



## 4.0 Proposal

### 4.1 Project Description

The subject property has a legal secondary suite within the upper ½ storey of the residence. The owner is planning extensive renovations to the interior to maximize the floor space of the principal dwelling portion. The plans include relocating the access staircase leading to the suite in an addition on the west side of the dwelling. The proposed addition will be partially located in the side yard set back, therefore requiring a variance to allow its construction.

Given the age of the neighbourhood and existence of non-conforming setbacks in the area, it is expected that this requested variance will have little impact on the neighbourhood. Signatures of support have been received from all affected neighbours.

### 4.2 Site Context

The subject property is located on Birch Avenue in the Pandosy/KLO sector of Kelowna. The lot is situated in a predominantly single family neighbourhood and is bounded by similar development on all sides. The surrounding properties in all directions are zoned RU6 - Two Dwelling housing.

Updating and upgrading of the housing stock is occurring throughout the neighbourhood including a brand new residence immediately to the west of the subject property.

### 4.3 Subject Property Map: 612 Birch Ave.



4.4 The proposal meets the requirements of the RU6 Two Dwelling housing zone as follows:

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS (Secondary suite within principal Building)
Subdivision Regulations		
Lot Area	560 m <sup>2</sup>	400 m <sup>2</sup>
Lot Width	15.24 m	13 m
Lot Depth	36.58 m	30.0 m
Development Regulations		
Site Coverage (buildings)	22 %	40%
Site Coverage (buildings/parking)	31 %	50%
Front Yard	7.9 m	4.5 m or 6.0 m to a garage
Side Yard (west)	1.0 m ①	2.0 (1 - 1 ½ storey)
Side Yard (east)	2.0 m	2.0 (1 - 1 ½ storey)
Rear Yard	8.0m	6.0 m (1 - 1 ½ storey)

① Variance required for the west side yard set back from 2.0m permitted to 1.0m proposed.

#### 4 Technical Comments

##### 5.1 Building & Permitting Department

1) Full Plan check for Building Code related issues will be done at time of Building Permit applications

2) The garage in the back of the property will not have vehicle access from the front property once construction occurs (less than 3.0 meters). *The property has lane access and the garage will be converted to access from the rear.*

##### 5.2 Development Engineering Department

See attached.

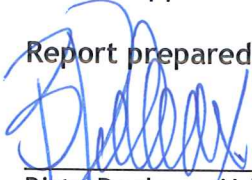
##### 5.3 Fire Department

Requirements of section 9.10.9.14, Secondary Residential Suites, of the BCBC 2006 are to be met. Smoke Alarms as per section 9.10.19 of the BCBC are required. Additional address for the suite is required.

## 6.0 Application Chronology

Date of Application Received: October 13, 2011

Report prepared by:

  
\_\_\_\_\_  
Birte Decloux, Urban Land Use Planner

Reviewed by:



