

Memo



Date: August 26, 2010

To: City Manager

From: Community Sustainability Division

File No: Z10-0042

Applicant: Timothy Valeriotte

At: 2569 Benvoulin Road

Owner: Timothy Valeriotte

Purpose: To rezone the subject property from A1 - Agriculture 1 zone to the A1s - Agriculture 1 with a secondary suite zone to construct a secondary suite within a single family dwelling.

Existing Zone: A1 - Agriculture 1 zone

Proposed Zone: A1s- Agriculture 1 with a secondary suite

Report Prepared by: Birte Decloux

1.0 RECOMMENDATION:

THAT Rezoning Application No. Z10-0042 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot B, District Lot 130, ODYD Plan 20646, located at 2569 Benvoulin Road, Kelowna, BC, from the A1 - Agriculture 1 zone to the A1s Agriculture 1 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 Branch being completed to their satisfaction.

2.0 SUMMARY:

This application is seeking to rezone the subject property from the A1 - Agriculture 1 zone to the A1s - Agriculture 1 with a secondary suite zone to construct a secondary suite within a single family dwelling.

3.0 BACKGROUND:

The building on the subject property was converted to offices for a landscaping business. The applicant at one time unsuccessfully applied to rezone the site to a commercial use. The owner is in the process of moving the business away from this site and with this application is seeking to revert the building back to a single family dwelling with a secondary suite.

The two bedroom secondary suite is located within the existing principal building. Two double garages provide required parking for each of the dwellings. Private open space requirements are met.

The proposed application meets the requirements of A1s- Agriculture 1 with a secondary suite zone follows:

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RU1s ZONE REQUIREMENTS (Suite within Principal Dwelling) ①
Subdivision Regulations		
Lot Area	1,393 m ²	550 m ²
Lot Width	30.48 m	17 m for corner lot
Lot Depth	45.72 m	30.0 m
Development Regulations		
Site Coverage (buildings)	17 %	40%
Site Coverage (buildings/parking)	47 %	50%
Height (existing house)	1 storeys	2 ½ storeys / 9.5 m
Floor Area of principal dwelling	196 m ²	
Floor Area of Secondary Suite / Size ratios	76 m ² / 38 %	In building can't exceed lessor of 90 m ² or 40%
Front Yard	15.4 m	4.5 m
Side Yard (north)	2.0 m	2.0 m (1 - 1 ½ storey)
Side Yard (south)	5.0 m	4.5 m for flanking street
Rear Yard	12.3 m	7.5 m / 1.5 m for accessory buildings
Other Requirements		
Parking Stalls (#)	3 spaces	3 spaces
Private Open Space	meets requirements	30m ² requirement

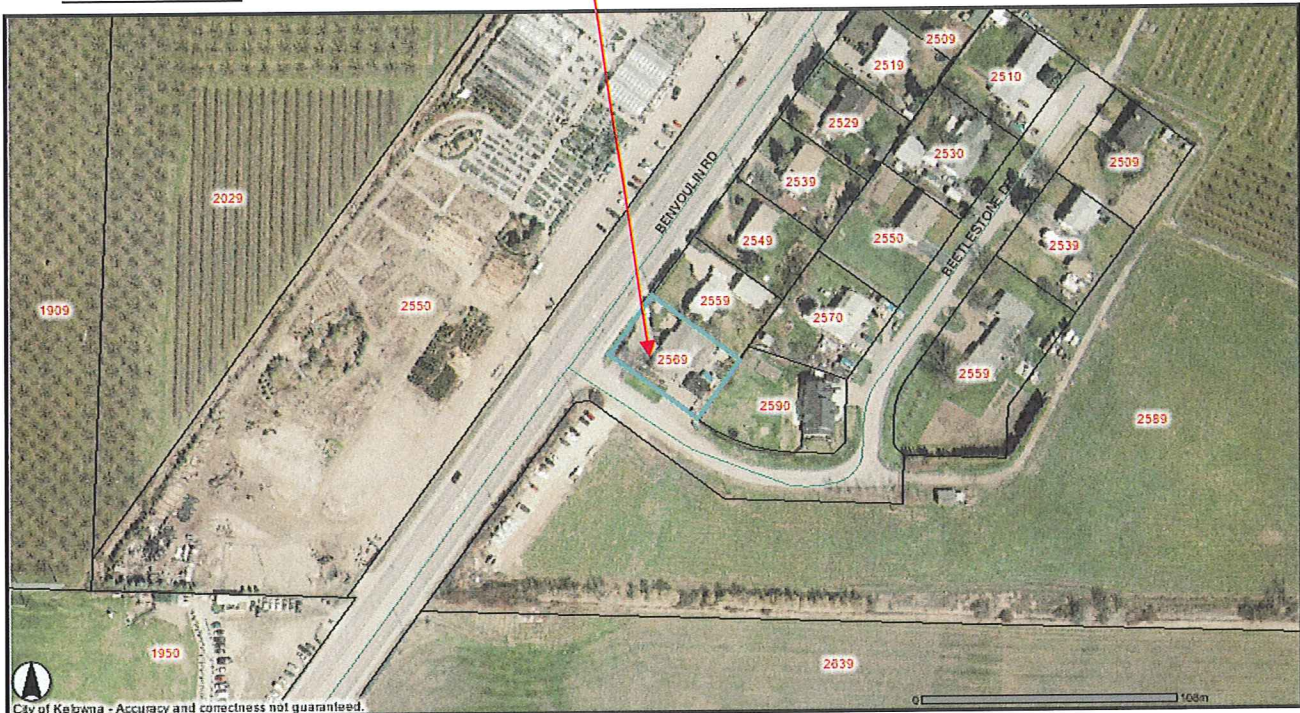
① The subject property meets the criteria of Zoning Bylaw 8000 Section 1.7.1 - non-conforming uses which stipulates that development shall adhere to the provision and regulations of the RU1s zone.

