

REPORT TO COUNCIL



Date: September 6, 2016
RIM No. 0940-00 and 0940-50
To: City Manager
From: Community Planning Department (AC)
Application: DP16-0046 & DVP16-0047 **Owner:** James Sharko
Address: 5080 Lakeshore Road **Applicant:** James Sharko
Subject: Development Permit and Development Variance Permit Application

1.0 Recommendation

THAT Final Adoption of Zoning Amending Bylaw and Land Use Contract discharge Bylaw No. 11255 be considered by Council;

THAT Final Adoption of Zoning Amending Bylaw No. 11165 be considered by Council;

AND THAT Council authorize the issuance of Development Permit DP16-0046 for Lot C, Section 23, Township 28, SDYD, Plan 30063, located on 5080 Lakeshore Road, Kelowna, BC, subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";

AND THAT Council authorize the issuance of Development Variance Permit DVP16-0047 for Lot C, Section 23, Township 28, SDYD, Plan 30063, located on 5080 Lakeshore Road, Kelowna, BC.

AND THAT the variances to the following sections of Zoning Bylaw No. 8000 be granted only in accordance with Schedules 'A' & 'B' attached to DP16-0046 / DVP16-0047:

Section 9.5b.1(c) Carriage House Regulations

- Eliminate the rule that the "principal dwelling units shall be located between the front yard and the carriage house";

Section 9.5b.1(e) Carriage House Regulations

- Increase the upper storey floor area relative to the carriage house footprint from 75% to 107%.

Section 12.2.6 Development Regulations

- Increase the maximum height from 4.8m to 5.89m;

Section 6.1.11 Okanagan Lake Sight Lines

- Increase the maximum percentage of buildings that is permitted to be sited within 608 from the corner of the neighbouring house from 0% to 100%.

AND THAT the applicant be required to complete the above noted conditions of Council's approval of the Development Permit/Development Variance Permit Applications in order for the permit to be issued.

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

2.0 Purpose

To consider a form and character Development Permit for a Carriage house and to consider three variances to the carriage house and one variance to the proposed beach pavilion.

3.0 Community Planning

The applicant is seeking to convert the accessory building, under construction, on the south end of the property to a carriage house. The property was under the regulation of a Land Use Contract which did not permit the development of a carriage house, however, the applicant has completed all the final conditions related to the rezoning and land use contract discharge applications. The final conditions were the completion of the Development Engineering requirements.

There are three variances related to the carriage house:

1. To permit carriage houses to be located in the front yard;
 - a. When properties are fronting onto the lake, Staff are encouraging this variance to concentrate the residential uses near the road rather than near the riparian area.
2. To increase the maximum height of the carriage house from 4.8m to 5.89m.
 - a. This height variance is needed for the downhill (rear) portion of the carriage house. The variance is necessary because the walkout basement exemption do not apply to carriage houses. Staff support the height variance for the same reasons described in the paragraph below.
3. To increase the maximum upper story floor area relative to bottom story from 75% to 107%;
 - a. The purpose of this rule was to prevent carriage house 'box' designs and encourage more floor area on the ground floor in order to limit the visual and privacy impact on adjacent neighbours. However, when properties are on Hillslopes, especially on lakefront properties where carriage houses are located near the road, the visual impact from the road will look like a single storey building and the two storey portion will face the primary dwelling rather than an adjacent neighbour (see rendering below).

Figure 1: Front Elevation facing Lakeshore Rd



The applicant is proposing a beach house as an accessory building. Generally, Council does not approve any accessory buildings, however, in this case the building is sited in a manner that contravenes Section 6.11 Okanagan Lake Sight Lines provision within the Zoning Bylaw (See Diagram 6.2 for the illustrative rule).

