

# REPORT TO COUNCIL



**Date:** September 20, 2012  
**To:** City Manager  
**From:** Land Use Management, Community Sustainability (AR)  
**Application:** DVP12-0166      **Owner:** Palin Developments Ltd. Inc.  
No. BC0752931  
**Address:** 681 Burne Avenue      **Applicant:** Gary Lupul  
**Subject:** Development Variance Permit  
**Existing OCP Designation:** Multiple Unit Residential (Low Density)  
**Existing Zone:** RU6 -Two Dwelling Housing

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP12-0166 for Lot 8, District Lot 14, ODYD, Plan 635, located at 681 Burne Avenue, Kelowna, BC;

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

### Section 6.4.1: Projections into Yards

To vary the maximum permitted projection into a required yard from 0.6 m permitted to 1.52 m proposed. (See Schedule A).

### Section 8.1.11(a): Off-Street Vehicle Parking - Parking Space Size

To vary the number of required parking spaces that may be of a shorter length from 40% permitted to 50% proposed. (See Schedule A).

## 2.0 Purpose

The applicant is seeking a Development Variance Permit to vary the maximum permitted projection into a required yard and the number of required parking spaces that may be of a shorter length than otherwise required, to accommodate the development of a second single family dwelling at the rear of the subject site.

## 3.0 Land Use Management

Land Use Management staff is supportive of the two proposed variances applied for in the subject Development Variance Permit application. The variance to the maximum projection dimension of 0.6 m permitted to 1.5 m proposed enables a building design for the proposed single family dwelling that complements the existing character home on site, with no appreciable impact on neighbouring properties or the public realm. The variance to increase the number of permitted shorter length parking spaces from 40% permitted (1 space) to 50% proposed (2 spaces) facilitates

a site layout that optimizes on-site private open space and landscaped area, and thereby contributes to improved neighbourliness with adjacent properties.

While signatures of support from immediate neighbours have not been received prior to completion of this report, it is staff's opinion that the proposed variances improve overall site design and adjacencies, noting that both the west and south adjacent sites have redeveloped with a second single family dwelling and with four-plex housing, respectively. Further, the proposal complies with all RU6 zoning development regulations.

## 4.0 Proposal

### 4.1 Project Description

The existing single family dwelling, built in 1945 and fronting onto Burne Avenue, is proposed to be retained, and a second, smaller single family dwelling is proposed at the rear of the site, fronting onto Richter Street. The new dwelling is designed to complement the existing, mid-century house, with similar roof pitch, patterning, and finishing materials. To this end, the applicant is seeking to vary the maximum permitted projection of 0.6 m into the required east side yard on Richter Street to 1.5 m, to facilitate a modest, gabled cover over the front entrance landing of the new dwelling, consistent in depth and proportion to that of the existing dwelling fronting Burne Avenue.

A total of four required parking spaces to serve both dwellings will be provided on site and accessed directly from the rear lane. The applicant has applied to vary the number of permitted shorter length parking spaces from 40% permitted to 50% proposed, to enable two of the four required spaces to be provided at the shorter length. The proposed variance would thereby accommodate two spaces for the existing dwelling at the full 6 m length, and a further two spaces for the new dwelling at the reduced 5 m length.

### 4.2 Site Context

The subject site is located at the southwest corner of Burne Avenue and Richter Street, and contains an existing single family dwelling that fronts onto Burne Avenue.

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

Orientation	Zoning	Land Use
North	RU6 -Two Dwelling Housing	Single detached house
East	RU6 -Two Dwelling Housing	Single detached houses
South	RM1 - Four Dwelling Housing	Four-plex housing
West	RU6 -Two Dwelling Housing	Two single detached houses



Subject Property Map: 681 Burne Avenue



4.3 Zoning Analysis Table

The following is the zoning analysis for the new single detached dwelling proposed to be constructed at the rear of the existing property, based on the RU6 zone requirements.

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	800 m <sup>2</sup>	803.25 m <sup>2</sup>
Lot Width	20 m (corner lot)	20.11 m
Lot Depth	30 m	39.94 m
Development Regulations		
Site Coverage (buildings)	40%	21%
Site Coverage (buildings, driveways & parking)	50%	33.4%
Height	9.5 m	6.72 m
Side Yard (west)	2.0 m	6.63 m
Side Yard (east)	4.5 m	4.50 m
Rear Yard	6.0 m	6.50 m
Separation from existing house	4.5 m	4.65 m
Private Open Space	30 m <sup>2</sup> and min. dimension of 4.5 m	40.90 m <sup>2</sup> and 5.43 m
Other Regulations		
Min. Parking Requirements	4 spaces (for 2 single detached houses)	4 spaces

**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 Development Permit application. Please refer to the Mill Creek Flood Plain Bylaw requirements.

