



COUNCIL REPORT

To: Paul Gipps, CAO

Date: March 9, 2021

From: Jayden Riley, Planner II

File No: DP 21-04

Subject: **DP 21-04; Development Permit with Variance; 1631 Pritchard Drive**

RECOMMENDATION

THAT Council authorize issuance of Development Permit (DP 21-04) for 1631 Pritchard Drive with a variance to S.10.4.5(g).1 of Zoning Bylaw No. 0154 to reduce the front setback to a garage from 6.0 m to 5.6 m, in accordance with the attached permit (*Attachment 1*).

STRATEGIC AREA(S) OF FOCUS

Economic Development and Prosperity (Council's Strategic Priorities 2020-2022)

BACKGROUND

This application is for an Aquatic Development Permit to construct additions to an existing single family dwelling located within an Aquatic Development Permit Area and a proposed variance to reduce the minimum front parcel setback to a garage from 6.0 m to 5.6 m. The subject property is located adjacent to Okanagan Lake (south). The application is proposing a 76 m² garage and 25 m² addition at the front (north) of the dwelling. The proposed garage addition encroaches into the minimum front setback by 0.4 m, therefore a variance is required to construct the additions as proposed.

PROPERTY DETAILS			
Address		1631 Pritchard Drive	
PID		004-383-371	
Folio		36412356.204	
Lot Size		930 sq. m.	
Owner	Murray and Linda Martin	Agent	Jamie Mullen, Willow Development
Current Zoning	Single Detached Residential (R1)	Proposed Zoning	N/A
Current OCP	Single Family Residential	Proposed OCP	N/A

Current Use	Single Family Dwelling	Proposed Use	Addition
Development Permit Areas	Aquatic		
Hazards	Aquatic DPA		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES

North	^	Single Family Residential (R1)
East	>	Single Family Residential (R1)
West	<	Single Family Residential (R1)
South	v	Okanagan Lake

NEIGHBOURHOOD MAP



PROPERTY MAP



Section 498 of the *Local Government Act* gives Council the authority to vary, in respect to the land covered in the permit, the provisions of the Zoning Bylaw.

Proposal

This application is proposing additions to a dwelling located within an Aquatic Development Permit Area. The additions include a 76 m² garage and a 25 m² addition, both located on the north side of the dwelling, opposite Okanagan Lake. The garage addition is proposed at a distance of 5.6 m to the front parcel boundary, less than the minimum 6.0 m required under the R1 Zone (*Figure 1*), therefore a variance is also proposed to reduce the minimum front parcel setback to a garage.

