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**CITY OF KELOWNA  
MEMORANDUM**

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**DATE:** January 30, 2008  
**TO:** City Manager  
**FROM:** Planning & Development Services Department  
**SUBJECT:**

**APPLICATION NO.** Z07-0068      **APPLICANT:** Don Maxson

**AT:** 1226 Mountainview Street      **OWNERS:** Don Maxson  
Cindy Maxson

**PURPOSE:** TO REZONE THE SUBJECT PROPERTY FROM THE RU1 - LARGE LOT HOUSING ZONE TO THE RU6 - TWO DWELLING HOUSING ZONE IN ORDER TO ALLOW FOR THE CONSTRUCTION OF A SECOND SINGLE-FAMILY DWELLING.

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

**PROPOSED ZONE** RU6 – TWO DWELLING HOUSING

**REPORT PREPARED BY:** NELSON WIGHT

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**1.0 RECOMMENDATION**

THAT Rezoning Application No. Z07-0068 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 8, Section 29, Twp 26, O.D.Y.D., Plan 25524, located on Mountainview Street, 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 considered subsequent to the requirements of the Works & Utilities Department being completed to their satisfaction;

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.

**2.0 SUMMARY**

This rezoning application seeks to rezone the subject property from RU1 – Large Lot Housing to RU6 – Two Dwelling Housing zone to allow for the construction of a second single family home. There is an accompanying development variance permit application to address a shortfall in the front yard setback to the attached garage on the proposed second house from 6.0 m to 4.5 m.

**3.0 ADVISORY PLANNING COMMISSION**

At a meeting held on August 28, 2007, the Advisory Planning Commission passed the following motion:

THAT the Advisory Planning Commission support Rezoning Application No. Z07 0068, for 1226 Mountainview Street, Lot 8, Plan 25524, Sec. 29, Twp. 26, ODYD by D. Maxson, to rezone from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone to facilitate construction of a second single-family dwelling.

#### 4.0 BACKGROUND

There is an existing single-storey single-family home on the subject property. The Applicant is proposing to rezone the property in order to construct a second house west of the existing house.

Vehicle access to the property is from Mountainview Street, and there are plans to add a new driveway on the west side of the property to serve the proposed second dwelling.

Floor plans provided by the Applicant show that the proposed second house is to have a floor area of 142 m<sup>2</sup> (1,530 ft<sup>2</sup>) on the main floor, and 101.5 m<sup>2</sup> (1,093 ft<sup>2</sup>) on the basement floor, for a combined finished living area of 243.5 m<sup>2</sup> (2,621 ft<sup>2</sup>). The main floor is to contain a single-car garage, and the main living space. The basement level floor plans show a separate access from outside as well as internal access leading to living space containing two bedrooms, a bathroom, rec room, and mechanical room.

The table below shows this application's compliance with the requirements of the RU6 zone. Any non-compliance with Zoning Bylaw No. 8000 is detailed at the end of the table:

CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	1,148 m <sup>2</sup>	800 m <sup>2</sup> for two principal dwellings
Lot Width	22 m	20.0 m for two principal dwellings
Lot Depth	52 m	30.0 m
Development Regulations		
Site Coverage (buildings)	28%	40%
Site Coverage (buildings/parking)	36%	50%
Height (proposed house)	2-storeys / 5.8 m	2 ½ storeys / 9.5 m
Front Yard	4.5 m <sup>A</sup>	4.5 m or 6.0 m to a garage
Side Yard (south)	2.3 m	2.0 m (1 or 1 ½ storey portion) 2.3 m (2-storey portion)
Other requirements		
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 Houses	4.6 m	4.5 m

1.0

<sup>A</sup> The applicants are proposing to vary this front yard setback requirement to the garage portion of the house from 6.0 m to 4.5 m.

The surrounding area has been developed primarily as a single- and two-family neighbourhood. More specifically, the adjacent land uses are as follows:

North-	P2 - Education and Minor Institutional (Baptist Church)
	RM5 – Medium Density Multiple Housing
East	RU1 – Large Lot Housing
South	RU1 – Large Lot Housing
West	RU1 – Large Lot Housing

## **6.0 POLICY**

### 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.

## **7.0 TECHNICAL COMMENTS**

(See attached)

## **8.0 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 received some feedback from the surrounding neighbours expressing opposition to this project. This opposition highlights the importance of sensitive integration, and whether this project satisfies that test or not for this particular neighbourhood.

Staff is supportive of this rezoning application, because (a) the proposed zoning is consistent with the future land use designation on the subject property, (b) the proposed second dwelling has been well designed to accommodate the lot in a sensitive manner, and (c) this infill project achieves a more efficient use of Kelowna's limited land base, in a manner that should not have a negative impact on surrounding properties.