**5.2 Development Engineering Department**

The development variance permit application to vary the small car stall requirement from 40% to 50% and to vary the side yard setback does not compromise any municipal services.

**6.0 Application Chronology**

Date of Application Received: September 17, 2012

**Report prepared by:**

\_\_\_\_\_  
Abigail Riley, Land Use Planner

**Reviewed by:**



Danielle Noble Manager, Manager, Urban Land Use

**Approved for Inclusion:**



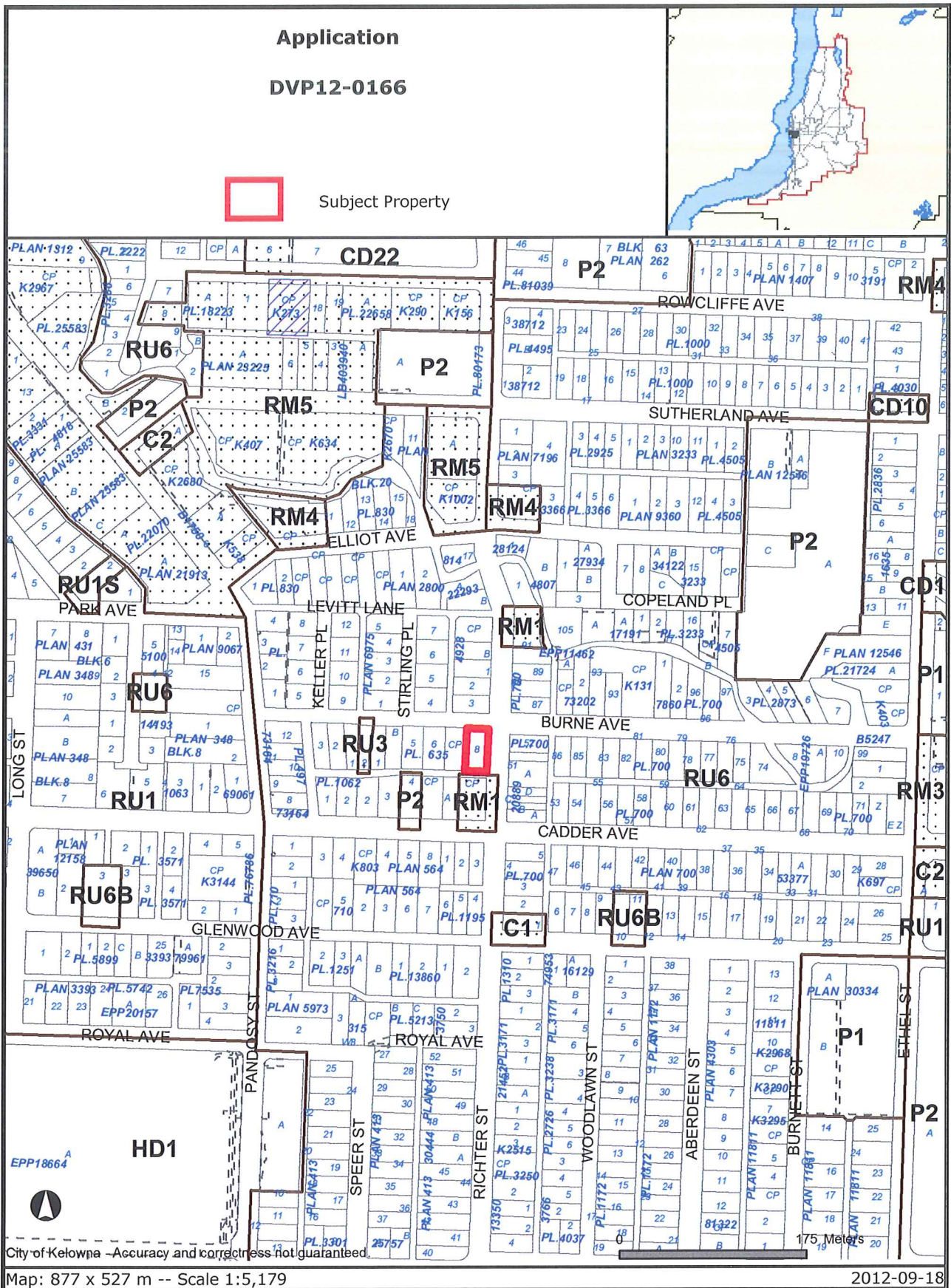
Shelley Gambacort, Director, Land Use Management

**Attachment:**

Subject Property Map  
Site Plan  
Building Elevations







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.





