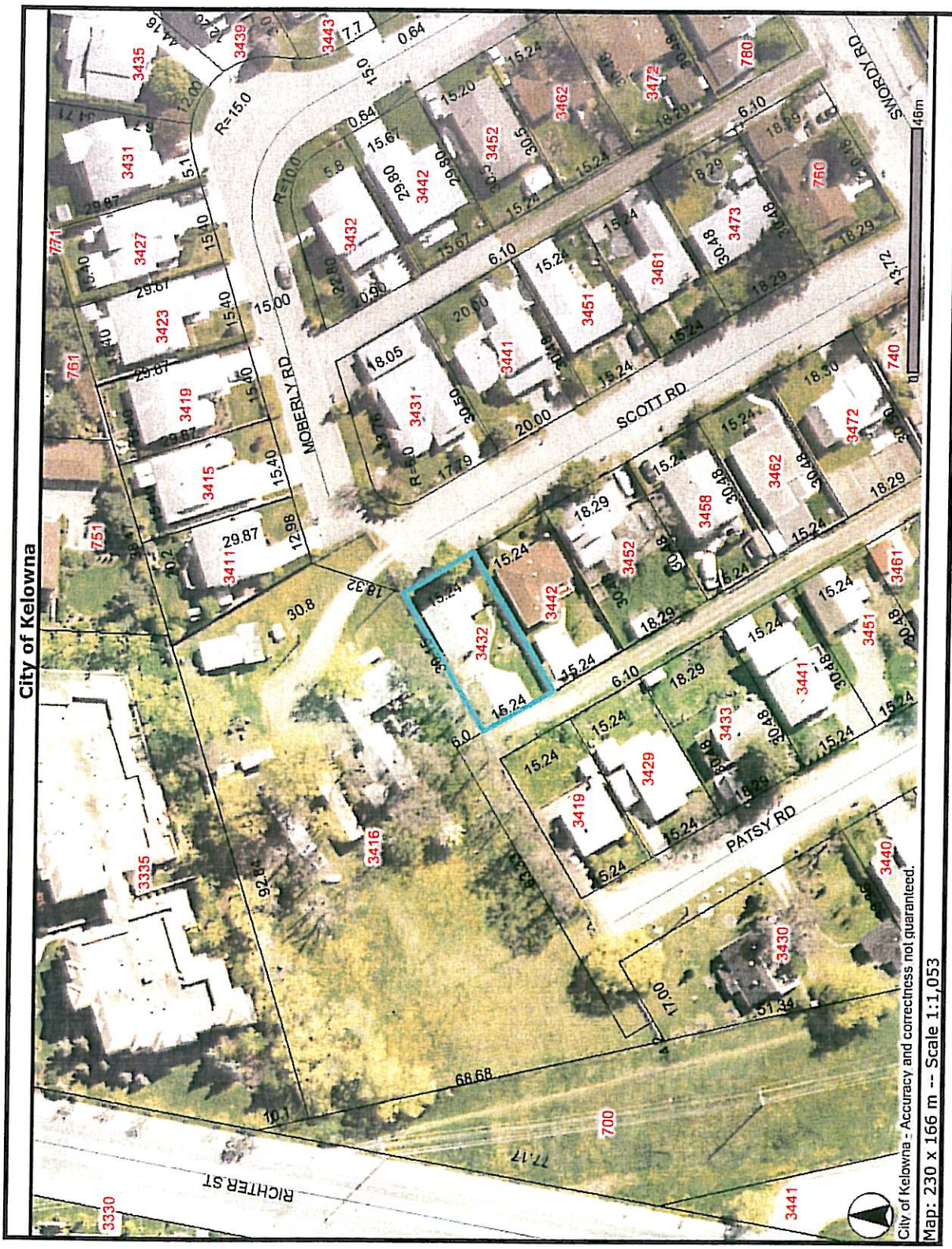


NOTES: 1. R.C. CONCRETE FOUNDATION.

