

REPORT TO COUNCIL



Date: October 17, 2017

RIM No. 0940-00

To: City Manager

From: Community Planning Department (TB)

Application: DVP17-0085 **Owner:** Harold Andrew Schock
Stephanie Schock

Address: 495 Glen Pine Court **Applicant:** Harold Schock

Subject: Development Variance Permit

Existing OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: RU2 – Medium Lot Housing

1.0 Recommendation

THAT Council NOT authorize the issuance of Development Variance Permit No. DVP17-0085 for Lot 10 Section 32 Township 26 ODYD Plan KAP44247, located at 495 Glen Pine Court, Kelowna, BC.

2.0 Purpose

To consider a Staff recommendation to NOT issue a Development Variance Permit to vary the minimum required setback for a swimming pool from a flanking street from 1.5m (required) to 0.2m (proposed) on the subject property.

3.0 Community Planning

Community Planning Staff do not recommend support for the proposed variance to the minimum flanking public street setback for a proposed swimming pool. The Zoning Bylaw requires a minimum setback of 1.5m and the applicant is proposing to reduce the setback to 0.2m. Further, the outer edge of the pool basin will connect to a rock wall and fence at property line. This creates a potential conflict with the location of the property's sewer connection making any future maintenance and repair more challenging and costly. As well, the reduction of the setback may compromise the City's ability to modify the road or boulevard.

The intent of the 1.5m setback is to provide a degree of separation between the public street and private realm eliminating any of these potential conflicts. The subject property is level and flat with a rear yard that could accommodate a swimming pool without the requested variance. Staff do not feel that the variance request is warranted and that the future consequence could impact the City's street and infrastructure.

4.0 Proposal

4.1 Background

The subject property has a single family dwelling that was constructed in 1991 and is located on the corner lot of Glen Pine Court and Yates Road. The home is sited according to RU2 – Medium Lot Housing zoning regulations with a minimum 4.5m setback on the side flanking street and a minimum 6.0m setback on the rear yard. There is a large concrete patio located in the rear yard.

4.2 Project Description

The proposed swimming pool is “lap style” in nature and is located in the side yard so as to preserve the concrete patio in the rear yard. The location requires a variance to the minimum flanking public street from 1.5m required to 0.2m proposed to the edge of the concrete basin of the pool. The proposed pool deck connects to a 0.6m high landscape feature wall which will support a fence at 0.0m at property line along Yates Road.

Yates Road has a grass boulevard with a roll over curb, and a sidewalk on the east side. Immediately across from the subject property is an Elementary School. Although there are no immediate plans to upgrade Yates Road, the proposed location of the pool at 0.2m from property line would severely compromise the City’s ability to modify the roadway or boulevard in the future and represents a negative public impact.

The sewer connection to the subject property is on Yates Road and located in the immediate vicinity of the proposed pool. Should the variance be approved at 0.2m from property line, it could damage public infrastructure during construction, as well as make it more difficult and timely to repair or replace the sewer connection in the future. If the proposed pool were to meet the 1.5m setback it would eliminate potential impact to the public infrastructure.

The rear yard of the subject property is flat and features no topographical challenges other than a concrete patio which would prevent the pool from being located in the rear yard without a variance. All mature vegetation on the subject property has been removed from both the rear yard and the side yard and therefore there would be no negative impact on mature vegetation should the pool be sited differently.

4.3 Site Context

The subject property is located in Glenmore on the corner of Glen Pine Court and Yates Road, immediately across the street from Watson Road Elementary School.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU2 – Medium Lot Housing	Residential
East	P2 – Educational & Minor Institutional	Elementary School
South	RU2 – Medium Lot Housing	Residential
West	RU2 – Medium Lot Housing	Residential

Subject Property Map: 495 Yates Road**4.4 Zoning Analysis Table**

Zoning Analysis Table		
CRITERIA	RU ₂ ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Side Yard (flanking street)	1.5 m	0.2 m ^❶
Rear Yard (south)	0.9 m	0.9 m
^❶ Indicates a requested variance to the required flanking street setback from 1.5m required to 0.2m proposed.		

5.0 Technical Comments**5.1 Development Engineering Department**

The application for a development variance permit to allow for a pool projection up to 0.2 meters into the required side yard does potentially affect the sanitary service connection. Building and permitting will review on site services.

5.2 Real Estate (Strategic Investments) Department

From a real estate perspective, this is less than ideal as the lack of setback severely compromises the City's ability to modify the roadway in the future.

6.0 Application Chronology

Date of Application Received: April 3, 2017
 Date Public Consultation Completed: March 30, 2017

7.0 Alternate Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0085 for Lot 10 Section 32 Township 26 ODYD Plan KAP44247, located at 495 Glen Pine Court, Kelowna, BC;

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

Section 6.2.3: Swimming Pools

To vary the required minimum flanking street setback from 1.5m required to 0.2m 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:	Trisa Brandt, Planner
Reviewed by:	Terry Barton, Urban Planning Manager
Approved for Inclusion:	Ryan Smith, Community Planning Department Manager

Attachments:

Renderings and Images

Site Plan

Draft Development Variance Permit DVP17-0085