

REPORT TO COUNCIL



Date: October 15, 2012
To: City Manager
From: Land Use Management, Community Sustainability (AR)
Application: DVP12-0176 **Owner:** Todd Dewolfe
Address: 801 Saucier Avenue **Applicant:** Chris Vickery
Subject: Development Variance Permit
Existing OCP Designation: Single / Two Unit Residential
Existing Zone: RU6 -Two Dwelling Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP12-0176 for Lot 9, Block 2, District Lot 138, ODYD, Plan 7117, located at 801 Saucier Avenue, Kelowna, BC;

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

Section 13.6.6(d): Development Regulations

To vary the minimum required side yard from 3.0 m required to 2.88 m proposed (as per Schedule A).

2.0 Purpose

The applicant is seeking a Development Variance Permit to vary the minimum required side yard of 3.0 m for vehicular access on a site without an abutting lane to 2.88 m, to facilitate the development of a carriage house at the rear of the subject site.

3.0 Land Use Management

Land Use Management staff is supportive of the proposed variance as it is relatively minor in nature – a variance of 0.12 m to the minimum required side yard, from 3.0 m required to 2.88 m proposed, to enable vehicular access for a proposed carriage house in the rear yard area of the subject site on this laneless block – and enables the property owner to retain the attached single carport for the existing dwelling on site. While the existing west side yard on the site exceeds 3.0 m in width, it is preferable to locate vehicular access for the proposed carriage house through the east side yard, sharing the existing driveway entrance at Saucier Avenue.

The neighbouring property owner most affected by the proposed variance at 809 Saucier Avenue has reviewed the application and provided a signature of support.

4.0 Proposal

4.1 Project Description

The applicant proposes to retain the existing single family dwelling, built in 1955 and fronting onto Saucier Avenue, and construct a carriage house at the rear of the subject site. As there is no rear lane abutting the site, the applicant proposes to provide vehicular access for the carriage house from the existing driveway at Saucier Avenue down the east side yard of the existing house. To facilitate the proposal, the applicant is seeking a Development Variance Permit to vary the minimum required side yard for vehicular access on a site without an abutting lane in the RU6 zone from 3.0 m required to 2.88 m proposed, a variance of 0.12 m. Should the requested variance be approved, the applicant will submit a Development Permit application for the proposed carriage house and the functionality of the site plan and vehicle access will be further evaluated.

4.2 Site Context

The subject site is located mid-block along the south side of Saucier Avenue between Richter Street and Ethel Street, and contains an existing single family dwelling with an attached single carport on the east side of the house.

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

Orientation	Zoning	Land Use
North	RU6 -Two Dwelling Housing	Single detached houses
East	RU6 -Two Dwelling Housing	Single detached houses
South	RU6 -Two Dwelling Housing	Single detached houses
West	RU6 -Two Dwelling Housing	Single detached houses

Subject Property Map: 801 Saucier Avenue



4.3 Zoning Analysis Table

The following is the zoning analysis for the new carriage house 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	400 m ²	830.25 m ²
Lot Width	13 m	21.78 m
Lot Depth	30 m	38.12 m
Development Regulations		
Site Coverage (all buildings)	40%	Approx. 28%
Height (carriage house)	The lesser of 4.5 m or height of existing house	Approx. 4.34 m
Side Yard (west)	2.0 m (existing house) 2.0 m (carriage house)	3.05 m (existing house) Approx. 10.05 m (carriage house)
Side Yard (east)	3.0 m (existing house) 2.0 m (carriage house)	2.88 m (existing house)❶ Approx. 2.0 m (carriage house)
Rear Yard (carriage house)	1.5 m	Approx. 1.62 m
Separation from existing house	4.5 m	4.5 m
Other Regulations		
Min. Parking Requirements (carriage house)	1 space	1 space in carriage house garage
❶ To vary the minimum required side yard for vehicular access on sites without an abutting lane from 3.0 m required to 2.88 m proposed.		

5.0 Technical Comments

5.1 Building & Permitting Department

1. Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
2. Operable bedroom windows required as per the 2006 edition of the British Columbia Building Code (BCBC 06).
3. At time of Building Permit application the venting for the roof/deck area is to be detailed to meet the requirement of the British Columbia Building Code.
4. 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 the release of the Development Permit.
5. Full Plan check for Building Code related issues will be done at time of Building Permit applications.

5.2 Development Engineering Department

This development variance permit application to vary the side yard setback from 3.0 m to 2.88 m to facilitate the construction of a carriage house does not compromise any municipal services.

5.3 Fire Department

1. An unobstructed and easily distinguishable firefighter access path, of 1100 mm, from the street to the back of the property line as well to the secondary detached suite main entrance is required.
2. If a fence is ever constructed between the dwellings an 1100 mm, clear width, gate is required. Any gate is to open without special knowledge. The addresses for both residences are to be visible from Saucier Ave.

