

REPORT TO COUNCIL



Date: November 16th, 2021

To: Council

From: City Manager

Department: Development Planning Department

Application: DVP21-0198

Owner: Jason Cory Marzinzik

Address: 508 Sutherland Avenue

Applicant: Jason Marzinzik

Subject: Development Variance Permit Application

Existing OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: RU6 – Two Dwelling Housing

1.0 Recommendation

THAT Council NOT authorize the issuance of Development Variance Permit No. DVP21-0198 for Lot A District Lot 139 ODYD Plan EPP73205, located at 508 Sutherland Avenue, Kelowna, BC.

2.0 Purpose

To consider a Staff recommendation to NOT issue a Development Variance Permit to vary the height of a carriage house from 4.8m required to 6.65m proposed and to vary the maximum upper storey floor area of a carriage house from 75% permitted to 100.4% proposed on the subject property.

3.0 Development Planning

The applicant is proposing a contemporary 2-storey carriage house on the subject property. The proposed carriage house would be built in the rear of the property and accessed off the lane. The contemporary nature of the proposed building requires two variances to construct. The applicant has opted for a flat roof style, which has resulted in the request to vary the carriage house roof height and the upper floor area of the carriage house.

Staff are not supportive of the proposed height and the upper floor variances. The City's current carriage house regulations have been revised several times over the past decade to specifically guard against the visual impact of large carriage houses and their associated privacy concerns with neighbouring properties. Therefore, Council directed Staff to include single-storey incentives for carriage houses within the Zoning Bylaw as single-storey impacts are drastically reduced on neighbouring properties.

The proposed carriage house design includes a flat roof in order to maximize the amount of floor area above the garage. If a traditional gable roof was used with dormers, this would drastically reduce the effective floor

area. This was the purpose behind the regulation requiring the upper floor area to be 75% of the bottom floor area in order to prevent box carriage house designs (i.e., exterior walls going straight up to the second storey). Further, the second storey footprint is larger than the first floor as the design contains a slight upper floor protrusion. The protrusion adds even more floor area to the second floor further undermining the maximum upper floor ratio and the overall definition of a carriage house.

The proposed design is closer in form to a second dwelling, than that of a carriage house. Due to the size of the property the applicant has the ability to build a second dwelling, however, this may require offsite works, Development Cost Charges (DCCs) and service upgrades. Overall, Staff are not supportive of the proposed variances because the proposal doesn't meet the intent of the carriage house development regulations.

4.0 Proposal

4.1 Background

The subject property was part of a rezoning application (Z07-0098) that rezoned several properties with single-family homes in or near the Marshall Street Heritage Conservation Area from RM5 – Medium Density Multiple Housing zone to RU6 – Two Dwelling Housing zone. The application was to bring the properties into conformance with the proposed new Future Land Use Designation of S2RES – Single/Two Unit Residential and to help protect and maintain the heritage characteristics of the neighbourhood.

In 2018 the owner purchased part of the laneway off the City to allow for a carriage house in the future. This purchase helped correct part of the property's irregular shape and allowed for a more developable property overall.

4.2 Project Description

The proposed Development Variance Permit Application is to allow for a two-storey carriage house to be constructed at the rear of the property. The proposed carriage house would have a net floor area of 89.4m² and will be accessed off the laneway. The second floor would be a two-bedroom unit, while the first floor would be a two-car garage. The proposed requires two variances: one for the height of the carriage house and the second is for the maximum size of the upper floor area. No other variances are required as part of the application. If the Development Variance Permit is issued by Council, the applicant would be required to submit a Building Permit prior to the construction of the carriage house.

