
CITY OF KELOWNA

MEMORANDUM

Date: April 16, 2002

File No.: Z02-1005

To: City Manager

From: Planning and Development Services Department

Subject:

APPLICATION NO. Z02-1005

OWNER: DAVID AND GERTRUDE
DEGROOT

AT: 3933 BLUEBIRD ROAD

APPLICANT: ROBERT EDWARDS

PURPOSE: TO REZONE THE SUBJECT PROPERTY FROM THE RU1 – LARGE
LOT HOUSING ZONE TO THE RU6 – TWO DWELLING HOUSING
ZONE

EXISTING ZONE: RU1 – LARGE LOT HOUSING

PROPOSED ZONE: RU6 – TWO DWELLING HOUSING

REPORT PREPARED BY: KIRSTEN G. BEHLER

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Rezoning Application No. Z02-1005 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 1, Township 25, ODYD, Plan 30506, located on Bluebird Road, Kelowna, BC, from the RU1 – Large Lot Housing zone to the RU6 – Two-Dwelling Housing zone be considered by Council;

THAT the zone amending bylaw be forward to a Public Hearing for further consideration;

THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Variance Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be considered subject to the applicant amending the flooding/save harmless covenant registered on title of the subject property, in order to incorporate current setback requirements.

2.0 SUMMARY

The applicant wishes to rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone to be able to construct a second single detached home on the lot. Together with the rezoning application, the applicant submitted an application for a Development Variance Permit to vary the minimum lot width requirements for RU6 lots and to legalize the non-conforming rear yard setback of 3.35m. A report outlining the DVP will be submitted to Council to be considered concurrently with final adoption of the zone amending bylaw.

3.0 ADVISORY PLANNING COMMISSION

The applications were reviewed by the Advisory Planning Commission at the meeting of March 12, 2002, and the following recommendation was passed:

THAT the Advisory Planning Commission not support Rezoning Application No. Z02-1005, 3933 Bluebird Road, Lot A, Plan 30506, Section 1, Twp. 25, ODYD, by Robert Edwards, to rezone from the RU1 – Large Lot Housing zone to the RU6 – Two-Dwelling Housing zone to allow for a second single-detached dwelling on the lot.

As a result of the APC not supporting the rezoning Application, there is no recommendation for Development Variance Permit application DP02-1005.

4.0 BACKGROUND

4.1 The Proposal

The subject property is located in the North Mission, on the east side of Bluebird Road, abutting Mission Creek. The property is currently zoned RU1 – Large Lot Housing, and a single detached home exists on the lot. The applicant wishes to construct a second home on the property, which triggers a rezoning application to rezone the property to the RU6 – Two Dwelling Housing zone. The proposed approximately 140m” large house would be constructed south of the existing house, and the two houses would share the existing driveway.

Together with the zone amending application, the applicant has made application for a Development Variance Permit. The requested zone has a minimum lot width requirement of 18.0m. However, the property has a very narrow frontage of 5.1m, and the applicant has therefore made application to vary the lot width requirement. In addition, the applicant would like to legalize the non-conforming rear yard setback of the existing house, which is located 4.5m from the property line, rather than the 6.0m required by bylaw. The DVP is to be considered concurrently with final adoption of the rezoning, should Council be supportive.

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

CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Lot Area (m ²)	1811m ²	700m ²
Lot Width (m)	5.1m ❶	18.0m
Lot Depth (m)	86.7m	30.0m
Site Coverage (%)	22.0% for buildings 40.9% with driveways and parking area	40% for buildings 50% with parking and driveways
Storeys (#)	2 storeys existing house 1 storey proposed house	2 storeys (9.5m max.)
Setbacks (m)		
- Front	26.4m	4.5m
- Rear	4.5m ❷	6.0m for 1 or 1 ½ storey portion 7.5m for 2 or 2 ½ storey portion
- West Side	3.14m (two-storey portion of existing house)	2.0m for 1 or 1 ½ storey portion
- East Side	2.0m (proposed one storey house)	2.3m for 2 or 2 ½ storey portion
Parking Spaces	4	4

Notes:

- ❶ The applicant has requested a variance to reduce the lot width required.
- ❷ The rear yard setback of the existing house is non-conforming, and the applicant has requested a variance to legalize the non-conforming setback.

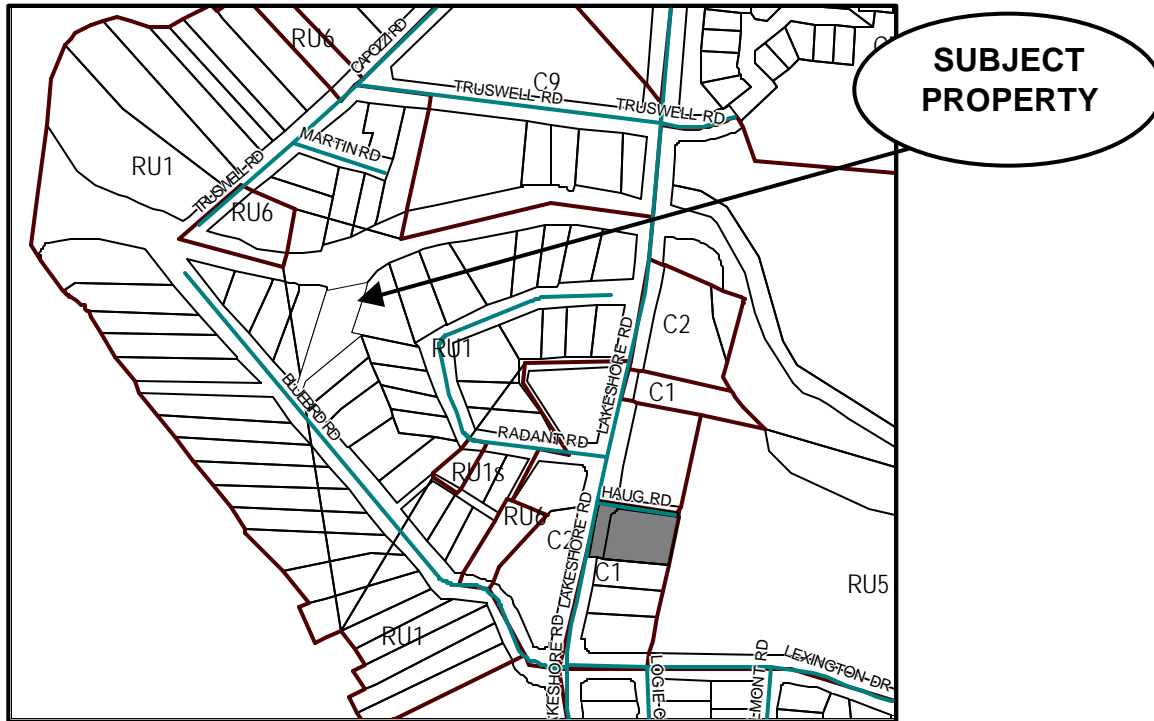
4.2 Site Context

The subject property is located in the North Mission. The area is predominantly a single family residential neighbourhood. Several lots in the vicinity of the subject property are zoned for two dwellings, either as RU6 – Two Dwelling Housing lots or through RU1s – Large Lot Housing with Secondary Suite zoning.

Adjacent zones and uses are, to the:

- North - RU1 - Large Lot Housing – single family dwellings
- East - RU1 - Large Lot Housing – single family dwelling
- South - RU1 - Large Lot Housing – single family dwelling
- West - RU1 - Large Lot Housing – single family dwelling

Site Location Map



4.3 Existing Development Potential

The property is zoned RU1 – Large Lot Housing. The purpose of this zone is to provide for single detached housing as a principal use, and compatible secondary uses, such as bed and breakfast homes, minor care centres and group homes, as well as home based businesses. Secondary suites are allowed on lots with RU1s – Large Lot Housing with Secondary Suite zoning.

4.4 Current Development Policy

4.4.1 Kelowna Official Community Plan

The proposal is consistent with the future land use designation of Single/Two Family Residential in the Official Community Plan. 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).

4.4.2 City of Kelowna Strategic Plan (1992)

One of the objectives of the Strategic Plan is “to develop a more compact urban form by increasing densities through infill and re-development within existing urban areas and to provide for higher densities within future urban areas” (Objective 1.1). The proposal is consistent with this objective and with its accompanying strategies.

4.4.3 North Mission / Crawford Sector Plan (1997)

The North Mission / Crawford Sector Plan states that the City will maintain and enhance the stability and livability of existing neighbourhoods by ensuring that intensification in the form of infill and conversions are consistent with neighbourhood structure and character (Section 4.2, Policy 1). The proposed intensification through the addition of one single family home on a relatively large residential lot is consistent with this policy. The proposed building design, albeit conceptual at this point, furthermore reflects the plan area's architectural heritage by incorporating a front porch and multiple gables, as encouraged in the plan (Section 4.2, Policy 14).

5.0 TECHNICAL COMMENTS

The application has been submitted to various technical agencies and City departments, and the following relevant comments have been submitted:

5.1 Works & Utilities

1. General

The proposed rezoning application does not compromise Works and Utilities requirements.

2. Domestic water and fire protection

This development is within the City service area. This property is currently serviced by the municipal water main. The existing 19mm-diameter PVC water service may be retained for use by the existing dwelling. Provide a new water service for the proposed dwelling. A water meter is mandatory for the new dwelling and must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws. The building contractor must purchase the meter from the City at the time of application for a building permit from the Inspection Services Department.

3. Sanitary Sewer

This property is currently serviced by the municipal sanitary sewer system. The existing 100mm-diameter service can be used for the existing and proposed dwelling.

4. Road Works

Bluebird Road must be upgraded to a full urban standard including curb and gutter, sidewalk, piped storm drainage system, fillet pavement, landscaped boulevard, street lights, and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction. A one-time cash payment in lieu of construction must be collected from the applicant for future construction by the City. The cash-in-lieu amount is determined to be \$5,800.00, not including utility service costs

Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.

5.2 BC Gas

The existing gas service may require an alteration to accommodate the second home on this site at the expense of the homeowner. A new application is required to service the second building as well.

5.3 Ministry of Water, Land and Air Protection

We have reviewed this application and recommend that any proposed buildings or structures on the property in question be not less than fifteen point zero (15.0) metres from the natural boundary of Mission Creek and that the underside of the floor system, of any area used for habitation or storage of goods damageable by floodwater, be not less than one point five (1.5) metres above the natural boundary of Mission Creek.

Further, no area below the required elevation should be used for installation of furnaces or other equipment susceptible to damage by floodwater.

These comments are consistent with the setback and elevation requirements along Mission Creek for properties located between Lake Okanagan and Lakeshore Road as outlined in the draft Floodplain Bylaw for the City of Kelowna.

A covenant has been registered on title of the subject property when it was subdivided in 1979. The specific covenant requirements will have to be amended as condition of final approval of the rezoning application.

5.3 Environment Manager

Flooding/save harmless covenants are required. MWALP" Flood setback reduction" application for the existing house may be required if specified by the Ministry.

5.4 Telus

Telus has existing aerial service.

5.5 Utilicorp Networks Canada

UNC will provide overhead service to new residence. It will not create a trespass.

5.6 Shaw Cable

Owner/contractor to supply and install conduit system as per Shaw Cable drawings and specifications.

6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department has no concerns regarding the proposed rezoning of the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone. The proposal is consistent with the future land use designation of the Official Community Plan and also meets the policies on infill in the North Mission / Crawford Sector Plan.

Concerns have been raised that the proposed house may be constructed larger than what is shown conceptually at this rezoning stage. Should Council require it, the applicant is willing to register a covenant on title specifying the maximum footprint of the new house.

Andrew Bruce
Current Planning Manager

Approved for inclusion ☐

R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Development Services

KGB
Attach.

FACT SHEET

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| 1. APPLICATION NO.: | Z02-1005 / DVP02-0012 |
| 2. APPLICATION TYPE: | Development Variance Application |
| 3. OWNER: | David and Gertrude DeGroot |
| . ADDRESS | 3933 Bluebird Road |
| . CITY | Kelowna, BC |
| . POSTAL CODE | VV1W 1X7 |
| 4. APPLICANT/CONTACT PERSON: | Robert Edwards |
| . ADDRESS | 228 Lake Avenue |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1Y 5W5 |
| . TELEPHONE/FAX NO.: | 861-5501 / 861-5210 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | February 22, 2002 |
| Date Application Complete: | |
| Servicing Agreement Forwarded to Applicant: | N/A |
| Servicing Agreement Concluded: | N/A |
| Staff Report to APC: | March 5, 2002 |
| Staff Report to Council: | April 15, 2002 |
| 6. LEGAL DESCRIPTION: | Lot A, Section 1, Twp. 25, ODYD, Plan 30506 |
| 7. SITE LOCATION: | North Mission, on the east side of Bluebird Road, south of Mission Creek |
| 8. CIVIC ADDRESS: | 3933 Bluebird Road
Kelowna, BC |
| 9. AREA OF SUBJECT PROPERTY: | 1811m" |
| 10. AREA OF PROPOSED REZONING: | 1811m" |
| 11. EXISTING ZONE CATEGORY: | RU1 – Large Lot Housing |
| 12. PROPOSED ZONE: | RU6 – Two Dwelling Housing Zone |
| 13. PURPOSE OF THE APPLICATION: | To vary the lot width and legalize the existing rear yard setback |
| 14. MIN. OF TRANS./HIGHWAYS FILES NO.: | N/A |
| NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY | |
| 15. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS | N/A |

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plan
- Photos of existing house and proposed house