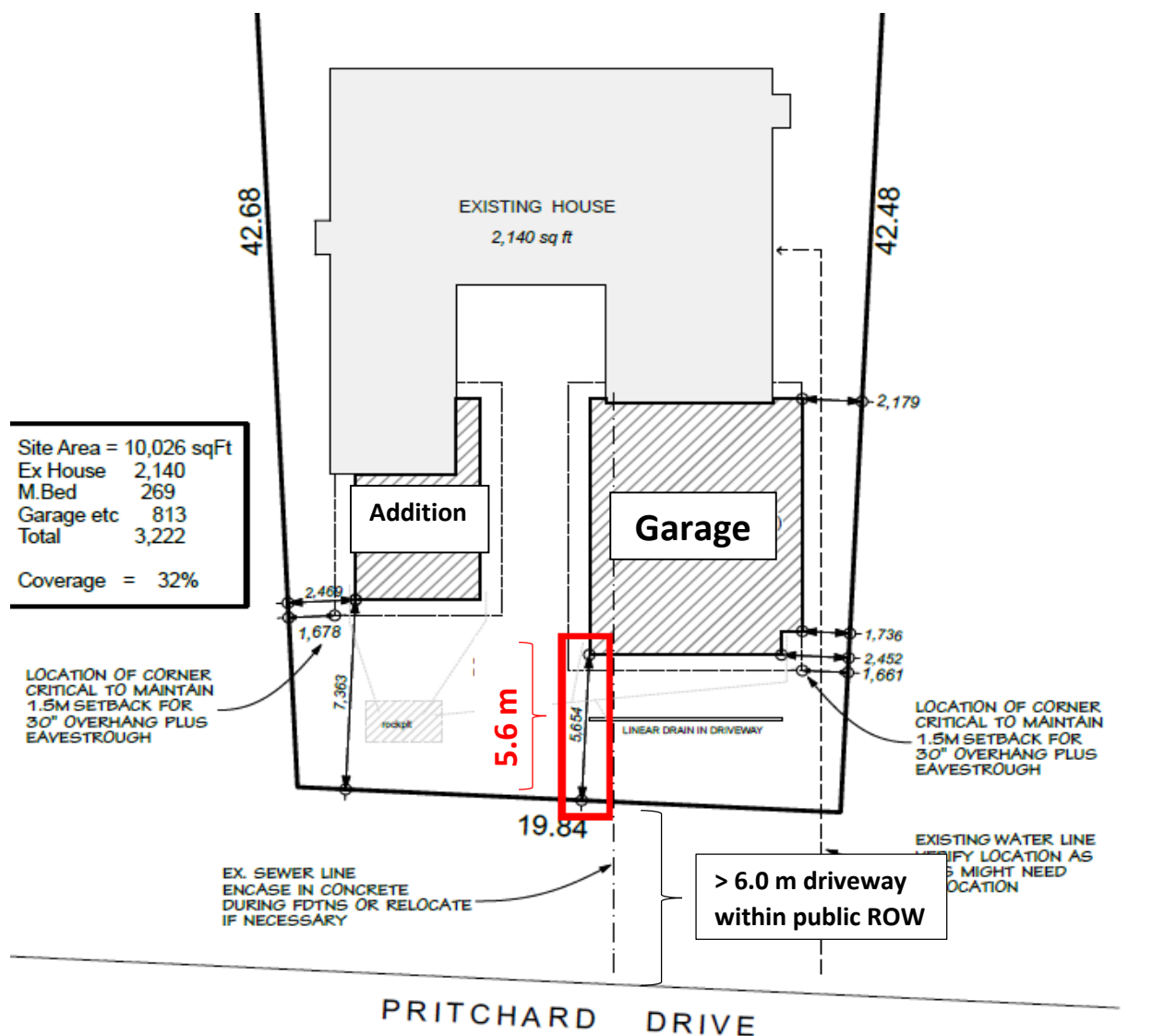


Figure 1: site plan showing proposed variance

Policy and Bylaw Review

Official Community Plan No. 0100

The subject property has a Land Use Designation of Single Family Residential, which is intended to support single detached, duplex and compact housing forms for families.

The property is located within an Aquatic Development Permit Area. The assessment area is identified as an area approximately 30 m from the natural boundary of Okanagan Lake. As a result, an environmental assessment report was required to ensure the proposal is aligned with the Official Community Plan Guidelines for Aquatic Development Permit Areas and to provide recommendations to limit potential disturbance of sensitive aquatic habitat during construction.

Zoning Bylaw No. 0154

The subject property is zoned Single Detached Residential (R1), which accommodates low density single detached residential use on parcels of land 550 m² and larger. The R1 Zone requires a 4.5 m setback from a building or structure to a front parcel boundary or 6.0 m to a garage.

The garage addition is proposed 5.6 m from the front parcel boundary, therefore a variance is required to construct the addition.

Technical Review

Recreational Trails Plan (2013)

The City's Recreational Trails Plan identifies Pritchard Drive for a major multi-use trail as part of "Phase 2: Medium-Term Trail Connections", with an anticipated build-out of 11-20 years from adoption of plan (*Figure 2*). Major multi-use trails are intended to be wide with a smooth surface to accommodate high use and universal accessibility.

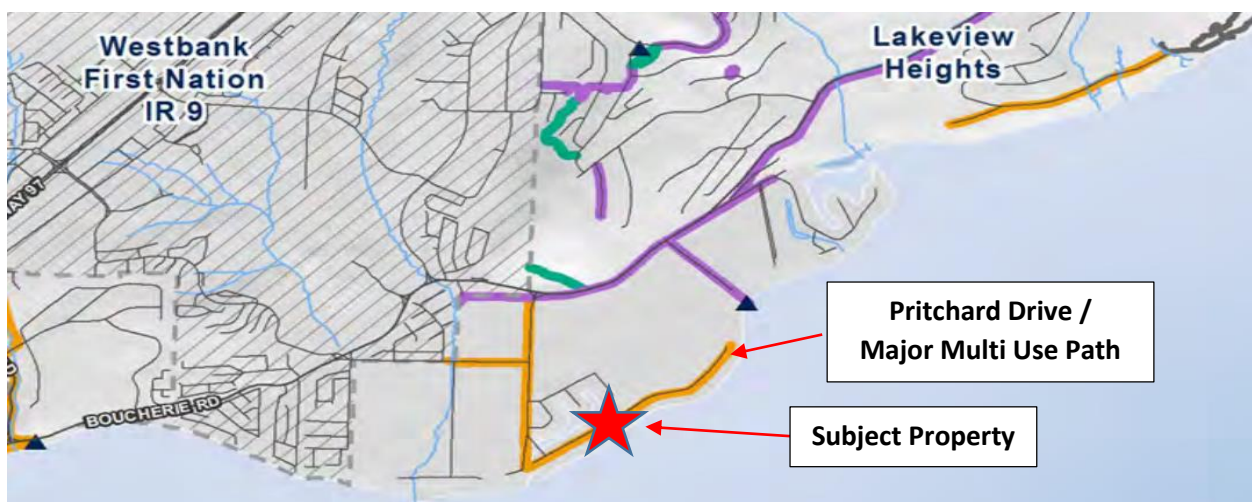


Figure 2: major-multi use trail (orange) identified in the City's Recreational Trails Plan

Further investigation of potential conflict of the proposed setback variance to a future major multi-use trail was determined to be negligible. Reviewing the Pritchard Drive road standard in conjunction with the major multi-use pathway section (*Figure 3*), it was confirmed that full build-out of the major multi-use path would provide 0.6 m of clearance from the property line with an additional 1.0 m clearance and 2.0 m of flexibility built into the path standard.

