
**CITY OF KELOWNA
MEMORANDUM**

Date: January 18, 2005
File No.: DVP04-0134
To: City Manager
From: Planning & Corporate Services Department
Subject:

APPLICATION NO. DVP04-0134 **APPLICANT:** Don Maxson
AT: 1859 Ethel St. **OWNERS:** Don Maxson
Cindy Maxson

PURPOSE: VARY THE REQUIREMENT FOR COVERED PARKING TO A SUITE IN AN ACCESSORY BUILDING, SUCH THAT NO COVERED PARKING BE REQUIRED;

EXISTING ZONE: RU6 – TWO DWELLING HOUSING

REPORT PREPARED BY: NELSON WIGHT

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DP04-0134 for Lot 1, D.L. 138 ODYD Plan 3189, located on Ethel Street, Kelowna, B.C. subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. The landscaping be in general accordance with Schedule "C";
4. The owner be required to ensure that the existing basement suite is decommissioned to the satisfaction of the Inspection Services Manager.

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

Section 9.5.10 Secondary Suites – Attached Garage or Carport

Vary the requirement to include a garage or carport for a minimum of one vehicle, such that no covered parking be required for the secondary suite.

AND THAT Council provide direction to Staff to initiate a text amendment application that would seek to remove Section 9.5.10 of Zoning Bylaw No. 8000, which requires an accessory building containing a secondary suite to include a garage or carport for a minimum of one vehicle.

2.0 SUMMARY

This application seeks to vary the requirement for a garage or carport for a secondary suite within an accessory building. The parking requirement would still be met for this site, but would be in the form of surface parking, as opposed to an attached garage or carport.

3.0 BACKGROUND

3.1 The Proposal

The principal building for this site is a single storey home. In order to achieve the maximum allowable floor area for the suite, the Applicant is requesting to vary the requirement for

attached, covered parking. Eliminating this requirement allows that garage portion of the accessory building to be developed as living space for the suite.

The proposed application meets the requirements of the RU6 – Two Dwelling Housing zone as follows:

CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Lot Area (m ²)	761 m ² (0.19 ac)	400 m ²
Lot Width (m)	15.8 m	13.0 m
Lot Depth	48.5 m	30.0 m
Site Coverage (buildings)	25%	40%
Site Coverage (buildings/parking)	48%	50%
Lot Coverage (accessory bldg.)	11%	max. 90 m ² or 14% of lot
Height (principal dwelling)	4.8 m	9.5 m
Height (accessory building)	3.4	4.5 m
Setbacks (m)		
- Front	11.5 m	4.5 m
- Rear	9.1 m	1.5 m
- Side (north)	2.0 m	2.0 m
- Side (south)	3.0 m	2.0 m
Between principal building and suite in accessory	8.4 m	5.0 m
Other requirements		
Parking Stalls (#)	4 spaces	3 spaces
Setback to parking from lane	1.5 m	1.2 m
Garage or carport	does not meet requirement *	suite in accessory bldg. must include a garage or carport
Private Open Space	> 30 m ²	30 m ² of private open space per dwelling
Floor Area (principal dwelling)	208 m ²	
Floor Area (suite)	84.5 m ²	90 m ² or 75% of principal bldg.
Lighted pathway	meets requirement	lighted pathway between fronting street and accessory building

* The Applicant is requesting to vary this requirement that the accessory building include a garage or carport for a minimum of one vehicle.

