

# REPORT TO COUNCIL



**Date:** November 2, 2012

**To:** City Manager

**From:** Land Use Management, Community Sustainability (AR)

**Application:** DVP12-0184      **Owner:** AJ Wiens Development Group Ltd., Inc. No. BC0798391

**Address:** 2160 Burnett Street      **Applicant:** Alf Wiens

**Subject:** Development Variance Permit

**Existing OCP Designation:** Single / Two Unit Residential

**Existing Zone:** RU6 -Two Dwelling Housing

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP12-0184 for Lot 12, Section 19, Township 26, ODYD, Plan 11811, located at 2160 Burnett Street, Kelowna, BC;

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

### Section 13.6.6(a): Development Regulations

To vary the maximum building site coverage from 40% permitted to 44% proposed, and the maximum building site coverage including driveways and parking areas from 50% permitted to 54% proposed (as per Schedule A).

## 2.0 Purpose

The applicant is seeking a Development Variance Permit to vary maximum building site coverage from 40% permitted to 44% proposed, and the maximum building site coverage including driveways and parking areas from 50% permitted to 54% proposed, to facilitate the development of a four-car garage at the rear of the subject site for a duplex development.

## 3.0 Land Use Management

Land Use Management staff is supportive of the proposed variance as it is relatively modest in nature – a variance of 4% or approximately 29.9 m<sup>2</sup>. The proposed four-car garage can be accommodated on a similar footprint than the previously proposed double garage and two surface parking spaces approved under Development Permit DP12-0130. As such, the landscaping on site approved under DP12-0130 will remain unchanged.

All surrounding adjacent property owners have reviewed the subject application for 2160 Burnett Street and have provided signatures of support.

**Proposal**

**3.1 Project Description**

The applicant proposes to construct a new four-car garage at the rear of the subject site with direct access from the rear lane for a duplex development. The garage contains an interior wall separation at its centre point, thereby creating a separate double garage for each duplex unit. Each half of the garage would have its own overhead garage door and man door.

On August 24, 2012, Development Permit DP12-0130 was issued for a new duplex development on this site, along with a double garage and two surface parking spaces (one on each side of the proposed double garage), for a total of four on-site required parking spaces. The applicant would like to develop the proposed four-car garage instead of the double garage and surface parking spaces to provide the convenience of secured parking for the duplex units.

**3.2 Site Context**

The subject site is located on the west side of Burnett Street close to Glenwood Avenue. Development Permit DP12-0130 was issued on August 24, 2012, approving a duplex development with a double car garage and two surface parking spaces on this site.

The surrounding area is generally characterized by single detached residential development with some carriage house development. Specifically, the adjacent zoning and land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 -Two Dwelling Housing	Single detached houses
East	P1 - Major Institutional	Single detached house and institutional buildings
South	RU6 -Two Dwelling Housing	Single detached houses
West	RU6 -Two Dwelling Housing	Single detached houses with carriage houses

**Subject Property Map: 2160 Burnett Street**



### 3.3 Zoning Analysis Table

The following is the zoning analysis for the new four-car garage 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 <sup>2</sup>	746 m <sup>2</sup>
Lot Width	13 m	20.42 m
Lot Depth	30 m	36.57 m
Development Regulations		
Site Coverage (all buildings)	40%	44% <sup>①</sup>
Site Coverage (buildings/parking)	50%	54% <sup>①</sup>
Height (accessory building)	4.5 m	3.8 m
Rear Yard (accessory building)	1.5 m	1.52 m
Other Regulations		
Building Separation	1.0 m	6.63 m
Lot Coverage (accessory building)	Lesser of 14% or 90 m <sup>2</sup>	12% or 89.7 m <sup>2</sup>
Side Yard (accessory building)	1.0 m (each yard)	3.66 m (each yard)
Parking Requirements	4 space	4 spaces in garage
<sup>①</sup> To vary maximum building site coverage from 40% permitted to 44% proposed, and the maximum building site coverage including driveways and parking areas from 50% permitted to 54% proposed		

#### 4.0 Technical Comments

##### 4.1 Building & Permitting Department

No comment

##### 4.2 Development Engineering Department

This development variance permit application to vary the lot coverage does not compromise any municipal services.

