



COUNCIL REPORT

To: Paul Gipps, CAO

Date: August 24, 2021

From: Meg Jacks, Planner I

File No: DVP 21-17

Subject: **DVP 21-17, Development Variance Permit, 1635 Pritchard Drive**

RECOMMENDATION

THAT Council authorize the issuance of a Development Variance Permit (DVP 21-17) for 1635 Pritchard Drive to vary S.10.4.5(g).1 of the Zoning Bylaw No. 0154 to reduce the minimum setback to the front parcel boundary from 4.5 m to 1.0 m in order to construct a swimming pool, in accordance with the attached permit (*Attachment 1*).

STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity – (Council’s 2021 – 2022 Strategic Priorities).

BACKGROUND

The applicant is seeking a Development Variance Permit to reduce the minimum setback to the front parcel boundary from 4.5 m to 1.0 m to construct a swimming pool. The property was issued an Aquatic Development Permit (DP 20-30) in 2020 for the demolition and subsequent construction of a single detached dwelling. Construction of a single detached dwelling is currently underway on the subject property, located adjacent to Okanagan Lake.

| PROPERTY DETAILS | | | |
|-----------------------|----------------------------------|------------------------|--------------|
| Address | 1635 Pritchard Dr | | |
| PID | 004-760-875 | | |
| Folio | 36412356.200 | | |
| Lot Size | 1,121 m ² | | |
| Owner | TWM Investments Ltd BC1235229 | Agent | All Elements |
| Current Zoning | R1 – Single Detached Residential | Proposed Zoning | N/A |
| Current OCP | SFR – Single Family Residential | Proposed OCP | N/A |
| Current Use | Residential | Proposed Use | N/A |

Development Permit Areas N/A

Hazards N/A

Agricultural Land Reserve N/A

ADJACENT ZONING & LAND USES

| | | |
|-------|---|----------------------------------|
| North | ^ | R1 – Single Detached Residential |
| East | > | R1 – Single Detached Residential |
| West | < | R1 – Single Detached Residential |
| South | v | W1 – Okanagan Lake |

NEIGHBOURHOOD MAP



PROPERTY MAP



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 provision of the Zoning Bylaw.

Proposal

This application is seeking a Development Variance Permit to reduce the minimum setback to the front parcel boundary from 4.5 m to 1.0 m (*Figure 1, Attachment 1*). The proposed variance is required to construct a swimming pool in the front yard of the property. The proposed swimming pool is 10.67 m in length and 3.66 m wide.

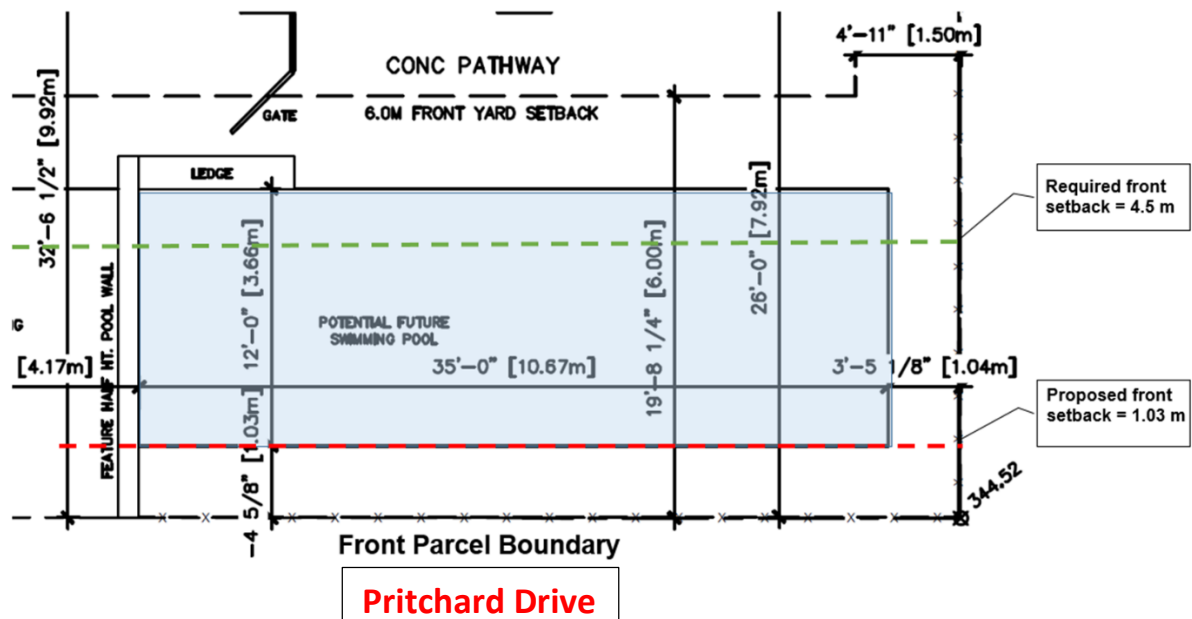


Figure 1: Site Plan

Applicant's Rationale

The property owners originally considered the option of having their swimming pool in their backyard; however as this property is located in an Aquatic Development Permit area they were unable to build in the Riparian Area. The principal dwelling currently under construction that was issued an Aquatic Development Permit will be built directly against the SPEA and riparian setback. The alternate solution for the applicant was to construct a swimming pool in their front yard. However, the requested area does not meet the required setbacks.

