

REPORT TO COUNCIL



Date: May 7, 2019

RIM No. 0940-00

To: City Manager

From: Community Planning Department (BBC)

Application: DVP18-0216 **Owner:** Christopher J. Roth and Jennifer L. Roth

Address: 2428 - 2430 Richter Street **Applicant:** Urban Options Planning and Permits

Subject: Development Variance Permit Application

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

Existing Zone: RU6 – Two Dwelling Housing

1.0 Recommendation

THAT Council authorize the issuance of Development Variance Permit DVP18-0216 for Lot 8, District Lot 14, Osoyoos Division, Yale District, Plan 1141, located on 2428-2430 Richter Street, Kelowna, BC.

AND THAT variances to the following section of Zoning Bylaw No. 8000 be granted, as shown in Schedule "A":

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

To vary the required minimum rear yard setback of an existing building from 7.5 m permitted, to 3.05 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 rear yard setback of an existing building from 7.5 m permitted, to 3.05 m proposed.

3.0 Community Planning

Community Planning Staff supports the development variance permit to vary the required minimum rear yard setback of an existing building from 7.5 m required, to 3.05 m proposed.

The rear yard setback variance is being requested in order for the applicant to construct an addition between an existing dwelling and an existing accessory structure to create a single, contiguous dwelling.

The proposed addition is appropriate for this location. The requested variance will not compromise any municipal infrastructure or services, and will not negatively impact the adjacent parcels.

To fulfill Council Policy No. 367, the applicant submitted a Neighbour Consultation Summary Form to staff on January 30, 2019, outlining that the neighbours within 50 m of the subject property were notified.

4.0 Proposal

4.1 Background and Project Description

The subject property currently has an existing single family dwelling, a detached accessory structure which is large enough to be used as a single car garage, and a two-level secondary accessory structure permitted to be used as a carriage house. The applicant is planning to construct a new addition between the existing principal dwelling and the carriage house, connecting the two structures, thus creating a single, contiguous dwelling.

According to the City records, the existing carriage house was permitted for construction in 2002. Under the current Zoning Bylaw, the two-story carriage house is considered non-compliant. The carriage house effectively becomes a secondary suite when the existing principal dwelling is connected to it, thus legalizing the non-conforming structure.

Adequate parking is achieved for both the principal dwelling and the secondary suite with the use of the detached single car garage and existing on-site surface parking accessed from the rear lane.

