

Memo



Date: May 4, 2011
To: City Manager
From: Land Use Management, Community Sustainability (BD)
Application: Z10-0028 **Owner:** Lyall Grexton
Address: 1020 Graham Road **Applicant:** Peter Chataway
Subject: Rezoning Application

Existing OCP Designation: Single/Two Family Residential
Existing Zone: RU1 - Large Lot Housing
Proposed Zone: RU6 - Two Dwelling Housing

1.0 Recommendation

THAT Rezoning Application No. Z10-0028 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 43, Section 22, Township 26, ODYD Plan 28367, located on Graham Road, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing 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 a building permit for the second dwelling be applied for prior to final adoption of the zone;

AND THAT final adoption of Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

2.0 Purpose

To rezone the subject property from the RU1- Large Lot Housing to the RU6 - Two Dwelling Housing zone in order to legalize the existing two dwellings on the subject property.

3.0 Land Use Management

This application is in result of a bylaw investigation on the subject property. A second dwelling has been located on this subject property for over 18 years. Although the City does not condone constructing dwellings without the appropriate approvals in place, by legalizing the second dwelling it can be ensured that these low cost rental dwellings meet code and secure the tenant's safety.

The proposal allows for more efficient use of the subject property and helps to diversify the housing supply in the area. Policies within the Official Community Plan support the sensitive integration into existing neighbourhoods, where services are already in place and densification can easily be accommodated. The subject property is in close proximity to parks, schools, transit and recreational opportunities. Properties in the immediate area have recently been rezoned to permit secondary suites.

A variance to relax the required distance between the two dwellings will be considered by Council should the land use be reviewed favourably. A Development Permit for form and character will be evaluated at a Staff level, recognizing the minimal exterior upgrades that will be possible through the Development Permit process.

4.0 Proposal

4.1 Project Description

The applicant is rezoning the subject property to RU6 -two dwelling housing to permit two houses on the site. Currently two dwellings are located on the subject property. City records note that a carport and living space were added to the front dwelling in 1972. In 1974, a permit was issued to allow a second floor on the same building. However, no records exist to document when the second dwelling was added to the site. In 2006 a bylaw complaint was generated and resulted in this rezoning application. The property has been owned by the current owner since June 1993, but does not reside onsite.

A variance to the required separation between the dwellings is requested by reducing the distance from 4.5m required to 3.2 m. The regulations of the zoning bylaw are based on BC Building Code requirements, and can be mitigated with the use of higher fire retardant materials in the new building.

The applicant intends to upgrade the buildings to meet the BC Building code as part of this application. No submission details have been provided and it is yet to be determined what exterior upgrades are being considered for the older housing stock.

4.3 Site Context

The subject property is the on the north side of Graham Road in the Rutland area of Kelowna. The adjacent land uses are as follows:

<i>Direction</i>	<i>Zoning Designation</i>	<i>Land Use</i>
North	RU1 - Large Lot Housing	Residential
East	RU2 - Medium Lot Housing	Residential
South	RU1 - Large Lot Housing	Residential
West	RU6- Two Dwelling Housing	Residential

4.4 Subject Property Map: 1020 Graham Road



4.5 Zoning Analysis:

The proposed application meets the requirements of RU6- Two Dwelling Housing zone as follows:

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RU6 ZONE REQUIREMENTS (FOR TWO PRINCIPAL DWELLINGS)
Subdivision Regulations		
Lot Area	1,839 m ²	700 m ²
Lot Width (street frontage)	28.44 m	18.0 m
Lot Depth	64.68 m	30.0 m
Development Regulations		
Site Coverage (buildings)	9 %	40%
Site Coverage (buildings/parking)	13 %	50%
House # 1		
Height	6.7 m	2 ½ storeys / 9.5 m
Front Yard	9.15 m	4.5 m or 6.0 m to a garage
Side Yard (east)	8.4 m	2.3 m (2 - 2 ½ storey)
Side Yard (west)	12.2 m	2.3 m (2 - 2½ storey)

