

REPORT TO COUNCIL



Date: August 27, 2012

To: City Manager

From: Land Use Management, Community Sustainability (JM)

Application: DVP12-0071

Owner: Warner & Judy Kunz

Address: 450 Francis Avenue

Applicant: Warner Kunz

Subject: Development Variance Permit

Existing OCP Designation: S2RES - Single / Two Unit Residential

Existing Zone: RU6 - Two Dwelling Housing

1.0 Recommendation

THAT final adoption of Zone Amending Bylaw No. 10737 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP12-0071, for Lot 9, District Lot 14, ODYD, Plan 7336, located on 450 Francis Avenue, Kelowna, BC;

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

Section 13.6.6(g): Development Regulations

To vary the minimum separation between two single detached housing units from 4.5m permitted to 1.8m proposed.

2.0 Purpose

The applicant is seeking a Development Variance Permit (DVP) in order to reduce the minimum required separation between two single detached housing units from 4.5m permitted to 1.8m proposed. This will allow the development of two side-by-side single detached housing units on the subject property.

3.0 Land Use Management

Land Use Management staff are generally supportive of the proposed variance, as the separation between buildings is not seen to affect in a negative manner the adjoining property owners. However, it should be noted that the form of housing proposed - narrow housing with limited space between units - is a departure from the lower density, large lot character of the existing street.

As older, established neighbourhoods become subject to greater pressure for infill housing consistent with the City's Official Community Plan (OCP), more of this type of project should be expected. Similar developments in the general area have not proven detrimental in any appreciable way.

4.0 Proposal

4.1 Project Description

Unlike a typical RU6 configuration having one home at the rear of the lot and one at the front, this proposal features two narrow houses sited side-by-side on the parcel, both fronting Francis Avenue. To achieve this, a Development Variance Permit (DVP) is required to vary the minimum distance between two single detached housing units from 4.5m permitted to 1.8m proposed.

The two dwellings are similar, though purposely not identical, in both form and massing. Each is 8.84m in width and two storeys in height. The design of both dwellings makes a concerted effort to create a strong relationship with the street, each house having a prominent covered patio and entryway fronting Francis Avenue. All vehicular access for the houses is taken from the existing lane at the rear of the property. A single garage structure is proposed to contain all the required parking for the dwelling units.

A Development Permit to address the form and character of the proposal is required and will be executed at a staff level.

