

# REPORT TO COUNCIL



**Date:** May 17, 2016

**RIM No.** 0940-50

**To:** City Manager

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

**Application:** DVP16-0105

**Owner:** Sharon Beverly Clarke  
Robert Anthony Clarke

**Address:** 615 McClure Road

**Applicant:** Kevin Lee Mullins

**Subject:** Development Variance Application

**Existing OCP Designation:** S2RES - Single/Two Unit Residential

**Existing Zone:** RU1 - Large Lot Housing

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0105 for Lot A, District Lot 357, Similkameen Division Yale District, Plan 31865, located at 615 McClure Road, Kelowna, BC;

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

### Section 13.1.6(e): RU1 - Large Lot Housing Development Regulations

To vary the required minimum rear yard from 7.5 m permitted to 3.039 m proposed.

## 2.0 Purpose

To vary the required minimum rear yard from 7.5m required to 3.04m proposed.

## 3.0 Community Planning

Community Planning Staff supports the development variance permit to vary the minimum rear yard from 7.5m required to 3.04m proposed. The variance is required for the applicant to rebuild a single family dwelling expanding on existing foundation of a home that was destroyed by fire in 2015. The 3.04m rear yard will still provide adequate buffer and transition to the neighbouring residential property to the east.

The subject property is on the corner of McClure Road and Needham Court in the North Mission-Crawford neighbourhood. The proposed single family dwelling is consistent with the Future Land Use Designation of S2RES - Single/Two Unit Residential, and does not require a development permit.

#### 4.0 Proposal

##### 4.1 Background

The subject property had a single family dwelling constructed on it in the 1960's. At this time the lot was an interior lot as Needham Court did not exist and the front lot line was on McClure Road. The home was constructed to meet the zoning regulations for setbacks at that time. (See photo below taken in 2000).



In 2001 the property immediately adjacent to the west was subdivided and Needham Court was constructed. (See photo below taken in 2003).



Due to the construction of Needham Court the property became a corner lot, therefore the front lot line became defined as the west property line under the following definition for LOT LINE, FRONT in the Zoning Bylaw No. 8000 Section 2.3.3 Interpretation

LOT LINE, FRONT - URBAN AND RURAL RESIDENTIAL means, in the case of an interior lot, a lot line separating the lot from the street; or in the case of a corner lot, a line separating the narrowest street frontage of the lot from the street not including a corner rounding or corner cut.

