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**CITY OF KELOWNA  
MEMORANDUM**

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**Date:** February 8, 2008  
**To:** City Manager  
**From:** Planning & Development Services Department  
**APPLICATION NO.** Z07-0011      **APPLICANT:** Axel Hilmer  
**AT:** 605 Monterey Rd.      **OWNERS:** Marcel Gal  
Bertha Gal

**PURPOSE:** TO REZONE THE SUBJECT PROPERTY FROM THE RU1 – LARGE LOT HOUSING ZONE TO THE RU6 – TWO DWELLING HOUSING ZONE IN ORDER TO CONSTRUCT A SECOND SINGLE FAMILY DWELLING.

**EXISTING ZONE:** RU1 – LARGE LOT HOUSING

**PROPOSED ZONE** RU6 – TWO DWELLING HOUSING ZONE

**REPORT PREPARED BY:** NELSON WIGHT

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**1.0 RECOMMENDATION**

THAT Rezoning Application No. Z07-0011 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 13, Section 23, Township 26, O.D.Y.D., Plan 25160, on Monterey Rd, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone, NOT be considered by Council.

**2.0 SUMMARY**

This rezoning application seeks to rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone to allow for the construction of a second single family home at the rear of the subject property.

A Development Variance Permit is required to address the shortfall in (a) the rear yard setback of 2.0 m where 6.0 m is required to the first storey and 7.5 m is required for the second storey; and (b) the separation distance between the two houses from 4.5 m to 3.8 m.

**3.0 ADVISORY PLANNING COMMISSION**

At a meeting held on February 27, 2007, the APC passed the following recommendation:

THAT the Advisory Planning Commission support Rezoning Application No. Z07-0011, for 605 Monterey Road, Lot 13, Plan 25160, Secs. 22 & 23, Twp. 26, ODYD, by Axel Hilmer, to rezone from the RU1-Large Lot Housing zone to the RU6-Two Dwelling Housing zone to allow a second single family dwelling on the subject property.

AND THAT the Advisory Planning Commission not support Development Variance Permit Application No. DVP07-0030, for 605 Monterey Road, Lot 13, Plan 25160, Secs. 22 & 23, Twp. 26, ODYD, by Axel Hilmer to obtain a Development Variance Permit to vary rear yard setback from 6 m required to 2 m proposed and distance between houses from 5 m required to 3.84 m proposed.

**4.0 BACKGROUND**

There is an existing 140 m<sup>2</sup> (1,500 ft<sup>2</sup>), single-family home on the subject property. The applicant is proposing to rezone the property in order to construct a second single-family dwelling on the south end of the property.



Vehicle access to the existing house is from Monterey Road, and the proposed second dwelling would also gain access from this road, since there is no rear lane.

Plans provided by the applicant show that the proposed second house is to have a floor area of 235 m<sup>2</sup> (2,535 ft<sup>2</sup>). The basement level is proposed to have a single car garage and 56 m<sup>2</sup> (600 ft<sup>2</sup>) of living space. The main floor includes 118 m<sup>2</sup> (1,268 ft<sup>2</sup>) of living space, with the remaining 61 m<sup>2</sup> (661 ft<sup>2</sup>) of floor area on the upper level.

The table below shows this application's compliance with the requirements of the RU6 zone:

CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
<b>Subdivision Regulations</b>		
Lot Area	1097 m <sup>2</sup> (0.27 ac)	700 m <sup>2</sup> for duplex housing
Lot Width	24 m	18.0 m
Lot Depth	46 m	30.0 m
<b>Development Regulations</b>		
Site Coverage (buildings)	29%	40%
Site Coverage (buildings/parking)	38%	50%
Height (existing house)	1-storey / 5.5 m	2 ½ storeys / 9.5 m
Height (proposed house)	2 storeys / 7.9 m	2 ½ storeys / 9.5 m
Front Yard (north)	9.1 m	4.5 m or 6.0 m to a garage
Side Yard (east)	2.1 m <sup>A</sup>	2.0 m (1 or 1 ½ storey portion) 2.3 m (2 or 2 ½ storey portion)
Side Yard (Monterey Rd)	4.9 m to house 7.9 m to garage portion	4.5 m or 6.0 m to a garage
Rear Yard (south)	2.0 m <sup>B</sup>	6.0 m (1 or 1 ½ storey portion) 7.5 m (2 or 2 ½ storey portion)
<b>Other requirements</b>		
Parking Stalls (#)	4 spaces	4 spaces
Private Open Space	meets requirements	30 m <sup>2</sup> of private open space per dwelling
Separation Distance Between the Two Houses	3.8 m <sup>C</sup>	4.5 m

