

# REPORT TO COUNCIL



**Date:** November 20, 2018

**RIM No.** 0940-50

**To:** City Manager

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

**Application:** DVP18-0125

**Owner:** Wilfrid Roach

**Address:** 245 Swick Road

**Applicant:** New Town Services Inc

**Subject:** Development Variance Permit Application

Existing OCP Designation: REP – Resource Protection Area

Existing Zone: RR1 – Rural Residential 1

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP18-0125 for Lot 2 Section 16 Township 28 SDYD Plan KAP45842, located at 245 Swick Road, Kelowna, BC;

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

### **Section 12.1.5 (a): RR1 – Rural Residential Zones Subdivision Regulations**

To vary the required minimum front yard width on proposed Lot 1 from 40.0 m permitted to 38.7 m proposed as per attached Schedule "A".

### **Section 12.1.5 (a): RR1 – Rural Residential Zones Subdivision Regulations**

To vary the required minimum front yard width on proposed Lot 2 from 40.0 m permitted to 38.8 m proposed as per attached 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 minimum lot width on two proposed lots.

## 3.0 Community Planning

Staff support the proposed variances to the lot width of two proposed RR1 zoned lots. Previously on the subject parcel, two lots existed, each with a single family dwelling. These two lots were consolidated into the current subject parcel in approximately 1989. The current application will see the return of the two original lots, equal in size.

Kelowna's Official Community Plan has policies against subdivision within the Resource Protection Area, and outside the Permanent Growth Boundary. However, this proposed subdivision will see the original land parcelization returned and bring the property into compliance.

The land is not within the Agricultural Land Reserve, and proposed lots exceed the minimum lot area required in the RR1 zone. Community Planning also considered that no new residential footprints would occur on steep slopes as residential footprints are already established on each proposed lot. The proposed subdivision and variances do not permit further development on the land, and will legalize existing structures.

#### 4.0 Proposal

##### 4.1 Background

The subject parcel is substantially wider than adjacent RR1 parcels due to the lot consolidation in 1989, combining two RR1 zoned parcels into the current parcel. The subject parcel, originally 46.4 m wide was adjusted along the east property line into the neighbouring property to extend the total width to 77.5 m (current width of 245 Swick Rd). In 1989, two dwellings existed on the two original parcels, the consolidation saw the two dwellings remain on the one consolidated parcel. Over the years building permits were issued to update and renovate the dwellings. The City of Kelowna was not involved in the consolidation as the owners completed the process directly with the Land Title Office.

##### Subject Property Map: 245 Swick Road



#### 4.2 Project Description

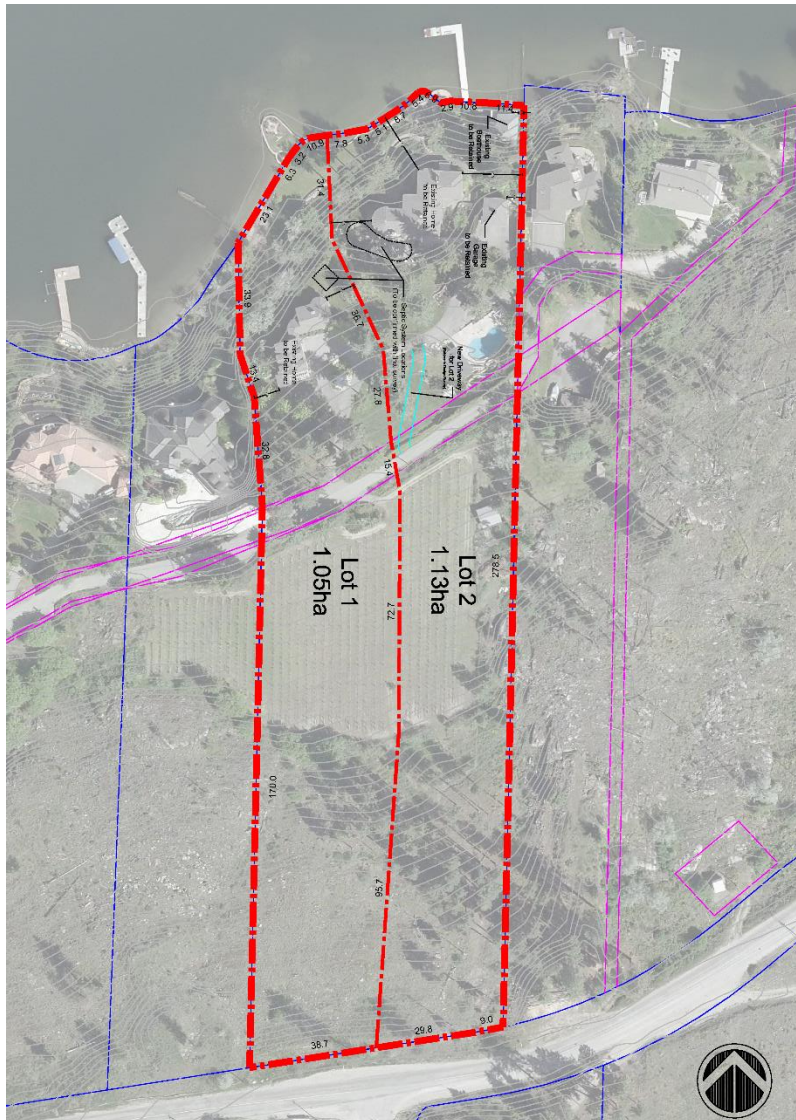
The two proposed lots are 10,500 sq.m. and 11,300 sq.m. in size, exceeding the minimum lot size required for an RR1 zoned parcel of 10,000 sq.m. (1.0 ha). The proposed subdivision sees two single family dwellings and two separate on-site septic systems contained on each proposed parcel. The requested variance is due to each lot proposed 0.2 m under the required 40.0 m width zoning regulation. Each proposed lot is required to be a minimum of 30.0 m deep, and are 250.0 m and 278.5 m deep.

