

# REPORT TO COUNCIL



**Date:** March 12, 2019

**RIM No.** 0940-00

**To:** City Manager

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

**Application:** DVP18-0165

**Owner:** 1114140 B.C. Ltd., Inc.No.  
BC1114140

**Address:** 1259-1265 Ethel Street  
1269-1275 Ethel Street

**Applicant:** Architecturally Distinct  
Solutions Inc.

**Subject:** Development Variance Permit

Existing OCP Designation: SIH – Sensitive Infill Housing

Existing Zone: RU7 – Infill Housing

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP18-0165 for Lot A District Lot 138 Osoyoos Division Yale District Plan EPP77036, located at 1259-1265 Ethel Street, Kelowna, BC; and Development Variance Permit No. DVP18-0165 for Lot B District Lot 138 Osoyoos Division Yale District Plan EPP77036, located at 1269-1275 Ethel Street, Kelowna BC;

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

### **Section 13.17.6(e): RU7 – Infill Housing Development Regulations**

To vary the required minimum front yard from 4.0 m permitted to 2.1 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 required minimum front yard on the subject properties.

## 3.0 Community Planning

Community Planning Staff recommend support for the Development Variance Permit for the two subject properties. There was an error in the process established for Fast Track RU7 Development Permits that caused this variance to be missed by both the applicant and by City Staff. The Fast Track RU7 Development Permits are based on the typical lot width and depth, however, these particular lots had a shorter depth

resulting in a front yard setback variance. The process for reviewing Fast Track RU7 applications has been improved since then, and Staff do not anticipate any future variances of this type.

#### 4.0 Proposal

##### 4.1 Background

Two Fast Track RU7 applications were received in May 2018 for the subject properties, and building permits were subsequently issued. It was noticed during the construction phase that the two developments did not meet the required minimum front yard setback and that a variance would be required. The dwellings are currently nearing completion.

##### 4.2 Site Context

The subject properties are located on the east side of Ethel Street, between Cawston Avenue and Coronation Avenue. They are located within the City's Permanent Growth Boundary and are in close proximity to the Active Transportation Corridor along Cawston Avenue.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU7 – Infill Housing	Residential
East	RU7 – Infill Housing	Residential
South	RU7 – Infill Housing	Residential
West	RU7 – Infill Housing	Residential

**Subject Property Map:** 1259-1265 Ethel St and 1269-1275 Ethel St



### 4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU7 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Maximum Total Site Coverage (buildings)	55%	38 %
Maximum FAR	0.8	0.73
Maximum Height	8.0 m / 2 storeys	7.3 m / 2 storeys
Minimum Front Yard (west)	4.0 m	2.1 m
Minimum Side Yard (north)	2.0 m	> 2.0 m
Minimum Side Yard (south)	2.0 m	> 2.0 m
Minimum Rear Yard	0.9 m	0.9 m
Other Regulations		
Minimum Parking Requirements	4 stalls	4 stalls
<span style="color: red;">●</span> Indicates a requested variance to the minimum front yard		

### 5.0 Technical Comments

#### 5.1 Development Engineering Department

This application does not compromise any municipal services.

### 6.0 Application Chronology

Date of Application Received: July 26, 2018  
 Date Public Consultation Completed: December 14, 2018

Report prepared by: Kimberly Brunet, Planner  
 Reviewed by: Terry Barton, Urban Planning Manager  
 Approved for Inclusion: Ryan Smith, Community Planning Department Manager

#### Attachments:

Draft Development Variance Permit No. DVP18-0165  
 Schedule A - Site Plans