

Memo



Date: April 7, 2010
To: City Manager
From: Community Sustainability Division
File No: Z10-0013 **Applicant:** Terry Oxley
At: 546 McWilliams Rd **Owner:** Terry Oxley & Maria Borsato
Purpose: TO REZONE FROM THE RU1 - LARGE LOT HOUSING ZONE TO THE RU1s - LARGE LOT HOUSING WITH SECONDARY SUITE ZONE TO LEGALIZE AN EXISTING SUITE WITHIN AN ACCESSORY BUILDING.
Existing Zone: RU1 - Large Lot Housing
Proposed Zone: RU1s - Large Lot Housing with Secondary Suite
Report Prepared by: Carlie Ferguson

1.0 RECOMMENDATION

THAT Rezoning Application No. Z10-0013 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 7, Section 26, Township 26, ODYD, Plan 29389, located at 546 McWilliams Rd, Kelowna, B.C. from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing with Secondary Suite zone be considered by Council;

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

THAT a building permit for the suite be applied for prior to final adoption of the zone;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of Development Engineering and Black Mountain Irrigation District being completed to their satisfaction;

2.0 SUMMARY

This application seeks to rezone from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing with Secondary Suite zone to legalize a secondary suite within an accessory building.

3.0 BACKGROUND

The application meets the requirements of Zoning Bylaw No. 8000 as follows:

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RU1s ZONE REQUIREMENTS (Suite within Accessory Building)
Development Regulations		

A handwritten signature in blue ink, appearing to be a stylized 'R' or similar character.

Principal dwelling Floor Area	172 m ²	
Floor Area of Secondary Suite / Size ratios	46 m ² / 27 %	lessor or 90 m ² or 75%
Site Coverage (buildings)	31%	40%
Site Coverage (buildings/parking)	44%	50%
Accessory Building with Secondary Suite		
Height	3.6m / 1 storeys	4.5 m / 1 ½ storeys
Separation	14 m	5.0 m
Front Yard	30 m	6.0 m
Side Yard (W)	12.5 m	2.0 m (1 - 1 ½ storey)
Side Yard (E)	2.13 m*	4.5 m from flanking street
Rear Yard	2.4 m	1.5 m
Other Requirements		
Parking Stalls (#)	3 spaces	3 spaces
Private Open Space	260 m ²	30 m ² required per dwelling

* A variance to the east side yard setback was approved by Board of Variance in 1986.

3.1 Site Location Map

546 McWilliams Rd



3.2 Site Context

The adjacent zones and uses are:

<i>Direction</i>	<i>Zoning Designation</i>	<i>Land Use</i>
North	RU1 - Large Lot Housing	Residential
East	RU1 - Large Lot Housing	Residential
South	RU1 - Large Lot Housing & RU1s - Large Lot Housing with Secondary Suite	Residential
West	RU1 - Large Lot Housing	Residential

4.0 CURRENT POLICY & REGULATION

4.1 Proposed Zone (RU1s - Large Lot Housing with Secondary Suite)

The property is proposed to be zoned RU1s - Large Lot Housing with Secondary Suite. The purpose of this zone is to provide a zone for single detached housing, and compatible secondary uses, on larger serviced urban lots.

4.2 Kelowna 2020 – Official Community Plan

The proposal is consistent with the future land use designation of Single/Two Unit Residential in the Official Community Plan. The Single/Two Unit Residential designation covers single detached homes for occupancy by one family, single detached homes with a secondary suite, semi-detached and detached buildings used for two dwelling units, and complementary uses.

Section 8.35 - 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;

Section 8.47 Secondary Suites: Encourage, under the conditions stipulated in the Zoning Bylaw, the creation of secondary suites;

5.0 TECHNICAL COMMENTS:

5.1 Building & Permitting Department

Building permit required.

5.2 Development Engineering Department

See Attached.

5.3 Fire Department

An unobstructed and easily distinguishable firefighter access path, of 1100 mm, from the street to the back of the property line as well to the secondary detached suite main entrance is required. If a fence is ever constructed between the dwellings a gate with a clear width of 1100mm is required. Any gate is to open with out special knowledge. Additional visible address is required from McWilliams Rd.