4.2 Site Context

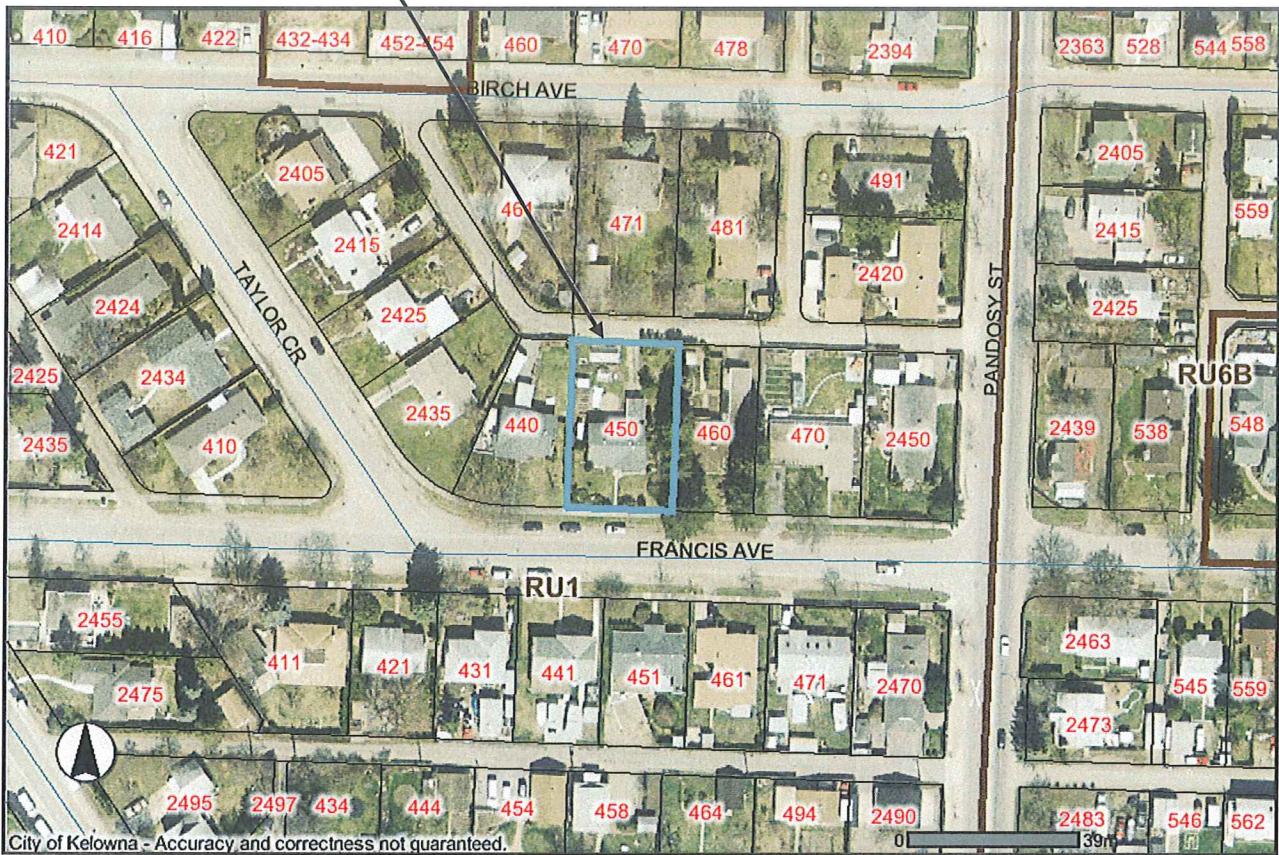
The subject property is situated on the north side of Francis Avenue, between Taylor Crescent and Pandosy Street. The parcel is approximately 910m² and presently contains one single detached dwelling, which is proposed to be demolished as part of this proposal.

The surrounding area is characterized predominantly by low density residential development; however, there are several other examples of RU6 development in the general vicinity.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Low density single dwelling housing
East	RU1 - Large Lot Housing	Low density single dwelling housing
South	RU1 - Large Lot Housing	Low density single dwelling housing
West	RU1 - Large Lot Housing	Low density single dwelling housing

Subject Property Map: 450 Francis Avenue



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	700 m ² (duplex housing)	910 m ²
Lot Width	18.0 m (duplex housing)	24.08 m
Lot Depth	30.0 m	37.8 m
Development Regulations		
Site Coverage (buildings)	40%	39.9%
Site Coverage (buildings, driveways and parking areas)	50%	49.9%
Height	Lesser of 9.5 m or 2 ½ storeys	7.625 m to peak
Front Yard	4.5 m	5.8 m
Side Yard (east)	2.3 m	2.3 m
Side Yard (west)	2.3 m	2.3 m
Rear Yard (principal dwelling)	7.5 m	16.25 m
Rear Yard (accessory bldg)	1.5 m	3.0 m
Other Regulations		
Minimum Parking Requirements	2 stalls/dwelling = 4	4
Private Open Space	30 m ²	exceeds
Minimum Building Separation	4.5 m	1.8 m ^①

① To vary the minimum separation between two single detached housing units from 4.5m permitted to 1.8m proposed.

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Compact Urban Form.¹ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Complete Communities.² Support the development of complete communities with a minimum intensity of approximately 35 - 40 people and/or jobs per hectare to support basic transit service - a bus every 30 minutes.

Intensive Residential - Secondary Suite / Two Dwelling Housing Development Permit Objectives³

- Preserve and enhance the scale and character of individual neighbourhoods and streetscapes;
- Ensure compatibility with existing dwellings on a lot or with surrounding properties;
- Promote a high standard of design, construction and landscaping;
- Encourage building and landscape designs that promote privacy, safety, and accessibility;
- Contribute to the creation of pedestrian oriented streets;
- Design for livability.

