

Memo



Date: August 13/10
To: City Manager
From: Community Sustainability Division
File No: Z10-0044 **Applicant:** Kaltenhauser, Gordon
At: 120 Homer Road **Owner:** Kaltenhauser, Gordon
Purpose: TO REZONE THE SUBJECT PROPERTY FROM THE RU1-LARGE LOT HOUSING ZONE TO THE RM1-FOUR DWELLING HOUSING ZONE TO LEGALIZE THE EXISTING FOUR-PLEX
Existing Zone: RU1 - Large Lot Housing
Proposed Zone: RM1 - Four Dwelling Housing
Existing Future Land Use: Multiple Unit Residential - Low Density
Report Prepared by: Luke Turri

1.0 RECOMMENDATION:

THAT Rezoning Application No. Z10-0044 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 13 Section 27 Township 26 ODYD Plan 14897, except Plan 39705, located at 120 Homer Road, Kelowna BC from the RU1 - Large Lot Housing zone to the RM1 - Four Dwelling Housing zone, be considered by Council;

THAT final adoption of the zone amending bylaw be considered in conjunction with Council's consideration of a Development Permit and Development Variance Permit for the subject property;

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

AND THAT final adoption be considered subject to a Building Permit application being made for the legalization of the existing dwelling units.

2.0 SUMMARY:

This proposal seeks to legalize an existing four-plex by rezoning the subject property from the RU1 - Large Lot Housing zone to the RM1 - Four Dwelling Housing zone. The rezoning necessitates a Development Variance Permit to legalize the existing building footprint.

3.0 ADVISORY PLANNING COMMISSION:

The above noted application was reviewed by the Advisory Planning Commission at the meeting on June 8, 2010 and the following recommendation was passed:

THAT the Advisory Planning Commission support Rezoning Application No. Z10-0044, for 120 Homer Road, to rezone the subject property from the RU1 - Large Lot Housing zone to the RM1 - Four Dwelling Housing zone.

4.0 BACKGROUND:

The original dwelling was added to through a Building Permit issued in 2005, adding approximately 2600ft² of floor area. The property is currently under investigation through Bylaw Enforcement for concerns of additional dwellings.

The property is currently zoned RU1 - Large Lot Housing, however, there are 3 non-conforming units in addition to the single-family dwelling. The original dwelling has a three-bedroom unit located in the basement. The addition approved in 2005 was to create a three-car garage with living space behind and above, however, these additional spaces have been converted into a one-bedroom and three-bedroom unit respectively. In total, the property includes four separate dwelling units. In addition, two of the three proposed garage spaces were converted to a home office/business space for the property owner's home-based business.

4.1 Proposal

The applicant is seeking to legalize the existing building by rezoning the subject property to the RM1 - Four Dwelling Housing zone. This new zone would allow for the four dwelling units to be treated as separate, legal apartments. The proposal meets the requirements of Zoning Bylaw No. 8000 with the exception of the existing rear-yard setback. The original dwelling is sited 3.53m from the rear (north) property line which does not conform to the 7.5m setback required in the RM1 zone.

The application meeting the requirements of Zoning Bylaw No. 8000 (with the noted variance) as follows:

Criteria	Proposal	RM1 Zone Requirements
Existing Lot		
Site Area (m ²)	1389m ²	800m ²
Site Width (m)	30.83m	22.0m
Site Depth (m)	46.42m	30.0m
Development Regulations		
Site Coverage (%)	24% (39%)	40% (50% including buildings, driveways and parking areas)
F.A.R.	.41	0.6
Height (m)	6.6m	9.5m
Storeys (#)	2 storeys	2.5 storeys
Required Setbacks		
Front (Hwy 33) ①	11.75m	15.0m
Rear (north) ②	3.53m	7.5m
Flanking Side (Homer)	8.5m	4.5m (6.0m to garage/carport)
Side (west)	4.4m	2.5m
Other Regulations		
Private Open Space	Exceeds requirements	4 units x 25 m ² Total: 100 m ²
Parking Spaces (#)	7 spaces	3-three bedroom units x 2 spaces 1 bachelor unit x 1 space Total: 7 spaces
<p>① Indicates a variance to the required setback from provincial highway (Hwy 33).</p> <p>② Indicates a variance to the required rear yard from 7.5m required to 3.53m proposed.</p>		

