

# REPORT TO COUNCIL



**Date:** May 15, 2018

**RIM No.** 0940-00

**To:** City Manager

**From:** Community Planning Department (KB)

**Application:** DVP18-0027

**Owner:** Oliver Bailey Balske  
Anne Christine Balske

**Address:** 1320 Flemish Street

**Applicant:** Oliver Balske

**Subject:** Development Variance Permit

Existing OCP Designation: S2RES – 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. DVP18-0027 for Lot 20 District Lot 137 Osoyoos Division Yale District Plan 15035, located at 1320 Flemish Street, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted in accordance with Attachment A:

**Section 13.6.6(g)(i.): RU6 – Two Dwelling Housing Development Regulations**

To vary the required minimum side yard for a garage accessed from a flanking street from 6.0 m permitted to 4.8 m proposed.

**Section 13.6.6(h): RU6 – Two Dwelling Housing Development Regulations**

To vary the required minimum rear yard from 7.5 m permitted to 3.5 m proposed.

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

## 2.0 Purpose

To vary the required minimum side yard for a garage accessed from a flanking street and the required minimum rear yard on the subject property.

## 3.0 Community Planning

The first requested variance is for a reduction to the minimum side yard for the proposed garage accessed from a flanking street (Wilson Avenue). The proposed 4.8 metre length is the minimum length of a medium sized parking stall, as defined in the City of Kelowna Zoning Bylaw. In consideration to the neighbourhood

context, the proposed siting is generally consistent with neighbouring buildings along Wilson Avenue maintaining a degree of continuity along the streetscape.

The second variance is for the minimum required rear yard, from 7.5 metres required, to 3.5 metres proposed. The Zoning Bylaw Development Regulations for RU6 zoned properties requires a minimum distance of 4.5 metres between two single detached housing units. The applicant is proposing to locate the new second dwelling 5.34 metres away from the existing dwelling, which has resulted in a rear yard variance from 7.5 metres (required) to 3.5 metres (proposed).

Staff's preference would be for the applicant to have minimized or eliminated the setback variances through siting the buildings on-site appropriately. However, the variances will likely result in minimal neighbourhood impact and so staff is ultimately supportive of the proposed variances.

The applicant has confirmed the completion of neighbourhood consultation in accordance with Council Policy No. 367.

#### 4.0 Proposal

##### 4.1 Background

An existing single family dwelling is located on the subject property and is proposed to be retained through this development.

##### 4.2 Project Description

The proposal is to construct a second dwelling on the subject property. The applicant is requesting variances to the minimum flanking side yard setback from a garage and the minimum rear yard. The applicant is proposing a setback of 4.8 metres from the property line to the garage, which is accessed from a flanking street (Wilson Avenue), and a rear yard (west) setback of 3.5 metres. Two second storey windows are proposed on the west (rear yard) elevation of the dwelling, as seen in Image 1 below to help maintain privacy between adjacent properties.

**Image 1** – West elevation of the proposed second dwelling



Site Context

The subject property is located at the corner of Flemish Street and Wilson Avenue in the City's Glenmore/Clifton/Dilworth Sector. It is approximately 0.22 acres (890 m<sup>2</sup>) in area and currently has one single detached house. The surrounding area is characterized by single and two dwelling housing.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Residential
East	RU6 – Two Dwelling Housing	Residential
South	RU6 – Two Dwelling Housing	Residential
West	RU6 – Two Dwelling Housing	Residential

Subject Property Map: 1320 Flemish Street



### 4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Front Yard (east)	4.5 m	> 4.5 m
Minimum Flanking Side Yard from a garage (north)	6.0 m	4.8 m <sup>①</sup>
Minimum Side Yard (south)	2.3 m	4.3 m
Minimum Rear Yard (east)	7.5 m	3.5 m <sup>②</sup>
Minimum distance between dwellings	4.5 m	5.34 m
<sup>①</sup> Indicates a requested variance to the minimum flanking side yard from a garage <sup>②</sup> Indicates a requested variance to the minimum rear yard		

### 5.0 Technical Comments

#### 5.1 Development Engineering Department

The Development Variance Permit Application does not compromise any municipal services

### 6.0 Application Chronology

Date of Application Received: January 17, 2018

Date Public Consultation Completed: March 28, 2018

Report prepared by: Kimberly Brunet, Planner  
 Reviewed by: Terry Barton, Urban Planning Manager  
 Approved for Inclusion: Ryan Smith, Community Planning Department Manager

#### Attachments:

Draft Development Variance Permit No. DVP18-0027

Attachment A - Site Plan

Attachment B - Floor Plans, Conceptual Elevations and Renderings