# REPORT TO COUNCIL

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| **Date:** | January 23, 2016 | | |
| **RIM No.** | 1250-30 | | |
| **To:** | City Manager | | |
| **From:** | Community Planning Department (TB) | | |
| **Application:** | Z16-0043 | **Owner:** | Jonathon David Clark Tyre<br>Heather Elizabeth Tyre |
| **Address:** | 1050 Kelly Road | **Applicant:** | Tara Tschritter |
| **Subject:** | Rezoning Application | | |
| 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 Rezoning Application No. Z16-0043 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3, District Lot 135, ODYD, Plan 18974, located at 1050 Kelly Road, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing with Carriage House zone, be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Permit, and Development Variance Permit for the subject property.

## 2.0 Purpose

To rezone the subject property from RU1 – Large Lot Housing to RU1c- Large Lot Housing with carriage house.

## 3.0 Community Planning

Community Planning Staff support the proposed rezoning to RU1c – Large Lot Housing with Carriage House to facilitate the development of a carriage house. The rezoning is consistent with the Official

Community Plan (OCP) Future Land Use of Single/Two Unit Residential and the OCP Policy for Compact Urban Growth.

The applicant's design of the carriage house is significantly higher than the RU1c zoning regulations for height. Staff advised the applicant that RU6 zoning would be more appropriate given the design, however, the applicant prefers to proceed with the request to Council for RU1c. The over-height carriage house will trigger the need for variances which will be considered by Council should the land use change be supported.

## 4.0 Proposal

### 4.1 Background

The subject property currently has a single family dwelling on a pie shaped lot. The dwelling was constructed in 1972. It is 1 ½ storeys in height and is located on the western side of the property with a single driveway. The lot is above average size for an RU1 or RU1c lot at over 1600 $m^2$. The lot meets the size requirements for an RU6 lot with a full second dwelling.

### 4.2 Project Description

The proposed rezoning would allow the subject property to construct a carriage house as a secondary use on the property. The OCP Future Land Use Designation is Single/Two Unit Residential and therefore supports this zoning, and would also support RU6 – Two Dwelling Housing to allow for a second Single Family Dwelling or Duplex-type housing.

The proposed siting of the carriage house is in the side yard in order to maintain a large rear yard for each dwelling. Parking is achieved by providing two stalls in the garage component of the carriage house with a third stall located beside the garage for tenant use.

The proposed design features a lower level garage and storage space, with upper level living space. The design includes a butterfly roof and a large covered balcony. The applicant has stated that this roof design allows increased volume of space without increasing the footprint, and would allow for increased storage space.

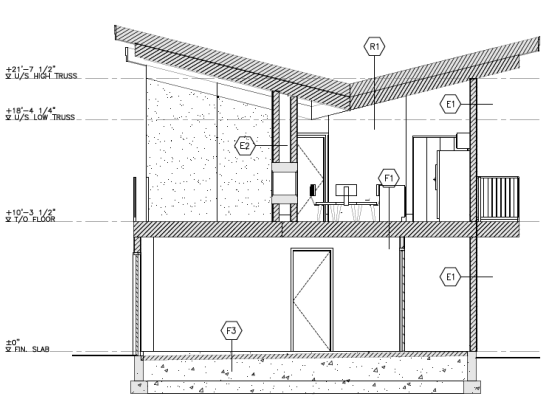
### 4.3 Variances

The carriage house as proposed does require Council approval of 3 variances pending the adoption of the rezoning. The first variance is due to the siting of the carriage house in the side yard rather than in the rear yard. The other two variances are related to the carriage house being over-height at midpoint (6.83m) and at peak (7.98m) due to a unique roof design. Community Planning Staff will be preparing a Report to Council that recommends support for the side yard variance but does not recommend support for the height variances. Due to the shape of the lot, the carriage house is more suited to be located in the side yard. However, the height variances could be avoided with an alternate roof design. Alternately, the applicant could rezone to RU6 which would allow the height without a variance or a redesign. However, rezoning to RU6 would trigger increased costs in Development Cost Charges, servicing, and frontage improvements.

The Development Permit and Development Variance Permit will be considered prior to 4$^{th}$ reading of the zoning by Council.



