



COUNCIL REPORT

To: Paul Gipps, CAO

Date: March 9, 2021

From: Carla Eaton, Planner III

File No: DVP 21-01

Subject: **DVP 21-01, Development Variance Permit, 2802 Smith Creek Road (Smith Creek Stage 1)**

RECOMMENDATION

THAT Council authorize the issuance of a Development Variance Permit (DVP 21-01) for Lot A, DL 3478, ODYD, Plan KAP56155, Except Plans KAP56156 and KAP57629 (Smith Creek Stage 1) in accordance with the attached permit to vary Zoning Bylaw No. 0154, S.10.4.5(g).1 for all thirty-three lots in the proposed subdivision to reduce the front parcel boundary setback from 4.5 m to 3.5 m, and for a garage or carport having vehicular entry from the front from 6.0 m to 3.5 m, providing that 6.0 m is maintained from garage to laneway or back of curb/sidewalk.

STRATEGIC AREA(S) OF FOCUS

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

BACKGROUND

The subject property is directly south and east of the lands in the Smith Creek Comprehensive Development Plan (File: CDP 14-01). The parcel is zoned Single Detached Residential (R1). A hillside and environmental development permit was issued (File: DP 17-18) to permit development of a portion of the site and the extension of Copper Ridge Drive, as well as facilitate the pending subdivision of thirty-three lots (File: SUB 17-12) from the eastern half of the parcel.

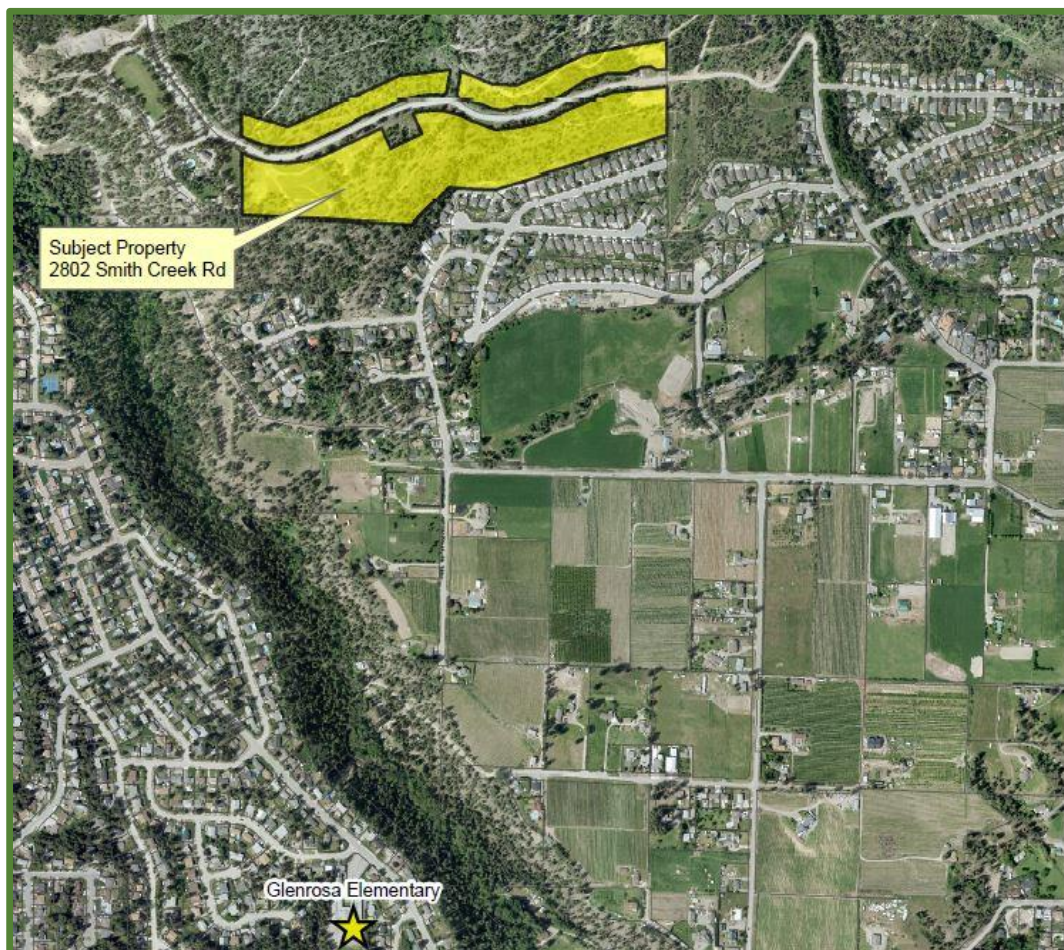
PROPERTY DETAILS			
Address		2802 Smith Creek Road	
PID		023-304-138	
Folio		36414703.285	
Lot Size		13.59 ha (33.6 acres) parent / 3.5 ha (8.8 acres) part	
Owner	1068059 B.C. Ltd.	Agent	Protech
	0746031 B.C. Ltd.		Consulting /
	0746043 B.C. Ltd.		Kyle Lorincz

