

REPORT TO COUNCIL



Date: July 12, 2016
RIM No. 0940-40
To: City Manager
From: Community Planning Department (LK)
Application: DVP15-0081 **Owner:** Scott Grant, Judith Grant
Address: 3077 Lowe Ct **Applicant:** Scott Grant
Subject: Development Variance Permit
Existing OCP Designation: S2RES - Single / Two Unit Residential
Existing Zone: RU6 - Two Dwelling Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP15-0081 for Lot 6 District Lot 135 ODYD Plan 30518, located at 3077 Lowe Court, Kelowna, BC;

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

Section 8.1.2: Parking and Loading - Number of Spaces

To vary the minimum number of parking spaces required from 4 stalls required to 2 stalls proposed.

Section 8.1.9(b): Parking and Loading - Location

To allow required off-street parking to be located within the required front yard.

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

2.0 Purpose

To vary the location and the number of parking stalls from 4 stalls required to 2 stalls provided to accommodate a secondary suite and a home based business on the subject parcel.

3.0 Urban Planning

Community Planning staff supports the requested variances to the location and the number of parking spaces provided on the subject parcel to accommodate a secondary suite and a home based business. The 50% reduction to the amount of parking stalls required is being supported by Planning due to the unique nature of the home-based business and the unique circumstances with the property owner and resident of the secondary suite having a low vehicle requirement.

The secondary suite and home based business is consistent with the existing RU6 - Two Dwelling Housing Zone and the OCP Future Land Use Designation of S2RES - Single / Two Unit Residential. Furthermore, the proposed use of the property is reflective of OCP urban infill policies that support a compact urban form in order to maximize the use of existing infrastructure through increasing densities and re-development within the urban core areas.

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbour consultation for parcels within 50m of the subject parcel and provided proposal application packages.

4.0 Proposal

4.1 Background

The existing single family dwelling was constructed in 1980 and included a single car attached garage. The secondary suite was constructed in 1988 under BP0579 and the existing accessory building was constructed in 1990 under BP7197.

The secondary suite has not been utilized for a few years and was partially decommissioned as the owner had intended to convert the existing accessory building to a carriage house. Due to the numerous requirements to upgrade the structure to meet building code for a carriage house, the owner has decided not to pursue that option. Instead, the owner would like to re-establish the secondary suite within the primary dwelling and the accessory building will remain as storage.

In 2012, the existing single car garage was converted to a studio space which is used for a home based business - minor (The Modern Drum Room), which provides private drum lessons. This was completed without building permits and the owner is currently going through the building permit process to ensure the conversion is legalized and completed to current building code requirements.

