

REPORT TO COUNCIL



Date: August 8, 2012
To: City Manager
From: Land Use Management, Community Sustainability (BD)
Application: DVP12-0122 **Owner:** JJanet Barnes and Aiden Robert Gidlow
Address: 373 Tucker Court **Applicant:** Peter J. Chataway
Subject: Development Variance Permit
Existing OCP Designation: Single / Two Family Residential
Existing Zone: RU1h- Large Lot Housing (Hillside)

1.0 Recommendation

THAT Council NOT authorize the issuance of Development Variance Permit No. DVP12-0122, for Lot 5, Section 8, Township 23, O.D.Y.D., Plan KAP75949, located on Tucker Court, Kelowna, BC;

2.0 Purpose

To consider a Development Variance Permit to reduce the parking and car loading regulations to permit the “care centre, minor use” in a single family dwelling. A further variance is requested to reduce the required length of a parking stall to allow two parking stalls in the driveway.

3.0 Land Use Management

A daycare for no more than 8 children is being proposed for the subject property which requires a total of six parking stalls and 1 car loading stall. With this application a number of variances are being sought to facilitate the use.

City policies encourage daycare facilities in most zones provided that all the development regulations can be met. By locating daycares within residential neighbourhoods, many social planning objectives can be achieved. Notably, children have the opportunity to remain in a home setting and ideally serve the residents of the immediate area.

The neighbourhood of this property was developed with hillside street standards that are narrower width than flatland subdivision standards. Given that the road is only 6 meters in width, a variance to the parking and loading requirements presents on-street overflow traffic safety and operational concerns, as the width of the road does not allow for on-street parking. Furthermore, given that two of the parking spaces can only be provided if a variance for the length of the spaces is granted effectively reduces their functionality. At 4.33m (14.2 feet) in length, only a small car would be able to utilize the two proposed spaces provided on the

driveway. It is noteworthy that a parking pullout is located to the north of the subject property, however this does not accomplish the required on site parking.

Signatures from impacted property owners have been secured to support the proposal. However, Development Engineering Staff have noted safety concerns and that the operational needs for child drop-off/pick-up will be compromised by the requested variances.

4.0 Proposal

4.1 Project Description

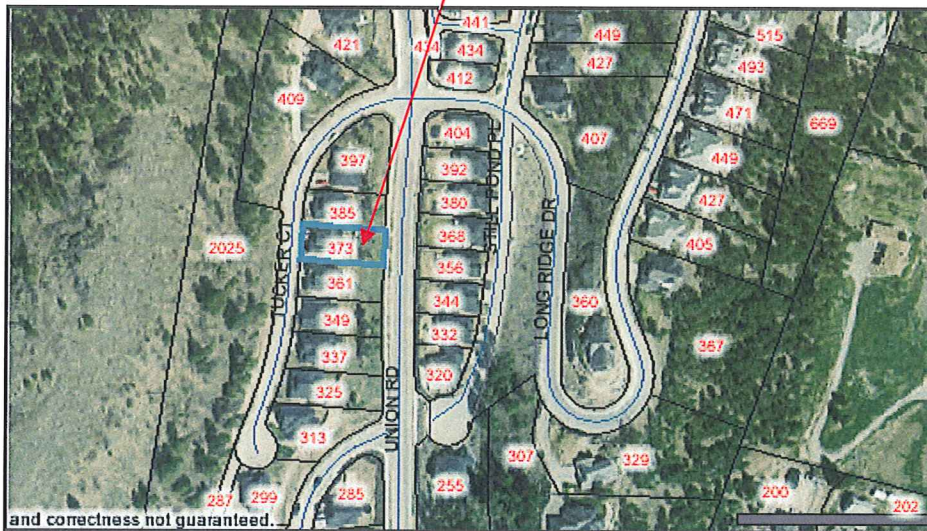
The owner of the dwelling is seeking to create a daycare facility for 8 children or less within a single family dwelling which is a permitted secondary use in the zone. Interior Health has the authority to license and regulate daycares, however require that the regulations of the municipality are met prior to issuance of the license. In this case, the parking does not meet the Zoning Bylaw regulations and a number of variances are sought.

