

# Memo



**Date:** December 17, 2009

**To:** City Manager

**From:** Community Sustainability Division

**File No:** DP07-0170  
DVP07-0193

**Applicant:** LYNN WELDER CONSULTING LTD.

**At:** 932 - 934 BORDEN AVE.

**Owner:** ECKHARD & DORIS KRENZ

**Purpose:** TO OBTAIN A DEVELOPMENT PERMIT TO APPROVE THE FORM AND CHARACTER OF A FOUR UNIT MULTIPLE UNIT RESIDENTIAL BUILDING,  
TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO VARY THE EAST SIDE YARD FROM 2.5M REQUIRED TO 2.3M PROPOSED

**Existing Zone:** RU6 - TWO DWELLING HOUSING

**Proposed Zone:** RM1 - FOUR-PLEX HOUSING ZONE

Report Prepared by: Paul McVey

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## 1.0 RECOMMENDATION:

THAT Final Adoption of Zone Amending Bylaw No. 9908 be considered by Council;

THAT Council authorize the issuance of Development Permit No. DP07-0170 for Strata Lots 1 & 2, DL 138, O.D.Y.D., Strata Plan KAS2435, located at 932-934 Borden Ave., Kelowna, BC subject to the following:

- a) THAT the dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- b) THAT the exterior design and finish of the building to be constructed on the land, be in general accordance with Schedule "B";
- c) Landscaping to be provided on the land be in general accordance with Schedule "C";

AND THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the Development Permit application in order for the permit to be issued.

THAT Council authorize the issuance of Development Variance Permit No. DVP07-0193 for Strata Lots 1&2, DL 138, O.D.Y.D., Strata Plan KAS2435, located at 932-934 Borden Ave., Kelowna, BC;

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

**Section 13.7.6 (e) Development Regulations**

Vary east side yard for 2 storey building from 2.5m required to 2.3m proposed.

## 2.0 SUMMARY:

This proposal seeks approval for the form & character of an existing four-plex residential building. The applicant is also seeking a variance to reduce the east side yard from 2.5m required to 2.3m proposed.

## 3.0 ADVISORY PLANNING COMMISSION:

The above noted application was reviewed by the Advisory Planning Commission at the meeting on August 14, 2007 and the following comments were recorded:

### APC Anecdotal Comments:

- The Members noted that the zone should have been in place prior to the building being constructed. It is no longer acceptable for a new owner of a piece of property to blame the previous owner for not following the proper procedures and policies. The Members feel that by supporting an application like this, they are sending the development community the wrong message.
- The Members also stated that they do not like the idea of allowing the zoning conform after the fact, since such legalization doesn't address the potential shortfalls in development standards, such as this case where the provision of on-site parking and open space is severely compromised.

The Development Permit application was not considered at this meeting as the Rezoning application was not supported.

## 4.0 BACKGROUND:

The already constructed multi-family dwelling is located within the Central City sector location having prominence along Borden Avenue. A bylaw complaint was brought forward, raising attention to the number of units within the dwelling building.

The building at present is only recognized as a duplex, although the floor plan of the structure accommodates 2 upper dwelling units and 2 lower dwelling units. The OCP future land use designation recognizes this immediate neighbourhood as low-density multi-family, which is congruent with the RM1 zone. The zoning will be adopted prior to considering this.

Vehicle access is proposed from Borden Avenue, leading to surface parking stalls on both the existing driveways, and a long driveway access on the west property boundary.

The applicant has modestly addressed some of the site and design concerns raised by staff. Building plans have been amended to add a deck to each of the upper level units to provide private open space for the upper level units. As well, the driveway to access the new rear yard parking stalls has been reconfigured to move it over towards the property line in order to retain the existing sidewalk that provides access to the lower level unit located on the west side of the building.

The proposed development meets the requirements of the RM1 - Four-Plex Housing zone, as follows:

CRITERIA	PROPOSAL	RM1 ZONE REQUIREMENTS
<b>Subdivision Regulations</b>		
Lot Area (m <sup>2</sup> )	878 m <sup>2</sup>	700 m <sup>2</sup>
Lot Width (m)	22.9 m	20.0 m
Lot Depth (m)	38.5 m	30.0 m
<b>Development Regulations</b>		
Floor Area Ratio	0.42	0.6
Site Coverage	48.8%	50% (buildings, parking areas, and driveways)
Height	9.5 m 2 storeys	9.5 m or 2.5 storeys
Front Yard	6.0 m	6.0 m
Rear Yard	16.9 m	7.5 m
Side Yard (east)	2.3 m**	2.5 m (< 2 ½ storeys)
Side Yard (west)	5.3 m	2.5 m (< 2 ½ storeys)
<b>Other Regulations</b>		
Minimum Parking Requirements	4 non-tandem spaces 2 tandem spaces	<b>Residential:</b> 2 per dwelling unit (4 stalls non-tandem) 1.25 per 1 bedroom dwelling unit Total required: (2 units x 2 = 4) + (1.25 x 1 = 1.25) = <b>6 spaces</b>
Private Open Space	132 m <sup>2</sup> provided	25.0 m <sup>2</sup> of private open space shall be provided per dwelling 25 m <sup>2</sup> x 4 = 100 m <sup>2</sup>

\*\*A sideyard variance is requested from the 2.5m permitted to 2.3m proposed.

