



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

DATE: November 4, 2019 DP 19-07

TO: Paul Gipps, CAO

FROM: Levan King Cranston, Planner I

RE: DP 19-07 – Hillside and Minor Terrestrial DP with Variance - #23 901 Westside Road
Legal: Strata Lot 23 DL 3871 ODYD Strata Plan KAS968 together with an interest in the common property in proportion to the entitlement of the strata lot as shown on form 1
Owner: Steven Devries
Agent: OK Glacier Homes (Kirk Andersen)

RECOMMENDED MOTION:

THAT Council authorize the issuance of a Development Permit (DP 19-07) to construct a single family dwelling and pool located at #23 901 Westside Road, subject to the conditions outlined in the attached Development Permit; and

THAT Council authorize a variance to City of West Kelowna Zoning Bylaw No. 0154 Section 10.4.5(g).1 to reduce the front parcel boundary setback from 6.0m to 1.81m for a front facing garage and from 4.5m to 1.5m for the remainder of the structure adjacent to the front parcel boundary.

THAT issuance of the Development Permit be withheld pending receipt of an approved landscape security in the amount of **\$19,327.50** to the satisfaction of the Director of Development Services.

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 for the proposed development and construction monitoring;
- An Environmental Assessment has been provided which provides recommendations on how to mitigate impacts to the sensitive terrestrial ecosystems and compensation for development adjacent to Okanagan Lake;
- The proposed variance to reduce the front yard setback aligns with previous development within this subdivision and is due to the steep topography of the lot;
- Subject property is steeply sloped with limited options for development due to the topography and proximity to Okanagan Lake.

LEGISLATIVE REQUIREMENTS:

Council has the authority under Part 14 (s. 490) of the *Local Government Act* to issue a development permit. 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. It is in the Westside Road/Bear Creek Road neighbourhood and is surrounded by the following uses:

- North and South – R1 Single Family Residential Zone parcels;
- West – RU4 Rural Residential Large Parcel Zone;
- East – Okanagan Lake.

The subject property is a vacant lot with the exception development of the foreshore consisting of a lawn, gazebo and dock structure as well as previously disturbed areas on the uphill (West) side of the property. The subject property is steeply sloped with limited options for development due to the topography and proximity to Okanagan Lake. The property is accessed via a private strata road within the Sailview Bay gated community.

Proposal

The proposed works involve site grading including fill slopes and retaining walls, site servicing along the private drive and Westside Road, house construction and landscaping, recreational lakefront access, and restoration of disturbed areas. The site is considerably steep (70+% slope) which presents significant design challenges for the development.

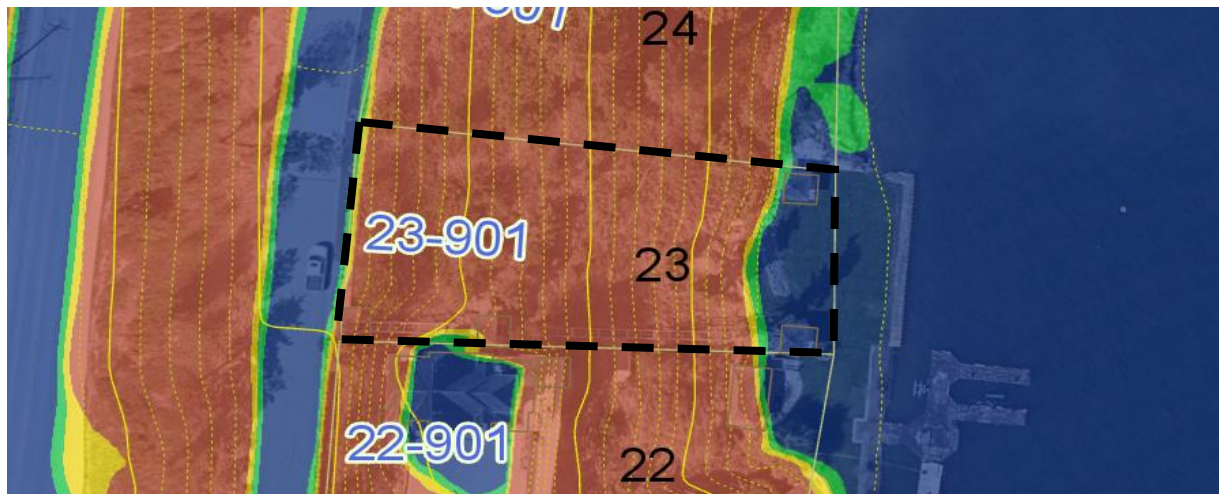


Figure 1: Topographic Map

The applicant is requesting a variance Section 10.4.5(g).1 of the City's Zoning Bylaw No. 0154 to vary the Front Parcel Boundary setback from 6.0m to 1.81m for a front facing garage and from 4.5m to 1.5m for the remainder of the structure adjacent to the Front Parcel Boundary. Dwellings constructed prior to the adoptions of Zoning Bylaw No.0154 in 2014 were required to have a front

setback of 4.5 m under the previous zoning bylaw. Other property owners in the area have received similar variances to allow for dwellings to be sited even closer to the front property line as seen in Figure 3: *Surrounding Property Map*

Applicant Rationale

The applicant has designed the house to be located closer to the Strata road right of way to provide proper access to the home. Due to the slope of the property if the house were to be moved away from the road the home would drop down the slope too far to have a proper access. Adjacent lots within this strata subdivision have the same steep profiles with houses built closer to the road as seen in Figure: 3 Surrounding Property Map.

