

REPORT TO COUNCIL



Date: September 7, 2012
To: City Manager
From: Land Use Management, Community Sustainability (AR)
Application: DVP12-0146 **Owner:** Mitchell Stromquist
Address: 1461 Springfield Road **Applicant:** Greg Stromquist
Subject: Development Variance Permit
Existing OCP Designation: Single / Two Unit Residential
Existing Zone: RU2 - Medium Lot Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP12-0146 for Lot 3, Section 19, Township 26, ODYD, Plan 17176, except plans H14525 and 36136, located at 1461 Springfield Road, Kelowna, BC;

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

Section 13.2.5(b): Minimum Lot Depth

To vary the minimum required lot depth from 30.00 m required to 28.35 m proposed.

2.0 Purpose

The applicant is seeking a Development Variance Permit to vary the minimum required lot depth from 30.00 m required to 28.35 m proposed, to facilitate subdivision of the subject site into two lots for single family dwelling development.

3.0 Land Use Management

Land Use Management staff is supportive of the proposed variance as the resultant subdivision will create lots that are consistent in layout and lot dimension with adjacent lots along this block of Springfield Road. Also there would be minimal impact to neighbouring properties, as it has been demonstrated that all minimum setbacks and site coverage can be achieved on the proposed new lots, and site access will remain as a single shared driveway.

Signatures of support have been provided from all immediate neighbours, except the absentee owner of the west adjacent property at 1441 Springfield Road, whom the applicant has been unable to reach.

4.0 Proposal

4.1 Project Description

The applicant is ultimately seeking to subdivide the subject site into two lots – creating an east lot and a west lot – for single family development. It is proposed that the existing house located on the eastern portion of the site will be retained on the east lot and the existing detached garage replaced with a new detached double garage. A new house with an attached double garage is proposed on the west lot. To facilitate the proposed subdivision and development, the applicant is seeking a Development Variance Permit to vary the minimum required lot depth of the RU2 zone from 30.00 m required to 28.35 m proposed, a variance of 1.65 m. Should the requested variance be approved, the applicant anticipates submitting a Subdivision application for the proposal. A Development Permit application, however, is not required.

There is no rear lane along this block face of Springfield Road, and the existing properties take driveway access directly from Springfield Road. In order to minimize the impact of driveways along this block, a shared driveway access will need to be provided for the two new lots, as a requirement of subdivision. Additionally all turning movements will need to be performed on site, such that vehicles exit the site in a forward fashion.

4.2 Site Context

The subject site is approximately 1,260 m² in area and located on the south side of Springfield Road, just west of Burtch Road. The site presently contains an existing principal dwelling and a detached garage, both sited on the eastern portion of the existing parcel. As there is no lane provided along this frontage of Springfield Road, access is taken directly from Springfield Road, consistent with the block face.

The surrounding area is characterized by similar single family development. Specifically, the adjacent zoning and land uses are as follows:

Orientation	Zoning	Land Use
North	RU2 - Medium Lot Housing	Residence
East	RU2 - Medium Lot Housing	Residence
South	RU1 - Large Lot Housing	Residence
West	RU2s - Medium Lot Housing with Secondary Suite	Residence

Subject Property Map: 1461 Springfield Road



4.3 Zoning Analysis Table

The following is the zoning analysis for the proposed two-lot subdivision based on the RU2 zone requirements. On the proposed west lot, a new single family dwelling with an attached double garage is proposed. On the proposed east lot, the existing house will be retained and the existing garage replaced with a new detached double garage.