#### 4.2 Site Context

The subject property is located on the northern side of Borden Avenue, just east of Ethel Street. Adjacent zones and uses are:

North	RU6 - Two Dwelling Housing
East	RU6 - Two Dwelling Housing
South	RU6 - Two Dwelling Housing
West	RU6 - Two Dwelling Housing & RM4 - Transitional Low Density Housing

### 4.3 Site Location Map

Subject Property: 932-934 Borden Avenue



### 5.0 DEVELOPMENT POTENTIAL/CURRENT POLICY:

The applicant is seeking to rezone the property to the RM1 - Four-Plex Housing zone. The purpose of the RM1 zone is to provide for the development of a maximum of four dwelling units in the form of single detached, semi-detached, duplex, three-plex or four-plex housing on urban services.

#### 5.1 Kelowna Official Community Plan

The future land used designation for the subject property identified in the Official Community Plan is Low Density Multiple Unit residential. The proposal is consistent with this designation.

Section 8 of the Official Community Plan also contains the following guidelines which are applicable to this development proposal;

#### Relationship to the Street

- First storey units should ideally provide ground-level access and outdoor amenity space.

#### Building Massing

- Developments should be sensitive to and compatible with the massing and rhythm of the established streetscape.
- There should be no more than a one storey height gain between adjacent uses within 5.0 m of the side property line where the adjacent land has not be designated on the

Future Land Use Map for equal or higher density redevelopment in the OCP. Where the adjacent land has been designated for equal or higher density redevelopment the height gain or stepping back guidelines are not applicable.

## 6.0 TECHNICAL COMMENTS:

### 6.1 Fire Department

A visible address is required from all units from the street.

### 6.2 Building and Permitting Department

Building permit required for suites, to be constructed and to meet requirements of BCBC 2006.

### 6.3 Development Engineering Department

#### 1. Domestic Water and Fire Protection

The existing property is serviced with two 19 mm diameter copper water services. Water metering must comply with 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. The service should be adequate for this application.

#### 3. Road Improvements

Borden Avenue must be upgraded to a full urban standard along the full frontage of this property, including curb and gutter, pavement widening and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The City wishes to defer the upgrades to Borden Avenue fronting this property. Therefore, cash-in-lieu of immediate construction is required. The cash-in-lieu amount is determined to be **\$6,507.00**

#### 4. Development Permit and Site Related Issues

The requested variance to reduce the side yard setback from the required 2.50 m to 2.30 m, does not compromise Works and Utilities servicing requirements.

#### 5. Access, Manoeuvrability and Parking Requirements

A minimum of six off-street vehicle parking spaces are required. The parking modules must meet bylaw requirements. The rear yard parking area is to be designed so as to allow vehicles to turn-around on-site and exit the site in a forward direction.

## 7.0 LAND USE MANAGEMENT DEPARTMENT:

The Land Use Management Department recognizes the need for additional affordable housing, which commonly is in the form of multi-family housing through infill projects. Staff have just recently received all the outstanding condition requirements to proceed with this application.

Originally, the form and character of this existing structure containing two illegal suites was considered substandard in terms of design criteria. Given that it is already constructed, design amendments are limited in terms of practical upgrades. The front elevation is dominated by the dual garages, and the principal entrances to all four units are not easily identifiable and could

benefit from additional façade improvements to enhance the pedestrian connection to the street. Staff have provided design comments and the applicant has responded with improved unit entrances via design enhancements, lighting, and access control that may positively impact the Crime Prevention through Environmental Design Guidelines and could prove valuable to enhance the property appeal and resident safety.

Additionally, given that the parking requirements will utilize a significant portion of the usable open space on the site, the outdoor functionality of the units is compromised. In response, the applicant has provided balcony/upper deck space for both upper units to create additional quality open living space.

Submitted by:



Danielle Noble  
Manager, Urban Land Use

Approved for inclusion:

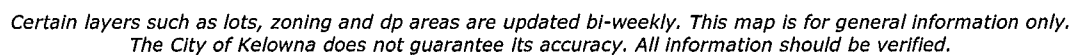


Shelley Gambacort  
Director, Land Use Management

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**Attachments:**

Subject Property Map  
Schedule "A" - Site Plan  
Schedule "B" (4 pages) - Elevations  
Schedule "C"  
Floor Plans (2 pages)