4.2 Site Context

The subject property is located on the west side of Tucker Court in the Wilden development. The area is characterized by large single family lots. The surrounding properties are zoned:

Orientation	Zoning	Land Use
North	RU1H - Large Lot Housing Hillside	Single Family Dwelling
East	RU2H - Medium Lot Housing Hillside	Single Family Dwelling
South	RU1H - Large Lot Housing Hillside	Single Family Dwelling
West	P3 - Parks and Open Space	45+ degree slopes

4.3 Subject Property Map: 373 Tucker Court



5.0 Technical Comments

5.1 Building & Permitting Department

No concerns.

5.2 Development Engineering Department

This development variance permit application to vary the parking and loading zone requirements does present concerns for traffic safety and operation. Tucker Court is designed as a hillside standard road of 6m width. This width can accommodate two way traffic only with no stopping or parking. It may be possible to create parallel parking bays on the boulevard across the street from the site. The City is not prepared to support a variance for the length of parking stalls that are proposed for the driveway.

6.0 Application Chronology

Date of Application Received: June 22, 2012

7.0 Alternate Recommendation

THAT Council authorize the issuance of Development Variance Permit No. DVP12-0122, for Lot 5, Section 8, Township 23, O.D.Y.D., Plan KAP75949, located on Tucker Court, Kelowna, BC;

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

Section 8 - Parking and Loading Regulations:

Table 8.1 - Single Detached Housing & Care Centre, Minor parking and loading requirements:

To reduce the number of parking spaces required for a single family dwelling and care centre, minor use from 6 required to 4 provided.

To reduce the number of car loading spaces from 1 required to 0 proposed.

Section 8.1.11(a) Parking and Load - size:

To vary the required length of two parking spaces from 6.0m to 4.33m proposed (as per Schedule "A").

Report prepared by:

Birte Decloux, Land Use Planner

Reviewed by:

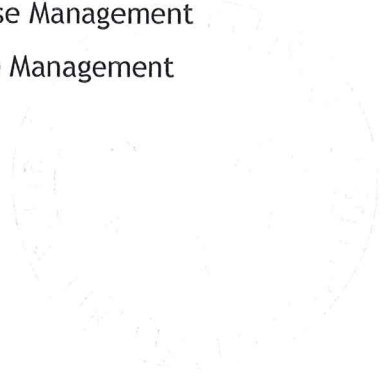
Danielle Noble, Manager of Urban Land Use Management

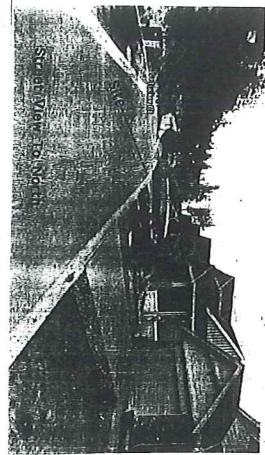
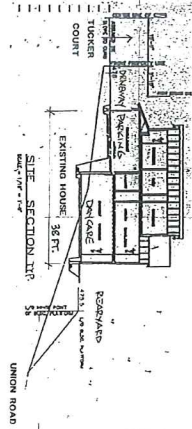
Approved for Inclusion:

Shelley Gambacort, Director of Land Use Management

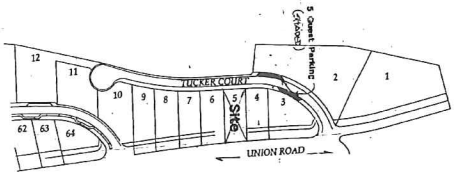
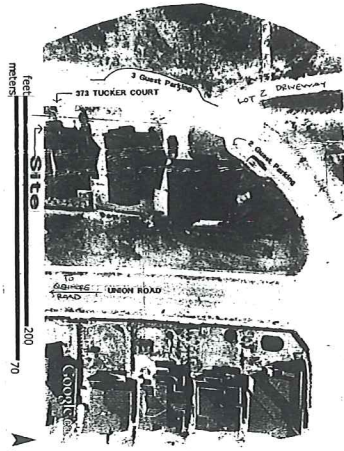
Attachments:

- Subject Property Map
- Schedule A - Site plan
- Site Photos & Letter of rationale

