

# REPORT TO COUNCIL



**Date:** March 21, 2016  
**RIM No.** 1250-30  
**To:** City Manager  
**From:** Community Planning Department (TY)  
**Application:** Z15-0056 **Owner:** Bruce & Helga Morris  
**Address:** 2970 Shayler Court **Applicant:** Bruce Morris  
**Subject:** Rezoning Application

**Existing OCP Designation:** REP - Resource Protection Area  
**Existing Zone:** A1 - Agriculture 1  
**Proposed Zone:** A1c - Agriculture 1 with Carriage House

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## 1.0 Recommendation

THAT Rezoning Application No. Z15-0056 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 9 Section 29 Township 23 ODYD Plan KAP70569, located at 2970 Shayler Court, Kelowna, BC from the A1 - Agriculture 1 zone to the A1c - Agriculture 1 with Carriage House zone, be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration.

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval by Glenmore-Ellison Improvement District as set out in Schedule "A" attached to the Report from Community Planning Department dated March 21, 2016.

## 2.0 Purpose

To rezone the subject property to facilitate a carriage house.

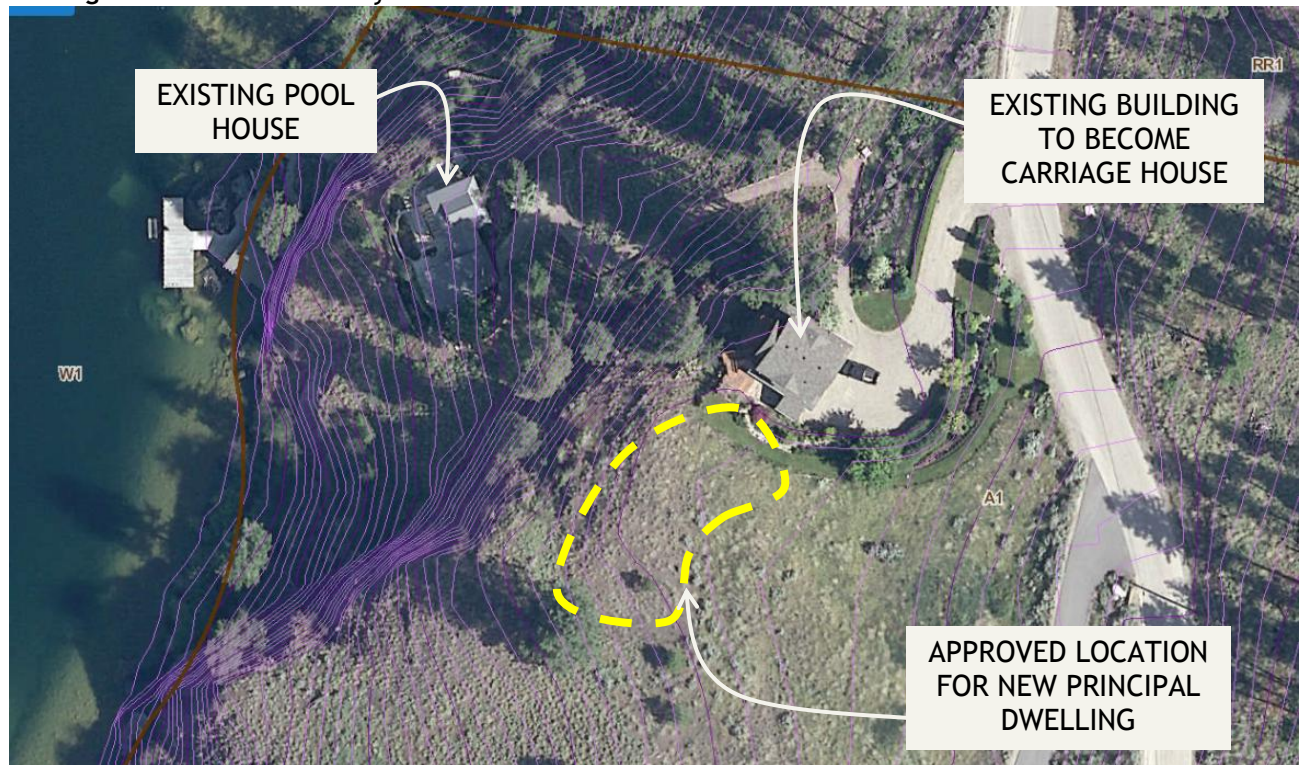
## 3.0 Community Planning

Community Planning supports the proposed rezoning to add the "c" designation in order to retain an existing suite in an accessory building on the subject property. Staff are in support of the proposed rezoning as the proposed development meets the A1c zone requirements, and Kelowna's Official Community Plan goals in foreshore areas. In 2002, a two storey accessory building was designed and constructed as living space for the owners until they constructed their principal dwelling. It was designed to meet Zoning Bylaw No. 8000 regulations regarding an accessory building of the day. Today, the owners are prepared to build the principal dwelling and would like to keep the secondary suite within the accessory building and legalize the building as a carriage house.

