

REPORT TO COUNCIL



Date: January 19, 2012
To: City Manager
From: Land Use Management, Community Sustainability (PMc)
Application: DVP11-0190 **Owner:** Wesley John Romaniuk
Address: 38 Altura Road **Applicant:** Worman Resources
(Shane Worman)
Subject: Development Variance Permit
Existing OCP Designation: Single/Two Unit Residential
Existing Zone: RR3 - Rural Residential 3

1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP11-0190, for Lot 2, Sec. 32, Twp. 26, O.D.Y.D., Plan 35716, located on Altura Road , Kelowna, BC;

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

Section 6.5.8(a) Accessory Buildings in Residential Zones:

To vary the minimum front yard setback to an accessory building located in front of the principal dwelling, from twice the front yard setback (12.0m) required to 6.7 m proposed (as per Schedule "A").

2.0 Purpose

The applicant wishes to construct a new 156.3m² garage in the front yard of an existing dwelling. It is necessary to vary the accessory building siting provisions of section 6 - General Development Regulations from 2 times the 6.0m front yard setback of the RR3 zone (total of 12m) required to 6.7m proposed, in order to authorize the siting of the accessory building in this location.

3.0 Land Use Management

The subject property is a large lot that has been developed with a large single storey dwelling, located near the rear of the property. The location of the dwelling precludes the construction of an accessory building behind the dwelling.

The properties to the north and south of the subject property are developed with an accessory building located in front of the principal building, owing to similar site constraints. However, those accessory buildings complied to the zoning regulation of the day and did not require any variances.

The siting of the proposed accessory building at the 6.7 m front yard setback is consistent with the building siting of other smaller lots in the neighbourhood and the applicant has provided letters of support from the affected neighbours.

The proposed accessory building is to be finished with quality building materials, and is designed to replicate the materials and trim details used on the principal dwelling. There is an established 2.4 m high cedar hedge located along the property line which will further buffer the new garage from view from the adjacent road.

By locating the proposed building 6.7m from property line, instead of the required 12m, there will be an additional 5.3 m of yard space between the dwelling and the accessory building, which will improve the usability of the front yard.

4.0 Proposal

4.1 Background / Project Description

The dwelling located on the subject property was constructed in 1989. The registered owner has owned this dwelling since 1996. There has been a substantial amount of work done recently to upgrade the exterior finishes and trim of the dwelling to more contemporary standards.

The owner wishes to construct a new accessory building in the front yard of the existing dwelling to be used for a storage garage, as well as a home office and work-out area. The building is designed to be 156.3m² in area, and one storey (4.5m) high. The exterior finishes of the proposed garage are designed to incorporate timber framing details to complement the timber detailing of the dwelling. The walls of the garage are to be finished with stucco finishes and brick base to complement the exterior finishes of the principal dwelling.

The applicant wishes to locate the accessory building 6.7m from the road in order to reduce the impact of the accessory building on the usable front yard.

The property located to the south of the subject property has an accessory building sited between the road and the principal dwelling. However, topographic constraints have resulted in the accessory building being located approximately 25m from the front lot line.

