

# REPORT TO COUNCIL



**Date:** May 31, 2021

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** Z21-0023

**Owner:** Erwin Victor Braun & Connie  
Teresa Braun

**Address:** 2890 Shayler Court

**Applicant:** Birte Decloux - Urban Options  
Planning Corp.

**Subject:** Rezoning Application

**Existing OCP Designation:** REP – Resource Protection Area

**Existing Zone:** RR1 – Rural Residential 1

**Proposed Zone:** RR1c – Rural Residential 1 with Carriage House

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## 1.0 Recommendation

THAT Rezoning Application No. Z21-0023 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A Sections 20 and 29 Township 23 ODYD Plan KAP89180, located at 2890 Shayler Court, Kelowna BC from the RR1 – Rural Residential 1 zone to the RR1c – Rural Residential 1 with Carriage House zone, be considered by Council;

AND THAT Council, in accordance with Local Government Act s. 464(2), waive the Public Hearing for the Rezoning Bylaw;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Variance Permit for the subject property.

## 2.0 Purpose

To rezone the subject property from the RR1 – Rural Residential 1 zone to the RR1c – Rural Residential 1 with Carriage House zone, and to waive the Public Hearing.

## 3.0 Development Planning

Staff support the proposed rezoning application to RR1c to facilitate the conversion of an existing accessory building into a carriage house. The Official Community Plan (OCP) Future Land Use Designation of the subject property and neighbouring properties is REP – Resource Protection. The property is located

outside of the Permanent Growth Boundary (PGB) area of the City but is not located within or adjacent to the Agricultural Land Reserve (ALR) and is over 1.0 hectare (ha) in total site area. As per the carriage house regulations in Zoning Bylaw No. 8000, carriage homes are required to be connected to sanitary sewer unless the lot is at least 1.0 ha in area and meets the requirements of the City and Medical Health Officer for septic disposal capacity. The subject site does not have access to community sanitary sewer but is approximately 1.35 hectares in size and therefore exceeds this regulation.

#### **4.0 Proposal**

##### **4.1 Project Description**

The proposed rezoning from RR1 – Rural Residential 1 to RR1C – Rural Residential 1 with Carriage House is to allow for the conversion of an existing accessory building into a carriage house. The existing accessory building received a Building Permit (BL42396) in May 2011 and was built as a boathouse and storage. The second floor remains unfinished and the owners are seeking the appropriate zoning and permits to convert the structure into a carriage house. A Building Permit is required before an occupancy can be given.

The applicant will be required to apply for a variance to the second floor exceeding 75% of the footprint of the structure. It was not until April 2017 that Staff brought forward text amendments (TA15-0008) to consolidate all carriage house regulations and accessory building regulations. Since the accessory building was built in 2011, the accessory building regulations were different to today's carriage house development regulations.

##### **4.2 Site Context**

The subject property is in the McKinley OCP Sector and the surrounding area is primarily zoned RR1 – Rural Residential 1 and A1 – Agriculture 1. The surrounding area primarily has the Future Land Use of REP – Resource Protection Area.

Specifically, adjacent land uses are as follows:

<b>Orientation</b>	<b>Zoning</b>	<b>Land Use</b>
North	RR1 – Rural Residential 1	Single-Family Home
East	RR1 – Rural Residential 1	Single-Family Home
South	A1 – Agriculture 1	Vacant
West	W1 – Recreational Water Use	Okanagan Lake

**Subject Property Map:** 2890 Shayler Crt



## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Chapter 5: Development Process

#### Objective 5.22 Ensure Context Sensitive Housing Development

Policy.12 *Carriage Houses & Accessory Apartments*. Support carriage houses and accessory apartments through appropriate zoning regulations.

## 6.0 Application Chronology

Date of Application Received: March 25<sup>th</sup>, 2021

Date Public Consultation Completed: April 12<sup>th</sup>, 2021

Report prepared by: Tyler Caswell, Planner I

Reviewed by: Dean Strachan, Community Planning & Development Manager

Reviewed by: Terry Barton, Development Planning Department Manager

Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

### Attachments:

Attachment A: Drawing Package / Site Plan

Attachment B: Site Photographs