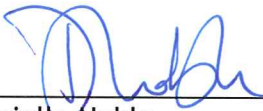
5.4 Bylaw Services

Bylaw Services has an open Service Request, dealing with an illegal suite, at this location. File was generated on August 7, 2009 and remains open to this date.

5.5 Black Mountain Irrigation District
See Attached.

6.0 LAND USE MANAGEMENT DEPARTMENT

The Land Use Management Department recommends support for this application. Policies within the Official Community Plan support the sensitive integration of infill in established neighbourhoods where densification can be accommodated. Minimal impact (if any) is anticipated on abutting properties, as parking requirements and private open space provisions can easily be achieved on-site. Notably within the neighbourhood there are properties with the secondary suite designation or zoned RU6 - Two Dwelling Housing with either secondary suites or a second dwelling on property. A direct Development Permit will be conducted at a staff level to address the form and character of the proposed secondary suite development.



Danielle Noble
Manager, Urban Land Use

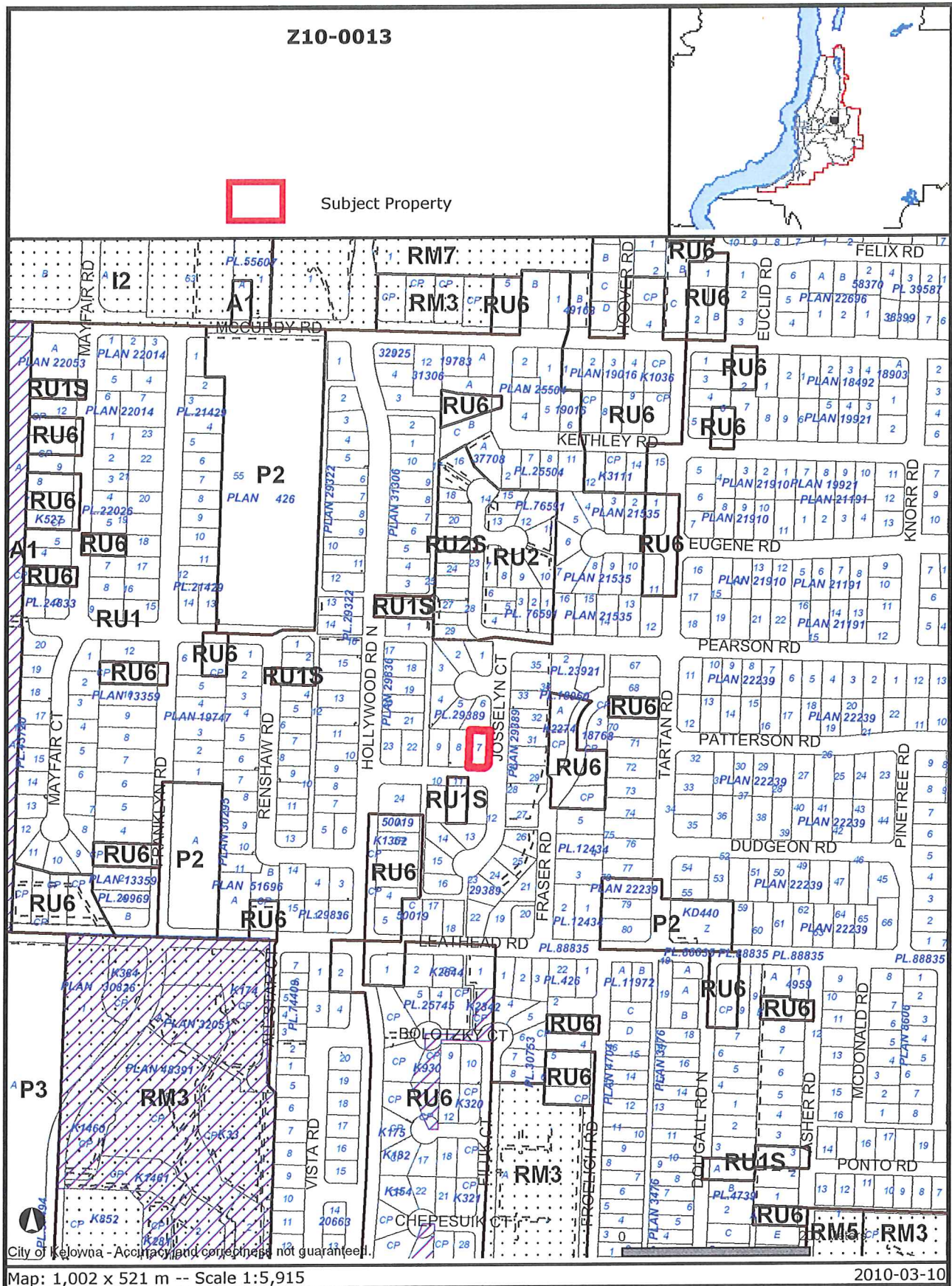
Approved for inclusion:



F/ Shelley Gambacort
Director, Land Use Management

Attachments:

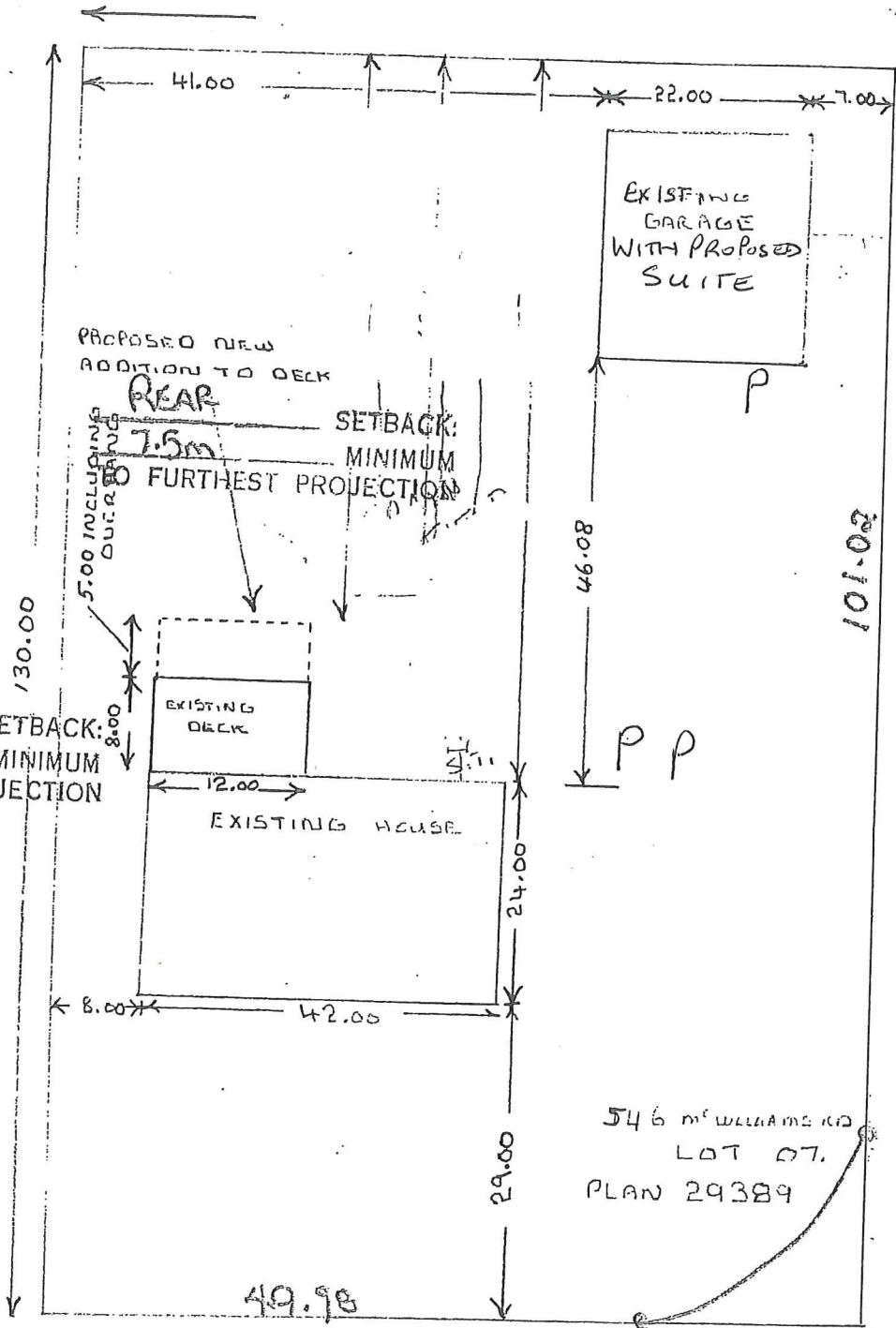
Subject Property Map
Site Plan
Floor Plan
Photographs
Development Engineering Branch Comments
Black Mountain Irrigation District Comments



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.



