

# Memo



Date: November 30, 2009

To: City Manager

From: Community Sustainability Division

File No: DVP09-0145

Applicant: Casey Easton

At: 2435 Richter Street

Owner: Jason Easton & Nancy Wright

**Purpose:** TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO REDUCE THE REAR YARD SETBACK FROM 1.5M REQUIRED TO 1.0M PROPOSED AND TO PERMIT A THREE PIECE BATHROOM IN THE ACCESSORY BUILDING.

**Existing Zone:** RU6 - Two Dwelling Housing

Report Prepared by: Alec Warrender

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## 1.0 RECOMMENDATION:

THAT Council authorize the issuance of Development Variance Permit No. DVP09-0145 for Lot A, D.L. 136, ODYD, Plan KAP44789, located at 2435 Richter Street, Kelowna, B.C;

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

Section 13.6.6 (e) Development Regulations - Rear Yard Setback  
Vary the required rear yard setback from 1.5m required to 1.0m proposed.

Section 6.5.11 Accessory Development  
Vary regulation to permit a full bathroom in an accessory building that is not being used as a secondary suite.

## 2.0 SUMMARY:

This proposal seeks approval for a Development Variance Permit to vary the rear yard setback from 1.5m required to 1.0m proposed for the new addition to the accessory building. The applicant has also requested a variance in order to allow a three piece bathroom (sink, shower, toilet) in the accessory building in order to accommodate a home based business.

## 3.0 THE PROPOSAL:

The applicant has indicated that the existing accessory building will be converted to a massage studio under the home based business regulations in the Zoning Bylaw No. 8000. In order to accommodate this use, a three piece bathroom is required. The existing accessory building is located 1.0m from the rear lot line, and in order to legalize this setback and accommodate the proposed addition a variance is required.

The application meeting the requirements of Zoning Bylaw No. 8000 as follows:

Criteria	Proposal	RU6 Zone Requirements
<b>Subdivision Regulations</b>		
Lot Area	613 m <sup>2</sup>	400 m <sup>2</sup>
<b>Development Regulations</b>		
Site Coverage (buildings/parking)	40.69 %	50%
<b>Existing Dwelling</b>		
Height	5.7 m	2 ½ storeys / 9.5 m
Front Yard	6.0 m	4.5 m
Side Yard (n)	4.9 m	2.0 m (1 - 1 ½ storey)
Side Yard (s)	6.0 m	2.0 m (1 - 1 ½ storey)
Rear Yard	5.7 m ❶	7.5 m
<b>Proposed Accessory Building</b>		
Height	3.7 m	4.5 m
Floor area (Home Based Business)	28 m <sup>2</sup> / 5.2%	50 m <sup>2</sup> / 14%
Side Yard (n)	1.0 m	1.0 m
Side Yard (s)	15.0 m	2.0 m (1 - 1 ½ storey)
Rear Yard	1.0 m ❷	1.5 m
Separation (Distance Between Houses)	1.0 m	1.0 m
<b>Other Requirements</b>		
Parking Stalls (#)	4 spaces	3 spaces
Private Open Space	174 m <sup>2</sup>	30 m <sup>2</sup> of private open space per dwelling
❶ Existing non-conforming. ❷ Vary the required rear yard setback from 1.5m required to 1.0m proposed.		

### 3.1 Site Context

The adjacent zones and uses are:

<i>Direction</i>	<i>Zoning Designation</i>	<i>Land Use</i>
North	RU6 – Two Dwelling Housing	Residential
East	RU6 – Two Dwelling Housing	Residential
South	RU6 – Two Dwelling Housing	Residential
West	RU6 – Two Dwelling Housing	Residential

3.2 Site Location Map

2435 Richter Street

4.0 **TECHNICAL COMMENTS:**

4.1 Building & Permitting  
No Concerns.

4.2 Development Engineering Branch  
See Attached.

4.3 Fire Department  
No Concerns.

5.0 **LAND USE MANAGEMENT DEPARTMENT:**

The Land Use Management Department is supportive of the proposed variances. The Zoning Bylaw does not permit three piece bathrooms in accessory buildings in order to mitigate the illegal conversion of secondary suites within accessory buildings. Although there are concerns in regards to the variance for the full bathroom, Staff are supportive of this proposal in order to accommodate the applicants home base business. The variance to the rear yard setback is not significant and has support from the neighbouring property owners. The proposed home based business will not affect the appearance of the single family dwelling. The applicant has letters of support from the adjoining property owners.

