# REPORT TO COUNCIL

City of **Kelowna**

**Date:** September 12, 2016

**RIM No.** 1250-30

**To:** City Manager

**From:** Community Planning Department (LK)

**Application:** Z16-0015 **Owner:** Terence Dewar

**Address:** 760 Mitchell Road **Applicant:** Terence Dewar

**Subject:** Rezoning Application

**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 Rezoning Application No. Z16-0015 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 13 Section 22 Township 26 ODYD Plan 25984, located at 760 Mitchell Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone, be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Attachment "A" attached to the Report from the Community Planning Department date June 13, 2016;

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

## 2.0 Purpose

To rezone the subject property to facilitate the conversion of an existing accessory building to a carriage house on the subject property.

## 3.0 Community Planning

Community Planning Staff is supportive of the proposed rezoning application to allow a carriage house conversion on the subject property. The parcel has a Future Land Use designation of S2RES – Single /Two Unit Residential in the Official Community Plan (OCP) and is currently zoned RU1 – Large Lot Housing. Density of the neighbourhood has been modestly increasing as there are many

recent examples of RU6 – Two Dwelling Housing properties within the surrounding area. Rezoning the subject parcel to RU1c – Large Lot Housing with Carriage House will continue the density increase trend. The parcel is within the City of Kelowna's Permanent Growth Boundary and the Urban Core Area.

In fulfillment of Council Policy No. 367 respecting public consultation, the applicant undertook neighbor consultation by individually contacting the neighbours within 50 m of the subject parcel.

## 4.0    Proposal

### 4.1    Background

The parcel contains a single family dwelling which was constructed in the mid-1970's. It is a 1 ½ storey building with an attached single car garage. In 2013, the applicant applied to the City for a Building Permit to construct an accessory building. The building was designed to meet the carriage house Zoning Bylaw regulations of the day as the owner has always had the intention of converting the building to a carriage house in the future. In early 2014, the applicant applied for the rezoning and development permit applications to complete the conversion process. The applications complied with all zoning regulations of the day, but due to the City's requirement for sewer connection costs to be paid in a lump sum, the owner was unable to continue with the project at that time and the applications were cancelled and the fees refunded.

### 4.2    Project Description

The applicant is now ready to proceed with the conversion of the accessory building to a carriage house, but in the two years since the previous applications, amendments to the carriage house regulations within the Zoning Bylaw have occurred. The building, as constructed, does not meet the current regulations and will require three separate variances. The first variance is to reduce the rear yard setback from 2.0 m required to 1.58 m provided. The Zoning Bylaw setback requirement was amended from 1.5 m to 2.0 m required where a parcel does not have rear lane access. Currently, there is a six-foot-high fence to provide screening between the subject parcel and the immediate neighbours. The carriage house has two upper storey windows facing the neighbouring parcel, one is within the bathroom and the second is a small bedroom window. Both provide blinds for screening to reduce any privacy concerns.

The second variance is for the building eave projection. Due to the building not meeting the rear setback requirement, it also does not meet the projection within a setback area regulation. The regulation in the Zoning Bylaw states that an eave is allowed to project up to 0.60 m into a setback area. The building eave projects 1.02 m (+0.42 m) into the rear setback area. The intent of the setback is to provide fire protection separation to adjacent dwellings. To ensure this is addressed, the Building code will require a protected soffit be installed to increase the fire protection value. This will be addressed at time of Building Permit.
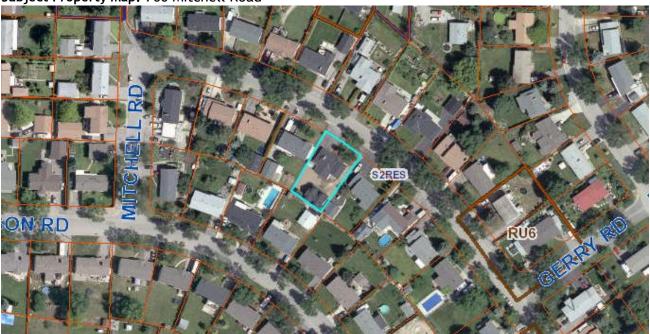
The last variance is to allow the roof peak of the carriage house to be higher than that of the primary dwelling. Prior to September 8, 2014, this rule did not exist and height of a carriage house was measured only to the mid-point of the roof. The amended regulations were then adopted to ensure the massing of a carriage house does not overwhelm the primary dwelling. This carriage house is situated directly behind the primary dwelling and the massing of it is not easily visible when viewed from the street. The carriage house roof peak is 0.82 m (2' – 9 ½ ") higher than the primary dwelling.  When this neighbourhood was constructed in the 1970's, most dwellings were built as bungalows or 1-1/2 storey buildings with low sloped roofs. Many adjacent parcels have rear yard accessory buildings of similar height. This is an existing building and the overall height cannot be easily reduced.

