

REPORT TO COUNCIL



Date: July 12, 2012
To: City Manager
From: Land Use Management, Community Sustainability (BD)

Application: DVP12-0105 **Owner:** Terrence William Anderson
Alpha Louise Anderson

Address: 659 Greene Road **Applicant:** Terrence & Alpha Anderson

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. DVP12-0105, for Lot 7, District Lot 358, O.D.Y.D., Plan 28734, located on Greene Road, Kelowna, BC;

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

Section 13.1.6 (d) Development Regulations:

To vary the required side yard from a flanking street from 4.5m required to 2.0m proposed (as per Schedule "A");

Section 6.5.9 General Development Regulations - Accessory Development:

To allow the side lot line of an accessory building abutting a flanking street to be less than the required side yard for the principal building.

2.0 Purpose

To consider a Development Variance Permit to relax the required side yard setback along a flanking street to allow the construction of a garage/workshop.

3.0 Land Use Management

A garage/workshop is being proposed for the rear north-east corner of the subject property. The siting of the unit meets all the requirements of the Zoning bylaw with the exception of the side yard setback for a flanking street. The request to reduce the setback from 4.5m to 2.0m is supported given the ample boulevard on the north side of the site. It is anticipated that traffic and pedestrian movement will not be compromised by the proposed location of the new building. Signatures from impacted property owners have been secured to support the proposal.

4.0 Proposal

4.1 Project Description

A modest single story 49m² garage/workshop is proposed for the rear of the subject property. A second driveway to access the accessory building has been granted provided that it is located at least 7.0m from the corner. There is an existing carport accessed from the front of the home, however the additional garage/workshop at the rear of the site is not expected to impact the established rhythm of the neighbourhood.

4.2 Site Context

The subject property is located on the east side of Greene Road in the Mission. The area is characterized by large single family lots. The surrounding properties in all directions are zoned RU1 - Large Lot housing.

4.3 Subject Property Map: 659 Greene Road



4.4 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	932 m ²
Lot Width	16.5 m	28 m
Lot Depth	30 m	33.28 m
Accessory Building Development Regulations		
Height	1 ½ storeys / 4.5 m	3.35m
Side Yard (north)	4.5m (1 - 1 ½ storey) For a flanking street	2.0 m⓪

Side Yard (south)	2.0m (1 - 1 ½ storey)	19.5 m
Rear Yard	1.5 m	1.5 m
Footprint	The lessor of 90m ² or 14%	49 m ²
Site Coverage	50%	23% buildings 43% buildings & driveways

① Variance sought to relax the required side yard setback for a flanking street.

5.0 Technical Comments

5.1 Building & Permitting Department

No comment

5.2 Development Engineering Department

Development Engineering has the following requirements associated with this Development Permit application.

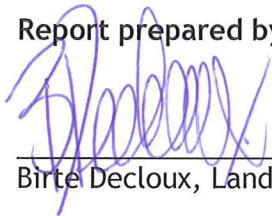
The request to vary the side yard setback from 4.50m required to 2.00m proposed, does not compromise our servicing requirements.

The proposed driveways shall a minimum of 7.0 meters from the intersection corner and have driveway widths no greater than 6.0 meters

6.0 Application Chronology

Date of Application Received: June 4, 2012

Report prepared by:



Birte Decloux, Land Use Planner

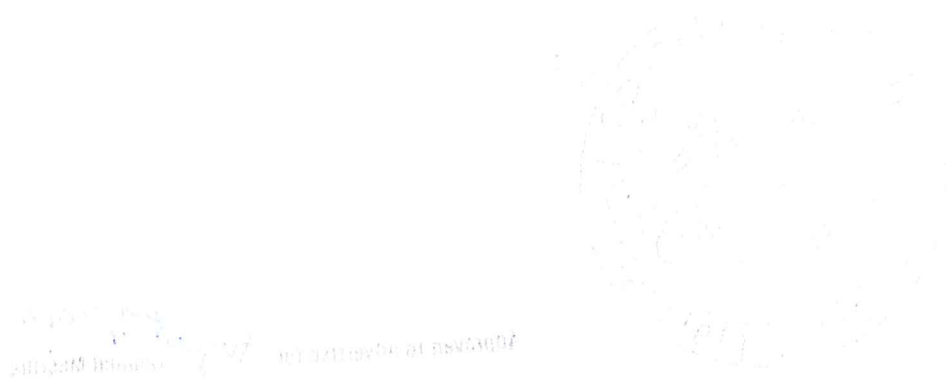
Approved for Inclusion:

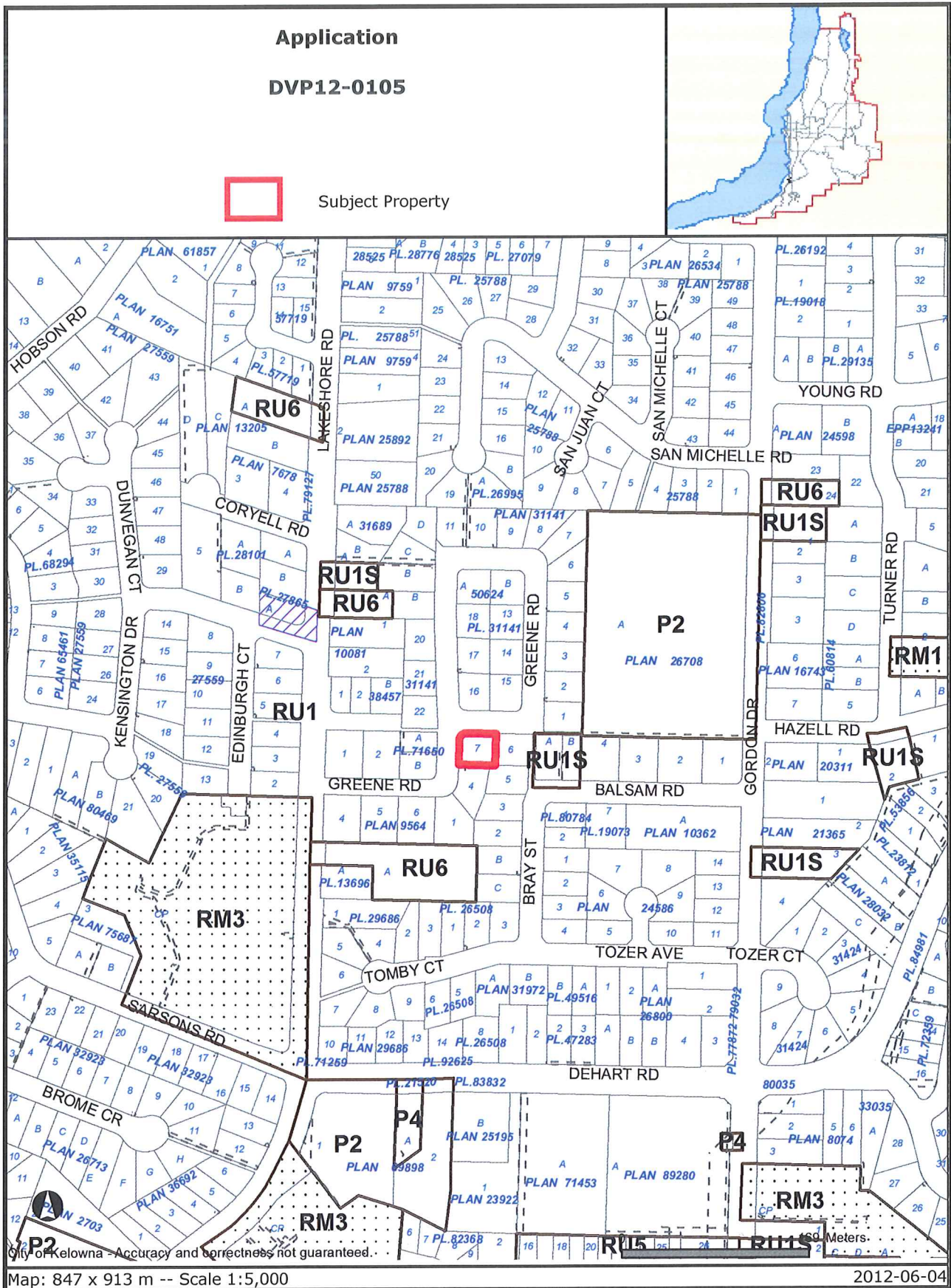


Shelley Gambacort, Director of Land Use Management

Attachments:

- Subject Property Map
- Schedule A - Site plan
- Elevation drawings
- Site Photos



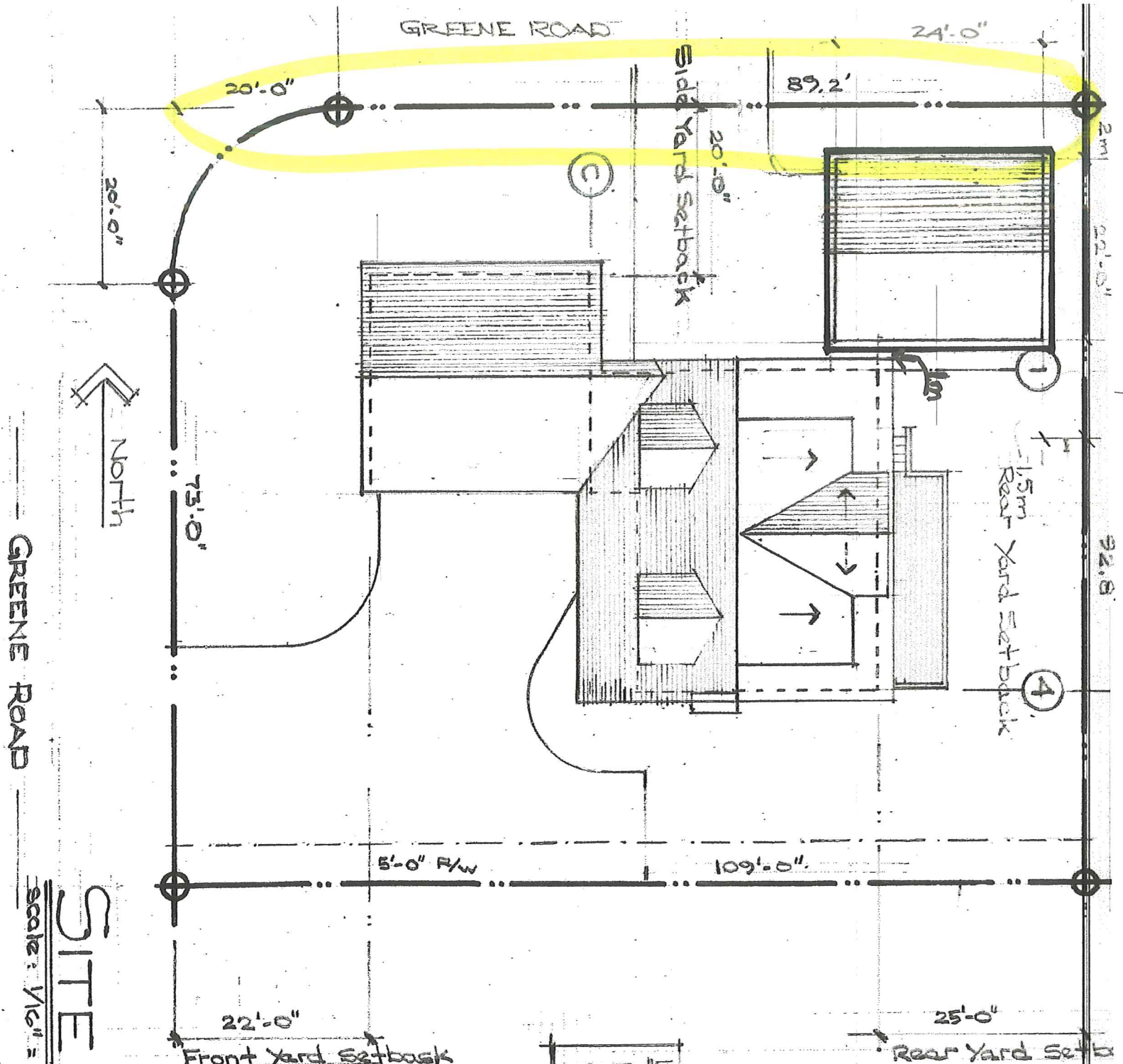


City of Kelowna - Accuracy and correctness not guaranteed.

