

REPORT TO COUNCIL



Date: November 16, 2021
To: Council
From: City Manager
Department: Development Planning
Application: DVP20-0199 **Owner:** Adam Wladyslaw Zurek
Address: 734 Mayfair Court **Applicant:** John Frederick Watson
Subject: Development Variance Permit
Existing OCP Designation: S2RES – Single / Two Unit Residential
Existing Zone: RU1 – Large Lot Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP20-0199 for Lot 18, District Lot 143, ODYD, Plan 43270, located at 734 Mayfair Court, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted in accordance with Schedule "A":

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

To vary the rear yard setback from 1.5 m required to 1.38 m proposed.

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

To vary the minimum distance to a principal dwelling from 3.0 m required to 1.16 m 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 vary the minimum rear yard setback and the minimum distance to a principal dwelling for a carriage house.

3.0 Development Planning

Staff support the application for a Development Variance Permit to legalize the conversion of an accessory building into a carriage house. The proposed carriage house conforms to the Official Community Plan (OCP) Future Land Use Designation of S2RES – Single / Two Unit Residential and policies including compact urban form, sensitive infill, and carriage houses.

The reduced rear yard setback is to an industrial property, which is developed with the rear wall of an industrial building facing the subject property. Therefore, the proposed variance is unlikely to adversely impact the adjacent property. Spatial separation requirements resulting from the reduced distance to the principal building will be addressed through the Building Permit process.

4.0 Proposal

4.1 Background

A Building Permit was issued in June 2012 to construct an accessory building on the subject property. The accessory building was subsequently converted into a carriage house without the required authorizations. To legalize the conversion of the existing accessory building into a carriage house, the applicant applied to rezone the subject property to the RU1C – Large Lot Housing with Carriage House zone in November 2020. As the property is within the Core Area and has a sanitary sewer connection, with the adoption of Bylaw No. 12263 (TA21-0009), rezoning of the subject property for a carriage house is no longer required.

4.2 Project Description

The applicant proposes to reduce the required rear yard setback and to reduce the minimum distance to a principal dwelling to legalize the conversion of the upper floor of an existing accessory building into a carriage house. The carriage house is located at the northwest corner of the subject property and is accessed from Mayfair Court. A Section 219 Covenant has been registered on the title of the subject property restricting the use of the lower floor of the accessory building from being used as a dwelling. An off-street parking space for the proposed carriage house has been identified north of the existing driveway.