4.2 Site Context

The subject property is located on the north side of Hwy 33 W near Gerstmar Road and west of the Rutland Urban Centre boundary. Specifically, the adjacent zones and uses are:

Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Single Family Housing
East	RM3 - Low Density Multiple Housing	Townhomes
South	RM4 - Transitional Low Density Housing C1 - Local Commercial	Apartment Complex Gas Bar
West	P2 - Educational & Major Institutional	Religious Assembly

4.3 Site Location Map

Subject property: 120 Homer Road



5.0 CURRENT DEVELOPMENT POLICY:

5.1 Proposed Zone (RM1 - Four Dwelling Housing)

The purpose of this zone is to provide for the development of a maximum of four dwelling units in the form of single detached, semi-detached, duplex, three-plex or four-plex housing on urban services.

5.2 Official Community Plan (OCP)

*Housing Variety.*¹ Encourage the development of a variety of housing forms to ensure that the housing supply meets the needs of Kelowna’s diverse population and satisfies a range of lifestyle choices.

¹ Policy 8.1.40, Page 8-6.

6.0 TECHNICAL COMMENTS:

6.1 Black Mountain Irrigation District

See attached.

6.2 Building & Permitting

Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits. Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.3 Development Engineering Branch

See attached.

6.4 Fire Department

Additional addressing will be required.

6.5 Ministry of Transportation

No objections to the proposed rezoning. No direct access to Highway 33.

7.0 LAND USE MANAGEMENT DEPARTMENT:

The Land Use Management Department is supportive of the proposed rezoning. Legalizing the existing four-plex would create compliance with both Zoning Bylaw No. 8000 and the standards for safety offered by the BC Building Code.

The RM1 - Four Dwelling Housing zone complies with the OCP Future Land Use Designation for the subject property (Multiple Unit Residential - Low Density), and the existing dwelling units supply affordable housing options in close proximity to the Rutland Urban Centre.

Should this application be approved by Council, the Development Variance Permit would be heard at a later date to legalize the existing building siting. In addition, the property owner will be required to obtain a Building Permit to ensure code compliance for each individual dwelling, and Development Cost Charges will also be applicable.

for 

Danielle Noble
Manager, Urban Land Use

Approved for inclusion:



Shelley Gambacort
Director, Land Use Management



² Policy 8.1.44, Page 8-7.

Attachments:

Subject Property Map

Site Plan

Photo of Existing Property

Applicant's Letter of Intent

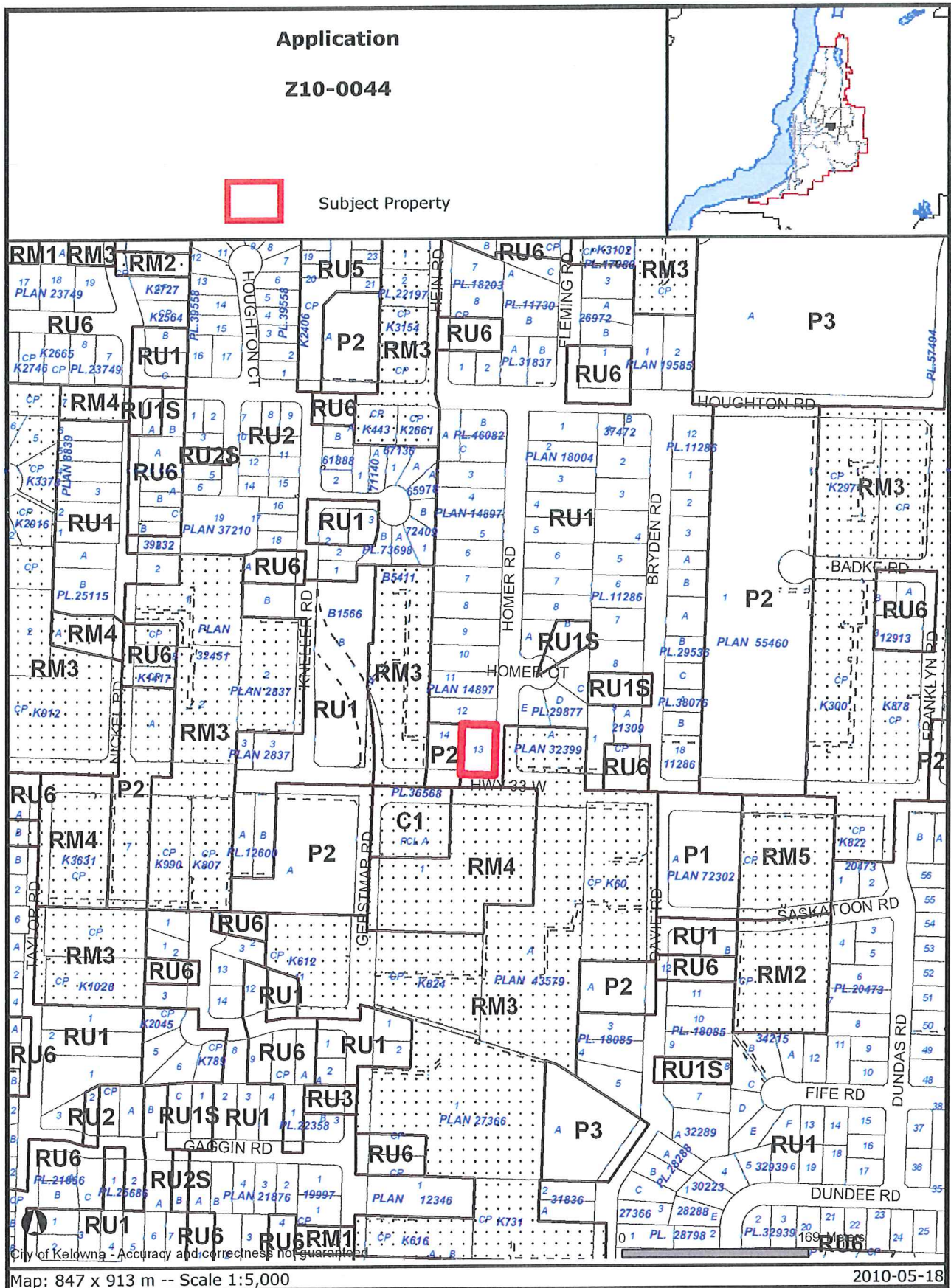
Development Engineering Branch Report

Black Mountain Irrigation District letter, dated May 20, 2010

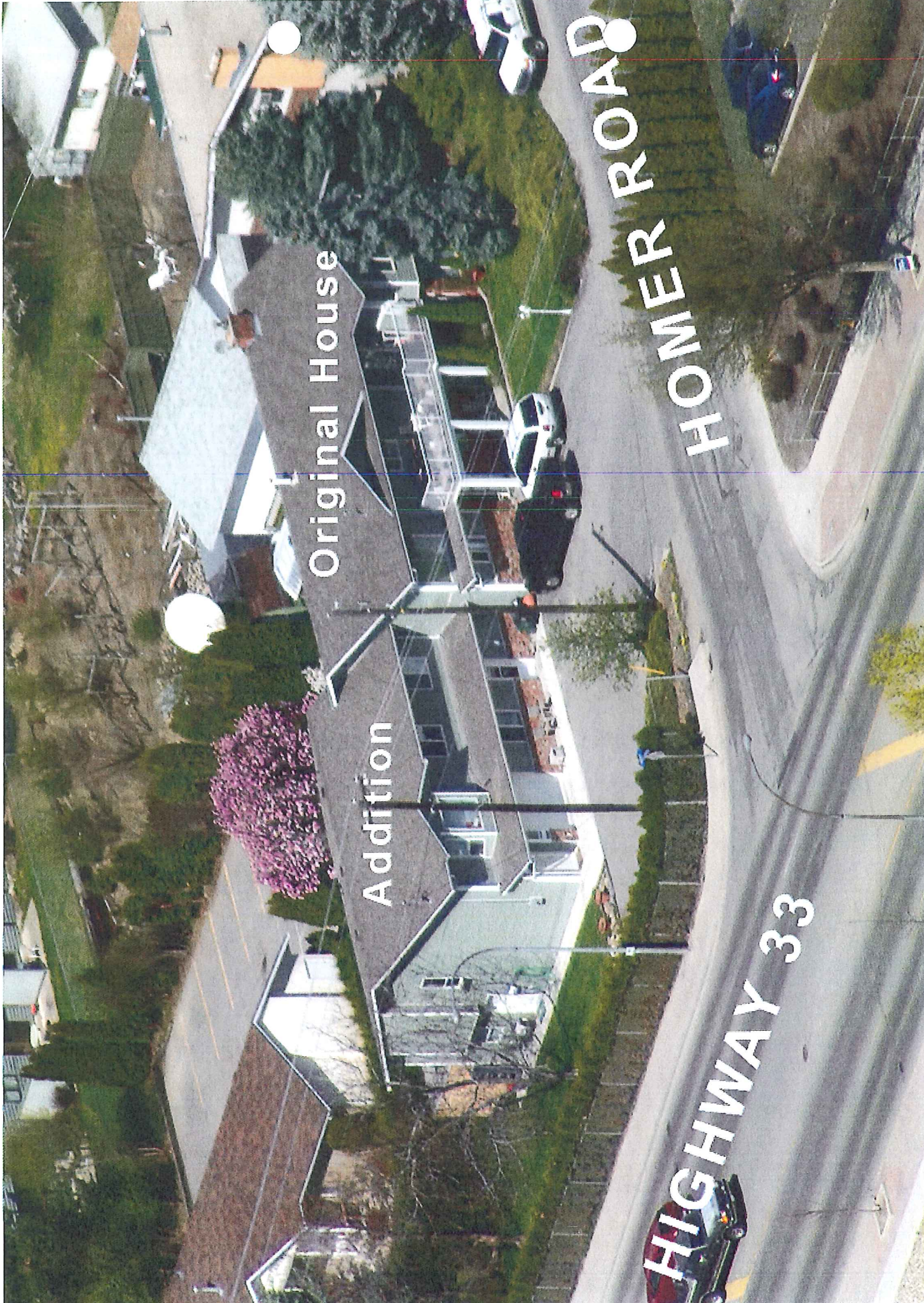
Date application accepted: May 18, 2010

Application presented to APC: June 8, 2010

DVP application fee paid: July 15, 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.



Original House

Addition

HOMER ROAD

HIGHWAY 33

APPLICANT'S LETTER of INTENT - 210-0044 / DVP10-0076

120 HOMER RD

March 27, 2010

To Whom it may concern;

As an attachment to my completed application for the re-zoning of my property located at 120 Homer road, in Kelowna, I am writing to provide additional information that I trust will be helpful in completing a successful re-zoning.

I originally purchased the subject property in 1994, and my wife, daughter and myself resided in the residence until 1999.

When we purchased the home, it was zoned as RU1/Single Family residential, but had a complete kitchen facility in the lower level, as well as bathroom. I believe at that time the City of Kelowna considered such kitchens as "Summer Kitchens."

At any rate, upon my divorce I moved myself and my daughter in to the lower level, and rented out the upper level. As the lower level kitchen was at that time considered "legal" I saw no issue in using it and sub-letting the upper level.

In 2005, I had discussions with my father, concerning his re-locating from his home in Westbank, BC, to this location, provided that the building could be extended to accommodate his needs.

A building permit for the addition was granted in November of 2005, and the addition was built.

