

REPORT TO COUNCIL



Date: February 14, 2023

To: Council

From: City Manager

Department: Development Planning

Application: DVP22-0150

Owner: Ian Robertson and Jennifer Robertson

Address: 500 Clifton Rd N

Applicant: Ian Robertson

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. DVP22-0150 for Lot 1 Section 17 Township 23 ODYD Plan EPP93314, located at 500 Clifton Road North, Kelowna, BC;

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

Section 6.1.3: Swimming Pool Development Regulations

To vary the required minimum rear yard from 0.9 m permitted to 0.71 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.

Purpose

To issue a Development Variance Permit to vary the rear yard setback to facilitate the development of a swimming pool.

2.0 Development Planning

Staff recommend support for the Development Variance Permit to vary the rear yard setback from 0.9 m to 0.71 m. The subject property is zoned RU1 – Large Lot Housing and has a Future Land Use Designation of S-RES – Suburban Residential and is within the City's Permanent Growth Boundary (PGB).

3.0 Proposal

3.1 Project Description

The subject property, zoned RU1 – Large Lot Housing, has a newly constructed dwelling. The issuance of this Development Variance Permit will allow for the completion of a pool in the rear yard. The reason for the variance is solely due to human error when the concrete forming was done. The result was the pool crossing 19 cm into the rear yard setback at the northwest corner. All other regulations have been met as per the zoning requirements. Staff are supportive of the requested variance as there should be no impact to adjacent properties.

3.2 Site Context

The subject property is located on the west side of Clifton Road North. The surrounding area is zoned RU1 – Large Lot Housing, RR1 – Rural Residential 1 and P3 – Parks and Open Space. The property has a Future Land Use Designation of S-RES–Suburban Residential and is within the City’s Permanent Growth Boundary (PGB).

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Single Family Dwelling
East	RU1 - Large Lot Housing	Vacant Lot
South	RU1 - Large Lot Housing	Vacant Lot
West	P3 – Parks and Open Space	Hillside Open Space

Subject Property Map: 500 Clifton Rd N



3.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU ₁ ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	450 m ²	1490 m ²
Min. Lot Width	16.5 m	20.0 m
Min. Lot Depth	30 m	53.5 m
Development Regulations		
Max. Site Coverage (all buildings)	40%	35%
Max. Site Coverage (all buildings, structures and impermeable surfaces)	70%	60%
Min. Side Yard (south)	0.9 m	13.45 m
Min. Side Yard (north)	0.9 m	2.88 m
Min. Rear Yard	0.9 m	0.71 m ❶
❶ Indicates a requested variance to the rear yard setback for a pool.		

4.0 **Application Chronology**

Date of Application Received: July 5, 2022
Date Public Consultation Completed: January 17, 2023

Report prepared by: Breanna Sartori, 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 DVP22-0150

Schedule A: Site Plan

Attachment B: Applicant Rationale Letter