

REPORT TO COUNCIL



Date: March 6, 2018

RIM No. 0940-00

To: City Manager

From: Community Planning Department (KB)

Application: DVP17-0217

Owner: Jesse Kyle Alderidge

Address: 889 Cadder Avenue

Applicant: Novation Design Studio (Paul Schuster)

Subject: Development Variance Permit

Existing OCP Designation: MRL – Multiple Unit Residential (Low Density)

Existing Zone: RU6 – Two Dwelling Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0217 for Lot 28 Section 19 Township 26 Osoyoos Division Yale District Plan 700, located at 889 Cadder 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 "A";
2. Landscaping to be provided on the land be in accordance with Schedule "B";
3. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a Registered Landscape Architect;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted in accordance with Schedule "A":

Section 9.5b.1(i): Specific Use Regulations – Carriage House Regulations

To vary the required minimum side yard from 1.5 m permitted to 1.2 m existing.

Section 9.5b.1(j): Specific Use Regulations – Carriage House Regulations

To vary the required minimum rear yard from 1.5 m permitted to 1.0 m existing.

Table 8.1 – Parking Schedule: Section 8 – Parking and Loading

To vary the required number of parking spaces from 3 required to 2 existing.

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

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 consider three variances to convert an existing accessory building to a carriage house.

3.0 Community Planning

Community Planning recommends support for the requested Development Variance Permit application to allow the existing accessory building to be converted to a carriage house. The approval of this Development Variance Permit will legalize an existing illegal carriage house, thereby rectifying an open bylaw investigation, and the building permit will ensure that life safety and building code requirements are being met. The property does not require rezoning for this use.

At the request of the Community Planning Department, the applicant has agreed to remove the currently existing driveway off Cadder Avenue, and have all access for both dwellings come off Ethel Street. The applicant has provided a Landscape Plan and is willing to bond for the fencing along Cadder Avenue, should this Development Variance Permit application be supported by Council. Further, the carriage house would require a building permit to be ensure compliance with the BC Building Code.

Although there is room for three vehicles parked in tandem on the subject property, one would be located within the required 4.5m front yard setback. Three vehicles in tandem is not recognized as a valid parking configuration under the City of Kelowna Zoning Bylaw No. 8000. The subject property is directly adjacent to RU7 zoned properties, where the parking requirements for two dwellings would be two stalls.

The applicant has confirmed the completion of public notification in accordance with Council Policy No. 367.

