

# Memo



**Date:** November 15, 2010

**To:** City Manager

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

**Application:** DVP10-0028

**Owner:** Alfred & Gabriele Geismayr

**Address:** 2085 Inkar Road

**Applicant:** Fred Geismayr

**Subject:** Development Variance Permit

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

**Existing Zone:** RU2s - Medium Lot Housing with Secondary Suite

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

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## 1.0 Recommendation

THAT Final Adoption of Zone Amending Bylaw No. 10345 be considered by Council,

AND THAT Council authorize the issuance of Development Variance Permit No. DVP10-0028, Lot A, Section 19, Township 26, O.D.Y.D., Plan 23622, located on Inkar Road, Kelowna, BC;

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

**Section 13.6.6(e) Development Regulations:** To vary the rear yard setback from 6.0 m required to 3.02 m proposed, as shown on Schedule "A".

## 2.0 Purpose

This application seeks to vary the rear yard requirements of the proposed RU6 - Two Dwelling Housing zone from 6.0 m required to 3.02 m proposed to the second dwelling.

## 3.0 Land Use Management

The subject property is generously sized and the two dwellings located on the lot have adequate separation and setbacks to adjacent property lines, with the exception of the rear yard setback for the second dwelling. The joint driveway access logically allows equal access to both of the dwellings, and would be part of the common property once stratified.

This neighbourhood is an area in transition, and creating another unit of ownership housing would satisfy several affordable housing objectives noted in the OCP.

The applicant has received written support for the variance from the immediate adjoining neighbours, and it is anticipated to have minimal impact, if any, on abutting properties given it is already constructed and occupied and no exterior additions are proposed.

#### **4.0 Proposal**

##### **4.1 Background**

The applicant has applied to rezone the subject property from the existing RU2s - Medium Lot Housing with Secondary Suite zone to the RU6 - Two Dwelling Housing zone in order that the existing accessory building with secondary suite can be considered a second dwelling and subsequently stratified. As the zone amending bylaw is currently at third reading and the outstanding requirements of the Development Engineering branch have recently been addressed, it is now appropriate for this associated Development Variance Permit to be considered by Council.

##### **4.2 Project Description**

The original dwelling located on the property was constructed on site in 1969, and is located adjacent to the southern side yard. The second dwelling was constructed as a suite in an accessory building in 2003, and is located in the northwest corner of the property. As the second dwelling was originally constructed as an accessory building, it was sited in compliance with the setback provisions for an accessory building. Therefore, it is required to vary the rear yard setback to the second dwelling from 6.0m required to 3.02m existing.

##### **4.3 Site Context**

The subject property is located on the west site of Inkar Road, at the point where Inkar Road changes direction from north to the east. The site is generally flat and comparatively large in lot area.

