

# Memo



**Date:** May 6, 2010

**To:** City Manager

**From:** Community Sustainability Division

**File No:** Z10-0012

**Applicant:** Fred Geismayr

**At:** 2085 Inkar Road

**Owners:** Alfred & Gabriele Geismayr

**Purpose:** To rezone the subject property from the RU2s - Medium Lot housing with Secondary Suite zone to the RU6 - Two Dwelling Housing zone to allow the stratification of an existing second residence.

**Existing Zone:** RU2s - Medium Lot housing with Secondary Suite zone

**Proposed Zone:** RU6 - Two Dwelling Housing zone

Report Prepared by: Paul McVey

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## 1.0 RECOMMENDATION:

THAT Rezoning Application No. Z10-0012 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot A, Section 19, Township 26, ODYD, Plan 23622, located at Inkar Road, Kelowna, BC, from the RU2s - Medium Lot Housing with Secondary Suite 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 Development Engineering being completed to their satisfaction;

AND 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 proposal seeks to rezone the subject property from the existing RU2s - Medium Lot housing with Secondary Suite zone to the proposed RU6 - Two Dwelling Housing zone in order to allow the existing second dwelling to be stratified. As the siting of the second dwelling does not comply with the rear yard setback requirements of the proposed RU6 - Two Dwelling Housing zone, a Development Variance Permit to address the existing rear yard setback is required.

## 3.0 ADVISORY PLANNING COMMISSION

The application was reviewed by the Advisory Planning Commission at the March 30<sup>th</sup>, 2010 meeting and the following recommendation was passed:

THAT the Advisory Planning Commission support rezoning Application No. Z10-0012, for 2085 Inkar Road; to rezone from the RU2s-Medium Lot Housing with Secondary Suite zone to the RU6-Two Dwelling Housing zone to permit stratification of the dwellings.

A handwritten signature in black ink, appearing to be "Paul McVey".

#### 4.0 BACKGROUND/PROPOSAL

In 2003, the subject property was rezoned (Z03-0002) from the RU2 - Medium Lot Housing zone to the RU2s - Medium Lot Housing with Secondary Suite zone in order to permit the construction of an accessory building with secondary suite. Currently, the proposal is to rezone the subject property to the RU6 - Two Dwelling housing zone to permit the creation of a strata title for each of the residential units located on the subject property.

The original dwelling located on the property was constructed on site in 1969, and is located adjacent to the southern side yard. The second dwelling was constructed as a suite in an accessory building in 2003, and is located in the northwest corner of the property. As this dwelling was originally constructed as an accessory building, it was sited in compliance with the setback provisions for an accessory building. Accordingly, it is required to vary the rear yard setback to the second dwelling from 6.0m required to 3.02m existing.

The proposed application meets the requirements of RU6 - Two Dwelling Housing zone follows:

<b>Zoning Bylaw No. 8000</b>		
<b>CRITERIA</b>	<b>PROPOSAL</b>	<b>RU6 ZONE REQUIREMENTS (FOR TWO PRINCIPAL DWELLINGS)</b>
Subdivision Regulations		
Lot Area	1662 m <sup>2</sup>	700 m <sup>2</sup>
Lot Width (@ 4.5m setback)	21.0 m	18.0 m
Lot Depth	36 m	30.0 m
Development Regulations		
Principal Dwelling		
Front Yard	12.6 m	4.5 m or 6.0 m to a garage
Side Yard (se)	3.3 m	2.0 m (1 - 1 ½ storey)
Side Yard (north)	21.7 m	2.0 m (1 - 1 ½ storey)
Rear Yard	7.65 m	6.0 m (1 - 1 ½ storey)
Second Dwelling (proposed)		
Front Yard	26.6 m	4.5 m or 6.0 m to a garage
Side Yard (north)	3.47 m	2.0 m (1 - 1 ½ storey)
Side Yard (se)	28.8 m	2.0 m (1 - 1 ½ storey)
Rear Yard	3.02m ①	6.0 m (1 - 1 ½ storey)
Separation (Distance Between Houses)	10.29 m	4.5 m

Other Requirements		
Parking Stalls (#)	4 spaces	4 spaces
Private Open Space	meets requirements	30 m <sup>2</sup> of private open space per dwelling

① Vary rear yard from 6.0m required for a 1 or 1½ storey building to 3.02 m proposed.

