

REPORT TO COUNCIL



Date: July 14, 2020

To: Council

From: City Manager

Department: Development Planning

Application:	DVP17-0072	Owners:	Jaspal Singh Dhaliwal, Avneet Kaur Dhaliwal, Gurbal Singh Dhaliwal, Gagandip Kaur Dhaliwal
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Address:	440 Edith Gay Road	Applicant:	Jaspal Dhaliwal
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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 Project Description

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 m ²	876 m ²
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 m ²	759 m ²
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 ❶
❶ 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

Subject Property Map: 440 Edith Gay Road



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.

6.0 Technical Comments

6.1 Development Engineering Department

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