

# Memo



**Date:** March 3, 2011

**To:** City Manager

**From:** Land Use Management, Community Sustainability (JM)

**Application:** DVP11-0023

**Owner(s):** Bruno Piatelli,  
Silvana Piatelli, Sandro  
Piatelli

**Address:** 1016 Lawrence Avenue

**Applicant:** Bruno Piatelli

**Subject:** Development Variance Permit

**Existing OCP Designation:** Multiple Unit Residential - Low Density

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

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## 1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP11-0023 for The West 175 Feet of Lot 10, Block 55, District Lot 138, ODYD, Plan 262, Except Plan B4360, located at 1016 Lawrence Avenue, 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 9.0 m required to 6.0 m proposed.

Section 9.5.1(d) Secondary Suite Location. To vary the requirement that a principal dwelling be located between a front yard and an accessory building (containing a secondary suite) by allowing the principal dwelling to be located between a side yard and an accessory building containing a secondary suite.

## 2.0 Purpose

To consider a proposal to vary the required front yard setback for an accessory building from 9.0m to 6.0m; and further to vary the requirement that a principal dwelling be located between a front yard and an accessory building containing a secondary suite in order to facilitate the development of a detached secondary suite located on the east side of the principal dwelling.

### 3.0 Land Use Management

At present, the provisions of the RU6 zone permit the development of detached secondary suites. However, the regulations governing the siting of these suites were crafted with standard lots in mind, where lot width is typically less than lot depth. Unfortunately, in instances where urban sized lots are wide and shallow, the zoning bylaw’s siting requirements are challenging to meet.

The majority of properties along this portion of Lawrence Avenue are also zoned RU6, and several have developed various forms of two dwelling housing, either through detached secondary suites, second principal dwellings, or duplex dwellings. While the subject lot is not of a sufficient size to permit the development of a second single detached or duplex dwelling, the proponent would be able to develop a new principal dwelling containing a secondary suite without the need to seek variances.

Nevertheless, given the fact that a similar sized lot in a typical configuration would more easily be able to develop a detached secondary suite, and since the proposal is not inconsistent with its surroundings and has received support from neighbouring parcels, there is seen to be sufficient rationale to support the proposed variances.

### 4.0 Proposal

#### 4.1 Background

The proponent proposes to construct a detached secondary suite located on the east side of the principal dwelling (presently under construction). The proposed suite is situated at a distance from the front lot line that is consistent with surrounding development. Vehicle access for both dwellings is via the lane at the rear of the parcel. Required parking for the detached secondary suite is contained in the garage on the first storey of the building.

In addition to the Development Variance Permit, the applicant is seeking approval for a Development Permit to address the form and character of a secondary suite that will be considered for issuance at a Staff level.

#### 4.2 Site Context

While the general area surrounding the subject property is predominantly characterized by a mix of single and multiple dwelling housing, the character of housing in the immediate vicinity facing Lawrence Avenue consists primarily of single dwelling housing or low density multiple dwelling housing.

A consistent urban form has not been well established here, and the building heights, siting, massing and character varies considerably (1 to 4 storeys). Nevertheless, buildings in the area appear to have emphasized elements with an “heritage” feel.

Surrounding Zoning Designations	
PROPERTY	ZONING
North	RM5 - Medium Density Multiple Housing
East	RU6 - Two Dwelling Housing
South	RU6 - Two Dwelling Housing
West	RU6 - Two Dwelling Housing



<b>Zoning Analysis Table</b>		
<b>CRITERIA</b>	<b>PROPOSAL</b>	<b>RU6 ZONE REQUIREMENTS (FOR DETACHED SECONDARY SUITE)</b>
<b>Subdivision Regulations</b>		
Lot Area	613 m <sup>2</sup>	400 m <sup>2</sup>
Lot Width	30.5 m	13.0 m
Lot Depth	21.2 m	30.0 m
<b>Development Regulations</b>		
Site Coverage (buildings)	31%	40%
Site Coverage (buildings/parking)	46%	50%
<b>Existing Dwelling</b>		
Height	7.6 m	9.5 m

