

# REPORT TO COUNCIL



**Date:** August 9, 2022

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** DVP22-0126

**Owner:** Various Owners

**Address:** Multiple Addresses

**Applicant:** Barski Construction

**Subject:** Development Variance Permit Application

**Existing OCP Designation:** C-NHD – Core Area Neighbourhood

**Existing Zone:** RU5 – Bareland Strata Housing

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP22-0126 for properties identified in 'Schedule A', located at 1201 Cameron Ave, Kelowna, BC;

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

### **Section 7.5.3 – Fencing and Retaining Walls:**

To vary the maximum fence height in urban residential zones in a front yard from 1.2m permitted to 1.83m 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.

### **Purpose**

To issue a Development Variance Permit to vary maximum fence height regulation in the front yard from 1.2m to 1.83m to facilitate addition to existing fence.

## 2.0 Development Planning

Staff are recommending support for the proposed increase in fence height in the front yard of the subject property. The applicant is proposing an addition to portions of an existing fence to create a consistent height along Gordon Drive. The existing fence has portions sitting at the requested 1.83m height already while other portions are 1.2m. The variance is to increase the portions that are 1.2m to a consistent 1.83m fence. The purpose of the additional height is to create additional privacy, security and noise mitigation from the

pedestrian and vehicle traffic along Gordon Drive and in consideration to the existing single-family land use with backyards oriented towards an arterial.

### 3.0 Proposal

#### 3.1 Background

A Text Amendment (TA19-0004) to the fencing and retaining walls section was adopted by Council on April 20th, 2020, which amended the fence height maximums for urban residential properties from 2.0m permitted on flanking streets and front yards to 1.06m. After the bylaw was in place for a year, a new Text Amendment (TA20-0023) came forward to change this regulation from 1.06m to 1.2m, which was adopted by Council on June 14th, 2021. The original size of 1.06m was adopted because it was the same height as pool railing height, however, after a little over a year, Staff proposed the 1.2m fence height after listening to fence manufacturing companies and property owners. The 1.2m still achieves the lower fencing height in residential zones in the front yard but was better aligned with fencing standards.

#### 3.2 Project Description

The proposed Development Variance Permit Application is to increase the fence height along Gordon Drive from 1.2m permitted to 1.83m proposed. The strata currently has a 1.2m concrete panel wall which is deteriorating and the applicant is seeking to replace it with a 1.83m hardi panel fence. The strata is looking to increase the wall height for increased security, privacy, and noise mitigation along Gordon Road.



Fig. 1: Existing strata fencing along Gordon Drive

#### 3.3 Site Context

The subject property is located on Gordon Drive adjacent to the Guisachan Village Centre. The surrounding area is primarily zoned RU5 – Bareland Strata Housing, RM3 – Low Density Multiple Dwelling and RM4 – Transitional Low Density Housing. The surrounding area has a Future Land Use Designation of C-NHD - Core Area Neighbourhood and VC – Village Centre.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM4 – Transitional Low Density Housing	Vacant
East	A1 – Agriculture 1	Agriculture
South	RM7 – Mobile Home Park	Mobile Home Park
West	RU5 – Bareland Strata Housing	Single Family Dwellings

**Subject Property Map: 1201 Cameron Ave**



**4.0 Application Chronology**

Date of Application Received: May 6, 2022

Date Public Consultation Completed: July 7, 2022

**Report prepared by:** Jason Issler, 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:**

Schedule A: Affected Addresses

Attachment A: Draft Development Variance Permit DVP22-0126

Attachment B: Letter of Rationale