REPORT TO COUNCIL

City of Kelowna

Date:	December 1, 2011		
To:	City Manager		
From:	Land Use Management, Community Sustainability (BD)		
Application:	Z11-0084	**Owner:**	Mewa Singh Dosanjh & Kulwinder Kaur Dosanjh
Address:	1135 Schell Court	**Applicant:**	Axel Hilmer Planning Consultant (Axel Hilmer)
Subject:	Rezoning Application		
Existing OCP Designation:	Multiple Family Low Density Residential		
Existing Zone:	RU1 - Large Lot Housing		
Proposed Zone:	RU1s - Large Lot Housing with a Secondary Suite		

1.0 Recommendation

THAT Rezoning Application No. Z11-0084 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 14, Section 26, Township 26, ODYD Plan KAP47186, located on Schell Court, 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 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 Black Mountain Irrigation District being completed to their satisfaction.

2.0 Purpose

The applicant seeks to rezone the parcel from the RU1-Large Lot Housing zone to the RU1s - Large Lot Housing with Secondary Suite zone to legalize an existing suite in a single family dwelling.

3.0 Land Use Management

This rezoning application is in direct response to a bylaw investigation. Although staff support the legalization of the suite and the subsequent addition to the rental stock, we do not endorse constructing a suite prior to seeking proper authorization.

The subject property is designated as "Multiple Family Low Density Residential" in the *Official Community Plan* which is generally associated with higher density development than requested. Considering that this application is not seeking to re-develop site, but rather seeks to legalize an existing use of the site which does not impact services provided, this does not create a significant impediment for the land use at some future date.

The proposal allows for more efficient use of the subject property and helps to diversify the housing supply in the area. Secondary suites are important for providing increased housing density and availability at all price points, especially in areas that are generally less dense, or have low vacancy rates. Minimal impact (if any) is anticipated on abutting properties, as parking requirements and private open space provisions are achieved on-site.

4.0 Proposal

4.1 Project Description

The illegal suite occupies the ground floor of a single family dwelling. The two bedroom unit is accessed on the south side of the home which is has a concrete path leading to the front of the home where the suite parking is located. A grass area is available immediately next to the entrance for the occupants use. The plan provided shows two parking stalls in the driveway, however a there is a gravel area on the north side of the dwelling that is the preferred location for the suite parking.

4.2 Site Context

The subject property is located on the east side of Schell Court, in Rutland. The subject property is in close proximity to parks, schools, transit and shopping opportunities. More specifically, the adjacent land uses are as follows:

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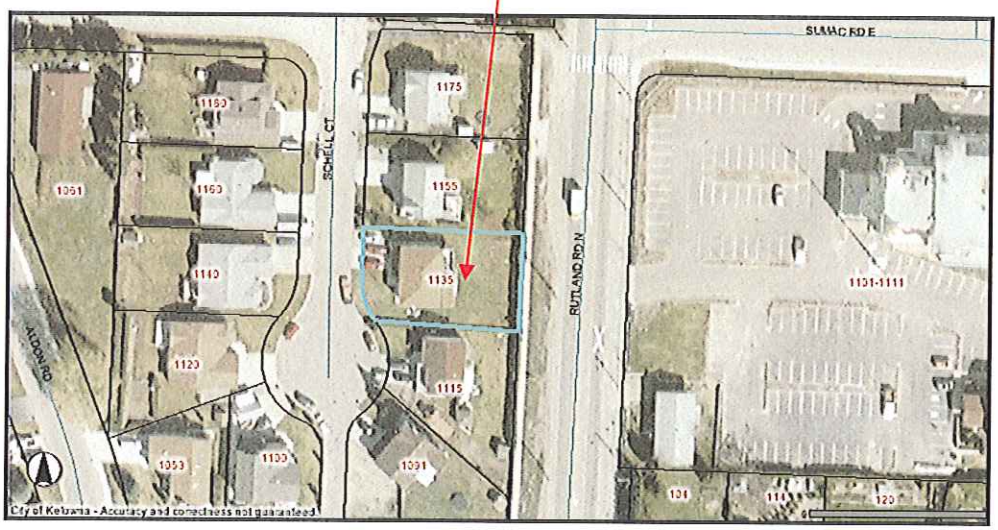
Orientation	Zoning	Land Use
North	RU1 - Large Lot Housing	Single residential dwelling
East	P2- Education and Minor Institutional	Religious centre/Mosque
South	RU1 - Large Lot Housing	Single residential dwelling
West	RU1 - Large Lot Housing	Single residential dwelling