<sup>A</sup> The site plan shows a 6.5 m dimension to the proposed house, where the actual measurement should be to the raised deck portion of the structure, which is ± 2.1 m from the east property line.

<sup>B</sup> The applicant is seeking to vary the rear yard setback requirement from 6.0 m / 7.5 m to 2.0 m.

<sup>C</sup> The applicant is seeking to vary the required separation distance between the two houses from 4.5 m to 3.8 m.

## 5.0 SITE CONTEXT

The subject property is located in the Springfield/Hollywood Road area, on Monterey Road, near the Ridgeview Evangelical Missionary Church, and south of the Okanagan Adventist Academy. The surrounding area has been developed primarily as a single- and two-family neighbourhood. More specifically, the adjacent land uses are as follows:

North-	RU1 – Large Lot Housing
East	RU1 – Large Lot Housing
South	RU6 – Two Dwelling Housing
West	RU1 – Large Lot Housing P2 - Education and Minor Institutional

## 6.0 EXISTING AND PROPOSED DEVELOPMENT POTENTIAL

The purpose of the existing RU1 zone is to provide for single detached housing, and compatible secondary uses, on larger serviced urban lots.

The applicant is seeking to rezone the property to the RU6 – Two Dwelling Housing zone. The purpose of the RU6 zone is to provide for development of a maximum of two dwelling units per lot.

## 7.0 CURRENT DEVELOPMENT POLICY

### 7.1.1 Kelowna 2020 Official Community Plan (OCP)

*Future Land Use Designation* - The property is designated Single/Two Unit Residential, pursuant to Map 19.1 of the OCP. The proposed RU6 zone is consistent with that future land use designation.

*Development Permit Process* - This development is subject to the Development Permit Guidelines for Form and Character of Secondary Suite and Two Dwelling Housing Development.

## 8.0 TECHNICAL COMMENTS

(see attached)

## 9.0 STAFF COMMENTS

The Official Community Plan designates the subject property as Single / Two Unit Residential. The proposed land use (two principal dwelling units) is consistent with the direction of this policy document. OCP Housing Policies state that the City will work towards achieving more efficient use of land within developed single-detached neighbourhoods by encouraging rezoning, subdivisions and building permit applications that would allow for smaller lot sizes, suites, duplexes etc that are sensitively integrated into a neighbourhood and that the City will encourage the development of a variety of housing forms to ensure that the housing supply meets the needs of Kelowna's diverse population and satisfies a range of life cycle and lifestyle choices.

Staff has concerns with this proposal, relating primarily to the siting of the second dwelling unit. Although this lot is well suited to the RU6 zone, in terms of lot area, width, and road access (corner lot), the existing home makes an infill project difficult, given its current location near the mid-point on the lot.

Notwithstanding the difficulty and cost, a more appropriate infill of this lot would necessitate the demolition or relocation of the existing home. There is room on the north end of the property, for example, and the parking could be better configured such that it also consumes less lot area.

Although Staff is not opposed to rezoning the subject property to the RU6 zone, per se, there is reluctance to recommend support of that zoning, given the current proposal. Rather than try to squeeze a second principal dwelling, which is to be 235 m<sup>2</sup> (2,500 ft<sup>2</sup>) in size, and 2 ½-storey in height, and requires variances, it is recommended that the applicant consider one of the following:

- demolish or relocate the existing dwelling to free up additional land to properly site a second principal dwelling; or
- consider the RU1s zone, and add-on to the existing dwelling to accommodate a secondary suite.