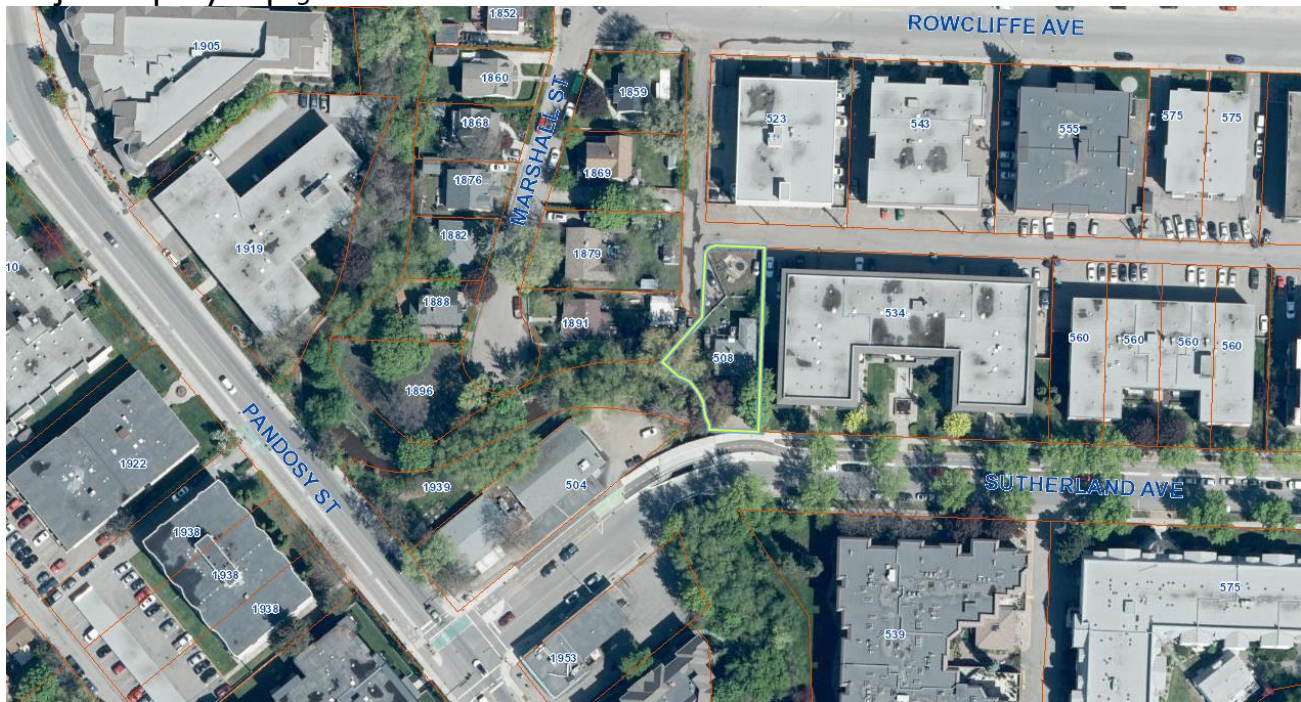
4.3 Site Context

The subject property is in the Central City OCP Sector and the surrounding area is primarily zoned RU6 – Two Dwelling Housing, RM5 – Medium Density Multiple Housing and P2 – Education and Minor Institutional. The surrounding area also has a Future Land Use Designation of S2RES – Single/Two Unit Residential, MRM – Multiple Unit Residential (Medium Density) and PARK – Major Park/Open Space (public).

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RM5 – Medium Density Multiple Housing	Apartment Housing
East	RM5 – Medium Density Multiple Housing	Apartment Housing
South	RM5 – Medium Density Multiple Housing	Apartment Housing
West	RU6 – Two Dwelling Housing & P2 – Education and Minor Institutional	Single-Family Dwellings & CMHA Office

Subject Property Map: 508 Sutherland Ave



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Min. Lot Area	700m ²	809m ²
Min. Lot Width	18.0m	14.23m
Min. Lot Depth	30.0m	47.80m
Carriage House Development Regulations		
Max. Net Floor Area	90m ²	89.4m ²
Max. Site Coverage (buildings)	40%	23.9%
Max. Site Coverage (buildings, parking, driveways)	50%	28.7%
Max. Height	4.8m	6.65m ❶
Max. Upper Floor Area	75%	100.4% ❷
Max. Net Floor Area Compared to Principal Dwelling	75%	56.7%
Min. Front Yard	26.09m	9.0m
Min. Side Yard (East)	1.5m	1.5m
Min. Side Yard (West)	1.5m	3.11m
Min. Rear Yard	0.9m	2.04m
Other Regulations		
Min. Parking Requirements	3	3
❶ Indicates a requested variance to Section 9.5b.1f – Carriage House Development Regulations		
❷ Indicates a requested variance to Section 9.5b.1g – 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 .6 Sensitive Infill. Encourage new development or redevelopment in existing residential areas to be sensitive of the neighbourhood with respect to building design, height and siting.

6.0 Application Chronology

Date of Application Accepted: August 17th, 2021

Date Public Consultation Completed: October 21st, 2021

7.0 Alternate Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP21-0198 for for Lot A District Lot 139 ODYD Plan EPP73205, located at 508 Sutherland Avenue, Kelowna, BC;

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

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

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

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

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

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 Variance Permit DVP21-0198

Attachment B: Applicant's Rationale

Schedule A: Drawing Package