Policy & Bylaw Review

Official Community Plan (OCP) Bylaw No. 0100

The subject property is within multiple Development Permit Area's (DPA's) as outlined in the City's OCP including Aquatic, Terrestrial and Hillside.

The proposed single family dwelling is stepped back which aligns with the Hillside Development Permit Guidelines for site planning. Due to the steep slopes present on the property all construction is required to be signed off by a Geotechnical Engineer and a Geotechnical Assessment (GA) was required. The GA provided recommendations for monitoring during construction of the proposed development as follows:

- Review of foundation subgrades, drilled anchor holes, and dowelling;
- Full time monitoring of rock scaling and rock support; and
- For earthworks, fulltime monitoring and compaction testing.

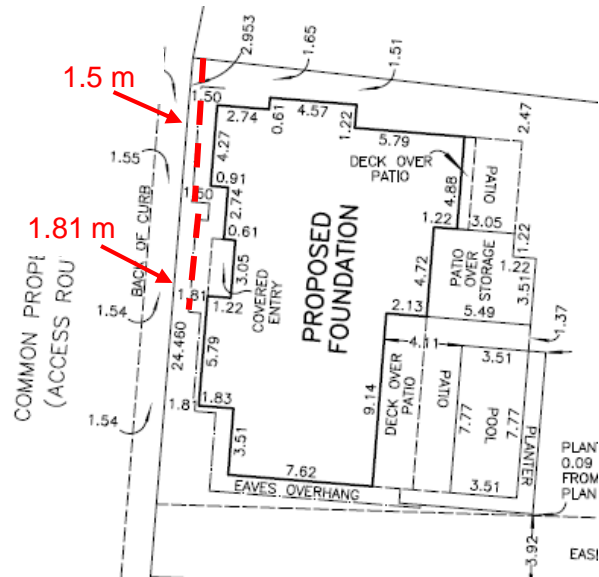


Figure 2: Site Plan



Figure: 3 Surrounding Property Map

All retaining walls are expected to meet the maximum height regulations in the City's Zoning Bylaw with any walls over 1.2m in height to be designed by a Professional Engineer. The exposed concrete foundation of the proposed pool deck is proposed to be screened with landscaping and any additional retaining walls will be designed by professional engineers.

Due to the proximity to Okanagan Lake and a small portion of Sensitive Terrestrial Ecosystem, an Environmental Assessment (EA) which includes mitigation and restoration measures was also required. The EA recommends compensation plantings within the Streamside Protection and Enhancement Area (SPEA) to compensate for the approximately 25m² encroachment into the SPEA by the construction of the tram landing area. Most of the SPEA has been previously disturbed along the foreshore. The proposed compensation will enhance the SPEA and plantings and seeding in disturbed areas around the development footprint will assist in slope stability and erosion management.

Zoning Bylaw No. 0154

Aside from the variance request to Section 10.4.5(g).1 of the Zoning Bylaw to reduce the front parcel boundary setback, the proposal meets all other Zoning Bylaw requirements.

Technical Review

Building Department

As the geotechnical report contains many conditions for development, the final version of the geotechnical report must be registered to the property title in the form of a 219 covenant complete with "save harmless" provisions for the City and a priority agreement prior to the issuance of a Building Permit.

Fire Department

This property is outside of the fire departments designated 10 minute response area and may be subject to additional BC Building Code requirements during the building permit review.

Public Notification

In accordance with the *Local Government Act*, 16 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 Applications Procedures Bylaw No. 0131. At the time of writing this report, no public correspondence has been received.

ALTERNATE MOTIONS(S):

Alternate Motion 1 – Postpone Consideration of the Proposal

THAT Council postpone consideration of a Development Permit (DP 19-07) to construct a single family dwelling and pool located at #23 901 Westside Road, subject to the conditions outlined in the attached Development Permit; and

THAT Council postpone consideration of a variance to City of West Kelowna Zoning Bylaw No. 0154 Section 10.4.5(g).1 to reduce the front parcel boundary setback from 6.0m to 1.81m for a front facing garage and from 4.5m to 1.5m for the remainder of the structure adjacent to the front parcel boundary.

Should Council choose to postpone consideration of the development permit and variance request, the City would work with the applicant to revise the proposal and / or provide greater details regarding the application as directed by Council prior to Council's reconsideration of the application.

Alternate Motion 2 – Deny the Issuance of the Variance

THAT Council deny the issuance of a Development Permit (DP 19-07) to construct a single family dwelling and pool located at #23 901 Westside Road, subject to the conditions outlined in the attached Development Permit; and

THAT Council deny the issuance a variance to City of West Kelowna Zoning Bylaw No. 0154 Section 10.4.5(g).1 to reduce the front parcel boundary setback from 6.0m to 1.81m for a front facing garage and from 4.5m to 1.5m for the remainder of the structure adjacent to the front parcel boundary.

Should Council choose to deny the proposed development permit and variance, the property owner would be required to revise the proposal to meet the Zoning Bylaw's regulations. Council shall not reconsider an application of this nature for the property for a period of six months.

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 DP 19-07
3. Site Plan
4. Elevation Drawings
5. Public Notification Map