These options were provided to the applicant during the pre-application stage and throughout this process. Irrespective of Staff's non-support of the project, the applicant requested that this application be brought forward for Council's consideration. Should Council choose to favourably consider this application, an alternate recommendation is provided below.

#### **10.0 ALTERNATE RECOMMENDATION**

THAT Rezoning Application No. Z07-0011 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 13, Section 23, Township 26, O.D.Y.D., Plan 25160, on Monterey Rd, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the 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 withheld until the applicant has addressed the requirements of the Works and Utilities department.

AND FURTHER 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

*for*   
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Shelley Gambacort  
Acting Manager of Development Services  
NW//nw

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**ATTACHMENTS (4 pages)**  
Location of subject property  
Site Plan  
Floor Plans of Proposed Home  
Elevations  
Technical Comments

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CITY OF KELOWNA

MEMORANDUM

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**Date:** March 5, 2007  
**File No.:** Z07-0011  
**To:** Planning & Development Services Department (NW)  
**From:** Development Engineer Manager (SM)  
**Subject:** 605 Monterey Road – Lot 13, Plan 25160, Sec. 28, Twp. 26, ODYD

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The Works & utilities Department comments and requirements regarding this application to rezone from RU-1 to RU-6 are as follows:

1. Subdivision

Provide easements as required

2. Geotechnical Study.

We recommend that a comprehensive geotechnical study be undertaken over the proposed buiding 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 and the recommendation for construction over the decommissioned sewage disposal field.

3. Domestic water and fire protection.

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

4. Sanitary Sewer.

The subject property is located within the specified area # 23 and will soon be serviced by the municipal wastewater collection system. Upon completion of the collection system, the City of Kelowna will mail notices to the owner detailing the costs and the payments options. No building permit should be issued prior to the connection of the property to the wastewater collection system.

5. 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.

6. Road improvements.

Monterey 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 **\$46,300.00** and is inclusive of a bonding escalation.

7. 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.

9. 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.

10. Servicing Agreements for Works and Services

- 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.

