

# REPORT TO COUNCIL



**Date:** September 11, 2017

**RIM No.** 1250-30

**To:** City Manager

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

**Application:** Z17-0042

**Owner:** Robin Daniel Mercer & Heather  
Anne Mercer

**Address:** 1561 Mountain Ave

**Applicant:** Heather Mercer

**Subject:** Rezoning Application

Existing OCP Designation: SRES – Single/Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU1c – Large Lot Housing with Carriage House

---

## 1.0 Recommendation

THAT Rezoning Application No. Z17-0042 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 5 Section 29 Township 26 ODYD Plan 9247, located at 1561 Mountain Ave, Kelowna, BC from the RU1 – Large Lot Housing zone to the RU1c – Large Lot Housing 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 outstanding conditions of approval as set out in Schedule 'A' attached to the Report from the Community Planning Department dated September 11, 2017.

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.

## 2.0 Purpose

To rezone the subject property from RU1 – Large Lot Housing to RU1c – Large Lot Housing with Carriage House to facilitate the construction of a carriage house.

## 3.0 Community Planning

Community Planning Staff support the proposed rezoning application to facilitate the future construction of a carriage house on the subject property. Rezoning the subject property to add the 'c' designation meets

several City policy objectives including fostering a mix of housing forms, concentrating growth with the Permanent Growth Boundary and achieving density through sensitive infill. The proposed rezoning is also consistent with the property's future land use designation and the property is connected to City sanitary sewer.

To fulfill Council Policy No. 367, the applicant submitted a Neighbour Consultation Summary Form to staff on May 23<sup>rd</sup>, 2017, outlining that the neighbours within 50 m of the subject property were notified.

#### 4.0 Proposal

##### 4.1 Project Description

The applicant would like to construct a single storey carriage house by converting the existing detached garage on the subject property. The subject property is connected to City sanitary sewer and is near bus stops and schools. The proposed rezoning is consistent with the property's S2RES – Single/Two Unit Residential Future Land Use in the OCP.

The existing accessory structure is a two-car garage and would be renovated to create a 41m<sup>2</sup> suite. The existing gray stucco walls would be painted beige and cedar trim added to match the principal dwelling (Attachments A & B). The applicant intends on replacing the garage doors with barn-style doors. The three required parking spaces can be provided on the driveway. Should the rezoning application be supported, a Development Variance Permit will be considered by Council at a future meeting. At this time staff are



tracking two variances.

*Figure 1. View from Mountain Ave of the existing single family dwelling and the detached garage which would be converted to a carriage house.*

##### 4.2 Variances

To convert the existing garage to a carriage house, two variances to Zoning No. 8000:<sup>1</sup> will be required:

Variance 1: *s.9.5b.14 The minimum side yard setback for carriage houses is 2.0 metres except it is 4.5 metres from a flanking street.* The existing side yard setback (east) from the detached garage structure is 1.5m.

<sup>1</sup> TA15-0008 (BL11369) to harmonize carriage house and accessory building regulations is scheduled for Public Hearing at the September 12<sup>th</sup>, 2017 meeting. If approved, the carriage house regulations will be assigned new section numbers. The existing section numbers are referenced in this report.

Variance 2: *s.13.1.7(c) A carriage house must not be closer than 3.0m to an existing principal building.* The existing setback from the detached garage structure to the principal dwelling is 1.8m.

