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**CITY OF KELOWNA  
MEMORANDUM**

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**DATE:** November 7, 2008  
**TO:** City Manager  
**FROM:** Community Sustainability Division  
**APPLICATION NO.** Z08-0088      **APPLICANT:** Rodney & Nathalie Dueck  
**AT:** 900 Graham Rd      **OWNER:** Rodney & Nathalie Dueck  
**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 DWELLING.  
**EXISTING ZONE:** RU1 – LARGE LOT HOUSING  
**PROPOSED ZONE** RU6 – TWO DWELLING HOUSING  
**REPORT PREPARED BY:** ANDREW BROWNE

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**1.0    RECOMMENDATION**

THAT Rezoning Application No. Z08-0088 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3 Section 22 Township 26 ODYD Plan 27280, located at 900 Graham Road, 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 and Rutland Water District being completed to their satisfaction.

**2.0    SUMMARY**

This 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 dwelling on the site.

**3.0    ADVISORY PLANNING COMMISSION**

At a meeting held on November 4, 2008, the Advisory Planning Commission passed the following recommendation:

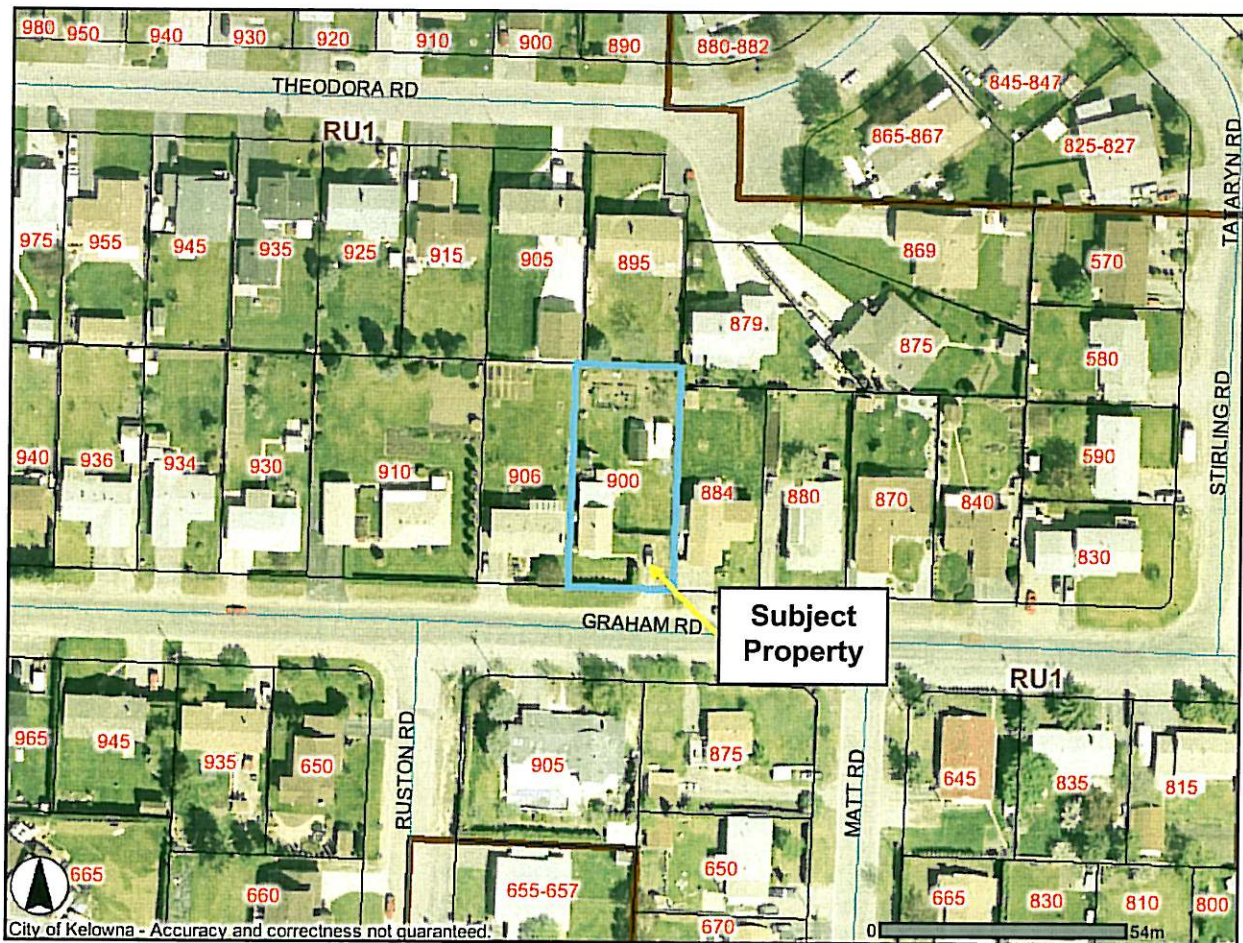
THAT the Advisory Planning Commission support Rezoning Application No. Z08-0088, for 900 Graham Road, Lot 3 Section 22 Township 26 ODYD Plan 27280 by Rodney & Nathalie Dueck to rezone the subject property from the RU1 – Large Lot Housing zone to the RU6 – Two Dwelling Housing zone to allow for the construction of a second dwelling.