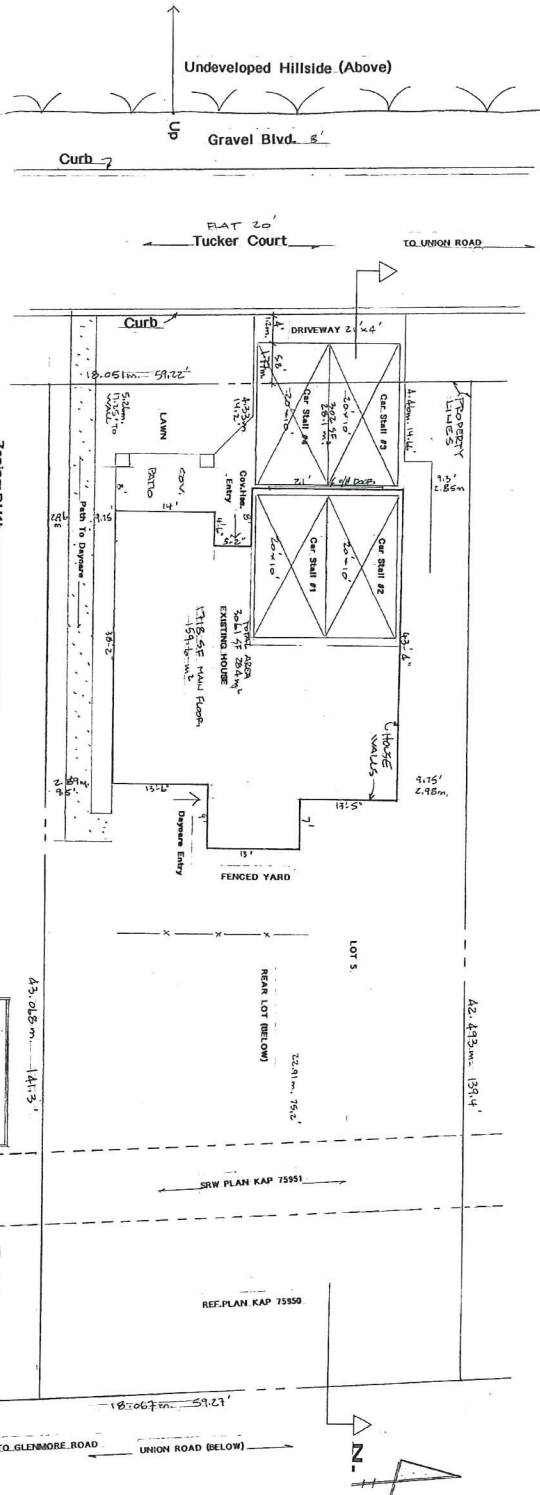




J. Barnes D.V.P. (Parking)



Key Plan N.T.S.