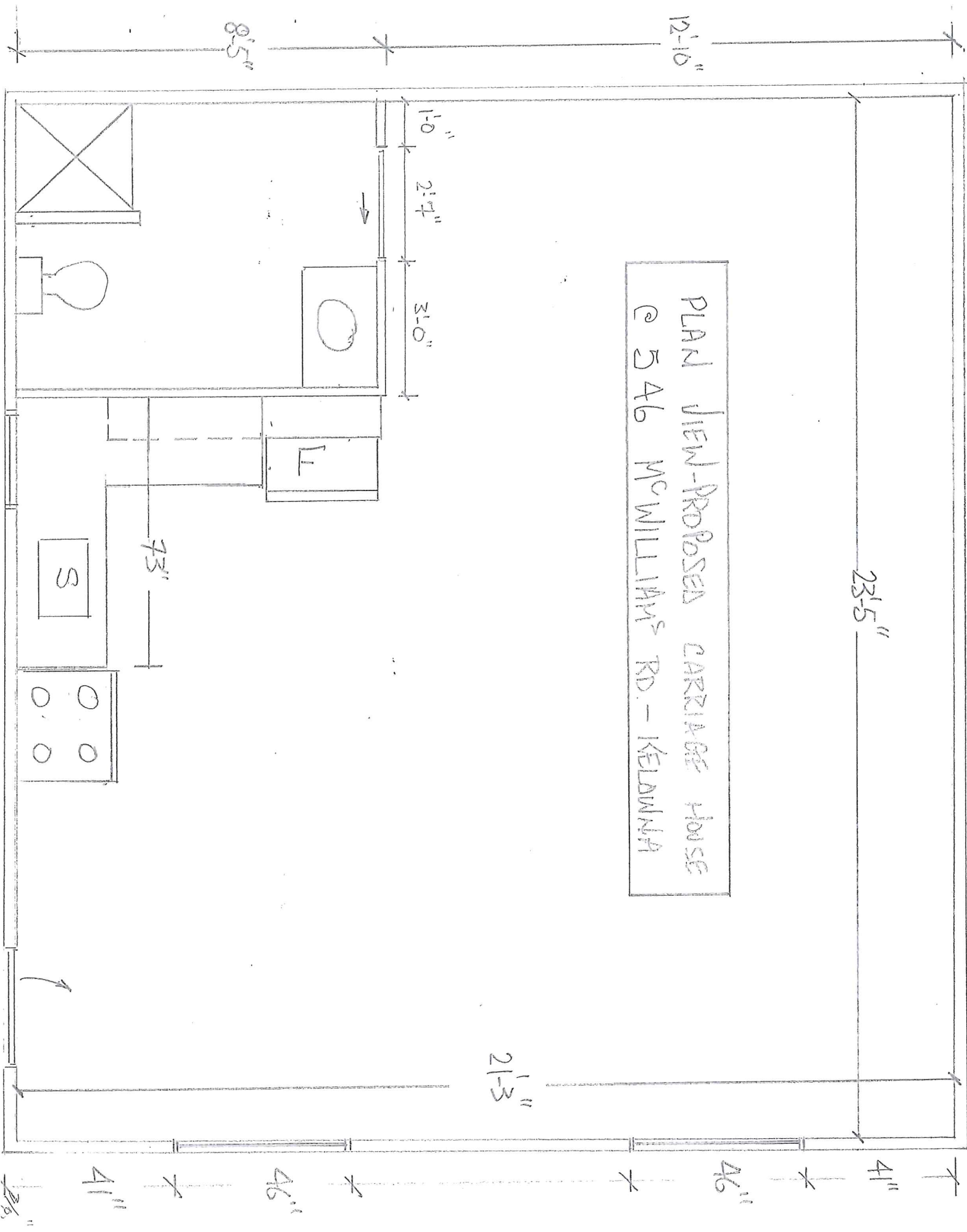
SIDE
1.5m
SETBACK:
MINIMUM
FURTHEST PROJECTION



