

REPORT TO COUNCIL



Date: June 27, 2017

RIM No. 0940-50

To: City Manager

From: Community Planning Department (EW)

Application: DVP17-0026

Owner: Sandra Hannah Morris

Address: 1994 Ethel St

Applicant: Sandra Hannah Morris

Subject: Development Variance Permit

Existing OCP Designation: S2RES – Single/ Two Unit Residential
PARK – Major Park/Open Space (public)

Existing Zone: RU6 – Two Dwelling Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0026 for Lot A District Lot 138 ODYD Plan EPP72690, located at 1994 Ethel St, Kelowna BC to allow the construction of an attached garage;

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

Section 13.6.6.(h) RU6 – Two Dwelling Housing Development Regulations

To vary the minimum site rear yard from 7.5m required to 1.5m 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 setback from 7.5m to 1.5m proposed for an attached garage on the subject property.

3.0 Community Planning

Staff support the variance to reduce the rear yard setback from 7.5m to 1.5m for the new attached garage. Mill Creek intersects the eastern side of the property and the proposed location of the attached garage, close to the western property line concentrates development away from Mill Creek. The applicant has worked with Staff to consolidate the two lots and to return Mill Creek to Crown. Further no issues are anticipated with the proposed location of the attached garage as the lane has limited traffic; the lane is a dead end and the property to the south is the last property to have access off the lane.

4.0 Proposal

4.1 Project Description

The applicant would like to replace the existing garage/shed structure located off the lane and construct a new attached garage. The existing structure is 1.5m from the rear property line and the applicant would like to construct the new attached garage in the same location. The applicant's rationale for the variance is attached for review (Attachment A).



Figure 1. Existing garage/shed structure as viewed from the rear lane.

4.2 Site Context

The subject property is located in the Central City sector west of Ethel St and south of Sutherland Ave. Mill Creek intersects the eastern side of the property.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Residential
East	CD1 – Comprehensive Development One P1 – Major Institutional	Residential Hospice House
South	RU6 – Two Dwelling Housing	Residential
West	P2 – Education and Minor Institutional	School/ Church

Subject Property Map: 1994 Ethel St



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Existing Lot		
Lot Area	400 m ²	1456 m ²
Lot Width	13.0 m	15.24 m
Lot Depth	30.0 m	44.55 m
Development Regulations		
Height	9.5 m/ 2 ½ storeys	3.3 m
Front Yard	4.5 m	> 23 m
Side Yard (north)	2.0 m	0.37 m
Side Yard (south)	2.0 m	6.3 m
Rear Yard	7.5 m	1.5 m ●
● Indicates a requested variance to the minimum rear yard setback from 7.5m required to 1.5m proposed.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Protection Measures.¹ Protect and preserve environmentally sensitive areas using one or more of the following measures, depending on which measures are appropriate to a given situation:

- Return to Crown Land or covenant for conservation purposes with the City, the Province and/or a nongovernmental organization (e.g. Central Okanagan Land Trust) eligible to hold Conservation Covenants.

Habitat Protection.² Ensure a proposed development footprint within an ESA is configured in such a way as to minimise the encroachment toward aquatic or terrestrial habitat. Considering zoning and/or subdivision variances where needed to prevent or minimize a relaxation of or encroachment into the RMA or to acquire greater RMA width for environmental protection of hazard avoidance.

6.0 Technical Comments

6.1 Building & Permitting Department

- No comment.

6.2 Development Engineering Department

- No concerns.
- Staff Note: the road dedication for the lane along the subject property is being acquired from the property on the other side of the lane: 839 Sutherland. Initial comments from the Development Engineering Department did not support variance request as the existing lane road right of way of 3m is substandard and the minimum City of Kelowna standard lane width is 6.0m.

6.3 FortisBC - Gas

- No concerns.

6.4 Fire Department

- Requirements of section 9.10.19 Smoke Alarms and Carbon Monoxide alarms of the BCBC 2012 are to be met.

6.5 FortisBC - Electric

- There are FortisBC Inc (Electric) primary distribution facilities along Ethel Street. However, the existing dwelling appears to be serviced from a secondary line within the lane adjacent to the west property line of the subject property. 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. Otherwise, FBC(E) has no concerns with this circulation.

¹ Official Community Plan Bylaw No. 10500, Policy 5.15.7 'Ensure environmentally sustainable development'.

² Official Community Plan Bylaw No. 10500, Policy 5.15.11 'Ensure environmentally sustainable development'.

7.0 Application Chronology

Date of Application Received: January 31, 2017
Date Public Consultation Completed: February 20, 2017

Report prepared by: Emily Williamson, Planner
Reviewed by: Terry Barton, Urban Planning Manager
Reviewed by: Ryan Smith, Community Planning Department Manager
Approved for Inclusion: Doug Gilchrist, Divisional Director, Community Planning & Real Estate

Attachments:

Draft DVP17-0026
Attachment "A" – Applicant's Rationale