



DEVELOPMENT SERVICES COUNCIL REPORT

To: Mayor and Council

Date: January 9, 2024

From: Paul Gipps, CAO

File No: DP 23-14

Subject: **DP 23-14, Development Permit (3053 Wales Rd)**

Report Prepared By: Cam Graham, Planner II

RECOMMENDATION to Consider and Resolve:

THAT Council support the issuance of a Development Variance Permit for 3053 Wales Rd to allow for a reduced setback from an access easement from 6.0 m to 0.9 m for the garage and 4.5 m to 3.0m for the dwelling;

AND THAT Council deny the issuance of a Hillside Development Permit and Development Variance Permit for 3053 Wales Rd, for a single detached dwelling with an increased to building height from 10.0 m to 11.32 m.

STRATEGIC AREA(S) OF FOCUS

Pursue Economic Growth and Prosperity – We will work with stakeholders throughout the region to advocate for and support efforts aimed at helping West Kelowna businesses prosper. With a focus on the future, we will advance opportunities to expand our economy, increase employment, and develop the community in ways that contribute towards prosperity for all.

BACKGROUND

The undeveloped subject property is located in the Lakeview Heights neighbourhood. The property is within a relatively new subdivision and zoned Single Detached Residential Zone (R1). It is surrounded by R1 residential lots and is adjacent to Kalamoir Park to the East.

The Subdivision (SUB 16-28) and corresponding Development Permit (DP 17-12) raised the existing grade to create more buildable area, resulting in a challenging lot with large 2-1 slopes to the north and east. The large slopes were restored, although a no-build covenant was not established.