4.0 Proposal

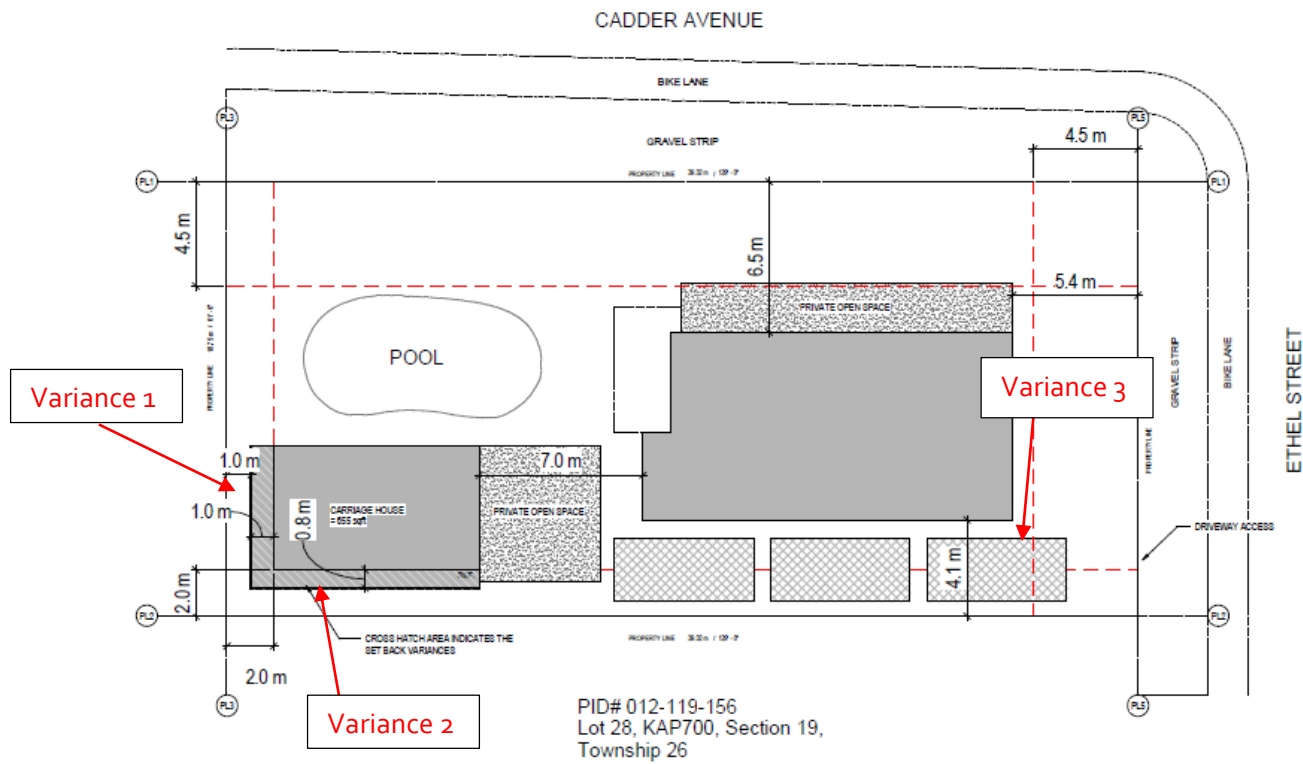
4.1 Background

There is a single family dwelling and an accessory building on the subject property. The accessory building under consideration was constructed as a garage without permits and was renovated as a suite without permits. There was also a suite in the single family dwelling. Two building permits for the full decommissioning of the suite in the house and in the accessory building were applied for in October 2016. The suite in the single family dwelling was fully decommissioned in November 2016, and the building permit for the decommissioning of the suite in the accessory building has remained open. It is Staff's understanding that a new owner is wanting to bring the property in to compliance.

4.2 Project Description

The applicant is proposing to convert an existing accessory building, resulting in the legalization of a one-bedroom carriage house. The proposed conversion requires variances for setbacks, for the side and rear yards. The third variance is for the required number of parking stalls, from three required to two proposed. As part of the application, an existing driveway and parking spots off Cadder Avenue would be removed.

A building permit would be required for the existing accessory building to bring it up to current BC Building Code. The form and character would be modified to remove the visible garage doors.

Images 1 & 2: The North and South Elevations of the Existing Accessory Building**Site Plan:** 88g Cadder Ave