4.2 Site Context

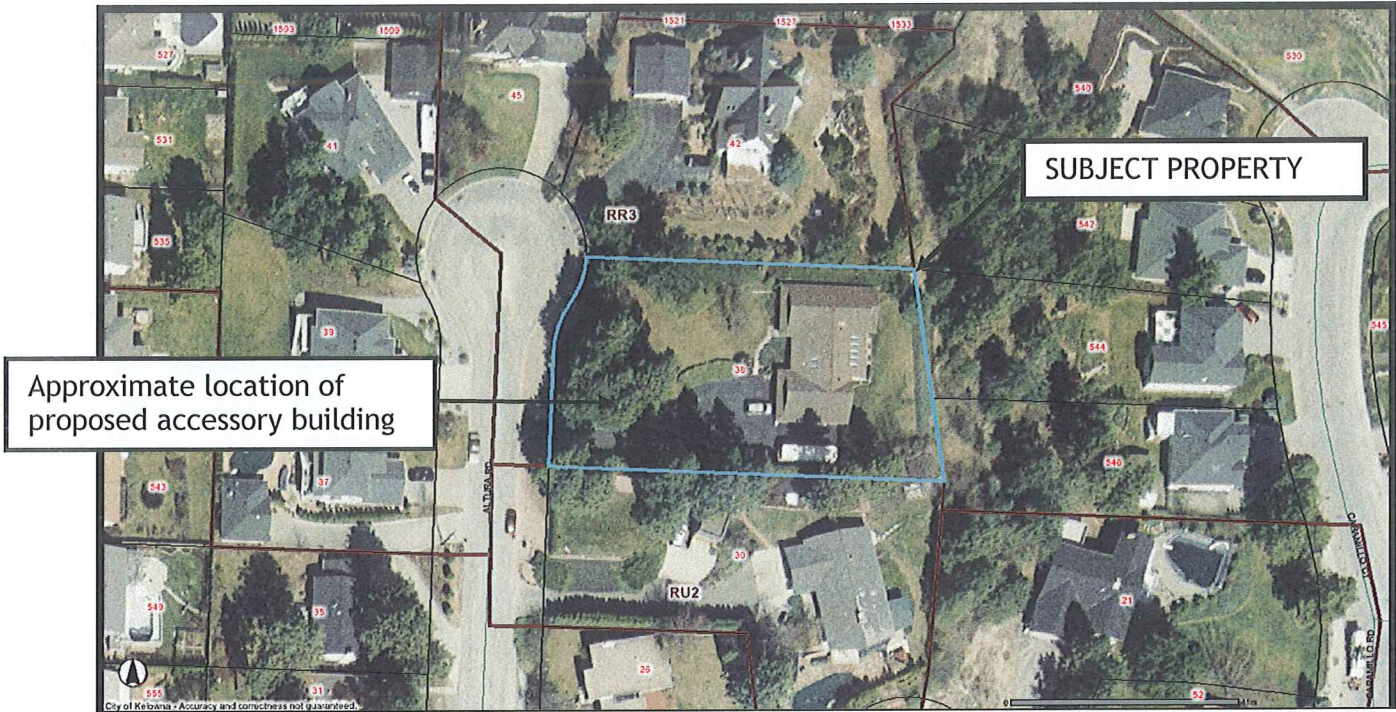
The subject property is located on the east side of Altura Road, in the Glenmore /Clifton / Dilworth sector of the City.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR3 - Rural Residential 3	Single Family Dwelling
South	RU2 - Medium Lot Housing	Single Family Dwelling
West	RU1 - Large Lot Housing	Single Family Dwelling
East	RU1 - Large Lot Housing	Single Family Dwelling

Subject Property Map:

38 Altura Road



4.3 Zoning Analysis

Zoning Analysis Table		
CRITERIA	RR3 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	1,600 m ²	2,488 m ²
Lot Width	18.0 m	37 m
Lot Depth	30.0 m	67 m
Development Regulations - Principal Dwelling		
Site Coverage		14.9%
Height	9.5 m / 2 ½ storey	4.8 m / 1 storey
Front Yard	6.0 m	39.9 m
Side Yard (north)	2.0 m (1 of 1½ storey portion)	4.8 m
Side Yard (south)	2.0 m (1 of 1½ storey portion)	9.5 m
Rear Yard	7.5 m	8.7 m
Development Regulations - Accessory Building		
Site Coverage		6.28%
Total Site Coverage	Max 30%	21.2%
Height	4.5 m	4.4 m
Front Yard	2 x 6.0 m = 12m	6.7 m ①
Side Yard (north)	1.0 m	17 m
Side Yard (south)	1.0 m	8.5 m
Rear Yard	1.5 m	50 m

① Indicates a requested variance to vary front yard setback to accessory building from 12 m required to 6.7 m proposed

5.0 Technical Comments

5.1 Building & Permitting Department

The washroom is larger than the allowable 3 square meters (2 piece bath with no allowances for future tub / shower). The layout appears to still look like a bachelor suite, so the owner should be made aware that no range allowance or rough in for range hood vents would be allowed.

