

REPORT TO COUNCIL



Date: November 1, 2016
RIM No. 0940-00
To: City Manager
From: Community Planning Department (LK)
Application: DP16-0080, DVP16-0095 **Owner:** Terence Dewar
Address: 760 Mitchell Road **Applicant:** Terence Dewar
Subject: Development Permit & Development Variance Permit
Existing OCP Designation: S2RES - Single / Two Unit 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. 11284 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP16-0080 for Lot 13 Section 22 Township 26 ODYD Plan 25984, located at 760 Mitchell Road, Kelowna, BC subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in accordance with Schedule "A",
2. The exterior design and finish of the building to be constructed on the land, be in accordance with Schedule "B",

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0095 for Lot 13 Section 22 Township 26 ODYD Plan 25984, located at 760 Mitchell Road, Kelowna, BC;

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

Section 9.5b.1(d): Carriage House - Specific Use Regulations

To vary the height of a carriage house to be higher than the existing principal dwelling as measured to the mid-point and roof peak of the existing principal dwelling unit.

Section 9.5b.15: Carriage House - Specific Use Regulations

To vary the required minimum rear yard from 2.0 m required to 1.58m proposed.

Section 6.4.2: Projections into Yards - General Development Regulations

To vary the projection depth of the carriage house eave from 0.60 m maximum to 1.02m proposed.

AND FURTHER THAT this Development Permit and Development Variance Permit is valid for two (2) years from the date of Council approval, with no opportunity to extend.

2.0 Purpose

To consider the form and character and variances to facilitate the conversion of an accessory building to a carriage house on the subject property.

3.0 Community Planning

Community Planning Staff support the requested variances to the Zoning Bylaw to facilitate the conversion of an existing Accessory Building to a Carriage House. The building meets all other Zoning Bylaw regulations and policies within the Official Community Plan (OCP) including the support of Carriage House through appropriate zoning regulations and the support of sensitive integration into existing neighbourhoods where services are already in place and densification can easily be accommodated.

The parcel is located within the Permanent Growth Boundary in the Rutland area of Kelowna. The parcel is situated on a street which has started to see an intensification of uses through rezoning for two-dwelling housing.

The carriage house design is consistent with the objectives of the Intensive Residential Design Guidelines within the OCP. This includes compatibility with the existing dwelling and the surrounding neighbourhood.

4.0 Proposal

4.1 Background

The parcel contains a single family dwelling which was constructed in the mid-1970's. It is a 1 ½ storey building with an attached single car garage. In 2013, the applicant applied to the City for a Building Permit to construct an accessory building. The building was designed to meet the carriage house Zoning Bylaw regulations of the day as the owner has always had the intention of converting the building to a carriage house in the future. In early 2014, the applicant applied for the rezoning and development permit applications to complete the conversion process. The application complied with all zoning regulations of the day, but due to the City's requirement for sewer connection costs to be paid in a lump sum, the owner was unable to continue with the project at that time and the applications were cancelled and the fees refunded.

4.2 Project Description

The applicant is now ready to proceed with the conversion of the accessory building to a carriage house, but in the two years since the previous applications, amendments to the carriage house regulations within the Zoning Bylaw have occurred. The building, as constructed, does not meet the current regulations and will require three separate variances.

The first variance is to reduce the rear yard setback from 2.0 m required to 1.58 m provided. The Zoning Bylaw setback requirement was amended from 1.5 m to 2.0 m required where a parcel does not have rear lane access. Currently, there is a six-foot-high fence to provide screening between the subject parcel and the immediate neighbours. The carriage house has two upper

storey windows facing the neighbouring parcel, one is within the bathroom and the second is a small bedroom window. Both windows contain obscured glass to reduce any privacy concerns.

The second variance is for the building eave projection. Due to the building not meeting the rear setback requirement, it automatically does not meet the projection within a setback area regulation. The regulation in the Zoning Bylaw states that an eave is allowed to project up to 0.60 m into a setback area. The building eave projects 1.02 m (+0.42 m) into the rear setback area. The intent of the setback is to provide fire protection separation to adjacent dwellings. To ensure this is addressed, the BC Building Code will require a protected soffit to be installed to increase the fire protection value. This will be addressed at time of Building Permit.

