



COUNCIL REPORT

To: Paul Gipps, CAO

Date: December 8, 2020

From: Hailey Rilkoff, Planner II

File No: DVP 20-12

Subject: **DVP 20-12, Development Variance Permit, 1219 Sunnybrae Road**

RECOMMENDATION

THAT Council authorize the issuance of a Development Variance Permit (DVP 20-12) for Lot 26, District Lot 581, ODYD, Plan 17329 (1219 Sunnybrae Road) to vary S.10.4.5(g).1 to reduce the required front parcel boundary setback from 4.5 m to 1.5 m for a proposed covered entry addition to the existing dwelling.

STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity - Quality, innovative urban development (Council's 2020-2022 Strategic Priorities).

BACKGROUND

The applicant has applied for a Development Variance Permit (*Attachment 1*) to allow for the addition of a covered entry within the front parcel boundary setback.

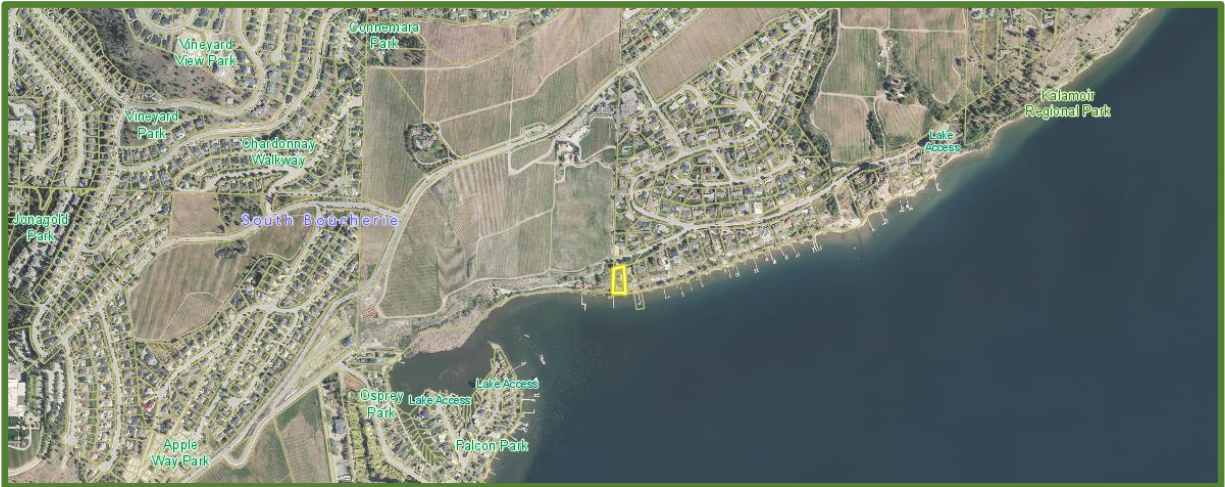
PROPERTY DETAILS			
Address	1219 Sunnybrae Road		
PID	008-409-340		
Folio	36413168.000		
Lot Size	0.475 Acres (1,922 m ²)		
Owner	Lorie & Lawrence Walter	Agent	Urban Options Planning & Permits
Current Zoning	R1 – Single Detached Residential	Proposed Zoning	-
Current OCP	SFR – Single Family Residential	Proposed OCP	-
Current Use	Residential	Proposed Use	-
Development Permit Areas	Hillside, Aquatic Ecosystem, Terrestrial Ecosystem		
Hazards	n/a		

Agricultural Land Reserve Adjacent to ALR

ADJACENT ZONING & LAND USES

North	^	R1 - Residential
East	>	R1 - Residential
West	<	A1 – Agricultural (ALR)
South	v	W1 – Okanagan Lake

NEIGHBOURHOOD MAP



PROPERTY MAP



History

The subject property is just under 0.5 acres (1,900 ft²), located at the end of Sunnybrae Road. The subject property is located in the South Boucherie neighbourhood and is zoned R1 - Single Detached Residential.

In 2014, the owners received a Development Variance Permit (DVP 14-18) in order to reduce the required ALR setback for a new house construction (Attachment 2). The Zoning Bylaw requires a 15.0 m setback for buildings and structures from the A1 Zone or ALR land, DVP 14-18 reduced the required setback to 3.0 m. In addition, DVP 14-18 amended the required minimum buffer specifications to not require trees. A condition of this variance permit was the registration of an Agricultural Covenant on the property, which advises future property owners of the impacts that could be expected when living adjacent to farmland.

Proposal

The applicant is now proposing to renovate the existing residence instead of rebuilding. The scope of the renovation includes the addition of a covered entryway and an addition into the rear yard of the property.

Variances

The existing house is currently encroaching within the required 4.5 m front yard setback, and the existing garage within the required 6.0 m setback. The existing dwelling is non-conforming to the current required setbacks. A variance is requested to reduce the required setback from the front parcel boundary. The requested variance would allow for construction of a new covered entrance with a proposed setback of 1.5 m.

Applicant's Rationale

The applicant has provided a letter which outlines their rationale for the proposed variance (Attachment 3). The applicant provides that the property is an irregular shape and that the distance between the house and front property line varies between 3.5 m and 8.3 m. The applicant also identifies that the property boundary is setback a large distance from the edge of the road, leaving much of the driveway within the right of way.