Zoning Analysis Table			
CRITERIA	RU2 ZONE REQUIREMENTS	PROPOSAL	
		Proposed West Lot	Proposed East Lot
Existing Lot/Subdivision Regulations			
Lot Area	400 m ²	628.58 m ²	628.58 m ²
Lot Width	13.0 m	22.17 m	22.17 m
Lot Depth	30.0 m	28.35 m ^⓪	28.35 m ^⓪
Development Regulations			
Site Coverage (buildings)	40%	Approx. 28%	Approx. 22%
Site Coverage (buildings, driveways & parking)	50%	Approx. 45%	Approx. 50%
Front Yard	4.5 m	Min. 4.5 m	Min. 4.5 m
Side Yard (west)	1.8 m	Min. 1.8 m	Approx. 10 m to existing house
Side Yard (east)	1.8 m	Min. 1.8 m	Approx. 3.5 m to existing house
Rear Yard	7.5 m	Min. 7.5 m	Approx. 11 m to existing house
^⓪ To vary the minimum required lot depth from 30.00 m required to 28.35 m proposed.			

5.0 Technical Comments

5.1 Building & Permitting Department

1. Development Cost Charges (DCCs) are required to be paid prior to issuance of any Building Permits, if applicable.
2. Full Plan check for Building Code related issues will be done at time of Building Permit applications.
3. This property falls within the Mill Creek Flood Plain Bylaw area and compliance is required. Minimum building elevations are required to be established prior to Building Permit application. Please refer to the Mill Creek Flood Plain Bylaw requirements.

5.2 Development Engineering Department

This Development Variance Permit application to vary lot depth from 30.00 m to 28.39 m does not compromise any municipal services.

5.3 Fire Department

No comments received.

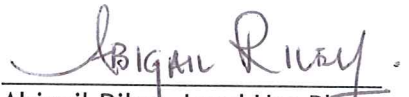
5.4 Subdivision Approving Officer

1. The Subdivision Approvals Branch was involved in the pre-application discussions on this file and has no concerns with the layout.
2. It should be noted that the addition of secondary suites may make the parking situation on the lots quite tight and we should consider discouraging additional units.
3. Shared parking access will be a requirement at Subdivision.

6.0 Application Chronology

Date of Application Received: August 2, 2012

Report prepared by:


Abigail Riley, Land Use Planner

Reviewed by:



Danielle Noble Manager, Manager, Urban Land Use

Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

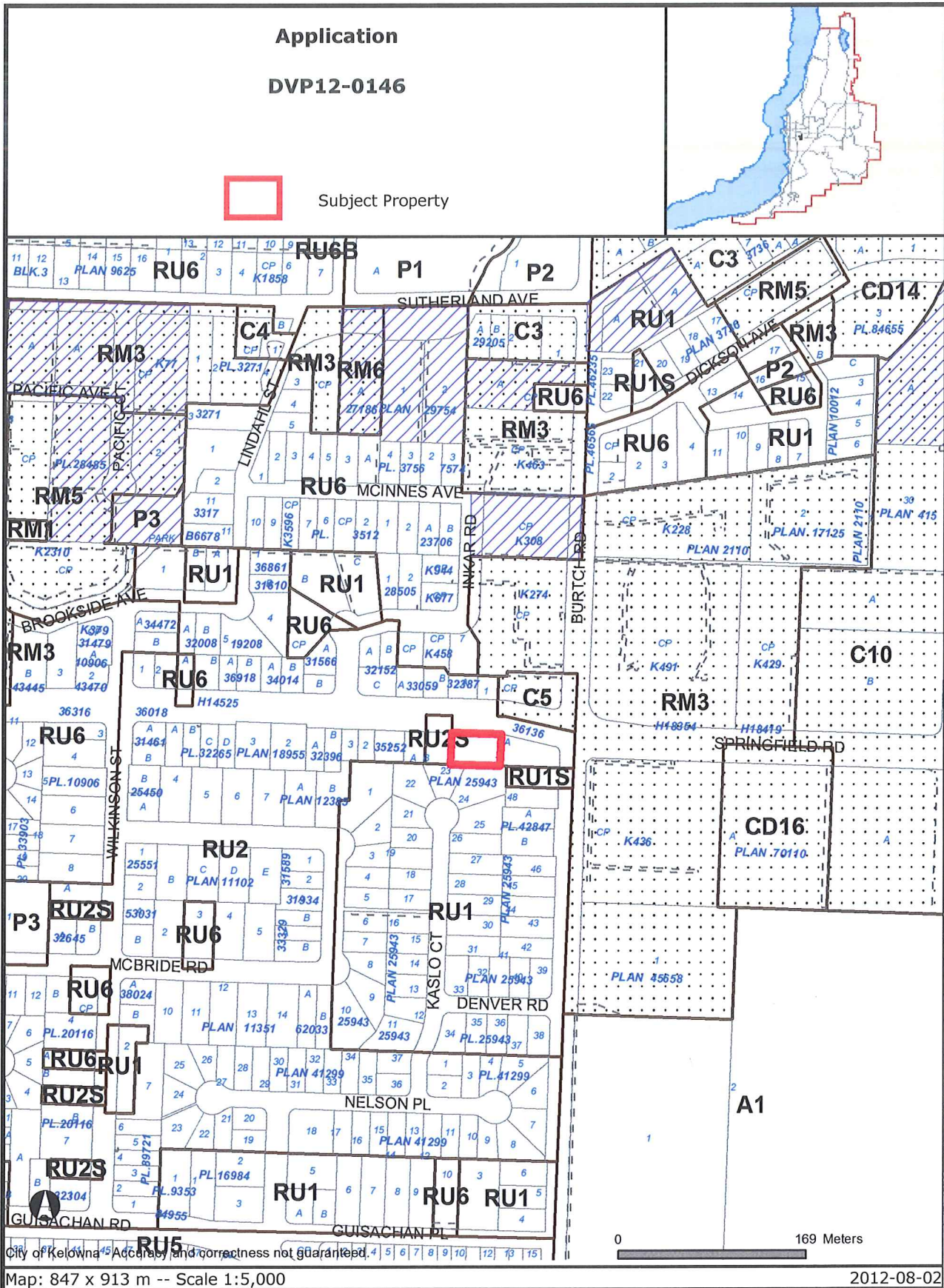
Attachment:

Subject Property Map

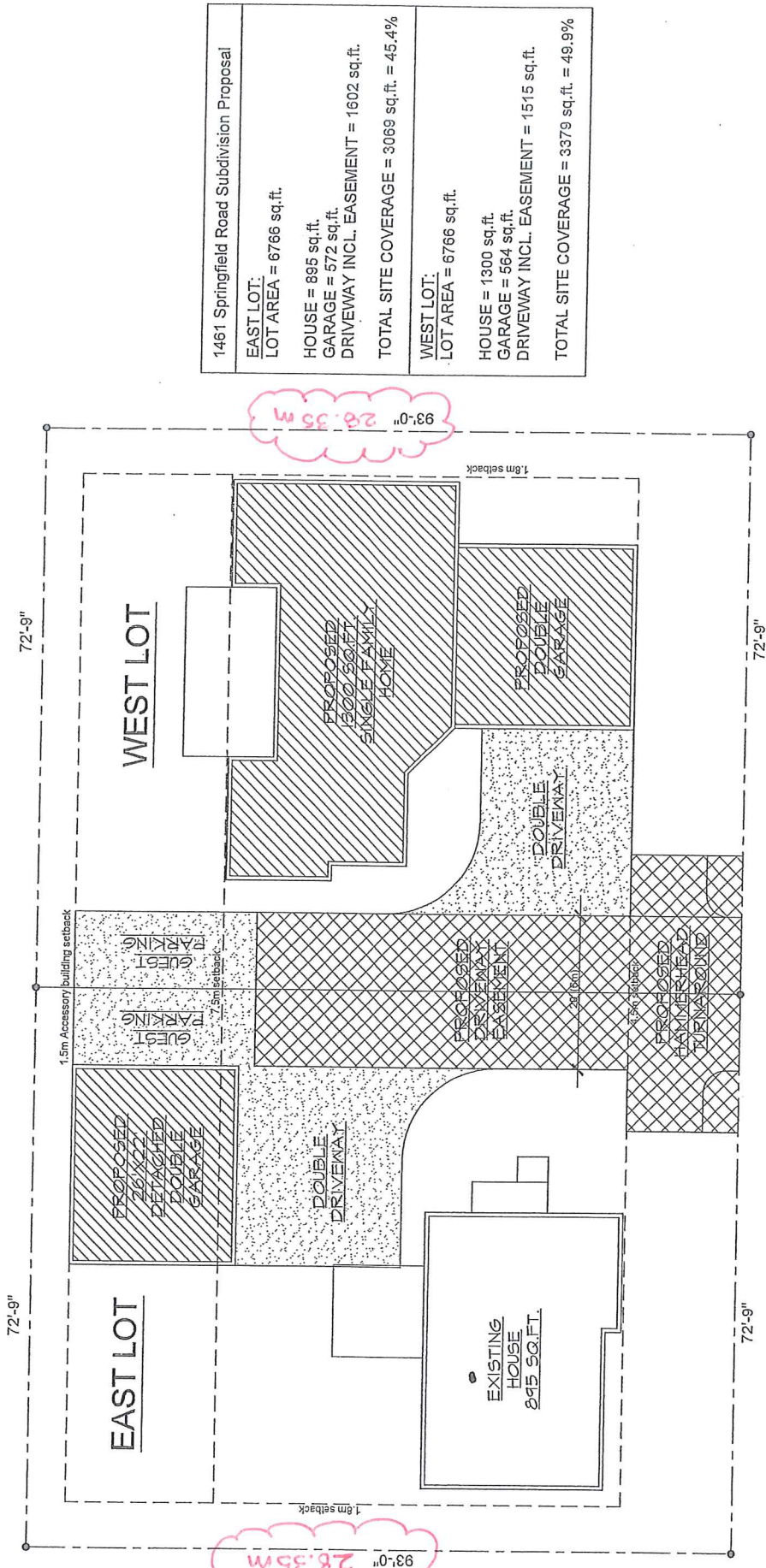
Site Plan

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.



1461 Springfield Road Subdivision Proposal	
EAST LOT:	
LOT AREA = 6766 sq.ft.	
HOUSE = 885 sq.ft.	
GARAGE = 572 sq.ft.	
DRIVEWAY INCL. EASEMENT = 1602 sq.ft.	
TOTAL SITE COVERAGE = 3069 sq.ft. = 45.4%	
WEST LOT:	
LOT AREA = 6766 sq.ft.	
HOUSE = 1300 sq.ft.	
GARAGE = 564 sq.ft.	
DRIVEWAY INCL. EASEMENT = 1515 sq.ft.	
TOTAL SITE COVERAGE = 3379 sq.ft. = 49.9%	

1461 SPRINGFIELD ROAD

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No .: DVP12-0146

EXISTING ZONING DESIGNATION:	RU2 - Medium Lot Housing
WITHIN DEVELOPMENT PERMIT AREA:	N/A

ISSUED TO: Mitchell Stromquist (Applicant: Greg Stromquist)
LOCATION OF SUBJECT SITE: 1461 Springfield Road

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	3		17176m except plans H14525 and 36136	19	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 13.2.5(b) Development Regulations:

Minimum Lot Depth - To vary the minimum required lot depth from 30.00 m required to 28.35 m 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