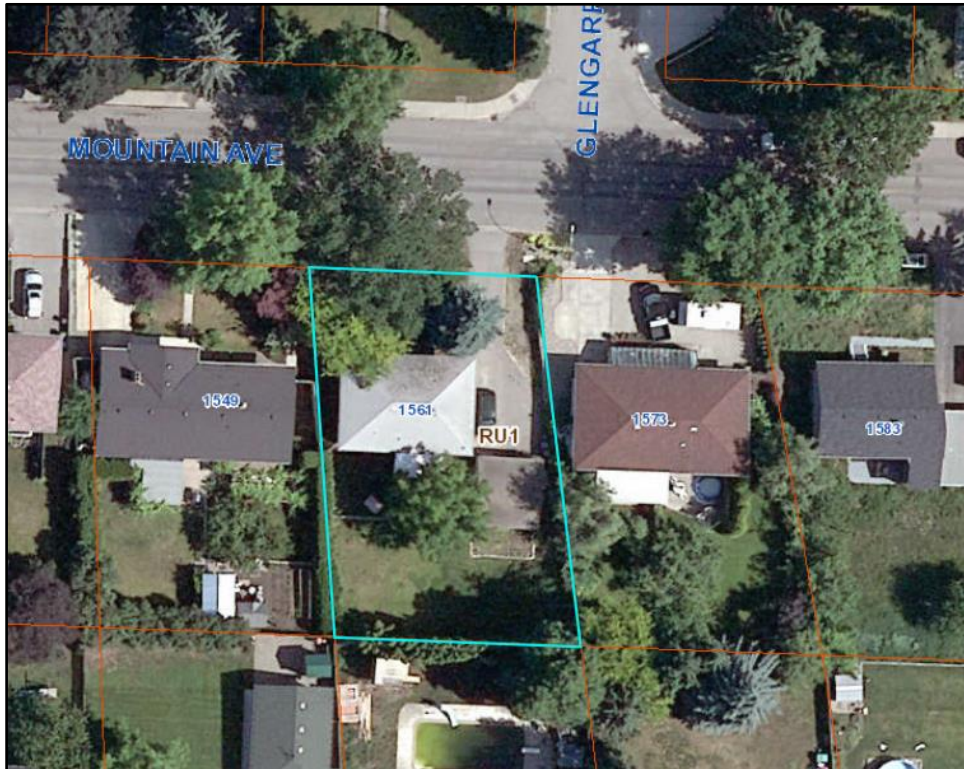
#### 4.3 Site Context

The subject property is located in the Glenmore – Clifton – Dilworth City Sector, east of Clifton Rd on the south side of Mountain Ave.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Residential
East	RU1 – Large Lot Housing	Residential
South	RU1 – Large Lot Housing	Residential
West	RU1 – Large Lot Housing	Residential

**Subject Property Map: 1561 Mountain Ave**



#### 4.4 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	550 m <sup>2</sup>	890 m <sup>2</sup>
Minimum Lot Width	16.5 m	22.9 m
Minimum Lot Depth	30.0 m	36.9 m
Development Regulations		

Max. Site Coverage (buildings)	40%	23.9%
Max. Site Coverage (buildings, driveways, and parking)	50%	34.6%
Single Storey Carriage House Regulations		
Max. Accessory Site Coverage	20%	4.6%
Max. Accessory Building Footprint	130 m <sup>2</sup>	40.9 m <sup>2</sup>
Max. Net Floor Area	100 m <sup>2</sup>	40.9 m <sup>2</sup>
Max. Net Floor Area to Principal Building	75%	24.5%
Maximum Height (to mid-point)	4.8 m	3.5 m
Maximum Height (to peak)	Peak of principal building	4.3 m
Minimum Side Yard (east)	2.0 m	1.5 m <sup>①</sup>
Minimum Side Yard (west)	2.0 m	17.0 m
Minimum Rear Yard	2.0 m	11.7 m
Min. Distance to Principal Building	3.0 m	1.8 m <sup>②</sup>
Other Regulations		
Minimum Parking Requirements	3 spaces	3 spaces
Minimum Private Open Space	30 m <sup>2</sup>	> 30m <sup>2</sup>
<sup>①</sup> Indicates a variance to the side yard setback from 2.0m to 1.5m. <sup>②</sup> Indicates a variance to required distance to the principal building from 3.0m to 1.8m.		

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Compact Urban Form.**<sup>2</sup> 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.**<sup>3</sup> Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighborhood with respect to building design, height and siting.

**Carriage Houses & Accessory Apartments**<sup>4</sup>. Support carriage houses and accessory apartments through appropriate zoning regulations.

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.3.2 (Development Process Chapter).

<sup>3</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

<sup>4</sup> City of Kelowna Official Community Plan, Policy 5.22.12 (Development Process Chapter).

- No concerns with the proposed land use change.

6.2 Development Engineering Department

- See Attachment 'A' – Development Engineering Memorandum dated May 25, 2017.

6.3 Fire Department

- No concerns with the proposed land use change.

**7.0 Application Chronology**

Date of Application Received: April 28, 2017

Date Public Consultation Completed: May 23, 2017

**Report prepared by:** Emily Williamson, Planner

**Reviewed by:** Terry Barton, Urban Planning Manager

**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

**Attachments:**

Schedule 'A' – Development Engineering Memorandum dated July 10, 2017

Attachment 'A' – Applicant's Rationale

Attachment 'B' – Carriage House Plans