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# CITY OF KELOWNA

## MEMORANDUM

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**Date:** March 27, 2009  
**To:** City Manager  
**From:** Community Sustainability Division

**APPLICATION NO.** DVP08-0256      **APPLICANT:** Al Dyck  
**AT:** 1155 Toovey Road      **OWNERS:** Al Dyck

**Purpose:** TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO VARY THE REQUIRED FRONT YARD SETBACK FROM 6.0M ALLOWED TO 5.07M PROPOSED TO ALLOW AN ADDITION TO THE EXISTING DWELLING

**Existing Zone:** A1s – Agriculture 1

**Report Prepared By:** Luke Turri

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### 1.0 RECOMMENDATION

THAT Final Adoption of Zone Amending Bylaw No. 10022 (Z08-0116) be considered by Council;

THAT Council **not** authorize the issuance of Development Variance Permit No. DVP08-0256 for Lot 15, Section 24, Township 26, ODYD, Plan 23445, located at 1155 Toovey Road, Kelowna, BC;

### 2.0 SUMMARY

The applicant is proposing to build an addition above their existing garage that would require a Development Variance Permit to relax the required front yard setback from 6.0m to 5.07m.

### 3.0 BACKGROUND

The subject property was created through subdivision before 1976, and as such, is regulated as an RU1 – Large Lot Housing lot.

As per Zoning Bylaw No. 8000, Section 1.7.1: "Non-conforming agricultural, residential, or rural residential lots less than 0.2 hectares, which existed prior to August 10, 1976, shall be developed in accordance with the provisions and regulations of the RU1 zone."

#### 3.1 The Proposal

A rezoning application is currently under consideration to allow a secondary suite, which the applicant is proposing to place in a new addition to the existing garage. The addition would encroach into the required front yard setback by 0.93m, requiring a Development Variance Permit. The suite would be located above the extended garage, with a separate side access being created.

The proposed application conforms to the regulations of Zoning Bylaw No. 8000, with the exception of the variance noted, as follows:

CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
<b>Subdivision Regulations</b>		
Lot Area	1249m <sup>2</sup>	550m <sup>2</sup>
Lot Width	27.43m	16.5m
Lot Depth	46.30m	30.0m
<b>Development Regulations</b>		
Site Coverage	18% (24%)	40% (50% incl. driveways/parking)
Height	6.5m	9.5m
Front Yard	5.07m <sup>o</sup>	6.0m
Side Yard (south)	4.4m	2.3m
Side Yard (north)	2.3m	2.3m
Rear Yard	23.3m	7.5m
Suite Floor Area	82.4m <sup>2</sup> (887ft <sup>2</sup> ) / (40%)	90m <sup>2</sup> (968ft <sup>2</sup> ) / (40% of existing dwelling)
<b>Other Regulations</b>		
Minimum Parking Requirements	3 spaces	3 spaces
Private Open Space	exceeds requirements	30m <sup>2</sup> /dwelling

<sup>o</sup> Variance required.

### 3.2 Site Context

The property is located in the Toovey Heights subdivision, accessed from Highway 33. Specifically, adjacent land uses are as follows:

North	A1 – Agricultural 1 (Single Family Neighbourhood) RU1 – Large Lot Housing (Single Family Neighbourhood)
East	A1 – Agricultural 1 (Vacant Lot)
South	A1 – Agricultural 1 (Single Family Neighbourhood)
West	A1 – Agricultural 1 (Single Family Neighbourhood)

Site Location Map

Subject property: 1155 Toovey Road



**4.0 TECHNICAL COMMENTS**

**4.1 Development Engineering Branch**

The reduction of the front yard setback is not supported since the proposed development is only providing the minimum parking as per the requirement in the current zoning Bylaw.

**5.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS**

The proposed variance application has been supported by surrounding property owners, and is relatively minor in nature. That being said, Land Use Management staff cannot be supportive of the proposed variance. The Development Variance Permit process is designed to accommodate development requests that have provided appropriate justification and/or site-specific benefits for the proposed variance. In this instance, there does not appear to be any significant limitations that would necessitate a relaxing of the Zoning Bylaw. There is ample room to build the proposed suite within the allowable setback, while still providing usable space above the garage, and alternative design options could be explored. In addition, the Development Engineering Branch has identified that although there is generous spacing between the applicant's property line and Toovey Road, there is also concern that additional cars parked in the compacted driveway would protrude into City right-of-way.

However, should Council consider this application has merit, Staff has provided an alternate recommendation below.

