



## COUNCIL REPORT

To: Paul Gipps, CAO

Date: September 28, 2021

From: Stirling Scory, Planner II – Long Range

File No: DVP 21-18

Subject: **DVP 21-18; Development Variance Permit; 3028 Shaleview Drive**

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### RECOMMENDATION

**THAT** Council support the request of a variance for 3028 Shaleview Drive (DVP 21-18) to vary S. 10.4.5(g).1 of the Zoning Bylaw No. 0154 to reduce the minimum setback for a garage from the front parcel boundary from 6.0 m to 4.45 m for the purpose of increasing the buildable area on the parcel in accordance with the attached permit (*Attachment 1*).

### STRATEGIC AREA(S) OF FOCUS

**Economic Growth and Prosperity** – We support initiatives that promote the community's livability, local business recovery and growth, agriculture, wineries, natural beauty, amenities, rich culture, and other attributes that position West Kelowna as a place to live, invest, work and play.

### BACKGROUND

The applicant has applied for a Development Variance Permit to reduce the minimum setback for a garage from the front parcel boundary from 6.0 m to 4.45 m for the purpose of increasing the buildable area on the parcel. The property does not have any buildings or structures and at this time there are no building plans on file. The zone would permit the construction of a single detached dwelling. The purpose of the application is to increase the building area of the property which is restricted by covenants.

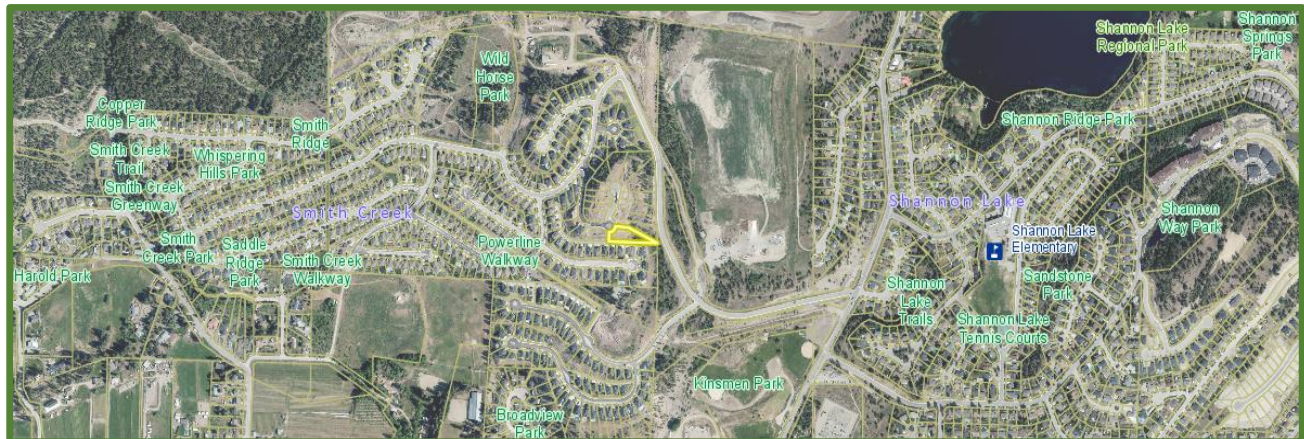
## PROPERTY DETAILS

<b>Address</b>	3028 Shaleview Drive		
<b>PID</b>	030-631-491		
<b>Folio</b>	36414766.307		
<b>Lot Size</b>	.65 acres (2630.46 m <sup>2</sup> )		
<b>Owner</b>	Eduard Mittelstet	<b>Agent</b>	David Mori
<b>Current Zoning</b>	RC3 – Compact Single Detached Residential	<b>Proposed Zoning</b>	N/A
<b>Current OCP</b>	SFR – Single Family Residential	<b>Proposed OCP</b>	N/A
<b>Current Use</b>	N/A	<b>Proposed Use</b>	N/A
<b>Development Permit Areas</b>	Fire & Hillside		
<b>Hazards</b>	Hillside		
<b>Agricultural Land Reserve</b>	N/A		

## ADJACENT ZONING & LAND USES

<b>North</b>	^	RC3 – Compact Single Detached Residential
<b>East</b>	>	RU5 – Rural Resource
<b>West</b>	<	RC3 – Compact Single Detached Residential
<b>South</b>	v	R1 – Single Detached Residential

## NEIGHBOURHOOD MAP



## PROPERTY MAP





## **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 the Hillside and Wildfire Interface Development Permit Areas. The subject property is a bare parcel at this time.