1055 SELBY COURT (ROAD)

ALL MEASUREMENTS IN FEET & INCHES, NOT TO SCALE

546 m² WILLIAMS RD



PLAN VIEW-PROPOSED CARRIAGE HOUSE
 @ 546 MCWILLIAMS RD - KELDONIA

23'-5"

12'-10"

8'-5"

1'-0"

2'-7"

3'-0"

7'-3"

2'-3"

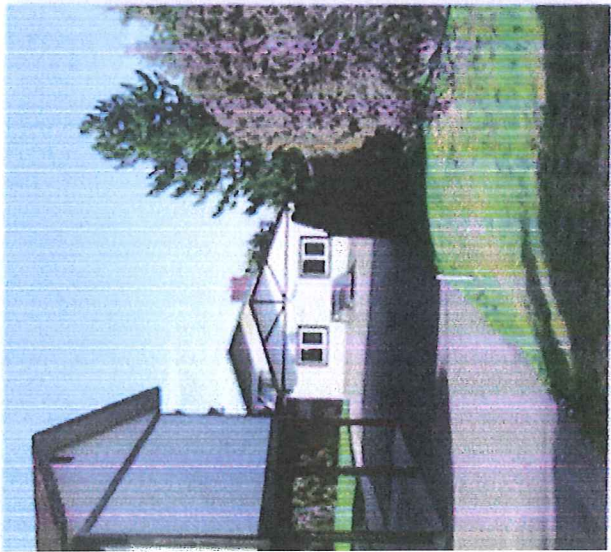
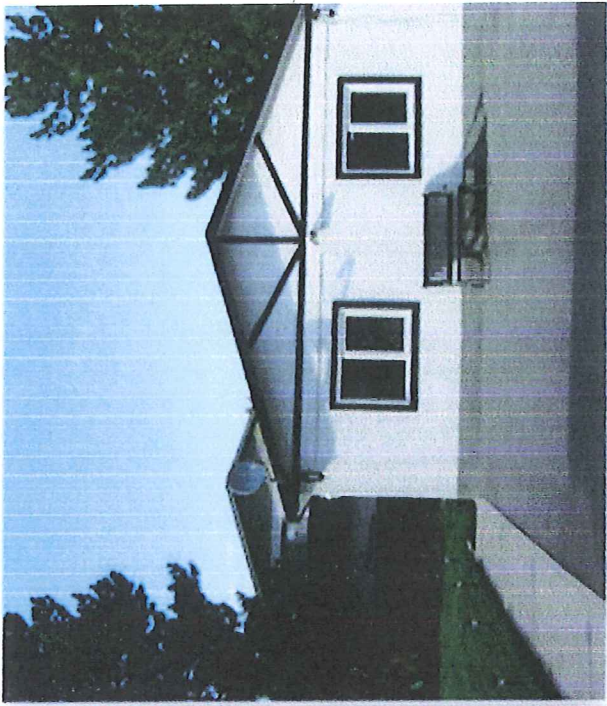
4'-6"

4'-6"

4'-6"

4'-6"

2'-0"





