

REPORT TO COUNCIL



Date: May 18, 2012

To: City Manager

From: Land Use Management, Community Sustainability (PMc)

Application: DVP11-0192

Owner: Southkel Ventures Inc.

Address: 3960 Lakeshore Road

Applicant: Porter Ramsay
(Tom Smithwick)

Subject: Development Variance Permit

Existing OCP Designation: Commercial

Existing Zone: C2 - Neighbourhood Commercial

1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP11-0192, for Strata Lot 2, Sec. 1, Twp. 25, and Sec. 6, Twp. 26, O.D.Y.D., Strata Plan KAS2714, located on Lakeshore Road, Kelowna, BC;

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

a) Section 14.2.5(e) - Development Regulations

To vary the minimum south side yard setback from 2.0 m required to 0.15m proposed, as per Schedule 'A'.

2.0 Purpose

The applicant has enclosed the side yard area located between the south property line and the existing carwash building in order to accommodate a storage shed for on-site materials. This proposal requires a variance to the south side yard setback from 2.0m required to 0.15m proposed.

3.0 Land Use Management

The construction of a storage area to the existing carwash building is considered a modest addition to the site. While it is unfortunate that the addition was constructed without a Building Permit, the improvements are consistent with the building form already established with the carwash facility. The enclosed storage area provides a screened area for on-site materials and equipment, while also improving the safety and vandalism problems that have been prevalent for this site. As the variance abuts another commercial property and the applicant has received written support from the affected neighbors, Staff recommend support for the setback variance.

4.0 Proposal

4.1 Background / Project Description

The property is currently utilized for the Mission Superwash, which contains several vehicle wash bays. Due to the high volume of vehicles, additional on-site storage is required to contain the materials needed to support the service operation. The owner constructed a storage enclosure with the intent to both provide a screened storage area, but also to attempt to address vandalism and property damages.

Notably, this portion of the property was subject to trespass, loitering, and theft. The construction of the roof over the storage area was pursued to protect equipment and supplies and to enhance the site's safety for patrons and staff alike.

Unfortunately, the construction work was done on site without a building permit. The building improvements have been reviewed by City staff, and it has been determined that the roof addition becomes part of the car wash building, and that a siting variance is required to vary the side yard setback from 2.0m required to 0.15m proposed. Subsequent to the construction the storage area had been signed off by a structural engineer to ensure building code compliance. The proposed finishes compliment the existing carwash building.

4.2 Site Context

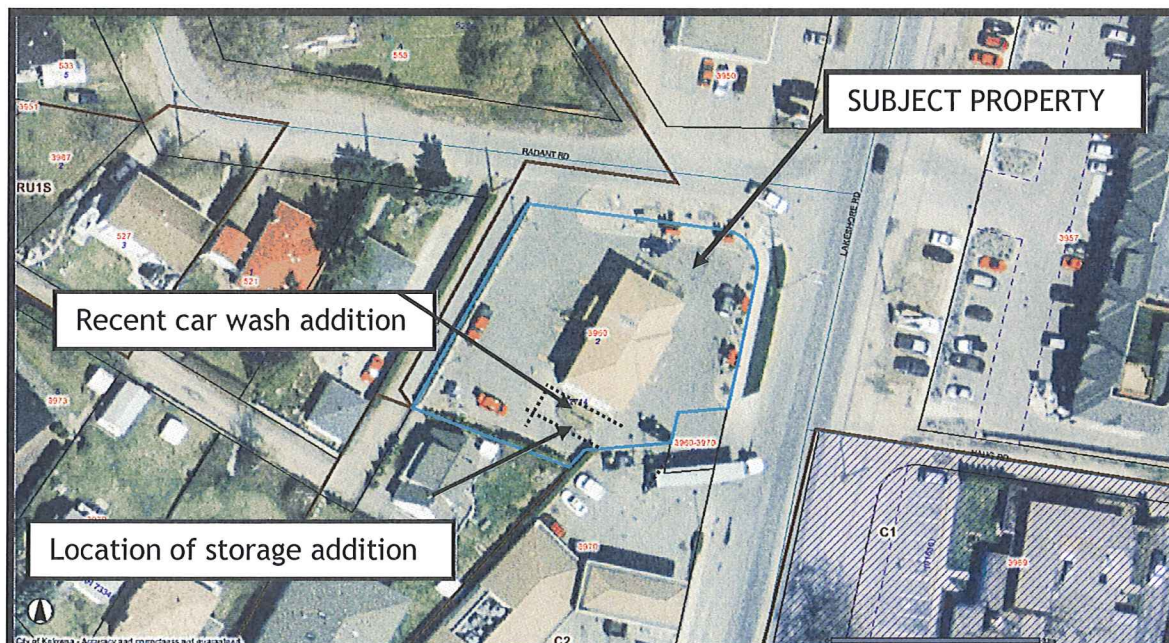
The subject property is located on the west side of Lakeshore Road, south of Radant Road.

