

REPORT TO COUNCIL



Date: May 16, 2012
To: City Manager
From: Land Use Management, Community Sustainability (BD)
Application: DVP12-0054 **Owner:** Robert Edward Turner
Address: 1270 Irene Road **Applicant:** Robert Turner
Subject: Development Variance Permit
Existing OCP Designation: Single / Two Family Residential
Existing Zone: RU1 - Large Lot Housing

1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP12-0054, for Lot 2, Section 35, Township 26, O.D.Y.D., Plan 22634, located on Irene 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 required front yard setback for an accessory building from being located at least two times the distance of the required front yard setback for that zone (12m) to 6m proposed (as per Schedule "A");

Section 6.5.7 Accessory Development - lot coverage:

To vary the maximum allowable lot coverage for an accessory building from 90m² permitted to 117 m² proposed (as per Schedule "A").

2.0 Purpose

To consider a Development Variance Permit to reduced the required front yard setback for a proposed accessory building and vary the footprint of the same building.

3.0 Land Use Management

The applicant is proposing to construct a free standing garage on the north east corner of the subject property. Due to the siting of the single family dwelling on the rear portion of the lot, it is challenging to construct a two car garage without triggering a variance. The applicant is proposing to place the garage on the front portion of the property which requires a relaxation of the required front yard setback for this type of structure. The proposed siting fits within the streetscape and setbacks of the existing neighbourhood.

A second variance is sought for the footprint of the garage. The proposed garage is deeper than the standard two vehicle garage and thus a variance is required to accommodate the additional depth of the building.

Signatures of support have been received from all abutting and adjoining neighbours for the two requested variances.

4.0 Proposal

4.1 Project Description

A single family dwelling which was expanded in 2007 is sited on the on the south side of this large urban lot. The owner is proposing to construct a garage on the site. The garage is intended as indoor storage for a truck and camper, a trailer and two collector cars, therefore it is larger than a standard 2 vehicle garage with one 10 foot door. The exterior will be a combination of vinyl siding and trim to match the existing house in shape and color. No additional changes to the site are being proposed.

4.2 Site Context

Subject Property Map:

1270 Irene Road



The subject property is located on the west side of Irene Road, in the Rutland sector of Kelowna. The zoning designation of all properties adjacent to the subject property is RU1 - Large Lot Housing.

4.3 Zoning Analysis Table

The proposed accessory building meets the requirements of RU1 - Large Lot Housing zone as follows:

Zoning Analysis Table		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	550 m ²	898 m ²
Lot Width	16.5 m	21.81 m

Lot Depth	30 m	41.15 m
Accessory Building Development Regulations		
Height	1 ½ storeys / 4.5 m	4.5m
Front Yard	2 x the required front yard setback for the zone 12m	6 m ①
Side Yard (north)	2.0m (1 - 1 ½ storey)	2.0m
Side Yard (south)	2.0m (1 - 1 ½ storey)	12.21m
Rear Yard	1.5 m	20m
Footprint	The lessor of 90m ² or 14%	117m ² ②

① variance sought to relax the required front yard setback.

② variance sought to vary the permitted footprint of an accessory building from 90m² allowed to 117 m² requested.

5.0 Technical Comments

5.1 Building & Permitting Department

- 1) Structural Engineering required for wall heights at time of permit application.
- 2) Full Plan check for Building Code related issues will be done at time of Building Permit applications.

5.2 Development Engineering Department

Development Engineering comments and requirements regarding this Development Variance Permit application are as follows:

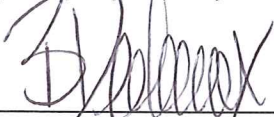
- a) The requested variance to reduce the front yard setback from 12.0m to 6.0m does not compromise any Municipal infrastructure or services.
- b) The proposed setback would meet the minimum setback for an attached garage.

