

REPORT TO COUNCIL



Date: July 26, 2016

RIM No. 0900-50

To: City Manager

From: Community Planning Department (PMc)

Application: DVP16-0053 **Owner:** Richard A. & Jennifer-Lyn A. Sutton

Address: 731 Royal Pine Dr. **Applicant:** Mario Emond/Center Construction

Subject: Development Variance Permit

Existing OCP Designation: Single Two Unit Residential (S2RES)

Existing Zone: RU1 - Large Lot Housing

Proposed Zone: RU1c - Large Lot Housing with Carriage House

1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11248 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0053 for Lot 25, Sec. 30, Twp. 26, O.D.Y.D., Plan 40293, located at 731 Royal Pine Dr., Kelowna, BC;

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

- **Section [7.5.9]: [Fencing and Retaining Walls]**

To vary the maximum permitted height of a retaining walls from 1.2m permitted to 2.3m proposed.

- **Section [13.1.6(b) iii.]: [RU1 - Large Lot Housing Development Regulations]**

To vary the maximum permitted height of an accessory building from 4.5m permitted to 5.92m proposed.

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 authorize the issuance of a Development Variance Permit to vary the maximum height of retaining walls to 2.3m, and to vary the maximum height of an accessory building (carriage house) to 5.9m on the subject property.

3.0 Community Planning

The associated Rezoning Bylaw 11248 was considered at a Public Hearing on June 14, 2016, and given second and third reading at the following Regular Meeting.

Community Planning Staff do not have concerns with the proposed Development Variance Permit application to vary the maximum height of retaining walls to 2.3m, and to vary the maximum height of an accessory building (carriage house) to 5.92m. There were no concerns raised at the Public Hearing regarding the proposed building height variance or the over height retaining walls. The proposed carriage house use is consistent with the OCP policy for Sensitive Infill and Compact Urban Form. The proposed carriage house also meets the Development Permit guidelines. As well, the visibility of the carriage house from the road is limited and will have little impact on the neighbourhood.

Council Policy No. 367 with respect to public consultation was undertaken by the applicant. All adjacent neighbours within a 50m radius were provided with a circulation package in regards to the development.

The applicant has reduced the size of the proposed carriage house to a 1 bedroom unit. This has reduced the overall footprint of the building, as well as reducing the overall length of the carriage house. The revised landscape plan also notes additional plantings along the northwest property line.

4.0 Proposal

4.1 Background

The subject property was registered in 1988 and developed with single unit dwelling in 1989. In 1993 a swimming pool was added to the property. There had been a number of retaining walls constructed in the rear yard to create a level area for the pool, as well as a level area to the rear of the dwelling. In 2013, there was a major renovation to the kitchen.

4.2 Project Description

The applicant is proposing to replace the existing pool house, located behind the existing dwelling and adjacent to the pool, with a new structure that will have a carriage house developed on the upper level, and a mechanical room on the lower level to service the adjacent pool. As part of the redevelopment plan, the applicant is proposing to repair or replace the existing retaining walls as several of the existing walls are showing signs of cracking and failure.

The proposed carriage house is designed as a single storey unit to be constructed on the level area adjacent to the swimming pool, created by a retaining wall. The southwest end of the carriage house is designed to be constructed on top of the exposed foundation for the mechanical room for the pool area. Owing to this configuration, the measured height of the carriage house is 5.92m. when measured from grade, which is greater than the maximum 4.5m height permitted. This application for a Development Variance Permit has been made to address both the retaining walls that are greater in height than the maximum permitted wall height of 1.2m. and the accessory building height greater than 4.5m.

There has also been application made for a form and character Development Permit for the carriage house which will be processed at a staff level should these variances be authorized. The proposed Carriage house design is consistent with Development Permit guidelines.

As part of the proposed site redevelopment, the applicant is also proposing to improve the landscaping of the property by cleaning up the existing landscaped areas, and introducing new plantings to the northwest and southeast property lines adjacent to the pool areas.

