

REPORT TO COUNCIL



Date: May 17, 2016

RIM No. 0940-50

To: City Manager

From: Community Planning Department (TY)

Application: DVP15-0253

Owner: Tara Henderson

Address: 2673 Bath Street

Applicant: Leon Smit

Subject: Development Variance Permit

Existing OCP Designation: MRM - Multiple Unit Residential (Medium Density)

Existing Zone: RU6 - Two Dwelling Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0253 for Strata Lot 1 District Lot 14 ODYD Strata Plan KAS2976 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V, located at 2673 Bath Street, Kelowna, BC;

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

Section 6.5.8 (a) General Development Regulations - Accessory Development

1. To vary the required front yard setback for an accessory structure from 18.0 m required to 0.1 m proposed as noted on Schedule "A".

Section 6.5.8 (b) General Development Regulations - Accessory Development

2. To vary the required side yard setback for an accessory structure from 1.2 m required to 0.6 m proposed as noted on Schedule "A".

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 front and side yard setback for an accessory structure on the subject property.

3.0 Community Planning

Community Planning supports the proposed variance to the front and side yard setback. The proposed accessory structure is a free-standing wood arbour structure intended to provide shade over an outdoor patio area. The structure which is designed to match the architectural features of the existing house is proposed in a location that follows the established streetscape pattern along Bath Street and of a design that is complimentary to the neighbourhood. The open wood beam design of the shade structure does not appear as a "building" or "garage" along the street frontage but rather its intended use as a shade feature. The proposed accessory structure would be located behind an existing 1.8 m high fence and gate.

The location of this structure is directly beside a neighbouring carport which has brick siding. As the carport on the neighbouring property has opaque sides, the proposed structure and seating area are not visible from this adjacent property. The right of way along the front of the subject property is landscaped and mature vegetation on the property is being retained which further mitigates the visual impact to the street.

Staff confirmed with the applicant that this area is not to be used as a carport in the future. As per Bylaw No. 7900, a driveway is to be located with access to an abutting lane where one exists. As homes in this neighbourhood redevelop, driveways and parking must access the rear lane. The applicant has landscaped the boulevard frontage and installed a 1.0 m wide walkway from Bath Street to the patio area on the property to ensure no vehicles have access to the property from Bath Street. The owners are aware that if the area is used illegally as parking in the future, it will be subject to Bylaw enforcement.

4.0 Proposal

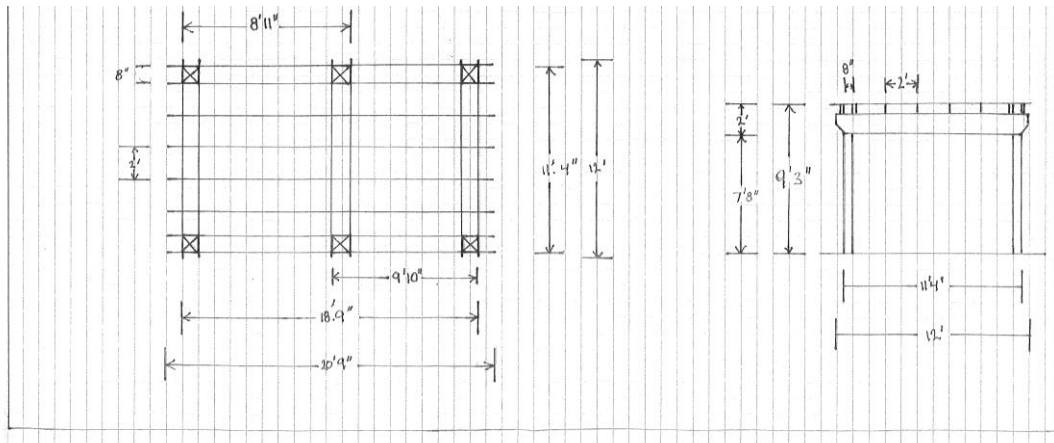
4.1 Background

The subject property is zoned RU6 - Two Dwelling Housing, with two single detached dwellings. The dwellings are stratified and owned by different individuals. The north dwelling, 2673 Bath Street is owned by Tara Henderson, the south dwelling, 2683 Bath Street is owned by Laura Martyna. The owner of 2673 is coming forward with this development variance permit application to create an outdoor patio for their northern portion of the subject property.