Floor Area	191 m <sup>2</sup>	-
Front Yard	4.5 m	4.5 m
Side Yard (w)	2.3 m	2.3 m (2 storey)
Side Yard (e)	exceeds	2.3m (2 storey)
Rear Yard	6.0 m / 7.5m	6.0 m (1 – 1 ½ storey) /7.5m (2 – 2 ½ storeys)
Proposed Secondary Suite		
Height	4.5 m	4.5 m
Suite Floor area	90 m <sup>2</sup> / 47%	Lessor of 75% of principal dwelling or 90 m <sup>2</sup>
Front Yard	6.0 m ①	9.0 m
Side Yard (w)	2.3 m	2.0 m (1 - 1 ½ storey)
Side Yard (e)	2.3 m	2.0 m (1 - 1 ½ storey)
Rear Yard	4.365 m	1.5m
Separation (Distance Between Houses)	4.695 m	4.5 m
Other Requirements		
Parking Stalls (#)	3 spaces	3 spaces
Private Open Space	meets requirements	30 m <sup>2</sup> of private open space per dwelling
Location of Accessory Building	Beside principal dwelling ②	Behind principal dwelling

VariANCES Requested:

① Section 6.5.8(a) Accessory Development - to vary the requirement for an accessory building in an urban residential zone to be no closer to the front lot line than at least two times the distance of the required front yard setback for that zone (9m required to 6m proposed).

② Section 9.5.1(d) Secondary Suites - to vary the location of a secondary suite in an accessory building in relation to a principal dwelling from behind the principal dwelling to beside the principal dwelling.

**5.0 Technical Comments**

**5.1 Building & Permitting Department**

No comment.

5.2 Development Engineering Department

The requested front yard setback variance from 9.0m to 6.12m and to allow the secondary building alongside the principal dwelling, does not compromise our servicing requirements.

5.3 Fire Department

An unobstructed and easily distinguishable firefighter access path, of 1100 mm, from the street to the back of the property line as well to the secondary detached suite main entrance is required. The new home is required to have a visible address facing Lawrence Ave.

If a fence is ever constructed between the dwellings a gate with a clear width of 1100mm is required for emergency access. Any gate is to open with out special knowledge.

6.0 Application Chronology

Date of Application Received: February 10, 2011

This application was triggered after an initial review of the associated Development Permit application, which was originally received on November 24, 2010. At that time, several variances were identified. Subsequently, revisions to the original plans were made and final plans received on January 11, 2011.

