

REPORT TO COUNCIL



Date: December 15, 2015
RIM No. 1250-30
To: City Manager
From: Community Planning Department (LG)
Application: DVP15-0082
Owners: Harjinder Kaur Malhi
Jaswinder Singh Malhi
Swaran Singh Malhi
Address: 310 Mugford Road
Applicant: Urban Options Planning and Permits (Birte Decloux)
Subject: Development Variance Permit Application
Existing OCP Designation: S2RES - Single/Two Unit Residential
Existing Zone: RU1 - Large Lot Housing
Proposed Zone: RU2 - Medium Lot Housing

1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11122 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0082 for Lot B Section 26 Township 26 ODYD Plan 27494 located at 310 Mugford Road, Kelowna, BC;

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

Section 13.2.5 (a): RU2 - Medium Lot Housing Subdivision Regulations

To vary the minimum required lot width from 13.00 m to 12.95 m on the subject parcel.

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council's approval, with no opportunity to extend.

2.0 Purpose

To vary lot width on the subject parcel to facilitate a two-lot subdivision.

3.0 Community Planning

This development variance permit application forms part of a larger application that was submitted by the applicant to subdivide the subject parcel into two lots and build two new single detached dwellings.

When the proposal was made, Staff did not support the initial rezoning to RU2 - Medium Lot Housing as a lot width variance from 13.0 m to 12.95 m would be required to subdivide. The proposal was contrary to newly adopted rules in the Zoning Bylaw for narrow lots (where rear lanes are required for lots less than 13.00 m wide). However, Council gave three readings to the rezoning Bylaw, citing a need for additional density in this neighbourhood, and acknowledging the relatively minor variance required to subdivide the parcel into two lots.

Community Planning is therefore recommending support of this variance application as a result of Council's decision. The variance is required by the applicant to move forward with their development plan as initially proposed to Council in August, 2015.

4.0 Proposal

4.1 Background

On August 11, 2015, Council gave 3rd reading to Bylaw 11122 to rezone to subject parcel from RU1 - Large Lot Housing to RU2 - Medium Lot Housing in anticipation of a two lot subdivision. However, the minimum required lot width for new RU2 lots is 13.0 m, and the subject site only allows for two 12.95 m wide lots. Therefore, in order to carry through with the development plan, the applicant requires a variance to lot width.

4.2 Project Description

The proponent made an application to rezone the subject parcel from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing zone to facilitate a two-lot subdivision. The application is accompanied by a Development Variance Permit to vary the required lot width in the RU2 zone, as well as a subdivision application to finalize the process.

No future buildings plans were included with the application.

4.3 Site Context

The subject property is located on the north side of Mugford Road, between Rutland Road and Laurel Road. The site is located within the Rutland Sector and is within the Revitalization Development Permit Area.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM3 - Low Density Multiple Housing	MRL - Multiple Unit Residential (Low Density)
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:



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU2 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	400m ² per lot	442.01m ² per lot
Min. Lot Width	13.0m per lot	12.95m per lot ❶
Min. Lot Depth	30.0m per lot	34.14m per lot
Development Regulations		
Max. Building Coverage	40%	unknown
Max. Height	9.5m	unknown
Min. Front Yard	4.5m	unknown
Min. Side Yard (west)	1.5-1.8m	unknown
Min. Side Yard (east)	1.5-1.8m	unknown
Min. Rear Yard	6.0-7.5m	unknown
Other Regulations		
Minimum Parking Requirements	2 stalls	unknown
Private Open Space	35m ²	unknown

❶ Indicates a requested variance to lot width.

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 14 - Urban Design DP Guidelines

- ¹ Prioritize the safe and convenient movement of pedestrians above all other modes of transportation.
- ² Avoid large expanses of parking.
- ³ Ensure vehicular and service access has minimal impact on the streetscape.
- ⁴ Avoid vehicle access from arterial and collector roads and from those roads with a prominent streetscape.
- ⁵ Minimize the width and area of driveways and impervious surfaces.

6.0 Technical Comments

6.1 Building & Permitting Department

No comments.

6.2 Development Engineering Department

See attached memorandum dated May 4, 2015.

7.0 Application Chronology

Date of Application Received: April 13, 2015

Report prepared by:

Lindsey Ganczar
Community Planning Supervisor

Reviewed by:



Ryan Smith, Community Planning Department Manager

Attachments:

Subject Property Map

Site Plan

Development Engineering Memorandum

¹ City of Kelowna Official Community Plan, Policy 8.1 (Chapter 14 - Comprehensive Development Permit Area).

² City of Kelowna Official Community Plan, Policy 8.9 (Chapter 14 - Comprehensive Development Permit Area).

³ City of Kelowna Official Community Plan, Policy 8.10 (Chapter 14 - Comprehensive Development Permit Area).

⁴ City of Kelowna Official Community Plan, Policy 8.12 (Chapter 14 - Comprehensive Development Permit Area).

⁵ City of Kelowna Official Community Plan, Policy 1.7 (Chapter 14 - Intensive Residential - Character Neighbourhood).