

Development Variance Permit

DVP21-0198



This permit relates to land in the City of Kelowna municipally known as

508 Sutherland Avenue

and legally known as

Lot A District Lot 139 ODYD Plan EPP73205

and permits the land to be used for the following development:

RU6 – Two Dwelling Housing – Carriage House Development

The present owner and any subsequent owner of the above described land must comply with any attached terms and conditions.

Date of Council Decision November 16th, 2021

Decision By: COUNCIL

Existing Zone: RU6 – Two Dwelling Housing

Future Land Use Designation: SzRES – Single/Two Unit Residential

This is NOT a Building Permit.

In addition to your Development Permit, a Building Permit may be required prior to any work commencing. For further information, contact the City of Kelowna, Development Services Branch.

NOTICE

This permit does not relieve the owner or the owner's authorized agent from full compliance with the requirements of any federal, provincial or other municipal legislation, or the terms and conditions of any easement, covenant, building scheme or agreement affecting the building or land.

Owner: Jason Cory Marzinzik

Applicant: Jason Cory Marzinzik

Terry Barton
Development Planning Department Manager
Planning & Development Services

Date

ATTACHMENT		A
This forms part of application		
# DVP21-0198		
Planner Initials	TC	The logo for the City of Kelowna Development Planning, featuring a colorful circular geometric pattern to the left of the text "City of Kelowna" and "DEVELOPMENT PLANNING" below it.

1. SCOPE OF APPROVAL

This Development Permit applies to and only to those lands within the Municipality as described above, and any and all buildings, structures and other development thereon.

This Development Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by this permit, noted in the Terms and Conditions below.

The issuance of a permit limits the permit holder to be in strict compliance with regulations of the Zoning Bylaw and all other Bylaws unless specific variances have been authorized by the Development Permit. No implied variances from bylaw provisions shall be granted by virtue of drawing notations that are inconsistent with bylaw provisions and that may not have been identified as required Variances by the applicant or Municipal staff.

2. CONDITIONS OF APPROVAL

That variances to the following section of the Zoning Bylaw No. 8000 be granted in accordance with Schedule "A":

Section 9.5b.1(f): Carriage House Regulations, Development Regulations in Residential, Health District and Comprehensive Zones

To vary the maximum upper floor are from 75% permitted to 100.4% proposed.

Section 9.5b.1(g): Carriage House Regulations, Development Regulations in Residential, Health District and Comprehensive Zones

To vary the maximum height of a carriage house from 4.8m permitted to 6.65m proposed.

This Development Permit is valid for two (2) years from the date of approval, with no opportunity to extend.

3. INDEMNIFICATION

Upon commencement of the works authorized by this Permit the Developer covenants and agrees to save harmless and effectually indemnify the Municipality against:

- a) All actions and proceedings, costs, damages, expenses, claims, and demands whatsoever and by whomsoever brought, by reason of the Municipality said Permit.

All costs, expenses, claims that may be incurred by the Municipality where the construction, engineering or other types of works as called for by the Permit results in damages to any property owned in whole or in part by the Municipality or which the Municipality by duty or custom is obliged, directly or indirectly in any way or to any degree, to construct, repair, or maintain.

**The PERMIT HOLDER is the CURRENT LAND OWNER.
Security shall ONLY be returned to the signatory of the
Landscape Agreement or their designates.**

ATTACHMENT		A
This forms part of application		
# DVP21-0198		
Planner Initials	TC	 City of Kelowna DEVELOPMENT PLANNING

August 9, 2021

City of Kelowna
Development Planning Department
1435 Water Street
Kelowna, BC V1Y 1J4

ATTACHMENT		B
This forms part of application # DVP21-0198		
Planner Initials	TC	 City of Kelowna DEVELOPMENT PLANNING

Dear Sir or Madam,

Re: Letter of Rationale for Carriage House Proposed for 508 Sutherland Avenue

History & Site Context

508 Sutherland is located in South Central Kelowna along the Mill Creek corridor and fronted by the Sutherland Avenue multi-use path and newly constructed multi-use path bridge over Mill Creek. The property is surrounded on three sides by 4-story apartment buildings (RM5 zoning) located immediately to the north, east and south. A number of commercial businesses (C2 zoning) are located to the southwest while a P2 institutional use (Canadian Mental Health Association) is located to the west. Refer to Figure 1 and Photos 1-5 in Appendix A.

In 2003, my family purchased the property as our family home with the long-term goal of constructing a carriage home at some point in the future. In 2007, an application was made to change the zoning. Subsequently in 2008, City Council rezoned the property from RM5 to RU6 to allow for a future carriage home.

Land Purchase

In 2018, a portion of City road (e.g. back lane) was purchased from the City of Kelowna to allow for the current design of the proposed carriage house within the required setbacks (refer to Figure 2). Since this time, two variances have been identified to facilitate the unique design of the carriage house.

