

# REPORT TO COUNCIL



**Date:** November 21, 2017

**RIM No.** 0940-00

**To:** City Manager

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

**Application:** DVP17-0131

**Owner:** Philip Bernhard Zurrin

**Address:** 1373 Tanemura Cr

**Applicant:** Urban Options Planning & Permits

**Subject:** Development Variance Permit

Existing OCP Designation: SRES – 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. BL114,80 be considered by Council;

AND THAT Council authorizes the issuance of Development Variance Permit No. DVP17-0131 for Lot 1 Section 13 Township 26 ODYD Plan KAP86150, located at 1373 Tanemura Cr, 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(f): Carriage House Regulations**

To vary the upper floor area of a carriage house from 75% of the carriage house footprint to 87% proposed.

### **Section 9.5b.1(g): Carriage House Regulations**

To vary the maximum height for a carriage house from 4.8m required to 8.05m 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 height and the upper floor footprint area for a carriage house on the subject property

### 3.0 Community Planning

The applicant is proposing the construction of a carriage house at the rear of the sloped property. The location of the carriage house preserves a number of mature evergreen trees on-site. The requested variances, to the height and the upper floor footprint area are attributed to the unique design of the carriage house on the sloped lot and are not anticipated to have a negative impact on adjacent neighbours.

To fulfill Council Policy No. 367, the applicant submitted a Neighbour Consultation Summary Form to staff on July 11, 2017, outlining that the neighbours within 50 m of the subject property were notified.

### 4.0 Proposal

#### 4.1 Background

Rezoning Bylaw No. BL11480 to add the 'c' designation was given 2<sup>nd</sup> and 3<sup>rd</sup> readings on October 3, 2017.

#### 4.2 Project Description

The applicant would like to construct a carriage house in the rear of the subject property. The rear of the property slopes down to Hwy 33 and the owner wants to retain the mature evergreen trees on-site. The proposed location of the carriage house is designed into the slope at the rear of the property. The carriage house plans show a two-car garage and a two-bedroom suite where the garage is accessed from grade and the suite is a walkout under the garage.

#### 4.3 VariANCES

The proposed carriage house will require two variances to Zoning Bylaw No. 8000:

*Variance 1: s.9.5b.1(f) The maximum upper storey floor area is 75% of the carriage house footprint area. Due to the carriage house design in which the garage is situated above the living space, the upper storey is 87% of the carriage house footprint. The purpose of this rule was to prevent carriage house 'box' designs and encourage more floor area on the ground floor in order to limit the visual and privacy impacts on adjacent neighbours. However, in this case with the carriage house located on a sloping property, the visual impact from the road (Tanemura Cr) looks like a single storey building and the two storey portion faces Hwy 33 rather than an adjacent neighbour.*

*Variance2: s.9.5b.1(g) The maximum height is the lesser of 4.8m of the height of the principal dwelling, as measured to the midpoint. As per the Zoning Bylaw interpretation of height and building grade, the height of the carriage house is measured from the low side (the walkout side facing Hwy 33). The height variance would be 4.8m to 8.05m. The carriage house as viewed from Tanemura Cr is one storey and less than 4.8m in height. The variance is necessary because the walkout basement exemption does not apply to carriage houses. Both variances are attributed to the unique design of the carriage house on a sloped lot and are not anticipated to have a negative impact on adjacent neighbours (see Figure 1 on Page 3).*

