

Memo



Date: July 8, 2010

To: City Manager

From: Community Sustainability Division

File No: Z10-0046

Applicant: Lynae R., Dennis, & Darlene S. Igel

At: 391 Yates Road

Owner(s): Lynae R., Dennis, & Darlene S. Igel

Purpose: To rezone the subject property from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing with a secondary suite zone to permit a secondary suite within an accessory building.

Existing Zone: RU1 - Large Lot Housing zone

Proposed Zone: RU1s - Large Lot Housing with a secondary suite zone

Report Prepared by: Paul McVey

1.0 RECOMMENDATION:

THAT Rezoning Application No. Z10-0046 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 14, Sec. 32, Twp. 26, ODYD, Plan 15293, located at 391 Yates Road, Kelowna, BC, from the RU1 - Large Lot Residential zone to the RU1 - Large Lot Residential with a secondary suite zone be considered by Council;

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

AND 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 the Development Engineering department and the Glenmore Ellison Improvement District being completed to their satisfaction.

2.0 SUMMARY:

This application is seeking to rezone the subject property from the RU1 - Large Lot Residential zone to the RU1s - Large Lot Residential with a secondary suite zone to allow the conversion of the loft area of an existing accessory building into a secondary suite.

3.0 BACKGROUND & PROPOSAL:

The applicant recently constructed an accessory building (garage) with a loft area on the subject property. The applicant now wishes to rezone the property to allow conversion of this loft area into a suite within an accessory building.

A rezoning application was made in 2008 (Z08-0051) to rezone to the secondary suite zone for the development an accessory building containing a secondary suite. At the time of the Public

A handwritten signature in blue ink, located in the bottom right corner of the page.

Hearings held on October 28, 2008 and December 9, 2008, there was substantial opposition from the surrounding neighbourhood and the zone amending bylaw was defeated.

Accordingly, an accessory building was constructed on the property and did not contain a secondary suite, and only a Building Permit was required to authorize construction.

With this current application, there is a Development Permit submitted concurrent with the rezoning application to address the form and character of the proposed secondary suite to be executed at a Staff level should the land use be supported.

The proposed application meets the requirements of RU1s - Large Lot Residential with a secondary suite zone follows:

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RU1s ZONE REQUIREMENTS (Suite within an Accessory Building)
Subdivision Regulations		
Lot Area	1,142 m ²	550 m ²
Lot Width	27.74 m	16.5 m
Lot Depth	41.21 m	30.0 m
Development Regulations		
Site Coverage (buildings)	25 %	40%
Site Coverage (buildings & parking)	43.4	50%
Existing Dwelling		
Height (existing house)	2 storeys / 6.73 m	2 ½ storeys / 9.5 m
Front Yard	10.3m	6.0 m to garage
North Side yard	6.19 m	2.3 m (2 - 2½ Storey)
South Side Yard	6.4 m	2.3 m (2 - 2½ Storey)
Rear Yard	24.7 m	7.5 m
Principal dwelling floor area	197.69m ²	
Proposed Secondary Suite in an Accessory Building		
Height	4.5 m	1 ½ storey / 4.5 m
Front Yard	31.8 m	6.0m to garage
North Side yard	3.3 m	2.0 m (1-1½ Storey)
South Side Yard	10.83 m	2.0 m (1-1½ Storey)
Rear Yard	3.01 m	1.5 m

Floor Area of Secondary Suite / Size ratios	86.9 m ² / 44 %	In accessory building can't exceed lessor of 90 m ² or 75% of principal dwelling
Separation (distance between units)	13.7 m	5.0 m
Site Coverage	7.8% / 89.36 m ²	14% or 90 m ²
Other Requirements		
Parking Stalls (#)	4 spaces	3 spaces
Private Open Space	meets requirements	30m ² requirement

3.1 Site Location:

391 Yates



City of Kelowna - Accuracy and correctness not guaranteed.

3.2 Site Context

The subject property is located on the east side of Yates Road, north of Ballou Road, in the Glenmore Area.

More specifically, the adjacent land uses are as follows:

North	RU1	Large Lot Housing - Single Unit Housing
South	RU1	Large Lot Housing - Single Unit Housing
East	RU2	Medium Lot Housing - Single Unit Housing
West	RU1	Large Lot Housing - Single Unit Housing

4.0 CURRENT DEVELOPMENT POLICY

4.1 Kelowna 2020 - Official Community Plan

The subject property is designated as Single/Two Unit Residential in the OCP.