8. Bonding and Levies Summary.

a) Performance Bonding

Monterey Road frontage upgrade \$46,300.00

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 N/A

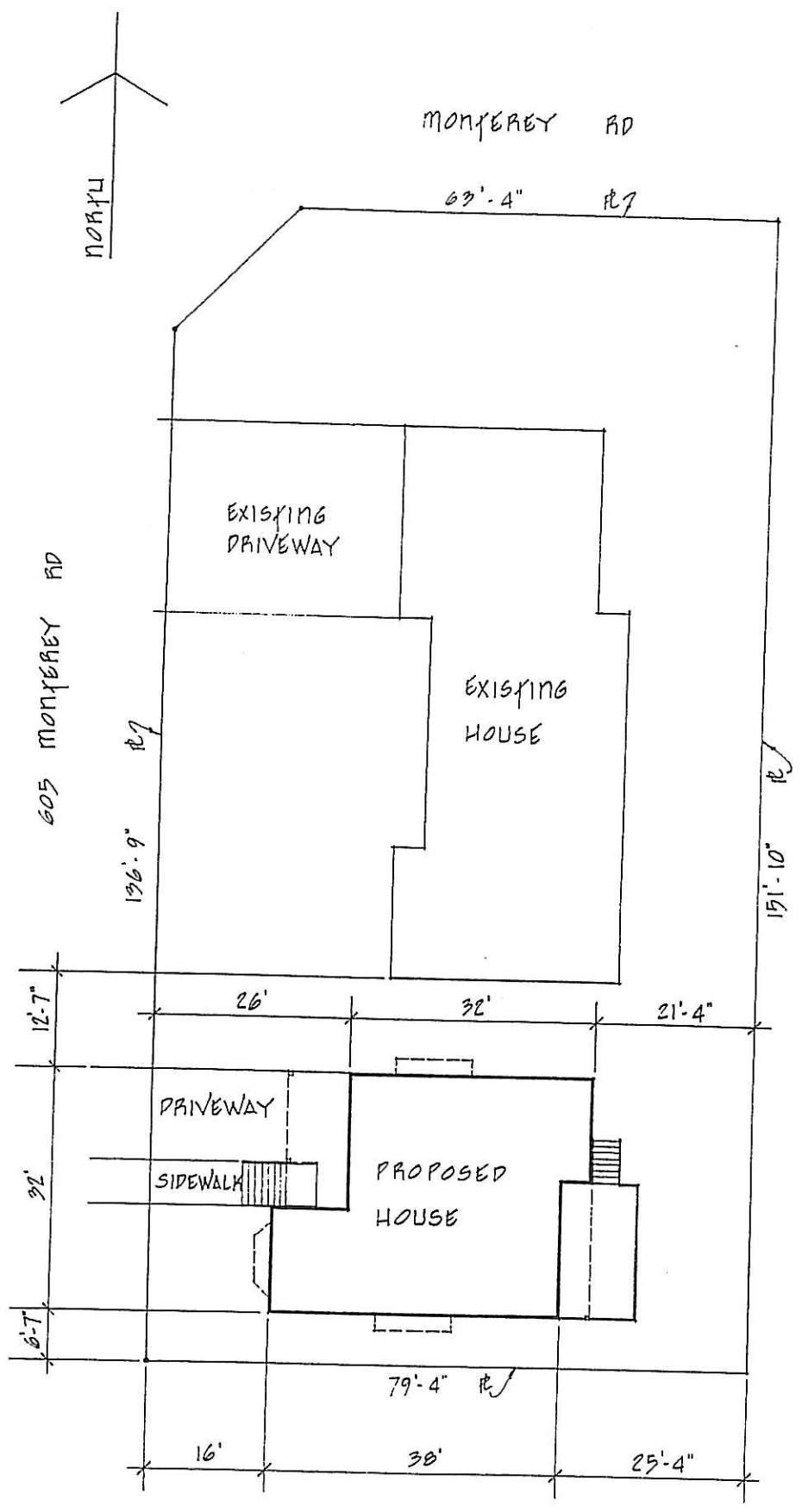
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Steve Muenz, P.Eng.  
Development Engineering Manager

