

Memo



Date: January 4, 2011

To: City Manager

From: Land Use Management, Community Sustainability

Application: Z10-0029

Owner: Jackie B. Scherle

Address: 1096 Quesnel Road

Applicant: Lynn Welder Consulting Ltd.

Subject: Rezoning Application

Existing OCP Designation: Single/Two Unit Residential

Existing Zone: RU1 - Large Lot Housing

Proposed Zone: RU1s - Large Lot Housing with a Secondary Suite

1.0 Recommendation

THAT Rezoning Application No. Z10-0029 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 1, District Lot 135, ODYD plan 17194, located on Quesnel Road, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing with a Secondary Suite zone, be considered by Council;

AND THAT Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of Zone Amending Bylaw be considered in conjunction with Council's consideration of a Development Variance Permit on the subject property;

AND THAT the suite be eligible for final occupancy prior to final adoption of the zone;

AND THAT final adoption of Zone Amending Bylaw be considered subsequent to the requirements of the Environmental Land Use Branch being completed to their satisfaction and the registration of a 219 no-disturb covenant along the creek.

2.0 Purpose

This application is seeking to rezone the subject property from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing with a secondary suite zone to legalize a secondary suite within an existing accessory building.

3.0 Land Use Management

This application is a result of a bylaw investigation. The intention of the rezoning, as stated in the applicant's letter of intent, is to convert the existing outbuilding into a detached secondary suite to make it compliant with the RU1s zone. A variance to the site coverage is being requested

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

and will go before Council with the final adoption of the zone, should this application receive favourable consideration.

The subject property is abutting the north arm of Facieux Creek within an established neighbourhood. A Development Permit for the form and character of the accessory building and Natural Environment features will be processed at a staff level subsequent to the rezoning. A riparian enhancement plan has been submitted by the applicant which meets the requirements of the Environmental Branch, however, a 219 covenant protecting the creek bank must be secured and bonding be executed through the Development Permit.

Policies within the Official Community Plan support sensitive integration into existing neighbourhoods where services are already in place. Minimal impact (if any) is anticipated on abutting properties, as parking requirements and private open space provisions are achieved on-site. With this proposal, the addition of a secondary suite, assists in diversifying the housing supply in the area where several “s” zones are already in place. The subject property is in close proximity to parks, schools, transit and recreational opportunities.

4.0 Proposal

4.1 Project Description

This application seeks to legalize a modest one room suite. The accessory building containing the suite has been in existence prior to 1997 and was considered “grandfathered” by the Building and Permitting branch when the building was expanded to annex a four car garage. The City has no records of a building permit for the original accessory building. Parking requirements are easily met with multiple garages on the site.

4.2 Site Context

The subject property is located at the corner of Quesnel and Gosnell Roads in the south Pandosy/KLO area of Kelowna. Facieux Creek traverses the property on the northwest property line. The surrounding properties are zoned as follows:

<u>Direction</u>	<u>Zone</u>
North-east	RU1- Large Lot Housing
South-east	RU1- Large Lot Housing
North-west	RU1 - Large Lot Housing
South-west	RU2 - Medium Lot Housing

4.3 Subject Property: 1096 Quesnel Road



4.4 Zoning Analysis

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

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RU1S ZONE REQUIREMENTS (FOR SECONDARY SUITE IN ACCESSORY BUILDING)
Subdivision Regulations		
Lot Area	1,459m ²	550 m ²
Lot Width	25.9 m	17 m for corner lot
Lot Depth	47.03 m	30.0 m
Development Regulations		
Site Coverage (buildings)	24.6 %	40%
Site Coverage (buildings/parking)	56%	50%
Existing Dwelling		
Height	3.66 m	< 2 ½ storeys / 9.5 m
Front Yard	7.35 m	4.5 m or 6.0 m to a garage
Side Yard (ne)	5.49 m	2.0 m (1 - 1 ½ storey) / 2.3 m (2 - 2 ½ storey)
Side Yard (sw)	7.94 m	2.0 m (1 - 1 ½ storey)) / 2.3 m (2 - 2 ½ storey)
Rear Yard	19.85 m	7.5 m
Proposed Secondary Suite in an Accessory Building		
Height	3.65 m	1½ storeys / 4.5 m
Front Yard	25.82 m	4.5 m or 6.0 m to a garage
Side Yard (ne)	2.04 m	2.0 m (1 - 1 ½ storey)
Side Yard (sw)	4.79 m	2.0 m (1 - 1 ½ storey)
Rear Yard	7.25m	1.5 m
Separation (Distance Between Houses)	8.6 m	5.0 m
Other Requirements		
Parking Stalls (#)	7 spaces	3 spaces
Private Open Space	meets requirements	30 m ² of private open space per dwelling