	E12K Systems Inc. (Inc. No. 729179)		
Current Zoning	R1 Single Detached Residential Zone	Proposed Zoning	No change
Current OCP	Single Family Residential	Proposed OCP	No change
Current Use	Vacant residential	Proposed Use	Residential
Development Permit Areas	Wildfire Interface, Hillside, Sensitive Terrestrial Ecosystem		
Hazards	None identified		
Agricultural Land Reserve	N/A		

ADJACENT ZONING & LAND USES

North	^	RU 5 Rural Resource Zone (vacant land in Smith Creek CDP)
East	>	RU 5 Rural Resource Zone (vacant land in Smith Creek CDP)
West	<	P2 Institutional and Assembly Zone
South	v	Mostly R1 Single Detached Residential lots, an R1 L large lot residential lot, P1 Parks and Open Space zone (Black Canyon Park), and RU2 Rural Residential Small Parcel zone

NEIGHBOURHOOD MAP



PROPERTY MAP



DISCUSSION

Proposal

The applicant has applied for a Development Variance Permit (*Attachment 1*) to reduce the front parcel boundary setback for thirty-three (33) Single Detached Residential (R1) zoned lots within the Smith Creek Stage 1 subdivision (Figure 1 – lot layout showing the proposed setbacks). The proposed subdivision was constructed as per DP 17-18 and is pending final registration (File: SUB 17-12).



Figure 1: Lot Layout Showing the Proposed Setbacks

Applicant Rationale

As part of this application, the applicant submitted a rationale letter for the proposed variance (*Attachment 2*) noting concerns with buildable area, useable rear yard space, and the impact of custom design to housing costs based on existing site constraints and setbacks.

Policy Review

Official Community Plan

The proposed development area is subject to the Wildfire Interface, Hillside and Sensitive Terrestrial Ecosystem Development Permit guidelines which include considerations for hillside restoration, visual and aesthetic impacts and geotechnical safety that were addressed by Development Permit (DP 17-18).

Zoning Bylaw No. 0154

With the exception of the proposed front setback variance, the development proposal meets all relevant Zoning Bylaw requirements.

Technical Review

Front Setback to Dwelling and to Garage/Carport with a Front Entry

Section 10.4.5(g).1 of the City of West Kelowna Zoning Bylaw No. 0154 specifies that the front setback for a dwelling is 4.5 m and for a garage with an entry facing the road is 6.0 m. For comparative purposes, the proposed front setback of 3.5 m (Figure 2: blue dashed line and green arrow) is standard within the City's Compact Single Detached Residential zones (RC1 to 4), however, this does not apply to the garage or carport having a vehicular entry from the front which is consistent throughout the bylaw at 6.0 m. The garage setback is to allow adequate parking length for vehicles in front of the garage so that they do not impede vehicular or pedestrian traffic within the adjacent road.

