

# Memo



**Date:** November 18, 2010

**To:** City Manager

**From:** Land Use Management, Community Sustainability

**Application:** DVP10-0156 (GS)

**Owner:** Jeff Michaud  
Tanis Michaud

**Address:** 950 Manhattan Drive

**Applicant:** Rykon Construction Management

**Subject:** Development Variance Permit

**Existing OCP Designation:** Single/Two Unit Residential

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

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## 1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP10-0156 for Lot 10, District Lot 9, ODYD, Plan 16501, located at 950 Manhattan Drive, Kelowna, BC;

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

Section 6.5.8(a) Accessory Building Location. To vary the required front yard setback of an accessory building from 12.0 m required to 6.0 m proposed.

Section 9.5.1(d) Accessory Building in Front Yard. To vary the requirement that a dwelling be located between a front yard and an accessory building.

## 2.0 Purpose

To vary the required front yard setback for the accessory structure (secondary suite and garage) from 12.0 m required to 6.0 m proposed; and further, to vary the requirement that a dwelling be located between a front yard and an accessory building.

## 3.0 Land Use Management

A small accessory structure is existing, albeit non-conforming in its setback to the front yard (see photos, page 5). As the accessory building is being proposed within the required front yard (defined as the area between the front lot line and the principal building), more stringent setbacks apply than would otherwise be applicable for a principal dwelling designed with a street-oriented garage (6.0 m).

The front yard setback distance is not being worsened and this setback is characteristic of the neighbourhood. Further, the proposal calls for the removal of the existing structures and

replacement with new structures exhibiting good design and use of quality finishing materials. While the parcel will be developed much more intensively (i.e. site coverage), the proposal is well under the maximum site coverage for this zone.

Land Use Management staff recommend support for the proposed variances as they are in character with the neighbourhood and adjacent neighbours have indicated written support.

#### **4.0 Proposal**

##### **4.1 Background**

At present both a home and an existing, non-conforming structure (accessory building - garage) are located upon the subject property. Both the current home and garage are proposed to be removed and replaced with a new home and accessory structure which will function as both a garage, including parking for three vehicles and an accessory suite located above the garage.

The subject property is a lake front home located in the Central City OCP sector. Given its proximity to Okanagan Lake, a staff issued Natural Environment Development Permit will be required prior to Building Permit issuance. The Natural Environment Development Permit will ensure that development impacts to Okanagan Lake and the riparian management area are avoided.

Further, given that the proposed development is for two dwelling units, a form and character development permit is required to ensure that the proposed development is consistent with this neighbourhood and the general context.

##### **4.2 Site Context**

The subject property is located at 950 Manhattan Drive and is a lakefront lot within an evolving community with nearby parcels having undergone similar redevelopment in recent years. The surrounding neighbourhood is comprised of predominantly single detached residential dwellings, with a reasonable diversity of land uses within walking distance.

Historically, lakefront homes have oriented accessory structures toward the road more or less out of necessity. Over time this orientation has resulted into the predominant street character which is expected to perpetuate in the future.

The immediately adjacent zones/uses are as follows:

North	RU6 - Two Dwelling Housing
South	RU6 - Two Dwelling Housing
East	RU6 - Two Dwelling Housing
West	RU6 - Okanagan Lake



Site Location Map - 950 Manhattan Drive



The table below shows this application's compliance with the requirements of the RU6 zone.

Zoning Analysis Table		
CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Development Regulations		
Site coverage for accessory buildings	8.6% and 69.7 m <sup>2</sup>	Lesser of 14% or 90 m <sup>2</sup> = 90 m <sup>2</sup>
Site coverage of buildings (%)	26.3%	40%
Site coverage including buildings, driveways and parking (%)	33.1%	50%
Separation from Residence	6.8 m	4.5 m
Front Yard (Accessory Building)	6.0 m*	12.0 m
Rear Yard (Principal Dwelling)	15.1 m	7.5 m
Side Yard (North)	2.3 m	2.3 m
Side Yard (South)	2.3 m	2.3 m
Minimum Parking Requirements	3	3
* Indicates that a variance is required.		

## 5.0 Current Development Policies

Not applicable.

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

No concerns.

