

REPORT TO COUNCIL



Date: July 14, 2020

To: Council

From: City Manager

Department: Development Planning Department

Application: DVP20-0129

Owner: Tom Mauro and Debra Mauro

Address: 2700 Abbott Street

Applicant: Hauge Construction Ltd.

Subject: Development Variance Permit

Existing OCP Designation: Single/Two Unit Residential (S2RES)

Existing Zone: RU6 – Two Dwelling Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP20-0129 for Lot 4, District Lot 14, Osoyoos Division Yale District, Plan 14499, located at 2700 Abbott Street, Kelowna, BC;

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

Section 6.11.1: General Development Regulations - Okanagan Lake Sight Lines

To vary the Okanagan Lake Sight Line regulation from 60 degrees permitted to 43.5 degrees proposed along the north side;

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 consider a Development Variance Permit to vary the Okanagan Lake Sight Line regulation from 60 degrees required to 43.5 degrees proposed along the north side.

3.0 Development Planning

Staff is recommending support for the requested variance to the Okanagan Lake Sight Line regulations. The applicant is seeking to reduce the Okanagan Lake Sight Line requirements from 60 degrees to 43.5 degrees along the north property line. The applicant is proposing to build a new one storey (6.2 meter) high house farther back from the lake than where the former home was located, which would improve sight lines for the northern property to 43.5 degrees from the previous 21.29 degrees.

Staff consider the subject property a transition point in the housing orientation along this section of lakeshore. The subject property is positioned between a row of houses that are farther from the lake on the north side as compared to a row of houses closer to the lake on the south side. Due to this transition point within the housing orientation, the applicant is challenged with balancing an improved sight line for the northern neighbour while trying to preserve a sightline to the south for themselves.

It is to be noted that the proposed footprint of the new house is approximately 35 meters from the lake, which is well outside the 15 meter riparian area setback. Additionally, if the variance is approved, restrictive covenants must be registered on title to prohibit construction and disturbance within the riparian management area of the lake.

Zoning Bylaw No. 8000, Section 6.11.1 – Okanagan Lake Sight Lines notes that all building and structures greater than 1.2 meters above natural grade on lots along the Okanagan Lake foreshore shall be sited to not obstruct views of the lake from the established abutting development. New development shall be sited to permit the adjacent occupants a 120 degree Panoramic Sight Line (see below).

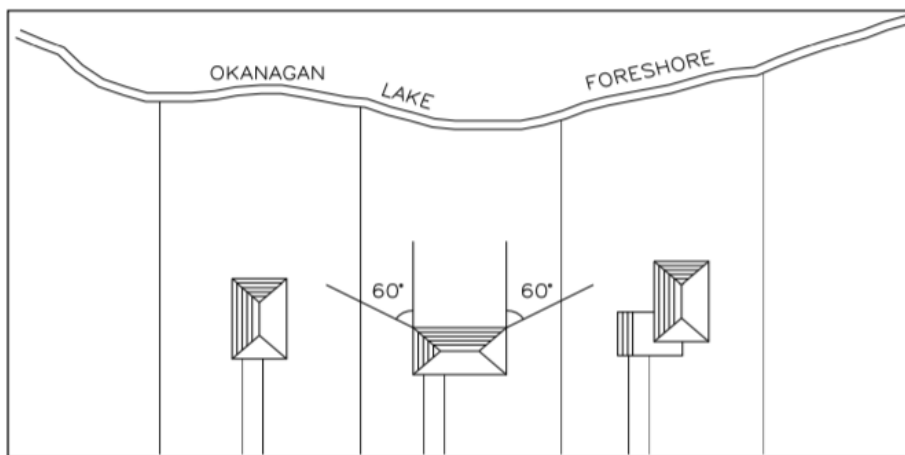


Diagram 6.2: Okanagan Lake 120° Panoramic Sight Line

4.0 Proposal

4.1 Project Description

The proposal is to vary the Okanagan Lake Sight Line from 60 degrees permitted to 43.5 degrees proposed on the north property line. The variance is to accommodate the construction of a new one storey (6.2 meter) high house. Most of the proposed house will be placed inland from the lake from where the former house was located, which would improve the northern neighbour's sight line by 22.21 degrees.

4.2 Site Context

The subject property is zoned RU6 – Two Dwelling Housing and has a future land use designation of Single/Two Unit Residential (S2RES). The property is located in the South Pandosy City Sector, west of the intersection of Osprey Avenue and Abbott Street along the foreshore of Okanagan Lake. The predominant zone to the north, south and east of the subject property is RU6- Two Dwelling Housing.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	S2RES – Single/Two Unit Residential
East	RU6 – Two Dwelling Housing RM3 – Low Density Multiple Housing	MRL – Multiple Unit Residential (Low Density)
South	RU6 – Two Dwelling Housing	S2RES – Single/Two Unit Residential
West	W1 – Recreational Water Use	Not Applicable

Subject Property Map:



5.0 Current Development Policies

Kelowna Official Community Plan (OCP)

Chapter 12: Natural Environment DP Guidelines

Guideline 12.1: Require that all development meets or beats the requirements of the provincial Fish Protection Act (Riparian Areas Regulation). Projects must comply with Riparian Management Area Setbacks in Table 12.1 subject to Section 12.3.

6.0 Application Chronology

Date of Application Received: June 2, 2020
Date Public Consultation Completed: June 3, 2020

Report prepared by: Corey Davis, Environmental Coordinator

Reviewed by: Dean Strachan, Community Planning & Development Manager

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Attachment A: Draft Development Variance Permit DVP20-0129

Attachment B: Applicant's Rationale