

# REPORT TO COUNCIL



**Date:** September 29, 2016

**RIM No.** 0940-50

**To:** City Manager

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

**Application:** DVP15-0129      **Owner:** Steve Moore & Elizabeth Moore

**Address:** 392 Stellar Drive      **Applicant:** Harmony Homes

**Subject:** Development Variance Permit

**Existing OCP Designation:** S2RES - Single/Two Unit Residential

**Existing Zone:** RU1 - Large Lot Housing

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0129 for Lot A Section 23 Township 28 SDYD Plan KAP81216, located at 392 Stellar Drive, Kelowna, BC;

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

### Section 7.5.9 - Landscaping and Screening Fencing and Retaining Walls

To vary the maximum height of the retaining wall from 1.2 m required to 3.4 m proposed in accordance with Schedule "A" and Schedule "B".

### Section 8.1 - Parking and Loading Parking Schedule

To vary the designated secondary suite parking space from one required to none proposed in accordance with Schedule "A".

### Section 13.1.6(c) - RU1 - Large Lot Housing Large Lot Housing Development Regulations

To vary the minimum front yard setback from 4.5 m required to 3.5 m proposed in accordance with Schedule "A".

To vary the minimum front yard setback from a garage having vehicular entry from the front from 6.0 m required to 3.75 m proposed in accordance with Schedule "A".

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 height of a retaining wall, parking for a secondary suite and the front yard setback on the subject property.

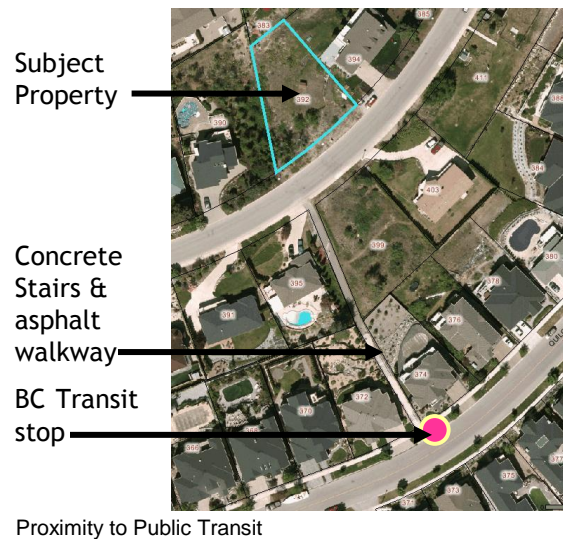
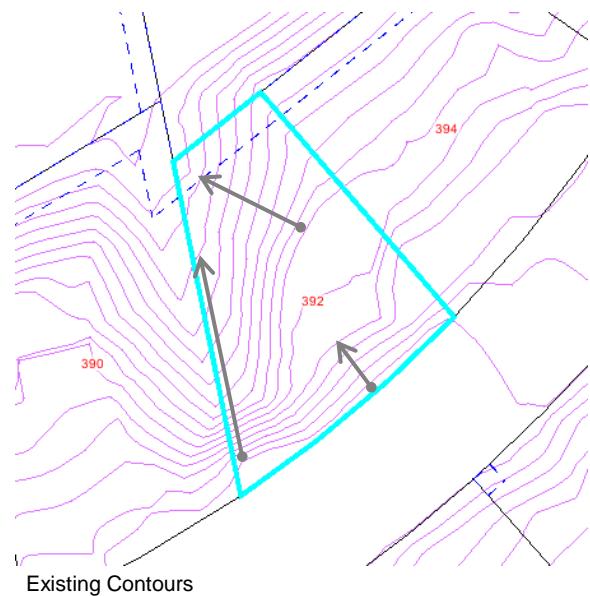


### 3.0 Community Planning

Community Planning Staff supports the proposed variances on the subject property. The topography of the subject property presents challenges as the existing grade at the front of the property slopes steeply down towards the rear property line. The applicant provided a grading plan and site plan for a single family dwelling with a suite that minimizes the amount of disturbance to the existing grade and requires variances as a result.

Retaining walls are necessary in this neighbourhood. Existing neighbouring homes have retaining walls in a front or rear yard, and in some cases both. The applicant is proposing an engineered concrete wall design that will have an exterior finish matching the dwelling. This wall is higher than the maximum allowable height and requires a variance. The proposed wall will be noticeable from the adjacent property to the east.

