

City of Kelowna

Regular Council Meeting

AGENDA



Tuesday, December 15, 2015
6:00 pm
Council Chamber
City Hall, 1435 Water Street

Pages

1. Call to Order

2. Reaffirmation of Oath of Office

The Oath of Office will be read by Councillor Hodge.

3. Confirmation of Minutes

Public Hearing - December 1, 2015
Regular Meeting - December 1, 2015

4. Bylaws Considered at Public Hearing

4.1 2975 & 2980 Gallagher Road, BL11169 (OCP15-0015) - Gordon Kirschner et al

1 - 3

Requires a majority of all members of Council (5).

To give Bylaw No. 11169 second and third readings, and adoption, in order to amend the Official Community Plan to alter the eventual unit composition and density of the Kirschner Mountain development.

4.2 580 Patterson Avenue, BL11170 (Z15-0034) - Teresa Corea-Gaspari

4 - 4

To give Bylaw No. 11170 second and third readings in order to rezone the subject property to facilitate the development of four dwelling housing.

5. Notification of Meeting

The City Clerk will provide information as to how the following items on the Agenda were publicized.

6. Development Permit and Development Variance Permit Reports

6.1 204 Poplar Point Drive, DVP15-0185 - Rod & Jody Hazard 5 - 27

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

To vary the maximum height of the walkout basement and the maximum height of a retaining wall on the subject property.

6.2 723 Stockwell Avenue, DP15-0153 & DVP15-0159 - Donald Gordon 28 - 42

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

To consider the form and character, and a variance, for the conversion of an existing Accessory Building to a Carriage house on the subject parcel.

6.3 534 Oxford Avenue, DP15-0237 & DVP15-0238 - Jason & Shaine Fehr 43 - 55

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

To consider the form and character, and a net floor area variance, for a proposed Carriage House on the subject property.

6.4 310 Mugford Road, BL11122 (Z15-0027) - Harjinder Kaur Malhi et al 56 - 56

To adopt Bylaw No. 11122 in order to rezone the subject property to facilitate a two-lot subdivision.

6.5 310 Mugford Road, DVP15-0082 - Harjinder Kaur Malhi et al 57 - 65

City Clerk to state for the record any correspondence received. Mayor to invite anyone in the public gallery who deems themselves affected by the required variance(s) to come forward.

To vary lot width on the subject parcel to facilitate a two-lot subdivision.

7. Reminders

8. Termination

CITY OF KELOWNA

BYLAW NO. 11169

Official Community Plan Amendment No. OCP15-0015 Gordon Kirschner, Heidi-Sabine Kirschner, Donald Kirschner, Amy Kirschner, Allan Kirschner, and Angelica Kirschner 2975 and 2980 Gallagher Road

A bylaw to amend the "*Kelowna 2030* - Official Community Plan Bylaw No. 10500".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT Map 4.1 - **GENERALIZED FUTURE LAND USE** of "*Kelowna 2030* - Official Community Plan Bylaw No. 10500" be amended by changing the Generalized Future Land Use designation of portions of Lot 1 Section 12 and 13 Township 26 and Sections 7 and 8 Township 27 ODYD Plan KAP71697 except Plans KAP84278, KAP86315, KAP86363, KAP88598 and EPP36504 located on Gallagher Road, Kelowna, BC and portions of Section 12 Township 26 ODYD except (1) Plans 1380, 1639 and KAP 48770 (2) Parcel A (Plan B6800) (3) the SW ¼ of said section, located on Gallagher Road, Kelowna, BC from REP - Resource Protection Area to S2RESH - Single / Two Unit Residential Hillside, REP - Resource Protection Area to PARK - Major Park / Open Space (Public), S2RES - Single / Two Unit Residential to MRC - Multiple Unit Residential Cluster Housing, MRL - Multiple Unit Residential (Low Density) to S2RESH - Single / Two Unit Residential Hillside, S2RESH - Single / Two Unit Residential Hillside to MRC - Multiple Unit Residential Cluster Housing, MRL - Multiple Unit Residential (Low Density) to MRC - Multiple Unit Residential Cluster Housing, MRL - Multiple Unit Residential (Low Density) to PARK - Major Park / Open Space (Public), PARK - Major Park / Open Space (Public) to MRC - Multiple Unit Residential Cluster Housing, S2RES - Single / Two Unit Residential to S2RESH - Single / Two Unit Residential Hillside, PARK - Major Park / Open Space (Public) to S2RESH - Single / Two Unit Residential Hillside, S2RESH - Single / Two Unit Residential Hillside to PARK - Major Park / Open Space (Public) and S2RES - Single / Two Unit Residential to PARK - Major Park / Open Space (Public) designations as per Map "A1" attached to and forming part of this bylaw.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 23rd day of November, 2015.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk



MAP "A1" OCP AMENDMENT OCP15-0015

REP to S2RESH	S2RESH to MRC	PARK to MRC	PARK to S2RESH
REP to PARK	MRL to MRC	MRL to S2RESH	S2RESH to PARK
S2RES to MRC	MRL to PARK	S2RES to S2RESH	S2RES to PARK

This map is for general information only.
The City of Kelowna does not guarantee its
accuracy. All information should be verified.

0 50 100 Metres



Rev. Tuesday, November 10, 2015

CITY OF KELOWNA
BYLAW NO. 11170
Z15-0034 - Teresa Corea-Gaspari
580 Patterson Avenue

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 3, District Lot 14, ODYD, Plan 3249 located on Patterson Avenue, Kelowna, B.C., from the RU6 - Two Dwelling Housing zone to the RM1 - Four Dwelling Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 23rd day of November, 2015.

Considered at a Public Hearing on the

Read a second and third time by the Municipal Council this

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: December 15, 2015

RIM No. 0940-50

To: City Manager

From: Community Planning Department (LK)

Application: DVP15-0185

Owner: Rod & Jody Hazard

Address: 204 Poplar Point Drive

Applicant: Brandon Hazard

Subject: Development Variance Permit

Existing OCP Designation: S2RES - Single / Two Unit Residential

Existing Zone: RU1 - Large Lot Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0185 for Lot 1 District Lot 219 ODYD Plan 4561, located at 204 Poplar Point Drive, Kelowna, BC;

AND THAT variances to the following sections of the Zoning Bylaw No. 8000 be granted:

Section 6.6.2: Height and Grade General Development Regulations

To vary the height of the lowest floor or walkout basement when measured from approved building grade to the top of the finished floor above the slab from 3.6m maximum to 4.88m proposed.

Section 7.5.9: Fencing and Retaining Walls

To vary the height of a retaining wall when measured from grade on the lower side from 1.2m maximum to 4.88m proposed.

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

2.0 Purpose

To vary the maximum height of the walkout basement and the maximum height of a retaining wall on the subject property.

3.0 Community Planning

Community Planning Staff supports the requested variances to the maximum height of a walkout at the rear elevation and the maximum height of a retaining wall. By construction the retaining wall, a parking area is provided on the property which will not infringe on the Private Access Easement that is required across the front of the parcel. The height variance for the basement

floor of the dwelling allows the design of the house to work with the natural sloped topography of the parcel.

The subject parcel has a Future Land Use of S2RES - Single / Two Unit Residential, therefore the application meets the guidelines of the Official Community Plans (OCP). The OCP supports the densification of neighbourhoods through appropriate infill development and utilization of existing infrastructure.

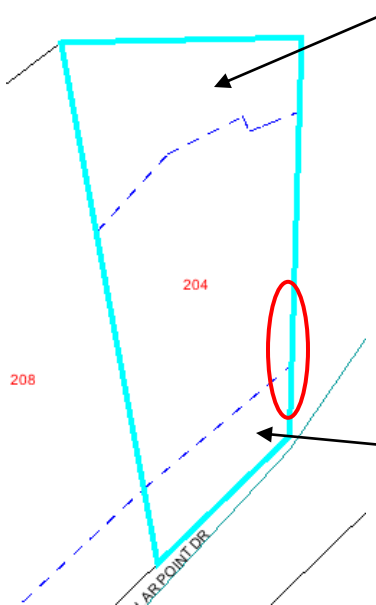
4.0 Proposal

4.1 Background

In 2009, DVP09-0048 was approved to vary the Okanagan Lake Sight Lines. The application lapsed after two years. In 2014, DVP14-0233 was applied for and approved the same previously approved variance. A no-build covenant was registered on the parcel at the time of the original application. The covenant is for the area adjacent to Okanagan Lake to protect the slope and reduce any potential impact to the foreshore of the lake.

4.2 Project Description

The applicant is proposing to build a new single detached dwelling on the subject lake front parcel. The parcel slopes significantly from the roadway down to the foreshore and therefore a large 'no build' covenant area exists. A private access easement runs along the south of the parcel to provide access to the adjacent parcels. This limits the buildable area of the parcel and brings about the two requested variances.



The retaining wall variance is required along the east side of the parcel (location indicated in red). The height of the retaining wall is 4.88 m. By allowing this variance, the design is providing additional parking on the site. While the proposed house does have a front attached garage, the Zoning Bylaw requires that the front setback to a garage be a minimum of 6.0 m. The house is setback over 11.50 m from the front property line. Generally, this would allow an additional vehicle to be parked on the driveway without the vehicle blocking a sidewalk or encroaching into the roadway. Due to the private access easement road that is required across the front of the parcel, the driveway and parking area is very limited. The proposed retaining wall allows for an additional flat parking area to be built out in an area that is otherwise very steeply sloped and unusable.

This will ensure that any parked vehicles do not block access to the roadway. The parcel is at the end of the public road and the adjacent parcel to the north houses a substation which is City owned with a gated access. Therefore, the visibility of the wall is limited to those with access to this site.

The second variance is for the height of a walkout basement on the rear elevation. This variance is due to the topography of the parcel. The height and location of Poplar Point Road along with the access easement roadway determines the main floor height. As the parcel slopes downward, the site provides a natural bench and in building at this elevation, the lower level of the house will be at a similar level to the adjacent house. This eliminates the requirement of any retaining walls along the shared property line to the adjacent dwelling. As this variance is not visible by anyone from the street level, the effects will be minimal.

4.3 Site Context

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	W1 - Recreational Water Use	Okanagan Lake
East	P3 - Parks & Open Space	Knox Mountain Park
South	P3 - Parks & Open Space	Knox Mountain Park
West	RU1 - Large Lot Housing	Single Detached Dwelling

Subject Property Map: 204 Poplar Point Drive



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	550 m ²	1760 m ²
Minimum Lot Width	16.5 m	25.83 m
Minimum Lot Depth	30 m	74.75 m
Development Regulations		
Maximum Site Coverage (buildings)	40%	28%
Maximum Site Coverage (buildings, driveways and parking)	50%	31%
Maximum Height	9.5 m or 2 ½ storeys	m
Minimum Front Yard	4.5 m	11.57 m
Minimum Side Yard (east)	2.3 m	2.23 m
Minimum Side Yard (west)	2.3 m	2.10 m
Minimum Rear Yard	7.5 m	+15 m
Other Regulations		

Maximum Height of Walkout Basement at Rear Elevation	3.6 m	4.88 m
Maximum Retaining Wall Height	1.2 m	4.88 m
Minimum Private Open Space	m ²	m ²
Minimum Okanagan Lake Sightlines	120°	86° *
<p>● Indicates a requested variance to the height of a walkout basement at the rear elevation.</p> <p>● Indicates a requested variance to the height of a retaining wall.</p> <p>* Indicates a previously approved variance to the Okanagan Lake Sight Line.</p>		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Compact Urban Form.¹ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

6.0 Technical Comments

6.1 Development Engineering Department

- See attached Schedule "A"

7.0 Application Chronology

Date of Application Received: August 6, 2015
Date Public Consultation Completed: August 14, 2015
Date Amended Plans Received: September 1, 2015

Report prepared by:

Lydia Korolchuk, Planner

Reviewed by:

☐

Lindsey Ganczar, Planning Supervisor

Approved for Inclusion:

☐

Ryan Smith, Community Planning Department Manager

Attachments:

Site Context Map

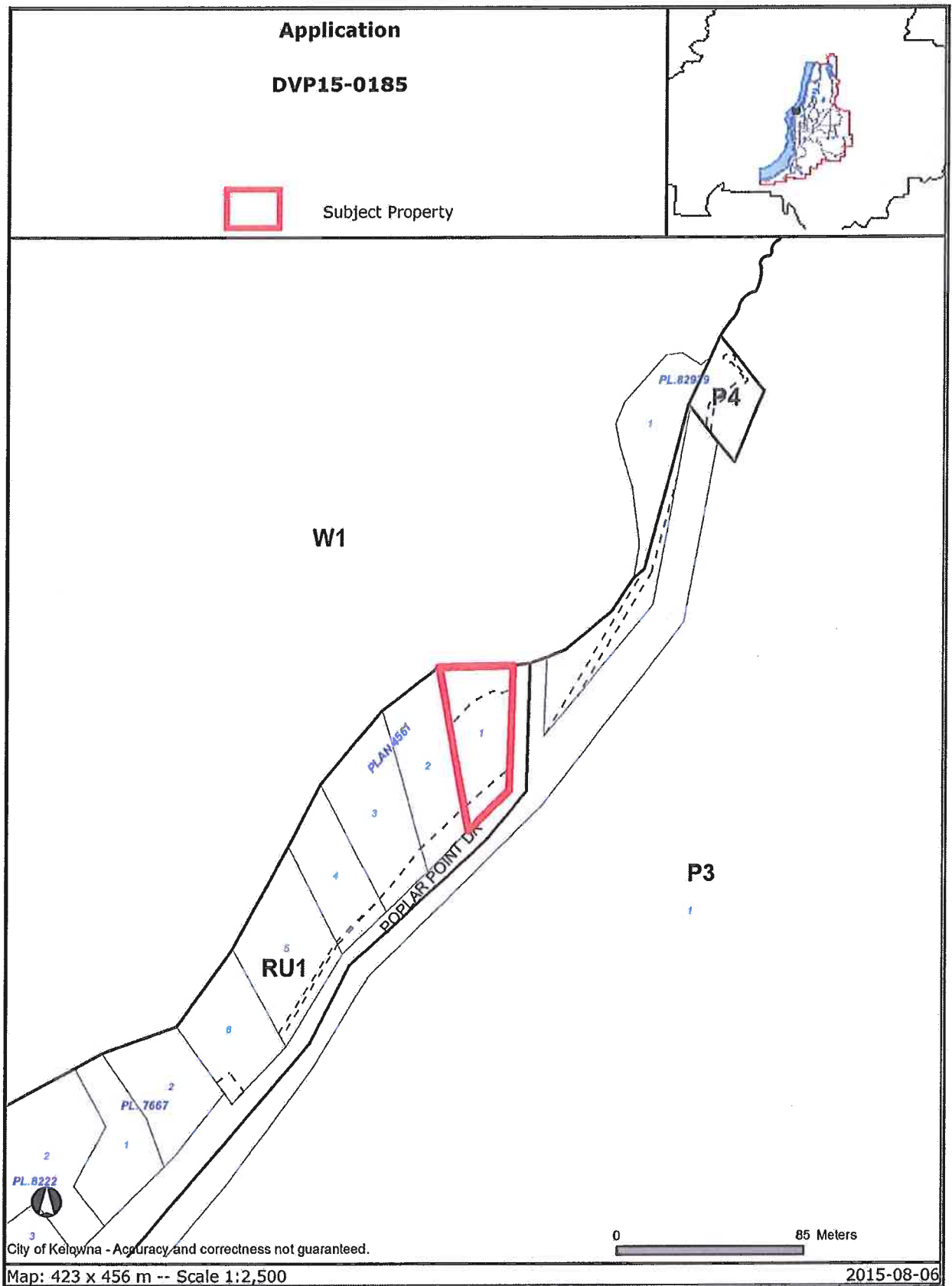
Schedule "A" - Development Engineering Memorandum Dated September 3, 2015