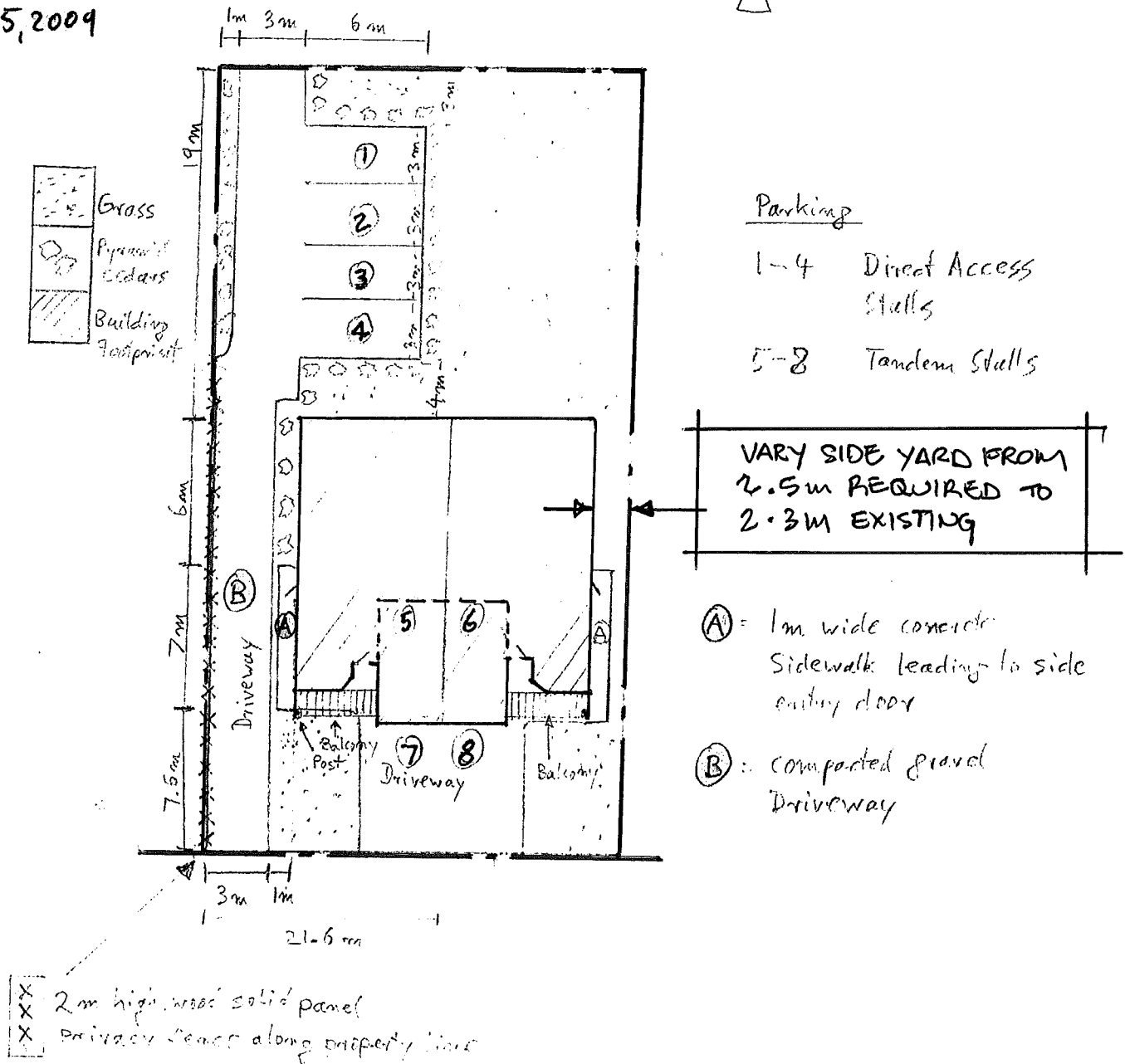


# LANDSCAPE AND SITE PLAN

Files Z07-0064 & DP07-0170  
932-934 Barden Ave

Proposed direct access parking stalls

REVISED  
NOV 15, 2009



SITE PLAN



# LANDSCAPE AND SITE PLAN

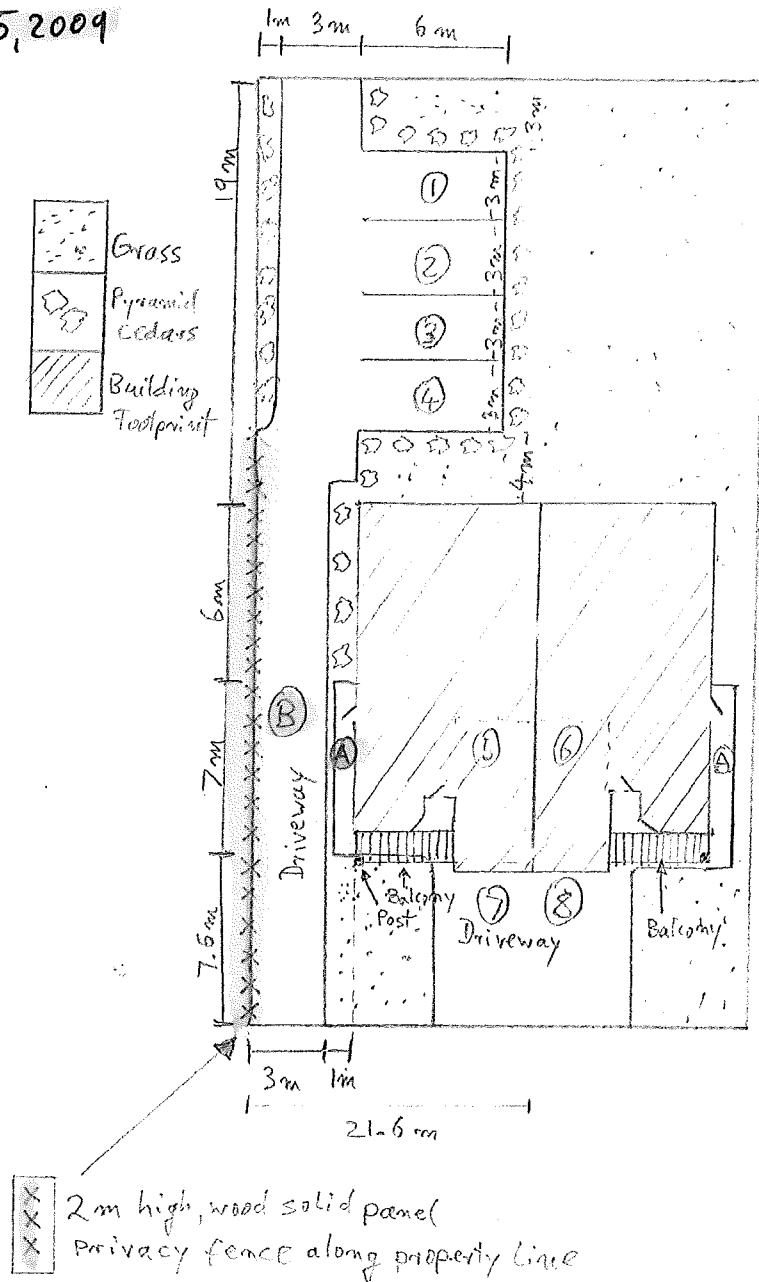
