

REPORT TO COUNCIL



Date: October 17, 2017

RIM No. 0940-50

To: City Manager

From: Community Planning Department (PMc)

Application: DVP17-0167

Owner: Rodney & Jody Hazard

Address: 204 Poplar Point Drive

Applicant: Rodney hazard

Subject: Development Variance Permit

Existing OCP Designation: Single/Two Unit Residential (S2RES)

Existing Zone: RU1 – Large Lot Housing

1.0 Recommendation

That Council authorize the issuance of Development Variance Permit No. DVP17-0167 for Lot 1, District Lot 219, O.D.Y.D., Plan 4561, located on 204 Poplar Point Drive, Kelowna BC;

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

Section 6.11.1 – Okanagan Lake Sight Lines – To vary the required Okanagan Lake 120° Panoramic Sight Line to 86° proposed, resulting from the west sight line being reduced from 60° required, to 26° proposed as shown on Schedule "A".

2.0 Purpose

To vary the Okanagan Lake Sight Lines from 60° required to 26° proposed for the west side of the subject property.

3.0 Community Planning

Community Planning staff do not have concerns with the requested variance. The property was the subject to two Development Variance Permit applications (DVP09-0048 & DVP14-0233) that were considered by Council on September 22, 2009 and again on December 9, 2014, and both permits were subsequently issued. However, owing to the proponent's economic circumstances, construction was not started, and both issued Development Variance Permits have lapsed. This current application to vary the Okanagan Lake Sight Lines is the same as the two previously approved variance applications. The applicant has also provided copy of the sales agreement for the dwelling located at 208 Poplar Point Drive, which acknowledged that the prospective purchaser agreed to support a variance to the Okanagan Lake Sight Lines for the subject property.

At the time of the 2009 application, the applicant registered a no-build covenant adjacent to Okanagan Lake to protect slope and reduce the potential impact on the foreshore of Okanagan Lake and aquatic species.

4.0 Proposal

4.1 Background/Description

The subject property was under application for a Development Variance Permit (DVP09-0048) in 2009 and a Development Variance Permit (DVP14-0233) in 2014 to vary the Okanagan Lake Sight Lines. Those applications were considered by Council in October 2009 and again in December 2014, and were subsequently issued. However, owing to delays in commencing construction, both Development Variance permits have lapsed, in that an issued permit is only good for a maximum of two years if no construction starts.

The applicant now wishes to commence construction on the subject property, and will need to have the associated variance to the Okanagan Lake Sight Lines reconsidered by Council in order to get the Development Variance Permit reinstated.

Zoning Bylaw No. 8000, Section 6.11.1 – Okanagan Lake Sight Lines notes that all buildings and structures, greater than 1.2m above natural grade, on lots along Okanagan Lake foreshore shall be sited to not obstruct views of the lake from the established abutting development. New development shall be sited to permit the adjacent occupants a 120° Panoramic Sight Line (see below).

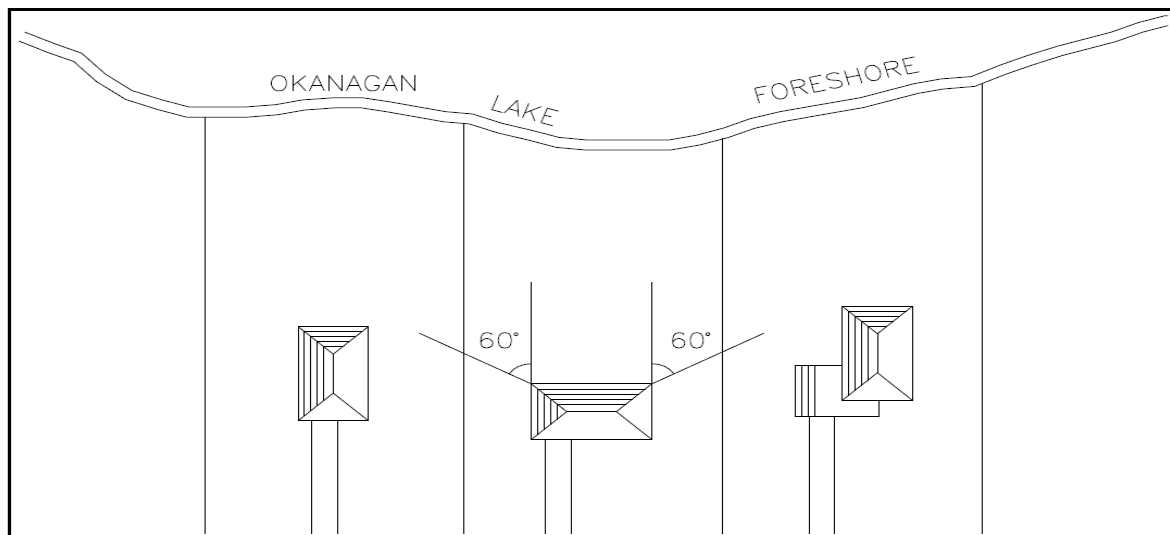


Diagram 6.2: Okanagan Lake 120° Panoramic Sight Line

The applicant has proposed to reduce the west site line from 60° (required) to 26° (proposed). As a result, the panoramic sight line would be reduced from 120° (required), to 86° (proposed).

While the applicant has not proposed a specific development or building envelope, a variance has been requested for the sight line requirements, which currently restrict the building envelope to the front (east) approximate 1/3 of the parcel. As no dwelling is being proposed at this time, the variance will only pertain to the Okanagan Lake 120° Panoramic Sight Line, and provide greater certainty to the building envelope in anticipation of a building design. As this site is located within both the Natural Environment and Hazardous Condition Development Permit Areas, the proponent will be required to obtain a Natural Environment Development Permit, including a geotechnical assessment prior to commencing construction on this

parcel. As part of the 2009 application, the applicant has registered a no-build covenant on the lot to protect the sensitive slopes adjacent to Okanagan Lake.

4.2 Site Context

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	W1 – Recreational Water Use	Okanagan Lake
East	P3 – Parks and Open Space	Road End access to lake
South	P3 – Parks and Open Space	Knox Mountain Park
West	RU1 – Large Lot Housing	Single Unit Dwelling

Subject Property Map: 204 Poplar Point Dr.



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Height	9.5m/2 ½ storeys	<9.5m
Front Yard	6.0m	>6.0m
Side Yard (east)	2.3m	>2.3m
Side Yard (west)	2.3m	>2.3m
Rear Yard	7.5m	>7.5m
Other Regulations		
Okanagan Lake Sightlines	120°	26° (west side subject property) ❶
❶ Indicates a requested variance to section 6.11.1 Okanagan Lake Sight Lines.		

5.0 Technical Comments

5.1 Building & Permitting Department

No Comment

5.2 Development Engineering Department

This Development Variance Permit application to vary the Okanagan Lake Sight Lines from 60 to 26 does not compromise any municipal services.

5.3 Fire Department

No concerns

6.0 Application Chronology

Date of Application Received: July 7, 2017.

Date Public Consultation Completed: July 17, 2017

Report prepared by: Paul McVey, Urban Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Site Plan (Schedule "A")

Context/Site Photos

Plan of restrictive Covenant

Draft Development Variance Permit