¹ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

Schedule "B" - Site Plan & Floor Plans

Schedule "C" - Conceptual Elevations

Draft Development Variance Permit - DVP15-0185



*Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.*

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Permit No.:

DVP15-0185

EXISTING ZONING DESIGNATION:

RU1 - Large Lot Housing

WITHIN DEVELOPMENT PERMIT AREA:

Comprehensive & Natural Environment Development Permit Area

ISSUED TO: Rod & Jody Hazard

LOCATION OF SUBJECT SITE: 204 Poplar Point Drive

	LOT	DISTRICT LOT	Township	DISTRICT	PLAN
LEGAL DESCRIPTION:	1	219		ODYD	4561

SCOPE OF APPROVAL

- ☐ This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.
- ☐ This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.
- ☐ Applicants for a Heritage Alteration Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No Implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

- a) The landscaping, dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "B";
- b) The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "C";
- c) Variances to the following sections of the Zoning Bylaw No. 8000 be granted:

Section 6.6.2: Height and Grade General Development Regulations

To vary the height of the lowest floor or walkout basement when measured from approved building grade to the top of the finished floor above the slab from 3.6m maximum to 4.88m proposed.

Section 7.5.9: Fencing and Retaining Walls

To vary the height of a retaining wall when measured from grade on the lower side from 1.2m maximum to 4.88m proposed.

- 2. The Development Permit is valid for TWO YEARS from the date of the approval with no opportunity to extend.

3. DEVELOPMENT:

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.

If the Permittee does not commence the development Permitted by this Permit within two year of the date of this Permit, this Permit shall lapse.

This Permit is not transferrable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

THIS Permit IS NOT A BUILDING Permit.

4. PERFORMANCE SECURITY:

N/A

5. APPLICANT'S AGREEMENT:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Director of Planning & Development Services.

Should there be any change in ownership or legal description of the property, I undertake to notify the Land Use Management Department immediately to avoid any unnecessary delay in processing the application.

I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

6. APPROVALS:

ISSUED BY THE COMMUNITY PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE ____ DAY OF ____ 2015, BY THE
MANAGER OF URBAN PLANNING.

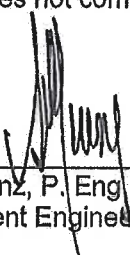
Ryan Smith,
Manager of Community Planning

CITY OF KELOWNA
MEMORANDUM

Date: September 3, 2015
File No.: DVP15-0185
To: Community Planning (LK)
From: Development Engineering Manager (SM)
Subject: 204 Poplar Point Drive

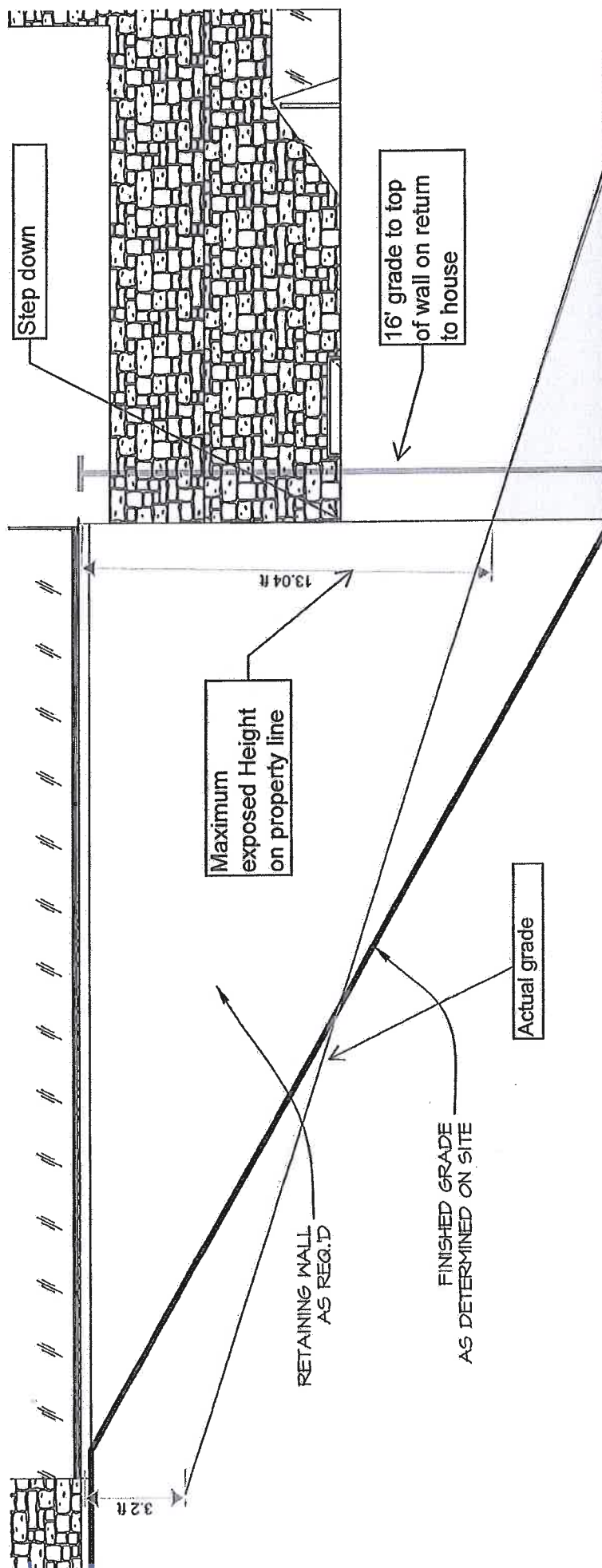
Development Engineering comments and requirements regarding this development permit application are as follows:

This development variance permit application to vary the maximum floor height of 3.6m to 4.9m does not compromise any municipal services.

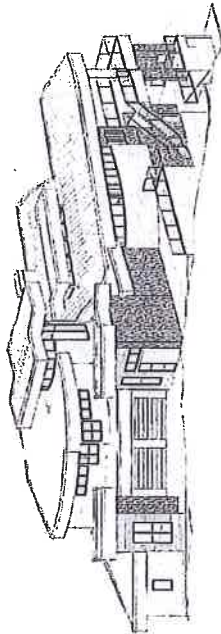
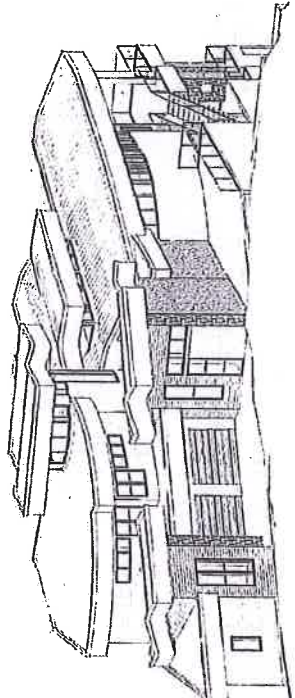
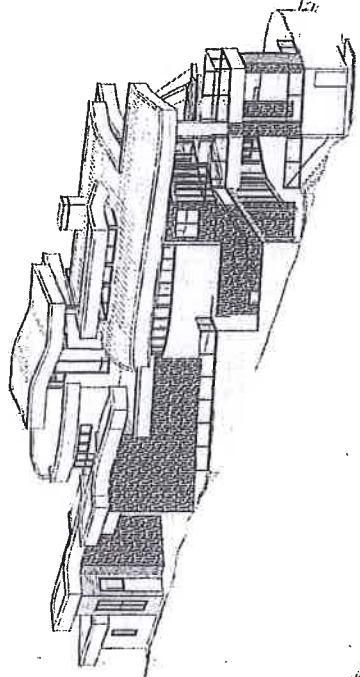


Steve Muenz, P. Eng
Development Engineering Manager

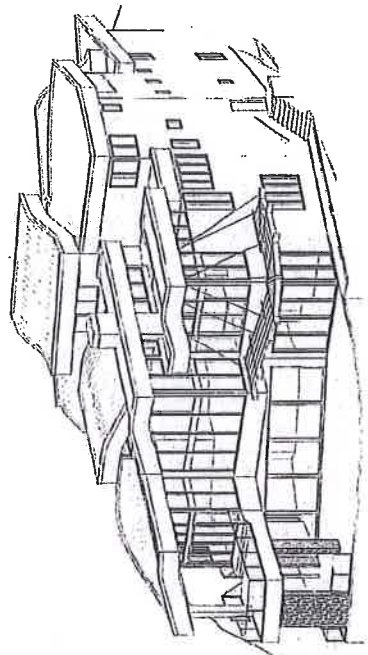
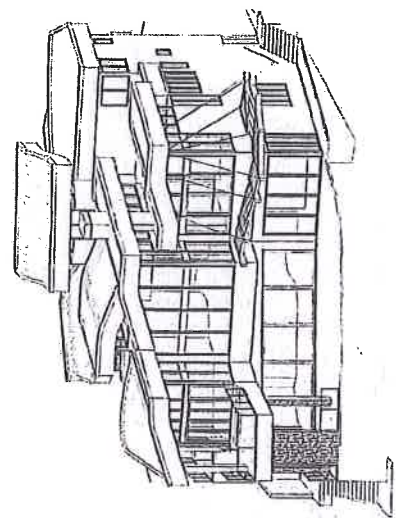
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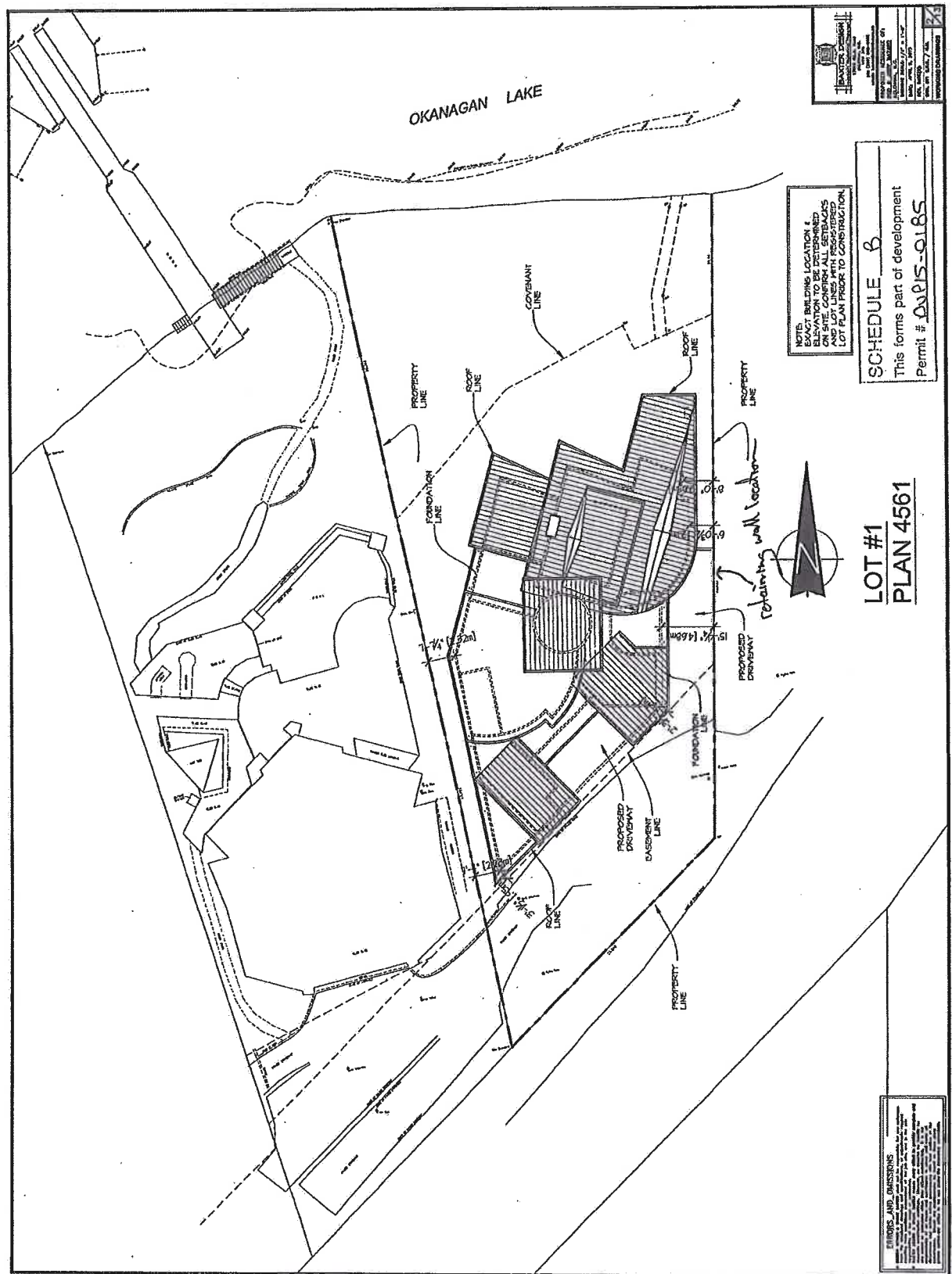
SCHEDULE C
 This forms part of development
 Permit # **DUP15-0125**

