

# REPORT TO COUNCIL



**Date:** May 17, 2016

**RIM No.** 0940-40 & 0940-50

**To:** City Manager

**From:** Community Planning Department (TB)

**Application:** DP15-0321, DVP16-0031      **Owner:** 476462 BC Ltd., Inc. No. BC047642

**Address:** 1382 Graham Street      **Applicant:** Okanagan Sunrise Construction

**Subject:** Development and Development Variance Permit

**Existing OCP Designation:** S2RES - Single/Two Unit Residential

**Existing Zone:** RU6 - Two Dwelling Housing

**Proposed Zone:** RU6 - Two Dwelling Housing

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Permit No. DP15-0321 for Lot 6 District Lot 138 ODYD Plan 16006 located at 1382 Graham Street, 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. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B",

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0031 for Lot 6 District Lot 138 ODYD Plan 16006 located at 1382 Graham Street, Kelowna BC;

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

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

To vary the maximum height to the peak of the roof of the carriage house from 5.72m required to 6.11m proposed.

AND THAT Council's consideration of this Development Permit be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department dated February 29, 2016;

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

AND FURTHER THAT this Development Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

## **2.0 Purpose**

To consider the form and character, and a maximum peak roof height variance to an existing carriage house on the property.

## **3.0 Community Planning**

Community Planning Staff supports the development permit maximum peak roof height variance to allow for the legalization of the existing carriage house. The form and character of the carriage house fits within the local context of the neighbourhood and is consistent with the design guidelines in the Official Community Plan (OCP). One variance is required for the maximum peak height of the Carriage House and the application meets all other Zoning Regulations.

The subject property is located within the Urban Core Area. The Carriage House use is consistent with the OCP Future Land Use of Single/Two Family Residential and is consistent with OCP policies for Compact Urban Form and Sensitive Infill.

The approval of this Development Permit and 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.

## **4.0 Proposal**

### **4.1 Background**

The existing 1 1/2 storey principal dwelling was constructed in 1966. Prior to the current owner the basement was converted into a secondary suite without permits. The accessory building was designed as a double garage with unheated storage on the second level and was constructed in 2003 with all required building permits. At some point prior to the current owner it was converted to a carriage house without permits. The first bylaw investigation on this property occurred in 2005 for an "illegal secondary suite and illegal carriage house." It was closed in 2006 because the "tenants moved out" (as per Bylaw Officer). A second investigation occurred later in 2006 and was closed shortly thereafter with the same remarks. The property sold in 2007, and under new ownership the third bylaw investigation for an illegal secondary suite and illegal carriage house began in November 2015. The current owner was unaware that the suite and the carriage house were illegal. It is due to this third investigation that this application has been initiated. The owners have since decommissioned the secondary suite in the principal dwelling to allow for the legalization of the carriage house. The maximum number of dwellings on this RU6 - Two Family Residential property is 2 therefore a secondary suite will not be permitted in the primary dwelling should the legalization of the carriage house be approved.