**Pillow CADD SERVICES**  
 1371 CRENSHAW DRIVE  
 KENOSHA, WI 53140-2001  
 TEL: 920.393.0000

NO.	REVISIONS	DATE
1	SEE SCHEDULE A 9/12	
2	SEE SCHEDULE A 9/12	
3	SEE SCHEDULE A 9/12	
4	SEE SCHEDULE A 9/12	
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8	SEE SCHEDULE A 9/12	
9	SEE SCHEDULE A 9/12	
10	SEE SCHEDULE A 9/12	

**JOB TITLE**  
 DEVELOPMENT PERMIT G81  
 BURNE AVE.  
 KELOWNA

**DRAWING TITLE**  
 SITE PLAN AND  
 SITE COVERAGE

**DATE**  
 MAY 15/2012

**DRAWN BY**  
 D.P.

**JOB No.**  
 WCS 02-12

**SCALE**  
 1:100

**DRAWING No.**  
 A1

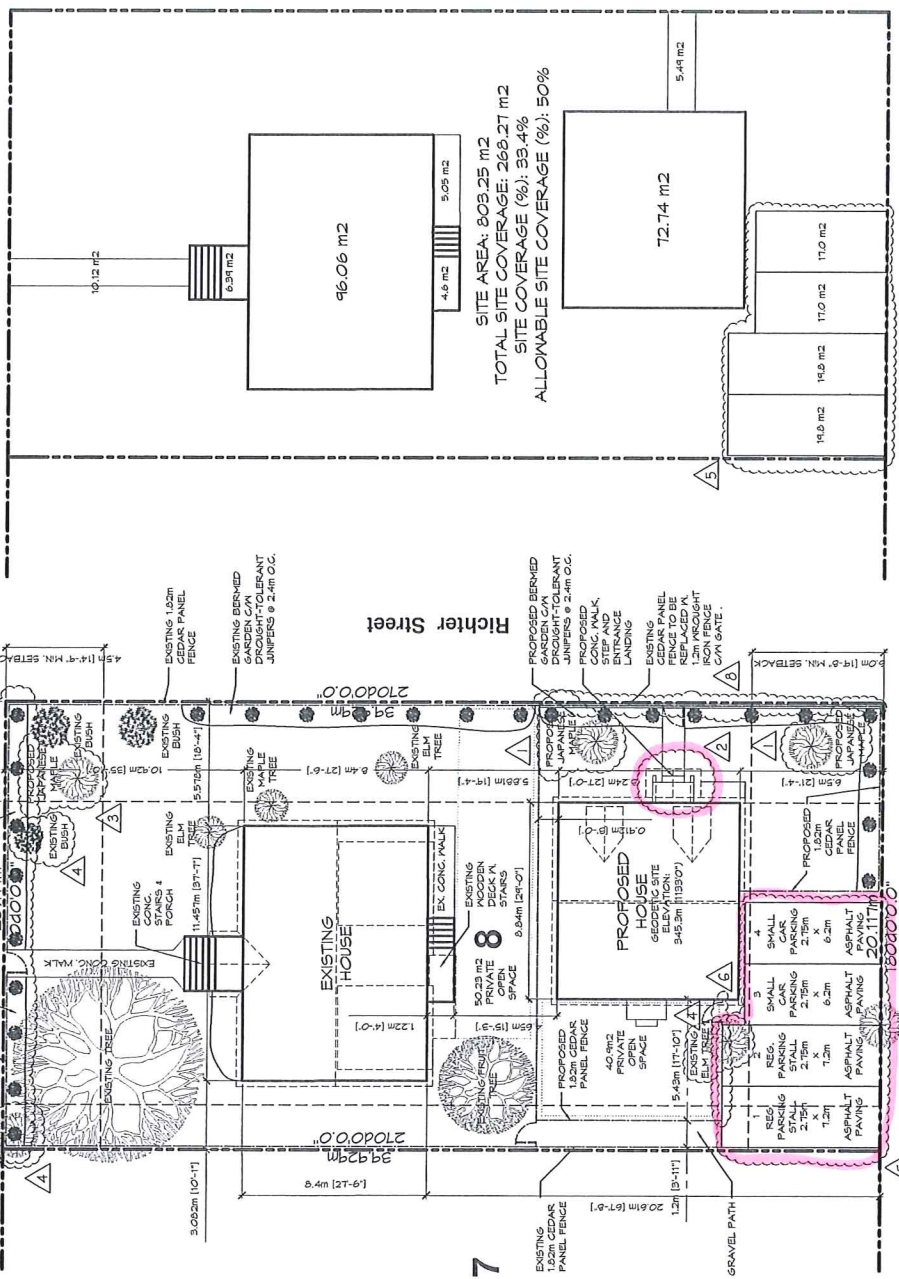
**GENERAL NOTES**  
 1. THE PERMITS ARE FOR CONSTRUCTION AND NOT FOR OCCUPANCY. THE PERMITS DO NOT COVER THE COST OF THE PERMITS.  
 2. THE RESPONSIBILITY OF THE BUILDING DESIGNER AND/OR BUILDER IS TO OBTAIN ALL NECESSARY PERMITS FROM THE LOCAL, STATE AND FEDERAL AGENCIES.  
 3. THE PERMITS ARE SUBJECT TO THE CHANGES AND CONDITIONS OF THE PERMITS.  
 4. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS FROM THE LOCAL, STATE AND FEDERAL AGENCIES.  
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 7. ALL UTILITIES SHALL BE PROTECTED AND NOTED ON THE PLAN.  
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 19. ALL UTILITIES SHALL BE PROTECTED AND NOTED ON THE PLAN.  
 20. ALL UTILITIES SHALL BE PROTECTED AND NOTED ON THE PLAN.