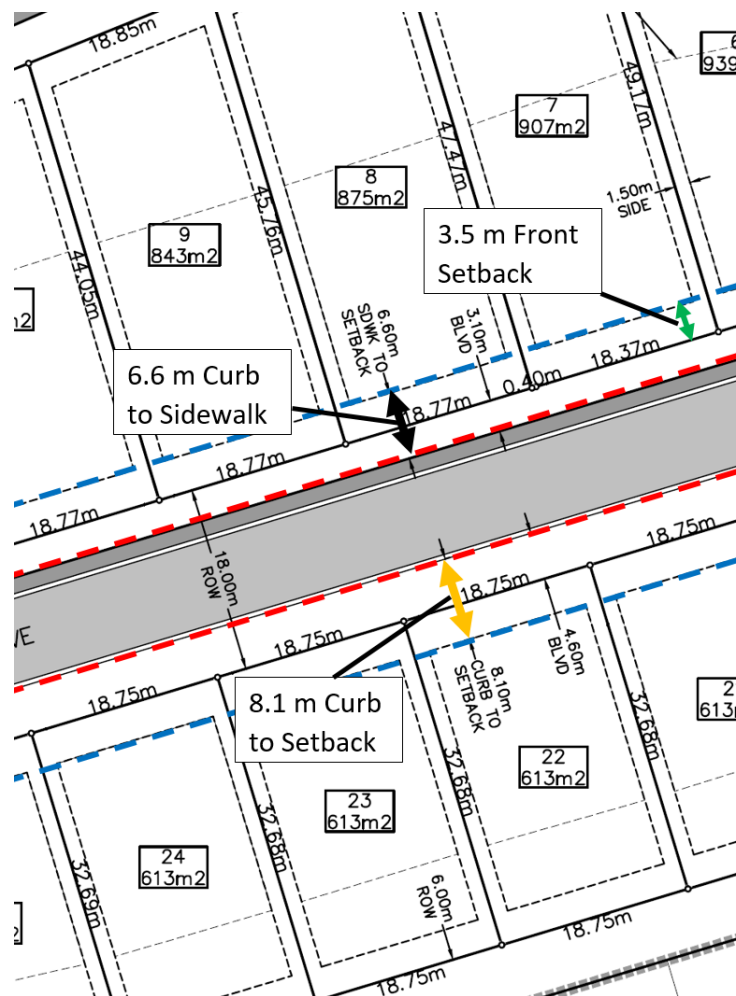


Figure 2: Setback Variance and Available Parking Area

These lots will have driveway access from Copper Ridge Drive only and Figure 2 identifies potential driveway parking area as the space between the dashed red line and the dashed blue line. The reduced front setbacks will still allow a minimum 6.0 m parking area between the garage and back of curb/sidewalk based on the width of the boulevard (with or without sidewalk). The north side of Copper Ridge Drive with a sidewalk will allow for 6.6 m of parking area between the back of sidewalk and the house or garage (as shown in Figure 2 with a black arrow). The south side of Copper Ridge Drive with no sidewalk will allow for 8.1 m of parking area between the back of curb and the house or garage (as shown in Figure 2 with an orange arrow).

The proposed variances do not include reducing the required on-site parking requirements¹. As a condition of the variance, it is noted that for proposed lots that have varied the garage setback, all required parking shall be provided within the legal parcel boundary of each individual lot which would typically be within a garage.

Hillside Considerations (Geotechnical and Environmental)

As part of the subdivision (SUB 17-12) process, a geotechnical review was completed which resulted in the establishment of no build – no disturb covenant areas² along the rear yards both upslope and downslope of Copper Ridge Drive, which in some cases include one and two-tier retaining walls. The steeper slopes will also require landscaping restoration as a condition of the Development Permit (DP 17-18). The covenant and restoration areas limit the buildable area on each lot.