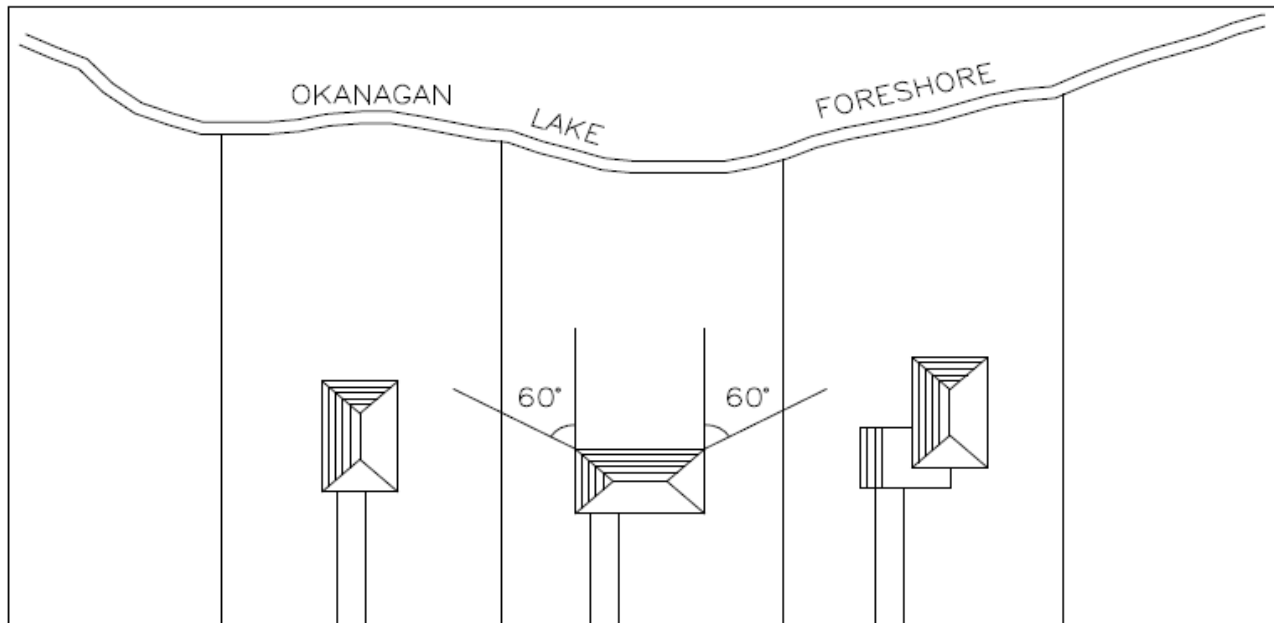


Diagram 6.2: Okanagan Lake 120° Panoramic Sight Line

There is one variance related to the beach house:

1. The beach house is sited within the 608 limit from the corner of the neighbouring house.
 - a. Staff are supportive of this variance and all Okanagan Lake Sight Line variances when the proposed structure does not affect the neighbours views and is located significantly downslope. See Figure 2, 3, & 4 for the illustrative visual impact.

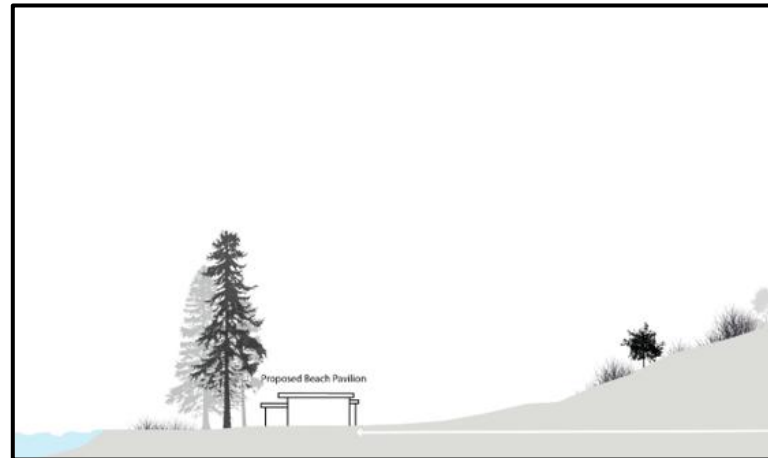
Figure 2: Contours



Figure 3: 608 Sight Line



Figure 4: Section Example of Elevation Change



Overall, Staff are supportive of increasing rental housing options through the additions of carriage houses. Staff are supportive of carriage houses in the front yard when properties are large in size and are fronting onto Okanagan Lake. Also, Staff are supportive of Okanagan Lake Sight Line variances when significant elevation change occurs. Lastly, the architectural style, colours, and materials of the carriage house in consistent with the main dwelling and in keeping with the character of the neighbourhood.

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbour consultation by individually contacting the surrounding neighbours within a 50 metre radius.

