
**CITY OF KELOWNA
MEMORANDUM**

Date: July 3, 2007
To: City Manager
From: Planning & Development Services Department
APPLICATION NO. DVP06-0194 **APPLICANTS:** Richard Lobb & Liz Mori
AT: 15 – 4524 Eldorado Court **OWNER:** Richard Lobb & Liz Mori

PURPOSE: TO OBTAIN A DEVELOPMENT VARIANCE PERMIT IN ORDER TO ALLOW BEDROOMS IN AN ACCESSORY BUILDING WHERE IT OTHERWISE WOULD NOT BE PERMITTED.

EXISTING ZONE: RU1 – LARGE LOT HOUSING

REPORT PREPARED BY: NELSON WIGHT

1.0 RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit No. DVP06-0194, for Strata Lot 15, District Lot 167, O.D.Y.D., Strata Plan K739 located on Eldorado Court, Kelowna, B.C.:

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 6.5.11 General Development Regulations – Accessory Development

Allow bedrooms in an accessory building, where they otherwise would not be permitted.

2.0 ADVISORY PLANNING COMMISSION

On November 21, 2006 Advisory Planning Commission meeting, the following recommendations were passed:

THAT the Advisory Planning Commission supports Rezoning Application No. Z06-0058, for 15-4524 Eldorado Court/Lot 15, Plan K739, Sec. 36, Twp. 28, ODYD, by R. Lobb / L. Mori, to rezone the subject property from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing zone with secondary suite to allow for a suite within an existing accessory building.

AND THAT the Advisory Planning Commission support Development Variance Permit Application No. DVP06-0194, for 15-4524 Eldorado Court/Lot 15, Plan K739, Sec. 36, Twp. 28, ODYD by R. Lobb / L. Mori, to vary the side yard setback to the accessory building from 2.0 m to 1.8 m; and

AND FURTHER THAT the Advisory Planning Commission support Development Variance Permit Application No. DVP06-0194, for 15-4524 Eldorado Court/Lot 15, Plan K739, Sec. 36, Twp. 28, ODYD by R. Lobb / L. Mori, to vary the separation distance between the principal dwelling and the accessory building from 5.0 m to 1.8 m.

3.0 BACKGROUND

There is an existing one and one-half storey home on the subject property as well as a detached single-storey accessory building (refer to structure labelled "pool house" on the attached Site Plan). The accessory building accommodates $\pm 55 \text{ m}^2$ ($\pm 600 \text{ ft}^2$) of living space, as well as a mechanical/storage room for swimming pool-related equipment.

The proposed development meets the requirements of the RU1 – Large Lot Housing zone. Conflict with other regulation of Zoning Bylaw No. 8000 is detailed immediately following the table:

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RU1 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	970 m ² (0.24 ac)	550 m ²
Lot Width	20 m	16.5 m
Lot Depth	45 m	30.0 m
Development Regulations		
Site Coverage (buildings)	31%	40%
Site Coverage (buildings/parking)	37%	50%
Height (existing house)	1 ½ storey	2 ½ storeys / 9.5 m
Front Yard	$\pm 8.0 \text{ m}$	4.5 m or 6.0 m to a garage
Side Yard to Accessory Building(south)	1.8 m	1.0 m
Side Yard to House (south)	1.8 m ^A	2.0 m (1 – 1 ½ storey) 2.3 m (2 storey)
Side Yard (north)	2.0 m	2.0 m (1 – 1 ½ storey) 2.3 m (2 storey)
Rear Yard (accessory bldg.)	2.7 m	1.5 m
Separation Distance Between House and Accessory Building	1.8 m	1.0 m
Site Coverage (Accessory Building)	6% 55 m ²	max. 14% cannot exceed 90 m ²

Height (Accessory Building)	< 4.5 m 1-storey	An accessory building shall not be higher than the lesser of 4.5 m or the height of the existing principal dwelling unit on the same property,
Other Requirements		
Parking Stalls (#)	meets requirements	2 spaces
No bedrooms in accessory building.	does not meet ^B requirements	Bedrooms and full bathrooms are not permitted in accessory buildings unless the accessory building is a secondary suite which complies with the regulations of this bylaw. Bathrooms with toilets and sinks are permitted but showers and bathtubs are not except where located in an accessory building used as a pool house

^A The shortfall in the side yard setback to the house is existing non-conforming.

^B The applicant is seeking to vary this prohibition on bedrooms in an accessory building that is not a secondary suite, such they may be permitted to remain.

3.1 Site Context

The subject property is located on the south side of Eldorado Court, which is a couple blocks north of where Bellevue Creek empties into Okanagan Lake. This lot is part of an 18-lot bareland strata development. The surrounding neighbourhood is almost exclusively developed as a single-family neighbourhood, with the RU1 zone predominating.

North-	RU1 – Large Lot Housing Zone
East	RU1 – Large Lot Housing Zone
South	RU1 – Large Lot Housing Zone
West	RU1 – Large Lot Housing Zone

3.2 Current Development Policy

3.2.1 Kelowna 2020 – Official Community Plan (OCP)

Future Land Use

The proposal is consistent with the designation of Single/Two Family Residential in the Official Community Plan future land use designation. The Single/Two Family Residential designation covers single detached homes for occupancy by

one family, single detached homes with a secondary suite, semi-detached buildings used for two dwelling units, and complementary uses (OCP, Chapter 15)

Policy 8.1.34 Land Utilization within Single Detached Areas – Work towards achieving more efficient use of land within developed single-detached neighbourhoods by encouraging rezoning, subdivision and building permit applications that would allow for smaller lot sizes, secondary suites, minor boarding facilities, minor group homes, duplexes etc. that are sensitively integrated into a neighbourhood.

