
CITY OF KELOWNA
MEMORANDUM

Date: January 28, 2009

To: City Manager

From: Community Sustainability Division

APPLICATION NO. DVP08-0236

OWNER: Hae Seok Kang &
Hye Kyung Shin

AT: 2002 Ethel Street

APPLICANT: Kevin Pring

PURPOSE: TO VARY THE SITING OF THE ACCESSORY STRUCTURE TO PERMIT IT IN THE FRONT YARD.

TO VARY THE REQUIRED SIDE YARD SETBACK FROM 1.0 M REQUIRED TO 0.08 M PROPOSED TO UPDATE AN EXISTING ACCESSORY BUILDING

TO VARY THE FRONT YARD SETBACK FROM 6.0M REQUIRED TO 0.6M PROPOSED FOR AN ACCESORY BUILDING

EXISTING ZONE: RU6 – TWO DWELLING HOUSING

REPORT PREPARED BY: Birte Decloux

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP08-0236 for Lot E, Section 19, Township 26, Osoyoos Division Yale District Plan 12546 located at Ethel Street, Kelowna, B.C.

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

Section 6.5.8 (a) Accessory Development

To vary the siting of an accessory building in an urban residential zone to be permitted in the required front yard setback;

Section 6.5.8(b) Accessory Development

To vary the minimum side yard set back from 1.0 m required to 0.08 m proposed on the south side of the property;

Section 13.6.6(c) RU6 – Two Dwelling Housing

The vary the required minimum front yard set back from 6.0 m required from a garage or carport to 0.6m proposed;

2.0 SUMMARY

Three variances are being sought to facilitate the upgrade and substantial renovation of an existing non-conforming garage located on the south east corner of the subject property. These include varying the location of the accessory structure, the south side yard set back and the front yard set back.

3.0 BACKGROUND

A garage built in the early 1960's is located at the front of the subject property adjacent to Ethel Street. The existing structure has two garage doors and a peaked roof over one portion of the garage and a sloping roof on the other portion.

The applicant initially came to the City with a proposal to rebuild the garage as a renovation, creating new walls within the structure and replacing the roof and garage doors. Since the proposed renovation is in excess of 75% of the assessed value, it must conform to current City bylaws and B.C. Building Codes. Thus, variances to the siting of the garage are sought. The applicant has received support from all adjacent properties for the required variances.

The applicant intends to renovate the garage, creating a slightly smaller structure than the existing and utilize the same footing and foundations. The changes include one continuous roof line and a double garage door.

The application compares to the requirements of the RU6 – Two Dwelling housing zone as follows:

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS (FOR SECONDARY SUITE IN ACCESSORY BUILDING)
Subdivision Regulations		
Lot Area	876 m ²	400 m ²
Lot Width	18.38 m	13.0 m
Lot Depth	47.61 m	30.0 m
Proposed Accessory building (Garage)		
Height	4 m	4.5 m
Front Yard	0.6 m ②	6.0 m to a garage
Side Yard (n)	10.37 m	1.0 m
Side Yard (s)	0.08 m ①	1.0 m
Rear Yard	41.45 m	1.5m

① variance required to side yard set back

② variance required to front yard set back

3.1 Site Context

The subject property is located on the west side of Ethel Street four blocks south of Harvey Avenue across from the Central Okanagan Hospice House. It has some