The last variance is to allow the roof peak of the carriage house to be higher than that of the primary dwelling. Prior to September 8, 2014, this rule did not exist and height of a carriage house was measured only to the mid-point of the roof. The amended regulations were then adopted to ensure the massing of a carriage house does not overwhelm the primary dwelling. This carriage house is situated directly behind the primary dwelling and the massing of it is not readily visible when viewed from the street. The carriage house roof peak is 0.82 m (2' - 9 1/2 ") higher than the primary dwelling. When this neighbourhood was constructed in the 1970's, most dwellings were built as bungalows or 1-1/2 storey buildings with low sloped roofs. Many adjacent parcels have rear yard accessory buildings of similar height. This is an existing building and the overall height cannot be easily reduced.

4.3 Site Context

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	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: 760 Mitchell Road



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU1c ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	550 m ²	890 m ²
Minimum Lot Width	16.5 m	20.63 m
Minimum Lot Depth	30 m	38.1 m
Development Regulations		
Maximum Site Coverage (buildings)	40%	25.44%
Maximum Site Coverage (buildings, driveways and parking)	50%	45.09%
Carriage House Regulations		
Max. Height	4.8 m	4.8m
Min. Side Yard (east)	2.0 m	2.06 m
Min. Side Yard (west)	2.0 m	8.22 m
Min. Rear Yard (laneless)	2.0 m	1.58 m ❶
Height (carriage house shall not be higher than existing primary dwelling unit)	2 storey ex. House 5.01 m (to mid-point) 5.53 m (to roof peak)	4.8 m (to mid-point) 6.47 m (to roof peak) ❷
Max. Carriage House Lot Coverage	14%	8.5%
Max. Accessory Building Footprint	90 m ²	82.13 m ²
Max. Carriage House Net Floor Area of Principal Building	75%	43.88%
Other Regulations		
Minimum Parking Requirements	3 stalls	3 stalls
Minimum Private Open Space	30 m ² / dwelling	30 m ² / dwelling
Maximum projection into rear setback area	0.60 m	1.02m (+0.42m) ❸
❶ Indicates a requested variance to the rear yard setback of a Carriage House. ❷ Indicates a requested variance to allow the Carriage House roof peak to be higher than the existing Primary dwelling. ❸ Indicates a requested variance to allow the eave of a Carriage House to project into the required rear yard setback.		

5.0 **Current Development Policies**

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: Development Process

Sensitive Infill.¹ Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height, and siting.

Carriage Houses and Accessory Apartments.² Support carriage houses and accessory apartments through appropriate zoning regulations.

¹ City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

² City of Kelowna Official Community Plan, Policy 5.22.12 (Development Process Chapter).

Chapter 14: Urban Design DP Guidelines

Carriage House Design Guideline Objectives.³

- Preserve and enhance the scale and character of individual neighbourhoods and streetscapes;
- Ensure compatibility with existing dwellings on the lot or with surrounding properties;
- Promote a high standard of design, construction and landscaping;
- Design for livability.

6.0 Technical Comments

6.1 Fire Department

- Emergency access to the carriage house must be maintained
- Requirements of section 9.10.19 Smoke Alarms and Carbon Monoxide alarms of the BCBC 2012 are to be met.
- If a fence is ever constructed between the dwellings a gate with a clear width of 1100mm is required.
- All units shall have a posted address on Mitchell Rd. for emergency response.

6.2 Development Engineering

- Refer to Attachment 'A'

7.0 Application Chronology

Date of Application Received: March 15, 2016
Date Public Consultation Completed: June 30, 2016

Report prepared by:

Lydia Korolchuk, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Reviewed by: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A: Development Engineering Memorandum dated June 13, 2016
Attachment B: Rutland Water Works - Water Service Certificate
Draft Development Permit and Development Variance Permit - DP16-0080, DVP16-0095
Schedule A: Site Plan & Landscape Plan
Schedule B: Elevations

³ City of Kelowna Official Community Plan, Objectives 14.21 (Urban Design DP Guidelines Chapter).