5.0 Current Development Policies

5.1 Kelowna 2020 - Official Community Plan

Housing Polices:

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.

6.0 Technical Comments

6.1 Building & Permitting Department

- 1) 1 hour fire separation is required between the suite and the storage garages as per 2006 edition of the British Columbia Building Code
- 2) Limited glazing amounts and glazing types (wire glass) are only allowed in the fire separation, this may affect the window and door locations.
- 3) An operable bedroom window (private area) is required as per the 2006 edition of the British Columbia Building Code unless the structure has sprinklers.
- 4) Range hood for stove is required to vent to exterior.
- 5) A man door thru the fire separation is required to be fire rated door and have a self closing device.
- 6) The drawings supplied don't define the storage area to the north of the suite. Further clarification required prior to comments being provided.
- 7) Attic fire separations may be required.

6.2 Development Engineering Department

Domestic Water and Fire Protection: This property is currently serviced with a 19mm-diameter copper water service. The service will be adequate for this application. Metered water from the main residence must be extended to supply the proposed suite.

Sanitary Sewer: Our records indicate that this property is adequately serviced with a 100mm-diameter sanitary sewer service complete with inspection chamber (IC).

Site Related Issues: will be dealt with directly by the Environment and Land Use Branch who have the expertise in the ecological domain.

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.

¹ Official Community Plan, Policy #8 - 1.30

² Official Community Plan, Policy #8 - 1.44

³ Official Community Plan, Policy #8 - 1.47

6.3 Bylaw Services

Bylaw Services has an open Service Request for an illegal suite at this location; the file was generated on February 22, 2010 and remains open to date.

6.4 Fire Department

No objections. Confirm there is a fire separation between the garage and the detached suite.

6.5 Environmental Land Use Branch

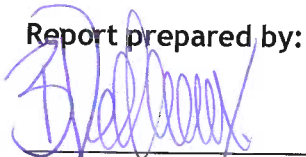
See attached.

7.0 Application Chronology

Date of Application Received: April 19, 2010

Remaining Required Information Received: January 4, 2011

Report prepared by:



Birte Decloux, Urban Land Use Planner

Reviewed by:



Danielle Noble Manager, Urban Land Use Management

Approved for Inclusion:



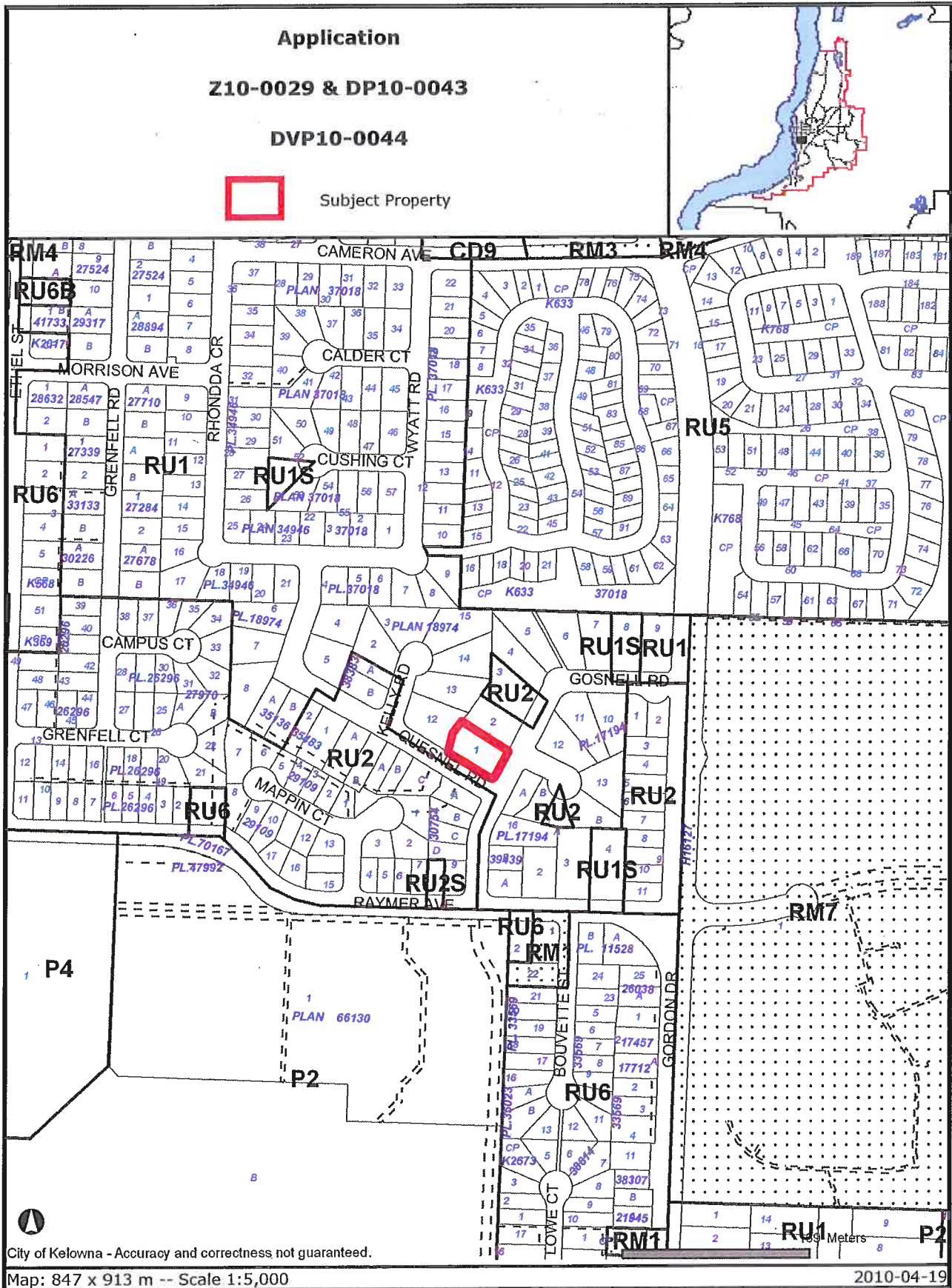
Shelley Gambacort, Director, Land Use Management

Attachments:

Site Plan

Elevation Photos

Technical Comments



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.

