

REPORT TO COUNCIL



Date: June 14, 2016

RIM No. 0940-50

To: City Manager

From: Community Planning Department (TB)

Application: DVP16-0098

Owner: Arthur Schmid
Barbara Schmid

Address: 610 Peck Rd

Applicant: Barbara Schmid

Subject: Development Variance Permit

Existing OCP Designation: S2RES - Single/Two Unit Residential

Existing Zone: RU1 - Large Lot Housing

Proposed Zone: RU1 - Large Lot Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0098 for Lot 14, District Lot 5196, and of Section 14, Township 26, ODYD, Plan 25160, located at 610 Peck Road, Kelowna, BC;

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

Section 8.1.9(b): Parking and Loading

To allow off-street parking to be located in the required front yard on a driveway that does not provide access to a required off-street parking space.

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 allow off-street parking to be located in the required front yard (4.5m) on an existing driveway.

3.0 Community Planning

Community Planning supports the requested variance to allow off-street parking to be located in the required front yard on an existing driveway that does not provide access to a required off-street parking space.

The parking became non-conforming when the applicant made improvements to their home without permits, effectively removing their two required off-street parking spaces in their garage. The location of the driveway is not intended to change and the approval of this variance will allow the applicant to apply for a building permit to legalize and ensure life safety requirements are met for the enclosure of the garage.

4.0 Proposal

4.1 Background

The subject property is located on the corner of Hollywood Road S and Peck Road in Rutland. The home was constructed in 1981 with a carport, which was later converted to a garage with building permits in 1987. The applicant enclosed their sundeck and converted their garage to living space in 2010 without required building permits. This eliminated their two required off-street parking spaces, leaving the only parking available on the driveway in the required front yard (4.5m).

4.2 Project Description

The applicant has applied for a building permit to legalize the work that was completed without permit in 2010. This will ensure that the construction meets life and safety standards as well as current BC Building Code. In order for this permit to be issued and any life safety issues to be resolved, a variance must be approved to allow parking in the required front yard.

The current location of the driveway is on the east side of the subject property, approximately 18m away from the stop sign at Hollywood Road S and Peck Road. This is sufficient distance from the stop sign that there will be no impact to site lines or traffic safety through the approval of this variance.

In accordance with Council Policy #367 the applicant completed neighbourhood consultation in April by going door to door and presenting the site plan.

4.3 Site Context

The subject property is located on the north east corner of Hollywood Road S and Peck Road in Rutland.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Residential
East	RU1 - Large Lot Housing	Residential
South	RU1 - Large Lot Housing	Vacant
West	RU1 - Large Lot Housing	Residential

Subject Property Map: 610 Peck Road



Google Street View 2009: Shows garage being converted to habitable living space



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Front Yard Setback for Parking	4.5m	0.0m ^❶
❶ Indicates a requested variance to allow 2 parking spaces in the required front yard.		

5.0 Current Bylaws

5.1 Kelowna Subdivision, Development, and Servicing Bylaw No. 7900

Residential driveway access onto an arterial or Class 1 collector road is not permitted unless alternate access is impossible. (Section 4.6)¹

5.2 Kelowna Building Bylaw No. 7245

No person shall commence construction or continue to construct a building or structure without first obtaining a permit for that purpose from the Building Inspector.²

6.0 Technical Comments

¹ Kelowna Subdivision, Development, and Servicing Bylaw No. 7900 Section 4: Highway 4.6

² Kelowna Building Bylaw No. 7245 Part 2: Prohibitions 2.2.1(a)

6.1 Building & Permitting Department

No comment.

6.2 Development Engineering Department

No response.

6.3 Fire Department

No concerns.

7.0 Application Chronology

Date of Application Received: April 1, 2016

Date Public Consultation Completed: April 18, 2016

Report prepared by:

Trisa Brandt, Planner I

Reviewed by:



Terry Barton, Urban Planning Manager

Approved for Inclusion:



Ryan Smith, Community Planning Department Manager

Attachments:

Schedule "A": Context/Site Photo

Schedule "A": Site Plan

Draft Development Variance Permit DVP 16-0098