Infrastructure Availability¹. Give preference to supporting new housing in areas where required services already exist or can be provided most economically and efficiently;

Integration². Encourage the sensitive integration of different housing forms in the various sectors of the City, in support of neighbourhood diversity and healthy communities;

Secondary Suites³. Encourage, under the conditions stipulated in the Zoning Bylaw, the creation of secondary suites.

5.0 TECHNICAL COMMENTS

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

5.1 Building and Permitting

- 1) Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
- 2) Operable bedroom windows required as per the 2006 edition of the British Columbia Building Code (BCBC 06).
- 3) Provide the City of Kelowna Bulletin #88-02 (Secondary Suites Requirements in a single family dwelling) for minimum requirements. The drawings submitted for Building Permit application is to indicate the method of fire separation between the suite and the garages.
- 4) Full Plan check for Building Code related issues will be done at time of BP.

5.2 Development Engineering

1. Domestic Water and Fire Protection

The property is located within the Glenmore Ellison Improvement District (GEID) service area.

1 Official Community Plan, Policy #8-1.30

2 Official Community Plan, Policy #8-1.44

3 Official Community Plan, Policy #8-1.47

Confirmation is required from GEID that the water system components proposed satisfy the Bylaw and that security is in place for any offsite Works and that all associated fees are paid.

2. Sanitary Sewer

The 100mm-diameter sanitary sewer service should be adequate for the proposed application. An inspection chamber (IC) 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 works prior to issuance of the Development Permit. For estimate inquiry's please contact Derek Corning at 469-8568.

3. Development Permit and Site Related Issues

On-site parking modules must meet bylaw requirements.

4. 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.

5.3 Fire Department

Confirm the fire separation between the garage and the suite as per the BCBC. Additional address is required.

6.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

When the original 2008 rezoning application was considered at Public Hearing, there was substantial concern expressed by the immediate neighbours regarding the proposal for a secondary suite in an accessory building. These complaints focused primarily on the size and location of the proposed accessory building, the potential impact on the neighbourhood, as well as concern for their loss of privacy.

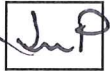
Since that time, the applicant has constructed an accessory building without a secondary suite, in the same configuration as was proposed in 2008. The building permit application for that accessory building was made in January 2010, and occupancy permit was obtained in April 2010. Notably, the applicant has constructed the building with consideration of the public comments previously expressed by: i) providing side and rear yard setbacks that are greater than the minimum setbacks required in the zone, and ii) windows on impacted elevations have been installed with frosted "privacy glazing" to minimize possible over-look of the neighbouring properties. As well, there is a new owner of the property directly behind the subject property (394 McTavish Rd.) who has planted new shrubs along the common property line to replace the previously existing dying shrubs for additional vegetative buffering.

While policies within the Official Community Plan support the sensitive integration of infill of existing neighbourhoods and where services are already in place and densification can easily be accommodated, the affected neighbours have previously expressed concern that the proposal is not sensitively integrated into the existing neighbourhood context.

Generally, the land use to facilitate secondary suites allows for more efficient use of existing lots and helps to diversify the housing supply in the area. Should the land use be supported by Council, a Development Permit will be executed at a Staff level to evaluate form and character of the detached accessory building.



