

# REPORT TO COUNCIL



**Date:** June 13, 2017

**RIM No.** 1250-30

**To:** City Manager

**From:** Community Planning Department (EW,TH)

**Application:** Z16-0070      **Owner:** Brent Hancock &  
Whitney Smith

**Address:** 614 Barnaby Road      **Applicant:** Whitney Smith

**Subject:** Rezoning Application

Existing OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: RR1 – Rural Residential 1

Proposed Zone: RR1c – Rural Residential 1 with Carriage House

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## 1.0 Recommendation

That Rezoning Application No. Z16-0070 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, District Lot 357, SDYS, Plan 17353 located at 614 Barnaby Road Kelowna, BC from the RR1 – Rural Residential 1 zone to the RR1c – Rural Residential 1 with Carriage House zone be considered by Council;

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

AND THAT Final Adoption of the Rezoning Bylaw be considered subsequent the applicant required to post with the City a security deposit in the form of a Letter of Credit in the amount of \$20,000.00 to be returned to the applicant upon completion of a Development Variance Permit and completion of a Building Permit to legally convert the existing accessory structure to a Carriage House as proposed.

## 2.0 Purpose

To rezone the subject property from the RR1 – Rural Residential 1 zone to the RR1c – Rural Residential 1 with Carriage House.

## 3.0 Community Planning

Community Planning are in support of the proposed application to rezone the subject parcel to permit a carriage house. The subject parcel is within the Permanent Growth Boundary. The proposed carriage house location does not impede on neighbouring private open space and the subject parcel is connected to City

sanitary services. The applicant has also agreed to a \$20,000 security bond to ensure that the required permits are completed that would legalize the existing structure as a carriage house.

#### 4.0 Proposal

##### 4.1 Background

##### Map 1: Subject Property



The 1.86-acre property contains one single family dwelling, renovated in June 2014. An accessory building was constructed near the front property line in December 2012. The accessory structure was constructed with permits and met the zoning bylaw of the day.

An illegal suite investigation was conducted in early 2016 which determined that illegal construction to convert the accessory building to a carriage house had taken place by the current owners. The owners completed a decommission permit to remove all unpermitted works and the structure is currently vacant. The owners are now coming forward to Council with a Rezoning Application. Should the rezoning application be successful, a Development Variance Permit will be considered by Council, followed by a Building Permit to legalize the carriage house.

##### 4.2 Project Description

The application is to rezone the subject parcel to add a "c" designation to the existing zone to permit a carriage house. The structure for the proposed carriage house exists on the property. The first floor consists of a double vehicle garage, with a stairwell that leads to an upper floor. The upper floor is the space proposed for the carriage house living area. The owners are proposing internal renovations to the second floor only in order to create the secondary suite within the accessory structure.

##### 4.3 Variances

The conversion from an accessory structure to a carriage house will require three variances to Zoning Bylaw No. 8000, RR1c Zone:

Variance 1: 9.5b.1c *The principal dwelling unit shall be located between the front yard and the carriage house.* As the location of the principal dwelling and carriage house do not conform to this regulation, the first variance is triggered.

Variance 2: 9.5b.1e *The upper floor area of any carriage house is limited to 75% of the carriage house footprint.* As the footprint of the proposed carriage house structure measures 100 m<sup>2</sup>, and the upper floor area measures 106 m<sup>2</sup>, the second variance is triggered.

Variance 3: 12.1.6 a *The maximum floor area of a carriage house shall be 90 m<sup>2</sup> or 75% of the total floor area of the principal building.* As the floor area of the proposed carriage house is 106 m<sup>2</sup>, the third variance is triggered. These variances would be presented to Council in a Development Variance Permit should this Rezoning application receive final adoption.

#### 4.4 Security Bond

A condition of final adoption of the proposed RR1c zone includes a security bond in the amount of \$20,000.00. The purpose of the security is to ensure that the appropriate permits are completed should the parcel receive final adoption of the RR1c zone. The appropriate permits include:

- A Development Variance Permit for the three identified variances.
- Obtaining Final Occupancy for the carriage house through a Building Permit.

