
CITY OF KELOWNA

MEMORANDUM

Date: March 30, 2004
File No.: DVP03-0074

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. DVP03-0074 OWNER: ROYCE & LEEANN DOCKRILL
AT: 3517 LAKESHORE ROAD APPLICANT: ROYCE DOCKRILL

PURPOSE: TO VARY THE REQUIRED LOT WIDTH TO ALLOW A SEMI-DETACHED DWELLING IN 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 Final Adoption of Zoning Bylaw No. 9099 be considered by Council;

AND THAT Council not authorize the issuance of Development Variance Permit No. DVP03-0074; Lot 1, District Lot 134, ODYD, Plan 7981, located on Lakeshore Road, Kelowna, B.C.;

AND THAT a variance to the following section of Zoning Bylaw No. 8000 not be granted:

13.6.5 (b) Minimum lot width requirement for semi-detached housing:

A variance to allow a minimum lot width of 17.6 m for semi-detached housing from 18.0m required to 17.6m existing.

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 Development Variance Permit Application No. DVP03-0074, 3517 Lakeshore Road, Lot 1, Plan 7981, Sec. 12, Twp. 25, ODYD, by Royce Dockrill to obtain a development variance permit to allow for a lot width of 17.6 m where 18.0 m is required for duplex housing.

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 on 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 or duplex dwelling is 18.0 metres, the applicant 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 bathrooms, a kitchen, and a 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.

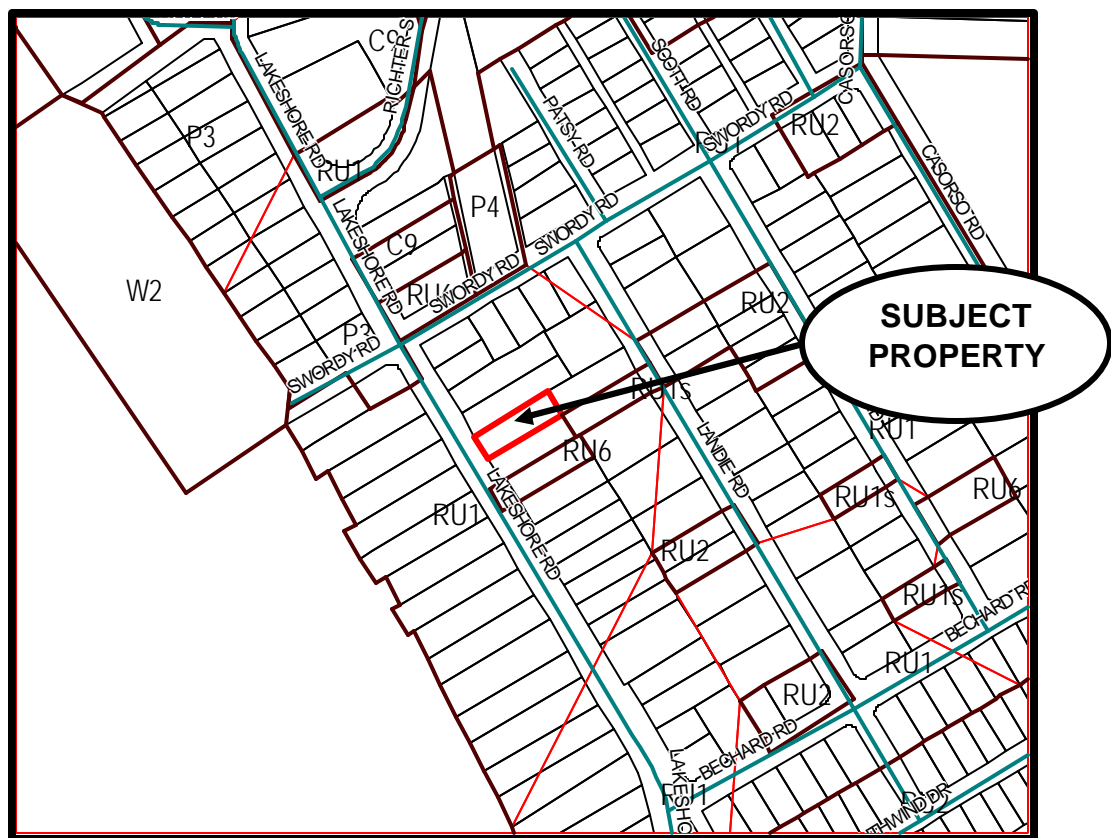
4.2 Site Context

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

No response.

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.

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).

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
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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 building permit issuance, and may be in the form of cash or an irrevocable letter of credit, in an approved format. Bonding is to be paid at the time of building permit.

6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Corporate Services Department had no concerns with the associated rezoning application to amend the zoning of the property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone. Staff, however, are not supportive of the proposed variance to minimum lot width for semi-detached or duplex housing. 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 minimum lot width requirements of the Zoning Bylaw. In cases where the minimum lot width standard may not be met for a duplex or semi-detached dwelling, the construction of a secondary suite is a viable alternative. Staff are therefore not supportive of the requested variance to allow a width of 17.6 metres where 18.0m is required for semi-detached or duplex housing.

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 a development variance permit for lot width was granted allowing the construction of a semi-detached building of the same design as that proposed with this rezoning application. Subsequently, however, an inspection conducted by Bylaw Services revealed that 2 illegal dwelling units have been constructed in the lower level of the semi-detached building located 2 properties to the south. The additional dwelling units were also found to be advertised as weekly vacation rentals. The applicant was therefore ordered 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 only.

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 also encouraged to incorporate landscaping that would provide private outdoor living space for the tenants of each unit and provide a more prominent (and visually appealing) front entrance.

ALTERNATE RECOMMENDATION

THAT Final Adoption of Zoning Bylaw No. 9099 be considered by Council;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP03-0074; Lot 1, District Lot 134, ODYD, Plan 7981, located on Lakeshore Road, Kelowna, B.C.;

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

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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.:** DVP03-0074
2. **APPLICATION TYPE:** Development Variance Application
3. **OWNER:** Royce & Leeann Dockrill
· **ADDRESS** 3527 Lakeshore Rd
· **CITY** Kelowna, BC
· **POSTAL CODE** V1Y 3K1
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: November 5, 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 vary required the lot width to allow for the construction of a semi-detached dwelling.
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
- Floor plans
- Elevations