

# REPORT TO COUNCIL



**Date:** April 12, 2022

**To:** Council

**From:** City Manager

**Department:** Development Planning

**Application:** DVP22-0047

**Owner:** Kruiswyk, Johannes & Josine

**Address:** 1551 Lambert Avenue

**Applicant:** Kruiswyk, Johannes & Josine

**Subject:** Development Variance Permit

**Existing OCP Designation:** C-NHD – Core Area Neighbourhood

**Existing Zone:** RU1 – Large Lot Housing

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## 1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP22-0048 for Lot A Section 29 Township 26 ODYD Plan 41178, located at 1551 Lambert Avenue, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw 8000 be granted:

Section 9.5b.1(h): Carriage House Regulations

To vary the required minimum front yard from 9.0m required to 1.29m proposed.

Section 9.5b.1(i): Carriage House Regulations

To vary the required minimum side yard from 1.5m required to 1.07m 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 issue a Development Variance Permit to vary the minimum front yard and side yard setbacks to facilitate a carriage house.

## 3.0 Development Planning

Staff support the application for a Development Variance Permit to convert an accessory structure into a carriage house. The proposed carriage house conforms to the Official Community Plan (OCP) Future Land Use

Designation of Core Area Neighbourhood and policies including small lot development and ground orientated infill.

#### **4.0 Proposal**

##### **4.1 Background**

A Building Permit was issued in May 2004 to construct the accessory building on the subject property (BP27203). The property is within the Core Area and has a sanitary sewer connection.

##### **4.2 Project Description**

The applicant proposes to reduce the required front yard and side yard setbacks to convert an existing accessory building into a carriage house. The carriage house is located in the northeast corner of the subject property and is accessed from Lambert Avenue.

The location of the accessory structure is located well away from the street and not visible from the road. This parcel is a panhandle lot and the front yard setback is measured from the point of intersection of the body of the lot with the panhandle. Due to this, the concerns that staff have with carriage homes in the front yard are mitigated. The second variance is to the side yard setback abutting the adjacent single family lot. With the building code requirements for spatial separation, many of the privacy concerns will be reduced through the building permit process.

The single-family dwelling on the subject property is located on the City's Heritage Register. When the accessory building was constructed, the owner designed the façade to match the heritage characteristics of the principal dwelling.

##### **Site Context**

The subject property is located on Lambert Avenue, near the intersection of Clifton Road and Lambert Avenue. The surrounding residential area is primarily zoned RU1 – Large Lot Housing. The Future Land Use Designation of the area is Core Area Neighbourhood. It is within walking distance to several parks and within 100 m of a transit stop on Clifton Road.

Specifically, adjacent land uses are as follows:

<b>Orientation</b>	<b>Zoning</b>	<b>Land Use</b>
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	RU1 – Large Lot Housing	Single Family Housing

**Subject Property Map:****4.3 Zoning Analysis Table**

Zoning Analysis Table		
CRITERIA	RU <sub>1</sub> ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Max. Site Coverage (buildings)	40%	15%
Max. Site Coverage (buildings, parking, driveways)	50%	35%
Max. Height	4.8m	4.26m
Min. Front Yard	9m	1.29m <span style="color: red;">❶</span>
Min. Side Yard (East)	1.5m	1.07m <span style="color: red;">❷</span>
Min. Side Yard (West)	1.5m	>1.5m
Min. Rear Yard	1.5m	>1.5m
Distance to Principal Dwelling	3m	6.25m
Max Net Floor Area to Principal Dwelling	75%	31%
<span style="color: red;">❶</span> Indicates a requested variance to the minimum front yard from 9.0 m required to 1.29 m proposed. <span style="color: red;">❷</span> Indicates a requested variance to the minimum side yard from 1.5 m required to 1.07 m proposed.		

**5.0 Current Development Policies****5.1 Kelowna Official Community Plan (OCP)**

Objective 5.3 Design residential infill to be sensitive to neighbourhood context.	
Policy 5.3.6 Small Lot Development	<p>To encourage residential infill development in Core Area Neighbourhoods and transition areas that reflect the existing neighbourhood context, discourage large lot consolidations except where properties front or directly abut a Transit Supportive Corridor, Active Transportation Corridor, or an Arterial Road.</p> <p><i>This proposal helps improve housing diversity in a predominantly single family neighbourhood. This location is walkable to transit stops and local parks.</i></p>

## **6.o Application Chronology**

Date of Application Accepted: February 22, 2022

Date Public Consultation Completed: March 7, 2022

**Report prepared by:** Jason Issler, Planner I

**Reviewed by:** Lydia Korolchuk, Urban Planning Manager

**Reviewed by:** Terry Barton, Development Planning Department Manager

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

### **Attachments:**

Schedule A: Site Plan

Attachment A: Draft Development Variance Permit DVP22-0047