

REPORT TO COUNCIL



Date: May 16, 2017

RIM No. 0940-00

To: City Manager

From: Community Planning Department (EW)

Application: DVP17-0063

Owner: Calla-Syna Douglas Dreyer

Address: 905 Kennedy St

Applicant: Calla-Syna Dreyer

Subject: Development Variance Permit Application

Existing OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

1.0 Recommendation

THAT Council NOT authorize the issuance of Development Variance Permit No. DVP17-0063 for Lot 2 Section 29 Township 26 ODYD Plan 14046, located at 905 Kennedy St, Kelowna, BC.

2.0 Purpose

To consider a Staff recommendation to NOT issue a Development Variance Permit to vary the maximum fence height from permitted 2.0 m to 2.75 m proposed on the subject property.

3.0 Community Planning

Community Planning Staff are not supportive of this application as fences exceeding height regulations are not something Staff would like to see in residential neighbourhoods. The proposed over height fence is along a portion of the north and south property line and the entirety of the eastern property line. The interface along the public lane would be a 2.75 m solid fence. While Staff can appreciate the applicant's desire for additional privacy many people have similar site configurations including a sloped lot and a pool and are able to comply with the fencing regulations in the Zoning Bylaw.

In fulfillment of Council Policy No. 367, the applicant submitted a neighbour consultation summary form on March 16, 2017 outlining that neighbours within 50 m of the subject property were notified.

4.0 Proposal

4.1 Project Description

The applicant wants to construct a vinyl fence to provide privacy from the neighbouring properties and the laneway for an above ground pool in the backyard (Schedule A).

The slope of the backyard is approximately 10% and drops roughly 1.5 metres from the rear of the house to the eastern property line along the lane. The fence along the north and south parcel lines would gradually step up from 2.0 m to 2.75 m and along the lane (the eastern property line) would be 2.75 m.

The applicant has provided a rationale letter (Attachment A) stating that the slope of the backyard and the active alley as reasons for the variance request. The letter also states granting the variance would replace the



Figure 1. View of the subject property from the lane.

need to infill the pool and build a retaining wall. At the time of writing this report no concerns from the neighbourhood have been raised and the applicant has been in discussions with the neighbour to the north and will agree to share the proposed fence.

4.2 Site Context

The subject property is located in the Glenmore – Clifton – Dilworth city sector south of High Rd. The property is 850 m² and is zoned Ru1 – Large Lot Housing, in a primarily residential neighbourhood. Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	Ru1 – Large Lot Housing	S2RES – Single/Two Unit Residential
East	Ru1 – Large Lot Housing	S2RES – Single/Two Unit Residential
South	Ru1 – Large Lot Housing	S2RES – Single/Two Unit Residential
West	Ru1 – Large Lot Housing	S2RES – Single/Two Unit Residential

Subject Property Map: 905 Kennedy St**4.3 Zoning Analysis Table**

Zoning Analysis Table		
CRITERIA	RESIDENTIAL ZONE REQUIREMENTS	PROPOSAL
Other Regulations		
Maximum Fence Height	2.0 m	2.75 ^❶
^❶ Indicates a requested variance to the maximum fence height from 2.0 m to 2.75 m.		

5.0 Technical Comments**5.1 Building & Permitting Department**

- No comment.

5.2 Development Engineering Department

- Does not compromise municipal services.

5.3 Fire Department

- No issue with the variance of the fence height.

5.4 FortisBC - Electric

- There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Kennedy Street and within the lane adjacent the subject's east property line. Based on the plans provided the existing overhead service to the house will be situated overtop the proposed swimming pool and represents a serious safety hazard. The proposed design should not be approved unless the applicant is willing to reconfigure their existing service. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.
- The applicant is working with FortisBC to reconfigure their existing service.

6.0 **Application Chronology**

Date of Application Received: March 7, 2017

Date Public Consultation Completed: March 16, 2017

7.0 **Alternate Recommendation**

THAT Development Permit No. DP17-0063 for Lot 2 Section 29 Township 26 ODYD Plan 14046, located at 905 Kennedy St, Kelowna, BC to allow the construction of a fence be approved subject to the following:

- a) The dimensions, siting, and exterior finish of the fence to be constructed on the land be in accordance with Schedule "A";

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

Section 7.5.3: Fencing and Retaining Walls Regulations

To vary the maximum fence height in a residential zone from 2.0 m permitted to 2.75 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

Report prepared by:

Emily Williamson, Planner I

Reviewed by:

Ryan Smith, Community Planning Manager

Approved for Inclusion:

Doug Gilchrist, Divisional Director Community Planning & Strategic Investments

Attachments:

Draft DVP17-0063

Schedule 'A' – Site Plan and Conceptual Elevation

Attachment 'A' – Applicant's Rationale