

# REPORT TO COUNCIL



**Date:** November 30, 2021

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** DVP20-0110

**Owner:** 1256484 B.C. Ltd., Inc. No.  
BC1256484

**Address:** 410 Francis Avenue

**Applicant:** CLD Western Property

**Subject:** Development Variance Permit Application

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

**Existing Zone:** RU6 – Two Dwelling Housing

---

## 1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 12146 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP20-0110 for Lot 19 District Lot 14 ODYD, Plan 7336, located at 410 Francis Avenue, Kelowna, BC;

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

**Section 13.6.6(f): RU6 – Two Dwelling Housing Development Regulations**

To vary the minimum front yard setback from 4.5 m required to 4.0 m proposed.

**Section 13.6.6(g): RU6 – Two Dwelling Housing Development Regulations**

To vary the minimum flanking side yard setback from 4.5 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 for the front yard setback and the flanking side yard setback to facilitate two detached single-family dwellings.

### **3.0 Development Planning**

Staff are recommending support for the proposed Development Variance Permit. The applicant is seeking a front yard setback variance along Taylor Crescent and a side yard setback from Francis Avenue to accommodate two single-family dwellings. The site has several constraints including its irregular triangular shape and the fact it is a corner lot, which require greater setbacks in comparison to mid-block development. The variances help fulfill the requirement to have all access off the laneway, which helps with the street rhythm and greater interface with the surrounding neighbourhood. If the lot were more conventional in its shape and orientation, the ability to achieve a viable development without the potential for any variances would be greater.

In order to offset the proposed variances, the applicant is proposing to landscape the site with border shrub and perennials plantings including 8 on-site deciduous trees. The landscaping proposed will help to buffer and complement the two dwellings which will be located closer to both the front and flanking streets than the RU6 zone permits. Should Council support the proposed variances, Staff are not anticipating any negative impacts to the surrounding neighbourhood.

### **4.0 Proposal**

#### **4.1 Background**

The property previously contained a single-family dwelling on the site, however, the home was demolished and subsequently removed from the property in 2017 and has been sitting vacant since.

#### **4.2 Project Description**

The proposal is to construct two new 2-storey detached single-family dwellings. The subject site has been sitting vacant for nearly 4 years now. The previous single-family dwelling had a driveway access at Francis Avenue, however, the RU6 zone requires access from the lane when a lane is present. Should the development move forward, the existing driveway access onto Francis Ave would be decommissioned and all future access to the site would come from the lane only.

#### **4.3 Site Context**

The subject property is located in the South Pandosy – KLO City Sector near the intersection of Francis Ave and Pandosy St, and just north of Kinsmen Park. It is in close proximity to transit routes located along Pandosy St. The surrounding neighbourhood is largely comprised of RU1 – Large Lot Housing zoned properties with some RU1c – Large Lot Housing with Carriage House and RU6 – Two Dwelling Housing zoned sites.

**Subject Property Map: 410 Francis Avenue****4.4 Zoning Analysis Table**

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Existing Lot Regulations		
Min. Lot Area	800 m <sup>2</sup>	825 m <sup>2</sup>
Min. Lot Width	20.0 m	> 30.0 m
Min. Lot Depth	30.0 m	> 30.0 m
Development Regulations		
Max. Site Coverage (buildings, parking, driveways)	50%	50%
Max. Height	9.5 m or 2 ½ storeys	9.42 m / 2 storeys
Min. Front Yard	4.5 m	❶ 4.0 m
Min. Side Flanking Yard (south)	4.5 m	❷ 3.5 m
Min. Side Yard (north)	2.0 m for a 1 to 1 ½ storey portion of a house	2.0 m
Min. Rear Yard	7.5 m	7.67 m
Min. Distance between Dwellings	4.5 m	4.5 m
Other Regulations		
Min. Parking Requirements	4 stalls	> 4 stalls
Min. Private Open Space	30 m <sup>2</sup> per dwelling	> 30 m <sup>2</sup> per dwelling
❶ Indicates a requested variance to the front yard setback from 4.5 m required to 4.0 m proposed.		
❷ Indicates a requested variance to the flanking side yard setback from 4.5 m required to 3.5 m proposed.		

## **5.0 Current Development Policies**

### **5.1 Kelowna Official Community Plan (OCP)**

#### *Objective 5.3 Focus development to designated growth areas*

*Policy .2 Compact Urban Form.* Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400-metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

#### *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 Accepted: May 6, 2020  
Date Public Consultation Completed: February 8, 2021

**Report prepared by:** Andrew Ferguson, 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 Permit DVP20-0110

Attachment B: Applicant's Letter of Rationale

Attachment C: Elevation Drawings

Schedule A: Site Plan

Schedule B: Landscape Plan