



June 221, 2021  
Our File: 20035

City of West Kelowna  
2760 Cameron Road  
West Kelowna, BC  
V1Z 2T6

Attention: Carla Eaton, Planner III

Dear Ma'am:

Re: Smith Creek Stage 2 - Rationale for Development Variance Permit Application

---

The Variance Application associated with the Development Permit DP 21-03 applies to 3 different variances:

1. To vary the front parcel boundary setback on Lots 18 - 20 and 41 - 43 for garage and house from 6.0m to 3.5m
2. To vary the front parcel boundary setback on Lots 44 and 45 for garage from 6.0m to 4.5m
3. To vary the required minimum parcel frontage for Lots 5 - 14 to allow frontage less than 10% of the perimeter of the parcel.

This letter provides rationale for the above requested variances following the same numbering noted above:

#### Variance 1

This variance applies to two sets of lots: Lots 18-20 and 41-43. The variance is requested for these two sets for different reasons. Firstly, for Lots 18-20, as the developer has been working through the Hillside Development Permit process with the City of West Kelowna staff, it has been requested by City staff to provide a 4.5m statutory right of way (SRW) for a trail connection to Black Canyon Park along the rear of Lots 18-20. While the developer does not disagree with the need for a trail connection in this area, the 4.5m wide trail to provide vehicle access to the park seems

unnecessarily large considering the existing trail in this area is a nature trail with an approximate width of 0.5m. Consequently, the 4.5m SRW has a significant impact on the amount of usable building space on Lots 18-20, and this variance of the front yard setback to 3.5m to compensate for this loss at the rear would be very helpful in maintaining an adequate buildable area for an average home size.

For Lots 41-43, these lots are in the middle of the development and are some of the only lots that back on to the rear of other lots. As part of a hillside development there is some grade change between the 2 sets of rear facing lots which tends to introduce potential privacy issues between neighbors trying to enjoy their rear yard space. Combine this with the idea of trying to accommodate a larger rear yard space in place of the front yard space, as this is the area that is more commonly enjoyed for entertainment by homeowners, and a variance to the front yard setback will greatly assist in achieving a more usable and desirable product.

As a comparison, the City of Kelowna helps these types of situations by allowing a reduced front yard setback on hillside developments. For this type of development, the City of Kelowna's zoning bylaw permits a 3 m front yard setback or 6 m setback measured from the curb or sidewalk. The 3.5m setback being requested for this Variance Application will still leave 6.75m (22.1ft) long driveways, which is plenty of room to still park a longer vehicle. This variance is not being requested in areas where there are proposed sidewalks fronting the houses as this would reduce the driveway length down to 5.25m (17.2ft) which is not long enough.

#### Variance 2

This variance is requested for the same rationale as provided for Lots 41-43 above. However, in the case of Lots 44 and 45, the boulevard space between the back of curb and the property is reduced as BC Hydro does not require the same width within cul-de-sacs. For this reason, a variance of the front yard setback to only 4.5m is requested which will leave a driveway length of 7.1 m (23.3ft).

#### Variance 3

While the lots meet the minimum frontage requirements for the current City of West Kelowna R1 zone, there is a provision in the Local Government Act that requires lots have a minimum frontage of no less than 10% of the lot perimeter. There is a natural steep slope on the east side of the development with grades of approximately 55%. The original proposal was for this steep area to be dedicated as park, but it does not meet the City's parkland acceptance policy. To solve the issue of leftover, usable land, the lot lines for Lots 5-14 were extended through the steep area, but this increased their perimeter beyond what would be compliant with the Local Government Act. If the road was moved to the east to reduce the perimeter, there would be no buildable areas left without disturbing the steep hillside. The steep land will be covenanted as no build, no disturb.

Summary

It is our hope that the benefit this variance will provide is very apparent while still maintaining adequate driveway depths and minimum frontages that comply with the zoning bylaw. In addition to this variance, it is our hope that the City consider permanently adopting hillside front yard setbacks into their zoning bylaw to mitigate the need for future variance applications of this nature.

Thank you for your time in considering this development variance request. Should you have any questions or require anything further do not hesitate to contact our office.

Sincerely,

PROTECH CONSULTING

Kyle C. Lorincz, P.Eng.