Files Z07-0064 & DP07-0170

932-934 Barden Ave

Proposed direct access parking stalls

REVISED

NOV 15, 2009



## Parking

1-4 Direct Access Stalls

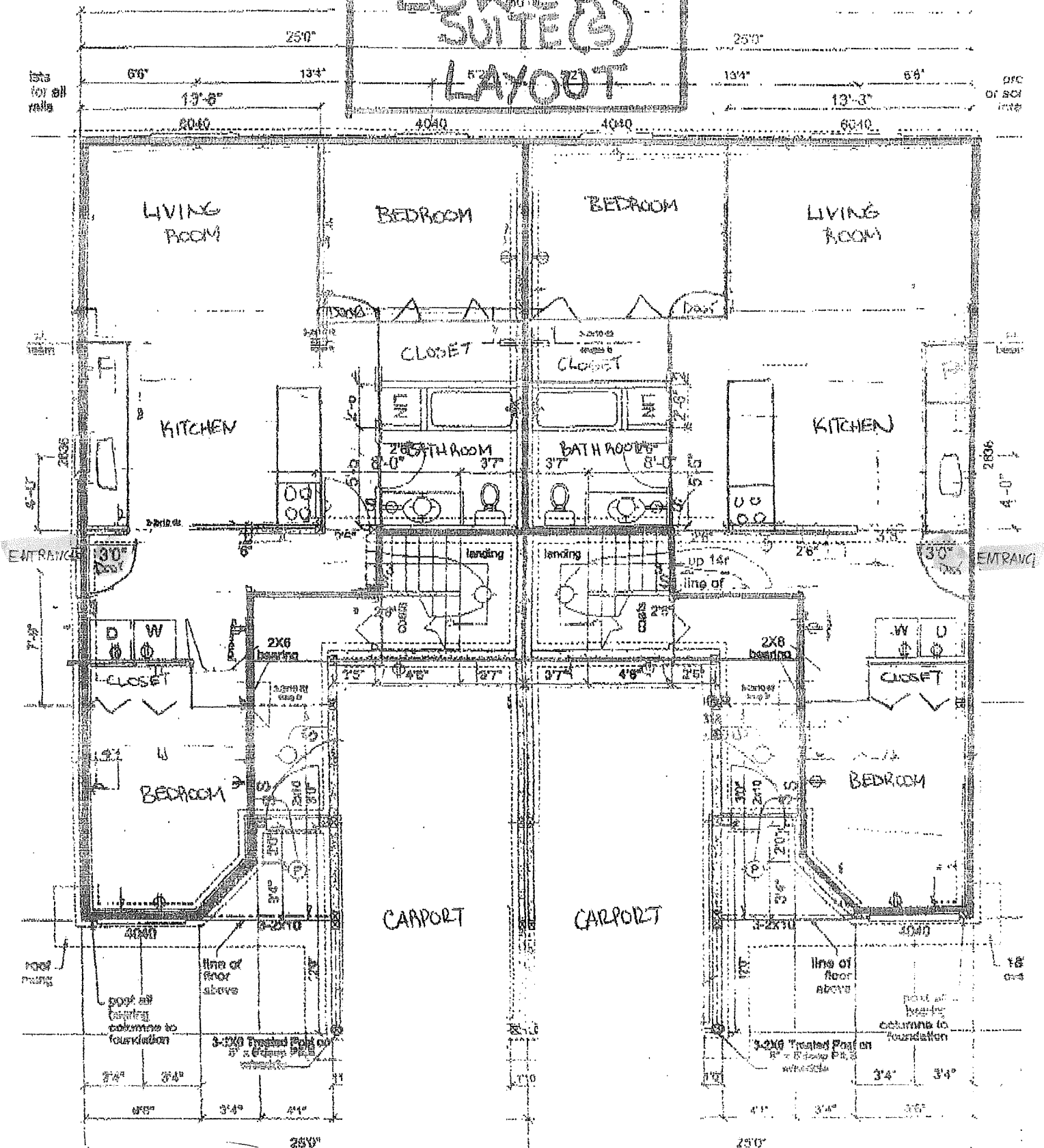
5-8 Tandem Stalls

## LANDSCAPE PLAN

REVISED  
Nov 15, 2009

932-934 BORDEN AVE.

