

# Memo



Date: January 15, 2010

To: City Manager

From: Community Sustainability Division

File No: DVP09-0158

Applicant: Gerhard Boepple

At: 535 Keithley Rd.

Owner: Gerhard Boepple

**Purpose:** To seek a Development Variance Permit to vary the front yard setback from Galbraith Place from 18.0m required to 1.5m proposed to facilitate the siting of an accessory building

**Existing Zone:** RU1 - Large Lot Housing

**Report Prepared by:** Paul McVey

## 1.0 RECOMMENDATION:

THAT Council authorize the issuance of Development Variance Permit No. DVP09-0158 for Lot A, Sec.26, Twp.26, ODYD, Plan 37708, located at 535 Keithley Rd., Kelowna, B.C;

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

### **Section 6.5.8(a) Accessory Development – Front Yard Setback**

Vary the front yard setback from Galbraith Place to an accessory building from minimum 18m required to 1.5m proposed.

## 2.0 SUMMARY:

The applicant wishes to vary the front yard setback to an accessory building measured from the Galbraith Pl. frontage from 18m required to 1.5m proposed in order to allow for an addition to an existing accessory building. The applicant has provided written support for the variance from affected property owners.

## 3.0 BACKGROUND AND THE PROPOSAL:

The applicant has owned the subject property since 1970's, and a new dwelling was constructed on the property in 1973. In 1992, there was an accessory building sited on the property. In 2004, the property to the south was developed with a 29 lot subdivision. As part of the subdivision of that property a new road was constructed, which terminated in a cul-de-sac adjacent to the subject property. The construction of that road changed the subject property into a "double fronting through lot", which now requires accessory buildings to be setback a minimum of 18m from the front property line when the side yard set back of the accessory building is less than the minimum side yard setback for the principal building. The existing accessory building had a setback of 1.5m (5'-0") from the property line adjacent to Galbraith Place. In order to upgrade

and accommodate a modest addition to the existing garage, a variance from the 18.0m. required front yard setback to the 1.5m proposed must be formalized. There will be no Development Permit application required as the accessory building does not contain a residential suite.

The proposal compares to the requirements of the RU1 zone as follows:

<b>Zoning Bylaw No. 8000</b>		
<b>CRITERIA</b>	<b>PROPOSAL</b>	<b>RU1 ZONE REQUIREMENTS</b>
Subdivision Regulations		
Lot Area	1,428 m <sup>2</sup>	550 m <sup>2</sup>
Lot Width	21 m	16.5 m unless 15 m when access to rear lane; 17 m for corner lot
Lot Depth	31 m	30.0 m
Development Regulations		
Site Coverage (buildings)	22%	40%
Site Coverage (buildings/parking)	31.7 %	50%
Height (existing house)	2 storey	2 ½ storeys / 9.5 m
Floor Area of Accessory Building	80.36 m <sup>2</sup> / 5.6% site	Lessor of 90 m <sup>2</sup> or 14% site
Front Yard (Keithley Rd)	8.63 m	4.5 m
Side Yard (n)	11.22 m	2.3 m (2- 2 ½ storey)
Side Yard (e) to accessory	1.0 m	1.0 m (accessory building)
Front Yard (Galbraith Rd.)	1.5 m ❶	18.0 m (accessory building)

VariANCES Required;

❶ Section 6.5.8 Vary front yard setback to accessory building from 18m required where side yard setback of accessory building is less than side yard setback of principal building to 1.5m proposed from the Galbraith Place frontage.

4.2 Site Location Map

535 Keithley Road



4.3 Site Context

The subject property is an irregular shaped lot which is located in the Rutland area, south of McCurdy Road, east of Hollywood Road. Galbraith Place was developed south of the subject property in 2004 as part of a 24 lot subdivision.

The adjacent land uses are as follows:

<i>Direction</i>	<i>Zoning Designation</i>	<i>Land Use</i>
North	RU1 - Large Lot Housing	Single unit housing
East	RU1 - Large Lot Housing	Single unit housing
South	RU2 - Medium Lot Housing	Single unit housing
West	RU1 - Large Lot Housing	Single unit housing

5.0 TECHNICAL COMMENTS:

5.1 Building & Permitting

Rear wall of existing building is at 1 metre setback at rear property line is required to deal with spatial separation issue.

