

Memo



Date: December 17, 2010
To: City Manager
From: Land Use Management, Community Sustainability
Application: DVP10-0084 **Owner/Applicant:** Marla Matutat
Address: 1375 Rutland Road North
Subject: Development Variance Permit Application
Existing Zone: RU1 - Large Lot Housing
Proposed Zone: RU6 - Two Dwelling Housing

1.0 Recommendation

THAT Final Adoption of Zone Amending Bylaw No. 10418 be considered by Council;
AND THAT Council authorize the issuance of Development Variance Permit No. DVP10-0084 for Lot 2 Section 35 Township 26 ODYD Plan 19027, located at 1375 Rutland Road North, Kelowna BC;
AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 13.6.6(e) - RU6 Development Regulations: To vary the minimum rear yard from 6.0m permitted to 5.0m proposed.

2.0 Purpose

The applicant is requesting a Development Variance Permit to relax the minimum rear yard requirement from 6.0m to 5.0m to accommodate stairs which will access a ground level deck for a new principal dwelling.

3.0 Land Use Management

The proposed second dwelling is consistent with policies within the Official Community Plan which encourage infill in urban areas which are already serviced, particularly along major transportation corridors. In addition, a number of properties in the immediate area are zoned RU6 - Two Dwelling Housing, including an existing duplex immediately north of the subject property.

A key consideration for infill housing is for sensitive integration into the existing neighbourhood context. The applicant had initially requested a 2.0 m variance to allow for a deck to be 4.0 m from the rear property line. While the applicant had noted that attention had been applied to the position of the proposed deck in limiting privacy concerns for surrounding property owners, there was no perceived hardship to support the requested variance.

The applicant was unable to receive support from affected neighbours, and as such, was required to present the original variance proposal to the Advisory Planning Commission. The APC did not support the 2.0m requested variance and Land Use Management was also not recommending support.

Staff have worked diligently with the applicant to eliminate the need for a variance, however the applicant is not prepared to reduce the house size down any further to fully comply with the setback requirements. Through further discussion with the applicant though the variance request has been reduced down from 2.0m to 1.0m, representing a 5.0m setback, as she has agreed to a ground level deck with the access stairs being the only component of the dwelling that triggers the variance.

As such, the Land Use Management Department recommends that the variance for minimum rear yard setback not be supported.

4.0 Proposal

4.1 Background

An application to rezone the subject property from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone is currently sitting at Third Reading. A single family dwelling currently exists on the property.

4.2 Project Description

The applicant is seeking to add an additional dwelling at the rear of the property through the provisions of the RU6 zone. As proposed, the dwelling would be 1.5 storeys in height and include approximately 1250 square feet of living space. The preliminary design plans included a raised deck orientated towards the southeast property boundary. The deck would have been approximately 1.2m (4ft) in height and project 2.0m into the required rear yard. This proposal has since been revised and the only projection into the rear yard setback will be the access stairs from the dwelling down to the ground level deck.

As such, a variance is requested to the required rear yard setback from 6.0m to 5.0m to allow for the proposed access stairs.

At a future date, staff will ensure that the development proposal satisfies the Development Permit Guidelines for Form and Character of Secondary Suite and Two Dwelling Housing Development, pursuant to Section 8.3 of the Kelowna 2020 – Official Community Plan through a staff directed Development Permit process.