Laneway & Parking

Two laneways separate the property from the back of several residential properties on Marshall Street and a 4-story apartment building. If approved, the laneways would be located along both the north and west sides of the proposed carriage house location (refer to Figure A1a in design drawings and Photos 1, 4, and 5 in Appendix A). Two parking stalls will be located with the carriage house with a third outdoor stall located between the carriage house and principal dwelling. All three parking spaces will be accessed off the west lane (see Figure A1a in design drawings).

Project Description

Given the above, the current application would allow for the construction of a carriage house at the rear of the property (see Figure A1a in design drawings). The carriage house plan includes a two-bedroom suite located above a two-car garage. The property is currently zoned RU6 and located within a Revitalization DPA (Figure 3), the proposal is consistent with the property's future land use designation (S2RES), and the property is connected to City water and sewer. Plenty of outdoor spaces are provided including both a second story and ground level deck with views to Mill Creek and its riparian area.

Flood History

This property, as well as many properties in the area, are located in the Mill Creek Floodplain and have experienced flooding in the past. Most notably, severe flooding during both the spring freshet of 2017 and 2018 (refer to Photos 6 – 8 in Appendix A and floodplain mapping in Figure 4). Given this, the proposed carriage house will need to be constructed well above the floodplain to prevent future damage when the next flood event occurs.

Variances

The proposed carriage house will require two variances to Zoning Bylaw No. 8000:

Variance 1: *S.9.5b.1(g) The maximum height is the lesser of 4.8m or the height of the principal dwelling, as measured to the midpoint.*

As per the Zoning Bylaw interpretation of height and building grade, the height of the carriage house is measured from the low side (the walkout basement facing north). The height variance would be from 4.8m to 6.65m. In designing this carriage house, a modern design was chosen with a flat roof to keep the overall height to a minimum as the construction must consider the floodplain level.

Variance 2: *S.9.5b.1(f) The maximum upper storey floor area is 75% of the carriage house footprint area.*

Due to the carriage house flat roof design, the upper storey will be equal to the carriage house footprint. While this roof design does allow the most functional use of the limited living space, the flat roof design makes meeting this rule challenging and not cost effective from a construction perspective. Features have been added such as multi-finish exterior, wood accents, and a bump-out to add visual appeal and achieve the overall design aesthetic.

Site Landscaping

Once the construction phase is completed, landscaping will be conducted on the entire property. While no mature vegetation will be removed during construction, the existing garden at the rear of the property will be lost. Given this, the current plan is to construct several raised garden beds and to also re-establish a meandering walkway to the front door of the principal residence as the original path was lost during the elevation change in the front yard due to the construction of the multi-use path bridge over Mill Creek.

In closing, an application for a height variance is being requested given the history of flooding and the current floodplain elevation. Efforts have been attempted to mitigate the overall height by using a flat roof design. Please note that the surrounding apartment complexes located immediately adjacent to this property far exceed these heights. A variance is also being requested to the maximum upper storey floor area given the flat roof design of the carriage house.

The location of the subject property provides walking access to many employment and commercial uses in the nearby downtown business district as well as to several beach accesses to Okanagan Lake. We believe this proposal is a good fit within the fabric of the neighbourhood and will contribute to positive infill density in this area of Kelowna.

Regards,
Jason Marzinzik
508 Sutherland Avenue

ATTACHMENT		B
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Planner Initials	TC	
		City of Kelowna DEVELOPMENT PLANNING