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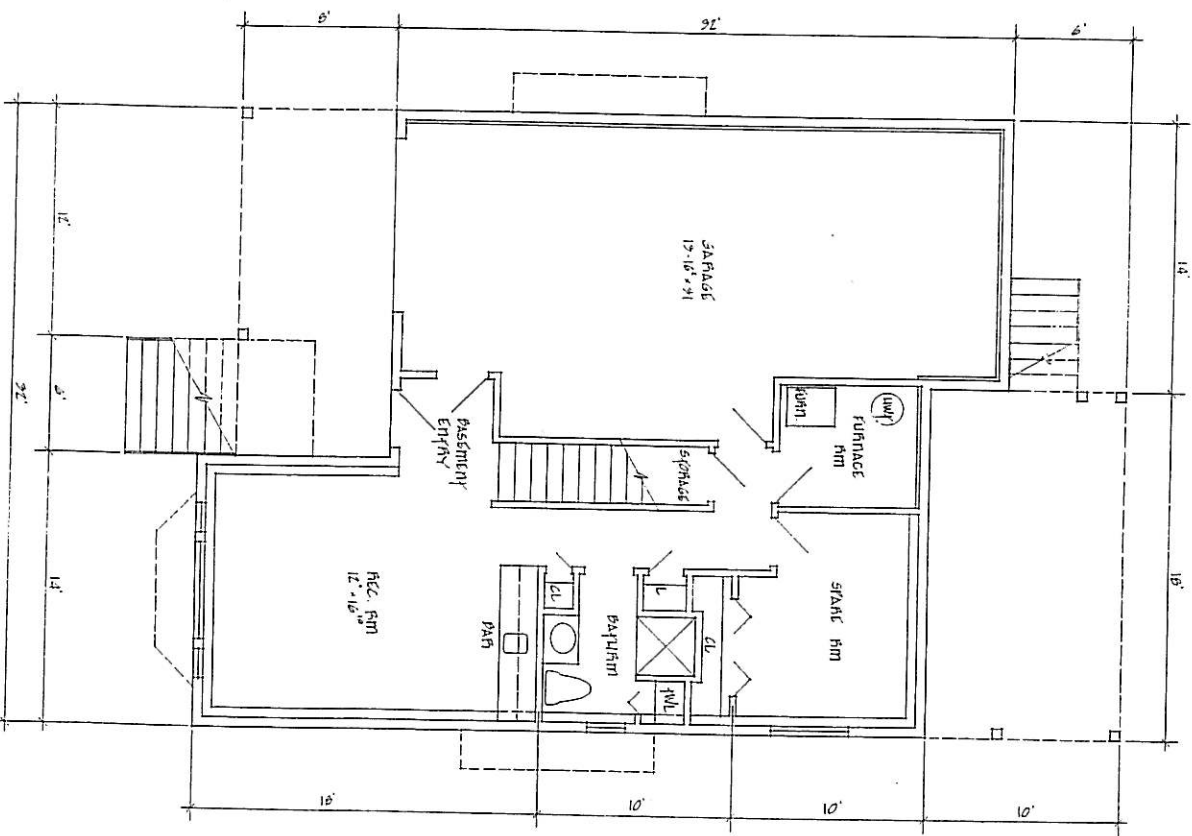
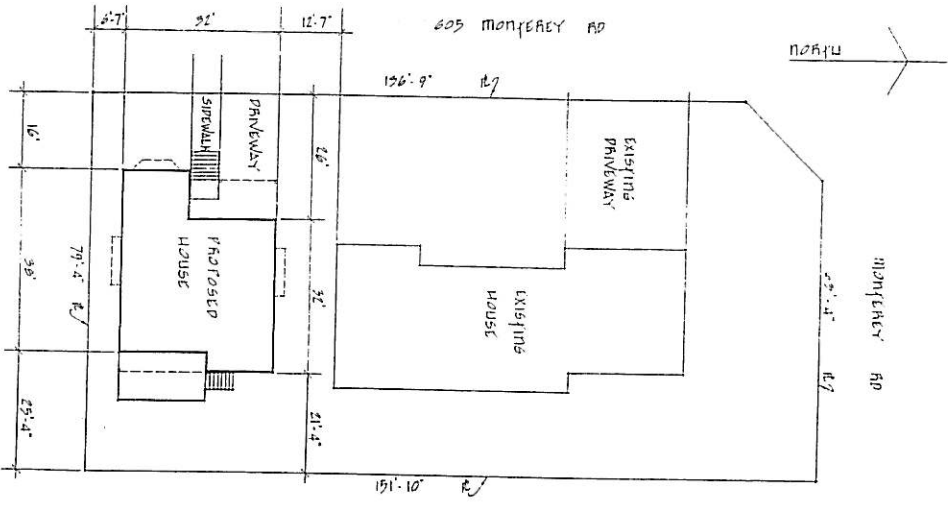


REDUCE DISTANCE  
BETWEEN HOUSES  
FROM 5m (16'-5")  
TO 3.84m (12'-7")

