

# REPORT TO COUNCIL



**Date:** July 27, 2021

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** DVP21-0069

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

**Address:** 2890 Shayler Court

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

**Subject:** Development Variance Permit Application

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

**Existing Zone:** RR1C – Rural Residential 1 with Carriage House

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## 1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 12214 be considered by Council;

AND THAT Council authorizes issuance of Development Variance Permit No. DVP21-0069 for Lot A Sections 20 and 29 Township 23 ODYD Plan KAP89180 located at 2890 Shayler Court, Kelowna, BC;

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

### **Section 9.5b.1(f): Carriage House Development Regulations**

To vary the upper floor storey area from 75% of the footprint permitted to 82% 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 consider a Development Variance Permit to vary the maximum upper floor storey area of a carriage house from 75% of the footprint permitted to 82% proposed.

## 3.0 Development Planning

Staff support the proposed Development Variance Permit to vary the maximum upper floor area of the accessory building, which will facilitate the conversion into a carriage house. The accessory building

received a Building Permit in 2011, and the structure met all of the development regulations at the time of permit. The carriage house and accessory building development regulations were combined in 2017, which made this building legal non-conforming. The variance will allow for the conversion of the structure into a carriage house and will add additional rental units in the City. All other regulations within Zoning Bylaw no. 8000 will be met and the requested variance does not compromise any municipal infrastructure or services.

#### 4.0 Proposal

##### 4.1 Project Description

The proposed Development Variance Permit for the upper floor area 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 variance to the upper floor area is required because in 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:

Orientation	Zoning	Land Use
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 Court**



4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RR1C ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	1.0ha	1.35ha
Min. Lot Width	40.0m	78.56m
Min. Lot Depth	30.0m	21.0.56m
Max. Site Coverage (buildings)	10%	4.14%
Carriage House Development Regulations		
Max. Height	6.0m	5.80m
Min. Front Yard	12.0m	117.0m
Min. Side Yard (south)	1.5m	18.0m
Min. Side Yard (north)	1.5m	28.0m
Min. Rear Yard	3.0m	61.0m
Max. Footprint	90m <sup>2</sup>	89.2m <sup>2</sup>
Upper Floor Area	75%	82%●
Distance to Principal Dwelling	3.0m	29.0m
Other Regulations		
Min. Parking Requirements	3	4
● Indicates a requested variance to Section 9.5b.1f: Carriage House Development Regulations		

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.o 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: Draft Development Permit DVP21-0069

Schedule A: Site Plan