3.1 Site Context

The subject property is located on the west side of Benvoulin Road along the urban-rural boundary. More specifically, the adjacent land uses are as follows:

North	A1	Agriculture 1 - residential
South	A1	Agriculture 1 - in the Agriculture Land Reserve
East	A1	Agriculture 1 - residential
West	A1	Agriculture 1 - in the Agriculture Land Reserve

3.2 Site Location: 2569 Benvoulin Road



4.0 CURRENT DEVELOPMENT POLICY

Kelowna 2020 - Official Community Plan

The subject property is designated as Rural/Agricultural in the Official Community Plan. Relevant policies are included below.

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 Development Engineering

See attached.

5.2 Fire Department

No objections.

5.3 Bylaw Services

Bylaw Services generated a Service Request, #105407, on May 25, 2007 which remains open to date. The nature of the complaint was as follows:

"No business licence on file for "Hampton". Residential zoned, used for commercial purposes only, owner not residing on site."

5.4 Building and Permitting Branch

- 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 main dwelling.
- 4) Range hood above the stove and the washroom to vent separately to the exterior of the building. The size of the penetration for this duct thru a fire separation is restricted by BCBC 06, so provide size of ducts and fire separation details at time of Building Permit Applications.
- 5) Full Plan check for Building Code related issues will be done at time of Building Permit applications.

5.5 Public Health Inspector

No Comment

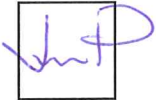
7.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

The proposed rezoning is consistent with the Official Community Plan future land use designation of the subject property. The neighbourhood is unique in that it is surrounded by land in the Agriculture Land Reserve. Although, the site is zoned A1 - Agriculture, it meets the criteria of Zoning Bylaw 8000 Section 1.7.1 - non-conforming uses which stipulates that it is to be developed in accordance with the regulations of the RU1s zone.

There is some history at this site with Bylaw Services pertaining to a landscape business that has been operating here in contravention of the Zoning Bylaw 8000. With this application, the owner is restoring the building to a residential use, and aiming to legalize a secondary suite use. As private open space and parking requirements can be achieved on-site, it is anticipated that minimal (if any) impacts will occur on neighboring properties.