## 4.3    Site Context

Adjacent land uses are as follows:

| Orientation | Zoning | Land Use |
|---|---|---|
| North | RU1 – Large Lot Housing | Single Family Dwelling |
| 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:** 760 Mitchell Road



## 4.4    **Zoning Analysis Table**

| Zoning Analysis Table | | |
|---|---|---|
| **CRITERIA** | **RU1c ZONE REQUIREMENTS** | **PROPOSAL** |
| Existing Lot/Subdivision Regulations | | |
| Minimum Lot Area | 550 m$^2$ | 890 m$^2$ |
| Minimum Lot Width | 16.5 m | 20.63 m |
| Minimum Lot Depth | 30 m | 38.1 m |
| Development Regulations | | |
| Maximum Site Coverage (buildings) | 40% | 25.44% |
| Maximum Site Coverage (buildings, driveways and parking) | 50% | 45.09% |
| Carriage House Regulations | | |
| Max. Height | 4.8 m | 4.8m |
| Min. Side Yard (east) | 2.0 m | 2.06 m |
| Min. Side Yard (west) | 2.0 m | 8.22 m |
| Min. Rear Yard (laneless) | 2.0 m | 1.58 m● |

| Height (carriage house shall not be higher than existing primary dwelling unit) | 2 storey ex. House<br>5.01 m (to mid-point)<br>5.53 m (to roof peak) | 4.8 m (to mid-point)<br>6.47 m (to roof peak) ❷ |
|---|---|---|
| Max. Carriage House Lot Coverage | 14% | 8.5% |
| Max. Accessory Building Footprint | 90 m$^2$ | 82.13 m$^2$ |
| Max. Carriage House Net Floor Area of Principal Building | 75% | 43.88% |
| Other Regulations | | |
| Minimum Parking Requirements | 3 stalls | 3 stalls |
| Minimum Private Open Space | 30 m$^2$ / dwelling | 30 m$^2$ / dwelling |
| Maximum projection into rear setback area | 0.60 m | 1.02m (+0.42m) ❸ |
| ❶ Indicates a requested variance to the rear yard setback of a Carriage House.<br>❷ Indicates a requested variance to allow the Carriage House roof peak to be higher than the existing Primary dwelling.<br>❸ Indicates a requested variance to allow the eave of a Carriage House to project into the required rear yard setback. | | |

## 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.

**Carriage Houses and Accessory Apartments.**[3] Support carriage houses and accessory apartments through appropriate zoning regulations.

## 6.0    Technical Comments

### 6.1    Fire Department

- Emergency access to the carriage house must be maintained

- Requirements of section 9.10.19 Smoke Alarms and Carbon Monoxide alarms of the BCBC 2012 are to be met.

- If a fence is ever constructed between the dwellings a gate with a clear width of 1100mm is required.

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[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).
[3] City of Kelowna Official Community Plan, Policy 5.22.12 (Development Process Chapter).

- All units shall have a posted address on Mitchell Rd. for emergency response.

6.2     Development Engineering

- Refer to Attachment 'A'.

**7.0     Application Chronology**

Date of Application Received:                    March 15, 2016
Date Public Consultation Completed:         June 30, 2016

**Report prepared by:**


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Lydia Korolchuk, Planner

**Reviewed by:**                  Terry Barton, Urban Planning Manager

**Reviewed by:**                  Ryan Smith, Community Planning Department Manager

**Attachments:**
Attachment A: Development Engineering Memorandum dated June 13, 2016
Site Plan & Landscape Plan
Conceptual Elevations