Specifically, adjacent land uses are as follows:

| Orientation | Zoning | Land Use |
|-------------|---|---|
| North | C2 - Neighbourhood Commercial | Service Station and Gas Bar |
| South | C2 - Neighbourhood Commercial RU6 - Two Dwelling Housing | Convenience Store and Gas Bar Duplex Housing |
| East | C2 - Neighbourhood Commercial | Mixed Use - Commercial & Residential |
| West | RU1 - Large Lot Housing | Single Family Dwelling |

Subject Property Map:

3960 Lakeshore Road



4.2 Zoning Analysis

| Zoning Analysis Table | | |
|---|-------------------------------------|----------------------|
| CRITERIA | C2 ZONE REQUIREMENTS | PROPOSAL |
| Existing Lot/Subdivision Regulations | | |
| Lot Area | 1,500 m ² | 1,531 m ² |
| Lot Width | 40.0 m | 40 m |
| Lot Depth | 30.0 m | 44 m |
| Development Regulations | | |
| Floor Area Ration | 0.3 | 0.18 |
| Site Coverage | 40% | 18% |
| Height | 10.5 m / 2 ½ storey | 7.6 m / 1 storey |
| Front Yard | 4.5 m | 13.07 m |
| Flanking Side Yard (north) | 4.5 m | 10.55 m |
| Side Yard (south) | 2.0 m (1 of 1½ storey portion) | 0.15 m ① |
| Rear Yard | 6.0 m (abutting a residential zone) | 10.3 m |
| Other Regulations | | |
| Minimum Parking Requirements | 1 stall per 2 employees | 1 stall provided |
| ① Indicates a requested variance to vary south side yard setback from 2.0 m required to 0.15 m proposed | | |

5.0 Technical Comments

5.1 Building & Permitting Department

1. Development Cost Charges are required at time of Building Permit Issuance
2. Frost protection is required for foundations below new masonry wall independent from the slab on grade.
3. A gas barrier / vapor barrier is required below the slab on grade
4. The masonry wall would also be required along the property line on the east side (beside the proposed bicycle space) along with spatial calculations at time of building permit application.
5. Structural & Architectural schedules are required at time of building permit application. The architect is to show compliance with Part 10 of BCBC and provide a code analysis as part of the permit application drawings.
6. A Survey certificate will be required from a registered land surveyor at time of foundation inspection.
7. Full Plan check will be done at time of building permit application.

5.2 Development Engineering Department

This development variance permit does not compromise any municipal services.

5.3 Fire Department

No concerns

6.0 Application Chronology

Date of Application Received: November 17, 2011

Date of Updated Structural Drawings Received: May 17, 2012

Report prepared by:

Paul McVey, Land Use Planner

Reviewed by:

A handwritten signature in black ink, appearing to be 'DN', enclosed within a rectangular box.

Danielle Noble, Manager of Urban Land Use

Approved for Inclusion:

A handwritten signature in black ink, appearing to be 'SG', enclosed within a rectangular box.

