

# REPORT TO COUNCIL



**Date:** March 21, 2023

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** DVP22-0216

**Owner:** James Hiebert

**Address:** 1160 Stonepointe Ct

**Applicant:** Urban Options Planning Corp. –  
Jack Pawsey

**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. DVP22-0216 for Strata Lot 32 Section 30 Township 26 ODYD Strata Plan KAS3162, located at 1160 Stonepointe Ct, 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 maximum principal building height from 10.0 m permitted to 13.56 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 maximum height to facilitate the development of a single-family dwelling.

## 2.0 Development Planning

Staff recommend support for the Development Variance Permit to vary the maximum principle building height from 10.0 m to 13.56 m. The subject property has a number of constraints including, topography, natural features, and a buildable envelope area designated at the time of subdivision. In this case, height is measured 1.5 meters away from the base of the building and the significant slope of the property at this point adds to the total height measurement. It is important to note that three storeys are permitted for a single-family dwelling development. The Zoning Bylaw has a maximum Gross Floor Area of the third floor, relative

to the second floor of 70%. This application proposes an area of 41.97%, well under the allowable amount. Further, the total area of the height variance is limited to only 93.27 m<sup>2</sup>.

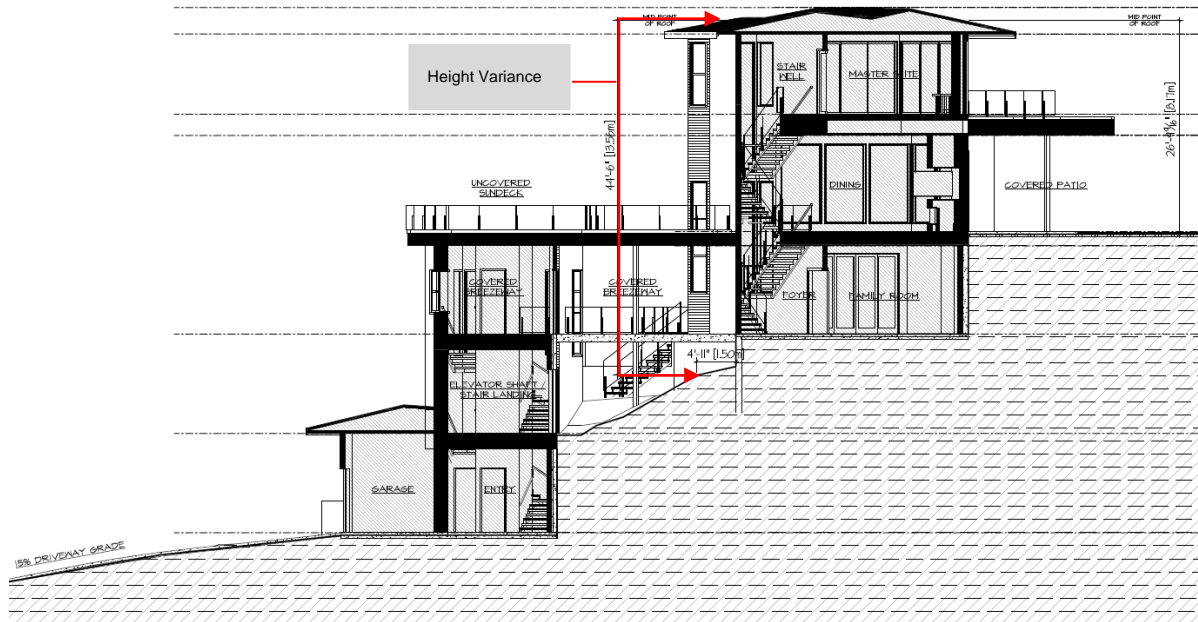
The 10.0 m height limit is an appropriate regulation that will be applicable in the majority of cases. In this circumstance, despite the Highpointe development being visible from the valley floor, Stoneypointe Court is a private strata court located about 640 m from a public road. The overall massing of the building is not impacted by the additional height as the dominant stairway feature is permitted to remain for roof top access. Staff interpret the design and articulation of the dwelling to match the style of the neighbourhood. The portion of the height variance is stepped back from the street and only has a minor impact to the adjacent properties. Therefore, due to the unique subdivision constraints and building design components, Staff are recommending support for the proposed variance.

### 3.0 Proposal

#### 3.1 Project Description

The subject property, zoned RU1 – Large Lot Housing, is currently vacant. The issuance of this Development Variance Permit will facilitate the development of a single-family dwelling. The variance requested applies to the vertical distance measured 1.5 meters from the building grade to the midpoint of the sloped roof (See Image 1).

**Image 1:** Location of height variance under consideration



All other regulations as per the RU1 – Large Lot Housing zone will be met. The main dominant features visible from the road are the staircases massing which are permitted to remain if no variance is granted. The location of massing visible from the road (See Image 2).

Image 2: Conceptual Rendering – View from the road



Subject Property Map: 1160 Stonepointe Ct



3.2 Site Context

The subject property is located in the private strata development of Highpointe. This lot is currently vacant while other surrounding lots have been developed into single-family dwellings. The surrounding area is zoned RU<sub>1</sub> – Large Lot Housing. The property has a Future Land Use Designation of S-RES – Suburban Residential and is within the City’s Permanent Growth Boundary (PGB).

3.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU <sub>1</sub> ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	450.0 m <sup>2</sup>	3,108.0 m <sup>2</sup>
Min. Lot Width	16.5 m	13.9 m
Min. Lot Depth	30.0 m	78.53 m
Development Regulations		
Max. Site Coverage (buildings)	40%	10.4%
Max. Site Coverage (buildings, parking, driveways)	70%	18.9%
Max. Height	10.0 m	13.56 m <span style="color: red;">●</span>
Max. Gross Floor Area of Third Storey relative to the Second Storey	70%	41.97%
Min. Front Yard	6.0 m	13.02 m
Min. Side Yard (south)	2.1 m	6.47 m
Min. Side Yard (north)	2.1 m	2.2 m
Min. Rear Yard	7.5 m	33.29 m
Other Regulations		
Min. Parking Requirements	2	2

● Indicates a requested variance to the building height from 10.0 m to 13.56 m proposed.

4.0 Current Development Policies

Objective 7.2 Design Suburban Neighbourhoods to be low impact, context sensitive and adaptable.	
Policy 7.2.2 Hillside Housing Forms	Encourage housing forms that best match to the topography and have the lowest amount of impact in hillside areas, such as minimum cuts and fills, for example, and provide the greatest environmental protection. Discourage housing forms and associated roadways that cause high amounts of slope disturbance and visual impact.  <i>The property has substantial rock outcropping and covenants to protect natural features and is sloped from the road to the buildable area. The unique design of the single-family dwelling will minimize the disturbance to the natural features.</i>

Objective 15.2 Design and locate development to reduce risks associated with steep slopes.	
Policy 15.2.3 Design Development to Avoid Areas of Steep Slopes.	For properties identified in Map 20.1: Hazardous Condition Development Permit Area, design the development to lessen site disturbance and avoid areas of steeper slopes. For those developments that are also in a Wildfire Development Permit Areas (Map 20.2), ensure the development is designed to minimize wildfire risk.

<i>A Hazardous Condition Development Permit is required as the property is located on a slope. The unique design of the dwelling follows the natural grade of the lot.</i>
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**5.0 Application Chronology**

Date of Application Received: November 3, 2022

Date Public Consultation Completed: January 26, 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 No. DVP22-0216

Schedule A: Site Plan

Schedule B: Elevations

Attachment B: Applicant Rationale Letter