

Memo



Date: Sept 10/10

To: City Manager

From: Community Sustainability Division

File No: Z10-0054 **Applicant/ Owner:** Marla Matutat

Address: 1375 Rutland Road N

Purpose: TO REZONE THE SUBJECT PROPERTY FROM THE RU1 - LARGE LOT HOUSING ZONE TO THE RU6 - TWO DWELLING HOUSING ZONE TO PERMIT A SECOND DWELLING

Existing Zone: RU1 - Large Lot Housing

Proposed Zone: RU6 - Two Dwelling Housing

Report Prepared by: Luke Turri

1.0 RECOMMENDATION:

THAT Rezoning Application No. Z10-0054 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2 Section 35 Township 26 ODYD Plan 19027, located at 1375 Rutland Road North, Kelowna BC from the RU1 - Large Lot Housing 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 Branch and the Black Mountain Irrigation District being completed to their satisfaction.

2.0 SUMMARY:

This proposal seeks to rezone the subject property from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone to permit a second dwelling to be constructed on the property. Pending Council approval of the Rezoning bylaw, a Development Permit and Development Variance Permit would be required at a later date.

3.0 ADVISORY PLANNING COMMISSION:

The above noted application was reviewed by the Advisory Planning Commission at the meeting on August 3, 2010 and the following recommendation was passed:

THAT the Advisory Planning Commission support Rezoning Application No. Z10-0054, for 1375 Rutland Road N, to rezone the subject property from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone in order to allow a second dwelling on the property.

4.0 PROPOSAL:

A single family dwelling currently exists on the subject property. The applicant is seeking to add an additional dwelling at the rear of the property, which requires a zoning change to the RU6 - Two Dwelling Housing zone.

As there is no rear lane, vehicular access would be provided from an existing driveway on Rutland Road, which would be shared with the existing dwelling. Parking for both dwellings is to be provided within a garage in the existing dwelling, as well as a double-car garage for the proposed dwelling.

As proposed, the second dwelling would require a variance to the required rear yard setback to allow for a raised deck. Should Council give favourable consideration to the rezoning application, the Development Variance Permit application would be presented at a later date. A Development Permit would also be required to assess the form & character of the second dwelling, and would be executed at a staff level.

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

Criteria	Proposal	RU6 Zone Requirements
Existing Lot		
Site Area (m ²)	853m ²	700m ²
Site Width (m)	20.73m	18.0m
Site Depth (m)	41.15m	30.0m
Development Regulations		
Site Coverage (%) [buildings]	33%	40%
Site Coverage (%) [including driveways/parking]	50%	50%
Height (m)	To be confirmed at Development Permit	9.5m
Storeys (#)	1.5 storeys	2.5 storeys
Separation between dwellings	4.5m	4.5m
Required Setbacks		
Front	n/a	n/a
Rear (east)	4.0m ^⓪	6.0m (1.5 storeys)
Side (north)	3.0m	2.0m
Side (south)	2.1m	2.0m
Other Regulations		
Private Open Space	Exceeds requirements	30 m ² per dwelling Total: 60 m ²
Parking Spaces (#)	3 spaces	3 spaces
^⓪ Indicates a variance to required rear yard from 6.0m permitted to 4.0m proposed.		

