

# REPORT TO COUNCIL



**Date:** November 7

**RIM No.** 0940-30

**To:** City Manager

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

**Application:** DVP17-0144      **Owner:** Randall Schmidt & Ann Josephine Pirolli

**Address:** 4610 Darin Place      **Applicant:** Randall Schmidt

**Subject:** Development Variance Permit Application

Existing OCP Designation: S2RES – Single/ Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU1c – Large Lot Housing with Carriage House

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## 1.0 Recommendation

THAT final adoption of Rezoning Bylaw No. 11463 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0144 for Lot 5 District Lot 357 ODYD Plan KAP57058, located at 671 Darin Place, Kelowna, BC;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

**Section 9.5b.14: Carriage House Development Regulations**

To vary the required minimum side yard from 2.0 m permitted to 1.06 m proposed;

**Section 9.5b.15: Carriage House Development Regulations**

To vary the required minimum rear yard from 2.0 m permitted to 1.47 m 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 minimum side and rear yard setbacks to facilitate the conversion of an accessory building to a carriage house on the subject property.

### 3.0 Community Planning

Community Planning Staff are supportive of the two variances required to facilitate the conversion of an existing accessory building to a carriage house on the subject property. The application meets the Official Community Plan (OCP) Future Land Use Designation of S2RES – Single/Two Unit Residential.

The property is within the Permanent Growth Boundary in the North Mission/Crawford area of Kelowna. The parcel is centrally located near Gordon Drive and McClure Road on Darin Place. The increase in density at this location is supported by local amenities such as parks, schools, transit and recreational opportunities in the immediate area.

Council Policy No. 367 with respect to public consultation was undertaken by the applicant and all neighbors within a 50 m radius of the subject parcel.

### 4.0 Proposal

#### 4.1 Project Description

The proposal is to convert an existing accessory building with loft space to a two-storey 1-bedroom carriage house. The accessory building was constructed in 1997 and does not meet the current zoning regulations and would require two variances for siting. One for the existing side yard setback and the second to the rear yard setback. At time of construction, the building met all zoning regulations for accessory structures.

The first variance is for the side yard setback to reduce the 2.0 m requirement to 1.06 m proposed. The building does not have doors or windows on the north side and will not cause any privacy issues or overlooking concerns to the adjacent parcel. There is a significant amount of mature landscaping in the form of trees and hedges along both the side and rear property lines.

The second variance is to reduce the rear yard setback from 2.0 m required to 1.47 m proposed. Similar to the side setback variance, the rear of the building does not have any windows or openings to bring about privacy concerns. Building code will require a protected soffit be installed to increase the fire protection value of the structure and this will be addressed at time of Building Permit.

The existing building has not raised any concerns to date and the loft space has remained unfinished and utilized for storage. The conversion to a carriage house should be a seamless transition to the area. The parcel directly west of the subject property also has an existing carriage house. The buildings share a rear property line which is fenced and landscaped. Sufficient parking and amenity space are both provided on the subject parcel.

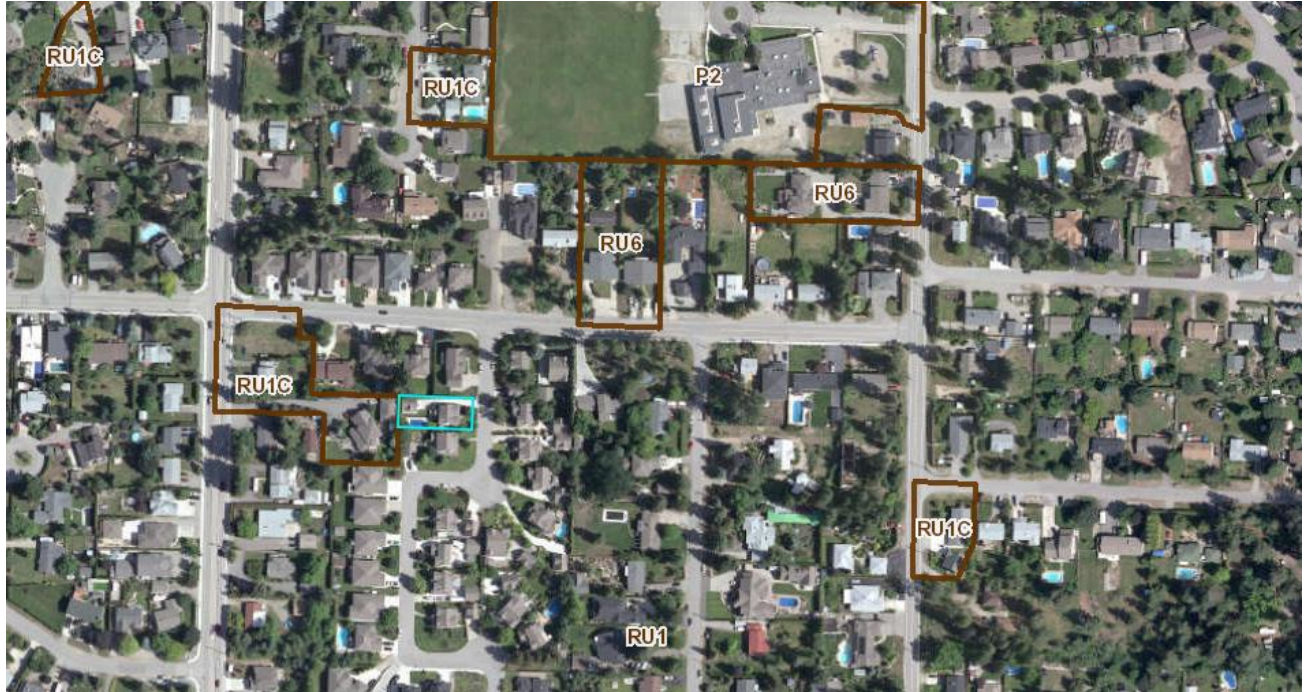


#### 4.2 Site Context

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Single Family Dwelling
East	RU1 – Large Lot Housing	Single Family Dwelling
South	RU1 – Large Lot Housing	Single Family Dwelling
West	RU1c – Large Lot Housing with Carriage House	Single Family Dwelling & Carriage House

#### Subject Property Map: 4610 Darin Place



#### 4.3 Zoning Analysis Table

5.0 Zoning Analysis Table		
CRITERIA	RU1c ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	550 m <sup>2</sup>	787 m <sup>2</sup>
Lot Width	16.5 m	18.3 m
Lot Depth	30 m	43 m
Development Regulations		
Max. Site Coverage (Buildings)	40%	21%
Max. Site Coverage (Buildings & driveway & parking)	50%	40%
Carriage House Regulations		
Max. Accessory Site Coverage	14%	7%
Max. Accessory Building Footprint	90 m <sup>2</sup>	58.76 m <sup>2</sup>
Max. Net Floor Area	90 m <sup>2</sup>	38.65 m <sup>2</sup>

Max. Net Floor Area to Principal Building	75%	16%
Maximum Height (mid-point)	4.8 m	4.06 m
Maximum Height (to peak)	8.2 m	6.4m
Side Yard (north)	2.0 m	1.06 m <sup>①</sup>
Side Yard (south)	2.0 m	9.0 m
Rear Yard	2.0 m	1.47 m <sup>②</sup>
Min. Distance to Principal Building	3.0 m	13 m
Other Regulations		
Minimum Parking Requirements	3 stalls	3 stalls
Min. Private Open Space	30 m <sup>2</sup>	+30 m <sup>2</sup>
<sup>①</sup> Indicates a variance to the side yard setback from 2.0 m required to 1.06 m proposed. <sup>②</sup> Indicates a variance to the rear yard setback from 2.0 m required to 1.47 m proposed.		

## 6.0 Current Development Policies

### 6.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Compact Urban Form.**<sup>1</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>2</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.

**Healthy Communities.**<sup>3</sup> Through current zoning regulations and development processes, foster healthy, inclusive communities and a diverse mix of housing forms, consistent with the appearance of the surrounding neighbourhood.

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

## 7.0 Technical Comments

### 7.1 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
- Operable bedroom windows required as per the 2012 edition of the British Columbia Building Code (BCBC 12).

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

<sup>3</sup> City of Kelowna Official Community Plan, Policy 5.22.7 (Development Process Chapter).

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

- Refer to attached City of Kelowna Bulletin #12-03 (Secondary Suites Requirements in a single family dwelling) for minimum requirements. The drawings submitted for Building Permit application is to indicate the method of fire separation between the suite and the garage
- A fire rated exit stairwell is required from the suite to the exterior c/w fire rated doors that open into the stairwell and a fire rating on the bottom of the stairs. Please provide these details on the building permit drawing sets.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

7.2 Development Engineering Department

- Refer to Attachment A.

7.3 Fire Department

- No issues with zoning.
- Requirements of section 9.10.19 Smoke Alarms and Carbon Monoxide alarms of the BCBC 2012 are to be met.
- All units shall have a posted address on Darin Pl.

7.4 FortisBC - Electric

- There are FortisBC Inc (Electric) ("FBC(E)") primary distribution facilities along Darin Place. 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.
- For more information, please refer to FBC(E)'s overhead and underground design requirements:
  1. FortisBC Overhead Design Requirements: <http://fortisbc.com/ServiceMeterGuide>
  2. FortisBC Underground Design Specification: <http://www.fortisbc.com/InstallGuide>
- Otherwise, FBC(E) has no concerns with this circulation.
- In order to initiate the design process, the customer must call 1-866-4FORTIS (1-866-436-7847). Please have the following information available in order for FBC(E) to set up the file when you call:
  1. Electrician's Name and Phone number
  2. FortisBC Total Connected Load Form
  3. Other technical information relative to electrical servicing
- It should be noted that additional land rights issues may arise from the design process but can be dealt with at that time, prior to construction.

## **8.o Application Chronology**

Date of Application Received: June 15, 2017

Date Public Consultation Completed: May 10, 2017

**Report prepared by:** Lydia Korolchuk, Planner

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

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

### **Attachments:**

Attachment A: Draft Development Permit

Attachment B: Development Engineering Memorandum

Attachment C: Site Plan & Floor Plans

Attachment D: Elevations & Site Photos