

REPORT TO COUNCIL



Date: May 9, 2023
To: Council
From: City Manager
Department: Development Planning
Application: DVP22-0223
Address: 845 Bay Avenue
Subject: Development Variance Permit
Owner: David Tribiger
Applicant: David Tribiger
Existing OCP Designation: IND – Industrial
Existing Zone: RU4 – Duplex Housing

1.0 Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP22-0223 for Lot 2 Section 30 Township 26 ODYD Plan 10292, located at 845 Bay Avenue, Kelowna, BC;

AND THAT variances to the following section of Zoning Bylaw No. 12375 be granted as shown on Schedule "A":

Section 11.5: RU4 – Duplex Housing Development Regulations

To vary the required minimum west side yard setback from 2.1 m permitted to 2.0 m proposed and the required minimum east side yard setback from 2.1 m permitted to 1.48 m proposed.

Section 11.5: RU4 – Duplex Housing Development Regulations

To vary the required minimum rear yard setback from 7.5 m permitted to 3.35 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.

Purpose

To vary the required minimum west side yard setback from 2.1 m permitted to 2.0 m proposed, to vary the required minimum east side yard setback from 2.1 m permitted to 1.48 m proposed, and to vary the required minimum rear yard setback from 7.5 m permitted to 3.35 m proposed to accommodate the change of use of an existing structure from a Carriage House to Single Detached Housing.

Development Planning

Staff recommend support for the Development Variance Permit. The applicant is seeking to modify an existing structure from a carriage house to a single family dwelling. Renovating the floor area of the existing carriage house would change the use of the building to single family dwelling, and while the proposed use is listed as a primary use in the RU₄ – Duplex Housing Zone, variances to the side yard and rear yard setbacks are required as a result of the change in use.

2.0 Proposal

2.1 Project Description

The applicant is proposing an interior renovation to an existing carriage house with an attached garage. The renovation would convert the attached garage into additional living space. The total net floor area exceeds the maximum permitted area for a carriage house. The renovation would instead convert the use of the structure from carriage house to single detached housing, which is a primary use in the RU₄ zone. Due to the change in use, a development variance permit is required to bring the dwelling into compliance. There are existing driveways off of Bay Avenue and the lane that satisfy the minimum parking requirements for the two detached dwellings on the property.

2.2 Site Context

The subject site is Zoned RU₄ – Duplex Housing and has a Future Land Use Designation of IND – Industrial. The property is located within the permanent growth boundary. The property is located in the North End on Bay Avenue at the intersection with Pettigrew Street. The surrounding area is primarily zoned RU₄ – Duplex Housing and I₂ – General Industrial.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU ₄ – Duplex Housing	Single Dwelling Housing
East	RU ₄ – Duplex Housing	Single Dwelling Housing
South	I ₂ – Industrial General	General Industrial Use
West	RU ₄ – Duplex Housing	Single Dwelling Housing

Subject Property Map:



2.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU ₄ ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Max. Site Coverage (buildings)	40%	36%
Max. Site Coverage (buildings, parking, driveways)	70%	61%
Min. Front Yard	6.0 m	31.0 m
Min. Side Yard (West)	2.1 m	1.48 m ❶
Min. Side Yard (east)	2.1 m	2.0 m ❶
Min. Rear Yard	7.5 m	3.35 m ❶
❶ Indicates a requested variance to the side and rear yard setback.		

3.0 **Application Chronology**

Date of Application Received: October 11, 2022

Date Public Consultation Completed: March 24, 2023

Prepared by: Graham Allison, Planner I**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 Permit DVP22-0223

Schedule A: Site Plan