

# REPORT TO COUNCIL



**Date:** August 28, 2017

**RIM No.** 1250-30

**To:** City Manager

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

**Application:** Z17-0044 **Owner:** Jennifer Ellen Hanenburg

**Address:** 4829 Parkridge Drive **Applicant:** Peter Hanenburg

**Subject:** Rezoning Application

Existing OCP Designation: S2Res – Single/Two Unit Residential

Existing Zone: RR3 – Rural Residential 3

Proposed Zone: RR3c – Rural Residential 3 with Carriage House

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## 1.0 Recommendation

THAT Rezoning Application No. Z17-0044 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 24 Section 29 Township 29 SDYD Plan 40472, located at 4829 Parkridge Dr, Kelowna, BC from the RR3 – Rural Residential 3 zone to the RR3c – Rural Residential 3 with Carriage House zone NOT be considered by Council.

## 2.0 Purpose

To consider a Staff recommendation to NOT rezone the subject property to facilitate the future construction of a carriage house.

## 3.0 Community Planning

Community Planning Staff do not support the proposed rezoning to add the 'c' designation to the subject property. The subject property is located in an area of Crawford Estates with no ability to connect to a community sanitary system. The City's Zoning Bylaw and Subdivision, Development & Servicing Bylaw as well as the Okanagan Basin Water Board's Policies do not support the development of carriage houses on lots less than 1.0 hectare that rely on on-site sewage disposal. Since 2014, the Okanagan Basin Water Board (OBWB) has required sewage grant recipients, including the City of Kelowna, to have bylaws in place restricting carriage houses to properties greater than 1.0 hectare or to properties with community sewer connections. As per the OBWB Sewage Facilities Assistance Grants' Terms of Reference, OBWB will only fund sewage infrastructure applications in communities that comply with its 1.0 Hectare Policy and Community Planning Staff do not wish to compromise future funding opportunities by supporting the development of carriage houses which contravene OBWB's policies.

To fulfill the requirements of Council Policy No. 367, the applicant submitted a neighbour consultation summary form on April 9, 2017 outlining that neighbours within 50 m of the subject property were notified.

#### 4.0 Proposal

##### 4.1 Background

TA16-0005 (BL11333) which amended Zoning Bylaw No. 8000 to restrict carriage houses on lots less than 1.0 hectare was adopted by Council at the February 27, 2017 meeting. Prior to adoption of TA16-0005, Community Planning Staff would informally enforce Okanagan Basin Water Board's 1.0 Hectare Policy by telling potential applicants Staff would not support carriage house rezoning applications on parcels less than 1.0 hectare without connection to community sanitary sewer. However, at pre-application, the applicant was given direction based on the previous carriage house Zoning Bylaw regulations which read "*no carriage house will be allowed without connection to a community sanitary sewer unless the lot is at least 830 m<sup>2</sup> and meets the requirements of the City and the Medical Health Officer for septic disposal capacity*".

At the time of formal application, the applicant was notified of the City's 1.0 hectare carriage house regulations and the Okanagan Basin Water Board's 1.0 Hectare Policy.

##### 4.2 Project Description

The applicant proposes the construction of a 1 ½ storey carriage house in the rear of the property for the owner's aging parents to live in. The carriage house design consists of a 2-car garage and a one-bedroom suite on the upper storey. Proposed materials for the carriage house include dark green horizontal wood lap siding, wood-stained carriage overhead doors, and cream coloured trim and beams, which complement the existing house on the property (Attachments 'A' & 'B').

In order to construct the carriage house, the applicant is requesting to rezone the subject parcel to add a "c" designation to the existing zone. Should the rezoning application be successful, a Development Variance Permit will be considered by Council at a future meeting. At this time staff are tracking three variances.

##### 4.3 Variances

At this time, the construction of the proposed carriage house will require three variances: two variances to Zoning Bylaw No. 8000 and one to Subdivision, Development & Servicing Bylaw No. 7900.

**Variance 1:** Section 12.3.6(b) of Zoning Bylaw No.8000 *The maximum height for carriage houses is 4.8m.* The applicant is requesting to vary the height of mid-point of the roof from 4.8m to 5.1m in order to accommodate a taller workshop garage space.

**Variance 2:** Section 9b.16 of Zoning Bylaw No. 8000 *Carriage houses are only permitted on lots with an installed connection to the community sanitary sewer system (in accordance with the requirement of the City of Kelowna's Subdivision, Development & Servicing Bylaw) except carriage houses are permitted on lots that have an onsite sewage disposal system if the lots has a minimum area of 1.0 hectare.* The subject property is less than 1.0 hectare at 1627m<sup>2</sup> and community sanitary sewer is not available.