*Figure 1: Conceptual Rendering*



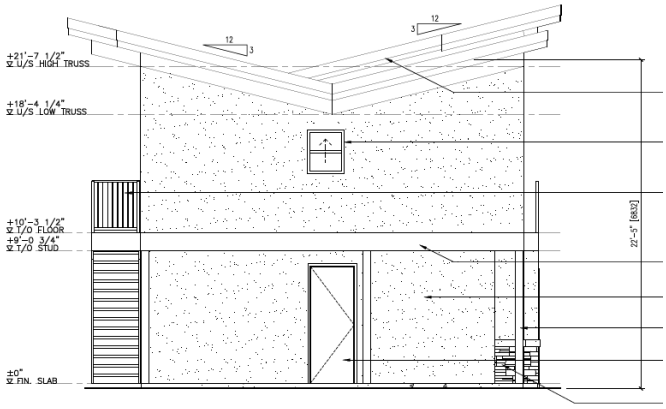


*Figure 2 & 3: Section and Side Elevation*

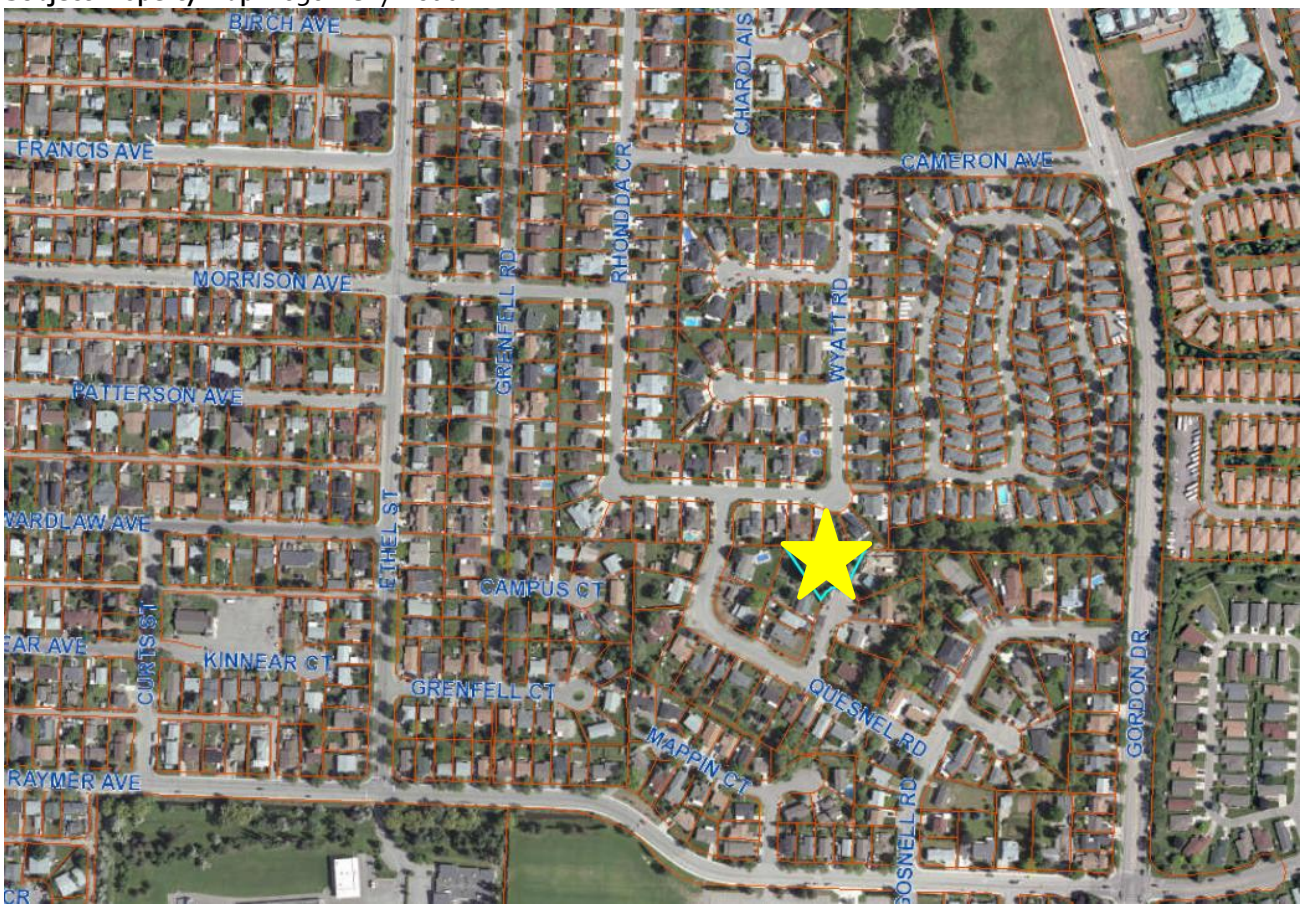
## 4.4 Site Context

The subject property is on the north end of a cul-de-sac called Kelly Road. It is located in the South Pandosy – K.L.O. Sector and is within the Permanent Growth Boundary. It is located within walking distance to Okanagan College and Guisachan Village. The property earns a walkscore of 60 meaning it is somewhat walkable.