This is a requirement of final adoption of the RR1c zone as the above noted permits may only be applied for once rezoning is complete. If the permits are not completed, the accessory structure may be misrepresented as a legal carriage house to future owners and existing neighbours. When legalizing existing structures, a security bond allows Council and Staff to be confident that an owner will follow through with any required permits or applications to complete a legalization process.

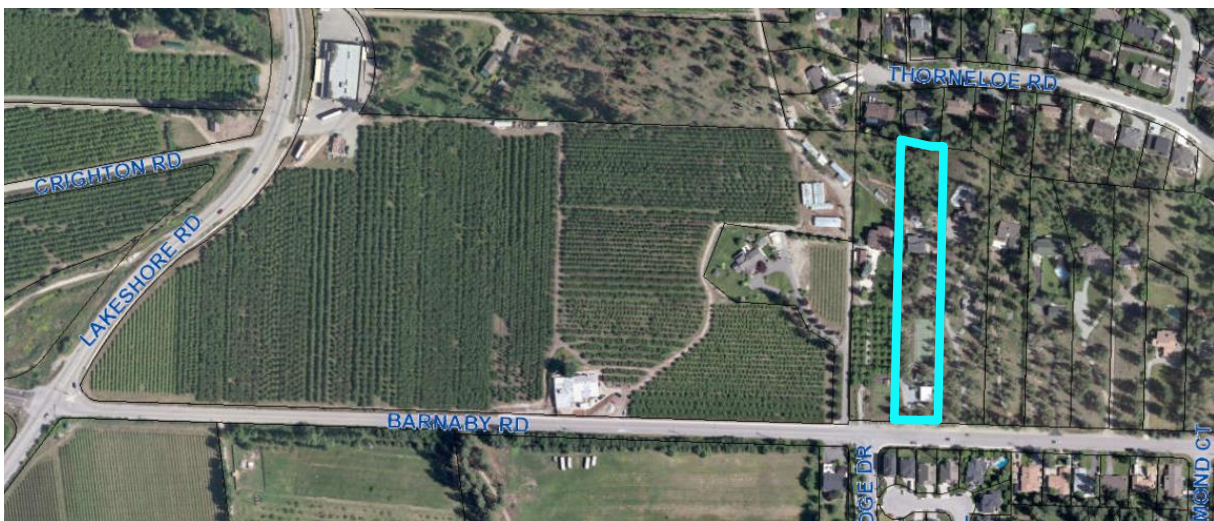
#### 4.5 Site Context

The subject property is located within the Southwest Mission Sector of the City on the north side of Barnaby Road between South Ridge Drive and Drummond Court. The subject parcel and adjacent parcels on adjacent sides have a Future Land Use designation of Single / Two Unit Residential. This property contains easement where an existing sanitary sewer main is located, and has a water service that connects to a City water main within Barnaby Road.

Adjacent land uses are as follows:

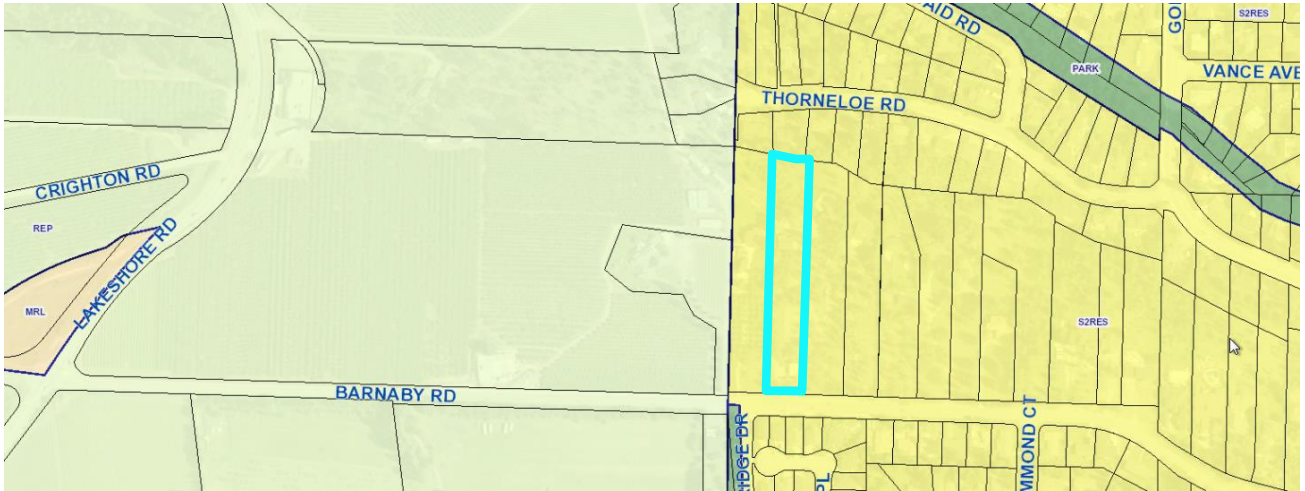
Orientation	Zoning	Land Use
North	RU1 – Urban Residential 1 zone	Residential
East	RR1 – Rural Residential 1 zone	Residential
South	RU2 - Urban Residential 2 zone	Residential
West	RR1 – Rural Residential 1 zone	Residential with agriculture