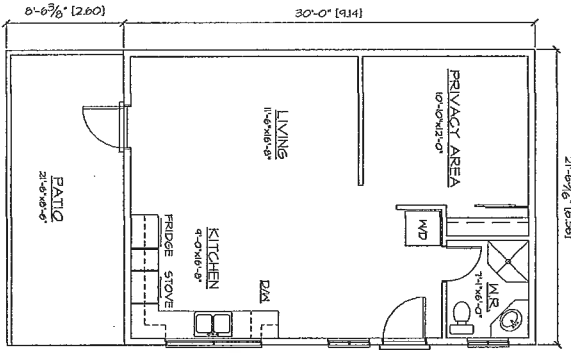
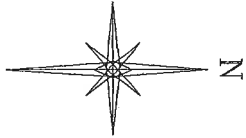
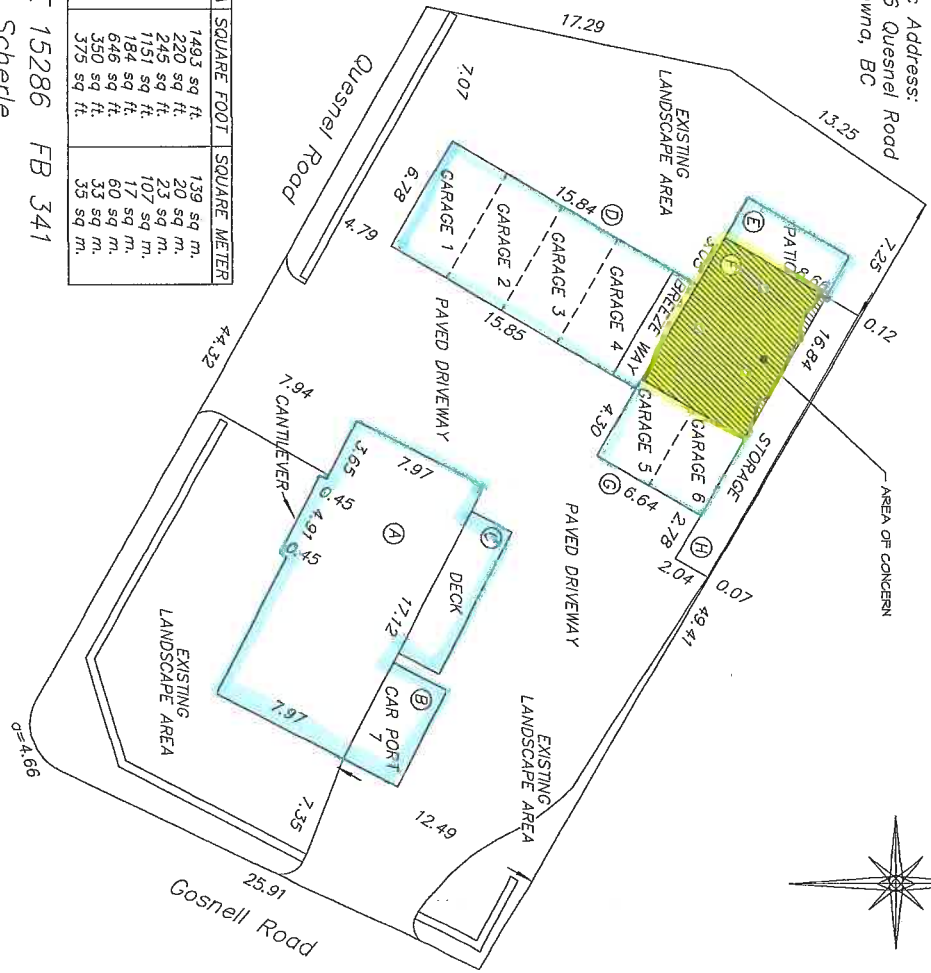
B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION OF BUILDING ON LOT 1 PLAN 17194 D.L. 135 O.D.Y.D.

DISTANCES ARE IN METRES.

Civic Address: 1096 Quesnel Road Kelowna, BC

AREA	SQUARE FOOT	SQUARE METER
A	1493 sq ft.	139 sq m.
B	220 sq ft.	20 sq m.
C	245 sq ft.	23 sq m.
D	1151 sq ft.	107 sq m.
E	184 sq ft.	17 sq m.
F	646 sq ft.	60 sq m.
G	350 sq ft.	33 sq m.
H	375 sq ft.	35 sq m.

FILE 15286 FB 341
RE: Scherle



EXISTING FLOOR PLAN

AREA 646 sq ft. 60 sq m.
SCALE 1/4" = 1'-0" 1/8"

<p>DATE: 17/12/2010 DRAWN: Tobi Fisher CHECKED: Tobi Fisher DESIGNED: Tobi Fisher PROJECT: 1096 Quesnel Road PLAN: 17194 D.L. 135</p>		<p>CLIENT: G.B. EMBLETON & ASSOC. LTD. 1096 QUESNEL ROAD KELOWNA, BC V1Y 6C8 TEL: 250-860-8199</p>		<p>PROJECT: 1096 QUESNEL ROAD KELOWNA, BC V1Y 6C8 PLAN: 17194 D.L. 135</p>	
<p>DATE: 17/12/2010 DRAWN: Tobi Fisher CHECKED: Tobi Fisher DESIGNED: Tobi Fisher PROJECT: 1096 QUESNEL ROAD PLAN: 17194 D.L. 135</p>		<p>CLIENT: G.B. EMBLETON & ASSOC. LTD. 1096 QUESNEL ROAD KELOWNA, BC V1Y 6C8 TEL: 250-860-8199</p>		<p>PROJECT: 1096 QUESNEL ROAD KELOWNA, BC V1Y 6C8 PLAN: 17194 D.L. 135</p>	

Primary House



The Secondary Suite is attached to the back of the 4 Bay garage and workshop.