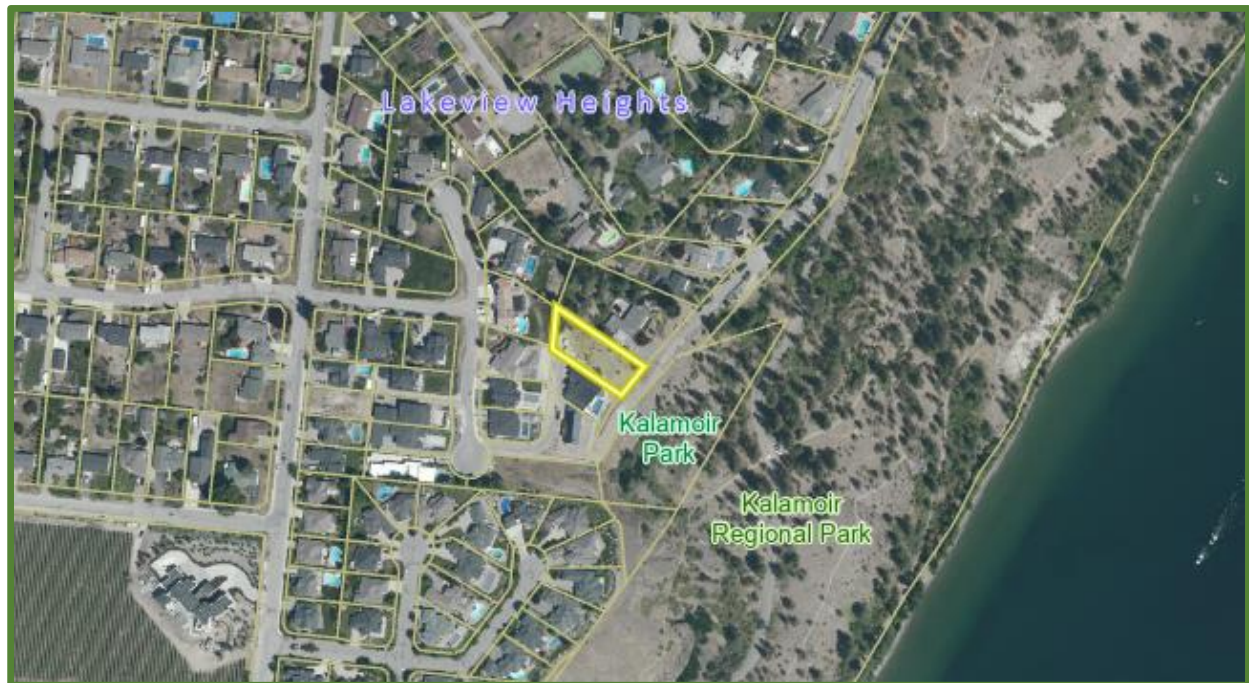
PROPERTY DETAILS

Address	3053 Wales Rd		
PID	030-392-781		
Folio	36413634.140		
Lot Size	1613.6 m2		
Owner	Cory and Jessa Ortynski	Agent	Gibson Custom Homes
Current Zoning	R1 – Single Detached Residential Zone	Proposed Zoning	N/A
Current OCP	LDR – Low Density Residential	Proposed OCP	N/A
Current Use	Vacant	Proposed Use	SFD
Development Permit Areas	Wildfire Interface, Hillside		
Hazards	None		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES

North	^	R1 – Single Detached Residential Zone
East	>	P1 – Parks and Open Space Zone
West	<	R1 – Single Detached Residential Zone
South	v	R1 – Single Detached Residential Zone

NEIGHBOURHOOD MAP



PROPERTY MAP



Legislative Requirements

Council has the authority under s.490 of the *Local Government Act* to issue Development Permits, and the authority under s.498 of the *Local Government Act* to issue DVPs.

DISCUSSION

Proposal

The proposal is within the Hillside Development Area, and the applicant has requested two variances. The first varying S.10.5.5(g)i. of Zoning Bylaw to reduce the front parcel boundary setback from 6.0 m to 0.9 m for the garage and 4.5m to 3.0 m for the dwelling. The second variance is to S.10.5.5(f)i. of the Zoning Bylaw to increase the building height from 10.0 m to 11.32 m.

Official Community Plan (OCP) No.0300

The subject property currently has a Land Use Designation (LUD) of Low Density Residential (LDR); the subject property is within a Hillside Development Permit Area and applicable to this application.

The application is not consistent with the objectives in our Official Community Plan No.0300. The proposed single-family dwelling is over-height, does not integrate into the hillside or surrounding area and does not align with the original development permit grading. The Development Permit issued in 2017 established the site grading and building platform for this lot and the adjacent parcels (Figure 1). The proposed structure and retaining deviates from the original grading and restoration areas significantly which is what is creating the need for a height variance.



Figure 1: Grading and restoration plan approved at original subdivision with proposed structure (black) and landscaping/ pool features (blue).

Key guidelines which the proposal does not comply with have been included below:

General Development Permit Guidelines:

- Visually integrate buildings into the natural hillside setting and reduce the perceived massing of structures through the following design considerations:
 - i. Cut buildings into the hillside and use stepped foundations;
 - ii. Terrace multi-story buildings down slopes;
 - iii. Encourage roof pitches that reflect the slope of the natural terrain;
 - iv. Utilize architectural treatments that provide three-dimensional relief and reveals to minimize the perceived massing; and
 - v. Avoid the construction of solid fences and long retaining walls that impose highly visible and artificial lines on the hillside (Guidelines 1h).

Hillside Development Permit Guidelines:

- Development should be concentrated in flatter areas of the site;
- Minimize the impact to adjacent parcel through:
 - i. Retention of natural features between parcels;
 - ii. Increased setbacks between parcels; and
 - iii. Installation of landscaping buffers.
- Any required site grading and retaining must be designed to minimize changes in height between a development site and adjacent parcel.

The proposed building and landscape design do not align with these objectives as the proposed structure has too large of a footprint, exceeding the original building platform from the DP and is too tall, not integrating to the property to the north.

