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## CITY OF KELOWNA

### MEMORANDUM

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**Date:** March 10, 2003  
**File No.:** Z03-0005/DVP03-0006  
**To:** City Manager  
**From:** Planning and Development Services Department  
**Subject:**

APPLICATION NO. Z03-0005/DVP03-0006  
AT: 477 Osprey Avenue  
OWNER: Jean- Anne Copley & Joseph Popoff  
APPLICANT: Jean- Anne Copley & Joseph Popoff

**PURPOSE:** TO REZONE THE PROPERTY FROM P2 – EDUCATION AND MINOR INSTITUTIONAL TO RU6- TWO DWELLING HOUSING TO ALLOW FOR A SINGLE DETACHED DWELLING AND A SECONDARY SUITE.

TO VARY THE SIDE YARD SETBACKS OF THE HOUSE FROM THE REQUIRED 2.0 METRES TO THE EXISTING 1.5 METRES.

TO ALLOW A FRONT DRIVEWAY WHERE VEHICULAR ACCESS IS AVAILABLE FROM A REAR LANE.

**EXISTING ZONE:** P2 – EDUCATION AND MINOR INSTITUTIONAL

**PROPOSED ZONE:** RU6 - TWO DWELLING HOUSING

**REPORT PREPARED BY:** KEIKO NITTEL

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**SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS**

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#### 1.0 RECOMMENDATION

THAT Rezoning Application No. Z03-0005 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, DL 14, ODYD, Plan 4280 located on Osprey Avenue, Kelowna, B.C. from the P2 – Education and Minor Institutional zone to RU6- Two Dwelling Housing zone be considered by Council;

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

AND 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.

## 2.0 SUMMARY

The applicant is seeking to rezone the subject property from the P2 – Education and Minor Institutional zone to RU6- Two Dwelling Housing zone in order to legalize the existing semi-detached housing. The two dwelling units were formerly a single-detached house with a childcare facility attached at the rear of the property. The applicant has converted the former childcare facility into an additional dwelling unit and is therefore required to rezone the property to a residential zone. The current location of the existing building as well as the front driveway do not meet the rules for the RU6 – Two Dwelling housing as outlined in Zoning Bylaw No. 8000. The applicant therefore requires a development variance permit to address the non-conforming aspects of the building.

## 3.0 BACKGROUND

### 3.1 The Proposal

The applicant is seeking to rezone the subject property from the P2 – Education and Minor Institutional zone to RU6- Two Dwelling Housing zone in order to legalize an existing semi-detached dwelling. The two dwelling units were originally a single-detached house and an accessory building in a residential zone. The property, however, was rezoned to an institutional zoning in order to allow the property owners to operate a child care facility in the accessory building. In the late 1980's, the childcare facility required more space to facilitate its operations. The accessory building was therefore raised and a 1000 ft<sup>2</sup> of additional space built below (partially below grade). In addition, the accessory building was attached to the existing single-storey house by way of an enclosed "breezeway".

As the owners have closed the childcare facility, they are seeking to revert the property back to a residential zoning. The area formerly occupied by the childcare facility has been converted into a dwelling unit. As a result, the building now functions as semi-detached housing with one unit at the front of the property with an attached second unit at the rear of the property. Each unit has driveway access. The front unit has an existing front driveway to an attached carport that is accessed off of Osprey Avenue. The rear unit has lane access to two parking spaces. In addition, the front and rear yards of the property are both landscaped thus providing outdoor amenity space for both units.

In addition to the rezoning application, the applicant requires a development variance permit to facilitate the non-conformity of the existing building. As the land use changes from one zone (P2) to another zone (RU6), the building and front drive garage loses their legal non-conforming status. Zoning Bylaw No. 8000 requires a side yard setback of 2.0 metres for 1½ storey buildings in the RU6 zone. A variance is therefore required to permit the existing side yard setbacks of 1.5 metres. In addition, the Zoning Bylaw stipulates that where development has access to a rear lane, vehicular access is only permitted to the rear lane. A variance is therefore also required in order to permit the existing front driveway access from Osprey Avenue.

The application meets the requirements of the proposed RU6- Two Dwelling Housing one as follows:

CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Lot Area (m <sup>2</sup> )	1090m <sup>2</sup>	700.0 m <sup>2</sup>
Lot Width (m)	18.29m	18.0m
Lot Depth (m)	59.74m	30.0m
Site Coverage (%)	30% 34.2%	40% 50% with driveways/parking
Height	1.5 storeys	9.5 or or 2.5 storeys
Setbacks:		
-Front	7.0m	6.0 from garage or carport
-Rear	15.2m	6.0m
- Side (East)	1.5m <sup>❶</sup>	2.0m
- Side (West)	1.5m	2.0m
Private Open Space	100 (front yard) 150 (rear yard)	30 m <sup>2</sup> per dwelling
Parking Spaces (Total)	4	4
Vehicular Access	existing front driveway & lane access <sup>❷</sup>	vehicular access from rear lane where applicable

❶ A side yard setback of 2.0 metres is required for 1½ storey buildings in the RU6 zone. A variance is therefore required to permit the existing side yard setbacks of 1.5 metres

❷ Where development has access to a rear lane, vehicular access is only permitted to the rear lane. A variance is therefore also required in order to permit the existing front driveway access from Osprey Avenue.

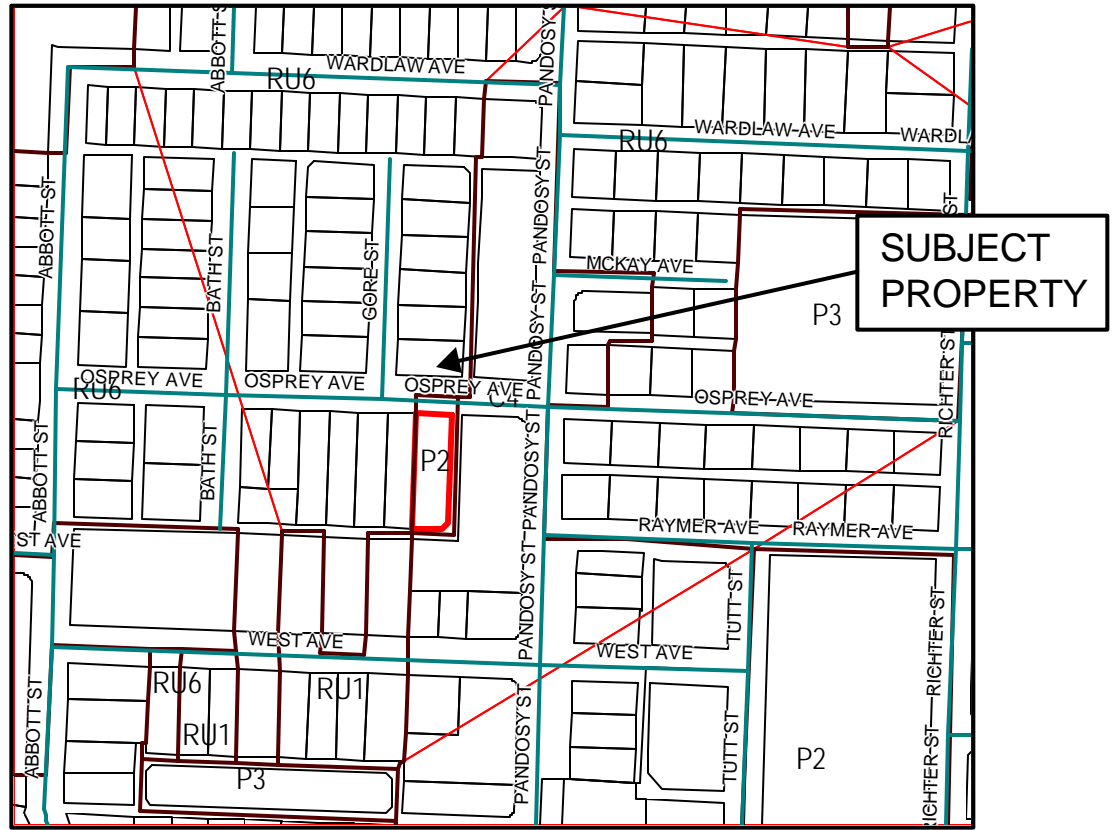
### 3.2 Site Context

The subject property is located in on Osprey Avenue between Pandosy Street and Bath Street.

Adjacent zones and uses are:

North - RU6 – Two Dwelling Housing  
 East - C4 – Town Centre Commercial  
 South - C4 – Town Centre Commercial  
 West - RU6 – Two Dwelling Housing

Site Location Map



### 3.3 Existing Development Potential

The property is zoned P2 – Education and Minor Institutional zone. The purpose of this zone is to provide a zone for private and public educational, residential and recreational uses and religious assemblies. Principal uses in this zone include care centres (major), community recreation services, emergency and protective services, private clubs, private education services, public education services, religious assemblies, and utility services (minor impact). Secondary uses include public parks and residential security/operator units.

### 3.4 Current Development Policy

#### 3.4.1 Kelowna Official Community Plan

The Official Community Plan designates the future land use of the subject property as Medium Density Multiple Unit Residential. The proposed land use (two unit dwelling) is not entirely consistent with the direction of this policy document. However, it is acknowledged that the applicant is only proposing to legalize an existing use. It is not likely that this will stall the redevelopment of this property or adjacent properties and rezoning the property is therefore not likely to delay redevelopment any further than if the property were not to be rezoned.

#### 3.4.2 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).

### 4.0 TECHNICAL COMMENTS

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

#### 4.1 Inspection Services Department

The units are too large to function as a single detached dwelling with secondary suite. The former childcare facility is therefore considered a second dwelling unit. A one hour fire separation is required between the two units.

#### 4.2 Works and Utilities Department

Osprey Ave must be upgraded to a full urban standard including curb/gutter, new sidewalk, fillet pavement, landscaped boulevard, street lights, and the adjustments 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 \$6,200.00 not including utility service costs. The lane is fully urbanized therefore no further upgrading is required.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department supports the proposed rezoning of the property from P2 – Education and Minor Institutional zone to RU6- Two Dwelling Housing zone. The Official Community Plan (OCP) designates the future land use of the subject property as Medium Density Multiple Unit Residential. The proposed land use (two dwelling housing) is not entirely consistent with the direction of this policy document. However, it is acknowledged that the applicant is only proposing to legalize an existing use. It is not likely that this will stall the redevelopment of this property or adjacent properties and rezoning the property is therefore not likely to delay redevelopment any further than if the property were not to be rezoned. As proposed use and zoning of the property is considered a lower density use than the current OCP Future Land Use designation, an OCP amendment is not required.

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Andrew Bruce  
Current Planning Manager

Approved for inclusion

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

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Attach.

**FACT SHEET**

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| <b>1. APPLICATION NO.:</b>  | Z03-0005/ DVP03-0006   |
| <b>2. APPLICATION TYPE:</b>   | Rezoning / Development Variance Permit   |
| <b>3. OWNER:</b>  | Jean-Anne Copley & Joseph Popoff   |
| . ADDRESS   | 477 Osprey Avenue  |
| . CITY  | Kelowna, BC  |
| . POSTAL CODE   | V1Y 5A3  |
| <b>4. APPLICANT/CONTACT PERSON:</b>                                   | Jean-Anne Copley & Joseph Popoff   |
| . ADDRESS   | 477 Osprey Avenue  |
| . CITY  | Kelowna, BC  |
| . POSTAL CODE   | V1Y 5A3  |
| . TELEPHONE/FAX NO.:  | 762-6278   |
| <b>5. APPLICATION PROGRESS:</b>                                       |  |
| Date of Application:  | February 6, 2003   |
| Date Application Complete:  | February 11, 2003  |
| Servicing Agreement Forwarded to Applicant:                           | N/A  |
| Servicing Agreement Concluded:  | N/A  |
| Staff Report to Council:  |  |
| <b>6. LEGAL DESCRIPTION:</b>  | Lot 1, DL 14, ODYD, Plan 4280  |
| <b>7. SITE LOCATION:</b>  | The subject property is located on Osprey Avenue between Pandosy Street and Bath Street. |
| <b>8. CIVIC ADDRESS:</b>  | 477 Osprey Avenue, Kelowna , BC  |
| <b>9. AREA OF SUBJECT PROPERTY:</b>                                   | 1090 m <sup>2</sup>  |
| <b>10. AREA OF PROPOSED REZONING:</b>                                 | 1090 m <sup>2</sup>  |
| <b>11. EXISTING ZONE CATEGORY:</b>                                    | P2 – Education and Minor Institutional   |
| <b>12. PROPOSED ZONE:</b>   | RU6- Two Dwelling Housing  |
| <b>13. PURPOSE OF THE APPLICATION:</b>                                | To rezone the property to legalize an existing semi-detached housing.                    |
| <b>14. MIN. OF TRANS./HIGHWAYS FILES NO.:</b>                         | N/A  |
| <b>NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY</b> |  |
| <b>15. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS</b>                   | N/A  |

**ATTACHMENTS**

**(not attached to the electronic version of the report)**

- Location of subject property
- Site plan
- Air photo of subject property
- Photographs of the existing building