

REPORT TO COUNCIL



Date: August 23, 2016
RIM No. 0940-50
To: City Manager
From: Community Planning Department (LK)
Application: DP16-0154 & DVP15-0232 **Owner:** Carol Kergan
Address: 845 Kinnear Court **Applicant:** Carol Kergan
Subject: Development Permit & Development Variance Permit
Existing OCP Designation: S2RES - Single / Two Unit Residential
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. 11242 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP16-0154 for Lot 6 District Lot 135 ODYD Plan 25798, located at 845 Kinnear Court, Kelowna, BC subject to the following:

1. The dimension 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. DVP15-0232 for Lot 6 District Lot 135 ODYD Plan 25798, located at 845 Kinnear Court, Kelowna, BC;

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

Section 9.5b.14: Carriage House Regulations

To vary the required minimum side yard setback from 2.0 m required to 1.17 m proposed.

AND THAT Council's consideration of this Development Permit & Development Variance Permit be considered subsequent to the outstanding conditions of approval as set out in Schedule "A" attached to the Report from the Community Planning Department dated October 15, 2015;

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

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 minimum side yard setback to facilitate the conversion of an existing accessory building to a carriage house on the subject parcel.

3.0 Community Planning

Community Planning Staff support the side yard setback variance to allow the conversion of an existing Accessory Building to a Carriage House. The building meets all other Zoning Bylaw regulations and policies within the Official Community Plan (OCP) including the support of sensitive integration into existing neighbourhoods where services are already in place and densification can easily be accommodated.

The carriage house design is consistent with the objectives of the Intensive Residential Design Guidelines within the OCP. This includes compatibility with the existing dwelling and the surrounding neighbourhood.

The parcel is located within the Permanent Growth Boundary in the South Pandosy - KLO area of Kelowna. The parcel is near the end of the Cul-de-sac across the street from the Bethel Church parking lot.

4.0 Proposal

4.1 Background

The primary dwelling with a single attached garage was constructed in June of 1977. The existing accessory building was constructed in September of the same year. The accessory building is accessed from the rear lane. A second kitchen was approved within the dwelling in June of 2003. A covenant was registered on title to ensure the kitchen was used for the primary residence and not as part of a secondary suite. Since 2003, there have been multiple bylaw enforcement investigations regarding illegal suites both within the dwelling and the accessory building. The applicant has since purchased the home and is taking measures to legalize the existing accessory building as a carriage house. The second kitchen within the dwelling has been removed through decommissioning Building Permit 52993.

4.2 Project Description

At time of construction, the accessory building met all Zoning Bylaw regulations. In rezoning the parcel to allow for the conversion and legalization of the accessory building to a carriage house, one variance is triggered. The required side yard setback requires a variance from 2.0 m required to 1.17 m proposed. The requested variance to the east side setback should not negatively impact the adjacent parcel, as they have a raised planter bed garden which extends the length of the carriage house. The east elevation facing the adjacent parcel has two windows, one within the bathroom and the other within the bedroom area. Both windows provide blinds/curtains providing privacy for both parcels.



The carriage house exterior is finished with blue stucco and white painted trim, which will be updated and repainted to freshen up the appearance which is complementary to the existing dwelling.

The roofline of the carriage house matches that of the primary dwelling. With the carriage house being a one storey, it is in keeping with the accessory buildings that are located along the lane. The neighbourhood is primarily single family one or 1.5 storey homes.

The Zoning Bylaw parking requirements for a primary dwelling are met with one parking stall within an attached garage and the driveway providing the second parking space.

Parking for the carriage house will be accessed from the rear lane. The space is large enough to accommodate 3 vehicles. The parking area is gravel which allows water permeability and reduces the amount of paved surface.



A grassed area adjacent to the parking provides private amenity space for the carriage house. The main dwelling has two existing decks with additional green space between the house and the carriage house. A fence will be added to provide privacy between the primary dwelling and the carriage house and to delineate the amenity space from the parking. The addition of a lit pathway from the street to the carriage house will provide additional access.

4.3 Site Context

The subject property is located on the south side of Kinnear Court in the South Pandosy/KLO sector of Kelowna.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	P2 - Education & Minor Institutional RU2c - Medium Lot Housing with Carriage House	Religious Assembly Single Family Dwelling with Carriage House
East	RU1 - Large Lot Housing	Single Family Dwelling
South	RU1 - Large Lot Housing	Single Family Dwelling
West	RU1 - Large Lot Housing	Single Family Dwelling

Subject Property Map: 845 Kinnear Court



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU1c ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	550 m ²	667 m ²
Min. Lot Width	16.5 m	18.23 m
Min. Lot Depth	30 m	36.58 m
Development Regulations		
Site Coverage	40%	29%
Site Coverage: accessory buildings or structures and carriage house (one storey)	20%	6.67%
Floor area of carriage house (footprint)	100 m ²	44.5 m ²
Max. area of carriage house (total building area)	130 m ²	44.5 m ²
Max. net floor area of carriage house to total net floor area of principal building	75%	22.94%
Height (mid point of roof)	4.8 m	3.24 m
Setback from Principal Dwelling	3.0 m	5.76 m
Carriage House Regulations		
Max. Height	4.8 m	3.24 m
Min. Side Yard (east)	2.0 m	1.17 m ●

Min. Side Yard (west)	2.0 m	10.96 m
Min. Rear Yard (with a lane)	0.9 m	1.52 m
Height (carriage house shall not be higher than existing primary dwelling unit)	1 1/2 storey ex. House	1 storey Carriage house
Other Regulations		
Min. Parking Requirements	3 stalls	+3 stalls provided
Min. Private Open Space	30 m ²	+30 m ²
● Indicates a requested variance to the east side setback of the carriage house.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

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.

Urban Design DP Guidelines

Carriage House Design Guideline Objectives.²

- Preserve and enhance the scale and character of individual neighbourhoods and streetscapes;
- Ensure compatibility with existing dwellings on the lot or with surrounding properties;
- Promote a high standard of design, construction and landscaping;
- Design for livability.

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 are being applied to this structure.

6.2 Development Engineering Department

- Refer to Attachment 'A'.

6.3 Bylaw Services

- Bylaw Services has two open files for this property, an illegal suite in the main house and an illegal suite in the garage with numerous complaints received. Records indicate an

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

² City of Kelowna Official Community Plan, Objectives 14.21 (Urban Design DP Guidelines Chapter).

"Affidavit for a second kitchen", within the main dwelling, which has been misused with complaints for both units dating back to 2003.

6.4 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 Kinnear Court for emergency response.
- Should a gate or fence be installed between main house and carriage house the gate is to open without special knowledge (locking device and have a clear width of 1100mm.
- Emergency access is NOT from the lane to the south but from Kinnear Court.

7.0 Application Chronology

Date of Application Received:	September 24, 2015
Date of Amended Plans Received:	January 27, 2016
Date Public Consultation Completed:	April 8, 2016
Date of Rezoning 2 nd & 3 rd Reading:	May 17, 2016
Date of Decommissioning BP52993 Completion:	June 22, 2016

Report prepared by:

Lydia Korolchuk, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Reviewed by: Ryan Smith, Community Planning Department Manager

Attachments:

Schedule A: Site Plan & Floor Plans

Schedule B: Conceptual Elevations

Attachment A: Development Engineering Memorandum