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DATE: January 24, 2020 File: DVP 19-16

TO: Paul Gipps, CAO

FROM: Carla Eaton, Planner III

RE: Application: DVP 19-16, 1350 Parkinson Road  
Legal: Lot A, DL 3866, ODYD, Plan 32198  
Owner/Agent: Richard Gravelle and Eva Lynn Gravelle

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**RECOMMENDED MOTION:**

**THAT** Council authorize a Development Variance Permit (DVP 19-16) for Lot A, DL 3866, ODYD, Plan 32198 (1350 Parkinson Road) in general accordance with the attached permit to vary Zoning Bylaw No. 0154:

- S.3.26.5 to allow the roof of the carriage house to be higher than the peak of the roof of the principle detached dwelling;
- S.3.26.6 to allow the gross floor area of the carriage house to be greater than 75% of the main floor area and within a two storey building; and
- S.10.4.5(f).3 to allow a carriage house height of 6.5 m (21.3 ft) to a maximum of 2 storeys where at least one parking stall is provided in the same building.

**RATIONALE:**

The recommended motion is based on the following:

***Carriage Roof Height Variance***

- The existing site topography which slopes upward from Parkinson Road severely limits the opportunity to construct a carriage house over a garage or shop where the roof line would not be above the peak of the existing house.
- The proposed variance to allow the proposed carriage roof height does not create any visual impacts to existing adjacent residential structures, and the steep slopes on the large rural property to the west, even if developed, would lie well above the proposed roof height.

***Gross Floor Area and Storey Variance***

- There are limited options for the owners to utilize the existing foundation of the shop/garage for a carriage home without losing the use of the shop/garage space.
- As the applicants have proposed to re-use the existing foundation, the size of the carriage house is limited to 75% of the main floor area of the shop/garage which would limit the carriage house to a maximum of 63 m<sup>2</sup> without the variance.
- The carriage house has a similar roof line to the principle dwelling but would not be permitted because the proposed roof line of the carriage house creates a two storey building rather than the permitted 1.5 storey which typically has a pitched roof with dormers.

- The proposed variance would allow the applicants to construct a carriage house within the typical maximum 90 m<sup>2</sup> and would allow the proposed building and roof design which is in keeping with their existing residence.

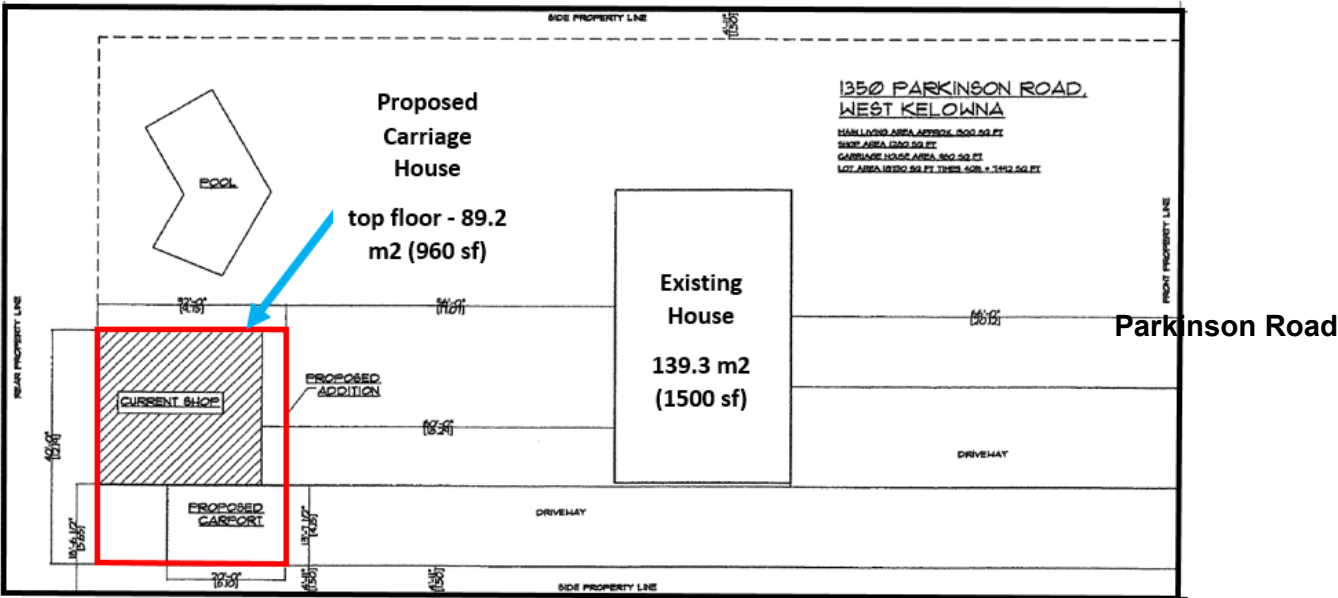
**LEGISLATIVE REQUIREMENTS:**

Section 498 of the *Local Government Act* gives Council the authority to issue a development variance permit that varies, in respect of the land covered in the permit, the provisions of the Zoning Bylaw.

**BACKGROUND:**

**Proposal**

The applicant has applied for a Development Variance Permit (*Attachment 1*) to allow for the construction of a 89.2 m<sup>2</sup> (960 sf) carriage house over an existing shop foundation where the roof will be higher than the peak of the principle dwelling, and the gross floor area of the carriage house is greater than 75% of the main floor as well as being located within a two storey building (Figure 1 – Site Plan showing the location of the proposed carriage house) with access from Parkinson Road.



**Figure 1:** Site Plan showing location of proposed carriage house

**Applicant Rationale**

As part of this application, the applicant submitted a rationale letter for the proposed variances (*Attachment 2*) noting that the proposed design has considered the existing terrain, landscaping and window placement to reduce impact to adjacent neighbours. Additionally the applicant submitted a letter from three immediately adjacent neighbours in support of the proposed carriage house (*Attachment 3*).

**Location and Surrounding Uses**

The subject lands are located to the west of Bear Creek Road and Westside Road and to the east of Rose Valley Park. The 1740 m<sup>2</sup> (0.43 acre) subject property is a developed Single Detached

Residential (R1) zoned lot with other single family residential lots located around it, with the exception of one large rural lot located to the west which backs onto the subject property, all lying within the Rose Valley neighbourhood. This area slopes upward from east to west with changes significant changes in elevation on the adjacent rural property. Surrounding land uses include (*Attachment 4 & 5*):

- North, South and East - Single Detached Residential (R1); and
- West – Rural Resource (RU5).

## Policy and Bylaw Review

### Official Community Plan Bylaw No. 100

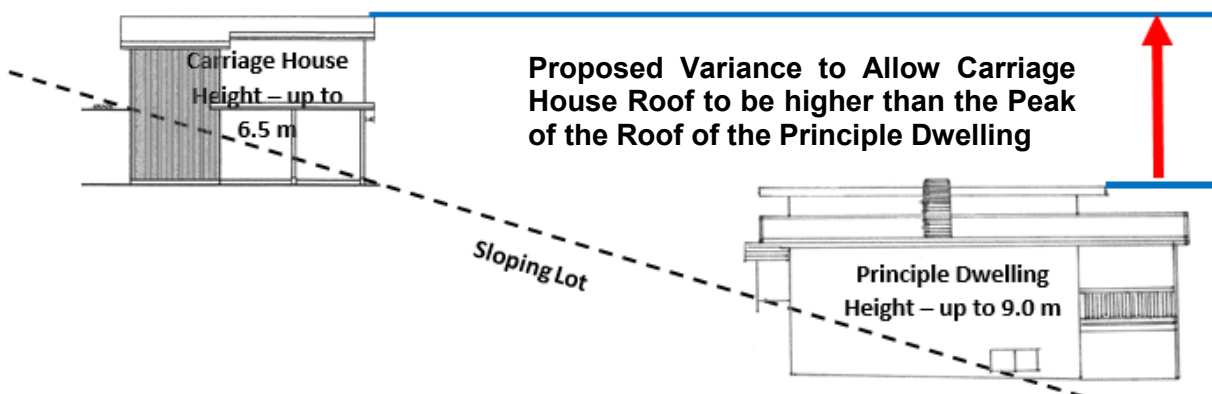
The proposed development area is subject to the Hillside, Wildfire Interface, Terrestrial and Aquatic Ecosystem Development Permit guidelines of the Official Community Plan (OCP) which include considerations for hillside restoration, wildfire consideration in building materials and landscaping, protection of riparian areas, natural vegetation and slope, visual and aesthetic impacts, and geotechnical safety. However, as the proposed development entails a renovation of an existing structure in which the building footprint and parking spaces are not altered, a development permit would not be required for the carriage house.

### Zoning Bylaw No. 154

With the exception of the variances requested below, the development proposal meets all relevant Zoning Bylaw regulations. While parking areas have not been identified on the Site Plan (*Attachment 1 – Schedule A*), there is ample space both within the existing attached garage, proposed carport, or within driveways located on site to provide a minimum of 4 parking stalls.

### Carriage Roof Height:

Section 3.26.5 of the City of West Kelowna Zoning Bylaw No. 0154 specifies that no portion of the roof of a carriage house shall be higher than the peak of the roof of the principle detached dwelling on the same parcel. As shown on Figure 1, the existing site topography which slopes upward from Parkinson Road severely limits the opportunity to construct a carriage house over a garage or shop where the roof line would not be above the peak of the existing older principle dwelling or any new dwelling constructed up to the maximum 9.0 m height. The proposed variance to allow the proposed carriage roof height does not create any visual impacts to existing adjacent residential structures, and the steep slopes on the large rural property to the west, even if developed, would lie well above the proposed roof height.

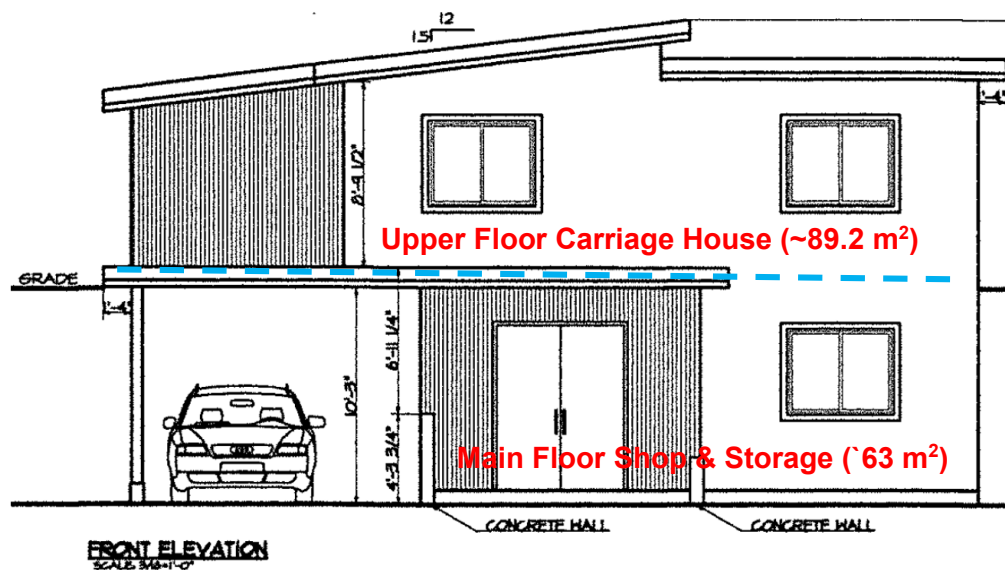


**Figure 1:** Proposed Carriage Roof to be Higher than the Peak of the Roof of the Principle Dwelling

Should Council choose to deny the proposed variance to allow the peak of the carriage house to be above the peak of the principle dwelling, it essentially eliminates the opportunity to construct more than a single storey carriage house on the subject property.

#### Gross Floor Area for a Carriage House:

The proposed 89.2 m<sup>2</sup> carriage house is consistent with the City of West Kelowna Zoning Bylaw No. 0154, Section 3.26.2, Table 3.12 which specifies that the maximum gross floor area for a carriage house in the R1 zone is the lesser of 90 m<sup>2</sup> (966.7 sf) or 75% of the gross floor area of the principle dwelling. However, Section 3.26.6 specifies that for a carriage house in a 1.5 storey building, the upper storey shall have a maximum floor area of 75% of the main floor area which would limit the proposed carriage house to 47.6 m<sup>2</sup> (See Figure 2). The applicants have proposed to re-use the existing foundation and have requested that the carriage house is permitted to have more than 75% of the main floor area to allow the applicants to construct a more typical carriage house within the 90 m<sup>2</sup> range.



**Figure 2:** Variance to Permit Carriage House to have more than 75% of the Main Floor Area

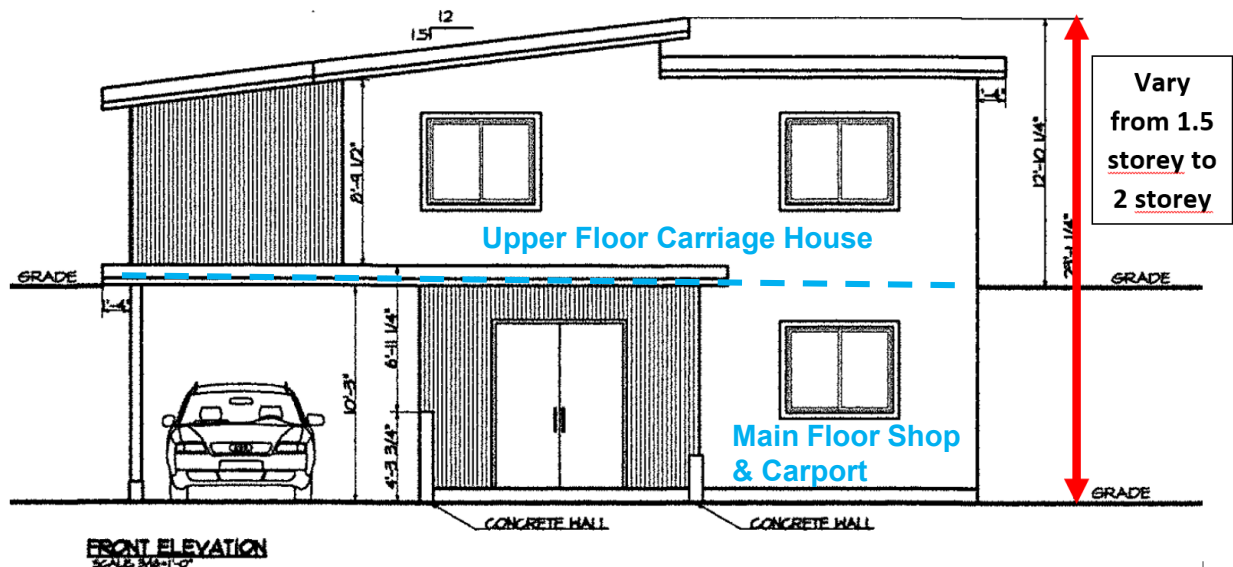
Should Council choose to deny the proposed variance to allow the carriage house to the maximum floor area of 75% of the main floor area, there are limited options for the owners to utilize the existing foundation of the shop/garage for a carriage home without losing the use of the shop/garage space.

#### Number of Permitted Storeys for a Carriage House:

Section 10.4.5(f).3 specifies that the maximum height for a carriage house in the R1 zone is 6.5 m to maximum of 1.5 storeys. In Section 3.26.7, the bylaw further elaborates on the use of dormers in a carriage house as a form and character control on carriage house design.