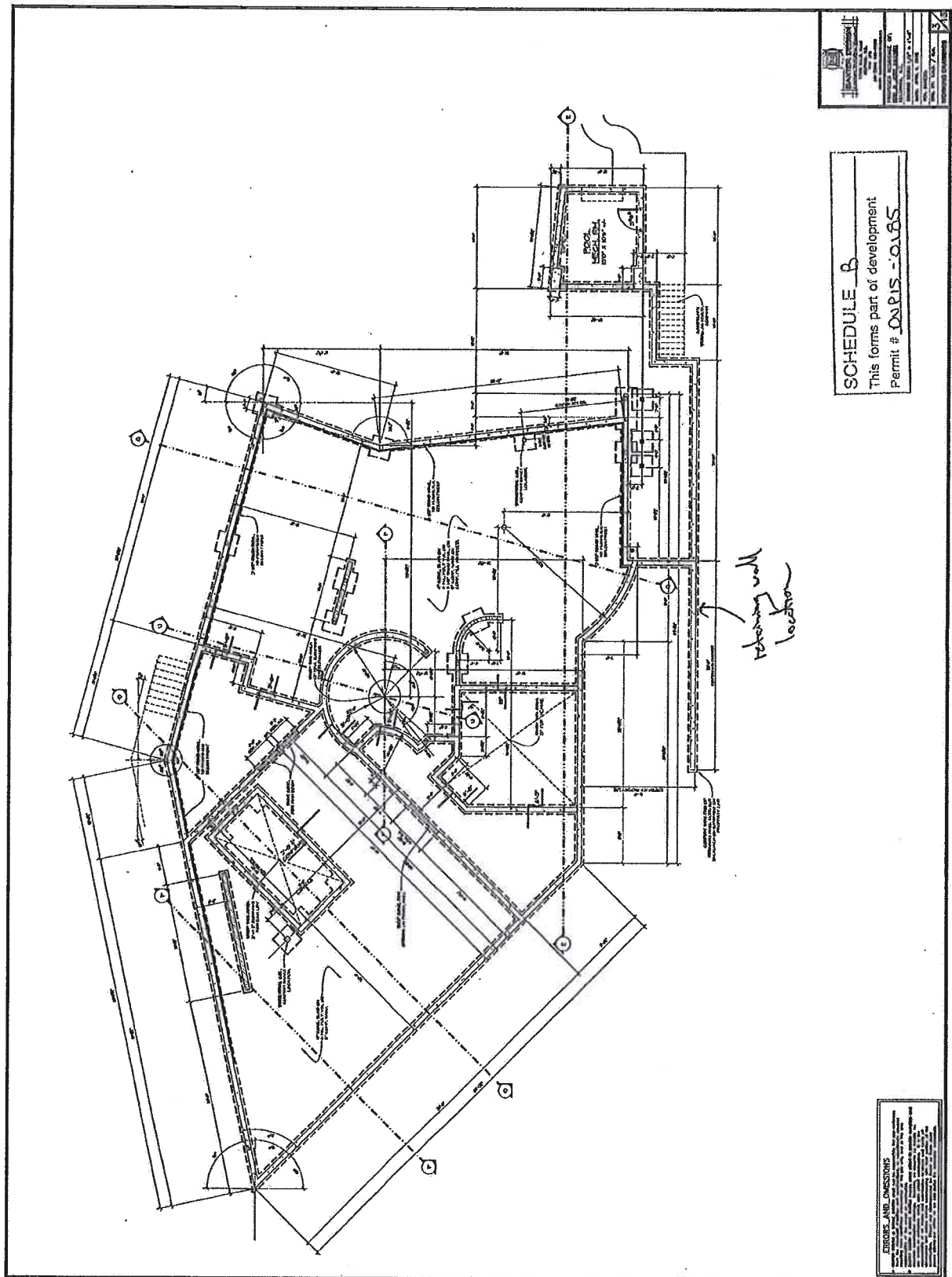


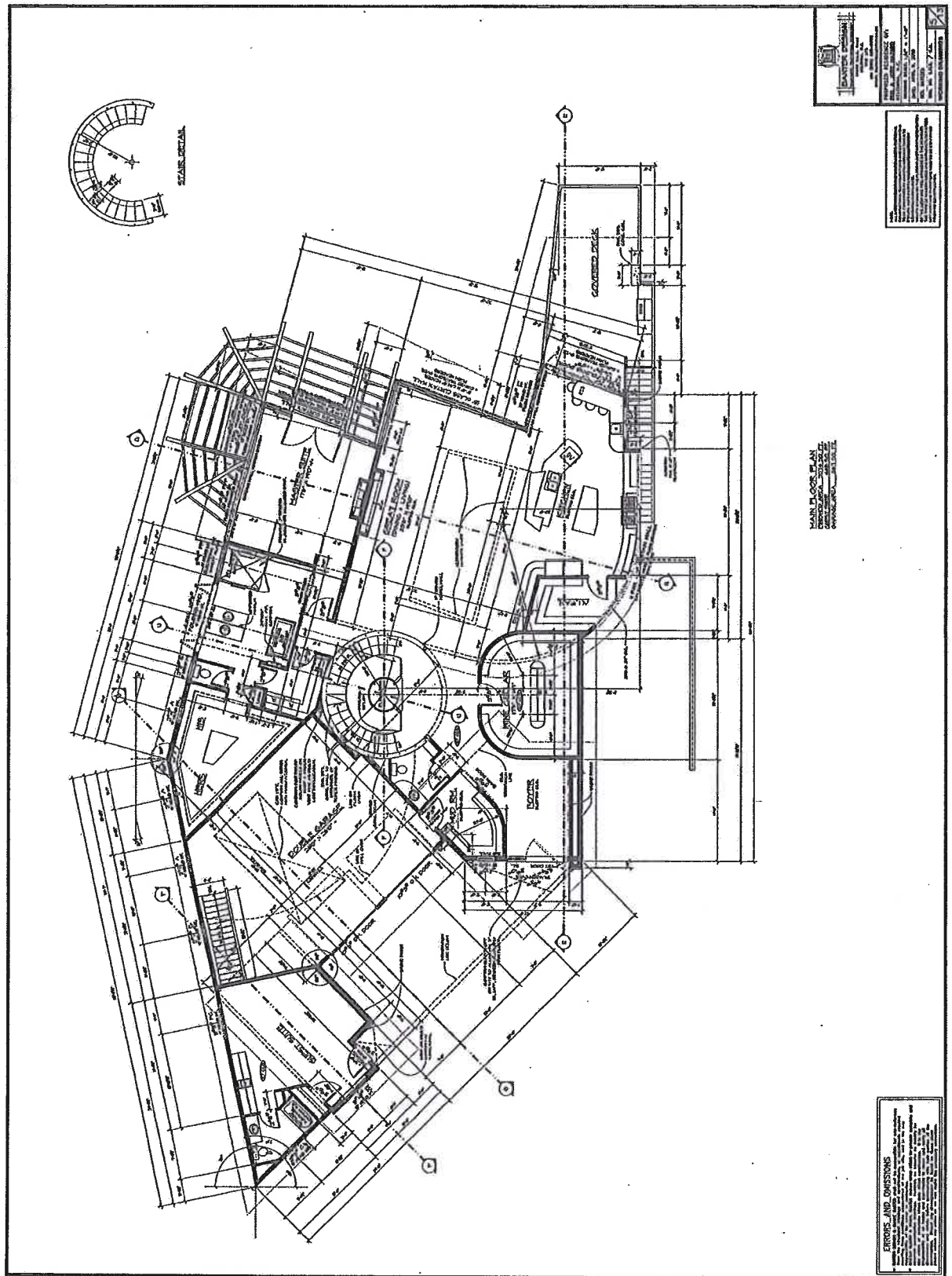
PROPOSED HAZARD RESIDENCE 204 POPLAR POINT DRIVE

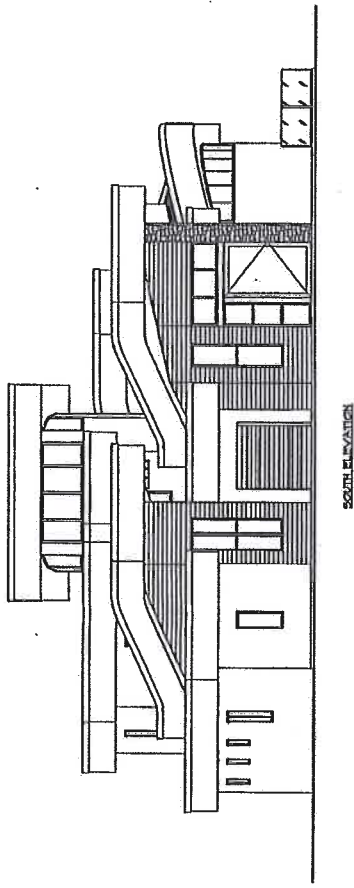


TEASDALE CONSULTANTS ARCHITECTS 1000 N. 10TH ST. SUITE 200 DENVER, CO 80202 TEL: 303.733.1100 FAX: 303.733.1101 WWW.TEASDALECONSULTANTS.COM		DATE: 08.15.2019 BY: J. H. / J. H. CHECKED: J. H. / J. H. APPROVED: J. H. / J. H. PROJECT: 204 POPLAR POINT DRIVE SHEET: 1 OF 1
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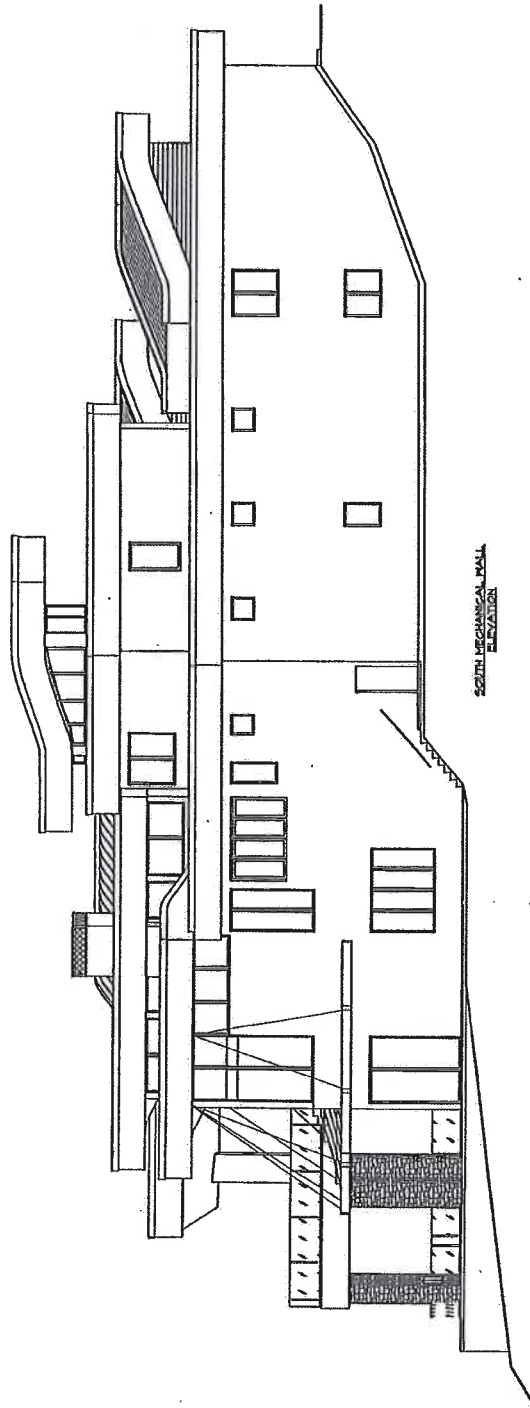