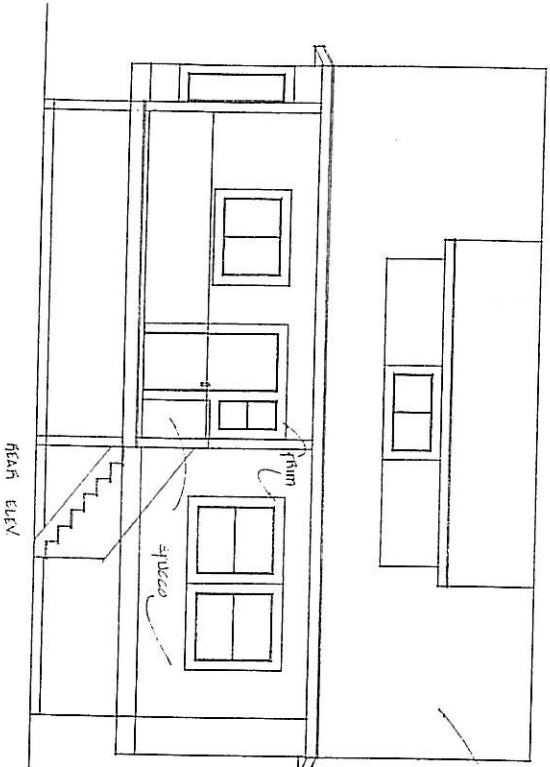
REDUCE REAR YARD  
FROM 6m (19'-8")  
TO 2m (6'-7")

LEGAL DESCRIPTION:  
LOT: 13  
PLAN: 25160

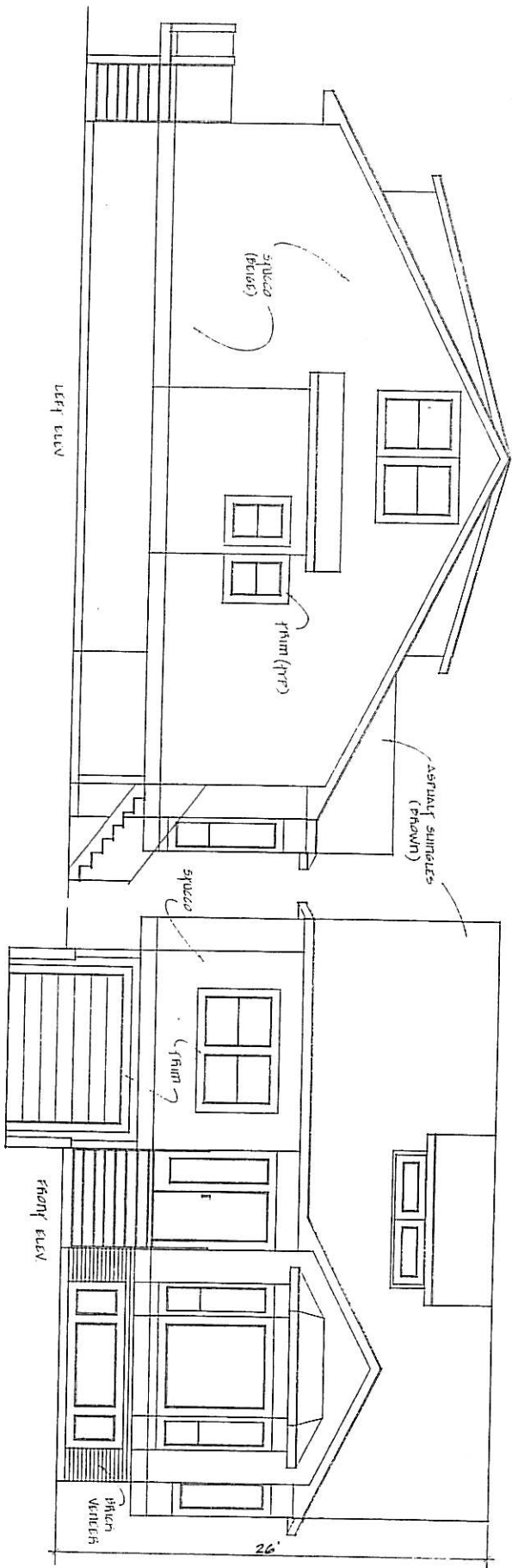
SITE PLAN 1/8" = 1'-0"