## 4.0 BACKGROUND

### 4.1 Site Context

The subject property is located on the north side of Graham Road. The surrounding area is a mix of RU1 (Large Lot Housing), RU2 (Medium Lot Housing), and RU6 (Two Dwelling Housing) zones. Quigley Elementary School is located nearby and some low-density multi-family zones are within walking distance. More specifically, the adjacent land uses are as follows:

North	RU1 – Large Lot Housing
South	RU1 – Large Lot Housing
East	RU1 – Large Lot Housing
West	RU1 – Large Lot Housing



### 4.2 The Proposal

The subject property contains a single family dwelling, and the applicant seeks to rezone the parcel in order to construct two side-by-side, detached single family dwellings. The existing dwelling is to be demolished between construction of each of the new dwellings. The following table demonstrates this application's compliance with the requirements of the RU6 zone.

CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS FOR TWO PRINCIPAL DWELLINGS
Subdivision Regulations		
Lot Area	1129.5 m <sup>2</sup>	700 m <sup>2</sup>
Lot Width	23.16 m	18.0 m
Lot Depth	48.77 m	30.0 m
Development Regulations		
Site Coverage (buildings)	20.13%	40%
Site Coverage (buildings/parking)	25.87%	50%
Height	2 ½ storeys / 7.41 m	2 ½ storeys / 9.5 m
Front Yard	7.32 m	4.5 m or 6.0 m to a garage
Side Yard (west)	2.3 m	2.3 m (2 or 2 ½ storey portion)
Side Yard (east)	2.3 m	2.3 m (2 or 2 ½ storey portion)
Rear Yard	23.47 m	7.5 m (2 or 2 ½ storey portion)
Separation between Dwellings	4.5 m	4.5 m
Parking Stalls	4 spaces	4 spaces
Private Open Space	Approx. 282 m <sup>2</sup> of private open space per dwelling	30 m <sup>2</sup> of private open space per dwelling

## 5.0 **TECHNICAL COMMENTS**

### 5.1 **Fire Department**

No comment.

### 5.2 **Inspections Department**

Demolition permits required for existing buildings on property. BP submission to show phasing of construction.

### 5.3 **Rutland Water District**

CEC's required; road crossing required; funds to be paid to District before water certificate will be issued.

### 5.3 **Ministry of Transportation**

BC MoT has no objections to either the Rezoning or Development Permit.

#### **5.4 Works & Utilities Department**

See attached memorandum dated October 3rd, 2008.

#### **6.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS**

The proposed Zoning Bylaw Amendment is consistent with the Official Community Plan. The provision of second dwellings is a low-impact method of providing additional housing while preserving overall neighbourhood character. No significant impact on adjacent or nearby properties is anticipated.

A direct Development Permit will be executed at a staff level to evaluate form and character of the new dwellings.

It should be noted that a phasing plan has been supplied indicating that even if only one of the two new proposed dwellings is eventually built, the existing dwelling and one new dwelling together would still comply with applicable regulations.

Land Use Management staff recommend support for this application.

