

# REPORT TO COUNCIL



**Date:** May 30, 2017

**RIM No.** 0940-50

**To:** City Manager

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

**Application:** DVP16-0168

**Owner:** Gary Lupul

**Address:** 4377 Kensington Drive

**Applicant:** Gary Lupul

**Subject:** Development Variance Permit

Existing OCP Designation: S2RES – Single /Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU6 – Two Dwelling Housing

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## **1.0 Recommendation**

THAT final adoption of Rezoning Bylaw No. 11361 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0268 for Lot 21 District Lot 167 ODYD Plan 27559, located at 4377 Kensington Drive, Kelowna, BC;

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

### **Section 13.6.5(b): RU6 – Two Dwelling Housing Subdivision Guidelines**

To vary the required minimum lot width from 18.0 m required to 17.03 m proposed

AND THAT Council's consideration of this Development Variance Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated July 25, 2016;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Variance Permit Application in order for the permits to be issued;

## **2.0 Purpose**

To consider one variance to facilitate the development of a second single family dwelling on the subject property.

### 3.0 Community Planning

Staff supports the proposed variance to the parcel width in order to facilitate the development of a second single family dwelling on the subject parcel. The application meets the Official Community Plan (OCP) Urban Design Guidelines and the design is appropriate to the site. The proposal also meets many of the OCP's Urban Infill objectives and it meets all but one of the Zoning Bylaw Regulations for RU6 – Two Dwelling Housing.

The property is within the Permanent Growth Boundary in the North Mission Crawford area of Kelowna. The parcel is located within blocks of Lakeshore Road and backs onto the South Winds multi-family development on Lakeshore Road & Sarsons Road. The modest increase in density at this location is supported by local amenities such as parks, schools, transit and recreational opportunities in the area.

Council Policy No. 367 with respect to public consultation was undertaken by the applicant and all neighbours within a 50m radius of the subject parcel.

### 4.0 Proposal

#### 4.1 Project Description

The proposal is to add a second dwelling on the subject parcel to be located behind the existing dwelling. The one requested variance to the parcel width is due to the pie shape configuration of the parcel. It has a narrow frontage due to its location on the curve of the Cul de Sac. The overall parcel area is more than three times the size required for two dwelling housing. As the parcel does not have rear lane access, the applicant is proposing shared driveway access to both the existing and new dwelling. This will reduce the amount of hard surfacing on the parcel, which in turn increases the amount of outdoor amenity area on the parcel.

The proposed dwelling is located towards the rear of the parcel. It meets all of the zoning bylaw regulations, including required setbacks and site coverage. Overlook issues are reduced as the proposed dwelling is single storey in height. The applicant is utilizing a Landscape Architect to address new site landscaping which includes additional trees, shrubs and lawn. The east fence will have climbing vines to provide screening between the parcels. The proposed dwelling provides setbacks larger than required from the rear adjacent multi-family site. All of these factors will increase the privacy of the subject parcel and those adjacent to it.

#### 4.2 Site Context

The parcel is within the South Mission/ Crawford area at the end of a Cul de Sac. The parcel is within the Permanent Growth Boundary and has easy access to Lakeshore Road. The Rezoning request aligns with the OCP Future Land Use of S2RES – Single/Two Unit Residential. The site provides a transition from the



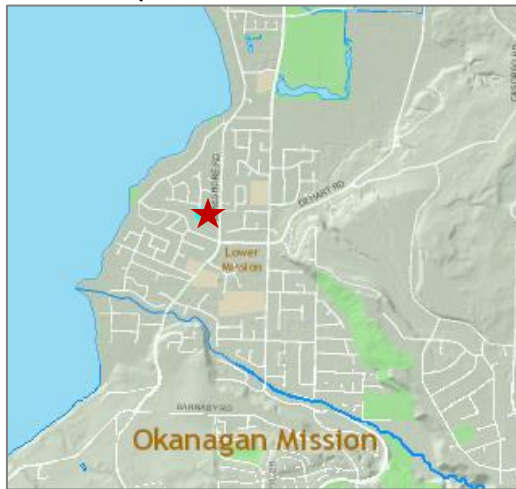
Figure 1 – Site Plan showing the location of the second dwelling to the south of the original dwelling. The driveway access is shared.

