

REPORT TO COUNCIL



Date: February 25, 2020

To: Council

From: City Manager

Department: Development Planning

Application: DVP20-0005

Owner: Sarah L. MacLeod

Address: 377 Beach Avenue

Applicant: Sarah L. MacLeod

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. DVP20-0005 for Lot 1 District Lot 14 ODYD Plan 2918, located at 377 Beach Avenue, Kelowna, BC;

AND THAT variances 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 minimum rear yard setback from 7.5 m permitted to 5.67 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 approve a variance to reduce the rear yard setback from 7.5m to 5.67m on the subject property.

3.0 Development Planning

Development Planning supports the proposed variance to reduce the rear yard setback from 7.5m to 5.67m.

The proposed building addition is small in scale and staff are not aware of any negative impacts associated with the requested variance. The width of the building projection is narrow (4.6m) and the proponent is seeking only a modest relaxation of 1.83m, leaving a substantial rear yard remaining. In addition, little to no impact to neighbouring properties is expected as the nearest structure on a neighbouring lot is a detached garage.

4.0 Proposal

4.1 Background

On September 24, 2019 staff issued a Heritage Alteration Permit (HAP) for the subject property for a proposed addition to the existing home, which is in the Heritage Conservation Area (HAP19-0013). The applicant has now returned with some small changes to the original proposal. Chief among the changes is that the proposed addition at the back of the house now extends further to the south, such that the addition extends into the required rear yard setback and requires a variance.

4.2 Project Description

The applicant proposes an addition to the existing home on the subject property. A portion of the addition at the back of the house 4.6m in width would extend 1.83m into the required rear yard setback. The extended addition will allow for a balcony to be built on the second storey of the house, and thus the setback includes the first storey of the addition plus the balcony rail above. The area of the property where the proposed addition would extend into the required rear yard setback abuts a property to the rear where a garage is located. Staff have reviewed the amended proposal against the Heritage Alteration Guidelines and have determined that the proposal substantially meets the guidelines. An amended Heritage Alteration Permit (HAP19-0013-01) will be issued by staff should Council approve the proposed variance.

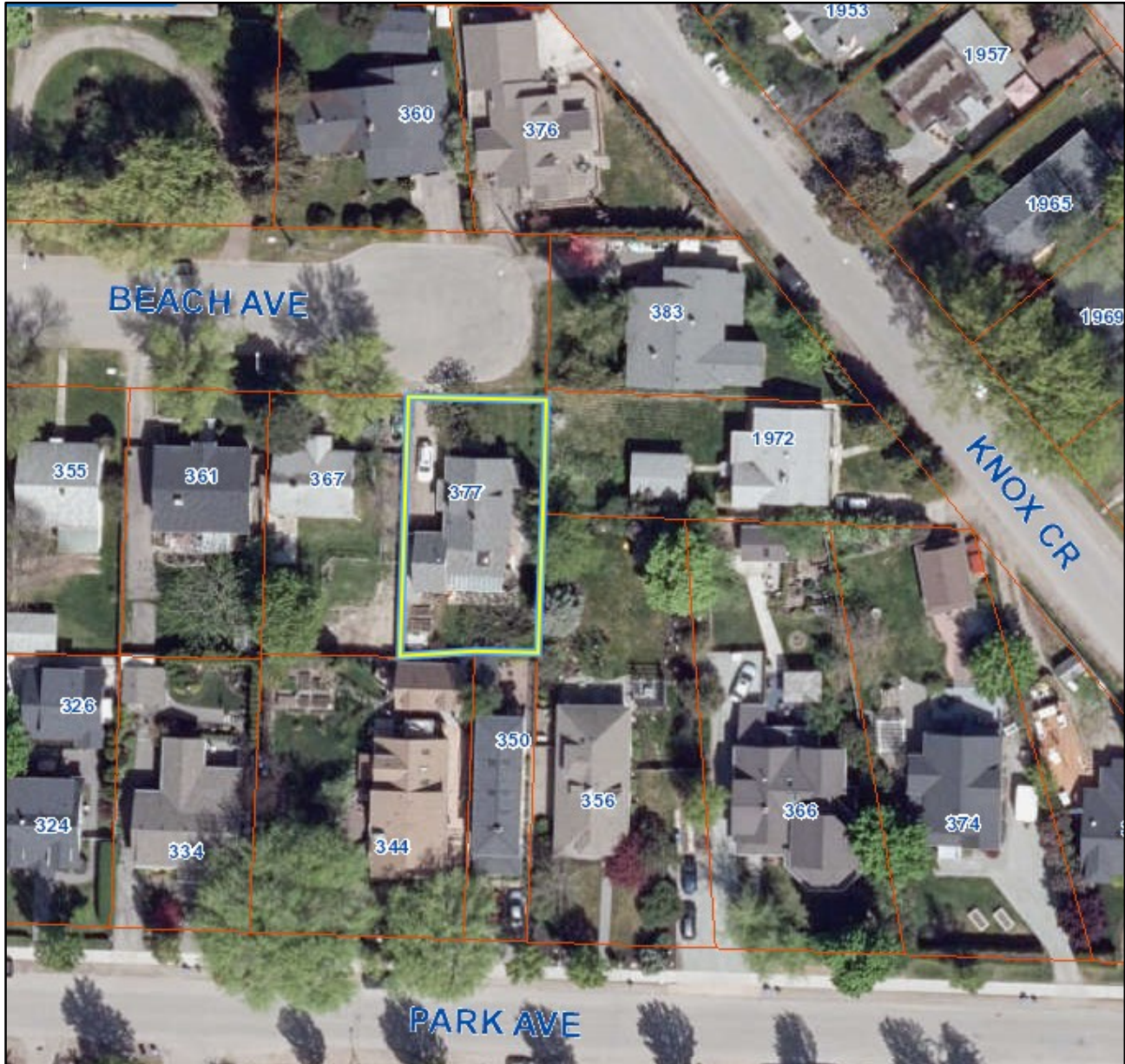
4.3 Site Context

The subject property contains a single family home and is in the Heritage Conservation Area. The lot abuts two properties to the south. The area of the lot where the proposed addition is to extend into the rear yard setback abuts a property where a garage is located.

Specifically, adjacent land uses are as follows:

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

Subject Property Map: 377 Beach Ave.



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU ₁ ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	550m ²	530m ²
Min. Lot Width	16.5m	16.76m
Min. Lot Depth	30m	33.09m
Development Regulations		
Max. Site Coverage (buildings)	40%	26%

Max. Site Coverage (buildings, parking, driveways)	50%	40%
Max. Height	9.5m, 2 ½ storeys	6.5m, 2 storeys
Min. Front Yard	4.5m	>4.5m
Min. Side Yard (south)	2m for 1 st 1 ½ storey; 2.3m for 2 or 2 ½ storey	>2.3m
Min. Side Yard (north)	2m for 1 st 1 ½ storey; 2.3m for 2 or 2 ½ storey	>2.3m
Min. Rear Yard	7.5m	5.67m ❶
❶ Indicates a requested variance to the minimum rear yard setback.		

5.0 Technical Comments

5.1 Development Engineering Department

- The proposed addition with variance to the rear yard setback does not compromise any municipal services.

6.0 Application Chronology

Date of Application Received: December 12, 2019

Date Public Consultation Completed: January 9, 2020

Report prepared by: Aaron Thibeault, Planner II

Approved for Inclusion: Terry Barton, Development Planning Department Manager

Attachments:

Attachment A: Draft Development Variance Permit DVP20-0005

Attachment B: Applicant Rationale