Danielle Noble Manager, Urban Land Use Management

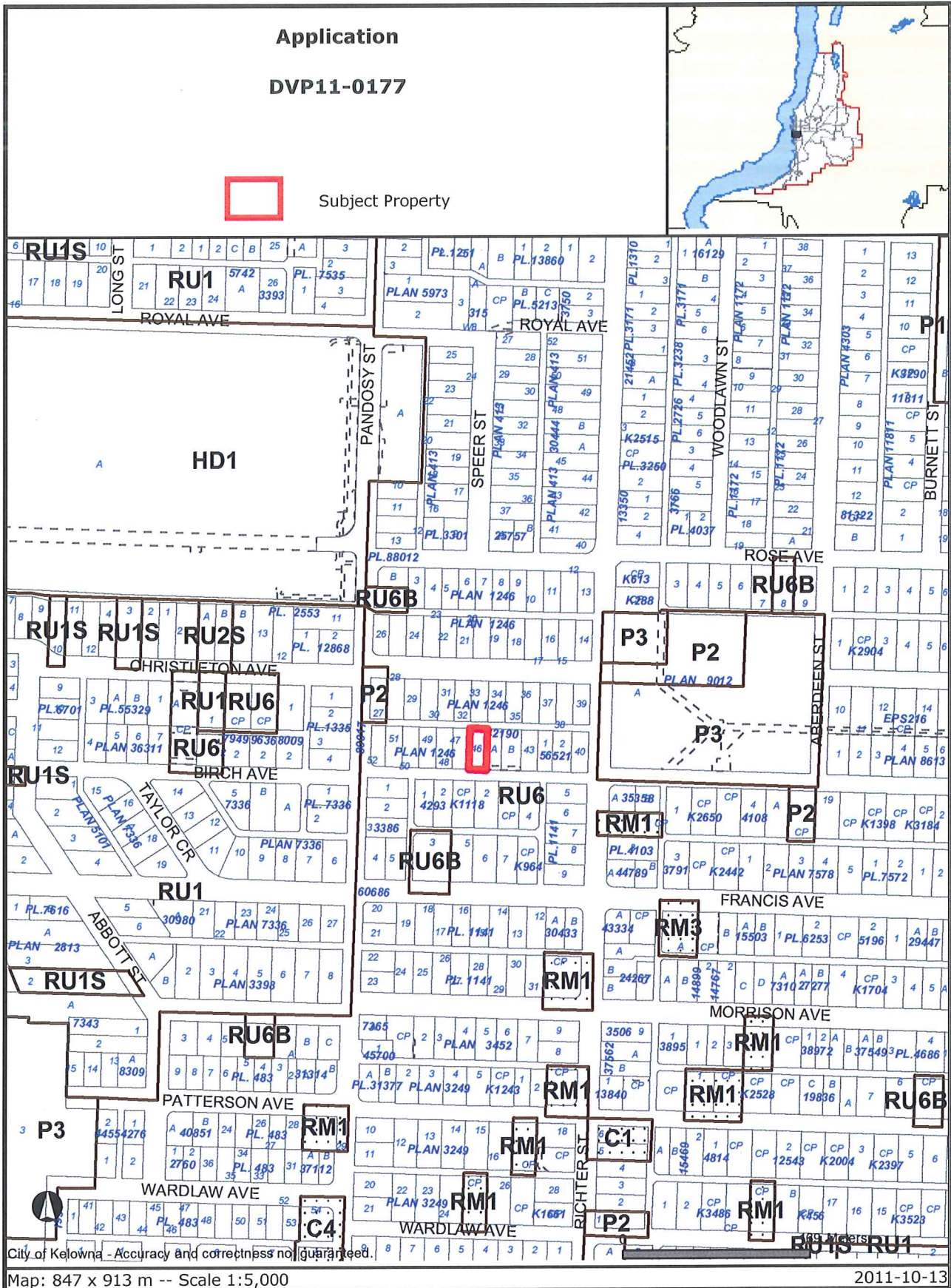
Approved for Inclusion:



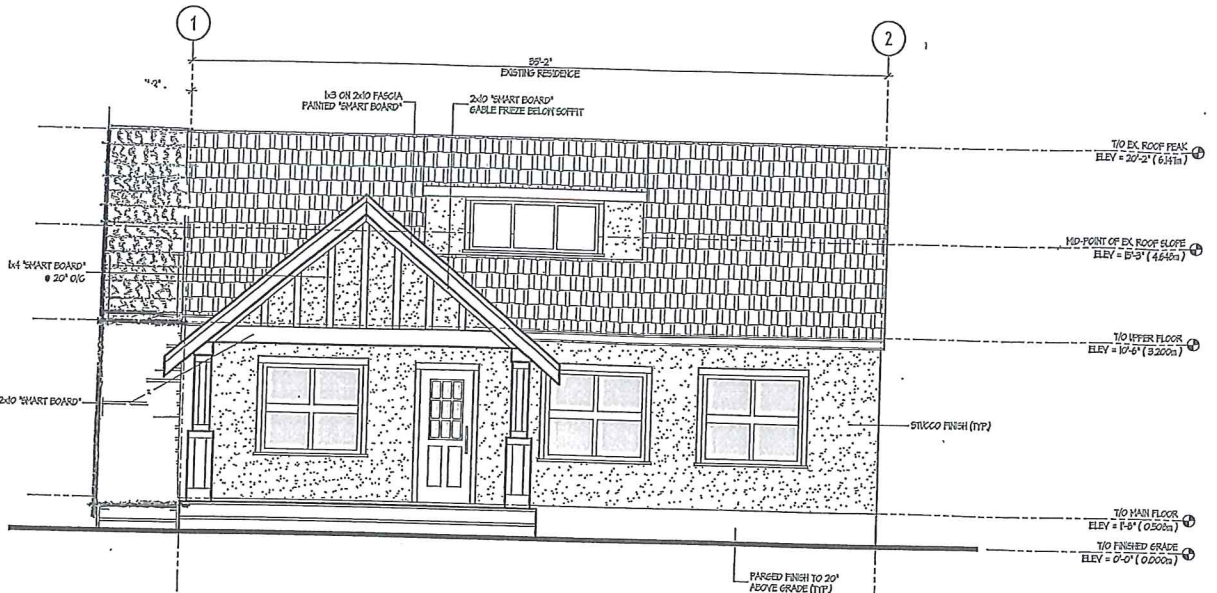
Shelley Gambacort, Director, Land Use Management

### Attachments:

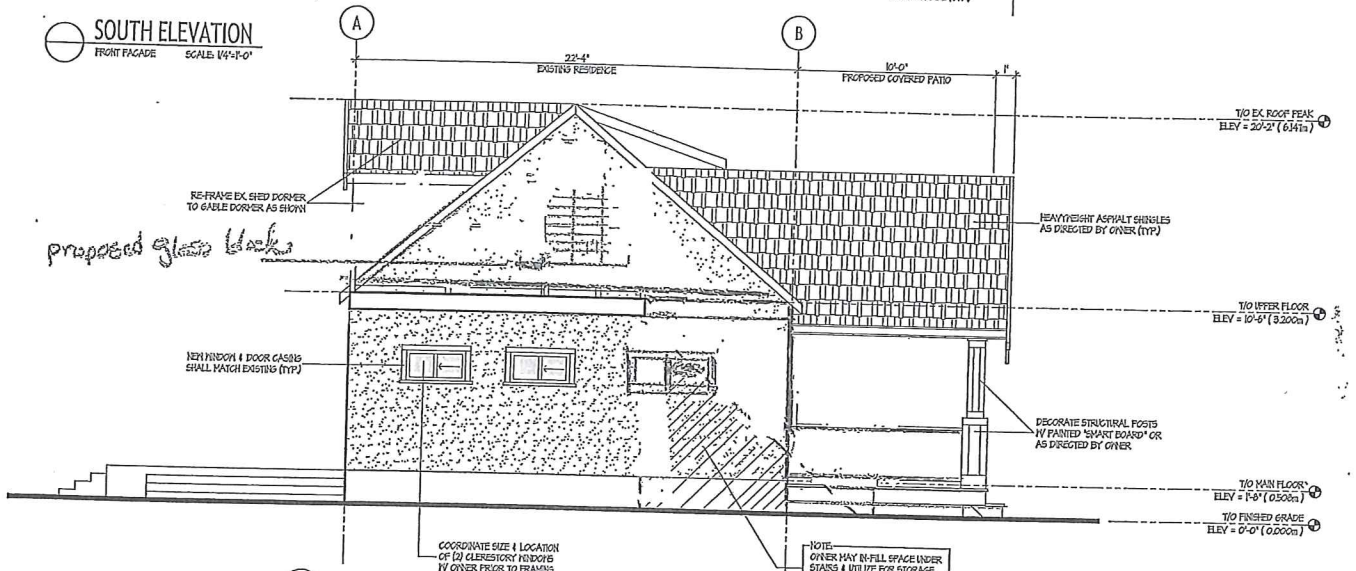
Site Plan - Schedule A  
Conceptual Elevations  
Context/Site Photos  
Summary of Technical Comments



