

# REPORT TO COUNCIL



**Date:** May 2, 2016  
**RIM No.** 1250-30  
**To:** City Manager  
**From:** Community Planning Department (LK)  
**Application:** Z15-0050 **Owner:** Carol Kergan  
**Address:** 845 Kinnear Ct **Applicant:** Carol Kergan  
**Subject:** Rezoning Application  
**Existing OCP Designation:** S2RES - Single / Two Unit Residential  
**Existing Zone:** RU1 - Large Lot Housing  
**Proposed Zone:** RU1c - Large Lot Housing with Carriage House

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## 1.0 Recommendation

THAT Rezoning Application No. Z15-0050 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6 District Lot 135 ODYD Plan 25798, located at 845 Kinnear Court, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing 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 issuance and completion of a Building Permit for the removal of the existing second kitchen within the primary dwelling for the subject property;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Variance Permit for the subject property.

## 2.0 Purpose

To rezone the subject property to facilitate the conversion of an accessory building to a carriage house on the subject parcel.

## 3.0 Community Planning

Community Planning Staff supports the proposed rezoning application to allow the construction of a carriage house on the subject property. The S2RES - Single / Two Unit Residential land use designation permits the proposed RU1c - Large Lot Housing with Carriage House zone. Currently the adjacent parcels contain single family dwellings with a few having carriage houses. Across Kinnear Court from the subject parcel is a large parking lot for the Bethel Church.

## 4.0 Proposal

### 4.1 Background

The existing 1 ½ storey single detached dwelling with a single attached garage was constructed in June of 1977. The existing accessory building was approved for construction in September of the same year. A second kitchen was approved for within the dwelling in June of 2003. Since that time, there have been multiple bylaw enforcement investigations regarding illegal suites. The applicant has since purchased the home and is taking measures to legalize the existing accessory building as a carriage house. The second kitchen will be removed from the dwelling to ensure bylaw compliance is addressed.

### 4.2 Project Description

The subject parcel is located within the Permanent Growth Boundary on the south side of Kinnear Court. At the time of construction, the accessory building met all of the Zoning Bylaw regulations. In rezoning the parcel to allow for the conversion of the accessory building to a carriage house, one variance is triggered. The required side yard setback of 2.0 m would need a variance to be reduced to 1.17 m proposed.



Parking for the primary dwelling is accommodated at the front of the house with a single car attached garage and the driveway is able to accommodate an additional parking space. Parking for the carriage house is accessed from the rear lane. The parking space provided is large enough to accommodate 3 vehicles. Private amenity space is located beside the carriage house. A fence will be added to provide privacy between the primary dwelling and the carriage house. The addition of a lit pathway from the street to the carriage house will provide additional access.



The requested variance to the east side setback will not negatively affect the adjacent parcel, as the neighbouring property has a raised planter bed garden which extends the length of the carriage house. This, along with the shed and fence in the adjacent rear yard, creates separation and privacy to the proposed carriage house.