The homeowners of 2673 Bath St began construction of the shade structure in 2015 without permits. They were notified by City of Kelowna Building Inspectors that the structure may need a permit and were instructed to speak with Community Planning. The applicant stopped construction of the structure, met with Staff and applied for the Development Variance Permit.

4.2 Project Description

The proposed shade structure is 2.8 m in height, located 0.1 m from the front property line and 0.6 m from the north side property line. The structure is 3.8 m wide (facing Bath Street) and 6.3 m in length. Square posts 50 cm (8") wide are used as supports for the wood beams that make up the roof. The roof portion of the structure is not solid; wood members are spaced approximately 25 cm apart. See Schedule "B" for detailed elevations.

Accessory Structure Plan View & Elevation (not to scale)

The two variances requested are in relation to the proposed location of the accessory structure. The house is set back 2.3 m from the rear property line which eliminates the opportunity for the owner to use the rear yard as private open space. The owners instead use the side (north) yard as their open space. The front yard setback which is required to be 18.0 m is being requested at 0.1 m. Locating the shade structure along the front and side property line maximizes privacy as it is adjacent to the neighbouring accessory structure, this is also where afternoon sun shines on the patio area. The second variance is for the side yard setback which is required to be 1.2 m. As the house is 4.5 m from the side property line and it is the main outdoor open space area for the owners they wish to maximize the area that may be used as outdoor patio. Setting the shade structure 0.6m from the property line and 0.3 m from the house allows a for 3.6 m wide sitting area.

The variances, while significant in area and length, are not thought to create any conflicts in the neighbourhood and are appropriately mitigated through design, landscaping and the location of the existing fence and gate.

Property Frontage: 2673 Bath Street

The boulevard along the front of the subject property is landscaped with sod, shrubs and trees. A 1.8 m height fence with gates exists along the front property line. This fence has architectural interest using concrete and metal accents, similar details are present on the fence of the neighbouring property to the north.

