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CITY OF KELOWNA

MEMORANDUM

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**DATE:** SEPTEMBER 26, 2007  
**TO:** CITY MANAGER  
**FROM:** PLANNING AND DEVELOPMENT SERVICES DEPARTMENT  
**APPLICATION NO.** Z07-0064                      **OWNER:** ECKHARD & DORIS KRENZ  
**AT:** 932-934 BORDEN AVENUE                      **APPLICANT:** LYNN WELDER  
CONSULTING LTD.

**PURPOSE:** TO REZONE THE SUBJECT PROPERTY FROM THE RU6 – TWO DWELLING HOUSING ZONE TO THE RM1 – FOUR-PLEX HOUSING ZONE TO ALLOW FOR THE LEGALIZATION OF A 2 STOREY FOUR PLEX.

**EXISTING ZONE:** RU6 – TWO DWELLING HOUSING ZONE

**PROPOSED ZONE:** RM1 – FOUR-PLEX HOUSING ZONE

**REPORT PREPARED BY:** DANIELLE NOBLE

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1.0 RECOMMENDATION

THAT Rezoning Application NO. Z07-0064 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Strata Lot 1, D.L. 138, ODYD, KAS2435, Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V, located on Borden Avenue, Kelowna, B.C. from RU6 – Two Dwelling Housing zone to the RM1 – Four-Plex Housing zone not be supported by Council;

2.0 SUMMARY

The applicant is proposing to rezone the subject property from the RU6 – Two Dwelling Housing zone to the RM1 – Four-Plex Housing zone in order to legalize an already constructed four-plex.

2.0 ADVISORY PLANNING COMMISSION

The above-noted applications were reviewed by the Advisory Planning Commission at the meeting of August 14, 2007 and no formal recommendations were passed, as both support and non-support motions were defeated.

The APC strongly felt that the accurate zone should have been sought prior to the building being constructed, and that wrongfully assigning blame to the previous owners for not securing the appropriate land use is an unacceptable rationale for re-zoning. Notably, the APC wishes to convey a strong message to the development community that support for an application such as this is not the appropriate method of securing the zoning.

Additionally, the APC members commented that trying to re-zone a property after development has already occurred does not allow the structural design and siting of the buildings to meet the development standards for that zone, such as this case where the provisions of parking and open space are severely compromised.

The Development Permit or Variance Permit applications were not considered at this meeting as the Rezoning application was not supported.

4.0 **BACKGROUND**

The already constructed multi-family dwelling is located within the Central City sector location having prominence along Borden Avenue. A bylaw complaint was brought forward, raising attention to the number of units within the dwelling building.

Vehicle access is proposed from Borden Avenue, leading to surface parking stalls on both the existing driveways, and a long driveway access on the west property boundary.

The building at present is only recognized as a duplex, although the floor plan of the structure accommodates 2 upper dwelling units and 2 lower dwelling units. The OCP future land use designation recognizes this immediate neighbourhood as low-density multi-family, which is congruent with the zone amendment being proposed. For additional rationale for the proposed zone amendment, please refer to the letter of intent provided by the applicant, in addition to the attached drawing set.

The proposed development meets the requirements of the RM1 – Four-Plex Housing zone, as follows:

<b>CRITERIA</b>	<b>PROPOSAL</b>	<b>RM1 ZONE REQUIREMENTS</b>
<b>Subdivision Regulations</b>		
Lot Area (m <sup>2</sup> )	878 m <sup>2</sup>	700 m <sup>2</sup>
Lot Width (m)	22.9 m	20.0 m
Lot Depth (m)	38.5 m	30.0 m
<b>Development Regulations</b>		
Floor Area Ratio	0.42	0.6
Site Coverage	48.8%	50% (buildings, parking areas, and driveways)
Height	9.5 m 2 storeys <sup>i</sup>	9.5 m or 2.5 storeys
Front Yard	6.0 m	6.0 m
Rear Yard	16.9 m <sup>ii</sup>	7.5 m
Side Yard (east)	2.3 m <sup>1</sup>	2.5 m (< 2 ½ storeys)

<sup>1</sup> A sideyard variance is requested from the 2.5m permitted to 2.3m proposed.

Side Yard (west)	5.3 m	2.5 m (< 2 ½ storeys)
<b>Other Regulations</b>		
Minimum Parking Requirements	4 non-tandem spaces 2 tandem spaces	<u>Residential:</u> 2 per dwelling unit (4 stalls non-tandem) 1.25 per 1 bedroom dwelling unit Total required: (2 units x 2 = 4) + (1.25 x 1 = 1.25) = <b>6 spaces</b>
Private Open Space	meets requirements	25.0 m <sup>2</sup> of private open space shall be provided per dwelling 25 m <sup>2</sup> x 4 = 100 m <sup>2</sup>

**5.0 SITE CONTEXT**

The subject property is located on the northern side of Borden Avenue, just east of Ethel Street. Adjacent zones and uses are:

- North RU6 – Two Dwelling Housing
- East RU6 – Two Dwelling Housing
- South RU6 – Two Dwelling Housing
- West RU6 – Two Dwelling Housing & RM4 – Transitional Low Density Housing

**5.1 SITE LOCATION MAP**

Subject Property: 932-934 Borden Avenue



## 6.0 EXISTING AND PROPOSED DEVELOPMENT POTENTIAL

The applicant is seeking to rezone the property to the RM1 – Four-Plex Housing zone. The purpose of the RM1 zone is to provide for the development of a maximum of four dwelling units in the form of single detached, semi-detached, duplex, three-plex or four-plex housing on urban services.