4.3 Site Context

The subject property is located in North Rutland within an established residential neighbourhood. Specifically, the adjacent zones and uses are as follows:

| Orientation | Zoning | Land Use |
|-------------|--|--|
| North | RU6 - Two Dwelling Housing | Duplex Housing |
| East | RU1 - Large Lot Housing RU6 - Two Dwelling Housing | Single Family Housing/ Duplex Housing |
| South | RU1 - Large Lot Housing | Single Family Housing |
| West | P2 - Educational & Minor Institutional (Religious Assembly) | Religious Assembly |

Subject Property Map: 1375 Rutland Road North



| Zoning Analysis Table | | |
|--|---|--|
| Criteria | Proposal | RU6 Zone Requirements |
| Existing Lot | | |
| Site Area (m ²) | 853m ² | 700m ² |
| Site Width (m) | 20.73m | 18.0m |
| Site Depth (m) | 41.15m | 30.0m |
| Development Regulations | | |
| Site Coverage (%) [buildings] | 33% | 40% |
| Site Coverage (%) [including driveways/parking] | 50% | 50% |
| Height (m) | To be confirmed for Development Permit | 9.5m |
| Storeys (#) | 1.5 storeys | 2.5 storeys |
| Separation between dwellings | 4.5m | 4.5m |
| Required Setbacks | | |
| Front | n/a | n/a |
| Rear (east) | 5.0m ① | 6.0m (1.5 storeys) |
| Side (north) | 3.0m | 2.0m |
| Side (south) | 2.1m | 2.0m |
| Other Regulations | | |
| Private Open Space | Exceeds requirements | 30 m ² per dwelling Total: 60 m ² |
| Parking Spaces (#) | 3 spaces | 3 spaces |
| ① Indicates a variance to required rear yard from 6.0m permitted to 5.0m proposed. | | |

5.0 Technical Comments

The application has been circulated to pertinent departments and agencies. There were no comments specific to the rear yard variance request.

6.0 Application Chronology

Date of Application Received: June 11, 2010
Advisory Planning Commission: August 3, 2010

The above noted application was reviewed by the Advisory Planning Commission at the meeting on August 3, 2010 and the following recommendations were passed:

THAT the Advisory Planning Commission NOT support Development Variance Permit Application No. DVP10-0084 for 1375 Rutland Road N to vary the rear yard setback requirement from 6.0m permitted to 4.0m proposed to accommodate a deck on the proposed second dwelling.

APC Comment:

The Advisory Planning Commission did not support the Development Variance Permit because as noted in the staff report it is not a mandatory component.

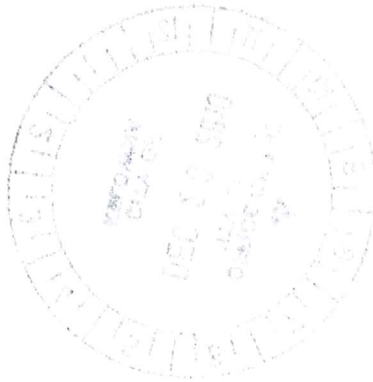
Third Reading of Zone Amending Bylaw: October 19, 2010
Outstanding requirements satisfied by applicant: November 4, 2010

