

REPORT TO COUNCIL



Date: April 7, 2020

To: Council

From: City Manager

Department: Development Planning Department

Application: DVP20-0029

Owner: Susan E. Jaeger & David J. Miller

Address: 2455 Abbott Street

Applicant: David Miller

Subject: Development Variance Permit Application

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. DVP20-0029 for Lot 5 District Lot 14 ODYD Plan 5101, located at 2455 Abbott Street, Kelowna, BC;

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

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

To vary the required minimum front yard from 6.0 m required to 4.0 m proposed.

Section 13.1.6(d) -RU1 – Large Lot Housing Development Regulations

To vary the required minimum side yard from 4.5 m required to 3.1 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 front yard from 6.0 m required to 4.0 m proposed and the minimum side yard from 4.5 m required to 3.1 m proposed for a proposed residential addition.

3.0 Development Planning

Planning staff support the proposed variances and do not anticipate any negative neighbourhood impacts if the requested variances are approved.

4.0 Proposal

4.1 Background

The subject property has an existing single detached dwelling at the front of the property, a detached garage at the rear of the property, and an in-ground pool in between. The existing dwelling was built in 1971, with a carport. The carport was converted into living space for the existing dwelling sometime between 1971 and 2004 without a building permit by a previous owner. Since the carport was enclosed, a building permit was issued and completed in 2004 to remove an interior wall in the previous carport area.

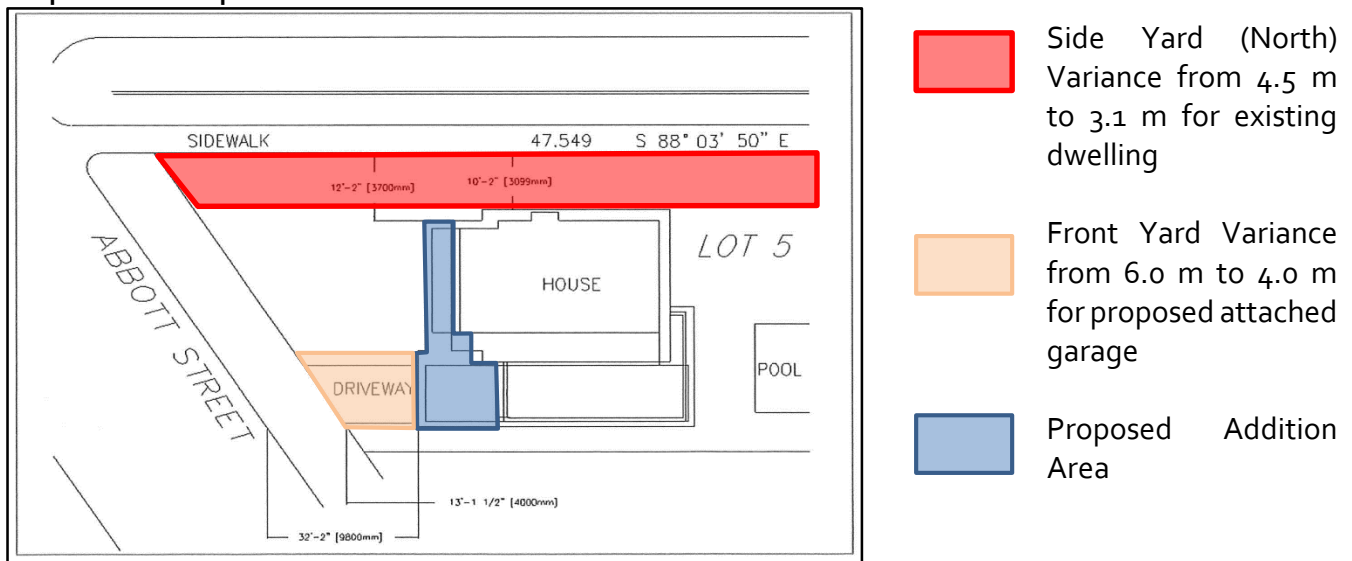
The detached garage at the rear of the property is accessed by an easement through the adjacent property to the East and can easily accommodate a Regular Size Vehicle Parking Space. Given the site configuration and access easement, this area is not suitable for further additions to accommodate a second covered vehicle parking space.

4.2 Project Description

The applicants propose to construct a new single car attached garage, which would partially encroach in the required front yard. This proposed single car garage would accommodate a Small Size Vehicle Parking Space.

The applicants also propose a minor addition to the existing home's living room which faces Abbott Street. While this addition does not increase the current non-conformity of the side yard, the addition still would not meet the current requirement. Staff feel that this minor addition would not have negative impacts on the neighbourhood as the proposed addition is stepped further back from Francis Ave than the existing wall.

Proposed Development:



4.3 Site Context

The subject property is in the South Pandosy - KLO City Sector at the corner of Abbott Street and Francis Avenue. The property is within the permanent growth boundary and currently has a single detached house,

detached garage and in-ground swimming pool. The property has a walk score of 63 – Somewhat Walkable, meaning some errands can be accomplished on foot.

The neighbourhood predominantly consists of single and two dwelling housing, with some nearby properties zoned for two dwelling housing and carriage houses. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Dwelling Residential
East	RU1 – Large Lot Housing	Single Dwelling Residential
South	RU1 – Large Lot Housing	Single Dwelling Residential
West	RU1 – Large Lot Housing	Single Dwelling Residential

Subject Property Map:



The subject property is a unique parallelogram lot shape, where the front and rear lot lines are angled due to the orientation of the fronting and facing streets. Due to this unique shape and the siting of the existing single detached dwelling on the lot, future development on the subject property in the front yard is challenging to accommodate. The subject property is the only property on this block that does not have lane access.

4.4 Zoning Analysis Table

The Zoning Bylaw requires a 4.5 m front yard in the RU1 Zone. A 6.0 m front yard is required for a front facing garage. The intention of the extended front yard in front of a front facing garage is to allow for a regular vehicle parking space length in the driveway in front of the garage wholly within the property boundaries.

The existing home does not meet the current Zoning Bylaw setbacks for the north side yard and is considered to be non-conforming. The required side yard is 4.5 m and the existing house is sited at 3.1 m from the flanking street (Francis Avenue).

Zoning Analysis Table		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Min. Front Yard	4.5 m or 6.0 m for a front facing garage	4.0 m ●

Min. Side Yard (south)	2.0 m	2.0 m
Min. Side Yard (north)	4.5 m	3.1 m ^❷
Min. Rear Yard	7.5 m	7.5 m
Parking Regulations		
Min. Parking Requirements	2.0 spaces	2.0 spaces
Ratio of Parking Space Sizes	50% Regular Size 50% Small Size	1 Regular Size 1 Small Size
^❶ Indicates a requested variance to reduce the required front yard. ^❷ Indicates a requested variance to reduce the required side yard (north).		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.22 Ensure context sensitive housing development

Policy.6 Sensitive Infill. 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: January 21st, 2020

Date Public Consultation Completed: January 31st, 2020

Date Requested Documents Received March 4th, 2020

Report prepared by: Hailey Rilkoff, Planner I

Reviewed by: James Moore, Urban Planning & Development Policy Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Attachment A: Draft Development Variance Permit DVP20-0029

Attachment B: Applicant's Rationale