### 6.2 Development Engineering Department

This Development Variance Permit application does not compromise any municipal services and does not trigger any offsite upgrades.

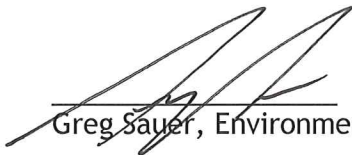
### 6.3 Fire Department

- An unobstructed and easily distinguishable fire fighter access path of 1.1 m from the street to the back home as well to the secondary detached suite main entrance is required;
- If a fence is ever constructed between the dwellings an 1100 mm, clear width, gate is required;
- Any gate is to open with out special knowledge to provide Fire Fighting access; and
- The addresses for both residences are to be visible from Manhattan Drive.

## 7.0 Application Chronology

Date of Application Received: November 8, 2010

Report prepared by:



Greg Sauer, Environment & Land Use Planner

Reviewed by:



Danielle Noble, Manager, Urban Land Use Management

Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

Attachments:

Context/Site Photos

Subject Property Map

Site Plan

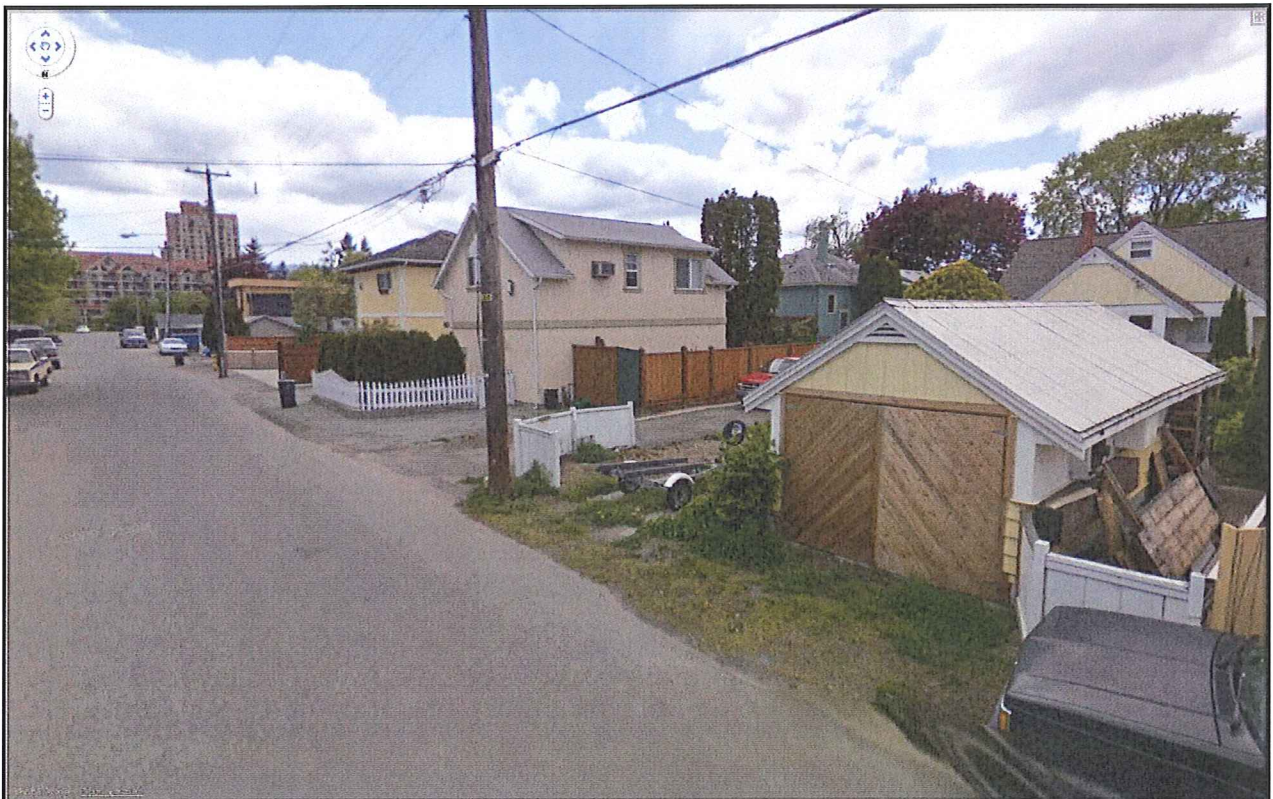
Conceptual Elevations (2)