6.0 Technical Comments


Technical comments were addressed as part of the corresponding Rezoning application.

7.0 Application Chronology

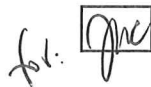
Date of Application Received: April 20, 2012

3rd Reading of Corresponding Rezoning: August 7, 2012

Report prepared by:


James Moore, Land Use Planner

Reviewed by:



Danielle Noble Manager, Manager, Urban Land Use

¹ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.2.4 (Development Process Chapter).

³ City of Kelowna Official Community Plan, Chapter 14, Page 14.21 (Urban Design DP Guidelines Chapter).

Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

Attachments:

Subject Property Map

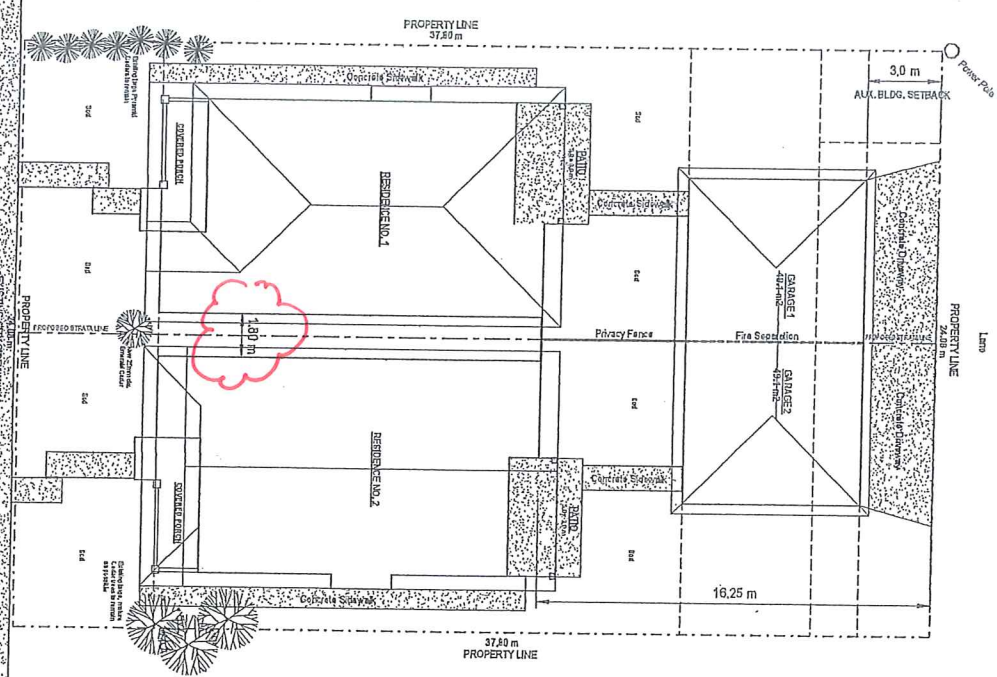
Site Plan / Landscape Plan

Conceptual Elevations

Development Engineering Memorandum, dated May 22, 2012

DRAFT Development Variance Permit