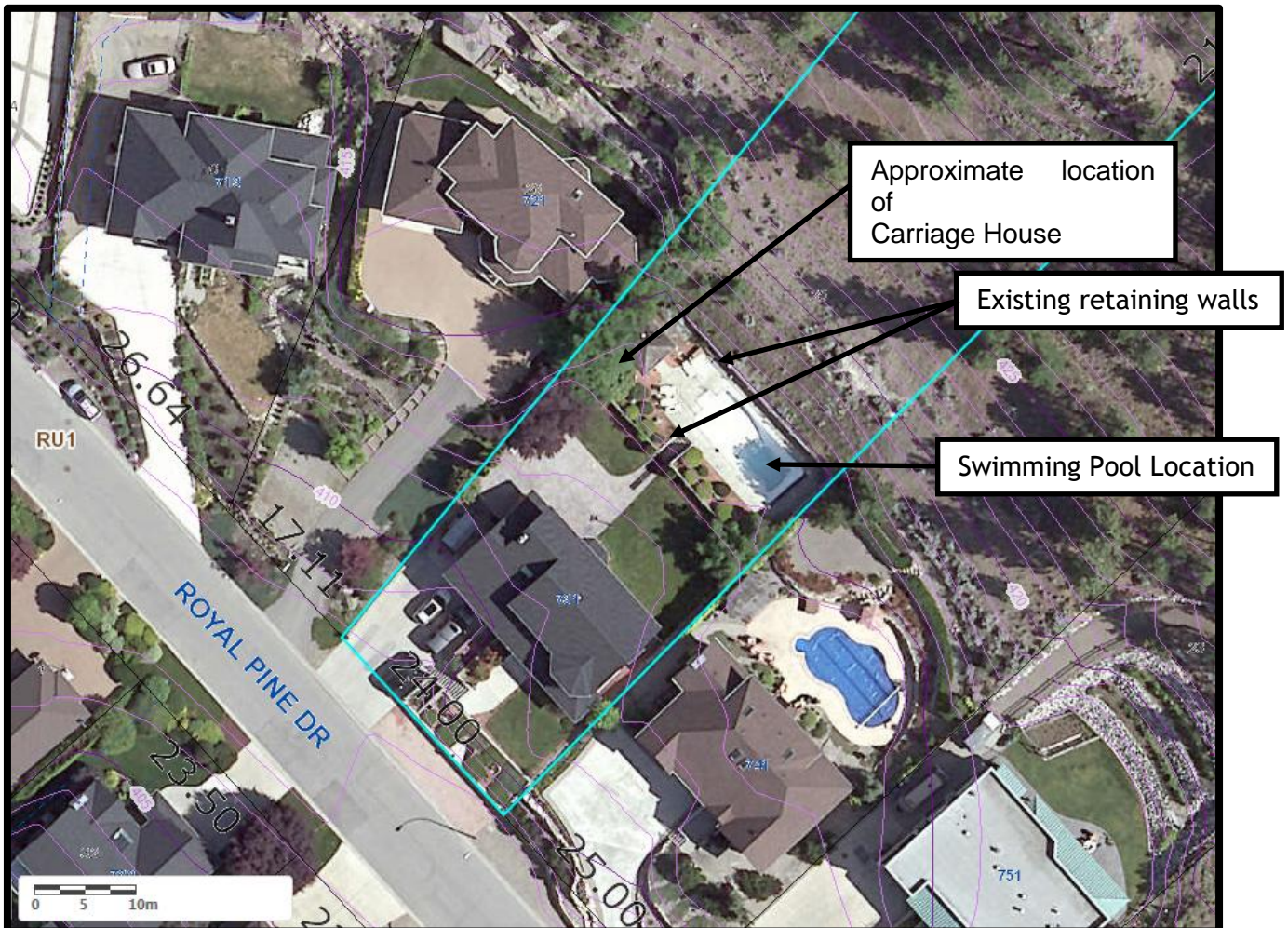
As was noted in the notification letter, the owners are not intending to rent out the unit, but wish to use the carriage house as a guest house for friends and family.

4.3 Site Context

The subject property is located on the north side of Royal Pine Dr. The subject property has a gently sloped area adjacent to the road, and several level areas created by retaining walls. The remainder of the lot is steeply sloped up to Knox Mountain Park.

Subject Property Map:

731 Royal Pine Dr.



Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P3 - Parks and Open Space	Knox Mountain Park
South East	RU1 - Large Lot Housing	Single Unit Housing
South West	RU1 - Large Lot Housing	Single Unit Housing
North West	RU1 - Large Lot Housing	Single Unit Housing

4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU1c ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	550m ²	6,462m ²
Lot Width	16.5m	24m
Lot Depth	30m	180m
Development Regulations		
Maximum Site Coverage (buildings)	40%	7.4%
Maximum Site Coverage (bldg, driveways and parking)	50%	8.2%
Site coverage carriage house	20%	1.2%
Floor area of carriage house	100m ²	79.5m ²
% carriage house to dwelling	75%	28%
Setback to principal dwelling	3m	6m
Carriage House Regulations		
Max. Height	4.5m	①5.92m
Min. Side Yard (west)	2.0m	2.0m
Min. Side Yard (east)	2.0m	5.4m
Min. Rear Yard (no lane)	2.0m	40m
Height (carriage house shall not be higher than existing primary dwelling unit)	2½ storey ext'g house	1 storey carriage house
Other Regulations		
Min. Parking Requirements	3 stalls	3 stalls
Min. Private Open Space	30 m ²	+ 30 m ²
Max. height retaining walls	1.2m.	②2.3m
Requested Variances		
① Indicates a requested variance to carriage house building height from 4.8m proposed to 5.97m proposed		
② Indicates a requested variance to retaining wall height from 1.2m permitted to 2.3m proposed.		

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.

Sensitive Infill.² 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.

6.0 Technical Comments

6.1 Building & Permitting Department

- 1) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s).
- 2) A Building Code analysis is required for the structure at time of building permit applications, but the following items may affect the form and character of the building(s):
 - a. At least one door must open with a vertical hinge. (added to revised drawings).
- 3) A Geotechnical report is required to address the sub soil conditions and site drainage at time of building permit application.
- 4) Structural Engineering is required for retaining walls at time of permit application.
- 5) 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 memo dated March 16, 2016.

6.3 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 Royal Pine Dr. for emergency response
Do not release BP until all life safety concerns are completed.

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

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

7.0 Application Chronology

Date of Application Received:	February 19, 2016
Date Public Consultation Completed:	March 15, 2016
Revised Drawings received:	April 19, 2016
Updated Consultation received:	April 26, 2016
Public Hearing	June 14, 2016

Report prepared by:

Paul McVey, Urban Planner

Reviewed by:

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Ryan Smith, Community Planning Department Manager

Approved for Inclusion:

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Doug Gilchrist, Divisional Director, Community Planning & Real Estate

Attachments:

Subject Property Map
Site Plan
Development engineering memo dated March 16, 2016
Conceptual Elevations
Landscape Plan
Context/Site Photos
Notification letter