Total Floor Area	76.6 m ²	
House # 2		
Height	3.96 m	2 ½ storeys / 9.5 m
Front Yard	22.86 m	4.5 m or 6.0 m to a garage
Side Yard (east)	3.55 m	2.0 m (1 - 1 ½ storey)
Side Yard (west)	7.0 m	2.0 m (1 - 1 ½ storey)
Rear Yard	30 m	7.5 m (2 - 2 ½ storey)
Total Floor Area	105.72 m ²	
Other Requirements		
Separation (Distance Between Houses)	3.2 m ①	4.5 m
Parking Stalls (#)	4 spaces	4 spaces
Private Open Space	meets requirements	30 m ² of private open space per dwelling

① To vary the required distance between two dwellings from 4.5m required to 3.2m proposed.

5.0 Current Development Policies

Kelowna 2020 - Official Community Plan

Housing Policies:

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;

6.0 Technical Comments

6.1 Building & Permitting Department

Potential spatial separation issues between buildings. A Spatial Calculation may be required to establish where a possible stratification line may occur between buildings.

6.2 Development Engineering Department

See Attached.

6.3 Bylaw Services

Service Request 085305 - Zoning Bylaw / Illegal Suite: second dwelling on property zoned RU1. File remains open to date.

¹ Official Community Plan, Policy #8 - 1.30

² Official Community Plan, Policy #8 - 1.44

6.4 Fire Department

An unobstructed and easily distinguishable firefighter access path, of 1100 mm, from the street to the secondary detached home entrance is required.

If a fence is ever constructed between the dwellings a gate with a clear width of 1100mm is required for emergency access. Any gate is to open with out special knowledge. Additional visible address is required for both dwellings from Graham Rd.

7.0 Application Chronology

Date Incomplete Application Received: April 15, 2010

Full application Payment received: December 24, 2010

Advisory Planning Commission April 12, 2011

(Note: The applicant was scheduled for the APC in January however the commission did not have quorum and the application was deferred. Subsequently, the applicant was out of the country and the first available date was in April)

The above noted application was reviewed by the Advisory Planning Commission at the meeting on April 12, 2011 and the following recommendations were passed:

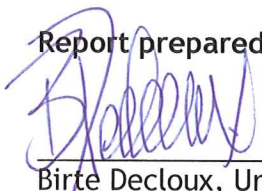
THAT the Advisory Planning Commission support Rezoning Application No. Z10-0028, for 1020 Graham Road, to rezone the subject property from the RU1 - Large Lot Housing zone to the RU6 - Two Dwelling Housing zone.

THAT the Advisory Planning Commission support Development Variance Permit Application No. DVP10-0178, for 1020 Graham Road, to vary the separation distance between two buildings from 4.5 m required to 3.2 m proposed.

Anecdotal Comment:

The Advisory Planning Commission supported the Application, however, encouraged the Applicant to continue working with the City with respect to enhancing the form and character as well as completing the upgrades to conform to Code.

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:

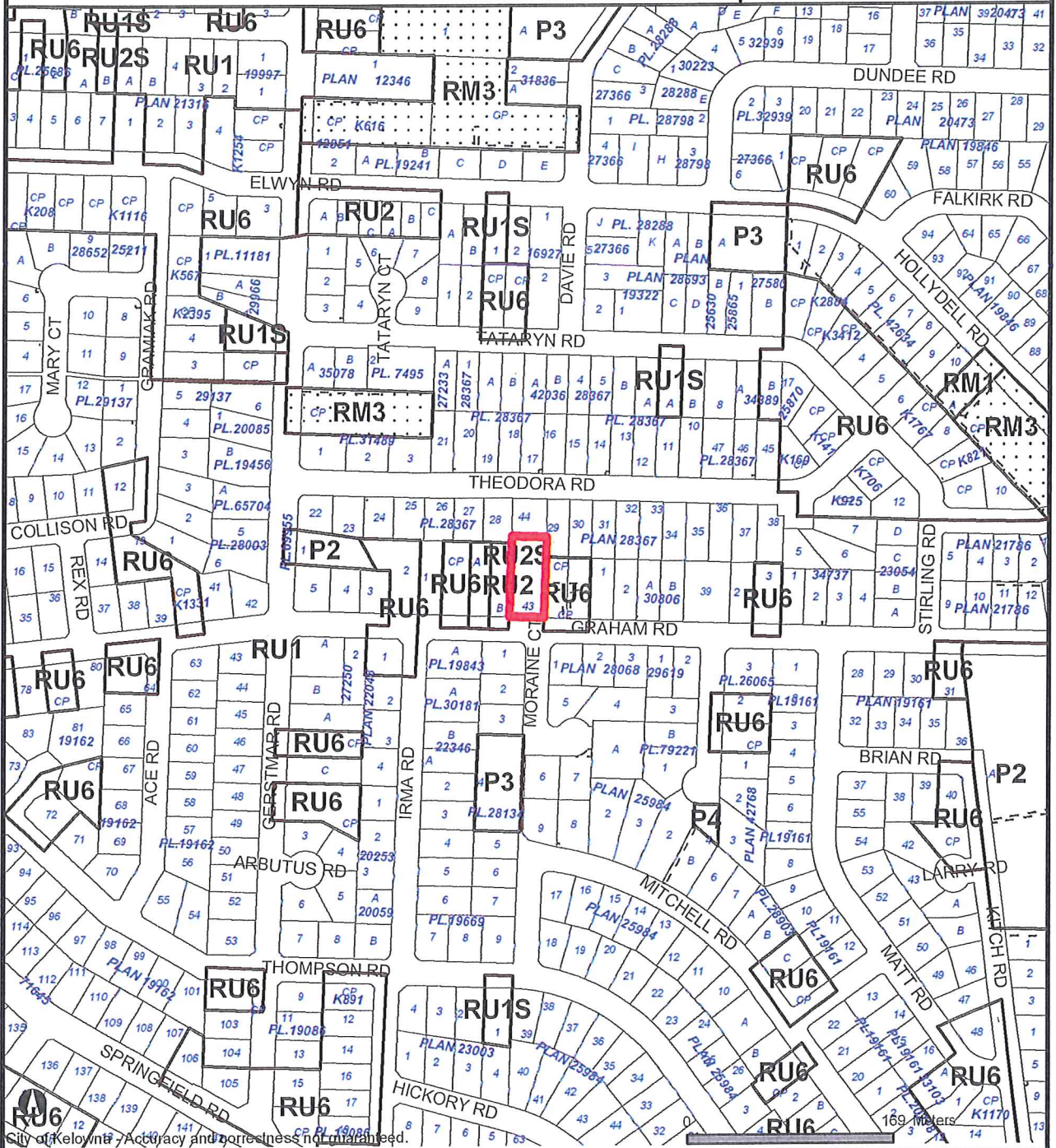
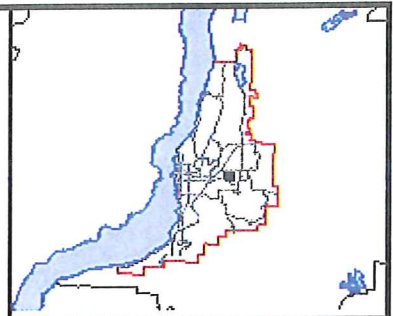
- Site Plan
- Conceptual Elevations
- Photos
- Development Engineering Branch Comments

Application

Z10-0028



Subject Property



City of Kelowna - Accuracy and correctness not guaranteed.

