

# REPORT TO COUNCIL



**Date:** February 25<sup>th</sup>, 2020

**To:** Council

**From:** City Manager

**Department:** Development Planning (TC)

**Application:** DVP19-0234      **Owner:** Lee Emond

**Address:** 655 Clifton Road      **Applicant:** Lee Emond

**Subject:** Development Variance Permit

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

**Existing Zone:** RR3 – Rural Residential 3

---

## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP19-0234 for Lot 4, Section 32, Township 26, Plan 20929, located at 655 Clifton Road, Kelowna, BC;

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

### Section 6.5.3 (d): Accessory Buildings in Residential Zones

To vary the front yard setback for an accessory building from 9.0m required to 6.1m proposed.

AND FURTHER THAT this Development Variance Permit is valid for two (2) year from the date of Council approval, with no opportunity to extend.

## 2.0 Purpose

To vary the front yard setback for an accessory building from 9.0m required to 6.1m proposed on the subject property.

## 3.0 Development Planning

Development Planning staff support the variance to reduce the front yard setback from 9.0m to 6.1m for the proposed detached garage. The applicant would like to build the garage in conformance with the bylaw; however, there is a Statutory Right-of-Way that runs along the North property line, limiting the options for the placement of the proposed garage. Conformance with the bylaw and Statutory Right-of-Way would force the proposed garage to be located directly in front of the primary residence. The applicant seeks a front

yard variance to allow for construction to be further away from the primary residence, creating a larger separation between the two dwellings.

The property is located along the downward slope of Clifton Road and this results in the properties to the north being at a higher elevation than the subject property. This elevation change will help limit the visibility of the garage from the properties to the north. In addition, the proposed garage will be below the allowable height at 3.69m. The existing landscaping will also remain along the front property line, helping screen the garage from the road. No neighbourhood impacts are anticipated with the proposed location of the detached garage.

#### 4.0 Proposal

##### 4.1 Project Description

The proposal is to vary the front yard setback for an accessory building from 9.0m required to 6.1m proposed. The variance is to accommodate the construction of a new two car garage. The garage will be flat-roofed at a height of 3.69m. If the garage complied with the permitted setback, the garage would only be 2.39m from the principal dwelling, but the applicant wants a greater separation between the two dwellings and proposes the construction of the garage to be 6.61m from the house.

##### 4.2 Site Context

The subject property is zoned RR3, but since the property was built in 1973 and is 0.1ha in size, Section 1.7.1 of the Zoning Bylaw No.8000 comes into effect:

**Section. 1.7.1:** Non-conforming Agricultural, Urban Residential, or Rural Residential lots less than 0.2 ha., which existed prior to August 10, 1976, shall be developed in accordance with the provisions and regulations of the RU1, RU1(c), or RU1(h) zones.

Therefore, the property develops in accordance with the RU1 zone. The subject property has the OCP designation of S2RES – Single/Two Unit Residential and is located on Clifton Road in the Glenmore-Clifton-Dilworth OCP Sector. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR3 – Rural Residential 3	Single-Family Dwelling
East	RR3 – Rural Residential 3	Single-Family Dwelling
South	RR3 – Rural Residential 3	Single-Family Dwelling
West	RM4 – Transitional Low-Density Housing	Townhouse Dwellings

**Subject Property Map: 655 Clifton Road**



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU <sub>1</sub> ZONE REQUIREMENTS*	PROPOSAL
Accessory Building Development Regulations		
Max. Site Coverage (buildings)	40%	27.86%
Max. Site Coverage (accessory buildings)	14%	7%
Max. Height	4.8m	3.96m
Min. Front Yard	9.0m	6.10m <span style="color: red;">❶</span>
Min. Side Yard (south)	1.5m	11.22m
Min. Side Yard (north)	1.5m**	3.1m
Min. Rear Yard	1.5m	29.22m
<p><b>*Section 1.7.1</b> Non-conforming Agricultural, Urban Residential, or Rural Residential lots less than 0.2 ha., which existed prior to August 10, 1976, shall be developed in accordance with the provisions and regulations of the RU<sub>1</sub>, RU<sub>1</sub>(c), or RU<sub>1</sub>(h) zones.</p> <p><b>**Statutory Right-of-Way on Title</b> requiring 3.0m.</p> <p><span style="color: red;">❶</span> Indicates a requested variance to Section 6.5.3d: Accessory Building in Residential Zones.</p>		

5.0 **Application Chronology**

Date of Application Received: December 4<sup>th</sup>, 2019  
Date Public Consultation Completed: December 17<sup>th</sup>, 2019

**Report prepared by:** Tyler Caswell, Planner I

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

**Approved for Inclusion:** Terry Barton, Development Planning Department Manager

**Attachments:**

Attachment A: Draft Development Permit DVP19-0234

Schedule A: Proposed Site Plan