Shelley Gambacort, Director of Land Use Management

Attachments:

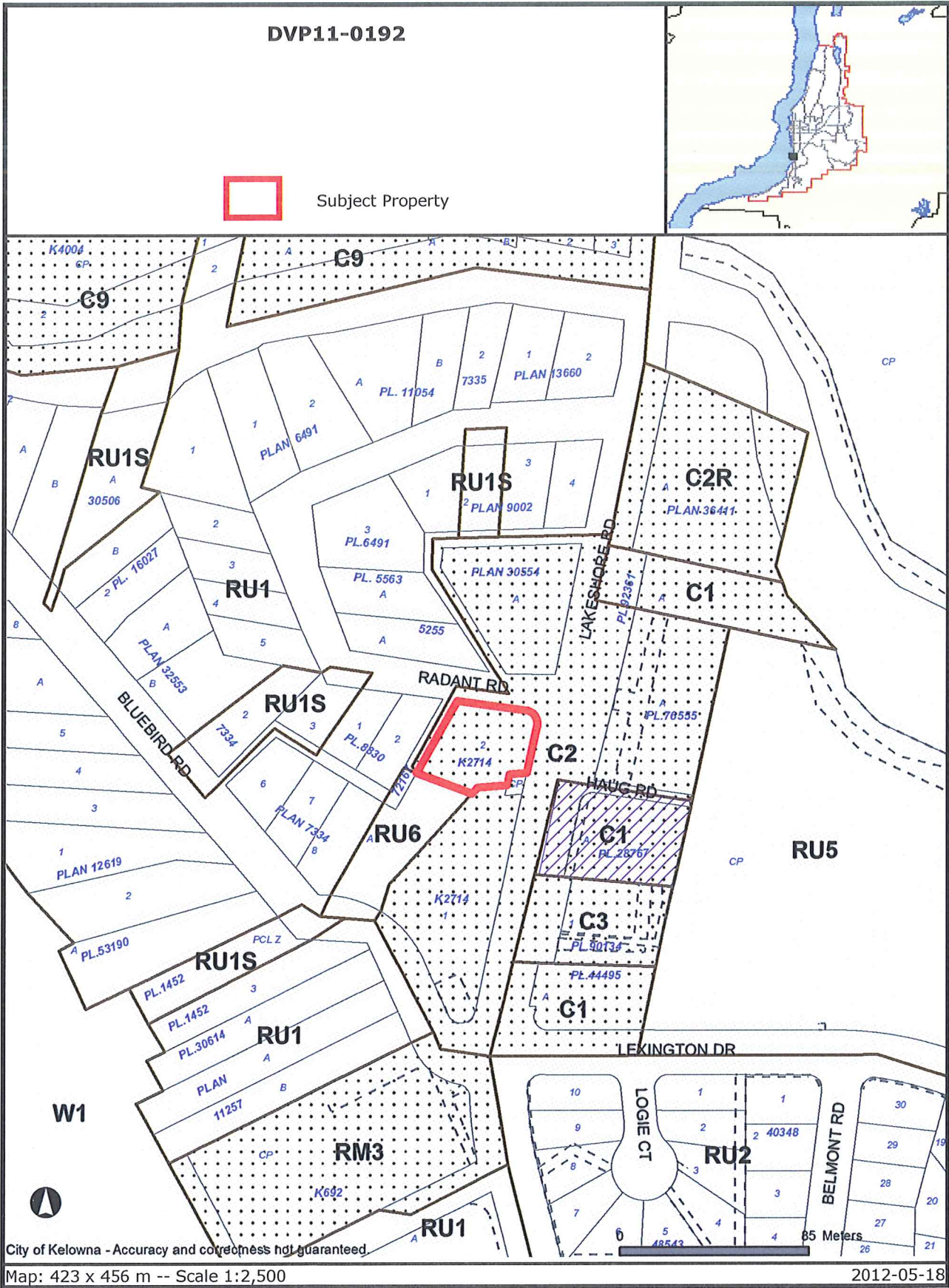
Subject Property Map

Site Plan

Build Elevations and Floorplan

Site Photos

Draft Development Variance Permit

