
**CITY OF KELOWNA
MEMORANDUM**

Date: June 18, 2009
File No.: Z09-0025
To: City Manager
From: Community Sustainability Division
Purpose: To rezone from the RR2 - Rural Residential 2 zone to the RU6 - Two Dwelling Housing zone in order to establish two new dwellings following demolition of the existing dwelling.

OWNERS: Nicholas Kellet & Julie Kellet **APPLICANTS:** Nicholas Kellet & Julie Kellet

AT: 382 Braeloch Road

EXISTING ZONE: RR2 – Rural Residential 2

PROPOSED ZONE: RU6 – Two Dwelling Housing

REPORT PREPARED BY: Andrew Browne

1.0 RECOMMENDATION

THAT Rezoning Application No. Z09-0025 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B Section 23 Township 28 SDYD Plan 26731, located at 382 Braeloch Road, Kelowna, B.C. from the RR2 – Rural Residential 2 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 Development Engineering and Environment & Land Use being completed to their satisfaction.

2.0 ADVISORY PLANNING COMMISSION

At a meeting held on May 26, 2009, the following recommendation was defeated by the Advisory Planning Commission:

THAT the Advisory Planning Commission support Rezoning Application No. Z09-0025, for 382 Braeloch Road, Lot B, Plan 26731, Sec 23, Twp 28, ODYD, to rezone from the RR2 - Rural Residential 2 zone to the RU6 - Two Dwelling Housing zone in order to establish two new dwellings following demolition of the existing dwelling.

NOTE: Meeting minutes for this item are attached to this report in addition to a written response from the applicant to the concerns raised at the APC meeting.

3.0 SUMMARY

The applicant proposes to rezone the subject property to RU6 – Two Dwelling Housing from RR2 – Rural Residential 2 in order to establish two dwellings on the subject property. The existing dwelling is to be demolished.

4.0 BACKGROUND & PROPOSAL

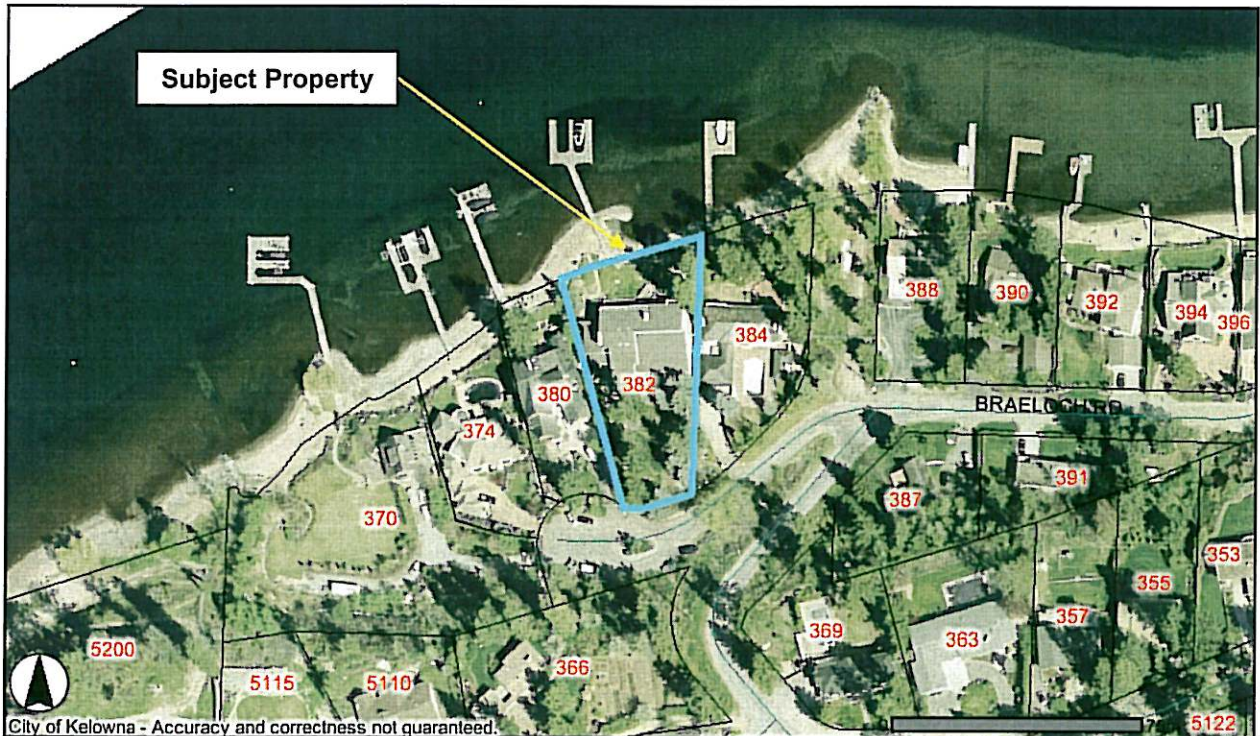
An existing home, which the applicant's note is too large and energy inefficient for their needs, is to be demolished. The subject property currently obtains domestic water directly from Okanagan Lake and utilizes an on-site septic system for sewage disposal. The City is requiring the subject property be connected to municipal water and sewer and the existing septic system to be removed.

Two side-by-side, single detached dwellings have been proposed for the site. A preliminary site plan has been provided which establishes conceptual locations for the dwellings. Both dwellings are proposed to share one driveway from Braeloch Road and the existing two-slip dock. The applicant is considering stratification following rezoning.

Zoning Bylaw No. 8000		
Criteria	Proposed	Required (min.)
Subdivision Regulations		
Lot Area	2411 m ²	700 m ²
Lot Width	Approx. 23.0 m	18.0 m
Lot Depth	Approx. 75.0 m	30.0 m

5.0 SITE CONTEXT

The subject property is located on the lake side of Braeloch Road in the Southwest Mission.



6.0 **POLICY AND REGULATION**

6.1 **Kelowna 2020 – Official Community Plan**

Environment Policies:

Xeriscape Landscaping. Encourage developers to incorporate xeriscape (drought resistant, low water requirement) concepts into development of landscape programs.

Minimize Impacts to Local Watersheds. Require streamside and foreshore homeowners to prevent or reduce impacts to Kelowna's watercourses.

Limit Erosion During Construction. Require all those undertaking construction activities to implement practices to prevent sediment from entering local watercourses.

Buffering. Utilize the Development Permit process to establish buffers to protect environmentally sensitive areas such as watercourses and steep slopes from debilitating land uses.

Loss of Vegetation. Encourage a balance of vegetation in proposed development areas. Encourage increased vegetation in areas of previous development that are identified as being deficient and encourage tree planting in general throughout the City.

Environmental Assessments. Require that environmental assessments for development proposals define impacts to aquatic habitat and lay out satisfactory avoidance, mitigation and compensation measures

No Net Loss. Require that no net loss or that a net gain in the productive capacity of aquatic habitat is realized prior to, or as a condition of, any approval of projects that affect that aquatic habitat.

Retention of Natural Areas. Encourage all development and infrastructure projects to conserve wetlands, wildlife habitat, trees or other indigenous vegetation.

Indigenous Plants. Encourage, wherever possible, the use of indigenous plants in landscape planting schemes (please contact the City of Kelowna Environmental Division for a list of appropriate indigenous plants).

Landscape Bonding for Sensitive Environmental Areas. Require as part of the Development Permit process, landscape bonding to provide funding for rectifying deficient landscape conditions or for addressing damage to the environment caused by development activity.

Establish Riparian Management Areas. Require riparian management areas to be provided to limit environmental and hydrological impacts on local watercourses.

Housing Policies:

Infrastructure Availability. Give preference to supporting new housing in areas where required services already exist or can be provided most economically and efficiently.

Land Utilization within Single Detached Areas. Work towards achieving more efficient use of land within developed single-detached neighbourhoods by encouraging rezoning, subdivision and building permit applications that would allow for smaller lot sizes, secondary suites, minor boarding facilities, minor group homes, duplexes etc. that are sensitively integrated into a neighbourhood.

Integration. Encourage the sensitive integration of different housing forms in the various sectors of the City, in support of neighbourhood diversity and healthy communities.

