

REPORT TO COUNCIL

DEVELOPMENT VARIANCE PERMIT



Date: February 24, 2025
To: Council
From: City Manager
Address: 154 Applebrooke Cr
File No.: DVP24-0200

	Existing	Proposed
OCP Future Land Use:	C-NHD – Core Area Neighbourhood	C-NHD – Core Area Neighbourhood
Zone:	MF1 – Infill Housing	MF1 – Infill Housing

1.0 Recommendation

THAT Council NOT authorize the issuance of Development Variance Permit No. DVP24-0200 for Lot 46 Section 5 Township 23 ODYD Plan KAP47769, located at 154 Applebrooke Cr, Kelowna, BC.

2.0 Purpose

To hear a request for reconsideration of a Development Variance Permit Application to vary the minimum lot width from 13.0 m required to 9.9 m proposed to facilitate a two-lot subdivision.

3.0 Background

The subject property is irregularly shaped and larger than the average lot size in the surrounding neighbourhood. It contains an existing single-detached dwelling, which includes 15 bedrooms and one secondary suite. There has been work on the existing dwelling completed without the necessary permits, which has led to bylaw complaints and enforcement. There were two Building Permits recently issued: one to legalize one of the secondary suites (BP70862) and another to decommission a second suite (BP71766). These permits were active since 2021 but were recently issued in January 2025 (following the delegate's consideration of the variance). A previous permit for this work expired due to inactivity.

Previous Development Variance Permit Application

On January 12th, 2021, a Development Variance Permit Application (DVP20-0172) was forwarded to Council for similar variances to lot width, site coverage and a rear yard setback, which aimed to facilitate a two-lot subdivision. Staff had recommended support, but the variance request was ultimately defeated by Council primarily due to concerns raised by the neighbourhood.

Delegated Development Variance Permit Application

Section 498.1 of the *Local Government Act* allows for Development Variance Permits (DVP) deemed minor in nature to be considered by a delegate. In 2024, the applicant submitted a Delegated Development Variance Permit application to vary the minimum lot width from 13.0 m to 9.9 m to facilitate a two-lot subdivision. The delegate did not support the application to vary the lot width. Section 489.1(4) of the *Local Government Act* allows the owner to request reconsideration of the variance by Council.

4.0 Discussion

The applicant is requesting Council reconsideration of the decision of the delegate to not approve a Development Variance Permit to vary the minimum lot width of the property from 13.0 m to 9.9 m. Both the proposed lot and the remainder lot will have vehicle access from Applebrooke Cr. via an access easement, as direct access from Applecrest Ct is not viable. All other development and subdivision regulations for the MF1 zone—such as lot depth, lot area, site coverage, and setbacks—are proposed to meet the minimum requirements. If the subdivision was successful, each resulting lot would be allowed to have up to six dwelling units under the MF1 – Infill Housing zone.

As outlined in Section 498.1(2)(b) of the *Local Government Act* and Schedule 4 – Section 1.1.2 of the *Development Application Procedures Bylaw No. 12310*, the delegate must consider several guidelines when deciding whether to issue a Development Variance Permit. These guidelines are:

1. Scope and scale of variances
2. Use and enjoyment of neighbouring lands
3. Effects on the natural environment
4. Appropriateness of the development
5. Intent of the Zoning Bylaw
6. Public interest in variances

Staff have significant concerns regarding the proposed variance, particularly with respect to the intent of the Zoning Bylaw and the neighbourhood interest in the variance. The intent of the minimum 13.0 meter lot width is to ensure adequate legal frontage and access to the site. The existing driveway is approximately 3.0 meters in width, and following subdivision, it would need to be extended to 4.5 meters to meet the minimum two-way drive aisle width. This would result in much of the frontage being paved at the entrance, which could conflict with the landscaping requirements of the Zoning Bylaw and lead to further variance requests.

Additionally, the applicant distributed a required letter to all properties within 50 meters of the subject property. Staff received six letters of opposition, one of which was signed by five property owners. The common concerns expressed in these letters include the retention of the existing dwelling (viewed as problematic by the neighborhood), the narrow and irregular frontage of the pie-shaped lot, and the poor visibility and restricted width of the existing driveway. These same concerns were raised in 2021, when Council ultimately decided not to approve a similar variance request. While the scope and scale of the current project have changed, many of the public concerns from the previous Council consideration remain.

Given these issues, staff do not recommend that the Development Variance Permit be supported by Council, particularly due to concerns regarding the narrow lot width and ongoing neighborhood opposition.

5.0 Site Context & Background

Orientation	Zoning	Land Use
North	MF1 – Infill Housing	Single Detached Housing
East	MF1 – Infill Housing	Single Detached Housing
South	MF1 – Infill Housing	Single Detached Housing
West	MF1 – Infill Housing	Single Detached Housing

6.0 Zoning Bylaw Regulations Summary

CRITERIA	MF ₁ ZONE REQUIREMENT	PROPOSAL
Subdivision Regulations (Remainder Lot)		
Minimum Lot Width	13.0 m	13.0 m
Minimum Lot Depth	27.0 m	55.46 m
Minimum Lot Area	350 m ²	1,540 m ²
Subdivision Regulations (New Lot)		
Minimum Lot Width	13.0 m	9.9 m ❶
Minimum Lot Depth	27.0 m	31.3 m
Minimum Lot Area	350 m ²	745 m ²
Development Regulations (Remainder Lot)		
Maximum Total Site Coverage (buildings)	40%	25%
Maximum Total Site Coverage (buildings, driveways & parking)	70%	60%
Minimum Front Yard	3.0 m	12.45 m
Minimum Side Yard (West)	1.8 m	4.34 m
Minimum Side Yard (East)	1.8 m	1.8 m
Minimum Rear Yard	6.0 m	10.3 m

❶ Indicates a requested variance to the minimum lot width in Section 13.4 of Zoning Bylaw No. 12375.

Subject Property Map: 154 Applebrooke Cr



The subject property is double fronting on to both Applebrooke Ct and Applecrest Ct. The property is located inside the Permanent Growth Boundary and the Core Area. The surrounding area is primarily single detached dwellings.

7.0 Application Chronology

Date of Application Received: October 22nd, 2024
Neighbour Notification Received: November 1st, 2024
Date of Delegate Decision: December 18th, 2024

8.0 Alternate Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP24-0200 for Lot 46 Section 5 Township 23 ODYD Plan KAP47769, located at 154 Applebrooke Cr, Kelowna, BC;

AND THAT a variance to the following section of Zoning Bylaw No. 12375 be granted as shown on Schedule "A":

Section 13.4: Multi-Dwelling Zones – Subdivision Regulations:

To vary the minimum lot width from 13.0 m required to 9.9 m proposed.

AND FURTHER THAT this Development Variance Permit is valid for two (2) years form the date of Council approval, with no opportunity to extend.

Report prepared by: Tyler Caswell, Planner Specialist
Reviewed by: Alex Kondor, Development Planning Manager
Reviewed by: Nola Kilmartin, Development Planning Department Manager
Approved for Inclusion: Ryan Smith, Divisional Director, Planning, Climate Action & Development Services

Attachments:

Attachment A: Draft Development Variance Permit
Schedule A: Site Plan

For additional information, please visit our Current Developments online at www.kelowna.ca/currentdevelopments.