NOTE; Additional review will occur at building permit application review to ensure compliance with BC building code

**5.2 Development Engineering Branch**

The requested variance does not compromise any Municipal servicing requirements.

**5.3 Fire Department**

No Concerns.

**6.0 LAND USE MANAGEMENT DEPARTMENT:**

The Land Use Management Department has no concerns with the proposed variance. The construction of Galbraith Place to the rear of the subject property created new setback requirements for the existing accessory building (ie. new setback to a front yard when the cul-de-sac at the end of Galbraith Place was constructed). At the time of construction in 1992, the accessory building was in compliance with the zoning bylaw of the day, prior to the adjacent lot being subdivided. All affected property owners have provided letters of no objection to the requested variance. The addition/renovation of the accessory building will be a visual improvement for the immediate neighborhood.



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Danielle Noble  
Manager, Urban Land Use

Approved for inclusion:

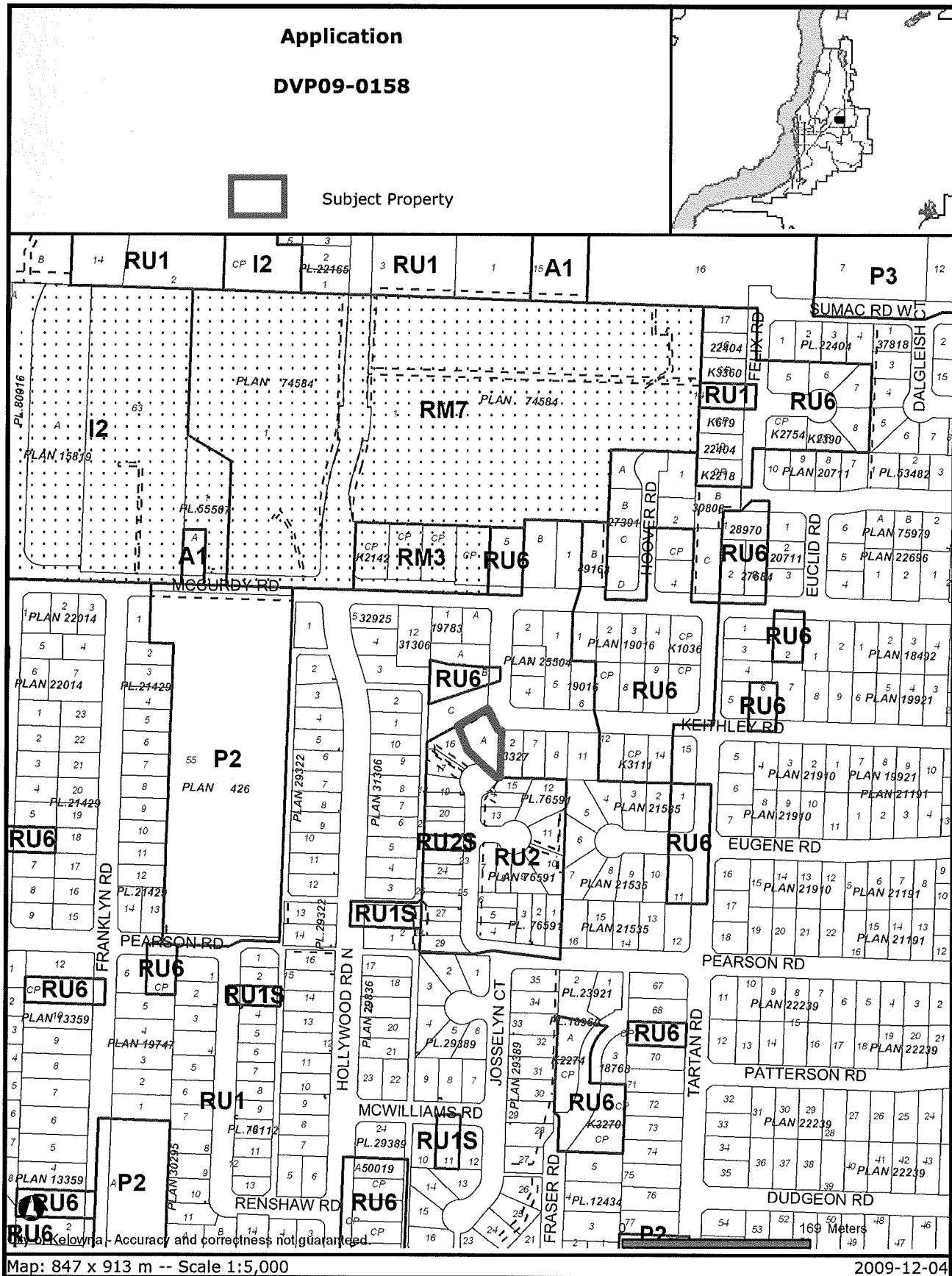


Shelley Gambacort  
Director, Land Use Management

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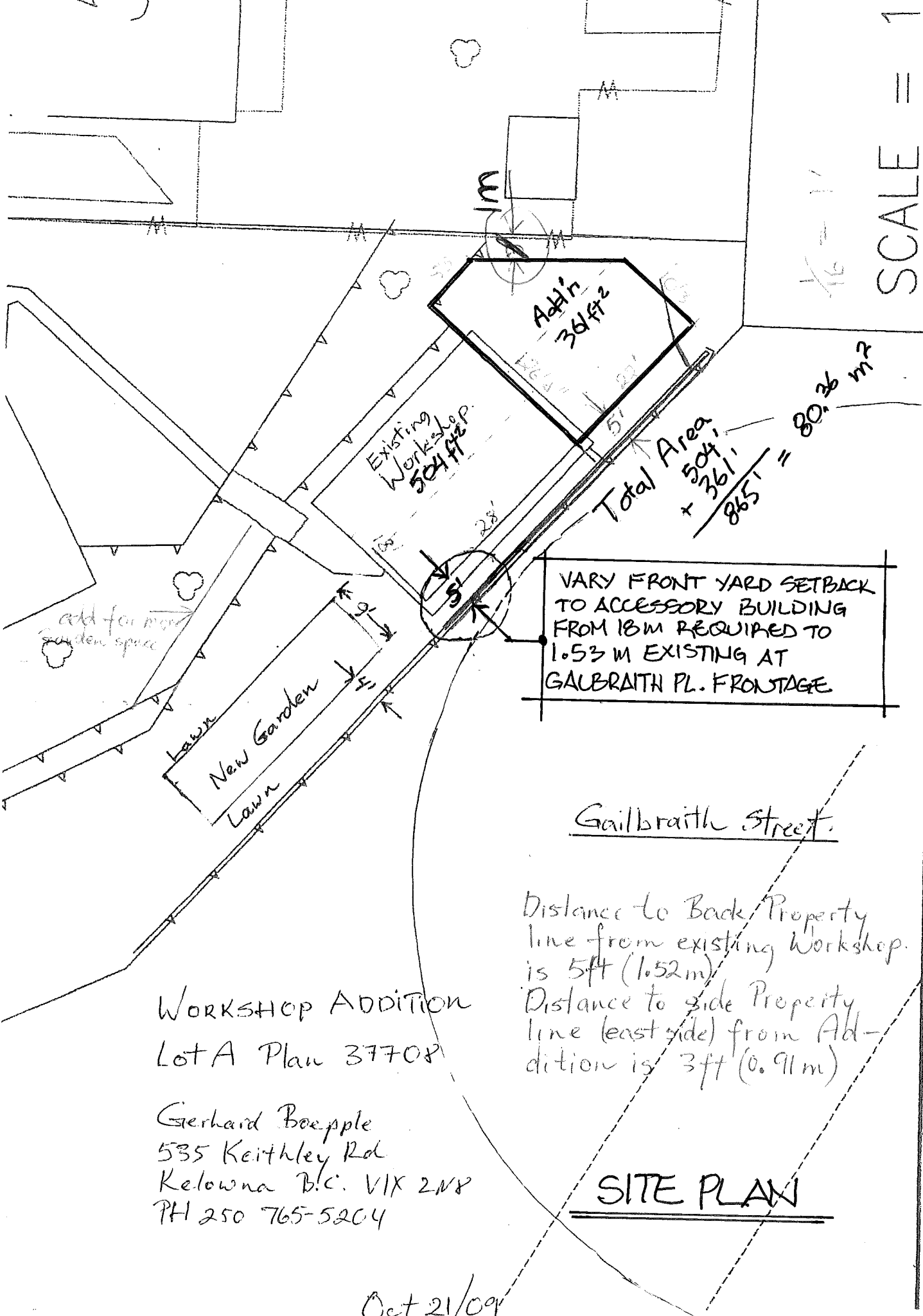
**Attachments:**

- Subject Property Map
- Site Plan - indicating location of proposed addition
- Accessory building drawings
- Photos



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.