6.0 Application Chronology

Date of Application Received: March 22, 2012

E-mail to Applicant regarding the outstanding items: April 11 & 18, May 16

Report prepared by:



Birte DeCloux, Land Use Planner

Reviewed by:



Danielle Noble, Manager of Urban Land Use

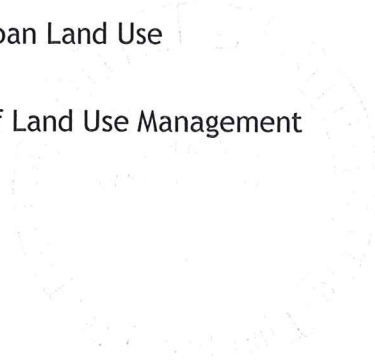
Approved for Inclusion:



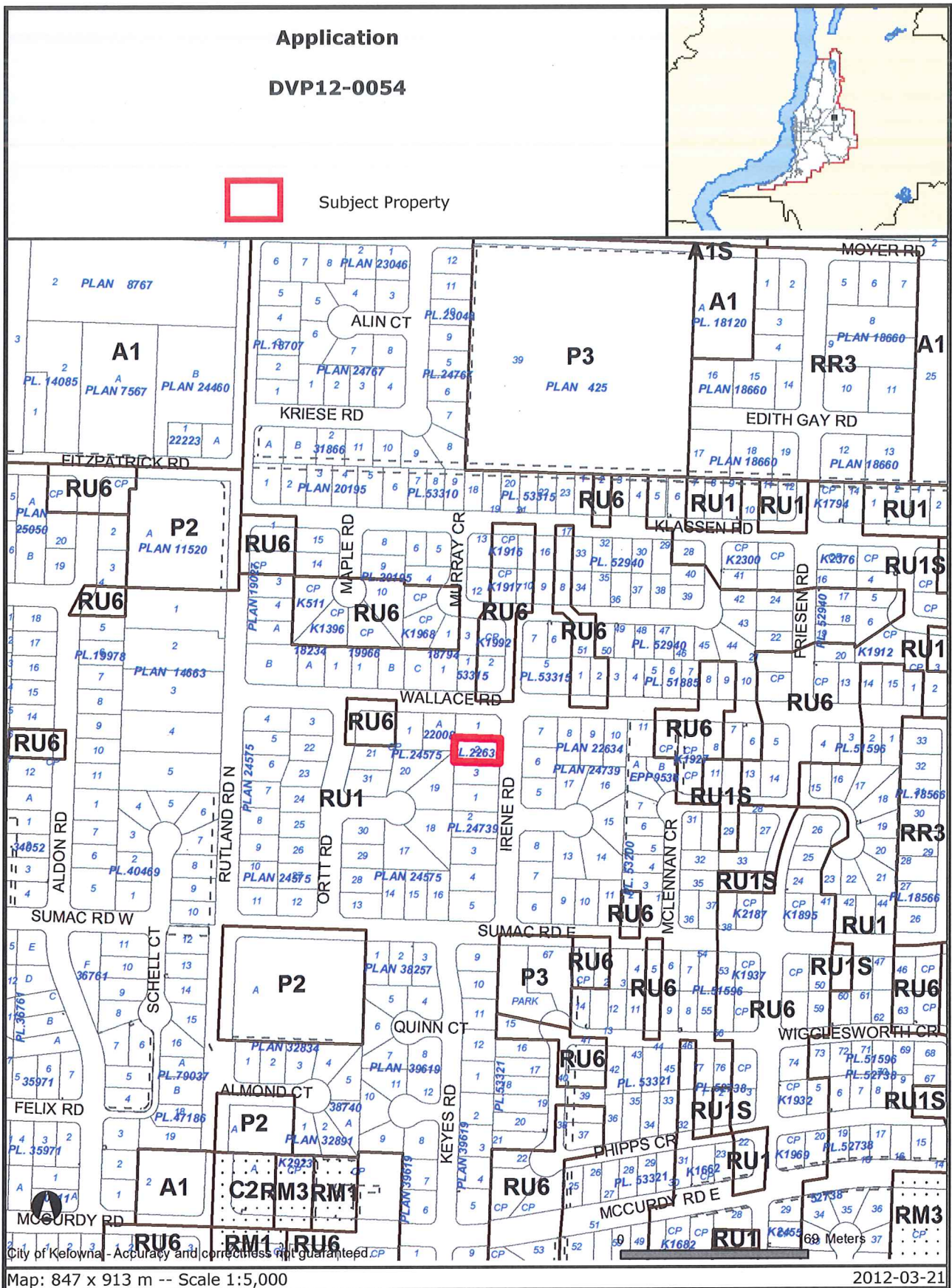
Shelley Gambacort, Director of Land Use Management