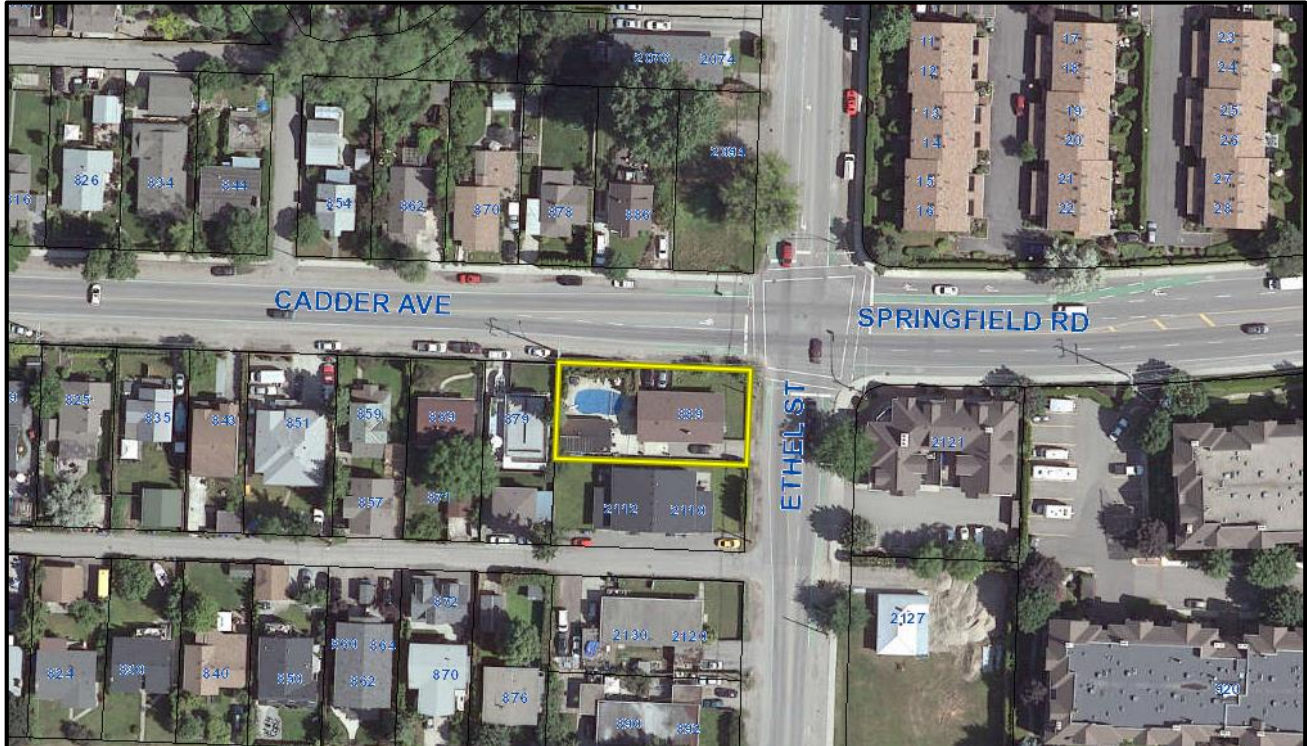
4.3 Site Context

The subject property is located at the southwest corner of Cadder Avenue and Ethel Street. The neighbourhood is considered in the Central City Sector and is in close proximity to the Ethel Street Active Transportation Corridor and A.S. Matheson Elementary School. It is located within the Permanent Growth Boundary.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Residential
East	C2 – Neighbourhood Commercial RM ₃ – Low Density Multiple Housing	Commercial Residential
South	RU6 – Two Dwelling Housing	Residential
West	RU7 - Infill Housing	Residential

Subject Property Map: 889 Cadder Ave



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	CARRIAGE HOUSE REQUIREMENTS	PROPOSAL
Development Regulations		
Maximum Height	4.8 m	3.5 m
Minimum Front Yard (east)	9.0 m	> 9.0 m
Minimum Side Yard (north)	1.5 m	> 1.5 m
Minimum Side Yard (south)	1.5 m	1.2 m ^①
Minimum Rear Yard (west)	1.5 m	1.0 m ^②
Minimum distance from existing principal building	3.0 m	7.0 m
Section 8 – Parking and Loading Regulations		
Minimum Parking Requirements	3 stalls	2 stalls ^③
^① Indicates a requested variance to reduce the minimum side yard setback from 1.5 m required to 1.2 m existing ^② Indicates a requested variance to reduce the minimum rear yard setback from 1.5 m required to 1.0 m existing ^③ Indicates a requested variance to reduce the number of parking stalls from 3 required to 2 existing		

5.0 Technical Comments

5.1 Building & Permitting Department

- The change of use from a garage to a carriage home will require code upgrades at time of Building Permit application.

5.2 Development Engineering Department

- Does not compromise any municipal services

6.0 Application Chronology

Date of Application Received: September 29, 2017
 Date Public Consultation Completed: November 20, 2017
 Date Landscape Plan Received: February 8, 2018

Report Prepared by: Kimberly Brunet, Planner
Reviewed by: Terry Barton, Urban Planning Manager
Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Draft Development Variance Permit No. DVP17-0217
 Schedule "A" – Site Plan and Elevations
 Schedule "B" – Landscaping Plan