The parcel is outside of the Permanent Growth Boundary and not in the Agricultural Land Reserve. The existing building meets current zoning bylaw regulations for a carriage house in the A1c - Agriculture 1 with Carriage House zone.

Any development on the subject property, which is located on Okanagan Lake foreshore requires a Hazardous Condition and Environmental Development Permit to ensure that construction on the land is completed in a responsible and safe manner. The owners have received the appropriate permits for existing buildings and the proposed principal dwelling (DP15-0244). This means the proposed principal dwelling to be constructed meets City of Kelowna goals and regulations with regards to steep slopes, environmental, and natural habitat concerns. The permit has been issued showing the existing building (potential carriage house) being retained. The building may remain in place, however this rezoning application will legalize the dwelling unit to remain on the top floor of the existing building after the principal dwelling is constructed. A Qualified Environmental Professional is required to monitor all works relating to the new principal dwelling construction, no-disturb areas have been established and erosion and sediment controls are also required.

#### Existing Conditions: 2970 Shayler Court



Although the subject property is outside of the Permanent Growth Boundary, the location of the potential carriage house on the parcel is very close to the proposed principal dwelling (4.0 m), which does not create speculation for subdivision. The size of the living space of the carriage house is also very small in relation to a typical secondary suite that is permitted. The zone permits a 90 m<sup>2</sup> area, the existing living space within the carriage house is 50 m<sup>2</sup>.

## 4.0 Proposal

### 4.1 Project Description

Two buildings exist on the subject property. One is a pool house on the west portion of the property near Okanagan Lake. The second is the building located near the centre of the property

which is the building the owners wish to legalize as a carriage house. The existing building contains parking for two vehicles on the main floor, with living space on the second floor. The building is 6.0 m in height, designed with gables and dormers and has a total footprint of 65 m<sup>2</sup>, the total living space is 50 m<sup>2</sup>.

**Existing Dwelling (proposed carriage house): 2970 Shayler Court**



**4.2 Site Context**

The subject property is located at the end of Shayler Court, in the McKinley sector of Kelowna. The property is adjacent to Okanagan Lake and within the Natural Environment, Wildland Fire Hazard and Comprehensive Development Permit Areas. Current zoning is the A1 - Agriculture 1 zone and is not within in the ALR. The property has a Future Land Use of REP - Resource Protection Area and is outside of the Permanent Growth Boundary.

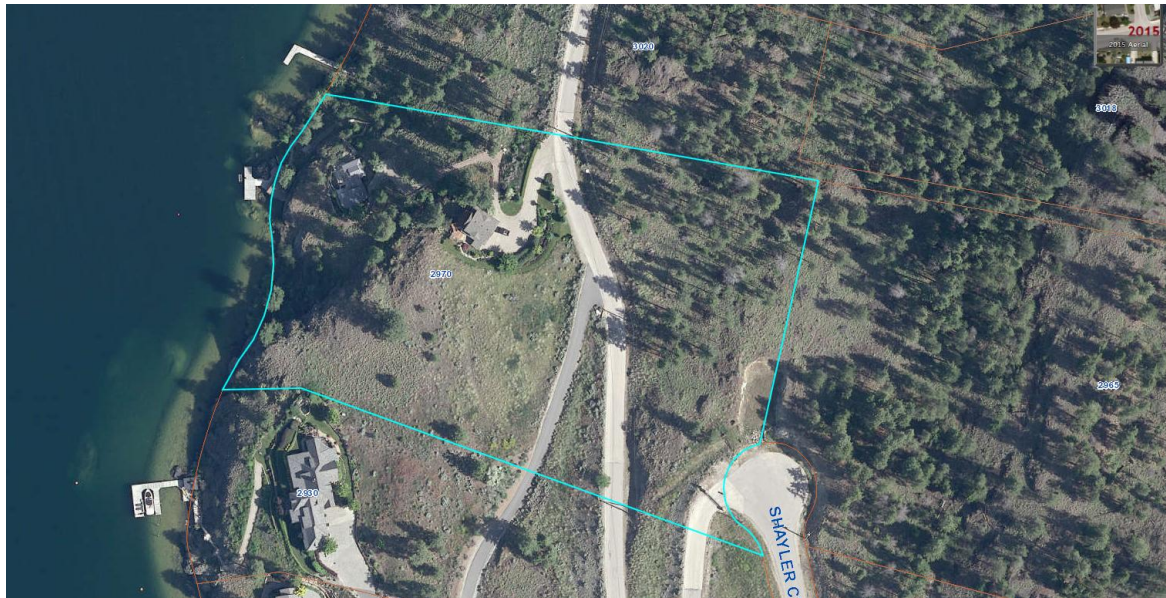
Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR1	Vacant Lot
East	A1	Vacant Lot
South	RR1	Single Family Residential
West	W1	Okanagan Lake

