

# REPORT TO COUNCIL



**Date:** June 18, 2019

**RIM No.** 0940-50

**To:** City Manager

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

**Application:** DVP19-0091

**Owner:** Lois Constance McCloskey

**Address:** 1368 Ethel Street

**Applicant:** Urban Options Planning & Permits

**Subject:** Development Variance Permit

Existing OCP Designation: S2RES – Single / Two Unit Residential

Existing Zone: RU6 – Two Dwelling Housing

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DVP19-0091 for Lot 2, District Lot 138, ODYD, Plan 31153, located at 1368 Ethel Street, Kelowna, BC;

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

**Section 13.6.6(f): RU6 – Two Dwelling Housing Development Regulations**

To vary the minimum front yard from 4.5m permitted to 3.3m proposed.

**Section 13.6.6(g): RU6 – Two Dwelling Housing Development Regulations**

To vary the minimum flanking street side yard from 4.5m permitted to 4.3m proposed.

**Section 13.6.6(h): RU6 – Two Dwelling Housing Development Regulations**

To vary the minimum rear yard from 7.5m permitted to 7.39m 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 front yard setback, to vary the minimum flanking street side yard setback, and to vary the minimum rear yard setback.

## 3.0 Community Planning

Community Planning staff are supportive of varying the front yard, flanking street side yard, and rear yard setbacks on the subject property. The variances are expected to have a nominal impact and are a result of relocating a heritage home to the property. It would have been preferable if the home was placed on the

property in compliance with the Zoning Bylaw; however, given the relatively minor nature of the variances, staff are willing to support this application.

#### 4.0 Proposal

##### 4.1 Background

The subject property is zoned RU6 and is located in the Central City sector of Kelowna. A heritage home was relocated to the subject property from 1730 Ethel Street in 2016. When the home was relocated, it was placed in error 4.3m from Fuller Avenue; however, the flanking side yard setback requirement is a minimum of 4.5m. The foundation was built directly under the home where it was placed, requiring a Development Variance Permit application to bring the home into conformance with the Zoning Bylaw. The applicant is requesting a second variance to allow for an entrance stairway to project into the front yard setback by varying the minimum front yard from 4.5m permitted to 3.3m proposed. The third variance is to bring the rear yard setback into compliance by varying the minimum rear yard from 7.5m permitted to 7.39m proposed. The applicant has confirmed completion of public notification in accordance with Council Policy No. 367.

##### 4.2 Project Description

The flanking side yard and rear yard variances are intended to rectify current non-conformance. The additional variance requested is to allow for the construction of a ground-oriented entrance staircase facing the Ethel Street frontage. This variance is expected to have limited impact on the established street pattern, and will allow for the home's entrance to be oriented in a manner that enhances its relationship to the Ethel Street Active Transportation Corridor. The project meets all other zoning regulations including height, floor area, and site coverage.

##### 4.3 Site Context

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU7 – Infill Housing	Two Dwelling Housing
East	RU7 – Infill Housing	Single Dwelling Housing
South	RU7 – Infill Housing	Single Dwelling Housing
West	RU7 – Infill Housing	Single Dwelling Housing

**Subject Property Map: 1368 Ethel Street**



#### 4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	440m <sup>2</sup>	526m <sup>2</sup>
Lot Width	15.0m	20.7m
Lot Depth	30.0m	25.3m
Development Regulations		
Height	9.5m / 2.5 storeys	4.16m
Front Yard	4.5m	3.3m <sup>❶</sup>
Side Yard (south)	2.0m	4.85m
Side Yard (north)	4.5m	4.3m <sup>❷</sup>
Rear Yard	7.5m	7.39m <sup>❸</sup>
<sup>❶</sup> Indicates a requested variance to the minimum required front yard. <sup>❷</sup> Indicates a requested variance to the minimum required flanking side yard. <sup>❸</sup> Indicates a requested variance to the minimum required rear yard.		

### 5.0 Current Development Policies

#### 5.1 Kelowna Official Community Plan (OCP)

##### Development Process

**Compact Urban Form.**<sup>1</sup> Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

**Sensitive Infill.**<sup>2</sup> Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

### 6.0 Application Chronology

Date of Application Received: April 10, 2019

Date Public Consultation Completed: May 21, 2019

Report prepared by: Arlene Janousek, Planner

Approved for Inclusion: Terry Barton, Urban Planning Manager

#### Attachments:

Draft Development Variance Permit No. DVP19-0091

Schedule A: Site Plan

Schedule B: Conceptual Elevations

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).