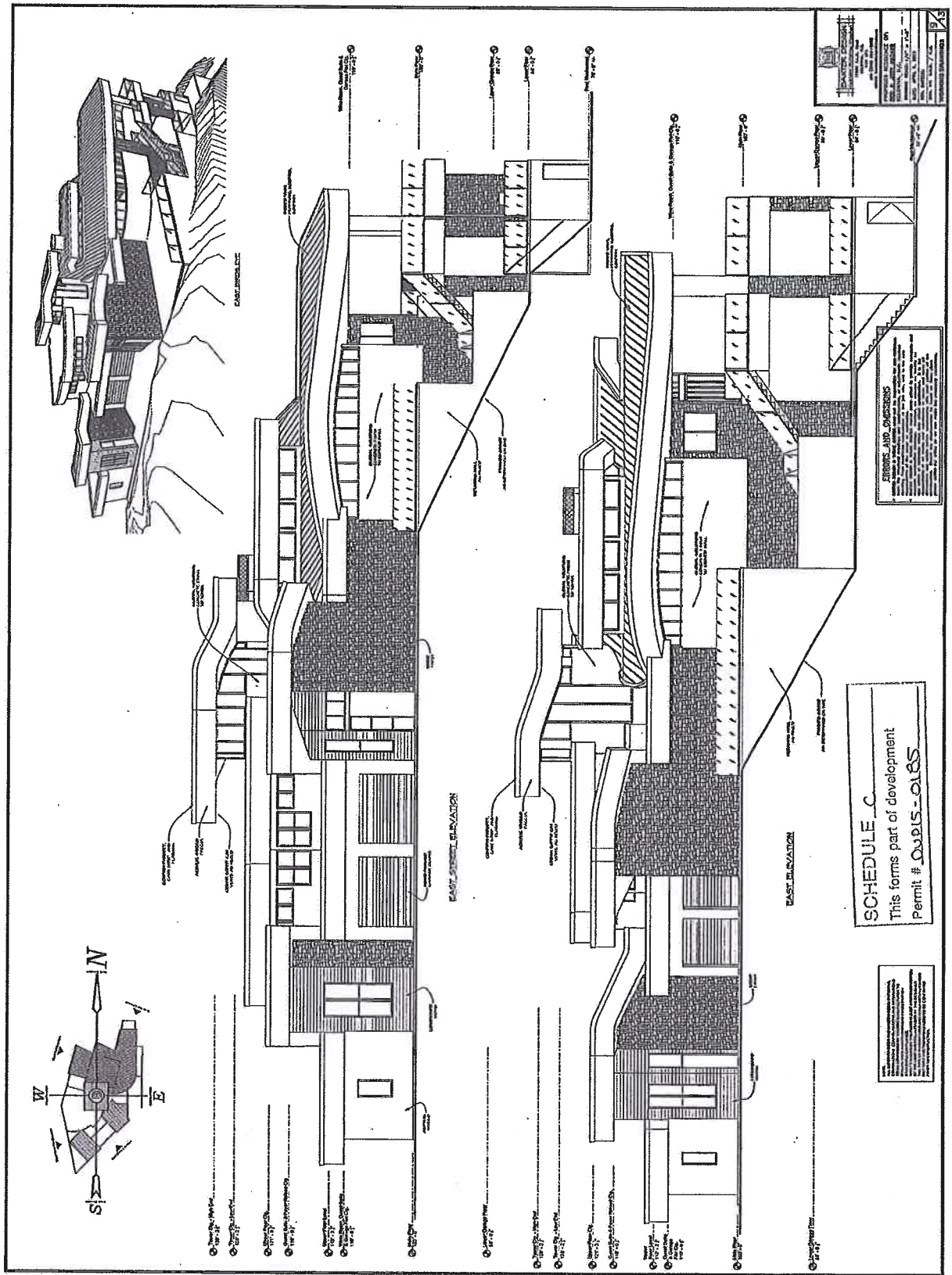




SOUTH ELEVATION

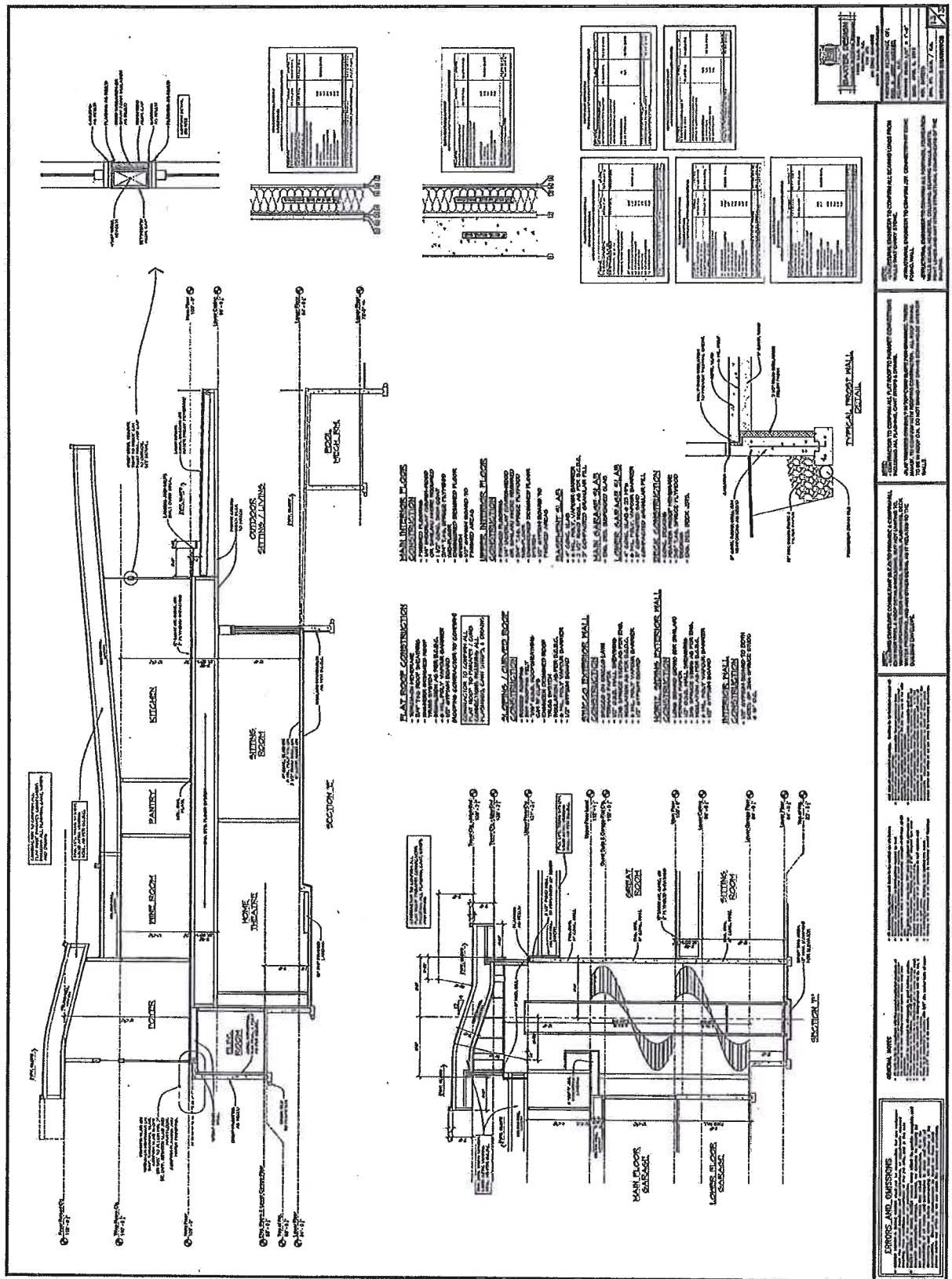


SOUTH MECHANICAL HALL ELEVATION



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REPORT TO COUNCIL



Date: November 3, 2015
RIM No. 0940-00
To: City Manager
From: Community Planning Department (LK)
Application: DP15-0153 & DVP15-0159 **Owner:** Donald Gordon
Address: 723 Stockwell Ave **Applicant:** Donald Gordon
Subject: Development Permit and Development Variance Permit Applications
Existing OCP Designation: MRM - Multiple Unit Residential (Medium Density)
Existing Zone: RU6 - Two Dwelling Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP15-0153 for Lot C District Lot 138 ODYD Plan 35325, located at 723 Stockwell Ave, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "B,"
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "C";

THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0159 for Lot C District Lot 138 ODYD Plan 35325, located at 723 Stockwell Ave, Kelowna, BC;

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 9.5b.14: Carriage House Regulations

To vary the required minimum side yard from 2.0 m permitted to 1.23 m proposed.

AND FURTHER THAT this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

2.0 Purpose

To consider the form and character, and a variance, for the conversion of an existing Accessory Building to a Carriage house on the subject parcel.

3.0 Community Planning

Community Planning Staff supports the side yard setback variance to allow the conversion of an existing accessory building to a Carriage House. The form and character of the Carriage House fits within the local context and the building meets all other zoning regulations.

The subject parcel is within the Permanent Growth Boundary and has a Future Land Use designation of MRM - Multiple Unit Residential (Medium Density). The Official Community Plan (OCP) supports the densification of neighbourhoods through appropriate infill development and utilization of existing infrastructure.

In fulfillment of Council Policy No. 367 regarding public consultation, the applicant undertook neighbor consultation by contacting each in person and providing proposal application packages.

4.0 Proposal

4.1 Background

In 2014, the home owner applied for Building Permit #48308 to allow for an addition of a single car garage, workshop and a loft to an existing single car garage, which was constructed with a building permit in 1986. Since that time, the addition was converted to a Carriage House without City approval. Due to Bylaw enforcement, the home owner has decommissioned the suite within the existing dwelling and is also pursuing the proper approvals to ensure the Carriage House conforms to the City of Kelowna's zoning and building code requirements. Though Staff does not encourage development that follows this route, the parcel can easily accommodate the conversion to a Carriage House with one minor variance required.

4.2 Project Description

The subject parcel is located within the Permanent Growth Boundary on the south side of Stockwell Avenue, east of Richter Street. The proposed Carriage House is located at the rear of the parcel with private outdoor space provided between the carriage house and the primary dwelling. Two of the required parking stalls are provided on the paved area adjacent to the rear lane. To fulfil the Zoning Bylaw requirements, the original single car garage will remain on the west side of the building.

As part of the redevelopment of the parcel, the existing front driveway and canopy will be removed. A sidewalk and patio area will be added, the remaining area will be landscaped. This ensures parking is accessed from the lane and will provide improved street appeal.

The exterior finishes of the Carriage House matches the existing primary dwelling; therefore, the exterior facade will remain unchanged with only one modification required. The oversize garage door will be removed and replaced with a nano-door system.

When the original single car garage was constructed in 1986, the side setback provided met the Zoning Bylaw requirement of 1.2 m to the side property line. The requested variance is to allow the required side yard setback of a Carriage House to be reduced from 2.0 m required to 1.23 m existing to the west side property line. The variance will be along the setback to the existing garage. The Carriage House suite area is situated well away from the side property line. For this reason, Community Planning Staff supports this variance request.

4.3 Site Context

The subject property is located on the south side of Stockwell Avenue in the Central City area of Kelowna.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM5 - Medium Density Multiple Housing	Vacant
East	RU6 - Two Dwelling Housing	Single Detached Housing
South	RM5 - Medium Density Multiple Housing	Single Detached Housing
West	RU6 - Two Dwelling Housing P4 - Utilities	Duplex Dwelling Telephone Utility Building

Subject Property Map: 723 Stockwell Avenue



Subject Property Carriage House Elevation: 723 Stockwell Avenue



Side Setback Variance from 2.0 m required to 1.23 m provided

4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	400 m ²	504 m ²
Minimum Lot Width	13.0 m	13.1 m
Minimum Lot Depth	30 m	38.5 m
Development Regulations		
Site Coverage	40%	31.8%
Site Coverage: accessory buildings or structures and carriage house	14%	14%
Maximum Accessory Building Footprint	90 m ²	70.8 m ²
Maximum Net Floor Area	90 m ²	83.7 m ²
Maximum Net Floor Area to Principal Building	75%	42.92%
Maximum Upper Storey Floor Area to Building Footprint	75%	33.9%
Height (mid point of roof)	4.8 m	4.5 m
Setback from Principal Dwelling	3.0 m	5.4 m
Carriage House Regulations		
Max. Height	4.8 m	4.50 m
Min. Side Yard (east)	2.0 m	2.05 m
Min. Side Yard (west)	2.0 m	1.23 m ●
Min. Rear Yard	1.5 m	2.27 m
Height (carriage house shall not be higher than existing primary dwelling)	6.83 m to roof peak 6.0 m to mid-point	5.56 m to roof peak 4.50 m to mid-point
Other Regulations		
Min. Parking Requirements	3 stalls	3 stalls provided
Min. Private Open Space	30 m ²	+30 m ²
● Indicates a requested variance to the side yard setback.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Compact Urban Form.¹ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

¹ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

Sensitive Infill² Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighborhood with respect to building design, height and siting.

DEVELOPMENT PERMIT GUIDELINES

Intensive Residential - Carriage House / Two Dwelling Housing

Consideration has been given to the following guidelines as identified in Section 14.C. of the City of Kelowna Official Community Plan relating to Intensive Residential - Carriage House / Two Dwelling Housing Development Permit Areas:

INTENSIVE RESIDENTIAL - CARRIAGE HOUSE / TWO DWELLING HOUSING	YES	NO	N/A
General Considerations			
Does the dwelling complement the character of the neighbourhood and the principal dwelling?	✓		
Is private outdoor space maximized for each dwelling unit?	✓		
Does lighting placement ensure safety and reduce light pollution?	✓		
Are parking spaces and garages located in the rear yard?	✓		
Are impermeable surfaces minimized?	✓		
Do all street facing elevations have a high quality of design?			✓
Are entrances a dominant feature visible from the street or lane?	✓		
Does the design consider the scale and placement of windows on building faces, projections and dormers?	✓		
Is utility and mechanical equipment screened from view?			✓
Do windows and outdoor areas respect the privacy of adjacent properties?	✓		
Does the building location minimize shadowing on the private open space of adjacent properties?	✓		
Does fencing or landscaping screen views of private open space on adjacent properties?	✓		
Is fencing material in keeping with that of abutting properties?			✓
Are existing healthy mature trees and vegetation being retained?	✓		
Does the front yard landscaping use drought tolerant native plants?			✓
Two Dwelling Housing and Carriage Houses			
Does the design create a "lanescape" with a main entrance, massing towards the lane and landscaping?			✓
Do all street facing elevations have an equal level and quality of design?			✓

² City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

INTENSIVE RESIDENTIAL - CARRIAGE HOUSE / TWO DWELLING HOUSING	YES	NO	N/A
Does the exterior design and finish complement the principal dwelling?	✓		
Do the roofline, windows and façades incorporate variation to establish individual character?	✓		
Does the massing next to private open space of adjacent properties reduce the sense of scale?	✓		

6.0 Technical Comments

Building & Permitting Department

- 1) Architect may be required to determine the upgrade requirements to meet current code for this change of use.
- 2) Plumbing and Heating Permits will be required along with the Building permit for change of use.
- 3) Requirements of the current code apply so retrofit of the existing structure may be required at time of Building permit.

Development Engineering Department

See attached Memorandum dated July 10, 2015.

