



COUNCIL REPORT
Development Services
For the October 22, 2019 Council Meeting

DATE: October 17, 2019

TO: Paul Gipps, CAO

FROM: Carla Eaton, Planner III

RE: Application: DVP 19-12 and DP 19-06, 1207 Trevor Dr
Legal: Lot 10, DL 2687, ODYD, Plan 24398
Owner/Agent: Kris Gibbs

RECOMMENDED MOTION:

THAT Council authorize a Development Variance Permit (DVP 19-12) for Lot 10, DL 2687, ODYD Plan 2498 (1207 Trevor Drive) in general accordance with the attached permit to vary Zoning Bylaw No. 0154:

- S.10.4.5 (b) to reduce the minimum usable parcel area from 330 m² to 121.45 m²; and
- S.10.4.5 (g) .1 to reduce the minimum front setback from the face of a garage to the private access road from 6.0 m to 4.5 m; and

THAT Council authorize a Development Permit for Lot 10, DL 2687, ODYD, Plan 2498 (1207 Trevor Drive) to allow for the development of a two lot subdivision, including retaining walls and construction of a single detached dwelling within a Hillside and Sensitive Terrestrial Ecosystems Development Permit Areas; and

THAT the issuance of DVP 19-12 and DP 19-06 be withheld pending:

- Confirmation that a no build no disturb covenant has been registered on title in accordance with the specification provided in the environmental assessment; and
- Receipt of landscape security for the restoration plan in the amount of \$5,875.00.

RATIONALE:

The recommended motion is based on the following:

Minimum Useable Parcel Area Variance

- The proposed variance to reduce the minimum usable parcel area will facilitate a subdivision creating one new lot that will contribute to new single family housing options consistent with the intent of the Official Community Plan.
- The variance to reduce the minimum usable parcel area is reasonable as the preliminary design concept drawings show that a single family residential dwelling can be designed to meet the hillside development permit guidelines.

Front Setback to Face of Garage Variance

- The proposed variance to reduce the required front setback from the face of a garage to the private access road will not impact road access and will allow the building footprint to be set farther back in order to reduce hillside disturbance.

Development Permit

- The proposal is consistent with the Hillside and Terrestrial Ecosystem Development Permit Area guidelines contained in the Official Community Plan, where the site grading includes a series of building steps and low retaining walls to follow the natural terrain in an effort to minimize hillside disturbance; and building design utilizes a unique foundation system to reduce ground level disturbance with cantilevered upper levels and a roof line at or below other surrounding existing dwellings
- The proposed Section 219 no build no disturb covenant will ensure that future development does not encroach into the Hillside and Sensitive Terrestrial Ecosystem.

LEGISLATIVE REQUIREMENTS:

Section 498 of the *Local Government Act* gives Council the authority to issue a development variance permit that varies, in respect of the land covered in the permit, the provisions of the Zoning Bylaw. Council has the authority under Part 14 (s. 490) of the *Local Government Act* to issue a development permit.

BACKGROUND:

Proposal

The applicant has applied for a Development Permit (*Attachment 1*) to facilitate a proposed two lot subdivision¹ (Figure 1: *Preliminary Lot Layout*) with access from a common easement which runs along the west side of the subject property. The new Lot A (1076 m²) is proposed to have a new single detached home constructed on the property. Lot B (1210.1 m²) will maintain the existing single family residential dwelling.

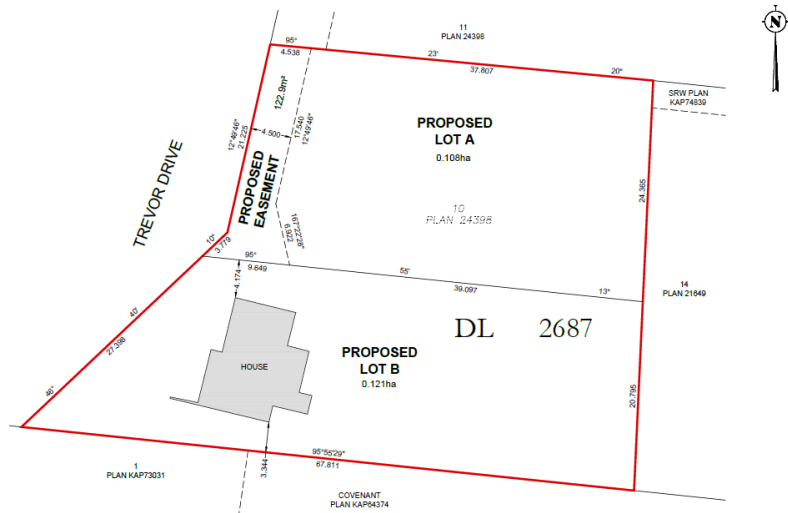


Figure 1: Preliminary Lot Layout

The proposed 213.3 m² single detached dwelling on Lot A will be located on the west side of the subject property. The east side of the property will remain undisturbed hillside and is proposed to be protected with a Section 219 no build no disturb covenant. The house is designed with a set of external concrete stairs on the north side and a series of low (maximum 1.2 m) tiered natural stone rock retaining walls proposed along the north and south sides of the building, with the

¹ A concurrent Subdivision Application is under review (SUB 19-08).

exception of one taller section of wall (maximum of 2.4 m) at the upper portion of the wall. Existing natural vegetation screens the taller section of wall limiting its visual disturbance and the applicant has provided a letter of support from the adjacent neighbour (*Attachment 2*).