### 6.1 Current Development Policy

#### 6.1.1 Kelowna Official Community Plan

The future land used designation for the subject property identified in the Official Community Plan is Low Density Multiple Unit residential. The proposal is consistent with this designation.

#### 6.1.2 Kelowna Strategic Plan (2005)

The City of Kelowna Strategic Plan encourages the development of a more compact urban form by increasing densities through infill and redevelopment within existing urban areas and to provide for increased densities within future urban areas. In addition, redeveloping transitional areas to increase densities for more efficient use of existing land.

## 7.0 TECHNICAL COMMENTS

### 7.1 Fire Department

A visible address is required from all units from the street.

### 7.2 Inspections Department

Building permit required for suites, to be constructed and to meet requirements of BCBC 2006.

### 7.3 Works and Utilities Department

#### 1. Domestic Water and Fire Protection

The existing property is serviced with two 19mm diameter copper water services. Water metering must comply with the City Plumbing Regulation and Water Regulation bylaws.

#### 2. Sanitary Sewer

Our records indicate that this property is serviced with a 100mm-diameter sanitary sewer service. The service should be adequate for this application.

#### 3. Road Improvements

Borden Avenue must be upgraded to a full urban standard along the full frontage of this property, including curb and gutter, pavement widening and re-location or adjustment of utility appurtenances if required to accommodate the upgrading construction. The City wishes to defer the upgrades to Borden Avenue fronting this property. Therefore, cash-in-lieu of immediate construction is required. The cash-in-lieu amount is determined to be **\$ 6,507.00**

4. Development Permit and Site Related Issues

The requested variance to reduce the side yard setback from the required 2.50m to 2.30m, does not compromise Works and Utilities servicing requirements.

5. Access, Manoeuvrability and Parking Requirements

A minimum of six off-street vehicle parking spaces are required. The parking modules must meet bylaw requirements. The rear yard parking area is to be designed so as to allow vehicles to turn-around on-site and exit the site in a forward direction.

8.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department recognizes the need for additional affordable housing, which commonly is in the form of multi-family housing through infill projects. The future land use designation of this property is low density multi-family and therefore the zoning amendment being sought is congruent with that designation.

However, the form and character of this existing structure containing two illegal suites is considered substandard in terms of design criteria. Given that it is already constructed, design amendments are limited in terms of practical upgrades. The front elevation is dominated by the dual garages, and the principal entrances to all four units are not easily identifiable and could benefit from additional façade improvements to enhance the pedestrian connection to the street. Improved unit entrances via design enhancements, lighting, and select pavers may positively impact the Crime Prevention through Environmental Design Guidelines and could prove valuable to enhance the property appeal and resident safety. Notably, the main entranceway for one of the illegal suites accesses right on to the principal drive aisle, creating considerable safety concerns. Logistically, any design improvements are unrealistic given that the existing form does not lend itself to such design amendments/safety improvements.

Additionally, given that the parking requirements will utilize a significant portion of the usable open space on the site, the livability of the units is compromised, particularly since the upper units have no balcony or upper deck space, and minimal quality open living space is provided. If this density profile was considered at the building permit stage in 2002, it would have had the opportunity to design the full unit count and apply the appropriate development regulations and DCC's.

9.0 ALTERNATE RECOMMENDATION

THAT Rezoning Application No. Z07-0064 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Strata Lot 1, D.L. 138, ODYD, KAS2435, Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V, located on Borden Avenue, Kelowna, B.C. from RU6 – Two Dwelling Housing zone to the RM1 – Four-Plex Housing zone be considered by Council;

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

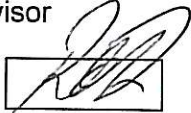
AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

AND THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of the accompanying Development Permit and Development Variance Permit for the property.



Shelley Gambacort  
Current Planning Supervisor

Approved for inclusion



David Shipclark  
Acting Director of Planning & Development Services

SG/DN  
Attach.

**ATTACHMENTS**

Subject Property Map  
Site Plan  
Floor Plans  
Building Elevations  
Color Board  
Letter of Intent

