

# REPORT TO COUNCIL



**Date:** July 12, 2016

**RIM No.** 0940-50

**To:** City Manager

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

**Application:** DP15-0112 & DVP15-0113      **Owner:** (Christian) Lee Bond

**Address:** 565 Coronation Avenue      **Applicant:** (Christian) Lee Bond

**Subject:** Development Permit & Development Variance Permit

**Existing OCP Designation:** MRM - Multiple Unit Residential (Medium Density)

**Existing Zone:** RU2 - Medium Lot Housing

**Proposed Zone:** RU2c - Medium Lot Housing with Carriage House

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## 1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11184 be considered by Council;

AND THAT Council authorizes the issuance of of Development Permit No. DP15-0112 for Lot 36 District Lot 139 ODYD Plan 1303, located at 565 Coronation Avenue, 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. DVP15-0113 for Lot 36 District Lot 139 ODYD Plan 1303, located at 565 Coronation Avenue, Kelowna, BC;

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

**Section 9.5b.14: Carriage House Regulations**

To vary the required minimum side yard from 2.0 m permitted to 1.46 m and 1.81 m proposed.

**Section 13.2.6(d): RU2 - Medium Lot Housing Development Regulations**

To vary the required minimum side yard from 1.5 m permitted to 1.41 m proposed.

AND THAT Council's consideration of this Development Permit and Development Variance Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule 'A' attached to the Report from Community Planning Department dated July 3, 2015;

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

AND THAT the applicant be required to register on the subject property a section 219 no occupancy covenant to not allow the dwellings to be habitable until all building permit life safety requirements have been completed;

AND FURTHER THAT this Development Permit and Development Variance 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 of a carriage house on the subject parcel and variances to the minimum side setbacks required for single family dwellings and carriage houses.

## **3.0 Community Planning**

Community Planning staff supports the requested variances to allow the conversion of an existing Primary Dwelling to a Carriage House. This would allow for the existing primary dwelling at the rear of the parcel to become the secondary use of Carriage House. The existing accessory building at the front of the parcel would be converted to the primary Single Dwelling Housing use under the RU2c zone.

The parcel is located within the Permanent Growth Boundary. Policies within the Official Community Plan (OCP) support sensitive integration into existing neighbourhoods where services are already in place and densification can easily be accommodated.

## **4.0 Proposal**

### **4.1 Background**

The subject parcel was created in 1913. The principal dwelling was constructed on the parcel in 1948 and a building permit was issued in 1954 to allow for an addition to the east side of the dwelling. In 1986, a second building permit was issued for the construction of an accessory building to be located at the front of the parcel. At that time, accessory building location was not restricted to the rear of the parcel.

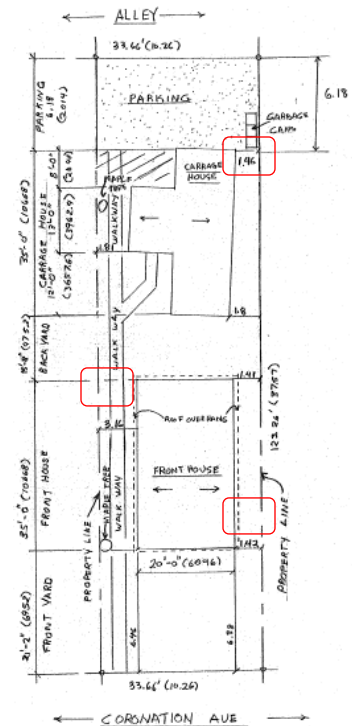
At some point after the construction was completed, the accessory building was converted to an illegal 'secondary suite' with enforcement action ensuing. In 2000, the applicant applied to rezone the parcel to RU2s - Medium Lot Housing with Secondary Suite zone to allow for the legalization of the 'secondary suite'. Council unanimously voted against the application (Z00-1005).

### **4.2 Project Description**

The subject parcel is located within the Permanent Growth Boundary on the south side of Coronation Avenue, between St. Paul and Richter Street within the City Center Urban Center. If approved, the accessory building at the front of the parcel will be converted to become the primary dwelling. A Section 219 No Occupancy Covenant has been registered on title. This covenant provides Planning and Bylaw Enforcement with the assurance that the building cannot be occupied as a dwelling until all life safety and Building Code requirements of a habitable building are completed. Once approved, the covenant may be removed from title and the dwelling occupied.

The original proposal indicated a bedroom in the upper loft area. As this space did not provide sufficient floor to ceiling height to meet building code requirements, an 18.58 m<sup>2</sup> bedroom addition is proposed for the rear of the building. The proposed addition aligns the new exterior walls with the existing building exterior walls on both sides. This triggers a side setback variance from 2.0 m required to 1.41 m proposed. As there are no windows along the side façade of the addition, the impact to the adjacent parcel is minimal as this matches the existing building setback.