7.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

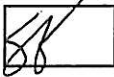
The proposed Zoning Bylaw Amendment is consistent with the Official Community Plan future land use designation for the subject property. The provision of two single detached dwellings on one lot that can facilitate stratification is a low-impact method of providing additional housing while preserving overall neighbourhood character. No significant impact on adjacent or nearby properties is anticipated.

To facilitate the proposed development a Natural Environment Development Permit is required, to be executed at a staff level, which will include an Environmental Assessment report. An outcome of the DP will be a landscape restoration plan for the foreshore and a No-Disturb covenant for the restored area. Environmental monitoring is required during foreshore restoration, dwelling demolition, and dwelling construction and a Performance Security will be required to guarantee the work. Ecoscapes Environmental Consultants has been retained by the applicant for this purpose. The elimination of a septic system from a lakeshore property represents a significant public benefit and is a high environmental priority.

A Development Permit, also to be executed at a staff level, will be required for the form and character of the proposed dwellings and will be submitted to staff once the applicant completes the design work. The applicant has supplied preliminary design information including a site plan, ground floor plans for both dwellings, and the design brief they provided to their architect.

As this application complies with the OCP future land use designation for the subject property, the Land Use Management Department recommends support.


Danielle Noble
Urban Land Use Manager


Approved for inclusion: 
Shelley Gambacort
Director of Land Use Management

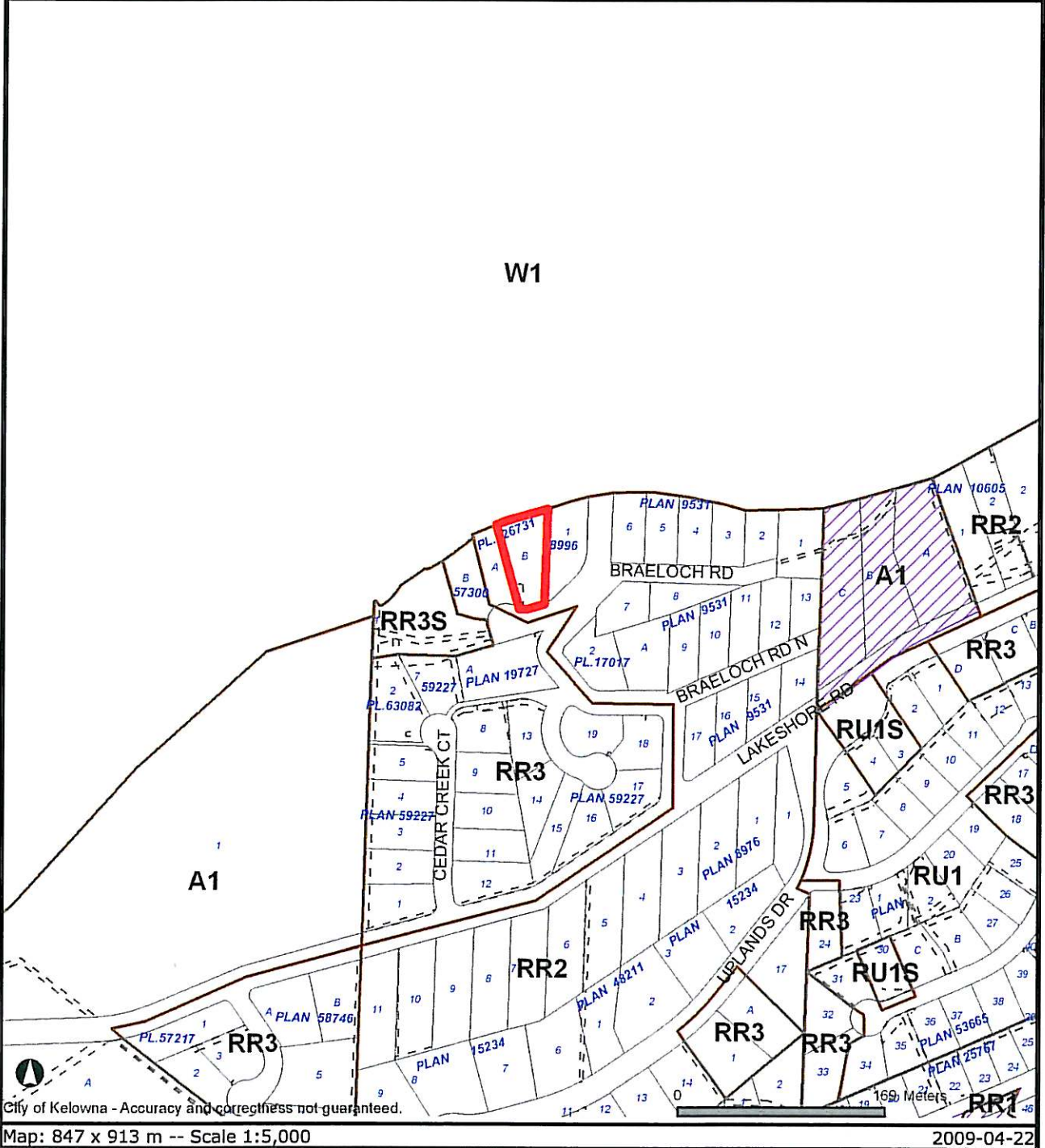
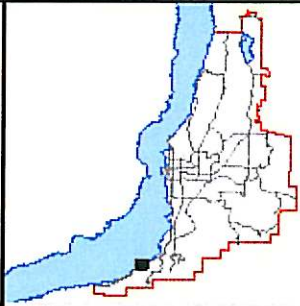
ATTACHMENTS

Location and zoning map of subject property
Technical comments printout
Development Engineering technical comments (2 pages)
Applicant's "Rationale for Rezoning" (2 pages)
Advisory Planning Commission meeting minutes (3 pages)
Applicant's "Additional Information Subsequent to Advisory Planning Commission Review on May 26, 2009" (5 pages)
Applicant's "Braeloch Lot Analysis" (2 pages)
Applicant's "Architect Design Brief" (4 pages)
Zoning analysis of existing and proposed zoning (2 pages)
Existing site plan
Proposed site plan
Ground floor plans (2 pages)
Draft lakeside elevation
Braeloch Road from the Lake photograph



Application
Z09-0025

 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.

File: Z09-0025

Application

File: Z09-0025

Type: REZONING

File Circulation

Seq	Out	In	By	Comment
				B.C. Assessment Authority (info only)
	2009-04-22	2009-04-22		
				Building & Permitting
	2009-04-22	2009-04-23	RREADY	Demolition permit will be required for existing home prior to development of property. Proposed building setbacks ok regarding zoning and building code requirements.
				Development Engineering Branch
	2009-04-22	2009-05-07		see docs tab
				Environment
	2009-04-22	2009-05-25		See file for comments. A Natural Environment Development Permit application is required to assess this rezoning application.
				Fire Department
	2009-04-22	2009-05-29	MNEID	Z09-0025 - 382 BRAELOCH RD: No parking signs may be required on both sides of the access road as per 2.5.1.5 of the BCFC. The building plans will show if there is a need for no parking signs; i.e. the distance to the main entrance from the Fire Engine. If a road gate is ever installed it is to have a 14 foot clear width opening and a Fire Department lock box installed.
				FortisBC
	2009-04-22			
				Parks Planning Manager
	2009-04-22	2009-04-28	TBARTON	No comment
				Policy & Planning
	2009-04-22	2009-04-24		no comments
				Public Health Inspector
	2009-04-22	2009-05-15		Interior Health has no concerns provided community water and sanitary sewer are available (as noted in applicant's rationale letter).
				RCMP
	2009-04-22	2009-05-05		No comment
				Real Estate & Building Services Manager
	2009-04-22	2009-04-30	SALEXANC	RE&BS 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 Real Estate & Building Services Department requires a full-sized copy, together with an 8 ? x 11 copy, of any survey plans.
				School District No. 23
	2009-04-22			
				Shaw Cable
	2009-04-22	2009-04-28		owner/developer to supply and install underground conduit system per shaw cable drawings and specifications.
				Telus
	2009-04-22	2009-05-27		Telus will provide aerial service.
				Terasen Utility Services
	2009-04-22			

CITY OF KELOWNA
MEMORANDUM

Date: May 5, 2009
File No.: Z09-0025
To: Land Use Management Department (AB)
From: Development Engineering Manager (SM)
Subject: 382 Braeloch Rd – Lot B, Plan, 26731

The Development Engineering requirements and comments pertaining to this application, to rezone the subject property from RR2 to RU6, are as follows:

1. General.

- a) Provide easements and right of ways as required.