**LEGAL DESCRIPTION**  
 681 BURNE AVENUE  
 LOT 8, DL14, OBDYD,  
 PLAN 635.

**DRAWINGS FOR PERMIT ONLY - NOT FOR CONSTRUCTION**  
**SCHEDULE A 1 of 2**  
**Permit # DP12-0166**  
 This forms part of development

Burne Avenue

Richter Street



Burne Avenue

Richter Street

Lane

**SITE COVERAGE**  
 SCALE: 1:100



Burne Avenue

Richter Street

Lane

**SITE PLAN**  
 SCALE: 1:100

- SCHEDULE A REVISIONS**
- CHANGES TO LANEWAY MARKING AS PER SITE REQUIREMENTS
  - ADDED PROPOSED ASPHALT DRIVE TO EXISTING RING DRIVE SETBACK
  - EXISTING TREES TO BE REMOVED. ALL EXISTING TREES/SHRUBS TO BE LEFT INTACT UNLESS OTHERWISE NOTED
  - EXTENDED LENGTH OF PARKING STALLS 1.2 TO MEET REGULATION SIZE OF 12M X 4 EXTENDED LENGTH OF PARKING STALLS 9.14 TO SMALL CAR LENGTH OF 6.2M. CHANGED PARKING STALL MARKING TO BE 1.2M X 6.2M
  - MOVED FENCE AND GATE TO ACCOMMODATE EXTENDED LENGTH OF PARKING STALLS 1.2 X 6.2M
  - NOTED PROPOSED BERMED GARDEN CAN BE CHANGED TO EXISTING CEDAR FENCE TO ACCOMMODATE TO EXISTING FENCE LINE SEPARATING FRONT AND REAR BUILDINGS SOUTH TO SOUTH-EAST CORNER. THIS SECTION OF FENCE IS CONTAINED BY A HATCH PATTERN





# CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No. : DVP12-0166

EXISTING ZONING DESIGNATION:	RU6 - Two Dwelling Housing
WITHIN DEVELOPMENT PERMIT AREA:	N/A

ISSUED TO: Gary Lupul
LOCATION OF SUBJECT SITE: 681 Burne Avenue

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	8	14	635			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 6.4.1: Projections into Yards

To vary the maximum permitted projection into a required yard from 0.6 m permitted to 1.52 m proposed.

Section 8.1.11(a): Off-Street Vehicle Parking - Parking Space Size

To vary the number of required parking spaces that may be of a shorter length from 40% permitted to 50% proposed.

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 \_\_\_\_<sup>TH</sup> DAY OF OCTOBER 2012.

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Shelley Gambacort  
Director of Land Use Management