

REPORT TO COUNCIL



Date: June 28, 2016
RIM No. 0940-00
To: City Manager
From: Community Planning Department (TY)
Application: DVP16-0072 & DP16-0071 **Owner:** Judston & Karen Wickwire
Address: 1281 Highway 33 East **Applicant:** Novation Design Studio
Subject: Development Variance Permit & Development Permit
Existing OCP Designation: REP - Resource Protection Area
Existing Zone: A1C - Agriculture 1 with Carriage House

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0072 for Lot 2 Section 13 Township 26 ODYD Plan 15924 Except Plans 22851, H8383 and KAP88682, located at 1281 Highway 33 East, Kelowna, BC;

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

Section 9.5b.1(e): Specific Use Regulations - Carriage House Regulations

To vary the size of upper floor area of a carriage house from a maximum of 75% of the building footprint to the 100% of the building footprint as shown on Schedule "A."

AND THAT Council authorizes the issuance of Development Permit No. DP16-0071 for Lot 2 Section 13 Township 26 ODYD Plan 15924 Except Plans 22851, H8383 and KAP88682, located at 1281 Highway 33 East, 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's consideration of this Development Variance Permit and Development Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule "C" attached to the Report from the Community Planning Department dated June 28, 2016.

AND THAT Council's consideration of this Development Variance Permit and Development Permit be considered subsequent to the registration of a Right of Way for sewer connection with neighbouring property located at 1301 Lewis Road, Kelowna, BC, in favour of the subject property;

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

2.0 Purpose

To vary the allowable size of the upper floor area of and to consider the form and character of a carriage house on the subject property.

3.0 Community Planning

Community Planning supports the proposed carriage house design along with one variance. The subject property received the "C" designation in 2010, allowing the property owners to design a carriage house. The carriage house must meet Zoning Bylaw No. 8000 regulations, however the unique lot configuration and topography limit design options with regards to an accessory building.

The subject property is unique in that:

- Although within the Agricultural Land Reserve (ALR), Agricultural Land Commission (ALC) restrictions do not apply.

The *Agricultural Land Commission Act*, Section 23 Exceptions states that certain parcels in the province are exempt from ALC acts, regulations, and policies provided that the parcel a) is not in current farm production b) is less than 2 acres/8,094 m² and c) has a separate certificate of title was issued on December 21, 1972, outlining that restrictions on the use of agricultural land do not apply.

The property is subject to all other regulating authorities such as municipal zoning, BC Building code etc.

4.0 Proposal

4.1 Background

The subject parcel is located along Highway 33 E. Due to topography and sightlines, this property and the neighbouring property to the south (1287 Hwy 33 E) access HWY 33 E via a service road within the Highway Right-of-Way.

In 2010, the subject property was rezoned from A1 to A1c. A design was brought forth to Community Planning that although does not meet one regulation in Zoning Bylaw No. 8000, is an appropriate location given the topography and layout of the existing driveway and principal dwelling.

The proposed carriage house will be serviced with City of Kelowna Sanitary System via a R.O.W. access from an adjacent residential parcel, 1301 Lewis Road. A right of way will be registered on the neighbouring property, allowing sanitary sewer utilities from the subject parcel to cross the neighbouring property, connecting to City services located along Lewis Road. The sanitary utilities will service both the carriage house and existing principal dwelling. The principal dwelling is currently serviced by an on-site septic system that will be decommissioned.

4.2 Project Description

The subject parcel contains on single family dwelling. The applicant is proposing an accessory building designed with an upper and lower storey, constructed into an existing slope on the property. The upper storey of the building, at grade with the high side of the existing slope will contain a two vehicle garage, one single vehicle garage and a carriage house. The lower storey of

the building, at grade with the lower portion of the slope is storage. The lower storey is not to be used as living space for the carriage house as it would create a carriage house with a living area of 169 m² which does not comply with Zoning Bylaw No. 8000. The applicant recognizes that should this space be used as living space, immediate fines are applicable until the use is brought back into conformance.

The subject property is not currently serviced by City of Kelowna sanitary sewer services, and is less than 1.0 hectare (2.5 acres). Staff do not support carriage houses on parcels of this size unless they are connected to municipal sanitary services (not relying on on-site septic systems). The applicant has proposed connecting to City sanitary services via an adjacent residential property, (1301 Lewis Road). The applicant is proposing to register a Right of Way over the adjacent parcel in favor of the subject property to accommodate this.

