

REPORT TO COUNCIL



Date: October 8, 2019

To: Council

From: City Manager

Department: Community Planning and Developments

Application: DVP19-0145 **Owner:** Bannister Chad,
Bannister Nadine

Address: 4780 Crichton Rd **Applicant:** PSJ Developments Ltd.

Subject: Development Variance Permit

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0145 for Lot 1 Section 25 Township 28 ODYD Plan 8026, located at 4780 Crichton Rd, Kelowna, BC;

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

Section 11.1.6 – Development Regulations

- a) To vary the minimum side yard setback from 3.0 m required to 2.3m proposed on both side yards 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 minimum side yard setback to allow the construction of a new single-family dwelling (SFD) on the subject property.

3.0 Development Planning

Staff support the requested variance to reduce the side yard setback from 3.0m to 2.3m on the north and south side of the property. The variance will allow the construction of a new home complete with an attached garage and maintaining onsite parking, while limiting the impacts on steep slopes. The property slopes down from the road to the lake, with grades in excess of 30% thru the middle of the property.

The current zoning A1 according to the bylaw requires setbacks based on the lot size. For lots less than 0.2 ha, which existed prior to August 10, 1976, shall be developed in accordance with the provisions and regulations of the RU1. The lot size in this case is 0.25 ha which just exceeds the provision.

The property is adjacent to the ALR and regulation requires a landscape buffer to reduce the impacts of normal farm practices.

The applicant has completed the neighborhood consultation in accordance with Council Policy No. 367 and staff have not fielded any questions or concerns.

4.0 Proposal

4.1 Project Description

The applicant's proposal is to build a new home with attached garage on the lot while maintaining the onsite parking and respecting the 15.0m Riparian Management Area (RMA) from the lake. In addition, the applicant is restoring the Riparian Management Area (RMA) from the lake and installing a landscape buffer along the frontage of the property.

As this site is within the Natural Environment Development Permit Area, the proponent will be required to obtain a Natural Environment Development Permit including a geotechnical assessment prior to commencing construction on this parcel.

4.2 Site Context

The subject property is located on the west side of Crighton Road in the Southwest Mission sector of Kelowna. The subject property is zoned A1 with a Future Land Use designation of S2RES.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1C – Agriculture 1 with Carriage House	Single Family Residential & Carriage House
East	A1 – Agriculture 1	Orchard Farm
South	A1 – Agriculture 1	Single Family Residential
West	Okanagan Lake	Lake

Subject Property Map: 4780 Crighton Rd



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	A1 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Front Yard (to a dwelling)	6.0m	14.6m
Side Yard (north)	3.0m	2.3m ❶
Side Yard (south)	3.0m	2.3m ❶
Rear Yard	10m	36.58m
Other Regulations		
Maximum Site Coverage	35%	28%
❶ Indicates a requested variance to the side yard setback to a dwelling		

5.0 Current Development Policies

5.1 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;

6.0 Technical Comments

6.1 Development Engineering Department

See attached Memorandum dated July 2, 2019

6.2 Building & Permitting Department

Full Plan check for Building Code related issues will be done at time of Building Permit applications.

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).

7.0 Application Chronology

Date of Application Received:

July 8, 2019

Date Public Consultation Completed:

August 26, 2019

Report prepared by:

Sergio Sartori, Development Technician

Reviewed by:

Dean Strachan, Community Planning Manager

Approved for Inclusion:

Terry Barton, Planning Department Manager

Attachments:

Draft Development Variance Permit No. DVP19-00145

Schedule "A" - Site Plan

Schedule "B" - Landscape Plan

Attachment "A" - Development Engineering Services Memo dated July 10, 2019