3.2 Site Context

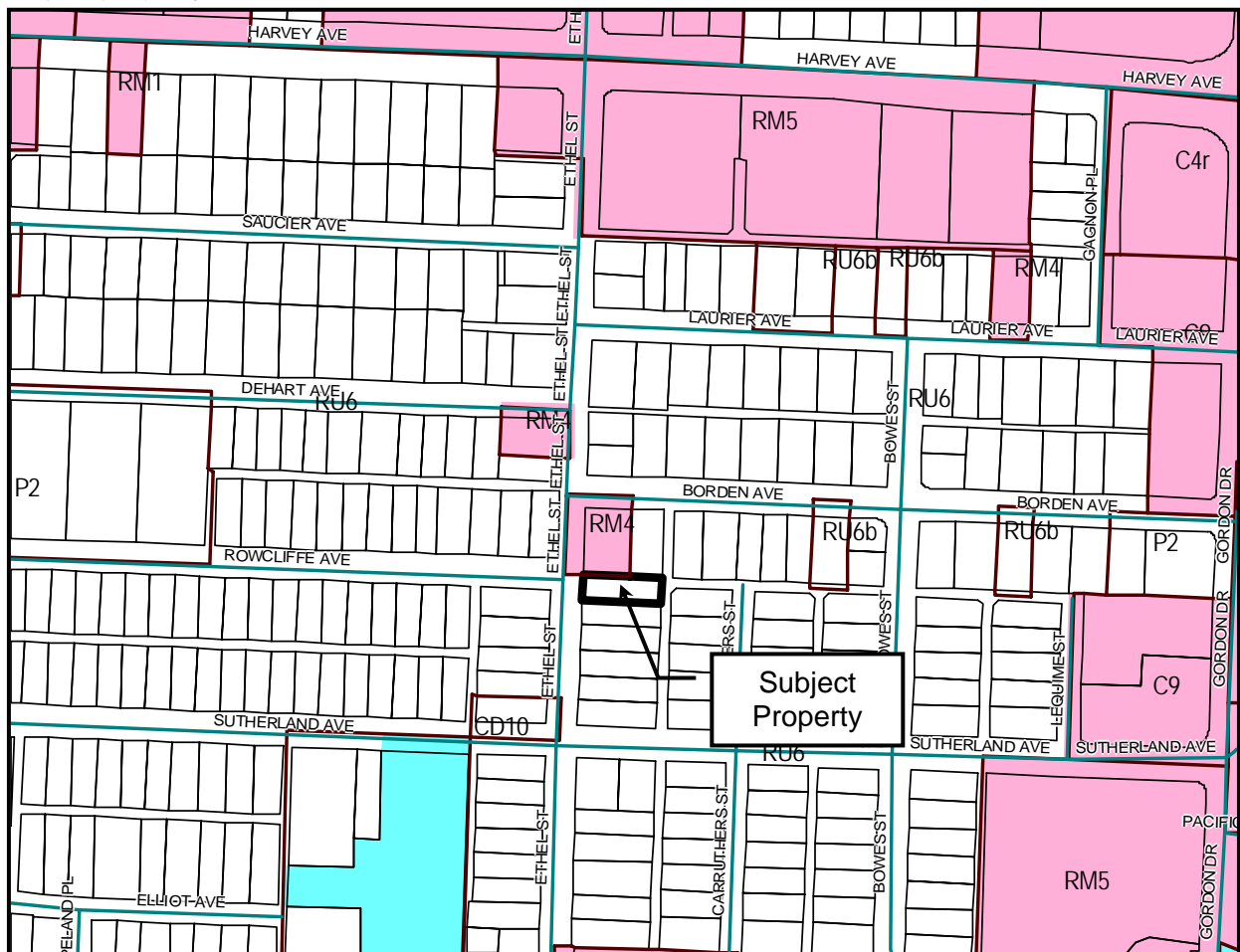
The subject properties are located on the east side of the intersection of Rowcliffe Avenue and Ethel Street, approximately three blocks south of Harvey Avenue. The surrounding area has

been developed predominantly as a single/two family residential neighbourhood. More specifically, the adjacent land uses are as follows:

North	RM4 – Transitional Low Density Housing
	RU6 – Two Dwelling Housing
East	RU6 – Two Dwelling Housing
South	RU6 – Two Dwelling Housing
West	RU6 – Two Dwelling Housing

Site Location Map

Subject property 1859 Ethel Street



3.3 Current Development Policy

3.3.1 City of Kelowna Strategic Plan (2004)

Objective #4 – Realize construction of housing forms and prices that meet the needs of Kelowna residents.