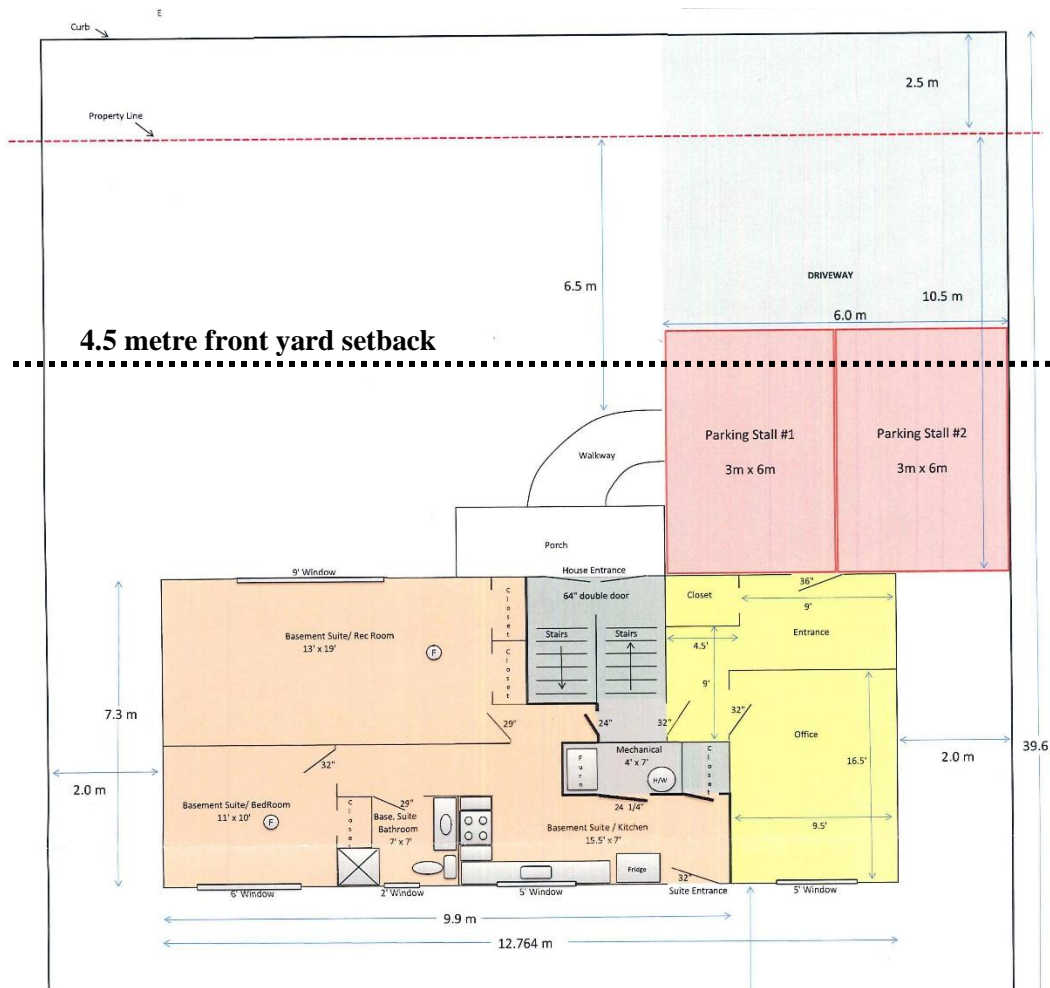
4.2 Project Description

As a result of the above noted changes, two variances would be required to allow the uses to remain. The first variance is to reduce the number of parking stalls from four stalls required to two stalls provided. The total number of stalls is established through the following Zoning Bylaw parking requirements: a single detached dwelling requires two parking stalls, a secondary suite and a home based business each require one parking stall.

Staff is supportive of this variance as the majority of the students walk over from KSS and KLO schools or are dropped off and picked up by their parents. Additionally, the applicant has a single vehicle and the occupant arranged for the secondary suite does not drive. This arrangement helps reduce the amount of vehicle traffic generated by the uses on this parcel. OCP objectives promote reduced vehicle ownership and ensures opportunities are available for the greater use of active transportation and transit. The subject parcel is centrally located with easy access to bus routes and bike networks on both KLO Road and Gordon Drive. The parcel's proximity to Okanagan College makes the area a prime location for increased density.

The second variance is to allow the provided parking stalls to be within the required front setback area. The Zoning Bylaw parking and loading regulations stipulate that 'no parking shall be located in the required front yard except that a maximum of two required spaces may be located on a driveway which provides access to a required off-street parking space that is not located in the front yard'. If the parking can be accommodated on the driveway, beyond the

required 4.5m front yard area, it would meet the regulations. While the driveway can easily accommodate two parking spaces, this cannot be accomplished without the vehicles being within this setback area, therefore, a variance is required to allow it.



The red shaded area indicates the two provided parking stalls. Vehicles may be located in front of these stalls, but will cross into the road ROW and not be fully contained on the parcel.

The parcel is able to accommodate two stalls within the driveway area which meet the Zoning Bylaw location requirements. Two additional parking spaces could be accommodated behind these two stalls. As they would be located in tandem and within the front setback area, they do not meet the Zoning Bylaw regulations and are not counted as provided parking stalls.

4.3 Site Context

The subject property is located on the east side of Lowe Court in the South Pandosy area of Kelowna.

Specifically, adjacent land uses are as follows:

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

Subject Property Map: 3077 Lowe Court



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	400m ²	664.03m ²
Lot Width	13m	15.24m
Lot Depth	30m	33.53m
Development Regulations		
Site Coverage	40%	24.57%

Site Coverage (incl. Driveway & parking)	50%	35.61%
Other Regulations		
Minimum Parking Requirements	4 stalls	2 stalls ^❶
❶ Indicates a requested variance to the number of required parking stalls.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: 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.

6.0 Technical Comments

6.1 Development Engineering Department

See attached Memorandum dated May 5, 2016.

7.0 Application Chronology

Date of Application Received: January 12, 2015
Date Public Consultation Completed: April 17, 2016

Report prepared by:

Lydia Korolchuk, Planner

Reviewed by:

☐

Terry Barton, Urban Planning Manager

Approved for Inclusion:

☐

Ryan Smith, Community Planning Department Manager

Attachments:

Site Context Plan

Site Plan

Attachment A: Development Engineering Memorandum

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