Zoning: R1H, Large Lot Housing Hillside Area

- Units: single detached housing, 1 set garage, min. 400 sq. ft. base; 1 set, 2 car garage (see plan above)
- Dist. reqs.: 1 set, 2 car garage (see plan above)
- Site cov. req. (see plan above) 20.3% HT 12'
- Yards: 5.5m (18') side (see plan above); other reqs.: 12m, 15m, 18m, 20m, 25m, 30m, 35m, 40m, 45m, 50m, 55m, 60m, 65m, 70m, 75m, 80m, 85m, 90m, 95m, 100m, 105m, 110m, 115m, 120m, 125m, 130m, 135m, 140m, 145m, 150m, 155m, 160m, 165m, 170m, 175m, 180m, 185m, 190m, 195m, 200m, 205m, 210m, 215m, 220m, 225m, 230m, 235m, 240m, 245m, 250m, 255m, 260m, 265m, 270m, 275m, 280m, 285m, 290m, 295m, 300m, 305m, 310m, 315m, 320m, 325m, 330m, 335m, 340m, 345m, 350m, 355m, 360m, 365m, 370m, 375m, 380m, 385m, 390m, 395m, 400m, 405m, 410m, 415m, 420m, 425m, 430m, 435m, 440m, 445m, 450m, 455m, 460m, 465m, 470m, 475m, 480m, 485m, 490m, 495m, 500m, 505m, 510m, 515m, 520m, 525m, 530m, 535m, 540m, 545m, 550m, 555m, 560m, 565m, 570m, 575m, 580m, 585m, 590m, 595m, 600m, 605m, 610m, 615m, 620m, 625m, 630m, 635m, 640m, 645m, 650m, 655m, 660m, 665m, 670m, 675m, 680m, 685m, 690m, 695m, 700m, 705m, 710m, 715m, 720m, 725m, 730m, 735m, 740m, 745m, 750m, 755m, 760m, 765m, 770m, 775m, 780m, 785m, 790m, 795m, 800m, 805m, 810m, 815m, 820m, 825m, 830m, 835m, 840m, 845m, 850m, 855m, 860m, 865m, 870m, 875m, 880m, 885m, 890m, 895m, 900m, 905m, 910m, 915m, 920m, 925m, 930m, 935m, 940m, 945m, 950m, 955m, 960m, 965m, 970m, 975m, 980m, 985m, 990m, 995m, 1000m
- Other reqs.: 12m, 15m, 18m, 20m, 25m, 30m, 35m, 40m, 45m, 50m, 55m, 60m, 65m, 70m, 75m, 80m, 85m, 90m, 95m, 100m, 105m, 110m, 115m, 120m, 125m, 130m, 135m, 140m, 145m, 150m, 155m, 160m, 165m, 170m, 175m, 180m, 185m, 190m, 195m, 200m, 205m, 210m, 215m, 220m, 225m, 230m, 235m, 240m, 245m, 250m, 255m, 260m, 265m, 270m, 275m, 280m, 285m, 290m, 295m, 300m, 305m, 310m, 315m, 320m, 325m, 330m, 335m, 340m, 345m, 350m, 355m, 360m, 365m, 370m, 375m, 380m, 385m, 390m, 395m, 400m, 405m, 410m, 415m, 420m, 425m, 430m, 435m, 440m, 445m, 450m, 455m, 460m, 465m, 470m, 475m, 480m, 485m, 490m, 495m, 500m, 505m, 510m, 515m, 520m, 525m, 530m, 535m, 540m, 545m, 550m, 555m, 560m, 565m, 570m, 575m, 580m, 585m, 590m, 595m, 600m, 605m, 610m, 615m, 620m, 625m, 630m, 635m, 640m, 645m, 650m, 655m, 660m, 665m, 670m, 675m, 680m, 685m, 690m, 695m, 700m, 705m, 710m, 715m, 720m, 725m, 730m, 735m, 740m, 745m, 750m, 755m, 760m, 765m, 770m, 775m, 780m, 785m, 790m, 795m, 800m, 805m, 810m, 815m, 820m, 825m, 830m, 835m, 840m, 845m, 850m, 855m, 860m, 865m, 870m, 875m, 880m, 885m, 890m, 895m, 900m, 905m, 910m, 915m, 920m, 925m, 930m, 935m, 940m, 945m, 950m, 955m, 960m, 965m, 970m, 975m, 980m, 985m, 990m, 995m, 1000m

SCHEDULE A
This forms part of development Permit # **DVP12-0122**

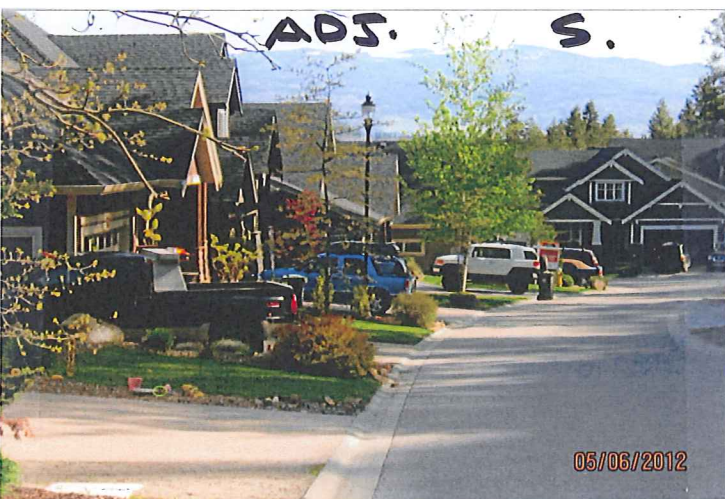
Legal:
LOT 3, PLAN KAP 7554
REAR TRIP O.V.D.