### 5.1 Site Context

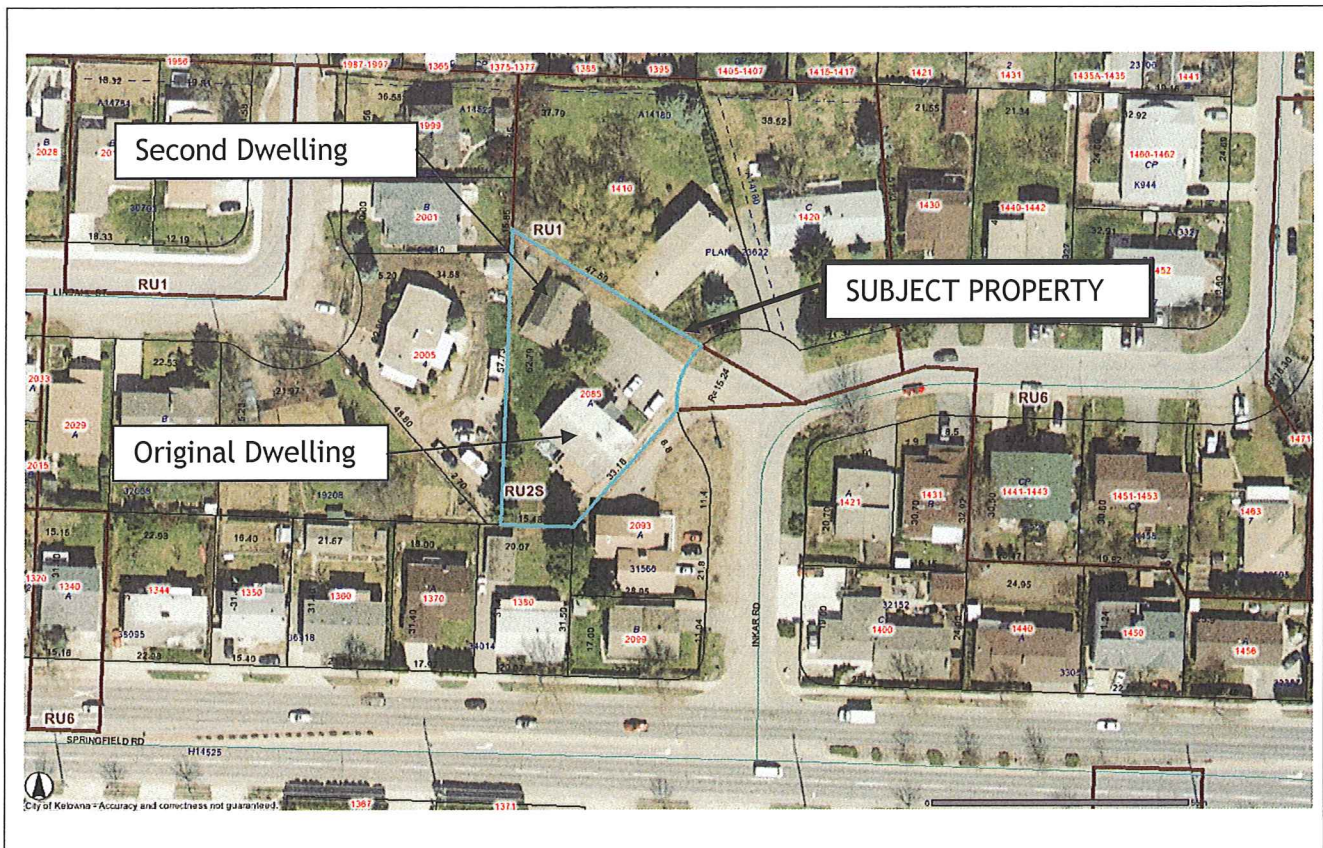
The subject property is located on the west site of Inkar Road, at the point where Inkar Road changes direction from north to the east. The site is generally flat, and comparatively large in lot area.

The adjacent land uses are as follows:

- North RU1 - Large Lot housing (residential)
- West RU2 - Medium Lot Housing (residential)
- East RU2 - Medium Lot Housing (residential)
- South RU2 - Medium Lot Housing (residential)

### 3.1 Site Location:

2085 Inkar Road



## 6.0 CURRENT DEVELOPMENT POLICY

The RU6 - Two Dwelling Housing zone is being proposed for this property. The purpose of this zone is to provide for development of a maximum of two dwelling units per lot.