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

Shelley Gambacort  
Director of Land Use Management

#### **ATTACHMENTS**

Location map

Works & Utilities technical comments (3 pages)

Site plan phasing plan (4 pages)



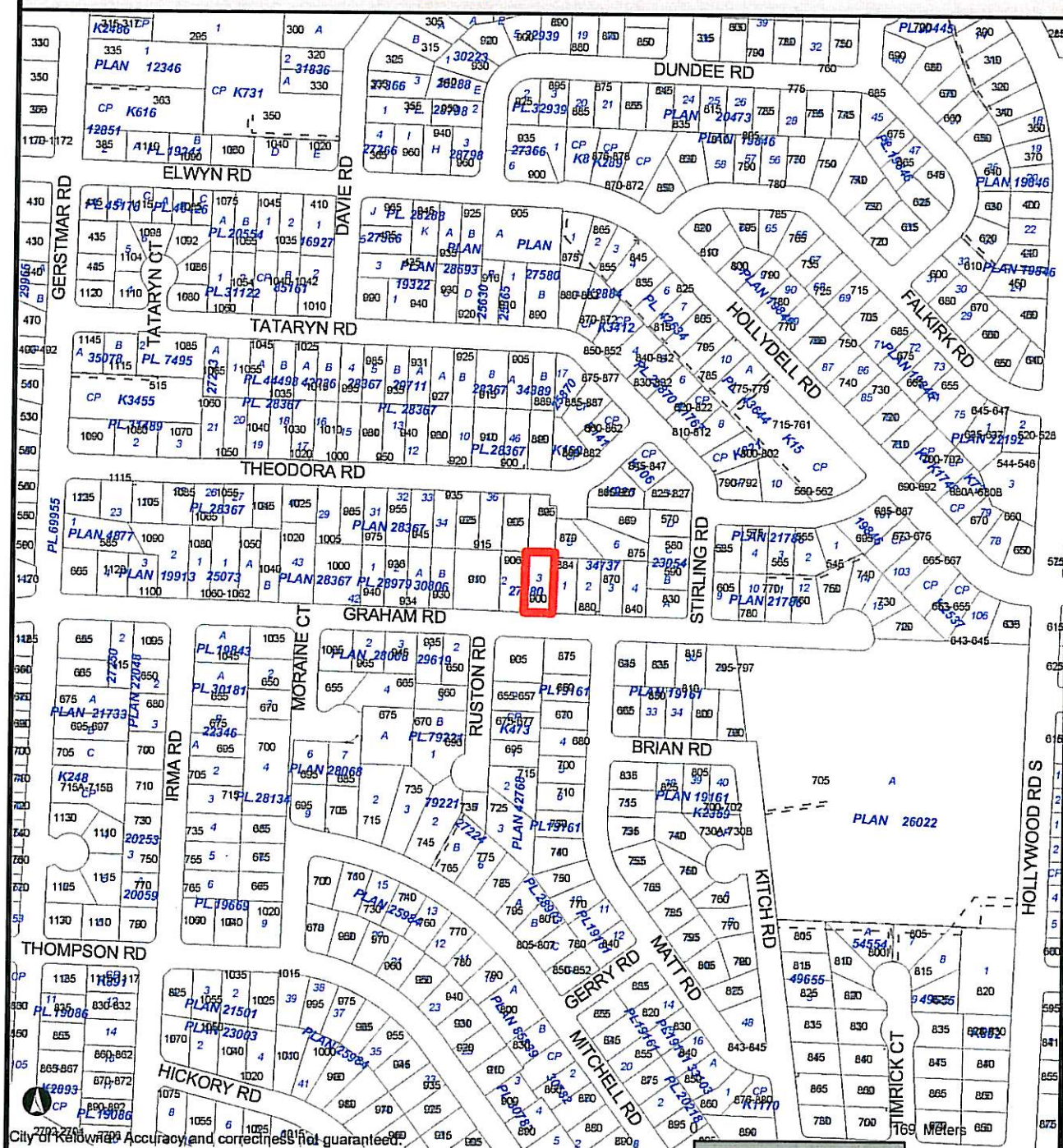
## ADDRESS MAP

Z08-0088

DP08-0213



Subject Property



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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CITY OF KELOWNA

MEMORANDUM

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**Date:** October 3, 2008  
**File No.:** Z08-0088 DP08-0213  
**To:** Planning & Development Services Department (AB)  
**From:** Development Engineer Manager (SM)  
**Subject:** 900 Graham Road – Lot 3, Plan 27280, Sec. 22, 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 building 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. A second service is required to meet current policy for Duplex properties.