2. Domestic water and fire protection.

- a) This development is within the service area of the City of Kelowna. Arrange for an individual lot connection before submission of the subdivision plan; including payment of connection fees (provide copy of receipt).

3. Sanitary Sewer.

- a) Arrange for an individual lot connection before submission of the subdivision plan, including payment of connection fees (provide copy of receipt). Abandon and backfill existing septic tanks in accordance with Building Department requirements. Identify, on the Lot Grading Plan, the location of the existing tanks and fields.
- b) The subject property is located within Sewer Connection Area # 28 and is to be connected to the Municipal Wastewater collection system; therefore connection area charges are: 2 units x \$22,000.00 = **\$44,000.00**.

4. Road improvements.

- a) Braeloch Road frontage is to be upgraded to a full urban standard which includes the design and construction of type I curb, gutter and monolithic sidewalk, fillet paving, storm drainage works, street lighting, landscaped boulevard and the removal and/or the relocation of utilities as may be required.

5. Power and Telecommunication Services.

- a) (FOR S.F. AND LOT SPLITS): If the existing area is served by overhead wiring, the service connections may be provided overhead provided that there are no new poles required and service trespasses will not be created. If either of these conditions are not satisfied, then underground service will be required for that lot.
- b) Make servicing applications to the respective Power and Telecommunication utility companies. The utility companies are required to obtain the City's approval before commencing construction.

c. Remove aerial trespass(es)

6. Other Engineering Comments

a) The City wishes to defer the construction of Road Improvements on Braeloch Road which is premature at this time. Therefore, cash-in-lieu of immediate construction is required and the City will initiate the work later, on its own construction schedule. The cash-in-lieu amount is determined as follows:

Item	Cost
Storm Sewer	\$2,330.00
Curb, & Gutter	\$1,464.00
Sidewalk	\$1731.00
Road Fillet	\$799.00
Street Lighting	\$719.00
Total	\$7,043.00

b) The property is located in Sewer Connection Area No 28 and therefore will be subject to the debt charges for this service. The Charges are 2 units x \$22,000.00 = **\$44,000.00**.

c) Water Extended Service Area Latecomers:

ESA#	Front ender	Component	Anniversary (rates increase)	*Rate/unit \$
9	Kettle Valley	Reservoir	Sept 28,2009	\$1315.00

*(these fees are to be confirmed at time of subdivision)

Steve Muenz, P. Eng.
Development Engineering Manager

382 Braeloch – Rationale for Rezoning

Existing Property

The current home was constructed in 1976 and is representative of a trend where bigger was better. The home is almost 8000 square feet and contains a large indoor pool. It is still served by domestic water intake directly from Lake Okanagan and an onsite septic tank/field installation. The placement of the current house does not meet the current standards for setback from the natural boundary of the lake. The house is also in need of some serious mechanical and plumbing upgrades and the insulation is woefully inadequate. In summary, the existing home is inefficient on many levels. The cost to bring this home up to a current standard of maintenance would be cost prohibitive and you would still end up with a very large house that is not designed well for family use.

The Proposal

The subject property is large enough to accommodate two modest sized single family homes at approximately 3500 square feet each. In order to accommodate this, our proposal is to rezone the property to RU6 and construct two separate principal dwellings. Once constructed, we would stratify the properties to make separate ownership of the buildings possible. The existing dock has two boat slips and is in good condition so we would propose that this dock be shared by both buildings. The new buildings would meet the current setback regulations for Lake Okanagan and would share one common driveway from Braeloch Road. Our intent is to make this unique property available for two full time residents as opposed to another very large house that would likely only be used by part time residents.

Sustainability

We believe that the existing home is an example of how sustainability was not considered during the design and construction process. We intend to address sustainability in the following ways:

- Using the same piece of land to provide accommodation for two new residences. This is increasing the utilization of a parcel of land that is already "on the grid" from an infrastructure point of view.
- New homes would connect to community water and sanitary sewer services. The existing home draws domestic water directly from the lake and also utilises on site septic disposal. Neither of these practises are considered sustainable when there are community services already available at the property line.
- Reasonable building area. While two 3500 square foot homes are not by any means considered high density living, given the context of a large

waterfront lot, this size of home is likely smaller than many recent examples of waterfront residential.

- New construction will incorporate green technologies. It is intended that the new homes would be designed to be as efficient as current standard technology would allow, utilising solar panels, geothermal energy, heat recovery systems, efficient mechanical systems and proper insulation.
- Landscaping to be low impact, low water solutions. The lakeside location of the property will allow an attractive landscaping plan that does not need to rely on water intensive plants. The micro-climate of near lakeshore land supports indigenous vegetation that will still be aesthetically pleasing.

Summary

We have owned this property since just before the fires in 2003. We love the location but we find our core values at odds with the home that we live in. We have come to the conclusion that we can make a difference by taking on this project and creating appropriate housing for ourselves and another family. We are happy to answer any questions or provide further information as requested.

- ITEM 4. Location/Legal:** 382 Braeloch Rd, Lot B, Plan 26731, Sec 23, Twp 28, ODYD;
Application No: Z09-0025
Applicant/Owner: N & J Kellet
Purpose: To rezone from RR2 - Rural Residential 2 zone to RU6 - Two Dwelling Housing zone in order to establish two new dwellings following demolition of the existing dwelling.

Staff:

- The subject property currently obtains domestic water directly from Okanagan Lake and an on-site septic system for sewage disposal. The City is requiring the subject property be connected to municipal water and sewer and the existing septic system to be removed.
- Two side-by-side dwellings have been proposed for the site. The existing dwelling is to be demolished.
- To facilitate the proposed development the applicant will also require a Natural Environment Development Permit, to be executed at a staff level, which will include an Environmental Assessment report. An outcome of the DP will be a landscape restoration plan for the foreshore and a No Disturb covenant for the restored area. A Development Permit, dealt with directly by staff will also be required for the form and character of the proposed dwellings and will be submitted to staff once the applicant completes the design work.
- Shares one driveway from the road, 2 slip dock will remain for their use.

Applicant: Andrew Bruce, consultant for N & J Kellet

- The owners purchased the home in 2003 prior to the Okanagan Fire. They really bought the property for the site and the home is basically a knock down. There is an indoor pool that is not functional and the home requires a lot of improvements. Initially, the owners wanted to subdivide but the frontage was too narrow to conform to the bylaw. Instead of applying for a development variance permit they decided to rezone to the RU6 zone. The owners thought that to stratify and sell one building and reside in the other would be more efficient use of the land. The first improvements would be to connect to municipal water and sewer. There is one existing dock that is relatively new and has 2 boat slips on the dock. This will be used as a shared dock for both dwellings.
- Drawings are still at the conceptual stage. The existing house is very large but they do intend to pull the new buildings back from the Lake significantly to comply with environmental regulations. The driveway would be shared. The styles of the new homes intend to change from a flat roof (as A. Bruce showed in a conceptual drawing) to a pitched roof. It will be a more contemporary design.
- The Kellets and I approached a number of the neighbors in the immediate neighborhood and received either no objection/support. One neighbor gave conditional support and two other neighbors were not prepared to give a letter of support and we had one letter of opposition.
- Mr. Bruce noted that he would be available to answer any further questions.
- The Chair inquired what sort of variance would there be on the frontage to subdivide into two lots. Mr. Bruce advised that they would be short by 5 or 6 meters overall.

APC:

- The Chair inquired if anyone from the Gallery wished to speak.

Gallery:

Bill Lingard, 369 Braeloch Road

- Opposed to the rezoning.
- I think this could change the upper mission to allow larger lots to split into two strata home buildings. This could deteriorate the entire community. There are 24 lots that could do the same thing in this area.
- Concerned with public safety. The road is very narrow and is only 9 m wide.
- Concerned with the environmental impact and the disturbance of putting down two foundations. Erosion potential is a concern.
- Concerned with financial impact if strata homes are permitted near large lots; this could lower the value of the existing homes.