6.0 Application Chronology

Date of Application Received: September 26, 2012

Report prepared by:

Abigail Riley, Land Use Planner

Reviewed by:



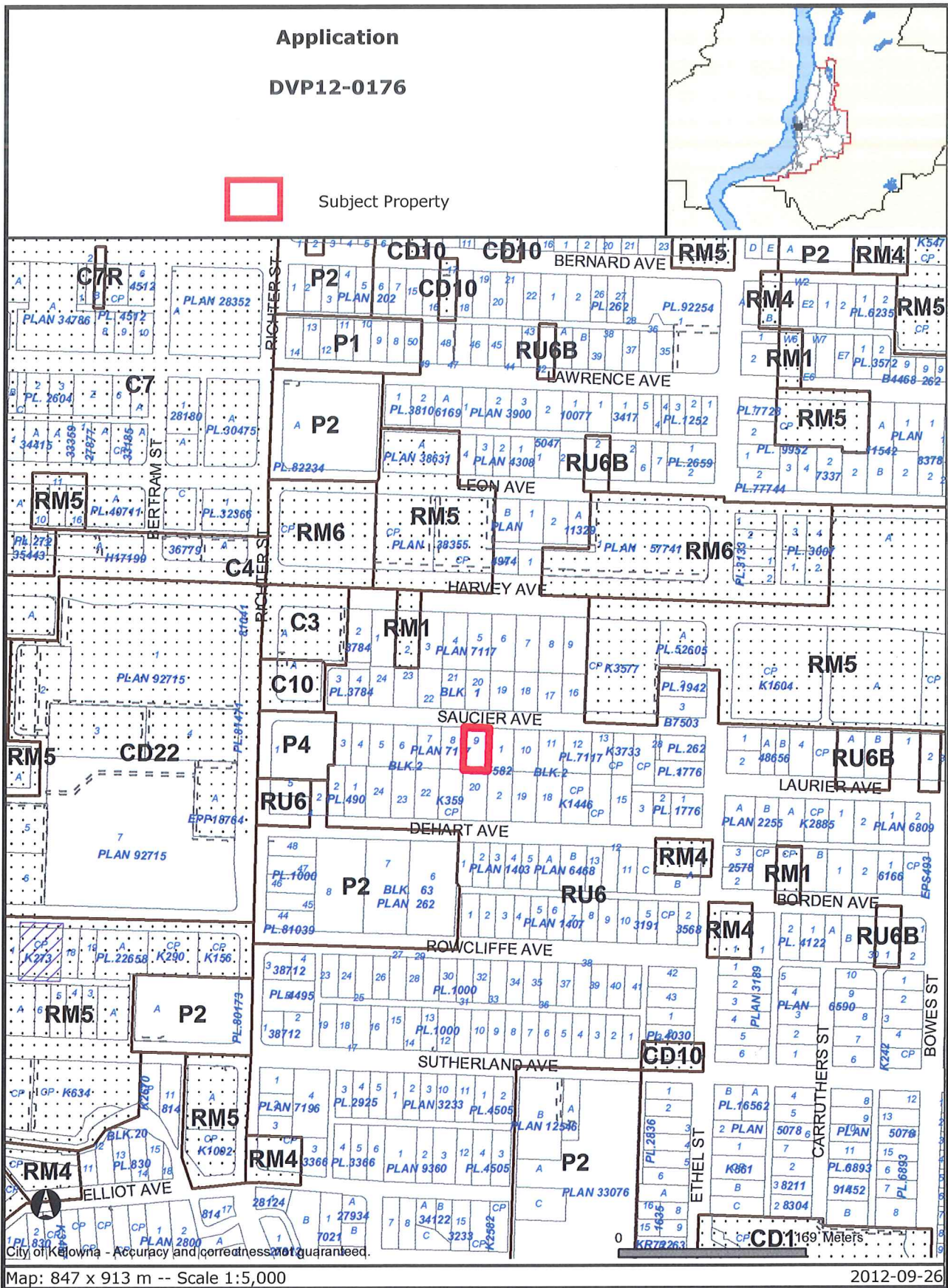
Danielle Noble Manager, Manager, Urban Land Use

Approved for Inclusion:

Shelley Gambacort, Director, Land Use Management

Attachments:

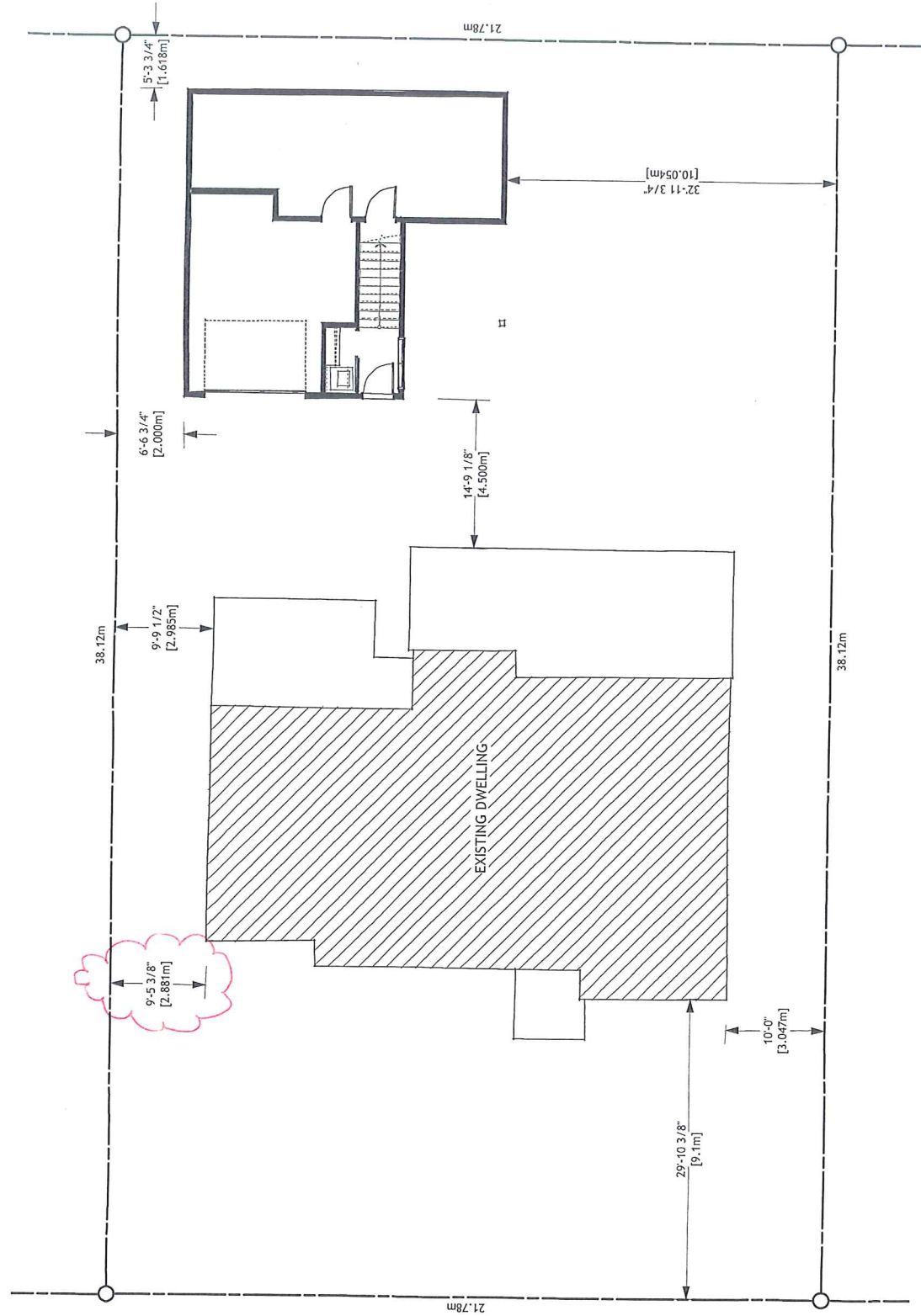
- Subject Property Map
- Site Plan
- Building Elevations
- Site Photos



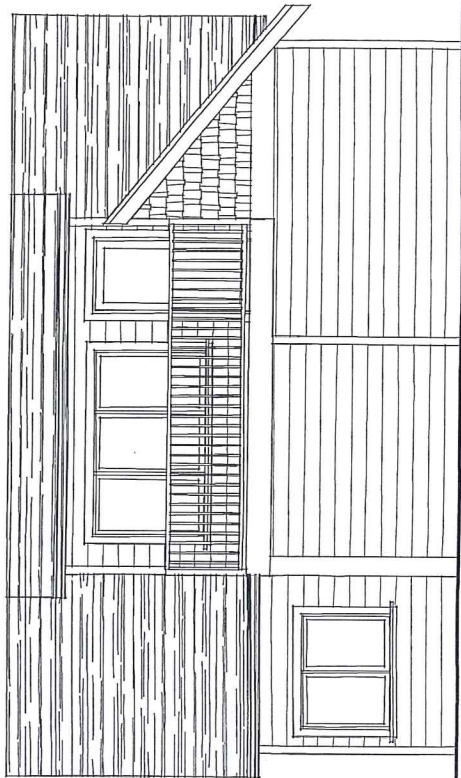
Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.