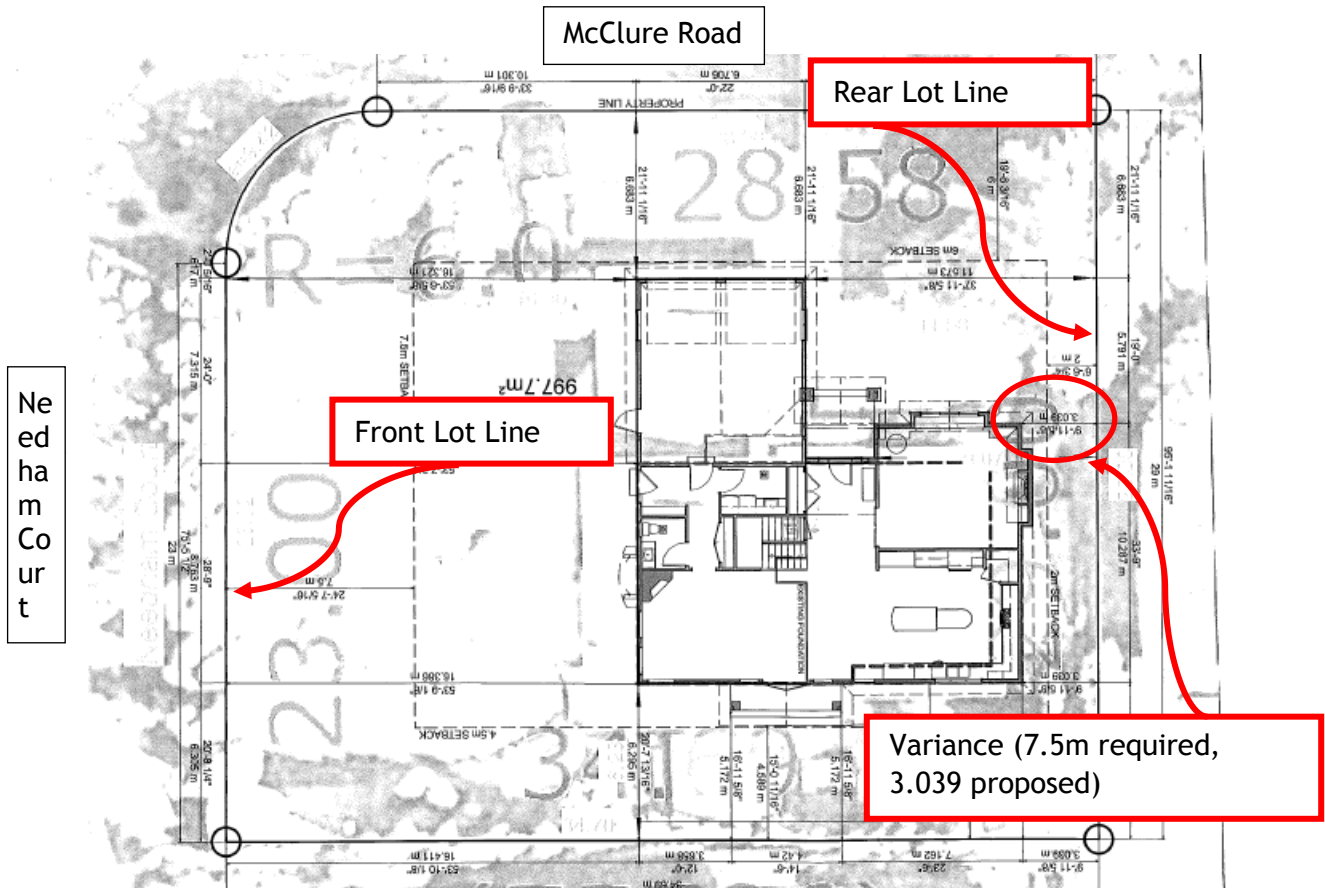
Due to this change on the subject property, the existing single family dwelling became legal non-conforming to the current Zoning Bylaw as the minimum rear yard setback now applies to the property line to the east, which used to be considered a side yard setback.

#### 4.2 Project Description

The single family dwelling on the subject property was destroyed by fire in 2015. The applicants completed a demolition permit for the remainder of the structure in 2016, preserving the foundation. The proposed new single family dwelling will be approximately 70% constructed on the existing foundation, with an expansion toward the east lot line. This would increase the non-conformity on the minimum rear yard setback, therefore requiring a development variance application.

By utilizing the existing foundation and expanding the dwelling toward the east, the applicant is able to preserve mature landscaping and a swimming pool on the east side of the dwelling and maintain their existing driveway. Due to the orientation and siting of the proposed single family dwelling and the siting of the other homes on the street, the defined rear yard functions more as a side yard. If it were defined as a side yard as it had been prior to the creation of Needham Court, the minimum required setback would be 2.3m. The applicant has proposed a setback of 3.04m. The existing mature landscaping and fencing will be retained where possible to provide privacy to the adjacent property to the east.

This application does not require any other variances.