Mark Wempe, 363 Braeloch Road

- Opposed to this rezoning.
- This will set precedence for the same future applications.
- Children and pets use the road and the increase of traffic will be more of a safety concern.
- Concerned with secondary uses that RU6 zoning allows. We could see duplexes, bed and breakfast businesses, etc. in our neighborhood.
- Reduces the value and character of the neighborhood.

Marilyn McNamara, 363 Braeloch Road

- Opposed to this rezoning.
- This is not a knock down home as Mr. Bruce has stated. Certain things may need to be renovated as does our own home. A lot of this has to do with financial gain and doesn't help the neighborhood.
- This will set precedence and will negatively change the neighborhood. I am also concerned with potential secondary uses.

Richard Matvichuk, 374 Braeloch Road

- Opposed to this rezoning.
- Concerned with the narrow road and increased usage.

Garwood Leigh, 380 Braeloch Road

- Opposed to this rezoning.
- Concerned with property values decreasing.
- Concerned with Stratification.
- Concerned with the quality of the homes that may be built. The neighborhood does not have answers to those questions.

APC/Staff/Applicant Discussion:

- APC inquired if there would be public access along the frontage of the buildings. The Applicant noted that this had been discussed with the Kellets and the City and to date the City has not asked for any public access along the lake front. The Dock there is passable.
- APC inquired if there were any other RU6 zoned properties in the area. Staff noted that this would be the first RU6 zoned property in the area.
- APC discussed with staff and the Applicant strata requirements. The Applicant noted that the process the Kellets would be entering into would give the City and neighbors more say into what they do via a Development Permit for form and character.
- APC inquired about the road safety and asked if the City had some concerns. Staff advised that at this time technical comments from relevant Departments had not been

- received but that any infrastructure upgrades would be noted and provided to the applicant.
- APC raised concern that if the property were to be rezoned RU6 the owners could sell the lot and the new owners could apply for a side by side duplex. We would have no control over the Development Permit.

There were no further comments.

RECOMMENDATION (ITEM 4)

MOVED BY David James/SECONDED BY Pam Moore

THAT the Advisory Planning Commission support Rezoning Application No. Z09-0025, for 382 Braeloch Road, Lot B, Plan 26731, Sec 23, Twp 28, ODYD, to rezone from the RR2 - Rural Residential 2 zone to the RU6 - Two Dwelling Housing zone in order to establish two new dwellings following demolition of the existing dwelling.

DEFEATED

Z09-0025: 382 Braeloch Road

Additional Information Subsequent to Advisory Planning Commission Review on May 26, 2009

On May 26, 2009, our application was considered by the Advisory Planning Commission where there were some concerns raised by representatives of four properties within the Braeloch Road neighbourhood. The end result was that a motion supporting the rezoning application was defeated by a 4 to 3 vote (We believe there were two members absent).

We feel that the comments by one of the APC members were particularly subjective, somewhat misleading and very influential to some of the other APC members that evening. While that particular member lives outside of the 100 m notification area that is generally used to determine potential conflict of interest, the member is within the neighbourhood living at 5150 Cedar Creek Court, and we do not feel the comments were particularly appropriate given the proximity of residence. In any event, had he abstained and the rest of the members voted the same way they did, it would have been a tie and the motion still would have been defeated.

Furthermore, two of the properties represented are not occupied year round but primarily during the warmer portions of the year. This does not diminish their concerns but their experience in the neighbourhood tends to focus on the summer months when other second residences are used heavily and likely enjoy a higher rate of use by owners and guests compared to the relatively quiet times during the "off peak" months. In addition, the Braeloch Road beach access is used more heavily in the summer months.

We would like to address the general comments raised by our neighbours in no particular order:

Deteriorating Effect to the Entire Community

We believe this comment stems from the fact that this portion of the community is made up of predominantly large single family lots. The development history of this area dictated larger lots as most of them were developed on independent water systems and septic sewage disposal. This resulted in suburban neighbourhoods that had a rural character. Full urban infrastructure services are now available in this area and more recent subdivisions in the vicinity have been developed to smaller sized lots to be consistent with zoning regulations and to follow Official Community Plan (OCP) policy that supports better land utilisation and integration of different housing forms. Subdivision developments on Uplands Court, Okaview Road and all of Kettle Valley have all developed to predominantly smaller lots. Granted, there are no nearby RU6 zoned properties but there are a

few "s" zoned properties on Uplands Court, Viewcrest Court and even more relevant, 370 Braeloch Road. Specific Housing policies in the OCP now dictate that, where possible, new housing should make the most utilisation out of existing infrastructure and developable land and also promote different forms of housing (see 8.1.30, 8.1.35 and 8.1.44). Planning staff and Council have developed such policies to promote sustainability and have seen RU6 zones implemented in many areas of the City without "deteriorating" affects.

Environmental Impact

The proposed development will require an Environmental Development Permit to ensure that the project proceeds in conformity with all of the City and Ministry of Environment regulations and protocols. Ecoscapes Environmental Consultants have been retained to conduct an assessment of the existing property and to evaluate and make recommendations for the proposed redevelopment of the property. These recommendations will cover, at minimum, the appropriate setback from Lake Okanagan, sediment control during construction, and re-vegetation of the riparian management area. It should also be noted that the existing home legally draws domestic water supply directly from Lake Okanagan and disposes sewage effluent by way of a septic system. Both of these aspects will be alleviated by connection to the community water system and the community sanitary sewer system which is available at the lot line. The existing house is also closer to Lake Okanagan than current regulations allow and all new construction will meet and exceed the current minimum setbacks. The proposed redevelopment clearly represents a net benefit to the specific environment at 382 Braeloch.

Public Safety

Concerns were raised regarding traffic and road standards in the neighbourhood with respect to adding an additional home to the current inventory on Braeloch Road. Like many areas in the Southwest Mission, there are no sidewalks or marked bicycle lanes on Braeloch Road. The pavement width ranges from approximately 10.3 m near the intersection with Lakeshore Road to approximately 6.3 m near the subject property. It is generally wider than 7 m above the intersection with Lockett Court. Below Lockett Court, Braeloch Road serves as access to 13 lots and a beach access. As a comparison, whole City blocks are served by lane systems that are less than 6 m of pavement and many of the urban core areas are blanket zoned RU6 and therefore serve more than one dwelling per lot. As previously mentioned, traffic is heightened during summer months when people use the beach access, vacation homes are utilised (with or without additional guests) and more people tend to "go for a drive". Throughout the year, traffic is not an issue for the permanent residents as they are aware of neighbourhood children and drive accordingly. We do not believe that the addition of one home will have a significant impact on traffic safety. We would also suggest that relocating the "No Through Road" sign on the upper part

of Braeloch so that it is actually visible from Lakeshore Road would help dissuade travelers unfamiliar with the area from coming down to the bottom of Braeloch Road.

Financial Impact/Design Quality

For some reason, there are concerns that by changing the zoning and allowing two homes on the subject property, it will have a detrimental value on real estate in the area. It must be stated clearly that the proposal is to build two architecturally distinct executive homes suitable for family living on prime waterfront real estate. The value of each of the two homes will likely be as high if not higher than the majority of the properties in the immediate vicinity. These will be new custom homes that will be subject to City review (Two Dwelling Housing DP required). None of the other single family homes in this neighbourhood were subject to a development permit for form and character. It would be ludicrous to think that we would not build to the strength of our surroundings. The best comparison would be the many duplex housing developments at Gallagher's Canyon – the form of housing was raised to a design standard that was fitting of a first class golf course community. Just because we are proposing two homes on the property, there is no logical reason we would not embrace the same high quality standards as our neighbours who have recently built or remodelled their homes. Although this is still the rezoning stage, we have developed conceptual drawings that will form the basis of the subsequent Development Permit. We have also attached a design brief that has been a working document for our builder and architect.

Financial Gain

Comments were put forth that this endeavour is purely for the financial gain. The fact is we purchased the property because we fell in love with the neighbourhood and the attributes of living on the lake. It was not until after we had lived in the house that we realised how much repair work it required. Furthermore, we realised that one family does not need nearly 8000 square feet to live comfortably – in fact it is detrimental to 'family life'. We have a large enough lot to accommodate two homes that will allow two families to enjoy what we fell in love with. We also embrace the City's policies that promote a more efficient use of serviced land. If we did not feel that this was the right thing to do for the community, we would not be subjecting ourselves to this scrutiny. Do we expect to make a profit at the end of the process – of course we do. Anyone who spends money building or remodelling their home expects that they will be rewarded with higher value in the long run. The expected profit will likely be a normal profit relative to the amount that it will cost us to demolish the existing house and construct two new high quality lakefront homes.

