



COUNCIL REPORT
Development Services
For the September 3, 2019 Council Meeting

DATE: August 20, 2019
TO: Paul Gipps, CAO
FROM: Levan King Cranston, Planner I
RE: Application: Development Variance Permit DVP 19-09
Legal: Lot 1 DL 3485 ODYD Plan EPP80268
Address: 3004 Shaleview Drive
Owner: Jeff Houghton

RECOMMENDED MOTION:

THAT Council authorize a Development Variance Permit (DVP 19-09) for Lot 1, DL 3485, ODYD, Plan EPP80268 (3004 Shaleview Dr) to vary Zoning Bylaw 0154: s10.3.5(g).1 to reduce the required front yard setback from 6 m to 3.54 m.

RATIONALE:

The recommended motion is based on the following:

- The proposed reduced driveway length will not affect guest parking as the subject property has sufficient frontage (+30 m) allowing for guest parking to be located on the street.
- Shaleview Drive does not experience high volumes of traffic, or pedestrian activity as the road leads to a dead end. A reduced driveway length would not significantly impact the street.
- If the variance is not supported by Council a variance for an over height retaining wall would be required to support the original driveway location at the side of the property (proposed guest parking).
- Reducing the length of the driveway is a more suitable option for the subject property in context to the surrounding residential development in the area.
- The applicant may utilize a secondary parking area adjacent to the house to replace the reduction in driveway length providing it is not a formal access (unpaved or finished with non-permanent landscape materials).
- A second paved formal access onto the subject property may set a precedent for future developments.

LEGISLATIVE REQUIREMENTS:

Section 498 of the *Local Government Act* gives Council the authority to issue a development variance permit that varies, in respect to the land covered in the permit, the provisions of the Zoning Bylaw.

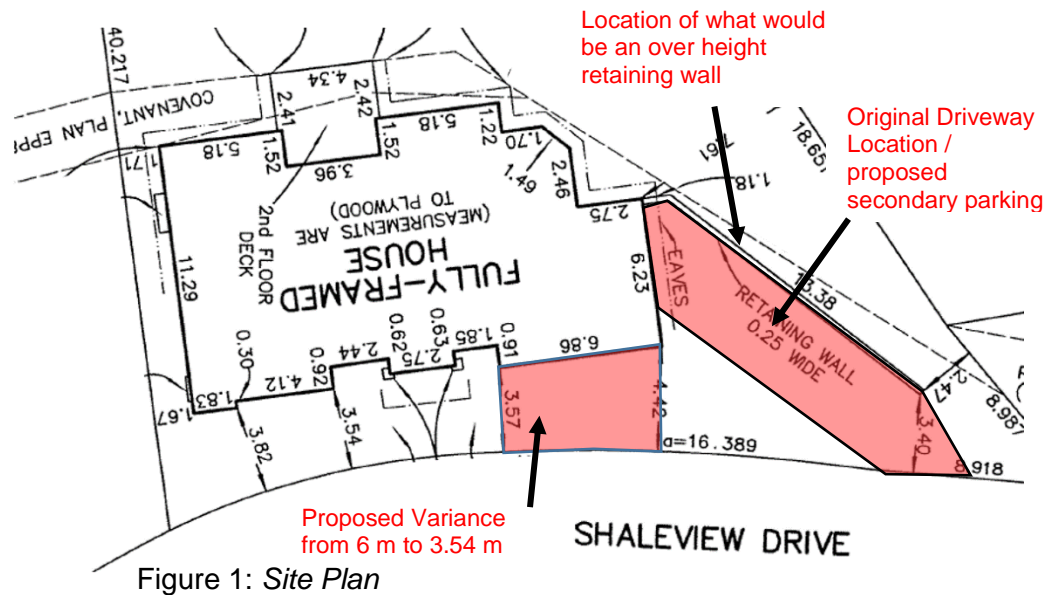
Location and Surrounding Uses

Subject Property (3004 Shaleview Dr)

Map showing property boundaries, lot numbers, and street names (Inverbridge Road, Sageview Road, Shaleview Drive). The subject property is highlighted in yellow.

