

# 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 16<sup>th</sup>, 2021

Decision By:                                      COUNCIL

Existing Zone:                                      RU6 – Two Dwelling Housing

Future Land Use Designation:              S2RES – 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

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Terry Barton  
Development Planning Department Manager  
Planning & Development Services

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Date

**ATTACHMENT**                      A

This forms part of application  
# DVP21-0198

Planner Initials      TC

City of Kelowna  
DEVELOPMENT PLANNING 

## 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 area 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.**

<b>ATTACHMENT</b>	<b>A</b>
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Planner Initials	TC
 <b>City of Kelowna</b> DEVELOPMENT PLANNING	

August 9, 2021

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



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

<b>ATTACHMENT</b>		<b>B</b>
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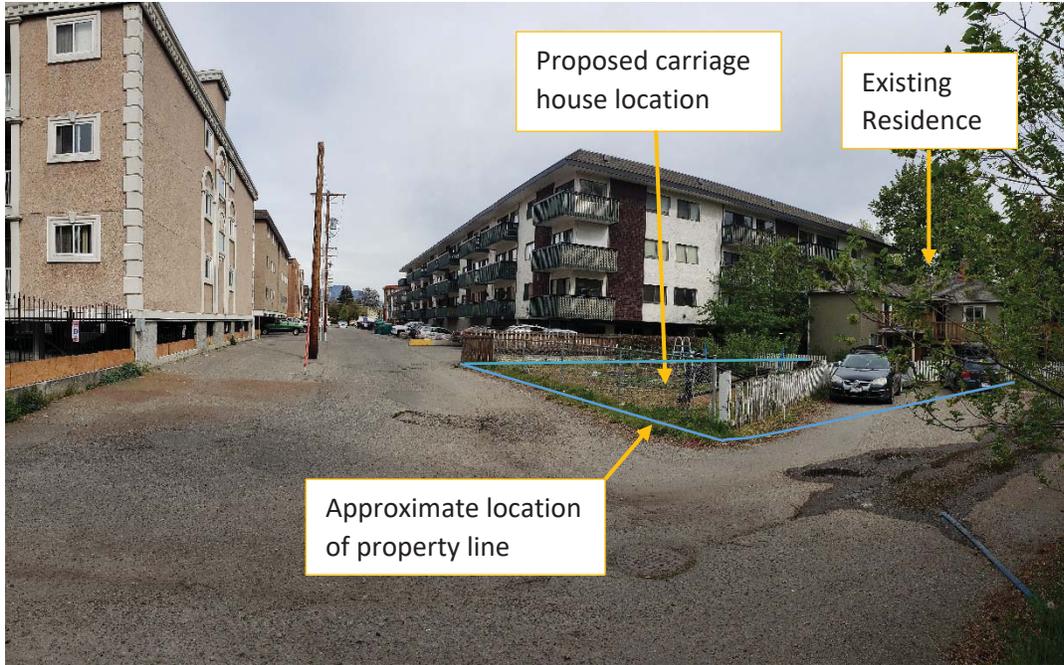


Photo 1: View of proposed carriage house location with four-story apartments located immediately to the north and east. Photo taken facing east.



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

Appendix A - Site Photographs

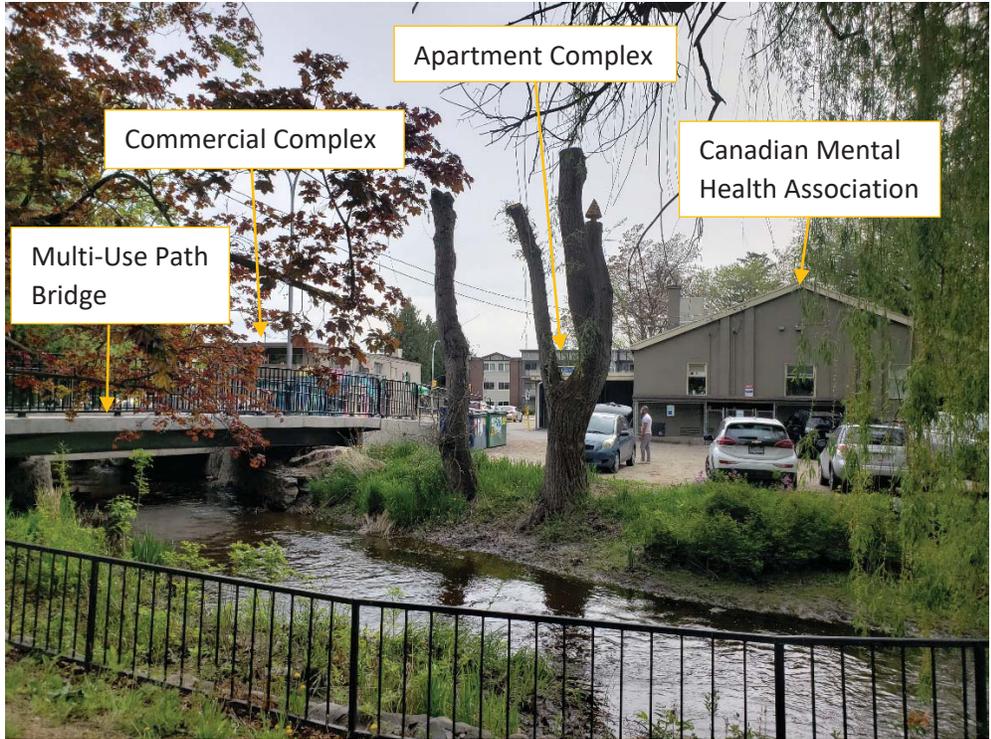


Photo 3: View of the Canadian Mental Health Association, commercial complex, and four-story apartments on adjacent properties. Photo taken facing south-west.



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.

Appendix A - Site Photographs



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.