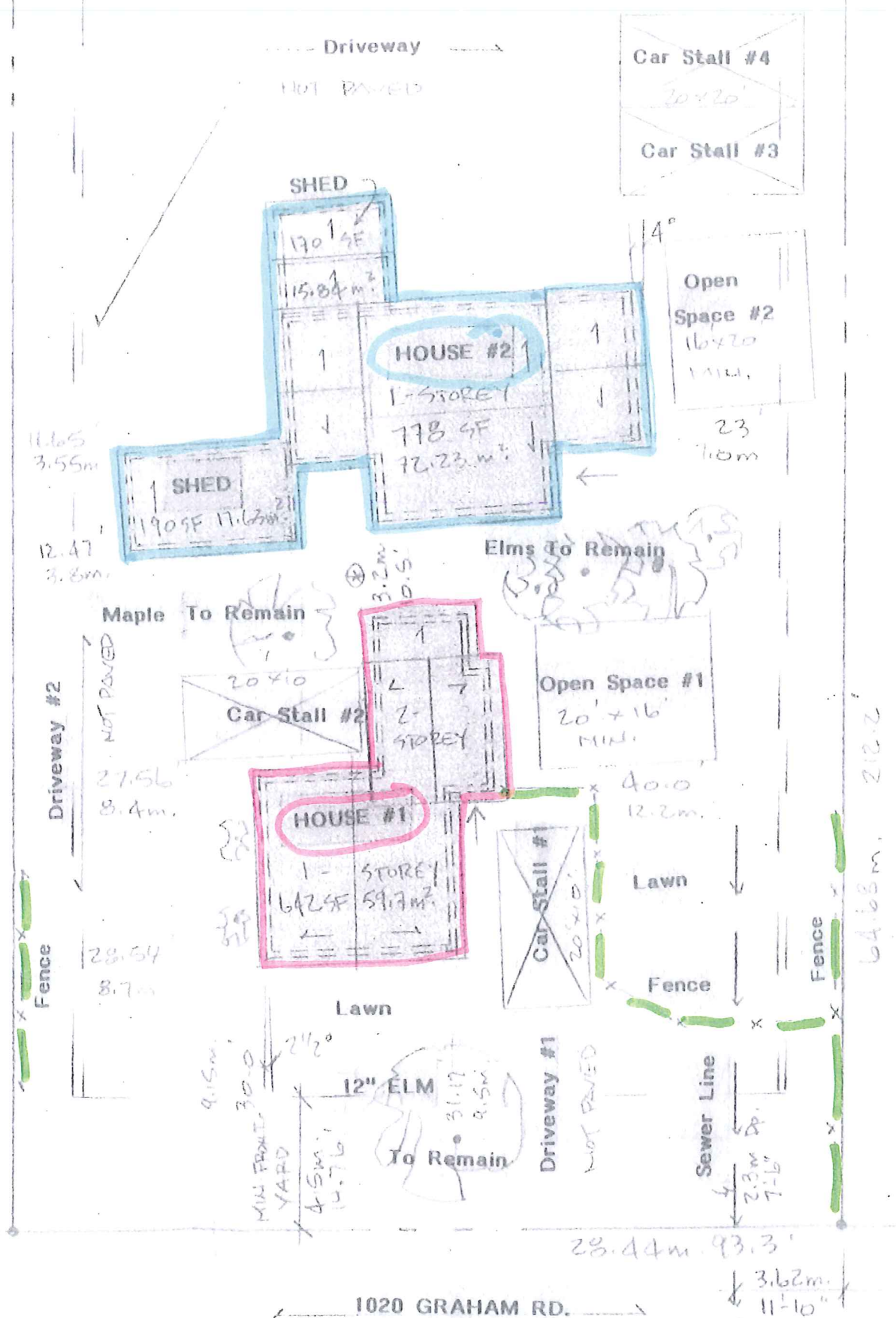
Map: 847 x 913 m -- Scale 1:5,000

2010-04-15

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.