Attachments:

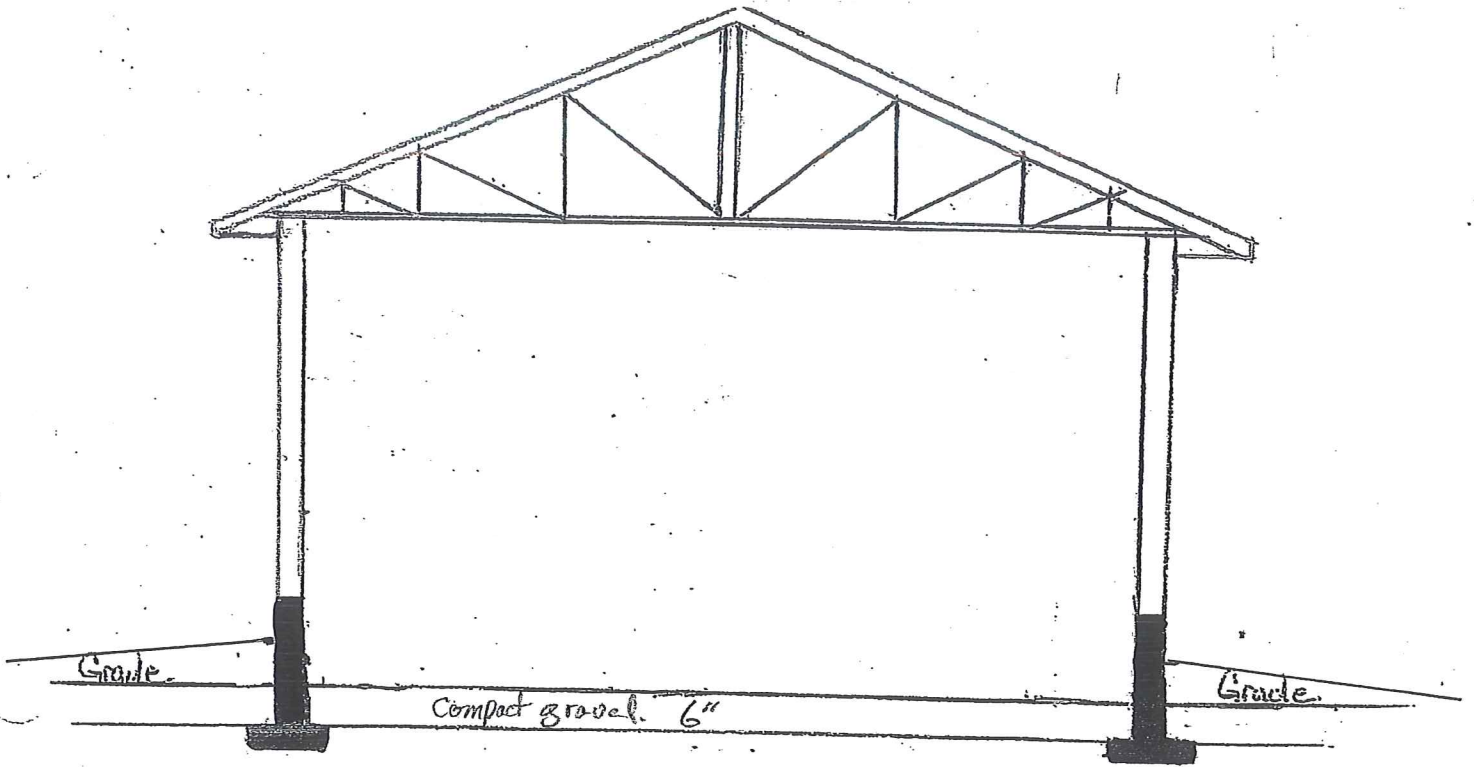
Subject Property Map