**Report prepared by:**

  
James Moore, Land Use Planner

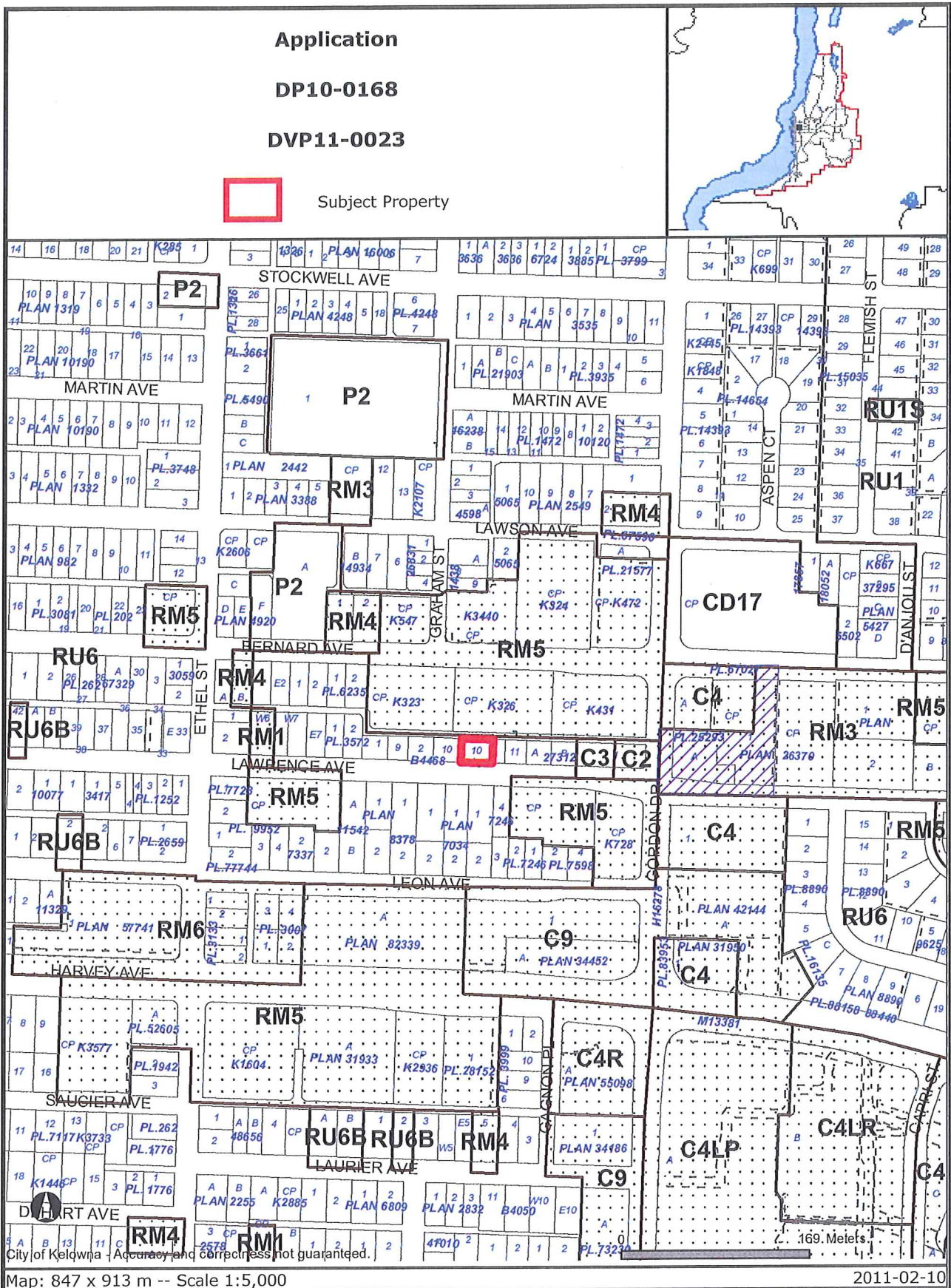
**Reviewed by:**  Danielle Noble Manager, Urban Land Use Management

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

**Attachments:**

- Subject Property Map
- Floor Plans
- Elevation Drawings
- Schedule "A" - Site Plan
- DRAFT Development Variance Permit No. DVP11-0023





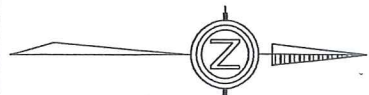
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