SCALE = 1/16" = 1'



VARY FRONT YARD SETBACK TO ACCESSORY BUILDING FROM 18M REQUIRED TO 1.53M EXISTING AT GALBRAITH PL. FRONTAGE

Galbraith Street.

Distance to Back Property line from existing Workshop is 5ft (1.52m)  
 Distance to side Property line (east side) from Addition is 3ft (0.91m)

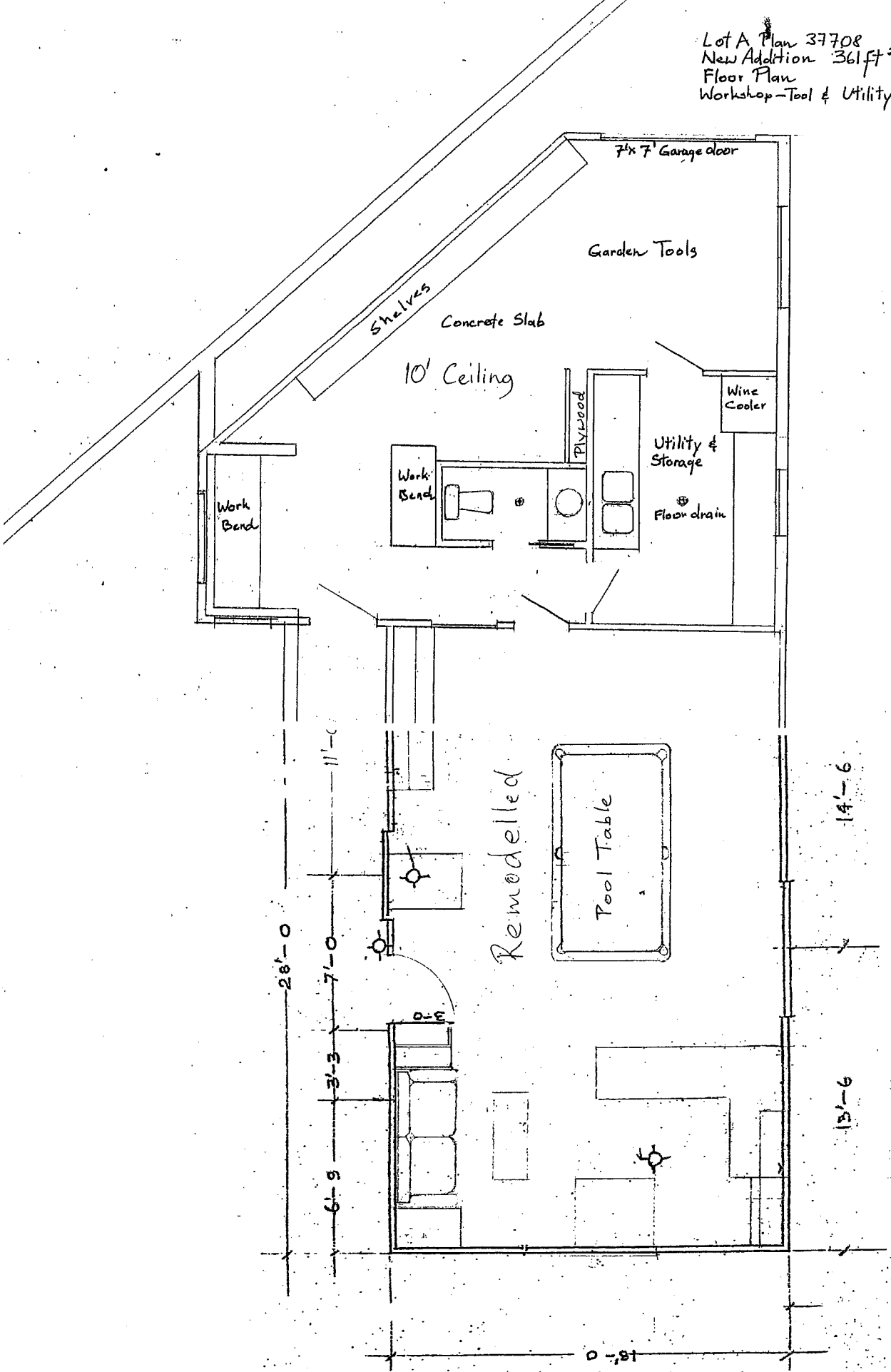
WORKSHOP ADDITION  
 Lot A Plan 37708

Gerhard Boepple  
 535 Keithley Rd  
 Kelowna B.C. V1X 2N8  
 PH 250 765-5204

SITE PLAN

Oct 21/09

Lot A Plan 37708  