**Variance 3:** Schedule 1 of Subdivision, Development & Servicing Bylaw No. 7900. *Works & Services Requirements for RR3 zoned properties requires connection to a community sanitary sewer system.* Community sanitary sewer is not available to the subject property.

The applicant has submitted a geotechnical report (Attachment 'C') indicating that the subject property appears well suited to the proposed carriage house development as the existing septic system has been functioning adequately with room for expansion and the property's natural granular soils are expected to have a good percolation rate suitable for continued performance of the septic system.

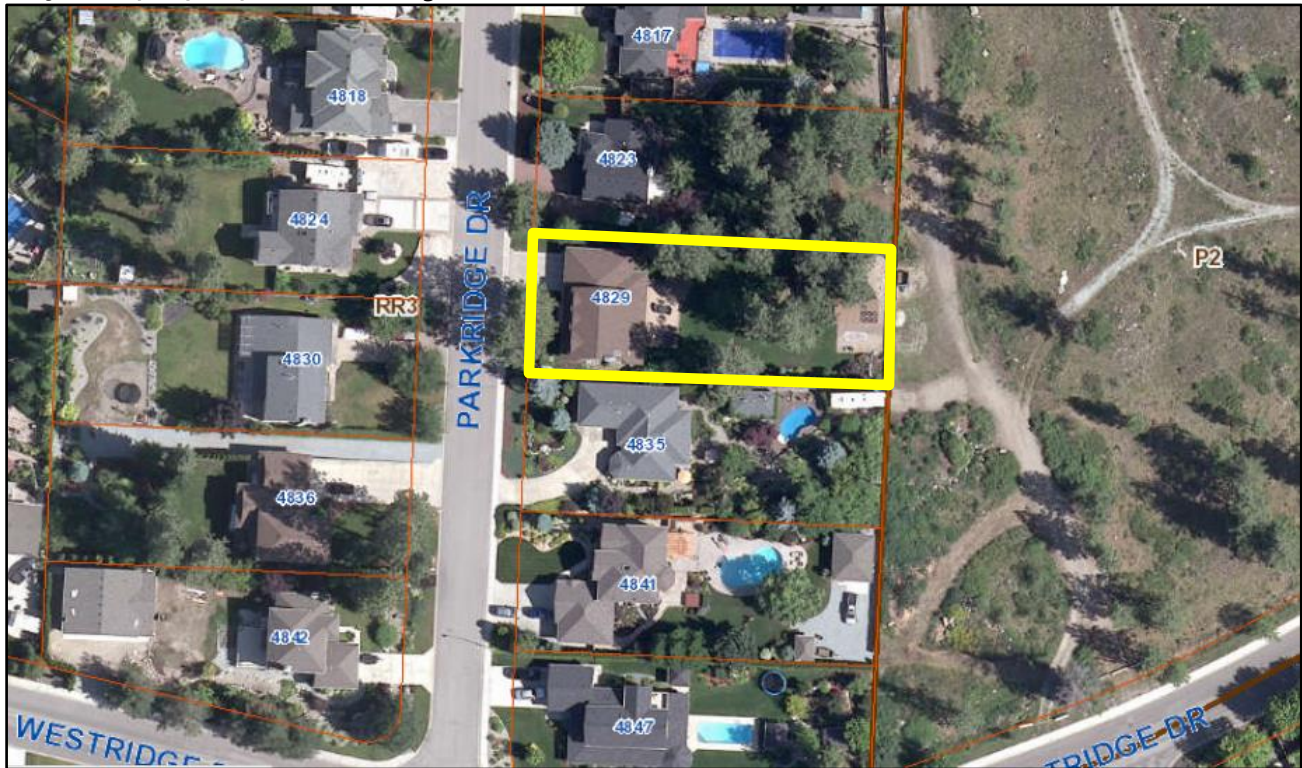
#### 4.4 Site Context

The subject property is located in the North Mission – Crawford city sector in a primarily residential neighbourhood. The property is 1627 m<sup>2</sup> in size and is an area with no community sanitary sewer service.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR <sub>3</sub> – Rural Residential 3	Residential
East	P <sub>2</sub> – Education and Minor Institutional	Vacant
South	RR <sub>3</sub> – Rural Residential 3	Residential
West	RR <sub>3</sub> – Rural Residential 3	Residential

**Subject Property Map: 4829 Parkridge Dr**



#### 4.5 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RR <sub>3c</sub> ZONE REQUIREMENTS	PROPOSAL
Existing Lot Regulations		
Lot Area	1.0ha (no sanitary sewer)	1627m <sup>2</sup>
Lot Width	18.0m	25.0m
Lot Depth	30.0m	65.0m