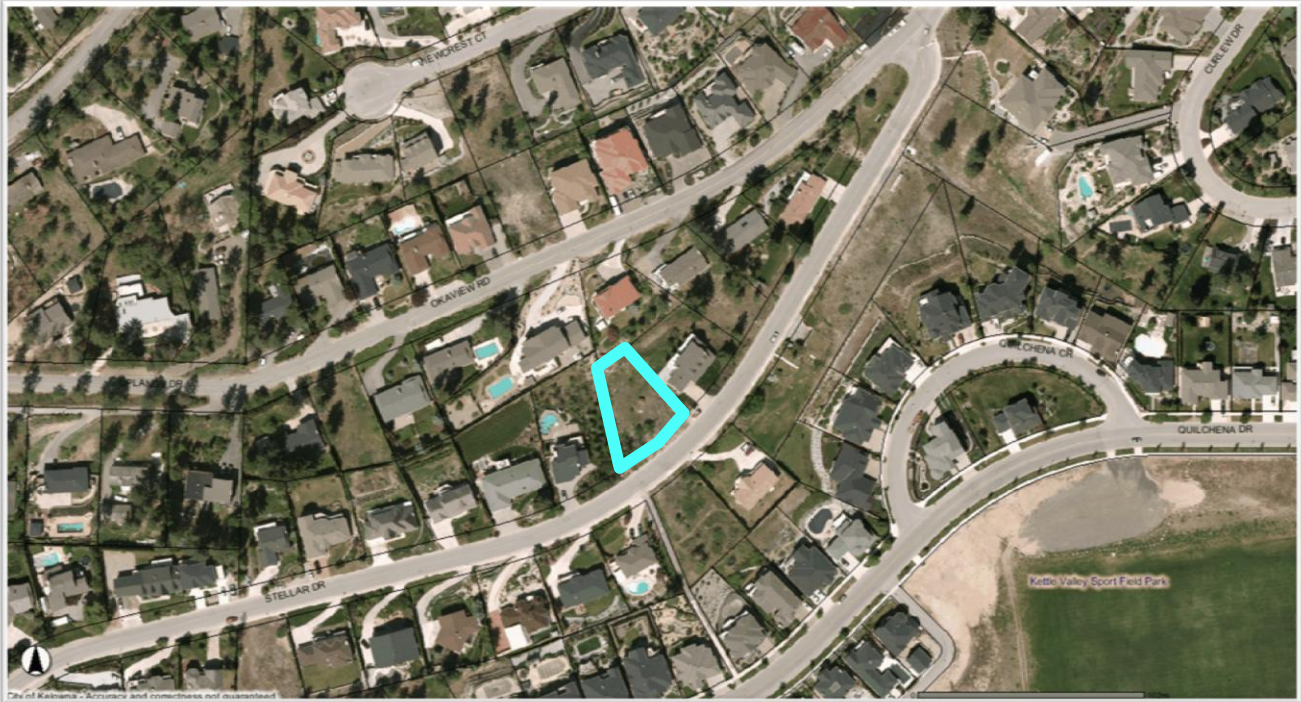
The proposed siting of the dwelling is oriented towards the front property line in order to reduce retaining on site and requires two variances to the front yard setback. Although zoned RU1, the subject property meets the definition of a hillside area, having slopes greater than 10% and a grade change of more than 6.0 m in height. Staff worked with the applicant to achieve a setback that meets the RU1h (hillside) zone. There is no potential for a vehicle to overhang onto a sidewalk as the City does not have plans to create a sidewalk on the north side of Stellar Drive. A sidewalk exists along



the south side of Stellar Drive.

The proposed single family dwelling includes a secondary suite. With the reduction of the front yard setback, space to accommodate the required parking for a secondary suite is not available. Staff is supportive of the parking variance as properties along Stellar Drive average 30 m wide, allowing for ample on-street parking. A BC Transit bus stop is accessible by an asphalt and concrete step walkway located 120 m from the property on Quilchena Drive.

The dwelling has been placed in the corner of the property that requires the least amount of retaining. The entire property slopes down to the north, with a depression along the entire west side of the property.

**Subject Property Map: 392 Stellar Drive****4.0 Proposal****4.1 Background**

The subject property has been vacant since the lot was created in 2006. The subject parcel was part of the lot to the east and was subdivided to create the two current lots. Topography of the lot is a challenge, and since 2007 City Staff has been answering questions regarding retaining walls and variances in order to accommodate a dwelling.

**4.2 Project Description**

The applicant is proposing a two storey home with a walk out basement. The home is designed with one storey along Stellar Drive, and is a total of 7.8 m in height with a secondary suite located in the walk out basement. Garage doors facing the street are slightly recessed from the front door.

