

REPORT TO COUNCIL



Date: August 15, 2017

RIM No. 0940-00

To: City Manager

From: Community Planning Department (EW)

Application: DVP16-0266

Owner: Brent Hancock & Whitney Smith

Address: 614 Barnaby Rd

Applicant: Whitney Smith

Subject: Development Variance Permit Application

Existing OCP Designation: S2RES – Single/ Two Unit Residential

Existing Zone: RR1 – Rural Residential 1

Proposed Zone: RR1c – Rural Residential 1 with Carriage House

1.0 Recommendation

THAT final adoption of Bylaw No. 11417 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP16-0094 for Lot 2 District Lot 357 SDYD Plan 17353, located at 614 Barnaby Rd, Kelowna BC to allow the construction of a carriage house;

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

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

To vary the location of a carriage house from the rear yard (permitted) to the front yard (proposed).

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

To vary the upper floor area of a carriage house from 75% of the carriage house footprint to 106% proposed.

Section 12.1.6(a): RR1 – Rural Residential 1 Development Regulations

To vary the maximum floor area of a carriage house from 90m² permitted to 106m² proposed.

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

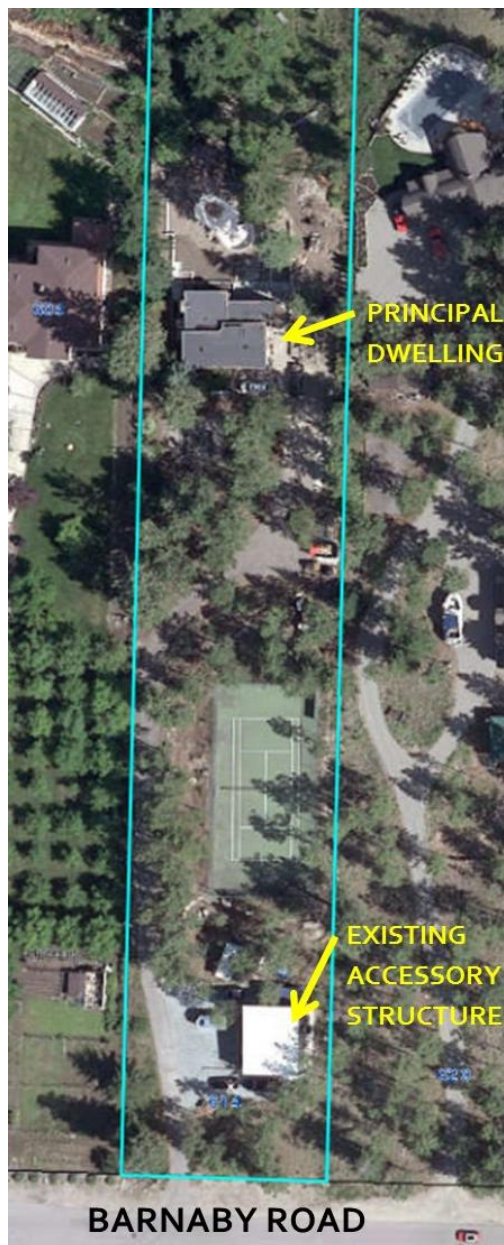
2.0 Purpose

To vary the location of a carriage house from the rear yard to the front yard, to vary the upper floor of a carriage house from 75% of the carriage house footprint to 106%, and to vary the maximum floor area of a carriage house from 90m² to 106m² on the subject property.

3.0 Community Planning

Community Planning staff support the proposed variances. The variances along with a future building permit would legalize the existing structure as a carriage house. The subject property is a large, rural lot and the location of the carriage house is not anticipated to have impacts on neighbouring properties.

To fulfill the requirements of Council Policy No. 367, the applicant submitted a neighbourhood consultation summary form on February 26, 2017 outlining that neighbours within 50m of the subject property were notified.



4.0 Proposal

4.1 Background

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.

A City Bylaw 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 brought a Rezoning Application to Council, which was given 3rd reading on Tuesday June 27, 2017. Final adoption of the rezoning is pending the receipt of a \$20,000 security deposit to ensure the applicant completes the legalization of the carriage house. As part of the legalization process, a Development Variance Permit is currently being considered by Council, which would follow a Building Permit to legalize the carriage house.

4.2 Project Description

In order to legalize the existing structure as a carriage house three variances are required:

1. Section 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.
2. Section 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 m², and the upper floor area measures 106 m², the second variance is triggered.