In order to facilitate the proposed subdivision and development, the applicant has applied for two variances (as noted in Figure 2: *Site Plan & Proposed Variances*) which include reductions to the minimum useable parcel area and the front setback from the face of a garage to the access road.

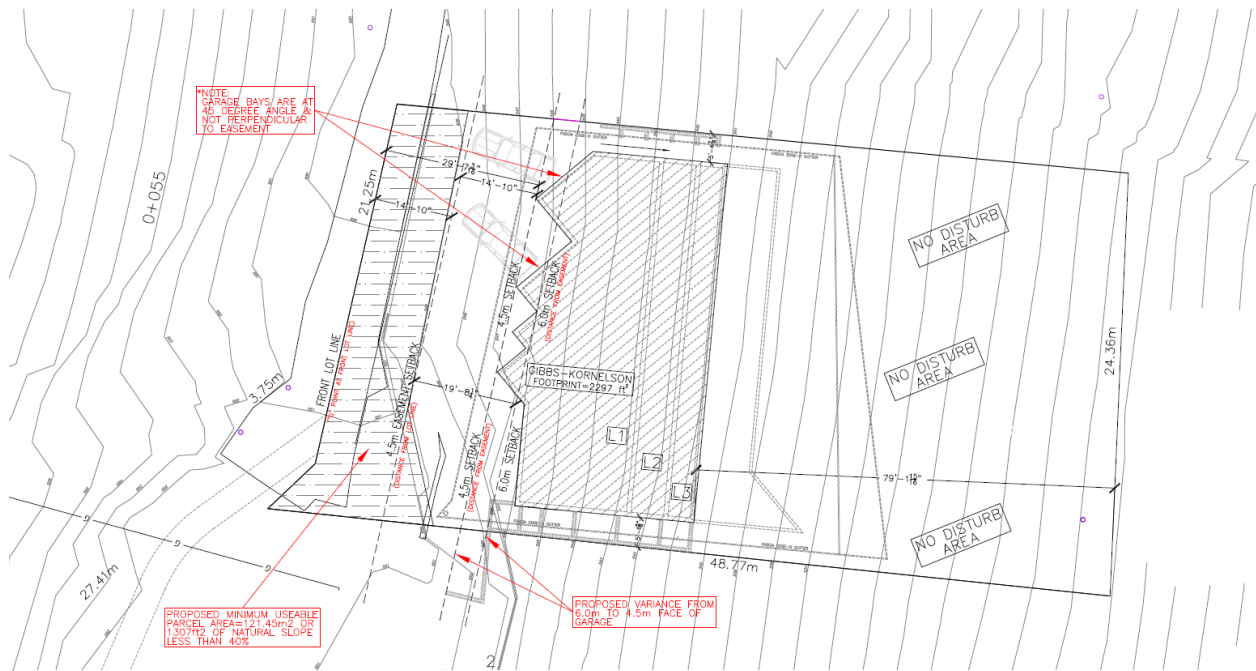


Figure 2: Site Plan & Proposed Variances

Applicant Rationale

As part of this application, the applicant submitted a rationale letter (*Attachment 3: Applicant Rationale*). The applicant noted that the proposed development is designed to fit effectively into the natural terrain of the subject property. In addition, the variance to the front garage setback, if supported, would reduce the extent to which the proposed dwelling would extend into the Hillside and Sensitive Terrestrial Ecosystem Development Permit Area.

Location and Surrounding Uses

The 2306.71 m² (0.57 acres) subject property is located in the Lakeview Heights neighbourhood accessed from a shared private lane off the upper loop of Trevor Drive (*Context and Subject Maps - Attachment 4 and 5*). The area slopes steeply downward from west to east toward the lower loop of Trevor Drive. The subject property is zoned for Single Family Residential (R1) use and surrounding land uses include:

- North – Single Detached Residential (R1)
- East – Single Detached Residential (R1)
- South – Single Detached Residential (R1) and Agricultural (A 1) parcels
- West – Single Detached Residential (R1) and Mount Boucherie crown lands

POLICY, LEGISLATION AND BYLAW REVIEW:

Official Community Plan (OCP) Bylaw No.0100

The Official Community Plan's land use designation for the subject property is Single Family Residential and the subject property is located within the Hillside and Sensitive Terrestrial Ecosystem Development Permit Areas.