Zoning Bylaw No.0265

The proposal meets all Zoning Bylaw No. 0265 regulations applicable to the development except for:

1. The front parcel boundary setback from 6.0 m to 0.931 m for the garage and 4.5m to 3.0 m for the dwelling; and
2. Increase the maximum allowable building height from 10.0 m to 11.32 m.

1. Front Parcel Boundary Setback

The subject property has an existing easement to allow for a turnaround at the end of the private lane. The applicant has requested a variance to accommodate their proposed house design. The variance has been circulated to the Fire Department and Development Engineering to determine if a reduced easement setback would affect the safety of the lot. No concerns were raised during the internal review. The reduced setback will not create any impacts to the character of the area or neighbours and is recommended for approval.

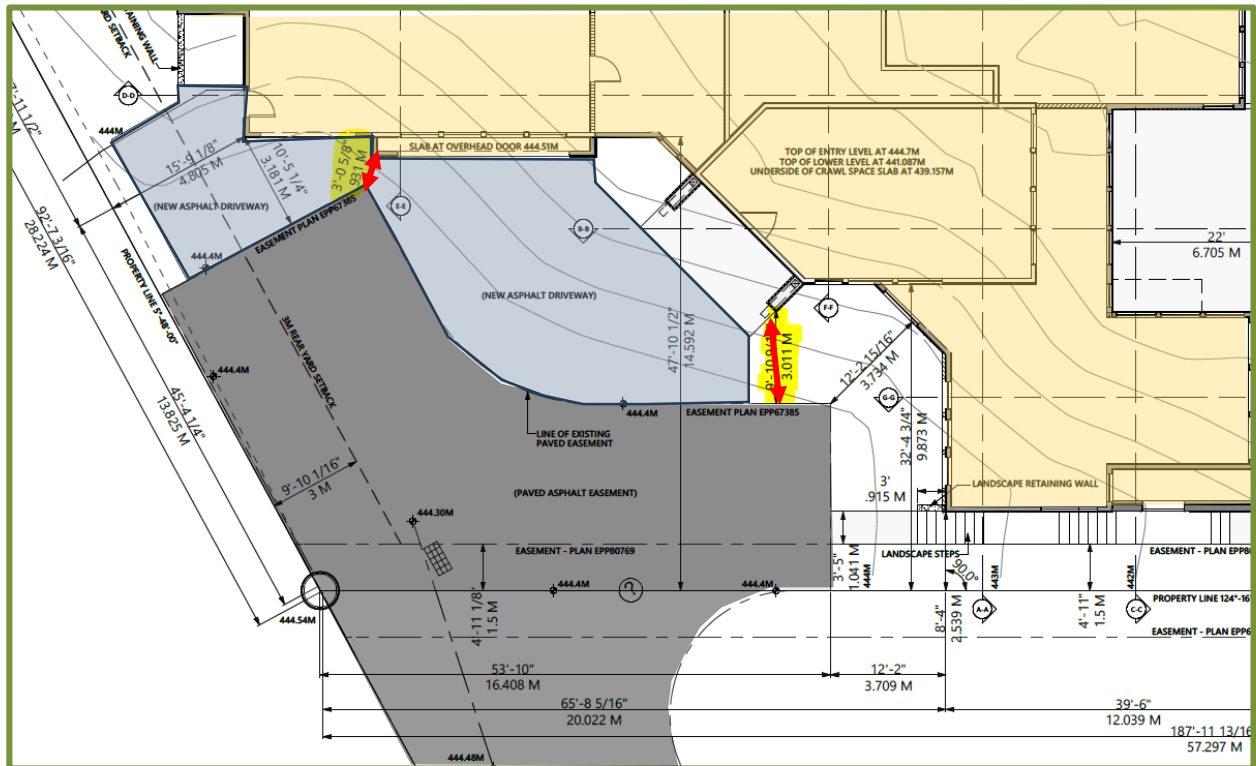


Figure 2: Front parcel boundary setback reduction (shown in red), turnaround area (darker grey), driveway area (lighter grey), and proposed house (yellow).