Submitted by:



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Danielle Noble  
Manager, Urban Land Use

Approved for inclusion:



Shelley Gambacort  
Director, Land Use Management

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**Attachments:**

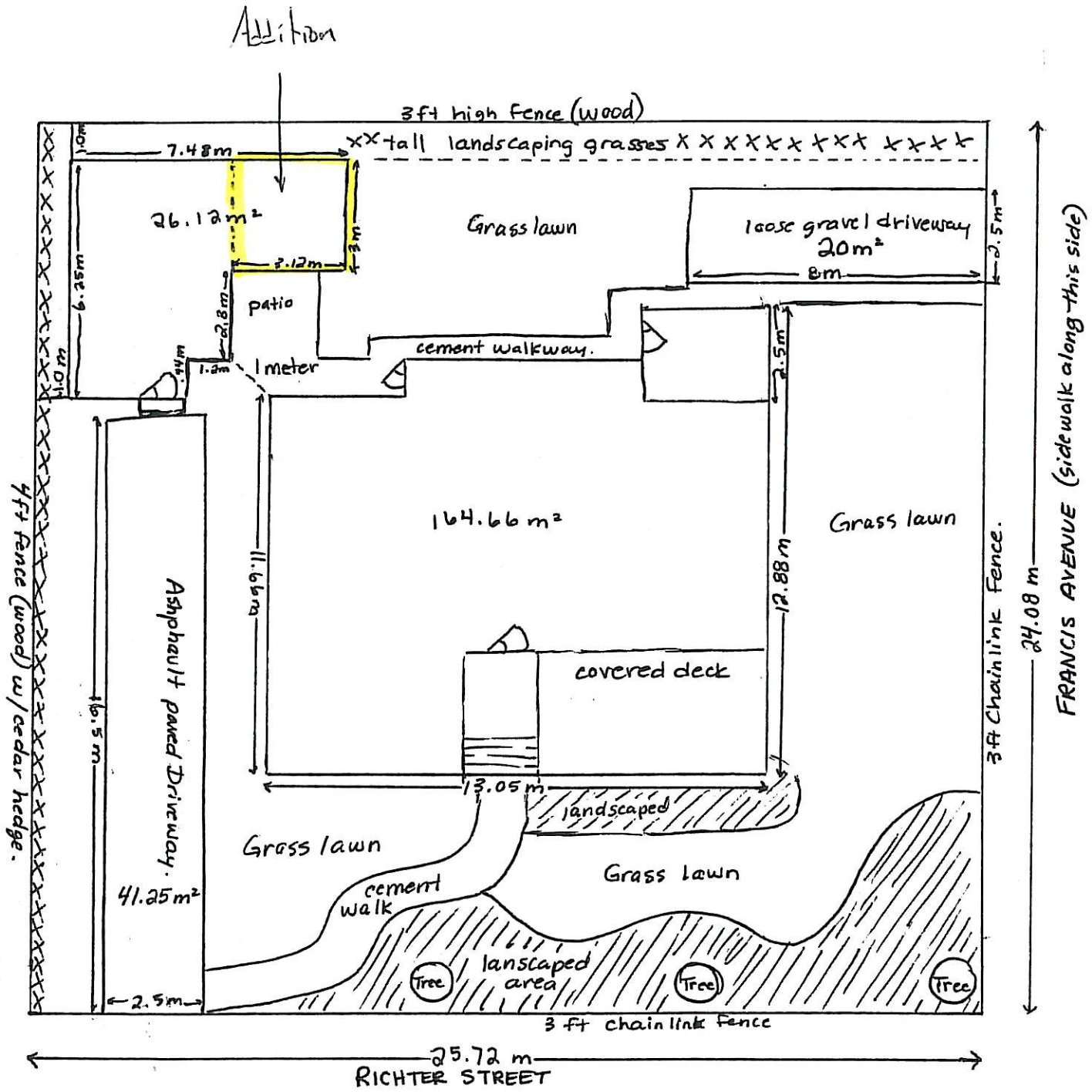
- Subject Property Map
- Schedule "A" - Site Plan
- Schedule "B" (1 of 3) - Prospective Renderings
- Schedule "B" (2 of 3) - Elevations
- Schedule "B" (3 of 3) - Colour/Materials Board
- Schedule "C"
- Development Engineering Branch Comments