History

The applicant has finished the construction of a single detached dwelling on the subject property. The original building plans for the home showed the garage would be accessed through the side instead of the front of the house in accordance with the Zoning Bylaw. The applicant subsequently built a front entry garage, rather than the side entry as approved. This change was not identified during subsequent inspections, and as a result the garage and rest of the dwelling are now fully constructed and do not match the building plans. The City has now received a Development Variance Permit application to reduce the required front yard setback to accommodate for the new driveway location.



Proposal

The applicant has applied to vary Zoning Bylaw 0154: S 10.3.5(g).1 to reduce the front yard setback from 6 m (required) to 3.54 m (proposed). As the distance from the garage to the back of sidewalk is 4.7m, a secondary parking area is also desired/requested. This variance is an attempt to avoid construction of an over height retaining wall which would accommodate the originally proposed side entry garage. As the original driveway's grade is too low, it would need to be brought up to match the already constructed garage requiring an over height retaining wall for support.

Because of the limited space of the front driveway (4.7m), the applicant proposes a secondary parking area adjacent to the house (see 'original driveway location'). Rather than varying the minimum distance between driveways from 9m to 4.6m (Traffic Bylaw 0091 *Crossing Design Requirements* 3), it is recommended that the second access/parking area be finished with non-permanent materials, so as to not conflict with the Traffic Bylaw. Staff are therefore not recommending two paved formal entrances, as it may set precedent for other residential houses; however, rock landscaping or other materials may be acceptable to allow for secondary parking for this area. An alternate motion has been provided which is consistent with the applicant's request.

Applicant Rationale

As part of this application, the applicant submitted a rationale letter (Attachment 5). To summarize, the applicant has noted that if the variance were to be denied by Council, and the original side entrance driveway used, an over height retaining wall requiring a variance would need to be applied for as the existing wall that is part of the foundation cannot accommodate for the height required to bring the driveway up to the same grade as the constructed home.

POLICY, LEGISLATION AND BYLAW REVIEW:

Official Community Plan (OCP) Bylaw No. 0100

The requested variance to the front yard setback and extended distance between crossings is in accordance with the intent of the Official Community Plan. The application will lead to providing traditional single family housing opportunities and encourage infill housing.

Zoning Bylaw No.0154

Aside from the requested variance to the front yard setback, the distance between crossings, the proposal is consistent with Zoning Bylaw No.0154.

ALTERNATE MOTION(S):

1. **THAT** Council approve a Development Variance Permit (DVP 19-09) for Lot 1, DL 3485, ODYD, Plan EPP80268 (3004 Shaleview Drive) to reduce the required front yard setback from 6 m to 3.54 m.

That Council approve a Development Variance Permit (DVP 19-009) for Lot 1, DL 3485, ODYD, Plan EPP80268 (3004 Shaleview Drive) to reduce the required distance between crossings in Traffic Bylaw 0091 *Crossing Design Requirements* 3. from 9 m to 4.6 m.

This alternative motion would allow for two formal driveways onto the property and is consistent with the applicant's request. Paved/concrete parking would be available in the garage and on the secondary parking area adjacent to the house. Formalizing the secondary parking area may set a precedent as this parking configuration is not standard in West Kelowna.

2. **THAT** Council Deny a Development Variance Permit (DVP 19-09) for Lot 1, DL 3485, ODYD, Plan EPP80268 (3004 Shaleview Drive) to reduce the required front yard setback from 6 m to 3.54 m.

This alternative motion would require the applicant to reconstruct the garage to match the original building permit. Access to the garage would come from the side using the original driveway, rather than from the front. The applicant may require a variance to allow for an over height retaining wall to support the original driveway.

REVIEWED AND APPROVED BY:

Brent Magnan, Planning Manager
Tracey Batten, Deputy CAO/Corporate Officer
Paul Gipps, CAO

Attachments:

- 1) Draft Permit (DVP 19-09) Powerpoint: Yes X No
- 2) Context Map
- 3) Subject Property Map
- 4) Site Plan
- 5) Applicant Rationale