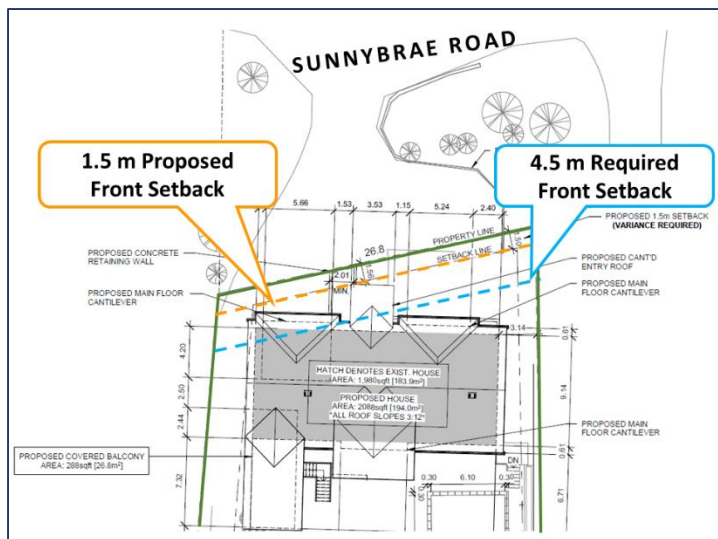


Figure 1 - Proposed Setback Variance

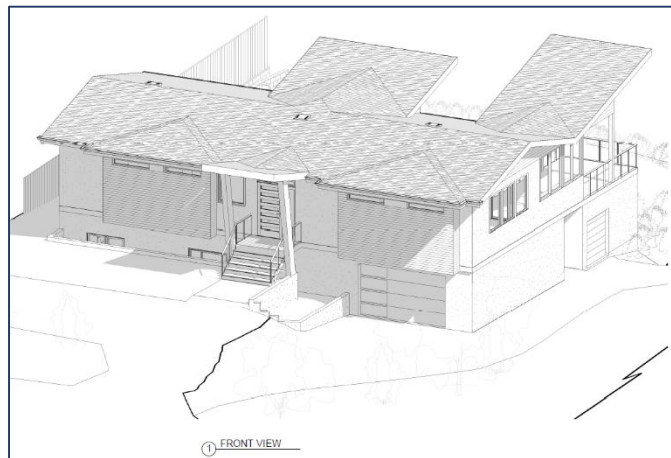


Figure 2 - Rendering of proposed Renovation & Addition

Policy & Bylaw Review

Official Community Plan Bylaw No. 0100

The subject property falls within the City's Hillside, Aquatic Ecosystem and Sensitive Terrestrial Ecosystem Development Permit Area's (DPA's). The proposed development is exempt from a Development Permit (DP) as there are no terrestrial ecosystem impacts, the development proposed is not within 30m of Okanagan Lake, and no site regrading or significant retaining is proposed.

Zoning Bylaw No. 0154

Section 10.4.5(g) of the Zoning Bylaw regulates the required setbacks from property boundaries for development. The proposed development meets all required setbacks with the exception of the front parcel boundary setback.

Section 3.6.4(a).4 provides siting exemptions for eaves and canopies, however the exemption is only to a maximum of 1.2 m into the required setback. The proposed covered entryway and portions of the proposed eaves, project up to 2.9 m into the required setback and therefore is not captured by the siting exemption.

Technical Review

No concerns were raised during the technical review period for this application in relation to the proposed variance request.

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.

Public Notification

In accordance with the *Local Government Act*, 18 notification letters were sent to all property owners and their tenants within 100 metres of the subject property (Attachment 4) and a notice of application sign has been placed on the subject property in accordance with the Development Applications Procedures Bylaw No. 0260. At the time of writing this report, Staff have provided clarification of the proposed variance to one neighbour who responded to the notification letters.

DISCUSSION

The applicant's variance request proposes a reduction to the front parcel boundary setback, however the existing dwelling already encroaches within this setback and is considered to be non-conforming. Due to the siting of the existing dwelling, any addition to the front of the dwelling, such as the covered entryway as is proposed, would further the encroachment and require a variance.

The proposed covered entry way would encroach into the front parcel boundary setback and would be sited a minimum of 1.5 m from the property line. There is a significant distance from the edge of Sunnybrae Road to the property boundary with approximately 14 m between the edge of pavement and the property line being used as the property's driveway. The road right of way fronting the property is approximately 29m wide, which is substantially greater than the typical requirement (18-20m). Therefore, the requested variance is not anticipated to affect adjacent properties or the public negatively.

CONCLUSION

It is recommended that Council approve the proposed variance application DVP 20-12. The proposed renovation and addition of a covered entry way is not anticipated to create significant negative impacts.

Alternate Motion:

THAT Council deny the issuance of a Development Variance Permit (DVP 20-12) for Lot 26, District Lot 581, ODYD, Plan 17329 (1219 Sunnybrae Road) to reduce the required front parcel boundary setback for a proposed addition to the existing dwelling.

REVIEWED BY

Brent Magnan, Planning Manager

Mark Koch, Director of Development Services

Shelley Schnitzler, Legislative Services Manager/Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes No

Attachments:

1. DRAFT Permit (DVP 20-12)
2. DVP 14-18
3. Applicant's Rationale Letter
4. Public Notification Map