7.0 Application Chronology

Date of Application Received: June 25, 2015
Date Public Consultation Completed: August 10, 2015

Report prepared by:

Lydia Korolchuk, Planner

Reviewed by:

☐

Terry Barton, Urban Planning Manager

Approved for Inclusion:

☐

Ryan Smith, Community Planning Department Manager

Attachments:

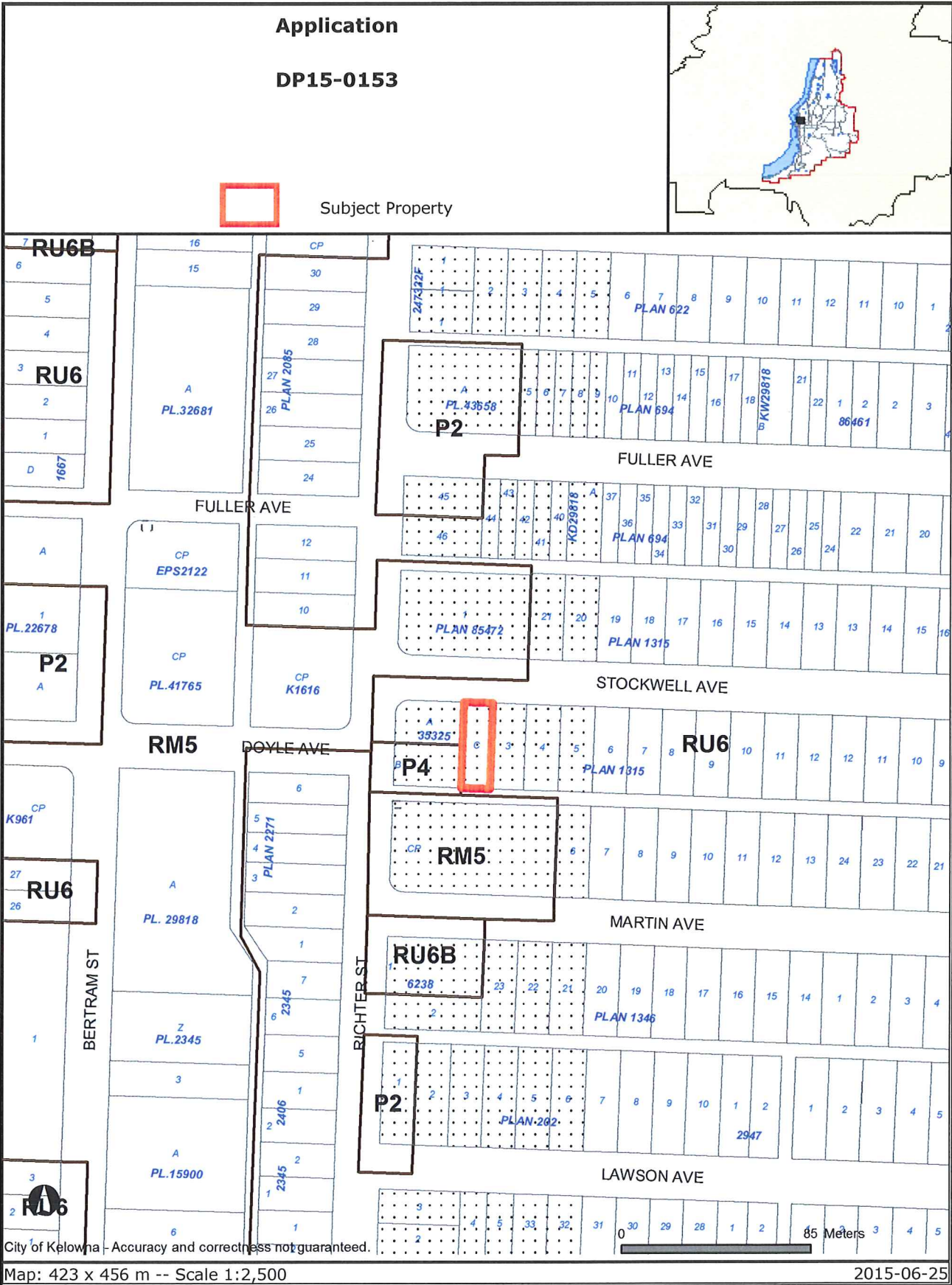
Site Context Map

Schedule A - Development Engineering Memorandum

Schedule B - Site Plan

Schedule C - Conceptual Elevations

Draft Development Permit & Development Variance Permit - DP15-0152 & DVP15-0159



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Permit No.:

DP15-0153 & DVP15-0159

EXISTING ZONING DESIGNATION: RU6 - Two Dwelling Housing

WITHIN DEVELOPMENT PERMIT AREA: Character Neighbourhood Development Permit Area

ISSUED TO: Donald Gordon

LOCATION OF SUBJECT SITE: 723 Stockwell Avenue

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	C	138	35325			ODYD

SCOPE OF APPROVAL

- ☐ This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.
- ☐ This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.
- ☐ Applicants for a Heritage Alteration Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

- a) The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "B";
- b) The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "C";

- 2. The development shall commence by and in accordance with an approved Building Permit within TWO YEARS of the date of the Municipal Council authorization resolution.

3. DEVELOPMENT:

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.

If the Permittee does not commence the development Permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.

This Permit is not transferrable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

THIS Permit IS NOT A BUILDING Permit.

4. PERFORMANCE SECURITY:

N/A

5. APPLICANT'S AGREEMENT:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Director of Planning & Development Services.

Should there be any change in ownership or legal description of the property, I undertake to notify the Land Use Management Department immediately to avoid any unnecessary delay in processing the application.

I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

6. APPROVALS:

ISSUED BY THE COMMUNITY PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE ____ DAY
OF _____, 2015 BY THE DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE.

Ryan Smith, Community Department Planning Manager
Community Planning & Real Estate

CITY OF KELOWNA
MEMORANDUM

Date: July 9, 2015
File No.: DP15-0153

To: Community Planning (TY)

From: Development Engineering Manager(SM)

Subject: 723 Stockwell Ave Carriage House

Development Engineering has the following comments and requirements associated with this application. The utility upgrading requirements outlined in this report will be a requirement of this development.

1. Domestic Water and Fire Protection

Our records indicate that this property is currently serviced with a 19mm diameter water service which is adequate for this application.

2. Sanitary Sewer

Our records indicate that this property is currently serviced with a 100mm diameter sanitary sewer service which is adequate for this application.

3. Development Permit and Site Related Issues

Direct the roof drains into on-site rock pits.

Access to the property should be from the lane only.

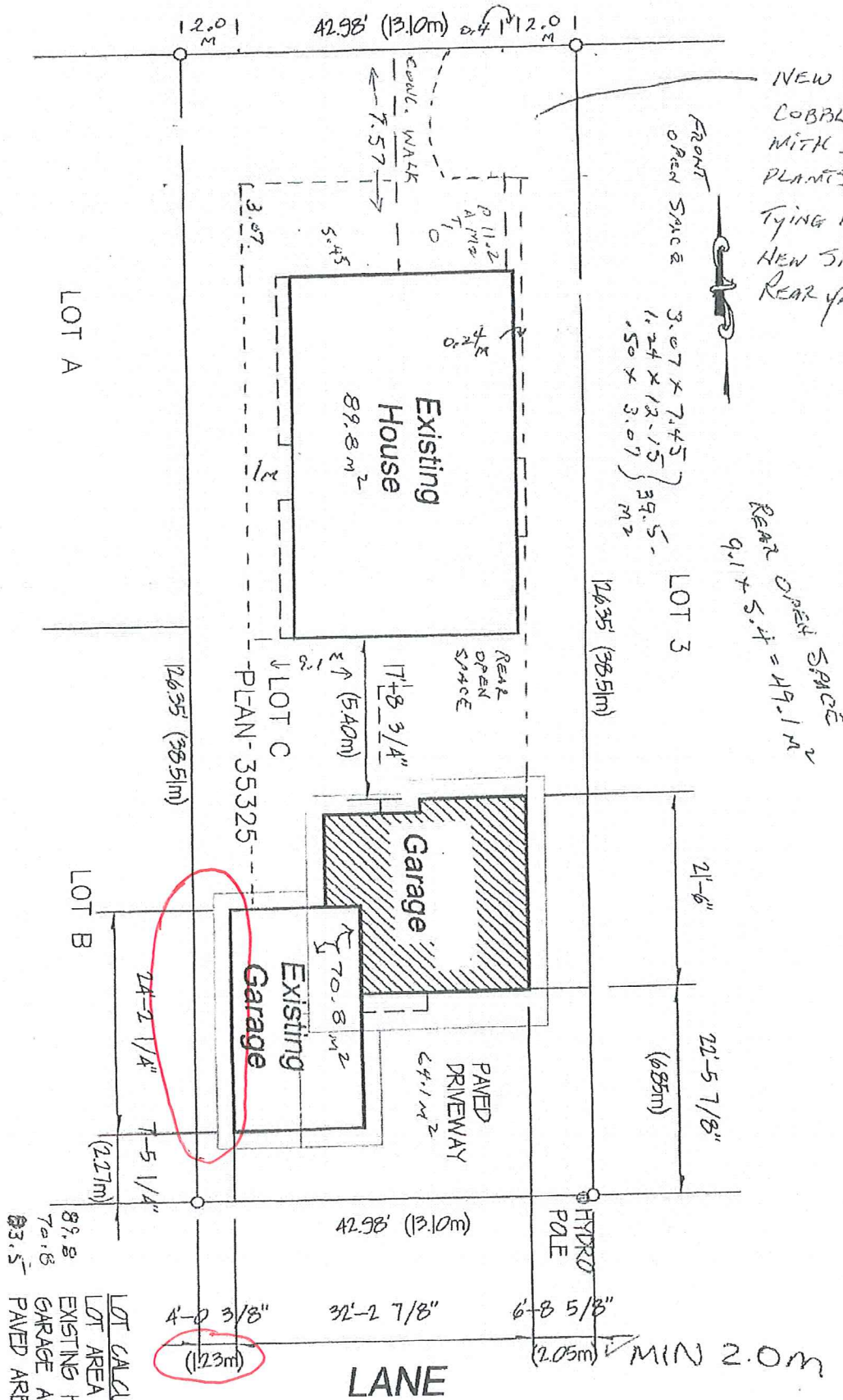
4. Electric Power and Telecommunication Services

It is the applicant's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services which would be at the applicant's cost.

Steve Muenz, P. Eng.
Development Engineering Manager

SS

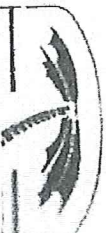
STOCKWELL AVENUE



NEW LANDSCAPING
COBBLE STONE
WITH INDIGENOUS
PLANTS + V/G IRRIG.
Tying in with
NEW SIDEYARD +
REAR YARD LANDSCAPE.