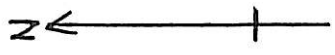
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

DVP09-0145-

2435  
~~2345~~ Richter St.

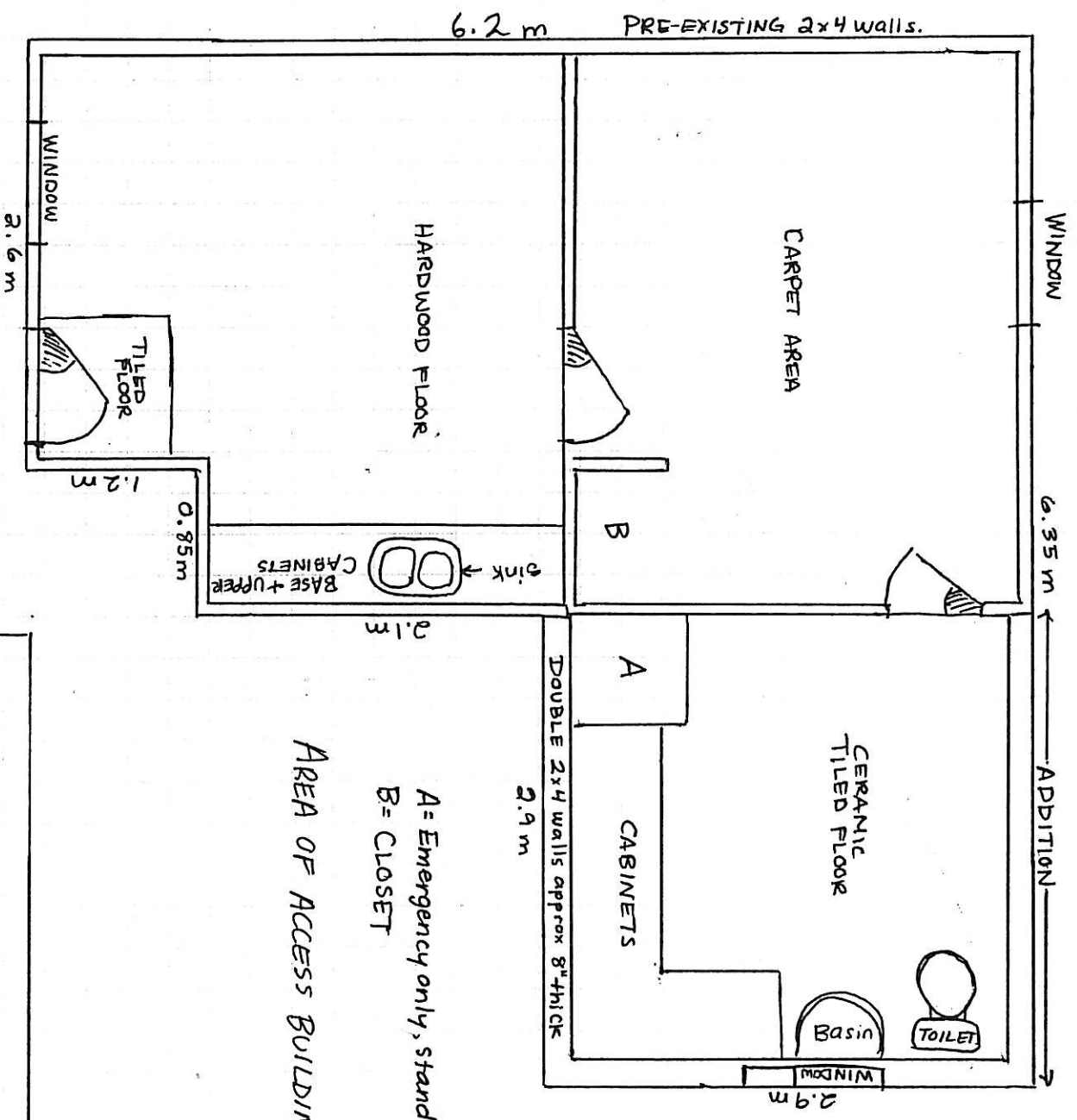


Total area of property = 619.34 m<sup>2</sup>  
