

# REPORT TO COUNCIL



**Date:** February 7, 2017

**RIM No.** 0940-50

**To:** City Manager

**From:** Community Planning Department (LB)

**Application:** DVP16-0178 **Owner:** Elda & Louis Pagliaro

**Address:** 752 & 760 Bechard Rd **Applicant:** Juliet Anderton Consulting Inc.

**Subject:** Development Variance Permit Application

Existing OCP Designation: S2RES – Single / Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU1 – Large Lot Housing  
RU2 – Medium Lot Housing

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## **1.0 Recommendation**

THAT final adoption of Rezoning Bylaw No. 11295 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0178 for Lots 6 & 19, District Lot 134, ODYD, Plan 20399, located at 752 & 760 Bechard Road, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted, as shown on Schedule A attached:

**Section 13.1.6(e): RU1 – Large Lot Housing Development Regulations (760 Bechard Rd)**

To vary the required minimum rear yard from 7.5 m permitted to 2.35 m proposed.

**Section 13.1.6(e): RU1 – Large Lot Housing Development Regulations (752 & 760 Bechard Rd)**

To vary the required minimum rear yard from 7.5 m permitted to 2.39 m proposed.

**Section 13.2.5(b): RU2 – Medium Lot Housing Subdivision Regulations (752 Bechard Rd)**

To vary the required minimum lot depth from 30.0 m permitted to 27.7 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.

**2.0 Purpose**

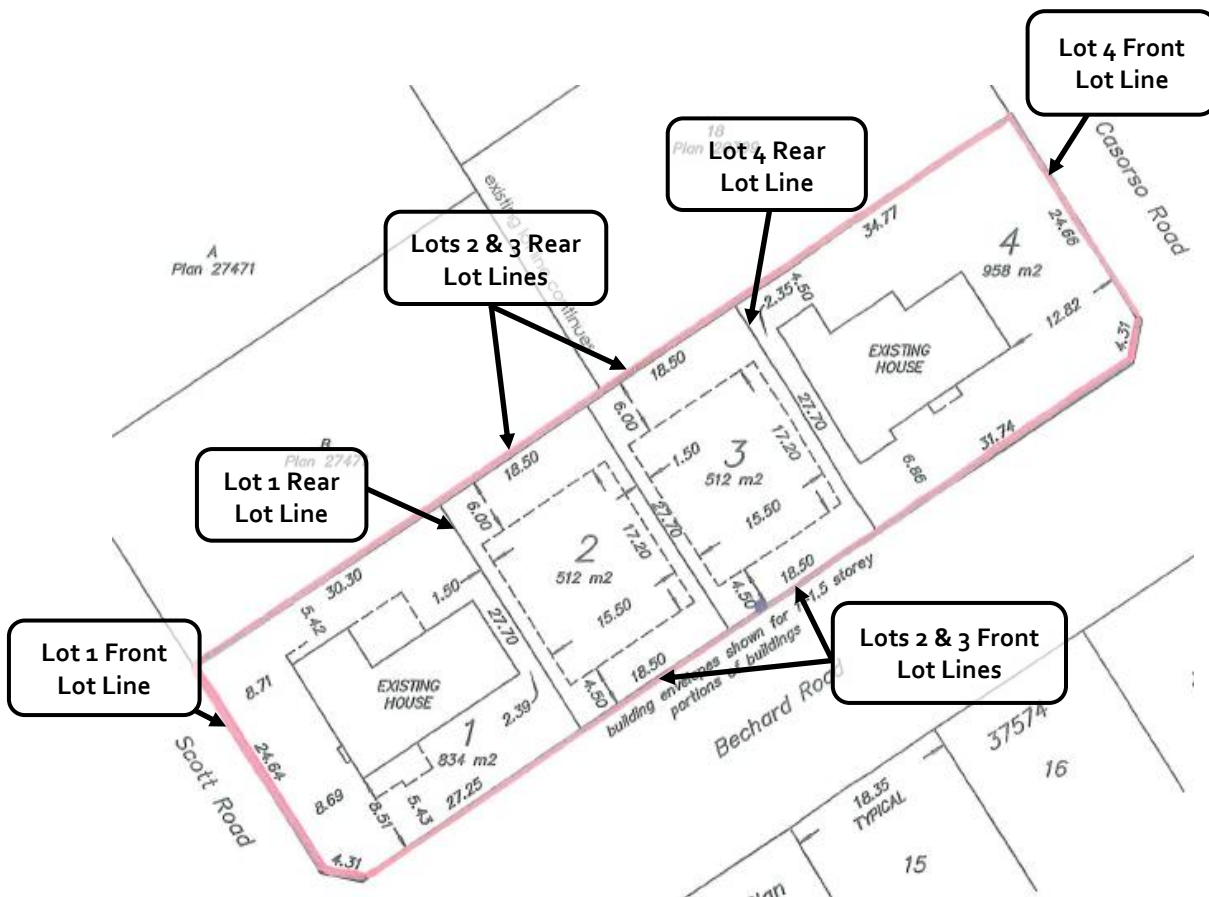
To vary the minimum rear yard and the minimum lot depth on the subject properties to facilitate a four lot subdivision.