Danielle Noble
Manager, Urban Land Use

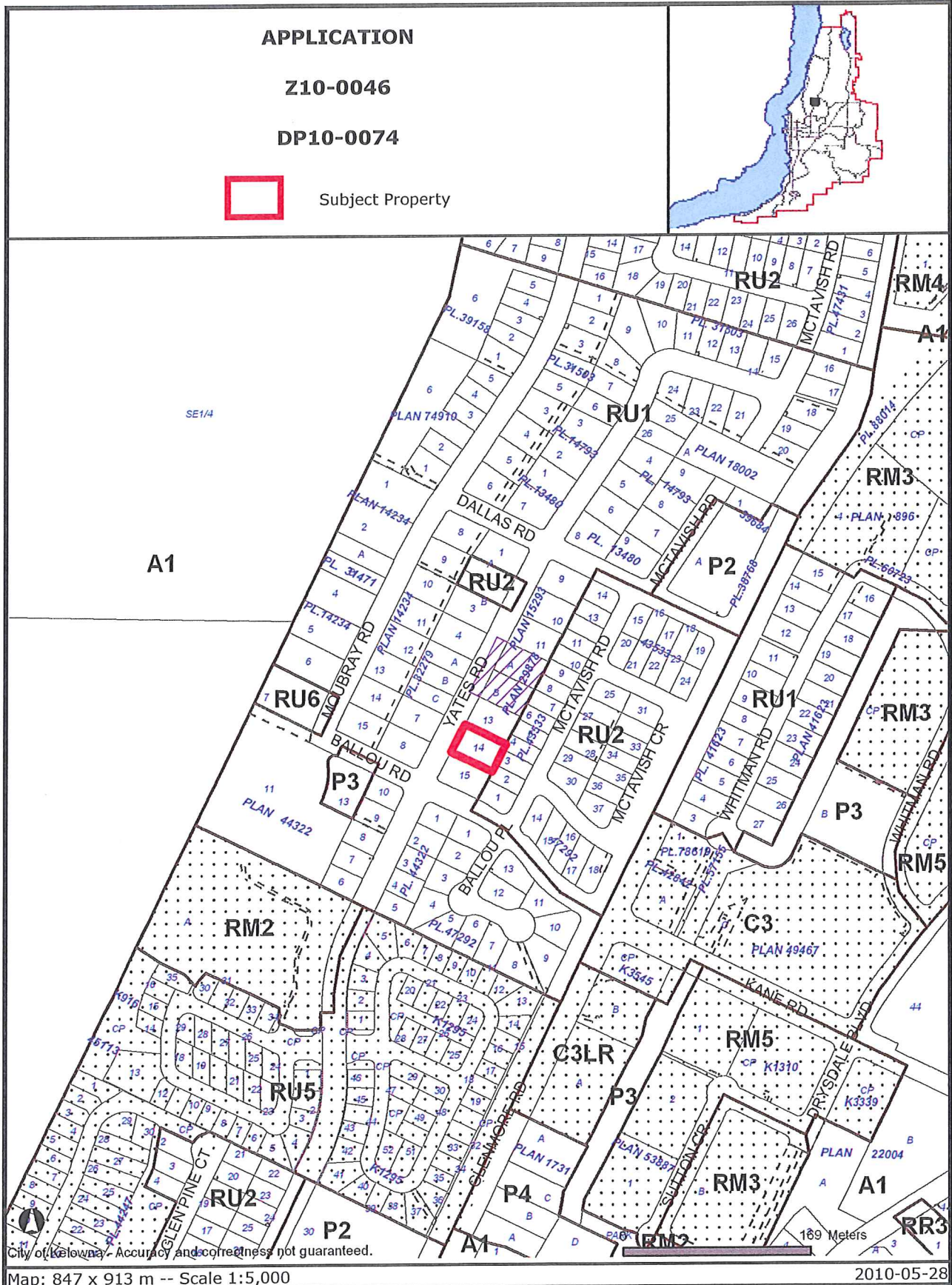
Approved for inclusion: 

 Shelley Gambacort
Director, Land Use Management

Attachments:

Subject Property Map
Site Plan
Suite Floor Plans
Accessory Building elevations
Landscape Plan
Photos

Date Application Accepted: May 27, 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.

