

REPORT TO COUNCIL



Date: May 30, 2017

RIM No. 0940-00

To: City Manager

From: Community Planning Department (TB)

Application: DP16-0215 & DVP16-0216

Owner: Robert Arnold Anderson
Lynn Marguerite Anderson
Alexander Richard Kramar
Margaret Susan Kramar

Address: 2273-2275 Aberdeen Street

Applicant: Robert Arnold Anderson
Alexander Richard Kramar

Subject: Development Permit and Development Variance Permit

Existing OCP Designation: MRL – Multiple Unit Residential

Existing Zone: RU6 – Two Dwelling Housing

Proposed Zone: RM1 – Four Dwelling Housing

1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11332 be considered by Council;

AND THAT Council authorizes the issuance of Development Permit No. DP15-0000 and Development Variance Permit DVP16-0216 for Strata Lot 1, District Lot 136, ODYD, Strata Plan KAS3174 Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form V; and Strata Lot 2, District Lot 136, ODYD, Strata Plan KAS3174 Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form V, located at 2273-2275 Aberdeen Street, 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 variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 13.7.6(F): RM1 – Four Dwelling Housing Development Regulations

To vary the required minimum rear yard from 6.0m required to 1.5m proposed.

Section 8.1.2: Off-Street Vehicle Parking, Table 8.1: Parking Schedule

To vary the required number of parking stalls from 6 required to 4 proposed.

AND FURTHER THAT the 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 of a multiple dwelling housing project, to vary the rear yard setback from 6.0m required to 1.5m proposed, and to vary the number of parking stalls from 6 required to 4 proposed.

3.0 Community Planning

The zoning process, together with the development permit and variance application will lead to legalizing the existing buildings and the four units on site. No exterior changes are proposed or required at this time. Community Planning Staff supports the development permit application and the associated variances. The form and character of the two buildings, constructed in 2006, are consistent with the Official Community Plan Urban Design Guidelines and the proposed variances do not represent an impact to the neighbourhood. The reduced level of parking has successfully been managed by the property owners since 2006 with the City not receiving any complaints. The close proximity of the subject property to transit, active transportation corridors, shopping and jobs, together with the relatively small size of the two laneway housing units may be contributing factors to tenants having a reduced reliance on private vehicles. To ensure the two laneway units are not stratified and/or sold individually and remain as rental units, a restrictive covenant has now been registered on title.

4.0 Proposal

4.1 Background

The subject property was developed in 2006 with 2 dwellings and a detached four-bay garage with two bonus rooms above. The garage was constructed such that one half of the garage belonged to each side of the duplex on the front of the property. Under different ownership, the two bonus rooms were converted to illegal dwelling units.

The current property owners have been working with Staff to rezone the property to legalize the two additional units and preserve rental units in the community.

4.2 Project Description

The existing duplex and detached accessory building were constructed with a form and character that meets the urban design guidelines in the current Official Community Plan for multiple dwelling housing. The duplex was designed so as to appear as one unit and is asymmetrical in form. The 2.5 storey height minimizes massing, and materials are high quality and durable. The detached accessory building was constructed in the same materials and style of the duplex to create a consistent character.



Figure 1: Front Elevation 2273-2275 Aberdeen



Figure 2: Rear Accessory Building 2273-2275

4.3 Variances

The applicants have applied for 2 variances pertaining to rear yard setback and parking. These variances were not required under the existing zoning of RU6 for a duplex, however the rezoning to RM1 and the legalization of the two rear dwellings changes the requirements. A rear yard setback variance from 6.0m required to 1.54m existing is requested. The laneway building meets the setbacks for an accessory structure, however under the new zone, it does not meet the setbacks for two dwelling housing.

The applicants have also applied for a parking variance from 6 stalls required to 4 proposed. Due to the site layout there is no opportunity to provide the additional 2 stalls as required. The subject property is well situated in an urban area where access to transit, active transportation corridors, shopping, and jobs could reduce the reliance on a vehicle. Staff have also worked with the applicants to register a Restrictive Covenant on title so that the additional units may not be sold individually, eliminating the possibility of a unit being sold without access to an off-street parking stall. The relatively small units will most likely be used as rental units. Additionally, it is worth noting for land use consistency, that the new RU7 zone area that exists approximately 2 blocks away, only requires 4 parking stalls for 4 dwelling units.

4.4 Site Context

The property is located on the east side of Aberdeen Street, just north-east of Rose Avenue and Richter Street. It is several blocks north of the newly proposed RU7 zone area. The property is near an active transportation corridor on Ethel St, and is within walking distance to the Kelowna General Hospital and Cameron Park. The property has a walkscore of 51, meaning that it is somewhat walkable.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 – Two Dwelling Housing	Residential
East	RU6 – Two Dwelling Housing	Residential
South	RU6 – Two Dwelling Housing	Residential
West	RU6 – Two Dwelling Housing	Residential

Subject Property Map: 2273-2275 Aberdeen St**4.5 Zoning Analysis Table**

Zoning Analysis Table		
CRITERIA	RM2 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	1000 m ²	701.6 m ²
Lot Width	30.0 m	19.6 m
Lot Depth	30.0 m	35.8 m
Development Regulations		
Height	9.5 m	4.3 m
Side Yard (south)	2.5 m	2.6 m
Side Yard (north)	2.5 m	2.5 m
Rear Yard	6.0 m	1.5 m ^①
Other Regulations		
Minimum Parking Requirements	6 stalls	4 stalls ^②
Private Open Space	25 m ² per dwelling	Meets requirement
^① Indicates a requested variance from 6.0 m required to 1.5 m existing ^② Indicates a requested variance from 6 parking stalls required to 4 parking stalls existing		

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.

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

All technical comments were addressed under rezoning application Z16-0056.

7.0 Application Chronology

Date of Application Received:	August 22, 2016
Date Public Consultation Completed:	November 17, 2016
Date of Public Hearing for Zoning:	January 24, 2017

Report prepared by: Trisa Brandt, Planner

Reviewed by: Terry Barton, Urban Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Draft Development Permit and Development Variance Permit DP16-0215 & DVP16-0216
Schedule "A": Site Plan and Floor Plans
Schedule "B": Elevations

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).