Policy 8.1.45 Secondary Suites – Encourage, under the conditions stipulated in the Zoning Bylaw, the creation of secondary suites.

4.0 COMMENTS

The Bylaw Enforcement Division received a complaint regarding the accessory building, which was constructed without approval by the City of Kelowna.

As a result of such enforcement, the applicant met with Staff to discuss the options available. At that time, it was explained that the property owner could do one of the following:

1. remove the structure
2. seek approval for the structure either
 - a. as a suite in an accessory building, or
 - b. as a pool house

Staff initially recommended that the Applicant pursue a rezoning application from RU1 to RU1s. This course of action was recommended because (a) the structure had been finished inside to allow for habitation, so the decommissioning of those living areas seemed wasteful given the investment; (b) it is likely that the structure will be used in the future as a secondary suite, so it is preferable to recognize that with the proper zoning, and (c) intensification of the residential land use from RU1 to RU1s is generally consistent with policies of the Official Community Plan.

Although the applicant originally applied for the rezoning application that would seek to legalize the structure as a "suite in an accessory building", this course of action was abandoned due to neighbourhood opposition.

The strata council passed a resolution to their strata bylaw that limits the tenancy to "owner only", thereby prohibiting renting-out of any dwelling unit. Due to the possible conflict between this bylaw and the proposed RU1s zoning, Staff recommended that the rezoning application be abandoned, in favour of a development variance permit application. The applicant subsequently followed that direction, and is seeking to have the structure legalized as a "pool house" with bedrooms, and NOT as a "carriage house".

Although Staff is critical of manner in which this development proceeded (i.e. without proper permits in place first), it is recommended that Council approve this Development Variance Permit. This "pool house" is relatively modest in size, given the constraints of the existing development on the property. The existing development also exhibits good design, which can be seen in the building massing, neighbourhood context and privacy, the building form and finish, and the landscaping.



Shelley Gambacort

Current Planning Supervisor

NW/nw

Approved for inclusion



David Shipclark

Acting Director of Planning & Development Services

ATTACHMENTS

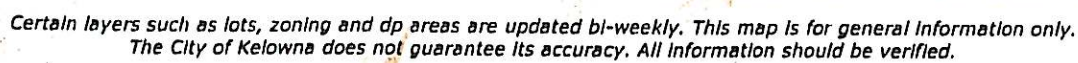
Location of subject property

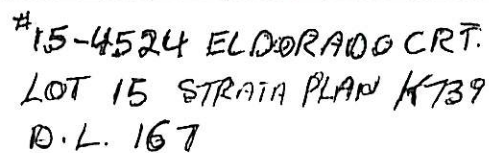
Site Plan

Floor Plans of Existing "Pool House"

Elevations of Existing "Carriage House"

Photos of Existing Development (2 pages)



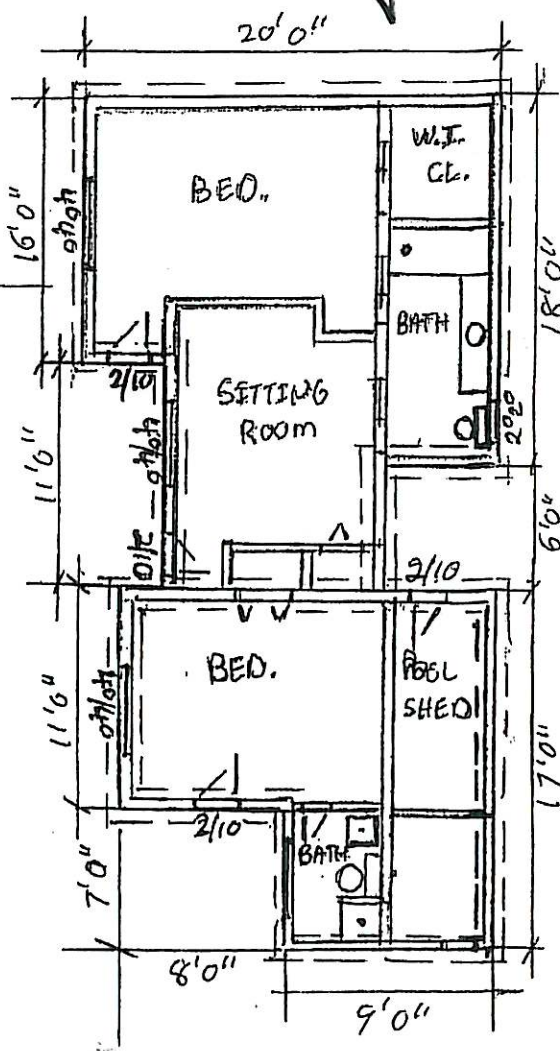


RICHARD LOBB
470-8201

Existing Pool House Floor Plan

CROSS
SEC.

A



POOL

115 4524 FLORADO CRT.
KORONA

101 #15 STRAIN PLAN K739
D.L. 167

RICHARD LOBB
470-8201

1/4" = 1'0"

HOUSE