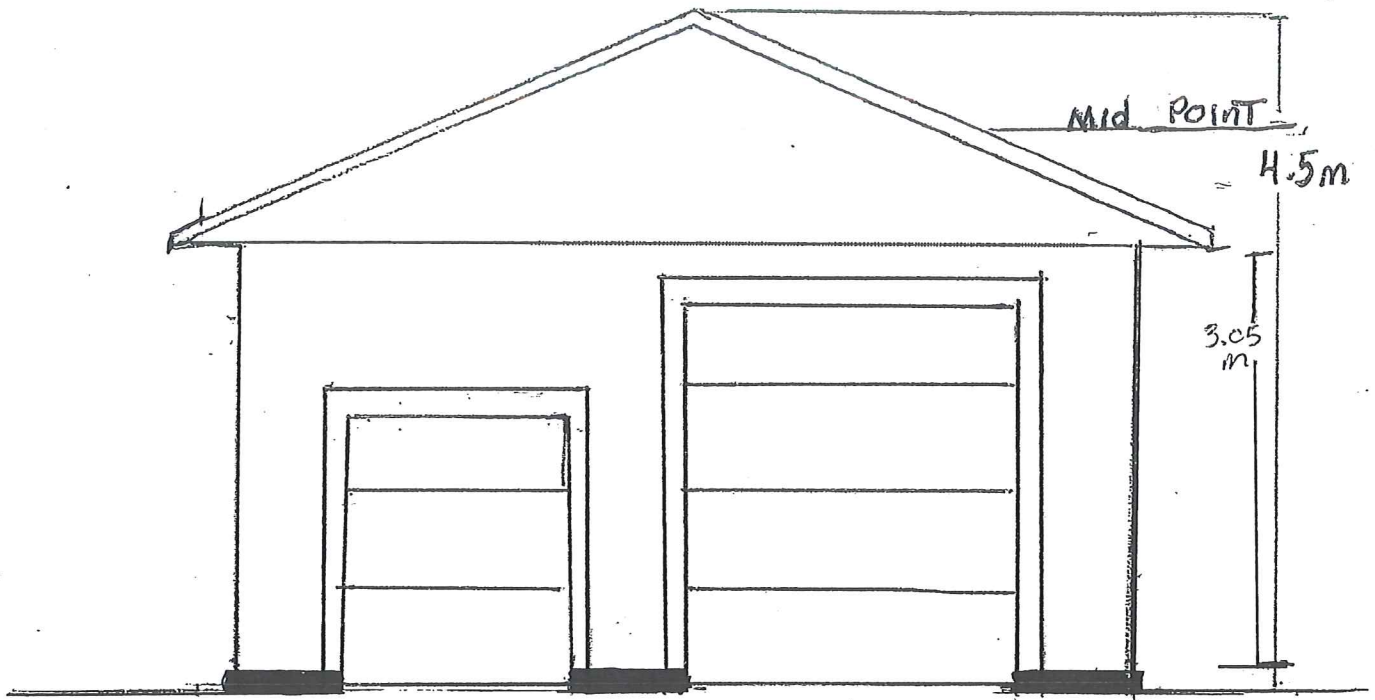
Schedule A - Site plan
Elevation drawings