Just shortly prior to completion, dad got "cold feet" and decided that a move for him was not really what he wanted, and elected to stay in his home in Westbank.

Faced with a large addition and no one in it, the decision, rightly or wrongly, was made to add a kitchen to the upper level of the addition, as well as close off the access to the main home.

The lower level of the addition was originally designed as a 3-bay garage, but that only one of the 3 garage bays would actually be used for that purpose. The other 2 garage bays, (closest to the original building) are properly framed for 8ft garage doors, but have instead been constructed with a 36" entry door in one of the bays, and a window in the other. It has been used for a home-based video production business, and is configured as a large office area.

Directly behind the office/garage bay was an unused storage area, since converted to a single bedroom basement/bachelor suite.

The property has been operating in its current state, with what in effect is 3 non-conforming suites, for 3 years now.

In that time period, I have had the same tenant in the upper level of the original building since 2004.

That particular "suite" is almost 1,800 sq ft in area, and consists of 3 bedrooms, a main and ensuite bathroom, kitchen, living and dining rooms, as well as an additional recreation room. (This area was originally a sundeck to the original building, glassed in as a sun-room prior to our purchase of the home in 1994. The new building addition adjoins this room, and all but 3 windows have been removed, and converted to walled area.

Myself and my current wife and her daughter currently reside in the lower level of the original house. Renovations were made to the original floorplan, and now features 3 bedrooms, a main and ensuite bathroom, laundry room, and recreation/living room.

The upper level of the addition is in essence, a 3 bedroom suite, with a main bathroom, living and dining rooms, and kitchen, as well as laundry facility.

This particular suite has been successfully been rented out to 3 different tenants. The fourth and current tenant being the exception, and is currently under eviction notice.

The lower/rear single bedroom suite is currently being occupied by my daughter and her boyfriend. It is a single bedroom bachelor/student suite, and has a living room, kitchen, and full bathroom.

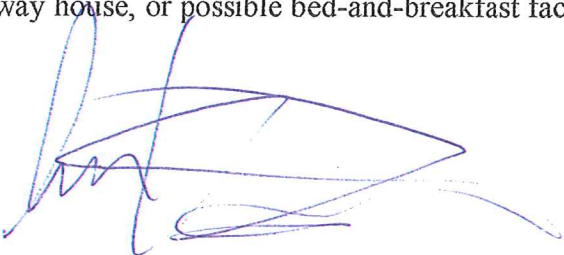
Being an "on-site" landlord has been beneficial in keeping the typical tenant issues at bay.

The property is an asset to the neighborhood, and is kept and maintained in an exceptional manner. There is ample off-street parking for all residents. The building has been upgraded at the time that the addition was built, and is clean and modern. Brick fascia was added to the addition at additional expense, to preserve the visual impact of the building, and give the impression of one large building. The addition was built to local building codes, and all of the inspection reports are included with this application.

Discussions with City Hall Planning Dep't staff indicate that the neighborhood surrounding my property at 120 Homer Road is to be designated a higher density according to the OCP. (Official Community Plan.)

The subject property lends itself ideally to this classification, and is a prime candidate for re-zoning to a higher density of RM1. Future potential uses for the building would include a care facility, group home, half-way house, or possible bed-and-breakfast facility.

Gordon Kaltenhauser
120 Homer Road
Kelowna, BC V1X 3Z5
TEL: (250) 762-6871
EMAIL: vquest@shaw.ca



CITY OF KELOWNA
MEMORANDUM

Date: June 28, 2010
File No.: Z10-0044
To: Planning & Development Services Department (LT)
From: Development Engineer Manager (SM)
Subject: 120 Homer Road – LOT 13, PLAN 14897, Sec. 27, twp. 26. ODYD

The Works & utilities Department comments and requirements regarding this application to rezone from RU1 to RM1 are as follows:

1. Subdivision
 - a) Provide easements as may be required.
 - b) Dedicate approximately 3.9 m. along Hwy 33 to provide a total of 30 m. road right of way.
 - c) Dedicate a 6.0 m. corner rounding at the intersection of Hwy 33 and Homer Road.