 Total area used for buildings and driveways = 252.03 m<sup>2</sup>  
 percent coverage = 40.69%



FLOOR PLAN OF ACCESS BUILDING 2435 RICHTER ST.

Scale: 1 meter



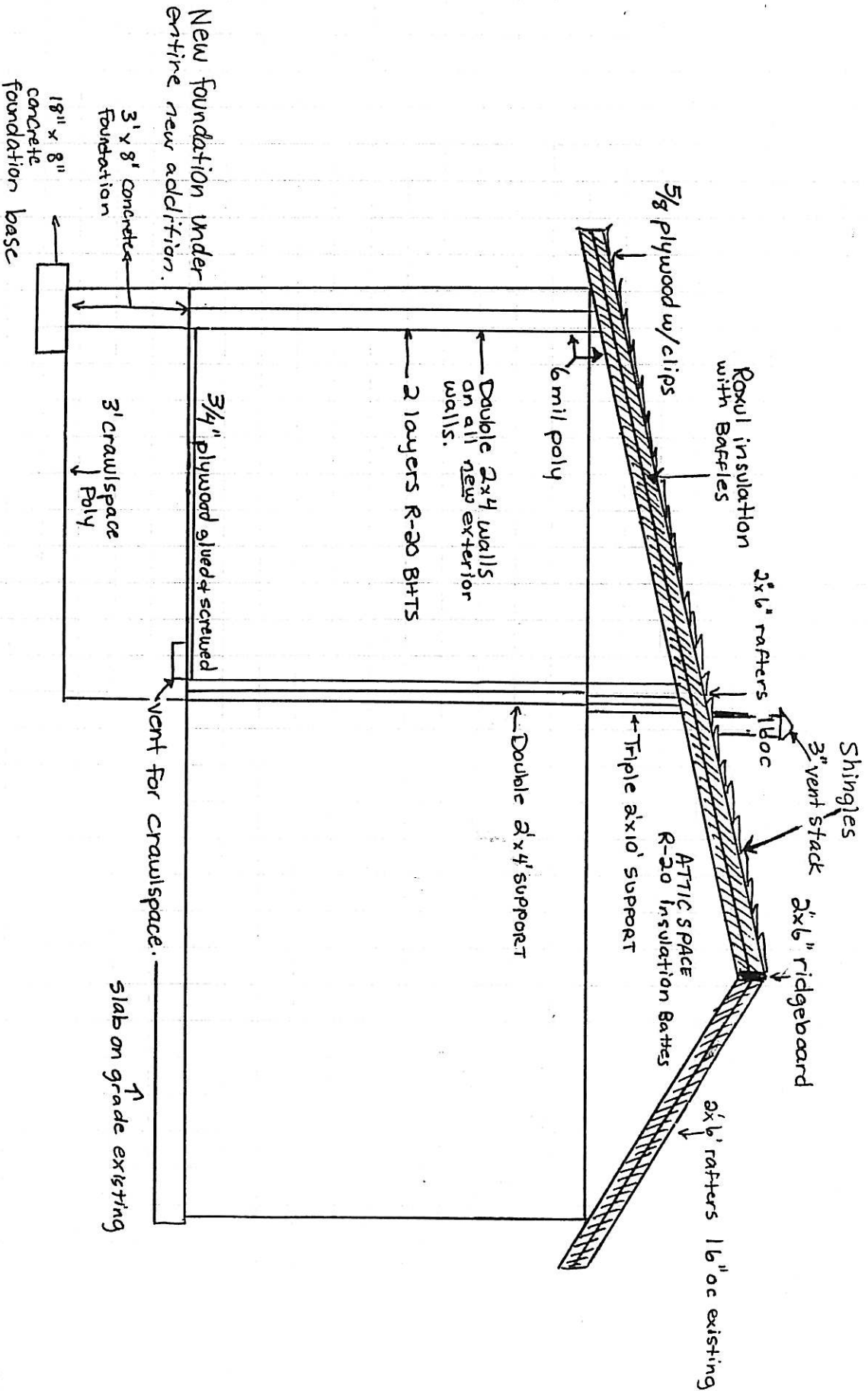
- A= Emergency only, standing shower
- B= CLOSET

