



COUNCIL REPORT

To: Paul Gipps, CAO

Date: June 23, 2020

From: Carla Eaton, Planner III

File No: DVP 20-02

Subject: **DVP 20-02, Development Variance Permit, 3640 Granada Crescent**

RECOMMENDATION

THAT Council authorize the issuance of a Development Variance Permit (DVP 20-02) for Lot 31, DL 3481, ODYD, Plan 26167 (3640 Granada Crescent) in general accordance with the attached permit to vary Zoning Bylaw No. 0154, Section 3.7.1(d) to reduce the interior side parcel boundary setback for an accessory building in excess of 2.0 m (6.6 ft) in height from 1.5 m to 0.45 m along a portion of the property boundary.

STRATEGIC AREA(S) OF FOCUS

Focus on Economic Growth (Strategic Plan Priorities, 2009 and 2020-2022)

BACKGROUND

The applicant has applied for a Development Variance Permit (*Attachment 1*) to allow for the construction of a garage with a reduced interior side parcel boundary setback along a portion of the northern parcel boundary from 1.5 m to 0.45 m (as shown in Figure 1). The subject property is a corner lot surrounded by other single family residential lots (*Attachment 2 and 3*). The proposed garage is intended as an accessory residential use only and will have access from Granada Crescent.

PROPERTY DETAILS			
Address		3650 Granada Crescent	
PID		005-239-486	
Folio		36414732.335	
Lot Size		890.309 m ² (0.22 acres)	
Owner	Zbigniew & Barbara Chwala	Agent	Zbigniew (Jimmy) Chwala
Current Zoning	Single Detached Residential (R1)	Proposed Zoning	N/A
Current OCP	Single Family Residential (SFR)	Proposed OCP	N/A
Current Use	Residential	Proposed Use	Residential
Development Permit Areas		None	
Hazards		None identified	
Agricultural Land Reserve		N/A	

ADJACENT ZONING & LAND USES

North	^	Single Family Residential
East	>	Single Family Residential
West	<	Single Family Residential
South	v	Single Family Residential