##### 4.3 Fire Department

No concerns

#### 5.0 Application Chronology

Date of Application Received: October 2, 2012

Report prepared by:

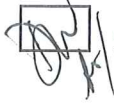
Abigail Riley, Land Use Planner

Reviewed by:



Danielle Noble Manager, Manager, Urban Land Use

Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

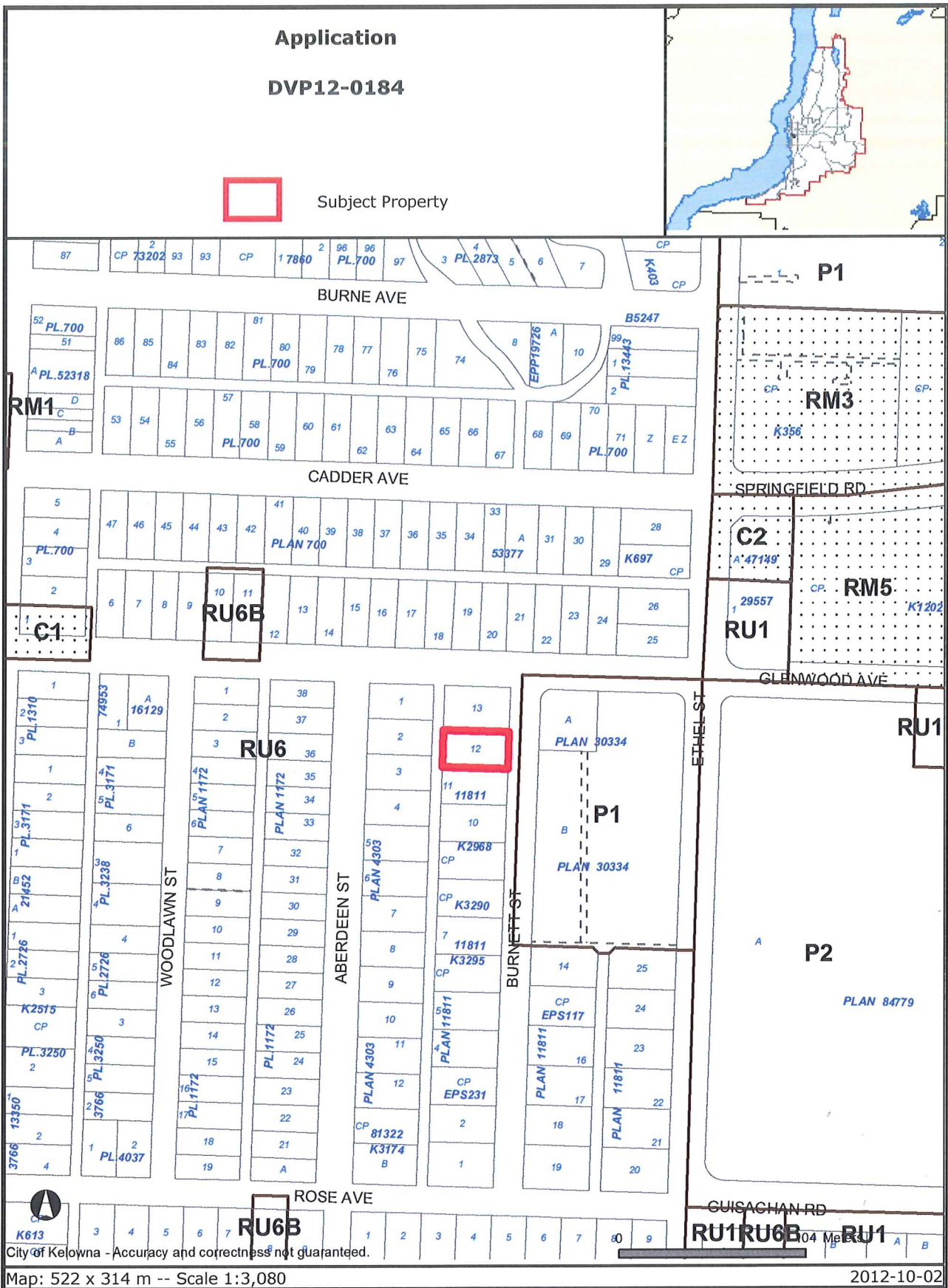
**Attachments:**

Subject Property Map

Site Plan

Building Elevations & Floor Plan

*[Faint handwritten notes and signatures in the bottom right corner, including the word "submitted" and a date "2/1/12".]*