4. Sanitary Sewer.

The property is located within Specified Area # 23 and in accordance with the City of Kelowna current policy, the specified charges for the proposed RU6 development will have to be cash commuted. The current pay out charge for an RU6 lot with two dwelling is \$7,340.00 per SFE for a total of **\$14,680.00**.



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.

Graham 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 **\$10,700.00** 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.

8. 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.

9. 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.

10. Bonding and Levies Summary.

a) Performance Bonding

Graham Road frontage upgrade **\$10,700.00**

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, the cost would be reduced to **\$9,200.00**.

b) levies

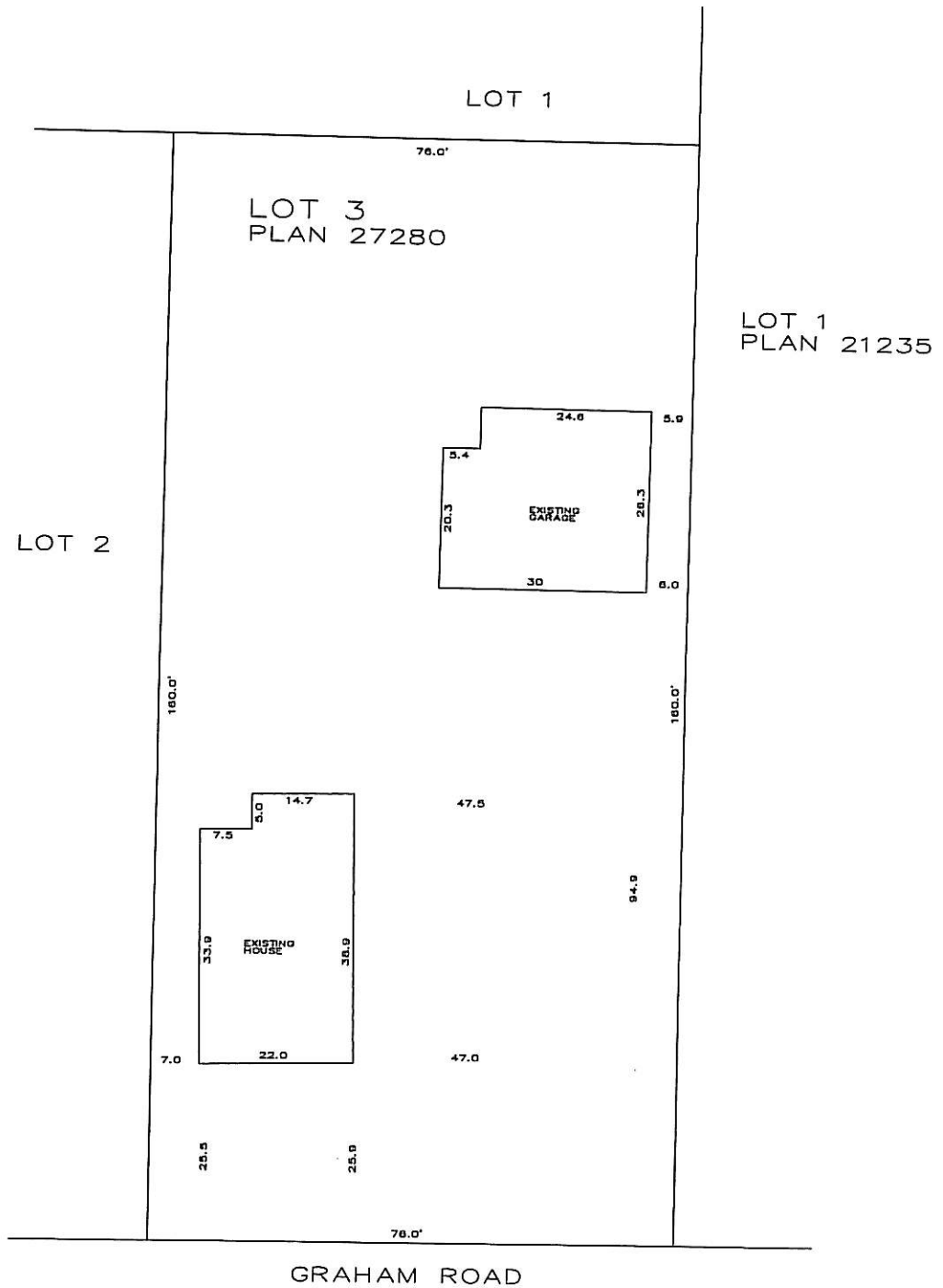
Specified Area charges (2 dwellings) **\$14,680.00**