NEIGHBOURHOOD MAP



PROPERTY MAP



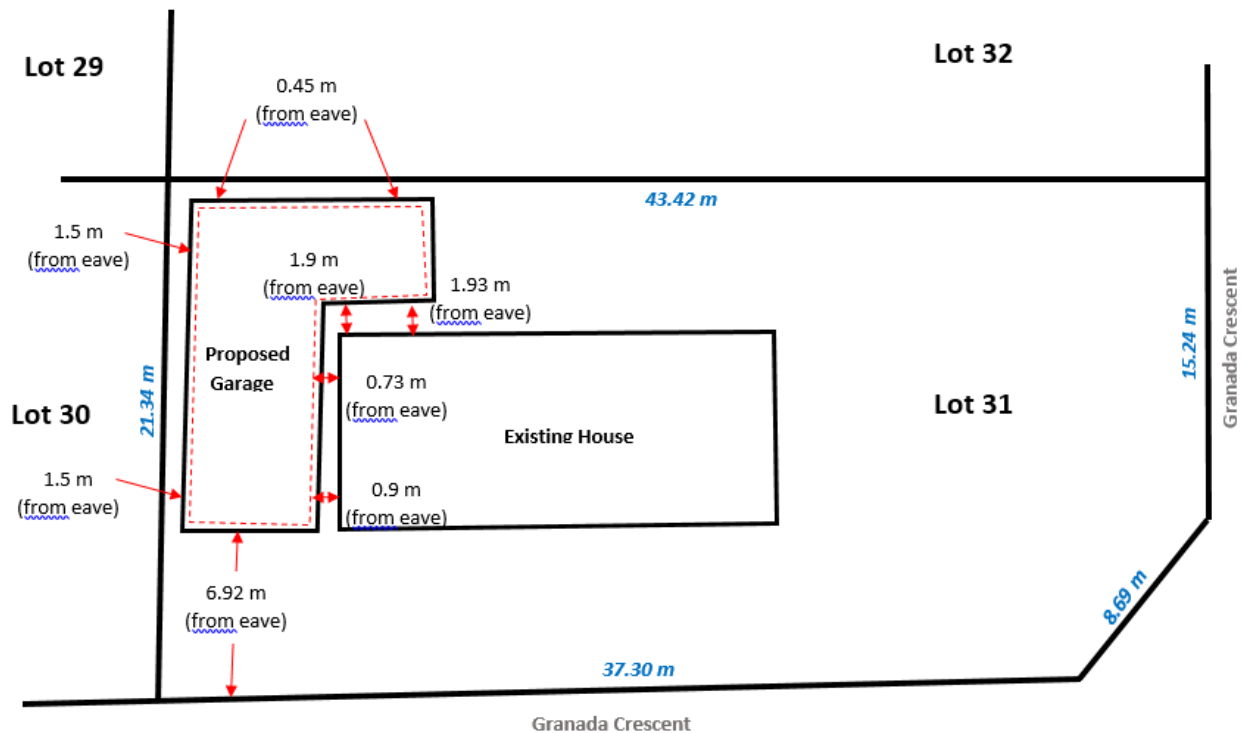


Figure 1 – Proposed Garage with Side interior Setback Variance (from 1.5 m to 0.45 m)

DISCUSSION

Applicant Rationale

As part of this application, the applicant submitted a rationale letter for the proposed variance (*Attachment 4*), as well as two letters of support from neighbours adjacent to the proposed variance (*Attachment 5*). During the application process, the applicant also redesigned the building to remove a variance along the western boundary in response to neighbouring concerns. Additionally as noted in the rationale letter, alternate garage locations may be limited by existing water and sewer lines. They note that the size of the proposed building is to accommodate parking for their RV/vehicles and storage space.

Official Community Plan Bylaw No. 1000

The proposed development area is not located within any development permit areas and the proposed garage as an accessory residential use is consistent with single family residential uses within the Official Community Plan (OCP).

Traffic Bylaw No. 92

Subject to a Crossing Permit through Development Engineering, the proposed development would potentially be permitted up to three (3) driveway accesses based on the existing frontage from Granada Crescent – one on the east side and two on the south side. However, there are required setbacks to the property boundaries and spacing between driveway accesses that must be met. For example, the widened driveway area along the south property boundary would have to be altered to meet the bylaw requirements to create a 9 m space between the new garage access and any remaining driveway area (see Figure 2 above). As such, the draft permit includes a condition requiring site changes to address the access requirements and notes that a Crossing



Figure 2 – South Elevation Driveway Area to be Re-designed (Driveway is too wide)

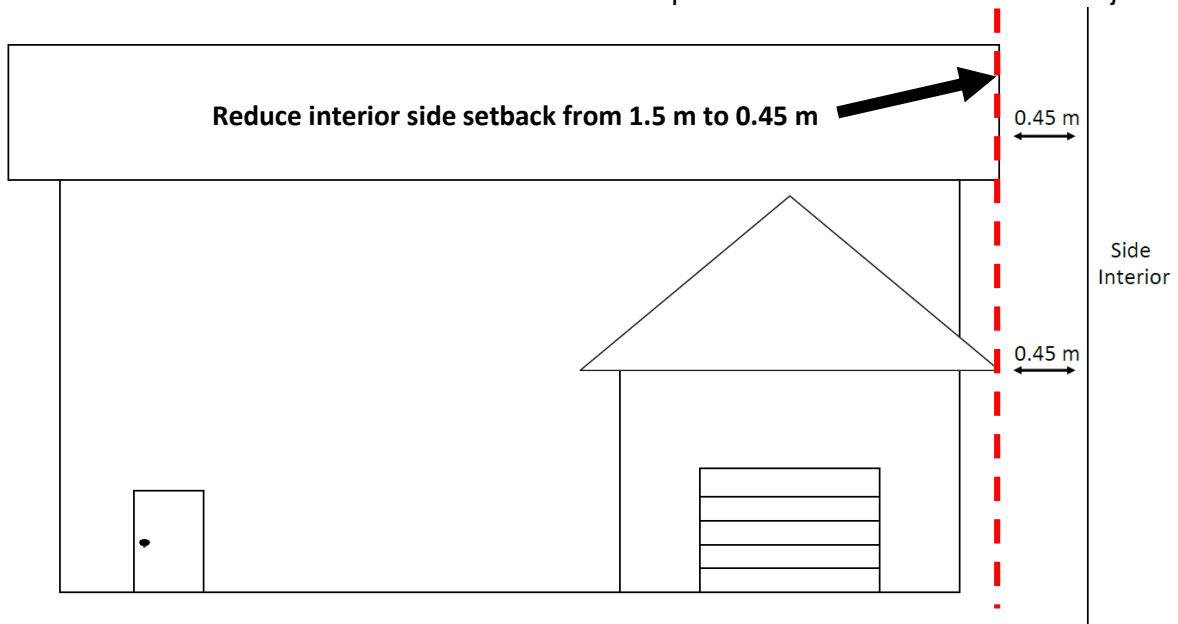
Permit is required to address the revised driveway locations. There are currently no curbs or ditches that impact the access from a design perspective.

