

REPORT TO COUNCIL



Date: November 16, 2021

To: Council

From: City Manager

Department: Community Planning

Application: DVP21-0158

Owner: Andrew and Brandy Ladd

Address: 4574 Fuller Road

Applicant: Rockwood Custom Homes

Subject: Development Variance Permit

Existing OCP Designation: S2RES - Single/Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0158 for Lot 8, District Lot 167, Osoyoos Division Yale District, Plan KAP70756, located at 4574 Fuller Road, Kelowna, BC;

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

Section 6.11.1: General Development Regulations – Okanagan Lake Sight Lines

To vary the Okanagan Lake Sight Line regulation from 60 degrees permitted to 8 degrees proposed along the south side;

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 consider a Development Variance Permit to vary the Okanagan Lake Sight Line regulation from 60 degrees required to 8 degrees proposed along the south side.

3.0 Development Planning

Staff is recommending support for the requested variance to the Okanagan Lake Sight Line regulations. The applicant is seeking to reduce the Okanagan Lake Sight Line requirements from 60 degrees to 8 degrees along the south property line. The applicant is proposing to renovate a portion of the existing house and build a new addition primarily in the area of the existing home footprint. The new design will accommodate a two storey (7.7 meter) high house.

Staff consider this property to be in a constrained position with regards to the Okanagan Lake Sight Line requirement, since the orientation and configuration of this lot and the riparian setback requirements of building adjacent to Bellevue Creek is restricting the building footprint to the proposed area. Staff also acknowledge that the neighbour whose sight line is affected by this proposal has provided a letter of support for the project – stating that the project will have a negligible impact on their views.

It is to be noted that the proposed footprint of the new addition and existing home is approximately 40 meters from the lake, which is well outside the 15 meter riparian area setback. The portion of the existing house within the Bellevue Creek riparian management area will only be renovated and no expansion planned. Additionally, if the variance is approved, restrictive covenants must be registered on title to prohibit construction and disturbance within the riparian management area of Okanagan Lake and Bellevue Creek.

Zoning Bylaw No. 8000, Section 6.11.1 – Okanagan Lake Sight Lines notes that all building and structures greater than 1.2 meters above natural grade on lots along the Okanagan Lake foreshore shall be sited to not obstruct views of the lake from the established abutting development. New development shall be sited to permit the adjacent occupants a 120 degree Panoramic Sight Line (see below).

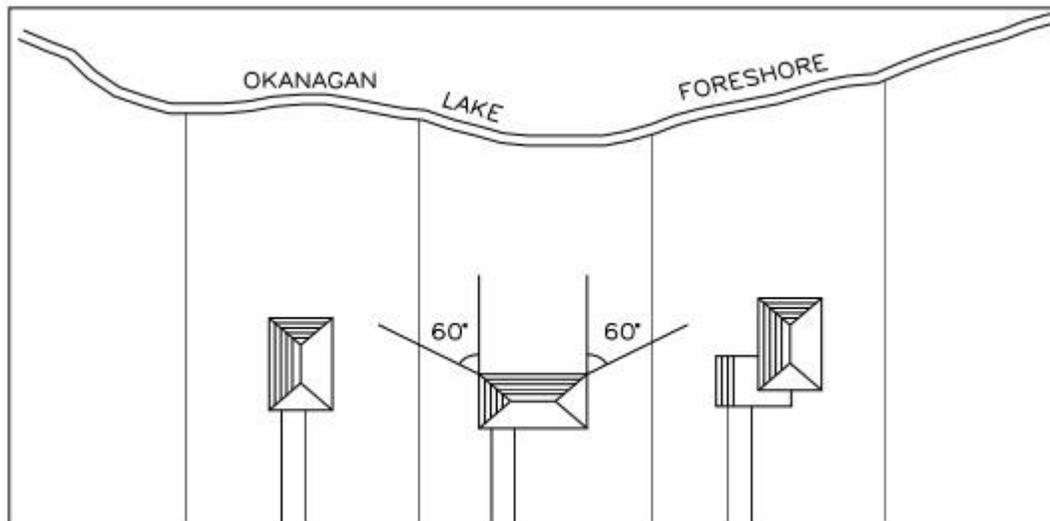


Diagram 6.2: Okanagan Lake 120° Panoramic Sight Line

4.0 Proposal

4.1 Project Description

The proposal is to vary the Okanagan Lake Sight Line from 60 degrees permitted to 8 degrees proposed on the south property line. The applicant is proposing to renovate a portion of the existing house and build a new addition primarily in the area of the existing home footprint. The new house design will accommodate a two storey (7.7 meter) high house. The house is to be located primarily in the location of the existing structure, which will be inland from Okanagan Lake by approximately 40 meters.

4.2 Site Context

The subject property is zoned RU₁ – Large Lot Housing and has a future land use designation of Single/Two Unit Residential (S₂RES) and Major Park/Open Space (public). The property is located in the South Okanagan Mission City Sector adjacent to Bellevue Creek and Okanagan Lake. The predominant zone surrounding the property is RU₁ – Large Lot Housing.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU ₁ – Large Lot Housing	Major Park/Open Space (public)
East	RU ₁ – Large Lot Housing	S ₂ RES – Single/Two Unit Residential
South	RU ₁ – Large Lot Housing	S ₂ RES – Single/Two Unit Residential
West	RU ₁ – Large Lot Housing	S ₂ RES – Single/Two Unit Residential

Subject Property Map: 4574 Fuller Road



5.0 **Current Development Policies**

5.1 Kelowna Official Community Plan (OCP)

Chapter 12: Natural Environment Development Permit Guidelines

Guideline 12.1: Require that all development meets or beats the requirements of the Provincial Fish Protection Act (Riparian Areas Regulation). Projects must comply with Riparian Management Area Setbacks in Table 12.1 subject to Section 12.3.

6.0 Application Chronology

Date of Application Received: June 24, 2021
Date Public Consultation Completed: January 11, 2021

Report prepared by: Corey Davis, Development Technician and Environmental Coordinator

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 DVP21-0158

Attachment B: Letter of Support