New Addition 361ft<sup>2</sup>  
Floor Plan  
Workshop-Tool & Utility Storage



Shelves  
Concrete Slab

7x7 Garage door

Garden Tools

10' Ceiling

Work Bench

Work Bench

Plywood

Utility & Storage

Wine Cooler

Floor drain

Remodelled

Pool Table

26'-0

7'-0

3'-3

6'-9

14'-6

13'-6

28'-0

Workshop concrete floor slab raised 3 1/2"

Outside wall 2x4 constr.

4'4 rebar 1/2" outside concrete slab

Scale 1/2" = 1'-0"

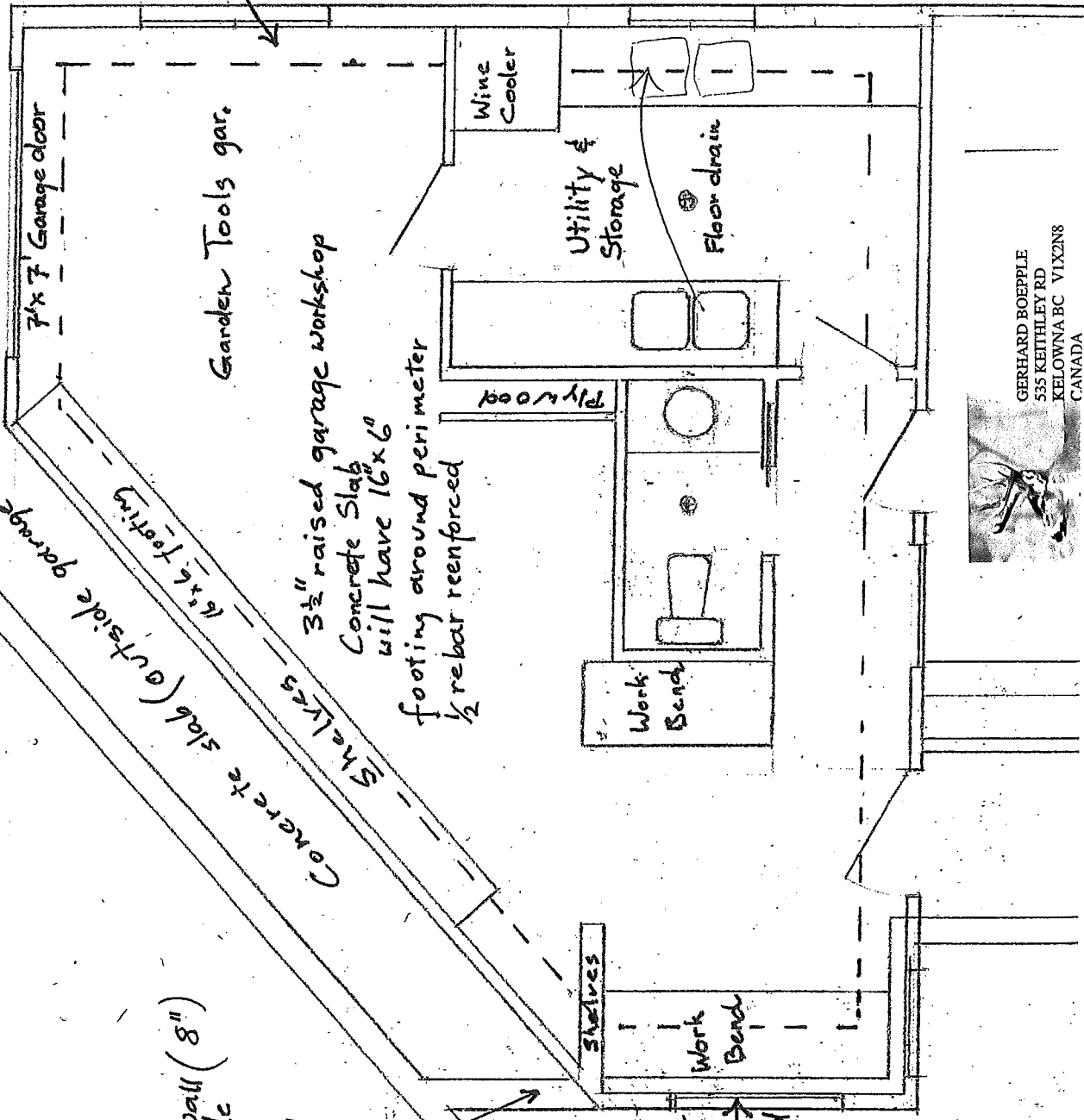
3/4 crush 16"x6" perimeter footing compacted below crush