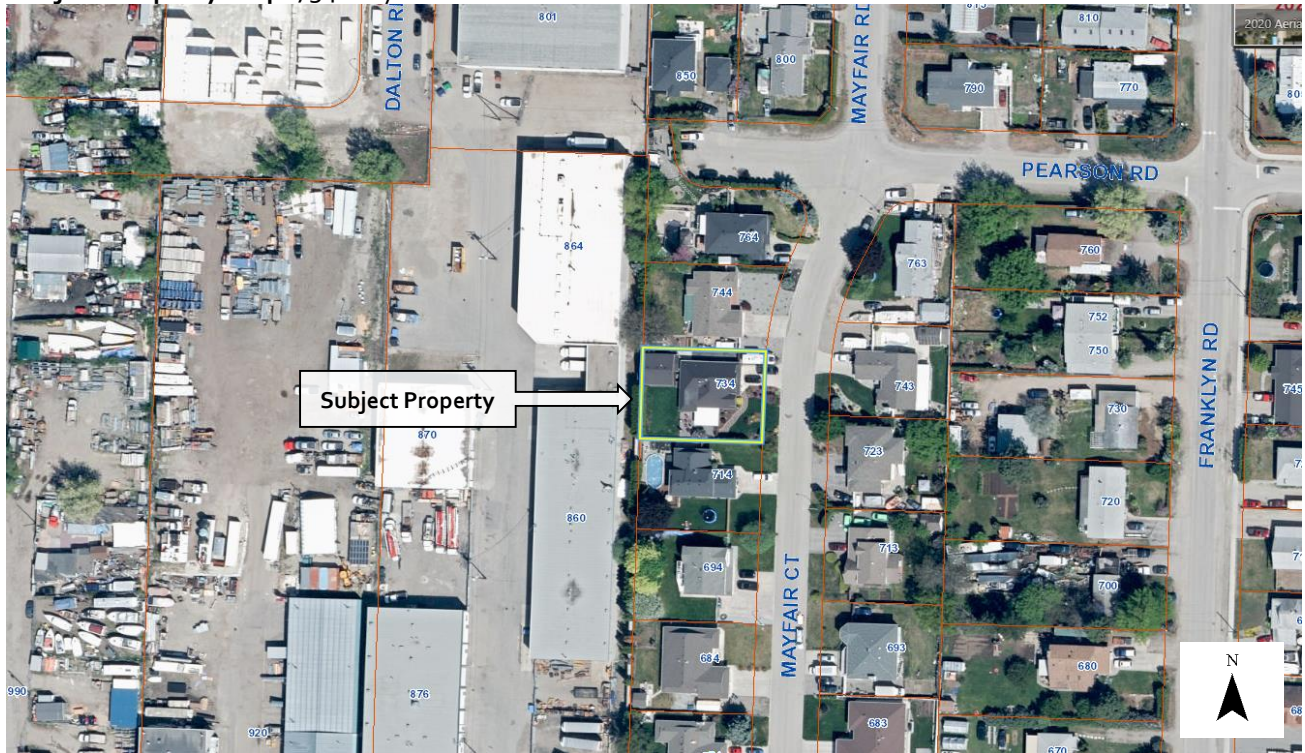
4.3 Site Context

The subject property is in the Rutland OCP Sector and is located on Mayfair Road, near the intersection with Pearson Road. The surrounding residential area is primarily zoned RU1 – Large Lot Housing and RU6 – Two Dwelling Housing. The area to the west is zoned I2 – General Industrial. The Future Land Use Designation of the area is S2RES – Single / Two Unit Residential and IND – Industrial. It is within walking distance to Pearson Road Elementary and within 200 m of a transit stop on Franklyn Road.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Family Housing
East	RU1 – Large Lot Housing	Single Family Housing
South	RU1 – Large Lot Housing	Single Family Housing
West	I2 – General Industrial	Industrial

Subject Property Map: 734 Mayfair Court



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU ₁ C ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	550 m ²	830 m ²
Min. Lot Width	16.5 m	18.98 m
Min. Lot Depth	30.0 m	33.7 m
Development Regulations		
Max. Site Coverage (carriage house)	14%	7%
Max. Height	4.8 m	4.42 m
Min. Front Yard	9.0 m	> 9.0 m
Min. Side Yard (south)	1.5 m	>1.5 m
Min. Side Yard (north)	1.5 m	2.11 m
Min. Rear Yard	1.5 m	1.38 m ❶
Distance to Principal Dwelling	3.0 m	1.16 m ❷
Other Regulations		
Min. Parking Requirements	3 stalls	3 stalls
Min. Private Open Space	30 m ²	240 m ²
❶ Indicates a requested variance to the minimum rear yard setback ❷ Indicates a requested variance to the minimum distance to a principal dwelling		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Objective 5.3 Focus development to designated growth areas

Policy .2 Compact Urban Growth. 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 per ha 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 Generalized Future Land Use Map 4.1.

Objective 5.22 Ensure context sensitive housing development.

Policy .6 Sensitive Infill. 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.

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

6.0 Application Chronology

Date of Application Accepted: November 4, 2020

Date Public Consultation Completed: February 15, 2021

Report prepared by: Mark Tanner, Planner II

Reviewed by: Jocelyn Black, Urban Planning Manager

Reviewed by: Terry Barton, Development Planning Department Manager

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

Attachments:

Attachment A: Draft Development Variance Permit DVP20-0199

Schedule A: Site Plan