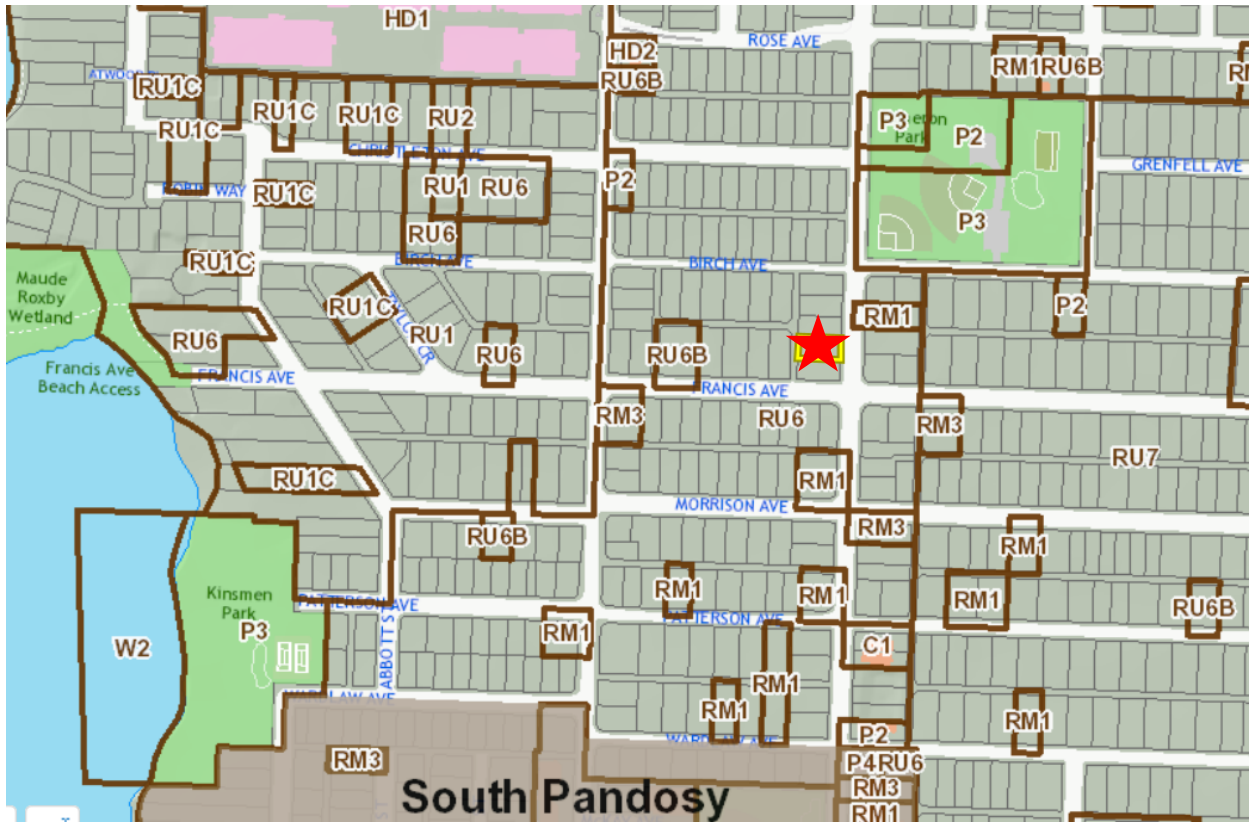
4.2 Site Context

The subject property is located within the Permanent Growth Boundary in the South Pandosy – KLO neighbourhood. The parcel is located adjacent to a corner lot within a short residential block, and is accessed from a rear lane. The surrounding residential area is characterized mainly by a mix of single family and secondary dwelling units developed in various housing forms including duplexes, second dwellings, and low density multiple housing. There are public schools, transit and a number of parks within a short walking distance. The South Pandosy Urban Center is located within 350 m south of the property.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing P2/3 – Educational & Minor Institutions/Parks and Open Space	Residential Park
East	RU6 – Two Dwelling Housing RM1 – Four Dwelling Housing RM3 – Low Density Multiple Housing	Residential
South	RU6 – Two Dwelling Housing RM1 – Four Dwelling Housing	Residential
West	RU6 – Two Dwelling Housing RM3 – Low Density Multiple Housing -	Residential

Subject Property Map: 2428 – 2430 Richter Street



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	400 m ²	668.9 m ²
Lot Width	13.0 m	18.29 m
Lot Depth	30.0 m	36.6 m
Development Regulations		
Site Coverage (buildings)	40%	30%
Maximum total site coverage (buildings, driveways, & parking)	50%	35%
Maximum Height of Principal Dwelling	9.5 m or 2.5 storey	7.0 m
Front Yard Setback	4.5 m	8.60 m
Side Yard Setback (south)	2.0 m for 1-1/2 storey portion or, 2.3 m for 2 storey portion	2.55 m
Side Yard Setback (north)		4.45 m
Rear Yard Setback	7.5 m	3.05 m ❶
Other Regulations		
Minimum Parking Requirements	3	3

❶ Indicates a requested variance to the required minimum rear yard setback of an existing building from 7.5 m required, to 3.05 m proposed

5.0 Current Development Policies

5.1 Zoning Bylaw No: 8000 – Section 6: General Development Regulations

Section 13.6.6(h) – Two Dwelling Housing Regulations

The minimum site rear yard is 7.5m, except it is 1.5 m for accessory buildings. Where the lot width exceeds the lot depth, the minimum rear yard is 4.5 m provided that one side yard shall have a minimum width of 4.5 m.

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 November 9, 2018

7.0 Application Chronology

Date of Application Received: November 5, 2018
Date Public Consultation Completed: January 30, 2019
Supplemental Drawings Received: March 15, 2019

Report prepared by: Barbara B. Crawford, Planner
Reviewed by: Dean Strachan, Suburban and Rural Planning Manager
Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A – Development Engineering Memorandum, dated November 9, 2018
Schedule A – Rationale Letter, Site and Elevation Plans