REAR OPEN SPACE
 $9.1 \times 5.4 = 49.1 \text{ m}^2$

SCHEDULE B
This forms part of development
Permit # DP15-0152, DP15-0154



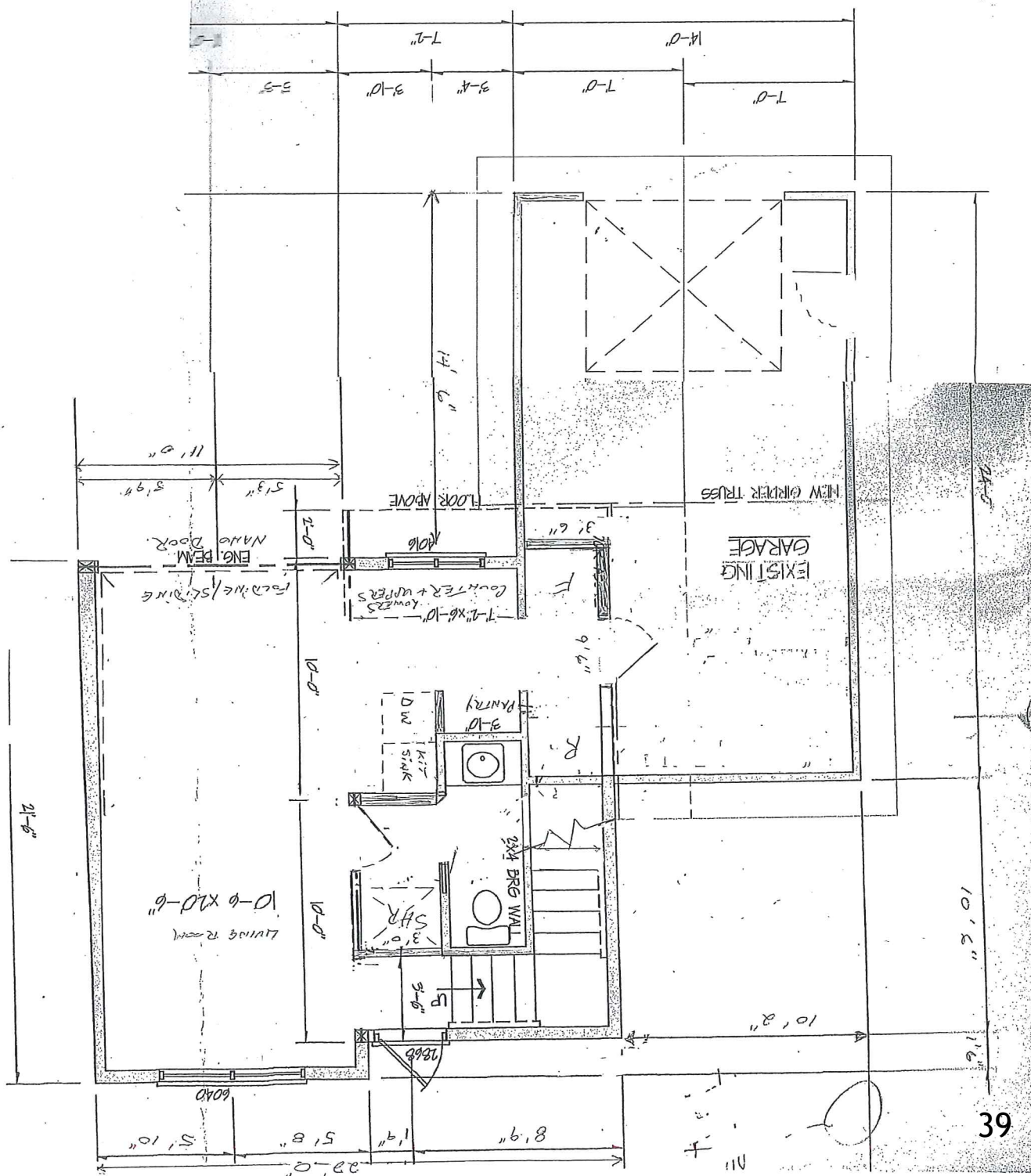
SITE PLAN

LOT CALCULATION
LOT AREA
EXISTING HOUSE
GARAGE AREA
PAVED AREA
SITE COVERAGE
SITE COVERAGE
SITE COVERAGE

SCHEDULE B
This forms part of development
Permit # DR15-015A, DR15-0159

This forms part of development

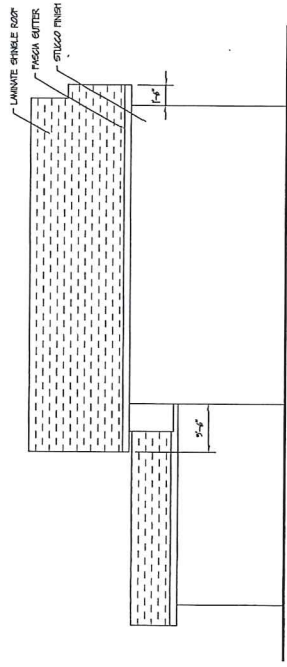
Permit # DP15-0152, DP15-0159



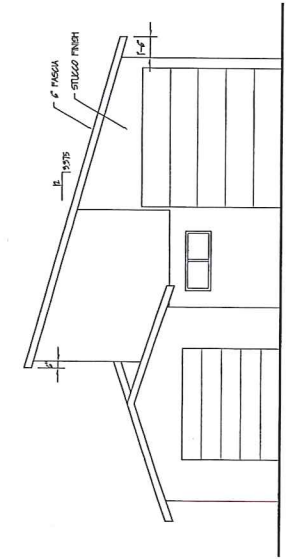
Permit # DP15-0152, DP15-0159



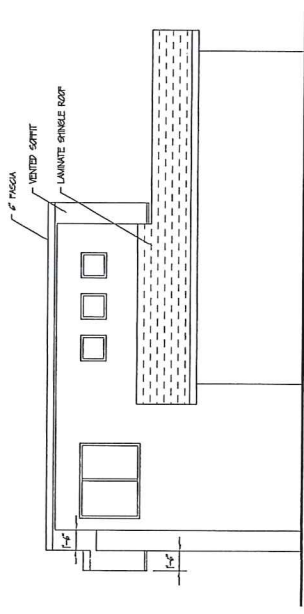
SCHEDULE C
This forms part of development
Permit # D15-0152, 01015-0153



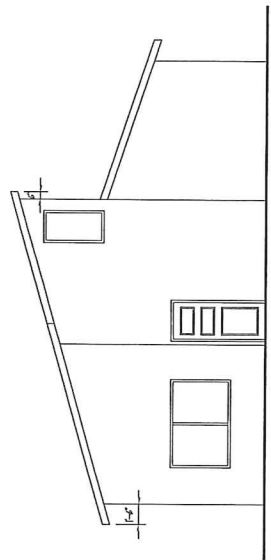
EAST ELEVATION
1/4" = 1'-0"



SOUTH ELEVATION
1/4" = 1'-0"



WEST ELEVATION
1/4" = 1'-0"

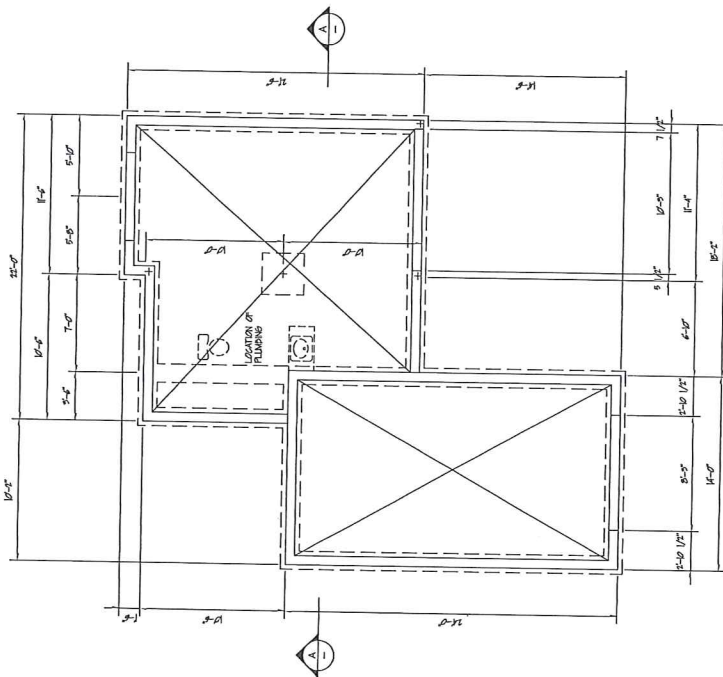


NORTH ELEVATION
1/4" = 1'-0"

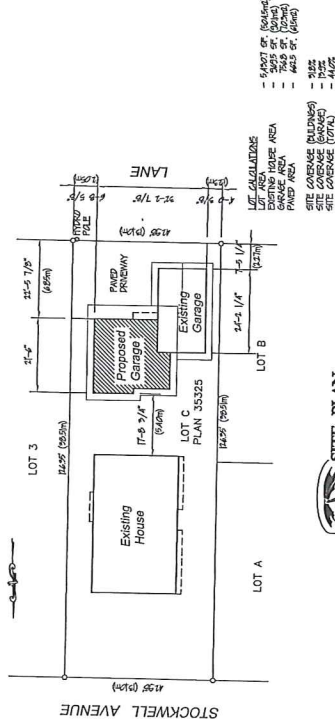
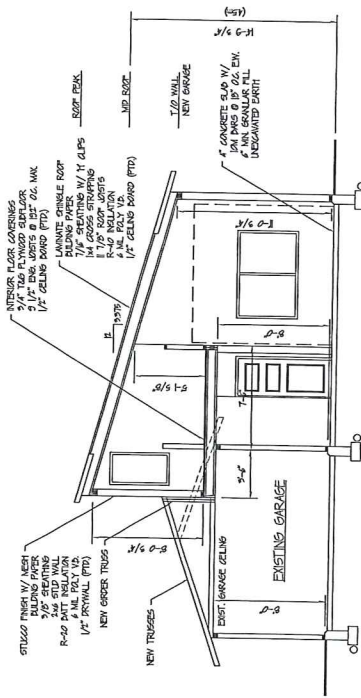
SCHEDULE B

This forms part of development

Permit # 0P15-0152, 0P15-0159



SECTION A - A



REPORT TO COUNCIL



Date: December 15, 2015

RIM No. 0940-00

To: City Manager

From: Community Planning, Community Planning & Real Estate (LK)

Application: DP15-0237 & DVP15-0238 **Owner:** Jason & Shaine Fehr

Address: 534 Oxford Avenue **Applicant:** Jason & Shaine Fehr

Subject: Development Permit & Development Variance Permit

Existing OCP Designation: S2RES - Single / Two Unit Residential

Existing Zone: RU6 - Two Dwelling Residential

1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP15-0237 for Lot 3 Block 14 District Lot 9 ODYD Plan 3915 located at 534 Oxford Avenue, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A",
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B",

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0238 for Lot 3 Block 14 District Lot 9 ODYD Plan 3915 located at 534 Oxford Avenue, Kelowna, BC;

AND THAT variances to the following section of Zoning Bylaw No. 8000 be granted:

Section 13.6.6(a): RU6 - Two Dwelling Housing Development Regulations

To vary the net floor area of a carriage house to exceed the net floor area of the principal dwelling from 75% maximum to 81.36% proposed.

AND THAT Council's consideration of this Development Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated December 15, 2015;

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit Application in order for the permit to be issued;

AND FURTHER THAT this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

2.0 Purpose

To consider the form and character, and a net floor area variance, for a proposed Carriage House on the subject property.

3.0 Community Planning

Community Planning Staff supports the development permit and net floor area variance to allow for the construction of a new Carriage House. The form and character of the Carriage House fits within the local context of the neighbourhood and is consistent with the design guidelines in the OCP. One variance is required for the net floor area of the Carriage House, the proposal will meet all other Zoning Regulations.

The parcel is located within the northend neighbourhood and the Permanent Growth Boundary. The proposed Carriage House use is consistent with the Official Community Plan (OCP) Future Land Use Map and consistent with the city policy for Compact Urban Form and Sensitive Infill which supports sensitive integration into existing neighbourhoods where services are already in place and densification can easily be accommodated.

4.0 Proposal

4.1 Project Description

The existing 1 ½ storey single detached dwelling was constructed in 1946. The detached garage, which is accessed from the rear lane, was added in 1950. This building will be demolished and replaced with the proposed Carriage House. The existing dwelling has a much smaller footprint than the current housing standard. The requested variance is to allow the carriage house to have an area that is larger than 75% of the area of the existing house.

The variance would allow the Carriage House area to be increased from 75% to 81.36% of the net floor area of the existing dwelling. This results in the Carriage House being 6.55m² over the maximum area, at 83.20m². The result is less than the 90m² maximum area allowed for a Carriage House. The actual site coverage is 31.19% and is well below the 40% maximum allowed. The required on site parking, private open space and all building setbacks have been met. The variance to increase the lot coverage of the Carriage House does not adversely affect the subject parcel or the adjacent ones.

The Carriage House suite entrance is accessed from the lane. This design meets the OCP Chapter 14 Guideline 1.4 which encourages entrances to be directly accessed and visible from the lane. The required three parking stalls are all accessed from the rear lane.

In fulfillment of Council Policy No. 367 regarding public consultation, the applicant undertook neighbour consultation by providing proposal application packages to each of the adjacent parcels within 50 m of the subject parcel.

4.2 Site Context

The subject parcel is located within the Knox Mountain Neighbourhood within the Central City Sector of Kelowna, on Oxford Avenue between Ellis Street and Kingsway Street.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6- Two Dwelling Housing	Single Family Dwelling Two Family Dwelling
East	RU6- Two Dwelling Housing	Single Family Dwelling

South	RU6- Two Dwelling Housing	Single Family Dwelling
West	RU6- Two Dwelling Housing	Single Family Dwelling

Subject Property Map: 534 Oxford Avenue



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	400 m ²	594.21 m ²
Minimum Lot Width	13.0 m	16.25 m
Minimum Lot Depth	30 m	36.58 m
Development Regulations		
Maximum Site Coverage (buildings)	40%	31.19%
Maximum Site Coverage (buildings, driveways and parking)	50%	38.60%
Development Regulations (Carriage House)		
Maximum Height	4.8 m	3.73 m
Maximum Height To principal dwelling	(to peak) 6.70 m (to mid) 4.75 m	4.98 m 3.66 m
Minimum Side Yard (east)	2.0 m	2.20 m
Minimum Side Yard (west)	2.0 m	3.13 m
Minimum Rear Yard	1.5 m	6.95 m
Max. Carriage House Lot Coverage	14%	14%

Max. Accessory Building Footprint	90 m ²	83.20 m ²
Max. Carriage House Net Floor Area of Principal Building	75%	81.36%●
Other Regulations		
Minimum Parking Requirements	3 stalls	3 stalls
Minimum Private Open Space	30 m ² per dwelling	75.63 m ²
Min. Distance to Principal Building	3.0 m	3.49 m
● Indicates a requested variance to allow the Carriage House to be more than 75% of the NFA of the primary dwelling.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Compact Urban Form.¹ Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

Sensitive Infill.² Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

5.2 Technical Comments

5.3 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

5.4 Development Engineering Department

- See Attachment 'A'

5.5 Fire Department

- Requirements of section 9.10.19 Smoke Alarms and Carbon Monoxide alarms of the BCBC 2012 are to be met.
- If a fence is ever constructed between the dwellings a gate with a clear width of 1100mm is required. Any gate is to open with out special knowledge.
- Additional visible address is required from Oxford Ave.
- Emergency access is from Oxford Ave and not from the lane to the north.

¹ City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

6.0 Application Chronology

Date of Application Received: September 30, 2015
Date Public Consultation Completed: September 18, 2015

Report prepared by:

Lydia Korolchuk, Planner

Reviewed by: ☐ Terry Barton, Urban Planning Manager

Approved for Inclusion: ☐ Ryan Smith, Community Planning Department Manager

Attachments:

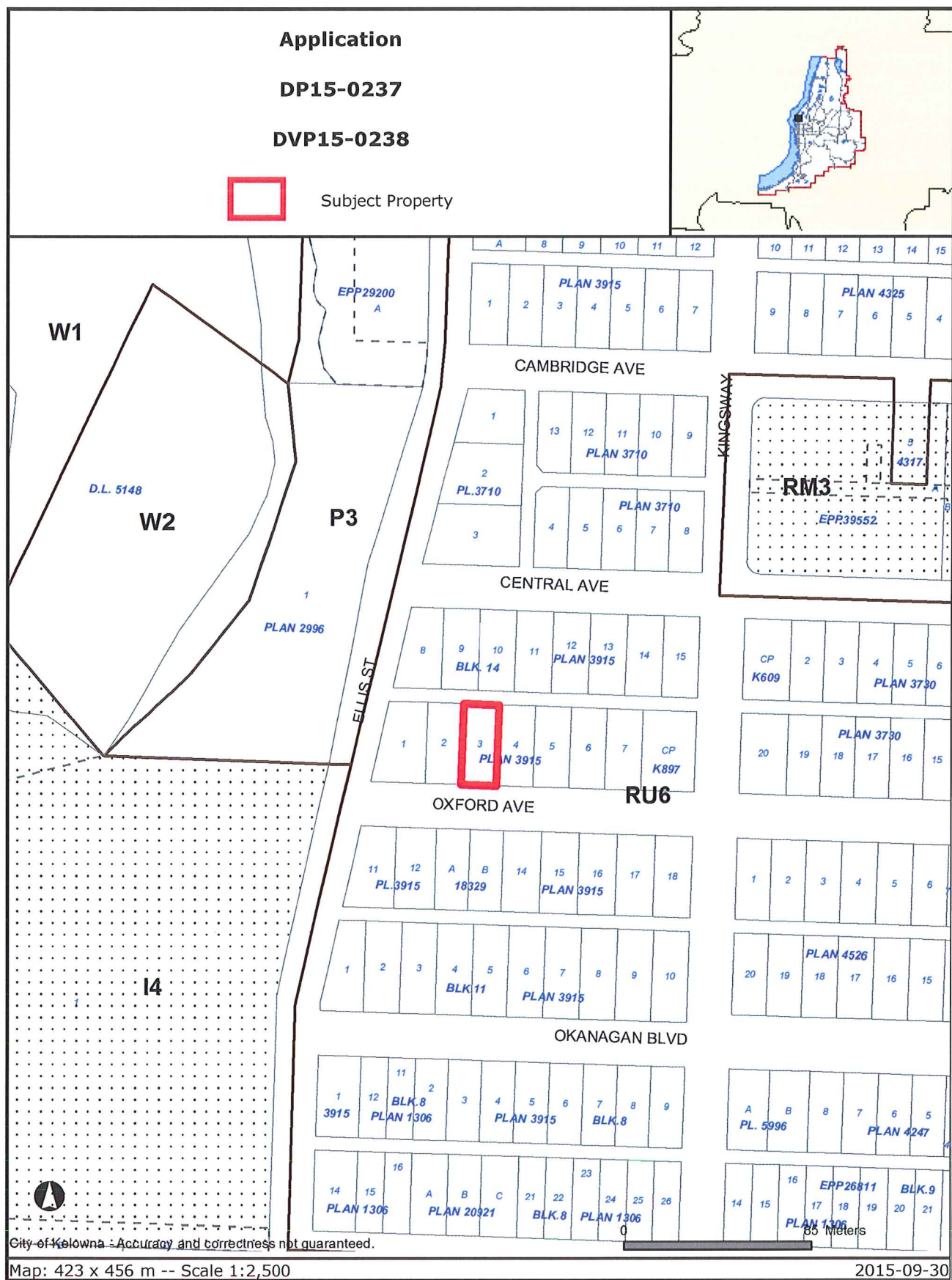
Site Context Map

Attachment 'A' - Development Engineering Memorandum dated October 28, 2015

Schedule 'A' - Site Plan

Schedule 'B' - Conceptual Elevations

Draft Development Permit DP15-0237 & Development Variance Permit DVP15-0238



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
 The City of Kelowna does not guarantee its accuracy. All information should be verified.

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Permit No.:

DP15-0237

DVP15-0238

EXISTING ZONING DESIGNATION:

RU6 - Two Dwelling Housing

WITHIN DEVELOPMENT PERMIT AREA:

Character Neighbourhood Development Permit Area

ISSUED TO: Jason & Shaine Fehr

LOCATION OF SUBJECT SITE: 534 Oxford Avenue

	LOT	D.L.	PLAN	Block	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	3	9	3915	14		ODYD

SCOPE OF APPROVAL

- ☐ This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.
- ☐ This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.
- ☐ Applicants for a Heritage Alteration Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

- a) The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
- b) The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";

- 2. The development shall commence by and in accordance with an approved Building Permit within TWO YEARS of the date of the Municipal Council authorization resolution.

3. DEVELOPMENT:

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.

If the Permittee does not commence the development Permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.

This Permit is not transferrable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

THIS Permit IS NOT A BUILDING Permit.

4. PERFORMANCE SECURITY:

N/A

5. APPLICANT'S AGREEMENT:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Director of Planning & Development Services.

Should there be any change in ownership or legal description of the property, I undertake to notify the Land Use Management Department immediately to avoid any unnecessary delay in processing the application.

I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

6. APPROVALS:

DEVELOPMENT PERMIT ISSUED AND APPROVED BY COUNCIL ON THE ____ DAY OF _____, 2015.

Ryan Smith, Community Department Planning Manager
Community Planning & Real Estate

Date

CITY OF KELOWNA
MEMORANDUM

Date: October 28, 2015
File No.: DP15-0237

To: Community Planning (LK)

From: Development Engineering Manager

Subject: 534 Oxford Ave

Carriage House

Development Engineering has the following comments and requirements associated with this application. The utility upgrading requirements outlined in this report will be a requirement of this development.

1. Domestic Water and Fire Protection

Our records indicate that this property is currently serviced with a 19mm-diameter water service which is adequate for this application.

2. Sanitary Sewer

Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service. An inspection chamber (IC) complete with brooks box should be installed on the service at the owner's cost. Service upgrades can be provided by the City at the applicant's cost. **The applicant will be required to sign a Third Party Work Order for the cost of the service upgrade.** For estimate inquiry's please contact Sergio Sartori, by email ssartori@kelowna.ca or phone, 250-469-8589.

3. Development Permit and Site Related Issues

Direct the roof drains into on-splash pads.
Driveway access will be permitted from the lane only.

4. Electric Power and Telecommunication Services

It is the applicant's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services which would be at the applicant's cost.



Steve Muenz, P. Eng.
Development Engineering Manager

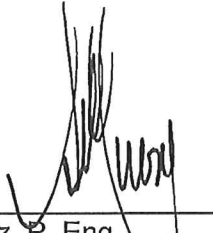
SS

CITY OF KELOWNA
MEMORANDUM

Date: October 28, 2015
File No.: DVP15-0238
To: Community Planning (LK)
From: Development Engineering Manager (SM)
Subject: 534 Oxford Ave

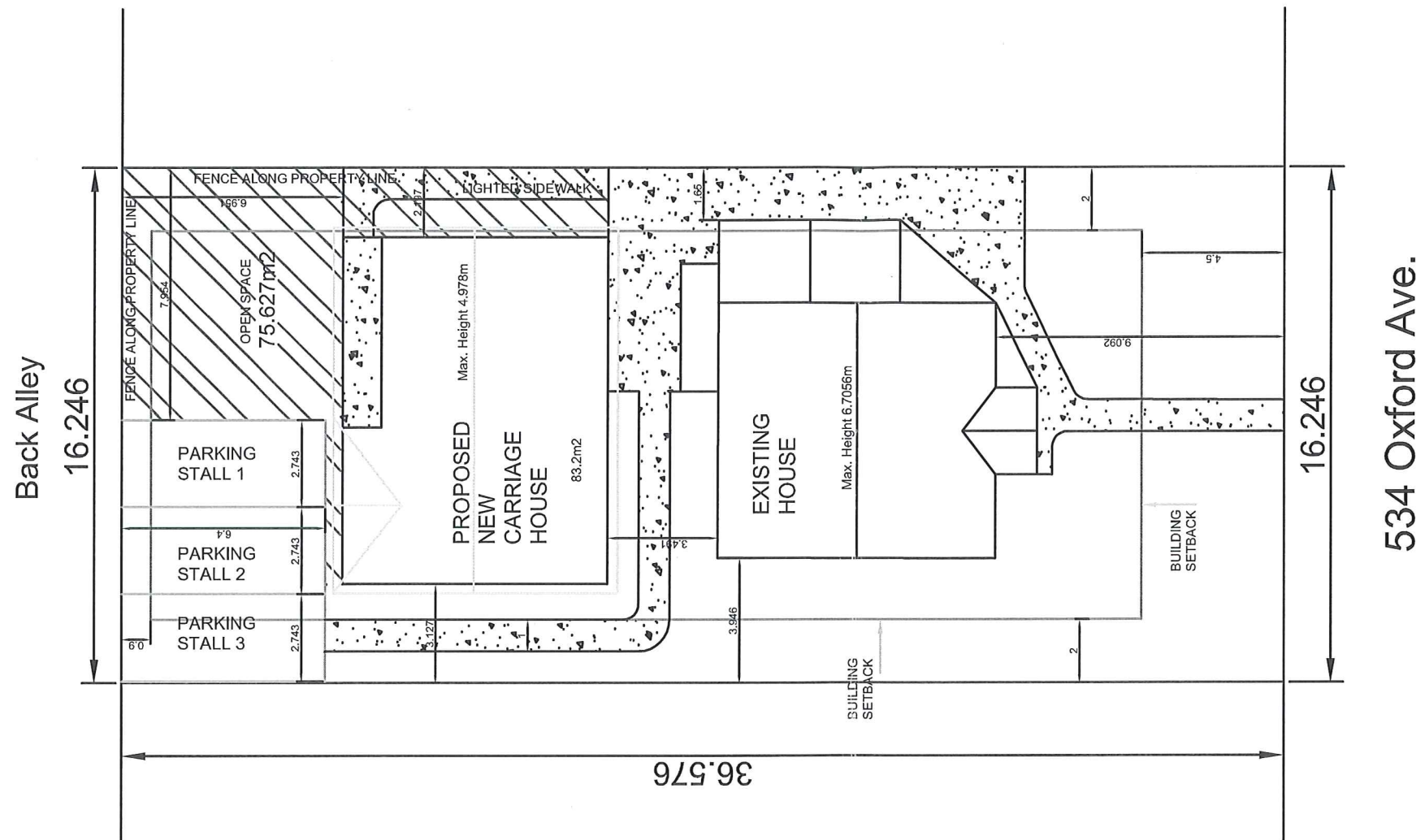
Development Engineering comments and requirements regarding this development permit application are as follows:

This development variance permit application to allow the carriage house to be 81.36% of the net floor area of the existing dwelling when required is 75%. the side yard setback does not compromise any municipal services.



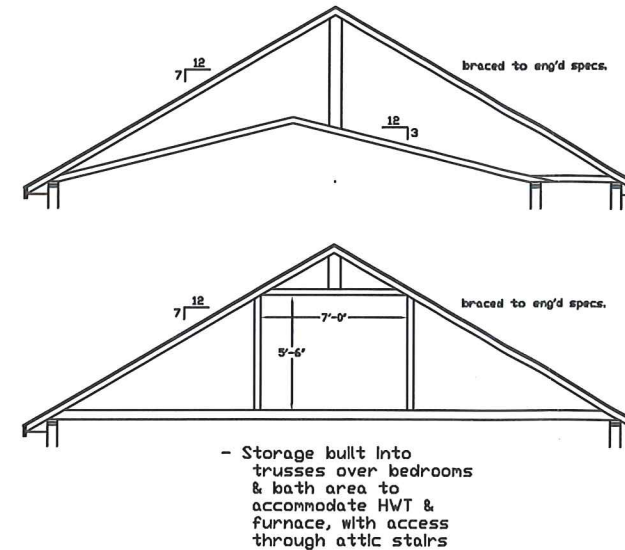
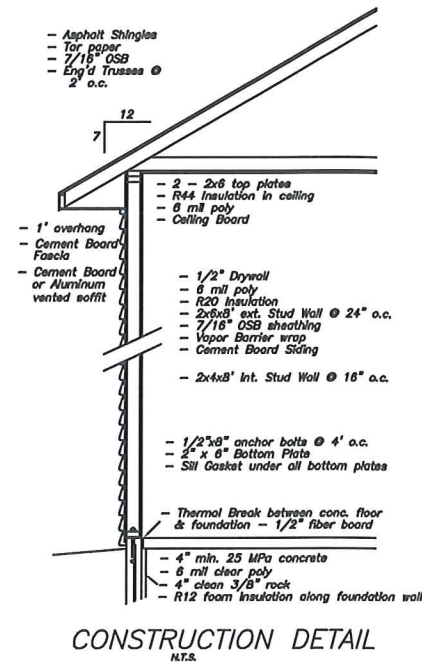
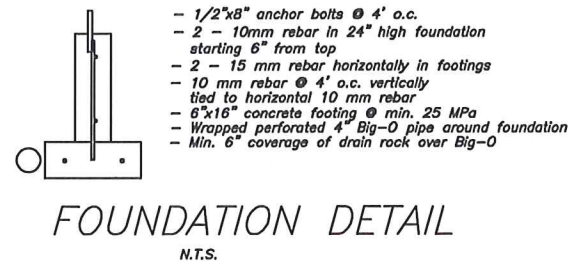
Steve Muenz, P. Eng.
Development Engineering Manager

SS

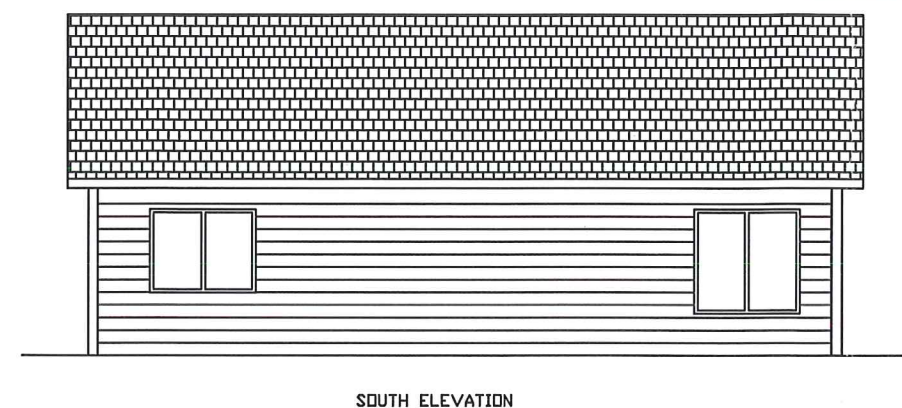
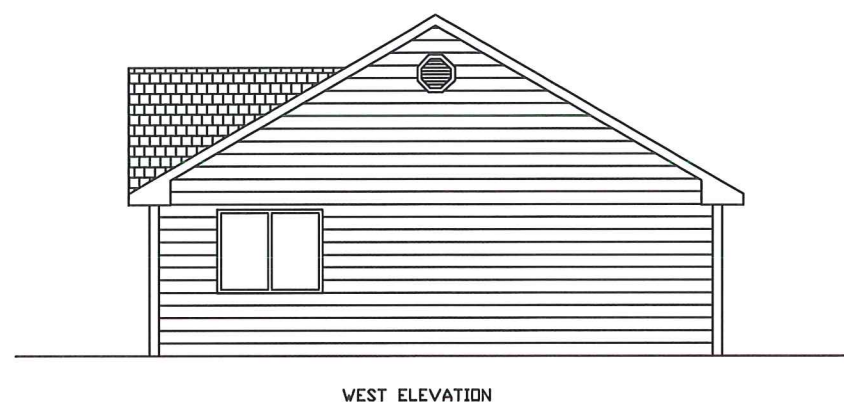


SCHEDULE A
 This forms part of development
 Permit # DP15-0237, DP15-0238

General Notes		
No.	Revision/Issue	Date
Firm Name and Address Design & Draft by Linda Pahl 250-801-8340		
Project Name and Address Jason Fehr 534 Oxford Ave. Kelowna, BC Carriage House		
Project 534 Oxford Ave. Carriage House	Sheet 4 of 4	Date Sept. 2015
Scale .025 = 1 m	PLOT	



ELEVATIONS FOR 534 OXFORD AVE CARRIAGE HOUSE



SCHEDULE B
 This forms part of development
 Permit # 0P15-0207, 00P15-0238

General Notes

No.	Revision/Issue	Date

Firm Name and Address
 Design & Draft by
 Linda Pahl
 250-801-8340

Project Name and Address
 Jason Fehr
 534 Oxford Ave.
 Kelowna, BC
 Carriage House

Project 534 Oxford Ave.
 Carriage House
 Date Sept. 2015
 Scale N.T.S.
 Sheet 1 of 4
 ELEVATIONS
 X-SECTIONS

CITY OF KELOWNA
BYLAW NO. 11122
Z15-0017 - Harjinder Kaur Mahli, Jaswinder Singh Mahli and
Swaran Singh Mahli
310 Mugford Road

A bylaw to amend the "City of Kelowna Zoning Bylaw No. 8000".

