



COUNCIL REPORT
Development Services
For the November 12, 2019 Council Meeting

DATE: November 4, 2019 DVP 18-14

TO: Paul Gipps, CAO

FROM: Levan King Cranston, Planner I

RE: DVP 18-14 – 2625 Casa Palmero Dr
Legal: Lot 13, DL 485, ODYD, Plan EPP69635
Owner: Marguerite J. Alston

RECOMMENDED MOTION:

THAT Council authorize a Development Variance Permit (DVP 18-14) for Lot 13, DL 485, ODYD, Plan EPP 69635 (2625 Casa Palmero Dr.) to vary Zoning Bylaw No.0154: S 10.4.6 (a) to increase the height of a single building wall from the lowest elevation of grade at the foot of the wall to the lower surface of the eave from 9.0 m to 10.5 m.

RATIONALE:

The recommended motion is based on the following:

- The proposal is consistent with the Hillside Development Permit Area guidelines contained in the OCP;
- A Geotechnical Assessment has been provided which provides recommendations of how the development can occur safely within the no disturb covenant area;
- The building will not appear over height when observed from Casa Palmero Dr;
- The building will not visually impact the existing development in the area;

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.

BACKGROUND:

Subject Property

The subject property is an R1 – zoned parcel with a Single Family Residential OCP future land use designation. The 0.227 acre (917.88 sqm) property is located on the western side of the Casa Loma neighbourhood backing onto Casa Palmero Dr. The subject property is surrounded by the following uses:

- North, South, and East – R1 Single Family Residential Zone parcels;

- West – P1 Parks and Open Space Zone



Figure 1: *Subject Property Map*

History

During 2017, subdivision file SUB 15-07 was approved creating 15 new lots, one of which being 2625 Casa Palmero Dr. As a result of this subdivision, significant re-grading occurred to create building platforms in anticipation of residential development. In conjunction with the subdivision application, a concurrent Hillside and Sensitive Terrestrial Ecosystem Development Permit (DP 15-10) was approved. Because of the slope of the hillside a geotechnical no build covenant was required to be registered on title. This covenant restricts all proposed structures to their building envelope, except when a Geotechnical Engineer has provided a report for the proposed works and has made recommendations pertaining to the encroachment into the no build no disturb area. In this instance, a Geotechnical report has been submitted identifying that the proposed development can be located safely within the no disturb covenant area.

Proposal

The property owner of 2625 Casa Palmero Dr. has made a Development Variance Permit application (DVP) to increase the height of a single building wall from the lowest elevation of grade at the foot of the wall to the lower surface of the eave from 9.0 m to 10.5 m as outlined in *The City of West Kelowna's Zoning Bylaw 0154*. The proposed dwelling has a roof design that is angled upwards away from the street. This roof design is why a variance is required (Figure: 2). Despite the building being over height, this is not evident when observed from Casa Palmero Dr as much of the dwelling is constructed down the slope of the hillside. In addition, the applicant has proposed that a structural wall, 1.7 m tall, be located 1.2 m within the geotechnical no disturb covenant area. This is meant to support the rear patio slab and overhanging decks that extend into a no disturb covenant area. A geotechnical Report prepared by Tetra Tech has been



Figure 3: *South Elevation*

Policy & Bylaw Review

Official Community Plan (OCP) Bylaw No. 0100

The requested variance to increase the maximum allowable height does not compromise the intent of the Official Community Plan.

Development Permit Areas:

The subject property is located within a Hillside and Sensitive Terrestrial Ecosystem Development Permit area, however, a Development Permit (DP 15-10) has already been issued for the property prior to this Development Variance Permit application.

Geotechnical Report:

The applicant has submitted a geotechnical report prepared by Tetra Tech (September 10, 2019) that assesses the subject property and development proposal. Tetra Tech will be providing further geotechnical recommendations to the home builders, structural engineers and architects to minimize any risks associated with the construction and geotechnical stability of the structural wall within the no build covenant area.

Zoning Bylaw No.0154

Aside from the requested variance, the proposal is consistent with Zoning Bylaw No.0154.

Public Notification

In accordance with the *Local Government Act*, 37 notification letters were sent to all property owners and their tenants within 100 metres of the subject property (Attachment 5) and a Notice of Application sign has been placed on the subject property in accordance with the Development Application Procedures Bylaw No. 0131. At the time of writing this report, no public correspondence has been received.

ALTERNATIVE MOTION(S)

1. Deny the Issuance of the Variance

THAT Council deny the issuance of Development Variance Permit DVP 18-14 to increase the maximum allowable building height from the lowest elevation of grade at the foot of the wall to the lower surface of the eave from 9.0 m to 10.5 m at 2625 Casa Palmero Dr.

Should Council choose to deny the proposed variance the applicant would be unable to construct the proposed single detached dwelling. Revisions would be required so that the dwelling conforms to the requirements of Zoning Bylaw No.0154.

REVIEWED AND APPROVED BY:

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

Powerpoint: Yes ☒ No ☐

Attachments:

1. Subject Property Map
2. Draft DVP 18-14
3. Site Plan
4. Elevation Drawings