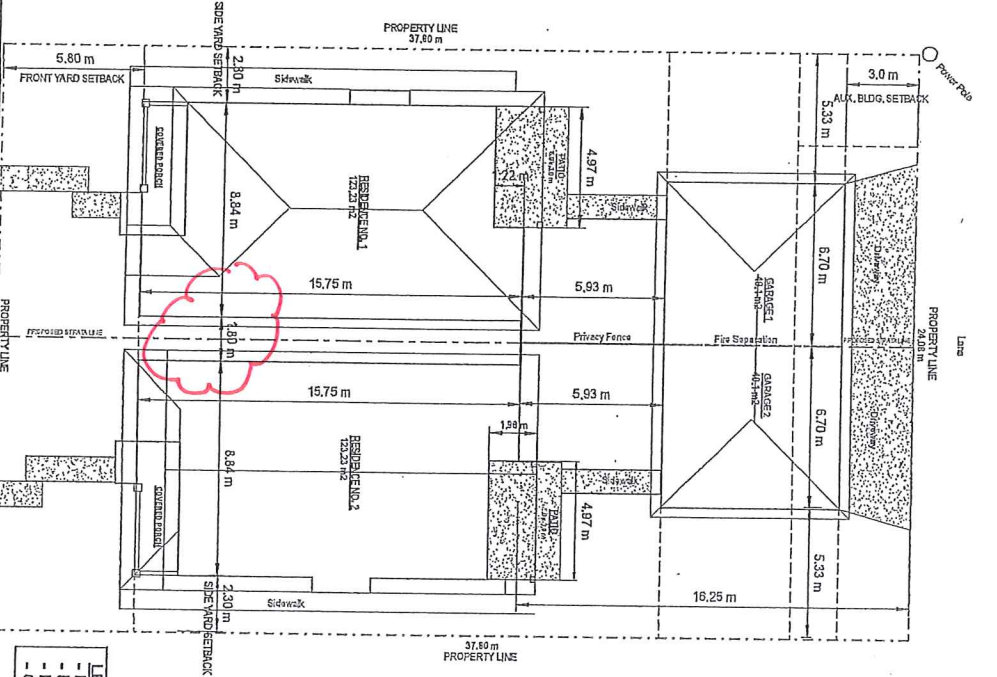




LANDSCAPE PLAN

1:50

ZONING ANALYSIS TABLE	
INFORMATION	PROPOSAL
Site Area (m ²)	37,800 ± 24,400 ± 9,992 m ²
Site Width (m)	34.80 m
Site Depth (m)	37.80 m
Site Coverage of Buildings (m ²)	35,113 m ² - 35,307 m ²
Site Coverage of Landscaping (m ²)	4,000 m ² - 4,000 m ²
Land Use (m ²)	4,000 m ² - 4,000 m ²
RUG ZONE REGULATIONS	
Minimum Required	700 m ²
Minimum Required	800 m ²
Minimum Required	800 m ²
Minimum Allowed @ 40%	46,400 m ²
Minimum Allowed @ 50%	46,400 m ²



SITE PLAN

1:50

450 FRANKS AVENUE

KELMONT
CONSTRUCTION LTD.
P.O. Box 22141, Capital City
(505) 890-3332
kelmont@kelmont.com

Sherry Providence
450 FRANKS AVENUE, SUITE 100
NORTH PLAINFIELD, NJ 07060
(908) 890-3332
sherry@sherryprovidence.com

REV. 2 - Issued for D.P. - April 12/12

A-1

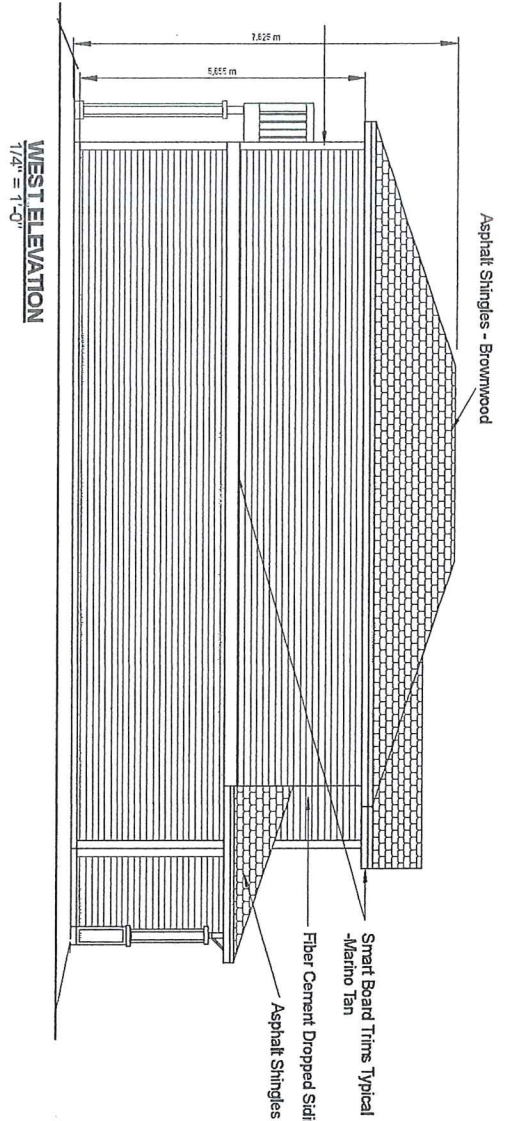
LEGAL DESCRIPTION:
- Lot 9
- Plan 7336
- D.L. 14
- O.D. Y.D.



