

REPORT TO COUNCIL



Date: February 14th, 2023

To: Council

From: City Manager

Department: Development Planning Department

Application: DVP22-0215 **Owner:** 1059430 Ontario Inc. c/o Sharon Goldberg

Address: 156 Red Sky Place **Applicant:** Chatham Homes On The Hill Ltd

Subject: Development Variance Permit

Existing OCP Designation: S-RES – Suburban Residential

Existing Zone: RU1 – Large Lot Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP22-0215 for Lot 58 Section 5 Township 23 ODYD PLAN EPP64875, located at 156 Red Sky Place, Kelowna, BC;

AND THAT variances to the following section of Zoning Bylaw No. 12375 be granted:

Section 11.5: RU1 – Large Lot Housing Development Regulations

To vary the required minimum side yard setback from 2.1 m permitted to 0.0 m proposed for the pergola structure abutting the North side yard.

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 minimum side yard setback for the pergola structure abutting the North side yard.

3.0 Development Planning

Development Planning Staff support the requested variance to reduce the required side yard setback from 2.1 m to 0.0 m limited to the pergola structure abutting the North side yard. The proposed variance is to allow the existing structure to encroach in the 2.1 m side yard setback. The proposed site plan complies with all other requirements of the Zoning Bylaw No. 12375 such as site coverage, building height, and remaining

setbacks. In accordance with Council Policy 367 – Public Notification & Consultation for Development Applications, the applicant has distributed notification information to the neighbouring properties. Staff do not anticipate any significant negative impacts to the surrounding neighbourhood.

4.0 Proposal

4.1 Project Description

The applicant is requesting this variance to allow for the existing pergola structure to encroach in the side yard setback. The pergola structure is mounted to the house and is intended to obscure the view of two large air conditioner units. The pergola structure is partially open and fire protection measures have been implemented by using non-combustible material. Staff does not anticipate any significant negative impacts as the structure is between neighbours and written consent was provided by the affected neighbour, warranting support for the variance.

4.2 Site Context

The subject property is zoned RU1 – Large Lot Housing and has a Future Land Use Designation of S-RES – Suburban Residential. The property is located within the Glenmore - Clifton neighbourhood. The surrounding area is primarily residential housing zoned Ru1 – Large Lot Housing. The property abuts vacant land zoned P3 – Parks and Open Space.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	Ru1 – Large Lot Housing	Single Detached Dwelling
East	P3 – Parks and Open Space	Open Space
South	P3 – Parks and Open Space	Open Space
West	P3 – Parks and Open Space	Open Space

Subject Property Map: 156 Red Sky Place



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU ₁ ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Max. Site Coverage (buildings)	40 %	16.8 %
Max. Site Coverage (buildings, parking, driveways)	70 %	19.13 %
Min. Front Yard	3.0 m	3.0 m
Min. Side Yard (North)	2.1 m	0.0 m limited to the pergola structure ❶
Min. Side Yard (South)	2.1 m	2.1 m
Min. Rear Yard	7.5 m	7.5 m
❶ Indicates a requested variance to Section 11.5: RU ₁ – Large Lot Housing Development Regulations		

5.0 **Application Chronology**

Date of Application Received: November 3rd, 2022
 Date Public Consultation Completed: January 11th, 2023

Report prepared by: Sara Skabowski, 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:

Attachment A: Draft Development Variance Permit DVP22-0215
 Schedule A: Site Plan & Pergola Drawings
 Attachment B: Applicant Rationale
 Attachment C: Letter of Support