

REPORT TO COUNCIL



Date: March 21st, 2023

To: Council

From: City Manager

Department: Development Planning

Application: DVP22-0189 **Owner:** George & Diane Kamoschinski

Address: 5428 Tanager Court **Applicant:** Diane Kamoschinski

Subject: Development Variance Permit

Existing OCP Designation: S-RES – Suburban Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU1c- Large Lot Housing with Carriage House

1.0 Recommendation

THAT final adoption of Rezoning Bylaw No.12449 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP22-0189 for Lot 13 Section 23 Township 28 SDYD PLAN 35953, located at 5428 Tanager Court, Kelowna, BC;

AND THAT variances to the following section of Zoning Bylaw No. 12375 be granted:

Section 11.5: RU1- Large Lot Housing, Development Regulations

To vary the required maximum net floor area of a two (2) storey carriage house from 90.0 m² to 96.52 m².

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 required maximum net floor area of a two (2) storey carriage house from 90.0 m² to 96.52 m².

3.0 Development Planning

Staff recommend support for the Development Variance Permit for the conversion of an existing accessory building into a carriage house. A Rezoning application (Z22-0052) was submitted to rezone the subject property from RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone. The

proposal meets the intent of the Official Community Plan (OCP) and the Future Land Use Designation of S-RES – Suburban Residential, which speaks to the accommodation of single and two dwelling growth, with opportunities for carriage houses. To finalize the rezoning, a Development Variance Permit is required to vary the net floor area of the proposed carriage house. As per Council Policy No. 367, public consultation was completed on October 11th, 2022 for the Development Variance Permit.

4.0 Proposal

4.1 Background

The Rezoning application received 1st reading of the Bylaw on November 28th, 2022. The Bylaw received 2nd and 3rd readings following Public Hearing on January 17th, 2023. To finalize adoption of the RU1c – Large Lot Housing with Carriage House zone, a Development Variance Permit is required to vary the maximum net floor area of the carriage house from 90.0 m² to 96.52 m².

A Building Permit (BP) was received on January 27th, 2021 for the accessory building which met all development regulations at the time of permit. During the construction period, the applicants decided to convert the accessory building to a carriage house use. Should Council adopt the zone and approve the variance application, the current building permit will be cancelled and a new building permit for the carriage house will be required.

4.2 Project Description

At the time of construction, the existing structure met all development regulations for an accessory building. The conversion of the accessory building to a carriage house triggered additional development regulations that were not required as part of the original building permit. A variance is required to vary the maximum net floor area of a carriage house from 90.0 m² to 96.52 m². The proposed carriage house meets all other development regulations.

4.3 Site Context

The subject property is located at the corner of Tanager Court and Stellar Court. The parcel has a Future Land Use Designation of S-RES – Suburban Residential and is within the Southwest Mission neighbourhood. The property is within close proximity to the Lebanon Creek Greenway Regional Park. The surrounding area consists primarily of RU1 – Large Lot Housing and RR2 – Small Lot Rural Residential.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR2 – Small Lot Rural Residential	Single Family Dwelling
East	RU1 – Large Lot Housing	Single Family Dwelling
South	RU1 – Large Lot Housing	Single Family Dwelling
West	RU1 – Large Lot Housing	Single Family Dwelling

Subject Property Map: 5428 Tanager Court



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Carriage House Regulations		
Max. Site Coverage (buildings)	40 %	23.4 %
Max. Site Coverage (buildings, parking, driveways)	70 %	31.0 %
Max. Height	5.4 m	5.4 m
Min. Front Yard	9.0 m	36.6 m
Min. Side Yard (North)	1.5 m	1.5 m
Min. Flanking Yard (South)	4.5 m	16.2 m
Min. Rear Yard	1.5 m	1.8 m
Max. Building Footprint for 2-storey Carriage House	90.0 m ²	57.97 m ²
Max. Net Floor Area for 2-storey Carriage House	90.0 m ²	96.52 m ² ●
Max. Upper Storey Gross Floor Area for 2-storey Carriage House	70% of carriage house footprint area	38.55 m ²

● Indicates a requested variance to Net Floor Area for a Two (2) Storey Carriage House, Section 11.5 Development Regulations

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Objective 7.2 Design Suburban Neighbourhoods to be low impact, context sensitive, and adaptable	
Policy 7.2.1	Ground Oriented Housing. Consider a range of low-density ground-oriented housing development to improve housing diversity and affordability and to reduce the overall urban footprint of Suburban Neighbourhoods. Focus more

	intensive ground-oriented housing where it is in close proximity to small scale commercial services, amenities like schools and parks, existing transit service and/or active transportation facilities
	<i>The proposed carriage home reflects the character of the existing principal dwelling and is sensitive to the neighbourhood with respect to building design, height, and siting. The S-RES future land use designation supports single and two dwelling housing, with opportunities for secondary suites and carriage houses. A carriage home is a form of residential infill that allows for the modest intensification in an existing neighbourhood.</i>

6.o Application Chronology

Date of Application Received: October 3rd, 2022

Date Public Consultation Completed: October 15th, 2022

Report prepared by: Sara Skabowski, 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:

Attachment A: Draft Development Variance Permit

Schedule A: Site Plan and Floor Plans

Attachment B: Applicant Rationale