

REPORT TO COUNCIL



Date: November 16, 2021

To: Council

From: City Manager

Department: Community Planning

Application: DVP21-0096

Owner: Jason Robert Gill

Address: 5308 Upper Mission Drive

Applicant: Jason Gill

Subject: Development Variance Permit

Existing OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: RR2c – Rural Residential 2 with Carriage House

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0096 for Lot 1, Section 24, Township 28, SDYD, Plan KAP87908, located at 5308 Upper Mission Drive, Kelowna, BC;

AND THAT variances to the following section of Zoning Bylaw 8000 be granted:

Section 12.2.6(f): RR2c - Rural Residential 2 with Carriage House – Development Regulations

To vary the rear yard setback from 9.0 m required to 2.5 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 vary the rear yard setback from 9.0 m required to 2.5 m proposed to facilitate the construction of an addition to a single family dwelling.

3.0 Development Planning

Staff is recommending support for the requested variance to the rear yard setback regulation. The applicant is seeking to reduce the rear yard setback from 9.0 meters required to 2.5 meters proposed to facilitate the construction of an addition to a single family dwelling. The construction project will involve converting a portion of the existing garage into living space and then adding a new garage and second floor living space to the end of the house. The portion of the addition within the rear yard setback will be placed

next to an 18.5 meter wide Fortis Gas Right of Way, which will provide 21 meters of separation to the next buildable lot to the west.

From a street view perspective, the orientation of the proposal is amenable to the existing street pattern and negative impacts to adjoining neighbours should be negligible. The orientation of the house is facing Chute Lake Road so the proposed addition will appear to be in the side yard of the property; although, it technically encroaches into the rear yard. If the project proceeds, there will be a large amount of open space left on the property as the existing house is approximately 27 meters from Chute Lake Road on the northern side, 81 meters from Upper Mission Drive on the eastern side and 3.0 meters from the side property line of the southern neighbour.

4.0 Proposal

4.1 Project Description

The proposal is to vary the rear yard setback from 9.0 meters required to 2.5 meters proposed to facilitate the construction of an addition to a single family dwelling. The construction project will involve converting a portion of the existing garage into living space and then adding a new garage and second floor living space to the end of the house. The orientation of the house is facing Chute Lake Road so the proposed addition will appear to be in the side yard of the property; although, it technically encroaches into the rear yard. The portion of the addition within the rear yard setback will be placed next to an 18.5 meter wide Fortis Gas Right of Way, which will provide 21 meters of separation to the next buildable lot to the west.

4.2 Site Context

The subject property is zoned RR2c – Rural Residential 2 with Carriage House and has a future land use designation of Single/Two Unit Residential (S2RES). The property is located in the South Okanagan Mission City Sector at the corner of Chute Lake Road and Upper Mission Drive. The predominant zone surrounding the property is RR2c – Rural Residential 2 with Carriage House, RU1h – Large Lot Housing (Hillside) and A1 – Agriculture 1.

Specifically, adjacent land uses are as follows:

| Orientation | Zoning | Land Use |
|-------------|--|-------------------------------------|
| North | RR2 – Rural Residential 2 | S2RES – Single/Two Unit Residential |
| East | A1 – Agriculture 1 | FUR – Future Urban Reserve |
| South | RR2c – Rural Residential 2 with Carriage House | S2RES – Single/Two Unit Residential |
| West | RR2c – Rural Residential 2 with Carriage House | S2RES – Single/Two Unit Residential |

Subject Property Map: 5308 Upper Mission Drive



4.3 Zoning Analysis Table

| Zoning Analysis Table | | |
|--|------------------------|----------|
| CRITERIA | RR2c ZONE REQUIREMENTS | PROPOSAL |
| Development Regulations | | |
| Max. Site Coverage (buildings) | 20% | 5% |
| Max. Height | 9.5 m | 6.4 m |
| Min. Front Yard | 6.0 m | 8.1 m |
| Min. Side Yard (south) | 3.0 m | 7.5 m |
| Min. Side Yard (north) | 4.5 m | 27.5 m |
| Min. Rear Yard | 9.0 m | 2.5 m |
| ● Indicates a requested variance to... | | |

5.0 Technical Comments

5.1 Development Engineering Department

This application does not compromise any municipal infrastructure.

5.2 Fire Department

No objections

5.3 Building and Permitting

Full plan check for Building Code related issues will be done at time of Building Permit application.

5.4 Fortis BC Energy (Gas)

No objections or concerns.

6.0 Application Chronology

Date of Application Received: September 7, 2021

Date Public Consultation Completed: October 15, 2021

Report prepared by: Corey Davis, Development Technician

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 DVP21-0096

Schedule A: Site Plan