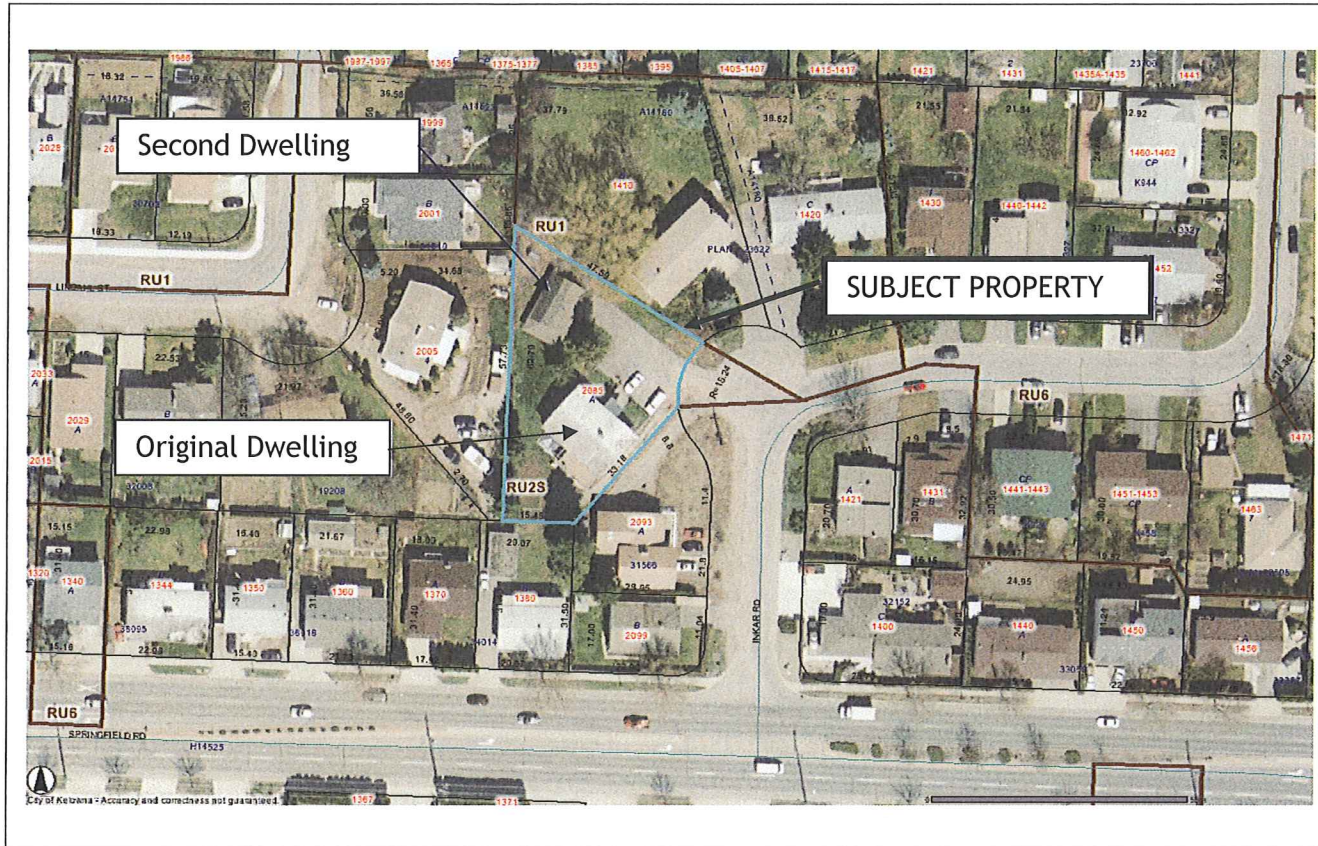
The adjacent land uses are as follows:

- North RU1 - Large Lot housing (residential)
- West RU2 - Medium Lot Housing (residential)
- East RU2 - Medium Lot Housing (residential)
- South RU2 - Medium Lot Housing (residential)



Subject Property Map

2085 Inkari Road



The proposed application meets the requirements of RU6 - Two Dwelling Housing zone follows:

Zoning Analysis Table		
CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	1,662 m <sup>2</sup>	700 m <sup>2</sup>
Lot Width	21.0 m	18 m
Lot Depth	36 m	30.0 m
Development Regulations		
Principle Dwelling		
Front Yard	12.6 m	4.5 m or 6.0 m to a garage
Side Yard (south east)	3.3 m	2.0 m (1 - 1 ½ storey)
Side Yard (north)	21.7 m	2.0 m (1 - 1 ½ storey)
Rear Yard	7.65 m	6.0 m (1 - 1 ½ storey)
Second Dwelling		
Front Yard	26.6 m	4.5 m or 6.0 m to a garage
Side Yard (north)	3.47 m	2.0 m (1 - 1 ½ storey)
Side Yard (se)	28.8 m	2.0 m (1 - 1 ½ storey)

Rear Yard	3.02m ①	6.0 m (1 - 1 ½ storey)
Separation (Distance Between Houses)	10.29 m	4.5 m
Other Regulations		
Minimum Parking Requirements	4 spaces provided	4 spaces required
Private Open Space	meets requirements	30 m <sup>2</sup> of private open space per dwelling

① Vary rear yard from 6.0m required for a 1 or 1½ storey building to 3.02 m proposed.

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

Infrastructure Availability<sup>1</sup>. Give preference to supporting new housing in areas where required services already exist or can be provided most economically and efficiently;

Integration<sup>2</sup>. Encourage the sensitive integration of different housing forms in the various sectors of the City, in support of neighbourhood diversity and healthy communities;

## 6.0 Technical Comments

The application has been submitted to various technical agencies and City departments, and the following relevant comments have been submitted:

### 6.1 Development Engineering

As attached.

