

# Development Variance Permit

## DVP19-0147



This permit relates to land in the City of Kelowna municipally known as

2743-2763 Curts Street

and legally known as

Lot 1 District Lot 135 ODYD Plan 25798

and permits the land to be used for the following development:

### Four Dwelling Housing

With variances to the following section of the Zoning Bylaw No. 8000:

### Section 13.17.8(b): RU7 – Infill Housing Other Regulations

To allow vehicular access from a street frontage along a side yard, where the property has access to a lane.

The present owner and any subsequent owner of the above described land must comply with any attached terms and conditions.

Date of Council Decision                      October 22, 2019

Decision By:                                      COUNCIL

Development Permit Area:                      N/A

Existing Zone:                                      RU7 – Infill Housing

Future Land Use Designation:                      Sensitive Infill Housing (Low Density)

### **This is NOT a Building Permit.**

In addition to your Development Permit, a Building Permit may be required prior to any work commencing. For further information, contact the City of Kelowna, Development Services Branch.

### **NOTICE**

This permit does not relieve the owner or the owner's authorized agent from full compliance with the requirements of any federal, provincial or other municipal legislation, or the terms and conditions of any easement, covenant, building scheme or agreement affecting the building or land.

Owner:                      Lisa M. Kryski

Applicant:                      Felix Westerkamp



\_\_\_\_\_  
Terry Barton  
Development Planning Department Manager

\_\_\_\_\_  
Date

### **1. SCOPE OF APPROVAL**

This Development Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Development 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.

The issuance of a permit limits the permit holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific variances have been authorized by the Development Permit. No implied variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

## **2. CONDITIONS OF APPROVAL**

- a) The dimensions and siting of the vehicular access to be constructed on the land be in accordance with Schedule "A";

**This Development Permit is valid for two (2) years from the date of approval, with no opportunity to extend.**

## **5. INDEMNIFICATION**

Upon commencement of the works authorized by this Permit the Developer covenants and agrees 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 said Permit.

All costs, expenses, claims that may be incurred by the Municipality where the construction, 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.

**The PERMIT HOLDER is the CURRENT LAND OWNER.  
Security shall ONLY be returned to the signatory of the  
Landscape Agreement or their designates.**