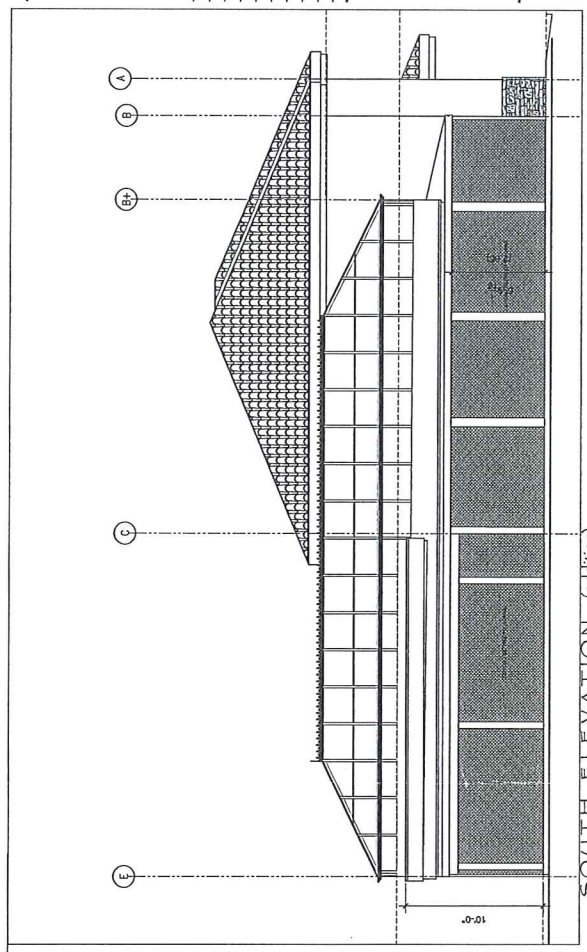


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

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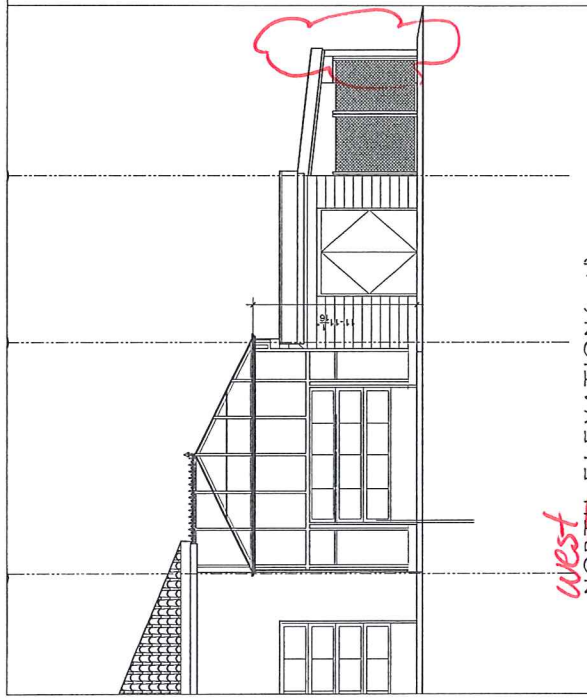
ISSUED FOR
 CONSTRUCTION