4.3 Subject Property Map: 1135 Schell Court



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

Zoning Analysis Table		
CRITERIA	RU1 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	550 m^2	832 m^2
Lot Width	16.5 m	17.54m
Lot Depth	30 m	Average: 35.89m
Development Regulations		
Floor Area Ratio Secondary Suite / Principal	May not exceed the lessor of 90 m^2 or 40%	Suite = 75.4 m^2 Principal Dwelling =258.3m^2 Ratio: 29%
Height	2 ½ storeys / 9.5 m	2 storeys /7m
Front Yard	4.5 m / 6.0 m to a garage	7.62m
Side Yard (south)	2.0 m (1 - 1 ½ storey) 2.3 m (2 - 2 ½ storey)	6.4m
Side Yard (north)	2.0 m (1 - 1 ½ storey) 2.3 m (2 - 2 ½ storey)	3.66m
Rear Yard	7.5 m	16.19m
Site Coverage (buildings)	40%	15.5%
Site Coverage (buildings/parking)	50%	26%
Other Regulations		
Minimum Parking Requirements	3 stalls	3 car garage
Private Open Space	30 m^2	Meets requirements

5.0 Current Development Policies

Relevant policies are included below

5.1 Kelowna Official Community Plan (OCP)

Policy 5.2.3 **Complete Suburbs**.[1] Support a mix of uses within Kelowna's suburbs (see Map 5.1 - Urban Core Area), in accordance with "Smart Growth" principles to ensure complete communities. Uses that should be present in all areas of the City (consistent with Map 4.1 - Future Land Use Map), at appropriate locations, include: commercial, institutional, and all types of residential uses (including affordable and special needs housing) at densities appropriate to their context.

Policy 5.3.2 **Compact Urban Form.**[2] Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

[1] Official community plan Objective 5.2 Community Sustainability

[2] Official community plan Objective 5.3 Focus development to designated growth areas.

6.0 Technical Comments

6.1 Building & Permitting Branch

1) $2500 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) It is assumed that the exiting for the suite is thru the side of the building in the living room area (door not depicted but a space shown in the wall. If the exiting is throught the building, a fire rated exit stairwell is required from the suite to the exterior c/w fire rated doors that open into the stairwell and a fire rating on the bottom of the stairs. Please provide these details on the building permit drawing sets.

6) Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Branch

No requirements except for those outlined by the Black Mountain Irrigation District.

6.3 Bylaw Services

Bylaw Services currently is investigating an illegal suite at this location; Service Request 208571.

6.4 Fire Department

Requirements of section 9.10.9.14, Secondary Residential Suites, of the BCBC 2006 are to be met. Smoke Alarms as per section 9.10.19 of the BCBC are required. Additional address for the suite is required.

6.5 Irrigation District

See attached letter

7.0 Application Chronology

Date of Application Received: November 03, 2011

Report prepared by:

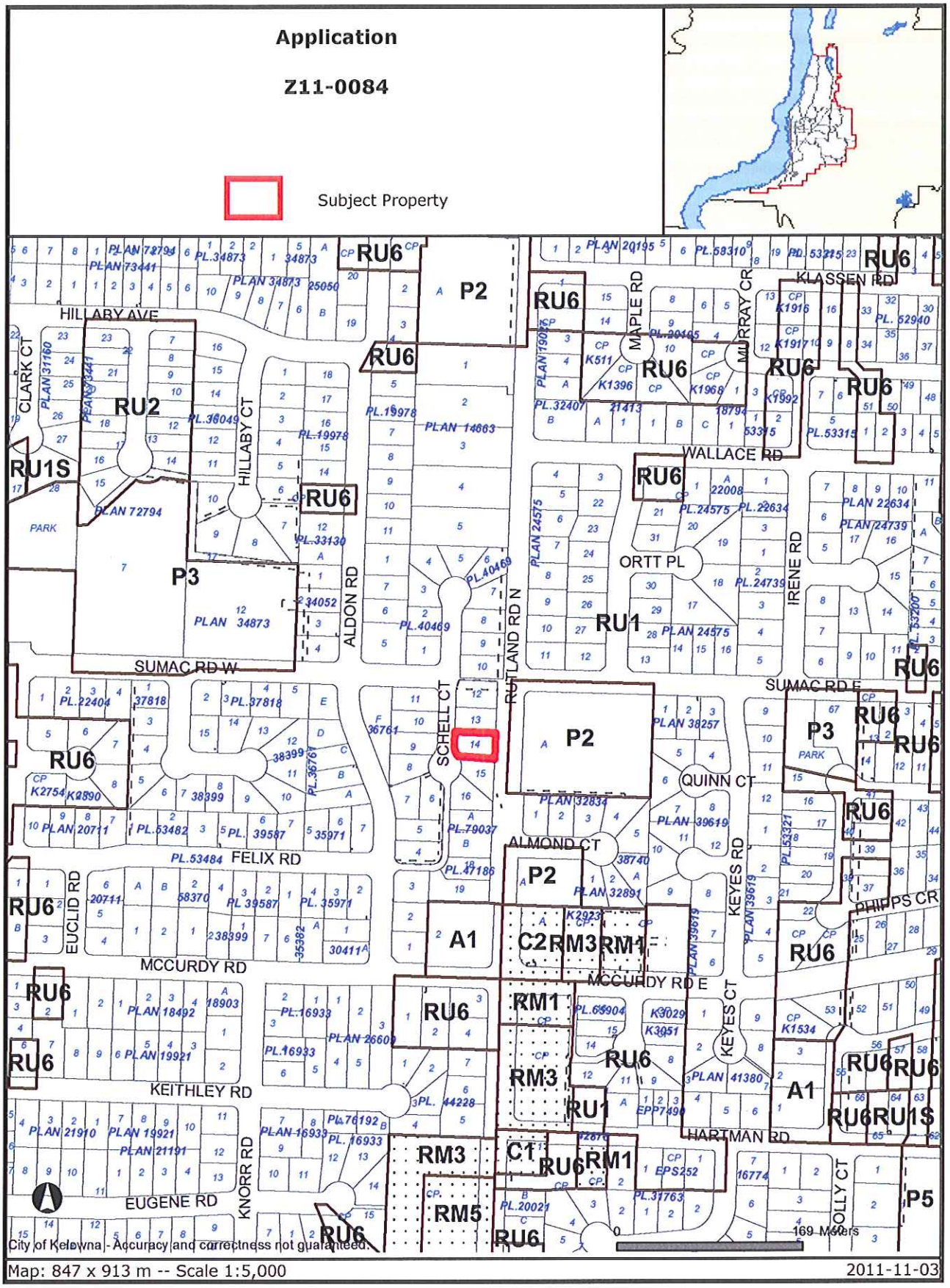
Birte Decloux, Urban Land Use Planner

Reviewed by: Danielle Noble Manager, Manager, Urban Land Use