Development Regulations		
Max. Site Coverage (buildings)	30%	21%
1 ½ Storey Carriage House Regulations		
Max. Accessory Site Coverage	14%	7.5%
Max. Accessory Building Footprint	90m <sup>2</sup>	78m <sup>2</sup>
Max. Net Floor Area	90m <sup>2</sup>	63.7m <sup>2</sup>
Max. Net Floor Area to Principal Building	75%	30.5%
Max. Upper Storey Floor Area to Building Footprint	75%	73%
Maximum Height (to mid-point)	4.8m	5.1m <sup>①</sup>
Maximum Height (to peak)	8.23m	7.08m
Minimum Side Yard (north)	2.0m	2.0m
Minimum Side Yard (south)	2.0m	14.47m
Minimum Rear Yard	2.0m	4.5m
Min. Distance to Principal Building	3.0m	30.75m
Other Regulations		
Minimum Parking Requirements	3 stalls	3 stalls
Minimum Private Open Space	30m <sup>2</sup>	> 30m <sup>2</sup>
Minimum Lot Size for Carriage House with No Sanitary Sewer	1.0ha	0.16ha <sup>②</sup>
<p><sup>①</sup> Indicates a requested variance to height from 4.8m to 5.1m.</p> <p><sup>②</sup> Indicates a requested variance to reduce the minimum lot size for a carriage house on a property with no community sanitary sewer from 1.0ha to 0.162ha. A variance to Schedule 1 of Subdivision, Development &amp; Servicing Bylaw No. 7900 for would also be required.</p>		

## 5.0 Current Development Policies

### 5.1 Okanagan Basin Water Board's 1.0 Hectare Policy

The Okanagan Basin Water Board (OBWB) updated its Sewage Facilities Grant Program Policy on carriage houses (Attachment 'D') in 2014. The OBWB requires sewage grant recipients, including the City of Kelowna, to have bylaws in place restricting carriage houses to properties greater than 1.0 hectare or to properties with community sewer connections. As per the OBWB Sewage Facilities Assistance Grants' Terms of Reference, OBWB will only fund sewage infrastructure application in communities that comply with its 1.0 Hectare Policy.

## 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.
- A third party work order may be required with the Development Engineering Department for an upgraded water line. These requirements are to be resolved prior to issuance of the Building Permit.
- HPO (Home Protection Office) approval or release is required at time of Building Permit application.

- Full Plan check for Building Code related issues will be done at time of Building Permit applications. Please indicate how the requirements of Radon mitigation and NAFS are being applied to this complex at time of permit application.

6.2 Development Engineering Department

- See Attachment 'E' – Development Engineering Memorandum dated July 12, 2017.

6.3 Fire Department

- The distance to the road to the carriage home is approximately 55 metres - will the path to the carriage house be a hard surface? Considering that it will be initially used by aging parents, there might be a concern for stretcher access in a medical emergency. This path shall be 1100 mm wide.
- Requirements of section 9.10.19 Smoke Alarms and Carbon Monoxide alarms of the BCBC 2012 are to be met.

6.4 Interior Health

- See Schedule 'A' – letter dated May 25, 2017.

6.5 Fortis BC - Electric

- There are FortisBC Inc (Electric) "FBC(E)" primary distribution facilities along Parkridge Drive. 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 objections with this circulation.

**7.0 Application Chronology**

Date of Application Received: April 10, 2017  
Date of Complete Application: May 10, 2017  
Date Public Consultation Completed: April 9, 2017

**8.0 Alternate Recommendation**

THAT Rezoning Application No. Z17-0044 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 24 Section 29 Township 29 SDYD Plan 40472, located at 4829 Parkridge Dr, Kelowna, BC from the RR3 – Rural Residential 3 zone to the RR3c – Rural Residential 3 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 to the applicant meeting the recommendations for on-site sewage disposal as outlined in Schedule 'A' prepared by Interior Health to the satisfaction of the Building Department Manager;

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

<b>Report prepared by:</b>	Emily Williamson, Planner
<b>Reviewed by:</b>	Ryan Smith, Community Planning Department Manager
<b>Approved for Inclusion:</b>	Doug Gilchrist, Divisional Director, Community Planning & Strategic Investments

**Attachments:**

Attachment 'A' – Applicant's Rationale  
Attachment 'B' – Proposed Carriage House Drawings  
Attachment 'C' – Geotechnical Report  
Attachment 'D' – Okanagan Basin Water Board Memorandum dated January 20, 2014  
Attachment 'E' – Development Engineering Memorandum dated July 12, 2017  
Schedule 'A' – Letter from Interior Health dated May 25, 2017