SECONDARY SUITE

Please note that the creek is exceptionally high due to a Beaver Dam further up. The creek is being closely monitored by the City and the Min. of Environ



The suite (outlined in red) is attached to the back of a 4 bay garage and work shop.



CITY OF KELOWNA

MEMORANDUM

Date: June 9, 2010
File No.: Z10-0029
DVP10-0044
DP10-0043

To: Planner 1 (BD)
From: Environment & Land Use Branch
Subject: Re-zoning Comments

LOCATION: 1096 Quesnel Road
APPLICANT: Lynn Welder Lalonde
LEGAL: Lot 1, Plan 17194

The Environment & Land Use Branch comments and requirements regarding this application are as follows:

a) **General**

X	Property is located in a Natural Environment Development Permit Area
X	Property is adjacent to the North Arm of Fascieux Creek. The City of Kelowna OCP riparian setback area for the North Arm of Fascieux Creek is 10 meters from the top of bank.

Environment & Land Use Branch comments:

The Environment & Land Use Branch recommend the following measures in consideration for allowing increased density on the balance of the subject property (*Policy 7.10.11 of the City of Kelowna Official Community Plan*):

1. Part of the subject property falls within the North Arm of Fascieux Creek. It is recommended that the North Arm of Fascieux Creek be returned to the Crown, which will require a lot line adjustment.
2. It is recommended that the applicant provide a draft no build/no disturb Section 219 Restrictive Covenant to be registered under the Land Title Act against the title of the subject property to effectively preserve the Riparian Management Area. The Riparian Management/No Disturb Covenant area is all the land within the property measured 10 meters upland of the top of bank of the North Arm of Fascieux Creek.
3. It is recommended that the Riparian Management Area should undergo riparian restoration/enhancement. The Riparian Management Area is the strip of land measured

10 meters upland of the top of bank of the North Arm of Fascieux Creek. The Riparian enhancement plan will include removal of turf and hard surfacing (except stairs into Fascieux Creek), then planting of a mixture of native trees, shrubs and grasses. Planting densities should be 1 meter spacing from center for shrubs and 3 meter spacing from center for trees. The riparian restoration plan must be signed off by a Registered Professional Biologist.

- The Riparian Restoration Plan shall be designed and submitted to the City of Kelowna as follows:

- ✓ Provide a schematic plan and schematic cross section of proposed landscape plan.
 - ✓ Provide an irrigation plan. Provide a water management strategy that incorporates water conservation measures in the landscape plan (e.g. drip irrigation).
 - ✓ Landscape drawings should show the dimensions and location of footprints for all existing and proposed landscaping relative to the existing and final **site** grades, vehicle areas, property lines, easements, adjacent land uses, building entrances and walkways, exterior lighting, street furniture, hydrants, garbage collection areas, utility poles, and underground utilities;
 - ✓ Drawings are to describe the existing and proposed plant materials (including areas of natural vegetation to be retained) identifying common and scientific plant names, quantity, calliper, rootball size, and height at planting and maturity;
 - ✓ landscape drawings are to include a north arrow and legend that includes the date, metric scale, revision box, and plant materials list;
4. Provide a Cost Estimate for Site Restoration and Landscaping in accordance with the Plans submitted from a qualified professional for the purpose of determining Mitigation Performance Security as per City of Kelowna Bylaw No. 8140 and *Local Government Act* Section 925(2)(b). The applicant is required to post with the City a Performance Security deposit in the amount of 125% of the estimate to implement any required mitigation works and perform site monitoring requirements as outlined in the Development Permit. The intent is to ensure compliance with the original Environmental Impact Assessment, Landscape Plan and all terms and conditions of all related Development Permit(s).

Corey Davis, Environmental Technician 2
Environment & Land Use Branch
City of Kelowna
Ph: 250-469-8984

P:\Planning\General\Environment\3060 - Development Permits\3060-20 - Permits Individual\2010\1096 Quesnel Rd\Z10-0029 - 1096 Quesnel Rd.doc