**3.0 Community Planning**

Staff supports the requested variances to reduce the minimum rear yards and minimum lot depth, allowing the two existing houses to be retained while creating two new residential lots. The two proposed RU<sub>2</sub> lots exceed the minimum requirements for lot width and area, and the lot layout maintains the pattern and streetscape along Bechard Road. The properties are serviced by City water and sanitary sewer.

The requested rear yard variances are for the corner lots where the existing houses will be retained. As per Zoning Bylaw Section 2.3: General Definitions, the front lot line is the narrowest street frontage of the lot, and the rear lot line is the lot line opposite to and most distant from the front lot line. Due to the lot configuration, the front lot lines for Lots 1 and 4 are along Scott Road and Casorso Road respectively, making the areas between the houses and Lots 2 and 3 the rear yards. This triggers the rear yard variances from 7.5 m to 2.39 m for Lot 1 and to 2.35 m for Lot 4. Since both houses face Bechard Road, these areas effectively act as side yards, and the requested variances exceed the minimum side yard setback. Furthermore, the large spaces between the backs of the houses and the properties to the north function as backyards.

**Diagram 1: Proposed Subdivision Layout & Lot Lines**

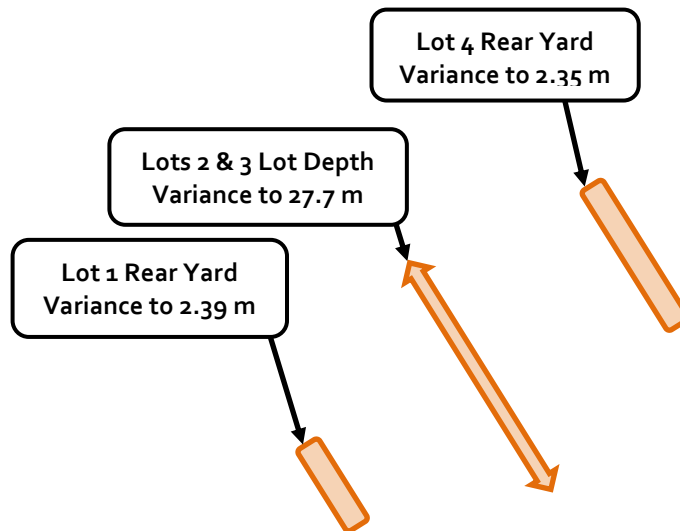


The requested lot depth variances are to reduce the minimum lot depth from 30.0 m to 27.7 m for the two proposed interior lots. The lots exceed the minimum lot width and area, making it possible to build homes without additional variances to account for the shorter lots.

Several City policies support more compact growth that is consistent with the existing character of an area and makes use of existing infrastructure. Staff supports these variances to allow for the creation of two new residential lots in a fully serviced urban area while retaining the two existing single family dwellings.



Diagram 2: Requested Variances



**4.0 Proposal**

**4.1 Background & Project Description**

The proposed development involves Rezoning, Development Variance Permit and Subdivision applications to facilitate a four lot residential subdivision, creating two new lots in addition to the two existing lots. Rezoning Bylaw No. 11295 received third reading following the Public Hearing on October 18, 2016 and a Preliminary Layout Review letter with conditions for subdivision has been issued by the Subdivision Approving Officer.

**4.2 Site Context**

The subject properties are located in the South Pandosy – KLO Sector of Kelowna (see Maps 1 and 2 below). The applicant is proposing to retain the two existing single family dwellings that are on the subject properties.

The area is characterized by single family dwellings, with a mobile home park located to the east on the opposite side of Casorso Road and Casorso Elementary School to the southeast.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Residential
East	RM7 – Mobile Home Park	Residential
South	RU1 – Large Lot Housing	Residential
West	RU1 – Large Lot Housing	Residential