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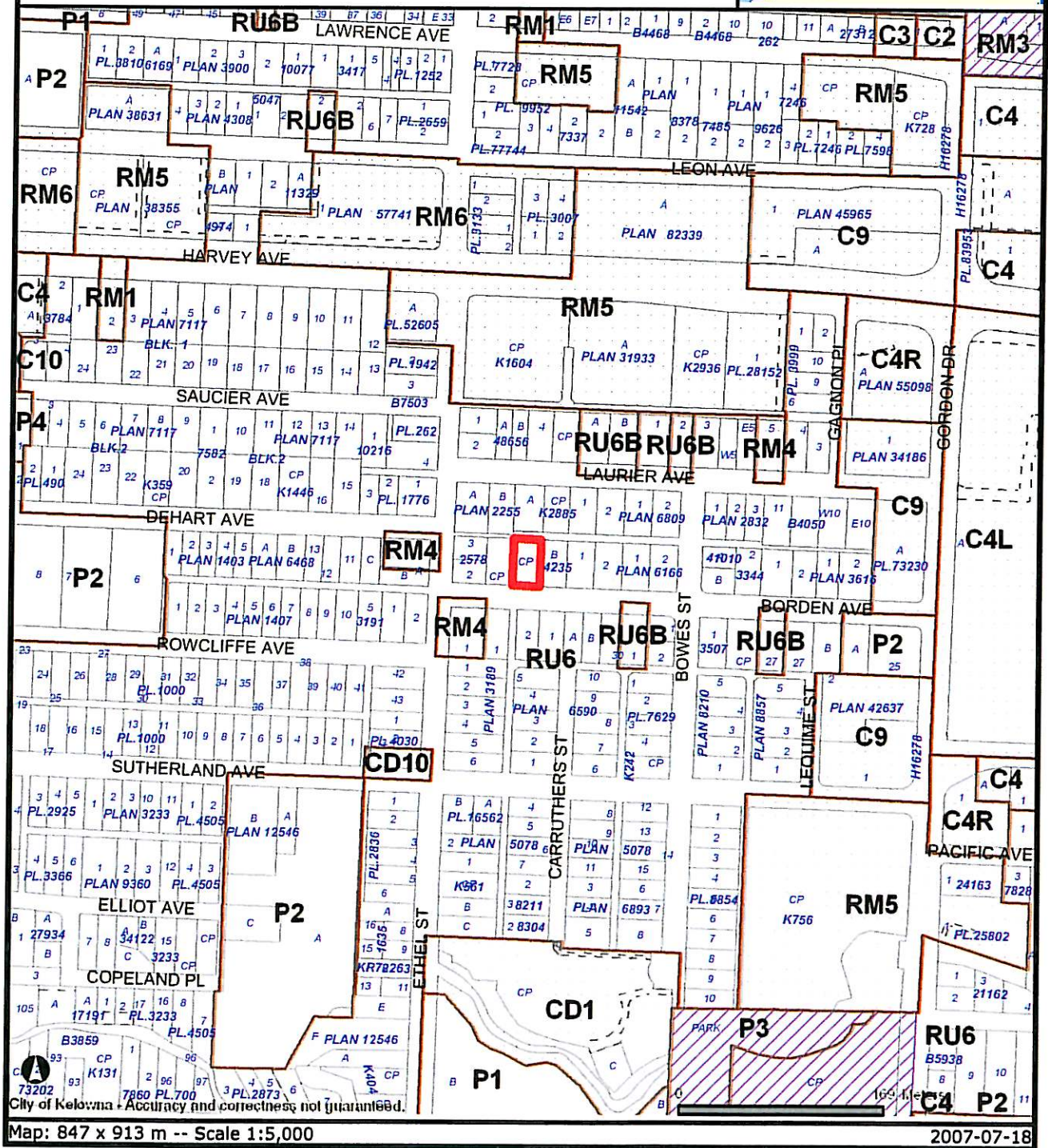
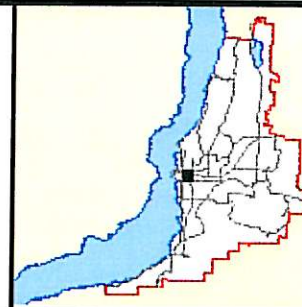
Application

Z07-0064

DP07-0170



Subject Property



Map: 847 x 913 m -- Scale 1:5,000

2007-07-18

Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.

# Lynn Welder Consulting

## LAND DEVELOPMENT ENQUIRIES & CONSULTING LETTER OF INTENT

**932 - 934 Borden Avenue  
Strata Lots 1 & 2, Plan KAS2435**

The intent of the attached application is to rezone the subject property from the RU-6 Two Family zone to the RM-1 Four Plex Housing zone to accommodate the existing duplex with suites. With the intense need for affordable housing presently in the city of Kelowna, we feel the conformity of these suites is essential for the growth the city is currently experiencing. The location of the subject property lends itself for such a land use with it's close proximity to all amenities such as shopping, major arterial roads, schools, doctors and lawyers - the list goes on. This area is a very transitional locale whereby the land uses are a mixture of one, two and more residential units. Two separate properties zoned RM-4 are situated across the street and two houses down respectively from the subject property.

The OCP encourages a diverse use of existing buildings to provide this much needed commodity and this particular building does indeed achieve this. The four suites are located within a newer duplex and parking can be easily provided onsite without impacting the neighboring properties. The proposal indicates two parking stalls accessing from a driveway along the western portion of the site. It is the intent of the owners to screen that property line by placing shrubbery such as pyramid cedars alongside. The rear yard is large enough to allow for the additional parking as well as provide green space for those tenants residing in the suites.

We would appreciate the Planning Department and Council giving favourable support of this proposal. If further clarification is needed, please do not hesitate to contact the undersigned. We look forward to your response in this matter.

Yours truly,



**Lynn Welder Lalonde  
Consultant**

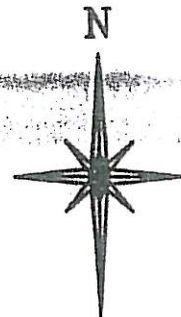
50'0"




# LANDSCAPE AND SITE PLAN

"REVISED" AUG. 8 / 07

PROPOSED LOCATION OF BUILDING ON LOT A  
PLAN 24235 D.L. 138 O.D.Y.D.