**SCHEDULE A**  
 This forms part of development  
 Permit # **DVP11-0023**

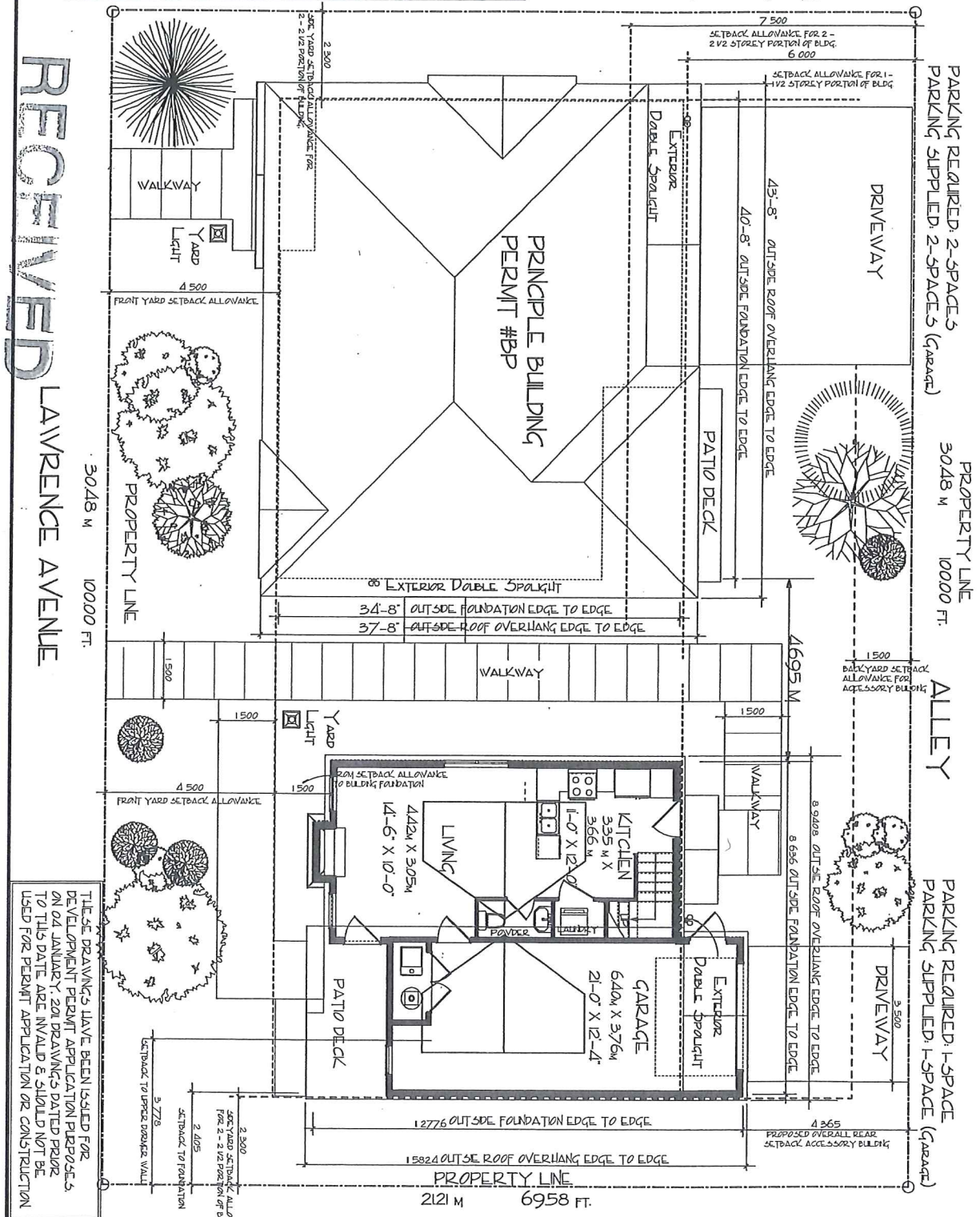
**LEGAL DESCRIPTION**  
 PLAN 262  
 LOT 10  
 106 LAWRENCE AVENUE  
 KELOWNA, BRITISH COLUMBIA