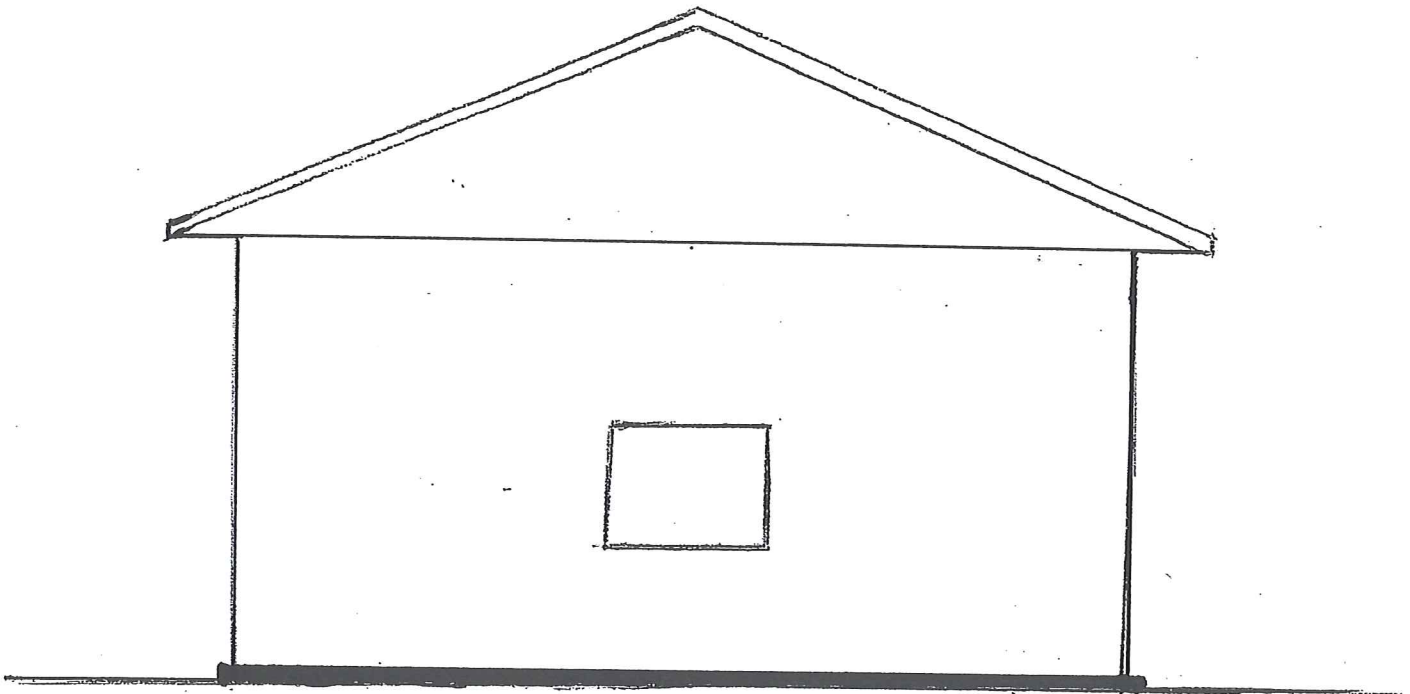
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.



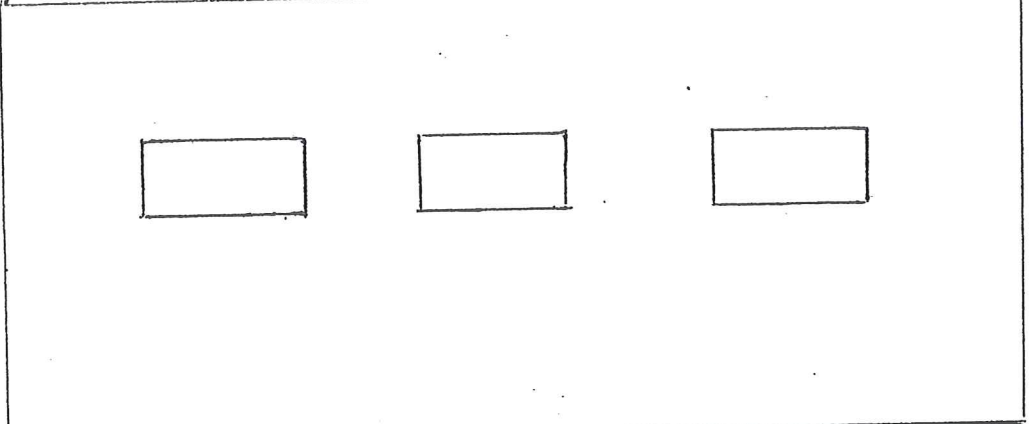
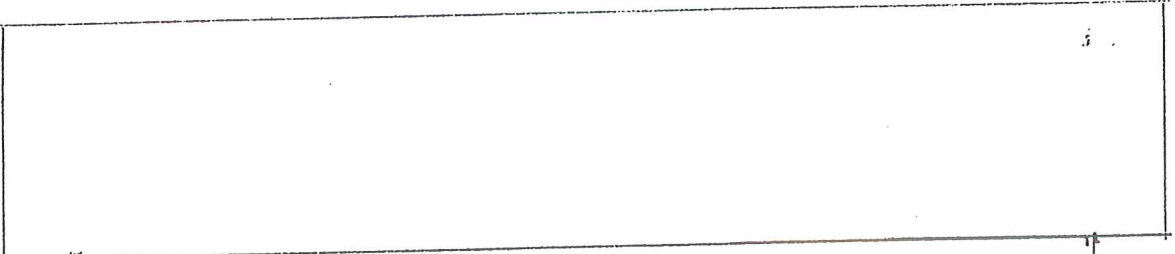
FRONT ELEVATION



