

REPORT TO COUNCIL



Date: January 29, 2019

RIM No. 0940-50

To: City Manager

From: Community Planning Department (LK)

Application: DVP18-0054

Owner: Richard Martin & Nancy Ryan

Address: 375 Rutland Road N.

Applicant: Ken Kandola

Subject: Development Variance Permit

Existing OCP Designation: MRL – Multiple Unit Residential (Low Density)

Existing Zone: RU1 – Large Lot Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP18-0054 for Lot 1 Section 26 Township 26 ODYD Plan 3513 except Plan 37956, located at 375 Rutland Road N, Kelowna, BC;

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

Section 6.5.3(g): Accessory Development

To vary the required minimum distance to the principal dwelling from 3.0 m permitted to 1.0 m proposed;

Section 13.1.6(d): RU1 – Large Lot Housing Development Regulations

To vary the required minimum side yard from 4.5 m permitted to 4.11 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 consider variances to reduce the minimum side setback from a flanking street from 4.5 m required to 4.11 m proposed and to reduce the minimum distance to a principal dwelling from 3.0 m permitted to 1.0 m proposed.

3.0 Community Planning

Community Planning is supportive of the two variances requested in order to construct the accessory building on the subject property. The requested variances are to the side setback from a flanking street and the separation distance between the primary dwelling and the accessory building. These variances do not

compromise municipal services or the functionality of the site and will be addressed through increased Building Code requirements for fire separations.

4.0 Proposal

4.1 Background

In 1963, the Department of Highways issued a License of Occupation to the original owner of 375 Rutland Road which allowed the accessory building to remain until such time that the use of the lane was deemed necessary. On August 10, 2010, the City of Kelowna Real Estate & Building Services Department issued a letter to the current owners which included a Building Location Certificate. The letter indicated the laneway encroachment (accessory building) could remain until it is deemed necessary to remove it.

Applications came before Council in 2017 to rezone and develop the properties located at 140 Mugford Road and 415 Rutland Road to allow the development of multiple dwelling housing. That development triggered the requirement for rear lane access. At that time, it was noted that an existing accessory building located on the subject parcel would need to be removed to allow the construction of the lane to move forward.

The owner of the adjacent development has worked with the home owners of the subject property to come to an amicable resolution for the removal of the accessory building from the laneway. Demolition of the building was completed in March 2018

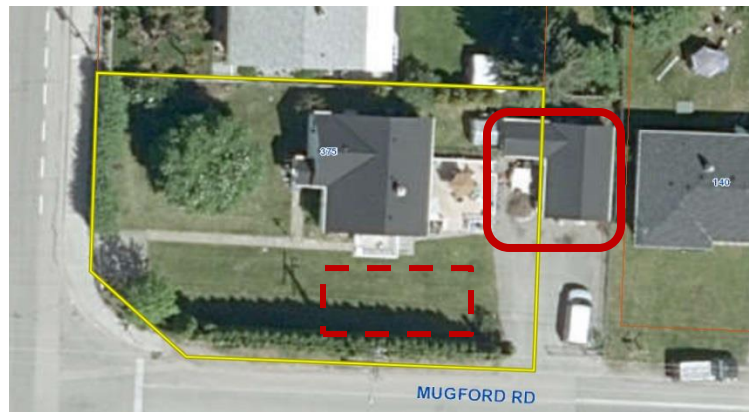


Figure 1 – Dashed red outline indicated the location of the proposed accessory building. The bubble indicates the encroaching accessory building which was removed.

4.2 Project Description

The current proposal is for the construction of a new accessory building to replace the one which encroached within the laneway. The location of the accessory building is somewhat limited due to the location of the existing primary dwelling. The placement of the accessory building has triggered two variances. The first variance is to vary the flanking street side setback from 4.5 m required to 4.11 m proposed. The requested variance is minimal and the site has existing mature landscaping to provide sufficient screening to the adjacent roadway.

The second variance is to reduce the separation distance between the principal dwelling and the accessory building from 3.0 m required to 1.0 m proposed. This variance can be addressed through increased fire protection measures that would be addressed at time of Building Permit and will not negatively impact the development on the site.

4.3 Site Context

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Detached Dwelling
East	RM2 – Low Density Row Housing	Single Family Dwelling
South	P2 – Education & Minor Institutional	Religious Assembly
West	RM5 – Multiple Dwelling Housing	Apartment Housing

Subject Property Map: 375 Rutland Road



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU ₁ ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	550 m ²	811 m ²
Lot Width	17.0 m	22.82 m
Lot Depth	30.0 m	36.55 m
Development Regulations		
Site Coverage (buildings)	40%	15.91%
Site Coverage (buildings, driveways & parking areas)	50%	22.1%
Front Yard	4.5 m	17.3 m
Side Yard (south)	4.5 m	4.11 m ^①
Rear Yard	0.9 m	10.27 m
Other Regulations		
Distance to principal dwelling	3.0 m	1.0 m ^②
^① Indicates a requested variance to the flanking street side setback from 4.5 m required to 4.11 m proposed. ^② Indicates a requested variance to the distance to the principal dwelling from 3.0 m required to 1.0 m proposed.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Sensitive Infill.¹ Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

6.0 Technical Comments

6.1 Building & Permitting Department

- Full Plan check for Building Code related issues will be done at time of Building Permit applications

6.2 Development Engineering Department

- Refer to Attachment A dated March 12, 2018.

7.0 Application Chronology

Date of Application Received: April 2, 2018
Date Public Consultation Completed: December 10, 2018

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

Attachments:

Draft Development Variance Permit DVP18-0054
Schedule A: Site Plan
Schedule B: Elevations

¹ City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).