

REPORT TO COUNCIL



Date: June 18, 2019

RIM No. 0940-50

To: City Manager

From: Community Planning Department (AF)

Application: DVP19-0044

Owner: Colin & Nanci Macdonald

Address: 865 Rose Ave

Applicant: Colin & Nanci Macdonald

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. DVP19-0044 for Lot 8, District Lot 136, ODYD, Plan 8116, located at 865 Rose Avenue, Kelowna, BC

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

Section 9.5b.1(i): RU1 – Specific Use Regulations

To vary the required minimum side yard from 1.5 m permitted to 0.99 m proposed.

Section 9.5b.1(j): RU1 – Specific Use Regulations

To vary the required minimum rear yard from 0.9 m permitted to 0.75 m proposed.

2.0 Purpose

To consider issuance of a Development Variance Permit to vary the required side yard setback and the rear yard setback to facilitate the conversion of an existing accessory building to a carriage home.

3.0 Community Planning

Community Planning Staff recommend support for the Development Variance Permit proposing to vary the side and rear yard setbacks. The existing accessory garage has been in the same location for close to 60 years and is one storey in height, therefore, the conversion of the existing building from a garage to a carriage home is expected to have a minimal impact on the adjacent residential properties.

4.0 Proposal

4.1 Background

The subject property located at 865 Rose Avenue currently comprises an existing one storey single family dwelling with a one storey accessory garage located at the rear.

4.2 Project Description

The accessory garage located at the rear of the property and accessing off of the rear lane was originally constructed as an accessory garage in the 1950's. The applicant is proposing to convert the existing accessory garage into a 56.11 m² carriage home with a single vehicle garage. This development variance application is a result of a bylaw enforcement file which originated in July of 2017. The owner of the property has worked with staff to facilitate the required Development Variance Permit application to resolve any bylaw related issues on-site

4.3 Site Context.

The subject property is located in the South Pandosy City Sector near the intersection of Ethel Street and Rose Avenue, just northeast of Cameron Park. The surrounding neighbourhood consists largely of RU6 – Two Dwelling Housing and RU7 – Infill Housing properties with some RU1 – Large Lot Housing and RM1 – Four Dwelling Housing properties.

Specifically, adjacent land uses are as follows:

| Orientation | Zoning | Land Use |
|-------------|-----------------------------|-------------|
| North | RU6 – Two Dwelling Housing | Residential |
| East | RU6 – Two Dwelling Housing | Residential |
| South | RU7 – Infill Housing | Residential |
| West | RM1 – Four Dwelling Housing | Residential |

Subject Property Map: 865 Rose Avenue



4.3 Zoning Analysis Table

| Zoning Analysis Table | | |
|--|-----------------------|---------------------|
| CRITERIA | RU6 ZONE REQUIREMENTS | PROPOSAL |
| Development Regulations | | |
| Side Yard (east) | 1.5 m | 0.99 m ¹ |
| Rear Yard | 0.9 m | 0.75 m ² |
| ¹ Indicates a requested variance to side yard setback ² Indicates a requested variance to rear 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.

Carriage Houses & Accessory Apartments.² Support carriage houses and accessory apartments through appropriate zoning regulations.

¹ City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.22.12 (Development Process Chapter).

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.
- 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.
- HPO (Home Protection Office) approval or release is required at time of Building Permit application.
- 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

- DVP Application to vary rear yard and side yard setbacks to not compromise any municipal services

6.3 Fire Department

- Requirements of section 9.10.19 Smoke Alarms and Carbon Monoxide alarms of the BCBC 2012 are to be met.
- All units shall have a posted address on Rose Avenue.
- Ensure access from Rose Ave to carriage house is maintained by 1.1 metre unobstructed access from primary approach.
- It was noted that gates were to be installed on access route to rear structures. Gate shall be openable with no special knowledge and is not permitted to be locked. Gate width shall conform to BCBC code requirements for access.

7.0 Application Chronology

Date of Application Received: February 7, 2019

Date Public Consultation Completed: May 22, 2019

Report prepared by:

Andrew Ferguson, Planner

Reviewed by:

Terry Barton, Urban Planning Manager

Approved for Inclusion:

Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A: Site Plan

Draft DVP Permit (DVP19-0044)