A handwritten signature in black ink, appearing to read 'Shelley Gambacort', written over a horizontal line.

Shelley Gambacort  
Current Planning Supervisor  
NW//nw

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**ATTACHMENTS**

Location of subject property  
Elevations of Proposed Dwelling  
Floor Plans of Proposed Dwelling  
Site Plan  
Photos of Existing Dwelling  
Air Photo  
Technical Comments

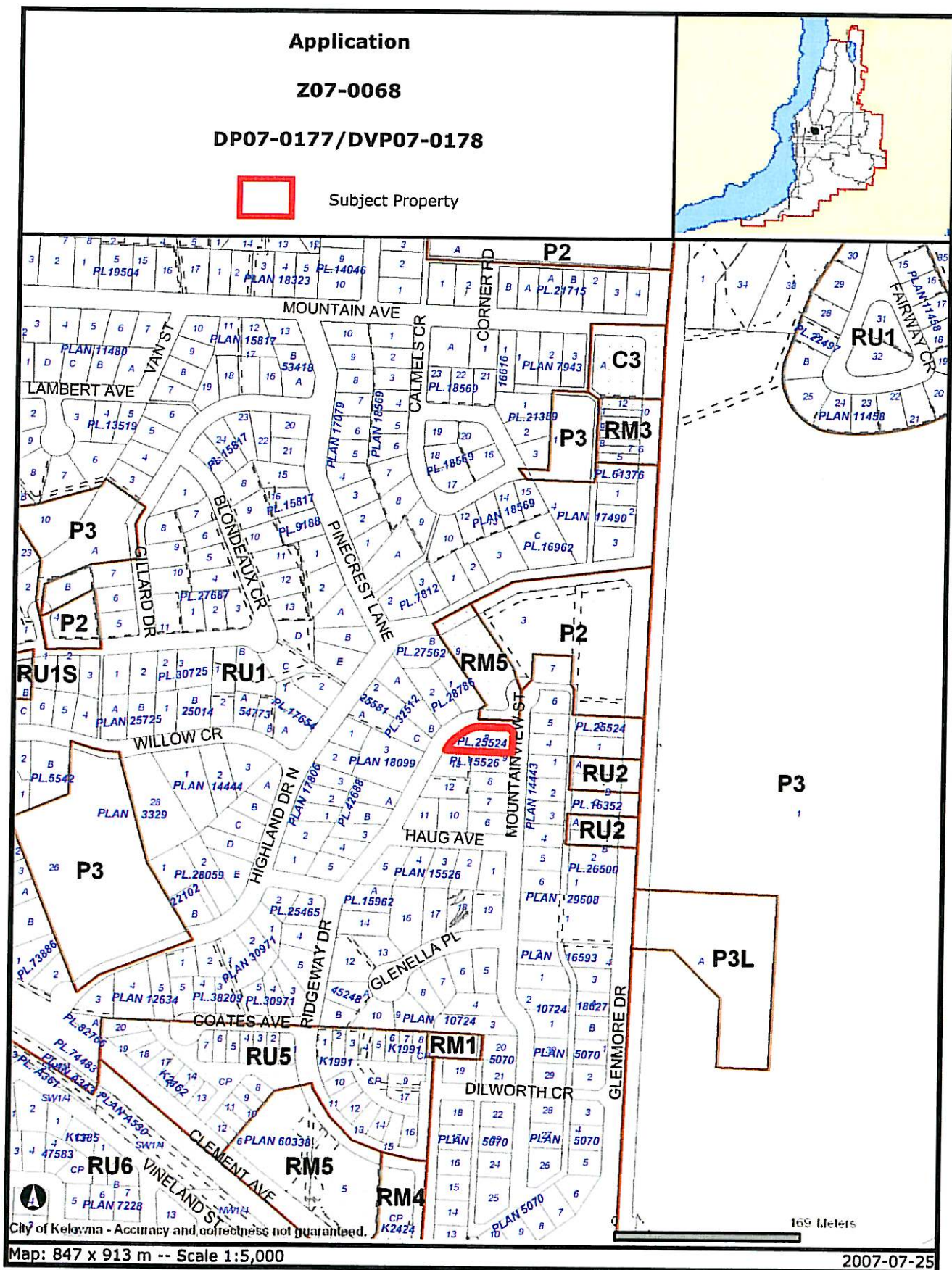
Seq	Out	In	By	Comment
				B.C. Assessment Authority (info only)
2007-07-26	2007-07-26			
				Community Development & Real Estate Mgr
2007-07-26	2007-07-31		MBORGUN	Land Comments for Inclusion in Council Report: Please contact the Land Agent for road dedications over 20 metres in width, land dedications 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.
				Fire Department
2007-07-26	2007-08-30		MNEID	Logical addressing.
				FortisBC
2007-07-26	2007-09-19			no response
				Inspections Department
2007-07-26	2007-07-30		RREADY	No concerns
				Mgr Policy, Research & Strategic Plannin
2007-07-26	2007-07-26			no comments
				Park/Leisure Services Dir. (info only)
2007-07-26	2007-07-26			
				Parks Manager
2007-07-26	2007-08-07		TBARTON	No comment
				Public Health Inspector
2007-07-26	2007-08-10			no comment
				RCMP
2007-07-26	2007-08-07			no comment.
				School District No. 23
2007-07-26	2007-09-19			no response
				Shaw Cable
2007-07-26	2007-08-02			Owner/developer to supply and install an underground conduit system
				Telus
2007-07-26	2007-08-08			TELUS will provide underground facilities to this development. Developer will be required to supply and install conduit as per TELUS policy.
				Terasen Utility Services
2007-07-26	2007-09-19			no response.

