# REPORT TO COUNCIL



**Date:** July 14, 2020

To: Council

From: City Manager

**Department:** Development Planning

Jaspal Singh Dhaliwal, Avneet

Application: DVP17-0072 Owners: Kaur Dhaliwal, Gurpal Singh Dhaliwal, Gagandip Kaur

Dhaliwal

Address: 440 Edith Gay Road Applicant: Jaspal Dhaliwal

**Subject:** Development Variance Permit

**Existing OCP Designation:** S2RES – Single / Two Unit Residential

**Existing Zone:** RU6 – Two Dwelling Housing

#### 1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11496 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0072 for Lot 10 Section 35 Township 26 Osoyoos Division Yale District Plan 18660, located at 440 Edith Gay Road, Kelowna, BC;

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted in accordance with Schedule A:

Section 13.6.6(h): RU6 — Two Dwelling Housing Development Regulations

To vary the required minimum rear yard from 7.5 m permitted to 2.04 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 required minimum rear yard on the subject property to facilitate a two lot subdivision.

#### 3.0 Development Planning

Development Planning Staff support the requested variance to the minimum required rear yard. The variance is triggered by the applicant's proposal for a two-lot subdivision. It is the applicant's intent to keep the existing dwelling, but the proposed new lot line would result in a rear yard setback less than the bylaw requirement. This variance is for the existing dwelling only, and any new buildings would be required to comply with zoning bylaw standards. Therefore, this variance is not anticipated to have a negative effect on any adjacent properties. Further, the application does not compromise any municipal infrastructure or services.

The applicant has satisfied the requirements from Rezoning Bylaw No. 11496 and Development Planning Staff recommend the adoption of the Rezoning Bylaw be considered by Council.

## 4.0 Proposal

## 4.1 Background

Initial Consideration and first reading for the rezoning associated with this application took place on October 16, 2017. The Public Hearing as well as second and third reading took place on November 7, 2017. The rezoning application was granted an extension request on January 28, 2019. The applicant fulfilled Council Policy No. 367 with respect to neighbourhood notification as part of the application in 2017, and completed it again on June 7, 2020, due to the time that had lapsed since notification first occurred.

# 4.2 <u>Project Description</u>

There is an existing single detached dwelling on the subject property. Through subdivision, the current side yard for the existing dwelling would then be defined as the rear yard, which has triggered the requirement for a variance. Should Council support this request for a development variance permit, the applicant would be able to achieve a two-lot subdivision, with no further variances being requested. The proposed subdivision plan is attached as Schedule A.

### 4.3 Zoning Analysis Table

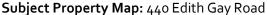
Zoning Analysis Table			
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL	
Subdivision Regulations – Proposed Lot B (corner lot)			
Min. Lot Area	440 m²	876 m²	
Min. Lot Width	15.0 m	21.64 m	
Min. Lot Depth	30.0 m	40.84 m	
Subdivision Regulations – Proposed Lot A			
Min. Lot Area	400 m²	759 m²	
Min. Lot Width	13.0 m	18.59 m	
Min. Lot Depth	30.0 m	40.84 m	
Development Regulations			
Min. Front Yard	4.5 m	> 4.5 m	
Min. Side Yard (north)	2.3 M	4.5 m	
Min. Side Yard (south)	4.5 m	9.35 m	
Min. Rear Yard	7.5 m	2.04 m <b>0</b>	
● Indicates a requested variance to the required minimum rear yard			

## **Site Context**

The subject property is within the Permanent Growth Boundary, in the City's Rutland OCP Sector. It is at the northeast corner of Edith Gay Road and Friesen Road. The neighbourhood is predominantly single dwelling housing, it is in close proximity to Edith Gay Park.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR3 – Rural Residential 3	Single Dwelling Housing
East	RR3 – Rural Residential 3	Single Dwelling Housing
South	RR3 – Rural Residential 3	Single Dwelling Housing
West	RR3 – Rural Residential 3	Single Dwelling Housing





## 5.0 Current Development Policies

## 5.1 Kelowna Official Community Plan (OCP)

# Chapter 1: Introduction

Goals for a Sustainable Future:

Contain Urban Growth. Reduce greenfield urban sprawl and focus growth in compact, connected and mixed-use (residential and commercial) urban and village centres.

Address Housing Needs of All Residents. Address housing needs of all residents by working towards an adequate supply of a variety of housing.

### Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas

Policy 5.3.2 Compact Urban Form. Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

### 6.o Technical Comments

### 6.1 <u>Development Engineering Department</u>

Offsite infrastructure and service upgrade requirements related to this Development Variance Permit Application were satisfied as part of Rezoning Application file number Z17-0030

## 7.0 Application Chronology

Date of Application Received: February 20, 2017

Date Public Consultation Completed: July 7, 2017 & June 7, 2020

Date of Rezoning Initial Consideration: October 16, 2017
Date of Rezoning Public Hearing: November 7, 2017
Date of Extension of Rezoning Bylaw: January 28, 2019

Report prepared by: Kimberly Brunet, Planner

**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 DP17-0072

Schedule A: Site Plan