Existing Conditions: 1281 Hwy 33 E



4.3 Site Context

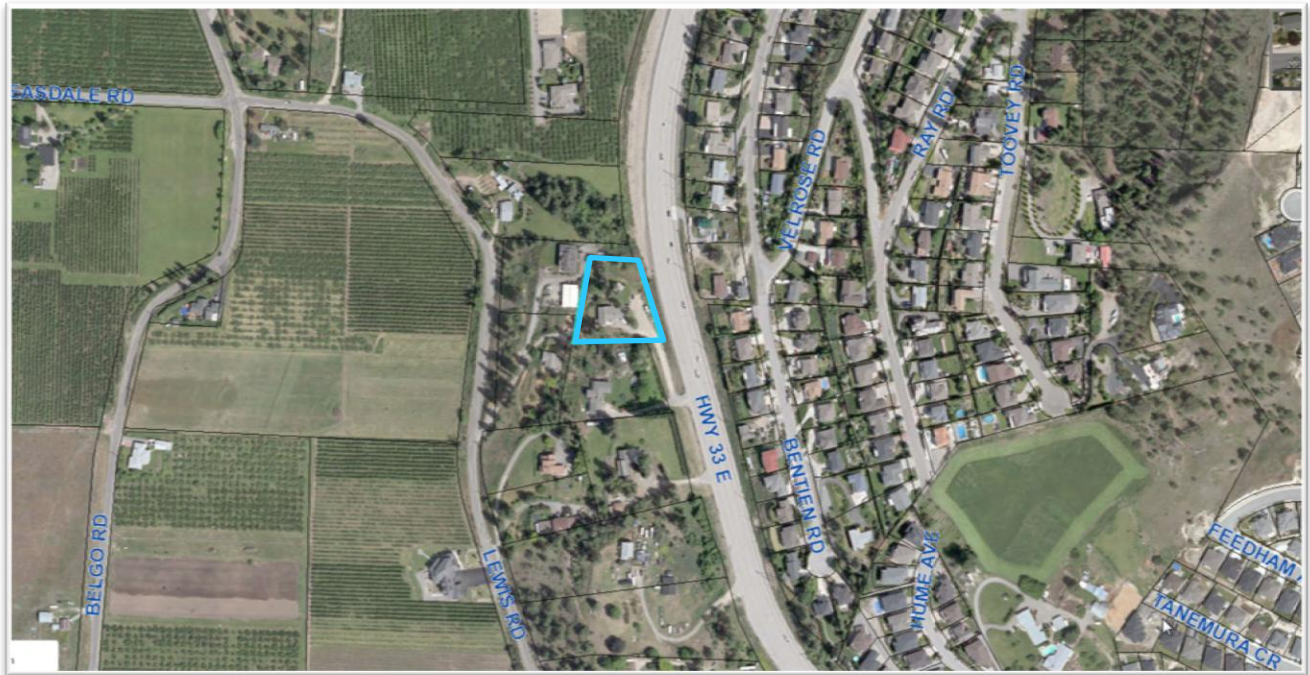
The subject parcel is 1.1 acre in size, located along Highway 33 E in the Belgo-Black Mountain Sector of Kelowna. The property is zoned A1c and is outside of the Permanent Growth Boundary. It is currently serviced with an on-site septic system, water for the property is provided through Black Mountain Irrigation District.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR2, A1	Rural Residential
East	A1c	Rural Residential
South	A1	Rural Residential