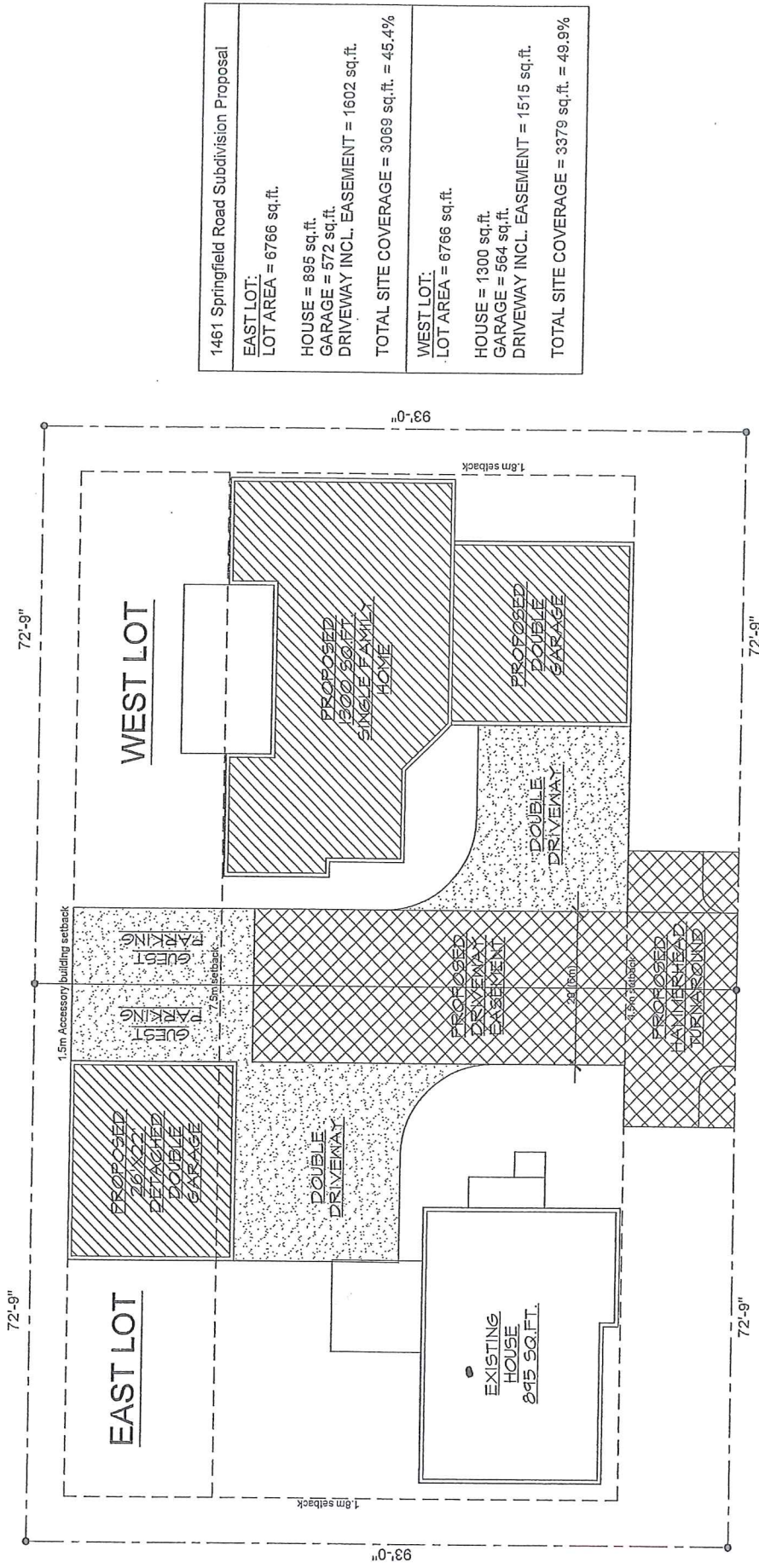
Print Name in Bold Letters

Telephone No.

6. APPROVALS:

DEVELOPMENT VARIANCE PERMIT AUTHORIZED BY COUNCIL ON THE ____th of October, 2012.
ISSUED BY THE LAND USE MANAGEMENT DEPT. OF THE CITY OF KELOWNA THE ____TH DAY OF OCTOBER 2012.

Shelley Gambacort
Director of Land Use Management



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SCHEDULE A

This forms part of development

Permit # DVP12-0146