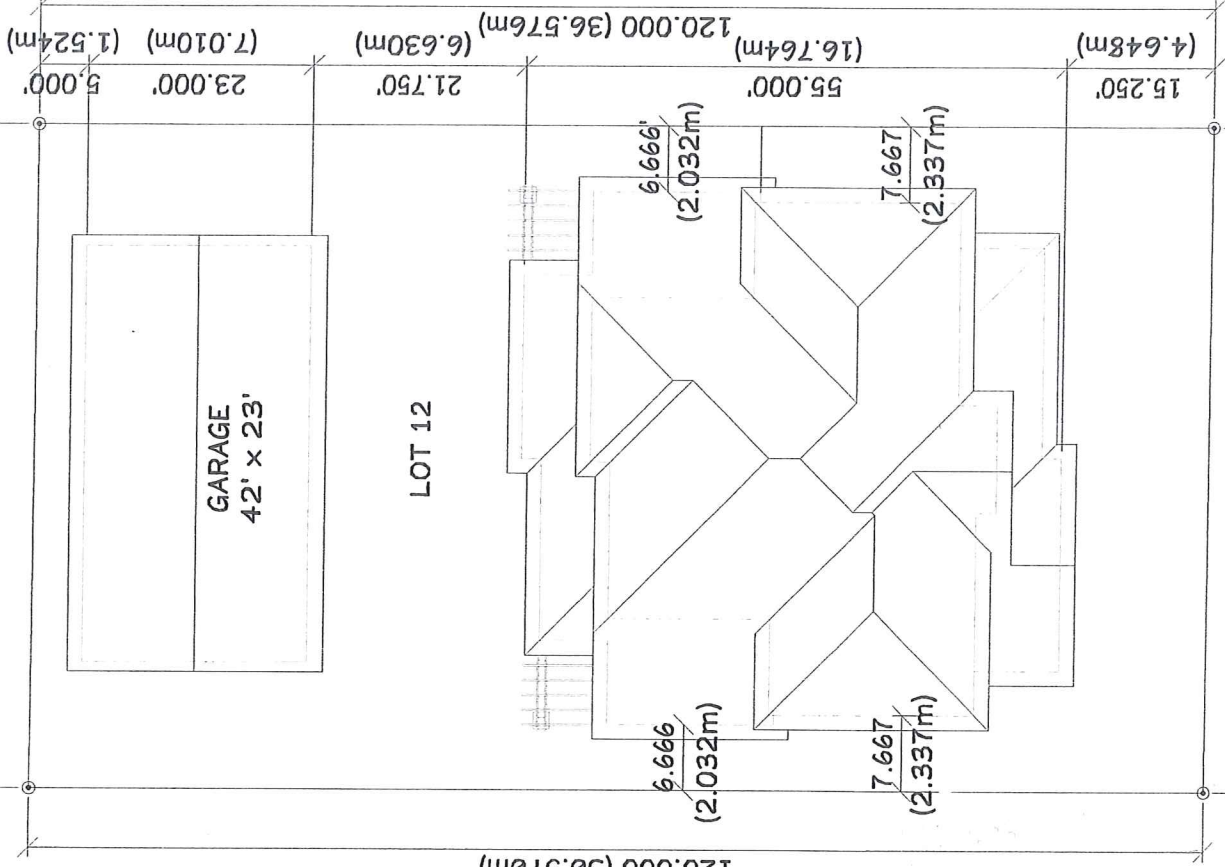


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
The City of Kelowna does not guarantee its accuracy. All information should be verified.