2.0 m 1.6 m
2.3 m 7'-6" 2'-0"

LOT 42



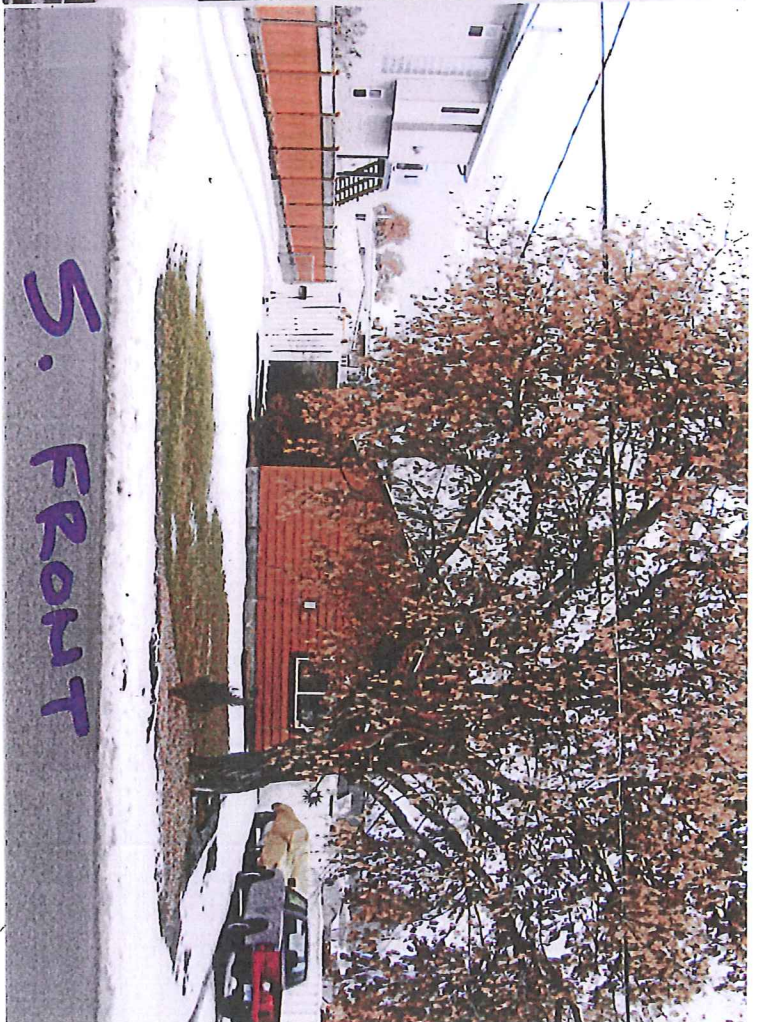
Legal:
 LOT 43 PLAN 28367

ROOF & Site Plan EXISTING/"A"
 SCALE: 1/16" = 1'-0"
 SIZE: 1839.5 m² 0.1

1020 GRAHAM RD.



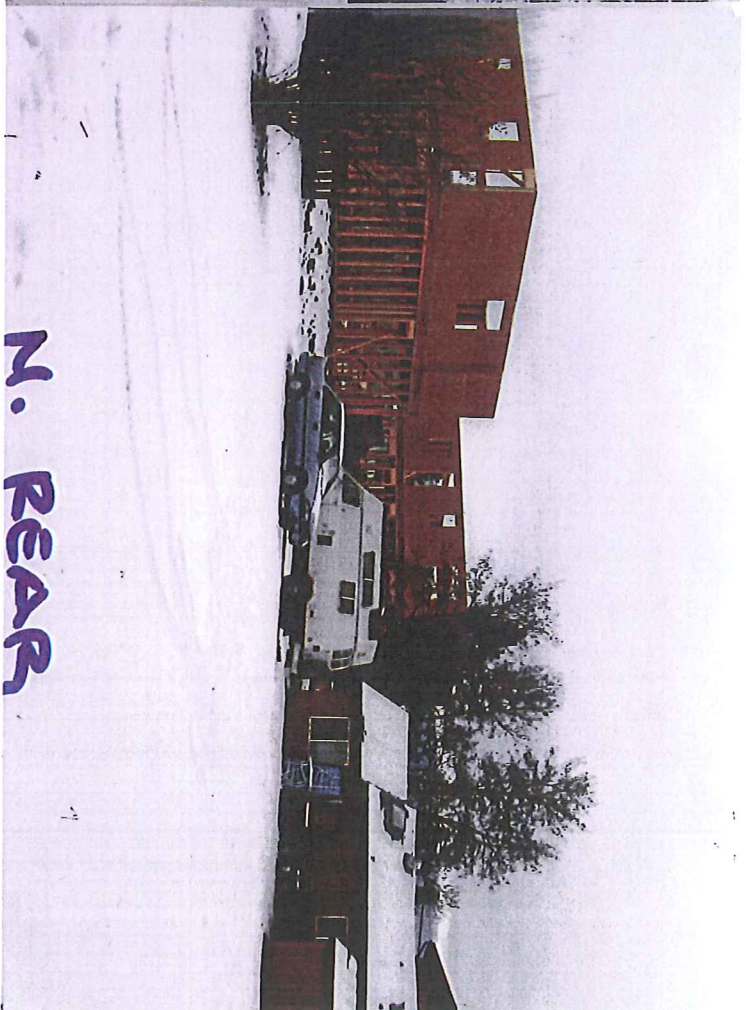
S.W. VIEW



S. FRONT



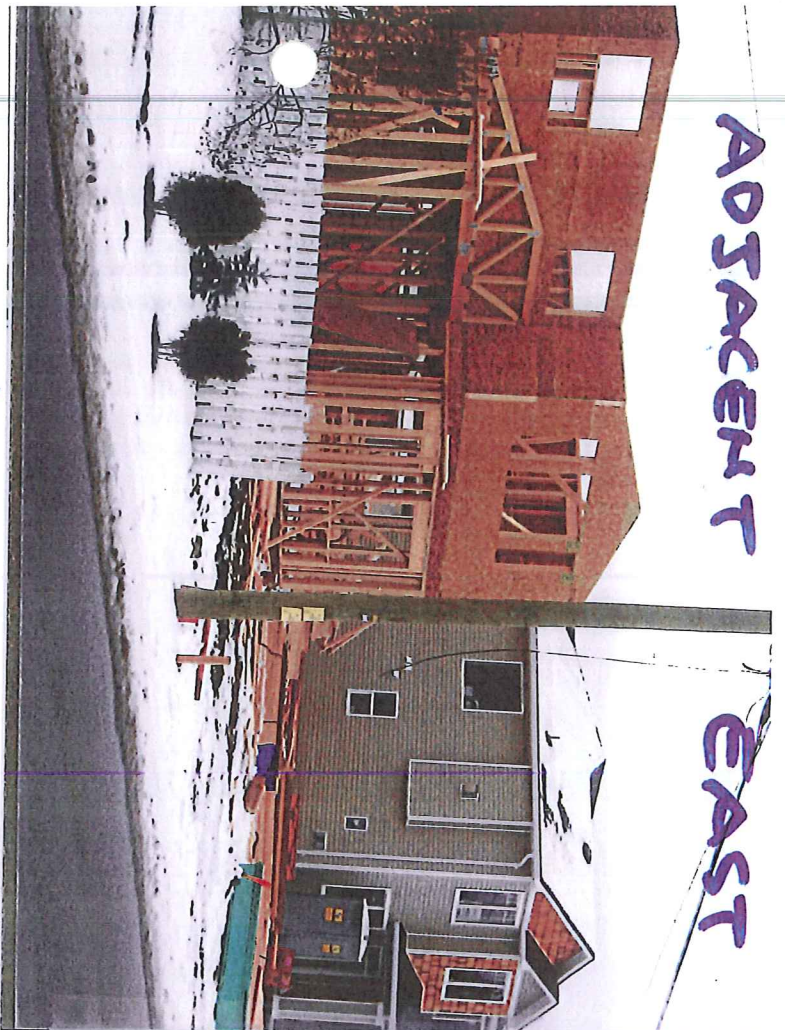
S.E. VIEW



N. REAR

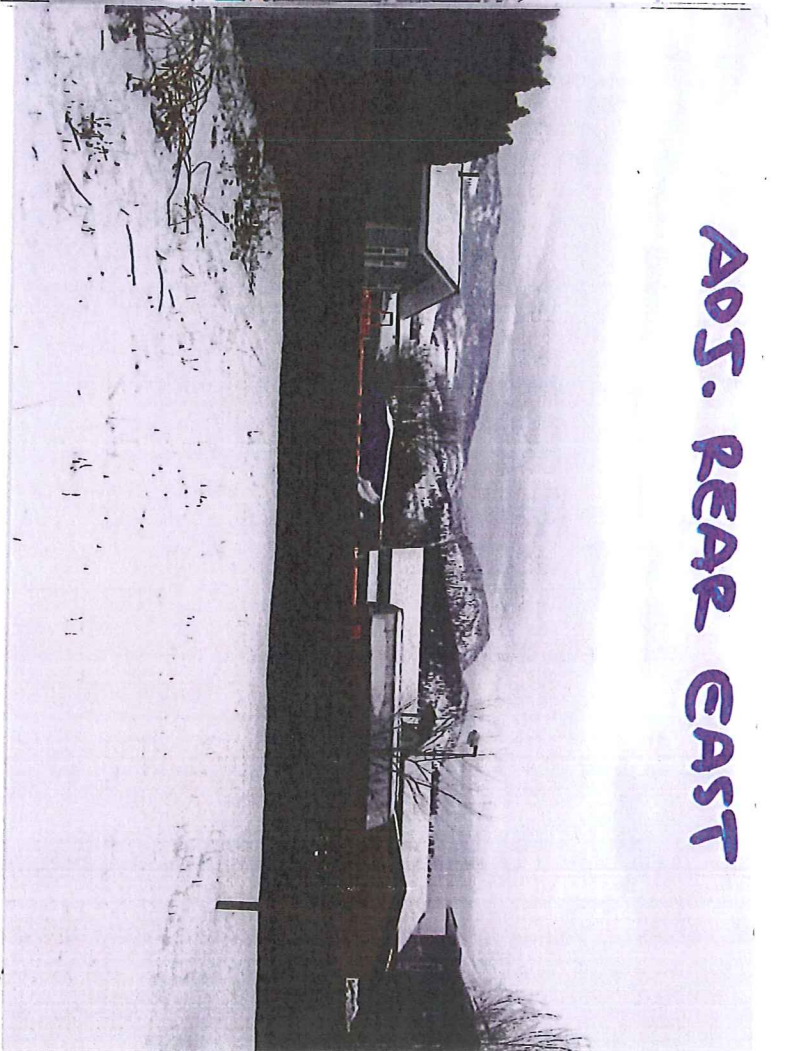
1020 Graham Road

ADJACENT



EAST

ADJ. REAR EAST



Neighbouring properties

N.W. VIEW



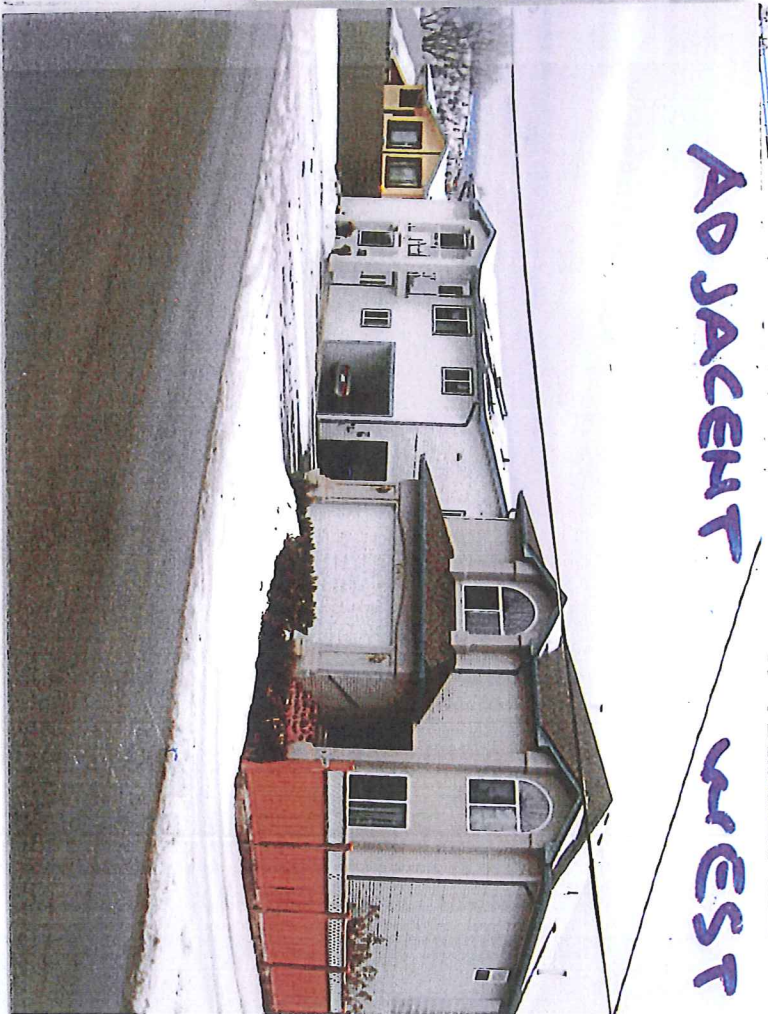
1020 Graham Rd.

ADJ. REAR WEST



ADJACENT

WEST



CITY OF KELOWNA

MEMORANDUM

Date: June 2, 2010
File No.: Z10-0028
To: Planning & Development Services Department (BD)
