

# REPORT TO COUNCIL



**Date:** April 17, 2018  
**RIM No.** 0940-00  
**To:** City Manager  
**From:** Community Planning Department (AW)  
**Application:** DVP17-0298      **Owner:** Sandy Point Development Corp  
**Address:** 809 Bernard Avenue      **Applicant:** NIDO Design Inc.  
**Subject:** Development Variance Permit  
Existing OCP Designation: Single / Two Dwelling Housing  
Existing Zone: RU6 – Two Dwelling Housing

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0298 for Lot 21 Block 15 District Lot 138 ODYD Plan 262 located at 809 Bernard Avenue, Kelowna, BC, to allow the construction of a carriage house subject to the following:

1. The dimensions and siting of the buildings to be constructed on the land be in accordance with Schedule "A";
2. The elevations of the single family dwelling to be constructed on the land be in accordance with Schedule "B".

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

### **Section 9.5b.1 (i): Carriage House Regulations**

To vary the side yard setback from 1.5m required to 0.5m proposed.

### **Section 9.5b.1 (j): Carriage House Regulations**

To vary the rear yard setback from 0.9m required to 0.3m 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 required side yard setback (east) from 1.5m to 0.5m and the rear yard setback from 0.9m to 0.3m for the proposed carriage house.

**3.0 Community Planning**

Community Planning Staff recommend support for the requested variances. The siting of the accessory building is an existing condition, renovating the structure and converting it into a carriage house where it sits will help improve the existing structure and add an additional rental unit to the downtown core.

**4.0 Proposal**

**4.1 Project Description**

The proposed project seeks to renovate and repurpose the existing accessory building and turn it into a carriage house. Generally, the siting of the carriage house will be in compliance with the City’s expectations except for minor deviations from the required rear and side yard setbacks.

**4.2 Site Context**

The subject property is located on Bernard Avenue just outside of the Downtown Urban Centre.

**Subject Property Map: 809 Bernard Avenue**



Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	CD10 – Heritage Cultural	Single / Two Unit Residential
East	RU6 – Two Dwelling Housing	Single / Two Unit Residential
South	RU6 – Two Dwelling Housing	Single / Two Unit Residential
West	RU6 – Two Dwelling Housing	Single / Two Unit Residential

#### 4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU6 REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	400 m <sup>2</sup>	635.1 m <sup>2</sup>
Lot Width	18.0 m	15.5 m (existing)
Lot Depth	30.0 m	41.7 m
Carriage House - Development Regulations		
Floor Area	100 m <sup>2</sup>	57.4 m <sup>2</sup>
Height – Carriage House	4.8 m	3.8 m
Height – Principle Dwelling		6.8 m
Side Yard (east)	1.5 m	0.5 m*
Side Yard (west)	1.5 m	7.4 m
Rear Yard	0.9 m	0.3 m*
Distance to Principle Residence	3.0 m	8.36 m
Other Regulations		
Minimum Parking Requirements	3 stalls	3 stalls
<ul style="list-style-type: none"> <li>• Vary the side yard setback (east) from 1.5m required to 0.5m proposed.</li> <li>• Vary the rear yard setback from 0.9m required to 0.3m proposed.</li> </ul>		

#### 5.0 Current Development Policies

##### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Compact Urban Form.**<sup>1</sup> 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 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s).
- HPO (Home Protection Office) approval or release is required at time of Building Permit application.
- A third party work order may be required with the Development Engineering Department for an upgraded water line and sewage connection. These requirements are to be resolved prior to issuance of the Building Permit.
- A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
- Any alternative solution must be accepted by the Chief Building Inspector prior to the release of the Building Permit.
- Frost protection is required for this change of use; a geotechnical engineer may be required at time of permit application.

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

- Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this complex at time of permit application.

#### 6.2 Development Engineering Department

This development variance permit application to vary the side yard setback to 0.5m and the rear yard setback to 0.3m for a proposed carriage house on the subject property, does not compromise any municipal services.

#### 6.3 Fire Department

- No concerns with variance.
- Requirements of section 9.10.19 Smoke Alarms and Carbon Monoxide alarms of the BCBC 2012 are to be met.
- Both buildings shall have a posted address on Bernard Ave. for emergency response
- If a fence is ever constructed between the dwellings a gate with a clear width of 1100mm is required.
- Maintain access from Bernard to the carriage house- a lane is not reliable access in an emergency

#### 7.0 Application Chronology

Date of Application Received: September 27, 2017

Date Public Consultation Completed: March 20, 2018

**Report prepared by:** Alec Warrender, Property Officer Specialist

**Approved for Inclusion:** Terry Barton, Urban Planning Manager  
Ryan Smith, Community Planning Department Manager

#### **Attachments:**

Applicant's Letter of Rationale

Draft Development Variance Permit DVP17-0298

Schedule "A": Siting and Dimensions

Schedule "B": Elevations