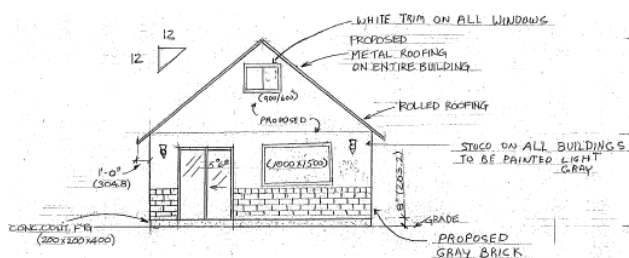
The second variance is to reduce both side setbacks of the Carriage House from 2.0 m required to 1.46 m provided on the west side and 1.81 m on the east side. The subject building was constructed on the parcel in 1948 and therefore, does not meet the current side setback requirements. The 2.0 m side setback requirement is the same for a Carriage House as it is for the one storey portion of a primary dwelling. As such, the non-conformity of the building will be reduced on the west side. This is achieved by the removal of a portion of the rear of the existing building to accommodate parking stalls which will be accessed from the rear lane. The current side setback is 1.35 m, and will increase to 1.46 m proposed.



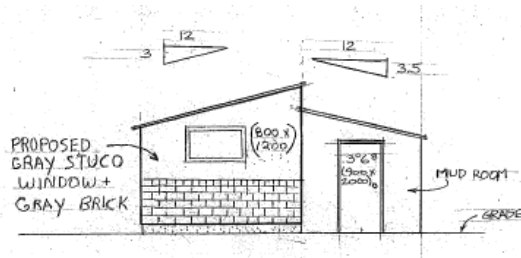
The remainder of the proposal is similar to the above referenced Z00-1005 rezoning application. Revisions have been provided to upgrade the facades of the existing buildings and to provide the three required parking stalls on the subject parcel. This is accomplished by a portion of the existing rear building being removed to provide adequate room for the parking stalls at the rear of the parcel.

The upgrades to the building exterior will improve the existing streetscape, lanescape and overall neglect of the parcel. Through the current Official Community Plan Guidelines, Zoning Bylaw and Building Permits building code requirements; Staff views this as an opportunity to address concerns which have existed for many years.

The Uses on the parcel will be amended. The primary dwelling is currently at the rear of the parcel. This use will now be for the building facing Coronation Avenue, which was originally constructed as an Accessory Building. The primary dwelling will have the use of Carriage House, as it is located off the rear lane.



Primary Dwelling - Front Elevation



Carriage House - Elevation from Lane

### 4.3 Site Context

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU2 - Medium Lot Housing	Single Detached Dwelling

East	RU2 - Medium Lot Housing	Single Detached Dwelling
South	RU2 - Medium Lot Housing	Single Detached Dwelling
West	RU2 - Medium Lot Housing	Single Detached Dwelling

#### Subject Property Map: 565 Coronation Avenue



#### 4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU2c ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	400 m <sup>2</sup>	380.71 m <sup>2</sup>
Minimum Lot Width	13 m	10.13 m
Minimum Lot Depth	30 m	37.57 m
Development Regulations		
Maximum Site Coverage (buildings)	40%	22.38%
Maximum Site Coverage (buildings, driveways and parking)	50%	39.04%
Maximum Height	9.5 m	4.87 m
Minimum Front Yard	4.5 m	6.38 m
Minimum Side Yard (east)	2.3 m	2.96 m
Minimum Side Yard (west)	2.3 m	1.41 m ●
Minimum Rear Yard	7.5 m	23.57 m
Carriage House Regulations		
Max. Height	4.8 m	3.35 m
Min. Side Yard (east)	2.0 m	1.81 m ●
Min. Side Yard (west)	2.0 m	1.46 m ●
Min. Rear Yard	0.9 m	6.18 m

Height (carriage house shall not be higher than existing primary dwelling unit)	1½ storey primary dwelling	1 storey carriage house
Other Regulations		
Minimum Parking Requirements	3 stalls	3 stalls
Minimum Private Open Space	60 m <sup>2</sup>	60 m <sup>2</sup>
<p>● Indicates a requested variance to the side setback of the single detached house.</p> <p>● Indicates a requested variance to the side setback of the carriage house.</p>		

## 5.0 Current Development Policies

### 5.1 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 neighborhood with respect to building design, height and siting.

## 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 and NAFS are being applied to this structure at time of permit application.

### 6.2 Development Engineering Department

- See attachment 'A'

### 6.3 Bylaw Services

- Numerous bylaw issues relating to this property; presently a court file summons for 3-cts, Unsightly Premises Bylaw, Zoning Bylaw and Fire and Life Safety Bylaw.

### 6.4 Fire Department

- Requirements of section 9.10.19 Smoke Alarms of the BCBC 2012 are to be met. If a fence is ever constructed between the dwellings a gate with a clear width of 1100mm is required. Any gate is to open without special knowledge. Additional visible address is required from Coronation. Emergency access is NOT from the lane to the south but from Coronation Ave.

<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).

## 7.0 Application Chronology

Date of Application Received:	May 21, 2015
Date Public Consultation Completed:	July 15, 2015
Date of latest Drawing Revisions Received:	November 16, 2015
Date of Rezoning Public Hearing	February 16, 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:**

Schedule A: Site Plan & Landscape Plan

Schedule A: Floor Plans

Schedule B: Conceptual Elevations

Attachment 'A': Development Engineering Memorandum

Attachment 'B': Section 219 No Occupancy Covenant