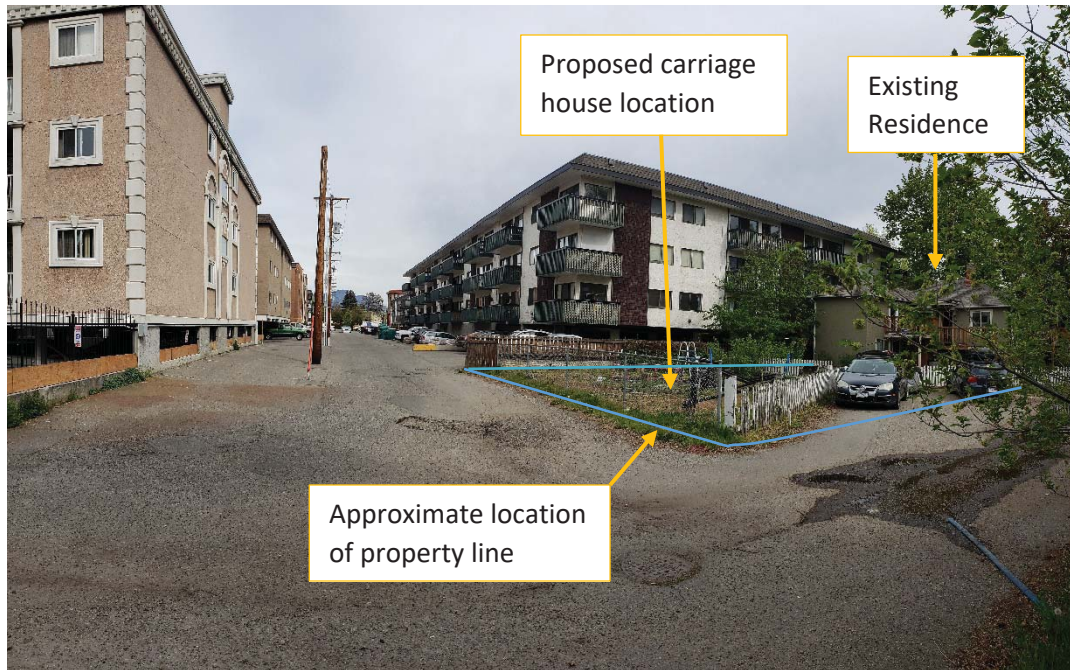


Photo 1: View of proposed carriage house location with four-story apartments located immediately to the north and east. Photo taken facing east.



Photo 2: View of four-story apartments to the south of subject property (508 Sutherland Avenue).



Photo 3: View of the Canadian Mental Health Association, commercial complex, and four-story apartments on adjacent properties. Photo taken facing south-west.



Photo 4: View of laneway. Photo taken facing south.



Photo 5: View of proposed carriage house location on subject property. Photo taken facing north-east.



Photo 6: View of subject property and laneway during the flood event in the spring of 2017.

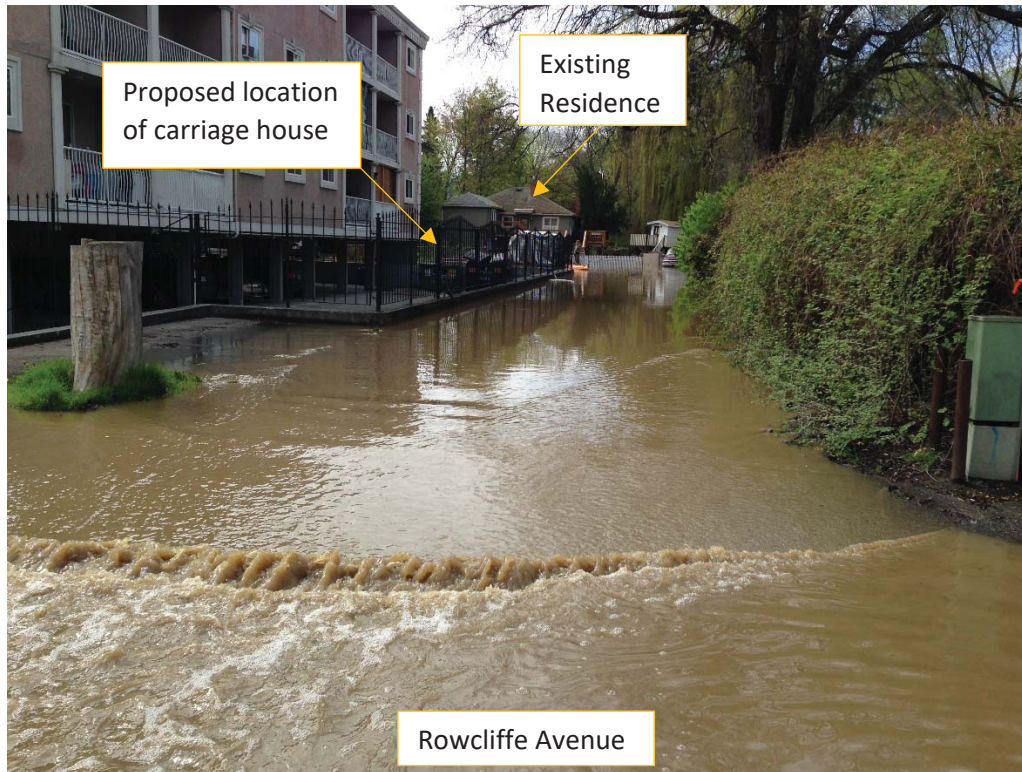


Photo 7: View of water flowing through subject property and down laneway during the flood event in the spring of 2017. Photo taken facing south.



Photo 8: View of submerged lot during the during the flood event in the spring of 2017.

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All dimensions, including rough opening sizes, are to be verified by the General Contractor prior to construction and errors or omissions reported to the designer.

Do not scale drawings.

Exact location of mechanical, electrical and plumbing equipment subject to change due to site conditions.

[illegible]

Marzinzik
508 Sutherland Ave
List of Drawings

Project number	20-006
Date	May 28, 2021
Drawn by	Jim Anderson
Checked by	JA

A0
Scale

Drawing List	
Sheet Number	Sheet Name
A0	List of Drawings
A1a	Site Plan
A2a	Foundation & Garage Floor Plans
A2b	Carriage House & Roof Plan
A3a	Elevations
A4a	Building Sections
A5	Stair Plans & Details, Schedules



Parcel Identifier : 030-405-343

Plan EPP73205 Lot A District Lot 139

508 Sutherland Avenue, Kelowna, BC

5/28/2021 9:53:26 AM

④ Carriage Floor Plan
1/8" = 1'-0"

