

# REPORT TO COUNCIL



**Date:** November 3, 2015

**RIM No.** 0940-50

**To:** City Manager

**From:** Community Planning Department (LB)

**Application:** DVP15-0188      **Owner:** Ryan Vick McDowell and  
Angela De'ette Chapman

**Address:** 427 Wardlaw Avenue      **Applicant:** Ryan McDowell

**Subject:** Development Variance Permit Application

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

**Existing Zone:** RU6 - Two Dwelling Housing

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0188 for Lot 44, District Lot 14, ODYD, Plan 483, located at 427 Wardlaw Avenue, Kelowna, BC;

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

### **Section 13.6.6(d): RU6 - Two Dwelling Housing Development Regulations**

To vary the required minimum side yard from 2.0 m permitted to 1.4 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 minimum side yard to facilitate additions to the existing single detached house on the subject property.

## 3.0 Community Planning

Community Planning Staff supports the requested variance to reduce the minimum side yard to facilitate additions to the existing house on the property. The variance will facilitate the additions of a 21 m<sup>2</sup> covered porch at the front of the house and a small 9 m<sup>2</sup> expansion to living space at the rear of the house.

The siting of the existing house is considered legal non-conforming due to the east and west side yard setbacks of 1.4 m and 1.6 m respectively. The proposed additions will be consistent with the existing east side yard setback of 1.4 m. In accordance with Section 911 of the *Local Government*

Act, a variance is required for the additions that do not meet the regulations of the Zoning Bylaw. No changes to the west side of the house are proposed.

Given the existing location of the house, no additional impacts to surrounding properties are anticipated. The covered porch at the front will replace a smaller uncovered deck, and the addition at the rear will extend an additional 2.6 m from the existing wall on the east side. The legal secondary suite in the lower floor of the house will remain, and the required on-site private open space and parking are provided.

In accordance with Council Policy No. 367, the applicant completed neighbourhood consultation by contacting neighbouring properties within 50 m. No concerns were identified through this consultation. At the time of writing, Staff has not been contacted with any questions or concerns regarding the application.

## 4.0 Proposal

### 4.1 Site Context

The subject property is located on the south side of Wardlaw Avenue at the intersection with Abbott Street. The Future Land Use designation identified in the Official Community Plan is MRL - Multiple Unit Residential (Low Density) and the property is within the South Pandosy Urban Centre. The surrounding area is characterized by single dwelling housing development with Kinsmen Park to the west and South Pandosy Village to the east.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 - Two Dwelling Housing	Single dwelling housing
East	RU6 - Two Dwelling Housing	Single dwelling housing
South	RU6 - Two Dwelling Housing	Single dwelling housing
West	RU6 - Two Dwelling Housing	Single dwelling housing

### Subject Property Map: 427 Wardlaw Avenue



## 4.2 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Existing Lot		
Minimum Lot Area	400 m <sup>2</sup>	460 m <sup>2</sup>
Minimum Lot Width	13.0 m	15.2 m
Minimum Lot Depth	30.0 m	30.3 m
Development Regulations		
Maximum Site Coverage (buildings)	40%	29%
Maximum Site Coverage (buildings, driveways and parking)	50%	40%
Maximum Height	9.5 m or 2 ½ storeys	Meets requirements
Minimum Front Yard	4.5 m	6.0 m
Minimum Side Yard (east)	2.0 m	1.4 m <span style="color: red;">❶</span>
Minimum Side Yard (west)	2.0 m	1.6 m *
Minimum Rear Yard	6.0 m	10.4 m
Other Regulations		
Minimum Parking Requirements	3 stalls	3 stalls
Minimum Private Open Space	30 m <sup>2</sup> per dwelling	Meets requirements
<span style="color: red;">❶</span> Indicates a requested variance to reduce the minimum east side yard from 2.0 m permitted to 1.4 m proposed. * Existing legal non-conforming side yard. No changes are proposed along this side of the property.		

## 5.0 Technical Comments

## 5.1 Building &amp; Permitting Department

- No comments.

## 5.2 Development Engineering Department

- See attached memorandum, dated September 3, 2015.

## 6.0 Application Chronology

Date of Application Received: August 7, 2015  
 Date Public Consultation Completed: August 16, 2015

Report prepared by:

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 Laura Bentley, Planner

Reviewed by:

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Lindsey Ganczar, Planning Supervisor

Approved for Inclusion:

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Ryan Smith, Community Planning Department Manager

**Attachments:**

Subject Property Map  
City of Kelowna Memorandum  
Conceptual Renderings and Floor Plans  
Draft Development Variance Permit No. DVP15-0188  
Schedule A: Site Plan