**Map 1: Subject Properties**

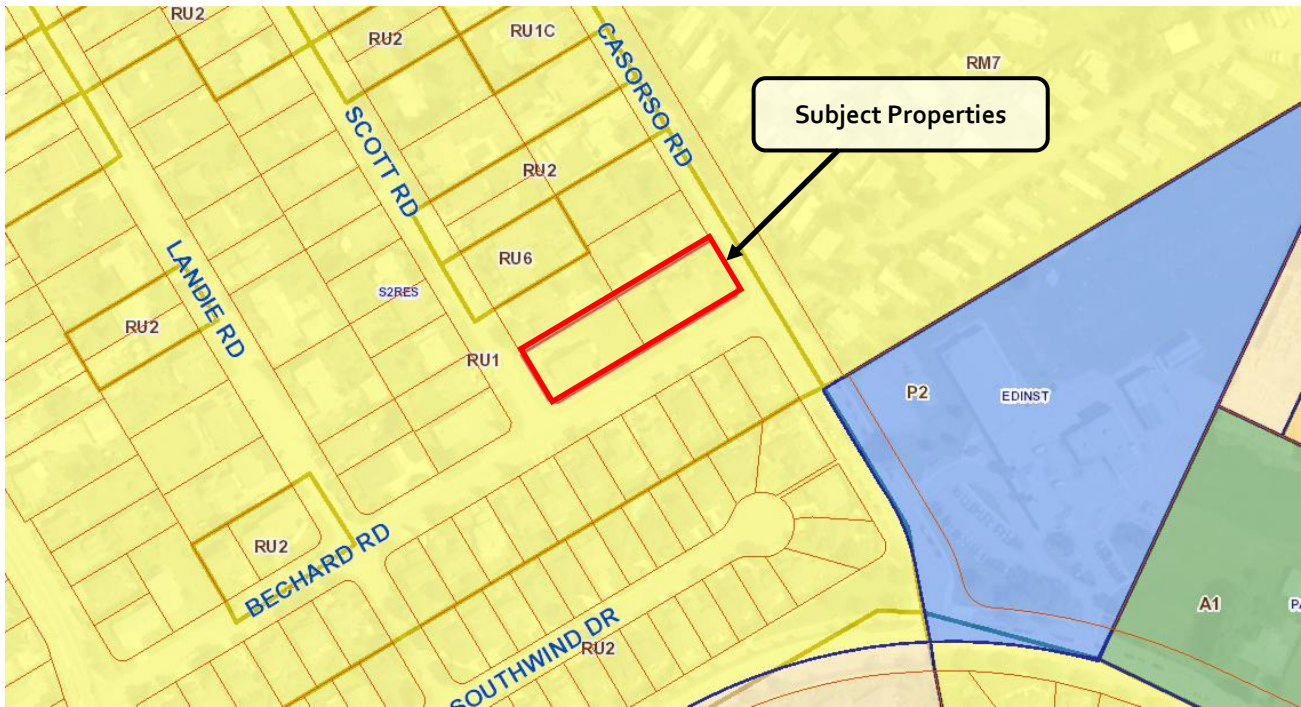


Map 2: Future Land Uses and Zoning

4.3 Zoning Analysis

Table 1: RU1 Zone Subdivision & Development Regulations

Zoning Analysis Table			
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL (LOT 1)	PROPOSAL (LOT 4)
Existing Lot / Subdivision Regulations			
Minimum Lot Area	550 m <sup>2</sup>	834 m <sup>2</sup>	958 m <sup>2</sup>
Minimum Lot Width	17.0 m	27.7 m	27.7 m
Minimum Lot Depth	30.0 m	30.3 m	34.8 m
Development Regulations			
Minimum Front Yard	4.5 m	8.69 m	12.82 m
Minimum Side Yard (south)	4.5 m 6.0 m (to garage / carport)	5.43 m 8.51 m (to garage)	6.86 m (to house & garage)
Minimum Side Yard (north)	2.0 m	5.42 m	4.50 m
Minimum Rear Yard	7.5 m	2.39 m <b>❶</b>	2.35 m <b>❷</b>



- ❶ Indicates a requested variance to reduce the minimum rear yard for Lot 1 from 7.5 m required to 2.39 m proposed.
- ❷ Indicates a requested variance to reduce the minimum rear yard for Lot 4 from 7.5 m required to 2.35 m proposed.

Table 1: RU2 Zone Subdivision Regulations

Zoning Analysis Table			
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CRITERIA	RU <sub>2</sub> ZONE REQUIREMENTS	PROPOSAL (LOT 2)	PROPOSAL (LOT 3)
Existing Lot / Subdivision Regulations			
Minimum Lot Area	400 m <sup>2</sup>	512 m <sup>2</sup>	512 m <sup>2</sup>
Minimum Lot Width	13.0 m	18.5 m	18.5 m
Minimum Lot Depth	30.0 m	27.7 m <sup>③</sup>	27.7 m <sup>④</sup>
<p><sup>③</sup> Indicates a requested variance to reduce the minimum lot depth for Lot 2 from 30.0 m required to 27.7 m proposed.</p> <p><sup>④</sup> Indicates a requested variance to reduce the minimum lot depth for Lot 3 from 30.0 m required to 27.7 m proposed.</p>			

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

**OCP Policy 5.3.2 Compact Urban Form.** Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

**OCP Policy 5.22.6 Sensitive Infill.** Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

**OCP Policy 5.22.7 Healthy Communities.** Through current zoning regulations and development processes, foster healthy, inclusive communities and a diverse mix of housing forms, consistent with the appearance of the surrounding neighbourhood.

## 6.0 Technical Comments

### 6.1 Development Engineering Department

- See attached Memorandum, dated September 1, 2016.

## 7.0 Application Chronology

Application Received: June 17, 2016  
 Public Consultation Completed: September 8, 2016  
 Referral Comments Received: September 8, 2016  
 Public Hearing & Third Reading: October 18, 2016

**Report prepared by:** Laura Bentley, Planner II

**Reviewed by:** Terry Barton, Urban Planning Manager

**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

**Attachments:**

Development Engineering Memorandum  
Draft Development Variance Permit DVP16-0178  
Schedule A: Proposed Subdivision Layout