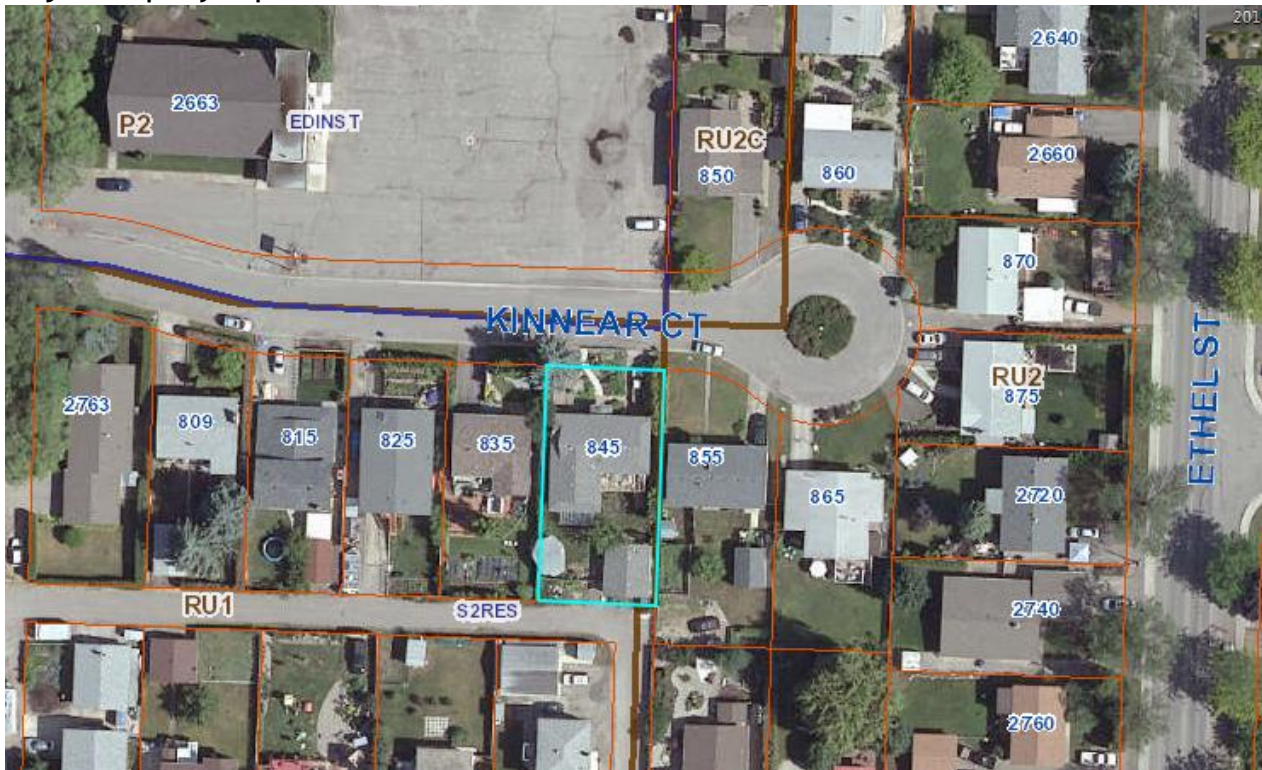
### 4.3 Site Context

The subject property is located on the south side of Kinnear Court in the South Pandosy/KLO sector of Kelowna.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P2 - Education & Minor Institutional RU2c - Medium Lot Housing with Carriage House	Religious Assembly Single Family Dwelling with Carriage House
East	RU1 - Large Lot Housing	Single Family Dwelling
South	RU1 - Large Lot Housing	Single Family Dwelling
West	RU1 - Large Lot Housing	Single Family Dwelling

### Subject Property Map:



### 4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU1c ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	550 m <sup>2</sup>	667 m <sup>2</sup>
Min. Lot Width	16.5 m	18.23 m
Min. Lot Depth	30 m	36.58 m
Development Regulations		
Site Coverage	40%	29%
Site Coverage: accessory buildings or structures and carriage house (one storey)	20%	6.67%

Floor area of carriage house (footprint)	100 m <sup>2</sup>	44.5 m <sup>2</sup>
Max. area of carriage house (total building area)	130 m <sup>2</sup>	44.5 m <sup>2</sup>
Max. net floor area of carriage house to total net floor area of principal building	75%	22.94%
Height (mid point of roof)	4.8 m	3.24 m
Setback from Principal Dwelling	3.0 m	5.76 m
<b>Carriage House Regulations</b>		
Max. Height	4.8 m	3.24 m
Min. Side Yard (east)	2.0 m	1.17 m●
Min. Side Yard (west)	2.0 m	10.96 m
Min. Rear Yard (with a lane)	0.9 m	1.52 m
Height (carriage house shall not be higher than existing primary dwelling unit)	1 1/2 storey ex. House	1 storey Carriage house
<b>Other Regulations</b>		
Min. Parking Requirements	3 stalls	+3 stalls provided
Min. Private Open Space	30 m <sup>2</sup>	+30 m <sup>2</sup>
● Indicates a requested variance to the side setback to a carriage house.		

## 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

- 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 are being applied to this structure.

### 6.2 Development Engineering Department

- See attached Development Engineering memorandum.

### 6.3 Bylaw Services

- Bylaw Services has two open files for this property, an illegal suite in the main house and an illegal suite in the garage with numerous complaints received. Records indicate an

“Affidavit for a second kitchen”, within the main dwelling, which has been misused with complaints for both units dating back to 2003.

#### 6.4 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 Kinnear Court for emergency response.
- Should a gate or fence be installed between main house and carriage house the gate is to open without special knowledge (locking device and have a clear width of 1100mm.
- Emergency access is NOT from the lane to the south but from Kinnear Court.

#### 7.0 Application Chronology

Date of Application Received: September 24, 2015  
Date of Amended Plans Received: January 27, 2016  
Date Public Consultation Completed: April 8, 2016

#### Report prepared by:

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Lydia Korolchuk, Planner

Reviewed by:

Terry Barton, Urban Planning Manager

Approved for Inclusion:

Ryan Smith, Community Planning Department Manager

#### Attachments:

Subject Property Map

Site Plan

Conceptual Elevations

Attachment A: Development Engineering Memorandum dated October 27, 2015

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