### 6.1 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.

## 7.0 TECHNICAL COMMENTS

The application has been submitted to various technical agencies and City departments, and the following relevant comments have been submitted:

### 7.1 Development Engineering

As attached

### 7.2 Fire Department

An additional visible address will be required.

### 7.3 Shaw Cable

Owner/Developer to supply and install an underground conduit system as per Shaw Cable drawings and specifications.

### 7.4 Telus

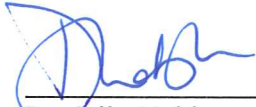
Telus will provide underground facilities to this development. Developer will be required to supply and install conduit as per Telus policy.

## 8.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

The Official Community Plan notes the future land use of this site is Single/Two family residential. The subject property is generously sized and the two dwellings located on the lot have adequate separation and setbacks to adjacent property lines, with the exception of the rear yard setback for the second dwelling. The joint driveway access logically allows equal access to both of the dwellings, and would be part of the common property once stratified.

This neighbourhood is an area in transition, and creating another unit of ownership housing would satisfy several of the housing objectives noted in the OCP.

The applicant has received written support for the variance application from the immediate adjoining neighbours, and it is anticipated to have minimal impact, if any, impact on abutting properties, given it is already constructed and occupied .



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Danielle Noble  
Manager, Urban Land Use

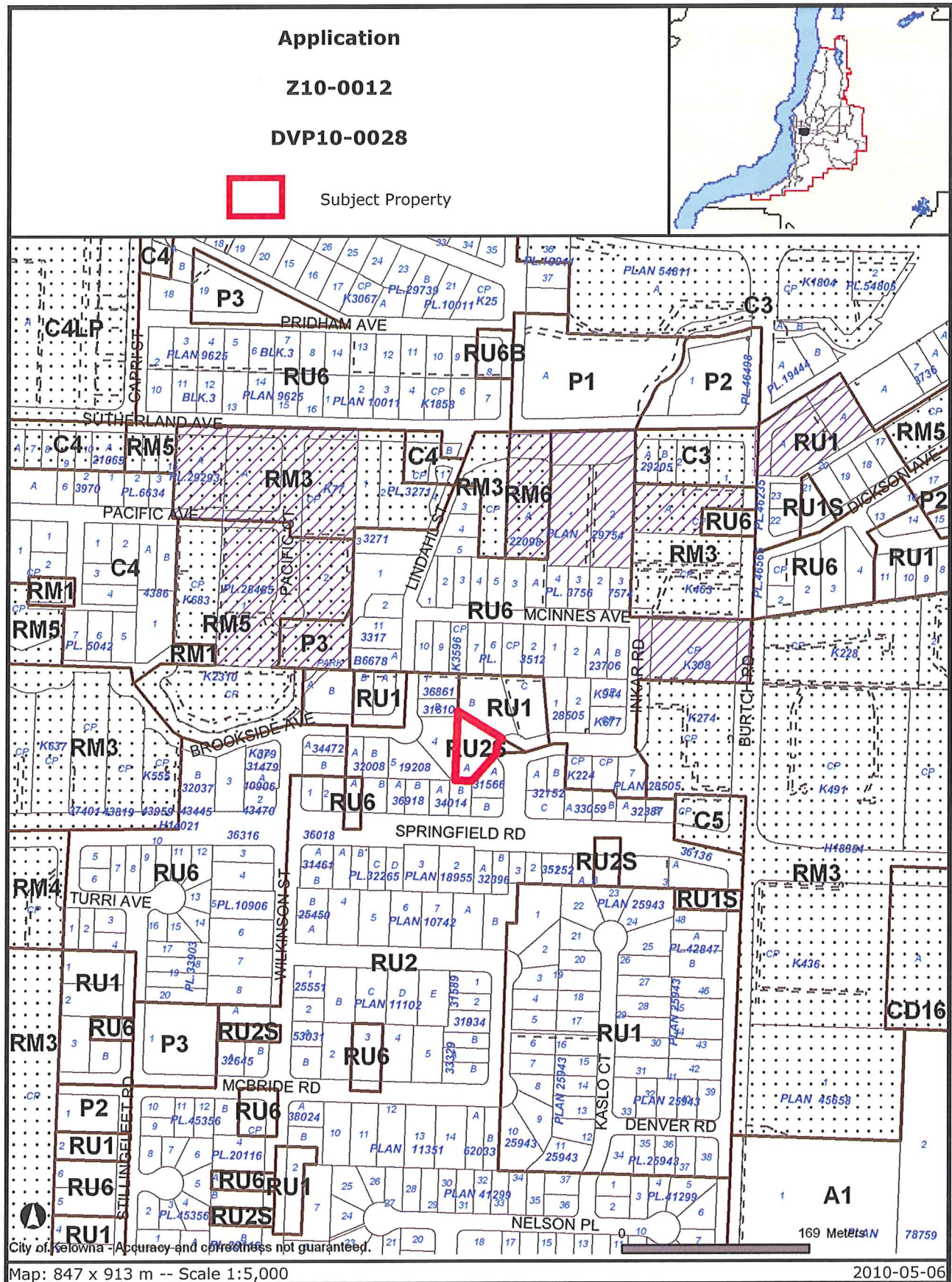
Approved for inclusion:

 Shelley Gambacort   
Director, Land Use Management

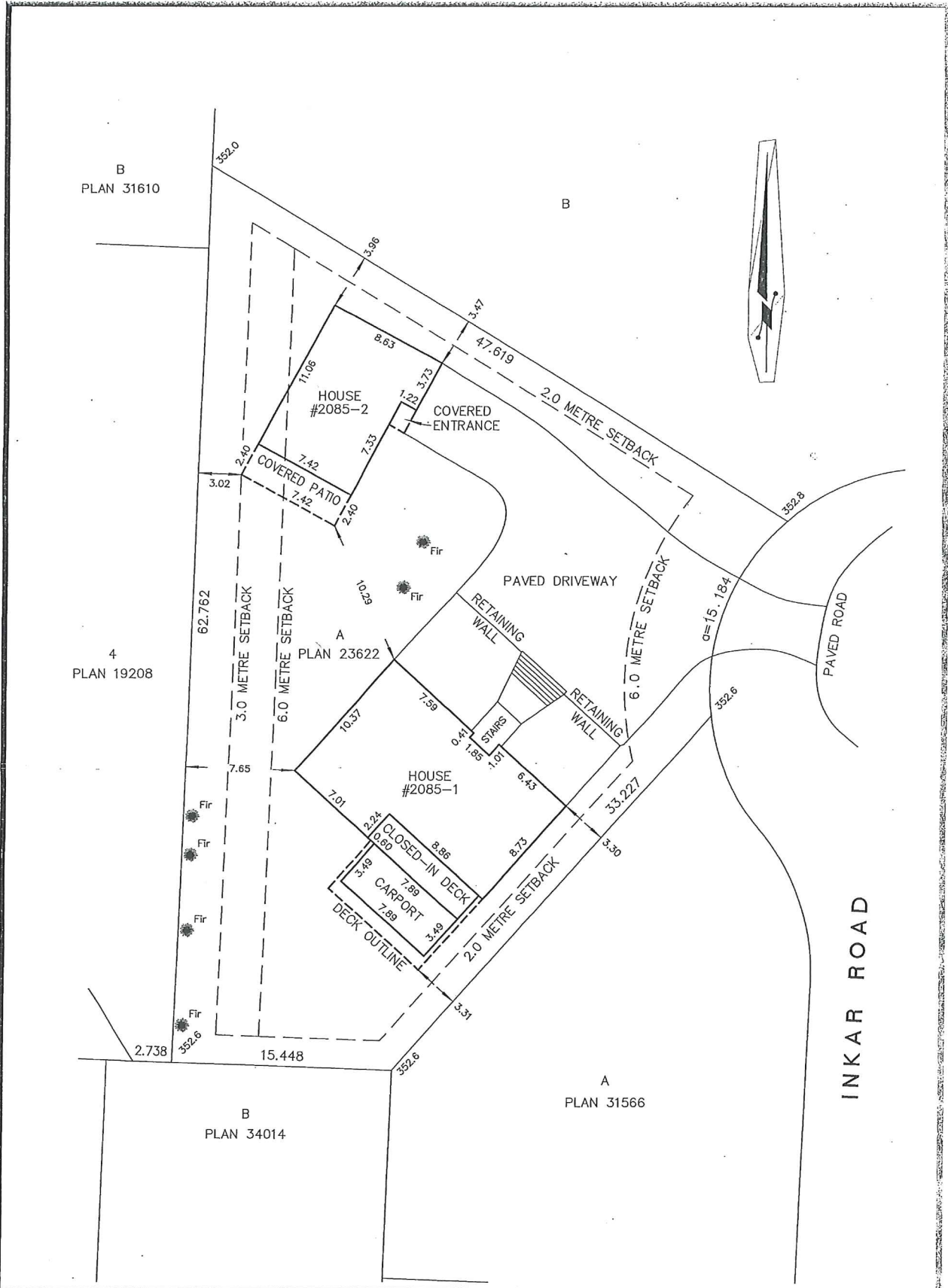
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**Attachments:**  
Subject Property Map  
Site Plan  
Photographs of the site (9 pages)  
Development Engineering Requirements

