

REPORT TO COUNCIL



Date: June 13, 2017

RIM No. 0940-00

To: City Manager

From: Community Planning Department (TB)

Application: DVP17-0009

Owner: Jeremy William Kling

Address: 651 Oxford Avenue

Applicant: Urban Options Planning & Permits

Subject: Development Variance Permit

Existing OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: RU6 – Two Dwelling Housing

1.0 Recommendation

THAT Council NOT authorize the issuance of Development Variance Permit No. DVP17-0009 for Lot 6, District Lot 9, ODYD, Plan 4526, located at 651 Oxford Avenue, Kelowna, BC.

2.0 Purpose

To consider a Staff recommendation NOT to issue a Development Variance Permit to vary the height to the midpoint and peak of the carriage house to be higher than the principal dwelling on the subject property.

3.0 Community Planning

Community Planning staff do not support the requested variance to allow the height to the mid-point and the peak of the proposed carriage house to be higher than the principal dwelling on the subject property. The variance in the peak-to-peak height compared to the principal dwelling is substantial (nearly 2.0m). There are no topographical or site constraints that require the carriage house to be over-height. There is no benefit to the community or the neighbourhood by allowing this variance and it is inconsistent with the Official Community Plan Sensitive Infill policy.

If the carriage house was redesigned to single storey to meet the requirements in the Zoning Bylaw, it would not require Council consideration or Community Planning Staff review and could be issued a Building Permit directly.

An alternate recommendation of support has been included in the report in Section 8.0 for Council's consideration.

4.0 Proposal

4.1 Background

The existing single storey dwelling was constructed in approximately 1959 and no major additions or renovations have been completed since that time. It is similar to many other homes in the neighbourhood that were built in a same style, height, and in the same era.

The height restrictions on carriage houses were added to Zoning Bylaw No. 8000 in 2014 to mitigate concerns regarding 2 storey carriage houses and to protect the character of the neighbourhood. Prior to that, there was only an ultimate height restriction on carriage houses and there was no requirement to be lower than the principal dwelling. It was determined at that time that the height should be restricted to be lower than the primary dwelling in order to prevent concerns over privacy for adjacent neighbours as well as to preserve the character and streetscape of the existing neighbourhood and the subject property. This ensures that the carriage house appears as a secondary use and does not exceed the principal dwelling in massing and height.

In August 2016, Council passed a bylaw amendment that eliminated “Character Neighbourhood Development Permits” as well as “Intensive Residential – Carriage House Development Permits”. A Carriage House now only requires a Building Permit as long as it meets the requirements of the Zoning Bylaw. Provided no variances are required, this allows the applicant to move forward in a much timelier fashion as the proposal no longer requires Community Planning Staff approval or Council consideration.

4.2 Project Description

The proposed carriage house exceeds the height of the principal dwelling at mid-point and at peak. The variance requested at mid-point is from 4.1m required to 4.74m proposed, and at peak it is 4.87m required to 6.84m proposed. This is a significant variance which represents a difference of almost 2.0m, or 6’6” taller than the principal dwelling. The applicant has stated for rationale that the owner plans to redevelop the existing home within the next 5 years. However, there is no assurance that this will happen, and in the interim the carriage house will be much higher and have a significantly greater massing in comparison.

The height presents potential negative impacts on the lanescape and the subject property. Currently the majority of homes and carriage homes in the area are single storey. Additionally, the upper level living space has windows that overlook adjacent properties and could have a negative impact on private outdoor space. The Official Community Plan Policy on Sensitive Infill encourages development to be sensitive to the existing character of the neighbourhood in terms of design, height, and siting.

There are no topographical or landscape constraints that require the carriage house to be greater than 1 storey. In some cases, Staff have recommended support for an over-height carriage house where riparian setbacks, preservation of steep slopes, or preservation of mature landscaping is achieved. The applicant has not demonstrated any benefit to the community by requesting this variance, and has not demonstrated any hardship that would require it.

The site coverage of buildings, and of buildings and driveways is still under the maximum allowed. Therefore, it is anticipated that if the carriage house were to be redesigned to be single storey it could still meet the other requirements of the zone for site coverage and parking. This would eliminate the need for a variance, and eliminate any potential negative impacts due to massing, height, and potential privacy for adjacent properties. This would also allow the applicant to proceed directly to Building Permit stage without requiring Community Planning Staff or Council approval.

4.3 Site Context

Oxford Avenue is located in the Knox Mountain Neighbourhood near Sutherland Bay Park. The neighbourhood is characterized by mainly single storey bungalows that were built in the period after World War II. Most streets have lanes and there are several carriage houses in the area.

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:



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU6 ZONE REQUIREMENTS	PROPOSAL
Development Regulations		
Height to Mid-Point	4.1m	4.74m ①
Height to Peak	4.87m	6.84m ②
Distance Between Dwellings	3.0m	3.0m
Side Yard (east)	2.0m	5.4m
Side Yard (west)	2.0m	2.0m
Rear Yard	1.5m	1.5m
Other Regulations		
Minimum Parking Requirements	3 stalls	3 stalls
Private Open Space	30.0 m ² per unit	>30.0 m ² per unit
Maximum Footprint	90.0 m ²	80.3 m ²
Site Coverage (Buildings)	40%	34%
Site Coverage (Buildings and Driveways)	50%	40%

- ① Indicates a requested variance to allow the carriage house to be higher than the principal dwelling at mid-point.
- ② Indicates a requested variance to allow the carriage house to be higher than the principal dwelling at peak.

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

Sensitive Infill¹. 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 Development Engineering Department

- The request to vary the height of a carriage house at mid-point and at peak to be higher than the principal dwelling does not compromise any municipal services

7.0 Application Chronology

Date of Application Received: January 16, 2017

Date Public Consultation Completed: February 4, 2017

8.0 Alternate Recommendation

THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0009 for Lot 6, District Lot 9, ODYD, Plan 4526, located at 651 Oxford Avenue, Kelowna, BC;

AND THAT variances to the following section of Zoning Bylaw No. 8000 be granted, as shown on Schedule "A":

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

To allow a carriage house to be higher than the existing principal dwelling unit on the same property as measured to the midpoint of each roof to a maximum of 4.74m, and to allow the highest point of the carriage house to be higher than the highest point of the existing principal dwelling unit to a maximum of 6.84m;

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

Report prepared by:

Trisa Brandt, Planner I

Reviewed by:

Terry Barton, Urban Planning Manager

Approved for Inclusion:

Ryan Smith, Community Planning Department Manager

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

Attachments:

Draft Development Variance Permit DVP17-0009
Schedule "A"