Objective #5 – Achieve accessible, high quality living and working environments.

Objective #7 – Sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas.

3.3.2 Kelowna 2020 Official Community Plan (OCP)

Future Land Use Designation - The proposal is consistent with the future land use designation of Single and Two Family Residential Development in the Official Community Plan.

Development Permit Process - This development is subject to the Development Permit Guidelines for Form and Character of Secondary Suite and Two Dwelling Housing Development.

4.0 TECHNICAL COMMENTS

4.1 Fire Department

No comments.

4.2 Inspection Services

No comments.

4.3 Works and Utilities

4.3.1 Domestic Water and Fire Protection

The existing lot is serviced with a small diameter (13-mm) copper water service, which is substandard. Adequate metered water service must be provided to meet current requirements of the Subdivision, Development & Servicing Bylaw No. 7900.

The disconnection of the existing small diameter water service and the tie-in of the new service will be by City forces at the developer's expense.

Should the existing meter be installed in a pit, the meter shall be removed and relocated within the building as required by the City Plumbing Regulation and Water Regulation bylaws.

4.3.2 Sanitary Sewer

Our records indicate that this property is currently serviced from the rear lane with a 100 mm-diameter sanitary sewer service that was installed in 1956. The pipe material is unknown. An inspection chamber (IC) must be installed on the service as required by the sewer-use bylaw. This work can be provided by the City at the owners cost.

4.3.3 Development Variance and Site Related Issues

The application to vary the requirement for an attached covered carport does not compromise Works and Utilities servicing requirements.

Direct the roof drains and parking pad drainage flows into on-site rock pits. This will help dissipate the water and prevent additional concentrated flows onto the rear lane.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

One of the requirements for secondary suite development within an accessory building is that one parking space be provided within a garage or carport. This requirement, coupled with the maximum site coverage requirement for accessory buildings (14% of site and no more than 90 m² (± 970 ft²), forces developers to add living space above the ground floor, should they wish to achieve the maximum floor area permitted (90 m²). In situations where the principal dwelling is a single storey, or in situations where the developer wishes to develop an accessible dwelling unit, there is no potential to add living space above the ground floor. The resulting secondary suite, therefore, is reduced by ± 18 m² (200 ft²) needed to accommodate this parking space at the ground floor level.

In this particular case, Staff sees no concern in varying the requirement that the secondary suite in the accessory building include a garage or carport. Not requiring a carport or garage allows for a building design more consistent with the existing home. A single-storey ground-oriented design is also more accessible for individuals with limited mobility.

A petition bearing the signatures of neighbouring property owners in support was submitted with the application. It should be noted, however, that one of the adjacent property owners (1869 Ethel Street) offers conditional support, depending on the number of occupancies. They want to ensure that there is no more than one secondary suite on this property, in keeping with the Bylaw requirements for secondary suite development. With regard to the specific variance requested by this application, however, there is no objection. Staff will ensure that no more than one secondary suite is permitted on this property by withholding issuance of this development permit for the proposed “carriage house” until the suite in the basement is removed.

As a general principle, Staff sees some merit in eliminating the requirement for attached/covered parking altogether. Consequently, in addition to recommending that Council approve this application, Staff requests direction from Council regarding the initiation of a text amendment application to eliminate this requirement from the Bylaw (see the Recommendation section at the beginning of this report).

Andrew Bruce

Manager of Development Services

Approved for inclusion

R.L. (Ron) Mattiussi, ACP, MCIP

Director of Planning & Corporate Services

NW/nw

Attach.

ATTACHMENTS

(not attached to the electronic version of the report)

Location of subject property

State of Title

Site Plan (Schedule “A”)

Elevations and Floor Plans (Schedule “B”)

Landscape Plan (Schedule “C”)

Petition Submitted by Applicant