Map: 847 x 913 m -- Scale 1:5,000

2012-06-04

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.



GREENE ROAD

NORTH

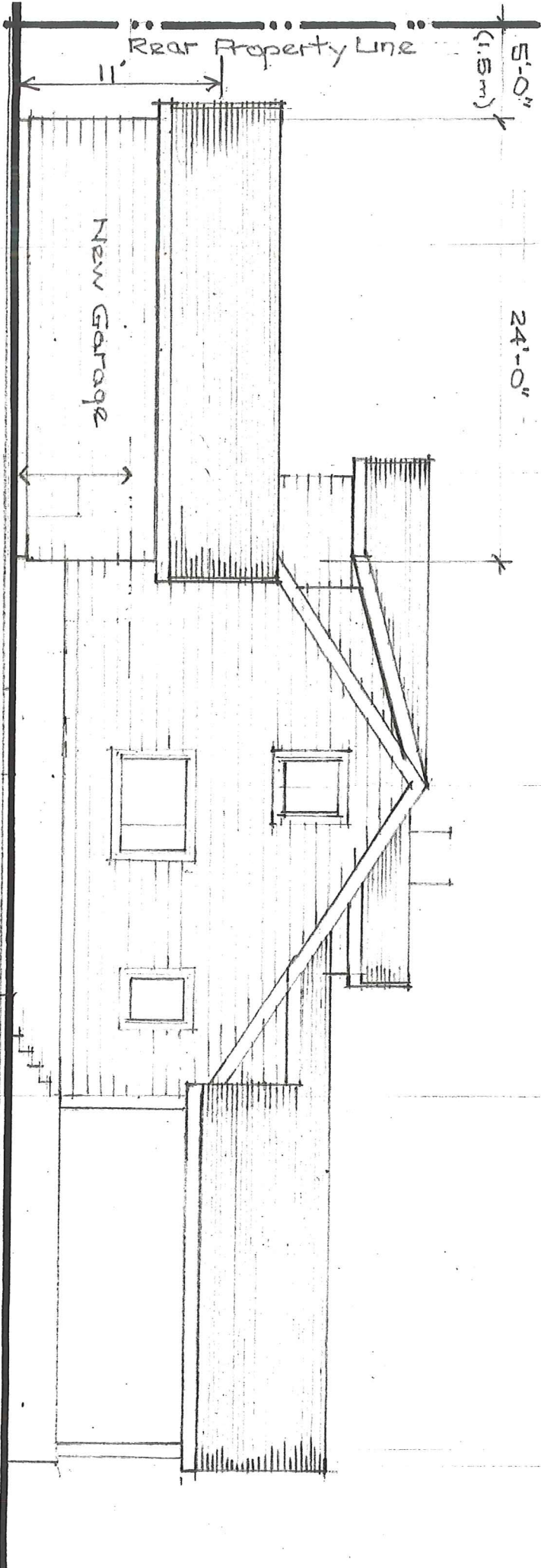
SITE PLAN

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

Legal Description
 Lot 7 Plan 28734
 Sec. 31 Twp. 29 00YD

SCHEDULE A
 This forms part of development
 Permit # DVP12-0105

20' High wall for
 Ceiling Exhaust Fa



NORTH ELEVATION
Scale: 1/8" = 1'-0"



CITY OF KELOWNA

APPROVED ISSUANCE OF A:

 Development Variance Permit No.: DVP12-0105

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

ISSUED TO: Terrence & Alpha Anderson
 LOCATION OF SUBJECT SITE: 659 Greene Road

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	7	358	28734			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 13.1.6 (d) Development Regulations:

To vary the required side yard from a flanking street from 4.5m required to 2.0m proposed (as per Schedule "A");

Section 6.5.9 General Development Regulations - Accessory Development:

To allow the side lot line of an accessory building abutting a flanking street to be less than the required side yard for the principal building.

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 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 th DAY OF JULY, 2012.

ISSUED BY THE LAND USE MANAGEMENT DEPARTMENT OF THE CITY OF KELOWNA THE th DAY OF JULY, 2012 BY THE LAND USE MANAGEMENT.

Shelley Gambacort
Director, Land Use Management Department

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