LOWER  
SUITE (G)  
LAYOUT

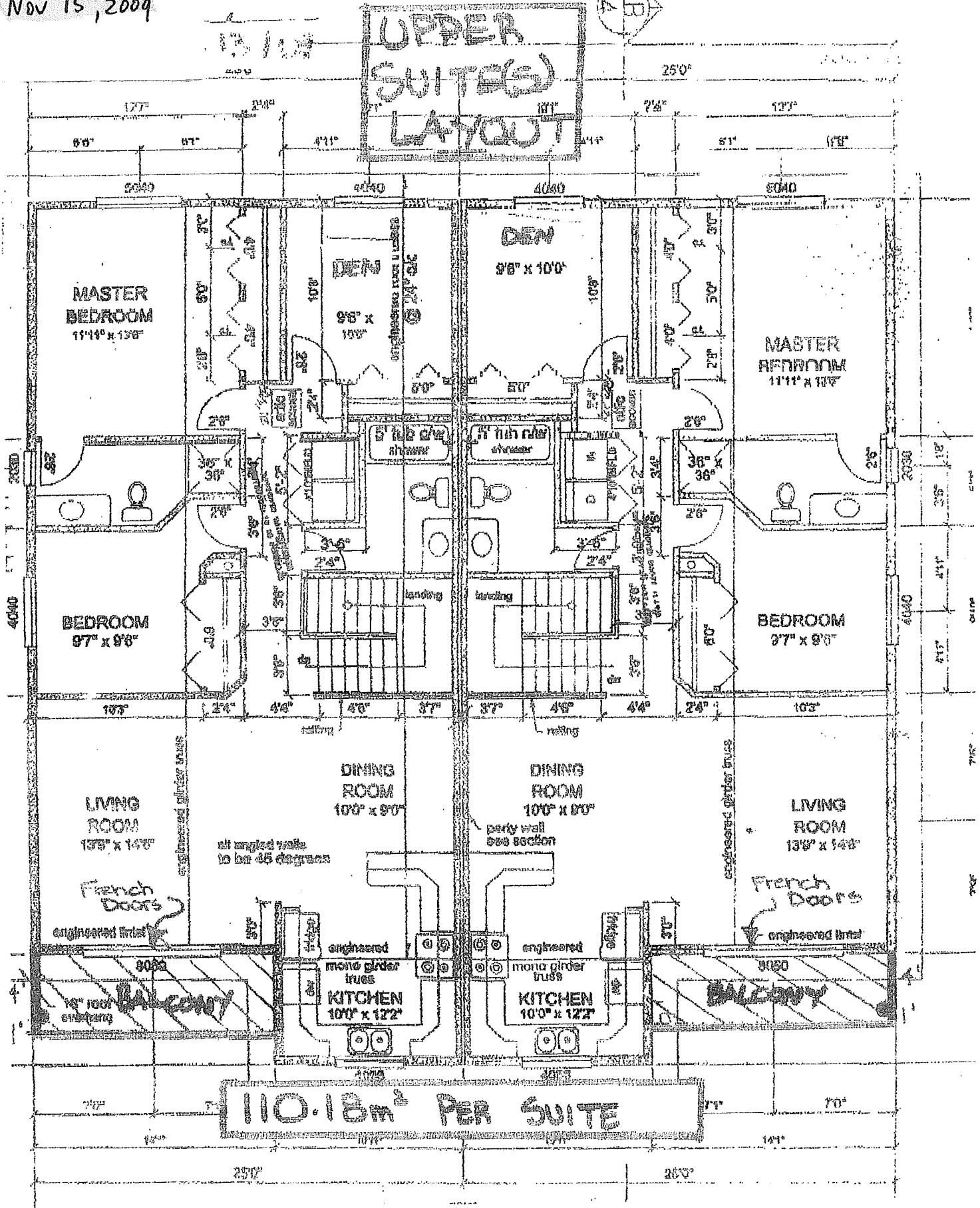


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Nov 15, 2009

932-934 BORDEN AVE

UPPER  
SUITE(S)  
LAYOUT

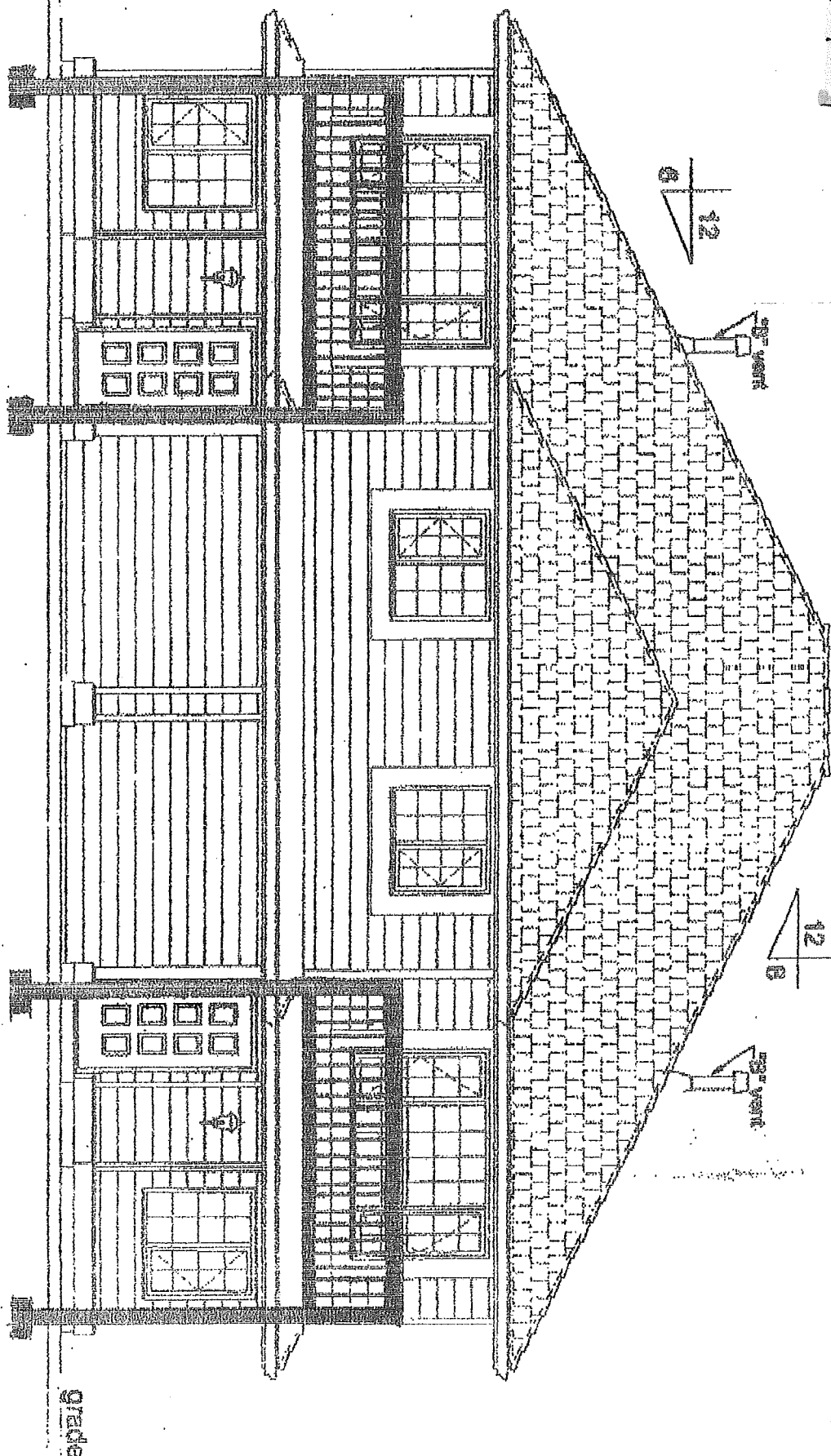


REVISED

Nov 15, 2009

subject to penalties under the Copyright Law

932-434 Borden Ave



Balcony  
Details:

# FRONT ELEVATION

scale = 1/4" = 1'0"

Dimensions

4' wide with 1' cantilever  
Railings: 42" high  
Posts: 6" x 6"