Danielle Noble
Manager, Urban Land Use

Approved for inclusion: 
Shelley Gambacort
Director, Land Use Management

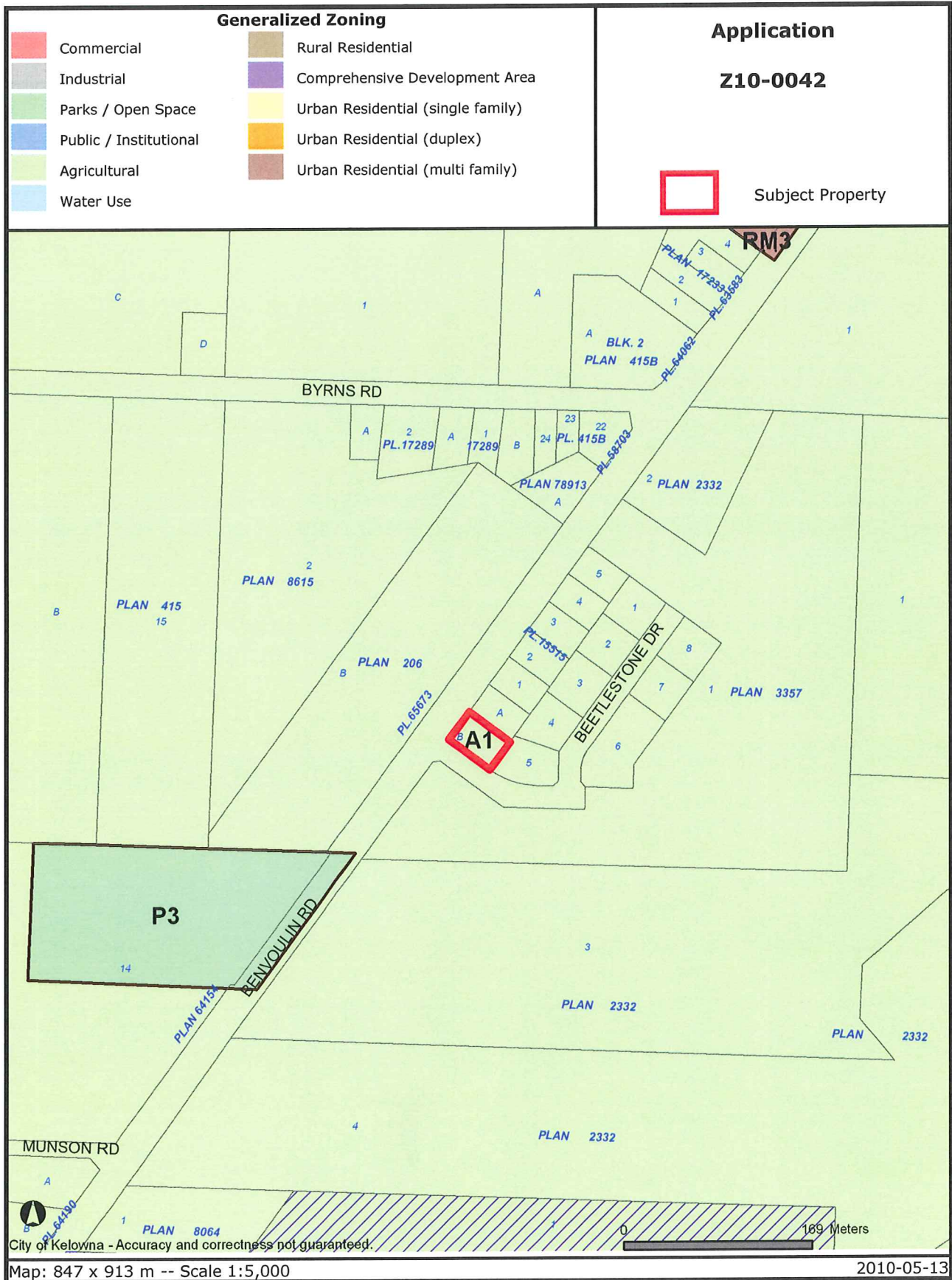
Attachments:

Subject Property Map
Site Plan
Suite Floor Plans/photos

File Chronology:


Date Application Accepted: May 10, 2010
1st Revised Plans: June 11, 2010
Final revisions: August 16, 2010

¹ Official Community Plan, Policy #8-1.30
² Official Community Plan, Policy #8-1.44
³ Official Community Plan, Policy #8-1.47



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.

Sqm Area:
Primary Unit A: 196 sqm
Secondary Suite B: 76 sqm

 -Secondary Suite

Bushy 7' Privacy Hedge



Property Line



Scale

Benwoulin

REVISED PLANS

JUN 11 2010

CITY OF KELOWNA
Land Use Management







City of Kelowna - Accuracy and correctness not guaranteed.

CITY OF KELOWNA
MEMORANDUM

Date: July 26, 2010
File No.: Z10-0042

To: Land Use Management Department (BD) **Revised Comments**

From: Development Engineering Manager

Subject: 2569 Benvoulin Rd Lot B Plan 20646 Sec17, TP 26 A1 to A1s

Development Engineering Services have the following requirements associated with this rezoning Application.

1. Domestic Water and Fire Protection

This subject parcel is currently not within the City service area. Domestic water is presently supplied by on on-site well. Please contact the Public Health Officer for a review of this application.

2. Sanitary Sewer

This subject parcel is currently not within the City service area. Sanitary sewage is presently handled by an on-site sewage disposal system. The application requires a review by the Provincial Public Health Officer.

3. Site Related Issues

This corner lot currently has three access driveways. Benvoulin Road is classified as a Major Arterial Road. Typically Development Engineering would require access to this site restricted to the minor road frontage. In the interim Development Engineering is prepared to allow the existing access to Benvoulin road remain providing the on-site parking area allows vehicles to turn around and exit in the site in a forward direction. The applicant is advised that, should traffic conditions or safety issues arise, the City of Kelowna reserves the right to restrict access to this site to minor road frontage (Beetlestone Drive.)

The existing driveway access that is near the intersection must be removed. Decommissioning of the driveway access will required asphalt removal and boulevard restoration. **This requirement must be met prior to adoption of the rezoning.**

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.

Steve Muenz, P. Eng.
Development Engineering Manager