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Steve Muenz, P.Eng.  
Development Engineering Manager

DC

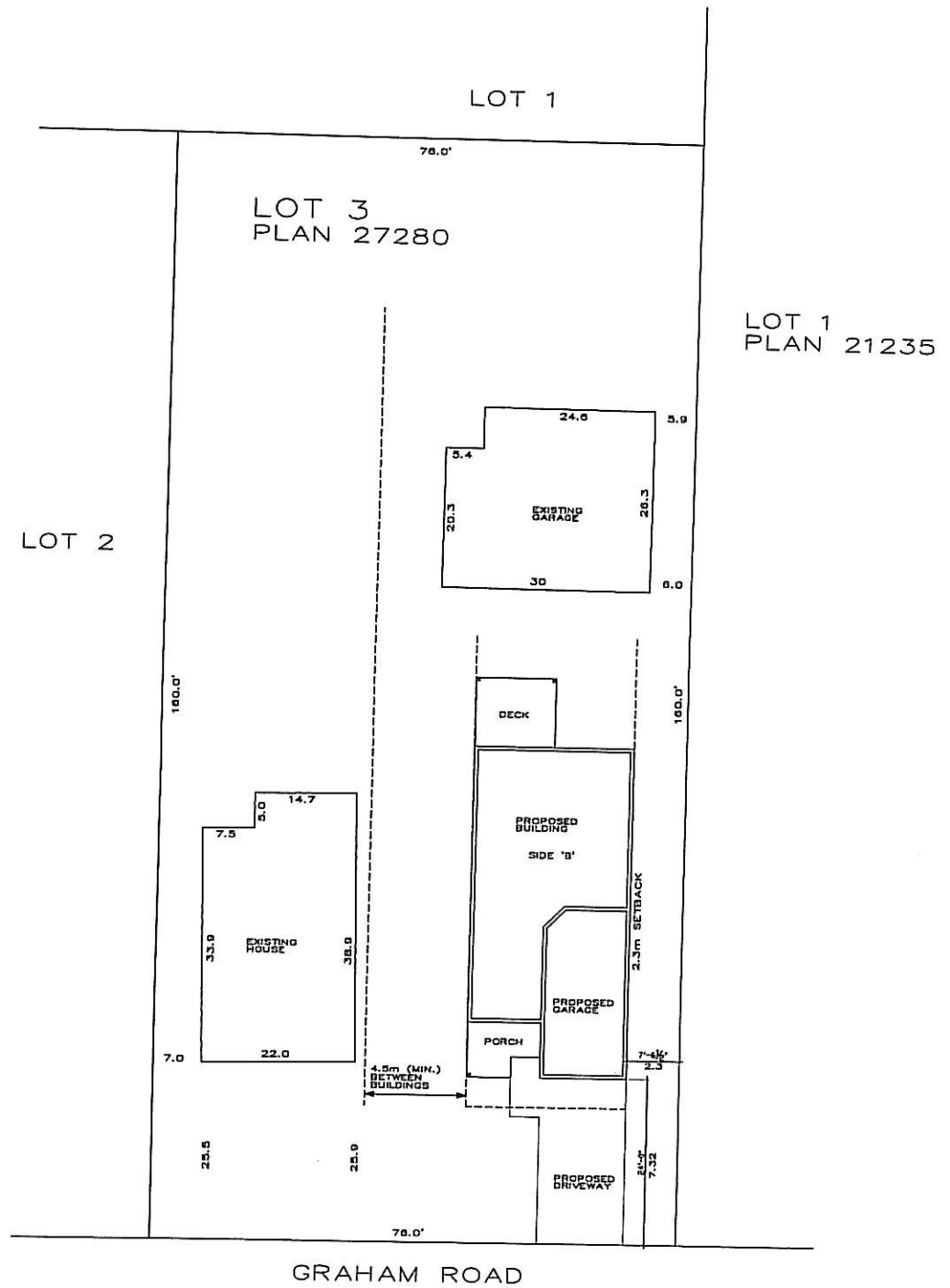




LOT 3, PLAN 27280  
SECTION 22 TOWNSHIP 26 O.D.Y.D.