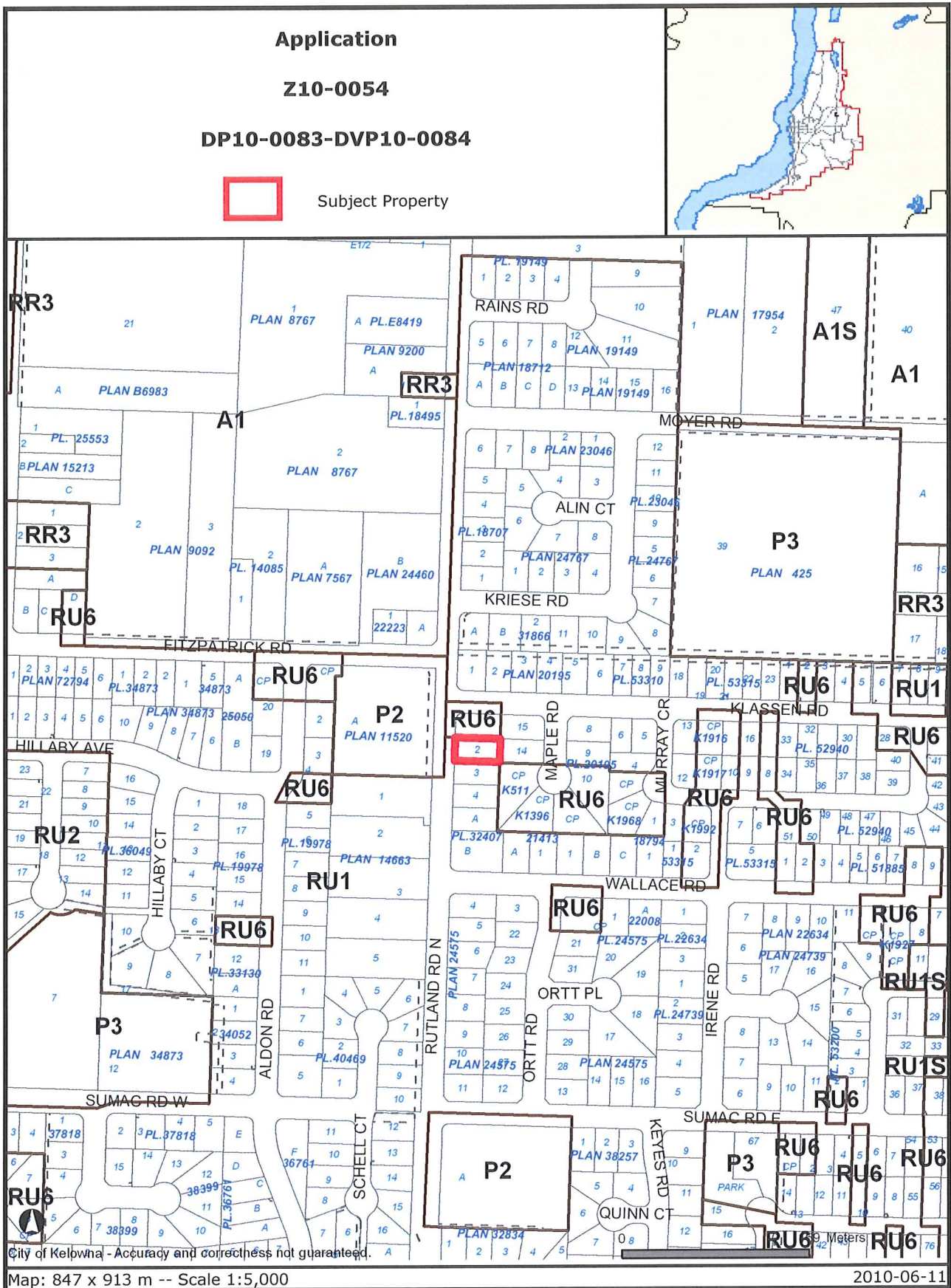
Report prepared by: Luke Turri, Land Use Planner

Approved for Inclusion:  