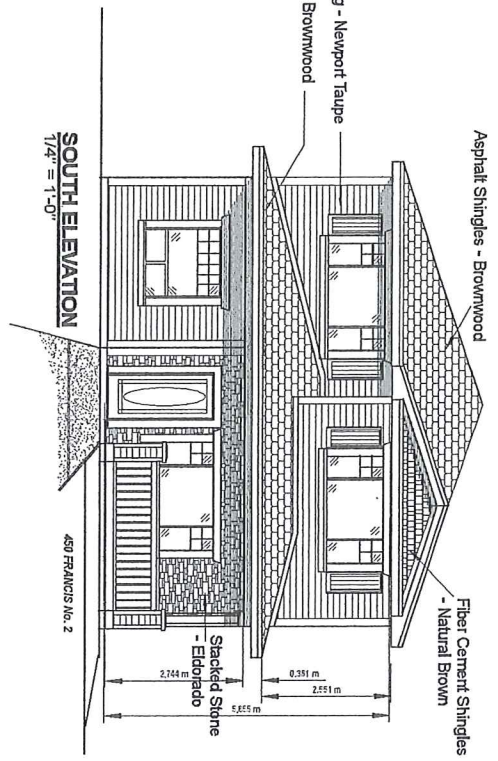
A-3
 SCALE: As Noted
 DATE: MAY 06/12
 DRAWN: BRR
 NO: 2012.05
 FRANCIS No. 1 - ELEVATIONS

REV. 3 - Second Floor Revised for DP - May 31/12
REV. 2 - Issued for DP - April 12/12

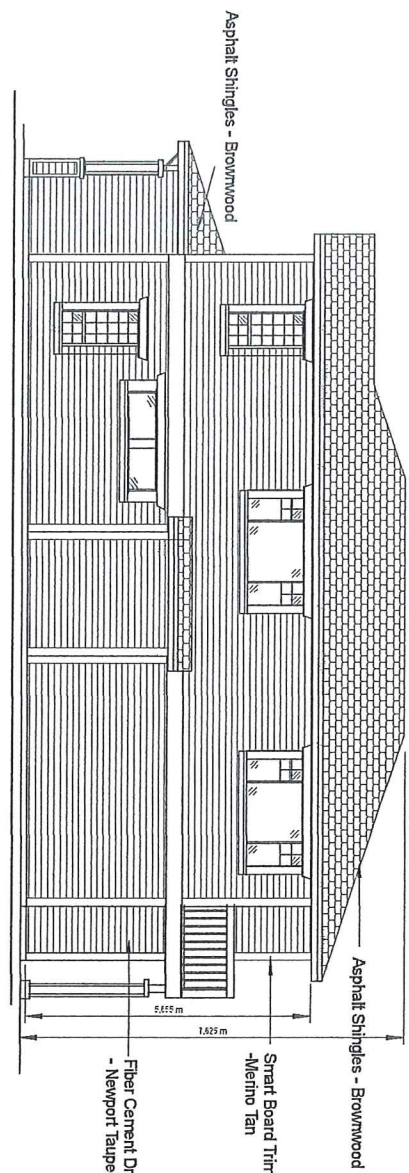
REV. 2 - Issued for DP - April 12/12



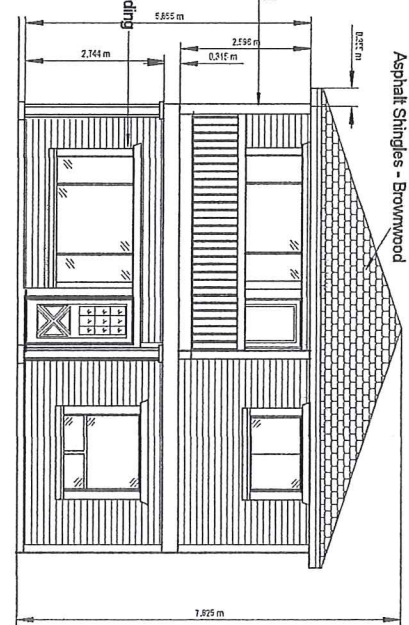
WEST ELEVATION
1/4" = 1'-0"



