

REPORT TO COUNCIL



Date: October 17, 2017

RIM No. 0940-00

To: City Manager

From: Community Planning Department (TB)

Application: DVP17-0027

Owner: Wayne Keith Henney
Denise Alana Henney

Address: 2446 Harvard Road

Applicant: Wayne Keith Henney

Subject: Development Variance Permit

Existing OCP Designation: REP – Resource Protection Area

Existing Zone: A1 - Agriculture

Proposed Zone: A1c – Agriculture 1 with Carriage House

1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11422 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0027 for Lot A, Section 33, Township 29, ODYD, Plan 9442, located at 2446 Harvard Road, Kelowna, BC;

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

Section 11.1.6(a): A1 – Agriculture Development Regulations

To vary the maximum floor area of a carriage house from 90m² required to 118.9m² existing;

Section 11.1.6(b): A1 – Agriculture Development Regulations

To vary the maximum height of the peak of a carriage house to be taller than the principal dwelling (6.9m required, 7.43m existing);

Section 11.1.6(e): A1 – Agriculture Development Regulations

To vary the maximum distance between the carriage house and the principal dwelling from 10.0m required to 21.5m existing;

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 maximum footprint, maximum height, and maximum distance from the primary dwelling for a carriage house.

3.0 Community Planning

Community planning recommends support for the requested variances as the accessory building already exists and the property is not actively used for agricultural activities, therefore the potential impacts on agricultural production are minimal.

The accessory building was constructed with appropriate building permits in 2001 as a workshop/garage with a storage mezzanine on the second floor. It met the requirements for an accessory building at that time, however, the conversion to a carriage house triggers three variances due to differences in the zoning bylaw. The variances include increasing the maximum footprint of the carriage house from 90.0m² required to 118.9m² existing; to allow the maximum height of the peak of the carriage house to be higher than the principal dwelling (6.9m required, 7.43 existing); and to vary the maximum distance of the carriage house from the principal dwelling from 10.0m required to 21.5m existing.

4.0 Proposal

4.1 Background

The accessory building was constructed with the necessary building permits in 2001. On June 27, 2017 Council supported 3rd reading on the rezoning to A1c – Agriculture with Carriage House to permit the conversion of the existing accessory building to a carriage house.

4.2 Project Description

The proposed carriage house involves the conversion of the existing accessory building to a carriage house for the use of a family member. The carriage house triggers three variances which are due to different regulations in the zoning bylaw for a carriage house compared to an accessory building. Due to the fact that the accessory building is already constructed, there will be minimal impact in approving the three variances. No exterior changes are proposed to the existing building, and interior changes include converting the mezzanine to living space.

The first variance is to increase the maximum footprint of the carriage house from 90.0m² required to 118.9m² existing. The maximum footprint ensures that carriage houses have a reduced impact on potentially viable agricultural land. The second variance is to allow the maximum height of the peak of the carriage house to be higher than the principal dwelling (6.9m required, 7.43m existing) which ensures sensitive infill on existing properties. The final variance is to vary the maximum distance of the carriage house from the principal dwelling from 10.0m required to 21.5m existing. The rationale for requiring a maximum distance for a carriage house from the principal dwelling is to reduce the impact on agricultural activities on A1c properties. Given that the accessory building already exists and the property is not used actively for agriculture, future impacts are determined to be minimal by allowing all three variances.

As a function of the rezoning, the applicant has registered a 219 Restrictive Covenant on title to ensure that no additional units are added to the property including a secondary suite.

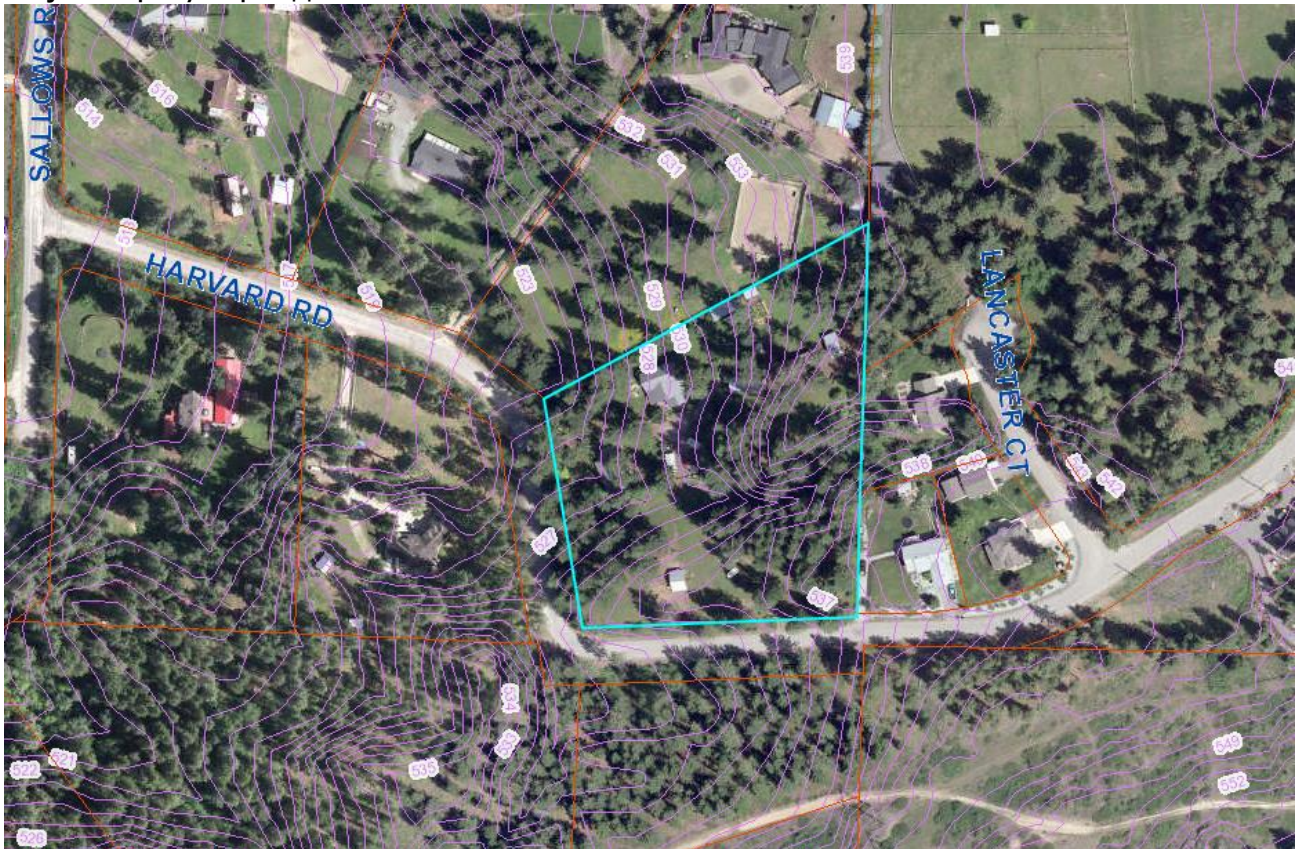
4.3 Site Context

The subject property lies within the Southeast Kelowna Sector. It is located east of Sallows Road and north of Myra-Bellevue Park. The property is not located within the Permanent Growth Boundary and is adjacent ALR Land. The existing accessory building

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	A1 – Agriculture	Rural Residential
South	A1 - Agriculture	Park
East	A1 – Agriculture RR3 – Rural Residential 3	Agriculture Rural Residential
West	RR1 – Rural Residential 1	Rural Residential

Subject Property Map: 2446 Harvard Road



4.4 **Zoning Analysis Table**

Zoning Analysis Table		
CRITERIA	A1c ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	1 ha	1.39 ha
Development Regulations		
Height (to peak of carriage house)	6.9m	7.43m ❶
Front Yard	6.0m	17.68m

Side Yard (west flanking)	4.0m	31.86m
Rear Yard	3.0m	85.9m
Maximum Footprint	90.0m ²	118.9m ² ❷
Maximum Distance from Principal Dwelling	10.0m	21.5m ❸
Other Regulations		
Private Open Space	30m ² per dwelling unit	> 30.0m ² per dwelling unit
Parking Stalls	3 stalls	>3 stalls
<p>❶ Indicates a requested variance to allow the peak of the carriage house to be higher than the peak of the principal dwelling (6.9m required, 7.43m proposed).</p> <p>❷ Indicates a requested variance to increase the maximum footprint from 90.0m² required to 118.9m² proposed.</p> <p>❸ Indicates a requested variance to increase the maximum distance of the carriage house from the principal dwelling from 10.0m required to 21.5m proposed.</p>		

5.0 Application Chronology

Date of Application Received:	January 30, 2017
Date of Agricultural Advisory Committee:	March 13, 2017
Date of Public Consultation:	March 22, 2017
Date of 2 nd and 3 rd readings:	June 27, 2017

The above noted application was reviewed by the Agricultural Advisory Committee at the meeting held on March 13, 2017 and the following recommendations were passed:

Moved by Keith Duhaime/**Seconded by** Tarsem Goraya

THAT the Agricultural Advisory Committee recommends that Council support Rezoning Application No. Z17-0011 for the property located at 2446 Harvard Road, Kelowna, BC to rezone the subject property from the A1 - Agriculture 1 zone to the A1c - Agriculture 1 with Carriage House zone for the purposes of converting an existing accessory building to a carriage house;
AND THAT the Agricultural Advisory Committee recommends that Council support Development Variance Application No. DVP17-0027 for the property located at 2446 Harvard Road, Kelowna, BC to vary:

- the distance from primary dwelling;
- the height relative to peak of primary dwelling; and
- the maximum footprint of from 90m² required to 118.9m² existing.

Carried

ANCEDTAL COMMENTS:

The Agricultural Advisory Committee recommends that a covenant be registered on title to the subject property restricting any additional dwelling units on the property, including any potential additional suite or mobile home.

Report prepared by: Trisa Brandt, Planner

Reviewed by: Todd Cashin, Suburban and Rural Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Draft Development Variance Permit DVP17-0027
Schedule "A": Site Plan, Floor Plans, Elevations