Peter J. Chetaway, B. Arch.
368 Calder Avenue
Kelowna, B.C. V1Y 5M1
Tel. 763-6334 Fax
House Plans & Design

MARK	REVISIONS	DATE

<p>1. FLOOR PLAN</p> <p>2. FOUNDATION PLAN</p> <p>3. ROOF PLAN</p> <p>4. SECTION</p> <p>5. ELEVATION</p> <p>6. DETAIL</p> <p>7. EXTERIOR FINISH</p> <p>8. INTERIOR FINISH</p> <p>9. MECHANICAL</p> <p>10. ELECTRICAL</p> <p>11. PAINT</p> <p>12. LANDSCAPE</p> <p>13. FURNITURE</p> <p>14. APPLIANCES</p> <p>15. LIGHTING</p> <p>16. OTHER</p>	<p>ROBINSON HOUSE GREEN ROOF</p> <p>3422 SCOTT ROAD, KELOWNA, B.C. V1Y 2H3</p> <p>SCALE: AS SHOWN</p> <p>DATE: AUGUST 22, 1988</p> <p>PROJ. NO. DWG. NO. DATE</p>
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This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

File: Z07-0062

Application

File: Z07-0062

Type: REZONING - NON APC

File Circulation

Seq	Out	In	By	Comment
				B.C. Assessment Authority (info only)
	2007-07-17	2007-07-17		
				Bylaw Enforcement Officer
	2007-07-17	2007-07-17		Info Only.- 1 complaint file 07-0104577 - traffic bylaw re vehicle parked in laneway. file generated on May 9/07 and concluded same day.
				Community Development & Real Estate Mgr
	2007-07-17	2007-07-31	MBORGUN	Land 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.
				Environment Manager
	2007-07-17	2007-07-20	CDAVIS	No comment
				Fire Department
	2007-07-17	2007-08-02		no response.
				FortisBC
	2007-07-17	2007-07-17		Info Only.
				Inspections Department
	2007-07-17	2007-07-30	RREADY	No concerns
				Mgr Policy, Research & Strategic Plannin
	2007-07-17	2007-08-03		no response.
				Public Health Inspector
	2007-07-17	2007-08-10		requires sewer & water

File: Z07-0062

Seq	Out	In	By	Comment
	Works & Utilities			
	2007-07-17	2007-08-03		

CITY OF KELOWNA

MEMORANDUM

Date: August 24, 2007

File No.: Z07-0062 DP07-0167 DVP07-0168

To: Planning & Development Services Department (NW)

From: Development Engineering Manager

Subject: 3432 Scott Road Lot 6 Plan 3886 RU-1s Suite

The Works & Utilities Department comments and requirements regarding this application to rezone from RU-1 to RU-1s are as follows:

1. Domestic Water and Fire Protection

The existing lot is adequately serviced with a 19mm diameter copper water service. Metered water from the main residence must be extended to supply the suite. The meter shall be within the building on the water service inlet as required by 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 that should be adequate for the proposed application. An inspection chamber (IC) must be installed on the service at the owner's cost as required by the sewer-use bylaw. The applicant will be required to sign a Third Party Work Order for the cost of installing the (IC) prior to issuance of a Building Permit

3. Development Permit and Site Related Issues

We have no objection to the height and site coverage variances. Adequate, hard surface on-site parking must be provided. The parking modules must meet by-law 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 City right-of-way.

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.

Steve Muenz, P. Eng.
Development Engineering Manager

To: City of Kelowna
Planning Department
1435 Water Street
Kelowna, B.C.

Reference: 3432 Scott Road

Keith & Kelly Robinson

Please note that I / we have reviewed the suite plans with variance requests for the above property and I / we have no objections to this project being approved by the City of Kelowna, including the requests for variances.

Yours truly,

3411 Moberly Road
Address

July 5/07
Date

Z. Ikebuchi
Signed

Z. Ikebuchi
Print

To: City of Kelowna
Planning Department
1435 Water Street
Kelowna, B.C.

Reference: 3432 Scott Road


Keith & Kelly Robinson

Please note that I / we have reviewed the suite plans with variance requests for the above property and I / we have no objections to this project being approved by the City of Kelowna, including the requests for variances.

Yours truly,

3431 Scott Road
Kelowna, B.C. V1W3H4
Address

July 5 / 07
Date


Adam Grayware
Signed
Print

To: City of Kelowna
Planning Department
1435 Water Street
Kelowna, B.C.

Reference: 3432 Scott Road

Keith & Kelly Robinson

Please note that I / we have reviewed the suite plans with variance requests for the above property and I / we have no objections to this project being approved by the City of Kelowna, including the requests for variances.

Yours truly,

3452 SCOTT RD.

Address


Signed

July 04.07

Date

MIKE GOLIK

Print

To: City of Kelowna
Planning Department
1435 Water Street
Kelowna, B.C.

Reference: 3432 Scott Road

Keith & Kelly Robinson

Please note that I / we have reviewed the suite plans with variance requests for the above property and I / we have no objections to this project being approved by the City of Kelowna, including the requests for variances.

Yours truly,

3419 Moberly Rd
Address

Ellide Damiano
Signed

July 5/07
Date

Ellide Damiano
Print