The proposed setback variances support the geotechnical and no disturb hillside areas identified by the subdivision and development permit as the proposed forward set of the dwellings on the lots will reduce the potential impact to steeper areas in the rear area of each lot. Where homeowners are trying to avoid the design cost of a smaller custom home, the reduced setback will allow for a more typical house design and the option to move the dwelling away from the sloped covenant area increasing rear yard space which may reduce unauthorized grading or future permitting to accommodate usable rear yard space. Additional geotechnical review will be required for each lot at time of future building permit to address specific dwelling design and site considerations.

Boulevard and Road Network Considerations

The proposed variance was referred to external and internal agencies, and no objections or conflicts are anticipated with utilities or City infrastructure located within the boulevard area shared with the proposed driveways. Adequate safety setbacks from infrastructure was already built into the road design and dedicated areas. Additionally, Copper Ridge Drive is designated as a Local Road standard, with no anticipated future road upgrades as the adjacent Smith Creek Road is designated as a future Arterial Road.

¹ Zoning Bylaw No. 0154, Part 4, Table 4.1 requires 2 standard parking spaces per single family dwelling unit, and Table 4.2 notes size is 2.75 m x 6.0 m

² Although these documents are pending registration of the subdivision which is anticipated in the coming weeks

It should be noted that although Copper Ridge Drive extension was constructed with an 18 m width, the City of West Kelowna does allow for reduced dedicated road widths in hillside settings. The Hillside Local road standard has a minimum road width of 15 m, where additional width may be required to accommodate BC Hydro requirements. Had the applicants utilized this option, it may have resulted in some reduction of boulevard widths that may have reduced the variance for the front setback for the house but would not have addressed the garage setback.

Discussion

As noted previously, the applicant requested the variances to aid in siting dwellings forward on the lots as they are challenged with limited buildable area based on geotechnical setbacks or existing infrastructure/steep slopes/retaining walls. The applicant's goal is to reduce the need to design custom homes by allowing for either a larger dwelling consistent with typical building designs and/or to provide additional rear yard area, and the City's goal is to minimize the development footprint on the hillside areas.

Should Council choose to deny the proposed variance to reduce the front setback to a dwelling or to a garage/carport with front entry, the siting of any proposed dwellings would need to meet the required setback of 4.5 m and 6.0 m.

PUBLIC NOTIFICATION

In accordance with the *Local Government Act*, 75 notification letters were sent to all property owners and their tenants within 100 metres of the subject property (*Attachment 3*) 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, no submissions from the public had been received.

CONCLUSION

As part of the recommended motion, Council may choose to consider the following:

- Based on site constraints due to steeper topography and no disturb covenant areas, the lots within the proposed development have a challenge to buildable area and lot depth.
- The proposed front setback variance will allow for either larger dwelling on the site or will provide an opportunity for larger rear yard areas than what would otherwise be permitted with the standard setback and other site limitations.
- The requested variance will not impact travel lanes or pedestrian movement along the sidewalk as a minimum 6.0 m parking length is still being provided between the proposed house/garage and the road (back of curb/back of sidewalk).
- A similar 3.5 m front setback is utilized in the City's Compact Residential zones (RC1, RC2, RC3 and RC4).

- All required parking spaces (2 per dwelling) will typically be provided for within two car garage areas.
- The proposed development of the lots will respect the Section 219 no build / no disturb covenant for geotechnical and environmental considerations pending registration with the subdivision.

Alternate Motions:

Alternate Motion 1: Postpone

THAT Council postpone consideration of a Development Variance Permit (DVP 21-01) for Lot A, DL 3478, ODYD, Plan KAP56155, Except Plans KAP56156 and KAP57629 (2802 Smith Creek Road, Stage 1).

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

Alternate Motion 2: Deny

THAT Council deny the issuance of a Development Variance Permit (DVP 21-01) for Lot A, DL 3478, ODYD, Plan KAP56155, Except Plans KAP56156 and KAP57629 (2802 Smith Creek Road, Stage 1).

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 six (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. Draft Development Variance Permit (DVP 21-01)
2. Applicant Rationale Letter
3. Public Notification Map