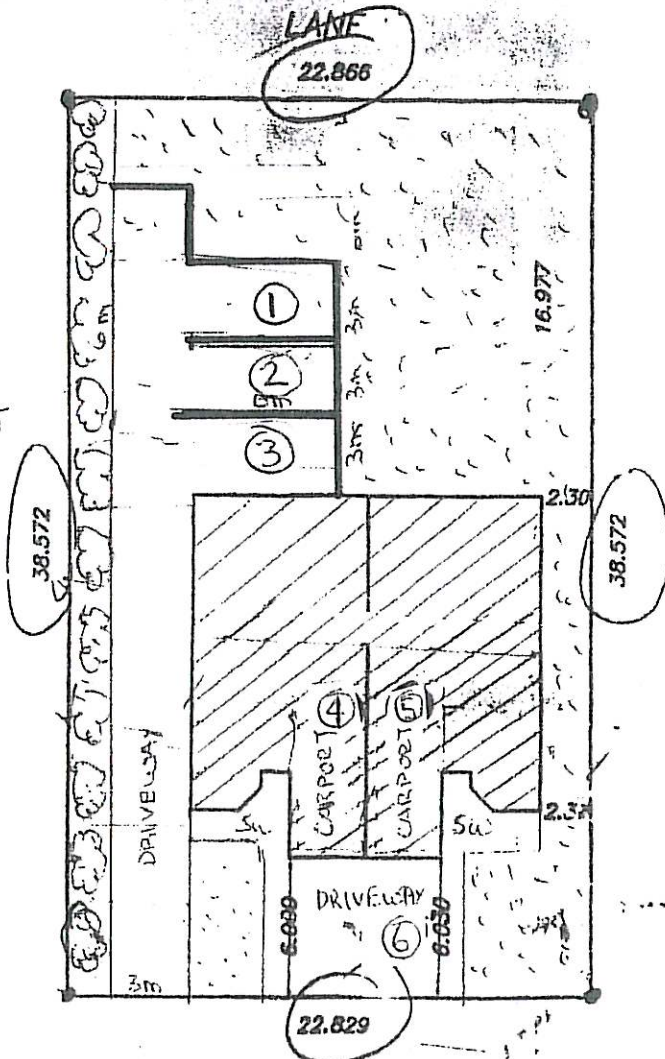
SCALE 1:300 DISTANCES ARE IN METRES



-  GRASS
-  PYRAMID CEDARS
-  BUILDING FOOTPRINT

- PARKING
- 1 - 4  
DIRECT ACCESS  
STALLS
  - 5 - 6  
TANDEM  
STALLS

LOT AREA  
878m<sup>2</sup>



932 - 934 BORDEN AVENUE

LOT AREA: 0.217 AC.  
878m<sup>2</sup>

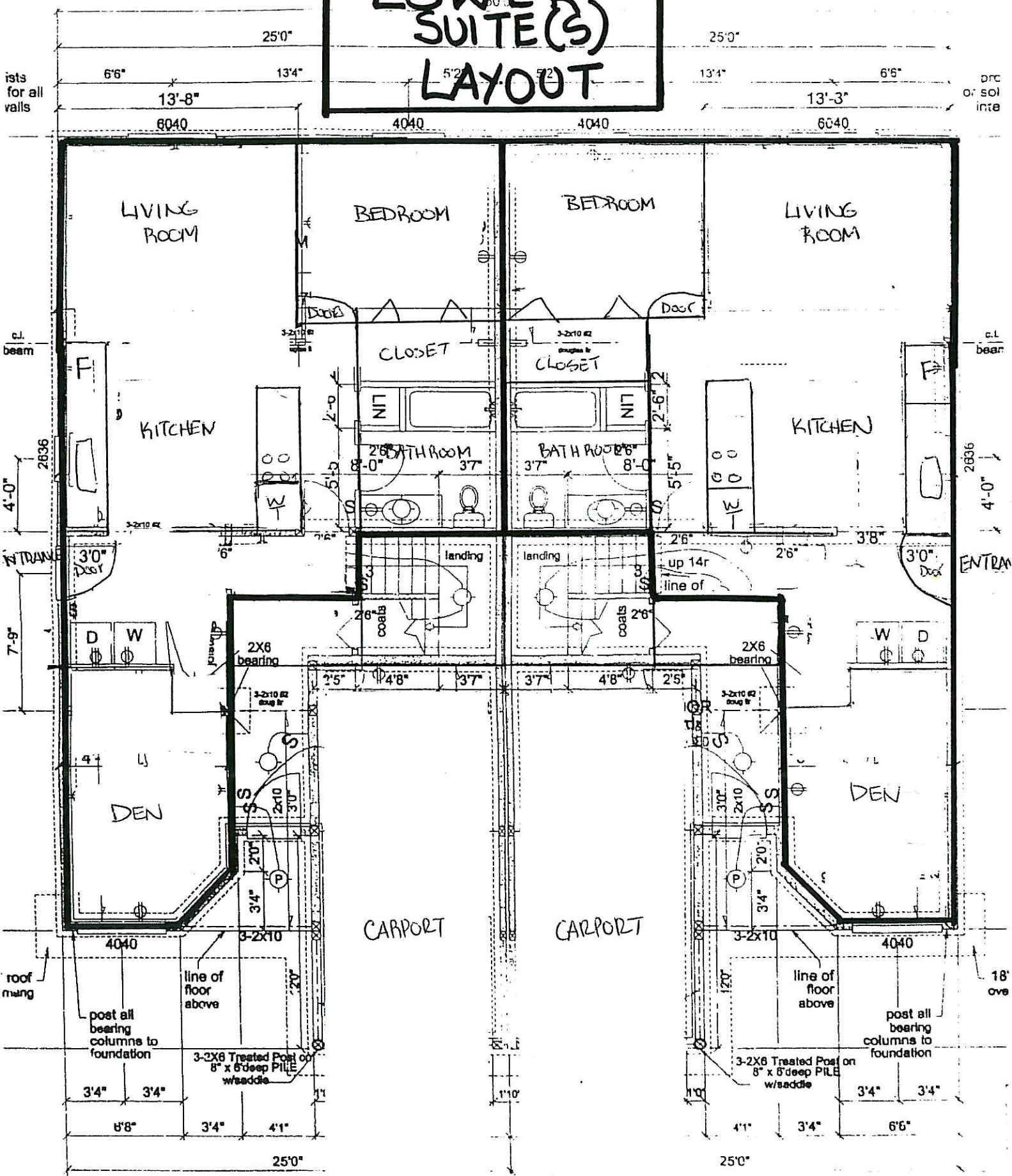
FILE 113<sup>ST</sup>  
RE: BRUCKAL

CIVIC ADDRESS: 932 BORDEN AVE.