5.2 Development Engineering Department

This development variance permit application to reduce the front yard setback to 6m does not compromise any municipal services.

5.3 Fire Department

No concerns


6.0 Application Chronology


Date of Application Received: November 8, 2011

Revised drawings and Rationale Received: January 17, 2012

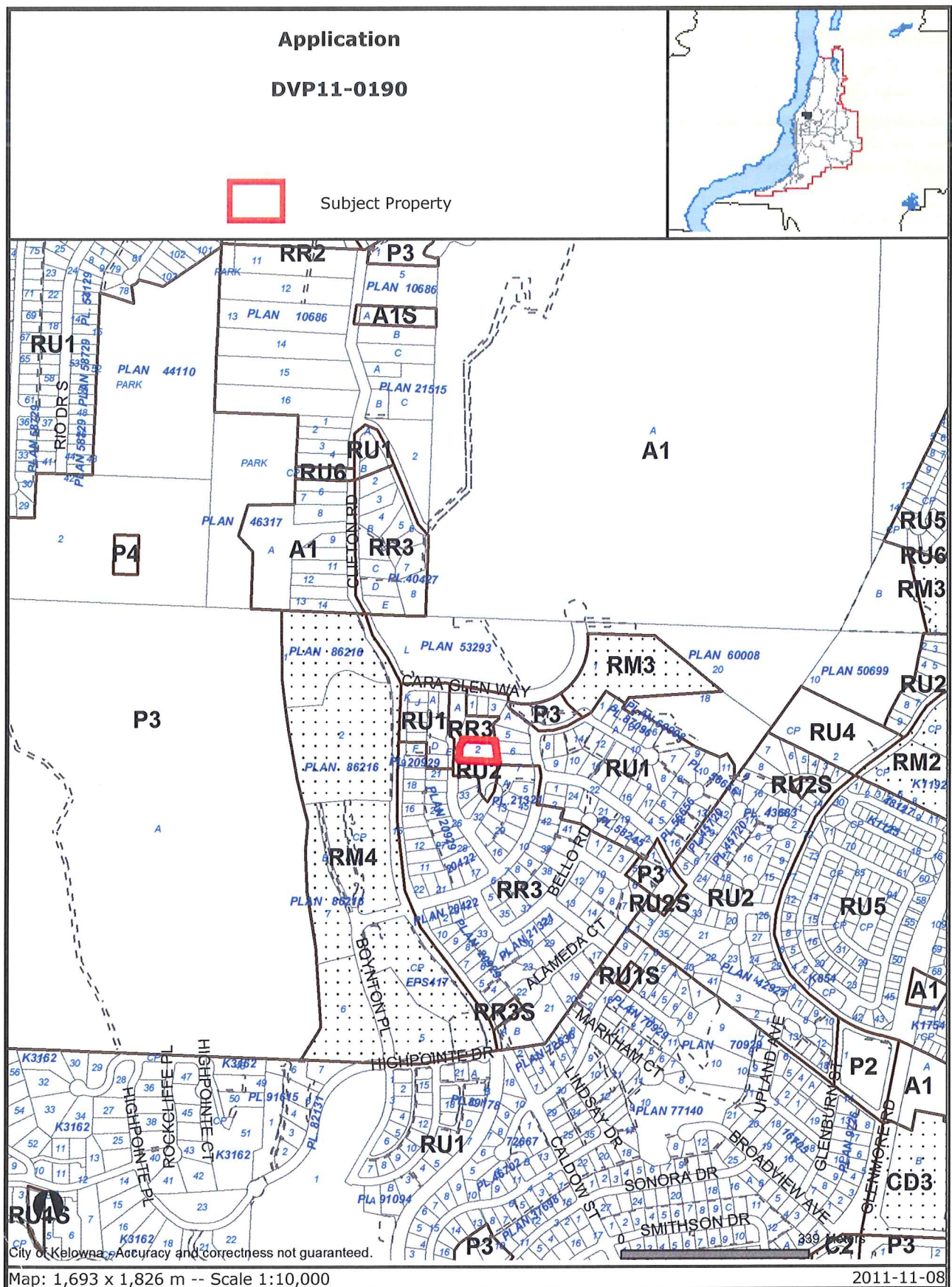
Report prepared by:


Paul McVey, Land Use Planner

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

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

- Attachments:**
- Subject Property Map
 - Applicant Design Rationale
 - Site Plan
 - Building Plans
 - Site Photos
 - Draft Development Variance Permit



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.



