

REPORT TO COUNCIL



Date: September 21st 2021

To: Council

From: City Manager

Department: Development Planning

Application: DVP21-0126 **Owner:** Maxwell House Developments Ltd. Inc.No. Co756620

Address: 1958 Hemmerling Court **Applicant:** LIME Architecture Inc.

Subject: Development Variance Permit Application

Existing OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: RU2 – Medium Lot Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0126 for Lot 15 Section 4 Township 23 ODYD Plan EPP95497, located 1958 Hemmerling Court, Kelowna, BC;

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

Section 13.2.6(c): RU2: Medium Lot Housing - Development Regulations

To vary the front yard setback from 4.5 m required to 1.8 m proposed and to vary the front yard setback from a garage from 6.0 m required to 2.2 m proposed.

Section 13.2.6(e): RU2: Medium Lot Housing - Development Regulations

To vary the rear yard setback from 7.5 m required to 3.5 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 issue a Development Variance Permit to the front yard setback, the front yard setback to a garage and to the rear yard setback to facilitate the construction of a single-family home.

3.0 Development Planning

Staff support the Development Variance Permit for the front yard and rear yard setbacks for the proposed construction of a single-family dwelling with a secondary suite. The subject property is located on the curve

of Hemmerling Court, which makes the property narrow and challenging to develop. The irregular shape has led to the variances being proposed, and the applicant tried limiting the impact on neighbouring properties by varying the front yard setback as opposed to the side yard. The driveway length is +/-1.8m which does allow for any vehicular parking and all parking will be in the garage. A third parking stall is provided beside the garage for the secondary suite. Staff do not anticipate any negative neighbourhood impacts to be caused by the proposed variances.

4.0 Proposal

4.1 Project Description

The applicant is seeking two variances to facilitate the construction of a two-storey residence with a secondary suite. The irregular lot has led to many design challenges and the proposed variances will allow for a well-functioning design. The applicant has proved they can meet all other Zoning Bylaw requirements including three parking spaces on-site.

4.2 Site Context

The subject property is zoned RU2 – Medium Lot Housing and has a Future Land Use Designation of S2RES – Single/Two Unit Residential. The property is located on Hemmerling Court and is in the Glenmore – Clifton – Dilworth OCP Sector. The surrounding area is primarily zoned RU2 – Medium Lot Housing, RU6 – Two Dwelling Housing, RU1 – Large Lot Housing and P3 – Parks and Open Space.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Vacant
East	RU1 – Large Lot Housing	Single-Family Dwelling
South	RM3 – Low Density Multiple Housing & P3 – Parks and Open Space	Semi-Detached Housing and Brandt Creek
West	RU2 – Medium Lot Housing	Vacant

Subject Property Map: 1958 Hemmerling Court



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU ₂ ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Max. Site Coverage (buildings)	40%	37%
Max. Site Coverage (buildings, parking, driveways)	50%	44%
Max. Height	9.5m	7.2m
Min. Front Yard	4.5m	1.8m
Min. Front Yard from Garage	6.0m	1.8m
Min. Side Yard (East)	1.9m	1.8m
Min. Rear Yard	7.5m	3.5m
Other Regulations		
Min. Parking Requirements	3	3
<p>● Indicates a requested variance to the front yard setback from Section 13.2.6d: RU₂ – Medium Lot Housing – Front yard setbacks</p> <p>● Indicates a requested variance to the front yard setback from Section 13.2.6e: RU₂ – Medium Lot Housing – Rear yard setbacks</p>		

5.0 **Application Chronology**

Date of Application Accepted: June 2nd, 2021
 Date Public Consultation Completed: June 24th, 2021

Report prepared by: Tyler Caswell, Planner

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 DVP21-0126
 Schedule A: Site Plan