2. Maximum Permitted Height

The applicant has also requested an increase to the maximum building height (10.0 m to 11.32 m). The maximum building height was recently increased from 9.0 m to 10.0 m in August of 2022 during the adoption of Zoning Bylaw No.0265 to accommodate common practices in building design.

A key concern which is similar to the issues with Hillside DP compliance is associated with this variance is the lack of compatibility with the surround context. The adjacent property to the north is ~4m lower than the foundation level of the subject property. The height variance will exacerbate the overall magnitude of the proposal on the adjacent property. The proposed design can be modified to meet the recently increased maximum permitted height and reduce impacts to the adjacent neighbour. This variance is not recommended (Figures 2 & 3).

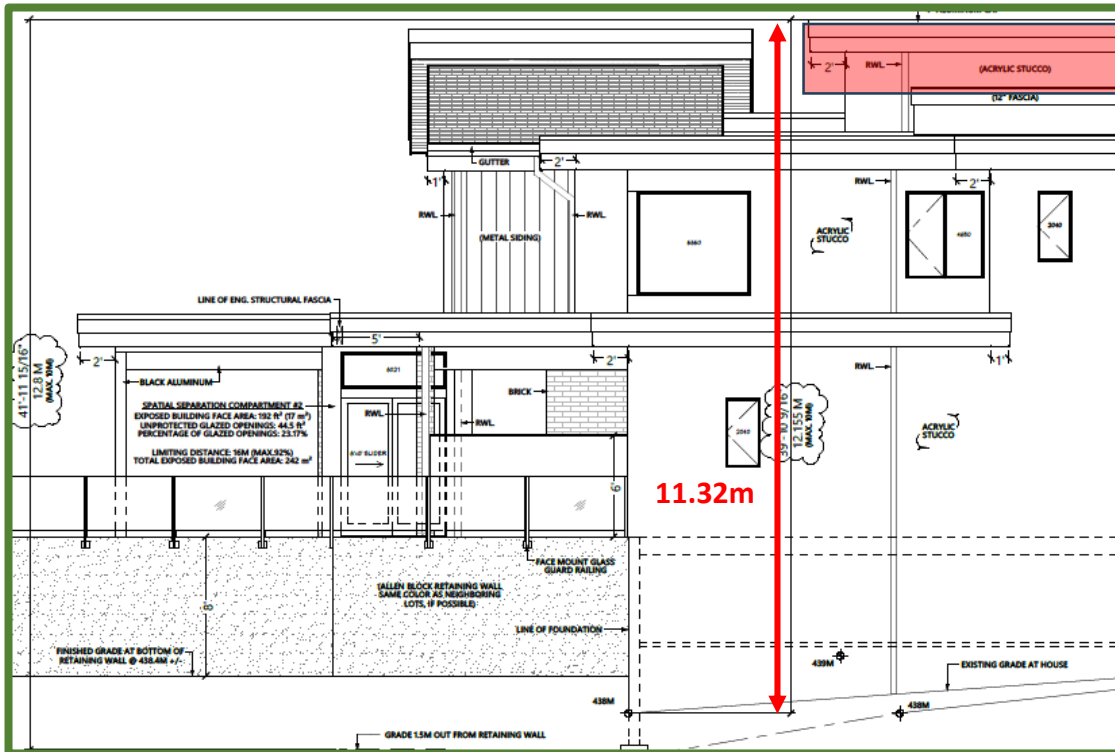


Figure 3: North Elevation Plan (area in red is over-height).