3. Section 12.1.6 a: *The maximum floor area of a carriage house shall be 90 m² or 75% of the total floor area of the principal building.* As the floor area of the proposed carriage house is 106 m², the third variance is triggered. These variances would be presented to Council in a Development Variance Permit should this Rezoning application receive final adoption.

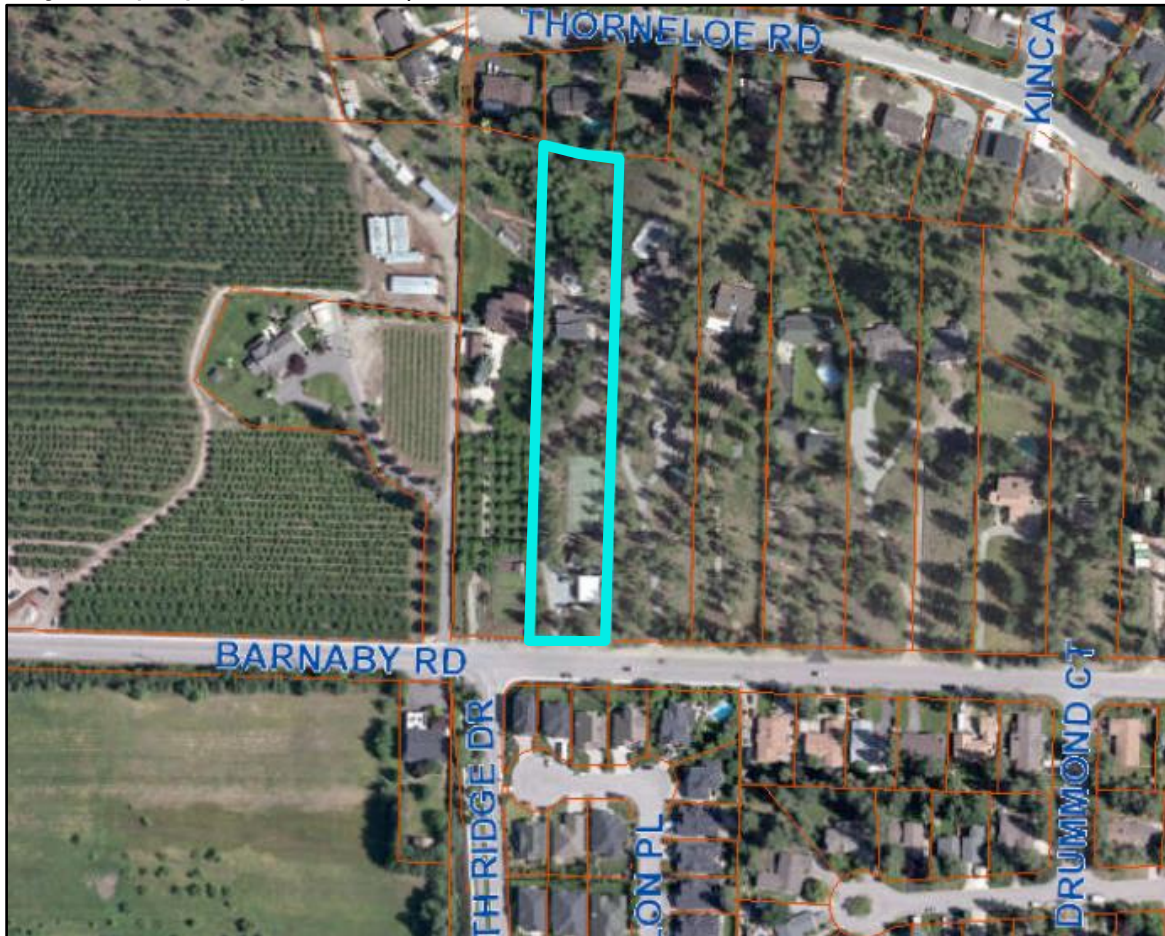
4.3 Site Context

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.

Specifically, 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

Subject Property Map: 614 Barnaby Rd



4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RR1c ZONE REQUIREMENTS	PROPOSAL
Existing Lot		
Lot Area	8000 ² m if connected to City sanitary sewer system	7527.42 m ² & 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 ² or 75% of the principal residence	106 m ² 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 ² 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 **Technical Comments**5.1 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.

5.2 Development Engineering Department

- The DVP does not compromise servicing requirements.

6.o **Application Chronology**

Date of Application Received: October 7, 2016

Date Public Consultation Completed: February 26, 2017

Report prepared by: Emily Williamson, Planner

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

Attachments:

Draft DVP16-0266