From: Development Engineer Manager (SM)
Subject: 1020 Graham Road – Lot 43, Plan 28367, Sec. 22, Twp. 26, ODYD

The Works & utilities Department comments and requirements regarding this application to rezone from RU-1 to RU-6 are as follows:

1. Subdivision

Provide easements as required

2. Geotechnical Study.

In recognition to the fact that there are existing dwellings on the site and that no further development is anticipated on the subject property, the Geotechnical study requirement is waived.

3. Domestic water and fire protection.

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

4. Sanitary Sewer.

The property is located within Specified Area # 23 and in accordance with the City of Kelowna current policy, the specified charges for the proposed RU6 development will have to be cash commuted. The current pay out charge for an RU6 lot with two dwelling is \$7,340.00 per SFE for a total of **\$14,680.00**. It should be noted that if the property is subdivided in the future, additional Specified Area # 23 charges will be triggered.

5. Power and Telecommunication Services.

The existing services to this development may remain as long as there are no trespass on any of the proposed strata lots. In case of any trespass the owner will be required to modify the services or amend the strata plan in accordance with the respective utility companies policies and regulations. The utility companies are then required to obtain the city's approval before commencing their works within the public right of way.

6. Road improvements.

Tataryn 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 **\$19,400.00** 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. Bonding and Levies Summary.

a) Performance Bonding

Graham Road frontage upgrade **\$19,400.00**

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 **\$16,800.00**.

b) levies

Specified Area charges (2 dwellings) **\$14,680.00**

Steve Muenz, P.Eng.
Development Engineering Manager

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