D.A. GODDARD LAND SURVEYING INC.  
200-1449 ST. PAUL STREET KELOWNA

# 932-934 BORDEN AVE.

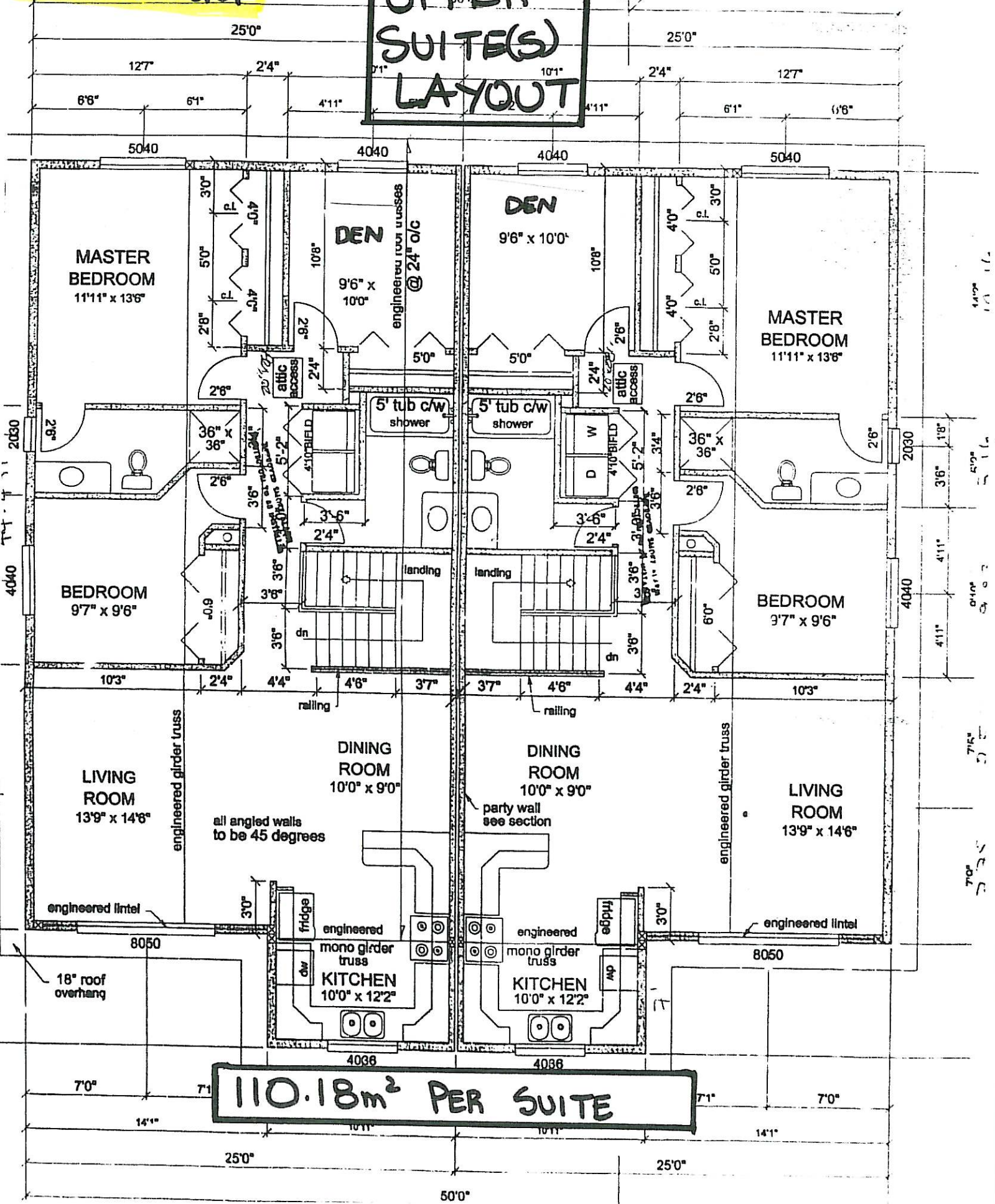
## LOWER SUITE(S) LAYOUT



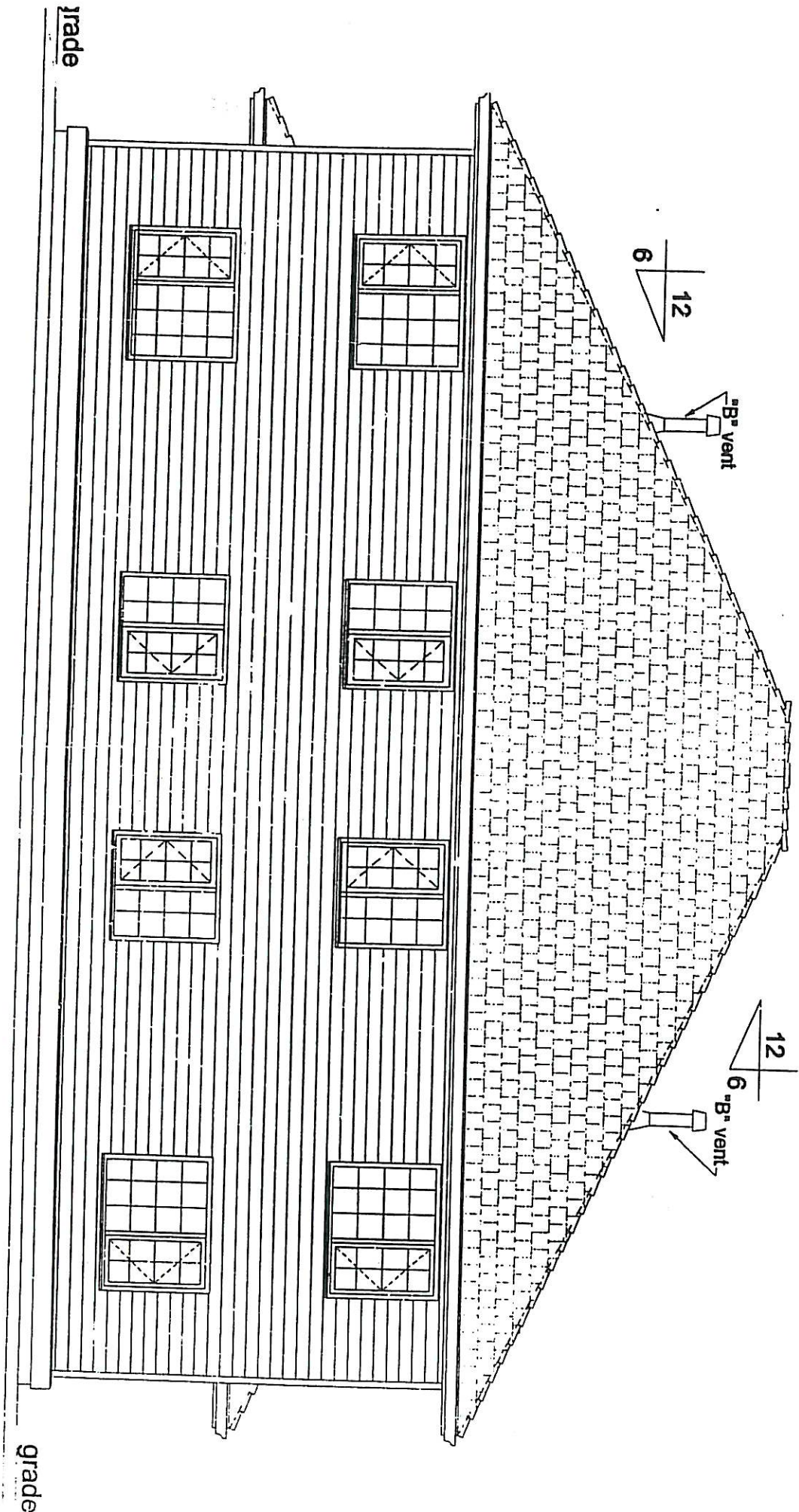
**78.39m<sup>2</sup> PER SUITE**

"REVISED" 932-934 BORDEN AVE  
 AUG 8/07

