

REPORT TO COUNCIL



Date: February 7, 2017

RIM No. 0940-00

To: City Manager

From: Community Planning Department (TB)

Application: DVP16-0306

Owner: Callie Joe Pasitney

Address: 430 Pine Road

Applicant: Peter Campbell

Subject: Development Variance Permit

Existing OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0306 for Lot 10, Section 26, Township 26, ODYD, Plan 23278, located at 430 Pine Road, Kelowna, BC;

AND THAT variances to the following section of Zoning Bylaw No. 8000 be granted:

Section 13.1.6(E): RU1 – Large Lot Housing Development Regulations

To vary the required minimum rear yard from 7.5m required to 6.77m 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 rear yard setback from 7.5m required to 6.77m proposed.

3.0 Community Planning

Community Planning recommends support for the requested variance to relax the rear yard setback from 7.5m required to 6.77m proposed. While it was the applicant who made an error in correctly dimensioning their foundation on a recent building permit application, the proposed variance is not anticipated to have an impact on the adjacent neighbours in the area and only a minimal impact on the subject property's private outdoor space.

4.0 Proposal

4.1 Background

The existing single family home was constructed in 1973 with a crawl space and a car port. The applicant applied for a building permit on October 14, 2016 for an addition on the rear of the house for a bedroom, bathroom, and storage. The addition does not contain a secondary suite. The permit was issued on October 26, 2016. On November 23, 2016 a siting and footing inspection was completed and staff requested the applicant provide a survey certificate for the foundation, a typical City requirement.

The survey certificate indicated that the foundation that had been poured encroached into the rear yard setback on the south-west corner at 6.77m as opposed to 7.50m required (please see Attachment "A" and Attachment "B"). The applicant was advised to stop construction until a variance had been applied for and approved by Council.

4.2 Project Description

The site plan that was approved by building permit BP54081 was incorrect as submitted by the applicant. The dimensions of the house were in error, causing the proposed addition to be constructed encroaching in the rear yard.

The encroachment of 0.73m faces two adjacent properties' rear yards. It is anticipated the encroachment will have minimal visual impact, and minimal impact on the private outdoor space of the adjacent properties. There is existing landscaping and fencing that provides further screening from adjacent properties.

4.3 Site Context

The subject property is located in Rutland north of Mugford Road and west of Merrifield Road in a predominantly single family neighbourhood.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Family Residential
East	RU6 – Two Dwelling Housing	Duplex Housing
South	RU1 – Large Lot Housing	Single Family Residential
West	RU1 – Large Lot Housing	Single Family Residential

Subject Property Map: 430 Pine Road



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU ₁ ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	550 m ²	1093.6 m ²
Lot Width	16.5 m	m
Lot Depth	30.0 m	m
Development Regulations		
Site Coverage of Buildings	40%	22%
Site Coverage of Buildings, Driveways, and Parking	50%	27%
Front Yard	6.0 m	14.4 m
Side Yard (south)	2.0 m	2.2 m
Side Yard (north)	2.0 m	2.4 m
Rear Yard	7.5 m	6.77 m ❶
❶ Indicates a requested variance to the rear yard setback.		

5.0 Application Chronology

Date of Application Received: December 23, 2016

Date Public Consultation Completed: January 18, 2016

Report prepared by: Trisa Brandt, Planner I

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment "A": Site Plan illustrating encroachment

Attachment "B": Survey Plan

Draft Development Variance Permit DVP16-0306