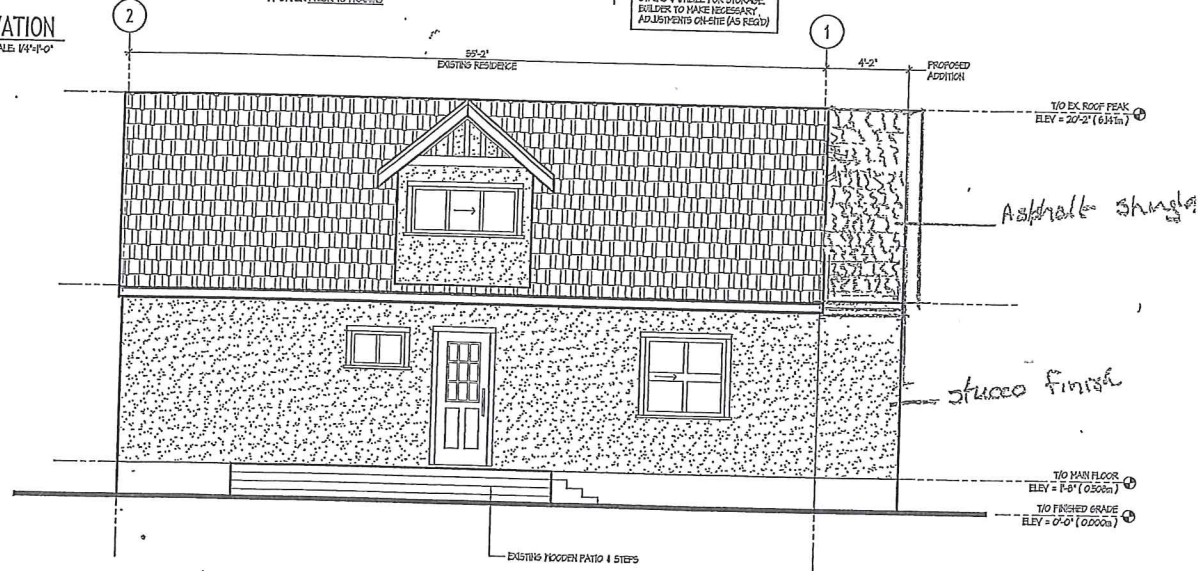
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
The City of Kelowna does not guarantee its accuracy. All information should be verified.



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



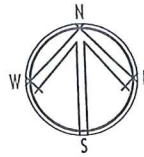
**WEST ELEVATION**  
LEFT FACADE SCALE: 1/4"=1'-0"