**COVERAGES CALCULATIONS**

LOT	64648 m <sup>2</sup> (695889 sf)
MAN HOUSE	7478 m <sup>2</sup> (8050 sf)
GARAGE	4160 m <sup>2</sup> (4480 sf)
SUB-TOTAL	11638 m <sup>2</sup> (12530 sf)
MAN HOUSE COVERAGE	1938 / 64648 = 18%
CARPORT HOUSE COVERAGE	4413 m <sup>2</sup> (4750 sf)
GARAGE	3716 m <sup>2</sup> (4000 sf)
SUB-TOTAL	8129 m <sup>2</sup> (8750 sf)
CARPORT HOUSE COVERAGE	8240 / 64648 = 15%
(Allowable Coverage = 14%)	
TOTALS	* 20067 m <sup>2</sup> * (21600 sf)
TOTAL BUILDING COVERAGE	20067 / 64648 = 3%
TOTAL LOT COVERAGE (Manse Structures)	(20067 m <sup>2</sup> (Total Base) + 9700 m <sup>2</sup> (Total Decks & Walks) / 64648 m <sup>2</sup> (Total Lot Area) = 46%
(Allowable = 50%)	



PROPERTY LINE  
 2121 M 6958 FT.

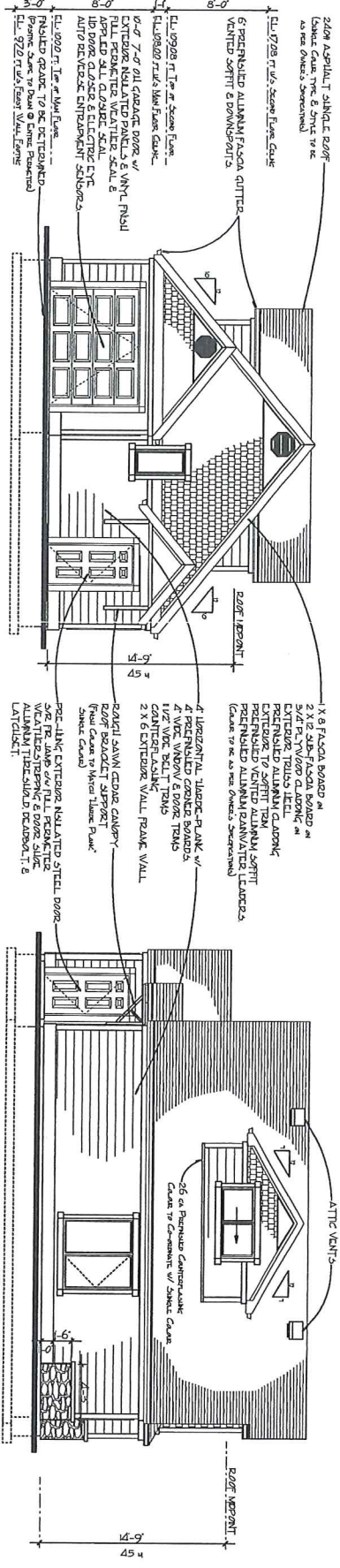
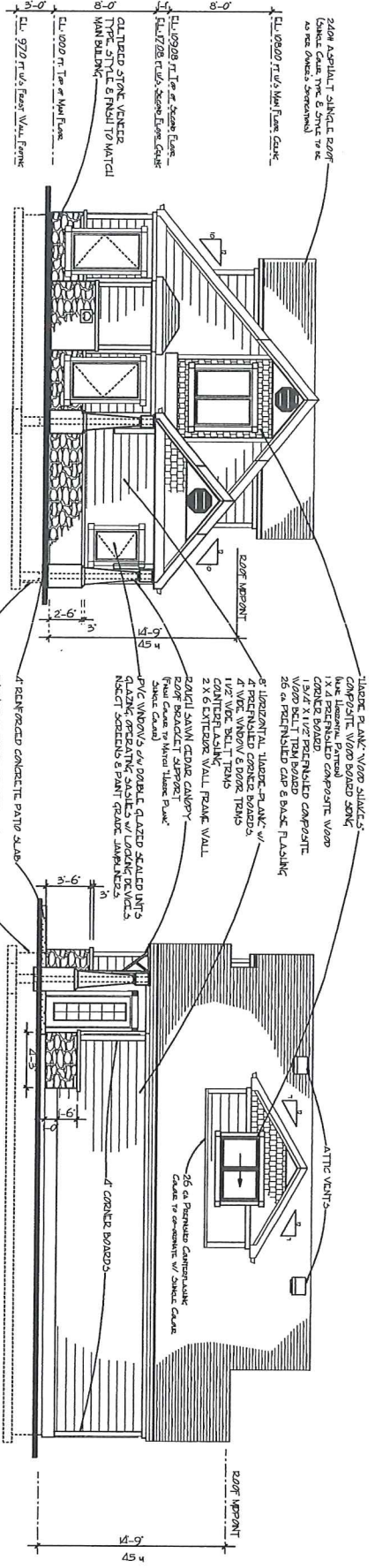