AREA OF ACCESS BUILDING : 27.75 m<sup>2</sup>

MAIN DWELLING

Lot has zero elevation, flat property.  
 There will/has been no change to grade.

CONSTRUCTION CROSS-SECTION  
 OF ACCESS BUILDING. REAR VIEW

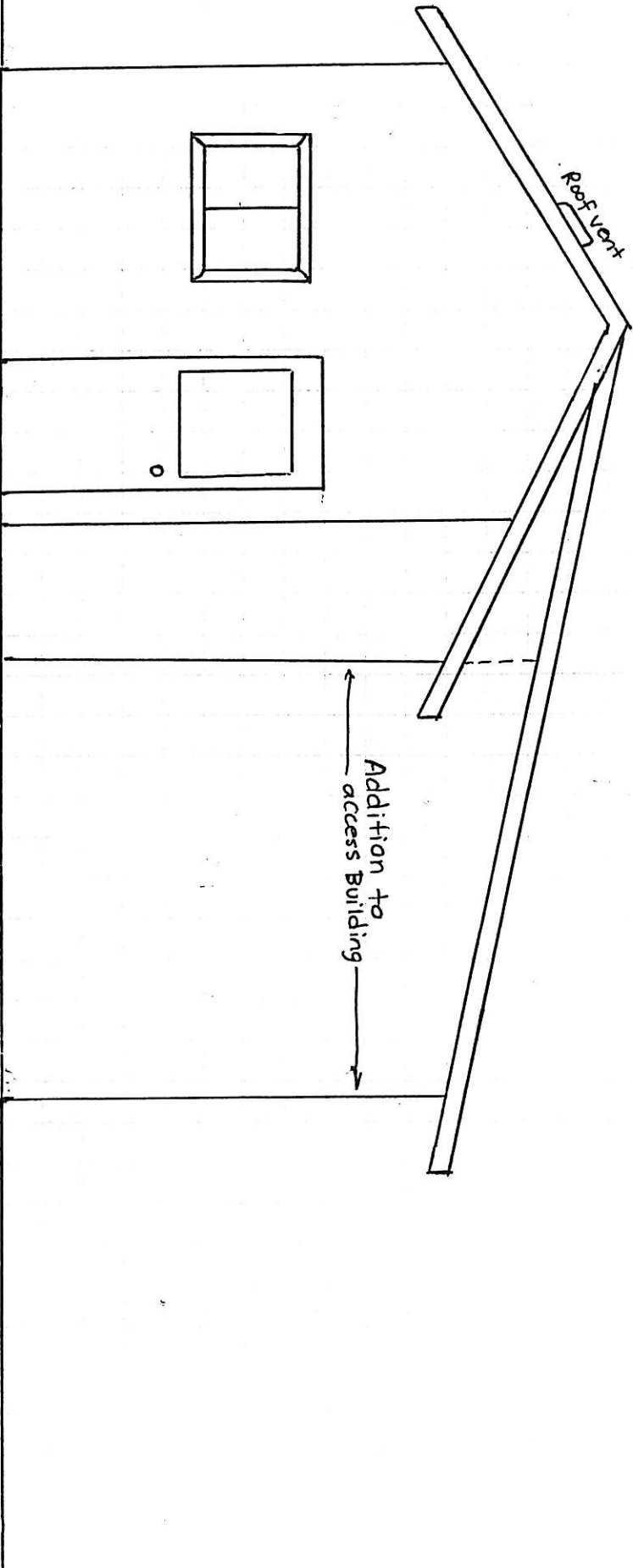




Lot has zero elevation, Flat property.