Shelley Gambacort, Director, Land Use Management

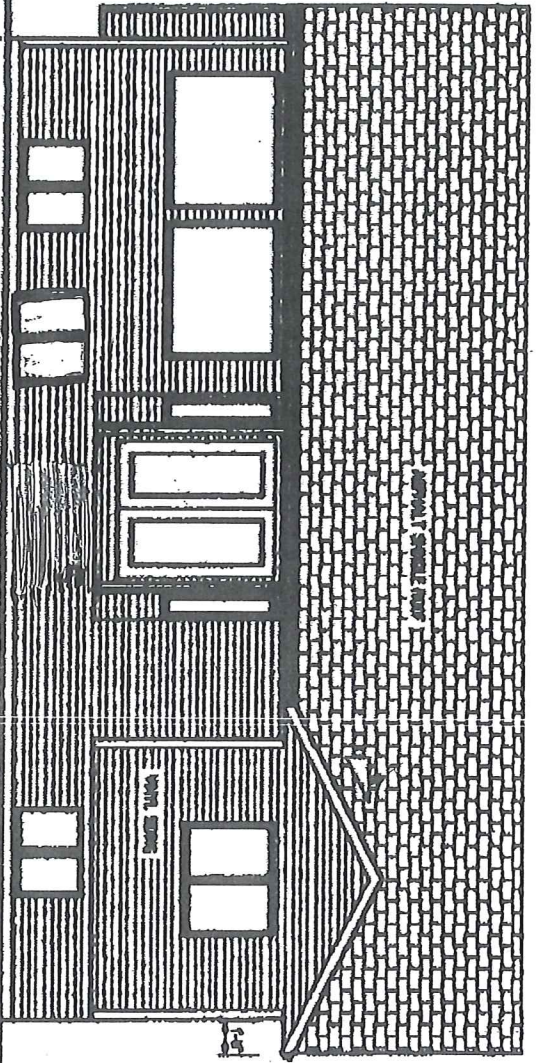
Attachments:

- Subject Property Map
- Schedule "A" - Site Plan
- Conceptual Elevations
- Contextual Photos (2 pages)

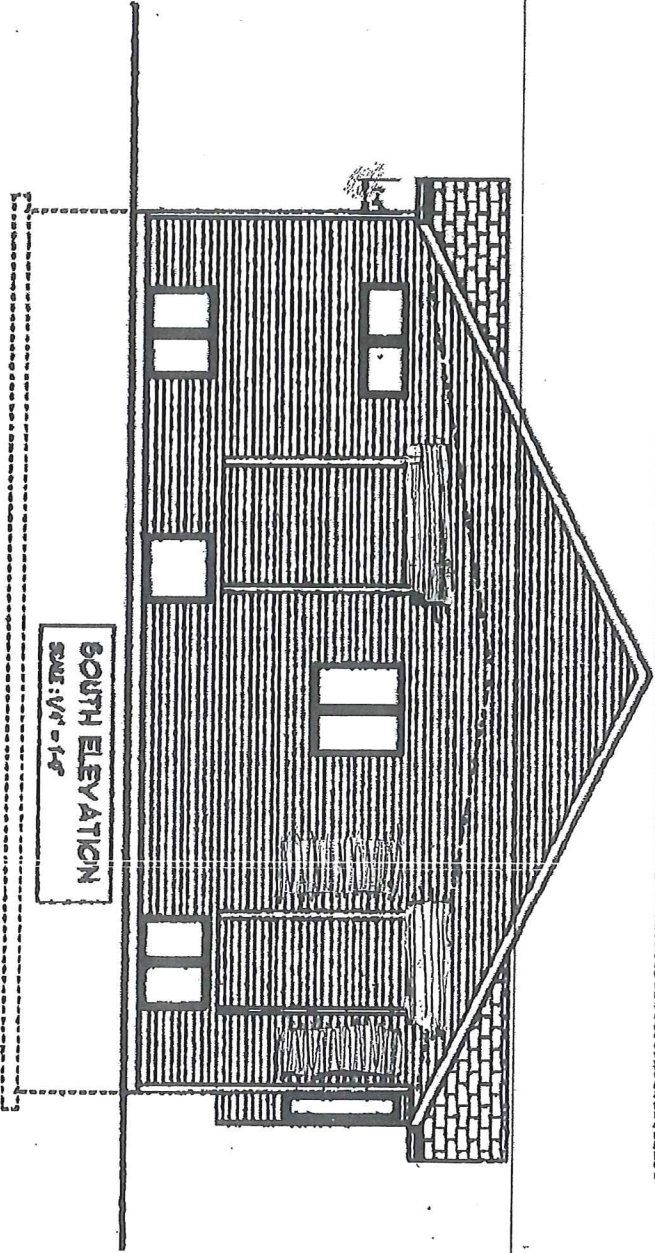




Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

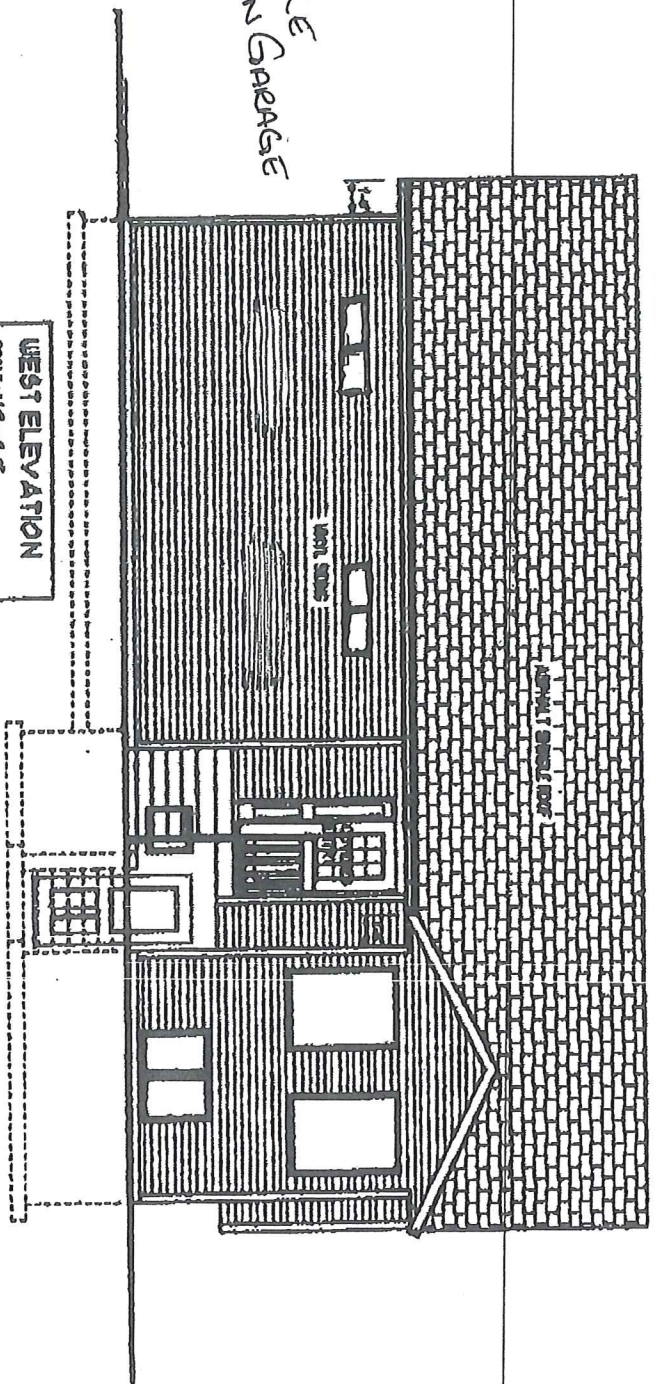


EAST ELEVATION
SCALE: 1/8"