Precedence/Proliferation

Concerns were raised that this rezoning would be a precedence and would encourage up to 24 lots in the area to do the same thing. We have completed a lot study for the neighbourhood that looked at lot size, building footprint (lot coverage) and relative age or condition of the housing inventory. While this is not a scientific study – measurements were taken from internet mapping – it is a good relative comparison for the area including Cedar Creek Court, Lockett Court, Braeloch Road North and Braeloch Road which comprises 44 properties. The study shows that the subject property is the fourth largest lot in the neighbourhood and the existing lot coverage ranks tenth. It should be noted that the proposed lot coverage of the two new homes would not be significantly different than the existing house. Regardless of these statistics, every lot in the study area is more than large enough to be rezoned to RU6. However, the real indicator of the potential for proliferation of RU6 zoning is the condition of housing. Out of the 44 properties, one is already zoned to allow for a second dwelling (370 Braeloch Road), 19 are relatively new homes on Cedar Creek Court and Lockett Court, 14 appear to have been re-modelled or renovated and only 10 appear to be in their original condition (including the subject property). Out of these 10 original homes, only one at 366 Braeloch appears to have the potential to add a second principal dwelling without demolishing the existing structure. The subject property is arguably the home in the worst condition. The remaining 8 original homes are in varying condition and it is unlikely that they would all be candidate for demolition and rezoning within the near future. To us, this seems like a low potential and even if it were to occur, it would be in line with OCP policies that encourage sensitive infill and integration of different housing forms into an existing neighbourhood.

Secondary Uses in the RU6 Zone

Concerns were also raised regarding less desirable secondary uses permitted by the RU6 zone. Aside from the permission of a second dwelling unit (which is a principal use) all of the secondary uses are the same as the current RR2 zoning permits. Indeed, most of the residential zoning categories across the City allow similar secondary uses as they are deemed appropriate and complimentary to residential use by the City of Kelowna. Boarding Homes are permitted only in RU6b zones which is not under consideration for this application – we are applying only for RU6.

Further Consultation with Neighbours

We have met with our immediate neighbour at 380 Braeloch Road on several occasions since the APC meeting. We had garnered a letter of no opposition from him, subject to final design review, prior to submitting our application and his opposition at the APC meeting caught us somewhat by surprise. We have tried to alleviate his concerns and assured him that the quality of the homes will

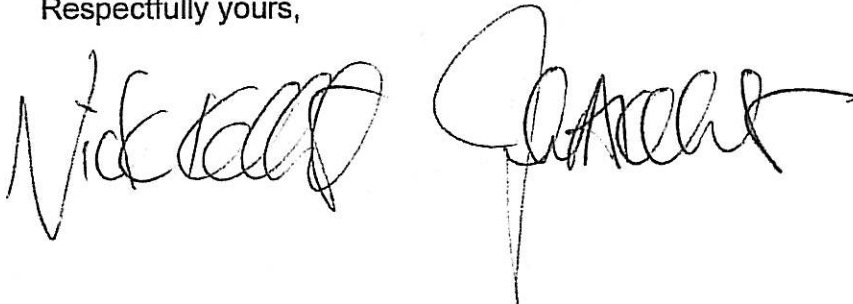
be first rate. While he has not re-canted his opposition, we feel that his main concern will be the look of the final product. We have committed that we will show him the final design drawings before they are submitted for DP consideration.

We will also circulate additional information and designs to the other opposing neighbours prior to the Public Hearing at Council. We will try to tailor the information to their specific concerns. As far as we know, the remaining 15 properties that submitted letters stating no objection remain of the same opinion.

Conclusion

We hope that this information provides further evidence for City staff that this application is consistent with OCP policies. Furthermore, we hope that the concerns of our neighbours have been put into an appropriate context that assures staff and Council that they are concerns about change and not about the substance of our application. Change is never easy to accept, and we respect our neighbours emotions and fears regarding change to their neighbourhood. We can only provide our assurances that this really isn't that much of a change nor will it appear out of context to have two well designed, well constructed new homes where one dated and oversized home existed before.

Respectfully yours,

The image shows two handwritten signatures in black ink. The signature on the left is 'Nick Kellet' and the signature on the right is 'Julie Kellet'. Both are written in a cursive, flowing style.

Nick and Julie Kellet.

Braeloch Lot Analysis

Address	Zoning	OCP Future Land use	Lot Area	Lot Width (effective)	Approx Site coverage (m ²)	Approx Site Coverage (%)	Age of Construction (new, reno, original)
5114 Lakeshore Rd	RR2	1/2 dwell	1300	36.99	255	19.62%	reno
5118 Lakeshore Rd	RR2	1/2 dwell	1323	32.92	193	14.59%	reno
5122 Lakeshore Rd	RR2	1/2 dwell	1424	31.23	283	19.87%	orig
356 Braeloch Rd	RR2	1/2 dwell	1535	27.43	172	11.21%	orig
347 Braeloch Rd N	RR2	1/2 dwell	1126	27.24	241	21.40%	reno
351 Braeloch Rd N	RR2	1/2 dwell	1376	26.97	302	21.95%	reno
353 Braeloch Rd N	RR2	1/2 dwell	1496	26.97	207	13.84%	orig
355 Braeloch Rd N	RR2	1/2 dwell	1525	26.97	218	14.30%	orig
357 Braeloch Rd N	RR2	1/2 dwell	1565	26.97	198	12.65%	orig
363 Braeloch Rd	RR2	1/2 dwell	2218	32.12	453	20.42%	reno
369 Braeloch Rd	RR2	1/2 dwell	1869	29.5	285	15.25%	reno
387 Braeloch Rd	RR2	1/2 dwell	1468	48	206	14.03%	orig
391 Braeloch Rd	RR2	1/2 dwell	1234	77	212	17.18%	reno
366 Braeloch Rd	RR3	1/2 dwell	2967	46	213	7.18%	orig
370 Braeloch Rd	RR3s	1/2 dwell	4843	21.41	101	2.09%	new
374 Braeloch Rd	RR3	1/2 dwell	1605	13.6	440	27.41%	new
380 Braeloch Rd	RR2	1/2 dwell	1393	22.28	550	39.48%	reno
382 Braeloch Rd	RR2	1/2 dwell	2426	21.3	545	22.46%	orig
384 Braeloch Rd	RR2	1/2 dwell	2264	34.1	400	17.67%	orig
388 Braeloch Rd	RR2	1/2 dwell	1558	27.31	257	16.50%	orig
390 Braeloch Rd	RR2	1/2 dwell	1555	27.31	256	16.46%	reno
392 Braeloch Rd	RR2	1/2 dwell	1466	27.31	337	22.99%	reno
394 Braeloch Rd	RR2	1/2 dwell	1341	27.31	287	21.40%	reno
396 Braeloch Rd	RR2	1/2 dwell	1163	28.37	413	35.51%	reno
398 Braeloch Rd	RR2	1/2 dwell	2059	15.24	433	21.03%	new
5119 Luckett Ct	RR3	1/2 dwell	1679	45.9	352	20.96%	new
5127 Luckett Ct	RR3	1/2 dwell	1605	18	313	19.50%	new
5135 Luckett Ct	RR3	1/2 dwell	1653	18	252	15.25%	new

5143 Luckett Ct	RR3	1/2 dwell	1640	18	167	10.18% new
5138 Luckett Ct	RR3	1/2 dwell	1662	21.32	291	17.51% new
5130 Luckett Ct	RR3	1/2 dwell	1606	18	268	16.69% new
5122 uckett Ct	RR3	1/2 dwell	1660	18	334	20.12% new
5110 Cedar Creek Ct	RR3	1/2 dwell	1773	18	408	23.01% new
5115 Cedar Creek Ct	RR3	1/2 dwell	2673	25.61	613	22.93% new
5123 Cedar Creek Ct	RR3	1/2 dwell	1607	28	424	26.38% new
5131 Cedar Creek Ct	RR3	1/2 dwell	1607	28.2	389	24.21% new
5139 Cedar Creek Ct	RR3	1/2 dwell	1607	28.2	353	21.97% new
5147 Cedar Creek Ct	RR3	1/2 dwell	1639	19.2	233	14.22% new
5155 Cedar Creek Ct	RR3	1/2 dwell	1890	18	295	15.61% new
5150 Cedar Creek Ct	RR3	1/2 dwell	1889	37	285	15.09% new
5142 Cedar Creek Ct	RR3	1/2 dwell	1635	26.55	270	16.51% new
5134 Cedar Creek Ct	RR3	1/2 dwell	1616	29.25	347	21.47% new
5126 Cedar Creek Ct	RR3	1/2 dwell	1611	33.15	283	17.57% new
5118 Cedar Creek Ct	RR3	1/2 dwell	1730	28.8	415	23.99% new

382 Braeloch Road – Architect Design Brief

Build two architecturally distinct executive homes that provide simple, open plan functional living spaces and are of an appropriate size for a family.