### 6.2 Fire Department

An additional visible address will be required.

### 6.3 Shaw Cable

Owner/Developer to supply and install an underground conduit system as per Shaw Cable drawings and specifications.

### 6.4 Telus

Telus will provide underground facilities to this development. Developer will be required to supply and install conduit as per Telus policy.

## 7.0 Application Chronology

Date of Application Received: March 12, 2010

Advisory Planning Commission: March 30, 2010 (At the same time as consideration of the rezoning (Z10-0012). Application has been awaiting requirements of Development Engineering to be completed.

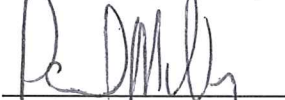
<sup>1</sup> Official Community Plan #8-1.30

<sup>2</sup> Official Community Plan #8-1.44

The above noted application was reviewed by the Advisory Planning Commission at the meeting on March 30, 2010 and the following recommendations were passed:

THAT the Advisory Planning Commission support Development Variance Permit Application No. DVP10-0028, for 2085 Inkar Road; to reduce rear yard to second dwelling from 6.0 m to 3.02 m.

**Report prepared by:**

  
\_\_\_\_\_  
Paul McVey, Urban Land Use Planner

**Reviewed by:**



Danielle Noble Manager, Urban Land Use Management

**Approved for Inclusion:**

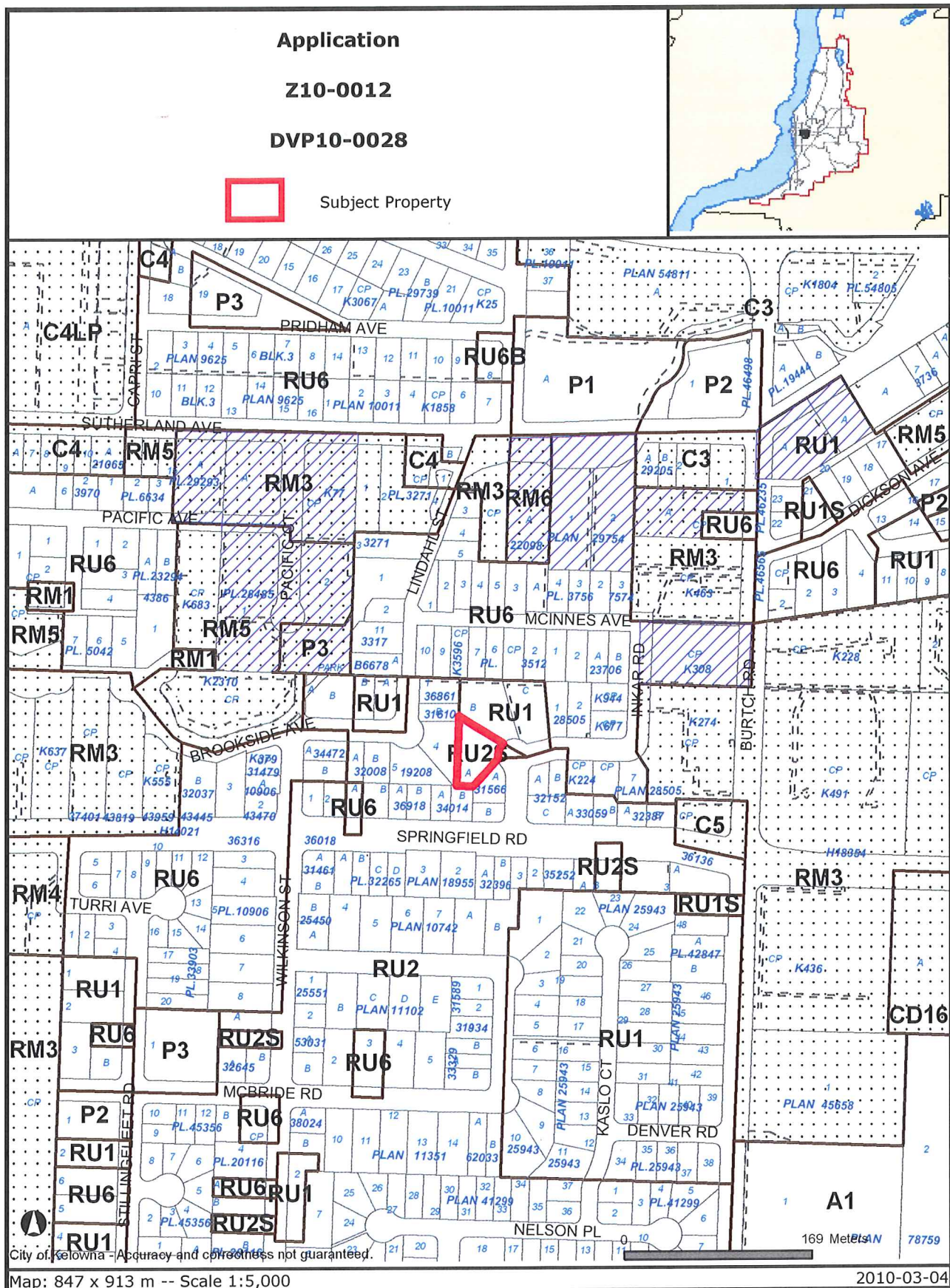


Shelley Gambacort, Director, Land Use Management

**Attachments:**

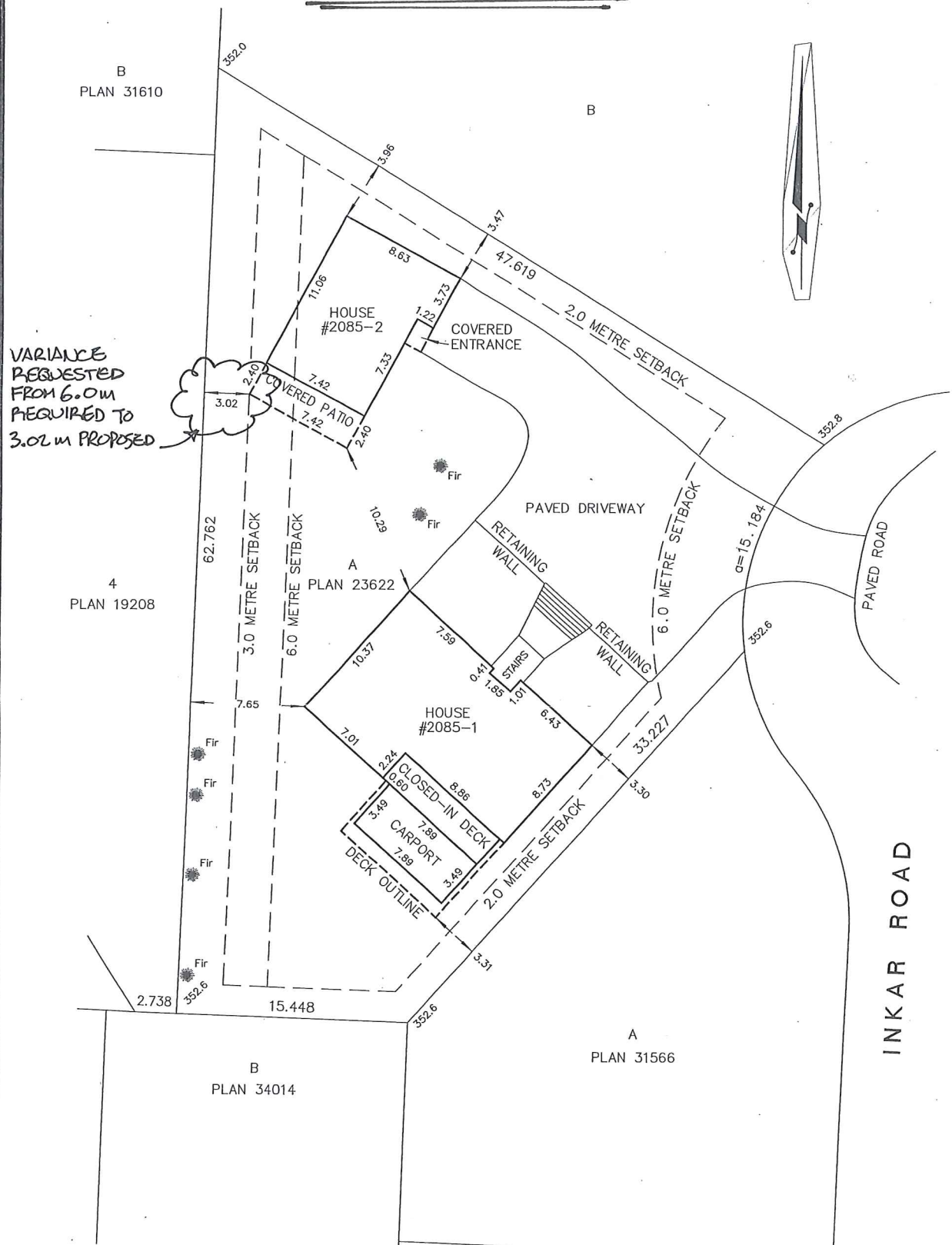
Location Map  
Site Plan  
Context/Site Photos