#### Map 2: Neighbourhood Context

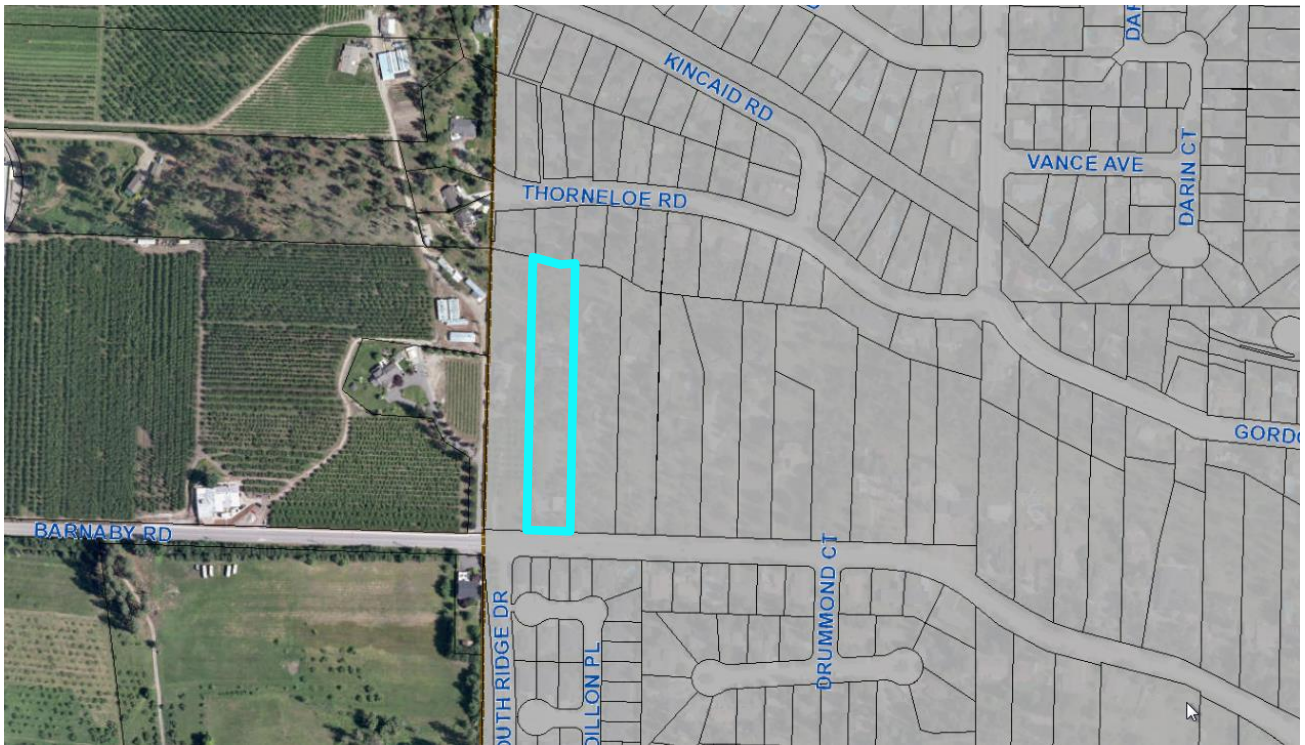




**Map 3: Future Land Use**



**Map 4: Permanent Growth Boundary**



#### 4.6 Zoning Analysis Table

This table illustrates where the proposed carriage house meets and does not meet the RR1c zoning regulations.

Zoning Analysis Table		
CRITERIA	RR1c ZONE REQUIREMENTS	PROPOSAL
Subdivision Regulations		
Lot Area	10,000 m <sup>2</sup> or 8000 <sup>2</sup> m if connected to City sanitary sewer system	7527.42 m <sup>2</sup> & connected to City Sanitary
Lot Width	40 m	34 m
Lot Depth	30 m	220 m
Carriage House Development Regulations		
Maximum Site Coverage of all structures	10%	4.0%
Site coverage for accessory buildings or structures and carriage house	14%	1.5%
Max. Height (mid-point of roof)	6.0 m	5.48 m
Min. Front Yard Setback (to Barnaby Road)	6.0 m	18 m
Min. Sideyard Setback	3.0 m	3.0 m
Min. Sideyard Setback	3.0 m	> 3.0 m
Maximum floor area of carriage house	90 m <sup>2</sup> or 75% of the main floor of the accessory building	106 m <sup>2</sup> ❶
Maximum upper floor area of carriage house	75% of carriage house footprint	106% of carriage house footprint ❷
Minimum distance to principal building	3 m	+/-120 m
Location of carriage house	The principal dwelling shall be located between the front yard and the carriage house	The carriage house is located between the front yard and the principal dwelling ❸
❶ Indicates a requested variance for a carriage house living area more than 90 m <sup>2</sup> in size. ❷ Indicates a requested variance for a carriage house with the upper floor greater than 75% of the carriage house structure footprint. ❸ Indicates a requested variance for a carriage house to be located between the front property line and the principal dwelling.		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### **Future Land Use**

**Single/Two Unit Residential (S2RES).**<sup>1</sup> Single detached homes for occupancy by one family, single detached homes with a secondary suite or carriage house, semi-detached buildings used for two dwelling units, modular homes, bareland strata, and those complementary uses (i.e. minor care centres, minor public services/utilities, convenience facility and neighbourhood parks), which are integral components of urban neighbourhoods.

Staff Notes: The subject parcel is S2RES with connections to city water and sanitary, the large lot size easily accommodates a secondary dwelling in the form of a carriage house.

**Permanent Growth Boundary (PGB)**<sup>2</sup> Lands within the permanent growth boundary may be considered for urban uses within the 20 year planning horizon ending 2030.. Lands outside the permanent growth boundary will not be supported for urban uses. Non-ALR land outside the Permanent Growth Boundary will not be supported for any further parcelization.

Staff Notes: The subject parcel is within the PGB. As the site is fully serviced and does not interfere with the private open space of neighbouring Rural Residential parcels, staff consider the c designation appropriate.

## 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.
- The drawings submitted for Building Permit application is to indicate the method of fire separation between the suite and the garage.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

### 6.2 Development Engineering

- See memorandum (Attachment B).

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<sup>1</sup> City of Kelowna Official Community Plan, Designation definitions (Future Land Use Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, Designation definitions (Future Land Use Chapter).

## **7.0 Application Chronology**

Date of Application Received: October 7, 2016  
Date Public Consultation Completed: February 26, 2017

**Report prepared by:** Tracey Hillis & Emily Williamson, Planners

**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

**Attachment A** – Proposed Carriage House Plans

**Attachment B** – Development Engineering Memo