| DATE | BY | FOR | REVISION / NOTES |
|----------|-----|-----|--------------------------|
| 10/01/14 | JMS | 1 | ISSUED FOR PERMIT REVIEW |
| 10/01/14 | JMS | 2 | ISSUED FOR PERMIT REVIEW |
| 10/01/14 | JMS | 3 | ISSUED FOR PERMIT REVIEW |
| 10/01/14 | JMS | 4 | ISSUED FOR PERMIT REVIEW |
| 10/01/14 | JMS | 5 | ISSUED FOR PERMIT REVIEW |
| 10/01/14 | JMS | 6 | ISSUED FOR PERMIT REVIEW |
| 10/01/14 | JMS | 7 | ISSUED FOR PERMIT REVIEW |
| 10/01/14 | JMS | 8 | ISSUED FOR PERMIT REVIEW |
| 10/01/14 | JMS | 9 | ISSUED FOR PERMIT REVIEW |
| 10/01/14 | JMS | 10 | ISSUED FOR PERMIT REVIEW |
| 10/01/14 | JMS | 11 | ISSUED FOR PERMIT REVIEW |
| 10/01/14 | JMS | 12 | ISSUED FOR PERMIT REVIEW |
| 10/01/14 | JMS | 13 | ISSUED FOR PERMIT REVIEW |
| 10/01/14 | JMS | 14 | ISSUED FOR PERMIT REVIEW |
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| 10/01/14 | JMS | 18 | ISSUED FOR PERMIT REVIEW |
| 10/01/14 | JMS | 19 | ISSUED FOR PERMIT REVIEW |
| 10/01/14 | JMS | 20 | ISSUED FOR PERMIT REVIEW |



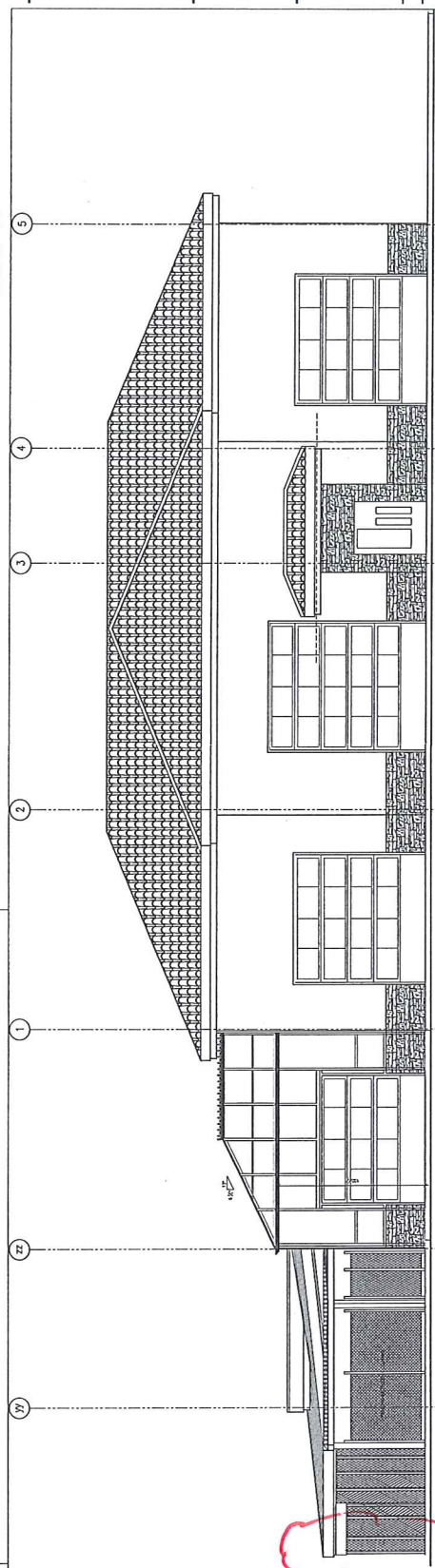
SOUTH ELEVATION (addition)

SCALE: 1/4" = 1'-0"



WEST NORTH ELEVATION (partial)

SCALE: 1/4" = 1'-0"



EAST ELEVATION

SCALE: 1/4" = 1'-0"

AS BUILT DRAWING OF COVERED STORAGE

gta

Garry Thompson Architect Ltd.
 3980 Lakeshore Rd.
 Kelowna, British Columbia
 V1Y 3A5
 Tel: 250.799.0325
 Fax: 250.799.1168
 email: gta@gtaarchitect.ca