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38 Altura Road - Development Variance Rationale Letter

Jan. 14, 2012

To: City of Kelowna Planning Department and City Council
Re: Development Variance Permit

Dear Mayor and Council,

This letter intends to lay out the rationale behind the request for a variance to the setback of an accessory building at 38 Altura Road. Our application requests that the accessory building be granted the same setback of 6 meters that a house in this same location would be granted.

The homeowner of this property approached us to design and build an accessory office and garage structure on the subject property. In discussions about what was important in the design we quickly learned that the owner wanted his project to be of the same caliber as his existing home which has been extensively updated, create a central courtyard which would expand the use-ability of his "front yard", and that the project fit in with the neighbourhood. The owner also identified several trees on the property which he wanted saved and several others which were to be removed.

First and foremost to the project was that the quality of material and design match the existing house. Over the past 10 years the existing home has been extensively renovated and updated. This meant that the subject building was to use the same brick, timber, and stucco elements as the existing home. The new building does not use lower end materials usually associated with accessory buildings.

With the evening sun on the "front" of the existing house, one of the previous renovations created a pergola covered courtyard area on the west side of the house. This new area creates an attractive sitting area for the late afternoon and evenings. One of the design goals was to enlarge this area and utilize the existing mature maple tree as a central focus.

P. 250.762.0040

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WORMAN

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for the new front yard. In locating the new building with a 12 meter setback this area became quite crowded including concern for the root system of the maple tree. With the setback reduced to 6 meters, it was found that the courtyard space was adequate.

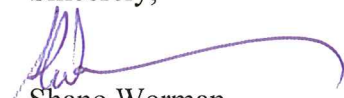
As the homeowner has lived in the location for years he wanted to ensure that his neighbours were respected in the process. In our design we looked at the effects of the overhead garage door locations. If these doors were to face the street, they would certainly make the building appear only as a large garage. This would also mean constructing a 40' long by 3 bays wide driveway to access the doors and would necessitate the removal of the cedar hedge and fir trees along the front property boundary. These trees and hedge currently offer a great deal of privacy to the property (see attached photos). The other option, which we chose, was to turn the doors inward creating a more desirable street appeal to the neighbours. It also meant that we could save the hedge and the mature fir trees. By using the 6 meter setback we were also able to access all three garage doors with a fairly minor addition to the driveway area.

The other consideration was the preservation of as many of the desirable mature trees as possible. One of our first tasks on this project was to locate the mature trees to ensure as many of the desirable ones were located on the site plan and that we design to retain them. Prior to our site analysis, the owner had been advised that the large stand of Ponderosa pine trees were nearing the end of their natural lives and he had been advised to remove them within the next few years. We feel we have done a very effective job of retaining the mature trees and landscaping that offer the greatest buffer to the surrounding neighbours.