The subject property is outside of the Permanent Growth Boundary, and not within the ALR. The proposed subdivision is not out of character for the neighbourhood as all properties north of the access road are similar width parcels to the east is a parcel 32.4 m wide.

Active fruit production is in operation on land that can be farmed. Steep slopes exist on the remainder.

Density is not increased as two single family homes currently exist on the parcel. If the variance is approved and the subdivision is executed, each lot will already have the maximum of one single family dwelling. No additional dwellings are permitted.

#### Proposed Subdivision Sketch: 245 Swick Road into two lots



4.3 Site Context

The subject parcel is located on Lakeshore Road, west of Bertram Creek Regional Park in the Southwest Mission sector of Kelowna. The subject parcel is legally adjacent to Lakeshore Road, and physically accessed off of Swick Road, which gives access to a legal shared access easement to all properties addressed Swick Road. The area of RR1 zoned lots is steeply sloped, with single family dwellings oriented along Okanagan Lake. Approximately half of the property to the south has slopes over 30%, a portion is farmed with fruit bearing plants, and the north portion of the property is residential with two single family dwellings, a pool, and an accessory structure along the foreshore.

**Neighbourhood Map: 245 Swick Road**



Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	W1	Okanagan Lake
East	RR1	Single Family Dwelling
South	RR1	Single Family Dwelling
West	RR1	Single Family Dwelling

**Zoning Analysis Table**

Zoning Analysis Table			
CRITERIA	RR1 ZONE REQUIREMENTS	Lot 1	Lot 2
Subdivision Regulations			
Lot Area	1.0 ha / 10,000 m <sup>2</sup>	1.0 ha / 10,500 m <sup>2</sup>	1.13 ha / 11,300 m <sup>2</sup>
Lot Width	40.0 m	38.8 m ❶	38.8 m ❷
Lot Depth	30.0 m	250.0 m	278.5 m
❶ ❷ Indicates requested variance to minimum lot width.			

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Future Land Use

**Resource Protection Area.**<sup>1</sup> Rural land preserved for agricultural, environmental and recreational purposes, including the ALR, other resource lands with environmental value and protected natural open spaces, including private open space, steeply sloped lands, Natural Environment/Hazardous Condition DP Areas, and other natural features such as watercourses, water bodies, wetlands, plant and wildlife habitat, and significant aesthetic value. Allowable uses would be agriculture / resource use including farming, forestry, wood lots and silviculture as well as public or private open space on lands considered environmentally sensitive or hazardous (steep slopes). Generally land areas within this designation (whether they are within the permanent growth boundary or not) will not be supported for exclusion from the ALR or for more intensive development than that allowed under current zoning regulations, except in specific circumstances where the City of Kelowna will allow exceptions to satisfy civic objectives for the provision of park/recreation uses. **Non-ALR land outside the Permanent Growth Boundary will not be supported for any further parcelization.**

The OCP clearly states that this subject parcel will not be supported for any further parcelization. The proposed application is to return the subject property (one parcel) back into the two parcels that existed previously. Currently the two dwellings that existed prior to the 1989 lot consolidation will remain on each proposed parcel. Therefore, no further density or development is occurring over what originally existed on the land.

## 6.0 Technical Comments

### 6.1 Development Engineering Department

No items are required as a result of the proposed variance. See attached Schedule "B" Development Engineering Memorandum for Subdivision requirements. For information only.

## 7.0 Application Chronology

Date of Application Received: June 12, 2018  
Date Public Consultation Completed: August 16, 2018

**Report prepared by:** Tracey Hillis, Planner  
**Reviewed by:** Dean Strachan, Suburban and Rural Planning Manager  
**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

#### Attachments:

Schedule "A" Proposed Subdivision Sketch  
Attachment "B" Development Engineering Memorandum – Subdivision Requirements  
Attachment "C" Reference Plan of Consolidation 1989  
Draft Development Variance Permit

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<sup>1</sup> City of Kelowna Official Community Plan, Land Use Designation Definitions (Future Land Use).