BC LAND SURVEYOR'S CERTIFICATE OF LOCATION OF NEW HOUSE ONLY ON LOT 14, PLAN 15293, SEC 32, TP 26, ODYD

391 YATES ROAD

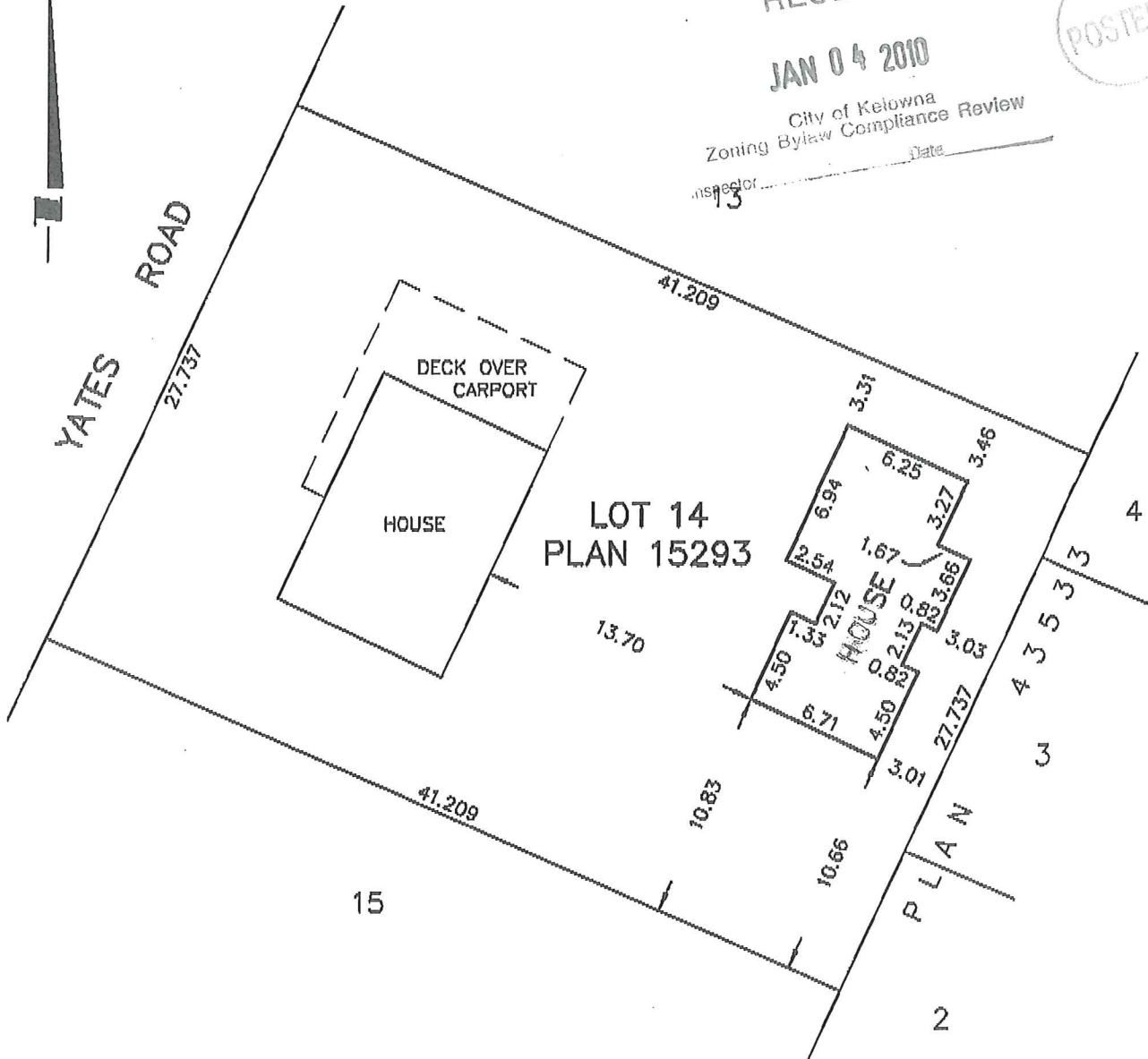
31846

RECEIVED

JAN 04 2010

City of Kelowna
Zoning Bylaw Compliance Review

Inspector: 3 Date: _____



I HEREBY CERTIFY THAT THE ABOVE SKETCH SHOWS THE REGISTERED DIMENSIONS OF THE ABOVE DESCRIBED PROPERTY AND RELATIVE LOCATION OF THE BUILDINGS THEREON.

T.E. Ferguson

B.C.L.S., P.L.S.

THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED

THIS PLAN IS FOR THE USE OF THE BUILDING INSPECTOR AND/OR MORTGAGEE ONLY AND IS NOT TO BE USED FOR THE RE-ESTABLISHMENT OF PROPERTY BOUNDARIES.