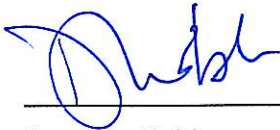
**6.0 ALTERNATE RECOMMENDATION**

THAT Final Adoption of Zone Amending Bylaw No. 10022 (Z08-0116) be considered by Council;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP08-0256 for Lot 15, Section 24, Township 26, ODYD, Plan 23445, located at 1155 Toovey Road, Kelowna, BC;

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

Section 13.1.6 (c) - Minimum Front Yard Setback – To vary the required minimum front yard setback from 6.0m required to 5.07m for the proposed addition to the principal dwelling.

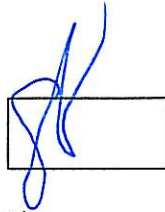


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Danielle Noble  
Manager, Urban Land Use

Approved for inclusion

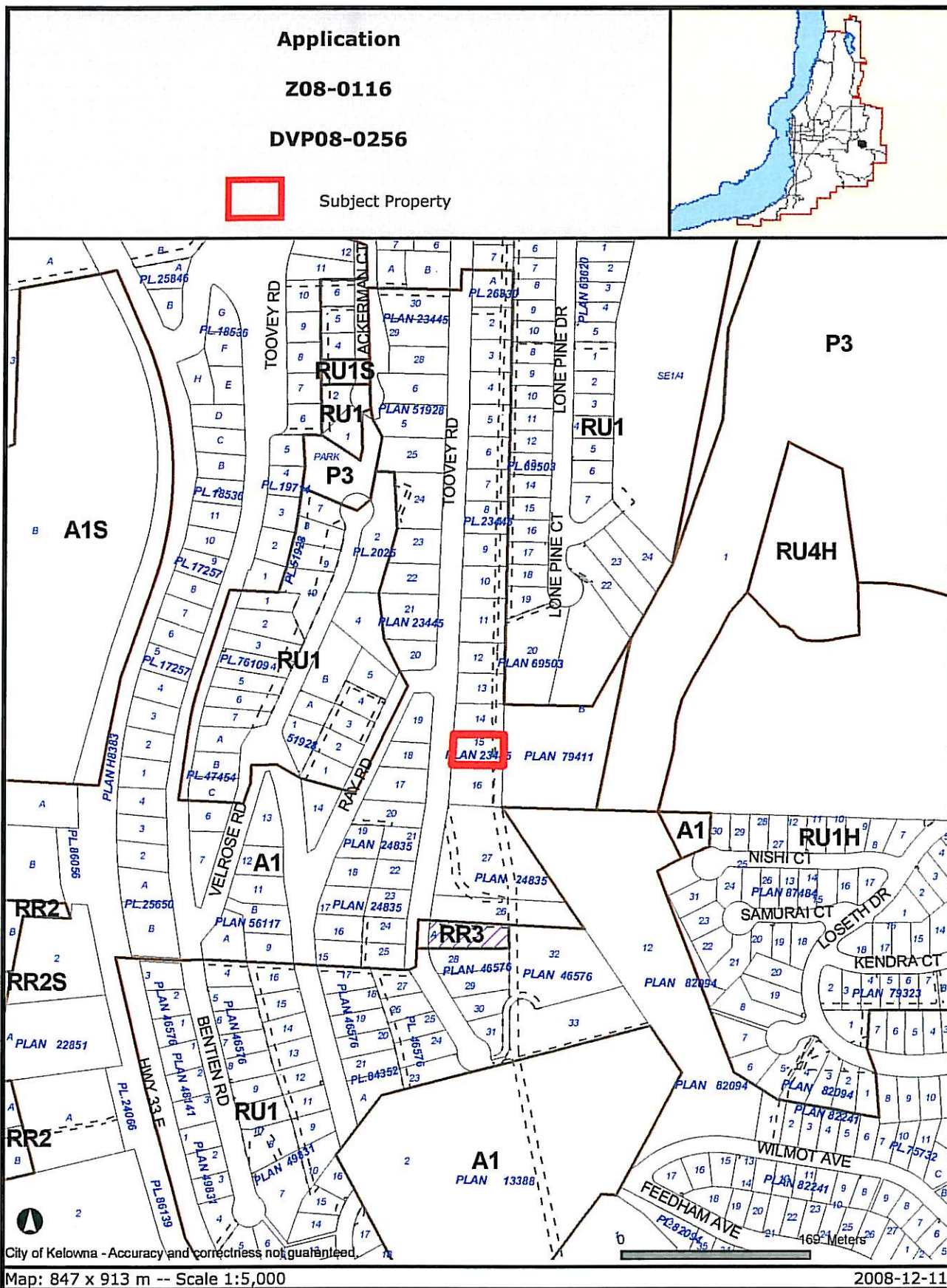
Shelley Gambacort  
Director, Land Use Management