existing 40" Retaining wall (8") plus 24" below grade 64" Total

plus 16"x6" footing 1 3/4" crush below

garage 2x4 wall to sit on 8" concrete foundation sill gasket & wood preserved 2x4 plate

Lot A Plan 37708  
New Addition 361ft<sup>2</sup>  
Floor Plan  
Workshop - Tool & Utility Storage



PROPOSED ACCESSORY ADDITION

Scale 1/2" = 1'-0"

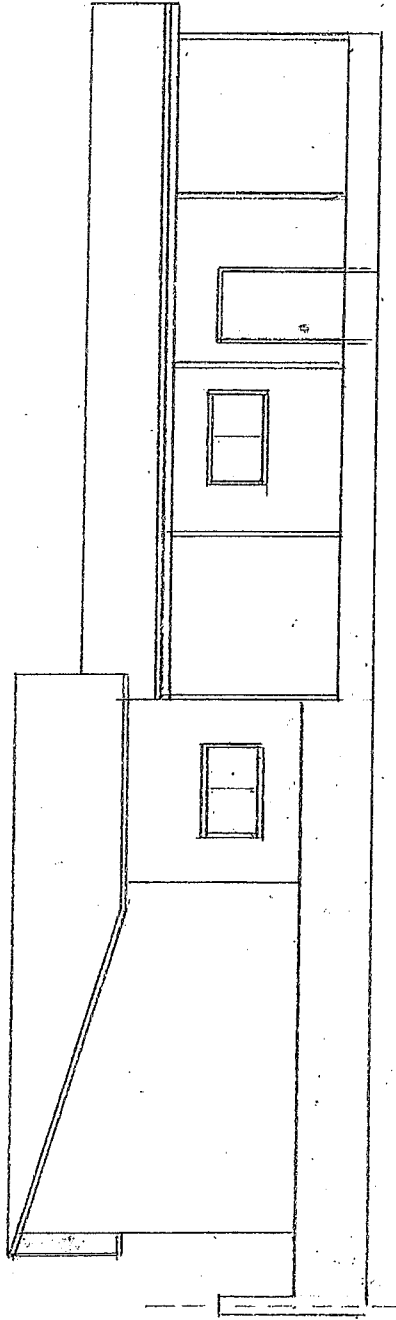
Concrete slab outside

GERHARD BOEPPLE  
535 KEITHLEY RD  
KELOWNA BC V1X2N8  
CANADA



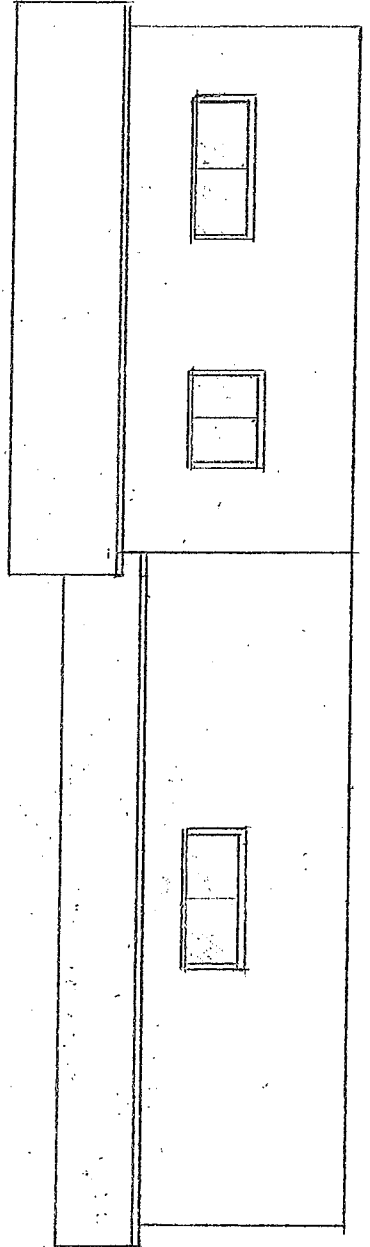
Lot A Plan 37708  
Rec. & Work Shop  
North & South Elevation  
Scale  $\frac{1}{8}'' = 1'-0''$

