

# REPORT TO COUNCIL



**Date:** March 16, 2021

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** DVP20-0074

**Owner:** Ashwani K. Lakha and Komal R. Lakha

**Address:** 185 Bach Road

**Applicant:** Birte Decloux; Urban Options Planning & Permits

**Subject:** Development Variance Permit Application

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

**Existing Zone:** RU2 – Medium Lot Housing

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## 1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 12064 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP20-0074 for Lot B Section 26 Township 26 ODYD Plan KAP57577, located at 185 Bach Road, Kelowna, BC;

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

**Section 13.2.5(a): RU2 – Medium Lot Housing, Subdivision Regulations**

To vary the minimum lot width from 13.0m required to 12.65m 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 minimum lot width for the RU2 – Medium Lot Housing zone from 13m required to 12.65m for two proposed lots.

## 3.0 Development Planning

Development Planning supports the proposal to vary the minimum lot width of the RU2 – Medium Lot Housing zone for the two proposed lots.

The parent property was recently rezoned to RU2 with the intent of subdividing the lot in two. The parent property is 25.3m wide, which would leave each new lot at 12.65m wide. The subdivision regulations for the RU2 zone require that a lot be a minimum of 13m wide; and, as such, the proposed subdivision requires a variance for minimum lot width.

Staff support the variance as the narrowing of each lot by 0.35m is negligible in nature. Also, the two proposed lots meet all other minimum lot dimensions for the RU2 zone, including lot depth and lot area, as seen in the table below:

Table 1: RU2 Minimum Lot Dimensions vs. Proposed Lot Dimensions (With % Difference)

	RU2 Min.	Proposed Lots	% of RU2 Min.
Width (m)	13	12.65	97%
Depth (m)	30	41.7	139%
Area (m <sup>2</sup> )	400	526.8	132%

In addition, the building envelope for the two proposed lots is such that a single family home could yet be accommodated on each without requiring any further variances.

Staff originally proposed that a shared access agreement between the two lots be required in order to mitigate against the reduction in lot width. However, further discussions with the Development Engineering Department have established that a shared access agreement would do little to increase transportation safety in this location; and, as such, Staff are now prepared to waive this requirement.

#### 4.0 Proposal

##### 4.1 Background

On August 10, 2020, Council gave 2nd and 3rd reading to the bylaw to rezone the subject property to RU2 – Medium Lot Housing, in order to facilitate a 2-lot subdivision. In the Report to Council it was made known that a variance for lot width would yet be required in order to complete the subdivision, and a condition of the rezoning was that this variance be considered by Council. At the time, Staff expressed support for the required variance. Part of the reason Staff supported the variance is that a reciprocal access agreement would be required in order to minimize the number of car accesses onto Bach Rd. This was thought to be beneficial in order to increase transportation safety in the area. However, subsequent discussions with the Development Engineering Department revealed that the shared access agreement would, in fact, do little to increase transportation safety in the area. As such, Staff are prepared now to waive this requirement.

##### 4.2 Project Description

The applicant proposes to vary the minimum lot width for the RU2 zone in order to allow for a 2-lot subdivision of the subject parcel. The variance proposes reducing the minimum lot width from 13m required to 12.65m proposed for the two proposed lots.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Family Housing
East	RU1 – Large Lot Housing	Single Family Housing
South	RU2 – Medium Lot Housing	Single Family Housing
West	RU1 – Large Lot Housing	Single Family Housing

**Subject Property Map:** 185 Bach Rd.



#### 4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU2 ZONE REQUIREMENTS	PROPOSAL
Subdivision Regulations		
Min. Lot Area	400m²	526.8m²
Min. Lot Width	13.0m	12.65m <span>❗</span>
Min. Lot Depth	30m	41.7m

● Indicates a requested variance to minimum lot width.

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Chapter 5: Development Process

*Objective 5.22 Ensure context sensitive housing development.*

*Policy .6 **Sensitive Infill**. Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.*

## 6.0 Application Chronology

Date of Application Received:	February 24, 2020
Date Public Consultation Completed:	May 20, 2020
Initial Consideration of Rezoning:	July 13, 2020
Public Hearing for Rezoning:	Waived
2 <sup>nd</sup> and 3 <sup>rd</sup> Reading of Rezoning:	August 10, 2020

**Report prepared by:** A.D. Thibeault, Planner II

**Reviewed by:** Jocelyn Black, Urban Planning Manager

**Reviewed by:** Terry Barton, Development Planning Department Manager

**Approved for Inclusion:** Ryan Smith, Divisional Director, Planning & Development Services

### **Attachments:**

Attachment A: Draft Development Variance Permit DVP20-0074

Attachment B: Proposed Subdivision Plan