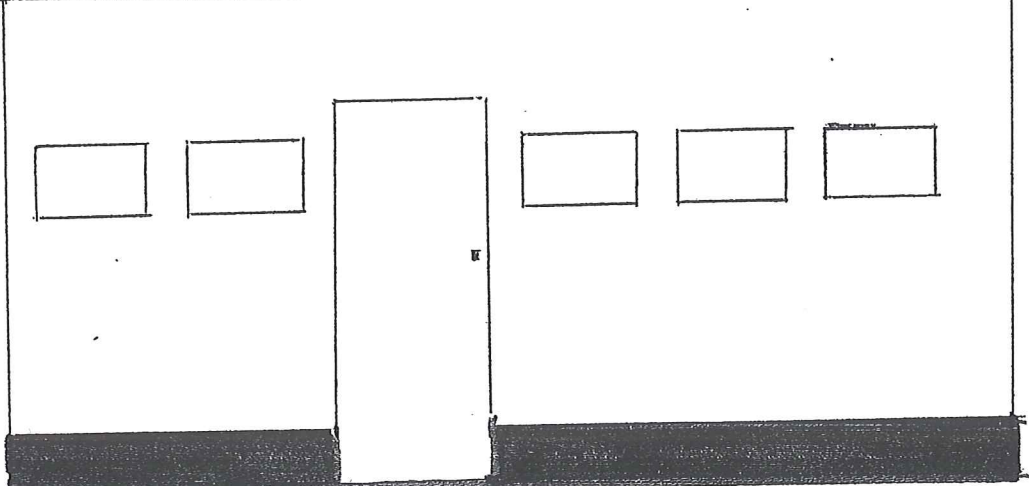
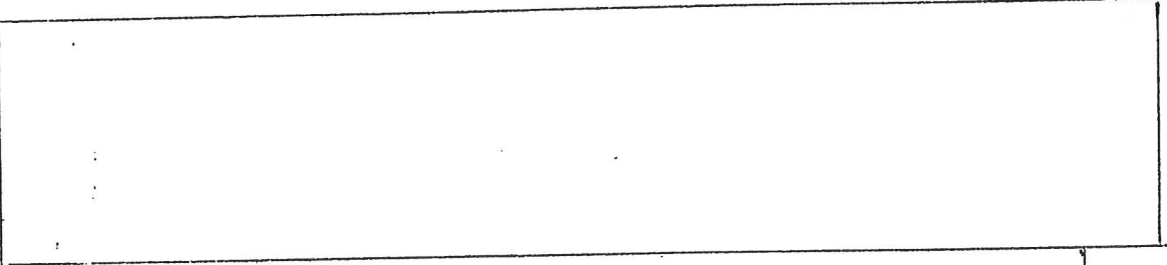
Front Elevation \rightarrow N