2. Domestic water and fire protection.

This development is within the service area of the Rutland Waterworks District (RWD). The developer is required to make satisfactory arrangements with the RWD for these items. All charges for service connection and upgrading costs are to be paid directly to the RWD. The developer is required to provide a confirmation that the district is capable of supplying fire flow in accordance with current Bylaws and policies requirements.

A watermeter is mandatory as well as a sewer credit meter to measure all the irrigation water. Watermeters must be housed in an above-ground, heated, accessible and secure building, either as part of the main site buildings or in a separate building. Remote readers units are also mandatory on all meters.

3. Sanitary Sewer.

The existing 100mm. sanitary sewer service may be adequate to serve the proposed development. Should a new service be required, the installation of the new service and the decommissioning of the existing will be at the applicant cost

4. Drainage.

A comprehensive site drainage management plan and design to comply with the City's drainage design and policy manual, is a requirement of this application. The drainage study should indicate the size and location of the detention facility and provide for a positive outflow to the existing municipal storm drainage system.

5. Power and Telecommunication Services.

The services to the existing dwelling are currently overhead and since the property is located outside the urban town centre the services may remain overhead at this point in time.

6. Road improvements.

Homer 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 **\$24,900.00** 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. DCC Credits.

None of the required improvements qualify for DCC credit consideration, as these upgrades are not identified in the current DCC schedules.

11. On site issues.

- a) The parking layout does meet current Bylaws and Policies.
- b) The plan submitted in support of this application, which indicates 3 garage doors, does not reflect the actual building appearance.

12. Bonding and Levies Summary.

a) Performance Bonding

Homer Road frontage upgrade	<u>\$24,900.00</u>
-----------------------------	---------------------------

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 **\$21,600.00**.

Steve Muenz, P.Eng.
Development Engineering Manager

BB

City of Kelowna - DA050 Overdue Development Application Summary Report

Target Date

Start Date

NO OVERDUE APPLICATIONS FOUND

File File Mgr Eng Contact Applicant

Elapsed days =

Process in days

Number of Overdue Applications: 0

** End of Report **

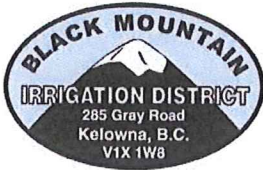
NO OVERDUE APPLICATIONS FOUND

File File Mgr Eng Contact Applicant Start Date Target Date

Number of Overdue Applications: 0

** End of Report **

Process in days Elapsed days =



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

BMID File No. 2010.46

May 20, 2010

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

Attention: Luke Turri

RE: **BMID Water Servicing Requirements**
Lot 13, Plan 14897 – 120 Homer Road
Rezoning Application: Z10-0044