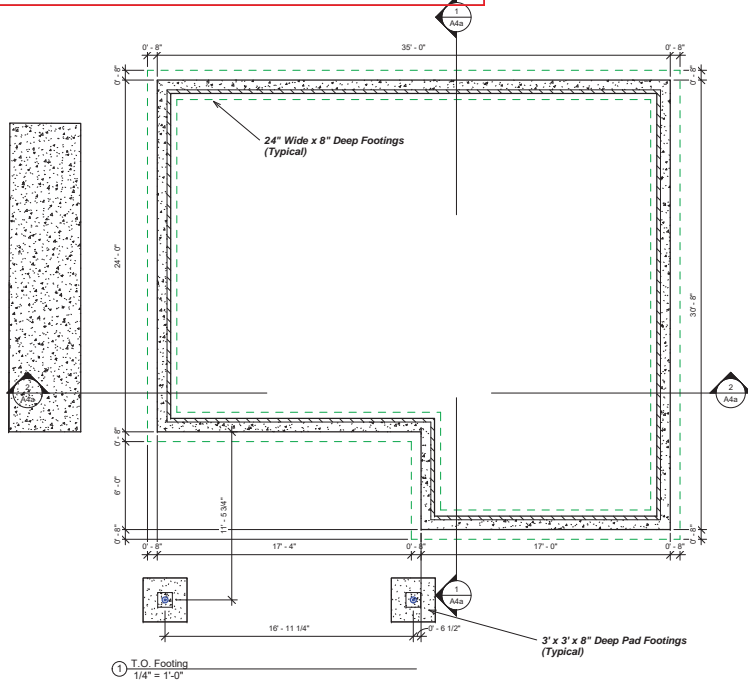
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City of Kelowna
DEVELOPMENT PLANNING



Door Schedule						
Door Number	Level	Door Type	Door Size	Comments	Finish Door	Finish Frame
101	Garage Floor Plan	Exterior	36" x 84"			
101a	Garage Floor Plan	Sidelite	12" x 84"			
101b	Garage Floor Plan	Sidelite	12" x 84"			
102	Garage Floor Plan	Garage Door	18" x 7"			
103	Garage Floor Plan	Exterior	36" x 84"	W/closer Gas Sealed		
201	Carriage Floor Plan	Dbl. French Exterior	72" x 84"			
201a	Carriage Floor Plan	Sidelite	30" x 84"			
201b	Carriage Floor Plan	Sidelite	30" x 84"			
202	Carriage Floor Plan	Exterior	36" x 84"			
203	Carriage Floor Plan	Interior	32" x 84"			
204	Carriage Floor Plan	Interior	32" x 84"			
205	Carriage Floor Plan	Dbl Interior	48" x 84"			
206	Carriage Floor Plan	Interior	36" x 84"	36" x84"		
207	Carriage Floor Plan	Dbl Interior	36" x 84"	36" x84"		
208	Carriage Floor Plan	Pocket	Interior barn door 18732			

All concrete should be 28 MPa or as indicated by Geotechnical Report or Engineer
All placement of reinforcement steel as per Structural drawings or Engineer

[illegible]

Window Schedule									
Mark	Type	Level	Head Height	Rough	Rough	Model	Material	Finish	Glazing
				Opening Width	Opening Height				Type
W01	Casement Dbl with Trim	Garage Floor Plan	7' - 0"	6' - 0"	4' - 0"				
W02	Transom with Trim	Garage Floor Plan	7' - 2"	6' - 0"	2' - 0"				
W03	Transom with Trim	Garage Floor Plan	7' - 2"	6' - 0"	2' - 0"				
W11	Casement with Trim	Carriage Floor Plan	7' - 2"	3' - 0"	3' - 6"				
W12	Casement with Trim	Carriage Floor Plan	7' - 2"	3' - 0"	3' - 6"				
W13	Casement with Trim	Carriage Floor Plan	7' - 2"	3' - 0"	3' - 6"				
W14	Casement with Trim	Carriage Floor Plan	7' - 2"	3' - 0"	3' - 6"				
W15	Casement with Trim	Carriage Floor Plan	7' - 2"	2' - 0"	3' - 0"				
W16	Casement Dbl with Trim	Carriage Floor Plan	7' - 2"	6' - 0"	4' - 0"				
W17	Casement Dbl with Trim	Carriage Floor Plan	7' - 2"	6' - 0"	4' - 0"				
W18	Transom with Trim	Carriage Floor Plan	8' - 0"	5' - 6"	1' - 6"				

Wall Schedule			
Type Mark	Type	Fire Rating	Comments
EF02	Exterior - Longboard		
EFW01	Foundation Wall - 8" Concrete		
EFW01	Foundation Wall - 8" Concrete / 3" Insulation		
EW01	Exterior - 1/2" Plywood/ 5 1/4" Stud / 1/2" GWB		
P01	Interior Partition - 1/2" Gypsum / 3 1/2" Stud / 1/2" Gypsum		
P02	Interior Partition - 1/2" Gypsum / 5 1/4" Stud / 1/2" Gypsum		
P02a	Interior Partition - 1/2" Gypsum / 5 1/4" Stud / 1/2" Gypsum		
	Interior Partition - 1/2" Gypsum / 5 1/4" Stud / 1/2" Gypsum		

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All dimensions, including rough opening sizes, are to be verified by the General Contractor prior to construction and errors or omissions reported to the designer.