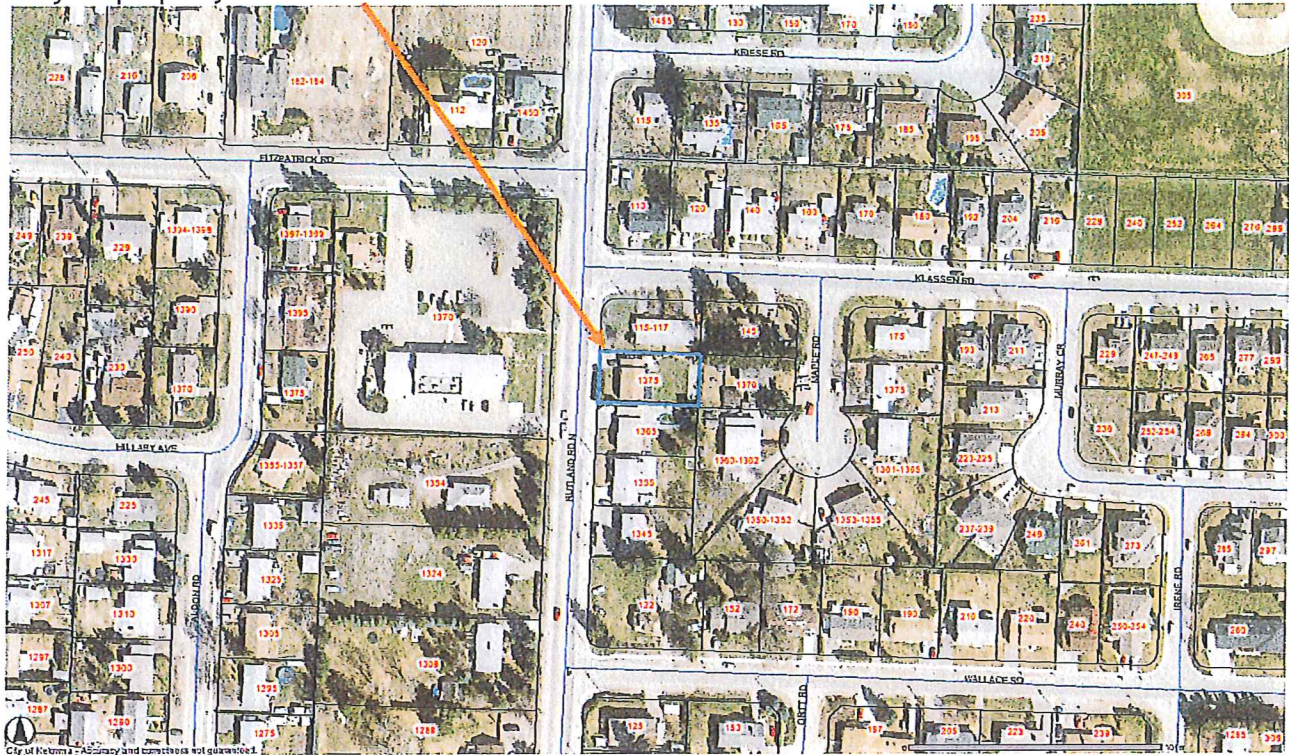
4.1 Site Context

The subject property is located in North Rutland within an established residential neighbourhood. Specifically, the adjacent zones and uses are:

- North** RU6 - Two Dwelling Housing (Duplex Housing)
- East** RU1 - Large Lot Housing (Single Family)/
RU6 - Two Dwelling Housing (Duplex Housing)
- South** RU1 - Large Lot Housing (Single Family)
- West** P2 - Educational & Minor Institutional (Religious Assembly)

4.2 Site Location Map

Subject property: 1375 Rutland Road North



5.0 CURRENT DEVELOPMENT POLICY:

5.1 Proposed Zone (RU6 - Low Two Dwelling Housing)

The purpose is to provide a zone for development of a maximum of two dwelling units per lot.

5.2 Official Community Plan (OCP)

Land Utilization within Single Detached Areas.¹ 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 the neighbourhood.

Housing Variety.² 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.

Integration.³ Encourage the sensitive integration of different housing forms in the various sectors of the City, in support of neighbourhood diversity and healthy communities.

6.0 TECHNICAL COMMENTS:

6.1 Black Mountain Irrigation District

See attached.

¹ OCP Policy 8.1.35, Page 8-6

² OCP Policy 8.1.40, Page 8-6

³ OCP Policy 8.1.44, Page 8-7

6.2 Building & Permitting Branch

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. Potential spatial separation issues between the proposed new and existing structure. Spatial calculation are required to determine the amount of unprotected openings. No Building elevations supplied for review only conceptual floor plans.

6.3 Development Engineering Branch

See attached.

6.4 Fire Department

Additional address will be required.

7.0 **LAND USE MANAGEMENT DEPARTMENT:**

The proposed rezoning from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone is consistent with the OCP Future Land Use Designation for the property and is appropriate given surrounding development within the existing residential neighbourhood. Increased density is encouraged in locations where urban services are already available, and sensitive integration is achievable, particularly along major transportation corridors. A number of properties in the immediate area are zoned RU6 - Two Dwelling Housing, including an existing duplex immediately north of the subject property.