Project
 Carwash Addition
 3980 Lakeshore Rd.
 Kelowna BC

SHEET TITLE

PLANS

| | | |
|------------------|---------------|-----------------|
| DATE: 10/01/14 | DRAWN BY: JMS | CHECKED BY: JMS |
| AS NOTED | AS NOTED | AS NOTED |
| DATE: 09/04/2011 | FILE: A4.1 | FILE: A4.1-20 |

PARTIAL FLOOR PLAN

AS BUILT DRAWING OF COVERED STORAGE

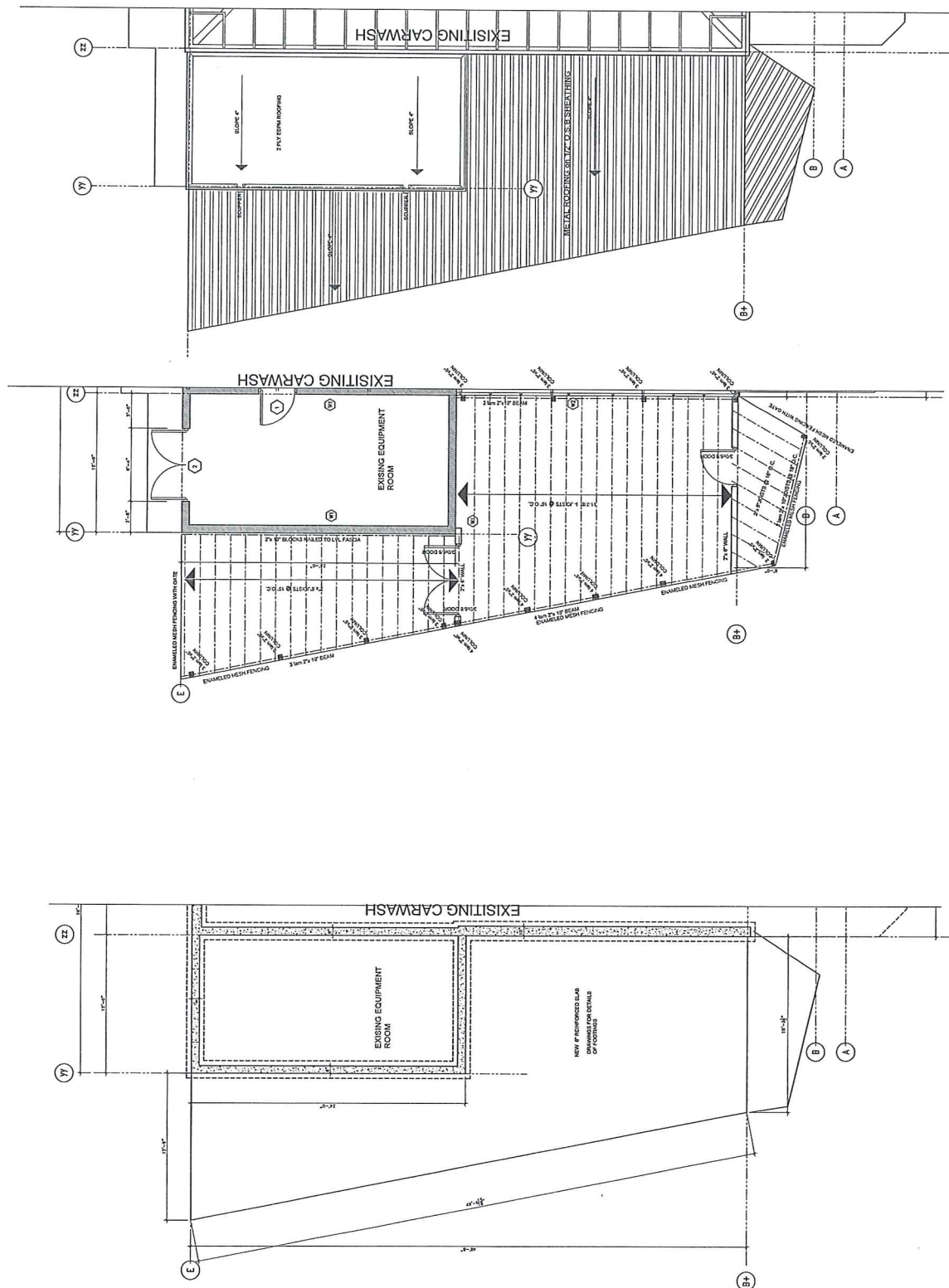
SCALE THIS SHEET: 1/4" = 1'-0"