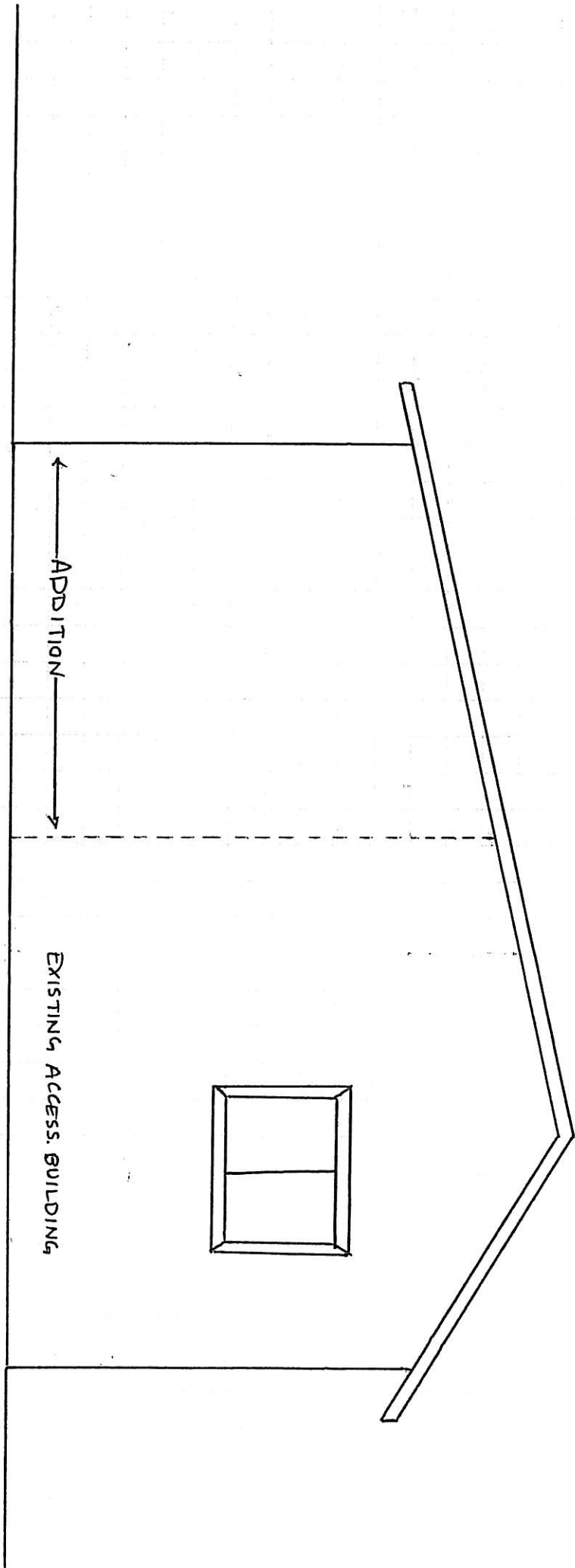
2435 RICHTER STREET

Front Elevation view of access. building



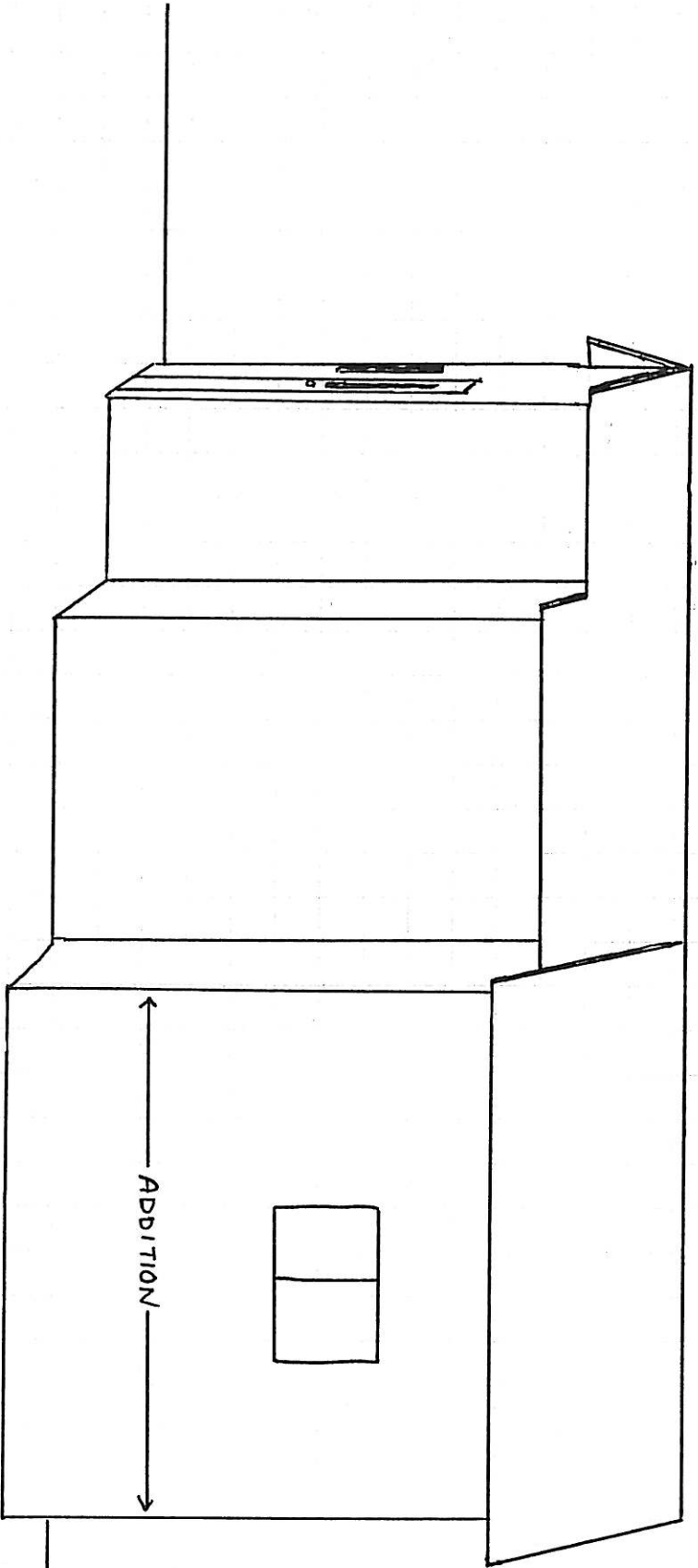
Lot has zero elevation, flat property.

2435 RICHTER STREET  
Back elevation view of access building



Lot has zero elevation, flat property.

2435 RICHTER STREET  
SIDE ELEVATION VIEW OF ACCESS. BUILDING.



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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** November 16, 2009  
**File No.:** DVP09-0145

**To:** Land Use Management Department (AW) **Revised Comments**

**From:** Development Engineering Manager

**Subject:** 2435 Richter St Lot A Plan 44789 Home Based Business in Accessory Building

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The Works & Utilities Department have the following requirements associated with this Development Permit application.

1. Domestic Water and Fire Protection

Metered water from the main residence must be extended to supply the proposed accessory building.

2. Sanitary Sewer

Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service that should be adequate for this application.

3. Development Permit and Site Related Issues

The requested rear yard setback variance from 1.5m to 1.0m proposed, does not compromise our servicing requirements.

On-site parking modules must meet bylaw requirements.

Richter Street fronting this site is classified as a Major Arterial Road.

Typically, Development Engineering would require access to this site restricted to Francis Street. In the interim we are prepared to allow the existing access to Richter Street to remain provided that the access is for the use of existing private residence only. The applicant is advised that, should traffic conditions or safety issues arise, the City of Kelowna reserves the right to restrict access to this site to Francis Avenue.

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.

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Steve Muenz, P. Eng.  
Development Engineering Manager  
JF/jf

To whom it may concern,

In order to save on the cost of The Advisory Planning Commission \$525.00, I have met with the entire surrounding neighborhood and canvassed for the approval of my development proposal.

With the exception of 2430 Richter Street, which sits vacant at the present time, and has been for months.