The proposed variance to reduce the required minimum usable parcel area aligns with the intent of the OCP as it will lead to the creation of an additional residential lot providing traditional single family housing opportunities. In addition, the proposed development is visually integrated into the natural hillside of the subject property. Consistent with the OCP, the design of the proposed dwelling is tailored to the existing site topography minimizing the removal of natural vegetation, grading, and excavation².

Additional development permit guidelines specific to the hillside and sensitive terrestrial ecosystem development permit areas are addressed in the technical review sections below.

Zoning Bylaw No. 0154

The proposal conforms to the primary uses and regulation outlined in Zoning Bylaw No.0154 for the R1 Single Detached Residential Zone, with the exception of the following variances for usable parcel area, and setback from the front of the garage to the private access road.

Usable Parcel Area Variance:

Section 10.4.5 (b) of the City of West Kelowna Zoning Bylaw No. 0154 specifies the minimum usable parcel area³ required for a new parcel is 330 m². As shown in orange on Figure 3, the subject property has a usable parcel area of 121.45 m² which is limited to the flatter section of the parcel overlapping primarily with the private access road. As such, the applicant is requesting to reduce the required usable parcel area to 121.45 m² given that the proposed building design is tailored specifically to the unique topography of the site and meets the City's Hillside Development Permit Guidelines.

Should Council choose to deny the proposed variance for usable parcel area, the proposed subdivision and development of the subject property will not be possible.

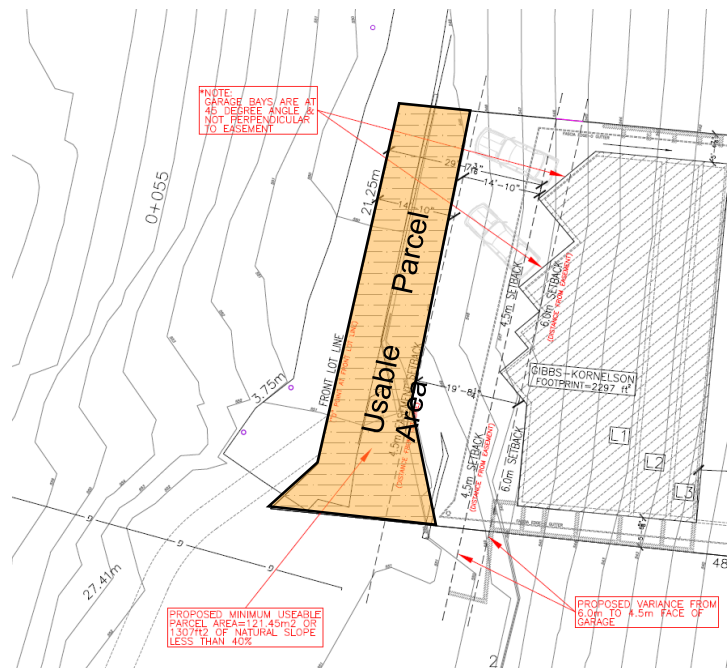


Figure 3: Useable Parcel Area Variance

² OCP Bylaw No. 0100, Section 4, Guideline No. 22, General Guidelines that Apply to All Development Permit Areas

³ Minimum useable parcel area means a contiguous area of a parcel excluding land where the natural slope exceeds 40% for a minimum horizontal distance of 10m (32.8 ft) for lands zoned to permit single detached dwellings and duplexes

Setback from the Garage to the Private Access Road Variance:

Section 10.4.5(g).1 of the City of West Kelowna Zoning Bylaw No. 0154 specifies that the front setback for a garage with an entry facing the road must be 6.0 m (Figure 4: Blue Dashed Line), which is to allow adequate parking length for vehicles in front of the garage so that they do not impede vehicular or pedestrian traffic within the adjacent road. The applicant has requested that this setback be reduced to 4.5 m (Figure 4: Green Dashed Line), which is consistent with the setback