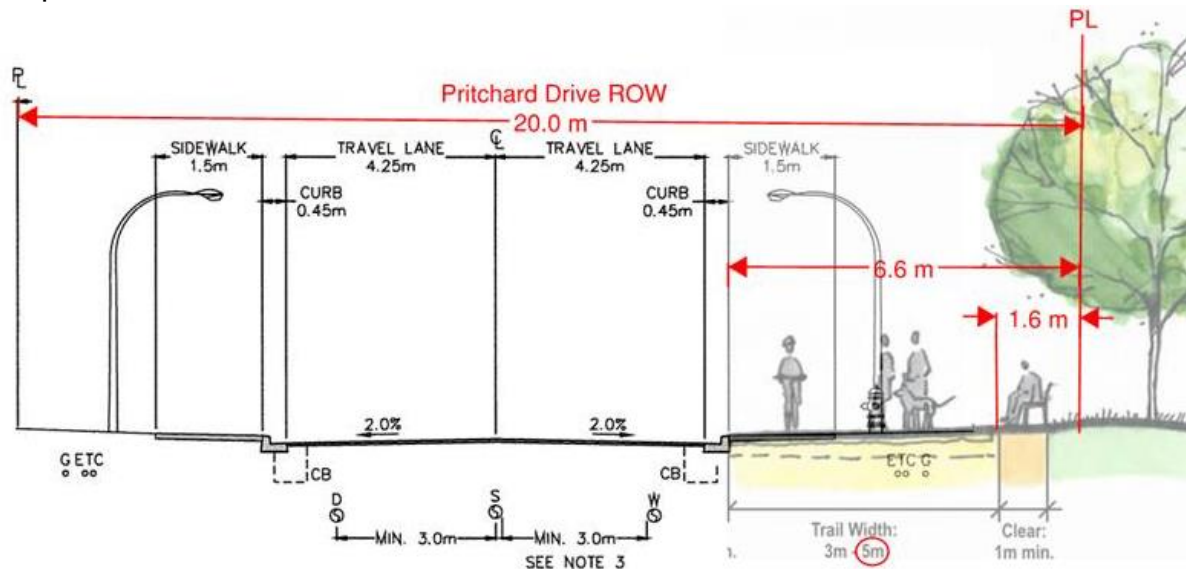


Figure 3: Pritchard Drive right of way with superimposed major multi-use path section

Environmental Assessment

As part of the Development Permit requirements, the applicant submitted an Environmental Assessment prepared by Ecoscape Environmental Consultants, which concludes that the proposed work will be in accordance with the City's Official Community Plan Guidelines. The report also provides recommendations related to best management practices, work timing windows, disturbance limits, erosion and sediment control, waste materials and spills, site cleanup and environmental monitoring. Staff have included these recommendations within the Development Permit conditions (*Attachment 1*).

Public Notification

In accordance with the *Local Government Act*, 30 notification letters were sent to property owners and their tenants within 100 m of the subject property (*Attachment 2*). A Notice of Application sign has also been installed on the property in accordance with the City's Development Application Procedures Bylaw No. 0260. At the time of writing this report, no submissions from the public have been received.

CONCLUSION

Staff recommend that Council authorize the issuance of the Development Permit with Variance based on the following rationale:

- The proposed variance to the front parcel boundary is not anticipated to have any conflict with future improvement plans for Pritchard Drive, as outlined in the City's Recreational Trails Plan; and
- The applicant has provided an environmental report that confirms development is consistent with the Official Community Plan Guidelines for Aquatic Development Permit Areas and recommends mitigation measures that will be included as conditions of the permit (*Attachment 1*).

Alternate Motion:

1. **THAT** Council postpone consideration of a Development Permit (DP 21-04) for 1631 Pritchard Drive with a variance to S.10.4.5(g).1 of Zoning Bylaw No. 0154 to reduce the front setback to a garage from 6.0 m to 5.6 m.

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

2. **THAT** Council deny issuance the Development Permit (DP 21-04) for 1631 Pritchard Drive with a variance to S.10.4.5(g).1 of Zoning Bylaw No. 0154 to reduce the front setback to a garage from 6.0 m to 5.6 m.

Should Council deny the requested variance, the file will be closed. As per the City's Development Applications Procedures Bylaw No. 0260, the applicant could re-apply for a similar proposal 6 months after initial Council consideration.

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. Development Permit (DP 21-04)
2. Public Notification Map