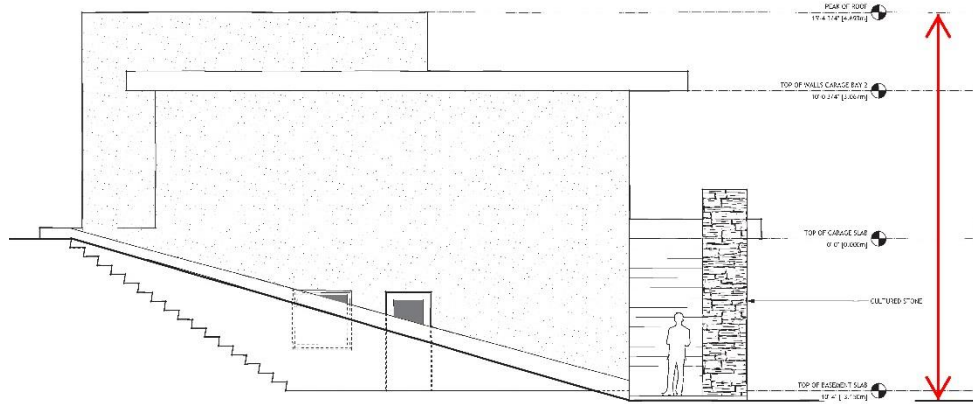


Figure 1. Cross Section of Proposed Carriage House showing where the 8.05m height measurement is taken; on the walkout side.

4.4 Site Context

The subject property is located in the Belgo – Black Mountain north of Hwy 33 E. The subject property is a large RU1 lot at 1971 m<sup>2</sup>.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1 – Large Lot Housing	Residential
East	RU1 – Large Lot Housing	Residential
South (across Hwy 33 E)	A1 – Agricultural 1	Residential/ Agriculture
West	RU1 – Large Lot Housing	Residential

Subject Property Map: 1373 Tanemura Cr



4.5 Zoning Analysis Table

Zoning Analysis Table		
	RU <sub>1</sub> ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Minimum Lot Area	550 m <sup>2</sup>	1971 m <sup>2</sup>
Minimum Lot Width	16.5 m	46 m
Minimum Lot Depth	30.0 m	47 m
Development Regulations		
Max. Site Coverage (buildings)	40%	17%
Max. Site Coverage (buildings, driveways, and parking)	50%	17%
Carriage House Regulations		
Max. Accessory Site Coverage	14%	5%
Max. Accessory Building Footprint	90 m <sup>2</sup>	89.9 m <sup>2</sup>
Max. Net Floor Area	90 m <sup>2</sup>	89.9 m <sup>2</sup>
Max. Upper Storey to Building Footprint	75%	87% ❶
Max. Net Floor Area to Principal Building	75%	45%
Maximum Height (to mid-point)	4.8 m	8.05m ❷
Maximum Height (to peak)	7.9 m	4.7 m
Minimum Side Yard (east)	2.0 m	16.8 m
Minimum Side Yard (west)	2.0 m	4.4 m
Minimum Rear Yard	2.0 m	8.9 m
Min. Distance to Principal Building	3.0 m	14 m
Other Regulations		
Minimum Parking Requirements	3 stalls	4 stalls
Minimum Private Open Space	30 m <sup>2</sup>	30 m <sup>2</sup>
❶ Indicates a variance to upper storey to carriage house footprint from 75% to 87%.		
❷ Indicates a variance to height from 4.8m to 8.05m.		

5.0 **Current Development Policies**5.1 Kelowna Official Community Plan (OCP)**Development Process**

**Sensitive Infill.**<sup>1</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.

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

**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.
- HPO (Home Protection Office) approval or release is required at time of Building Permit application.
- Range hood above the stove and the washroom to vent separately to the exterior of the building. The size of the penetration for this duct thru a fire separation is restricted by BCBC 12, so provide size of ducts and fire separation details at time of Building Permit Applications.
- 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 Fire Department**

- All units shall have a posted address on Tanemura Cr.
- Maintain access to the carriage house from Tanemura Cr.

**7.0 Application Chronology**

Date of Application Received: May 26, 2017  
Date Public Consultation Completed: July 11, 2017  
Date Public Hearing (Zoning) October 3, 2017

**Report prepared by:** Emily Williamson, Planner  
**Reviewed by:** Terry Barton, Urban Planning Manager  
**Approved for Inclusion:** Ryan Smith, Community Planning Department Manager

**Attachments:**

Attachment 'A' – Applicant's Rationale  
Draft DVP17-0131  
Schedule 'A'