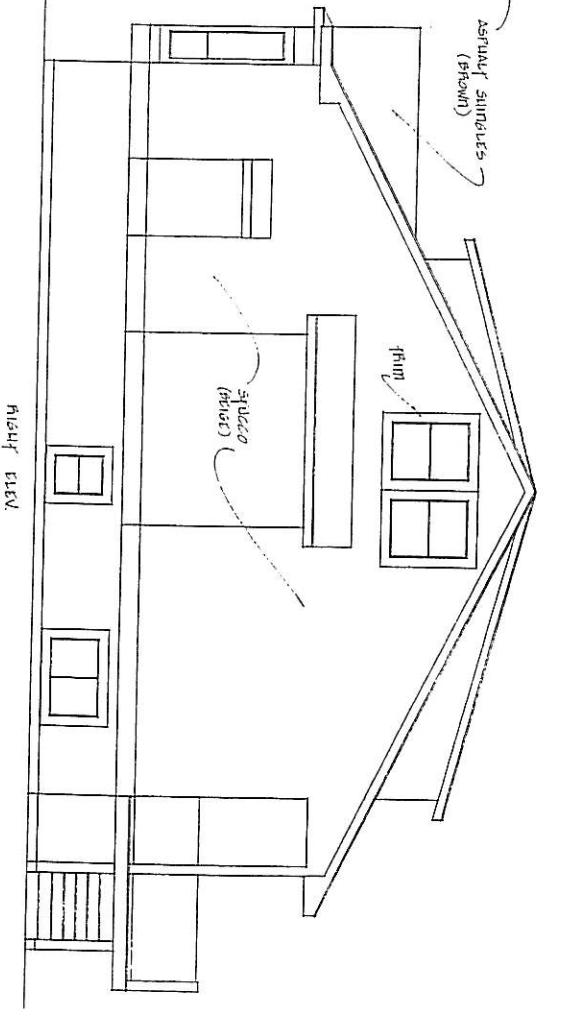




REAR ELEV



LEFT ELEV



RIGHT ELEV

<b>hilmer house plans</b> <small>PH 880 7520 204 - 1023 Haver Ave Kelowna</small>		<b>Project:</b> 605 MONTGOMERY RD	
<b>ELEVATIONS</b>		<small>Scale: 1/4" = 1'-0"</small> <small>Date: JULY 09</small> <small>Drawn by: A.L.L.</small>	
<small>NOTE: All dimensions to be checked on job by builder.</small>		<b>Sheet:</b> 3 of 3 <b>Plan:</b> PH-05-03	

File: Z07-0011

G.I

Application

File: Z07-0011

Type: REZONING

File Circulation

Seq	Out	In	By	Comment
				B.C. Assessment Authority (info only) 2007-01-23 2007-01-23
			SALEXANC	Community Development & Real Estate Mgr 2007-01-23 2007-01-29 Land Comments for Inclusion in Council Report: Please contact the Land Agent for road dedications over 20 metres in width, land dedications and land transfers to or from the City of Kelowna, road closures and road reserves. Depending on the type of land transaction being contemplated, the processing time can vary from 3 weeks to 3 months. The Land Department requires a full size copy, together with an 8 ? x 11 copy, of any survey plans.
			MNEID	Fire Department 2007-01-23 2007-02-27 FortisBC 2007-01-23 2007-05-22 Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw. No response.
			RREADY	Inspections Department 2007-01-23 2007-02-14 Probable spatial separation problem with proposed distance between existing home and proposed home, provide calculations to BCBC 2006.
				Mgr Policy, Research & Strategic Plannin 2007-01-23 2007-02-19 Comments too extensive for posting here. Please refer to related comments in email dated February 19, 2007.
			TBARTON	Park/Leisure Services Dir. (info only) 2007-01-23 2007-01-23 Parks Manager 2007-01-23 2007-01-30 No comment
				Public Health Inspector 2007-01-23 2007-02-01 No comment.
				RCMP 2007-01-23 2007-05-08 No response
				School District No. 23 2007-01-23 2007-05-07 No response.
				Shaw Cable 2007-01-23 2007-02-01 Owner/developer to install conduit
				Telus 2007-01-23 2007-01-30 TELUS will provide underground facilities to this development. Developer will be required to supply and install conduit as per TELUS policy.
				Terasen Utility Services 2007-01-23 2007-02-01 No comment.
				Works & Utilities 2007-01-23 2007-03-07 See file.