

DRAFT RESOLUTION

Re: Development Variance Permit Application No. DVP09-0131 – Gerald & Susan Lord –
235 Gibbs Road West

THAT Council defers consideration of Development Variance Permit Application No. DVP09-0131 to the January 26, 2010 Regular Meeting.

BACKGROUND:

Staff have advised that the development sign was not posted on the subject property and therefore the Applicants did not meet the requirements of Development Application Procedure Bylaw No. 8140 with respect to signage. The Applicants are aware that Council's consideration of their application will have to be deferred.

Date: January 5, 2010
File: 0550-01

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Memo



Date: December 7, 2009
To: City Manager
From: Community Sustainability Division
File No: DVP09-0131 Applicant: Susan and Gerald Lord
At: 235 Gibbs Road West Owner: Gerald and Susan Lord
Purpose: To vary the minimum side yard setback from a flanking street from 4.5 m required to 2.5 m proposed

Existing Zone: RU1 - Large Lot Housing zone

Proposed Zone: RU1(s)- Large Lot Housing with a secondary suite zone

Report Prepared by: Birte Decloux

1.0 RECOMMENDATION:

THAT Final Adoption of Zone Amending Bylaw No. 10260 be considered by Council;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP09-0131 for Lot 11, Section 26, Township 26, ODYD, Plan 12452, located at Gibbs Road West, Kelowna, BC.

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

Section 13.1.6 (d) To vary the minimum side yard setback for a 1 or 1.5 storey portion of a building from a flanking street from 4.5 m required to 2.5 m proposed.

2.0 SUMMARY:

The applicant is seeking to vary the required side yard setback for a flanking street from 4.5 m required to 2.5 m proposed. An application to rezone the subject property from the RU1 - Large Lot Housing zone to the RU1(s) Large Lot Housing with a secondary suite zone has received third reading by Council on December 1, 2009.

3.0 BACKGROUND:

The applicant is planning an addition to the northwest face of their home. In order to site the addition in this location, a variance to the minimum side yard is required. Given the existing configuration of the single family dwelling on the site, the location of the addition is appropriate. This area was used as a storage site at one time, thus the expansion of the dwelling does not impact any of the existing mature vegetation.

The proposed application meets the requirements of RU1(s) - Large Lot Housing with a secondary suite zone follows:

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RU1(s) ZONE REQUIREMENTS (Suite within Principal Dwelling)
Subdivision Regulations		
Lot Area	822 m ²	550 m ²
Lot Width	21.67 m	16.5 m unless 15 m when access to rear lane; 17 m for corner lot
Lot Depth	30.56 m	30.0 m
Development Regulations		
Site Coverage (buildings)	17 %	40%
Site Coverage (buildings/parking)	26 %	50%
Height (existing house)	4.47 m 1.5 storeys	2 ½ storeys / 9.5 m
Floor Area of principal dwelling	283m ²	
Floor Area of Secondary Suite / Size ratios	89.3 m ² / 32%	In building can't exceed lessor or 90 m ² or 40%
Front Yard	7.62 m	4.5 m
Side Yard (north)	2.5 m ①	4.5 m for flanking street
Side Yard (south)	2.4 m	2.0 m (1 - 1 ½ storey)
Rear Yard	15.63 m	7.5 m / 1.5 m for accessory buildings
Other Requirements		
Parking Stalls (#)	3 spaces	3 spaces
Private Open Space	meets requirements	30m ² requirement

① A variance is being sought to vary the north side yard from 4.5m required to 2.5m proposed.

3.1 Site Context

The subject property is located on the west side of Gibbs Road west, near Hwy 33 in Rutland. More specifically, the adjacent land uses are as follows:

North	P2	Education and Minor Institutional
South	RU1	Large Lot Housing
East	RU1	Large Lot Housing
West	RU1	Large Lot Housing

3.2 Site Location: 235 Gibbs Road West



4.0 TECHNICAL COMMENTS

The application has been submitted to various technical agencies and City departments for the rezoning application and no additional comments impact the variance application.

5.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS


This variance request follows an application to rezone the property to accommodate a secondary suite. The applicant is seeking to construct an addition to their existing home and given the siting of the home, the most appropriate location of the addition is to the north side. The required side yard setback is 4.5 m as the property is on a corner and thus must meet the requirements for a flanking street. This application seeks to relax the side yard setback to 2.5 m.