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 neighbourhoods.
- Encourage diversity of housing forms.

The proposed variance does not impact pedestrian movement and allows for housing diversity by increasing the buildable area on the parcel. The proposed variance meets the intent of the prescribed Land Use Designation.

### Zoning Bylaw No.0154

The subject property is zoned Compact Single Detached Residential (RC3), which is intended to accommodate higher density single detached residential use on parcels of land 325 m<sup>2</sup> and larger. S. 10.3.5(g).1 of the Zoning Bylaw No. 0154 specifies that the minimum front parcel boundary setback must be a minimum of 6.0 m to the garage; therefore, a variance is required to satisfy the proposal.

## **Public Notification**

In accordance with the *Local Government Act*, 50 notification letters were sent to all property owners and their tenants within 100 metres 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, one submission from the public has been received.

## **DISCUSSION**

The applicant's variance request is to provide additional building space on the property. The presence of an existing covenant and the lots angled configuration restrict the usable buildable area as outlined in *Attachment 3*. Where the 6.0 m front parcel boundary setback is followed, the property would have a buildable area of 186 m<sup>2</sup> (2002 ft<sup>2</sup>). Should the variance be approved, the buildable area on the property will increase by 21 m<sup>2</sup> (226 ft<sup>2</sup>) for a total of 207 m<sup>2</sup> (2228 ft<sup>2</sup>) and provide additional space for future construction. The Compact Single Detached Residential (RC3) zone permits the construction of a single detached dwelling as its sole principal use. The requested 4.45 m setback will provide a total of 6.0 m between back of sidewalk and the proposed setback to the garage. This is typical and it is expected that this distance will provide ample room for required on-site parking.

The proposed variance may inadvertently cause the future structure to appear larger from the street as the garage will be built closer to the sidewalk; however, the large frontage

distance (~ 22 m) may be effective in reducing this effect. At this time there have been no building or design considerations for future construction.

While the variance would increase the buildable area of the parcel, the subject property is undeveloped and the limitations for development are being determined prior to construction. The small building area may encourage the construction of a smaller, lower priced home in the neighbourhood.

At this time, there are no future improvements anticipated for road right-of-ways or pedestrian through connections due to the recent development of the road and subdivision.

## **CONCLUSION**

The recommendation for Council's consideration is to approve the proposed variance based on the following:

- The proposed variance is intended to increase the buildable area, which may improve marketability of the site and the construction of additional housing;
- The small building area may encourage a smaller home design which could provide a lower priced home than is typical of West Kelowna;
- The variance is not expected to impact the use of the sidewalk or the street as there will be 6 m between back of sidewalk and the setback;
- There are no future plans for road right-of-way improvements or pedestrian through connections.

### **Alternate Motion:**

1. **THAT** Council postpone the request of a variance for 3028 Shaleview Drive (DVP 21-18) to vary S. 10.4.5(g).1 of the Zoning Bylaw No. 0154 to reduce the minimum setback for a garage from the front parcel boundary from 6.0 m to 4.45 m for the purpose of increasing the buildable area on the parcel.
2. **THAT** Council deny the request of a variance for 3028 Shaleview Drive (DVP 21-18) to vary S. 10.4.5(g).1 of the Zoning Bylaw No. 0154 to reduce the minimum setback for a garage from the front parcel boundary from 6.0 m to 4.45 m for the purpose of increasing the buildable area on the parcel.

Should Council deny the requested variance, the file will be closed. As per the City's Development Applications Procedures Bylaw No. 0260, the applicant may re-apply for a similar proposal 6 months after initial Council consideration (September 28, 2021).

**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 21-18
2. Site Plan
3. Public Notification Map
4. Public Submission