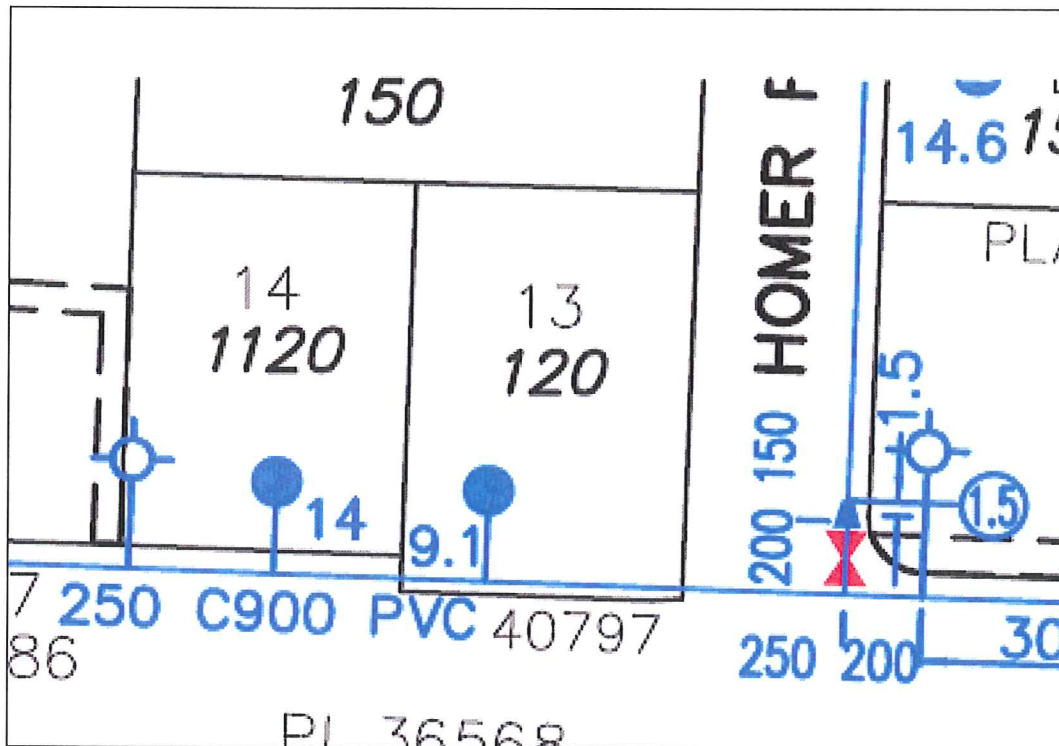
1.0 INTRODUCTION

This letter confirms our requirements for water supply related to the rezoning of Lot 13, Plan 14897, 120 Homer Road from RU1 (large lot housing) to RM1 (fourplex housing) to allow for the addition to the existing single family dwelling to create a 3-plex.

2.0 PROPOSED REZONING AND DEVELOPMENT

The dwelling is currently registered with BMID as a single family dwelling with no suite. The parcel has one 19mm un-metered domestic service to the site supplied from the 250mm water main on Highway 33 west, as illustrated in Figure 1.1.

Figure 1.1 - Existing Water Service



2.0 CONNECTION & METER FEES:

The existing 19mm diameter service connection has sufficient capacity to provide water to the property line, however should there be inadequate pressures within the three units, we would recommend that the Owner upgrade the 19mm service line from the property line to the building to a 38mm line. The existing service location is below the curb and sidewalk along Highway 33 and will be costly to upgrade. At this time, a single meter assembly is required for the existing service to the property. The meter is to be installed by Corix Utilities. The cost for a 25mm domestic meter based on a new installation is **\$465.00**. The actual fee may be slightly higher depending on the complexity of the installation to the existing structure.

Should this proposed 3-unit dwelling be stratified at some time in the future, then at that time, additional separate services would be required to the suites from the property line, as well as separate water meters for each service line. If the long term intent is to stratify these suites, the applicant may wish to consider the installation of services and two additional meters at this time as costs will inevitably increase in the future.

3.0 CAPITAL CHARGES

Capital Charges for the dwelling were covered as part of the original subdivision approval. As per bylaw No. 678, the capital expenditure charge for the proposed addition of 2 suites is \$2,160.00 per unit, for a total of **\$4,320.00**. This money is to fund water source development and larger supply mains as defined in the BMID Capital Plan.

Building connection fees will be required for the two additional accounts in the amount of \$150.00 per unit for a total of **\$300.00**.

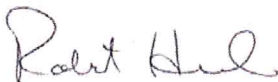
If the owner (authorized signatory) agrees to meet the requirements of this letter, please have them come to our office to complete a *BMID Application for Building* form authorizing the water meter installations and to pay the required fees. Once we have this on file, a *Water Certificate* can be issued by BMID for submission to the City of Kelowna.

Please review the information and contact us if additional details are required. Further information on the development process can be found at www.bmid.ca.

Please call us directly if you have any questions.

Yours truly,

Black Mountain Irrigation District



Robert Hrasko, P.Eng.
Administrator

cc: Gordon Kaltenhauser, 120 Homer Rd., Kelowna, BC V1X 3Z5