The homes should be designed to maximise the spectacular lake views and the opportunity for ‘outdoor living’ that is afforded by our Summer climate. They should also be of suitable size and character to suit the unique Braeloch neighbourhood.

Each property will be individual as would be expected for such a prestigious location however they will both share a common architectural style and complement each other to maximize private space. Construction should include the newest technology and green building techniques to ensure quality workmanship and performance in a sustainably responsible manner.

Privacy for both properties and adjoining houses should also be a primary concern in terms of window placement, creation of outside space and landscaping.

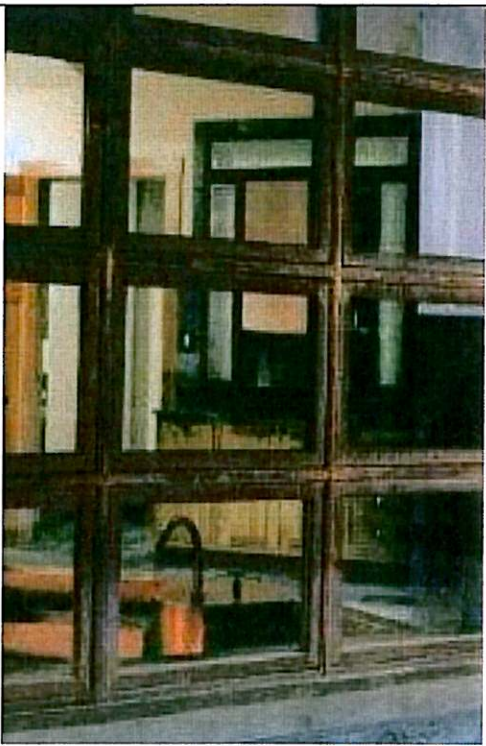
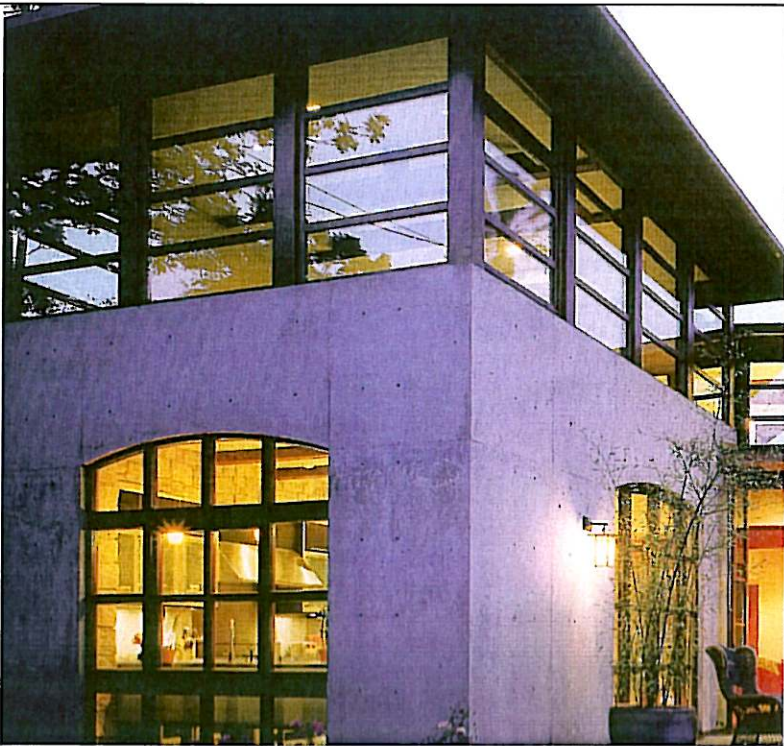
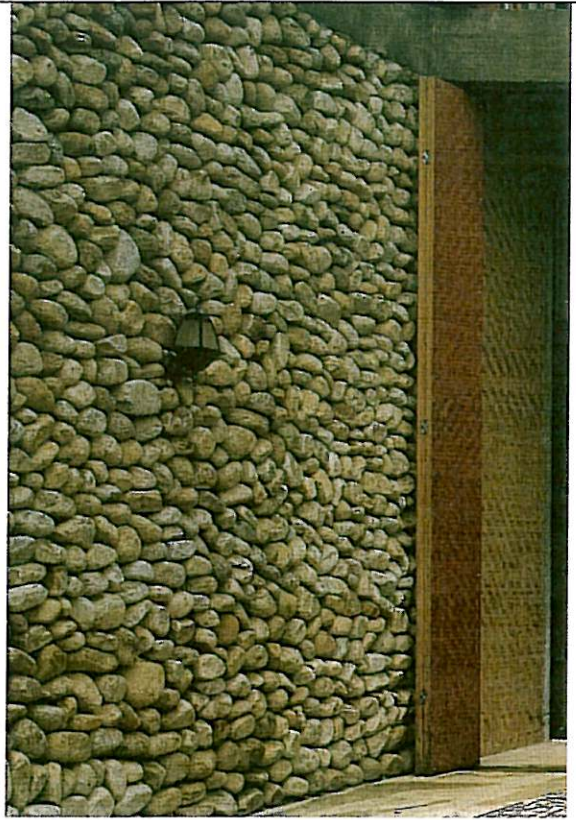
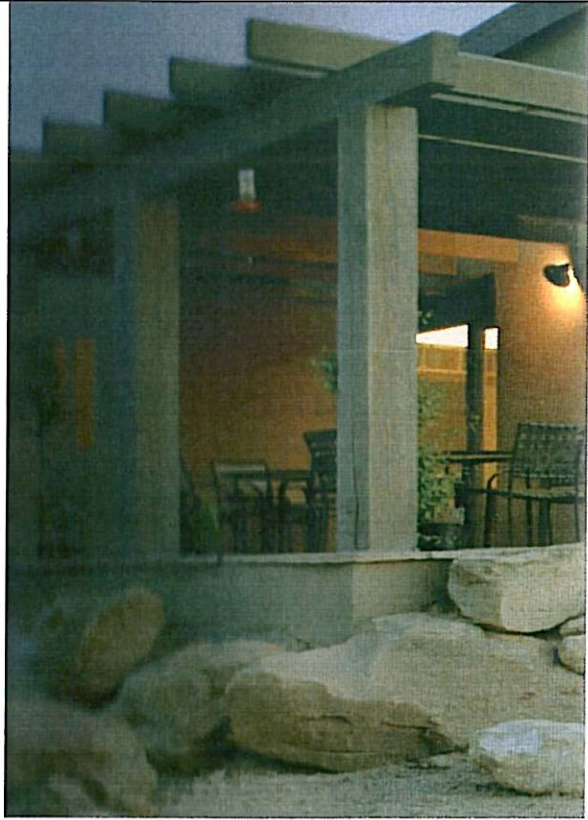
The houses will be a contemporary design but with a rustic twist . The style will be ‘urban country’ (www.amazon.com/Urban-Country-Style-Nancy-Gent/dp/1423601599) - a fusion of new materials such as concrete and steel with reclaimed or natural materials such as wood and stone. As far as possible wood and other materials will be reclaimed from the existing property. The lakeside wall of the properties will be primarily glass.