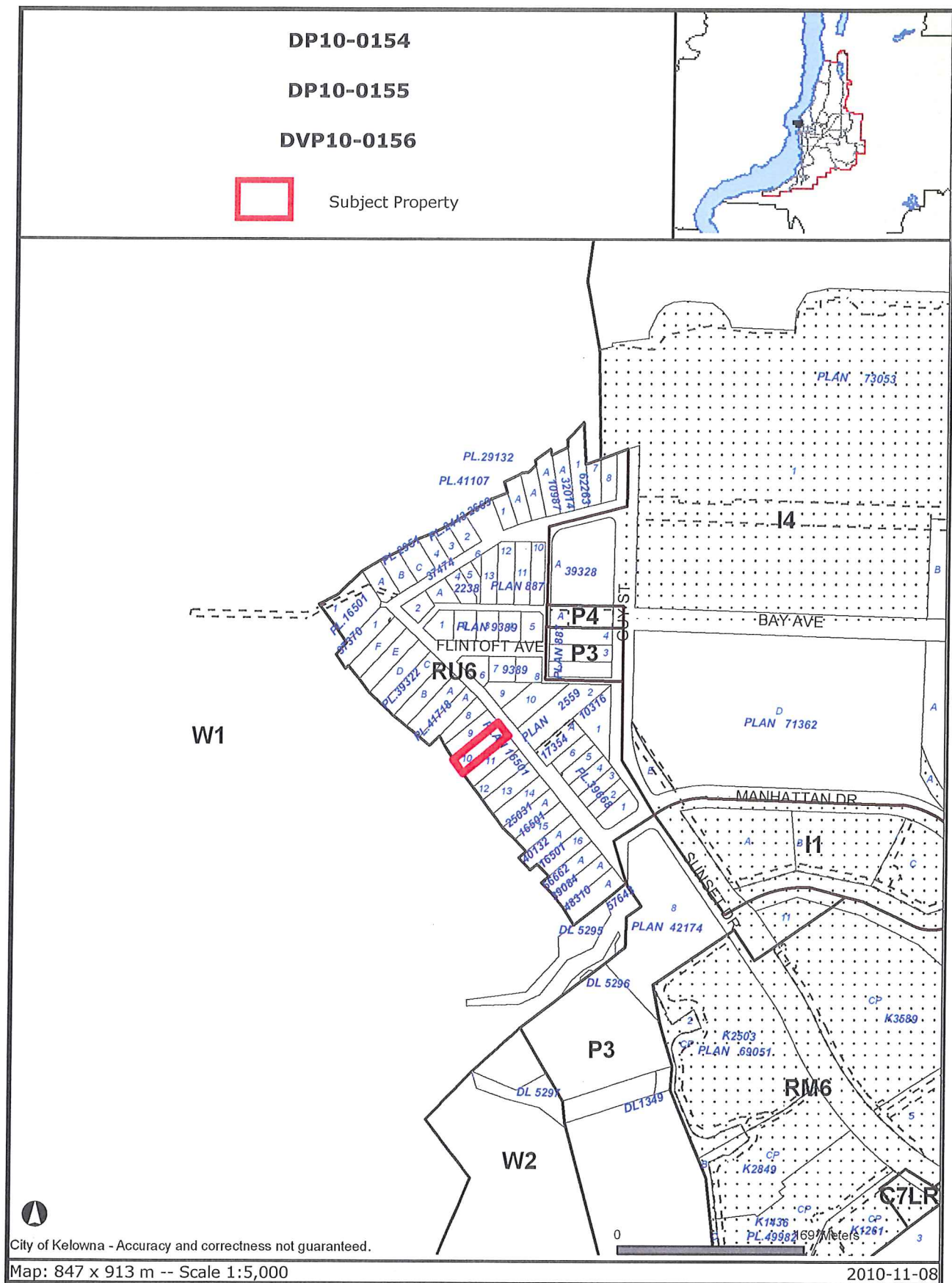
Subject Property Looking North



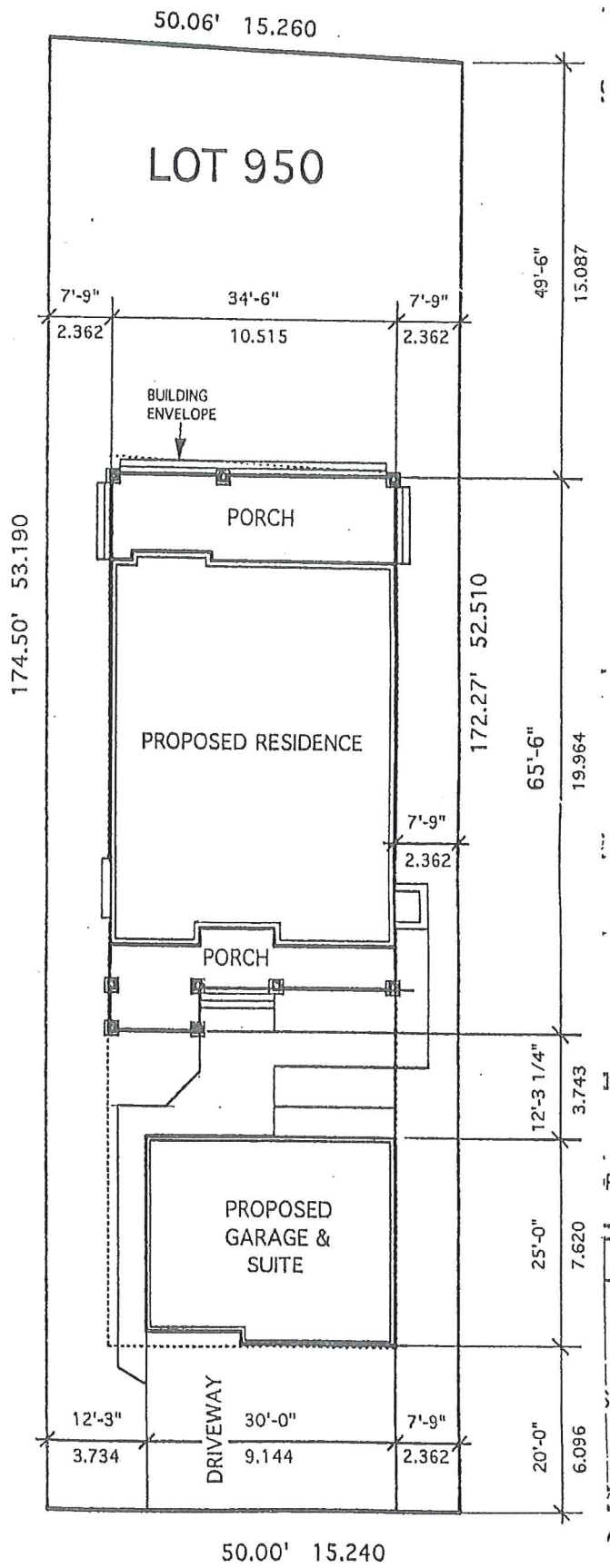
Subject Property Looking South



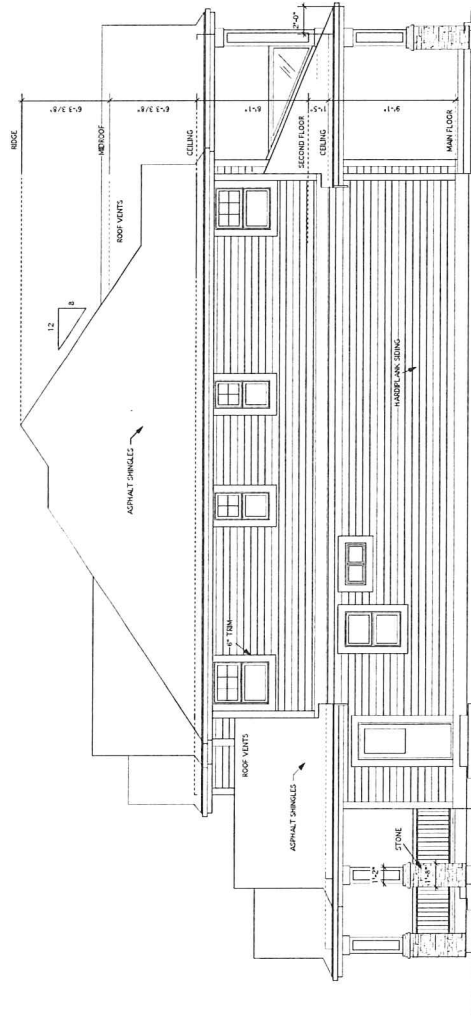




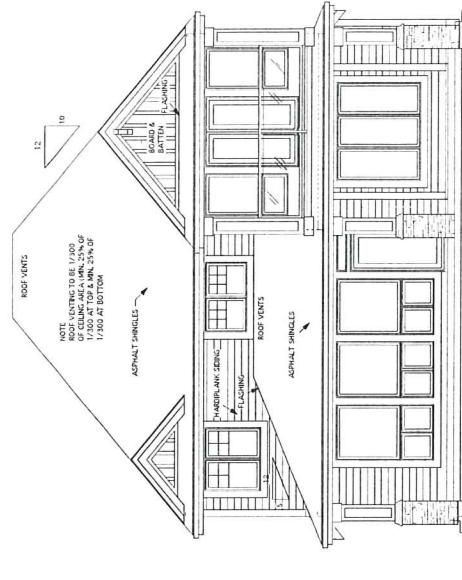
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
The City of Kelowna does not guarantee its accuracy. All information should be verified.