SOUTH ELEVATION
1/4" = 1'-0"



EAST ELEVATION
1/4" = 1'-0"



NORTH ELEVATION
1/4" = 1'-0"

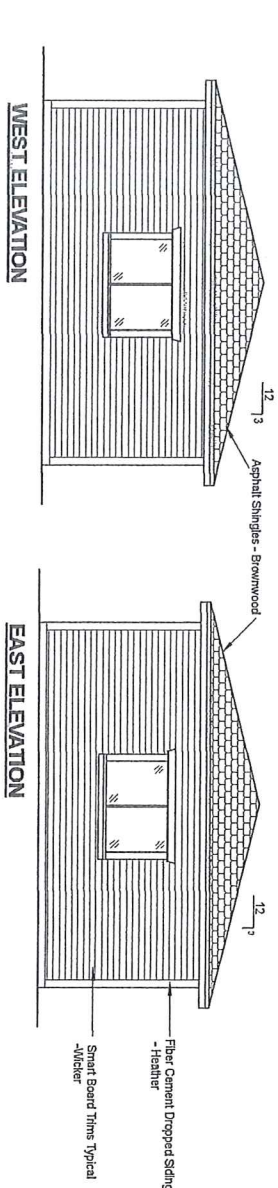
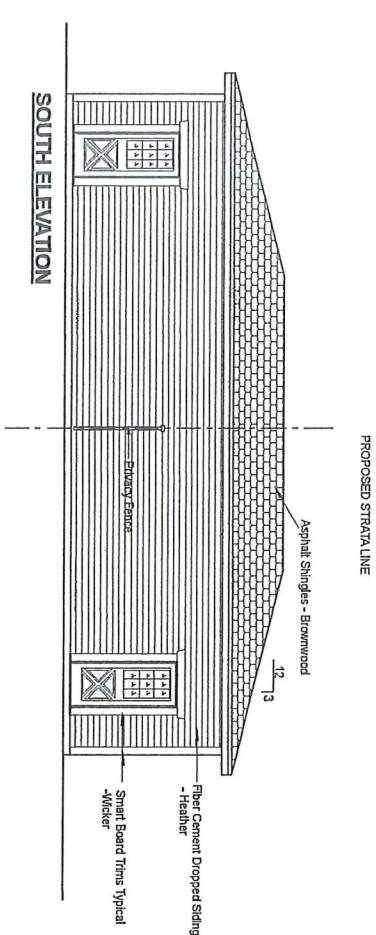
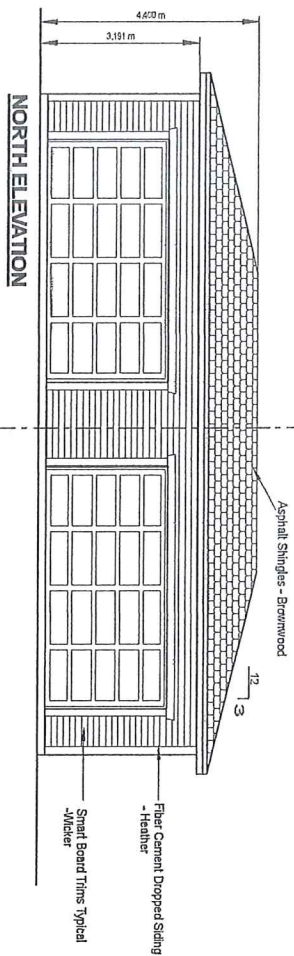
KELMONT
CONSTRUCTION LTD.
P.O. Box 22141, Canal P.O.
Ottawa, ON K1G 4B2
Kelmont@shaw.ca

