

REPORT TO COUNCIL



Date: May 7, 2019

RIM No. 0940-50

To: City Manager

From: Community Planning Department (SS)

Application: DVP18-0215 **Owner:** Steve & Elizabeth Moore

Address: 392 Stellar Drive **Applicant:** Gary Carpendale – Harmony Homes

Subject: Development Variance Permit

Existing OCP Designation: S2RES – Single / Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP18-0215 for Lot A Section 23 Township 28 SDYD Plan KAP81216, located at 392 Stellar Drive, Kelowna, BC;

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

Section 7.5.9 – Landscaping and Screening Fencing and Retaining Walls

- a) To vary the maximum height of the retaining wall from 1.2 m required to 3.4 m proposed in accordance with Schedule "A" and Schedule "B".

Section 8.1 – Parking and Loading Parking Schedule

- b) To vary the designated secondary suite parking space from one required to none proposed in accordance with Schedule "A".

Section 13.1.6(c) – RU1 – Large Lot Housing Development Regulations

- c) To vary the minimum front yard setback from 4.5 m required to 3.5 m proposed in accordance with Schedule "A".
- d) To vary the minimum front yard setback from a garage having vehicular entry from the front from 6.0 m required to 3.75 m proposed in accordance with 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 height of a retaining wall, parking for a secondary suite and the front yard setback on the subject property.

3.0 Proposal

3.1 Background

The subject property has been vacant since the lot was created in 2006. The subject parcel was part of the lot to the east and was subdivided to create the two current lots. Topography of the lot is a challenge, and since 2007 City Staff has been answering questions regarding retaining walls and variances in order to accommodate an appropriate dwelling. In 2015 a Development Variance Permit DVP15-0129 was approved but construction did not proceed and the permit expired.

3.2 Project Description

The applicant's proposal has been revised due to staff and public concern with the variances sought and hence has brought forward the variances previously approved in 2015 which suit the property as mentioned. The topography of the subject property presents challenges as the existing grade at the front of the property slopes steeply down towards the rear property line.

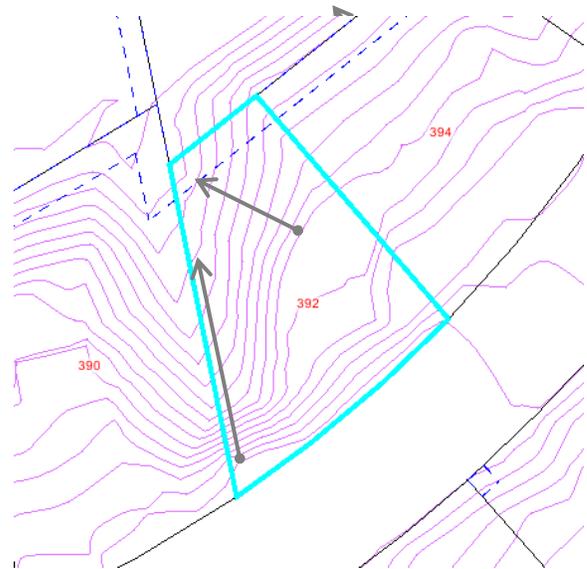
The applicant is proposing a two storey home with a walk out basement. The home is designed with one storey along Stellar Drive, and is a total of 7.8 m in height with a secondary suite located in the walk out basement. Garage doors facing the street are slightly recessed from the front door.

The house is proposed to sit 3.5 m from the front property line which is 7.5 m from the back of curb along Stellar Drive. The garage is proposed at 3.75 m from the front property line, 7.75 m from the back of curb. RU1h zoning regulations require a minimum of 6.0 m from the back of curb.

A retaining wall is proposed along the east property line, and has a maximum height of 3.0 m. The wall begins at the front property line at 0.3 m in height and increases to 3.4 m before turning in to meet the house. The top of wall will be the same height as the grade along Stellar Drive. The bottom of the wall will follow the existing grade which drops off towards the interior of the lot.

Where the garage is located only 3.75 m from the front property line, there is not enough room for the required parking space for the secondary suite to be located on the subject property. The applicant is seeking a variance as they are not providing the required space on the property. The parking for the secondary suite is proposed on the driveway from the garage to the back of curb which measures over 7.5m.

Private open space in the form of a balcony and at-grade patio are provided for the principal dwelling and secondary suite.