4.0 Proposal

4.1 Project Description

The applicant is seeking to build a dwelling with a supporting carriage house. The property has one dwelling and an accessory building that are under construction and is looking to convert the accessory building into a carriage house. Further, the applicant is proposing a beach pavilion.

4.2 Site Context

The subject property abuts Lakeshore Road on the northwest side. The property is designated S2RES - Single/Two Unit Residential in the Official Community Plan and the surrounding area is low density residential. The subject property is 4816 m² and the adjacent land uses are as follows:

| Orientation | Zoning | Land Use |
|-------------|----------------------------------|---------------------------|
| North | W1 - Recreational Water Use | N/A |
| East | LUC 77-1012 (A1 - Agriculture 1) | Single family residential |
| South | RU1 - Large Lot Housing | Single family residential |
| West | RR2 - Rural Residential 2 | Single family residential |

Subject Property Map: 5080 Lakeshore Road



4.3 Zoning Analysis Table

| Zoning Analysis Table | | |
|---|--|--|
| CRITERIA | ZONE REQUIREMENTS | PROPOSAL |
| Development Regulations | | |
| Carriage House | | |
| Location | Principle building must be between front yard and carriage house | Carriage house is located in the between the front yard and the principle building ❶ |
| Floor Area | 90 m ² | 90 m ² |
| Height | 4.8 m | 5.89 m ❷* |
| Front Yard | Min. 6 m | 13.56 m |
| Side Yard (east) | Min. 3 m | >20 m |
| Side Yard (west) | Min. 3 m | 6.62 m |
| Rear Yard | Min. 9 m | 116.76 m |
| Max. Upper Story Floor Area Relative to Bottom Story | 75% | 107% ❸ |
| Regulations | | |
| Beach Pavilion | | |
| Height | 4.5 m | 3.3 m |
| Front Yard | 6 m | 112.06 m |
| Side Yard (east) | Min. 3 m | 5.59 m |
| Side Yard (west) | Min. 3 m | 14.09 m |
| Rear Yard | Min. 3 m | 50 m |
| Okanagan Lake Sightlines | 0% in 60° Sightline | 100% in 60° Sightline ❹ |
| ❶ Carriage House Location Variance ❷ Carriage House – Increase Upper Story Floor Area ❷* Carriage House – Increase Maximum Height (depending on walkout exemption) ❹ Beach Pavilion – 60 Degree Sightline Variance | | |

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.

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

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).

6.1 Building & Permitting Department

- 1 Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
- 2 Operable bedroom windows required as per the 2012 edition of the British Columbia Building Code (BCBC 12).
- 3 Provide the City of Kelowna Bulletin #88-02 (Secondary Suites Requirements in a single family dwelling) for minimum requirements. The drawings submitted for Building Permit application is to indicate the method of fire separation between the suite and the garage
- 4 Range hood above the stove and the washroom to vent separately to the exterior of the building. The size of the penetration for this duct thru a fire separation is restricted by BCBC 12, so provide size of ducts and fire separation details at time of Building Permit Applications.
- 5 A fire rated exit stairwell is required from the suite to the exterior c/w fire rated doors that open into the stairwell and a fire rating on the bottom of the stairs. Please provide these details on the building permit drawing sets. Exit doors are required to swing on a vertical hinge and not a barn door style
- 6 Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

See attached report dated March 17, 2016

6.3 Fire Department

- 1 Requirements of section 9.10.19 Smoke Alarms and Carbon Monoxide alarms of the BCBC 2012 are to be met.
- 2 Access to the main house appears difficult for a fire truck.
- 3 Should a gate be built, ensure that a truck can fit through/under. A fire department lockbox is recommended for emergency access
- 4 Fire flows of 60 L/sec is required for a single family dwelling - location of hydrants should meet the subdivision bylaw.

7.0 Application Chronology

| | |
|-------------------------------------|----------------------------|
| Date of Application Received: | February 11, 2016 |
| Date Public Consultation Completed: | April 26, 2016 |
| Date of First Reading: | June 13 th 2016 |
| Date of Public Hearing: | July 12 th 2016 |

Report prepared by:

Adam Cseke, Planner

Reviewed by:

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Terry Barton, Urban Planning Manager

Approved for Inclusion:

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Ryan Smith, Community Planning Department Manager

Attachments:

Development Engineering Services Memo (Attachment 'A')
DP16-0046 & DVP16-0047 (Schedule 'A' & 'B')