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.

# SCHEDULE "A"



TITLE:

SITE PLAN OF LOT A, SEC. 19, TP. 26,  
O.D.Y.D., PLAN 23622  
- 2085 INKJAR ROAD -

DRAWN BY:

**RUNNALLS DENBY**  
british columbia land surveyors  
259A Lawrence Avenue Phone: (250)763-7322  
Kelowna, B.C. Fax: (250)763-4413  
V1Y 6L2 Email: nell@runnallsdenby.com

CLIENT:

GEISMAYR

SCALE: 1:250

DATE: FEBRUARY 1, 2010

DWG: 13051 BASE

FILE No.: 13051

REV. 0





FRONT VIEW FROM STREET



STREET VIEW FROM FRONT





SOUTH SIDE VIEW OF # Z085-2 WITH  
REAR YARD (PROPOSED 3m REAR YARD VARIANCE.)



SOUTH SIDE VIEW OF # Z085-2  
FROM REAR YARD OF # Z085-1



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

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**Date:** April 19, 2010  
**File No.:** Z10-0012 DVP10-0028

**To:** Land Use Management Department (PMcV)

**From:** Development Engineering Manager

**Subject:** 2085 Inkar Road                      Lot A Plan 23622                      Two dwelling units    RU-6

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Development Engineering has the following comments and requirements associated with this application. The utility upgrading requirements outlined in this report will be a requirement of this development.

1.    Domestic Water

This property is currently serviced with a 19mm-diameter copper water service.  
**An additional 19mm-diameter water service will be required** and can be provided by the City at the owner's cost.

2.    Sanitary Sewer

Our records indicate that this property is serviced with a 100mm-diameter sanitary sewer service. An inspection chamber (IC) complete with brooks box must be installed on the service at the owner's cost as required by the sewer-use bylaw.

**The applicant will be required to sign a Third Party Work Order for the cost of the water and sanitary service upgrades.**

For estimate inquiry's please contact John Filipenko, by email [jfilipenko@kelowna.ca](mailto:jfilipenko@kelowna.ca) or phone, 250-469-8581.

3.    Road Works

Inkar Road fronting this development must be upgraded to a full urban standard including a curb and gutter, fillet pavement, piped storm drainage system and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction. A one-time cash payment in lieu of construction must be collected from the applicant for future construction by the City. The cash-in-lieu amount is determined to be **\$8,875.00** not including utility service costs



4. Development Permit and Site Related Issues

This development variance permit application to vary the rear yard setback from 6.0m to 3.02m, does not compromise any municipal services.

On-site parking modules must meet bylaw requirements.

