

# REPORT TO COUNCIL



**Date:** February 8, 2022

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** DVP21-0046

**Owner:** Peter Louis Justin Finamore &  
Wen Lu Finamore

**Address:** 122 Clifton Rd N

**Applicant:** Mike Banner – priMe haBitat  
Builders

**Subject:** Development Variance Permit Application

**Existing OCP Designation:** S-RES – Suburban Residential

**Existing Zone:** RR1 – Rural Residential 1

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0046 for Lot 16 Section 6 Township 23 ODYD Plan 25017 located at 122 Clifton Road North, Kelowna, BC;

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

### **Section 12.1.6(d) – RR1 - Rural Residential 1 Development Regulations:**

To vary the required minimum side yard setback from 2.0m permitted to 1.9m 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 side yard setback from 2.0m permitted to 1.9m proposed to bring an addition into conformance.

## 3.0 Development Planning

Staff support the Development Variance Permit to the side yard setback for an addition to the existing single-family dwelling. The subject property and the surrounding homes do not have direct access to Clifton Rd N but are accessed from a front driveway through an access easement. This driveway is elevated below Clifton Rd N resulting in a steep grade change moving down towards the lake. The carport received a Building Permit in 2019 and would be considered legal non-conforming. The closure of the carport to create

a home gym would utilize existing foundations and walls and would result in less land being cleared to have another addition. Staff do not anticipate any negative impacts on neighbouring properties.

#### 4.0 Proposal

##### 4.1 Project Description

The principal dwelling on the subject property had an addition completed in 2019, which included a 2-car garage, which was at the front laneway elevation. The original carport was no longer accessible due to retaining walls and grade changes. The owners are applying to reduce the setback down to 1.9m to allow for the carport to remain in place and for it to be closed in to make a home gym.

##### 4.2 Site Context

The subject property is zoned RR1 – Rural Residential 1 and has a Future Land Use Designation of S-RES – Suburban Residential. Since the property was created in 1974 and is 0.15ha in size, Section 1.7.1 of the Zoning Bylaw No.8000 comes into effect:

**Section. 1.7.1:** Non-conforming Agricultural, Urban Residential, or Rural Residential lots less than 0.2 ha., which existed prior to August 10, 1976, shall be developed in accordance with the provisions and regulations of the RU1, RU1(c), or RU1(h) zones.

This means the property is able to use the Development Regulations under the RU1 – Large Lot Housing zone. The property is located on Clifton Rd N and is in the Glenmore – Clifton – Dilworth OCP Sector. The surrounding area is almost entirely zoned RR1 – Rural Residential 1.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR1 – Rural Residential 1	Single-Family Dwelling
East	RR1 – Rural Residential 1	Single-Family Dwelling
South	RR1 – Rural Residential 1	Single-Family Dwelling
West	RR1 – Rural Residential 1	Vacant

**Subject Property Map: 122 Clifton Rd N**



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RR1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	8,000m <sup>2</sup>	1,457m <sup>2</sup>
Min. Lot Width	40.0m	27.43m
Min. Lot Depth	30.0m	52.81m
Development Regulations*		
Max. Site Coverage (buildings)	40%	23.3%
Min. Front Yard	4.5m	13.62m
Min. Side Yard (north)	2.0m	3.0m
Min. Side Yard (south)	2.0m	1.90m <span style="color: red;">❶</span>
Min. Rear Yard	7.5m	1.0m
Other Regulations		
Min. Parking Requirements	3	3
<p><b>*Section 1.7.1</b> Non-conforming Agricultural, Urban Residential, or Rural Residential lots less than 0.2 ha., which existed prior to August 10, 1976, shall be developed in accordance with the provisions and regulations of the RU1, RU1(c), or RU1(h) zones.</p> <p><span style="color: red;">❶</span> Indicates a requested variance to Section 12.1.6d – RR1 – Rural Residential Development Regulations</p>		

5.0 **Application Chronology**

Date of Application Received: February 26, 2021  
 Date Public Consultation Completed: March 24, 2021

**Report prepared by:** Tyler Caswell, Planner

**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 DVP21-0046

Schedule A: Site Plan