#### 4.3 Site Context

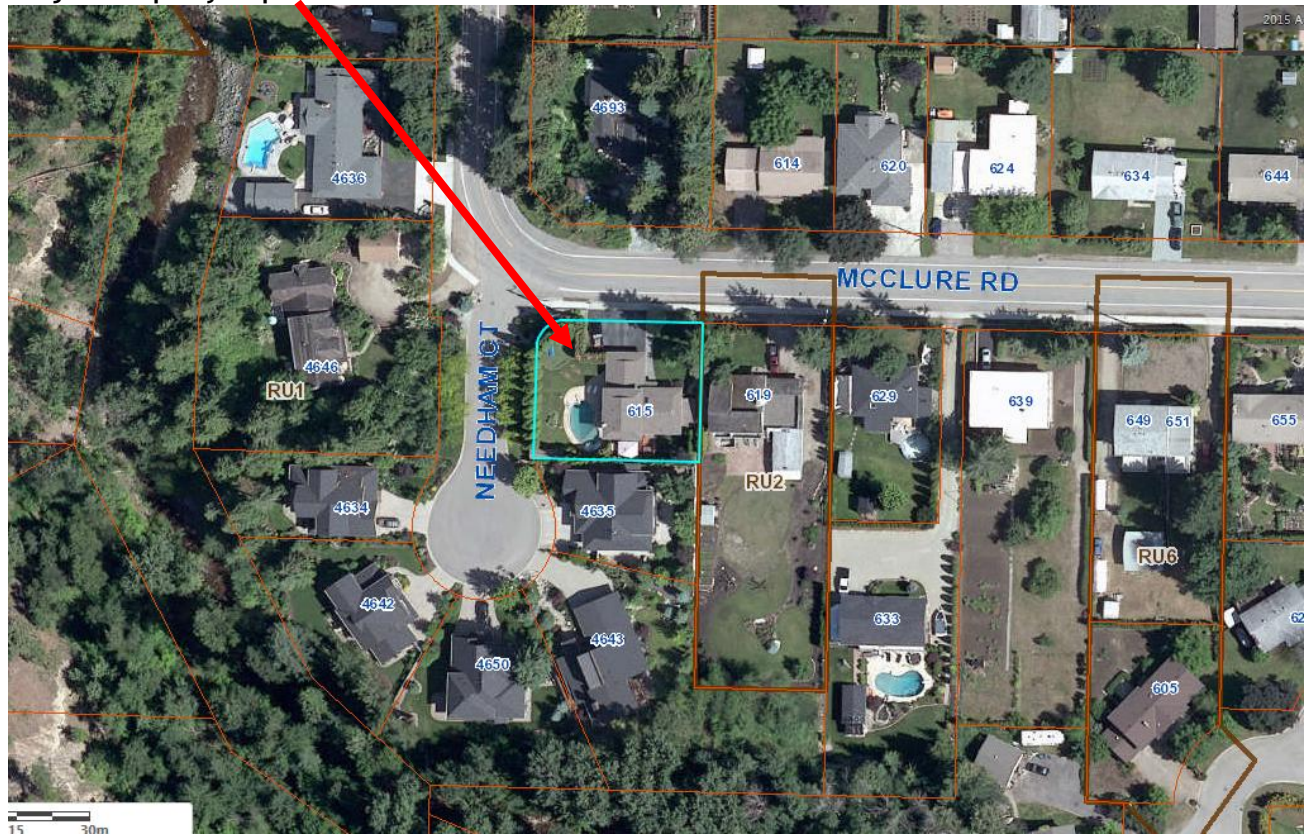
The subject property is located on the south side of McClure Road, west of Needham Court and East of Gordon Drive. The neighbourhood is predominantly single family dwellings, and the property immediately to the east has recently been rezoned RU2 - Medium Lot Housing for the purposes of subdivision and redevelopment.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Residential
East	RU2 - Medium Lot Housing	Residential
South	RU1 - Large Lot Housing	Residential
West	RU1 - Large Lot Housing	Residential



## Subject Property Map:



## 4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	550 m <sup>2</sup>	m <sup>2</sup>
Minimum Lot Width	16.5 m	m
Minimum Lot Depth	30 m	m
Development Regulations		
Maximum Site Coverage (buildings)	40%	20.3%
Maximum Site Coverage (buildings, driveways and parking)	50%	26%
Maximum Height	9.5 m	9.46 m
Minimum Front Yard	4.5 m	16.32 m
Minimum Side Yard (south)	2.3 m	6.3 m
Minimum Side Yard (north)	2.3 m	6.68 m
Minimum Rear Yard	7.5 m	3.039 m <span style="color: red;">❶</span>
<span style="color: red;">❶</span> Indicates a requested variance to vary the minimum rear yard setback from 7.5m required to 3.039m proposed.		

## **5.0 Technical Comments**

### **5.1 Building & Permitting Department**

No Comment.

### **5.2 Development Engineering Department**

Please see attached Schedule "A" City of Kelowna Memorandum dated April 14, 2016.

## **6.0 Application Chronology**

Date of Application Received: April 12, 2016

Date Public Consultation Completed: April 12, 2016

**Report prepared by:**

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Trisa Brandt, Planner I

**Reviewed by:**

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Terry Barton, Urban Planning Manager

**Approved for Inclusion:**

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Ryan Smith, Community Planning Department Manager

### **Attachments:**

Site Plan

Conceptual Elevations

Floor Plans

Schedule "A" City of Kelowna Memorandum dated April 14, 2016