Do not scale drawings.

Exact location of mechanical, electrical and plumbing equipment subject to change due to site conditions.

[illegible]

Marzinzik
508 Sutherland Ave
Foundation & Garage Floor Plans

Project number	20-006
Date	May 28, 2021

Drawn by	Jim Anderson
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Checked by	JA
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A2a

Scale	1/4" = 1'-0"
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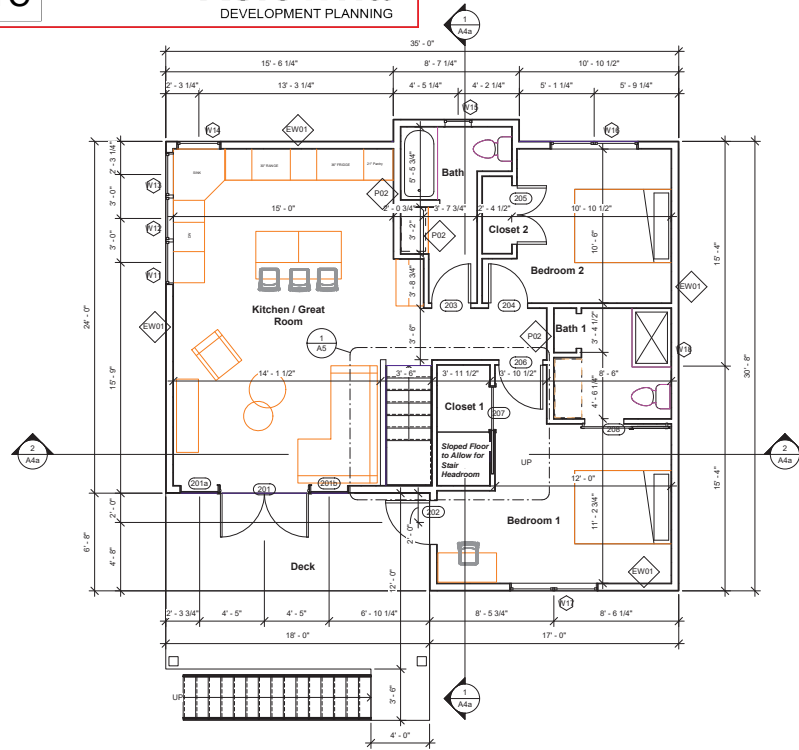
DVP21-0198



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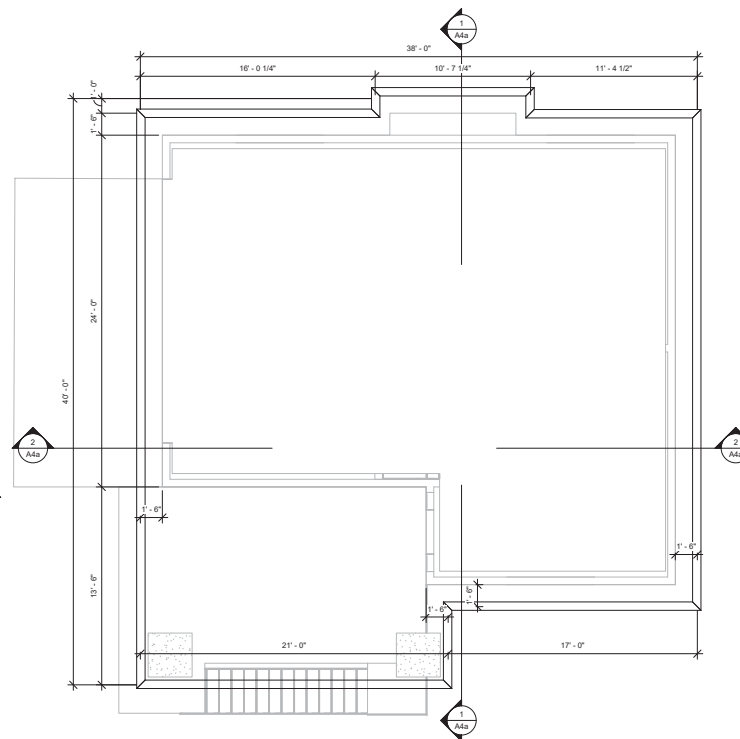
Planner
Initials

TC



② Carriage Floor Plan
1/4" = 1'-0"