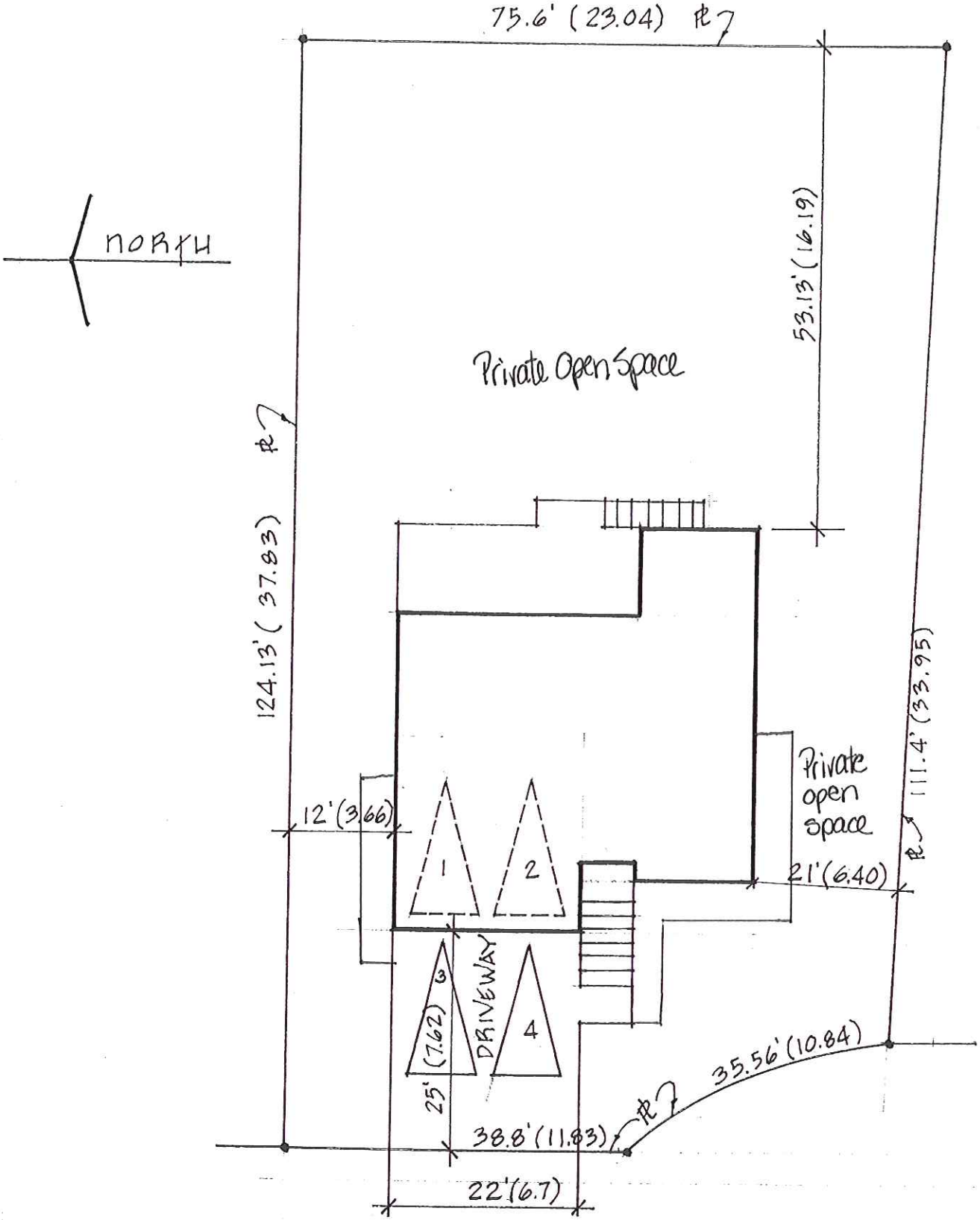
Approved for Inclusion: Shelley Gambacort, Director, Land Use Management

Attachments:

Site/Landscape Plan
Interior Floor Plans
Context/Site Photos

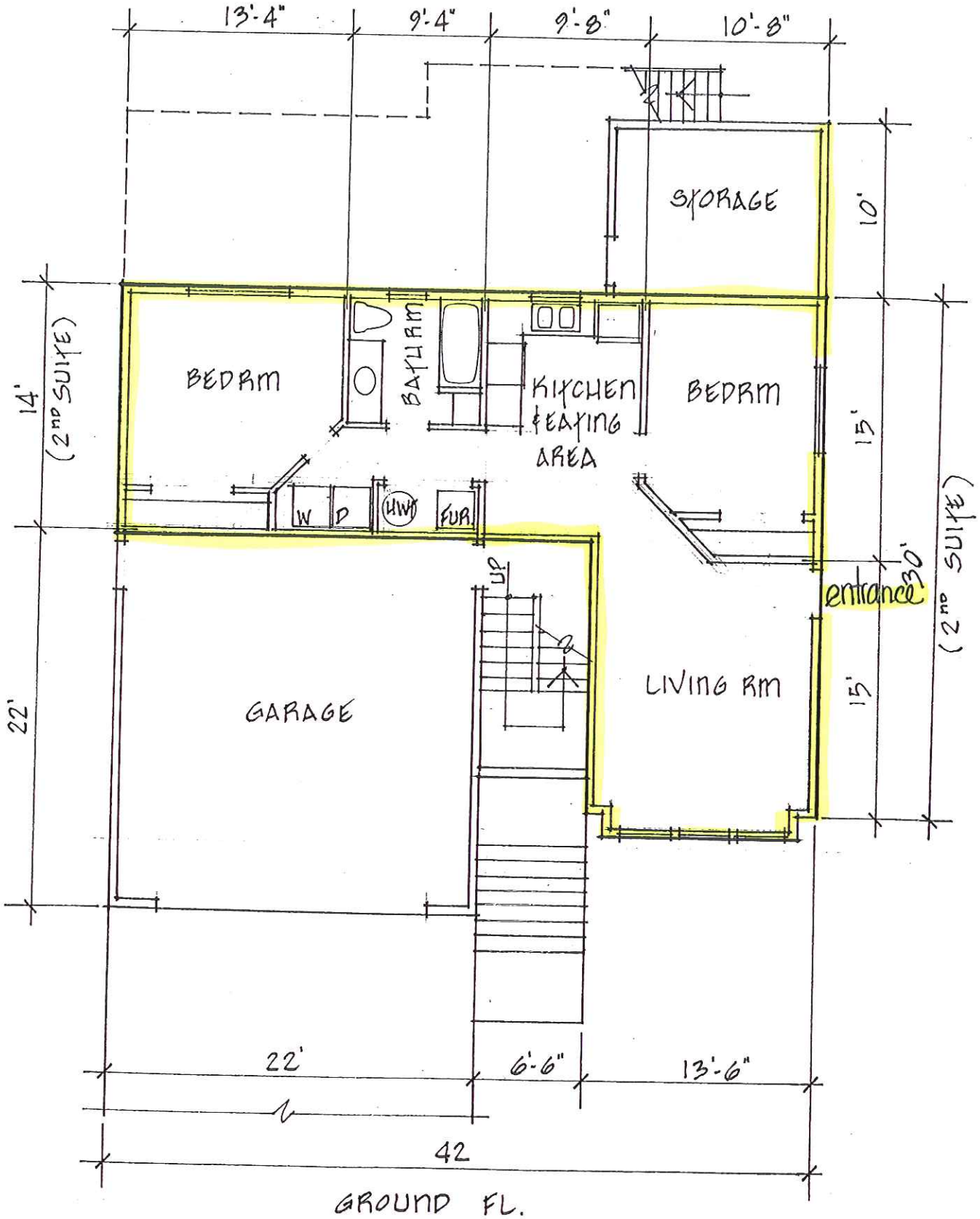


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.



SCHELL COURT

SITE PLAN:
LOT 14, SEC 26, TWP 26, O.D.Y.D.
PLAN KAP 47186



GROUND FL.
SECONDARY SUITE - 812#

1135 SCHELL CRT.

FRONT ELEV.

REAR ELEV.

1135 SCHELL CRT

RIGHT ELEV.

LEFT ELEV.

BLACK MOUNTAIN IRRIGATION DISTRICT
285 Gray Road
Kelowna, B.C.
V1X 1W8

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

BMID File No. 2011-01

November 14, 2011

City of Kelowna
Planning and Development Services Department
1435 Water Street
Kelowna, BC V1Y 1J4

Attention: Birte Decloux

RE: City File No. Z11-0084
Lot 14, Plan 47186 – 1135 Schell Court
Water Service Requirements

This letter sets out our requirements for water supply related to the legalization of a secondary suite in the existing house physically located at 1135 Schell Court (Lot 14, Plan 47186).

CONNECTION & METER FEES:

As per Bylaw No. 667, the Connection fee for a legal suite is **$100.00**. A meter assembly is also required for the home and is to be installed by Corix Utilities. The cost for a meter based on an installation to a newly constructed dwelling is **$383.55**. Additional meter fees may apply due to plumbing configuration in the existing dwelling.

CAPITAL CHARGES:

As per bylaw No. 678, the capital expenditure charge for the proposed addition of a suite is **$1,080.00**. This money is to fund water source development and larger supply mains as defined in the BMID Capital Plan.

If the applicant agrees to the above conditions and rezoning is approved for construction of the suite, **they must come in to our office to complete a *BMID Application for Building* form and pay the above noted fees.**

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

R. Hrasko, P.Eng.
Administrator

Cc: Axel Hilmer, 3375 Wildwood Rd., Kelowna, C V1W 2S7
K. Dosanjh, 305 Fitzpatrick Rd., Kelowna V1X 5C8