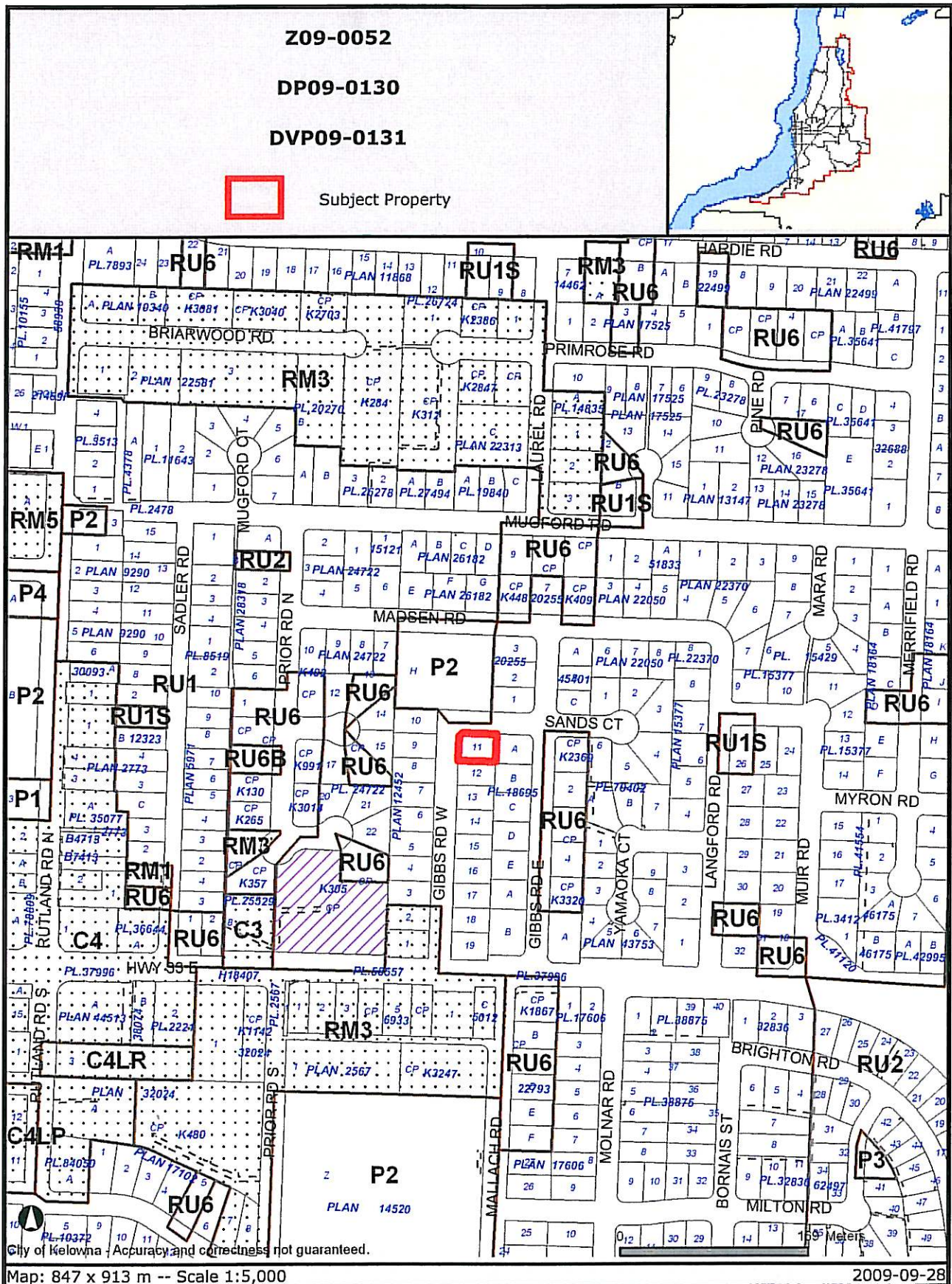
Minimal impact (if any) is anticipated on abutting properties, as parking requirements and private open space provisions can easily be achieved on-site. No sightline issues for traffic movement have been raised as a possible concern.

A Development Permit for form and character will be assessed by Staff upon favourable consideration of the zoning and variance applications.