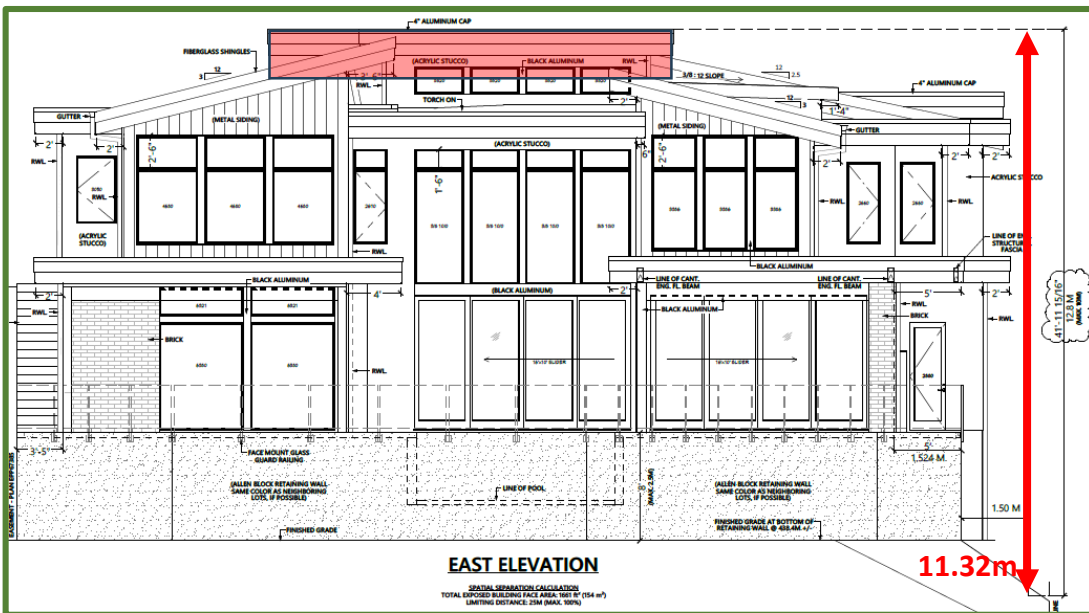


Figure 4: East Elevation Plan (area in red is over-height).

Public Notification

In accordance with the Local Government Act, notification letters were sent to all property owners and their tenants within 100 m of the subject property. A Notice of Application sign was also installed on the property in accordance with the Development Application Procedures Bylaw No. 0260.

The neighbouring property to the north has shared concerns regarding the proposed height variance (Attachment 3). Many of the concerns noted in the letter align with the concerns outlined above.

CONCLUSION

Staff recommend that Council deny the issuance of Hillside Development Permit with Variances (DP 23-14) as the development is not consistent with the Official Community Plan as the proposal does not align with the Hillside Development Permit Guidelines or the Zoning Bylaw. The applicant has not followed the original Development Permit grading and the requested variances will allow for a structure that does not complement the surrounding area and will negatively impact the property owner to the north.

Should Council approve the setback variance, the applicant would be required to redesign the remainder of the house to comply with the Hillside Development Permit Guidelines and remainder of the Zoning Bylaw.

Alternate Recommendations to Consider and Resolve:

1. Postpone consideration of the Development Permit with Variances.

THAT Council postpone issuance of Development Permit (DP 23-14) for 3053 Wales Road.

2. Approve the Development Permit with Variances (Applicant's request).

THAT Council approve the issuance of Development Permit (DP 23-14) for 3053 Wales Road to vary:

- S.3.10.5.5(g)i. of Zoning Bylaw No.0265 to reduce the front parcel boundary setback from 6.0 m to 0.9 m for the garage and 4.5m to 3.0 m for the dwelling.
- S.10.5.5(f)i. of the Zoning Bylaw to increase the building height from 10.0 m to 11.32 m. (Attachment 1).

Should Council choose to postpone consideration of the application, further direction to staff is requested.

REVIEWED BY

Chris Oliver, Planning Manager

Brent Magnan, Director of Development Approvals

Corinne Boback, Legislative Services Manager / Corporate Officer

Trevor Seibel, Deputy CAO

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes No

Attachments:

1. Development Variance Permit DVP 23-12
2. Applicant's Rationale
3. Submission from 3070 Collens Hill Road
4. Development Permit DP 23-14 (Applicant's request)
5. Submission as of January 4, 2024