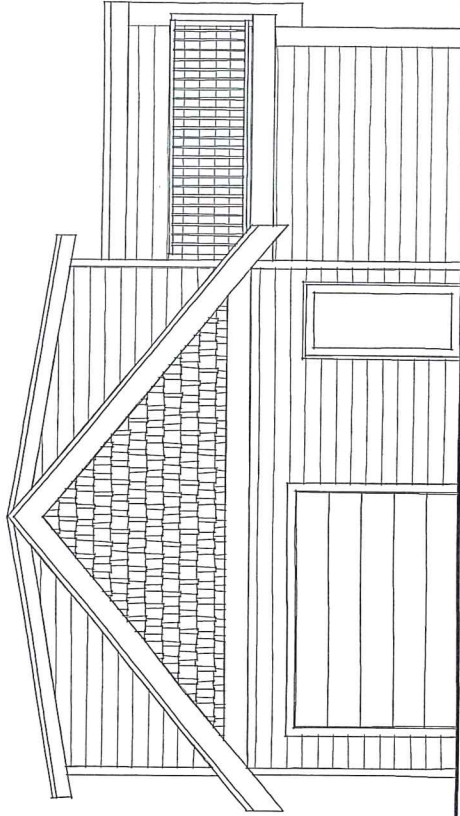
SAUCIER AVENUE



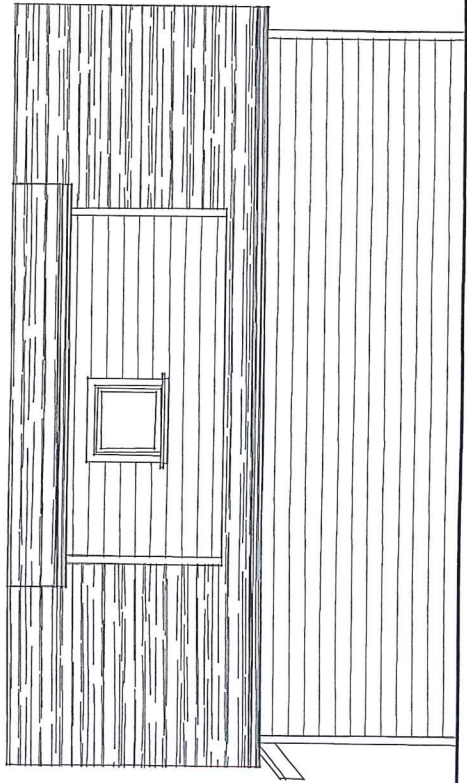
SCHEDULE A1 OF 1
 This forms part of development
 Permit # **D/P 12-0176**



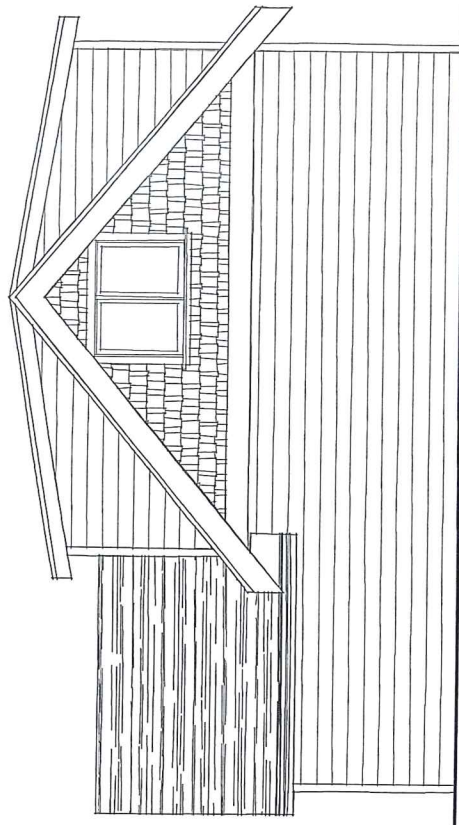
1 WEST ELEVATION
Scale: 3/16" = 1'-0"



2 NORTH ELEVATION
Scale: 3/16" = 1'-0"



1 EAST ELEVATION
Scale: 3/16" = 1'-0"



2 SOUTH ELEVATION
Scale: 3/16" = 1'-0"



Address 801 Saucier Ave
Kelowna, BC V1Y 2Y9



EAST SIDE YARD
PROPOSED TO BE
VARIED.

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No .: DVP12-0176

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

ISSUED TO: Todd Dewolfe (Applicant: Chris Vickery)
LOCATION OF SUBJECT SITE: 801 Saucier Avenue

	LOT	BLOCK	D.L.	PLAN	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	9	2	138	7117		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:

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

Section 13.6.6(d): Development Regulations

To vary the minimum required side yard from 3.0 m required to 2.88 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 November, 2012.
ISSUED BY THE LAND USE MANAGEMENT DEPT. OF THE CITY OF KELOWNA THE ____TH DAY OF NOVEMBER 2012.

Shelley Gambacort
Director of Land Use Management