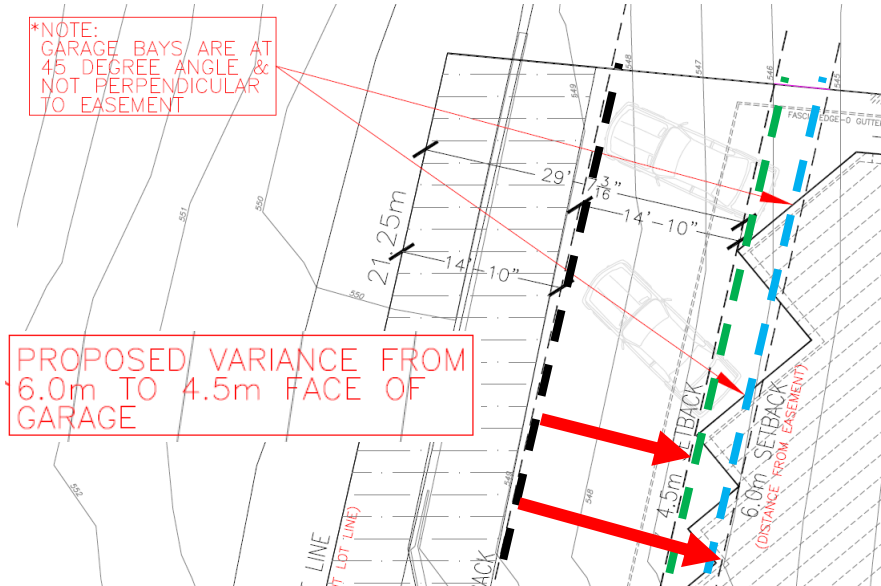


Figure 4: Front Setback from Face of Garage Variance

for garages with a side entry. The bylaw does not have regulations specific to garages that are set at an angle between 0 and 90 degrees to the road.

As noted previously, the applicant requested the variance to aid in siting the house so as to limit further disturbance into the hillside. In addition to limiting slope impacts, the angled garage face also accommodates a reasonable parking area and allows for sufficient turning movements from the shared access easement.

Should Council choose to deny the proposed variance to reduce the setback from the garage to the private access road, the siting of the proposed dwelling would need to be altered to meet the required setback of 6.0 m.

Technical Review

Geotechnical Review

A Geotechnical Report was provided that notes the site appears to be safe for the intended use, as well as providing additional recommendations regarding specific foundation, site preparation, site grading, and drainage that should be addressed at time of construction which will be reviewed with the future building permit process. This will include additional geotechnical review of the proposed piling system which was used in the design to reduce the need for additional retaining walls.

As the proposed house on Lot A was designed to fit the site rather than altering the site and supports continued protection of an undisturbed area along the lower slopes of the property, the proposal is consistent with the Hillside Development Permit Guidelines.

Environmental Review

An Environmental Assessment (EA) was provided noting that the proposed development on Lot A will be located entirely within an area of low environmental sensitivity (ESA 3). As this level of ESA may still contribute to diversity and may contain some features of interest, the applicant proposed a variance to reduce the setback from the front of the garage to the private access road. This will allow for the proposed dwelling to be sited further away from the ESA. This will leave 68% of the proposed new Lot A undisturbed. As this area also coincides with the steeper hillside area, it is recommended that a Section 219 no build no disturb covenant is registered as a condition of the issuance of the Development Permit to permanently protect this area from disturbance.

As much of the subject property is covered in native vegetation, the EA also recommended landscape mitigation work for any areas disturbed with the proposed development. Landscape work is proposed for the front yard of the subject property with some plantings located along the south side of the proposed dwelling. Consistent with the Sensitive Terrestrial Development Permit Guidelines, the proposed landscaping plan includes a mix of trees, shrubs and hydroseeded grasses. The landscape security is estimated at \$5,875.00. Prior to issuance of the Development Permit, it is recommended that the security is submitted to ensure installation of the proposed hillside restoration plantings and hydroseeding.

PUBLIC NOTIFICATION:

In accordance with the *Local Government Act*, 26 notification letters were sent to all property owners and their tenants within 100 metres of the subject property (Attachment 6) and a notice of application sign has been placed on the subject property in accordance with the Development Application Procedures Bylaw No. 0260. At the time of writing this report, no submissions have been received from the public other than the letter of support from the adjacent neighbour to the north noted previously.

ALTERNATE MOTIONS(S):

- 1) THAT Council deny a Development Variance Permit (DVP 19-12) for Lot 10, DL 2687, ODYD. Plan 2498 (1207 Trevor Drive) to vary Zoning Bylaw No.0154 to reduce the minimum useable parcel area from 330 m2 to 121.45 m2.

This alternative motion would prevent the applicant from subdividing the subject property and therefore would be unable to construct the proposed single detached dwelling and would not require the front setback variance or the Development Permit. Should Council deny the proposal, the files will be closed. As per the City's Procedures Bylaw, the applicant could re-apply for a similar proposal six months after initial Council consideration.

REVIEWED AND APPROVED BY:

Brent Magnan, Planning Manager
Tracey Batten, Deputy CAO/Corporate Officer
Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

- 1) Draft DVP 19-12 and DP 19-06
- 2) Neighbour's Support Letter
- 3) Applicant Rationale Letter
- 4) Context Map
- 5) Subject Property Map
- 6) Notification Map