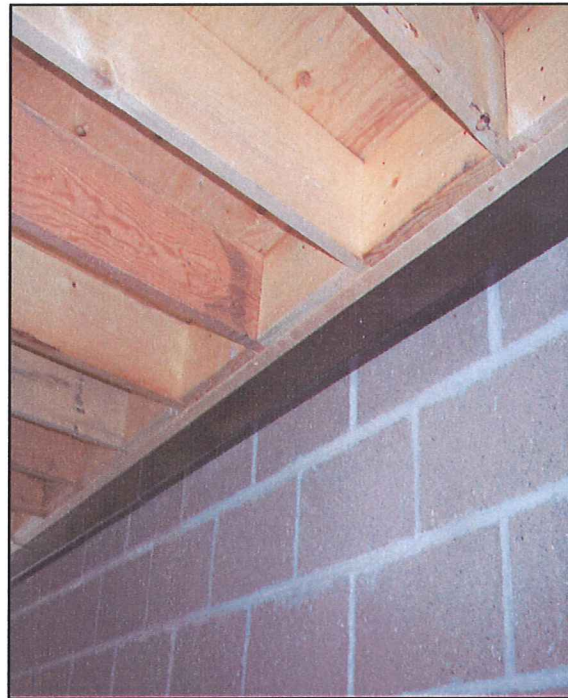
| | | | |
|----------------|-----------|-------------|------------------|
| DATE: 3MS | SHEET NO. | A2.1 | FILE: A11-20 |
| CHANGED | | | |
| SCALE AS NOTED | | | DATE: 08/04/2011 |

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CITY OF KELOWNA
MEMORANDUM

Date: November 23, 2011
File No.: DVP11-0192

To: Land Use Management Department (PMcV)

From: Development Engineering Manager (SM)

Subject: 3960 Lakeshore Road Car Wash

Development Engineering has the following comments and requirements associated with this application.

The request to vary the side yard setback from 2.0m required to 0.0m proposed does not compromise our servicing requirements.



Steve Muenz, P. Eng.
Development Engineering Manager

JF/jf

FILE COPY

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP11-0192

EXISTING ZONING DESIGNATION: C2 - Neighbourhood Commercial

WITHIN DEVELOPMENT PERMIT AREA: N/A

ISSUED TO: Rykon Construction Management Ltd.

LOCATION OF SUBJECT SITE: 1360 Clear Pond Court

| | LOT | D.L. | PLAN | SECTION | TOWNSHIP | DISTRICT |
|--------------------|-----|------|---------|---------|-----------|----------|
| LEGAL DESCRIPTION: | 2 | | KAS2714 | 2 and 6 | 25 and 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 a variance to the following section of Zoning Bylaw No. 8000 be granted:

- a) Section 14.2.5(e) - Development Regulations
To vary the minimum south side yard setback from 2.0 m required to 0.15m proposed, as per Schedule 'A'.

2. PERFORMANCE SECURITY: N/A

3. 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.

4. 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 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.

5. APPROVALS:

AUTHORIZING RESOLUTION PASSED BY THE MUNICIPAL COUNCIL THE th DAY OF JULY, 2008.

ISSUED BY THE PLANNING DEPT. OF THE CITY OF KELOWNA THE th DAY OF JULY, 2008.
BY THE DIRECTOR OF PLANNING & DEVELOPMENT SERVICES.

Shelley Gambacort, Director, Land Use Management