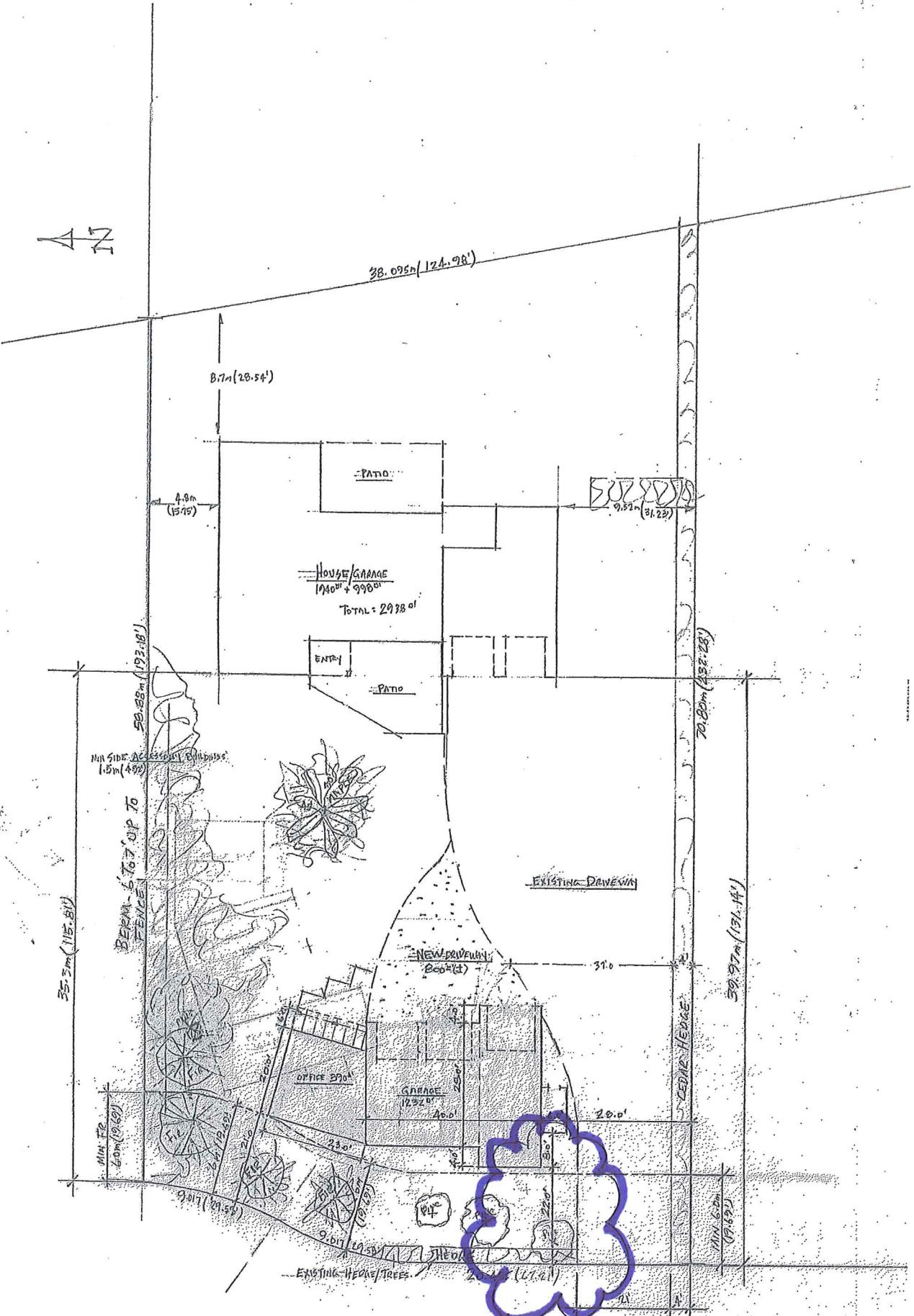
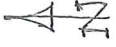
You will note that our application has been accompanied with letters of support from all of the surrounding neighbours, without exception.

Thank you for your time on this matter and we look forward to your support of our variance.