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

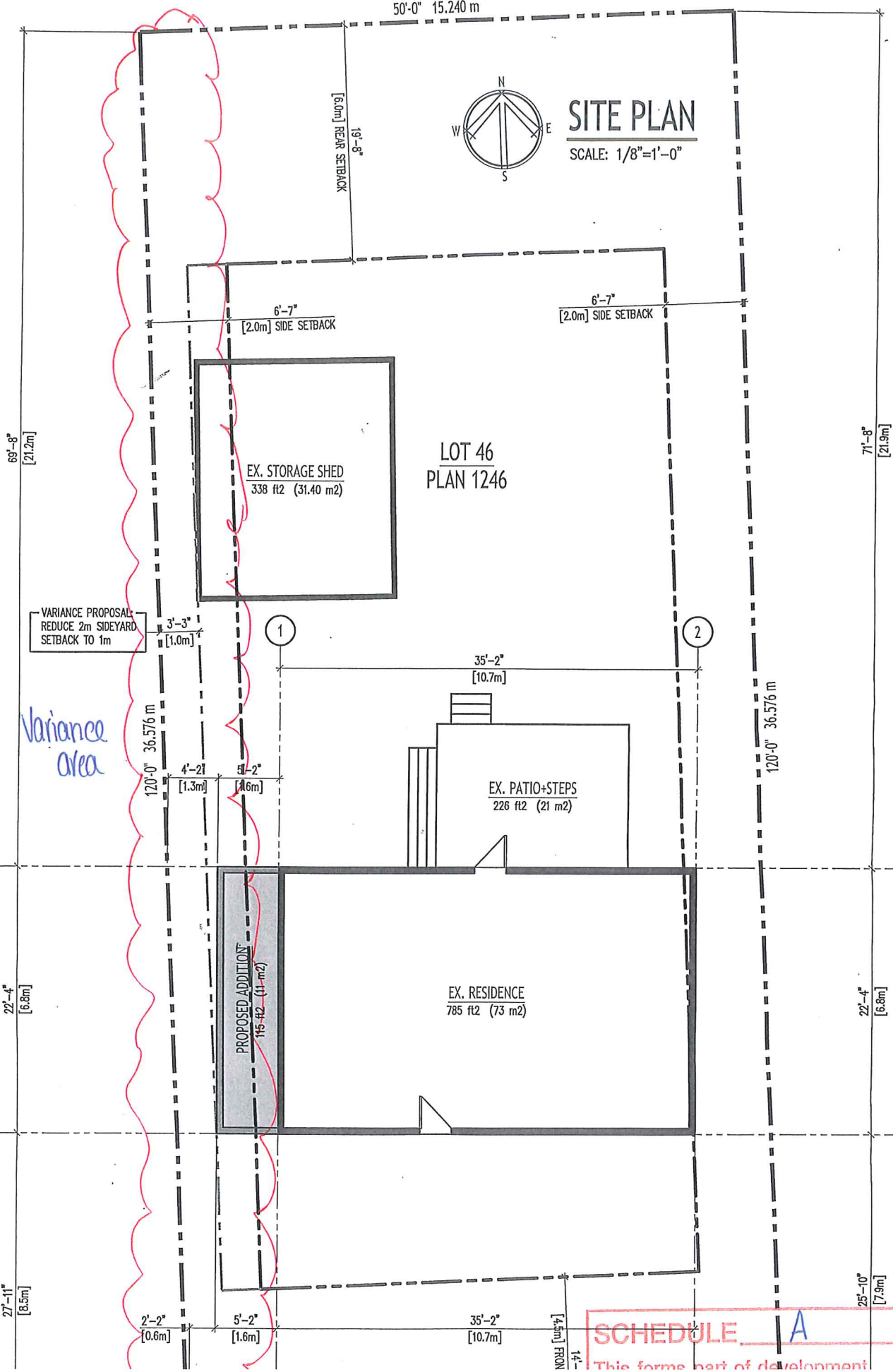
# LANE ACCESS

50'-0" 15.240 m



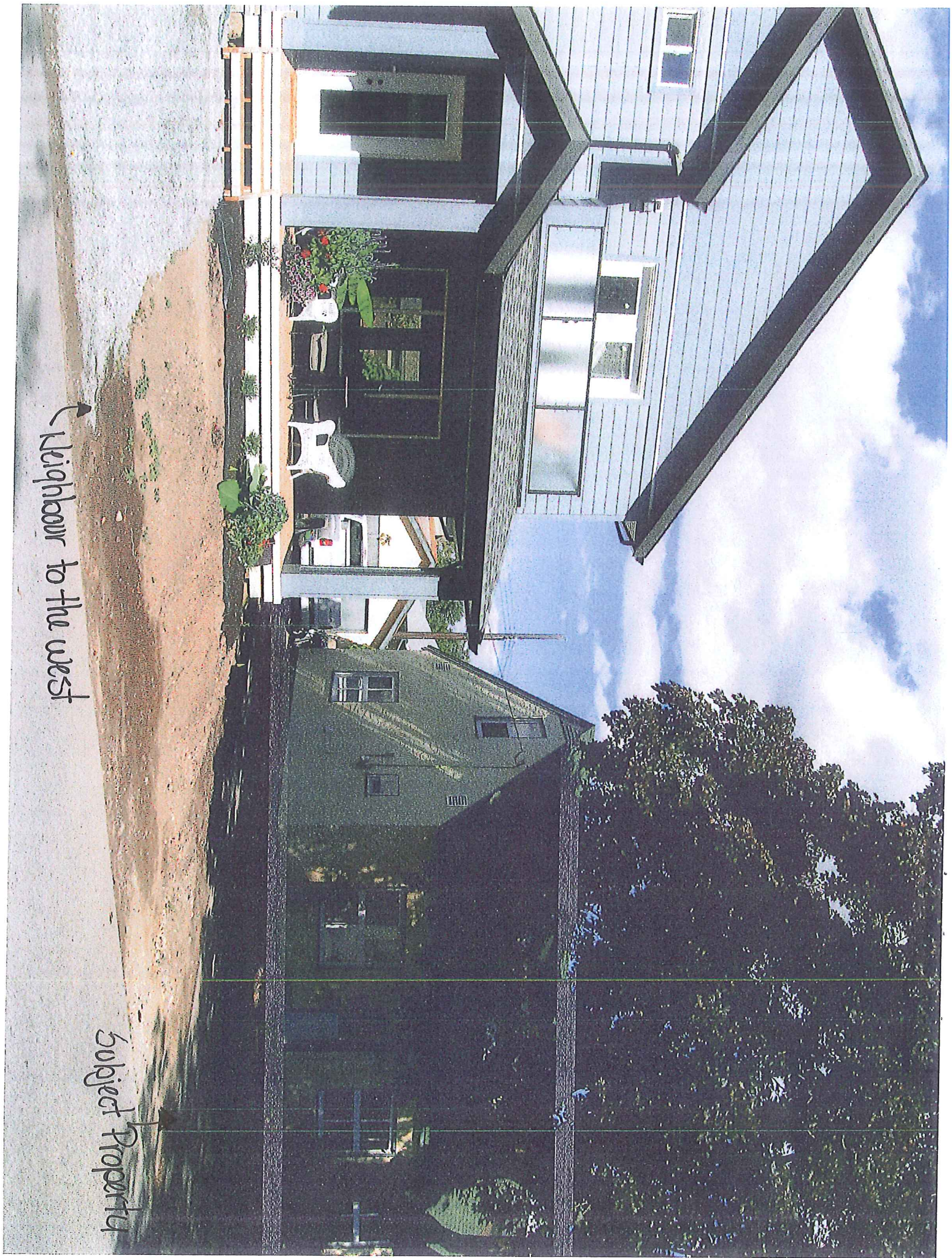
## SITE PLAN

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



Variance area

**SCHEDULE A**  
This form part of development



↪ Neighbour to the west

Subject Property





250 1/2 W. 10th St. N. W. 10000

Rear of Subject Property



*Front of  
Subject Property*

# CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No .: DVP11-0177

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

ISSUED TO: Joanne Senechal
LOCATION OF SUBJECT SITE: 612 Birch Ave.

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	46	14	1246			ODYD

## 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:

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

Section 13.6.6 (d): Development Regulations

To vary the west side yard setback from 2.0m required to 1.0m 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.

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

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.

4. 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 transferable 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 Land Use Management.

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 \_\_\_<sup>th</sup> DAY OF NOVEMBER, 2011.

ISSUED BY THE LAND USE MANAGEMENT DEPT. OF THE CITY OF KELOWNA THE \_\_\_<sup>TH</sup> DAY OF NOVEMBER 2011.

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Shelley Gambacort  
Director of Land Use Management