

REPORT TO COUNCIL



Date: March 7, 2017

RIM No. 0940-50

To: City Manager

From: Community Planning Department (LK)

Application: DVP16-0270 **Owner:** Rukhmani & Shivnesh Reddy
Praneeta & Dinesh Naidu

Address: 380 Hardie Road **Applicant:** Lupul Properties Ltd.

Subject: Development Variance Permit Application

Existing OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU6 – Two Dwelling Housing

1.0 Recommendation

THAT Final Adoption of Rezoning Bylaw No. 11323 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0270 for Lot 5 Section 26 Township 26 ODYD Plan 14462 located at 380 Hardie Road, Kelowna, BC;

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 13.6.6(h): RU6 – Two Dwelling Housing Development Regulations

To vary the required minimum rear yard from 7.5 m permitted to 6.0 m proposed.

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

2.0 Purpose

To consider one variance to facilitate the development of a second single family dwelling on the subject property.

3.0 Community Planning

Community Planning Staff supports the proposed variance to the rear yard setback in order to facilitate the construction of a second dwelling on the subject property. The requested variance allows the separation

between the existing and proposed dwellings to be maximized, while still maintaining a small rear yard amenity area for the proposed dwelling.

The subject parcel has a Future Land Use of S2RES – Single/ Two Unit Residential designation which permits the proposed RU6 – Two Dwelling Housing zone. Increased density already exists in the area as the surrounding neighbourhood contains a mix of single family and multi-residential dwellings. The proposed two dwelling housing use also meets the OCP Urban Infill policies. The increase in density is further supported by local amenities such as parks, schools, transit and recreational opportunities in the immediate area.

Ministry of Transportation has provided approval of the Rezoning application and all Rezoning conditions of approval have been met. In fulfillment of Council Policy No. 367, the applicant completed public notification and consultation with property owners within 50 m of the subject property.

4.0 Proposal

4.1 Background

The subject parcel has an existing 1½ storey single detached dwelling which was constructed in 1964. The dwelling had an existing non-conforming secondary suite in the basement. The various owners have maintained a City of Kelowna business license for the suite dating back to 1995. With the homeowner's plans to develop a second primary dwelling on the subject parcel, the secondary suite has now been removed and documented through a decommissioning permit to ensure the Zoning Bylaw regulations allowing a maximum of two dwelling on the subject property are met.

4.2 Project Description

The existing dwelling has a single vehicle carport that will be retained and the existing driveway will provide shared access for both the existing and proposed dwellings. With the existing dwelling offset to the west side of the property, sufficient driveway access to the proposed second dwelling is provided. In having a shared driveway, the overall amount of impervious paved surface is minimized. The new dwelling is a 1½ storey dwelling with an attached single car garage. The driveway of each dwelling provides space for the second required parking stall to meet the Zoning Bylaw requirements.

The new single detached dwelling has been designed and sited on the parcel to meet OCP guidelines and Zoning Bylaw requirements, with the exception of one variance. The Zoning bylaw requires a 7.5 m minimum rear yard setback. Staff is supportive of this variance, as the intention of the rule is to ensure that outdoor amenity space is provided, as well as sufficient separation distance from the adjacent parcel. The proposed dwelling has been sited as proposed to ensure maximum separation from the existing dwelling, while providing a large private amenity area in the rear yard. The size of the lot does provide extensive green space at the rear of the proposed dwelling and for the existing dwelling. This provides Staff with a level of comfort that the approval of this variance will not negatively affect the subject or adjacent parcels.