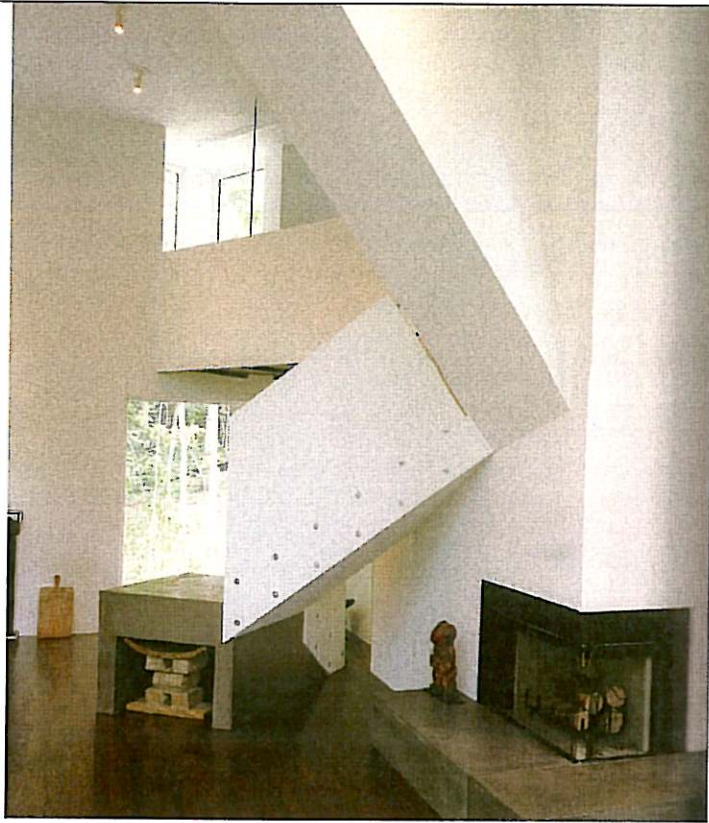
Both houses will be 2 storey and 4 or 5 bedroom with an emphasis on open family living – large open downstairs living spaces encompassing kitchen, dining, living and flexible entertaining spaces.

The driveway will be common and landscaped with low maintenance shrubs and trees. Landscaping will also be used between the properties to further create privacy for each house. On the lakeside, within the riparian zone this landscaping will include a majority of native species as directed by Ecoscape Environmental Consultants and a landscape designer.

The existing dock which has 2 boat slips will be retained and shared by both houses thereby creating no disturbance to the foreshore.

Attached are some photos of inspiration for this project – both external and internal.





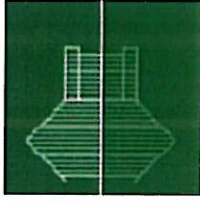


Address: 382 Braeloch Road
Legal: Plan 26731, Lot B, Sec 23, T.P.28, S.D.Y.D

Current Zoning: Rural Residential (RR2)
Proposed Zoning: Two Dwelling Housing (RU6)
Site Area:

2,426.00	sq.m.
2.43	Ha.

Proposed Variances
To be Confirmed



Setbacks

	ALLOWED RR2
Front yard	6.0 m
Side Yard East	3.0 m
Side yard West	3.0 m
Rear yard	9.0 m

	CURRENT
	10.5 m
	1.5 m
	1.6 m
	16.8 m

Building Coverage 20%
Site Coverage N/A
Height Maximum 9.5m or 2.5 storeys

	ALLOWED RR2
	485 sq.m.
	- sq.m.

	CURRENT
	546 sq.m.
	818 sq.m.

22.5%

TBA	m
-----	---

Private Open Space N/A

	REQUIRED RR2
	N/A

NOTE: All figures shown for "Existing Conditions" are based on data provided by Goddard detail survey, May 1, 2009.

DRAFT

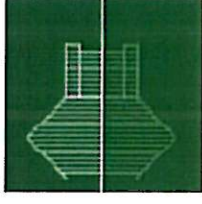
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1/2

Address: 382 Braeloch Road
Legal: Plan 26731, Lot B, Sec 23, T.P 28, S.D.Y.D

Current Zoning: Rural Residential (RR2)
Proposed Zoning: Two Dwelling Housing (RU6)

Site Area:	2,426.00	sq.m.
	2.43	Ha.



	<u>ALLOWED RU6</u>	<u>PROPOSED</u>
Setbacks		
Front yard	4.5 m	7.0 m
Side yard (West)	2.3 m	2.3 m
Side yard (East)	2.3 m	2.3 m
Rear yard	7.5 m	15.0 m
2m up to 1.5 storeys	2.3m up to 2.5 storeys	
2m up to 1.5 storeys	2.3m up to 2.5 storeys	
6m up to 1.5 storeys	7.5m up to 2.5 storeys	

	<u>ALLOWED RU6</u>	<u>PROPOSED</u>
Building Coverage	970 sq.m.	550 sq.m.
Site Coverage (Building and Drives)	1,213 sq.m.	679 sq.m.
Height	Maximum 9.5m or 2.5 storeys	9.5 m

	<u>REQUIRED RU6</u>	<u>PROPOSED</u>
Private Open Space	30 sq.m / unit	140 sq.m.
	2	TOTAL
Total (sq.m.)	60 sq.m.	140 sq.m.

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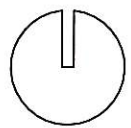
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2/2



KELLET RESIDENCE
382 BRAELOCH ROAD

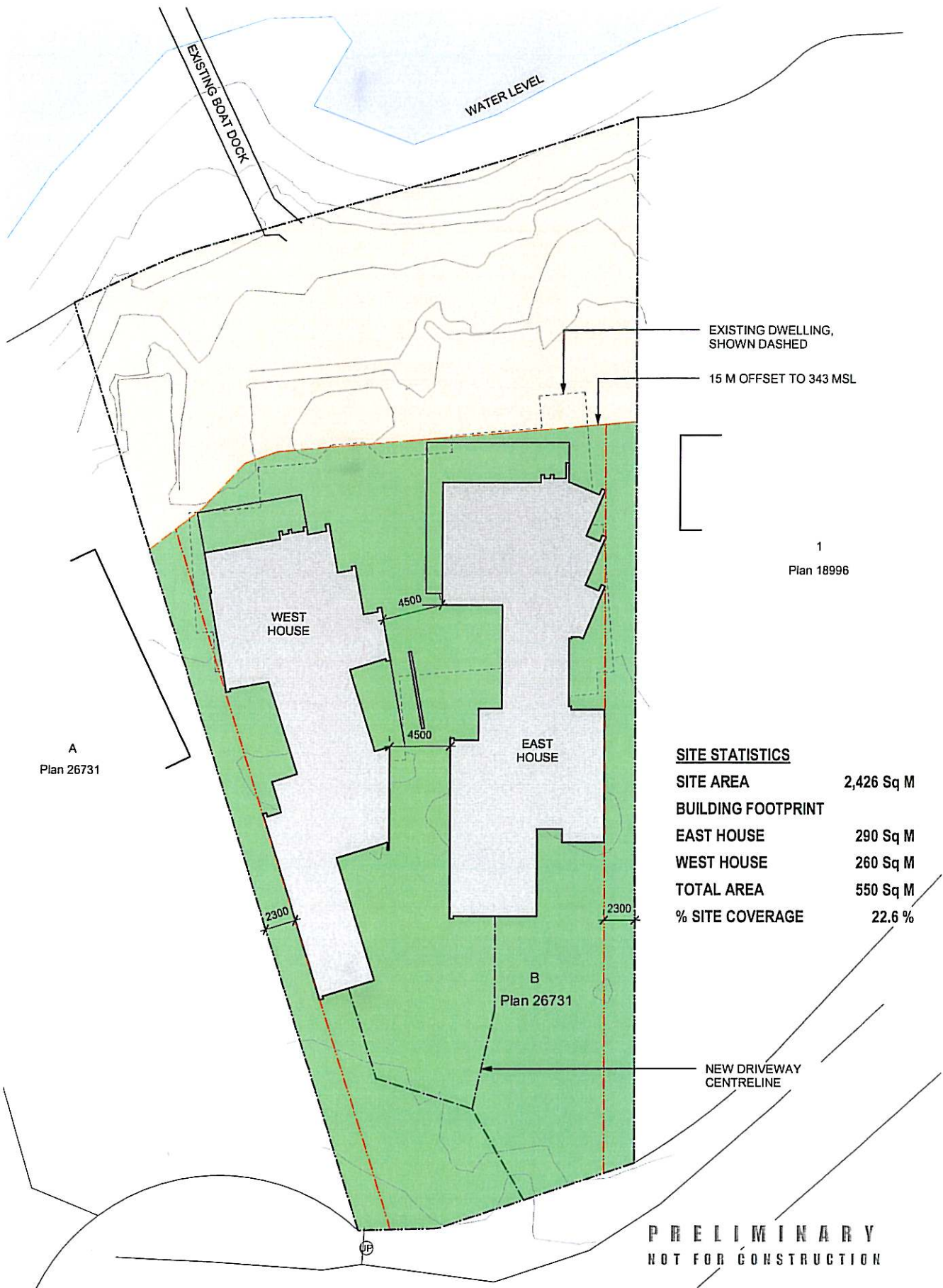
LOT B, PLAN 26731, SEC. 23,
TP. 28, SDYD



KELLET HOUSE
SITE PLAN - EXST.