The proposed carriage house is designed with a similar roofline to the existing principle dwelling consisting of a portion of gradually sloped roof (12/15 pitch) and a separate flat roof area (see Carriage House Front Elevation - Figure 3), which is considered a 2 storey structure. If this roof were designed with a steeper roof line including dormers, it would potentially qualify as a 1.5 storey. A steeper roof would limit the variance for the floor area but would exacerbate the variance required for the peak of the carriage house. The applicants have requested the variance to allow

a carriage house within a 2 storey building form to allow them to maintain the size of dwelling near the maximum 90m<sup>2</sup>; to allow a flatter roof design to ensure that the maximum height of 6.5 m is not exceeded; and to minimize potential visual impacts to adjacent properties.



**Figure 3: Variance to Permit Carriage House within a 2 Storey Structure**

Should Council choose to deny the proposed variance to allow a carriage house within a 2 storey structure, there are limited options for the owners to utilize the existing foundation of the shop/garage for a carriage home without losing the use of the shop/garage space or will require a complete redesign of a smaller carriage house that would likely still require a variance to allow the roof peak to be higher than that of the principle dwelling.

**Technical Review**

Structural Foundation Review

As part of this application, a Structural Foundation Review was provided for the foundation walls of the existing garage/shop which the applicants propose to demolish down to the foundation in order to rebuild the two storey carriage house.

The report notes that additional geotechnical review will be required at time of future building permit to determine if additional structural reinforcement is necessary and that it appears likely that multiple new retaining wall designs will be required for the carport and storage/stairwell. Any retaining structures over 1.2 m in height or development that requires site disturbance into the hillside area may trigger additional development permit review.

Environmental Review

As the proposed development does not entail any additional site disturbance and does not involve any encroachment into the steeper slopes, an environmental review was not required. However, if any additional retaining structures are required to support the proposed building or new disturbance areas are required, the proposed development may trigger additional development permit review.

## Landscaping Review

The applicant proposes to retain the existing cedar hedges on both the north and south parcel boundaries to meet the solid screening requirements for a carriage house. This condition is noted on the draft permit (*Attachment 1 – Schedule A, Solid Barrier Plan*).

## PUBLIC NOTIFICATION:

In accordance with the *Local Government Act*, 29 notification letters were sent to all property owners and their tenants within 100 metres of the subject property (*Attachment 5*) and a notice of application sign has been placed on the subject property in accordance with the Development Application Procedures Bylaw No. 0260. At the time of writing this report, no submissions have been received from the public other than the letter of support noted above which was signed by three adjacent neighbours.

## ALTERNATE MOTIONS(S):

- 1) THAT Council deny a Development Variance Permit (DVP 19-16) for Lot A, DL 3866, ODYD Plan 32198 (1350 Parkinson Road) to vary Zoning Bylaw No.0154 to allow:
  - S.3.26.5 to allow the roof of the carriage house to be higher than the peak of the roof of the principle detached dwelling;
  - S.3.26.6 to allow the gross floor area of the carriage house to be greater than 75% of the main floor area and within a two storey building; and
  - S.10.4.5(f).3 to allow a carriage house height of 6.5 m (21.3 ft) to a maximum of 2 storeys where at least one parking stall is provided in the same building.

This alternative motion would prevent the applicant from constructing the carriage house over the existing garage foundation due to the topography of the site which slopes up from the principle dwelling. Additionally, the denied gross floor area variance would require the applicant to potentially construct a smaller dwelling to fit within the maximum floor area despite being less than the 90 m<sup>2</sup> maximum carriage house size. Either condition would likely require the complete tear down and foundation rebuild for a carriage house in a different location on the lot. Should Council deny the proposal, the files will be closed. As per the City's Procedures Bylaw, the applicant could re-apply for a similar proposal six months after initial Council consideration.

## REVIEWED AND APPROVED BY:

Brent Magnan, Planning Manager  
Mark Koch, Director of Development Services  
Paul Gipps, CAO

Powerpoint: Yes  No

Attachments:

- 1) Draft DVP 19-16
- 2) Applicant Rationale Letter
- 3) Neighbour Support Letter
- 4) Context Map
- 5) Subject Property Map
- 6) Notification Map