adjacent MRL – Multiple Unit Residential (Low Density) to the predominantly single family dwelling neighbourhood.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Family Housing
East	RU1 – Large Lot Housing	Single Family Housing
South	RM3 – Low Density Multiple Housing	Multiple Dwelling Housing
West	RU1 – Large Lot Housing	Single Family Housing

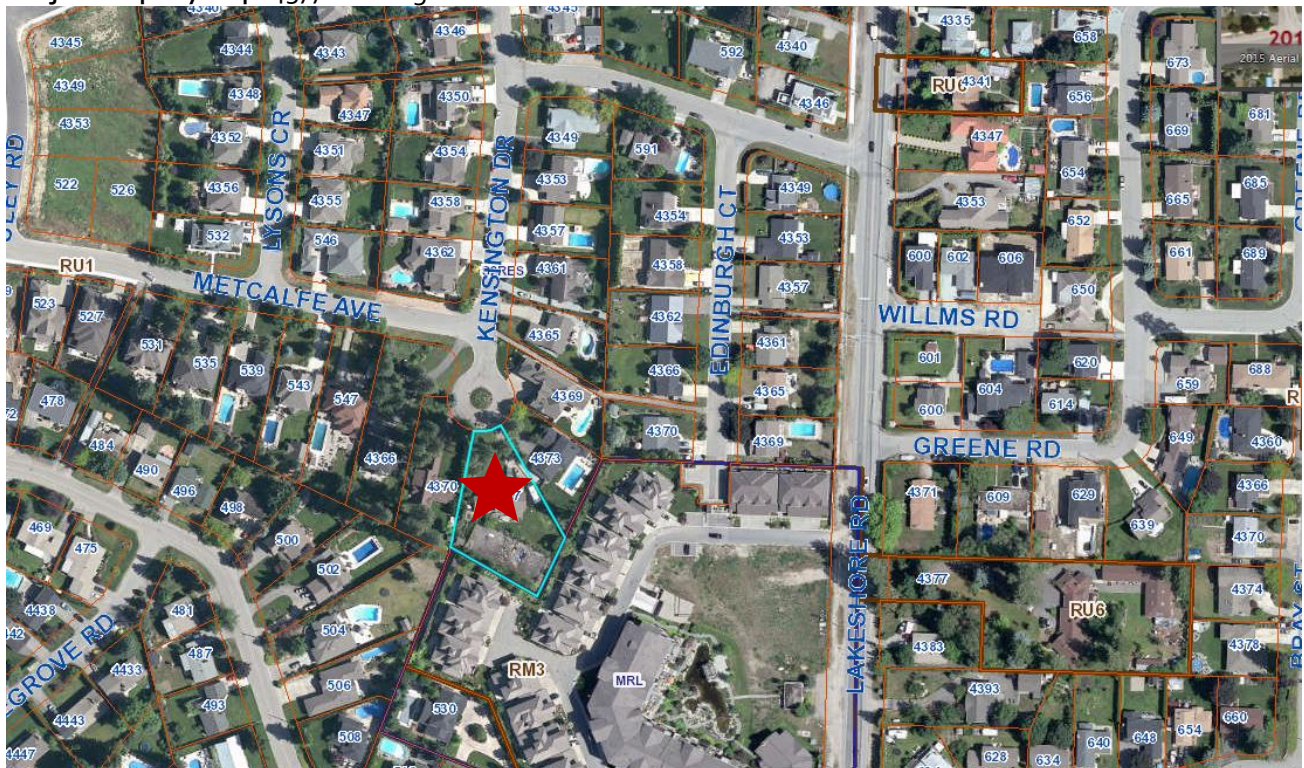
Context Map:



Future Land Use:



Subject Property Map: 4377 Kensington Drive





4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	700 m <sup>2</sup>	2307 m <sup>2</sup>
Minimum Lot Width	18 m	17.03 m <span style="color: red;">❶</span>
Minimum Lot Depth	30 m	56.94 m
Development Regulations		
Maximum Site Coverage (buildings)	40%	21%
Maximum Site Coverage (buildings, driveways and parking)	50%	38%
Maximum Height	9.5 m	4.19 m
Minimum Front Yard	4.5 m	24.6 m to existing dwelling
Minimum Side Yard (east)	2.0 m	2.0 m
Minimum Side Yard (west)	2.0 m	26.81 m
Minimum Rear Yard	7.5 m	12.04 m
Other Regulations		
Minimum Parking Requirements	4 stalls	+5 stalls
Minimum Private Open Space	25 m <sup>2</sup> per dwelling	Exceeds requirements
<span style="color: red;">❶</span> Indicates a requested variance to the minimum lot width of 18.0 m to 17.03 m proposed.		

**Parcel Width Variance**

In the case of an irregular shaped parcel, the lot width is measured from the minimum front yard setback, along each of the side property lines. For the RU6 zone, the minimum front yard setback is 6.0m. Therefore, the parcel width is measured as the distance between the two side property lines at 6.0m back from the front property line as shown in Figure 2.

Urban Planning staff are supportive of this variance as it is a technical variance due to the shape of the parcel. The parcel area is more than three times the minimum area required to have a second dwelling. The proposed second dwelling meets all of the Zoning Regulations for RU6 – Two Dwelling Housing. The site will utilize a single driveway for both dwellings, the proposed dwelling is one-storey and will have increased landscaping provided to enhance privacy to both the subject and the adjacent parcels.

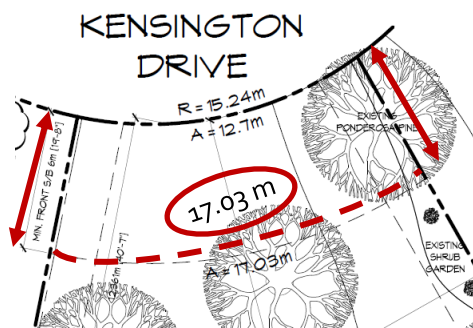


Figure 2 – The red arrows indicate the 6.0m setback. The parcel width for an irregular shaped parcel is the distance between these two points (17.03 m).

**5.0 Current Development Policies****5.1 Kelowna Official Community Plan (OCP)****Development Process**

**Complete Suburbs.**<sup>1</sup> Support a mix of uses within Kelowna's suburbs (see Map 5.1 – Urban Core Area), in accordance with "Smart Growth" principles to ensure complete communities. Uses that should be present in all areas of the City (consistent with Map 4.1 – Future Land Use Map), at

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

appropriate locations, include: commercial, institutional, and all types of residential uses (including affordable and special needs housing) at densities appropriate to their context.

**Compact Urban Form.**<sup>2</sup> 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.

**Sensitive Infill.**<sup>3</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.

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

### 6.2 Development Engineering Department

- Refer to Attachment "A".

## 7.0 Application Chronology

Date of Application Received:	July 12, 2016
Date Public Consultation Completed:	November 12, 2016
Date of Amended Plans Received:	January 16, 2017
Date of Rezoning Public Hearing:	April 5, 2017

**Report Prepared by:** Lydia Korolchuk, Planner

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

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

### **Attachments:**

Draft Development Variance Permit DVP16-0168  
 Attachment A: Development Engineering Memorandum  
 Schedule A: Site Plan  
 Schedule B: Conceptual Elevations  
 Schedule C: Landscape Plan

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter).

<sup>3</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).