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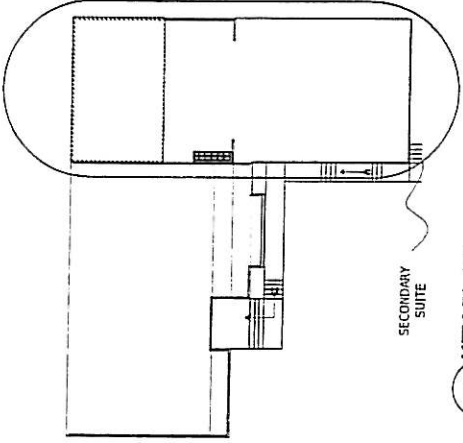
**ATTACHMENTS**

Location of subject property  
Site Plan  
Floor Plan  
Elevations

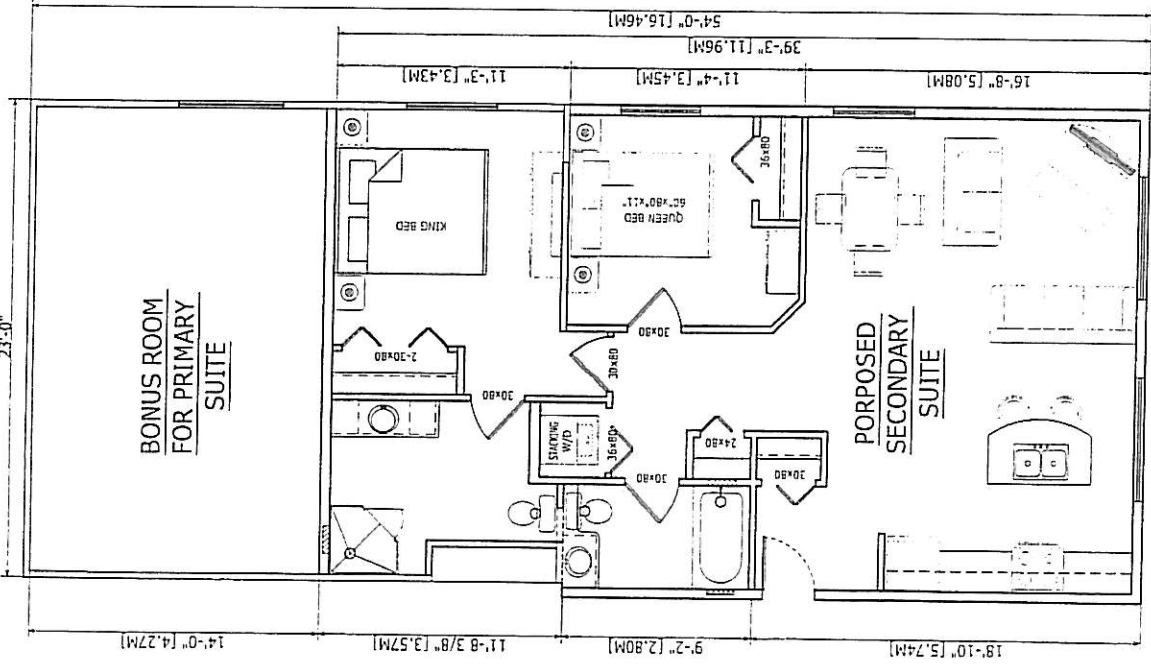


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.





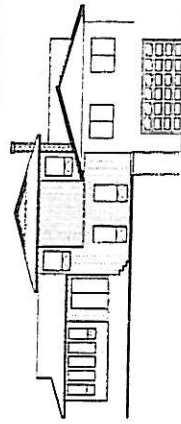
1 KEY PLAN  
SCALE:



NOTE:  
1). GLAZING NOT EXCEED THAT CALCULATED ON SITE  
PLAN DRAWING. (SEE DWG # SP)