EXISTING SITE PLAN



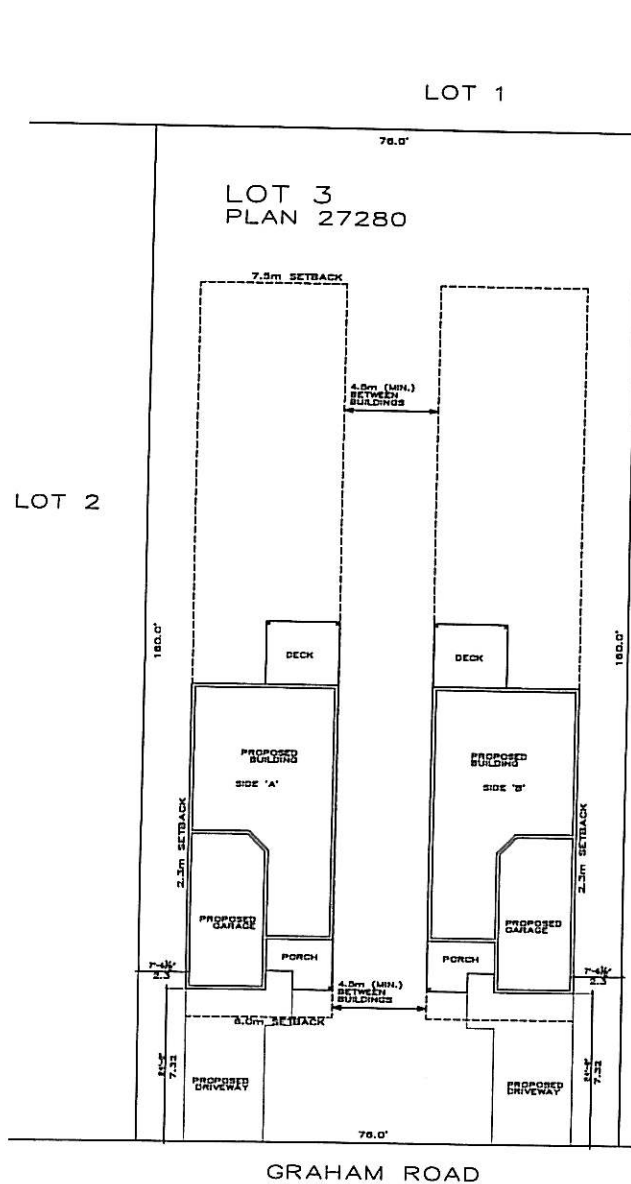
LOT 3, PLAN 27280  
SECTION 22 TOWNSHIP 26 O.D.Y.D.



STEP 2: BUILD NEW HOUSE







LOT 1  
PLAN 21235

LOT 3, PLAN 27280  
SECTION 22 TOWNSHIP 26 O.D.Y.D.



**DESIGN CRITERIA:**

AREAS: LOT 3 GRAHAM RD. KELOWNA BC.

SITE AREA = 12160 SQ.FT. (1129.7 SQ.M)

NEW BUILDING AREA (SIDE 'A') =

RESIDENCE: 726 SQ.FT. (67.45 SQ.M)

INC. GARAGE: 1020 SQ.FT. (94.76 SQ.M)

NEW BUILDING AREA (SIDE 'B') =

RESIDENCE: 726 SQ.FT. (67.45 SQ.M)

INC. GARAGE: 1020 SQ.FT. (94.76 SQ.M)

SITE COVERAGE = 16.8%

NET FLOOR AREA

SIDE 'A' = 2372 SQ.FT. (220.37 SQ.M)

NET FLOOR AREA

SIDE 'B' = 2372 SQ.FT. (220.37 SQ.M)

FLOOR AREA RATIO =

PRIVATE OPEN SPACE

SIDE 'A' = 4537 SQ.FT. (421.5 SQ.M)

PRIVATE OPEN SPACE

SIDE 'B' = 4537 SQ.FT. (421.5 SQ.M)

**SITE INFORMATION:**

ZONING:

SETBACKS:

FRONT - 6.0m (19.69')

SIDE - 2.3m (7.55')

REAR - 7.5m (24.61')

STEP 4: BUILD SECOND DWELLING