

# REPORT TO COUNCIL



**Date:** December 6, 2011

**To:** City Manager

**From:** Land Use Management, Community Sustainability (LT)

**Application:** Z10-0044 **Owner:** Kaltenhauser, Gordon

**Address:** 120 Homer Road **Applicant:** Kaltenhauser, Gordon

**Subject:** Rezoning Extension

**Existing Zone:** RU1 - Large Lot Housing

**Proposed Zone:** RM1 - Four Dwelling Housing

**Existing Future Land Use:** Multiple Unit Residential - Low Density

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## 1.0 Recommendation

THAT in accordance with Development Application Procedures Bylaw No. 10540, the deadline for the adoption of Zone Amending Bylaw 10403 (Z10-0044) to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 13 Section 27 Township 26 ODYD Plan 14897, except Plan 39705, located at 120 Homer Road, Kelowna BC, be extended from September 21, 2011 to March 21, 2012.

## 2.0 Land Use Management

The above noted development application was originally considered at a Public Hearing by Council on September 21, 2010.

The applicant wishes to rezone the subject property from the RU1 - Large Lot Housing zone to the RM1 - Four Dwelling Housing in order to legalize the existing fourplex.

Section 2.12.1 of Procedure Bylaw No. 10540 states that:

In the event that an application made pursuant to this bylaw is one (1) year old or older and has been inactive for a period of six (6) months or greater:

- a) The application will be deemed to be abandoned and the applicant will be notified in writing that the file will be closed;
- b) Any bylaw that has not received final adoption will be of no force and effect;
- c) In the case of an amendment application, the City Clerk will place on the agenda of a meeting of Council a motion to rescind all readings of the bylaw associated with that Amendment application.

Section 2.12.2 of the Procedure Bylaw makes provision for Council to consider an extension to an amending bylaw for up to 6 months beyond the 12 months deadline.

Bylaw No. 10403 received second and third readings on September 21, 2010 after the Public Hearing held on the same date. The applicant wishes to have this application remain open for an additional six months to allow for more time to finance the outstanding requirements, including Development Engineering and Building & Permitting. The property has been for sale for over a year. This project remains unchanged and is the same in all respects as originally applied for.

The Land Use Management Department recommends Council consider the request for an extension favourably.

It should be noted that this application was originally generated through Bylaw Enforcement action, and prolonged non-compliance would not be permitted. While a six-month extension is deemed reasonable as this is the first extension be requested, further extensions would likely not be supported.

Report prepared by:



Luke Turri, Land Use Planner

Reviewed by:



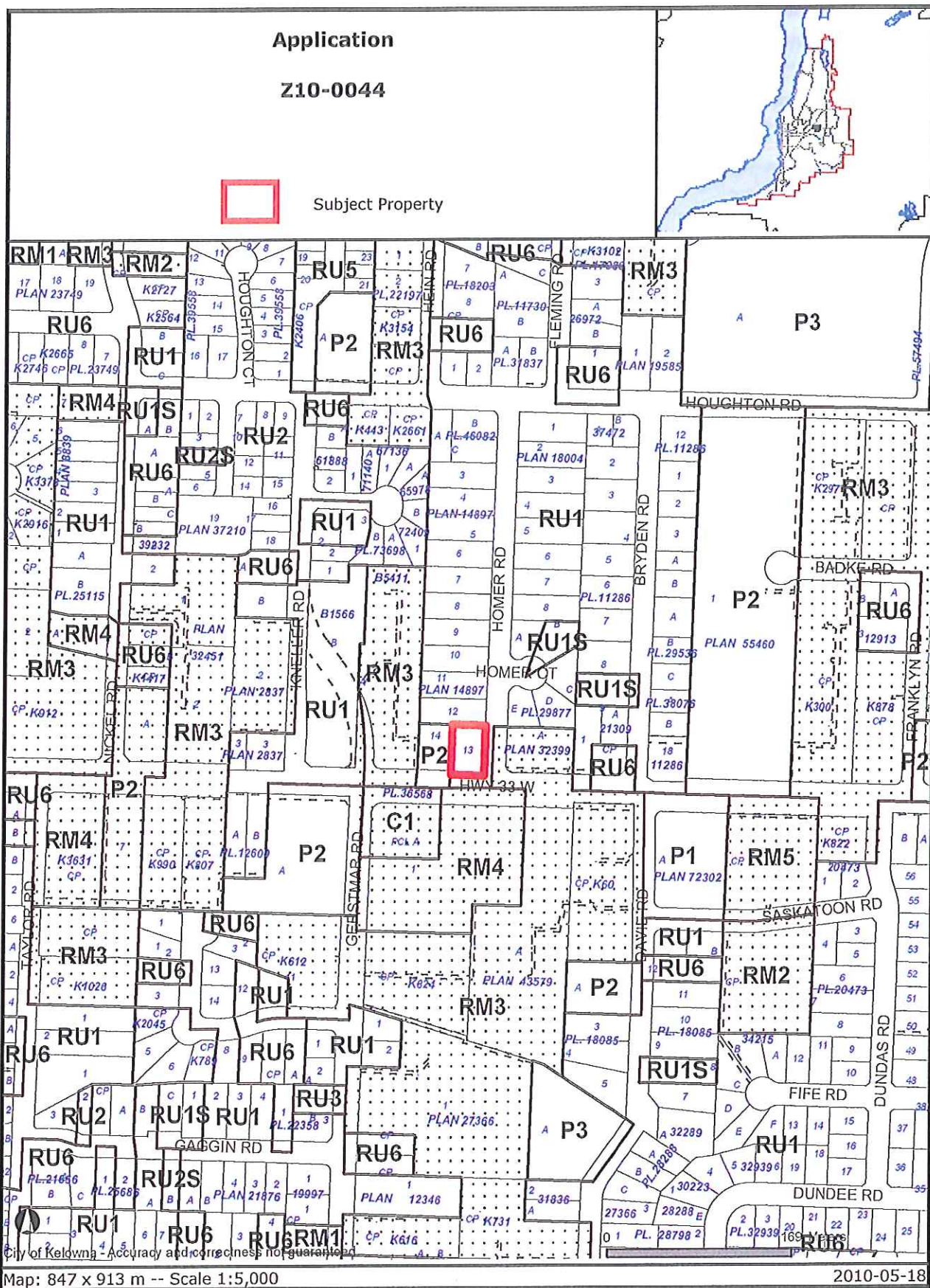
Danielle Noble, Manager, Urban Land Use Branch

Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management





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.



Land Use Management  
 1435 Water Street  
 Kelowna, BC V1Y 1J4  
 250 469-8626  
 kelowna.ca/landuse

# Development Proposal

## Application Form

### TYPE OF APPLICATION

Please check all that apply

<input checked="" type="checkbox"/> Rezoning	<input type="checkbox"/> Heritage Revitalization Permit
<input type="checkbox"/> Official Community Plan Amendment	<input type="checkbox"/> Heritage Alteration Permit
<input type="checkbox"/> Development Permit- Form and Character	<input type="checkbox"/> Text Amendment
<input type="checkbox"/> Development Permit-Environmental	<input type="checkbox"/> LUC-discharge
<input type="checkbox"/> Development Variance Permit	<input type="checkbox"/> Other:

Office Use Only  
 Date Received:  
 File Number: 210-0044  
 File Manager:

### APPLICANT

Development Application Primary Contact:

Full Legal Name:	
GORDON KALTENHAUSER	
Corporate Owner: (if applicable)	
Mailing Address:	
120 HOMER ROAD	
City:	Postal Code:
KELOWNA	V1X 3Z5
Primary Contact No.:	Secondary Contact No.:
250-762-6871	250-212-2625
Email/ Fax:	
VQUEST@SHAW.CA	

Registered Owner(s) of the Property:

Full Legal Name:	
GORDON KALTENHAUSER	
Corporate Owner: (if applicable)	
Mailing Address:	
120 HOMER ROAD	
City:	Postal Code:
KELOWNA	V1X 3Z5
Phone:	Cell:
250-762-6871	250-212-2625
Email:	Fax:
VQUEST@SHAW.CA	250-762-5767

**NOTE:** If the applicant is other than the registered owner(s), a Letter of Authorization is required.

### PROPERTY(IES) DESCRIPTION

Legal Description:	
LOT 13 PLAN 14897	
Civic Address:	
120 HOMER ROAD KELOWNA BC V1X 3Z5	
Current Zoning:	Proposed Zoning:
RU1	RM1
Brief Summary of Application Purpose:	

### FEES

Office Use Only			
Fees submitted:	Received by:	Date:	

Fees are as per City of Kelowna Development Application Fee Bylaw No. 8034 (kelowna.ca/bylaws). Acceptance of fees does not imply or guarantee application approval.