ADDITION / EXISTING



North Elevation

EXISTING / ADDITION

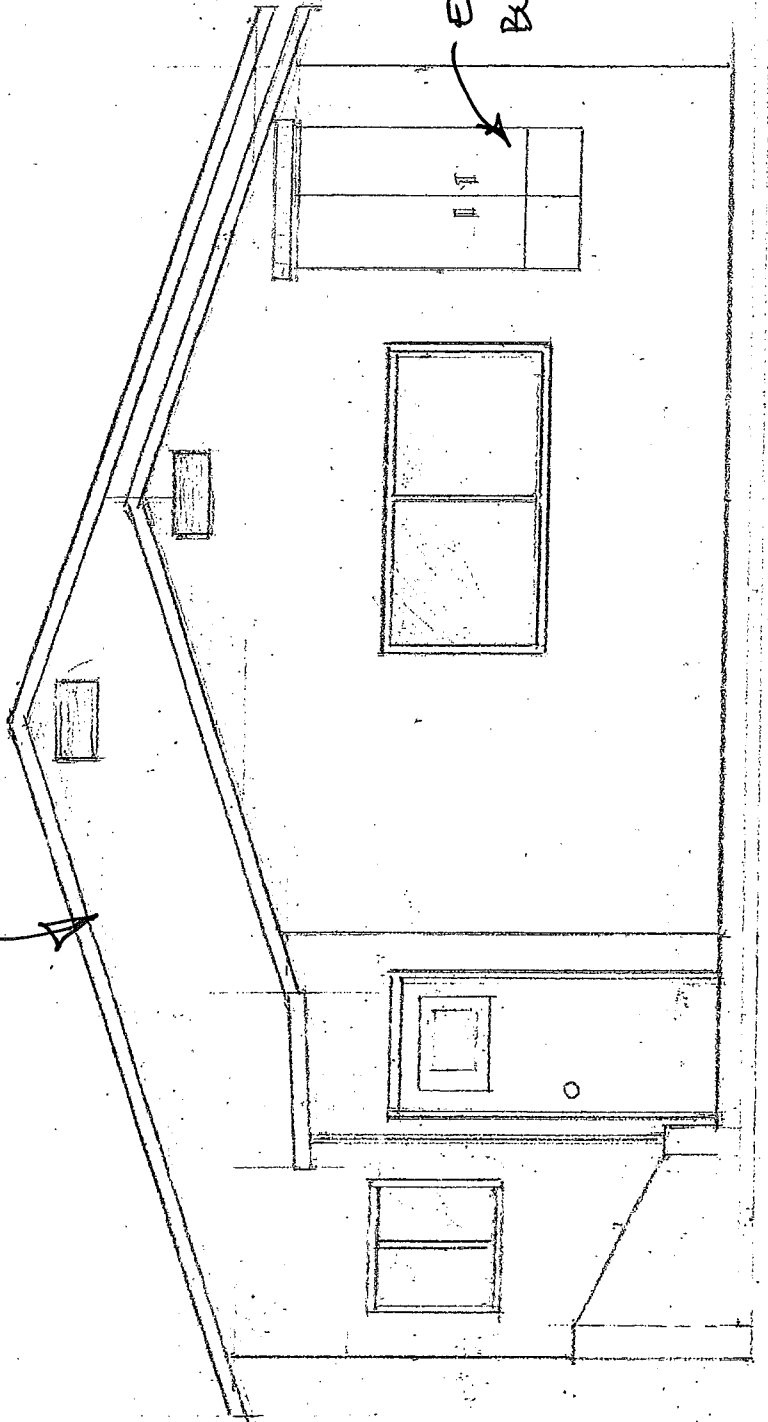


South Elevation

Lot A Plaw 3770P  
Rec & Work Shop  
West Elevation  
Scale  $\frac{1}{4}'' = 1'-0''$