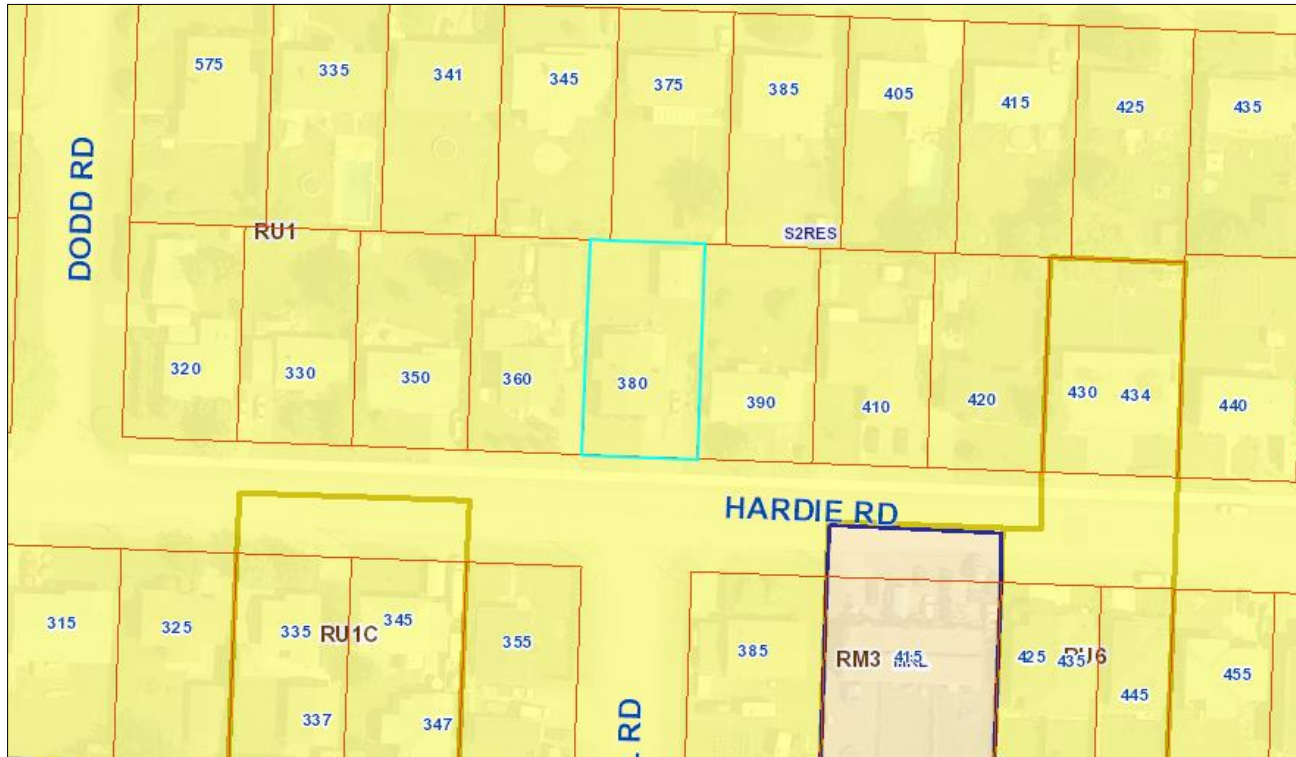
Numerous new trees are provided across the rear property line and along both sides to provide privacy for both the subject parcel and all adjacent parcels. At-grade patios provide private amenity space for each dwelling and are de-lineated by new fencing and hedges to provide screening for privacy between the two dwellings.

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: 380 Hardie Road



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	700 m ²	802.5 m ²
Lot Width	18 m	20.72 m
Lot Depth	30 m	38.64 m
Development Regulations		
Maximum Site Coverage (buildings)	40 %	32 %
Maximum Site Coverage (buildings, driveways and parking)	50 %	48 %
Maximum Height (lessor of)	9.5 m or 2 ½ stories	5.63 m or 1 ½ stories
Minimum Front Yard	4.5 m	7.4 m to existing house
Minimum Side Yard (east)	2.0 m	2.0 m
Minimum Side Yard (west)	2.0 m	3.27 m

Minimum Rear Yard	7.5 m	6.0 m ❶
Minimum Distance Between Dwellings	4.5 m	14.8 m
Other Regulations		
Minimum Parking Requirements	2 stalls / dwelling	2 stalls / dwelling
Minimum Private Open Space	30 m ²	Meets requirement
❶ Indicates a requested variance to the rear yard setback of the proposed dwelling.		

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Chapter 5: 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.

Sensitive Infill.² 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.

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.
- Operable bedroom windows required as per the 2012 edition of the British Columbia Building Code (BCBC 12).
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

- Refer to Attachment 'A'.

6.3 Fire Department

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

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

² City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

7.0 Application Chronology

Date of Application Received:	May 30, 2016
Date Public Consultation Completed:	September 30, 2016
Date of Rezoning Public Hearing, 2 nd & 3 rd Readings	December 13, 2016

Report Prepared by: Lydia Korolchuk, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Attachment A: Development Engineering Memorandum

Attachment B: Rutland Waterworks District Letter

Schedule A: Site Plan & Floor Plans

Schedule B: Conceptual Elevations