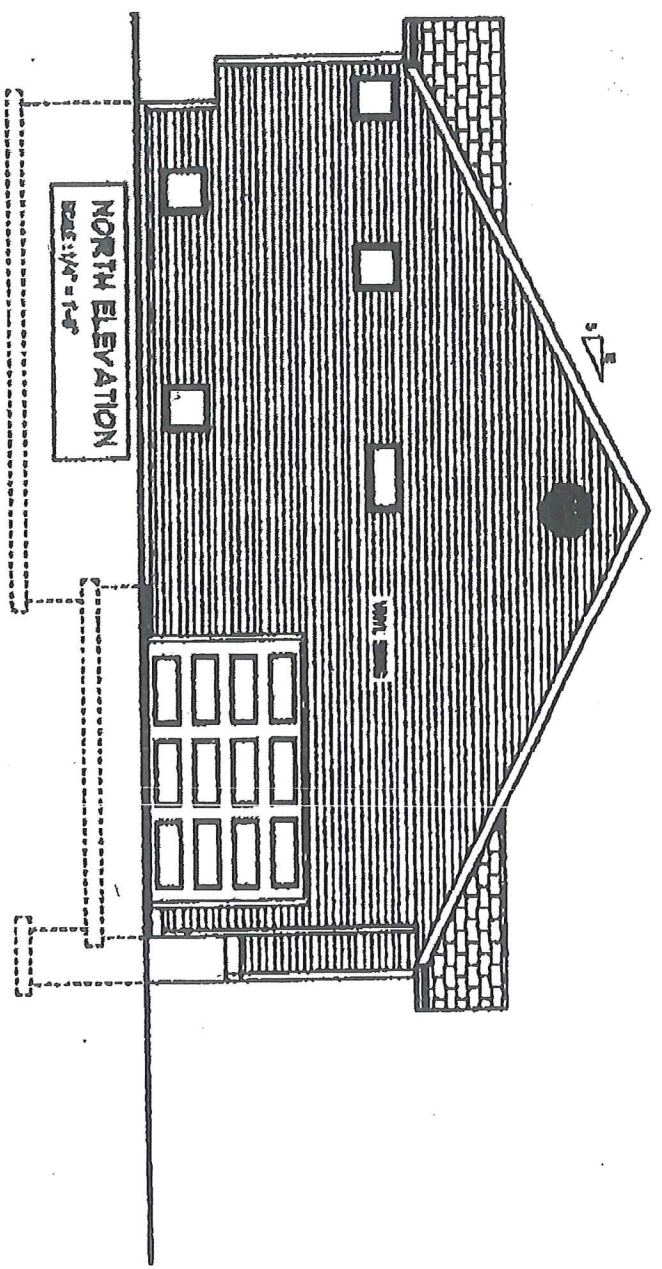
SOUTH ELEVATION
SCALE: 1/8"

WEST ELEVATION
SCALE: 1/8" = 1'-0"



WOULD LIKE
WIN DOWS ON GARAGE
HIGHER

NORTH ELEVATION
SCALE: 1/8" = 1'-0"



LOOKING SOUTHEAST



PROPOSED DECK LOCATION

Z10-0054
DV10-0084

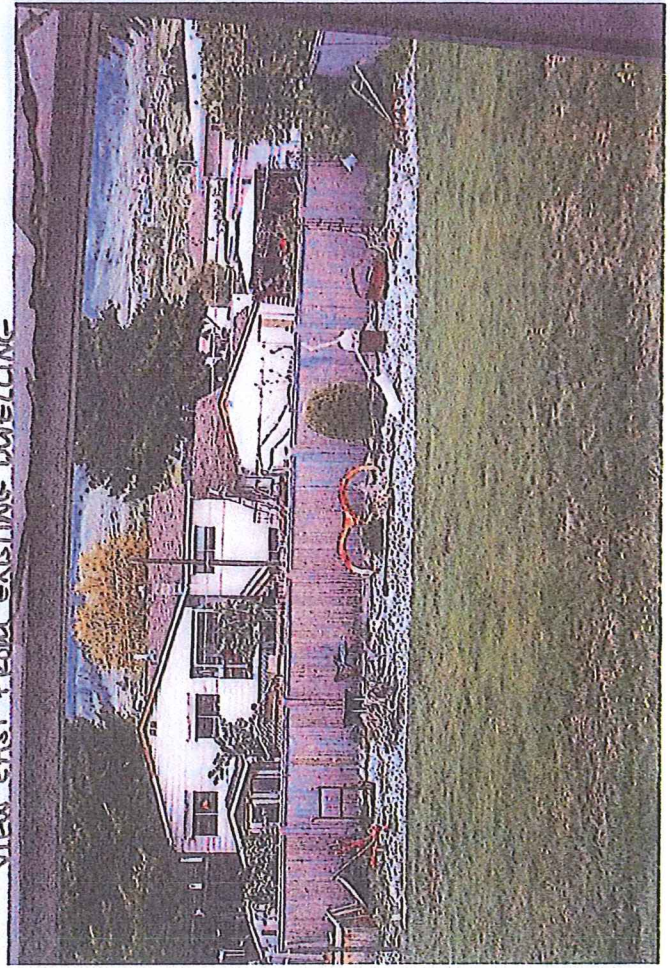
VIEW OF NEIGHBORING PROPERTY (NORTH)