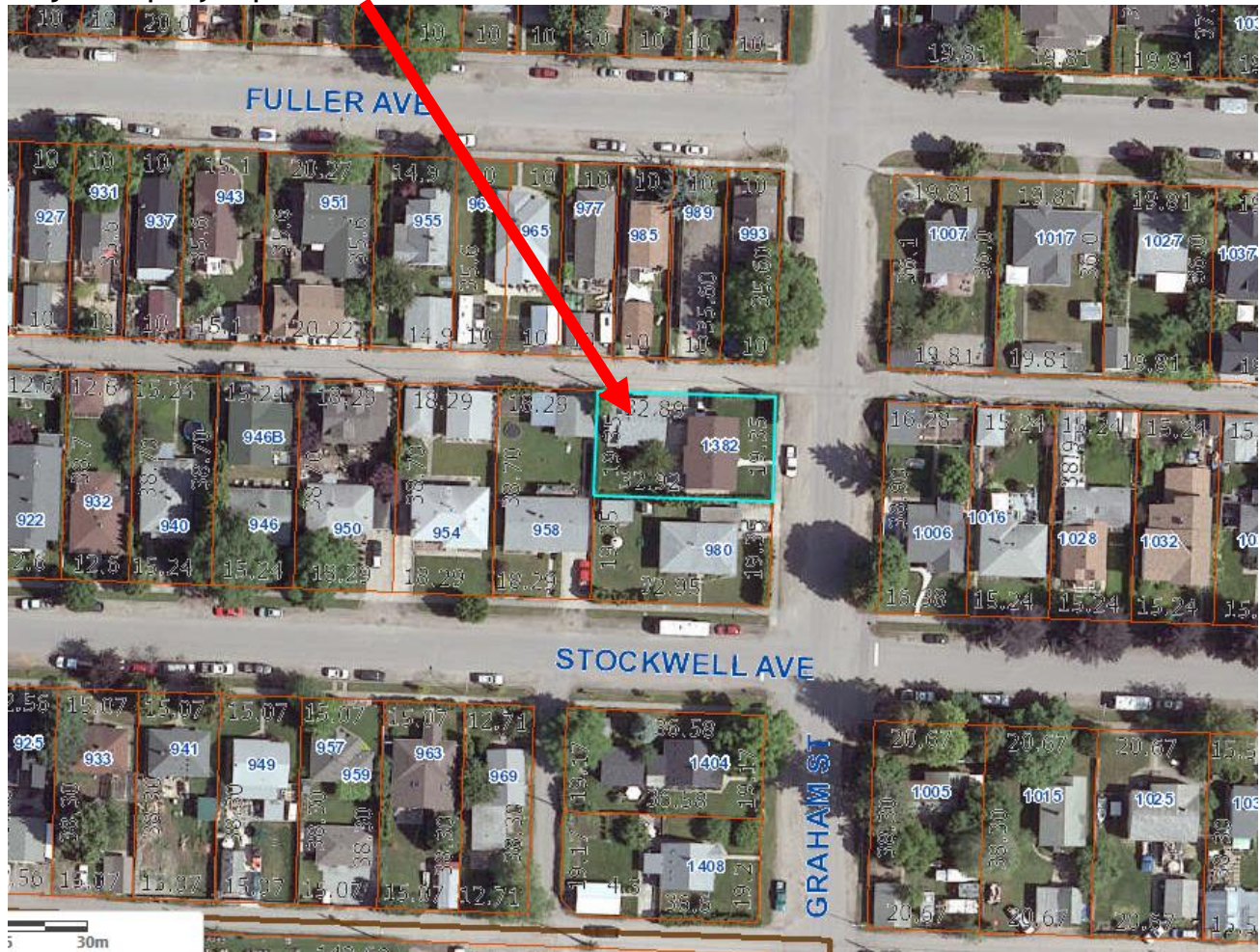
### **4.2 Site Context**

The subject property is located within the Urban Core Area. It is located on the west side of Graham Street, north of Bernard Avenue. It is within walking distance to Martin Park, Cawston Avenue Recreation Corridor and transit routes on both Cawston and Bernard Avenues. It has a walkable score of 67 out of 100 which means that it is somewhat walkable and some errands can be accomplished on foot.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 - Two Dwelling Housing	Residential
East	RU6 - Two Dwelling Housing	Residential
South	RU6 - Two Dwelling Housing	Residential
West	RU6 - Two Dwelling Housing	Residential

Subject Property Map: 1382 Graham Street



#### 4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	400 m <sup>2</sup>	637.18 m <sup>2</sup>
Minimum Lot Width	13.0 m	19.36 m
Minimum Lot Depth	30 m	32.92 m
Development Regulations		
Maximum Site Coverage (buildings)	40%	26.4%
Maximum Site Coverage (buildings, driveways and parking)	50%	29%
Development Regulations (Carriage House)		
Maximum Height	4.8 m	4.2
Maximum Height To principal dwelling	5.715 m	6.11 m <span style="color: red;">●</span>
Minimum Side Yard (north)	2.0 m	9.6 m
Minimum Side Yard (south)	2.0 m	2.3 m
Minimum Rear Yard	1.5 m	2.1 m
Max. Carriage House Lot Coverage	14%	12.6%
Max. Accessory Building Footprint	90 m <sup>2</sup>	71.3 m <sup>2</sup>
Max. Carriage House Net Floor Area of Principal Building	75%	60%
Other Regulations		
Minimum Parking Requirements	3 stalls	3 stalls
Minimum Private Open Space	30 m <sup>2</sup> per dwelling	>30 m <sup>2</sup> per dwelling
Min. Distance to Principal Building	3.0 m	5.2 m

● Indicates a requested variance to allow the Carriage House to be taller in maximum height to principal dwelling..