Door Schedule						
Door Number	Level	Door Type	Door Size	Comments	Finish Door	Finish Frame
101	Garage Floor Plan	Exterior	36" x 84"			
101a	Garage Floor Plan	Sidelite	12" x 84"			
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203	Carriage Floor Plan	Interior	32" x 84"			
204	Carriage Floor Plan	Interior	32" x 84"			
205	Carriage Floor Plan	Dbt Interior	48" x 84"			
206	Carriage Floor Plan	Interior	36" x 84"	36" x84"		
207	Carriage Floor Plan	Dbt Interior	36" x 84"	36" x84"		
208	Carriage Floor Plan	Pocket	Interior barn door 16732			



① Roof
1/4" = 1'-0"

Window Schedule									
Mark	Type	Level	Head Height	Rough Opening Width	Rough Opening Height	Model	Material	Finish	Glazing Type
W01	Casement Dbl with Trim	Garage Floor Plan	7' - 0"	6' - 0"	4' - 0"				
W02	Transom with Trim	Garage Floor Plan	7' - 2"	6' - 0"	2' - 0"				
W03	Transom with Trim	Garage Floor Plan	7' - 2"	6' - 0"	2' - 0"				
W11	Casement with Trim	Carriage Floor Plan	7' - 0"	3' - 0"	3' - 6"				
W12	Casement with Trim	Carriage Floor Plan	7' - 2"	3' - 0"	3' - 6"				
W13	Casement with Trim	Carriage Floor Plan	7' - 2"	3' - 0"	3' - 6"				
W14	Casement with Trim	Carriage Floor Plan	7' - 2"	3' - 0"	3' - 6"				
W15	Casement with Trim	Carriage Floor Plan	7' - 2"	2' - 0"	3' - 0"				
W16	Casement Dbl with Trim	Carriage Floor Plan	7' - 0"	6' - 0"	4' - 0"				
W17	Casement Dbl with Trim	Carriage Floor Plan	7' - 2"	6' - 0"	4' - 0"				
W18	Transom with Trim	Carriage Floor Plan	8' - 0"	5' - 0"	1' - 6"				

All dimensions are to outside face of concrete foundation or exterior face of plywood sheathing, typical

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[illegible]

Marzinzik
508 Sutherland Ave
Carriage House &
Roof Plan

Project number	20-006
Date	May 28, 2021
Drawn by	Jim Anderson
Checked by	JA

A2b

Scale	1/4" = 1'-0"
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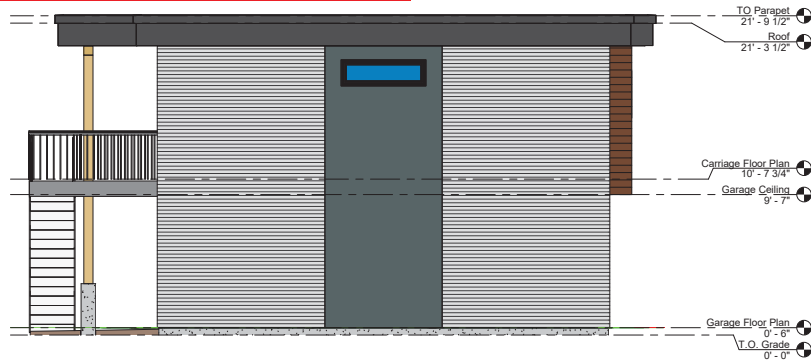
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City of Kelowna
DEVELOPMENT PLANNING

Planner Initials TC



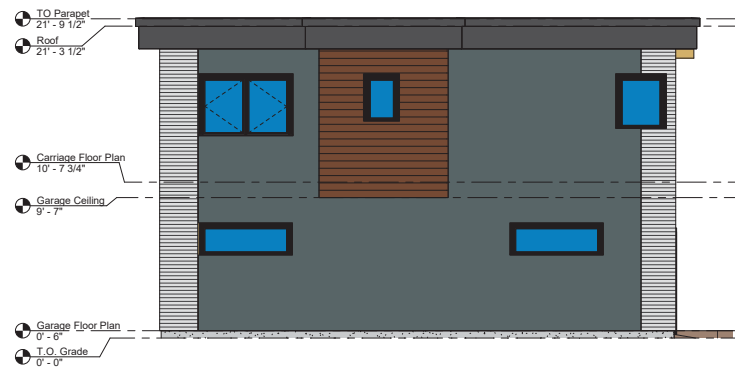
③ East
1/4" = 1'-0"



① South
1/4" = 1'-0"



④ West
1/4" = 1'-0"



② North
1/4" = 1'-0"

**Smooth Hardi Panels
w/reveals - Bluetooth**

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[illegible]

Marzinzik
508 Sutherland Ave
Elevations

Project number	20-006
Date	May 28, 2021
Drawn by	Jim Anderson
Checked by	JA

A3a

Scale	1/4" = 1'-0"
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All dimensions are to outside face of concrete foundation or exterior face of plywood sheathing, typical