Zoning Bylaw No. 154

With the exception of the variance requested below, the development proposal meets all relevant Zoning Bylaw regulations.

Interior Side Setback for an Accessory Building over 2.0 m in Height

Section 3.7.1(d) of the City of West Kelowna Zoning Bylaw No. 0154 specifies that an accessory building over 2.0 m (6.6 ft) in height must be setback a minimum of 1.5 m from an interior side parcel boundary. This distance is measured from the farthest edge of the building, wall or eave. This setback is established to ensure some level of fire separation is maintained between adjacent



properties and limits potential visual and overlook impacts by creating space to allow for fencing and landscaping between properties.

Figure 3: Garage East Elevation and Interior Side Setback Variance

The applicant has requested that the interior side setback be reduced to 0.45 m (Figure 3: red dotted line) for a portion of the northern property boundary (Figure 1). The 0.45 setback is measured to the proposed eave of the building and the face of the building would be located at a 0.55 m setback. The reduced setback will allow a 7.0 m parking area in front of the garage which exceeds the required 6.0 m minimum setback, and the proposed 89.45 m² garage is otherwise consistent with the required setbacks, maximum height, and parcel coverage.

Should Council choose to deny the proposed variance to reduce the interior side setback, the siting of the proposed garage would need to be altered to meet the required setback of 1.5 m.

Technical Review

To address the reduced setback between properties, the proposed 0.45 m setback maintains the minimum required setback as per BC Building Code. Additionally, the applicants have been advised that the face of the building with the reduced setback will require additional building improvements¹.

Public Notification

In accordance with the *Local Government Act*, 61 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 other than the two letters of support from the adjacent neighbours noted previously.

CONCLUSION

It is recommended that Council authorize the Development Variance Permit (DVP 20-02) as per the recommended motion based on the applicant's redesign of the building to minimize potential impacts to neighbours in light of known concerns, as well as the ability to meet building code requirements through construction methods even with the reduced setback.

Alternate Motion:

Option 1: Deny

THAT Council deny a Development Variance Permit (DVP 20-02) for Lot 31, DL3481, ODYD, Plan 26167 (3640 Granada Crescent) to reduce the interior side parcel boundary setback for an accessory building over 2.0 m (6.6 ft) in height.

Option 2: Postpone Consideration of the Variance Request

¹ This will include a 45 minute Fire Resistance rating which is usually obtained through the application of 5/8" Type "X" drywall on the interior face of the wall, as well as specific exterior cladding such as non-combustible siding on a layer of 1/2" exterior drywall as well as the usual air and vapour barriers or a masonry wall with non-combustible cladding.

THAT Council postpone consideration of a Development Variance Permit (DVP 20-02) for Lot 31, DL3481, ODYD, Plan 26167 (3640 Granada Crescent) to reduce the interior side parcel boundary setback for an accessory building over 2.0 m (6.6 ft) in height.

Should Council postpone consideration of the proposal, further direction to staff on how to proceed is required.

REVIEWED BY

Brent Magnan, Planning Manager

Mark Koch, Director of Development Services

Tracey Batten, Deputy CAO/Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. Draft DVP 20-02
2. Context Map
3. Subject Property Map
4. Rational Letter
5. Letters of Support
6. Public Notification Map