While the Development Variance Permit for the rear yard setback would be presented at a later date, staff have encouraged the applicant to conduct additional consultation with surrounding neighbours and pursue alternative design options to mitigate the impact of the variance request, or eliminate it entirely.

While it is preferred to have the detailed design and elevations for the proposed new dwelling, it is not a mandatory component of a rezoning application. At a future date, staff will ensure that the development proposal satisfies the Development Permit Guidelines for Form and Character of Secondary Suite and Two Dwelling Housing Development, pursuant to Section 8.3 of the Kelowna 2020 - Official Community Plan through a staff directed Development Permit process.



Danielle Noble
Manager, Urban Land Use

Approved for inclusion:



Shelley Gambacort
Director, Land Use Management

Attachments:

Subject Property Map
Development Proposal Letter from Applicant
Site Plan
Site Photos
Development Engineering Branch Requirements
Black Mountain Irrigation District Requirements

Date application accepted: June 11, 2010

Development Proposal

May 3, 2010

1375 Rutland Rd North

I Marla Jean Matutat am requesting approval to build a second dwelling at 1375 Rutland Rd North, from the City of Kelowna. I have a large lot and would like to utilize this space. My current residence is to the front of my property, I really like my location but due to the road widening there has been a BIG increase in noise, and vibration from large trucks passing at a high speed. I would like to utilize the rear part of my yard for a second dwelling thus having way less noise and creating more parking for the old and new dwellings. Rutland Rd is no longer a 50km road but a very busy main artery, and often despite many shoulder checks, backing out onto Rutland road can be hazardous. I will be able to drive onto Rutland road and exit driving off. My neighbours directly behind me, stated that not only is the noise much greater since the road widening, they often feel vibration from passing large vehicles. They never had this problem previously. Building a second dwelling will be an insulator and buffer for all dwellings edging my property. I went and spoke with a city planner on more than one occasion, refitting into the city's development plan. I was given set back requirements and informed that there are many homes in the neighbourhood that have a second dwelling. I Marla Matutat have been very considerate of window placement and positioning of the second dwelling and it's deck. I have been very vigilant about not compromising my neighbours nor the original resident's privacy. I also spoke with Ryan Smith of City of Kelowna re what is required to strata my property and he informed me of the requirements.

Thank you for considering my proposal.



Marla Jean Matutat

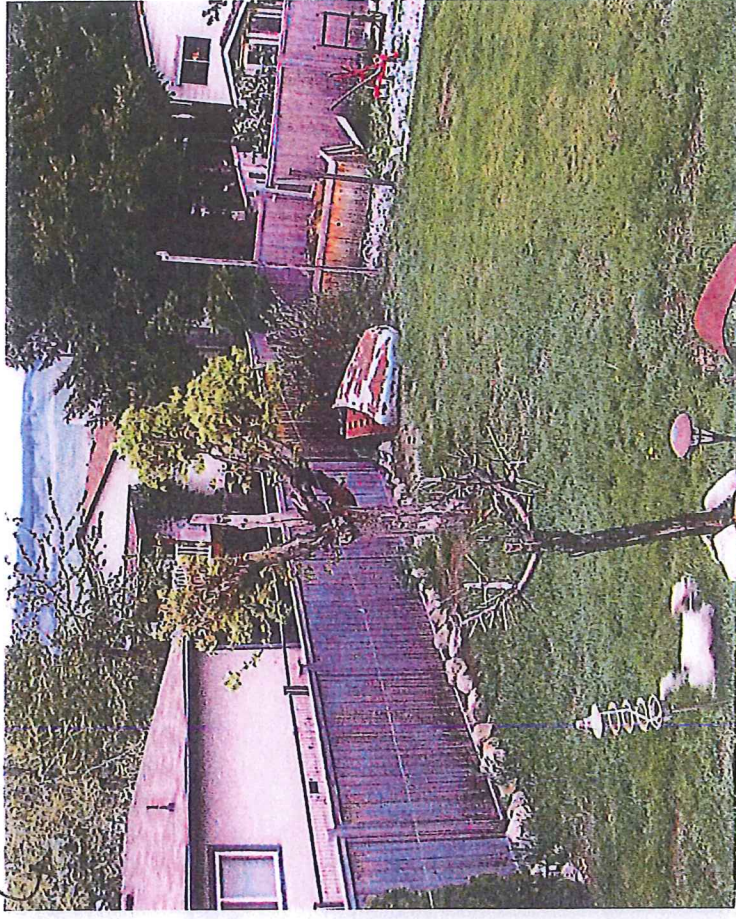
Home 250-765-4662

Cell 250-878-0977

VIEW OF NEIGHBOURING PROPERTY (NORTH)