Date application Accepted: March 12, 2010



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.



TITLE:		<b>SITE PLAN OF LOT A, SEC. 19, TP. 26, O.D.Y.D., PLAN 23622 - 2085 INKJAR ROAD -</b>	
DRAWN BY:	<b>RUNNALLS DENBY</b> <i>british columbia land surveyors</i>		SCALE: 1:250
	259A Lawrence Avenue Phone: (250)763-7322 Kelowna, B.C. Fax: (250)763-4413 V1Y 6L2 Email: nel@runnallsdenby.com		DATE: FEBRUARY 1, 2010
CLIENT:	<b>GEISMAYR</b>		DWG: 13051 BASE
			FILE No.: 13051
			REV. 0



FRONT VIEW FROM STREET



STREET VIEW FROM FRONT





PROPERTY  
LINES

#2085-2 FROM STREET



#2085-2 WITH SIDE YARD



FRONT OF # 2085 - 2



SIDE YARD OF # 2085 - 2



BACK OF #2085-2 FROM LOT CORNER



REAR YARD VIEW FROM NORTH WEST  
LOT CORNER (PROPOSED 3m REAR YARD VARIANCE)



SOUTH SIDE VIEW OF # 2085-2 WITH REAR YARD (PROPOSED 3m REAR YARD VARIANCE.)



SOUTH SIDE VIEW OF # 2085-2 FROM REAR YARD OF # 2085-1

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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** April 19, 2010  
**File No.:** Z10-0012 DVP10-0028

**To:** Land Use Management Department (PMcV)

**From:** Development Engineering Manager

**Subject:** 2085 Inkar Road                      Lot A Plan 23622                      Two dwelling units    RU-6

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Development Engineering has the following comments and requirements associated with this application. The utility upgrading requirements outlined in this report will be a requirement of this development.

1.     Domestic Water

This property is currently serviced with a 19mm-diameter copper water service.

**An additional 19mm-diameter water service will be required** and can be provided by the City at the owner's cost.

2.     Sanitary Sewer

Our records indicate that this property is serviced with a 100mm-diameter sanitary sewer service. An inspection chamber (IC) complete with brooks box must be installed on the service at the owner's cost as required by the sewer-use bylaw.

**The applicant will be required to sign a Third Party Work Order for the cost of the water and sanitary service upgrades.**

For estimate inquiry's please contact John Filipenko, by email [jfilipenko@kelowna.ca](mailto:jfilipenko@kelowna.ca) or phone, 250-469-8581.

3.     Road Works

Inkar Road fronting this development must be upgraded to a full urban standard including a curb and gutter, fillet pavement, piped storm drainage system and adjustment and/or re-location of existing utility appurtenances if required to accommodate this construction. A one-time cash payment in lieu of construction must be collected from the applicant for future construction by the City. The cash-in-lieu amount is determined to be **\$8,875.00** not including utility service costs

4. Development Permit and Site Related Issues

This development variance permit application to vary the rear yard setback from 6.0m to 3.02m, does not compromise any municipal services.

On-site parking modules must meet bylaw requirements.

When separate meters are required, it is recommended that the meters, and remote readers, be attached to their own dwelling units

5. Electric Power and Telecommunication Services

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.

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Steve Muenz, P. Eng.  
Development Engineering Manager  
JF/jf