Policy and Bylaw Review

Official Community Plan Bylaw No. 0100

The subject property has a Land Use Designation of Single Family Residential and is subject to an Aquatic Development Permit area. An Aquatic Development Permit was issued for the demolition of the previous dwelling and construction of the principal dwelling.

The City's OCP identifies key objectives for parcels within residential neighbourhoods including:

- Ensure safe pedestrian movement for people of all ages and abilities in and between neighborhoods.
- Encourage a diversity of housing forms.

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 plan¹. Major multi-use trails are intended to be wide with a smooth surface to accommodate high use and universal accessibility².

The trail requires a 3.0 – 5.0 m trail width and additionally a 1.0 m minimum unobstructed clear width on either side of the trail³.

There is currently a row of hedges located at the front of the property that are encroaching into the City Right of Way which would potentially impact the trail construction standards. The removal of the hedges would be required to meet these standards and the proposed pool would be in close proximity of the future trail.

Zoning Bylaw No. 0154

The property is zoned Single Detached Residential (R1), which is intended to accommodate low density single detached residential use on parcels of land 550 m² and larger. S.3.3.6.4 of the Zoning Bylaw 0154 specifies that an uncovered swimming pool cannot be located within the required minimum siting distance from the front parcel boundary and additionally requires a minimum of 1.0 m from any other parcel boundary. The R1 zone requires a 4.5 m minimum setback to the front parcel boundary, therefore a variance is required to accommodate the proposal.

¹ Recreational Trails Master Plan (2013), 4.9 Phase 2: Medium-Term Trail Connections

² Recreational Trails Master Plan (2013), Executive Summary, Construction Standards

³ Recreational Trails Master Plan (2013), 3.0 Trail System Framework

Public Notification

In accordance with the *Local Government Act*, 30 notification letters were sent to all property owners and their tenants within 100 meters of the subject property (*Attachment 3*). Notice of application signage has also been placed on the subject property, in accordance with the City's Development Applications Procedures Bylaw No. 0260. At the time of writing this report, no submissions from the public have been received.

DISCUSSION

The applicant's variance request for a reduction of the setback to the front parcel boundary is premised on the riparian protection regulations, which do not permit development (including swimming pools) within the setback from Okanagan Lake. It is anticipated that during development, alternatives to standard building practices are considered which result in adherence to setback regulations from Okanagan Lake. An Aquatic Development Permit was issued for the principal dwelling which is currently under construction.

The alternative location for the proposed swimming pool is in the front yard. A setback variance is required from 4.5 m 1.0 m to accommodate the width of the proposed pool along Pritchard Drive. However, The Recreational Trails Plan identifies Pritchard Drive as a multi-use trail. Due to this plan having specific construction standards the proposed swimming pool will be in close proximity to the future trail. Additionally, the trail standards will interfere with the row of hedges that are currently at the front of the property. The hedges encroach in to the City Right of Way (*Figure 2*) which has potential impacts on the construction of the future multi-use trail. These hedges would require removal to meet the construction standards of the trail.

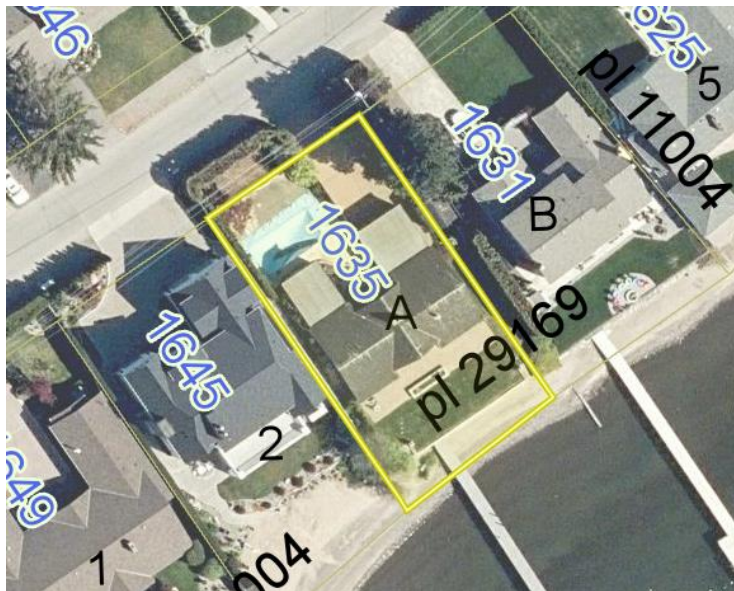


Figure 2: Location of Hedges

The applicant may have used the hedges for additional privacy as well as a safety screen to the public. Advisory comments have been provided to the applicant that the hedges may require removal at some point in the future for the trail to be completed.

It is also noted that fencing associated with the building permit requirements for the swimming pool must be located within the property around the front and sides of the swimming pool.

Staff referred the application to various internal departments. All comments received were technical in nature relating to the future building permit requirements and have been provided to the applicant.

CONCLUSION

Staff recommend that Council approve the proposed variance application based on the following:

- Given there has been no feedback from adjacent residences, it is anticipated that the variance will have limited impact on the neighbouring community.
- The proposal does not impact the future multi-use trail plan.

Alternate Motion:

THAT Council deny the issuance of a Development Variance Permit (DVP 21-17) for 1635 Pritchard Drive.

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. Draft DVP 21-17
2. Site Plan
3. Public Notification Map