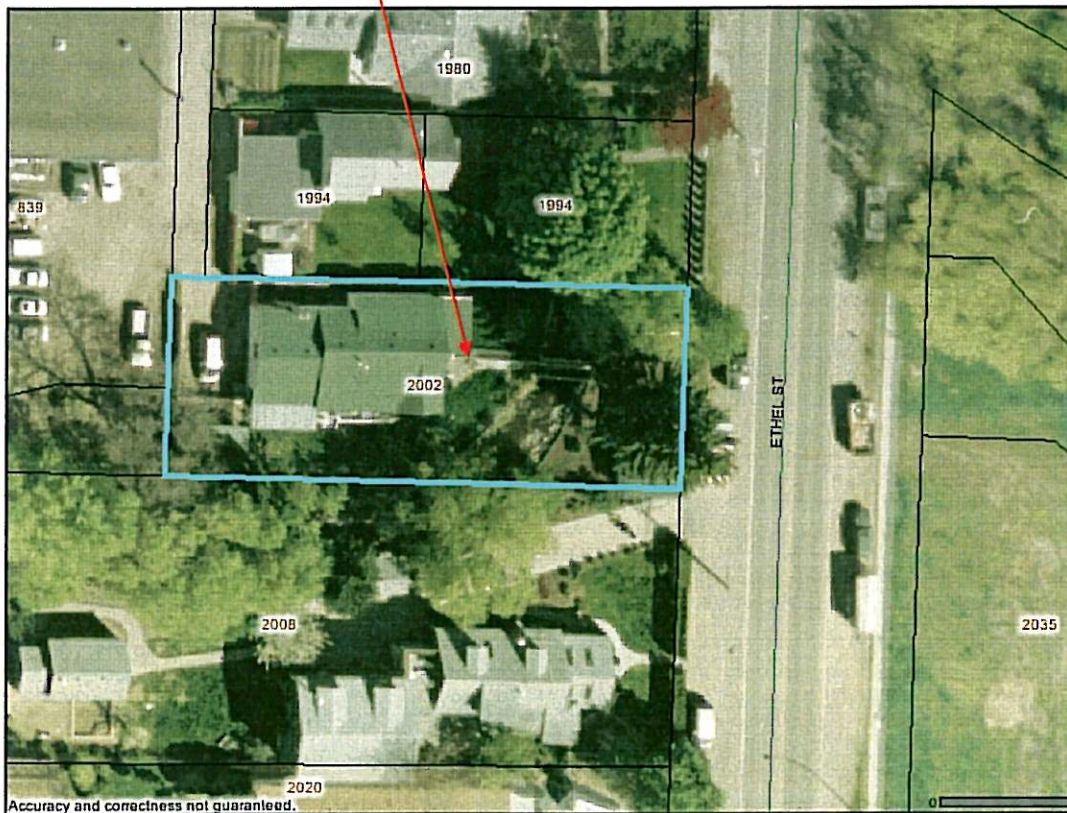
environmental restrictions, as Mill Creek runs through the center of the property and the whole site is located in a riparian management area. However, if the existing footprint will not expand, no additional environmental requirements are triggered.

Adjacent zones and uses are:

- North - RU6 – Two Dwelling Housing
- East - P1 – Major Institutional
- South - RU6 – Two Dwelling Housing
- West - P2 – Institutional/ Educational

3.2 Site Location Map

Subject Property: 2002 Ethel Street



4.0 TECHNICAL COMMENTS

The application has been submitted to various technical agencies and City departments, and the following relevant comments have been submitted:

4.1 Works and Utilities

The requested variance to reduce the front-yard setback from the required 4.50m, to 0.60m proposed, does not compromise City servicing requirements.

The depth of the proposed garage appears to be less than required small car size parking stall.

Development Engineering will defer comments regarding the environmental ramifications of setbacks from Mill Creek to the Environment Land Use Manager and the Provincial Government.

4.2 Building and Permits

East and south elevation walls of building to have 1 hour fire rating. Roof overhangs cannot project over property lines.

4.3 Fire Department

Fire ratings must meet the BCBC 2006 requirements.

4.4 Environmental

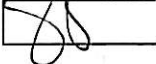
The Environment and Land Use Management Branch is not concerned with the proposed renovation of the garage as long as the footprint of the existing building does not expand. This development proposal adheres to City of Kelowna and Provincial Riparian Management Area regulations.