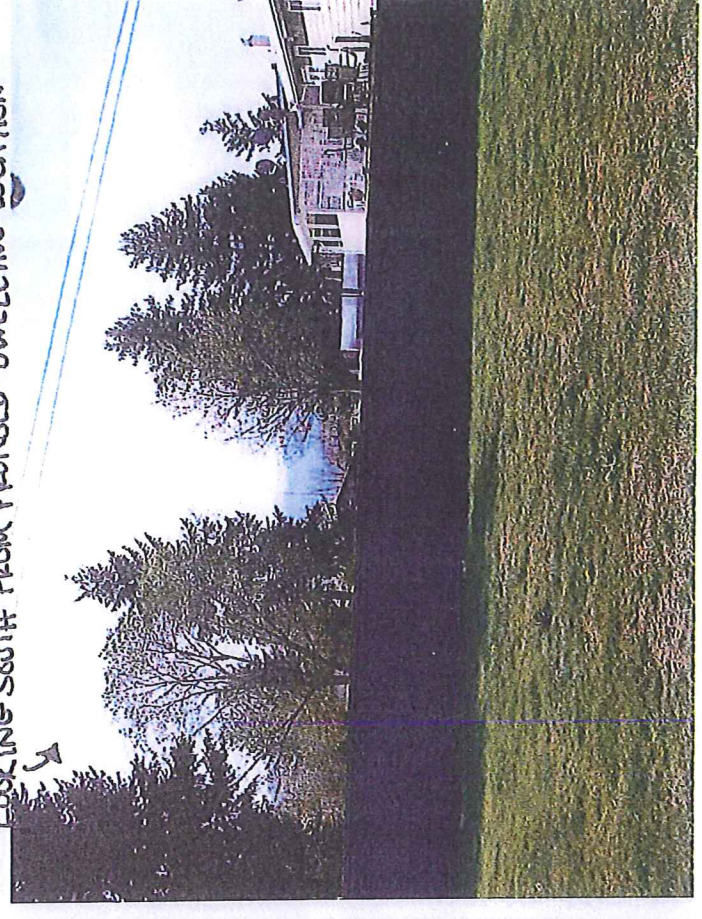
LOOKING NORTHEAST FROM EXISTING DWELLING



VIEW EAST FROM EXISTING DWELLING



LOOKING SOUTH FROM PROPOSED DWELLING LOCATION



CITY OF KELOWNA
MEMORANDUM

Date: July 07, 2010
File No.: Z10-0054
To: Planning and Development Officer (LT)
From: Development Engineering Manager (SM)
Subject: 1375 Rutland Road N., Lot 2, Plan 19027 Section 35, Township 26, ODYD

The Works & utilities Department comments and requirements regarding this application to rezone the subject property from RU1 and RU6 are as follows:

1. Subdivision.
 - a) Provide easements as may be required
2. Domestic water and fire protection.
 - a) This development is within the service area of the Black Mountain irrigation District (BMID). The developer is required to make satisfactory arrangements with the BMID for these items. All charges for service connection and upgrading costs are to be paid directly to the BMID.
 - b) An RU6 property requires a second service to meet the current City of Kelowna Bylaws and regulations. The second service must be paid in full or installed prior to the adoption of the zone amending Bylaw, provide a copy of the receipt.
3. Sanitary Sewer.

The subject property is located within the Local Area Service (LAS) # 20 and the charges for an RU6 property is 1.4 SFE (Single Family Equivalent Unit. The developer has cash commuted one SFE and must pay 0.4 SFE in the amount of **\$1,707.00** (\$4,267.50 x 0.4).
4. Levies Summary.