1:250 @ 11 x 17
17 - 06 - 09

REVA **SK 03**



A
Plan 26731

B
Plan 26731

1
Plan 18996

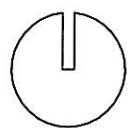
SITE STATISTICS

SITE AREA	2,426 Sq M
BUILDING FOOTPRINT	
EAST HOUSE	290 Sq M
WEST HOUSE	260 Sq M
TOTAL AREA	550 Sq M
% SITE COVERAGE	22.6 %

**PRELIMINARY
NOT FOR CONSTRUCTION**

**KELLET RESIDENCE
382 BRAELOCH ROAD**

**LOT B, PLAN 26731, SEC. 23,
TP. 28, SDYD**

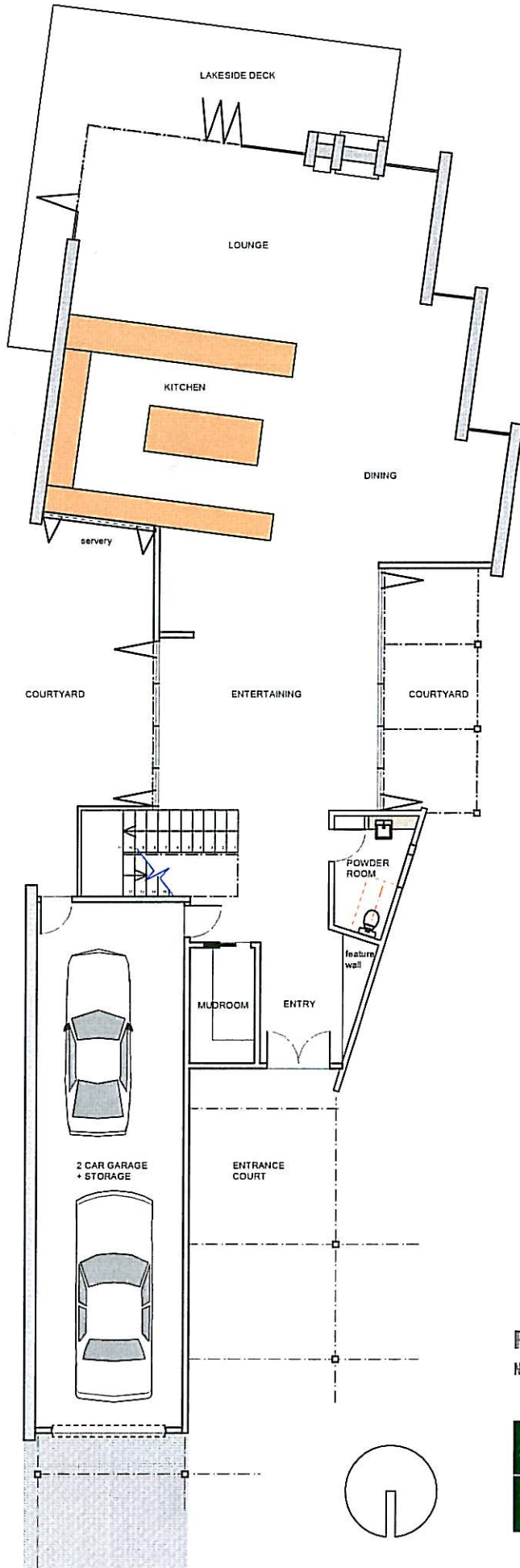


**KELLET HOUSE
SITE PLAN**

1:250 @ 11 x 17
17 - 06 - 09

REV D **SK 01**

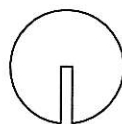
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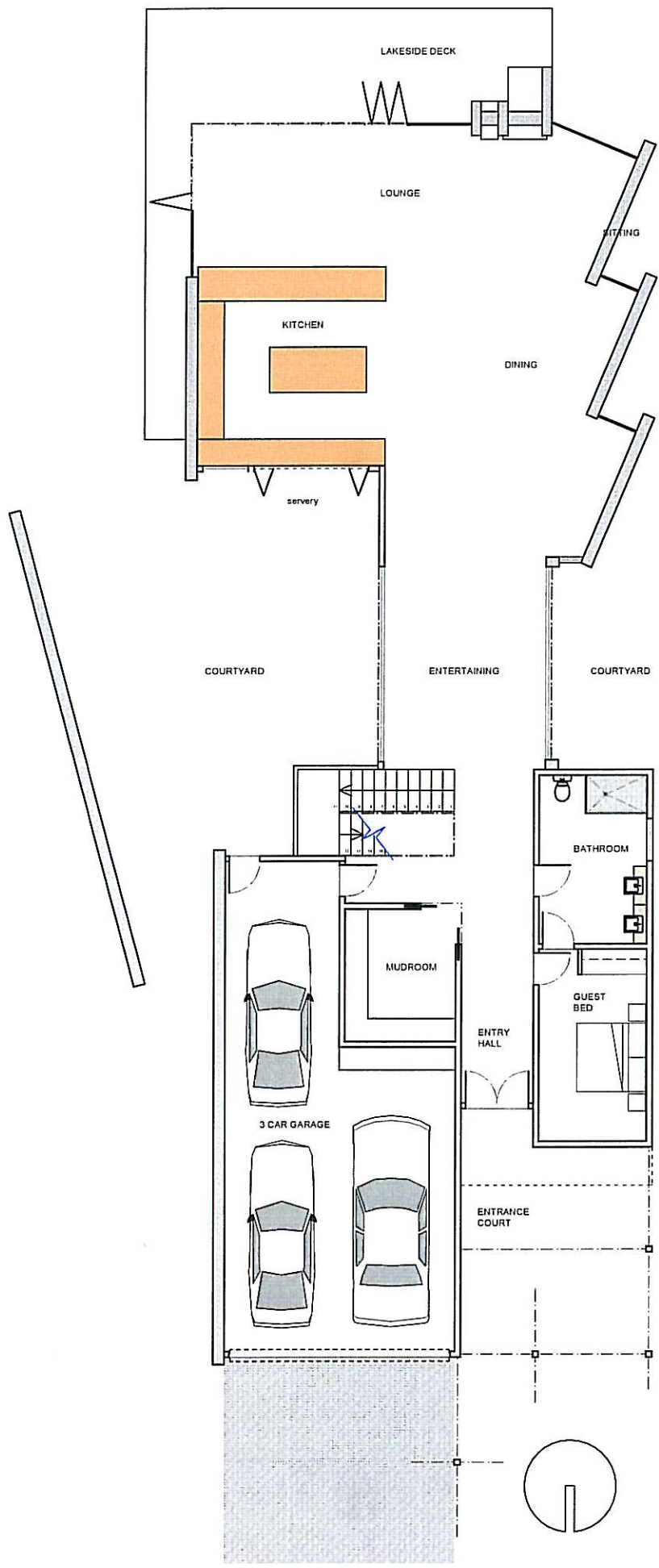
PRELIMINARY
NOT FOR CONSTRUCTION



KELLET HOUSE
FLOOR PLAN
WEST HOUSE
1:100 @ 11 x 17
17 - 06 - 09
REVB **SK 04**



2/2



PRELIMINARY
NOT FOR CONSTRUCTION



KELLET HOUSE
 FLOOR PLAN
 EAST HOUSE
 1:100 @ 11 x 17
 17 - 06 - 09
 REV B **SK 02**



BRAELOCH ROAD FROM THE LAKE

382 Braeloch Road