**RECEIVED**  
 LAWRENCE AVENUE  
 3048 M 10000 FT.

THESE DRAWINGS HAVE BEEN ISSUED FOR DEVELOPMENT PERMIT APPLICATION PURPOSES ON 04 JANUARY, 2011. DRAWINGS DATED PRIOR TO THIS DATE ARE INVALID & SHOULD NOT BE USED FOR PERMIT APPLICATION OR CONSTRUCTION.

<p><b>NOTE</b></p> <p>GENERAL CONTRACTOR RESPONSIBLE FOR VERIFICATION OF ALL BUILDING REQUIREMENTS AND COMPLIANCE TO BC BUILDING CODE REQUIREMENTS. ALL STRUCTURAL CONSTRUCTION TO BE DONE AS SHOWN OR AS NOTED FOR COMPLIANCE TO NATIONAL AND BC BUILDING CODES. OCCASIONALLY THE LEAD DESIGNER MAY MAKE CHANGES TO THE DRAWINGS FOR PROPOSED LOCATION OF BUILDING SITE. CONTRACTORS TO BE TESTED AND APPROVED ACCORDING TO LOCAL BUILDING AUTHORITY REQUIREMENTS AND STATE SAFETY AND TRUST PRELIMINARY FOR PROPOSED BUILDING. FINAL CODE REQUIREMENTS TO BE VERIFIED BY QUALIFIED CONTRACTOR TO PROVIDE A POSITIVE COPY TO PLAN AND GRANT WATER DRAINAGE.</p>	<p><b>PROTOCOL HOME PLANNING &amp; DESIGN</b></p> <p>PHONE: 1-(250) 878-7268    E-MAIL: PROTOCOLPLANNING@OUTLOOK.COM    KELOWNA, BC</p>		<p><b>SITE LAYOUT</b></p>	
	<p>SCALE: AS SHOWN</p>	<p>APPROVED BY:</p>	<p>DRAWN BY: CLC</p>	
	<p>DATE: 07 JANUARY 11</p>	<p>106 LAWRENCE AVENUE</p>	<p>CHECKED BY: B. PIATELLI</p>	<p>DRAWING NUMBER: PT022A-01 of 3</p>

**RECEIVED**  
 CITY OF KELOWNA  
 Development Services Department  
 JAN 11 2011



**REAR ELEVATION (NORTH)**  
SCALE: 1/4" = 1'-0"

**FRONT ELEVATION (SOUTH)**  
SCALE: 1/4" = 1'-0"

**RIGHT SIDE ELEVATION (EAST)**  
SCALE: 1/4" = 1'-0"

**LEFT SIDE ELEVATION (WEST)**  
SCALE: 1/4" = 1'-0"

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**NOTE:**  
GENERAL CONTRACTOR RESPONSIBLE FOR VERIFICATION OF ALL PLANNING REQUIREMENTS AND COMPLIANCE WITH BUILDING CODE REQUIREMENTS. ALL STRUCTURAL COMPONENTS TO BE CHECKED, RECORDED OR REVICED FOR COMPLIANCE WITH BUILDING CODE REQUIREMENTS. LUMP SUM BASIS. OWNER RESPONSIBLE FOR OBTAINING NECESSARY APPROVALS FROM LOCAL PUBLIC AUTHORITIES REGARDING CARTRIDGE STABILITY AND PROTECTIVE TREATMENT PROVIDED BUILDING SHALL BE CONSIDERED TO BE UNDER THE JURISDICTION OF CONTRACTOR TO PROVIDE A POSITIVE SLOPE TO DRAIN AND GROUND WATER DRAINAGE.

