

# REPORT TO COUNCIL



**Date:** January 21<sup>st</sup>, 2020  
**To:** Council  
**From:** City Manager  
**Department:** Development Planning (TC)  
**Application:** DVP19-0194      **Owner:** Heather Martin  
**Address:** 345 Francis Avenue      **Applicant:** Heather Martin  
**Subject:** Development Variance Permit  
**Existing OCP Designation:** Single/Two Unit Residential (S2RES)  
**Existing Zone:** RU1- Large Lot Housing

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0194 for Lot 1, District Lot 14 Osoyoos Division Yale District Plan KAP70822, located at 345 Francis Avenue, Kelowna, BC;

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

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

To vary the required minimum rear yard setback from 4.5 m permitted to 2.0 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 minimum rear yard setback from 4.5 m permitted to 2.0 m proposed on the subject property to facilitate construction of a single detached house.

## 3.0 Development Planning

Development Planning staff support the Development Variance Permit for the rear yard setback. The applicant is seeking a variance to reduce the rear yard setback from 4.5 m to 2.0 m on the south property line. The subject property has access off Francis Avenue to the north, on the long side of the property, and the house is oriented west, facing Okanagan Lake. Although the south property line is considered the rear yard, it functions more like a side yard and abuts the side yard of the adjacent property. This unique site orientation

is the reason for the requested variance, and staff do not anticipate negative impacts on the adjacent property.

**4.0 Proposal**

**4.1 Project Description**

The proposal is to vary the rear yard setback on the south property line from 4.5 m required to 2.0 m proposed. The variance is to accommodate the construction of a new two-storey house with a secondary suite. The existing house will be demolished, and a new house constructed. The proposed house has been designed with no windows or balconies directly adjacent to the existing house to the south to help with any potential privacy concerns.

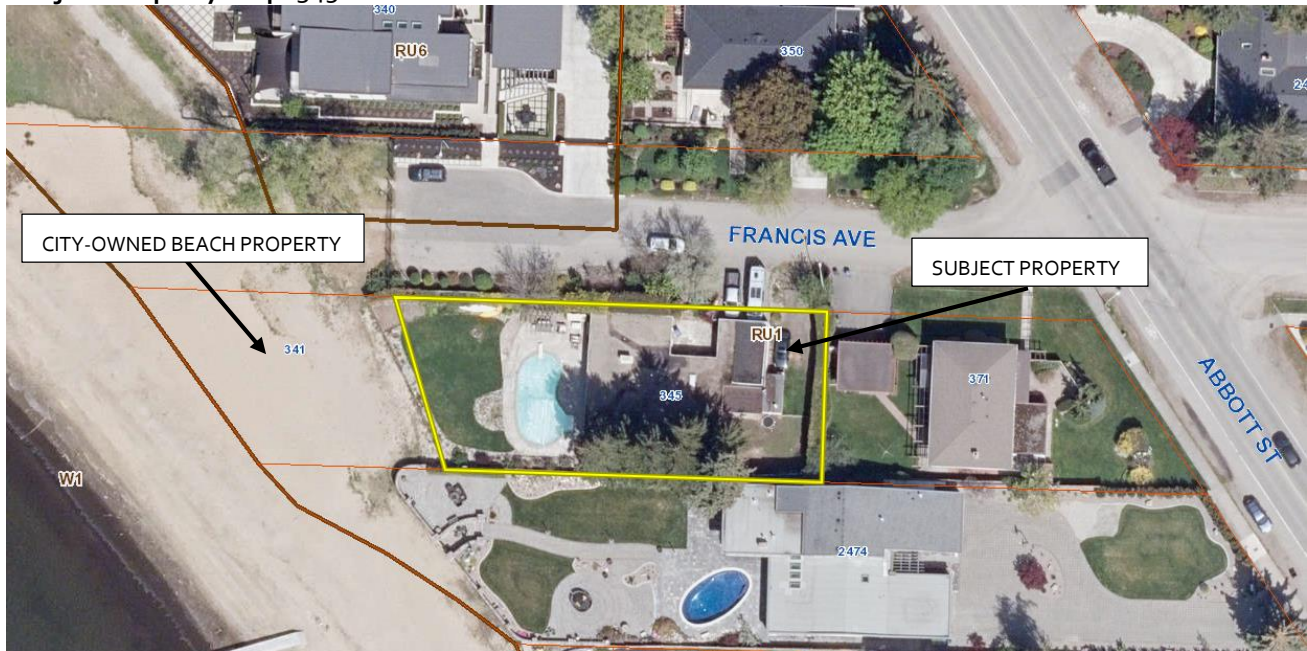
**4.2 Site Context**

The subject property is zoned RU1 and has a future land designation of S2RES – Single / Two Unit Residential. The property is located on Francis Avenue, near the intersection with Abbott Street. The property is oriented towards the Okanagan Lake, however the property is technically not lakefront, as the city owns the adjacent lakefront property. The surrounding area is characterized by single family residential development.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6- Two Dwelling Housing	Two Unit Dwelling (Duplex)
East	RU1- Large Lot Housing	Single Unit Dwelling
South	RU1- Large Lot Housing	Single Unit Dwelling
West	RU1- Large Lot Housing	City-Owned Beach Property

**Subject Property Map: 345 Francis Avenue**



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU-1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	550 m <sup>2</sup>	1,145.4 m <sup>2</sup>
Min. Lot Width	30.0 m	47-58 m
Min. Lot Depth	30.0 m	21.5 m
Development Regulations		
Max. Floor Area Ratio	0.8	0.43
Max. Site Coverage (buildings)	40%	27.2%
Max. Site Coverage (buildings, parking, driveways)	50.0%	33.5%
Max. Height	9.5 m	7 m
Min. Front Yard	4.5 m	4.5 m
Min. Side Yard (east)	2.0 m	3.0 m
Min. Side Yard (west)	2.0 m	19.5 m
Min. Rear Yard	4.5 m	❶ 2.0 m
❶ Indicates a requested variance to section 13.1.56(e) rear yard setbacks.		

5.0 **Application Chronology**

Date of Application Received: October 10<sup>th</sup>, 2019  
 Date Public Consultation Completed: November 12<sup>th</sup>, 2019

**Report prepared by:** Tyler Caswell, Planner I

**Reviewed by:** Laura Bentley, Urban Planning & Development Policy Manager

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

**Attachments:**

Attachment A: Draft Development Permit DVP19-0194