Many Residence
450 St. Lawrence, Kelowna BC
SALE/RENTAL/REPAIRS/RENOVATIONS
7271 Warden Ave. Unit 10, P.O. Box 207
Mabel, BC V0P 2S0

A-5

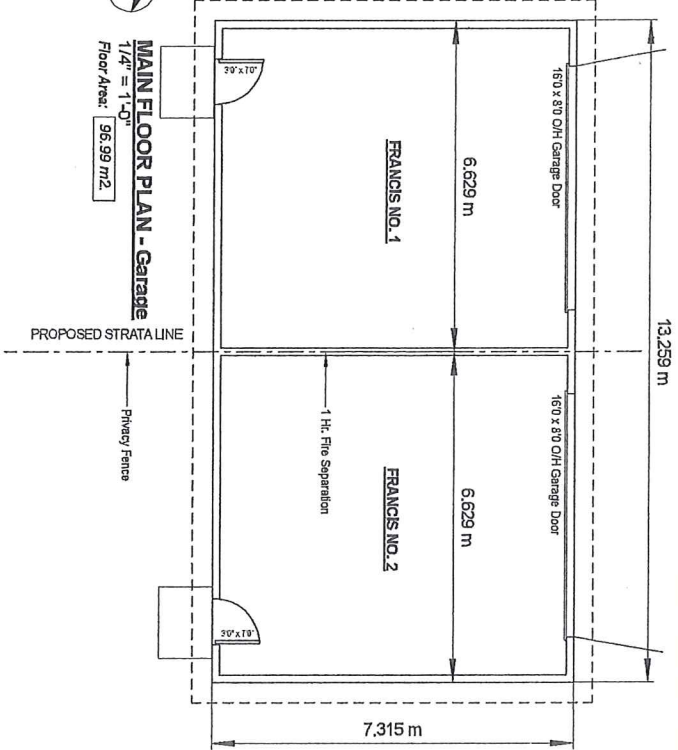
REV. 3 - Second Floor Revised for DP - May 31/12
REV. 2 - Issued for DP - April 12/12

FRANCIS NO. 2 - ELEVATIONS



MAIN FLOOR PLAN - Garage
1/4" = 1'-0"

Floor Area: 96.99 m²



Notes:
- Drawings are not to scale.
- All dimensions are approximate and to be confirmed by the contractor.
- All dimensions are approximate and to be confirmed by the contractor.

KELMONT
CONSTRUCTION LTD.
1000 Highway 101, Unit 10
Richmond, BC V6X 1A1
Tel: (604) 273-1111
Fax: (604) 273-1112
kelmont@kelmont.ca

Many Residence
200 Granville Street, Vancouver, BC
Ravenhill Technical Services Ltd.
1000 Highway 101, Unit 10
Richmond, BC V6X 1A1
Tel: (604) 273-1111
Fax: (604) 273-1112
kelmont@kelmont.ca

A-6

DATE: 2012-04-12
SCALE: 1/4" = 1'-0"

GARAGE PLAN & ELEVATIONS

REV. 2 - Issued for DP - April 12/12

Date: May 22, 2012
File No.: DP12-0074 DVP12-0071

To: Land Use Management Department (JM)

From: Development Engineering Manager

Subject: 540 Francis Ave Lot 9 Plan 7336 RU6

1. General.

2. Development Permit and Variance

- Steve Muenz, P. Eng.
Development Engineering Manager
JF/jf

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No .: DVP12-0071

EXISTING ZONING DESIGNATION:	RU6 - Two Dwelling Housing
WITHIN DEVELOPMENT PERMIT AREA:	Intensive Residential - Secondary Suite Two Dwelling Housing

ISSUED TO: Warner & Judy Kunz
LOCATION OF SUBJECT SITE: 450 Francis Avenue

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	9	14	7336	-	-	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 are granted:

Section 13.6.6(g) Development Regulations - building separation:

To vary the minimum separation between two single detached housing units from 4.5m permitted to 1.8m 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 ____ DAY OF _____, 2012.

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

Shelley Gambacort
Director of Land Use Management

