

# REPORT TO COUNCIL



**Date:** October 5<sup>th</sup>, 2021

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** DVP21-0118

**Owner:** Shawn Achille Poisson

**Address:** 469 Tina Court

**Applicant:** Frame Custom Homes Ltd.

**Subject:** Development Variance Permit Application

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

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

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0118 for Lot A Section 8 Township 23 ODYD Plan EPP73625, located at 469 Tina Court, Kelowna, BC;

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

### **Section 12.3.6(c): RR3: Rural Residential 3 – Development Regulations**

To vary the front yard setback from 6.0m required to 3.0m 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 issue a Development Variance Permit to the front yard setback from 6.0m required to 3.0m proposed to facilitate the construction of a single-family dwelling.

## 3.0 Development Planning

Staff support the Development Variance Permit for the front yard setback to facilitate the construction of a single-family dwelling. The subject property is located along a hillside, so at the time of subdivision (S16-0098), there was a no-disturb covenant and a no-build covenant registered on-title to protect the environmentally sensitive areas, which limited the total buildable area. The property is also at the end of a cul-de-sac on Tina Court, so the property is an irregular shape, making it challenging to meet the front yard setback. Overall, the subject property has several design challenges, which makes it challenging to design a house that meets all the Zoning Bylaw Development Regulations, so Staff are comfortable supporting a front

yard setback variance. Staff do not anticipate any negative neighbourhood impacts to be caused by the proposed variance.

#### 4.0 Proposal

##### 4.1 Project Description

The applicant is seeking a variance to the front yard setback to facilitate the construction of a single-family dwelling. The subject property's irregular shape, as well as the encumbered portions of the property has led to many design challenges. The proposed variance will allow for a well-functioning design, as well as offer a stronger street interface with Tina Court. The applicant has indicated that all other Zoning Bylaw requirements can be fulfilled.

##### 4.2 Site Context

The subject property is zoned RR3 – Rural Residential 3 and has a Future Land Use Designation of S2RES – Single/Two Unit Residential. The property is located on Tina Court in the Glenmore – Clifton – Dilworth OCP Sector. The surrounding area is primarily zoned RR3 – Rural Residential 3 and A1 – Agriculture 1.

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	A1 – Agriculture 1	Single-Family Dwelling

#### Subject Property Map: 469 Tina Court



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RR <sub>3</sub> ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	1,600m <sup>2</sup>	2,319m <sup>2</sup>
Min. Lot Width	18.0m	53.0m
Min. Lot Depth	30.0m	37.2m
Development Regulations		
Max. Site Coverage (buildings)	30%	30%
Min. Front Yard	6m	3m <sup>❶</sup>
Min. Side Yard (East)	2m	2m
Min. Side Yard (West)	2m	2m
Min. Rear Yard	7.5m	7.5m
❶ Indicates a requested variance to the front yard setback from Section 12.3.6: RR <sub>3</sub> – Rural Residential 3 – Front Yard Setbacks		

5.0 **Application Chronology**Date of Application Accepted: May 21<sup>st</sup>, 2021Date Public Consultation Completed: September 13<sup>th</sup>, 2021**Report prepared by:** Tyler Caswell, Planner I**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 Variance Permit DVP21-0118

Schedule A: Site Plan