The house is proposed to sit 3.5 m from the front property line which is 7.5 m from the back of curb along Stellar Drive. The garage is proposed at 3.75 m from the front property line, 7.75 m from the back of curb. RU1h zoning regulations require a minimum of 6.0 m from the back of curb.

A retaining wall is proposed along the east property line, and has a maximum height of 3.0 m. The wall begins at the front property line at 0.3 m in height and increases to 3.0 m before turning in to meet the house. The top of wall will be the same height as the grade along Stellar Drive. The bottom of the wall will follow the existing grade which drops off towards the interior of the lot.

Where the garage is located only 3.75 m from the front property line, there is not enough room for the required parking space for the secondary suite to be located on the subject property. The applicant is seeking a variance as they are not providing the required space on the property. Parking will be accommodated on the street.

Private open space in the form of a balcony and at-grade patio are provided for the principal dwelling and secondary suite.

#### 4.3 Site Context

The subject property is located on the north side of Stellar Drive, close to the intersection of Stellar Drive and Oakview Road in the Southwest Mission sector of Kelowna. The subject property is zoned RU1 with a Future Land Use designation of S2RES, and is in the Permanent Growth Boundary.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1	Single Family Residential
East	RU1	Single Family Residential
South	RU1	Single Family Residential
West	RU1	Single Family Residential

#### 4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	550 m <sup>2</sup>	1,106 m <sup>2</sup>
Minimum Lot Width	16.5 m	35.3 m
Minimum Lot Depth	30.0 m	43.1 m
Development Regulations		
Maximum Site Coverage (buildings)	40%	14%
Maximum Site Coverage (buildings, driveways and parking)	50%	16%
Maximum Height	2 ½ storeys or 9.5 m	2 storey with walk out basement 7.8 m
Minimum Front Yard (to a dwelling)	4.5 m	3.5 m ❶
Minimum Front Yard (to a garage)	6.0 m	3.75 m ❷
Minimum Side Yard (west)	2.3 m	+ 19.0 m
Minimum Side Yard (east)	2.3 m	3.3 m
Minimum Rear Yard	7.5 m	+22.0 m
Other Regulations		
Minimum Private Open Space	30 m <sup>2</sup> per dwelling	30 m <sup>2</sup> per dwelling
Minimum Parking for Principal Dwelling	2 spaces	2 spaces
Minimum Parking for Secondary Suite	1 space	0 ❸
Maximum retaining wall height	1.2 m	3.0 m ❹
❶ Indicates a requested variance to the front yard setback to a dwelling ❷ Indicates a requested variance to the front yard setback to a garage ❸ Indicates a requested variance to parking for a secondary suite ❹ Indicates a requested variance to the height of a retaining wall		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Ensure environmentally sustainable development.**<sup>1</sup> Steep Slopes. Prohibit development on steep slopes (+30% or greater for a minimum distance of 10 metres) except where provided for in ASPs adopted or subdivisions approved prior to adoption of OCP Bylaw 10500.

- Kelowna 2030 OCP (Bylaw 10500) was adopted by City Council on May 30, 2011. The subject property was created in 2006, allowing a parcel with slopes over 30% to be created. City staff would like to see this lot developed in a manner that reduces the impact of grades around adjacent property lines. The proposed grading plan and site plan isolate changes in the existing grade to the south east portion of the property.

**Hillside Objectives.**<sup>2</sup> Promote the siting of buildings and designs that are compatible with the steep slope context; Ensure compatibility with existing neighbourhood or streetscape;

- The single storey design along stellar Drive is compatible with single family homes along the north side of Stellar Drive.

**Context Considerations.**<sup>3</sup> Design and locate buildings so the hillside landscape rather than the sky serves as a backdrop;

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this structure.

### 6.2 Development Engineering Department

See attached Memorandum dated June 26, 2015

## 7.0 Application Chronology

Date of Application Received:	June 2, 2015
Date of Revised Site Plan and Engineered Retaining Wall Received:	July 13, 2015
Date Public Consultation Completed:	February 26, 2015

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.5.12 (Development Process Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, E (Urban Design Development Permit Areas).

<sup>3</sup> City of Kelowna Official Community Plan, Policy 1.5 (Urban Design Development Permit Areas).

**Report prepared by:**

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Tracey Yuzik, Planner

**Reviewed by:**

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Lindsey Ganczar, Planning Supervisor

**Approved for Inclusion:**

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Ryan Smith, Community Planning Department Manager

**Attachments:**

Subject Property Map

Schedule "A" Site Plan

Schedule "B" Elevations

City of Kelowna Memorandum Dated June 26, 2015