

DRAFT RESOLUTION

Re: Development Variance Permit Application No. DVP08-0096 - Adrienna Fehr (Adrienna & Cornie Fehr) - 125 Robson Road East

THAT Council defers consideration of Development Variance Permit Application No. DVP08-0096 to the November 30, 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: November 10, 2010

A handwritten signature in black ink, located in the bottom right corner of the page. The signature is stylized and appears to be the initials 'AF'.

Memo



Date: October 22, 2010

To: City Manager

From: Land Use Management, Community Sustainability

Application: DVP08-0096

Owner: Adrienna Fehr

Address: 125 Robson Road East

Applicant: Adrienna & Cornie Fehr

Subject: Development Variance Permit Application

1.0 Recommendation

THAT Final Adoption of Zone Amending Bylaw No. 10369 be considered by Council;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP08-0094 for Lot 5, Section 23, Township 26, ODYD, Plan 10372, located at 125 Robson Road East, Kelowna, B.C.;

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

Section 9.5.1(d) - Secondary Suites: To vary the siting requirements for a secondary suite in an accessory building, to allow the secondary suite to be located between the principal building and the front yard.

Section 13.1.6(e) - RU1 Development Regulations: To vary minimum rear yard from 7.5m required to 2.3m proposed.

2.0 Purpose

The applicant requests a Development Variance Permit to vary two siting regulations to construct a new principal dwelling on the subject property while maintaining the existing dwelling (to be considered a secondary suite within an accessory building).

3.0 Land Use Management

The Land Use Management Department considers the proposed variances to be relatively minor in nature, in consideration of the corner lot configuration. Although the proposed development would require two variances to Zoning Bylaw No. 8000, the requests are considered acceptable given their limited effect on the existing street frontages. With the location of the existing home, the siting of an infill development presents challenges in meeting the requirements of the Zoning Bylaw. However, the property functions as a side yard for both adjoining properties, and not as a rear yard, as would be typical for an interior lot. In this way, it could be easier to achieve a sensitive form of infill, with less impact placed on surrounding properties.

Rear Yard Setback:

For this corner lot, the rear lot line acts as a side lot line to adjoining properties. The 2.3m setback requested (from the 7.5m required) represents the required side yard setback for the RU1 zone, and as such, the scale of the request is considered reasonable.

Siting of accessory building with secondary suite between front yard and principal dwelling:

This siting regulation is directed towards interior lots, where it is important to locate the accessory buildings in a secondary position to the principal dwelling, so as to not interrupt the rhythm of the existing

street frontage, or the rear lane if applicable. The subject property's corner lot configuration would create the appearance of two individual dwellings fronting along Robson Road and would not impose the problems typically associated with this siting regulation.

4.0 Proposal

4.1 Background

An application to rezone the subject property from the RU1 - Large Lot Housing to the RU1s - Large Lot Housing with Secondary Suite zone is currently sitting at Third Reading. An older single family home is located on the western portion of the property.

4.2 Project Description

A new principal dwelling is proposed for the vacant (eastern) portion of the subject property. Upon construction of the new dwelling, the existing dwelling would be treated as a secondary suite within an accessory building. This corner lot is addressed and accessed from Robson Road East, however, the legal front yard is Rutland Road. As such, the proposed dwelling would be located within the required rear yard setback, for which a variance is being requested from 7.5m required to 2.3m proposed.

The existing dwelling would become a secondary suite. The proposed location in front of the new principal dwelling is also under a variance request to allow a secondary suite to be located between the principal residence and the front yard.

In addition to the Development Variance Permit, a Development Permit is required to approve the form and character of the new dwelling. Assuming favourable consideration of the Development Variance Permit, the Development Permit would be executed at a staff level.

A summary of the application's conformance to Zoning Bylaw No. 8000 is provided in the table below:

Zoning Analysis Table		
CRITERIA	PROPOSAL	RU1(s) ZONE REQUIREMENTS
Development Regulations		
Site Coverage (buildings)	30%	40%
Site Coverage (buildings, parking and driveways)	37%	50%
Height	2 storeys / 6.25 m	2.5 storeys / 9.5 m
Floor Area of principal dwelling	132 m ²	-
Floor Area of Secondary Suite / Size ratios	89 m ² / 67%	Cannot exceed the lesser of 90 m ² or 75%
Front Yard	7.62 m	4.5 m
Side Yard (north)	6.0m	4.5 m (6.0 m for garage)
Side Yard (south)	2.3 m	2.3 m
Rear Yard	2.3 m ^①	7.5 m (2/2.5 storeys)
Other Regulations		
Minimum Parking Requirements	3 spaces	3 spaces
Siting of accessory building containing a secondary suite	Between principal building and front yard ^②	Between principal building and rear yard
^① The applicant is requesting a variance for minimum rear yard setback. ^② The applicant is requesting a variance the siting of the secondary suite.		