PROPOSED ADDITION

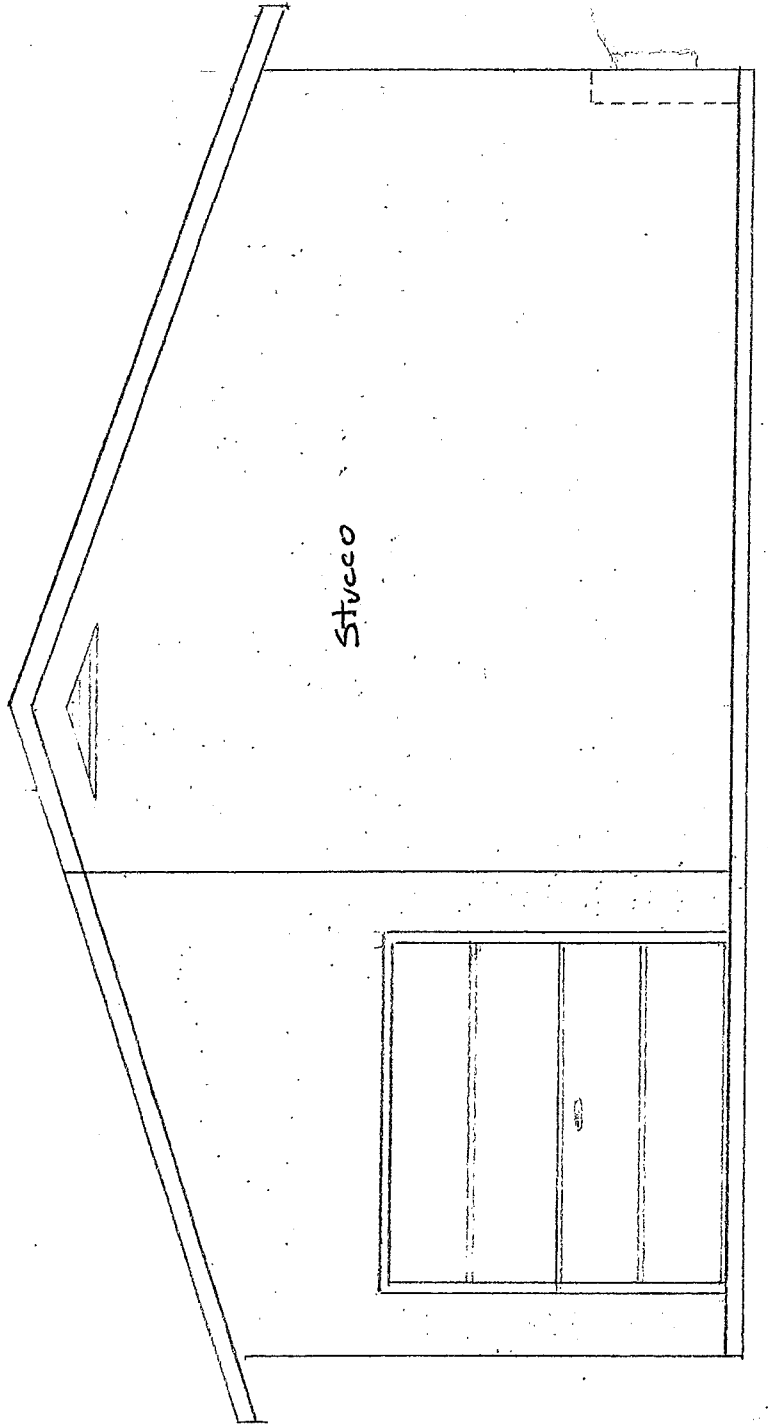
EXISTING BUILDING



Lot 31 / No

WEST ELEVATION

Lot A Plan 37708  
Recreation & Workshop  
East Elevation  
Scale  $\frac{1}{4} = 1'-0$   
Roof pitch 4 in 12



EAST ELEVATION