### REVISIONS

NO	DATE	DESCRIPTION	BY



**KELOWNA BC**  
1155 TOOVEY ROAD  
KELWONA BC  
V1X 6R3

CLIENT:  
**ALAN DYCK**

DRAWING TITLE:  
**CONCEPT FLOOR PLAN**

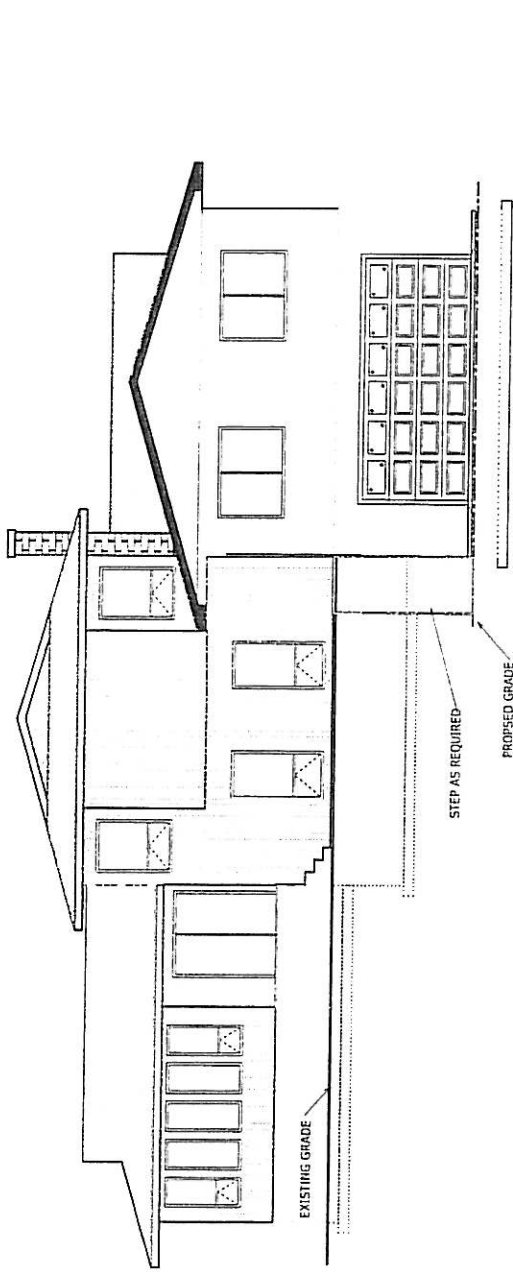
DATE	NOV 2008	FILE NAME:	AlanDyck
DESIGNER	IBANK	DRAWN BY:	
SCALE	AS SHOWN		
CHK BY:			

**FP**

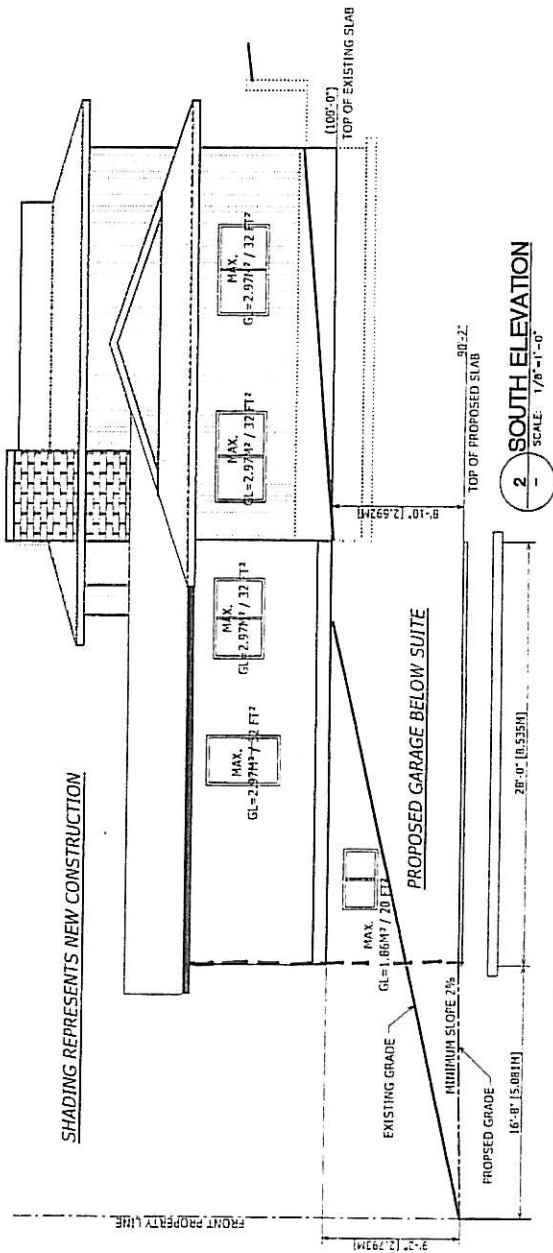
2 CONCEPT FLOOR PLAN  
SCALE: 3/16"=1'-0"

**NOTE:**

- 1). GLAZING NOT EXCEED THAT CALCULATED ON SITE PLAN DRAWING. (SEE DWG # SP)



**1 WEST ELEVATION**  
SCALE: 1/8"=1'-0"



**2 SOUTH ELEVATION**  
SCALE: 1/8"=1'-0"

REVISIONS		
NO.	DATE	DESCRIPTION

**KELOWNA BC**  
1155 TOOVEY ROAD  
KELWONA BC  
VIX 6R3

CLIENT: **ALAN DYCK**

DRAWING TITLE:  
**PROPOSED ELEVATIONS  
ZONING CHANGE**

DATE: NOV 2020	FILE NAME: Alan Dyck
DESIGNER: HRMATE	DRAWING NO.:
SCALE: AS SHOWN	
<b>EV</b>	