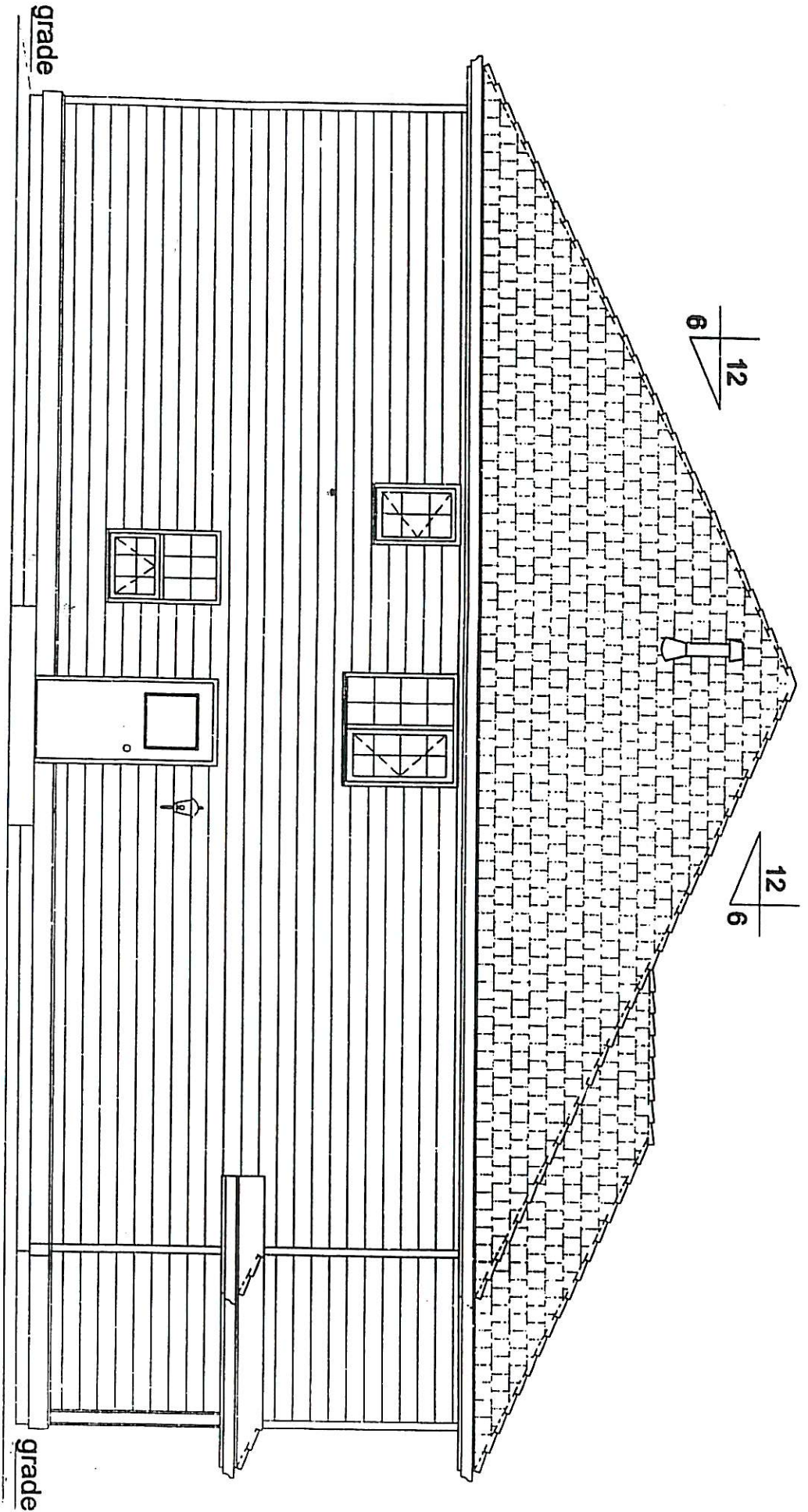
UPPER SUITE(S) LAYOUT



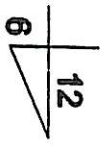
110.18m<sup>2</sup> PER SUITE



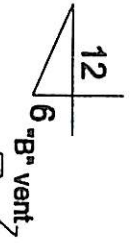
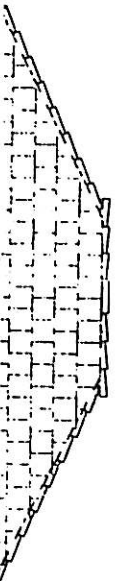
REAR ELEVATION scale = 1/4" = 1' 0"



LEFT ELEVATION scale = 1/4" = 1' 0"



