

REPORT TO COUNCIL



Date: August 9, 2016

RIM No. 0940-50

To: City Manager

From: Community Planning Department (TB)

Application: DVP16-0132

Owner: Marilea Ann Sharpe

Address: 2215 Speer Street

Applicant: Marilea Ann Sharpe

Subject: Development Variance Permit

Existing OCP Designation: HLTH - Health District

Existing Zone: RU6 - Two Dwelling Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0132 for Lot 29, District Lot 14, ODYD, Plan 413, located at 2215 Speer Street, Kelowna, BC;

AND THAT variances to the following section of Subdivision, Development, and Servicing Bylaw No. 7900 be granted:

Schedule 4: Design Standards - Highways: Section 4.6 Curb and Gutter, Sidewalks and Bike Lanes

To allow a second driveway with access from the higher classification of road when there is an existing driveway with lane access.

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

Section 8.1.9(b): Parking and Loading

To allow parking in the required front yard setback (4.5m).

AND THAT Council's consideration of this Development Variance Permit be considered subsequent to the registration of a Section 219 Restrictive Covenant on the subject property indicating that the second driveway is for the sole benefit of the current registered owner, is non-transferable, and shall be removed upon change of ownership;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Variance Permit Application in order for the permits to be issued;

AND FURTHER THAT this Development Variance Permit is valid for 2 (two) years from the date of Council Approval, with no opportunity to extend.

2.0 Purpose

A development variance permit to allow a second driveway with access from the higher classification of road when there is an existing driveway with lane access and to allow parking within the required front yard setback.

3.0 Community Planning

Community Planning supports the proposed variance to allow a second driveway on the subject property with access from the front street. The applicant has expressed unique circumstances which require the additional access and parking from the front street.

4.0 Proposal

4.1 Background

The subject property has a single family dwelling that was constructed in 1965 with driveway access from the rear lane. The driveway was then paved and extended in 1970. In 2013 the applicant requested handi-cap parking be installed in front of the subject property. Currently there are two (2) handicap stalls with no time restrictions located in front of 2215 Speer Street. The applicant began discussions with the City in 2014 to initiate the request for a second driveway. Discussions with Traffic and Development Engineering were unsuccessful and unsupported by the two departments because the proposal is contrary to the Subdivision, Development, and Servicing Bylaw No. 7900. The applicant came forward with a Development Variance Application in May 2016.

4.2 Project Description

The applicant has proposed a second driveway to be accessed from the front street for handicap accessibility for herself and her care workers. The existing driveway on the east of the property that is accessed from the lane is obstructed by a large gate, making it difficult to access. The applicant prefers not to alter the fence or the gate as her Service Dog requires a fenced yard.



Image showing existing and proposed driveways on subject property (above)

Image showing existing fence prohibiting access to existing driveway (below)



Due to the number of users of the street parking in the area, the applicant proposes that a second driveway would allow her and her care workers to be guaranteed close and accessible parking. The handi-cap parking stalls in front of her property have no time limit, therefore often they are used by other residents or people accessing the Kelowna General Hospital. These will be removed as a function of this application and therefore reduce the amount of on-street parking on Speer Street.



Image showing handi-cap parking in front of subject property: 2215 Speer St

The proposed second driveway will be accessed directly off of Speer Street close to the north property line. The applicant has contacted the required City Department to obtain a quote for a curb let down that would allow access for the driveway. Should Council support this variance, no

building permit is required and construction can commence once scheduled with a City crew. As a function of this proposal, Parking Services will remove the two handi-cap spaces in front of the subject property as they would be unnecessary for the applicant. In the future, the applicant plans to renovate the front entrance and interior of the home to make it wheelchair accessible.

4.3 Variances

There are two variances to the Subdivision, Development and Servicing Bylaw (SDS Bylaw), and one variance to the Zoning Bylaw. The SDS Bylaw states that each property shall only have one driveway access per road frontage. Secondly the Bylaw states that where a lot abuts a lane, the driveway shall be located to access the lane.

Section 4.6: Each property shall only have one (1) driveway access per road frontage. Upon demonstrated need and approval from the City Engineer, more than one (1) driveway access may be granted to service stations, major commercial and other developments. Where a lot abuts a lane or road of different classification, the driveway shall be located to access the lane or road of the lower classification.

Speer Street is a residential class street with no sidewalks, but full curb and gutter. There are no plans in the near future to upgrade Speer Street to include a sidewalk, therefore the addition of a driveway onto the street should have minimal safety implications for pedestrians. There are two other driveways on Speer Street, one on an interior lot and one on a corner lot, all other properties maintain access from the lane.

In the Parking and Loading section of the Zoning bylaw it states that no off-street parking shall be located in a required front yard (4.5m) unless it leads to a garage or carport.

Section 8.1.9(b): No off-street parking shall be located in the required front yard except that a maximum of two required spaces may be located on a driveway which provides access to a required off-street parking space that is not in the front yard.

The subject property is an interior lot in a well-treed neighbourhood, therefore the visual impact of allowing parking in the required front yard (4.5m) is minimal.

4.4 Site Context

The subject property is located in close proximity to Kelowna General Hospital on Speer Street between Royal Avenue and Rose Avenue. Due to the increase in construction and development in this area, residential street parking has become increasingly higher in demand. The Hospital Area Plan is currently undergoing a study on how to provide adequate on-street parking for residents, hospital workers, and hospital visitors.

Subject Property Map: 2215 Speer Street





5.0 Technical Comments

5.1 Building & Permitting Department

No Comment.

5.2 Development Engineering Department

Please see attached Memorandum dated June 17, 2016.

5.3 Fire Department

The driveway off of Speer Street is preferred for emergency response.

6.0 Application Chronology

Date of Application Received: May 18, 2016

Date of Application Received: May 18, 2015
Date Public Consultation Completed: April 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:

Letter of Rationale

Site Plan

Development Engineering Memorandum dated June 17, 2016

Draft Development Variance Permit DVP16-0132