67.000' (20.422m)

LANEWAY



67.000' (20.422m)

STREET

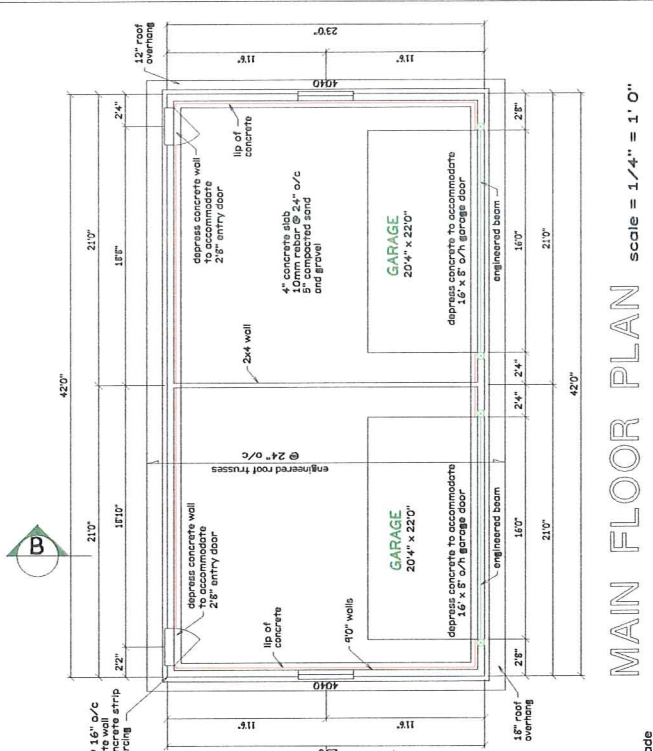
8040 Sq. Ft. Lot  
 40% = 3216 Sq. Ft.  
 50% = 4020 Sq. Ft.  
 House = 2591 Sq. Ft.  
 Garage = 966 Sq. Ft.  
 Total = 3557 Sq. Ft.

Accessory Building  
 maximum 14% (1125 Sq. Ft.)

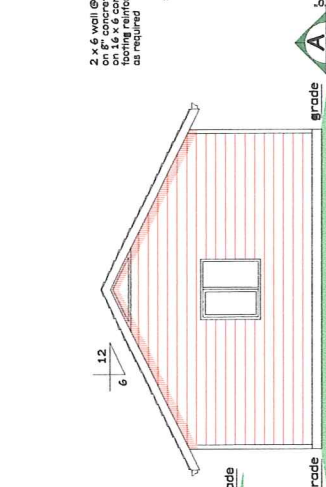
120.000 (36.576m)

**SCHEDULE A**  
 This forms part of development  
 Permit # D12-0184

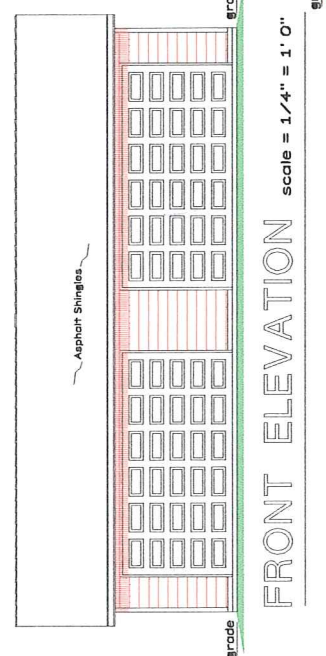
**Proposed Variance:**  
 Site Coverage (all buildings): 44% (328.65 m<sup>2</sup>)  
 Site Coverage (buildings & driveways): 54% (403.35 m<sup>2</sup>)



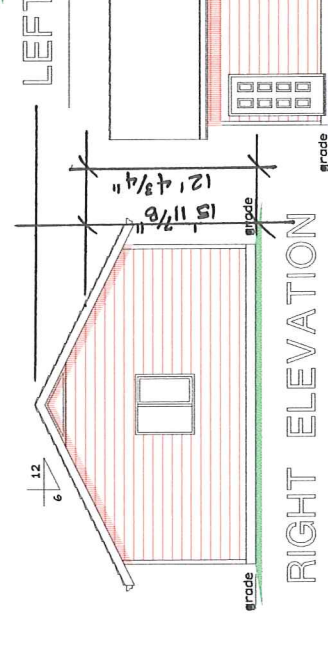
MAIN FLOOR PLAN scale = 1/4" = 1' 0"