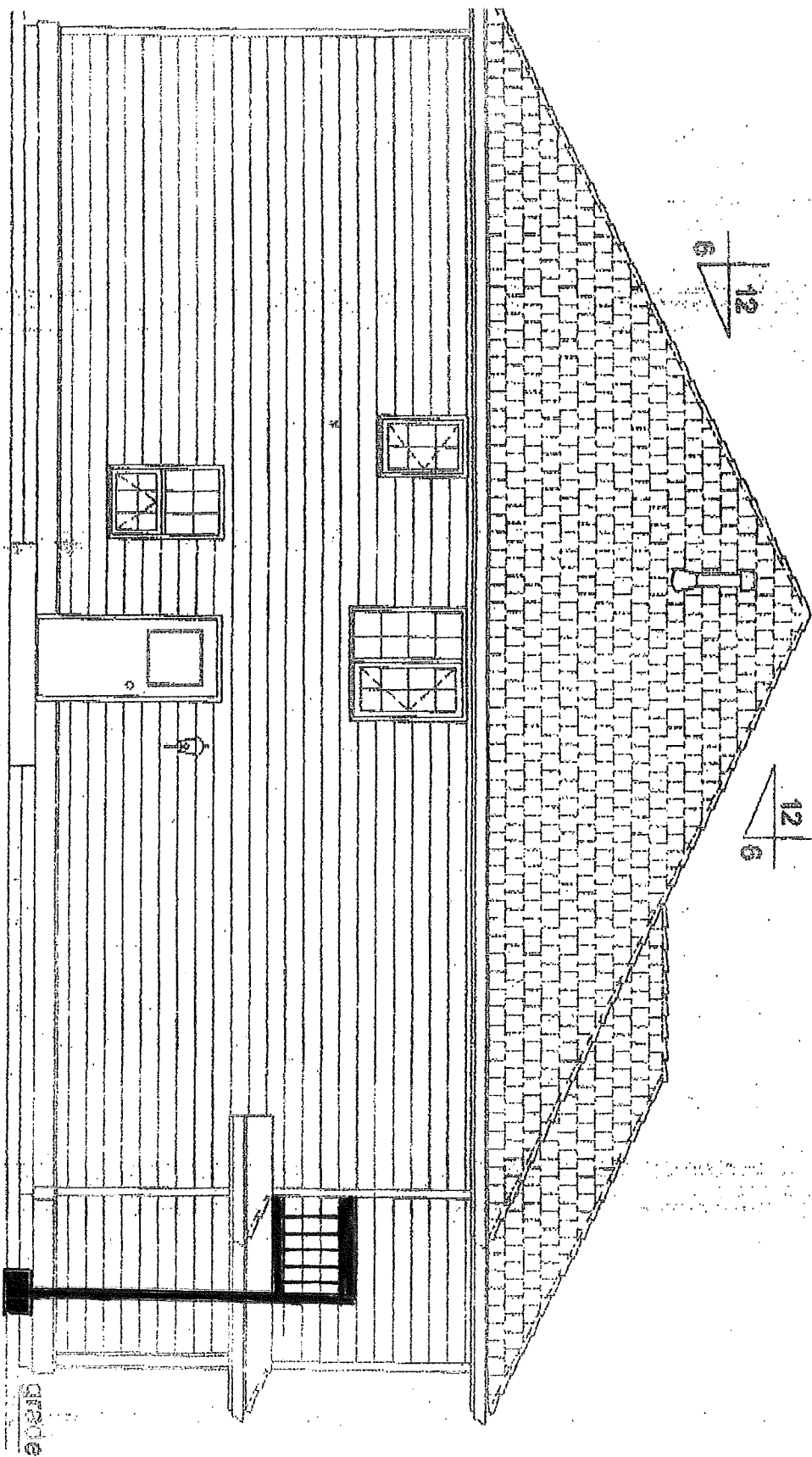


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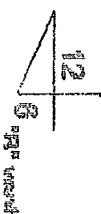
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932-934 Borden Ave



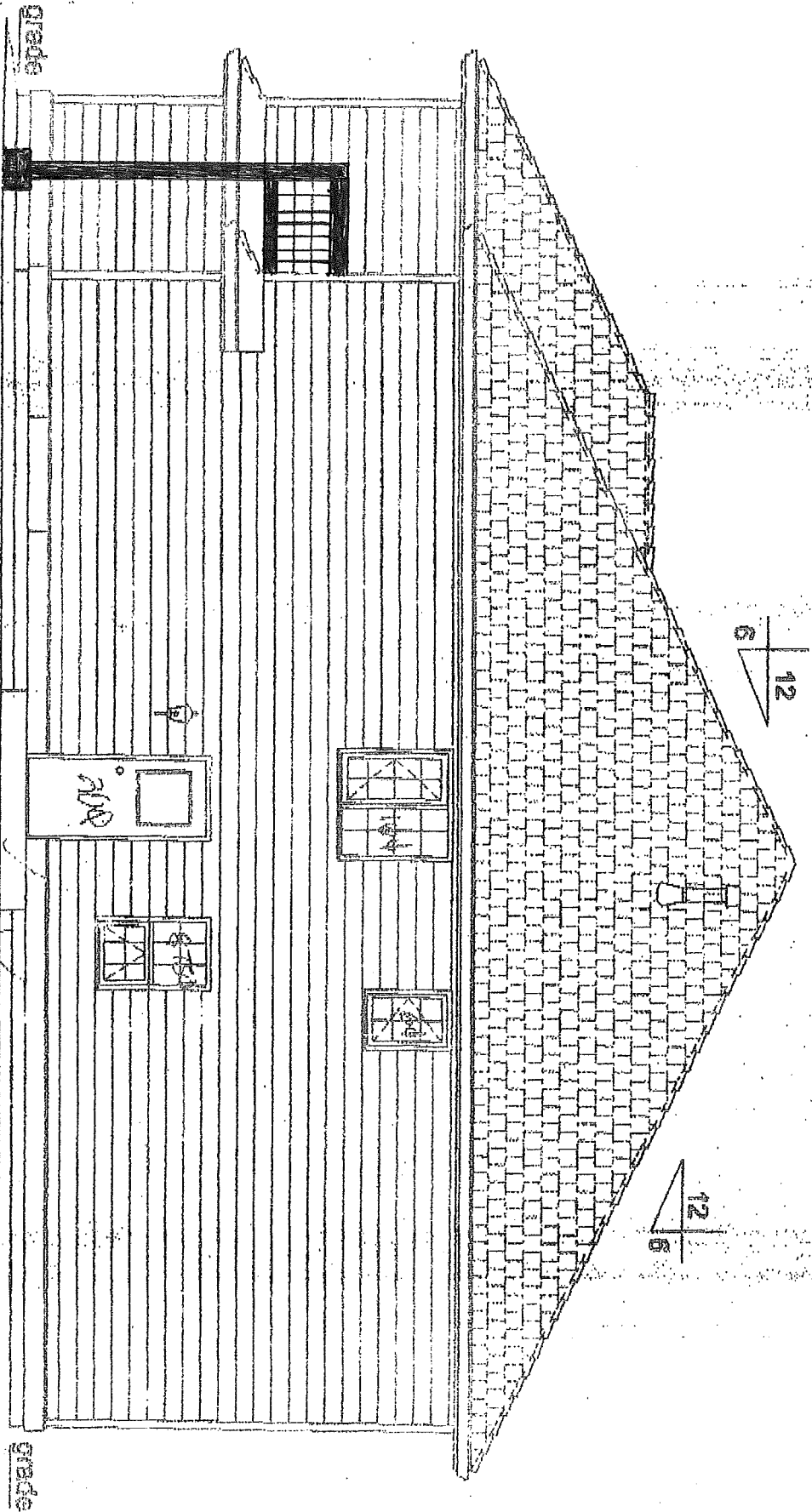
LEFT ELEVATION scale = 1/4" = 1'0"