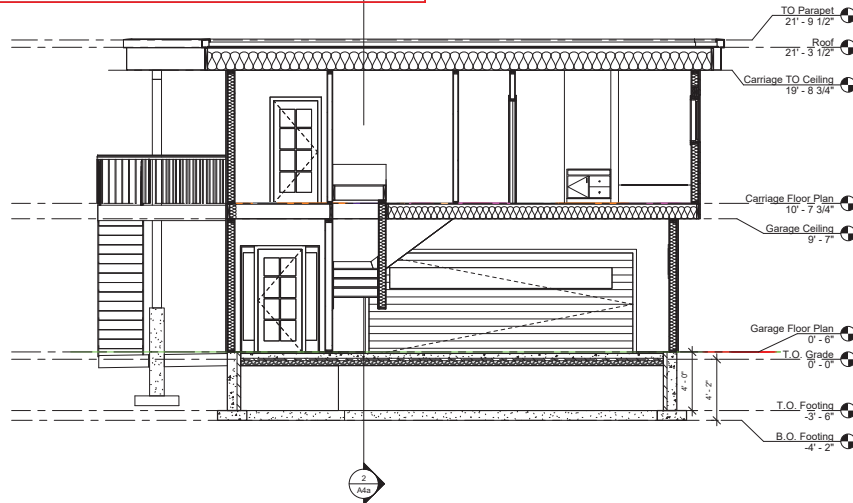
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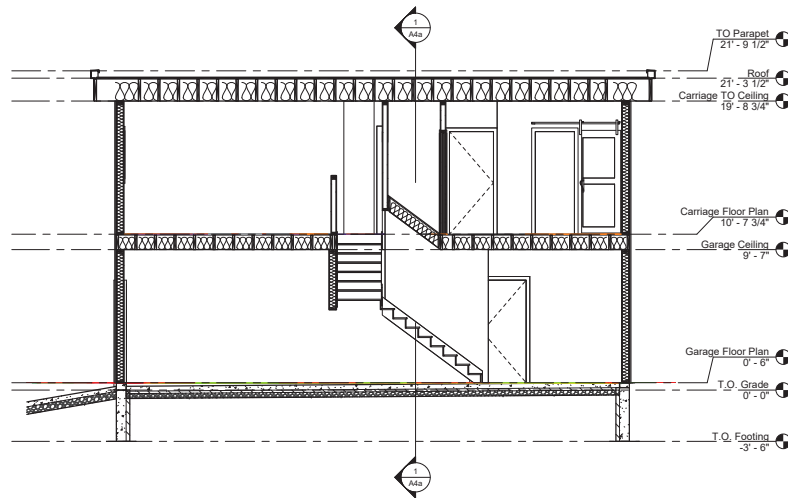


City of Kelowna
DEVELOPMENT PLANNING

TC



① Section 1
1/4" = 1'-0"



② Section 2
1/4" = 1'-0"

- Asphalt Shingles w/Membrane
- 5/8" T&G Plywood Sheathing
- Trusses as per Engineered Roof Drawings
- R42 Min. Batt or Blown Insulation
- 6 mil Poly Vapour Barrier
- 5/8" Gypsum Ceiling Board

• 5/8" Gypsum Ceiling Board

Effective R-Value 17.97 RSI 3.17

- Exterior Air Film	0.17	0.03
- Smooth Hardie Panel, Corrugated Metal or Woodgrain Metal Siding	0.15	0.03
- Tyvek Building Wrap Taped and Sealed	0.00	0.00
- 1/2" Plywood Sheathing	0.62	0.11
- 2x6 Wood Studs @ 24" o/c w/R24 Insulation	15.90	2.80
- 6 mil Poly Vapour Barrier	0.00	0.00
- 1/2" Gypsum Wall Board	0.45	0.08
- Interior Paint Finish	0.00	0.00
- Interior Air Film	0.68	0.12

-8" Concrete R 0.58 RSI 0.10

-3" Rigid Insulation R15 RSI 2.64

• 1/2" Gypsum Wall Board

- 2x4 Wood Studs @ 24" OC
- 1/2" Gypsum Wall Board
- Safe N' Sound Barrier Insulation for all Bathroom Walls & Bedroom Walls Adjoining Common Areas

• 1/2" Gypsum Wall Board

- 2x6 Wood Studs @ 16" OC
- 1/2" Gypsum Wall Board
- Safe N' Sound Barrier Insulation for all Walls & Bedroom Walls Adjoining Common Areas

• 1/2" Gypsum Wall Board

- 2x6 Wood Studs @ 16" OC
- 1/2" Gypsum Wall Board
- R24 Insulation to Walls Exposed to Garage/Exterior Air Space

Finishes as per Room Schedule

- 4" Concrete Polished Finish
- 6 mil Poly Vapour Barrier
- 2" Rigid Insulation
- 4" Compacted Radon Approved Gravel, Mechanical to provide venting as required by Code

-Finishes as per Room Schedule

- 3/4" T&G Plywood Subfloor (Acoustically Sealed to Joists)
- 11 7/8" Joists as per Engineered Floor Drawings
- 9" Batt Insulation Areas Exposed to Exterior Space
- 5/8" Type X Gypsum Ceiling Board

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[illegible]

Marzinzik
508 Sutherland Ave
Building Sections

Project number	30.006
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Project number	20-000
Date	May 28, 2021