**PROTOCOL HOME PLANNING & DESIGN**  
KELLOWNA BC  
PHONE: 1-(250) 878-7368  
E-MAIL: PROTOCOL@HOTMAIL.COM

<b>CARRIAGE HOUSE ELEVATIONS</b>	
SCALE: AS SHOWN	APPROVED BY:
DATE: 07 JANUARY 11	DESIGNED BY: CLC.
1016 LAWRENCE AVENUE	CHECKED BY: B. PIATELLI
	DRAWING NUMBER: PT022A-03 of 3



# CITY OF KELOWNA

## APPROVED ISSUANCE OF A:

Development Variance Permit No.: DVP11-0023

EXISTING ZONING DESIGNATION: RU6 - Two Dwelling Housing  
WITHIN DEVELOPMENT PERMIT AREA: Secondary Suite / Two Dwelling Housing Development Permit Area

ISSUED TO: Bruno, Silvana, and Sandro Piatelli

LOCATION OF SUBJECT SITE: 1016 Lawrence Avenue

	LOT	BLOCK	D.L.	TOWNSHIP	DISTRICT	PLAN
LEGAL DESCRIPTION:	THE WEST 175 FEET OF LOT 10	55	138	-	ODYD	262, EXCEPT PLAN B4360

### 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 6.5.8(a) Accessory Development

To vary the required front yard setback of an accessory building from 9.0 m required to 6.0 m proposed, as shown on Schedule "A".

#### Section 9.5.1(d) Secondary Suites

To vary the requirement that a principal dwelling be located between a front yard and an accessory building containing a secondary suite to permit the principal dwelling to be located between a side yard and an accessory building containing a secondary suite.

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 MARCH, 2011.

ISSUED BY THE LAND USE MANAGEMENT DEPT. OF THE CITY OF KELOWNA THE \_\_\_\_ DAY OF MARCH, 2011.  
BY THE DIRECTOR OF LAND USE MANAGEMENT