File: Z07-0068

Seq	Out	In	By	Comment
	Works & Utilities			
	2007-07-26 2007-09-18			
				1. Domestic Water and Fire Protection
				<p>This property is currently serviced with a 19mm-diameter copper water service that can be retained. Provide an additional 19mm-diameter copper water service for this second dwelling housing application. The new service can be provided by the City at the owner's cost.</p>
				2. Sanitary Sewer
				<p>Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service. An inspection chamber (IC) must be installed on the service as required by the sewer-use bylaw. This work can be provided by the City at the owners cost. The applicant will be required to sign a Third Party Work Order for the cost of installing the new water service and (IC) prior to issuance of a Building Permit.</p>
				3. Development Permit and Site Related Issues
				<p>The requested variance to reduce the setback from 6.0m to 4.5m does not compromise Works &amp; Utilities servicing requirements.</p> <p>Direct the roof drains and hard surface run-off into on-site rock pits. This will help dissipate the rain water and prevent additional concentrated flows onto the road.</p>
				4. Electric Power and Telecommunication Services
				<p>It is the applicant's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services which would be at the applicant's cost.</p>

Remarks





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.







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PLAN 25524, SECTION 29  
TOWNSHIP 26, Q.D. Y.D.



# MULLINS

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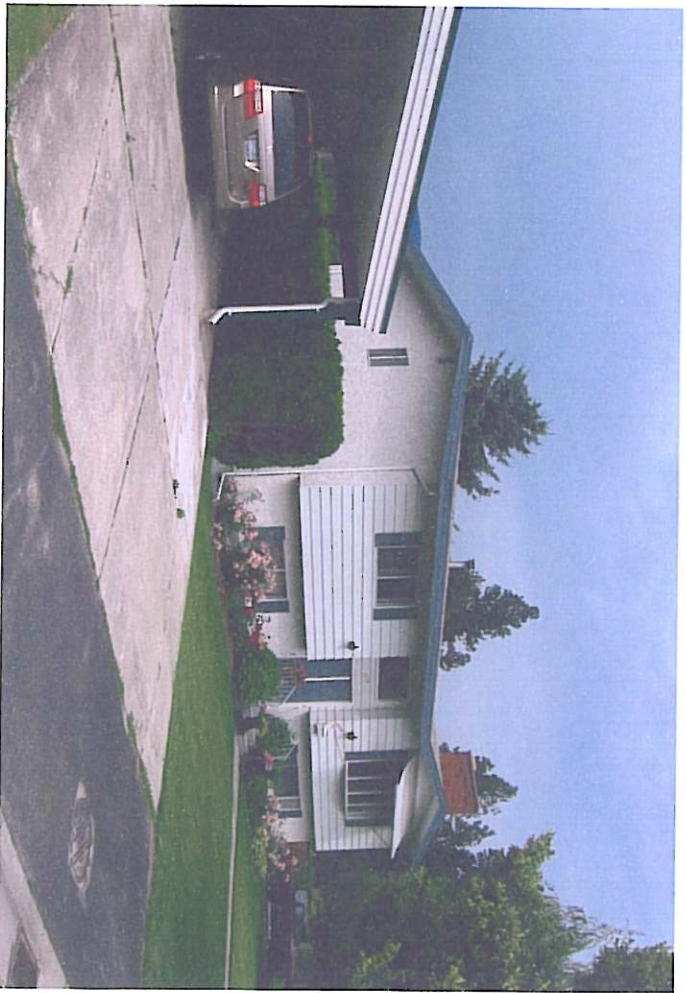




Existing Dwelling (west).



Existing Dwelling (east)



Existing Dwelling (north)