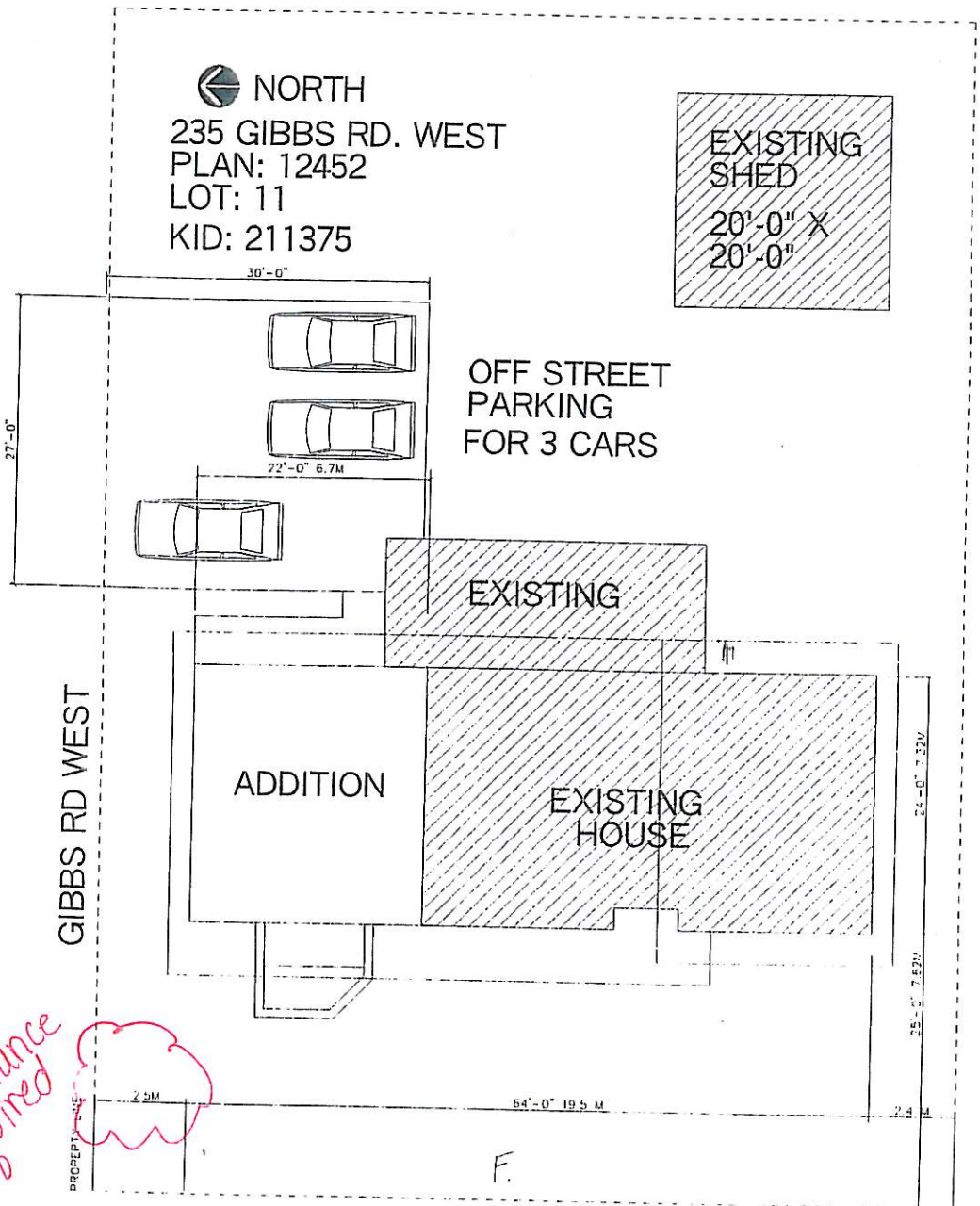


 Danielle Noble
 Manager, Urban Land Use

Approved for inclusion: 
 for Shelley Gambacort
 Director, Land Use Management



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.



Variance required

PLOT PLAN NTS

NOTE:
 ALL DIMENSION HAVE BEEN PROVIDED BY AND ARE
 THE RESPONSIBILITY OF THE OWNER