The Municipal Council of the City of Kelowna, in open meeting assembled, enacts as follows:

1. THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot B, Section 26, Township 26, ODYD, Plan 27494 located on Mugford Road, Kelowna, B.C., from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing zone.
2. This bylaw shall come into full force and effect and is binding on all persons as and from the date of adoption.

Read a first time by the Municipal Council this 27th day of July, 2015.

Considered at a Public Hearing on the 11th day of August, 2015.

Read a second and third time by the Municipal Council this 11th day of August, 2015.

Approved under the Transportation Act this 31st day of August, 2015.

Audrie Henry
(Approving Officer-Ministry of Transportation)

Adopted by the Municipal Council of the City of Kelowna this

Mayor

City Clerk

REPORT TO COUNCIL



Date: December 15, 2015

RIM No. 1250-30

To: City Manager

From: Community Planning Department (LG)

Application: DVP15-0082 **Owners:** Harjinder Kaur Malhi
Jaswinder Singh Malhi
Swaran Singh Malhi

Address: 310 Mugford Road **Applicant:** Urban Options Planning and
Permits (Birte Decloux)

Subject: Development Variance Permit Application

Existing OCP Designation: S2RES - Single/Two Unit Residential

Existing Zone: RU1 - Large Lot Housing

Proposed Zone: RU2 - Medium Lot Housing

1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11122 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0082 for Lot B Section 26 Township 26 ODYD Plan 27494 located at 310 Mugford Road, Kelowna, BC;

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 13.2.5 (a): RU2 - Medium Lot Housing Subdivision Regulations

To vary the minimum required lot width from 13.00 m to 12.95 m on the subject parcel.

AND FURTHER THAT this Development Variance Permit is valid for two (2) years from the date of Council's approval, with no opportunity to extend.

2.0 Purpose

To vary lot width on the subject parcel to facilitate a two-lot subdivision.

3.0 Community Planning

This development variance permit application forms part of a larger application that was submitted by the applicant to subdivide the subject parcel into two lots and build two new single detached dwellings.

When the proposal was made, Staff did not support the initial rezoning to RU2 - Medium Lot Housing as a lot width variance from 13.0 m to 12.95 m would be required to subdivide. The proposal was contrary to newly adopted rules in the Zoning Bylaw for narrow lots (where rear lanes are required for lots less than 13.00 m wide). However, Council gave three readings to the rezoning Bylaw, citing a need for additional density in this neighbourhood, and acknowledging the relatively minor variance required to subdivide the parcel into two lots.

Community Planning is therefore recommending support of this variance application as a result of Council's decision. The variance is required by the applicant to move forward with their development plan as initially proposed to Council in August, 2015.

4.0 Proposal

4.1 Background

On August 11, 2015, Council gave 3rd reading to Bylaw 11122 to rezone to subject parcel from RU1 - Large Lot Housing to RU2 - Medium Lot Housing in anticipation of a two lot subdivision. However, the minimum required lot width for new RU2 lots is 13.0 m, and the subject site only allows for two 12.95 m wide lots. Therefore, in order to carry through with the development plan, the applicant requires a variance to lot width.

4.2 Project Description

The proponent made an application to rezone the subject parcel from the RU1 - Large Lot Housing zone to the RU2 - Medium Lot Housing zone to facilitate a two-lot subdivision. The application is accompanied by a Development Variance Permit to vary the required lot width in the RU2 zone, as well as a subdivision application to finalize the process.

No future buildings plans were included with the application.

4.3 Site Context

The subject property is located on the north side of Mugford Road, between Rutland Road and Laurel Road. The site is located within the Rutland Sector and is within the Revitalization Development Permit Area.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM3 - Low Density Multiple Housing	MRL - Multiple Unit Residential (Low Density)
East	RU1 - Large Lot Housing	S2RES - Single/Two Unit Residential
South	RU1 - Large Lot Housing	S2RES - Single/Two Unit Residential
West	RU1 - Large Lot Housing	S2RES - Single/Two Unit Residential

Subject Property Map:



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU2 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	400m ² per lot	442.01m ² per lot
Min. Lot Width	13.0m per lot	12.95m per lot ❶
Min. Lot Depth	30.0m per lot	34.14m per lot
Development Regulations		
Max. Building Coverage	40%	unknown
Max. Height	9.5m	unknown
Min. Front Yard	4.5m	unknown
Min. Side Yard (west)	1.5-1.8m	unknown
Min. Side Yard (east)	1.5-1.8m	unknown
Min. Rear Yard	6.0-7.5m	unknown
Other Regulations		
Minimum Parking Requirements	2 stalls	unknown
Private Open Space	35m ²	unknown
❶ Indicates a requested variance to lot width.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 14 - Urban Design DP Guidelines

- ¹ Prioritize the safe and convenient movement of pedestrians above all other modes of transportation.
- ² Avoid large expanses of parking.
- ³ Ensure vehicular and service access has minimal impact on the streetscape.
- ⁴ Avoid vehicle access from arterial and collector roads and from those roads with a prominent streetscape.
- ⁵ Minimize the width and area of driveways and impervious surfaces.

6.0 Technical Comments

6.1 Building & Permitting Department

No comments.

6.2 Development Engineering Department

See attached memorandum dated May 4, 2015.

7.0 Application Chronology

Date of Application Received: April 13, 2015

Report prepared by:

Lindsey Ganczar
Community Planning Supervisor

Reviewed by:



Ryan Smith, Community Planning Department Manager

Attachments:

Subject Property Map

Site Plan

Development Engineering Memorandum

¹ City of Kelowna Official Community Plan, Policy 8.1 (Chapter 14 - Comprehensive Development Permit Area).

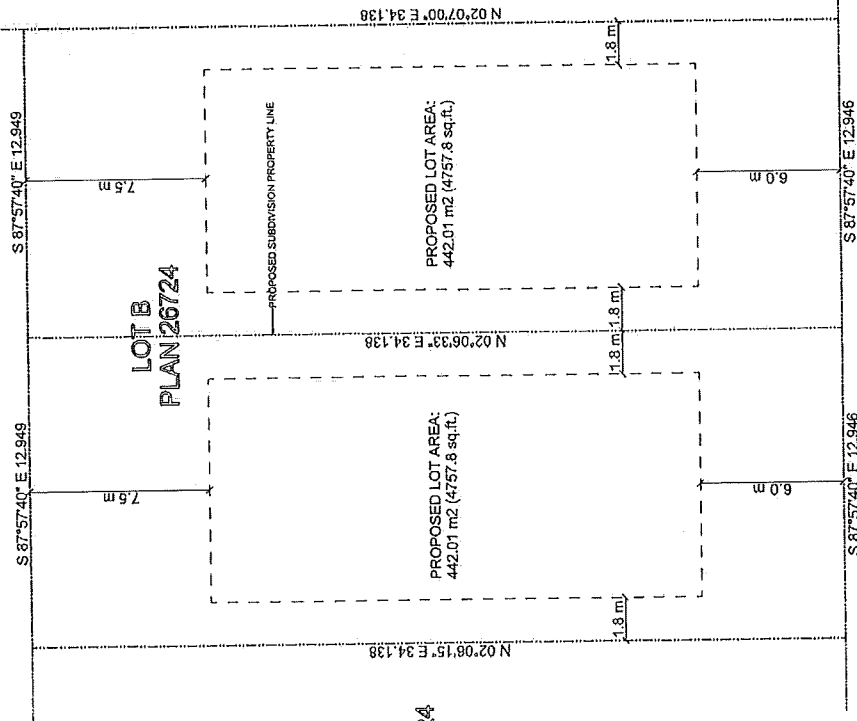
² City of Kelowna Official Community Plan, Policy 8.9 (Chapter 14 - Comprehensive Development Permit Area).

³ City of Kelowna Official Community Plan, Policy 8.10 (Chapter 14 - Comprehensive Development Permit Area).

⁴ City of Kelowna Official Community Plan, Policy 8.12 (Chapter 14 - Comprehensive Development Permit Area).

⁵ City of Kelowna Official Community Plan, Policy 1.7 (Chapter 14 - Intensive Residential - Character Neighbourhood).

**LOT 2
PLAN 26724**



ZONING CONFORMANCE TABLE
R102 - Medium Lot Housing with Secondary Suite

REQUIRED	PROVIDED
LOT WIDTH	12 m
LOT DEPTH	34.1 m
LOT AREA	442.01 m²

**LOT A
PLAN 19840**

**LOT A
PLAN 26724**

MUGFORD ROAD

SITE PLAN

SCALE 200:1
CIVIC ADDRESS: 310 MUGFORD ROAD, KELOWNA, BC
LEGAL DESCRIPTION: LOT B, PLAN 26724

CITY OF KELOWNA

MEMORANDUM

Date: May 4, 2015
File No.: DVP15-0082
To: Urban Planning (LG)
From: Development Engineer Manager (SM)
Subject: 310 Mugford Road – Lot B, Plan 27494, Section 26, Twp. 26, ODYD

Development Engineering comments and requirements regarding this application for a Development Permit Variance are as follows:

1. General.
 - a) All the servicing requirements associated with the development of the subject property have been addressed in the rezoning file Z15-0017 and the subdivision file S15-0021.
 - b) The requested variance to reduce the lot width from 13.00 m. to 12.95 m. does not compromise any Municipal Infrastructure.

Steve Muenz, P.Eng.
Development Engineering Manager

B²

CITY OF KELOWNA

APPROVED ISSUANCE OF A:

☐ Development Variance Permit No.: DVP15-0082

EXISTING ZONING DESIGNATION: RU2 - Medium Lot Housing
WITHIN DEVELOPMENT PERMIT AREA: Revitalization Development Permit Area

ISSUED TO: Harjinder Kaur Malhi, Jaswinder Singh Malhi and Swaran Singh Malhi
LOCATION OF SUBJECT SITE: 310 Mugford Road

	LOT	D.L.	PLAN	SECTION	TOWNSHIP	DISTRICT
LEGAL DESCRIPTION:	B		27494	26	26	ODYD

SCOPE OF APPROVAL

- ☐ This Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.
- ☐ This Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this Permit, noted in the Terms and Conditions below.
- ☐ Applicants for a Heritage Alteration Permit should be aware that the issuance of a Permit limits the applicant to be in strict compliance with regulations of the Zoning Bylaw or Subdivision Control Bylaw unless specific Variances have been authorized by the Permit. No implied Variances from bylaw provisions shall be granted by virtue of drawing notations which are inconsistent with bylaw provisions and which may not have been identified as required Variances by the applicant or City staff.

1. TERMS AND CONDITIONS:

- a) THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 13.2.5: RU2 - Medium Lot Housing Subdivision Regulations

To vary the minimum required lot width from 13.00m to 12.95 m on the subject parcel.

2. The development shall commence by and in accordance with an approved Building Permit within TWO YEARS of the date of the Municipal Council authorization resolution.

3. DEVELOPMENT:

The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and any plans and specifications attached to this Permit which shall form a part hereof.

If the Permittee does not commence the development Permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.

This Permit is not transferrable unless specifically Permitted by the Municipality. The authorization to transfer the Permit shall, if deemed acceptable, be granted by Council resolution.

THIS Permit IS NOT A BUILDING Permit.

4. PERFORMANCE SECURITY:

N/A

5. APPLICANT'S AGREEMENT:

I hereby declare that all the above statements and the information contained in the material submitted in support of this Permit are to the best of my belief, true and correct in all respects. Upon issuance of the Permit for me by the Municipality, then in such case, I covenant and agree to save harmless and effectually indemnify the Municipality against:

- (a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality granting to me the said Permit.
- (b) All costs, expenses, claims that may be incurred by the Municipality if the construction by me of engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

I further covenant and agree that should I be granted a Development Permit or Development Variance Permit, the Municipality may withhold the granting of any occupancy Permit for the occupancy and/or use of any building or part thereof constructed upon the hereinbefore referred to land until all of the engineering works or other works called for by the Permit have been completed to the satisfaction of the Municipal Engineer and Director of Planning & Development Services.

Should there be any change in ownership or legal description of the property, I undertake to notify the Land Use Management Department immediately to avoid any unnecessary delay in processing the application.

I HEREBY UNDERSTAND AND AGREE TO ALL THE TERMS AND CONDITIONS SPECIFIED IN THIS PERMIT.

Signature of Owner/Authorized Agent

Date

Print Name in Bold Letters

Telephone No.

6. APPROVALS:

ISSUED BY THE COMMUNITY PLANNING DEPARTMENT OF THE CITY OF KELOWNA THE ____ DAY OF _____, 2015
BY THE DIVISIONAL DIRECTOR OF COMMUNITY PLANNING & REAL ESTATE.

Ryan Smith, Community Department Planning Manager
Community Planning & Real Estate