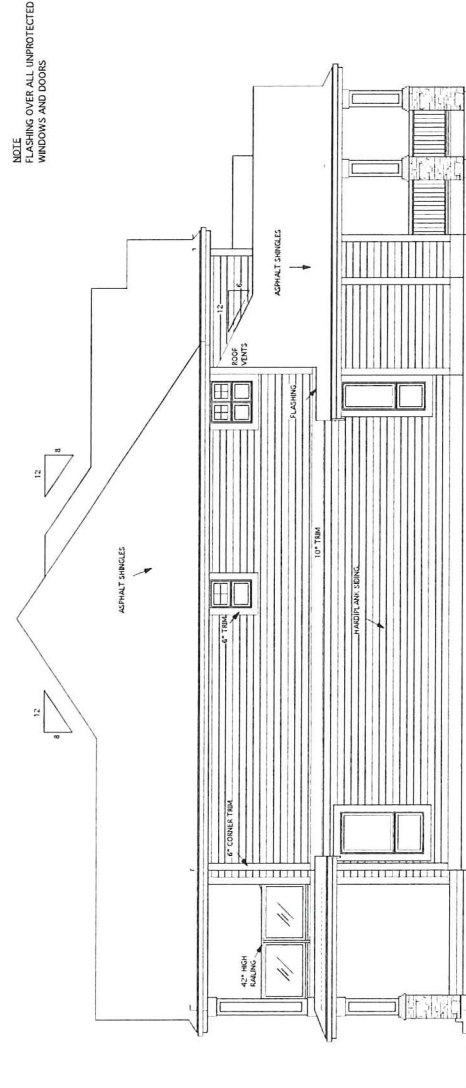
# Principal Dwelling



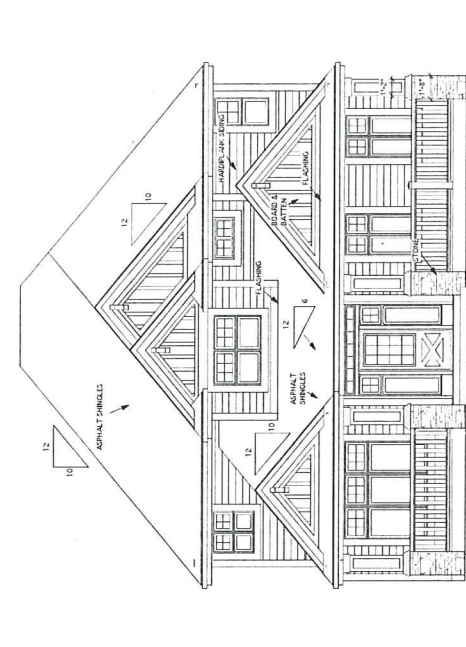
RIGHT ELEVATION



REAR ELEVATION



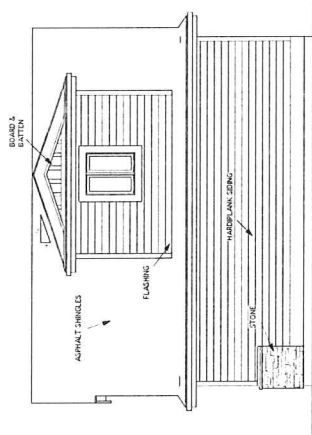
LEFT ELEVATION



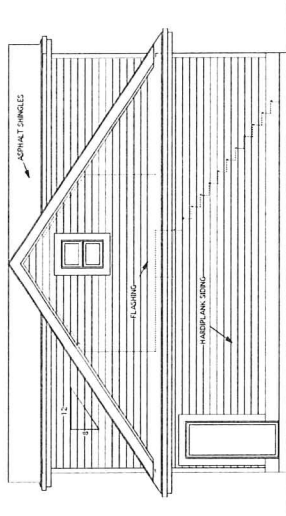
FRONT ELEVATION



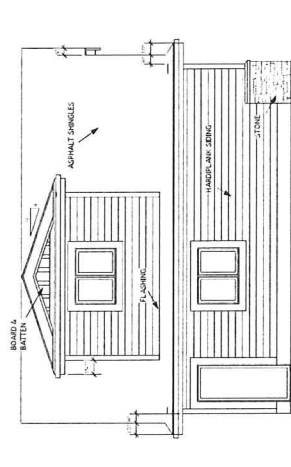
# Accessory Structure (Garage/Secondary Suite)



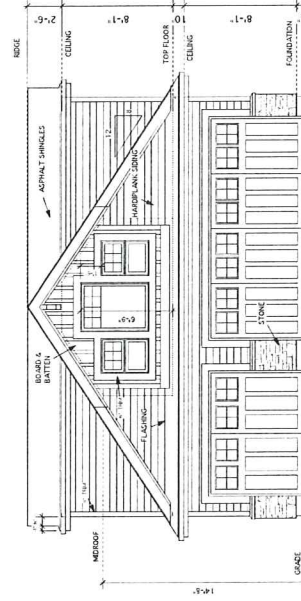
RIGHT ELEVATION



REAR ELEVATION



LEFT ELEVATION



FRONT ELEVATION

# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP10-0156

EXISTING ZONING DESIGNATION: RU6 - Two Dwelling Housing

DEVELOPMENT VARIANCE PERMIT: To vary the required front yard setback of an accessory building from 12.0 m required to 6.0 m proposed.

To vary the requirement that a dwelling be located between a front yard and an accessory building.

ISSUED TO: Jeff and Tanis Michaud (Rykon Construction Management Ltd.)

LOCATION OF SUBJECT SITE: 950 Manhattan Drive

	LOT	BLOCK	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	10		9		ODYD	16501

### SCOPE OF APPROVAL

- ☐ This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.
- ☐ This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.
- ☐ Applicants for a Development Permit and/or Development Variance Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

#### 1. TERMS AND CONDITIONS:

THAT variances to the following sections of Zoning Bylaw No. 8000 be granted in accordance with Schedule A:

##### Section 6.5.8(a) Accessory Building Location.

To vary the required front yard setback of an accessory building from 12.0 m required to 6.0 m proposed.

##### Section 9.5.1(d) Accessory Building in Front Yard.

To vary the requirement that a dwelling be located between a front yard and an accessory building.

2. The development shall commence by and in accordance with an approved Building Permit within ONE YEAR of the date of the Municipal Council authorization resolution.

#### 3. DEVELOPMENT:

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.



If the Permittee does not commence the development Permitted by this Permit within one year of the date of this Permit, this Permit shall lapse.

This Permit is not transferrable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

**THIS Permit IS NOT A BUILDING Permit.**

5. APPLICANT'S AGREEMENT:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Director of Planning & Development Services.