#### 5.0 Development Permit Guidelines

##### Intensive Residential - Carriage House / Two Dwelling Housing

Consideration has been given to the following guidelines as identified in Section 14.C. of the City of Kelowna Official Community Plan relating to Intensive Residential - Carriage House / Two Dwelling Housing Development Permit Areas:

INTENSIVE RESIDENTIAL - CARRIAGE HOUSE / TWO DWELLING HOUSING	YES	NO	N/A
<b>General Considerations</b>			
Does the dwelling complement the character of the neighbourhood and the principal dwelling?	✓		
Is private outdoor space maximized for each dwelling unit?	✓		
Does lighting placement ensure safety and reduce light pollution?	✓		

<b>INTENSIVE RESIDENTIAL - CARRIAGE HOUSE / TWO DWELLING HOUSING</b>	<b>YES</b>	<b>NO</b>	<b>N/A</b>
Are parking spaces and garages located in the rear yard?	✓		
Are impermeable surfaces minimized?	✓		
Do all street facing elevations have a high quality of design?	✓		
Are entrances a dominant feature visible from the street or lane?	✓		
Does the design consider the scale and placement of windows on building faces, projections and dormers?	✓		
Is utility and mechanical equipment screened from view?			✓
Do windows and outdoor areas respect the privacy of adjacent properties?	✓		
Does the building location minimize shadowing on the private open space of adjacent properties?	✓		
Does fencing or landscaping screen views of private open space on adjacent properties?	✓		
Is fencing material in keeping with that of abutting properties?	✓		
Are existing healthy mature trees and vegetation being retained?	✓		
Does the front yard landscaping use drought tolerant native plants?			✓
<b>Two Dwelling Housing and Carriage Houses</b>			
Does the design create a "lanescape" with a main entrance, massing towards the lane and landscaping?	✓		
Do all street facing elevations have an equal level and quality of design?			✓
Does the exterior design and finish complement the principal dwelling?	✓		
Do the roofline, windows and façades incorporate variation to establish individual character?	✓		
Does the massing next to private open space of adjacent properties reduce the sense of scale?	✓		

### 5.1 Proposal - Development Permit Guidelines

The existing accessory building meets the majority of the design guidelines for Intensive Residential, and it was constructed to compliment the character of the neighborhood and the principal dwelling. The use of dormers maximizes the habitable space while reducing massing of the second level. The placement of windows respects the privacy of the adjacent properties, and the main entrance to the carriage house is a dominant feature on the lane.

Existing vegetation is being retained as no construction or alterations are necessary to legalize this suite. Private outdoor space is maximized for each unit, and an existing cedar hedge and fencing is used to screen views on adjacent properties. Three parking stalls are provided in the rear yard, two in the garage under the carriage house and one between the two dwellings.

## 6.0 Current Development Policies

### 6.1 Kelowna Official Community Plan (OCP)

#### Chapter 5: 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.

**Sensitive Infill.**<sup>2</sup> Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

## 7.0 Technical Comments

### 7.1 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

### 7.2 Development Engineering Department

- Please see attached Schedule "A" - City of Kelowna Memorandum dated February 29, 2016.

### 7.3 Fire Department

- Requirements of section 9.10.19 Smoke Alarms and Carbon Monoxide alarms of the BCBC 2012 are to be met.
- Ensure an address is posted on Graham St. for emergency response - a laneway is not considered emergency access

### 7.4 FortisBC Electric

- There are primary distribution facilities within the lane adjacent the subject's north property line. 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.

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

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

## 8.0 Application Chronology

Date of Application Received: January 29, 2016  
Date Public Consultation Completed: March 28, 2016

Report prepared by:

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Trisa Brandt, Planner I

Reviewed by: ☐ Terry Barton, Urban Planning Manager

Approved for Inclusion: ☐ Ryan Smith, Community Planning Department Manager

### Attachments:

Schedule "A" - City of Kelowna Memorandum dated February 29, 2016  
Site Plan and Floor Plans  
Conceptual Elevations  
Context/Site Photos