

# REPORT TO COUNCIL



Date: December 1, 2015

RIM No. 0940-50

To: City Manager

From: Community Planning Department (LK)

Application: DVP15-0227

Owner: John Pushor & Alison Kyte

Address: 265 Poplar Point Drive

Applicant: John Pushor

Subject: Development Variance Permit

Existing OCP Designation: S2RES - Single / Two Unit Residential

Existing Zone: RU1 - Large Lot Housing

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0227 for Lot 1 District Lot 219 ODYD Plan 10072, located at 265 Poplar Point Drive, Kelowna, BC;

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

### Section 13.1.6 (b): RU1 - Large Lot Housing Development Regulations

To vary the height of a building from 9.5 m maximum to 10.47 m proposed.

### Section 13.1.6 (e): RU1 - Large Lot Housing Development Regulations

To vary the rear yard setback from 7.5 m minimum to 4.0 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 maximum building height and the minimum rear yard setback on the subject property.

## 3.0 Community Planning

Community Planning Staff supports the requested variances to the maximum building height and the minimum rear yard setback on the subject parcel to facilitate the construction of a new single family dwelling. The height variance for the dwelling allows the design of the house to naturally respond to the sloped topography of the parcel. The rear yard setback variance is requested due to the steep slope at the rear of the parcel. This enables the house to be located closer to the rear shared property line which will maximize the front and side yards. The rear yard setback will be similar to the adjacent parcels side setback.

The subject parcel has a Future Land Use of S2RES - Single / Two Unit Residential, therefore the application meets the guidelines of the Official Community Plans (OCP). The OCP supports sensitive infill development to reflect the character of the neighbourhood with respect to building design, height and siting.

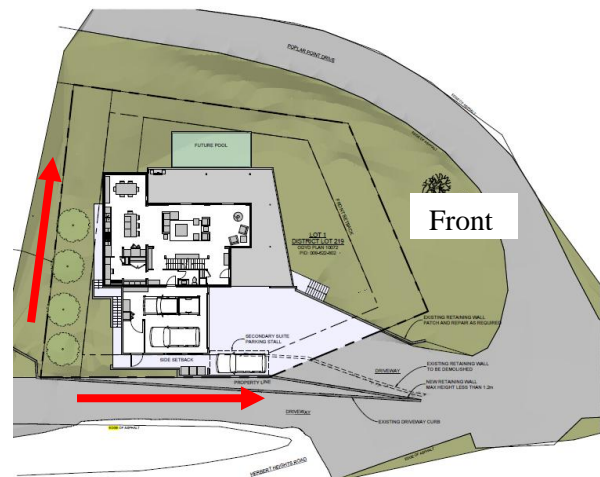
## 4.0 Proposal

### 4.1 Project Description

The applicant is proposing to build a new single detached dwelling on the subject parcel which is located at the intersection of Poplar Point Drive and Herbert Heights Road. This is an irregular shaped parcel with three street frontages. The rear of the parcel shares a property line with the side of 265 Poplar Point Drive. The parcel slopes significantly in two directions from Herbert Heights Road down to Poplar Point Road and from the rear property line down to the front of the parcel along Poplar Point Drive (indicated below with red arrows). This limits the buildable area of the parcel and brings about the two requested variances.

A secondary suite is proposed on the lower level, which meets all zoning bylaw regulations including floor area, private open space and parking requirements.

The rear setback variance is requested along the shared property line with 265 Poplar Point Drive. The minimum 7.5m rear yard setback is generally intended to provide a dwelling with a large, useable open space. Due to the slope of the subject parcel, the rear setback area is too steep to serve this purpose. The proposal is treating this area as a side setback by reducing it to 4.0m. This is similar to the adjacent parcels existing side setback. The useable open space for this parcel is along the front and side of Poplar Point Drive. This area will provide front and side setbacks well in excess of the Zoning Bylaw requirements as well as providing a useable open space area.



The second variance is for the maximum height of the proposed building. The house is designed as a walkout to the front of the parcel due to the slope. Zoning Bylaw 8000 specifically indicates that walkout basements oriented to the rear of a parcel will not be considered for determining the height of the building. This regulation does not apply to a front walkout scenario, therefore the variance is required. The maximum height of a dwelling is 9.50m and the application is proposing a height of 10.47m. Due to the specific site conditions, the height variance will not negatively impact surrounding parcels. Across Herbert Heights Road is Knox Mountain with hiking trails located well above. The existing adjacent dwelling is well screened with a significant amount of trees and shrubs providing privacy for both dwellings along the shared property line. No sitelines to Okanagan lake are impacted. The existing homes located across Poplar Point Drive are situated well below the roadway level. The homes are not visible from the roadway and will not be affected by the requested variance.

Front elevation - Poplar Point Drive



Side elevation - Poplar Point Drive



#### 4.2 Site Context

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Single Family Dwelling
East	P3 - Parks and Open Space	Knox Mountain park
South	P3 - Parks and Open Space	Knox Mountain park
West	RU1 - Large Lot Housing	Single Family Dwelling

Subject Property Map: 265 Poplar Point Drive



#### 4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	550 m <sup>2</sup>	918.10 m <sup>2</sup>
Minimum Lot Width	30 m	m
Minimum Lot Depth	30 m	m

Development Regulations		
Maximum Site Coverage (buildings)	40%	31%
Maximum Site Coverage (buildings, driveways and parking)	50%	43.3%
Maximum Height	9.5m	10.47m <sup>❶</sup>
Minimum Front Yard	4.5m	8.5m
Minimum Side Yard (east)	2.3m	2.3m
Minimum Side Yard (west)	2.3m	6.0m
Minimum Rear Yard	7.5m	4.0m <sup>❷</sup>
Other Regulations		
Minimum Parking Requirements	3 stalls	2 stalls for dwelling 1 stall for secondary suite
Minimum Private Open Space	30m <sup>2</sup>	63m <sup>2</sup> for secondary suite
<sup>❶</sup> Indicates a requested variance to the building height from 9.5m maximum to 10.47m proposed. <sup>❷</sup> Indicates a requested variance to the rear setback area from 7.5m minimum to 4.0m proposed.		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Sensitive Infill.**<sup>1</sup> 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.

**Context Considerations.**<sup>2</sup> Set buildings into the hillside and step up or down the slope to mimic the natural topography.

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

- Factory built housing and components to be certified by a Standards Council of Canada accredited agency prior to placement on the site, as complying with Canadian Standards Association Standard A277, "Procedure for Certification of Factory Built Houses".

### 6.2 Development Engineering Department

- See Attachment 'A' below.

### 6.3 Real Estate and Building Services

- Prior to constructing any new improvements (such as a retaining wall) in the road right-of-way, the land owner will need to sign a letter as provided by the City's Real Estate department acknowledging the fact that any improvements may be removed at any time in the future without compensation if the roadway is required for municipal purposes.

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, Policy 14.1.3 (Urban Design DP Areas Chapter).

## 7.0 Application Chronology

Date of Application Received: September 15, 2015  
Date Public Consultation Completed: October 24, 2015

Report prepared by:

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Lydia Korolchuk, Planner

Reviewed by:



Terry Barton, Urban Planning Manager

Approved for Inclusion:



Ryan Smith, Community Planning Department Manager

### Attachments:

Site Context Map  
Schedule A - Site Plan & Landscape Plan  
Schedule B - Conceptual Elevations  
Attachment 'A' - Development Engineering Memorandum  
Draft Development Variance Permit