FRONT ELEVATION scale = 1/4" = 1' 0"



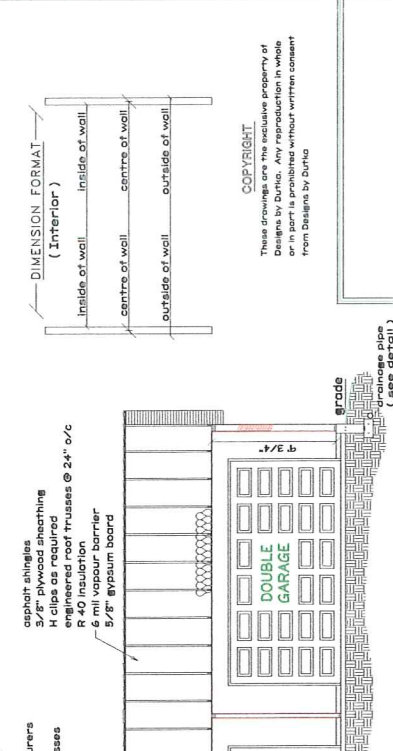
LEFT ELEVATION scale = 1/4" = 1' 0"



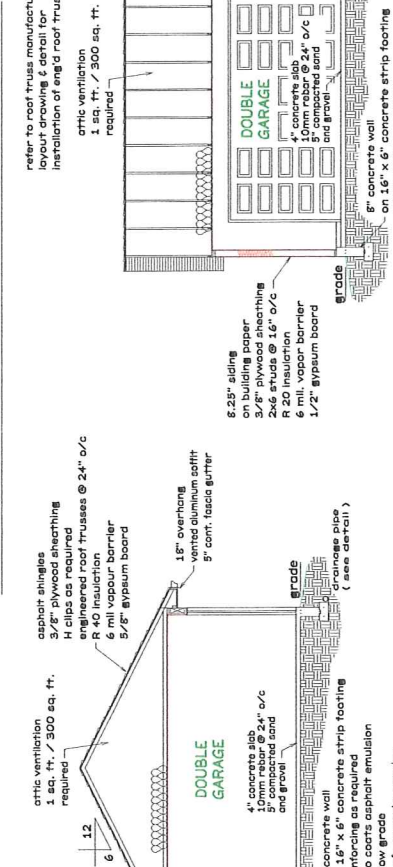
RIGHT ELEVATION scale = 1/4" = 1' 0"



REAR ELEVATION scale = 1/4" = 1' 0"



CROSS SECTION A scale = 1/4" = 1' 0"



CROSS SECTION B scale = 1/4" = 1' 0"

DRAWING: AS SHOWN	ADDRESS:	1 of 1
DATE: 11/13/13	DRAWN BY: WES DUTKA	CONSULTANTS:
JOB NO.: 3205	SCALE: AS NOTED	REVISIONS:

These drawings are the exclusive property of Design by Durko. Any reproduction in whole or in part is prohibited without written consent from Design by Durko.

# CITY OF KELOWNA

APPROVED ISSUANCE OF A:

Development Variance Permit No .: DVP12-0184

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

ISSUED TO: AJ Wiens Development Group Ltd., Inc. No. BC0798391 (Applicant: Alf Wiens)
LOCATION OF SUBJECT SITE: 1260 Burnett Street

	LOT	SECTION	D.L.	PLAN	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	12	19		11811	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 13.6.6(A): Development Regulations**

To vary the maximum building site coverage from 40% permitted to 44% proposed, and the maximum building site coverage including driveways and parking areas from 50% permitted to 54% 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 \_\_\_\_<sup>TH</sup> DAY OF NOVEMBER 2012.

\_\_\_\_\_  
Shelley Gambacort  
Director of Land Use Management