When separate meters are required, it is recommended that the meters, and remote readers, be attached to their own dwelling units

5. 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

File: Z10-0012

Application

File: Z10-0012

Type: REZONING

File Circulation

Seq	Out	In	By	Comment
				B.C. Assessment Authority (info only)
	2010-03-12	2010-03-12		
				Building & Permitting
	2010-03-12	2010-03-26	JFRICK	No comment
				Development Engineering Branch
	2010-03-12	2010-04-19		See "Documents" Tab.
				Fire Department
	2010-03-12	2010-04-13	GDAFT	Additional visible address will be required.
				FortisBC
	2010-03-12			
				Infrastructure Planning
	2010-03-12			
				Ministry of Transportation
	2010-03-12			File No 2010-01315
				Policy & Planning
	2010-03-12	2010-04-15		The subject property is designated Single/Two-Unit Residential (S2RES) in the current OCP. Currently, it is zoned Medium Lot Housing with Secondary Suite (RU2s). This property is not impacted by any of the following: Land Use Contract, Hazardous Condition DP, Natural Environment DP, or Wildfire DP. The application is for both a rezoning as well as a Development Variance Permit. The rezoning application is to change from RU2s to RU6 (Two Dwelling Housing). The intention of the rezoning is to allow for stratification of the subject property into two strata lots. The DVP is to vary the rear yard setback. Since the OCP designation is S2RES, which allows for stratification, we would recommend support for the rezoning to RU6. RU6 zoning is also permitted within the S2RES designation. The only compliance issue is that the existing secondary dwelling does not meet the required rear setback of 6 meters. Currently the setback is at 3 meters. However, the second dwelling is existing and the neighbours have endorsed the application, so therefore it is recommended that the DVP be supported as well.
				Public Health Inspector
	2010-03-12			
				RCMP
	2010-03-12	2010-03-25		No comment.
				Real Estate & Building Services Manager
	2010-03-12	2010-03-23	KGENCE	RE&BS Comments for Inclusion in Council Report: Please contact the Manager, Real Estate Services, for road dedications over 20 metres in width, land dedications and land transfers to or from the City of Kelowna, road closures and road reserves. Depending on the type of land transaction being contemplated, the processing time can vary from 3 weeks to 3 months. The Real Estate & Building Services Department requires a full-sized copy, together with an 8 1/2 x 11 copy, of any survey plans.
				School District No. 23
	2010-03-12			
				Shaw Cable
	2010-03-12	2010-03-18		Owner/Developer to supply and install an underground conduit system as per Shaw Cable drawings and specifications.
				Telus
	2010-03-12	2010-04-07		Telus has no comment regarding this application.
				Terasen Utility Services
	2010-03-12	2010-06-01		Please be advised that Terasen Gas' facilities will not be adversely affected. It is policy for Terasen Gas to obtain a right-of-way over common property; thus, the applicant needs to contact either Shannon Favaro or Patty Roney in the Property Services Department at 1-800-773-7001 to make arrangements. With the ROW in place, Terasen Gas has no objections to the proposed rezoning and development variance permit applications.



# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP10-0028

EXISTING ZONING DESIGNATION: RU6 - Two Dwelling Housing

WITHIN DEVELOPMENT PERMIT AREA: N/A

ISSUED TO: Fred Geismayr

LOCATION OF SUBJECT SITE: 2085 Inkar Road

	LOT	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	A	23622	19	26	O.D.Y.D.

### 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 Development and 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:

#### Section 13.6.6(e) Development Regulations

To vary the rear yard setback from 6.0 m required to 3.02 m proposed, as shown on Schedule "A".

2. PERFORMANCE SECURITY:

As a condition of the issuance of this Permit, Council is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit. Should any interest be earned upon the security, it shall accrue to the Permittee and be paid to the Permittee if the security is returned. The condition of the posting of the security is that should the Permittee fail to carry out the development hereby authorized, according to the terms and conditions of this Permit within the time provided, the Municipality may use the security to carry out the work by its servants, agents or contractors, and any surplus shall be paid over to the Permittee, or should the Permittee carry out the development Permitted by this Permit within the time set out above, the security shall be returned to the Permittee. There is filed accordingly:

- (a) Cash in the amount of \$ 0.
- (b) A Certified Cheque in the amount of \$ 0.
- (c) An Irrevocable Letter of Credit in the amount of \$ 0.

Before any bond or security required under this Permit is reduced or released, the Developer will provide the City with a statutory declaration certifying that all labour, material, workers' compensation and other taxes and costs have been paid.

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.**

4. 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 Planning & Development Services 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

\_\_\_\_\_  
Telephone No.

6. APPROVALS:

AUTHORIZING RESOLUTION PASSED BY THE MUNICIPAL COUNCIL THE \_\_\_\_ DAY OF \_\_\_\_\_, 2010.

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

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