CLIENT: TERRY IGEL

DATE: JANUARY 4, 2010

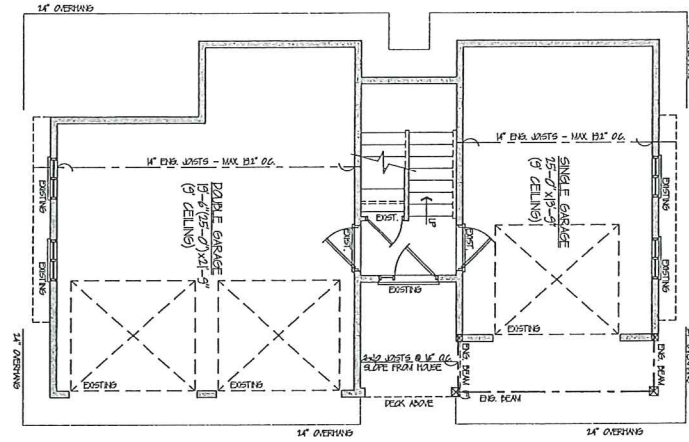
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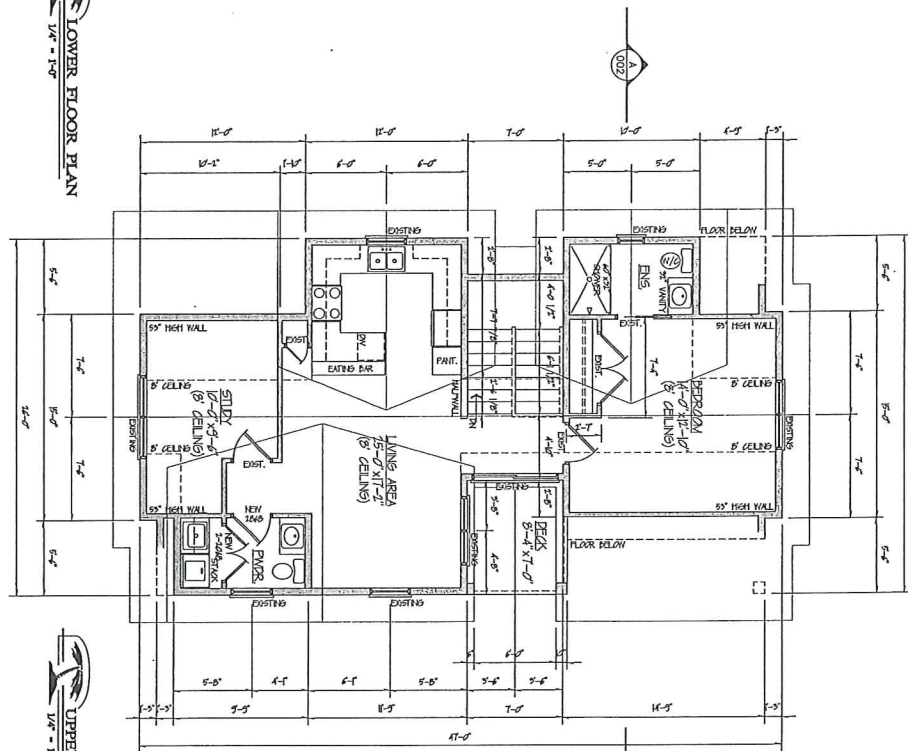
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T.E. Ferguson Land Surveying Ltd.

B.C. AND CANADA LAND SURVEYORS
216-1626 RICHTER STREET, KELOWNA, B.C.
TELEPHONE: (250) 763-3115
FAX: (250) 763-0321



LOWER FLOOR PLAN
1/4" = 1'-0"



UPPER FLOOR PLAN
1/4" = 1'-0" (SEE SHEET)

PROPOSED SUITE FOR:
IGEL

NO REPRODUCTION OF THESE PLANS IS PERMITTED WITHOUT THE WRITTEN CONSENT FROM OASIS DESIGN

OASIS DESIGN

ARCHITECT 868-2275 TEL: 904-887-8888, 904-887-8889

DESIGNED BY: JAMES W. HAASDYK

DATE: MAY 7, 2010

LOWER FLOOR PLAN AND
PROPOSED UPPER FLOOR PLAN
391 YATES ROAD

SCALE AS NOTED | DRAWING NUMBER: 08-728-001 | REVISION:

DEVELOPMENT REGULATIONS:

GENERAL ZONE R1

PROPOSED ZONE R1-S

DEVELOPER	IGEL
DESIGNER	James W. Haasdyk
DATE	May 7, 2010
PROJECT	PROPOSED SUITE FOR IGEL
LOT	14-1-1/4'
TOWNSHIP	18-25
CDVZ	CDVZ
DATE ADDRESS	241 YATES ROAD

DEVELOPMENT REGULATIONS:

GENERAL ZONE R1

PROPOSED ZONE R1-S

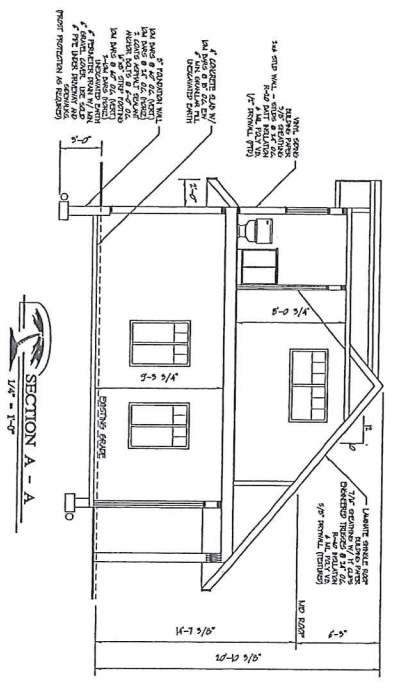
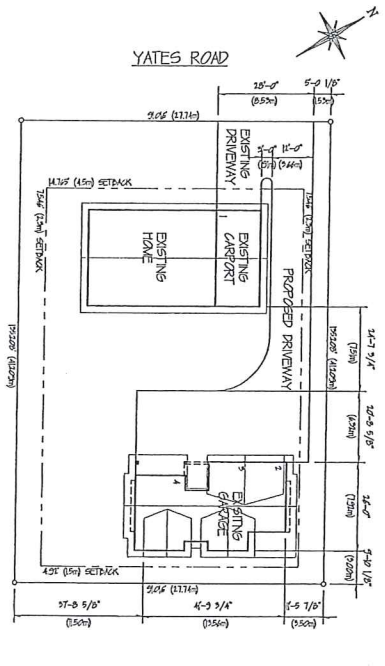
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PROPOSED SUITE FOR: * IGEL *