After repeated attempts to speak to the resident at 734 Francis Avenue, I have come to the conclusion that he does not want to be bothered. Neighbors flanking his home have said that his English is poor and he is not seen very often.

The neighborhood did not think that my accessory building affected them in any negative way, and were very supportive in my endeavor for approval.

I hope the extensive work I have done is sufficient enough for the councils needs, and that it will allow for more expediency in processing my request for variance.

Thank you,

Casey Easton

A handwritten signature in black ink, appearing to read 'Casey Easton'. The signature is fluid and cursive, with a long horizontal stroke at the end.

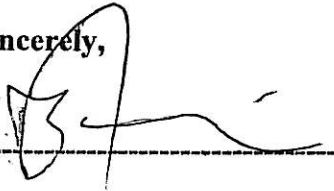
**LETTER OF COMMUNITY SUPPORT FOR PROJECT:**

2435 Richter Street  
Kelowna, B.C.  
V1Y-2P5

To whom it may concern,

I am a member of the community surrounding 2435 Richter Street. I am aware of the current developments occurring on this property and have been made aware of the cities concerns pertaining to the placement of the structure. I understand that the problem has to do with the placement of the dwelling on the property and it's property line encroachments. I am of the opinion that this issue does not affect myself, or the community in any negative way. I have no concerns, or complaints pertaining to any of the dwellings currently placed on the afore mentioned address.

Sincerely,



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Date

Oct 11, 2009

Address

2421 RICHTER ST

Contact #

868-4916

Comments:

**LETTER OF COMMUNITY SUPPORT FOR PROJECT:**

2435 Richter Street  
Kelowna, B.C.  
V1Y-2P5

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Sincerely,

  
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Date

Oct, 3, 2009

Address

724 Francis  
Kelowna B.C.

Contact #

250)864-5753

Comments:

**LETTER OF COMMUNITY SUPPORT FOR PROJECT:**

2435 Richter Street  
Kelowna, B.C.  
V1Y-2P5

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Sincerely,

*Catherine Carney*  
CATHERINE CARNEY

Date

*Oct 7-09*

Address

*2435 Richter St*  
*Kelowna*

Contact #

*250 762 3058*

Comments:



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Kelowna, B.C.  
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Sincerely,

Janine Castillo Cuevas

Janine Castillo Cuevas

Date

Sept 24/09

Address

(742)  
742 Francis Avenue  
Kelowna, BC

Contact #

861-4569

Comments:



**LETTER OF COMMUNITY SUPPORT FOR PROJECT:**

**2435 Richter Street  
Kelowna, B.C.  
V1Y-2P5**

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**Sincerely,**

Daniel Tomelin  
DT

**Date**

26/09/09

**Address**

2438 Richter St.

**Contact #**

250-860-3693

**Comments:**

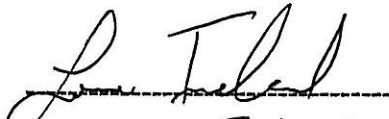
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Sincerely,

  
Lana Ireland

Date

Sept 26 / 09

Address

687 Francis Ave.

Kelowna

Contact #

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Comments:

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Kelowna, B.C.  
V1Y-2P5

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Sincerely,

Brianne Dingwall  
B. Dingwall

Date

Sept 24/09

Address

751 Francis Ave  
Kelowna

Contact #

250-486-4061

Comments:

**LETTER OF COMMUNITY SUPPORT FOR PROJECT:**

2435 Richter Street  
Kelowna, B.C.  
V1Y-2P5

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Sincerely,

Jason Hrychuk  
J. Hrychuk

Date

Sept 26/2009

Address

725 Francis av  
kelowna

Contact #

2508688762

Comments:

**LETTER OF COMMUNITY SUPPORT FOR PROJECT:**

2435 Richter Street  
Kelowna, B.C.  
V1Y-2P5

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Sincerely,

*M. M. Mendes*  
Maggie Mendes

Date

Sept 26/09

Address

2435 Richter St  
Kelowna

Contact #

\_\_\_\_\_

Comments:

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Sincerely,

Harold Blanes  
Harold Blanes

Date

Sept 24/09

Address

744 Francis Ave

Contact #

Comments: