
**CITY OF KELOWNA
MEMORANDUM**

Date: March 21, 2007
To: City Manager
From: Planning & Development Services Department
Subject:

APPLICATION NO. DP06-0087 **APPLICANT:** Richard Beavington
DVP06-0081

AT: 510 Rutland Road North **OWNER:** Richard Beavington

PURPOSE: TO OBTAIN A DEVELOPMENT PERMIT TO ALLOW FOR THE
RELOCATION OF A SECOND DWELLING UNIT ON THE SUBJECT
PROPERTY.

TO OBTAIN A DEVELOPMENT VARIANCE PERMIT IN ORDER TO
VARY THE REQUIRED LOT WIDTH FOR THE RM1 - FOURPLEX
HOUSING ZONE FROM 20 M REQUIRED TO 18 M PROPOSED.

EXISTING ZONE: RU1 – LARGE LOT HOUSING ZONE

PROPOSED ZONE RM1 – FOUR DWELLING HOUSING

REPORT PREPARED BY: NELSON WIGHT

1.0 RECOMMENDATION

THAT final adoption of Zone Amending Bylaw No. 9636 be considered by Council;

AND THAT Council authorize the issuance of Development Permit No. DP06-0087 for The South 60 Feet of Lot 2, Section 26, Township 26, O.D.Y.D. Plan 3949, located on Rutland Road, Kelowna, B.C. subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. Landscaping to be provided on the land be in general accordance with Schedule "C";
4. The applicant be required to post with the City a Landscape Performance Security deposit in the form of a "Letter of Credit" in the amount of 125% of the estimated value of the landscaping, as determined by a professional landscaper;

AND FURTHER THAT the applicant be required to complete the above noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

AND THAT Council authorize the issuance of Development Variance Permit No. DVP06-0081 for The South 60 Feet of Lot 2, Section 26, Township 26, O.D.Y.D. Plan 3949, located on Rutland Road, Kelowna, B.C.;

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

Section 13.7.5(a) RM1 – Four Dwelling Housing (Subdivision Regulations)

A variance to allow a lot width of 18.2 m where 20.0 m is required.

2.0 SUMMARY

There is an existing single family home situated on the west side of the subject property, and this proposed second house would be sited on the east side, fronting Rutland Road. To achieve this development, the Applicant seeks approval for the following:

- (a) a rezoning from RU1 to RM1
- (b) a Development Variance Permit to allow for a reduced lot width of 18 m, where 20 m is required in the RM1 zone (DVP06-0081); and
- (c) a Development Permit to address the form and character of the two dwelling units proposed for this property (DP06-0087).

3.0 ADVISORY PLANNING COMMISSION

At a meeting held on May 23, 2006—after the initial motion to support was defeated in a 5-4 vote—APC passed the following motion:

THAT the Advisory Planning Commission NOT support Rezoning Application No. Z06-0027, for 510 Rutland Road, The South 60 Feet of Lot 2, Section 26, Township 26, O.D.Y.D. Plan 3949, by R. Beavington, to rezone from the RU1 – Large Lot Housing zone to the RM1 – Four Dwelling Housing zone, in order to allow for the construction of a four plex.

As a result of the APC not supporting the Rezoning Application, there is no recommendation for Development Permit Application No. DP06-0087 and Development Variance Permit Application No. DVP06-0081.

NOTE: Although the APC did not include a rationale in their recommendation for non-support, the minutes from that meeting record their deliberation, and are attached to this report for Council's consideration.

4.0 COMMUNITY HERITAGE COMMISSION

At a meeting held on June 6, 2006, the CHC passed the following motion:

THAT the CHC supports the attempt to preserve the Barber House through its relocation and recommends that Council consider delaying any action that could result in demolition of the structure.

UNANIMOUSLY CARRIED

5.0 BACKGROUND

5.1 The Proposal

The Applicant resides in an existing single family dwelling, which was recently moved to the Montgomery Road side of this double-fronting lot. This application seeks to allow the relocation of the Barber house onto the Rutland Road side of the property, which would accommodate an additional dwelling. Vehicle access to the property would be from Montgomery Road, with surface parking provided between the two houses.

The existing house accommodates one single family dwelling. Floor plans for the Barber house also show living space for only one single family dwelling. However, there is a separate access to the basement area, which could be developed as a third dwelling unit in the future.

The stucco siding on the Barber house is to be removed, exposing the original horizontal wood siding. The existing house has vinyl siding. The owner has replaced the roof, which had been removed to allow it to be transported to the site. Some minor alterations to the roof were made to the original design, but appear to improve the appearance of the house (see especially the east elevation drawing).

The owner intends to make further improvements to the house to restore it to a more authentic design, based on research conducted with members of the community who recall the original design of the house. A covered veranda is to be added to the east and south sides of the house. Aside from those changes, the home is to be restored further, with the removal of the stucco siding, and repair/painting of the underlying horizontal siding.

The Barber house is to be painted to match the existing house on the Montgomery side of the property as follows: main colour – Linen, accent colour on corner boards – Sandlewood; and trim colour: burgundy.

The table below shows this application's compliance/non-compliance with the requirements of the RM1 zone:

Project details	Site area:	1,092 m ² (0.27 ac)
	Existing Bldg. Footprint:	93.6 m ²
	New Bldg. Footprint:	78 m ²
	Existing Bldg. Floor Area	156 m ²
	New Floor Area:	232 m ²
	Number of Units	3 units
CRITERIA	PROPOSAL	RM1 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	1,092 m ² (0.27 ac)	700 m ²
Lot Width	18 m ^A	20.0 m
Lot Depth	61 m	30.0 m
Development Regulations		
Floor Area Ratio	0.36	0.6
Site Coverage (buildings)	18%	40%
Site Coverage (buildings/parking)	35%	50%
Height (proposed house)	2 ½ storeys / < 9.5 m	2 ½ storeys / 9.5 m
Height (existing house)	2 storeys / < 9.5 m	2 ½ storeys / 9.5 m
Front Yard (Montgomery Rd.)	4.5 m	4.5 m or 6.0 m to a garage
Side Yard (north)	3.7 m	2.0 m (1 or 1 ½ storey portion) 2.5 m (2 or 2 ½ storey portion)
Side Yard (south)	3.4 m	2.0 m (1 or 1 ½ storey portion) 2.5 m (2 or 2 ½ storey portion)
Front Yard (Rutland Rd.)	7.6 m	4.5 m or 6.0 m to a garage

Other requirements		
Parking Stalls (#)	5 spaces	2 per dwelling unit 2 stalls x 2 units = 4 spaces
Landscaping	meets requirements	Front – Level 2 buffer ^B North – Level 3 buffer ^C South – Level 3 buffer
Private Open Space	meets requirements	25 m ² of private open space per dwelling

^A The Applicant is applying to vary this requirement, to allow an 18 m lot width, where 20 m is required for the RM1 zone.

^B **Level 2:** a minimum 3.0 m landscape buffer is required to separate uses from adjacent properties and will consist of a vegetative buffer where no continuous opaque barrier is required;

^C **Level 3:** a minimum 3.0 m landscape buffer is required to separate uses from adjacent properties and will consist of a vegetative buffer or a continuous opaque barrier;

5.2 Site Context

The subject property is a double-fronting lot on Rutland and Montgomery Roads, which is just south of the intersection of Rutland Road and Leathead/Bach. The surrounding area has been developed primarily as a single-family neighbourhood. More specifically, the adjacent land uses are as follows:

North- RU1 – Large Lot Housing zone

East RU1 – Large Lot Housing zone

South RU1 – Large Lot Housing zone

West RU1 – Large Lot Housing zone

5.3 Existing Development Potential

The property is RU1 – Large Lot Housing. The purpose is to provide a zone for single detached housing, and compatible secondary uses, on larger serviced urban lots.

5.4 Current Development Policy

5.4.1 City of Kelowna Strategic Plan (2004)

Objective #4 – Realize construction of housing forms and prices that meet the needs of Kelowna residents.

Objective #5 – Achieve accessible, high quality living and working environments.

Objective #7 – Sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas.

5.4.2 Kelowna 2020 Official Community Plan (OCP)

Future Land Use Designation - The property is designated Multiple Unit Residential (low density), pursuant to Map 19.1 of the OCP. The proposed RM1 zone is consistent with that future land use designation.

6.0

TECHNICAL COMMENTS

Fire Department

Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw.

Inspections Department

Parking layout does not meet requirements of proposal to rezone to RM1. Building Permits required for additional units and to meet requirements of BCBC 1998.

NOTE: The Applicant has revised the site plan to show an improved parking layout, which complies with the requirement of the Zoning Bylaw.

Ministry of Transportation

No objection.

Parks Department

The owner will be responsible to weed, water and mow the boulevards adjacent to the property. The owner will also be responsible for maintaining the boulevard in a reasonably tidy condition, free and clear of garbage, litter or debris.

Works and Utilities Department

The Works & utilities Department comments and requirements regarding this application to rezone from RU-1 to RM-1 are as follows:

Subdivision

Provide easements as required.

Geotechnical Report

We recommend that a comprehensive geotechnical study be undertaken over the entire site. The geotechnical study should be undertaken by a Professional Engineer or a Geoscientist competent in this field. This study should analyse the soil characteristics and suitability for development of the requested zoning. As well, the study should address drainage patterns including the identification of ground water and the presence of any springs and the suitability of the lands for disposal of site generated storm drainage. In addition this study must describe soil sulphate contents, the presence or absence of swelling clays.

Domestic Water and Fire Protection

This development is within the service area of the Rutland Waterworks Irrigation District (RWD). A larger service may be required in order to meet current policies. The developer is required to make satisfactory arrangements with the RWD for these items. All charges for service connection and upgrading costs are to be paid directly to the RWD. The developer is required to provide a confirmation that the district is capable of supplying fire flow in accordance with current requirements.

Sanitary Sewer

The subject property is located within Specified Area # 20 and is serviced to the property line. The cash commuting amount is \$6,935.35 per Equivalent Dwelling Unit (EDU). For the requested RM 1 the EDU is 0.7 per dwelling which amounts to \$14,564.24 ((\$6,935.35 x 3 x 0.7). The

cash commuting amount is payable prior to the approval of this application. (charge valid to March 31, 2007.

Power and Telecommunication Services

The services to this development are to be installed underground. It is the developer's responsibility to make a servicing application to the respective utility companies. The utility companies are then required to obtain the city's approval before commencing their works.

Road Improvements

- a) Montgomery Road must be upgraded to a full urban standard including a sidewalk curb and gutter, piped storm drainage system, fillet pavement, street lights, and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction. The cost of this frontage upgrade is estimated at \$13,800.00 and is inclusive of a bonding escalation.
- b) The existing driveway on Rutland Road must be removed and reconstructed with a curb. The cost of this frontage upgrade is estimated at \$5,600.00 and is inclusive of a bonding escalation.

Engineering

Design, construction, supervision and inspection of all off-site civil works and site servicing must be performed by a consulting civil Engineer and all such work is subject to the approval of the city engineer:

Design and Construction

- a) Design, construction supervision and inspection of all off-site civil works and site servicing must be performed by a Consulting Civil Engineer and all such work is subject to the approval of the City Engineer. Drawings must conform to City standards and requirements.
- b) Engineering drawing submissions are to be in accordance with the City's "Engineering Drawing Submission Requirements" Policy. Please note the number of sets and drawings required for submissions.
- c) Quality Control and Assurance Plans must be provided in accordance with the Subdivision, Development & Servicing Bylaw No. 7900 (refer to Part 5 and Schedule 3).
- d) A "Consulting Engineering Confirmation Letter" (City document 'C') must be completed prior to submission of any designs.
- e) Before any construction related to the requirements of this subdivision application commences, design drawings prepared by a professional engineer must be submitted to the City's Works & Utilities Department. The design drawings must first be "Issued for Construction" by the City Engineer. On examination of design drawings, it may be determined that rights-of-way are required for current or future needs.

Servicing Agreement

- a) A Servicing Agreement is required for all works and services on City lands in accordance with the Subdivision, Development & Servicing Bylaw No. 7900. The applicant's Engineer, prior to preparation of Servicing Agreements, must provide adequate drawings and estimates for the required works. The Servicing

Agreement must be in the form as described in Schedule 2 of the bylaw.

- b) Part 3, "Security for Works and Services", of the Bylaw, describes the Bonding and Insurance requirements of the Owner. The liability limit is not to be less than \$5,000,000 and the City is to be named on the insurance policy as an additional insured.
Bonding and Levy Summary

a) Performance Bonding

Montgomery Road frontage upgrade	\$13,800.00
Rutland Road driveway removal	<u>\$ 5,600.00</u>
Total performance security	<u>\$19,400.00</u>

Note that the applicant is not required to do the construction. The construction can be deferred and the City will initiate the work later at its own construction schedule

b) Levies

Sanitary sewer area # 20 charge (account # 955 - 40 - * - SA20 - *)	<u>\$14,564.24</u>
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7.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

Site Safety Issues

There were some issues raised recently regarding site safety. As a result, one of the City's building inspectors visited the site, and re-iterated the need to properly fence the construction site. The following day, the applicant had complied with that direction.

Development Variance Permit

Staff considers that the proposed relocation of the Barber House to this site represents a sensitive infill project that also achieves the preservation of a valuable heritage resource. Consequently, Staff is recommending that the zoning be adopted and that the development variance permit regarding a reduced lot width be favourably considered by Council.

Development Permit

It is encouraging to see the applicant researching the historical elements of this house, and using that information to inform choices made with regard to siding, colour, and the veranda element. Staff considers that the applicant is on the right track, and will continue to work through some minor changes to the design prior to issuance of the development permit. In particular, the following comments will need to be addressed:

- corner detail needs to be added, once the stucco siding is removed (Staff has added this detail to the drawings);
- eaves could be extended further; also ensure that if soffit needs replacing that it is done in wood, not vinyl;
- gable detail using cedar shakes, or convincing, durable substitute (e.g. Hardi-plank) is good;

- ensure supporting columns on veranda properly proportioned (i.e. appear a bit thin on drawings)


With regard to the landscaping, the applicant has also given thoughtful consideration to the necessary details, such as: flagstone pathway connection to Rutland Road; original fence detail with vegetation, paving stone patio at the rear of the house, etc.

However, Staff will also require some minor changes to the following elements:

- reduce parking and driveway area to a minimum; ensure durable dust free surface, and preferably something that provides texture and a residential character (e.g. concrete pavers, as opposed to asphalt);
- ensure privacy fencing and/or vegetative screening on both the north and south property lines;

Staff considers this to be a model development in its concept. In particular, this infill project could achieve the preservation of a heritage resource in a manner that is sensitively integrated into the surrounding community. Although the Barber house did not score high enough to be put on the heritage register, it does have a high degree of historical significance.

There is, however, some concern with the execution of the project, but Staff will continue to work through those minor changes needed to the drawings that are necessary, prior to issuance of the development permit.


Shelley Gambacort
Acting Development Services Manager

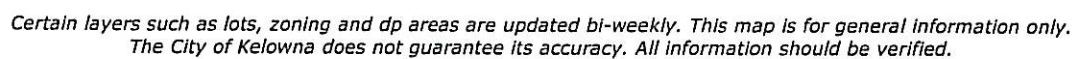
Approved for inclusion

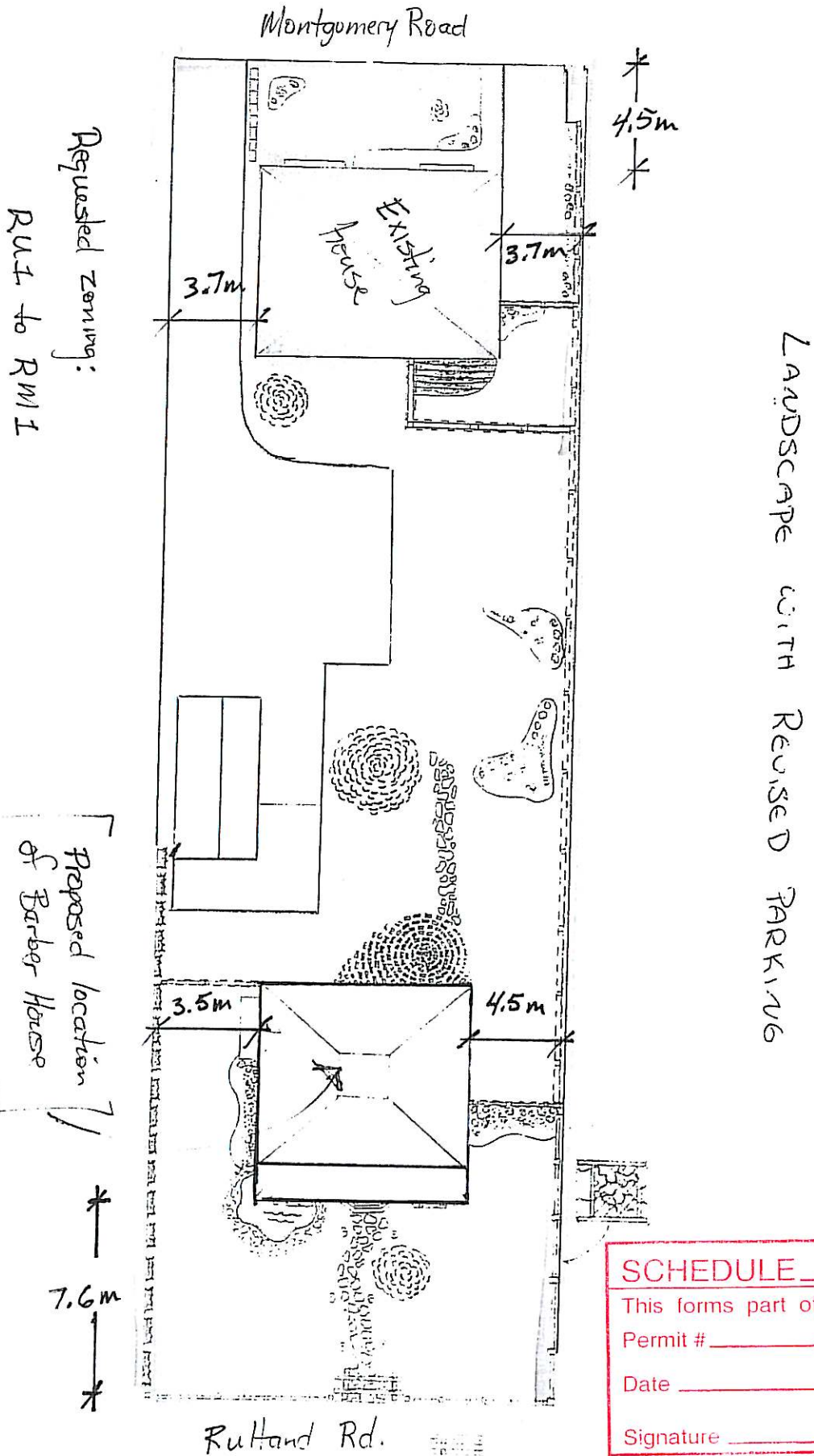


Mary Pynenburg, MRAIC MCIP
Director of Planning & Development Services

NW/nw

ATTACHMENTS (13 pages)
Location of subject property
Schedule A (4 pages)
Schedule B (4 pages)
Schedule C
APC Minutes from May 23, 2006 meeting (3 pages)





SCHEDULE A (1 of 4)

This forms part of development

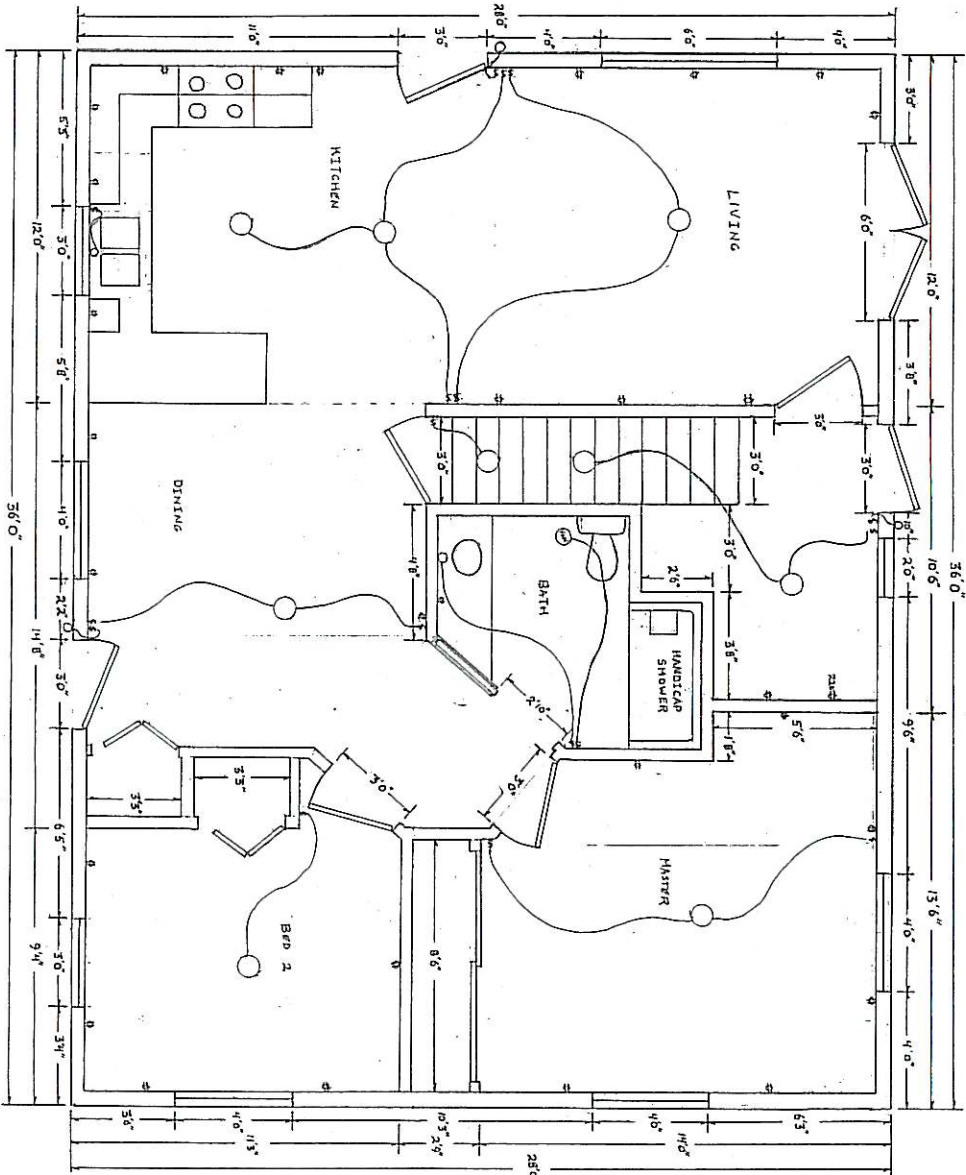
Permit # _____

Date _____

Signature _____

Montgomery Rd House

Main Floor



SCHEDULE A (2 of 4)

This forms part of development

Permit # _____

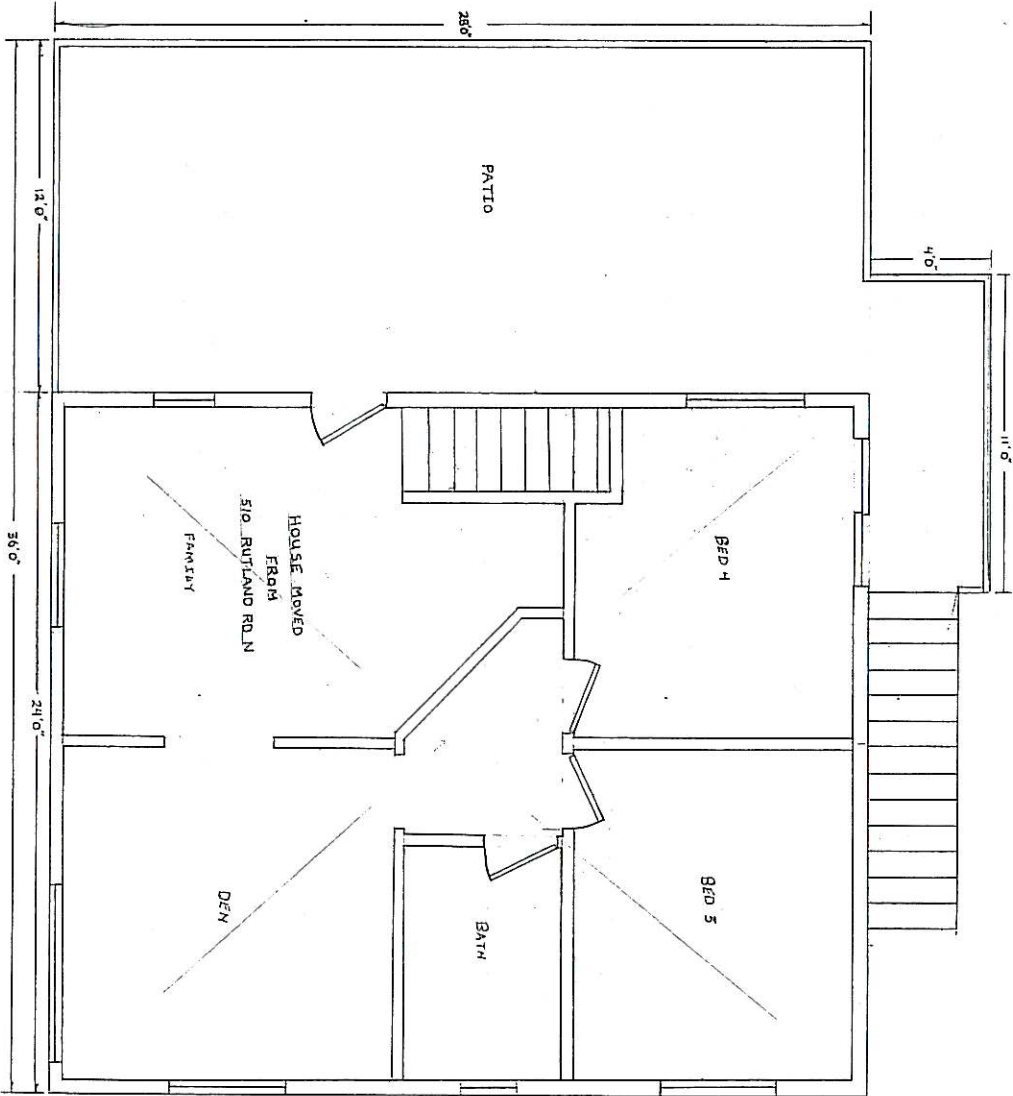
Date _____

Signature _____

STO RUTLAND RD N.	HOUSE MOVE	MAR 2005
FIRST FLOOR	2.5.6	SCALE 1/4" = 1'

Montgomery Rd. House

Second Floor



SCHEDULE A (3 of 4)

This forms part of development

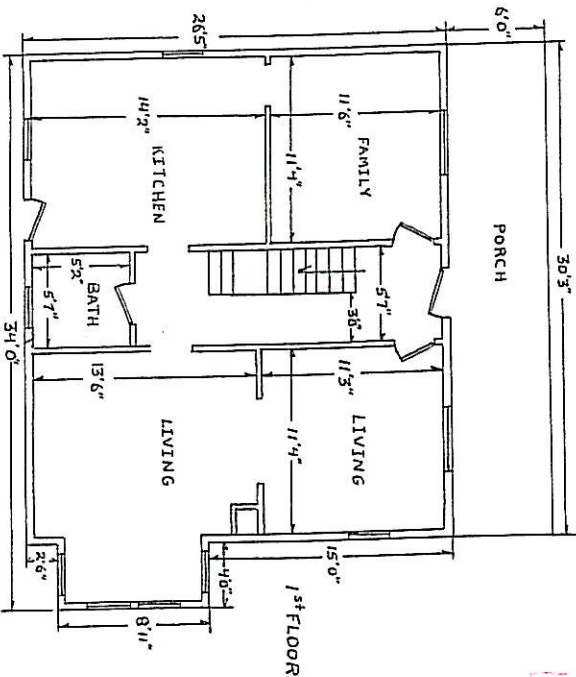
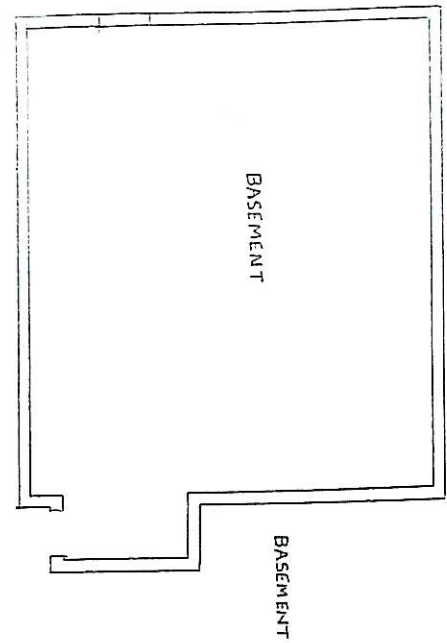
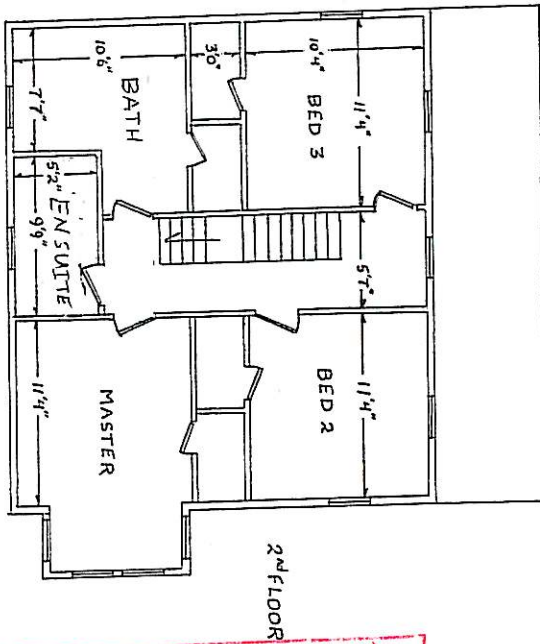
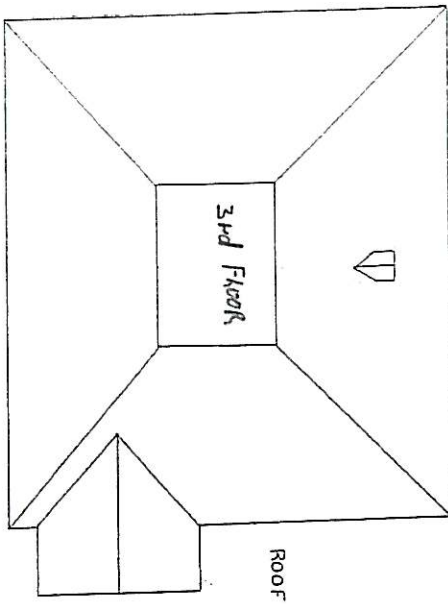
Permit # _____

Date _____

Signature _____

Barber House Floor Plans

Reviewed
by City of Kelowna
Inspection Services



RECEIVED

SCHEDULE A (4 of 4)

This forms part of development

Permit # _____

Date _____

Signature _____

FEB 27 2007
CITY OF KELOWNA
PLANNING DEPT.

Montgomery Rd. House

Elevations

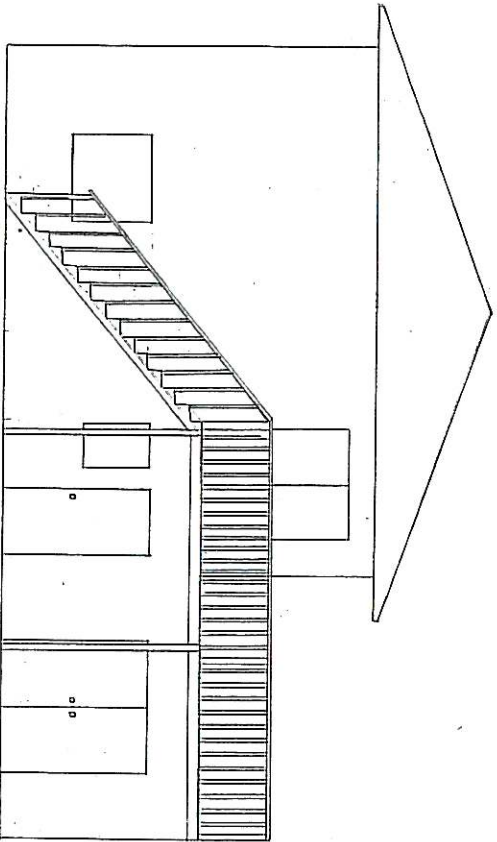
SCHEDULE B (1 of 4)

This forms part of development

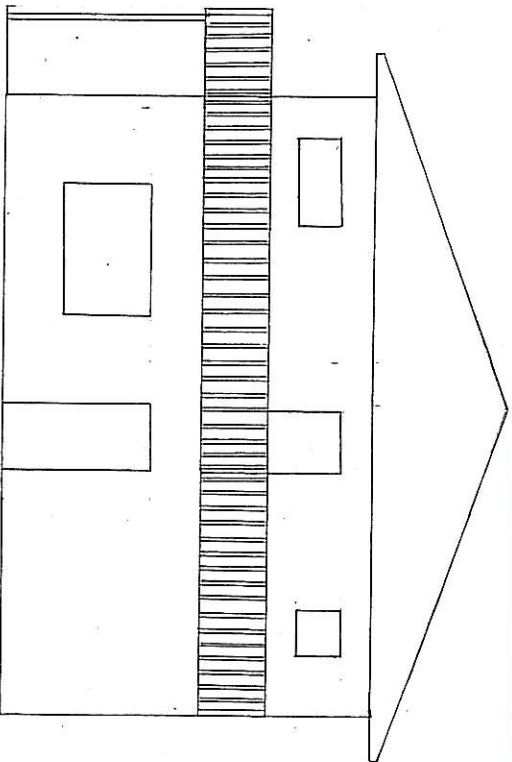
Permit # _____

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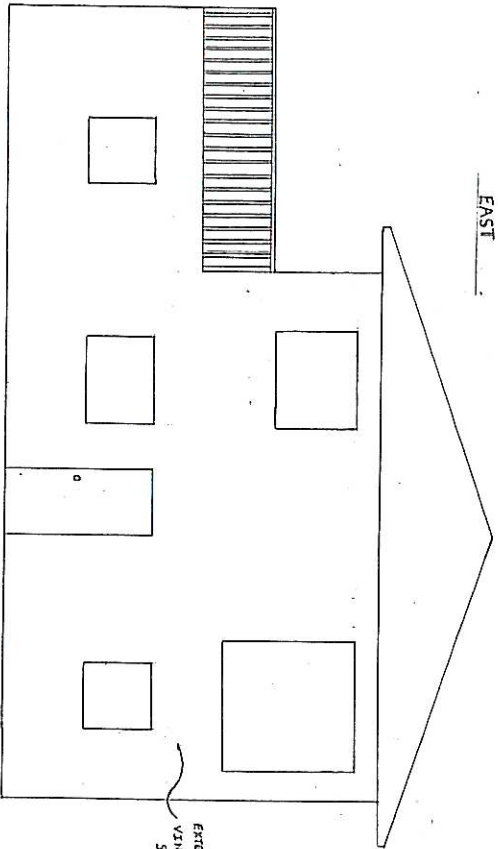
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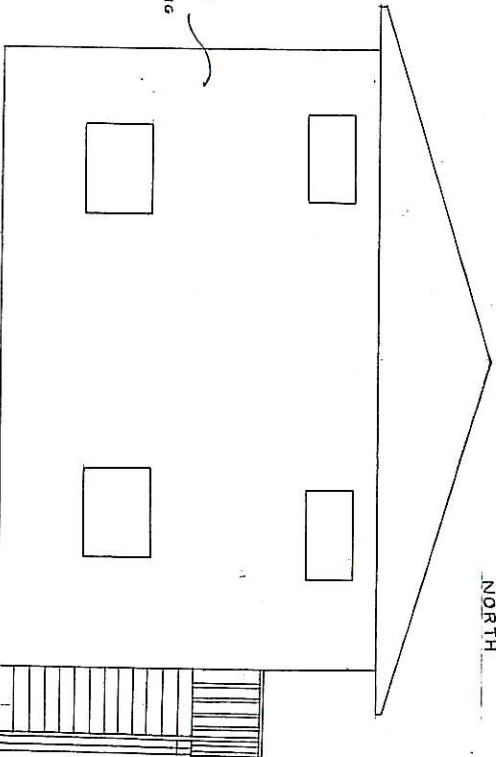
EAST



NORTH



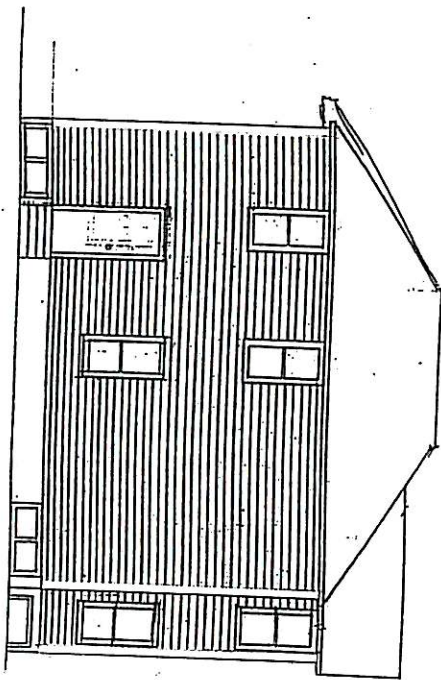
WEST



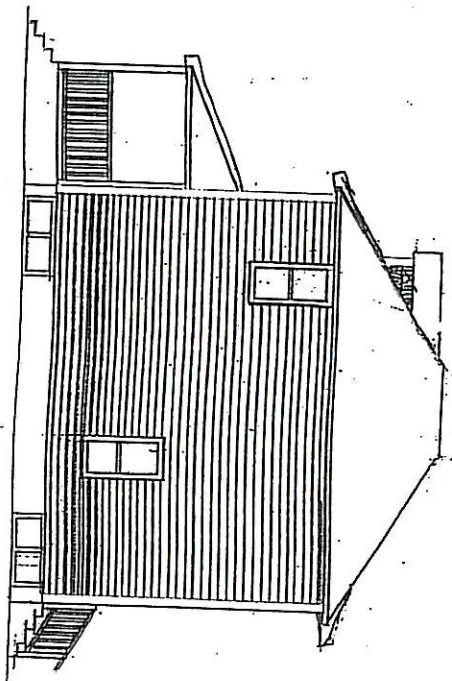
SOUTH

EXTERIOR
VINYL
SIDING

Barber House Elevations



WEST VIEW



NORTH VIEW

SCHEDULE B (2 of 4)

This forms part of development

Permit # _____

Date _____

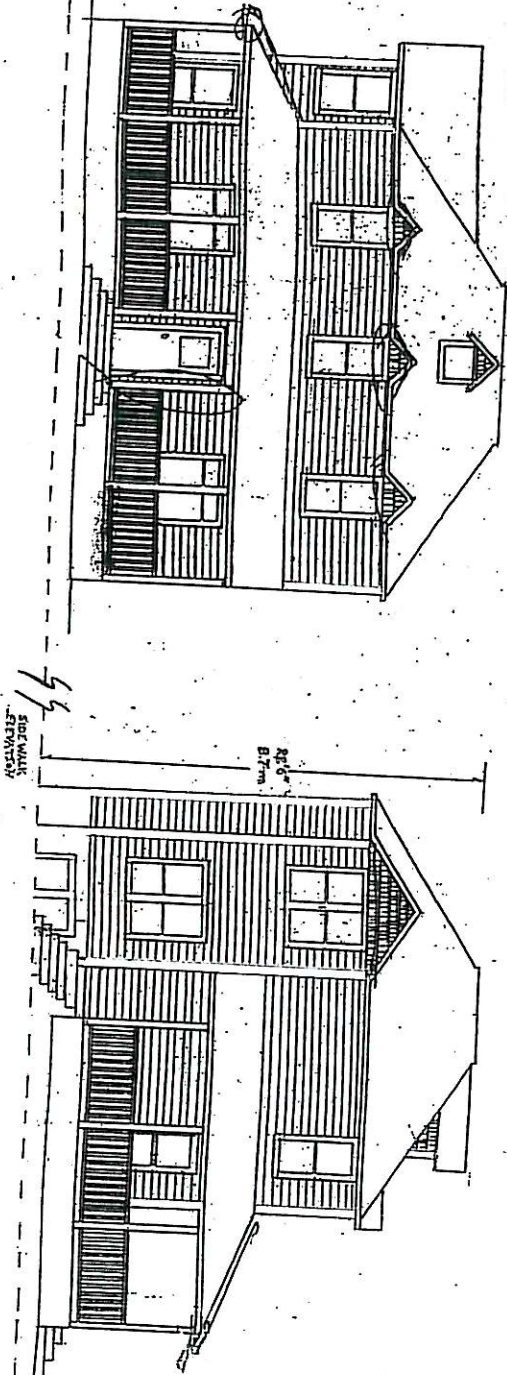
Signature _____

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FEB 27 2007

CITY OF KELOWNA
PLANNING DEPT.

Barber House Elevations



SCHEDULE B (3 & 4)

This forms part of development

Permit # _____

Date _____

Signature _____

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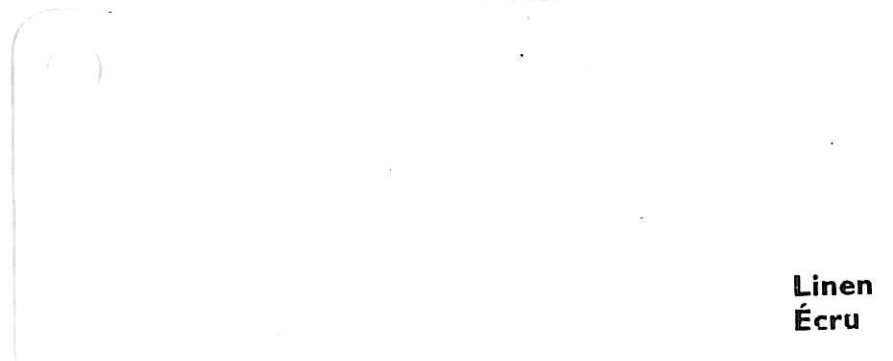
FEB 27 2007

CITY OF CINCINNATI
PLANNING DEPT.

Richard M. Brumby
City Engineer
Barber House
Revised Deck
Feb. 2007

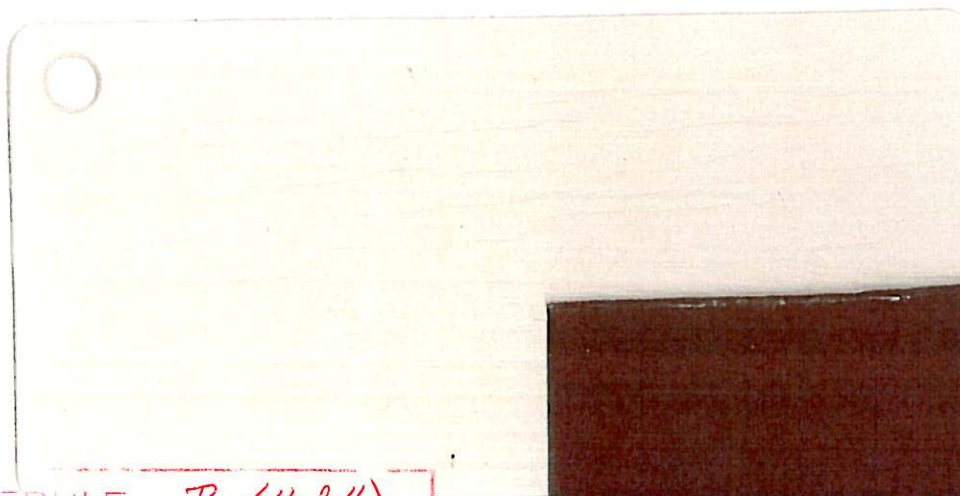


ROOFING

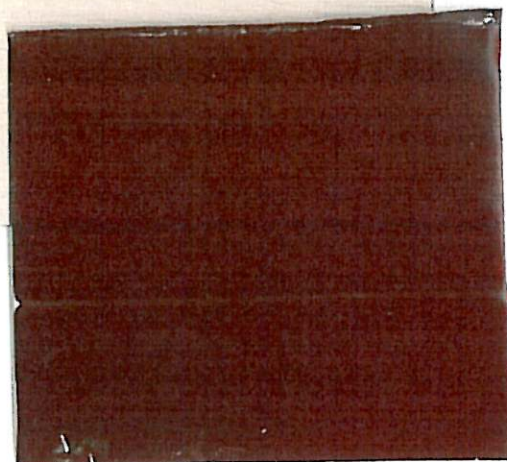


MAIN
HOUSE
COLOR

Linen
Écru



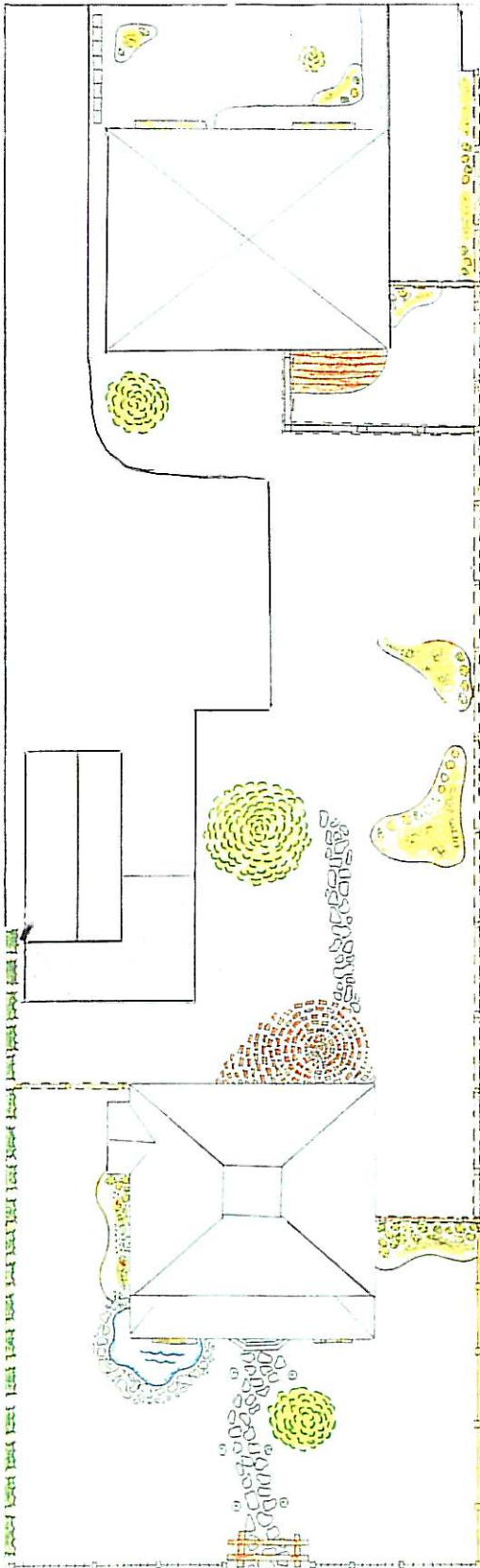
ACCENT
COLOR



TRIM
COLOR

SCHEDULE <u>B (4 of 4)</u>
This forms part of development
Permit # _____
Date _____
Signature _____

LANDSCAPE WITH REVISED PARKING



SCHEDULE C (1 & 1)

This forms part of development

Permit # _____

Date _____

Signature _____

RECEIVED

FEB 27 2007

CITY OF KELOWNA
PLANNING DEPT.

RECOMMENDATION

Moved by Antle/Braden

AND THAT the Advisory Planning Commission supports Development Variance Permit Application No. DVP06-0078, for 474 West Avenue, Lot 2, Plan 3211, Sec. 13, Twp. 25, ODYD, by Worman Resources (Shane Worman), to obtain a Development Variance Permit to vary the side yard setback from 4.5 m to 3.5 m; to vary the required drive aisle width for 2 way traffic from 7.0 m to 3.65 m.

Carried

Items 16, 17 & 18 are to be considered together

- ITEM 16. Location/Legal:** 510 Rutland Road N/Lot 2, Plan 3949, Sec. 26, Twp. 26, ODYD
Application No: Z06-0027
Applicant/Owner: R. Beavington
Purpose: To rezone from the Ru1-Large Lot Housing zone to the RM1-Four Plex Housing zone in order to allow for construction of a four-plex.
- ITEM 17. Location/Legal:** 510 Rutland Road N/Lot 2, Plan 3949, Sec. 26, Twp. 26, ODYD
Application No: DP06-0087
Applicant/Owner: R. Beavington
Purpose: To obtain a Development Permit to allow construction of a four-plex.
- ITEM 18. Location/Legal:** 510 Rutland Road N/Lot 2, Plan 3949, Sec. 26, Twp. 26, ODYD
Application No: DVP06-0081
Applicant/Owner: R. Beavington
Purpose: To obtain a Development Variance Permit to allow for an 18 m lot width where 20 m is required.

Staff

- Applicant currently resides in the Montgomery side of the property. Wishing to relocate a house onto the subject property. Applicant has provided a satisfactory landscape plan. Staff has no significant concerns regarding the applications. The proposed land use is consistent with the OCP. Applicant to provide additional exterior finishing detail. More amenity space may be provided via alternate parking.

Applicant

- Was going to change to a RU6 zone, but doesn't conform to OCP according to staff. The Barber Farm House recently became available again and he aims to restore it to original finish in the era of 1912. House is dated to the 1960's stucco finish. Ample lot size encourages additional density.
- Concerns with the driveway are that it originally was too large; therefore lawn overlay makes more appealing use. The exterior of the building is 5 inch fir drop siding.

Gallery

(Jack Singer, 135 Leathhead Rd.)

- Strongly opposed to the development: Montgomery comes to a lane, and if City allows for single rezoning then it will establish a precedent.
- The northern lot is rezoned and has had several establishments of general retail pursued.

(Yala Prad, 450 Montgomery Rd.)

- Asked for a vote of 'concern' from the audience; several raised their hands.
- Timeline of development has been inappropriate and has created substantial safety concerns for the neighborhoods and children. It has been an eyesore.
- Parking will be limited if it is not accessed via Rutland Rd.

(Verena Mathison, 521 Montgomery Rd.)

- Applicant is putting a 4-plex, rather than another house. All the lots in this area are large and ample in size, and should not stray from the single family form and character of the existing neighborhood. R. Smith clarified that the proposal is for a house with a suite in addition to the existing house.

(David Fedenger, 520 Montgomery Rd.)

- De-value his current house.

(Travis ?, 495 Montgomery Rd.)

- Zoning is unclear - If it allows 4 units then additional density could be sought. Should be zoned to a duplex to limit the house to 2 units rather than 4 units. R. Smith verified that staff utilize the guidelines as established in the OCP. This case supports low density multi-family. Applicant could have chosen RU.6 zoning, but would have been under-developing the lot given future land use designation. R. Smith verified that as the DP permit advances, adequate privacy measures will be encouraged via screening/cedar hedging.

APC

(D. McConachie)

- Is this a house of interest or on the registry? A. Bruce verified it is a house with heritage value. Policies aim to deal with retention of homes with such value, and this is an appropriate use of that house and relocating it to an area designated for densification.
- Will the house be destroyed if it is not moved? Applicant verified it was below a heritage house registration because of altered siding. House will be slated for destruction.

(D. Rush)

- Is the house capable of being moved? Applicant says yes.
- Are the neighbors concerns of timing valid? Applicant verifies that it is a legitimate concern, but qualified that up until this point there was no clear direction from the City.

(L. Stack)

- Echo concerns of parking off Montgomery and in the middle of the lot; struggling with the fact that City staff will support the lot. Why won't staff back off giving access off of Rutland Rd to lessen the impact on the neighborhood? R. Smith verified that this lot more than exceeds the zone requirements. Access to Rutland Rd. is not supported for traffic safety and flow. A. Bruce verified that is a major arterial road and transportation division will deny access to the arterial road given alternate options to explore. Site is amply large to accommodate the intended use and parking without access to Rutland Rd.

(C. Tjosvold)

- Applauds the public for their involvement.

(J. Digby)

- Could this lot be subdivided? A. Bruce verified said that staff would not favor the subdivision given access issues. This area has been designated for multi-family uses; subdivision would defer/eliminate that option.
- Is the setback for the heritage house the same for the original house? Applicant verified that the house will sit back farther than the original house.

(B. Braden)

- Went to visit house during construction, and feels the house is worth saving for its value.

(J. Welder)

- When will access via Rutland Rd. be closed? The applicant verified that he is paying to improve the sidewalk and decommission the driveway access.

RECOMMENDATION

Moved by Welder/Digby

THAT the Advisory Planning Commission support rezoning application No. Z06-0027, 510 Rutland Road N., Lot 2 Plan 3949, Sec. 26, ODYD, R. Beavington, to rezone from the RU.1 - Large Lot Housing zone to the RM.1 - Four Plex Housing zone in order to allow for construction of a 4 plex.

Motion Defeated

Opposed - D. McConachie, D. Rush, L. Stack,
C. Tjosvold, R. Cacchioni.

RECOMMENDATION

Moved by McConachie/Rush

THAT the Advisory Planning Commission **not** support Rezoning Application No Z06-0027, for 510 Rutland Road N, Lot 2, Plan 3949, Sec. 26, Twp. 26, ODYD, by R. Beavington, to rezone from the Ru1- Large Lot Housing zone to the RM1-Four Plex Housing zone in order to allow for construction of a 4 plex.

Carried

Opposed - J.Welder, B. Braden, J.Digby, and L.Antle

As a result of the APC not supporting the Rezoning Application, there is no recommendation for Development Permit Application No. DP06-0087 and Development Variance Permit Application No. DVP06-0081