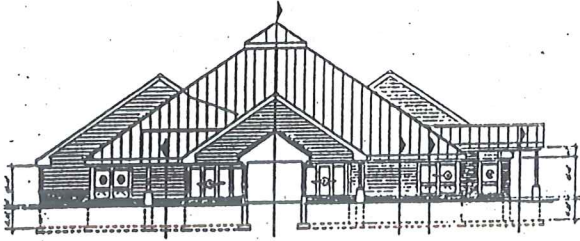
Site Plan:
SCALE: 1/8" = 1'-0"
LOT AREA 172.57 m²
100% COVERED AREA 8316.2 SF
50% COVERED AREA 4158.1 SF

DWG. No.	J. BARNES Parking D.V.P. Application		NOTES:	Peter J. Chataway, B. Arch. 368 Cadder Avenue Kelowna, B.C., V1Y 5N1 Tel. 763-834 Fax. House Plans & Design	MARK	REVISIONS	DATE
1	373 TUCKER COURT, KELOWNA, B.C. V1Y 2S9						
REF. 1	SCALE AS SHOWN	PROJ. NO. 2012-05					
	DATE: MAY 31, 2012	DWG. PJC					



Subject Property





Peter J. Chataway, B.Sc., B.Arch.

HOUSE PLANS AND DESIGN

368 Cadder Ave., Kelowna, B.C. V1Y 5N1

Office: (250) 763-1334

Home: 763-5367

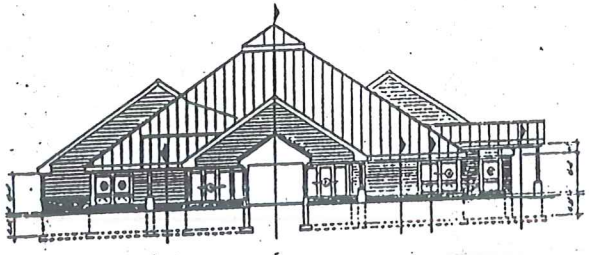
E-mail: muncha@cnx.net

The design rationale to request the parking and car loading variances is based on balancing the on-going demand for daycare services, while decreasing car-travel to outside the neighbourhood.

The proposal does not change the existing form and materials of the single-family dwelling while allowing an increase to the existing child-care home-based business.

Any impact from increased traffic activity would be only occasional (drop-off and pick-up) and would affect only eight other houses on the block/cul-de-sac.

The benefits from a local (to the subdivision) daycare are greater than any negative impacts from providing the Variance required to make the proposal successful.



Peter J. Chataway, B.Sc., B.Arch.

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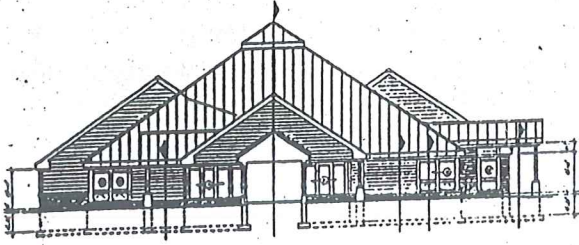
J.Barnes D.V.P.(Parking)



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↑ Site





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J.Barnes D.V.P.(Parking)



Street View To North

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No .: DVP12-0122

EXISTING ZONING DESIGNATION:	RU1h - Large Lot Housing (Hillside)
WITHIN DEVELOPMENT PERMIT AREA:	N/A

ISSUED TO: JJanet Barnes and Aiden Robert Gidlow	APPLICANT: Peter Chataway
LOCATION OF SUBJECT SITE: 373 Tucker Court	

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	5		KAP75949	8		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 8 - Parking and Loading Regulations:

Table 8.1 - Single Detached Housing & Care Centre, Minor parking and loading requirements:

To reduce the number of parking spaces required for a single family dwelling and care centre, minor use from 6 required to 4 provided.

To reduce the number of car loading spaces from 1 required to 0 proposed.

Section 8.1.11(a) Parking and Load - size:

To vary the required length of two parking spaces from 6.0m to 4.33m 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: none required

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 ___th DAY OF SEPTEMBER, 2012.

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

Shelley Gambacort
Director of Land Use Management

DRAFT