4.3 Site Context

The subject property is located at the southeast corner of Rutland Road and Robson Road East. The site is located within the Rutland Town Centre Development Permit Area, two blocks south of the Rutland Road/Highway 33 intersection. The area transitions from commercial uses to the north and single family housing to the south.

Specifically, the adjacent zones and uses are as follows:

Orientation	Zoning	Land Use
North	C4 - Urban Centre Commercial	Health Services/Salvation Army
East	RU1 - Large Lot Housing	Single Family Neighbourhood
South	RU1 - Large Lot Housing	Single Family Neighbourhood
West	RU1 - Large Lot Housing	Single Family Neighbourhood

Site Location Map

Subject property: 125 Robson Road East



5.0 Technical Comments

The application was circulated with Z08-0040, and no concerns were raised with regards to the variances being proposed.

6.0 Application Chronology

Date of Application Received: April 17, 2008

Original application proposed an addition to the existing home using the RM1 - Four Dwelling Housing zone. Additional documentation was required to complete the application. Staff were unsupportive of the original design and encouraged the applicant to pursue alternative options. Revised plans were submitted September 2008 to meet submission requirements.

Original Advisory Planning Commission consideration: November 18, 2008 (non-support of RM1 proposal)

Application revised (RU1s): June 2009

Advisory Planning Commission: September 29, 2009

The above noted application was reviewed by the Advisory Planning Commission at the meeting on September 29, 2009.

THAT the Advisory Planning Commission support Development Variance Permit Application No. DVP08-0096, for 125 Robson Road; Lot 5, Plan 10372; to vary the rear yard setback requirements from 7.5m to 2.3m proposed.

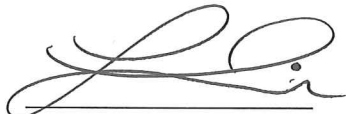
THAT the Advisory Planning Commission support Development Variance Permit Application No. DVP08-0096, for 125 Robson Road; Lot 5, Plan 10372; to allow a variance to Section 9.5.1(d) of Zoning Bylaw No. 8000 to allow a secondary suite to be located between the principal residence and the front yard.

November 2009 - Request sent to applicant to meet with staff regarding application (applicant out-of-province). No direction provided.

May 2010 - Direction provided through applicant's designer to bring application forward to Council.

Council consideration of zone amending bylaw (Third Reading) for RU1s: July 27, 2010
Requirements of Rutland Waterworks completed: September 29, 2010

Report prepared by:



Luke Turri, Land Use Planner

Reviewed by:



Danielle Noble - Urban Land Use Manager

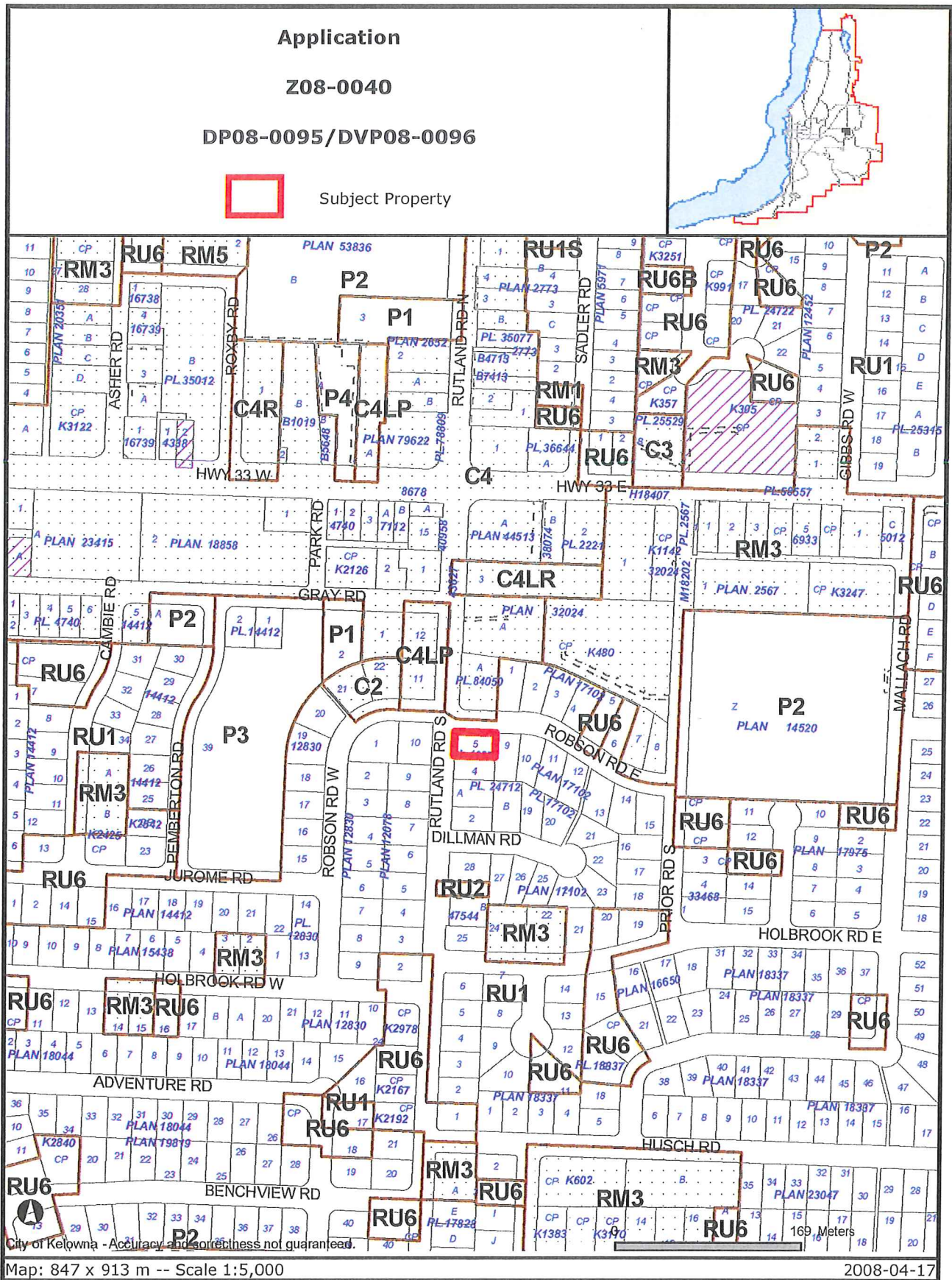
Approved for inclusion:



Shelley Gambacort - Director, Land Use Management

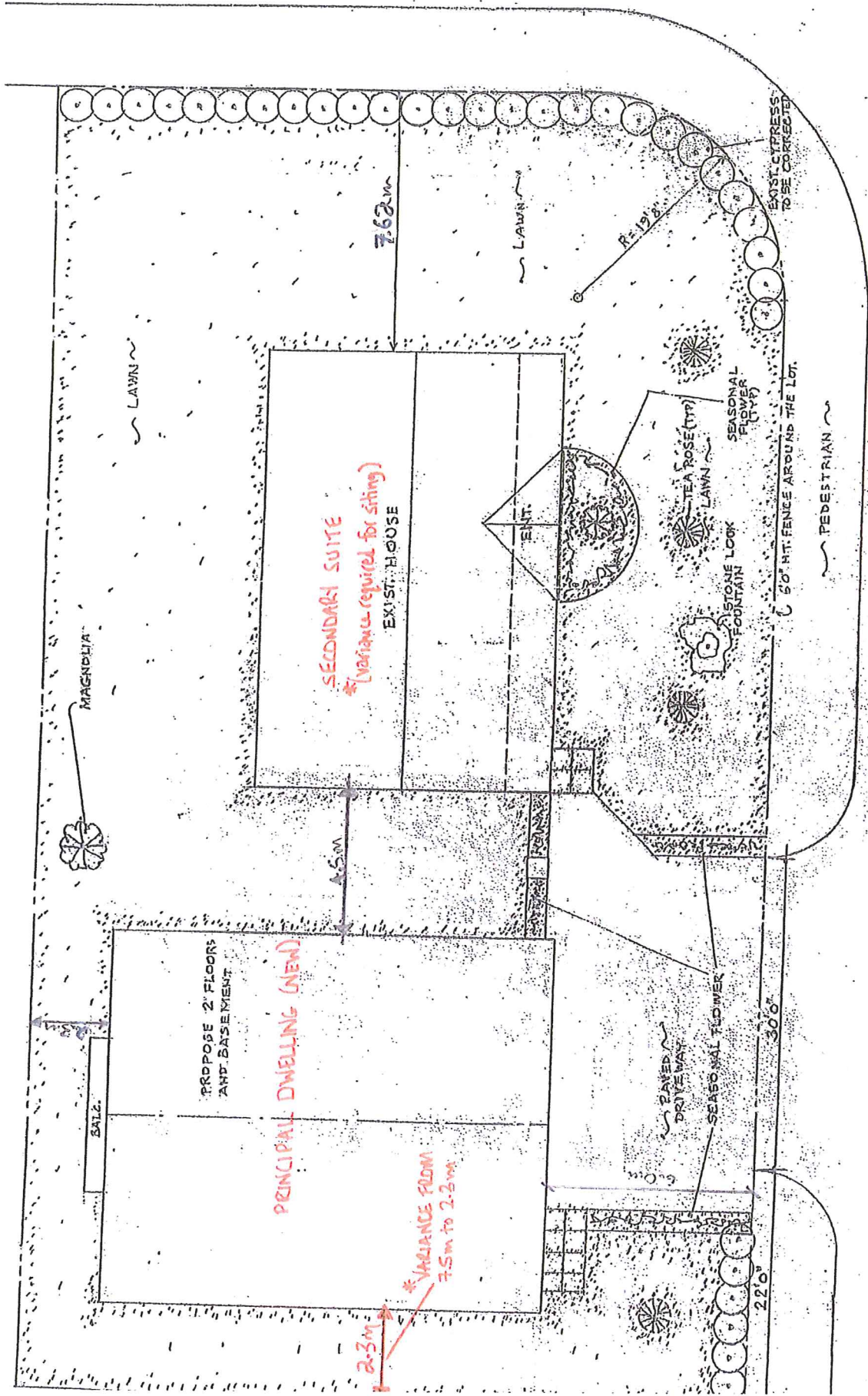
Attachments:

Subject Property Map
Site Plan
Elevations
Site Photo



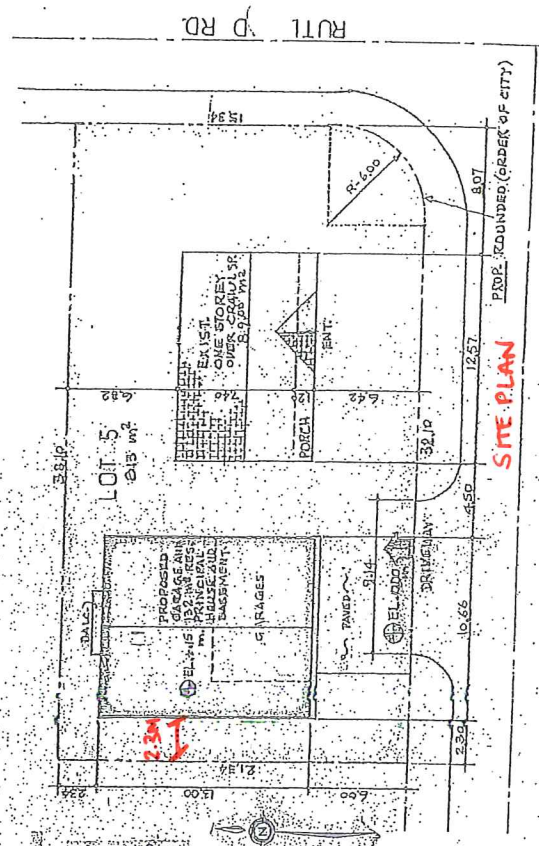
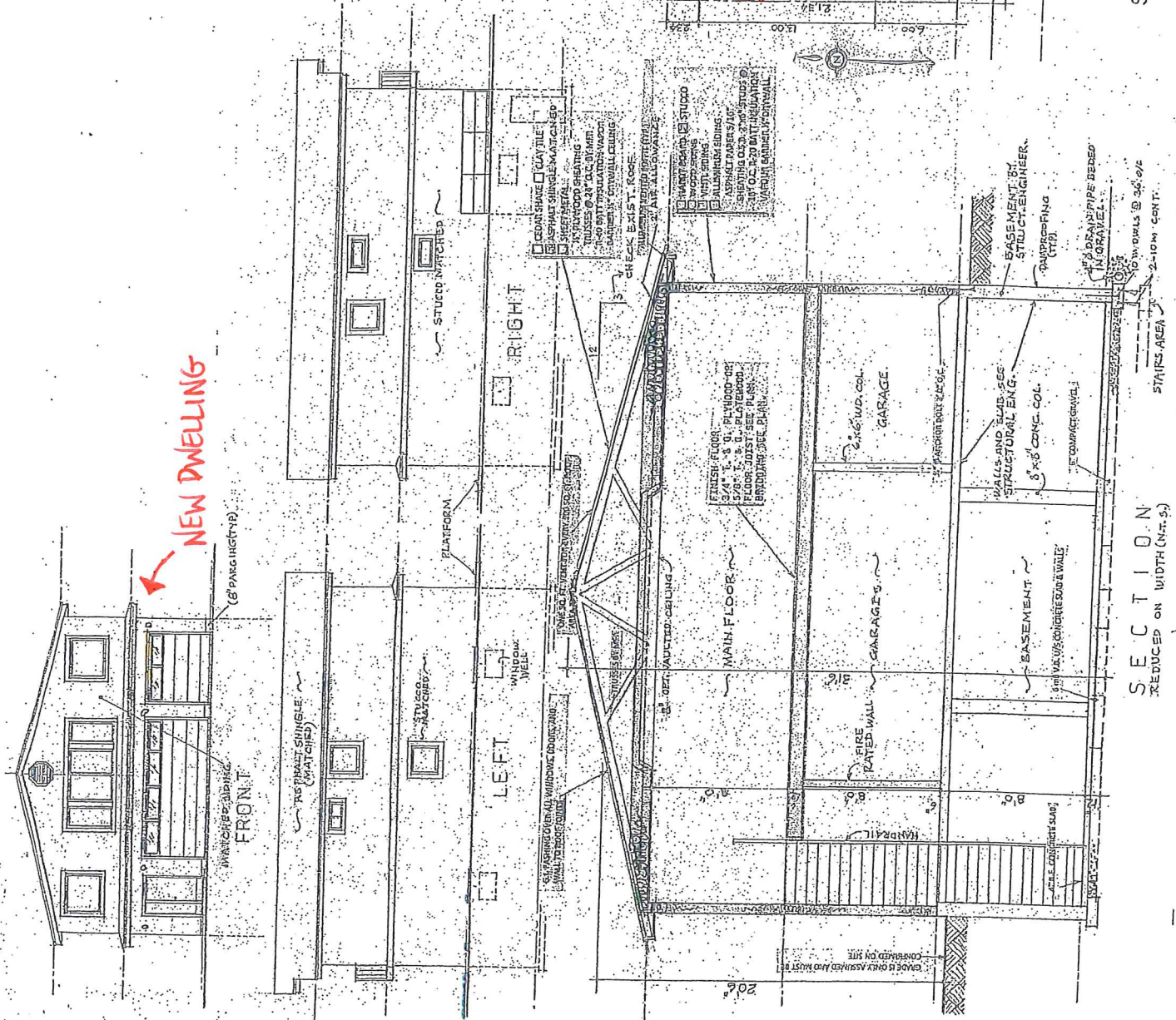
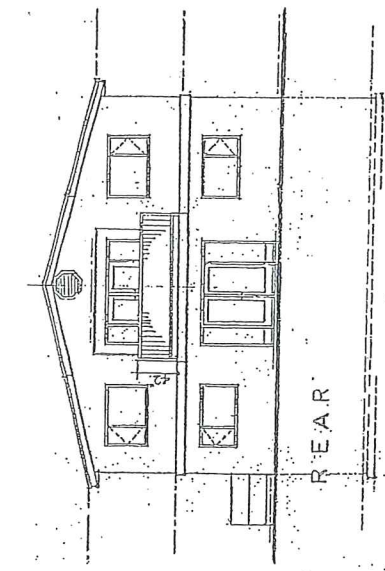
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

SITE PLAN - 125 ROBSON ROAD EAST



RUTLAND ROAD

ROBSON ROAD



125 ROBSON

SITE PLAN

11' 2.00" H.

REZONING: RUT RECD RUI'S

Z08-0040 / DV P08-0096

OWNER: CORNIE FEHR
DRAFTING UNLIMITED
 P. HUBBETT, D.A. IN ARCH.
 P.L. 1960 SPRINGFIELD RD
 KELCHIA, D.C. 911 517
 TEL: 718-966-4444
 FAX: 718-966-4444



PROPOSED
LOCATION OF NEW
PRINCIPAL DWELLING

EXISTING GARAGE/POET TO BE REMOVED

EXISTING DWELLING
(TO BECOME SECONDARY
SUITE)

- SITE PHOTO -
125 ROBSON RD E. - Z08-0040 / DVP08-0096