

# REPORT TO COUNCIL



**Date:** June 2, 2020

**To:** Council

**From:** City Manager

**Department:** Development Planning Department

**Application:** DVP20-0100      **Owner:** Lothar & Colleen Sondermann

**Address:** 2318 Abbott Street      **Applicant:** Jordan Hettinga (Kent-Macpherson)

**Subject:** Development Variance Permit 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. DVP20-0100 for Lot 5 District Lot 14 ODYD Plan 9305, located at 2318 Abbott Street, Kelowna, BC;

AND THAT variance 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 rear yard setback from 7.5m required to 4.4m proposed for the construction of a new covered patio.

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 reduce the rear yard setback from 7.5m required to 4.4m proposed for the construction of a new covered patio on the subject property.

## 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 to 4.4m from the west property line to create a new covered patio. The subject property and principal dwelling are legal non-conforming, because the property does not meet the required lot depth in RU1 zone, and the principal dwelling does not meet the

north side yard setback. These circumstances do not allow for many changes to the principal dwelling without triggering a variance process.

The proposed variance for the covered patio will not be an addition to livable space. No neighbourhood impacts are anticipated with the proposed covered patio.

#### 4.0 Proposal

##### 4.1 Project Description

The proposal is to vary the rear yard setback from 7.5m required to 4.4m proposed to accommodate an attached covered patio. The covered patio will be attached to the rear wall of the principal dwelling. The patio will have a roof, but it will not have any walls and will be accessed through a sliding door at the rear of the principal dwelling.

##### Site Context

The subject property is zoned RU1 and has a Future Land Use Designation of S2RES – Single/Two Residential. The property is located on Abbott Street on the intersection with Atwood Place and it is in the Central City OCP Sector. The surrounding area is primarily characterized by single-family residential development, Kelowna General Hospital and Strathcona Park.

Specifically, adjacent land uses are as follows:

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

**Subject Property Map: 2318 Abbott Street**



4.2 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU <sub>1</sub> ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	550m <sup>2</sup>	559.32m <sup>2</sup>
Min. Lot Width	17.0m	21.34m
Min. Lot Depth	30.0m	26.21m
Development Regulations		
Max. Site Coverage (buildings)	40%	29%
Max. Site Coverage (buildings, parking, driveways)	50%	37%
Max. Height	9.5m (2.5 storeys)	6.5m (2 storeys)
Min. Front Yard	6.0m	6.72m
Min. Side Yard (south)	4.5m	4.9m
Min. Side Yard (north)	2.3m	2.21m (existing)
Min. Rear Yard	7.5m	4.4m <sup>①</sup>
Other Regulations		
Min. Parking Requirements	2	2
① Indicates a requested variance to Section 13.1.6(e): RU <sub>1</sub> – Large Lot Housing to the required rear yard setback.		

5.0 **Application Chronology**Date of Application Received: March 30<sup>th</sup>, 2020Date Public Consultation Completed: April 2<sup>nd</sup>, 2020

Report prepared by: Tyler Caswell, Planner I

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

Approved for Inclusion: Terry Barton, Development Planning Department Manager

**Attachments:**

Attachment A: Draft Development Variance Permit DVP20-0100

Schedule A: Conceptual Drawing Package