OASIS DESIGN

AS-BUILT FOR: 868-2275 FLORIDA, NORTH GADSDEN, W. FLA.

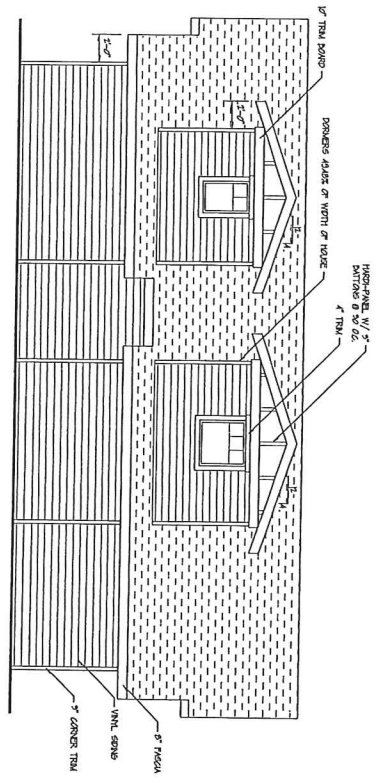
DESIGNED BY: JAMES W. HAASDYK

DATE: MAY 7, 2010

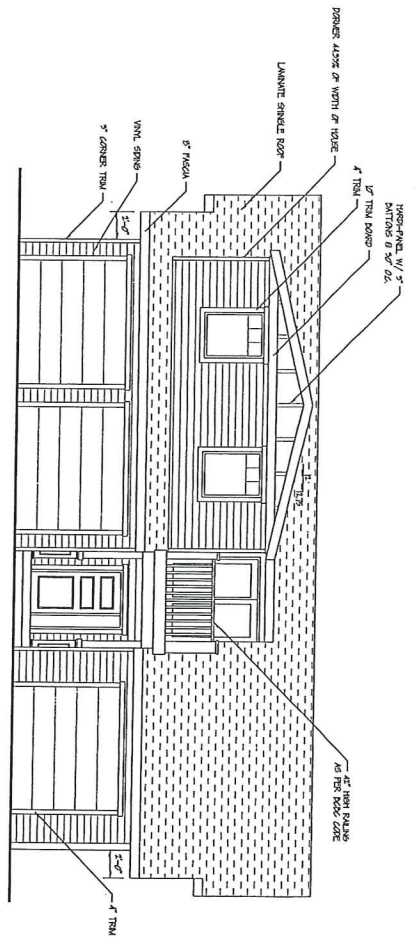
SITE PLAN AND CROSS SECTION 391 YATES ROAD

SCALE: AS NOTED | DRAWING NUMBER: 06-728-002 | REVISION:

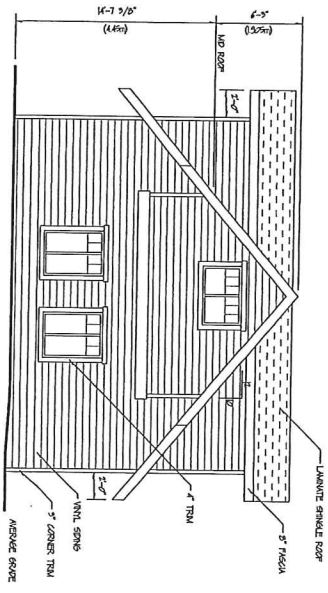
REAR ELEVATION
1/4" = 1'-0"



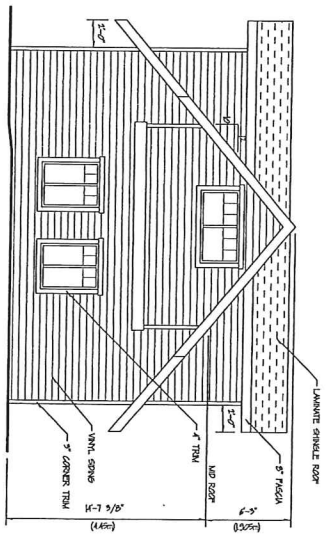
FRONT ELEVATION
1/4" = 1'-0"