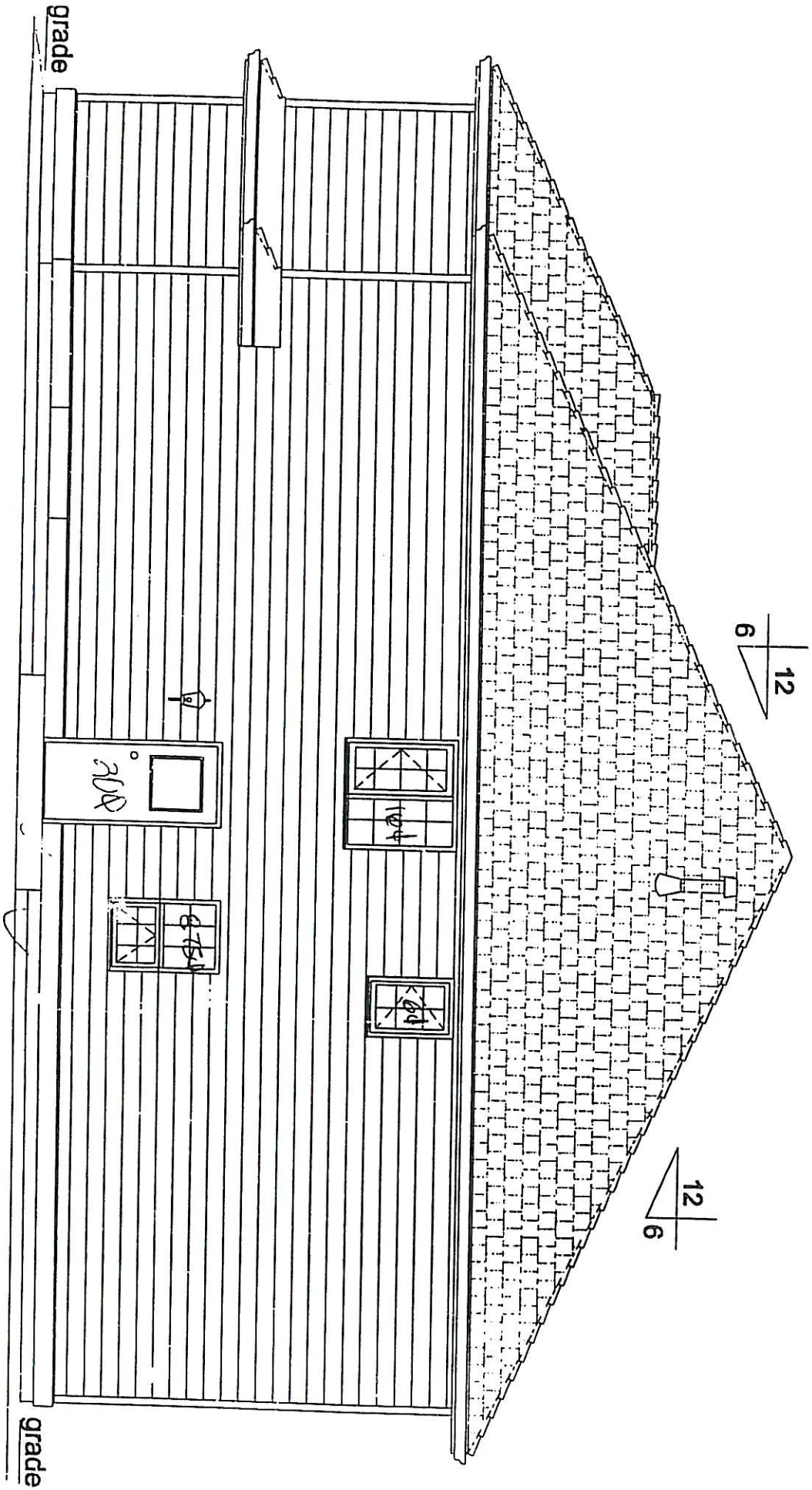
6" vent



6" vent

# FRONT ELEVATION

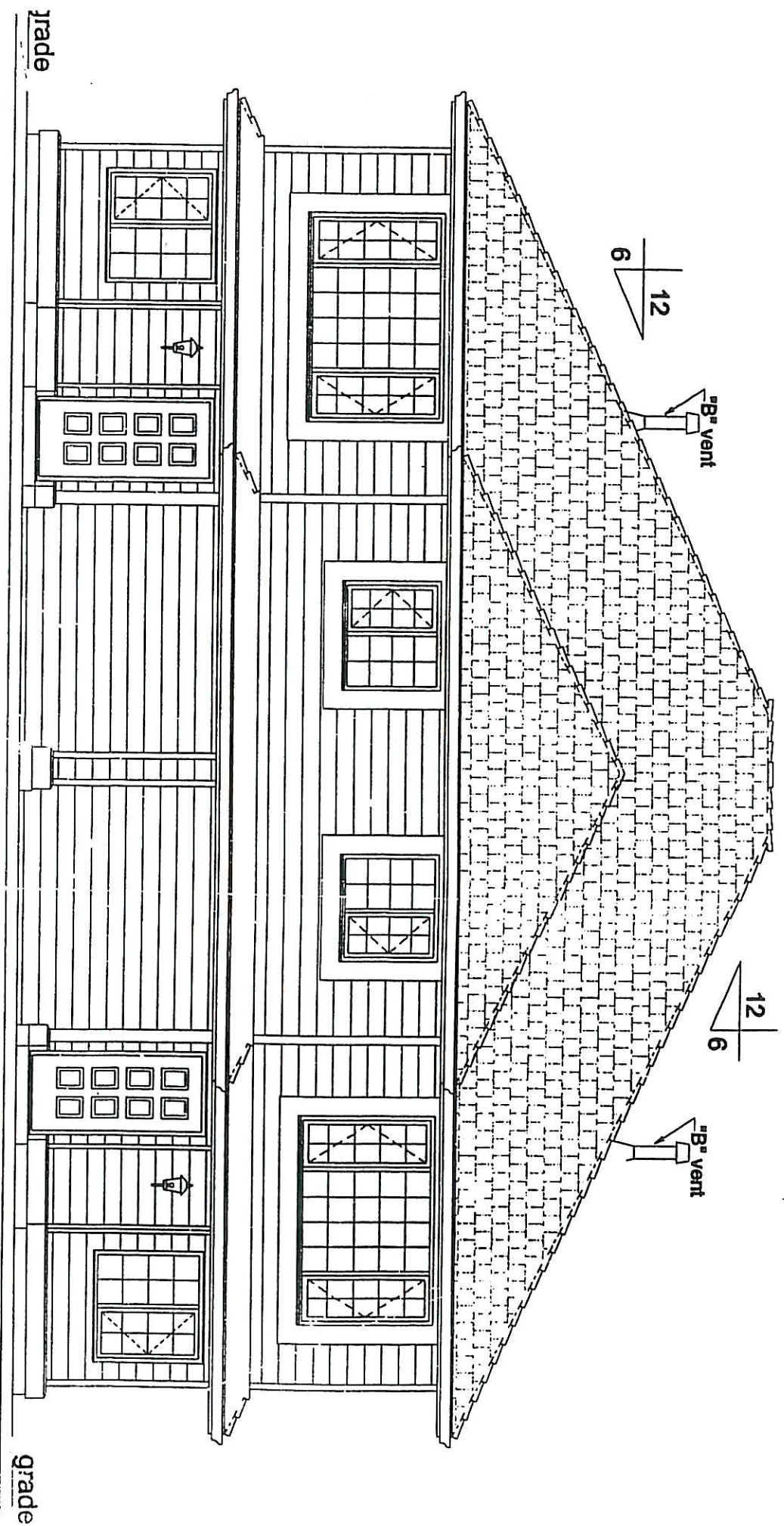
scale = 1/4" = 1' 0"



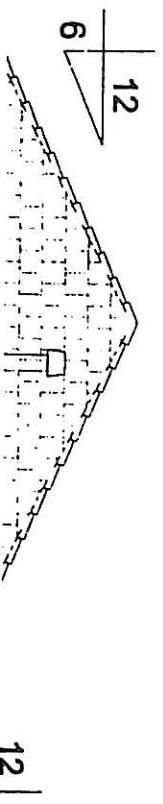
# RIGHT ELEVATION

scale = 1/4" = 1' 0"

1'-1 1/2"



**FRONT ELEVATION** scale = 1/4" = 1' 0"



# COLOR BOARD



VINYL SIDING  
- BEIGE



TRIM  
- WHITE



ASPHALT SHINGLES  
- BEIGE

932-934  
BORDEN  
AVENUE

FRONT  
←



REAR  
↪



EAST  
SIDE  
←  
(934)

WEST  
SIDE  
↪  
(932)



PHOTO BOARD