Specifically, adjacent land uses are as follows:

| Orientation | Zoning | Land Use |
|---|---|---|
| North | RU1 – Large Lot Housing | Residential |
| East | RU1 – Large Lot Housing | Residential |
| South | RU1 – Large Lot Housing | Residential |
| West | RU1 – Large Lot Housing | Residential |

**Subject Property Map:** 1050 Kelly Road




4.5 Zoning Analysis Table

| CRITERIA | RU1c ZONE REQUIREMENT | PROPOSAL |
|---|---|---|
| **Subdivision Regulations / Existing Lot** | | |
| Minimum Lot Width | 16.5 m | 24.73 m |
| Minimum Lot Depth | 30.0 m | 32.7 m |
| Minimum Lot Area | 550 $m^2$ | 1618.74 $m^2$ |
| **Development Regulations** | | |
| Maximum Total Site Coverage (buildings) | 40% | 17% |
| Maximum Total Site Coverage (buildings, driveways & parking) | 50% | 32% |
| **Carriage House Development Regulations** | | |
| Maximum Accessory Site Coverage | 14% | 6% |
| Maximum Accessory Building Footprint | 90 $m^2$ | 90 $m^2$ |
| Maximum Net Floor Area | 90 $m^2$ | 60 $m^2$ |
| Maximum Net Floor Area to Principal Building | 75% | 36.5% |

| CRITERIA | RU1c ZONE REQUIREMENT | PROPOSAL |
|---|---|---|
| Maximum Upper Storey Floor Area to Building Footprint | 75% | 66.7% |
| Maximum Height (to mid-point) | 4.8 m | 6.83 m ❶ |
| Maximum Height (to peak) | Peak of principal dwelling (5.79m) | 7.98 m❷ |
| Minimum Front Yard | To be located in rear | Located at side ❸ |
| Minimum Side Yard (east) | 2.0 m | 3.96 m |
| Minimum Side Yard (west) | 2.0 m | >2.0 m |
| Minimum Rear Yard | 2.0 m | 7.5 m |
| Minimum Distance to Principal Building | 3.0 m | 6.4 m |
| **Other Regulations** | | |
| Minimum Parking Requirements | 3 stalls | 3 stalls |
| Minimum Private Open Space | 30 $m^2$ per dwelling | > 30 $m^2$ per dwelling |
| ❶ Indicates a requested mid-point height variance from 4.8m required to 6.83 proposed<br>❷ Indicates a requested maximum height variance from 5.79m to 7.98m<br>❸ Indicates a requested variance to allow a carriage house located at the side of the principal dwelling | | |

## 5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

**Development Process**

**Compact Urban Form.**[1] Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

## 6.0 Technical Comments

6.1 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

- Please see attached Schedule "A" dated July 25, 2016

6.3 Fire Department

- Requirements of section 9.10.19 Smoke Alarms and Carbon Monoxide alarms of the BCBC 2012 are to be met.
- Both units shall have a posted address on Kelly Rd. for emergency response

[1] City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

6.4 FortisBC Electric

- There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Kelly Road. The applicant is responsible for costs associated with any change to the subject property's existing service, if any, as well as the provision of appropriate land rights where required.
- Otherwise, FBC(E) has no concerns with this circulation.
- In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

## 7.0 Application Chronology

Date of Application Received: July 4, 2016
Date Public Consultation Completed: August 1, 2016

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| **Report prepared by:** | Trisa Brandt, Planner I |
| **Reviewed by:** | Terry Barton, Urban Planning Manager |
| **Reviewed by:** | Ryan Smith, Community Planning Department Manager |
| **Approved for inclusion:** | Doug Gilchrist, Divisional Director, Community Planning & Real Estate |

**Attachments:**

Schedule "A": Development Engineering Memorandum dated July 25, 2016
Attachment "A": Site Plan & Floor Plans
Attachment "B": Conceptual Elevations
Attachment "C": Applicant Design Rationale