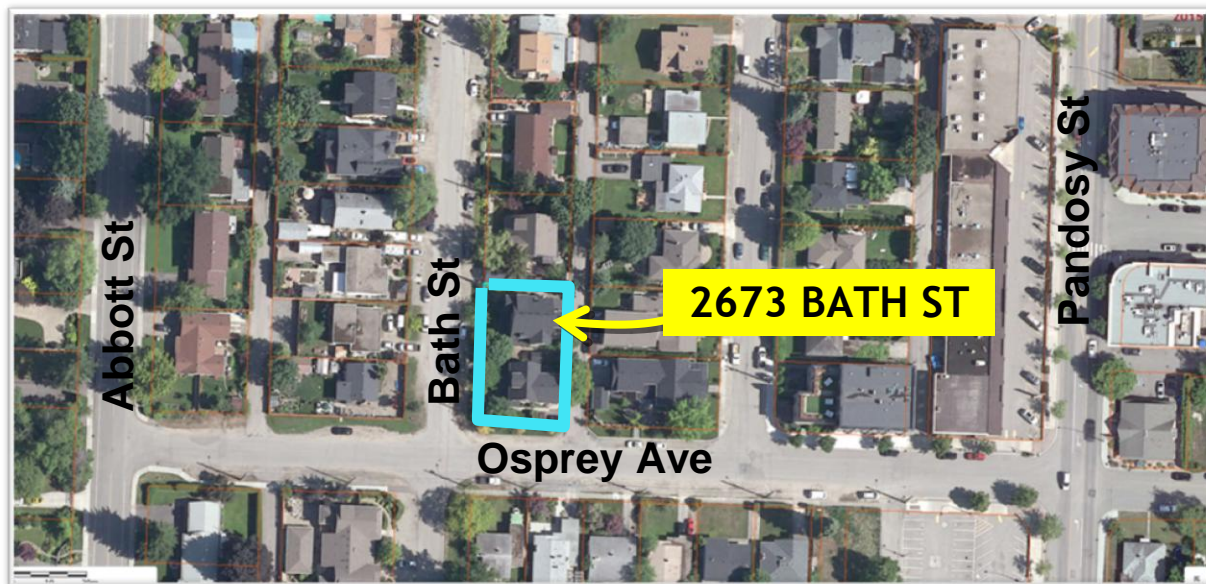
4.3 Site Context

The subject parcel is located on the east side of Bath Street, on the corner of Bath street and Osprey Avenue. The parcel is Zoned RU6 - Two Dwelling Housing and contains two single family dwellings. The owner of the north dwelling (the interior dwelling) is applying for the variance for the front (west) and side (east) property line. The property is in the South Pandosy Revitalization Development Permit Area, zoned MRM - Multiple Unit Residential (Medium Density) and is within the Permanent Growth Boundary.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6	Single Family Dwelling
East	RU6	Single Family Dwelling
South	RU6	Single Family Dwelling
West	RU6	Single Family Dwelling

Subject Property Map: 2673 Bath Street



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	800 m ²	851 m ²
Minimum Lot Width	20.0 m	37.2 m
Minimum Lot Depth	30.0 m	22.9 m
Development Regulations		

Maximum Site Coverage (buildings)	40%	40%
Maximum Site Coverage (buildings, driveways and parking)	50%	45%
Maximum Height (accessory buildings)	4.5 m	2.8 m
Minimum Front Yard (accessory buildings)	18.0 m	0.1 m ❶
Minimum Side Yard (south)	1.2 m	+30.0 m
Minimum Side Yard (north)	1.2 m	0.6 m ❷
Minimum Rear Yard	1.5 m	+15.0 m
Other Regulations		
Minimum Parking Requirements	4 stalls	3 stalls (existing)
Minimum Private Open Space	30 m ²	+30 m ²
❶ Indicates a requested variance to Front Yard Setback for an Accessory Structure		
❷ Indicates a requested variance to Side Yard Setback for an Accessory Structure		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 14: Urban Design Development Permits Areas

Relationship to the Neighbourhood.¹

Unify and connect individual buildings within a development and with the surrounding neighbourhood (e.g. use similar paving treatment as adjacent public spaces, consistent street furniture, fencing, light standards, etc.);

Intensive Residential - Carriage House / Two Dwelling Housing Guidelines.²

Design projects to reflect the character of the neighbourhood and the principal dwelling if applicable through similar architectural and landscaping themes (i.e. respecting building setbacks, height, massing, scale, articulated rooflines, building materials, etc.); Incorporate a high quality of design and architectural details to all street facing elevations.

- The applicant is requesting same front and side yard setback as property to the north, on these smaller lots the dwelling is set back towards the rear of the property, eliminating private open space experience at the rear of the property.
- The applicant is also proposing to continue the existing fence design in the new gate.

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.

¹ City of Kelowna Official Community Plan, Policy B 1.3 (Urban Design Development Permits Areas Chapter).

² City of Kelowna Official Community Plan, Policy C 1.1 (Urban Design Development Permits Areas Chapter).

7.0 Application Chronology

Date Application Received:	October 16, 2015
Date Revised Site Plan (Removal of Paving Stones from ROW):	December 3, 2015
Date Public Consultation Completed:	January 18, 2016
Date Owners Authorization Received:	March 23, 2016

Report prepared by:

Tracey Yuzik, Planner

Reviewed by: ☐ Terry Barton, Urban Planning Manager

Approved for Inclusion: ☐ Ryan Smith, Community Planning Department Manager

Attachments:

Subject Property Map
Site Photos
DRAFT Development Variance Permit No. DVP15-0253
Schedule A: Site Plan
Schedule B: Elevations