Sincerely,



Shane Worman
Worman Homes

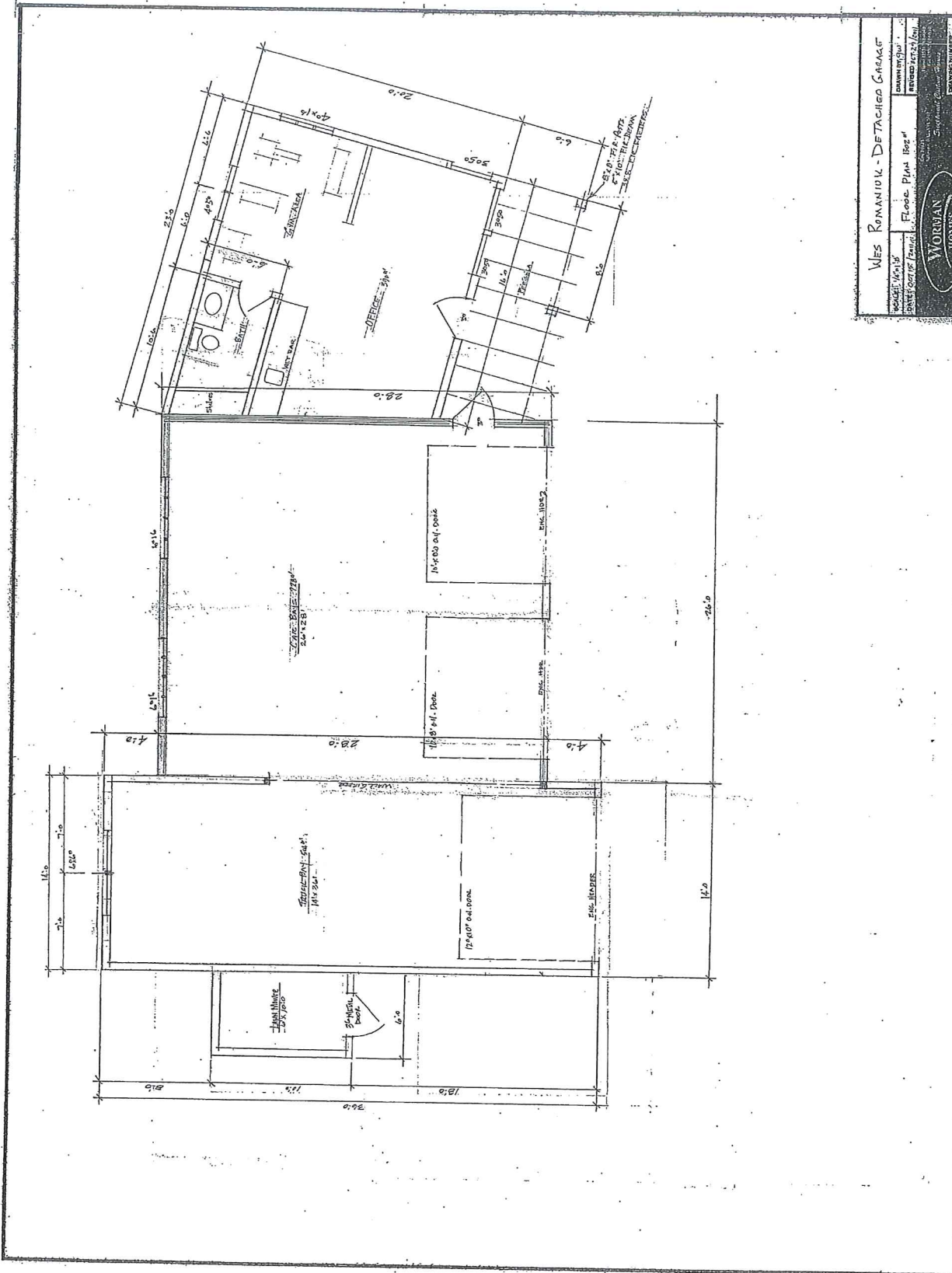


SITE PLAN

38 ALTOVA ROAD

SCHEDULE "A"