5.0 LAND USE MANAGEMENT DEPARTMENT

Staff are supportive of the proposed variances as they facilitate renovations to an existing older building. Notably, there is no change in the land use or the siting of the garage. As Mill Creek flows through the front yard, the existing dwelling does not have driveway access to Ethel Street, therefore the garage was originally constructed between the creek and Ethel Street. As the applicant intends to retain the original footprint of the garage, the grand-fathered siting results in no additional environmental concerns. All adjacent neighbours have offered their support to the variances and the renovation of the structure.



Danielle Noble
Urban Land Use Manager

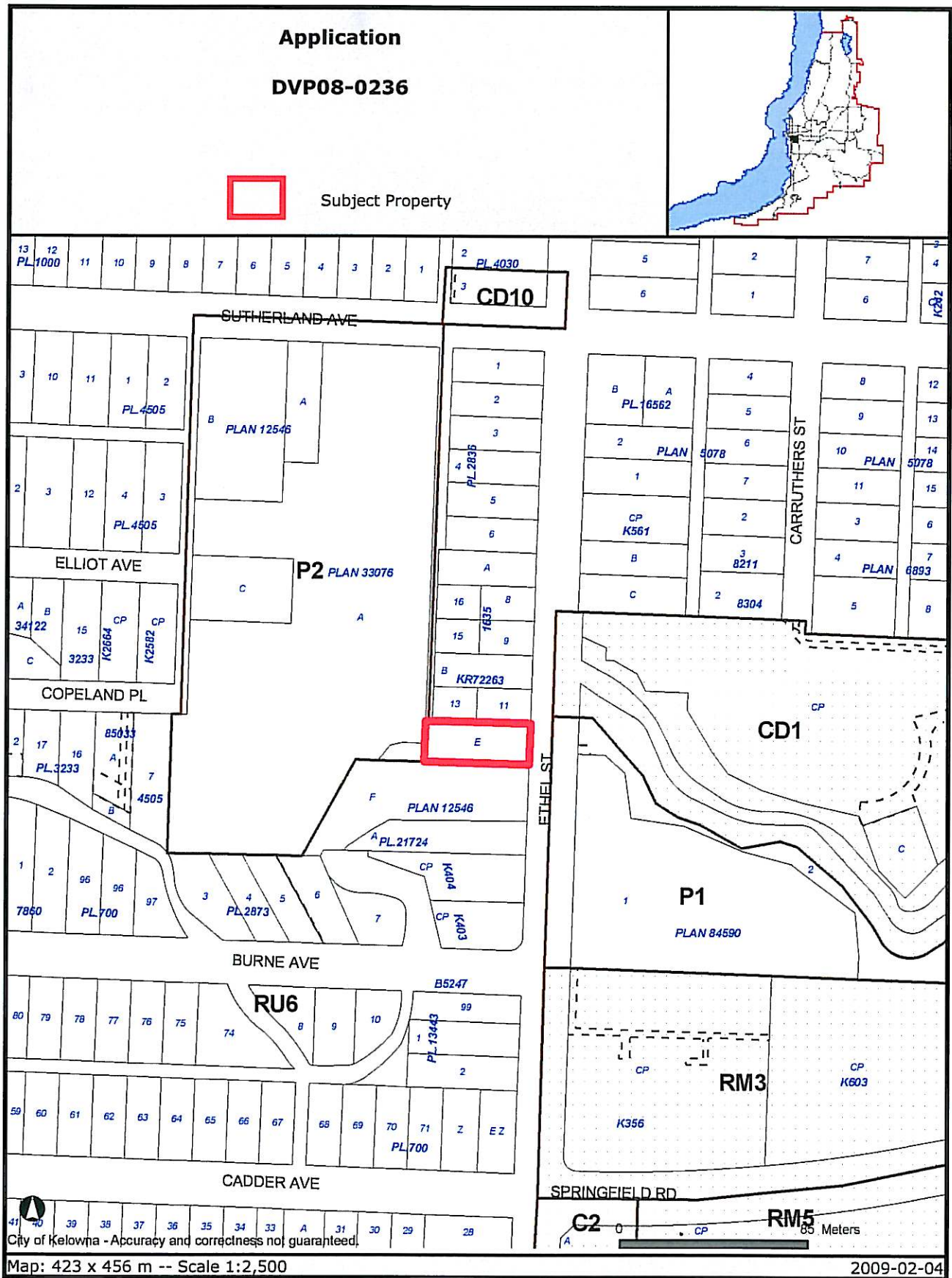
Approved for Inclusion 

Shelley Gambacort
Director of Land Use Management

DN/bcd

Attachments:

- Location of Subject property
- Site Map
- Elevation
- Photo of existing front elevation

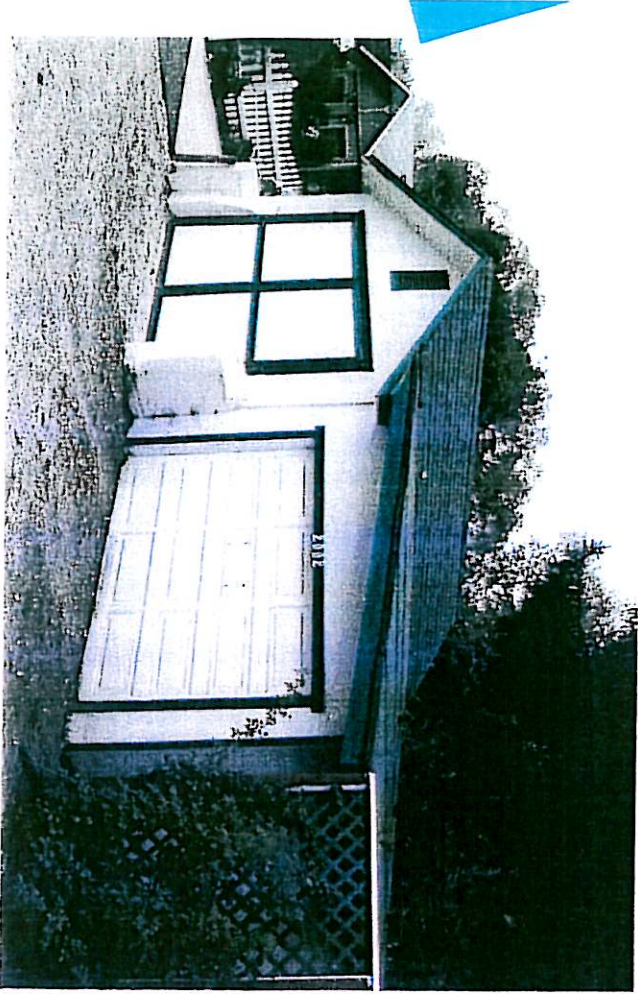


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
 The City of Kelowna does not guarantee its accuracy. All information should be verified.

2002 Ethel Street
Lender: Gordon Anton
Prov.: BC
P.C.:

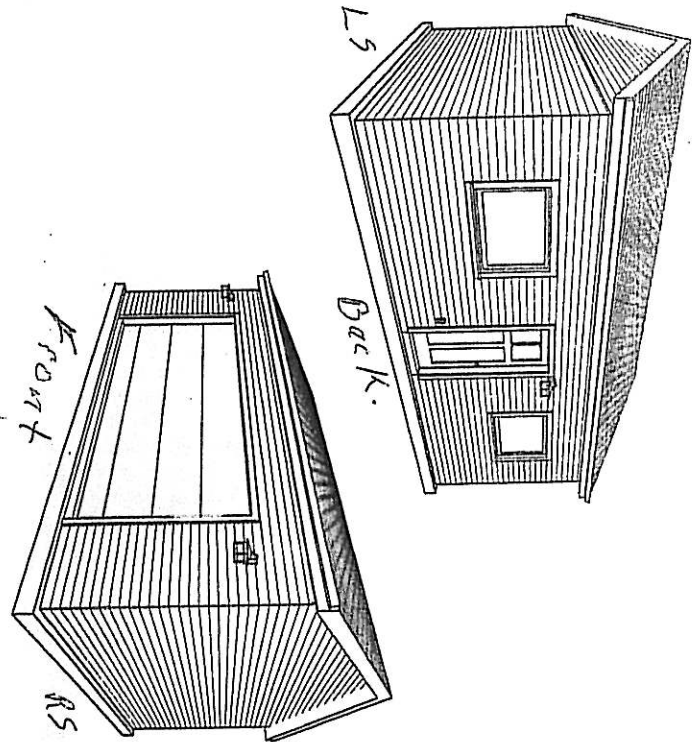
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Case No.:



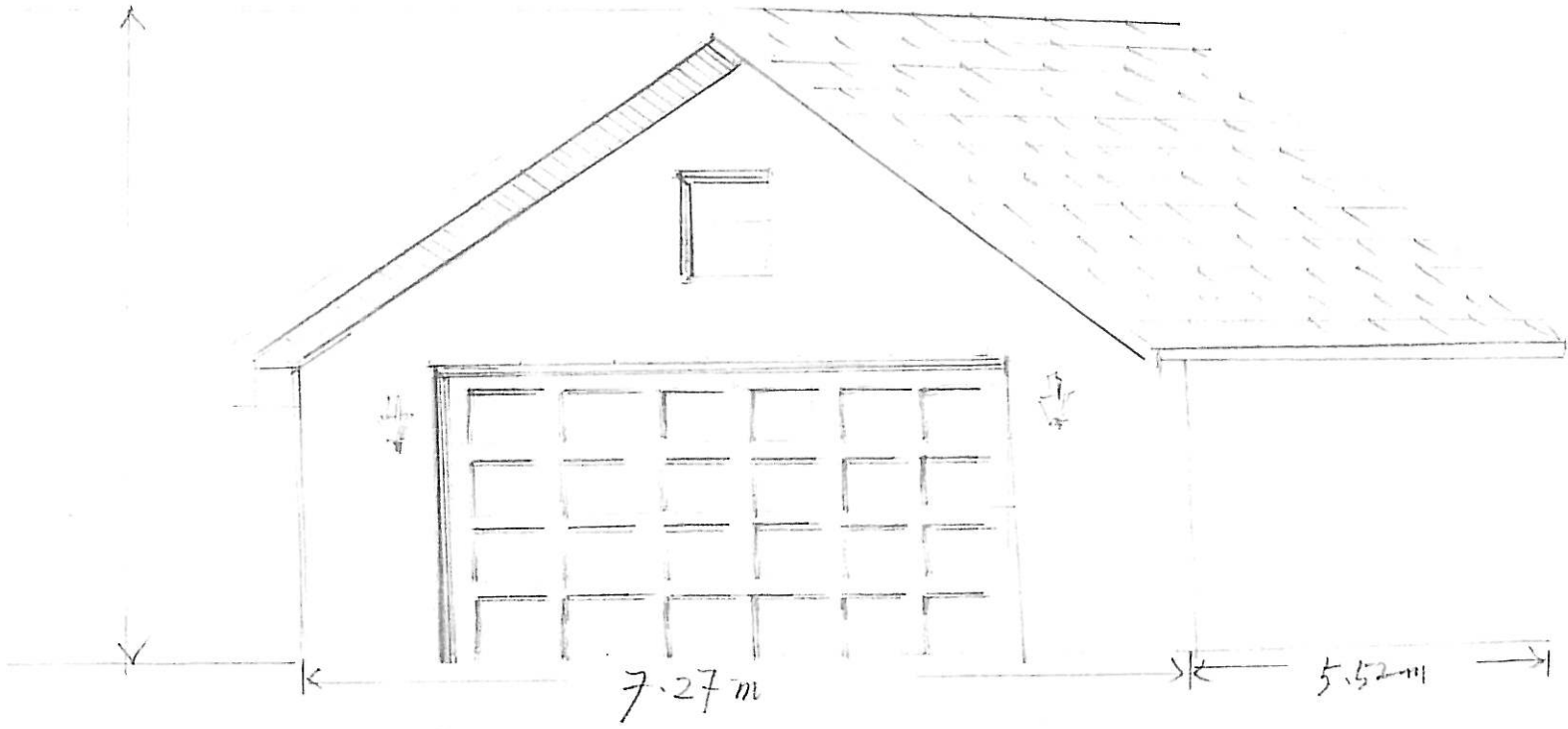
VIEW OF DETACHED GARAGEWORKSHOP

Existing Garage

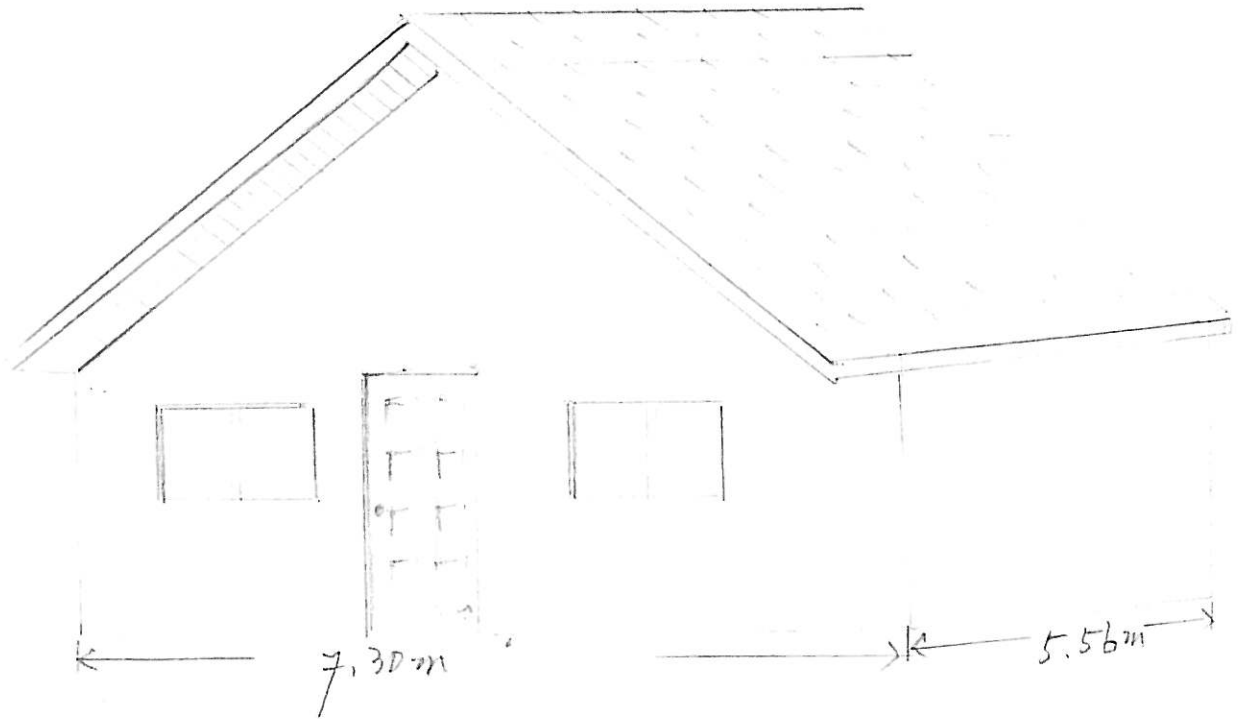


HEARY GARMENT Kiosk	
DESIGNED BY HEARY GARMENT Kiosk	
SECTION VIEWS	
Scale	1
Sheet	1
Drawn	1
Checked	1
Approved	1

Garage.



Front.



Back