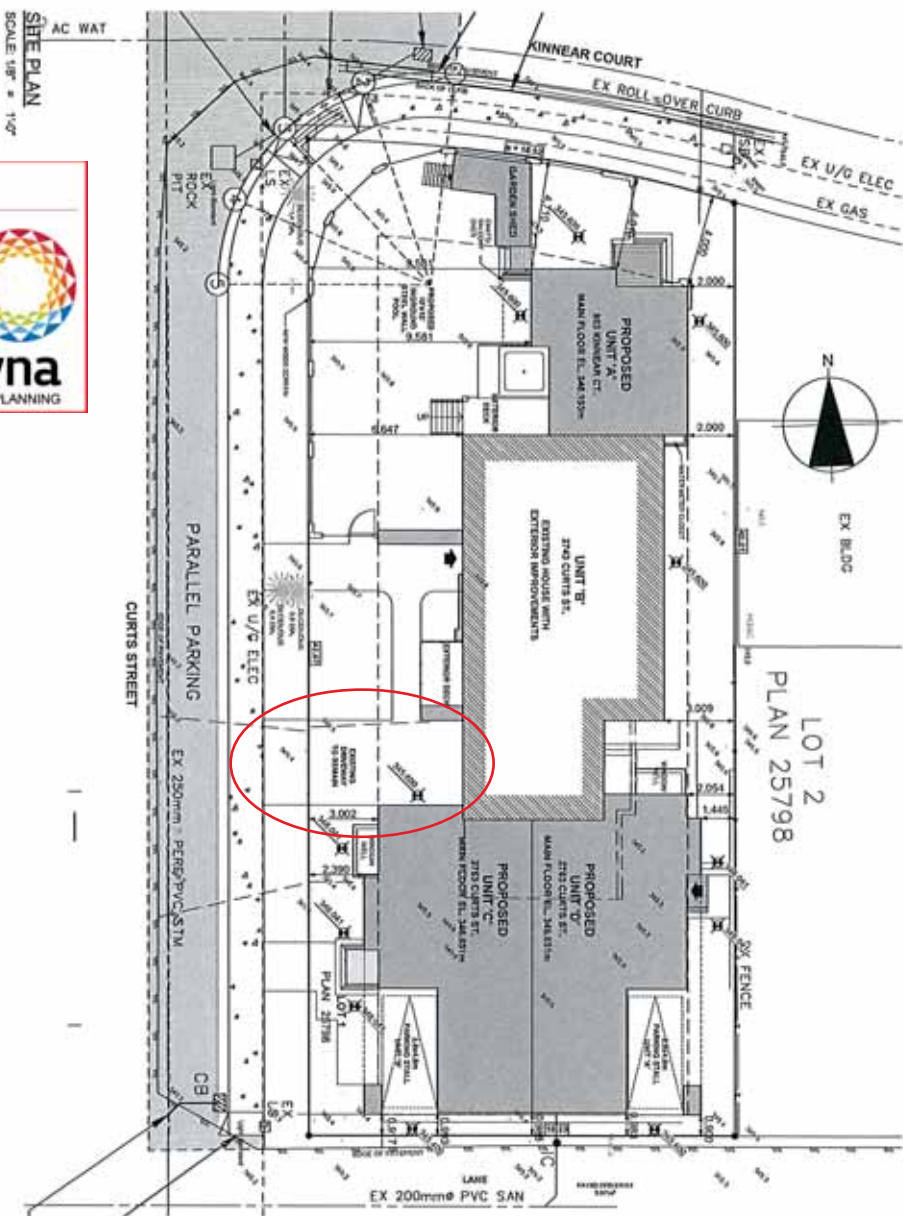
## A

# DVP19-0147

AT



**City of Kelowna**  
COMMUNITY PLANNING



McGraw-Hill

WESTBROOK DESIGN INC.  
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CONSULTANTS

ISSUED FOR  
CONSTRUCTION

#### FOUR UNIT DEVELOPMENT

2763 CURTIS STREET  
KILLOWNA, BC

SITE PLAN

A-101

46173

# ATTACHMENT

# B



This forms part of application  
# DVP19-0147

Planner  
Initials

AT

**City of  
Kelowna**

COMMUNITY PLANNING



**WESTERKAMP DESIGN INC.**  
 1587 Sutherland Ave  
 KELOWNA, B.C. V1Y – 5Y7  
 (250) 878-7846  
 bauhaus1@shaw.ca

## 2743 Curts Street – Variance Application to allow to keep the existing driveway

### Design Rationale

There were multiple design approaches investigated for the subject property, which began in 2017. Tearing-down the existing building in order to build four individual units was brought under consideration, however the final decision was to keep the original structure because of its overall good condition. We wanted to preserve the integrity of the existing structure, and so rather than tear-down the building, three new units were proposed to be added in order to create a four-plex. Both design concepts were based on the then current RU-7 zoning bylaw, which allowed vehicular access from a flanking street for corner lots.

#### **13.17.8 Other Regulations**

- (a) Minor group homes are only permitted in single detached housing.
- (b) Vehicular access is only permitted from the lane, except for where a property has two street frontages, where access may be taken from the street frontage which is not the front yard.
- (c) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 6 (accessory development, yards, projections into yards, lighting, stream protection, etc.), the landscaping and fencing provisions of Section 7, the parking and loading regulations of Section 8, and the specific use regulations of Section 9.

At the time, we consulted a city planner for a preliminary design meeting, and we presented the design proposal, in which we proposed to keep the existing garage with the vehicular access off Curts Street. We proceeded with the design and development permit and submitted for DP on Apr17, 2018.

Upon receiving the development permit we altered the proposed construction drawings in order to adhere to the requirement, which instructed to delete any access off Curts Street and move all parking to the lane, in order to comply with the adjusted RU-7 Section 13.17.8.





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#### 13.17.8 Other Regulations

- (a) Minor group homes are only permitted in single dwelling housing.
- (b) Where a site has access to a lane, vehicular access is only permitted from the lane. Otherwise, vehicular access may be taken from the front yard, or where a property has two street frontages, access shall be taken from the street frontage which is not the front yard.
- (c) In addition to the regulations listed above, other regulations may apply. These include the general development regulations of Section 6 (accessory development, yards, projections into yards, lighting, stream protection, etc.), the landscaping and fencing provisions of Section 7, the parking and loading regulations of Section 8, and the specific use regulations of Section 9.

Section 13 – Urban Residential Zones

Revised December 4, 2017

RU7-2

At the present time, we changed the proposed construction drawings for the Building Permit application at owner's cost, so the construction for the additional units could proceed.

During this time the existing unit had been renovated under a different building permit and was occupied.

The alteration of Section 13.17.8 of the RU-7 Bylaw does make sense for most RU-7 lots, however, since the cost of a re-development along two property lines are already higher we strongly believe that in this particular case it would be of no consequence to anybody if an exception was made to allow the access off Curts Street and keep the existing driveway to the existing garage. Curts Streets is only two blocks in length and is not a high traffic through road. All existing homes along Curts Street, of which there are quite a few newer ones that were built under former RU-6 zoning, have driveways and access off Curts Street.



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Existing garage

Section 13.17.8 which allowed access of a flanking street for a corner lot was far more suited for this property since there is more than enough boulevard. Corner lots are unique in that they can make the first impression and are able to showcase the rest of the neighborhood. Architecturally speaking, corner lots provide a great approach to develop unique and diverse structures in regard to enhancing the overall street appeal, landscape and privacy.

We strongly believe that corner lots within the RU-7 Zoning which have similar characteristics like the ones of this property (large boulevards, low traffic flow), in certain cases, should be given the option of additional access off a flanking street as it was laid out in Section 13.17.8 from August 2017. This would still allow for plenty of street parking and provide relief for a possible over-crowded lane.

As a supporting document a rationale from D.E. Pilling & Associates is attached to this application.