Rear Elevation \rightarrow SW



R. Side Elevation

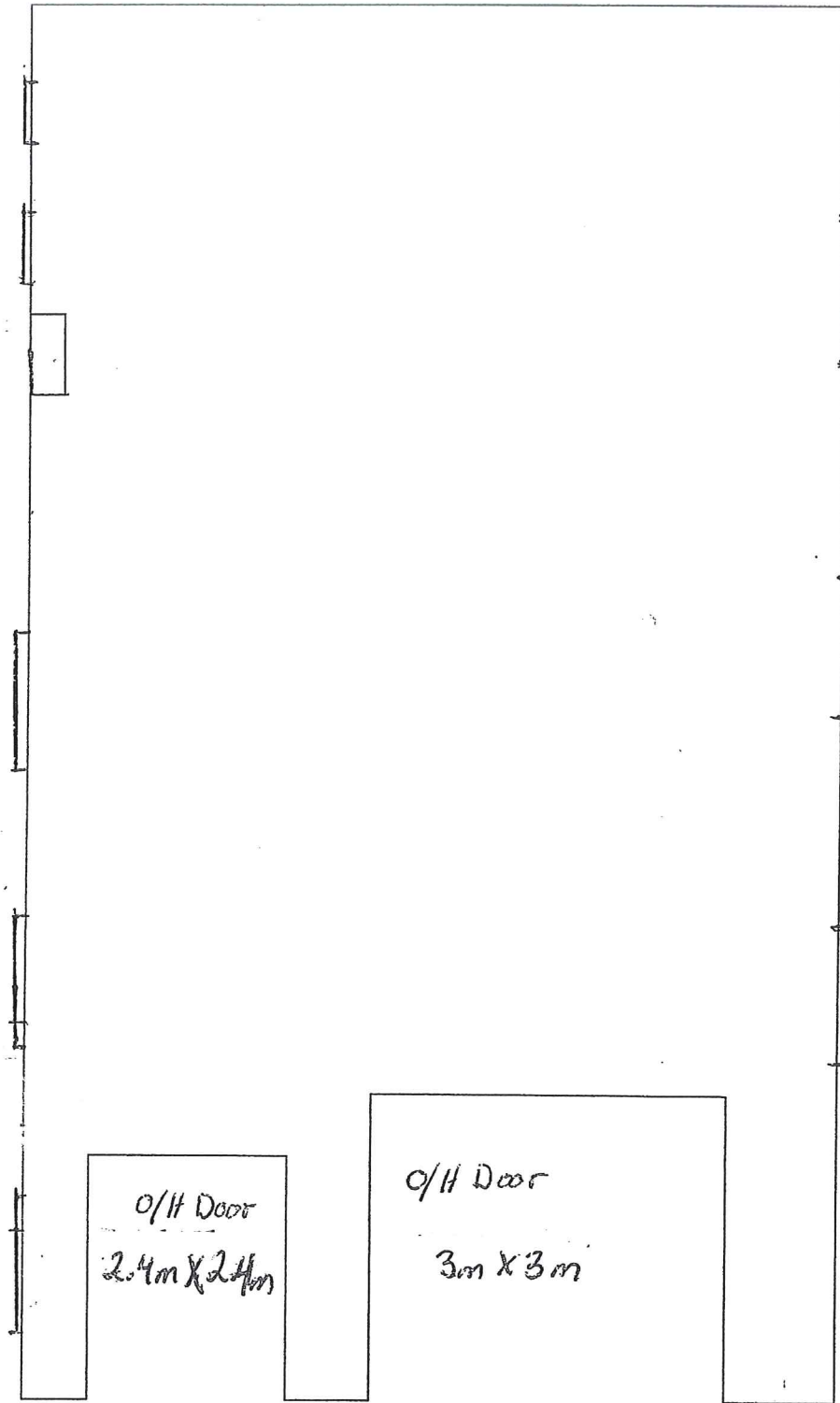


L. Side Elevation.

Floor plan
rear
25'

Left
Man
door

50'
Right



Front from road



CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No. : DVP12-0054

EXISTING ZONING DESIGNATION:	RU1 - Large Lot Housing
WITHIN DEVELOPMENT PERMIT AREA:	N/A

ISSUED TO: Robert Turner
LOCATION OF SUBJECT SITE: 1270 Irene Road

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	2		22634	35	26	ODYD

<u>SCOPE OF APPROVAL</u>	
<input type="checkbox"/>	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.
<input type="checkbox"/>	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.
<input type="checkbox"/>	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 6.5.8 9(a) Accessory Buildings in residential zones:

To vary the required front yard setback for an accessory building from being located at least two times the distance of the required front yard setback for that zone (12m) to 6m proposed (as per Schedule "A");

Section 6.5.7 Accessory Development – lot coverage:

To vary the maximum allowable lot coverage for an accessory building from 90m² permitted to 117 m² 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 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 ___st of JUNE, 2012.

ISSUED BY THE LAND USE MANAGEMENT DEPT. OF THE CITY OF KELOWNA THE ___TH DAY OF JUNE 2012.

Shelley Gambacort
Director of Land Use Management