



COUNCIL REPORT

To: Paul Gipps, CAO

Date: June 22, 2021

From: Hailey Rilkoff, Planner II

File No: DVP 21-12

Subject: **DVP 21-12; Development Variance Permit; 932 Lloyd Jones Drive**

RECOMMENDATION

THAT Council authorize the issuance of a Development Variance Permit (DVP 21-12) for Lot 26 DL 3866 ODYD Plan 28354 (932 Lloyd Jones Drive) to construct an Accessory Building (detached garage/studio), in general accordance with the attached Permit, by varying Zoning Bylaw No. 0154 as follows:

- S.10.4.5(g).1 to reduce the minimum front parcel boundary setback from 4.5 m to 3.16 m;
- S.10.4.5(g).3 to reduce the minimum rear parcel boundary setback from 3.0 m to 1.5 m; and
- S.10.4.5(f).2 to increase the maximum building height from 5.0 m to 6.5 m.

STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity – Communicate the City's expectations for, and give priority to, quality and innovative urban development (Council's 2021 – 2022 Strategic Priorities).

BACKGROUND

The applicant has applied for a Development Variance Permit (*Attachment 1*) to construct an Accessory Building (detached garage/studio) on the subject property. The property is within the West Kelowna Estates / Rose Valley neighborhood and is developed with a single detached dwelling. Two variances have been requested in order for the structure to meet the accessory building regulations in the Zoning Bylaw.

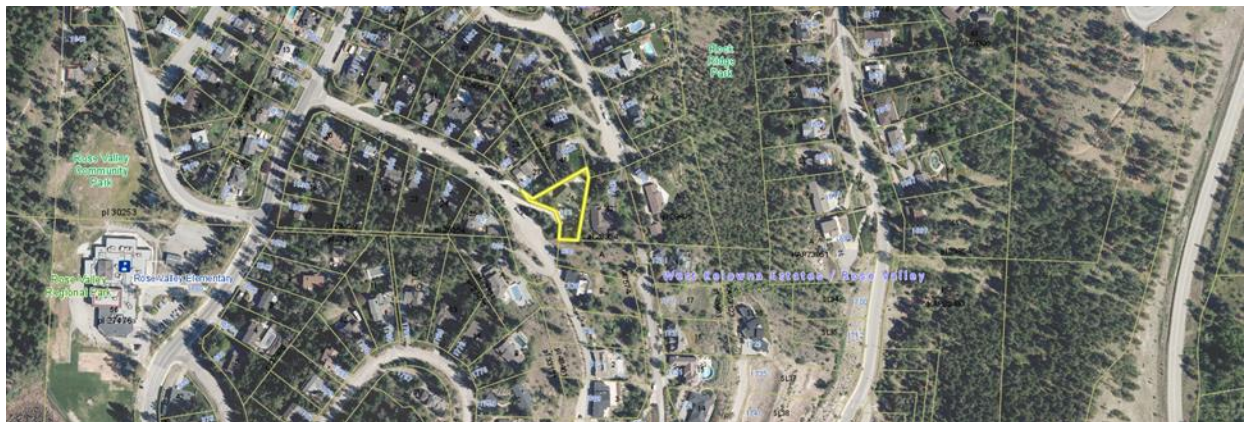
PROPERTY DETAILS			
Address	932 Lloyd Jones Dr		
PID	004-562-101		
Folio	36415052.358		
Lot Size	0.35 acres (1416.4 m ²)		
Owner	Brandon & Miranda Russell	Agent	Brandon Russell

Current Zoning	R1 – Single Detached Residential Zone	Proposed Zoning	-
Current OCP	SFR – Single Family Residential	Proposed OCP	-
Current Use	Residential	Proposed Use	-
Development Permit Areas	Hillside		
Hazards	n/a		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES

North	^	R1 – Single Detached Residential Zone
East	>	R1 – Single Detached Residential Zone
West	<	R1 – Single Detached Residential Zone
South	v	R1 – Single Detached Residential Zone

NEIGHBOURHOOD MAP



PROPERTY MAP



Proposal

In 2020, an existing garage was lost to a fire on the property. The applicant is proposing to reconstruct an accessory building consisting of a detached garage and studio above the garage.

Variances

The proposed structure does not meet two of the City's regulations in Zoning Bylaw No. 0154. As per the Zoning Bylaw regulation S.10.4.5(f).2, the maximum permitted building height of an accessory building is 5.0 m. A variance is required to increase the height of the accessory building to 6.5 m (*Figure 1*).

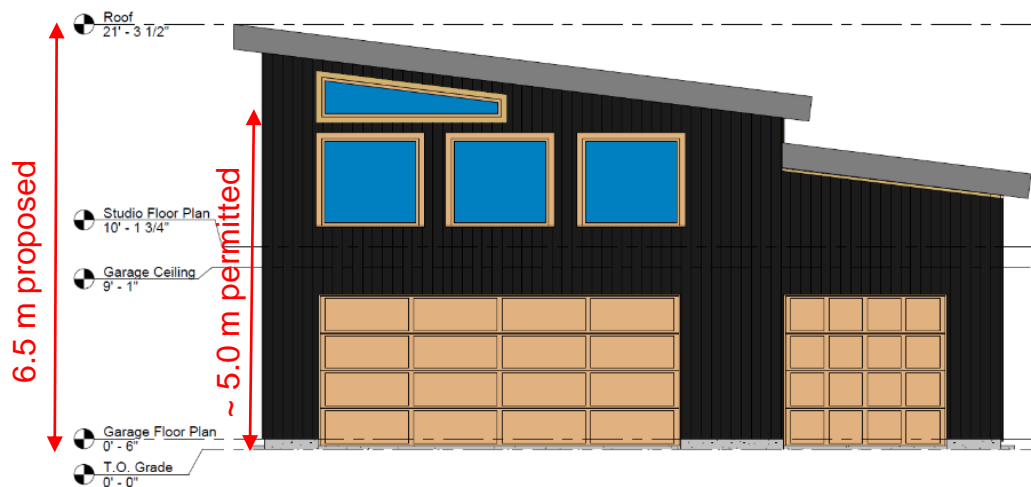


Figure 1 - Accessory Building Front Elevation

As per the Zoning Bylaw regulation S.10.4.5(g), the siting regulations require any building or structure to be setback a minimum of 4.5 m from the front parcel boundary and 3.0 m from the rear parcel boundary. Variances are required to reduce the minimum front parcel boundary setback from 4.5 m to 3.16 m and the rear parcel boundary setback from 3.0 m to 1.5 m (*Figure 2*).

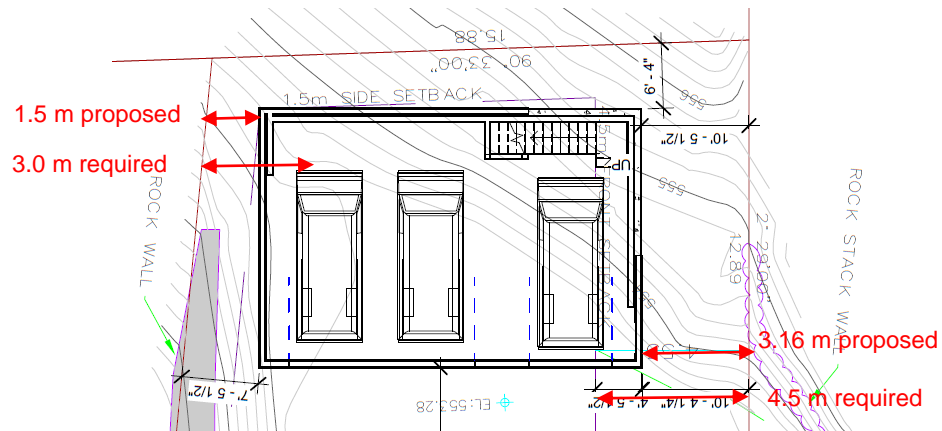


Figure 2 - Parcel Boundary Setbacks

Applicant Rationale

The applicant has provided a proposal letter which outlines their rationale for the proposed variances. The proposed accessory building is intended to replace a previously existing garage that was lost to a fire. The applicant feels that the proposed building design will emulate the addition to existing dwelling. The applicant has also provided a letter of support signed by two neighbouring property owners (*Attachment 2*).

Policy and Bylaw Review

Official Community Plan Bylaw No. 0100

The City's OCP includes various objectives and policies for residential lands, which encourage infill development in various forms which complement the form and scale of adjacent buildings. Accessory Buildings may be considered within developed neighbourhoods with a Single Family Residential Land Use Designation.

Zoning Bylaw No. 0154

The City's R1 Single Detached Residential zone permits accessory buildings, however the Zoning Bylaw regulations must be met.

Section 3.7.1(c), no accessory building or structure shall project into the required minimum siting distance from the front or exterior side parcel boundary.

Section 10.4.5(g).1 requires a minimum siting distance of 4.5 m from the front parcel boundary and 3.0m from the rear parcel boundary.

Section 10.4.5(f).2, the maximum permitted building height of an accessory building is 5.0 m.

In this case, the proposed accessory building (detached garage/studio) location is setback 3.16 m from the front parcel boundary, and 1.5m from the rear parcel boundary. The accessory building is proposed to exceed this height by 1.5 m, to a maximum of 6.5 m.

Table 1 - Zoning Regulation Review for Accessory Building

	Zoning Bylaw 0154	Existing/Proposal
Accessory Building Regulations		
Maximum Floor Area	100 m ²	86 m ²
R1 Zone Development Regulations		
Maximum Building Height	5.0 m	6.5 m (variance)
Minimum Front Parcel Boundary Setback	4.5 m	3.16 m (variance)
Minimum Interior Side Parcel Boundary Setback	1.5 m	1.5 m
Minimum Rear Parcel Boundary Setback	3.0 m	1.5 m (variance)

DISCUSSION

Planning

The proposed variances are not anticipated to cause significant negative impacts to neighbouring properties or land uses. The topography of the property means that the driveway leads downslope from Lloyd Jones Drive (*Figure 3*), therefore the elevation of the main floor of the proposed accessory building will be lower than the road. Therefore, the increased height may not be as intrusive as if the building were at the same grade as the road.



Figure 3 - Accessory Building Grade in relation to Lloyd Jones Drive above

Pre-application discussions and the original application drawings indicated that the proposed structure may be converted to a carriage house in the future. This was identified as a concern during the referral and review process, and the applicant has since revised their design and drawings and has confirmed that they have no intention currently or in the near future to convert the accessory building into a carriage house. If the proposed accessory building were to be converted to a carriage house in the future, even the revised design would not meet a number of the carriage house regulations.

Table 2 - Zoning Regulation Review for Carriage House

	Zoning Bylaw 0154	Existing/Proposal
Carriage House Regulations		
Maximum Floor Area	90 m ²	60.3 m ²
0.5 storey floor area	No more than 75% of main floor	~ 70%
Maximum Building Height	5.0 m to a maximum of 1 storey or 6.5 m to a maximum of 1.5 storeys	6.5 m in height, 2 storeys (Variance)
Entrance	Separate exterior entrance - no passage through any part of the building used for vehicle parking	Proposed entrance requires passage through the garage (Variance)
R1 Zone Permitted Uses		
Relevant Permitted Uses	Single Detached House Accessory Building Carriage House	Single Detached House Accessory Building
Required Parking		
Single Detached House	2 per dwelling	Existing 2 spaces in garage
Carriage House	1 per	1 space in garage or on site

Section 3.26.6 regulates that the upper storey in a 1.5 storey carriage house shall have a maximum of 75% of the main floor area. Due to the design of the building, the building proposed is two storeys and therefore, does not meet the 1.5 storey regulation for a carriage house. Section 3.26.8 requires that the entrance to the carriage house be a separate exterior entrance that does not require passage through any part of the building used for motor or vehicle parking or accessory building. The proposed entrance to the accessory building requires passage through the garage, and therefore does not meet this regulation.

This means that any future conversion of the proposed building to a carriage house would require additional variances.

The current deficiencies and requirements to meet carriage house regulations have been identified through the review process and this would be an appropriate time to adjust development plans to better meet the carriage house regulations to support any future conversion to a residential dwelling.

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.

Public Notification

In accordance with the *Local Government Act*, 32 notification letters were sent to all property owners and their tenants within 100 metres of the subject property (Attachment 3) and a notice of application sign has been placed on the subject property in accordance with the Development Applications Procedures Bylaw No. 0260. At the time of writing this report, no submissions from the public had been received.

CONCLUSION

It is recommended that Council approve the proposed variance application DVP 21-12 to permit the construction of an accessory building. It is not anticipated that the proposed accessory building would create significant negative impacts to surrounding properties.

Alternate Motion 1:

THAT Council postpone the issuances of a Development Variance Permit (DVP 21-12) for Lot 26 DL 3866 ODYD Plan 28354 (932 Lloyd Jones Drive).

Should Council postpone the requested variances, further Council direction to staff is required.

Alternate Motion 2:

THAT Council deny the issuance of a Development Variance Permit (DVP 21-12) for Lot 26 DL 3866 ODYD Plan 28354 (932 Lloyd Jones Drive).

Should Council deny the requested variances, the file will be closed. As per the City's Development Applications Procedures Bylaw No. 0260, the applicant could re-apply for a similar proposal 6 months after initial Council consideration.

REVIEWED BY

Brent Magnan, Planning Manager

Mark Koch, Director of Development Services

Shelley Schnitzler, Legislative Services Manager/Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps , CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. DRAFT DVP 21-12
 - a. Schedule A – Development Drawings, Greener Designs, May 26, 2021
2. Applicant's Rationale Letter
3. DVP 21-12 GIS Notification Map