Sewer Local Area Service #20

\$ 1,707.00
(Valid until March 31, 2011)

Steve Muenz, P. Eng.
Development Engineering Manager

BB



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

BMID File No. 2010-01

July 15, 2010

City of Kelowna
Community Sustainability
1435 Water St
Kelowna, BC V1Y 1J4

Attention: Luke Turri

Dear Luke:

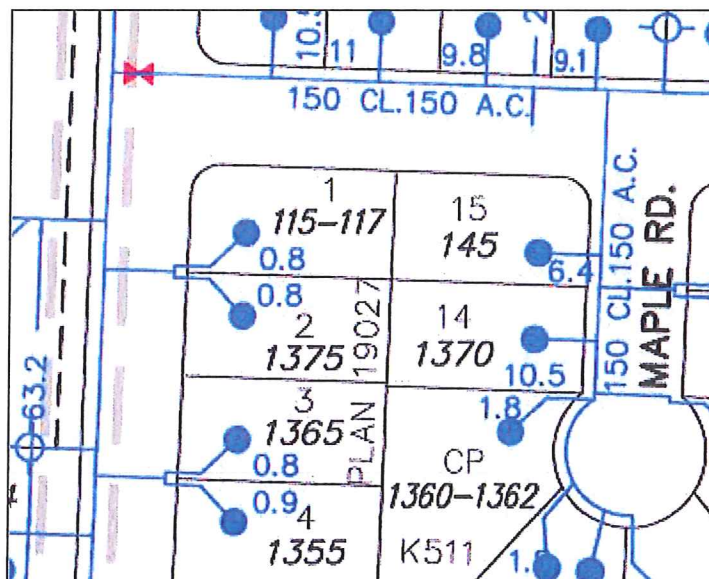
**RE: Water Service Requirements
Second Dwelling on Lot 2, Plan 19027
1375 Rutland Rd N.**

This letter sets out our requirements for water supply related to the proposed addition of a second residence on Lot 2 Plan 19027, which has a civic address of 1375 Rutland Road North.

1.0 PROPOSED STRATIFICATION

The existing water supply to the subject property is through a 19mm domestic service in the location as illustrated in Figure 1-1.

Figure 1-1 Present Water Services



1375 Rutland Rd N.

Lot 2, Plan 19027
1375 Rutland Rd N – 2nd Dwelling
July 15, 2010

2.0 SERVICE REQUIREMENTS

The connection fee is **\$300.00** for a standard 19mm single family residential unit as prescribed in Bylaw No. 667. Corix Utilities is outsourced for the installation of domestic water meters within BMID. The standard cost associated with a new domestic meter is \$383.55; with BMID requiring meters for both houses this totals **\$767.10** (2 @ \$383.55).

For construction of a second dwelling on the property, each residence must have a separate water service. In this case, a new service is required from the water main across Rutland Rd N. The owner is responsible to install the water service line from the property line to the building. BMID staff will install the new water service. This requires a road crossing and is more complex than normal, therefore, the work to be carried out by BMID could range up to \$10,000. The BMID work is to be completed via a BMID issued work order, and the costs will be billed to the property owner upon completion, based on the actual materials, equipment and labour required.

3.0 CAPITAL CHARGES

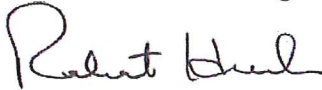
In accordance with BMID Bylaw No. 678, a capital charge of **\$3,600** applies when a single family dwelling is added to a property on which a residence already exists. This money is to fund water source development and larger supply transmission mains as identified in the BMID Capital Plan. Capital 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 required fees. A *BMID Work Order*, authorizing the installation of the new service will also be required at that time. Once we have this information and payment is 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: Marla Jean Matutat, 1375 Rutland Rd. N., Kelowna, BC V1X 4Z4

Date: 25-May-2010

TITLE SEARCH PRINT

Time: 11:44:18

Requestor: (PB51875)

COLDWELL BANKER ALLIANCE REALTY

Page 002 of 002

Folio:

TITLE - CA244111

*** CURRENT INFORMATION ONLY - NO CANCELLED INFORMATION SHOWN ***