
CITY OF KELOWNA

MEMORANDUM

Date: September 16, 2003
File No.: Z03-0036

To: City Manager

From: Planning and Development Services Department

Subject:

APPLICATION NO. Z03-0036

OWNER: ERIC WEISS

AT: 3517 LAKESHORE ROAD

APPLICANT: ROYCE DOCKRILL

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: KEIKO NITTEL

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Rezoning Application No. Z03-0046 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, District Lot 134, ODYD, Plan 7981, located on Lakeshore Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone be considered by Council;

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;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

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

2.0 SUMMMARY

The applicant wishes to rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone in order to construct a semi-detached building on the lot. The lot does not meet the minimum lot width requirements for semi-detached or duplex housing. A variance is therefore needed to allow a lot width of 17.6m where 18.0m is required.

3.0 ADVISORY PLANNING COMMISSION

At the August 26, 2003 meeting of the Advisory Planning Commission it was resolved that:

THAT the Advisory Planning Commission supports Rezoning Application No. Z03-0036, 3517 Lakeshore Road, Lot 1, Plan 7981, Sec. 12, Twp. 25, ODYD, Royce Dockrill, to rezone from the RU1-Large Lot Housing zone to the RU6-Two Dwelling Housing zone in order to allow for the construction of a semi-detached dwelling.

4.0 BACKGROUND

4.1 The Proposal

The subject property is located in the south Pandosy/KLO sector, on the east side of Lakeshore Road, south of Swordy Road. The property is currently zoned RU1 – Large Lot Housing, and a single detached home exists on the lot. The applicant wishes to remove the existing house and construct a semi-detached building the property. The applicant has therefore applied to rezone the property to the RU6 – Two Dwelling Housing zone. The property has an existing lot width of 17.6 metres. As the required minimum lot width for a semi-detached dwelling is 18.0 metres, the applicants also requires a development variance permit.

The applicant wishes to construct a two-storey semi-detached building on the property. Each unit would have three bedrooms, two bathroom, a kitchen, and living room on the upper level. The lower level is to consist of two bedrooms, a bathroom, laundry room, a family room, and an entertainment room. Parking for each unit would be provided in a two-car garage at the Lakeshore Road side of the house. Ample parking is also provided in the front driveway.

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

| CRITERIA | PROPOSAL | RU6 ZONE REQUIREMENTS |
|----------------------------|--------------------|--|
| Lot Area (m ²) | 1022m ² | 700m ² |
| Lot Width (m) | 17.6m ❶ | 18.0m |
| Lot Depth (m) | 57.47m | 30.0m |
| Site Coverage (%) | 32.97% 42.0% | 40% for buildings 50% with parking and driveways |
| Storeys (#) | 2 storeys (7.62m) | 2 storeys (9.5m max.) |
| Setbacks (m) | | |
| - Front | 18.0m | 4.5m |
| - Rear | 12.4m | 6.0m for 1 or 1 ½ storey portion 7.5m for 2 or 2 ½ storey portion |
| - North Side | 2.31m | 2.3m for 2 or 2 ½ storey portion |
| - South Side | 2.46m | |
| Parking Spaces | 6 | 4 |

Notes:

- ❶ A variance is required to allow for a site width of 17.6 metres where 18.0 metres is required for a semi-detached dwelling.

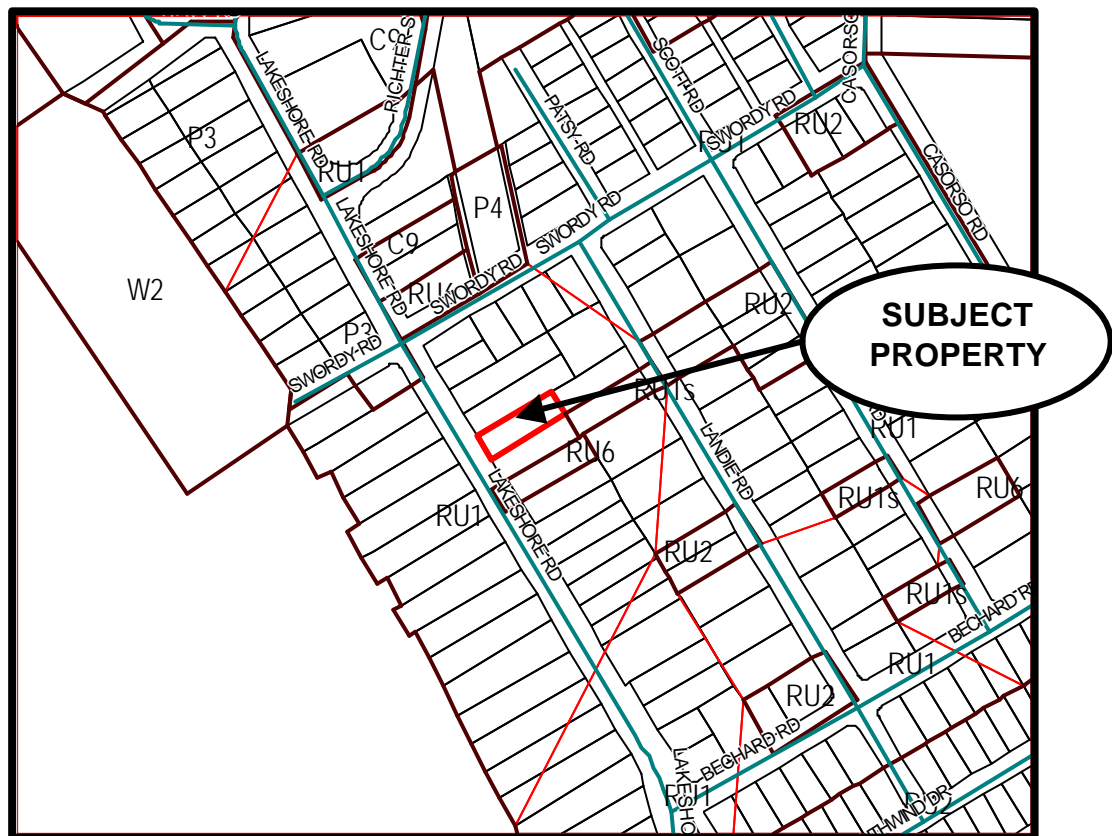
4.2 Site Context

The subject property is located in South Pandosy/KLO Sector. The area is predominantly a single family residential neighbourhood with mainly RU1 – Large Lot Housing and RU2 – Medium Lot Housing zoned properties. Commercial and multiple family zones can be found north of Swordy Road.

Adjacent zones and uses are, to the:

- North - RU1 - Large Lot Housing – single family dwelling
- 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 South Pandosy / KLO Sector Plan (1997)

The South Pandosy / KLO Sector Plan designates the future land use of the subject property as Single / Two Family Residential, and the proposal is consistent with this designation.

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 Aquila Networks Canada

5.2 Fire Department

No comment.

5.3 Inspection Services Department

No concerns.

5.4 Interior Health

Requires connection to sewer and water.

5.5 Parks Department

Parks suggests planting 2 street trees in the front yard to give shade and add character to the duplex. See the Parks website under urban forestry for size and selection.

5.6 RCMP

No comment.

5.7 School District 23

5.8 Shaw Cable

Owner/developer to supply/install a conduit system to Shaw Cable standards & specifications.

5.9 Telus
TELUS has existing aerial service.

5.10 Terasen Utilities Services
No comment.

5.11 Works & Utilities

The Works & utilities Department has the following comments and requirements associated with this application to rezone from RU-1 to RU-6.

1. General

- (a) The proposed rezoning application does not compromise Works and Utilities requirements.

2. Domestic water and fire protection

- (a) This development is within the City service area. This property is currently serviced by the municipal water main. The existing 19mm-diameter copper water services may be retained for use by one side of the proposed duplex. Provide a new water service for the other side of the proposed duplex.

3. Sanitary Sewer

- (a) This property is currently serviced by the municipal sanitary sewer system. The existing 100mm-diameter service must be corrected to meet the applicable MMCD Standards as well as the City of Kelowna By-law 7900 prior to issuance of a building permit.
- (b) The existing sanitary sewer service has short radius elbows within the road right-of-way that must be removed and an Inspection chamber must also be installed.

4. Road Works

- (a) Lakeshore Road in front of this development must be upgraded to a full urban standard including curb and gutter, monolithic sidewalk, piped storm drainage system, fillet pavement, street lights, and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction.
- (b) Lakeshore Road fronting this development is designated as an Arterial Class 1 Parkway (30m R.O.W.) City Standard (SS-R9).

- (c) The estimated cost of this construction for cash-in-lieu purposes is \$13,500.00 (not including the cost of relocating or adjusting of utility poles and other appurtenances)
- (d) Provide a highway allowance widening of Lakeshore Road. See D.A. Watt Consulting preliminary design (B-9) of Lakeshore Rd. for the widening details. This widening is to be accomplished by dedication (2.0 m) and road reserve (10.0 m)
- (e) Verify that physical driveway access to Lakeshore Road will satisfy City requirements for this lot.
- (f) Re-locate existing utilities, where necessary.
- (g) 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. Road Dedication

By registered plan to provide the following:

- (a) Grant Statutory Rights Of Way if required for utility services.
- (b) Provide a highway allowance widening of Lakeshore Road. This widening is to be accomplished by dedication (2.0 m) and road reserve (10.0 additional meters)

6. Electric Power and Telecommunication Services

- (a) If the existing area is served by overhead wiring, the service connections may be provided overhead provided that there are no new poles required and service trespasses will not be created. If either of these conditions is not satisfied, then underground service will be required for that lot.
- (b) It is the developer's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for these services which would be at the applicant's cost.

7. Engineering

The City wishes to defer the construction of urban upgrading on Lakeshore Road, which is premature at this time. Therefore, cash-in-lieu of immediate construction is required and the City will initiate the work later, on its own construction schedule. The cash-in-lieu amount is determined to \$13,500.00, not including utility service costs.

8. Geotechnical Report

As a requirement of this application and building permit approval the applicant must provide a geotechnical report prepared by a Professional Engineer qualified in the field of hydro-geotechnical survey to address the following:

- (a) Area ground water characteristics, including water sources on the site.
- (b) Site suitability for development; i.e. unstable soils, foundation requirements etc.
- (c) Drill and/or excavate test holes on the site and install piezometers if necessary. Log test hole data to identify soil characteristics, identify areas of fill if any. Identify unacceptable fill material, analyse soil sulphate content, identify unsuitable underlying soils such as peat, etc. and make recommendations for remediation if necessary.
- (d) List extraordinary requirements that may be required to accommodate construction of roads and underground utilities as well as building foundation designs.

9. Survey Monuments and Iron Pins

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

10. Development Permit Variance

- (a) The requested Lot Width variance does not compromise Works and Utilities servicing requirements.

11. Bonding and Levy Summary

| | | |
|-------------|--------------------------------|-------------|
| <u>Levy</u> | Lakeshore Rd frontage upgrades | \$13,500.00 |
|-------------|--------------------------------|-------------|

Total The cash-in-lieu
\$13,500.00

NOTE: The amounts shown above are comprised of estimated construction costs escalated to include engineering design and contingency protection and are provided for information purposes only. Bonding for required off-site construction must be provided as a condition of I or building permit issuance, and may be in the form of cash or an irrevocable letter of credit, in an approved format.

6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Corporate Services Department has no concerns regarding the proposed rezoning of the property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone. The proposal is consistent with the OCP future land use designation of Single/Two Family Residential and South Pandosy/KLO Sector Plan.

Staff are concerned with the pattern of development that is starting to emerge with construction of semi-detached/duplex development on lots that do not meet the minimum standards outlined in the Zoning Bylaw. Staff feel that, with the rezoning of the property to RU6, there is the potential to construct two units without compromising the requirements of the Zoning Bylaw. In cases where the minimum standards may not be met for a duplex or semi-detached dwelling, the construction of a secondary suite is a viable alternative. In order to facilitate the construction of the proposed semi-detached building, the applicant also requires a development variance permit for lot width. Staff are not supportive of the requested for variance to allow a width of 17.6 metres where 18.0m is required.

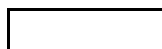
Staff acknowledge that they were previously supportive of a similar proposal by the applicant two properties south of the subject property. The property was rezoned and of a development variance permit for lot width granted allowing the construction of a semi-detached building of the same design as that proposed. Subsequently, however, an inspection conducted by Bylaw Services has revealed that 2 illegal dwelling units have been constructed in the lower level of the semi-detached building. The applicant is currently under order to remove the illegal dwelling units. Staff are therefore concerned that, given the form and layout of the building, the proposed building also has the potential to be easily converted into an illegal four-plex. Although the use of the property for two dwellings can be supported, the design of the building could be improved to ensure that the use will be for 2 permanent dwellings. With this in mind, it appears the design of the proposed new building does not demonstrate that the subject property is suitable for two unit dwellings

In addition, although form and character of the proposed house are not subject of this application, the department encourages the applicant to revisit the design of the front elevation of the building, in order to minimize the impact of the garage doors and reduce the semi-detached appearance of the house. the applicant is encouraged to incorporate landscaping that would provide private outdoor living space for the tenants of each unit, provide a more prominent (and visually appealing) front entrance.

Andrew Bruce
Development Services Manager

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

Approved for inclusion



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Attach.

FACT SHEET

- | | | |
|-----|--|--|
| 1. | APPLICATION NO.: | Z03-0036 |
| 2. | APPLICATION TYPE: | Rezoning Application |
| 3. | OWNER: | Eric Weiss |
| | · ADDRESS | 316 Upland Drive |
| | · CITY | Kelowna |
| | · POSTAL CODE | |
| 4. | APPLICANT/CONTACT PERSON: | Royce Dockrill |
| | · ADDRESS | 3527 Lakeshore Rd |
| | · CITY | Kelowna, BC |
| | · POSTAL CODE | V1Y 3K1 |
| | · TELEPHONE/FAX NO.: | 878-5876 |
| 5. | APPLICATION PROGRESS: | |
| | Date of Application: | July 7, 2003 |
| | Date Application Complete: | July 7, 2003 |
| | Servicing Agreement Forwarded to Applicant: | N/A |
| | Servicing Agreement Concluded: | N/A |
| | Staff Report to APC: | July 24, 2003 |
| | Staff Report to Council: | September 16, 2003 |
| 6. | LEGAL DESCRIPTION: | Lot 1, D.L. 134, ODYD, Plan 7981 |
| 7. | SITE LOCATION: | South Pandosy / KLO Sector, on the east side of Lakeshore Road, south of Swordy Road |
| 8. | CIVIC ADDRESS: | 3517 Lakeshore Road Kelowna, BC |
| 9. | AREA OF SUBJECT PROPERTY: | 1006m" |
| 10. | AREA OF PROPOSED REZONING: | 1006m" |
| 11. | EXISTING ZONE CATEGORY: | RU1 – Large Lot Housing |
| 12. | PROPOSED ZONE: | RU6 – Two Dwelling Housing Zone |
| 13. | PURPOSE OF THE APPLICATION: | To rezone the property to RU6 and vary the lot width |
| 14. | MIN. OF TRANS./HIGHWAYS FILES NO.: NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY | N/A |
| 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
- Floor plans
- Elevations