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Nov 15, 2009

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932-934 Borden Ave



RIGHT ELEVATION

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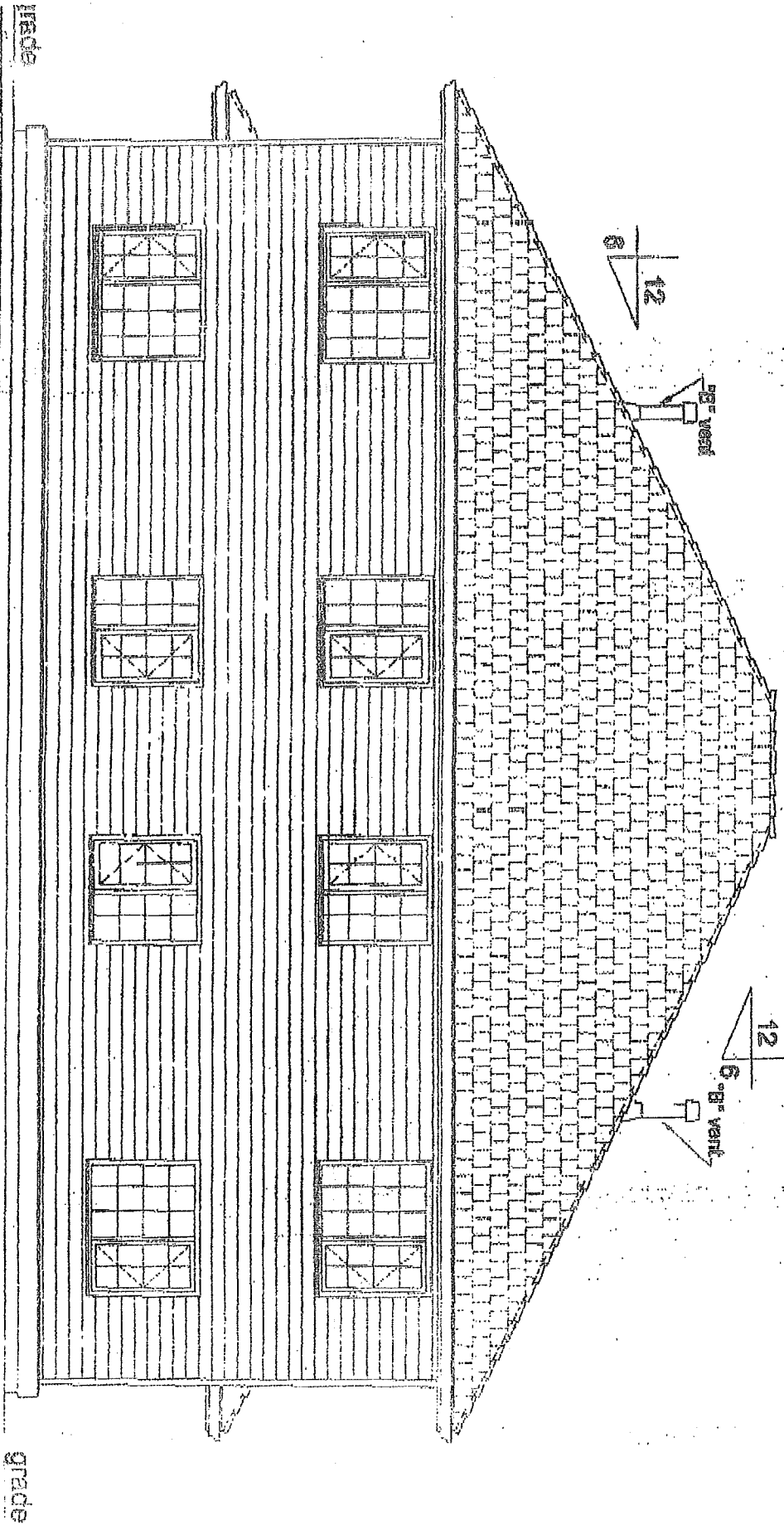
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Nov 15/09

932-934 Borden Ave.

Scale = 1/4" = 1' 0"



REAR ELEVATION

Scale = 1/4" = 1' 0"