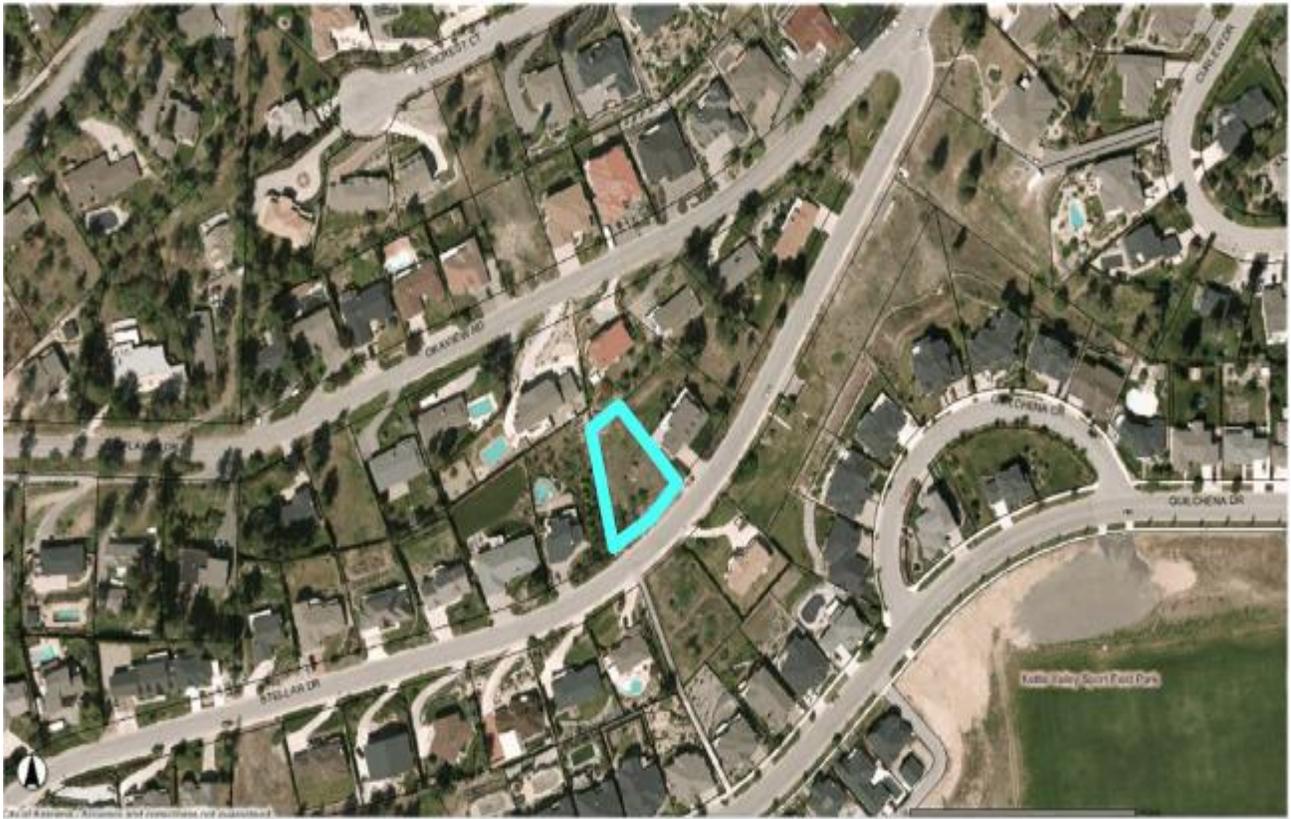
3.3 Site Context

The subject property is located on the north side of Stellar Drive, close to the intersection of Stellar Drive and Oakview Road in the Southwest Mission sector of Kelowna. The subject property is zoned RU₁ with a Future Land Use designation of S₂RES, and is in the Permanent Growth Boundary.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU ₁	Single Family Residential
East	RU ₁	Single Family Residential
South	RU ₁	Single Family Residential
West	RU ₁	Single Family Residential

Subject Property Map:



3.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU ₁ ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Front Yard (to a dwelling)	4.5m	3.5 m ¹
Front Yard (to a garage)	6.0m	3.75 m ²
Side Yard (west)	2.3m	11.48m
Side Yard (east)	2.3m	3.38m
Rear Yard	7.5m	22.8m
Other Regulations		
Minimum Parking Requirements	3 spaces	2 spaces ³
Maximum Retaining Wall Height	1.2m	3.0 m ⁴
¹ Indicates a requested variance to the front yard setback to a dwelling ² Indicates a requested variance to the front yard setback to a garage ³ Indicates a requested variance to parking for a secondary suite ⁴ Indicates a requested variance to the height of a retaining wall		

4.0 Current Development Policies

4.1 Kelowna Official Community Plan (OCP)

Development Process

Ensure environmentally sustainable development.¹ Steep Slopes. Prohibit development on steep slopes (+30% or greater for a minimum distance of 10 metres) except where provided for in ASPs adopted or subdivisions approved prior to adoption of OCP Bylaw 10500.

- Kelowna 2030 OCP (Bylaw 10500) was adopted by City Council on May 30, 2011. The subject property was created in 2006, allowing a parcel with slopes over 30% to be created. City staff would like to see this lot developed in a manner that reduces the impact of grades around adjacent property lines. The proposed grading plan and site plan isolate changes in the existing grade to the south east portion of the property.

Hillside Objectives.² Promote the siting of buildings and designs that are compatible with the steep slope context; Ensure compatibility with existing neighbourhood or streetscape;

- The single storey design along Stellar Drive is compatible with single family homes along the north side of Stellar Drive.

Context Considerations.³ Design and locate buildings so the hillside landscape rather than the sky serves as a backdrop;

5.0 Technical Comments

5.1 Development Engineering Department

See attached Memorandum dated March 29, 2019

¹ City of Kelowna Official Community Plan, Policy 5.5.12 (Development Process Chapter).

² City of Kelowna Official Community Plan, E (Urban Design Development Permit Areas).

³ City of Kelowna Official Community Plan, Policy 1.5 (Urban Design Development Permit Areas).

6.o Application Chronology

Date of Application Received: November 2, 2018
Date of Revised Variances, Site Plan and Engineered Retaining Wall Received: February 25, 2019
Date Public Consultation Completed: December 5, 2018

Report prepared by: Sergio Sartori, Development Technician

Reviewed by: Dean Strachan, Subdivision, Suburban and Rural Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Schedule "A" Site Plan

Schedule "B" Elevations

Attachment "A" Development Engineering Services Memo dated March 29, 2019