LEFT ELEVATION
1/4" = 1'-0"



RIGHT ELEVATION
1/4" = 1'-0"



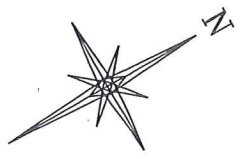
PROPOSED SUITE FOR:
* IGEL *

OASIS DESIGN
ALL-OUT LIFESTYLE PLANNING 868-2275 RELIABLE. BETTER. AHEAD. WE ARE.
 DESIGNED BY: JAMES W. HAASDYK
 DATE: MAY 7, 2010





EXISTING ELEVATIONS
391 YATES ROAD

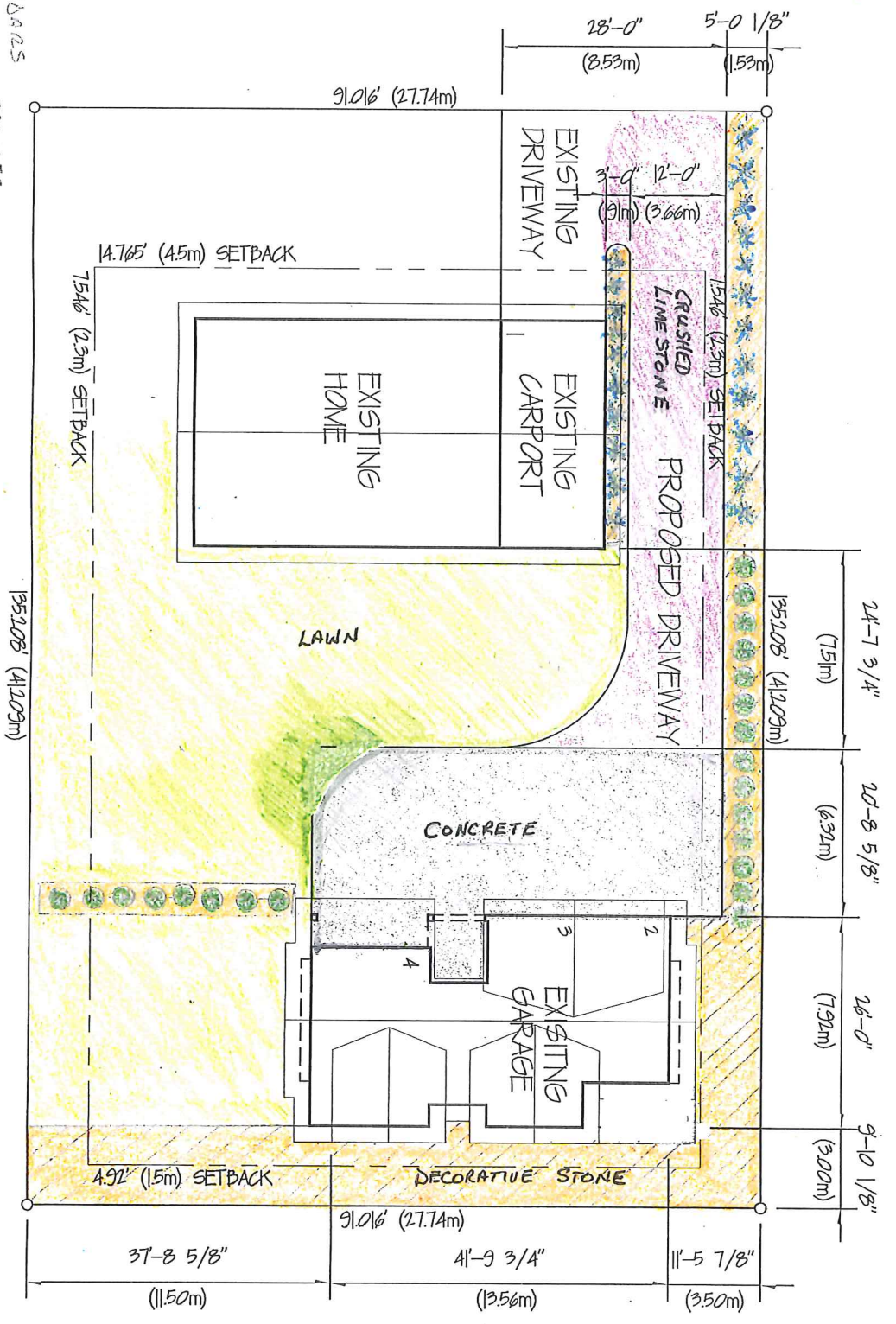
SCALE: AS NOTED | DRAWING NUMBER: 06-728-003 | REVISION:

NO REPRESENTATION OF THESE PLANS IS MADE WITHOUT A PROFESSIONAL ARCHITECTURAL SEAL AND SIGNATURE.