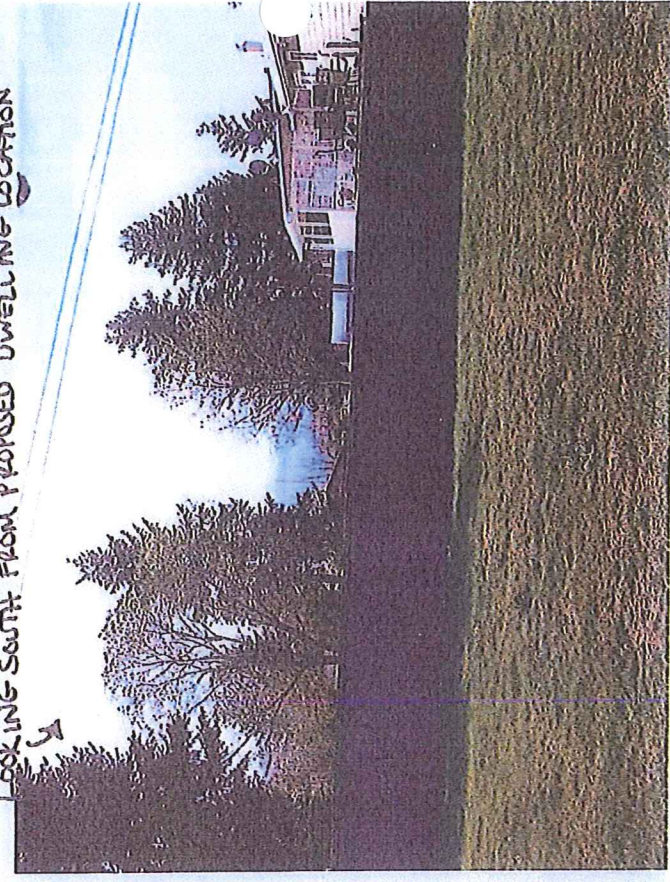
LOOKING NORTHEAST FROM EXISTING DWELLING



VIEW EAST FROM EXISTING DWELLING



LOOKING SOUTH FROM PROPOSED DWELLING LOCATION



CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No. : DVP10 -0084

| | |
|---------------------------------|---------------------------|
| EXISTING ZONING DESIGNATION: | RU6 –Two Dwelling Housing |
| WITHIN DEVELOPMENT PERMIT AREA: | N/A |

| |
|---|
| ISSUED TO: Marla Matutat |
| LOCATION OF SUBJECT SITE: 1375 Rutland Road North |

| | LOT | D.L. | PLAN | SECTION | TOWNSHIP | DISTRICT |
|--------------------|-----|------|--------------------|---------|----------|----------|
| LEGAL DESCRIPTION: | 2 | | ODYD Plan 19027 | 35 | 26 | |

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 are granted:

Section 13.6.6(e) – RU6 Development Regulations (as per schedule A):

To vary the minimum rear yard from 6.0m permitted to 5.0m proposed.

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.

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

Telephone No.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY COUNCIL ON THE @@th DAY OF @@@, 20@@.

ISSUED BY THE LAND USE MANAGEMENT DEPT. OF THE CITY OF KELOWNA THE @@TH DAY OF @@, 20@@.

Shelley Gambacort
Director of Land Use Management

