

# Memo



Date: June 11, 2010

To: City Manager

From: Community Sustainability Division

File No: DVP10-0072

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 0.79M PROPOSED.

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. DVP10-0072 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 0.79m proposed.

## 2.0 SUMMARY:

This proposal seeks approval for a Development Variance Permit to vary the rear yard setback from 1.5m required to 0.79m proposed for the new addition to the accessory building. The applicant had previously been granted a Development Variance Permit to reduce the rear yard setback to 1.0m, however the applicant has since realized that a reduction of the rear yard setback to 0.79m is required.

## 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.

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

Criteria	Proposal	RU6 Zone Requirements
Subdivision Regulations		
Lot Area	613 m <sup>2</sup>	400 m <sup>2</sup>
Development Regulations		
Site Coverage (buildings/parking)	40.69 %	50%
Existing Dwelling		
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 ①	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	0.79 m ②	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
① Existing non-conforming. ② Vary the required rear yard setback from 1.5m required to 0.79m 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**

The fire separation of the structure will be required to be reviewed to meet the requirements of the 2006 Edition of the British Columbia Building Code.

**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 variance. The variance to the rear yard setback is not significant and has support from the neighbouring property owners. In addition, a similar variance has recently been supported by Staff and City Council, unfortunately the applicant misjudged the extent of the required variance.



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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  
Development Engineering Branch Comments

**File Chronology:**

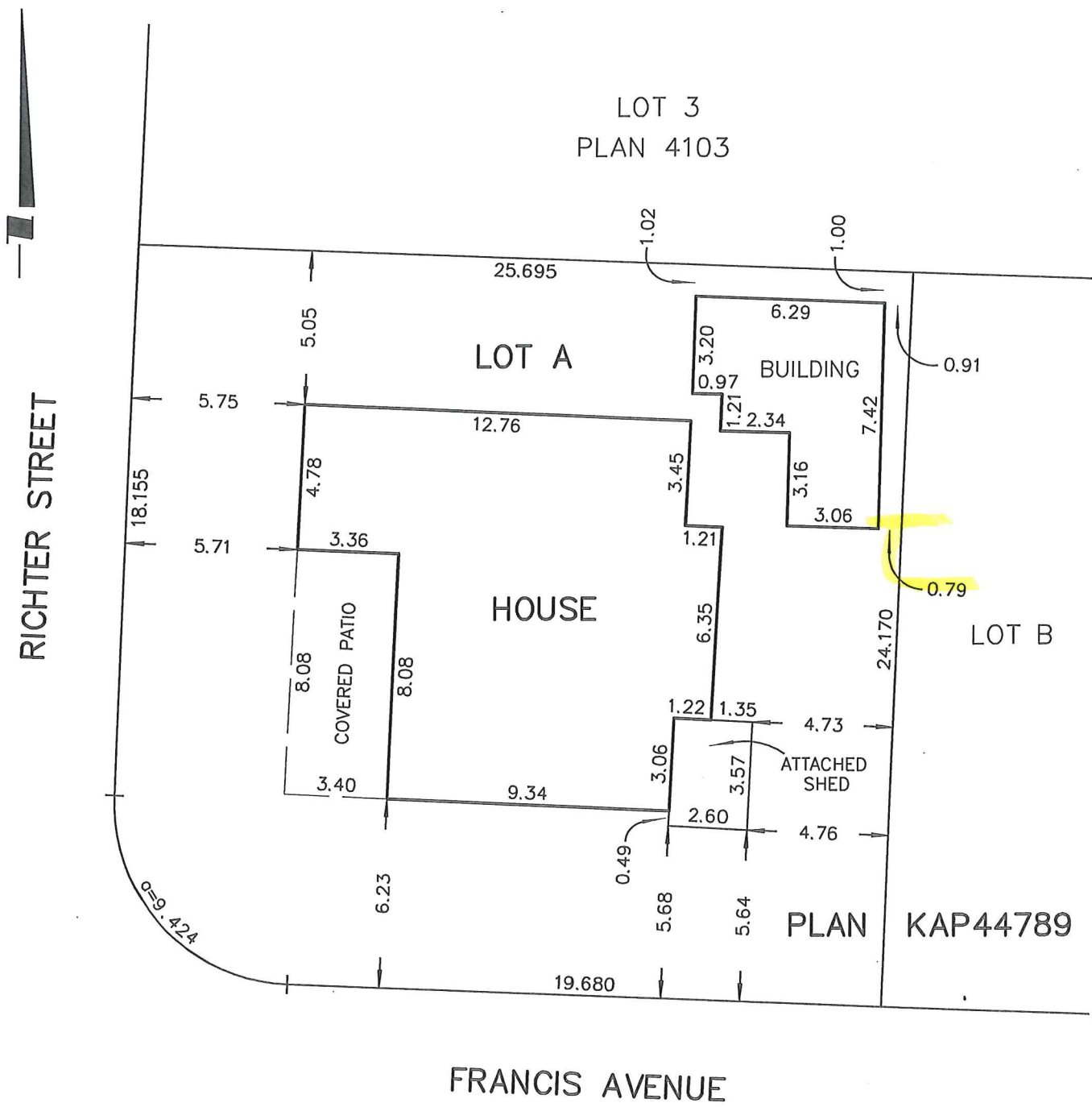
Date application accepted - June 2, 2010



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.

# B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION ON LOT A DISTRICT LOT 136 ODYD PLAN KAP44789

2435 RICHTER STREET



FRANCIS AVENUE

THIS PLAN IS FOR THE USE OF THE BUILDING INSPECTOR AND/OR MORTGAGEE ONLY AND IS NOT TO BE USED FOR THE RE-ESTABLISHMENT OF PROPERTY BOUNDARIES.

CLIENT: DENISE NYCE	DATE: MAY 6, 2010
SCALE: 18703	FILE: 1:200 METRES

**Ferguson Land Surveying & Geomatics Ltd.**  
 BC AND CANADA LAND SURVEYORS 404-1630 PANDOSY STREET, KELOWNA, BC  
 PHONE: (250) 763-3115 FAX: (250) 763-0321  
 © Ferguson Land Surveying & Geomatics Ltd.

I HEREBY CERTIFY THAT THE ABOVE SKETCH SHOWS THE REGISTERED DIMENSIONS OF THE ABOVE DESCRIBED PROPERTY AND RELATIVE LOCATION OF THE BUILDINGS THEREON.

*[Signature]*  
 B.C.L.S.  
 THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED

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

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**Date:** June 10, 2010  
**File No.:** DVP10-0072  
**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 0.79m 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