

REPORT TO COUNCIL



Date: September 21, 2021

To: Council

From: City Manager

Department: Development Planning Department

Application: DVP21-0145 **Owner:** Robert Willy Deubner and Sherry Lee Deubner

Address: 1625 Garner Road **Applicant:** Summit Land Surveying

Subject: Development Variance Permit Application

Existing OCP Designation: REP – Resource Protection Area

Existing Zone: A₁ – Agriculture 1

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0145 for Lot 1 Section 17 Township 26 ODYD Plan KAP53187, located at 1625 Garner Road, Kelowna BC;

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

Section 11.1.6 (Table 11.1): A₁ – Agriculture 1, Development Regulations

To vary the front yard setback of an accessory building from 6.0m permitted to 4.0m 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 front yard setback for an accessory building from 6.0m required to 4.0m proposed to facilitate a proposed accessory building.

3.0 Development Planning

Staff support the Development Variance Permit for the front yard setback for a proposed garage. The variance is being requested because the location of the existing house and driveway, coupled with the irregular size and shape of the lot, does not provide adequate space within the existing building envelope for the construction of a garage. The purpose of the 6-meter front setback in the A₁ zone is to maintain a consistent streetscape, the subject lot has an irregular shape and size, as well as a 6-meter grade difference from the street which would mitigate any impact of the proposed building. Further, the proposed garage will

be accessed on the side via a driveway that runs parallel to the front of the property, rather than being accessed directly from the street. Any impact that would result from the reduced setback would be negated by the elevation and driveway configuration of the lot.

4.0 Proposal

4.1 Project Description

The applicant is seeking a front yard variance from 6.0 metres to 4.0 metres for a proposed garage that will have a total footprint of 102.2 m² with an entrance off an existing driveway the is parallel to Garner Road. The subject parcel is elevated several metres higher than the roadway at the location where a proposed garage is planned, there is also an existing tree buffer between the proposed garage and Garner Road.

4.2 Site Context

The site is zone A1 and has a Future Land Use Designation of REP – Resource Protection Area. The property is located on Garner Road in the Belgo – Black Mountain OCP Sector. The surrounding area is primarily zoned A1 – Agriculture 1, and P2 – Education and Minor Institutional.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture 1	Agriculture
East	A1 – Agriculture 1	Agriculture
South	A1 – Agriculture 1	Agriculture
West	P2 – Education and Minor Institutional	Religious assemblies

Subject Property Map: 1625 Garner Rd



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	A1 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Max. Site Coverage (residential buildings)	10%	6.8%
Max. Site Coverage (accessory buildings)	14%	3.8%
Min. Front Yard	6.0m	4.0m ●
Min. Side Yard	3.0m/ 4.0m	3.05m
Min. Rear Yard	10.0 m 4.5 m (lot width > lot depth) 3.0m (Accessory/carriage house)	14.95m
● Indicates a requested variance to the front yard setback.		

5.0 **Application Chronology**

Date of Application Received: June 9, 2021

Date Public Consultation Completed: July 11, 2021

Report prepared by: Graham Allison, Planner 1**Reviewed by:** Dean Strachan, Community Planning & Development Manager**Reviewed by:** Terry Barton, Development Planning Department Manager**Approved for Inclusion:** Ryan Smith, Divisional Director, Planning & Development Services**Attachments**

Attachment A: Draft Development Permit DVP21-0145

Attachment B: Applicant's Rationale

Schedule A: Site Plan