Drawn by	Jim Anderson
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Checked by	JA
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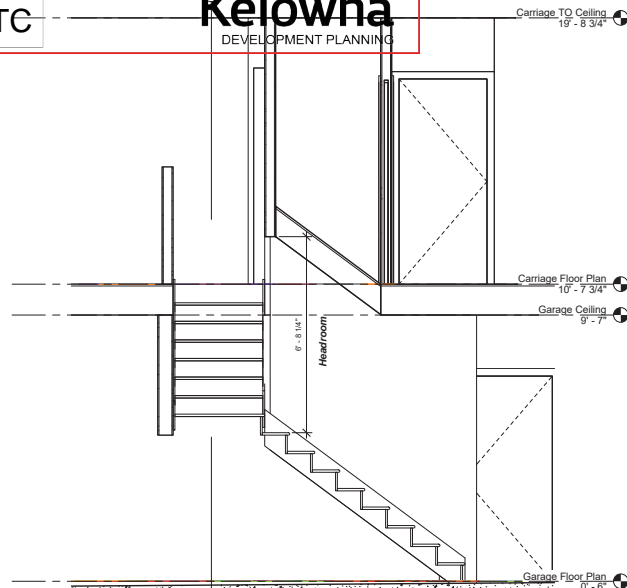
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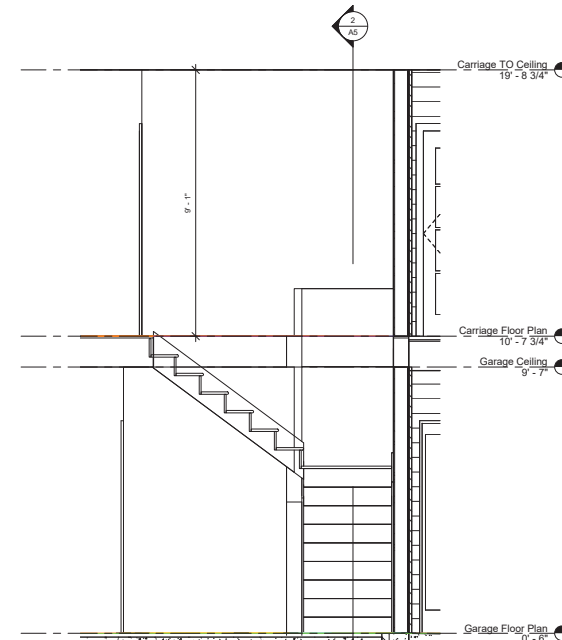


City of Kelowna
DEVELOPMENT PLANNING

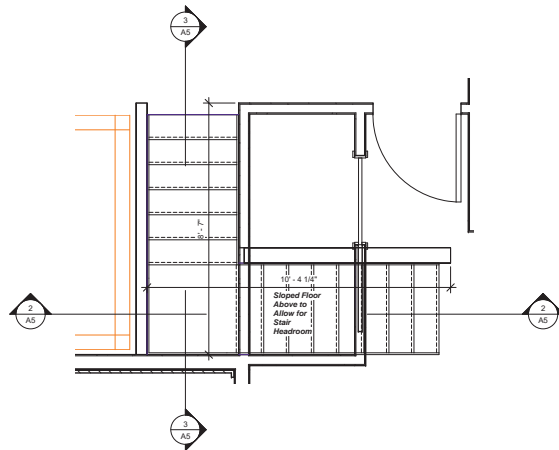
TC



② Stair Section 1
1/2" = 1'-0"



③ Stair Section 2
 $1/2" = 1'-0"$



① Stair Callout
1/2" = 1'-0"

Stair Schedule						
Family and Type	Actual Number of Risers	Actual Riser Height	Actual Tread Depth	Base Level	Top Level	Comments
Assembled Stair: Residential - Closed 2 Sides	16	0' - 7 1/2"	0' - 10 1/4"	Garage Floor Plan	Carriage Floor Plan	Indoor, Insulate and Type X Fire Rated Gypsum Underside
Assembled Stair: Residential - Closed 2 Sides	16	0' - 7 3/4"	0' - 10 1/4"	Garage Floor Plan	Carriage Floor Plan	Deck

Room Finish Schedule							
Number	Room Name	Area	Finish				Comments
			Floor	Base	Wall	Ceiling	
101	Entry	17.3 m²					
102	Garage	60.9 m²					
103	Kitchen / Great Room	40.6 m²					
104	Bath	5.7 m²					
105	Bedroom 2	10.9 m²					
106	Closet 2	1 m²					
107	Closet 1	Redundan t Room					
108	Bedroom 1	15.7 m²					
109	Bath 1	5.5 m²					
110	Deck	Not Engineered					

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[illegible]

Marzinzik
508 Sutherland Ave
Stair Plans & Details,
Schedules

Project number	20-006
Date	May 28, 2021
Drawn by	Jim Anderson
Checked by	JA

A5

Scale	1/2" = 1'-0"
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