Office: (250) 765-5169
Fax: (250) 765-0277
www.bmid.ca

BMID File No. 2010-01

March 31, 2010

City of Kelowna
1435 Water Street
Kelowna, BC
V1Y 1J4

Attention: Carlie Ferguson

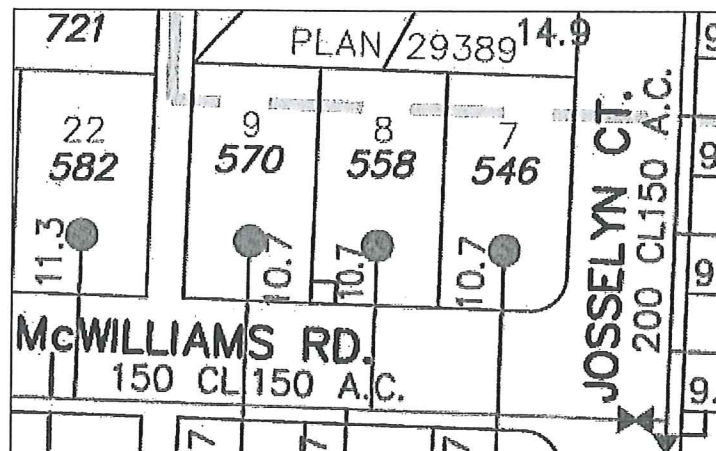
RE: City File No. Z10-0013
To Construct Suite in Accessory Building
Lot 7, Plan 29389 – 546 McWilliams Rd
Water Service Requirements

This letter sets out our requirements for water supply related to the proposed addition of a in the existing garage at Lot 7, Plan 29389 which has a civic address of 546 McWilliams Rd. In accordance with BMID Bylaw # 678, this structure is deemed equivalent to a "carriage house".

1.0 PROPOSED BUILDING

The existing water supply to 546 McWilliams Road is through one 19mm domestic service in the location as illustrated in Figure 1-1.

Figure 1-1 Present Water Services



2.0 SERVICE REQUIREMENTS

At the time of building construction, prior to water service hook-up, the applicant must come into the BMID office to fill out an application and pay for capital charges and the domestic water meters. Corix Utilities is outsourced for the installation of domestic water meters within the BMID. The standard cost associated with a new domestic meter is \$383.55; with BMID requiring meters for both dwellings this totals **\$767.10** (2 @ \$383.55). **Please note, the fee may be higher depending on the complexity of the installation inside the existing building. Please refer to the schedule of fees located in the Forms & Guidelines section of our website for further information.

In this case, both dwellings can be serviced from the existing 19mm domestic water service. The owner is responsible to install the water service line from the property line to the building. Please note that in the future if the owner decides to subdivide, at that time an additional water service would be required to be installed. In the event of a future subdivision, a connection fee of \$300 would apply and BMID staff would at that time install the water service from the water main to the curbstop.

3.0 CAPITAL CHARGES


In accordance with BMID Bylaw No. 678, a capital charge of **\$1,080.00** applies to a secondary suite. This money is to fund water source development and larger supply transmission mains as identified in the BMID Capital Plan. Capital charges are payable prior to construction of the second residence.

The authorized signatory (owner) must come in to our office to complete a *BMID Application for Building* form and pay the above noted charges. Once we have this on file and payment has been received, a *Water Certificate* can be issued for submission to the City of Kelowna.

Please review this information and call us if you have questions. Additional information on the development process can be found at our website at www.bmid.ca.

Yours truly,

Black Mountain Irrigation District



Robert Hrasko, P.Eng.
Administrator

cc: Terry Oxley & Maria Borsato, 546 McWilliams Rd., Kelowna BC

CITY OF KELOWNA

MEMORANDUM

Date: March 30, 2010
File No.: Z10-0013
To: Planning & Development Services Department (CF)
From: Development Engineer Manager (SM)
Subject: 546 McWilliams Road – Lot 7, Plan 29389, Sec. 26, Twp. 26, ODYD

The Development Engineering comments and requirements regarding this application to rezone from RU-1 to RU-1s are as follows:

1. Subdivision

Provide easements as required

2. Domestic water and fire protection.

This development is within the service area of the Black Mountain Irrigation District (BMID). All the fees and charges are to be paid directly to BMID.

3. Sanitary Sewer.

The subject property is located within the Local Area Service (LAS) #20 and the property has cash commuted 1 SFE (Single Family Equivalent). The current Policy requires that all the LAS charges be cash commuted when the property is rezoned. The pay-out charge for a house and a carriage house is 1 and ½ SFE less the 1.0 SFE paid in 2005. The current LAS #20 payout rate is \$4,544.53 per SFE and the total charge is in the amount of **\$2,272.27**. The charge is valid until April 30, 2010 and will be recalculated sometimes thereafter by the City.

4. Bonding and Levies Summary.

Levies

Local Service Area #20 charges

\$ 2,272.27

Steve Muenz, P.Eng.
Development Engineering Manager

BB