VARY FRONT YARD SETBACK
TO ACCESSORY BUILDING
FROM 12m REQUIRED
TO 6.7m PROPOSED

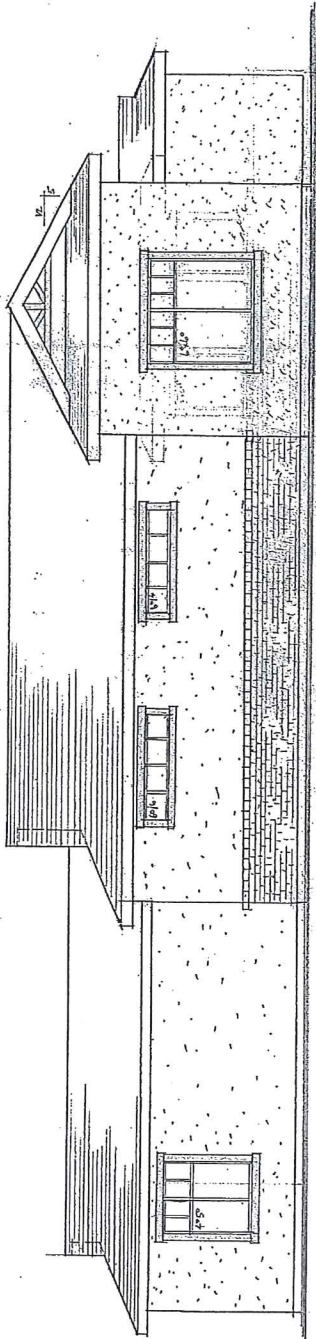


WES ROMANIK - DETACHED GARAGE

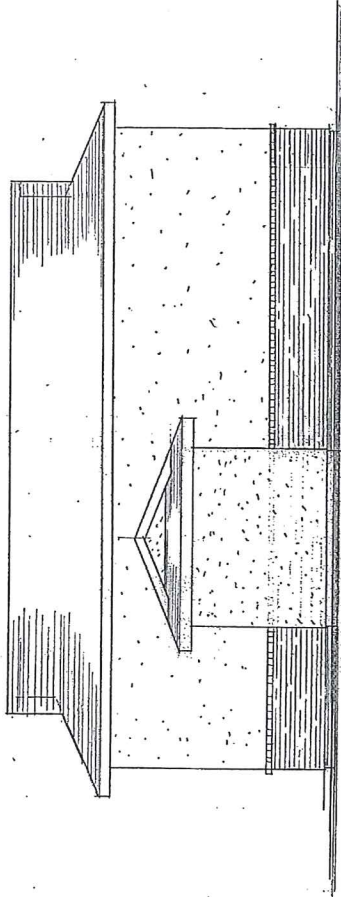
DATE: 11/15	PROJECT: Floor Plan	SCALE: 1/8" = 1'-0"
DRAWN BY: WES ROMANIK	CHECKED BY: WES ROMANIK	REVISED BY: WES ROMANIK

WORMAN IONES

Architectural Firm



WEST ELEVATION



SOUTH ELEVATION

JES KAMMIGER - DESIGN CHARGE	
SCALE: 1/4" = 1'-0"	DATE: 10/2/20
PROJECT: 2020/2021	PROJECT: 2020/2021
ELEVATION	



Front of Existing Dwelling



Approximate Location of Accessory Building in front yard



Yard in Front of Dwelling



Hedge and Boulevard in front of proposed accessory building location

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No.: DVP11-0190

EXISTING ZONING DESIGNATION:	RR3 - Rural Residential 3
DEVELOPMENT VARIANCE PERMIT:	Variance to Front Yard Setback to accessory building from 12.0m required to 6.71m proposed

ISSUED TO:	Worman Resources Inc.
LOCATION OF SUBJECT SITE:	38 Altura Road

	LOT	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	2	35716	32	26	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:

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

Section 6.5.8(a) Accessory Buildings in Residential Zones:

To vary the minimum front yard setback to an accessory building located in front of the principal dwelling, from 2 x front yard setback (12.0m) required to 6.7 m proposed (as per Schedule "A").