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

**SCHEDULE A**  
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 Permit # DVP11-0023

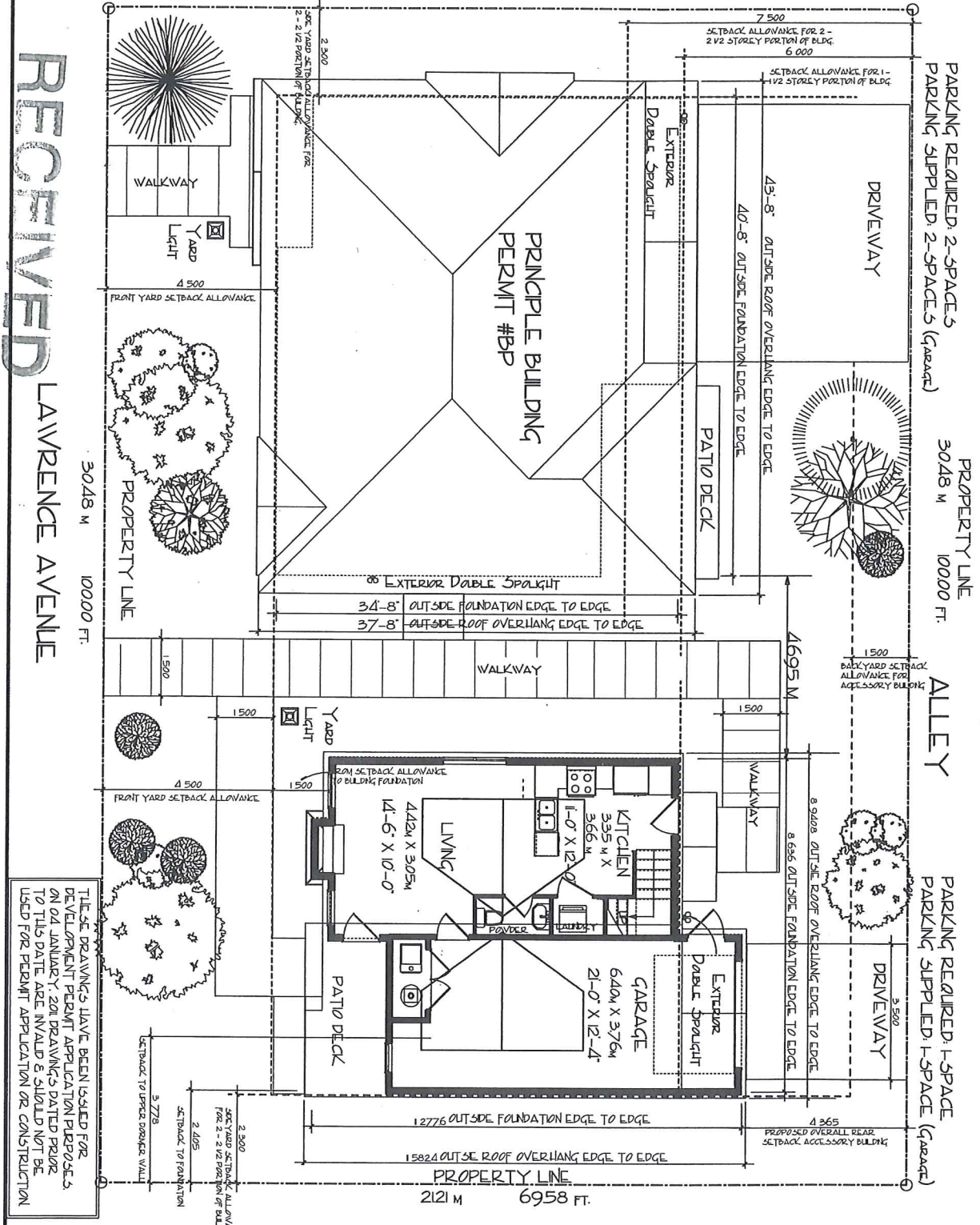
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SUB-TOTAL:	8129 m <sup>2</sup> (8750 sq ft)
CARTRAGE HOUSE COVERGE:	8240 / 64648 = 13%
ALLOWABLE COVERGE:	(148)
TOTALS:	* 20067 m <sup>2</sup> * (21600 sq ft)
TOTAL BUILDING COVERGE:	20067 / 64648 = 31%
TOTAL LOT COVERGE:	(Maximum Occupancy) 8 Dwellings
(20067 m <sup>2</sup> (Total Base) + 97200 m <sup>2</sup> (Total Base & Walk) / 64648 m <sup>2</sup> (Total Lot Area) = 46%)	(Allowable = 50%)

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**PROTOCOL HOME PLANNING & DESIGN**  
 KELOWNA B.C.  
 PHONE: 1-(250) 878-7368 E-MAIL: PROTOCOLPLANNING@SILVERA.COM

**SITE LAYOUT**

SCALE:	A3 SHOWN	APPROVED BY:	CLC
DATE:	07 JANUARY 11	DRAWN BY:	B. PIATELLI
106 LAWRENCE AVENUE		DRAWING NUMBER:	PT1022A-01 of 3

**RECEIVED**  
 CITY OF KELOWNA  
 Development Services Department  
 JAN 11 2011

3048 M 10000 FT.  
 PROPERTY LINE  
 10000 FT.  
 3048 M  
 PROPERTY LINE  
 10000 FT.