Should there be any change in ownership or legal description of the property, I undertake to notify the Land Use Management Department immediately to avoid any unnecessary delay in processing the application.

**I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.**

\_\_\_\_\_  
Signature of Owner/Authorized Agent

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name in Bold Letters

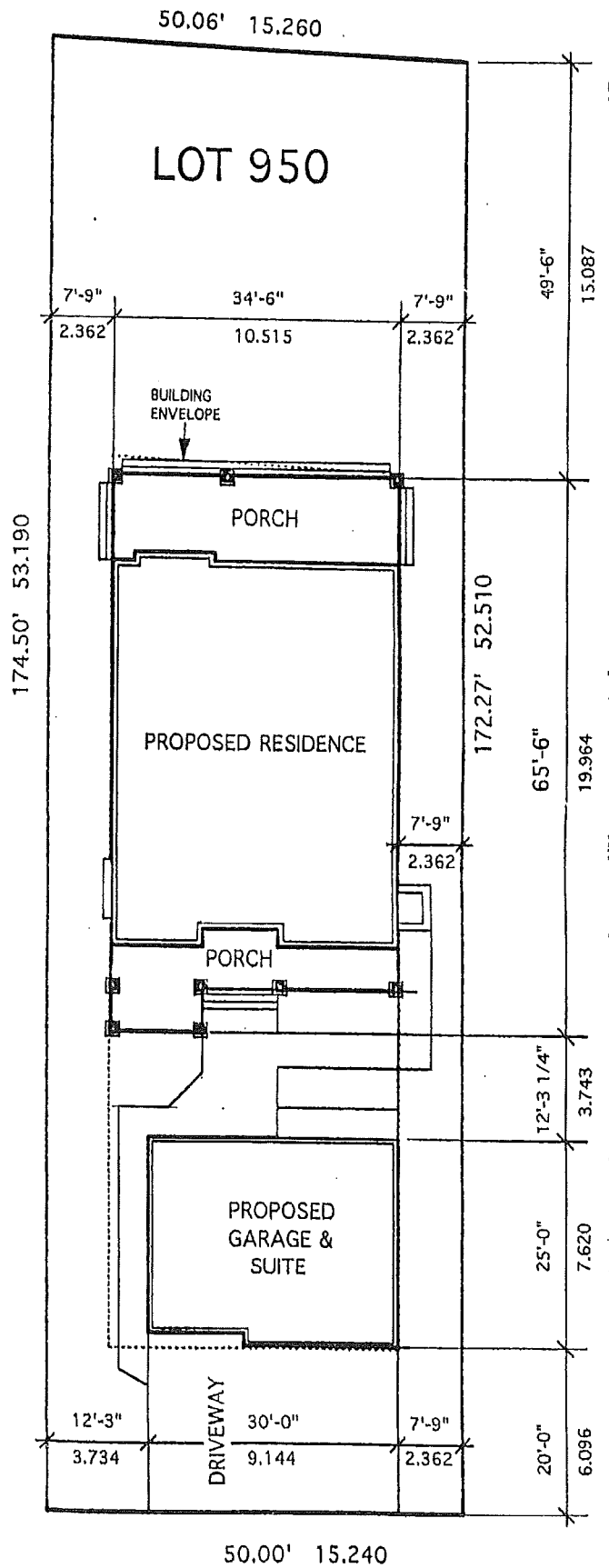
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Telephone No.

6. APPROVALS:

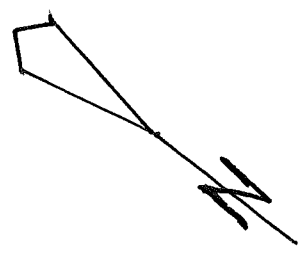
DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY COUNCIL ON THE \_\_\_\_\_ DAY OF DECEMBER, 2010.

ISSUED BY THE LAND USE MANAGEMENT DEPARTMENT OF THE CITY OF KELOWNA THE \_\_\_\_\_ DAY OF DECEMBER, 2010 BY THE DIRECTOR OF LAND USE MANAGEMENT.

\_\_\_\_\_  
Shelley Gambacort  
Director of Land Use Management



**SCHEDULE "A"**  
This forms part of development  
Permit # DVP10-0156



ROAD