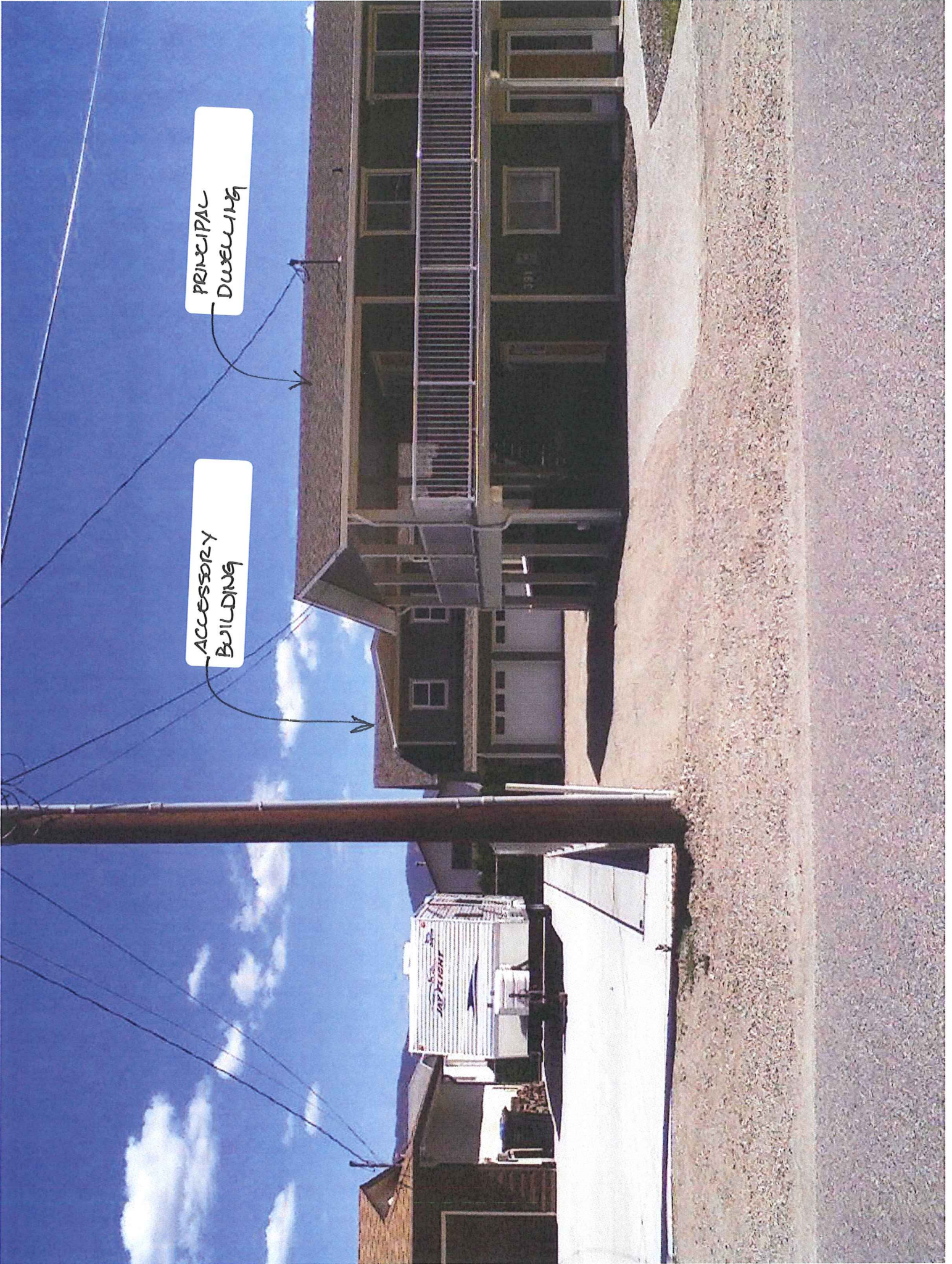


YATES ROAD

-  CEDARS
-  DECORATIVE GLASSES
-  DECORATIVE STONE
-  LAWN




SITE PLAN
 1/16" = 1'-0"



PRINCIPAL DWELLING

ACCESSORY BUILDING

PRINCIPAL
DWEILING

ACCESSORY
BUILDING