**Neighbourhood Context Map: 2970 Shayler Court**



Subject Property Map: 2970 Shayler Court



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	A1c ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	4.0 ha / 9.9 ac	4.96 ac / 20,072 m <sup>2</sup>
Minimum Lot Width	40.0 m	112.0 m
Development Regulations - Carriage House		
Maximum Site Coverage Accessory buildings & carriage house	14 %	4 %
Maximum area of Carriage House Living Space	90 m <sup>2</sup>	50 m <sup>2</sup>
Maximum Height	6.0 m	6.0 m
Minimum Front Yard	6.0 m	+ 100 m
Minimum Side Yard (south)	3.0 m	+ 25 m
Minimum Side Yard (north)	3.0 m	+ 60 m
Minimum Rear Yard	3.0 m	+ 60 m
Minimum Distance from principal building	min 3.0 m max 10.0 m	4.0 m
Other Regulations		
Minimum Parking Requirements	2 principal & 1 carriage	+ 2 principal & 2 carriage
Minimum Okanagan Lake Sightlines	120°	+ 120°

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Land Use Designation Definitions

**Resource Protection Area (REP).**<sup>1</sup> Rural land preserved for agricultural, environmental and recreational purposes, including the ALR, other resource lands with environmental value and protected natural open spaces, including private open space, steeply sloped lands, Natural Environment/Hazardous Condition DP Areas, and other natural features such as watercourses, water bodies, wetlands, plant and wildlife habitat, and significant aesthetic value. Allowable uses would be agriculture / resource use including farming, forestry, wood lots and silviculture as well as public or private open space on lands considered environmentally sensitive or hazardous (steep slopes). Generally land areas within this designation (whether they are within the permanent growth boundary or not) will not be supported for exclusion from the ALR or for more intensive development than that allowed under current zoning regulations, except in specific circumstances where the City of Kelowna will allow exceptions to satisfy civic objectives for the provision of park/recreation uses. Non-ALR land outside the Permanent Growth Boundary will not be supported for any further parcelization.

*In the A1 zone, secondary suites are permitted, the proposed carriage house is not located in an area that would allow for future speculation of subdivision. The size of the living space within the carriage house is also very minimal.*

*The existing accessory building (proposed carriage house) and proposed principal dwelling are designed in areas on the property where slopes are minimum and well under the 30% maximum.*

*The proposed carriage house also meets all requirements for the A1c zone, not requiring any variances. Development on the subject property has been carried out in an appropriate manner with regards to the sensitive topography and natural ecosystems.*

#### Development Process

**Homeplating.**<sup>2</sup> Locate buildings and structures, including farm help housing and farm retail sales area and structures, on agricultural parcels in close proximity to one another and where appropriate, near the existing road frontage. The goal should be to maximize use of existing infrastructure and reduce impacts on productive agricultural lands.

*The homeplating principals are being considered to as the proposed principal dwelling is located in close proximity to the existing accessory dwelling. Using the same driveway, not disturbing additional steep slope areas.*

#### Foreshore: Natural Environment DP Guidelines<sup>3</sup> Hazardous Condition DP Guidelines<sup>4</sup>

*The above noted Development Permits have been issued for the construction of the proposed principal single family dwelling while retaining the existing accessory building.*

## 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 Permits.

<sup>1</sup> City of Kelowna Official Community Plan, (Future Land Use Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.34.3 (Development Process Chapter).

<sup>3</sup> City of Kelowna Official Community Plan, (Natural Environment DP Guidelines Chapter).

<sup>4</sup> City of Kelowna Official Community Plan, (Hazardous Condition DP Guidelines Chapter).

Full Plan check for Building Code related issues will be completed at time of Building Permit applications.

**6.2 Development Engineering Department**

The applicant must satisfy Glenmore-Ellison Improvement District requirements prior to final rezoning.

Approval from Interior Health Authority or Wastewater Technician for on-site sewage disposal system must be obtained prior to issuance of Building Permit for new dwelling.

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 at the applicant's cost.

**6.3 FortisBC Inc - Electric**

There are primary distribution facilities along Shayler Court. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.

**7.0 Application Chronology**

Application Received:	October 15, 2015
Public Consultation Completed:	November 20, 2015
Application Placed On Hold by Applicant:	November 23, 2015
Notice to Proceed with Application from the Applicant:	January 21, 2016

**Report prepared by:**

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Tracey Yuzik, Planner

**Approved for Inclusion:**  Todd Cashin, Suburban and Rural Planning Manager

**Attachments:**

- Schedule "A": GEID Conditions of Service
- Context/Site Photos
- Existing Building Floor Plans