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 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 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

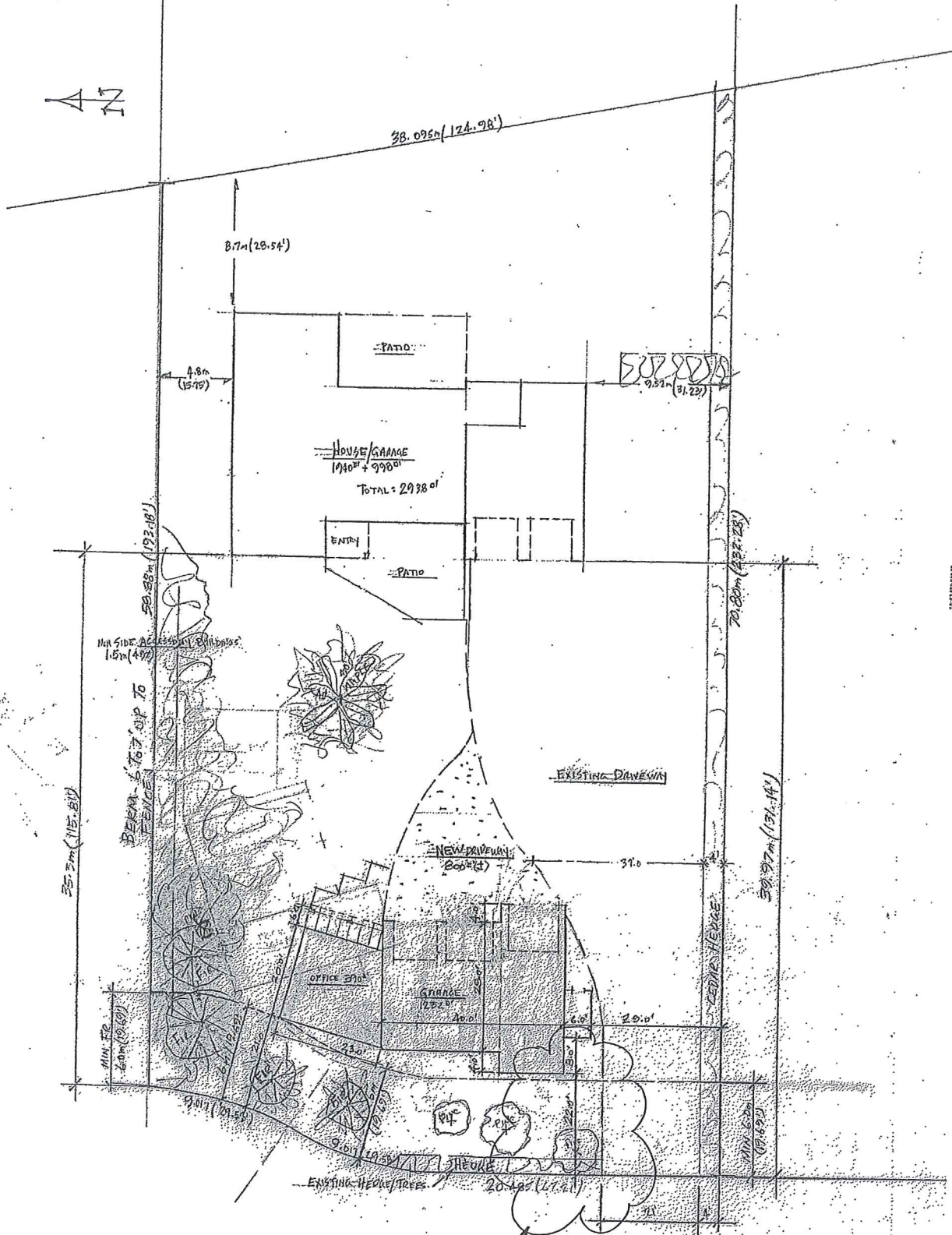
Telephone No.

5. APPROVALS:

AUTHORIZING RESOLUTION PASSED BY THE MUNICIPAL COUNCIL THE ____ DAY OF _____, 2012.

ISSUED BY THE DIRECTOR OF LAND USE MANAGEMENT OF THE CITY OF KELOWNA THE ____ DAY OF _____, 2012.

Shelley Gambacort
Director of Land Use Management



SITE PLAN

488 ALTONA ROAD

SCHEDULE "A"

VARY FRONT YARD SETBACK
TO ACCESSORY BUILDING
FROM 12M REQUIRED
TO 6.7M PROPOSED