West	RR2, RR2c	Rural Residential
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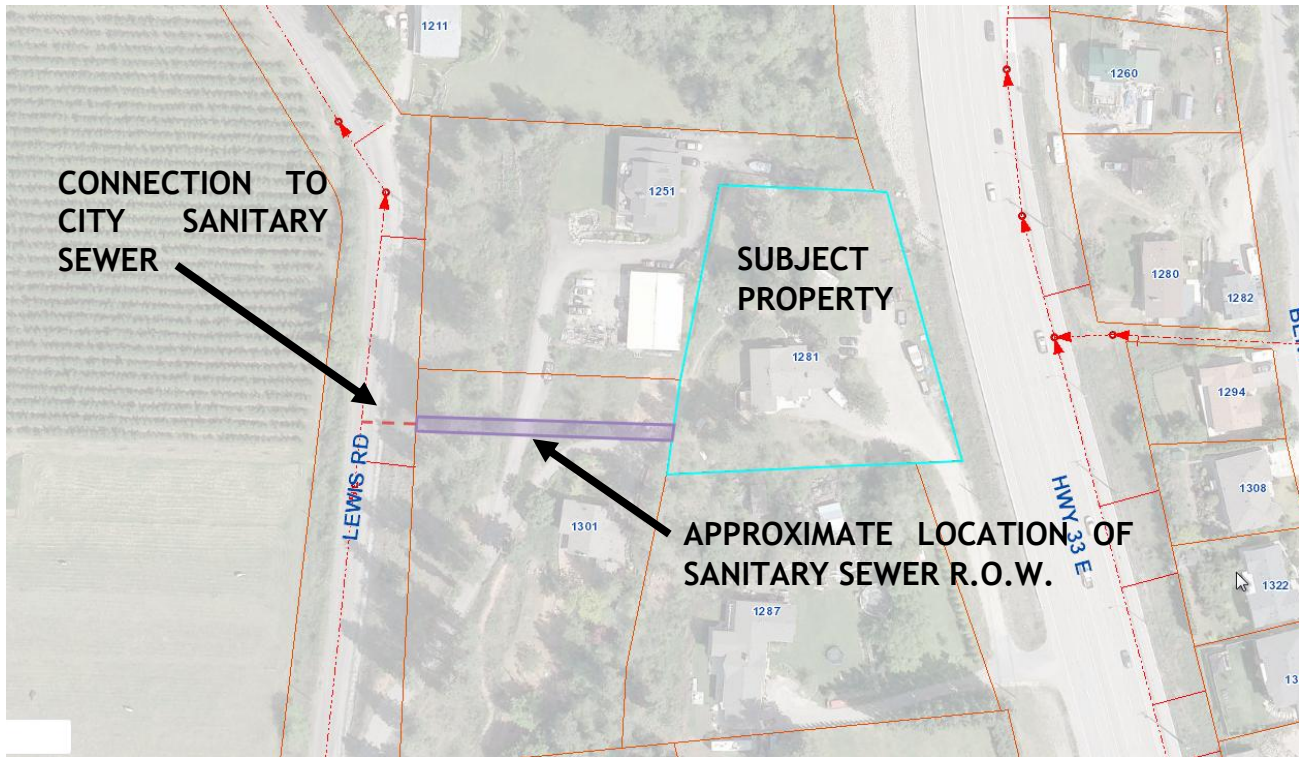
Neighbourhood Context Map: 1281 Hwy 33 E



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	A1c ZONE REQUIREMENTS (Carriage House)	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	2.0 ha/5. ac	1.1 ac
Lot Width	40.0 m	71.1 m
Development Regulations		
Site Coverage for Residential development	10%	5%
Carriage House Development Regulations		
Site Coverage of accessory buildings and carriage house	14%	180 m ² / 4%
Height	6.0 m	5.9 m
Front Yard	Double the Front Yard Setback 12.0 m	12.0 m
Side Yard (north)	3.0 m	16.0 m
Side Yard (south)	3.0 m	45.0 m
Rear Yard	3.0 m	21.0 m
Upper Storey Area	75% of building footprint	100 % of building footprint ●
● Indicates a requested variance to the upper storey area of a carriage house exceeding 75% of the carriage house footprint.		

Proposed Sanitary Sewer R.O.W.: 1281 Hwy 33 E



Technical Comments

3.1 Building & Permitting Department

Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.

The drawings submitted for Building Permit application is to indicate the method of fire separation between the carriage house and the F occupancy basement storage space.

Full plan check for Building Code related issues will be done at time of Building Permit applications.

3.2 Development Engineering Department

See Development Engineering Memorandum dated May 9, 2016.

4.0 Application Chronology

Date of Application Received:	March 10, 2016
Date Public Consultation Completed:	April 22, 2016

Report prepared by:

Tracey Yuzik, Planner

Reviewed by: Todd Cashin, Subdivision, Suburban and Rural Planning Manager

Reviewed by: Ryan Smith, Community Planning Department Manager

Approved for Inclusion: Doug Gilchrist, Divisional Director, Community Planning & Real Estate

Attachments:

Schedule A - Site Plan & Floor Plans

Schedule B - Elevations

Schedule C - Development Engineering Services Memo