

REPORT TO COUNCIL



Date: May 4, 2012
To: City Manager
From: Land Use Management, Community Sustainability (JM)
Application: Z12-0013 **Owner:** Jakob & Elsa Peters
Address: 3096 Appaloosa **Applicant:** Jakob & Elsa Peters
Subject: Rezoning Application
Existing OCP Designation: Industrial - Transitional
Existing Zone: RR2 - Rural Residential 2
Proposed Zone: RR2s - Rural Residential 2 with Secondary Suite

1.0 Recommendation

THAT Rezoning Application No. Z12-0013 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 3, Township 23, ODYD, Plan 35661, located on 3096 Appaloosa Road, Kelowna, BC from the RR2 - Rural Residential 2 zone to the RR2s - Rural Residential 2 with Secondary Suite 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 in conjunction with Council's consideration of a Development Variance Permit for the subject property;

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

AND FURTHER THAT a building permit for the suite be applied for prior to final adoption of the zone.

2.0 Purpose

To consider an application to rezone the subject property from RR2 - Rural Residential 2 to RR2s - Rural Residential 2 with Secondary Suite in order to permit the development of a secondary suite in the second storey of an existing accessory building (garage).

3.0 Land Use Management

Land Use Management staff, while generally supportive of secondary suites, maintain several concerns regarding this proposal. Principally, seeking permission for a detached secondary suite after the approval has been granted for an accessory building explicitly planned not to contain a suite places staff in a challenging position. As residential uses, detached secondary suites hold

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the potential to have a far greater impact on adjoining properties than do non-residential accessory buildings. For this reason, detached secondary suites are subject to greater design scrutiny. In this case, staff have lost any real opportunity for design alterations to protect adjoining property owners and the amenity of the area. In this particular instance, the secondary suite will overlook adjacent future home owners in Sol Terra Ranch.

Additionally, given that the accessory building has been originally sited without the requirements of a secondary suite, the proposal will trigger variances in order for the building to be considered for this use. As noted above, there is little to no opportunity to consider alterations to these variances as the construction is near completion. However, as the rural properties in the area are comparatively large, the impact to the east and west properties will be minimal.

4.0 Proposal

4.1 Background

In 2010, the applicant applied for and was granted a Development Variance Permit (DVP10-0164) in order to vary the maximum height of an accessory building from 4.5m required to 8.0m. At that time, it was made clear that the applicant had no intention of developing a secondary suite in the accessory building. According to the applicant, the extra height was required to accommodate a taller vehicle than what can typically be accommodated within bylaw requirements. The second storey of the structure was slated for a workshop. The accessory structure is now nearing completion, and the applicant has requested permission to develop a secondary suite.

Detached secondary suites are subject to more rigorous zoning regulations than are accessory buildings with no residential component. The existing structure was developed in accordance with zoning provisions for accessory buildings without a residential component. The subsequent addition of a residential component will require several variances to the zoning bylaw, including height and setbacks from property lines.

4.2 Project Description

The applicant has proposed a secondary suite situated in the second storey of an existing accessory building. The two bedroom, two and a half bathroom suite is approximately 88.1m² in area and occupies the majority of the second storey of the structure. The remainder of the second storey is occupied by common laundry and storage facilities.

The first storey of the accessory building includes a workshop with two large overhead doors, and a 3-piece bathroom. Parking is provided in the existing driveway, and private open space is provided in the area lying between the existing principal dwelling and the accessory building.

The proposed suite triggers the requirement for a Development Variance Permit (DVP) and a Development Permit (DP). Should the rezoning proceed, the DVP will require Council approval, and the DP will be executed at a staff level.

4.3 Site Context

The subject property is located on the north side of Appaloosa Road approximately midway between Arab and Pinto Roads. The parcel is 0.4ha in area and is situated within an area characterized by a mix of rural residential, agricultural and light industrial uses. The property also abuts the Sol Terra Ranch urban residential subdivision. The accessory building in question is located in the northeast corner of the parcel, behind the existing principal dwelling.

The parcel is within the Permanent Growth Boundary, but is not within an established Urban or Village Centre.

Specifically, adjacent land uses are as follows:

| Orientation | Zoning | Land Use |
|-------------|--|--|
| North | RU2s - Medium Lot Housing with Secondary Suite | Medium lot residential development (Sol Terra Ranch) |
| East | RR2 - Rural Residential 2 | Mixed rural residential / agricultural uses |
| South | A1 - Agriculture 1 | Mixed rural residential / agricultural uses |
| West | A1 - Agriculture 1 | Mixed rural residential / agricultural uses |

Subject Property Map: 3096 Appaloosa Road



4.4 Zoning Analysis Table

| Zoning Analysis Table | | |
|--------------------------------------|------------------------|------------------|
| CRITERIA | RR2s ZONE REQUIREMENTS | PROPOSAL |
| Existing Lot/Subdivision Regulations | | |
| Lot Area | 1 ha | Existing (0.4ha) |
| Lot Width | 36 m | 31.62 m |
| Lot Depth | 30 m | 128.19 m |
| Development Regulations | | |
| Floor Area of Principal Dwelling | 191.7 m ² | - |

| | | |
|--|--|----------------------------|
| Maximum Height of Accessory Building containing Suite | Lesser of 4.5m or height of principal dwelling | 8.0 m [ⓐ] |
| Front Yard | 18.0 m | exceeds |
| Side Yard (east) | 3.0 m | 2.0 m [ⓑ] |
| Side Yard (west) | 3.0 m | exceeds |
| Rear Yard | 3.0 m | 3.5 m |
| Other Regulations | | |
| Minimum Parking Requirements | 3 spaces | 4 spaces |
| Minimum Building Separation | 4.5 m | Approx. 20 m |
| Private Open Space | 30 m ² | Approx. 400 m ² |
| <p>ⓐ Variance to maximum height of an accessory building containing a secondary suite from 4.5m required to 8.0m proposed.</p> <p>ⓑ Variance to minimum side yard setback from 3.0m required to 2.0m proposed.</p> | | |

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

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.

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.

6.0 Technical Comments

6.1 Building & Permitting Department

- 1) 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) A self closing door is required between the garage and the occupied space c/w weather stripping. Exit door appears to block egress from 2nd floor stairs.
- 4) Range hood above the stove and the washroom to vent separately to the exterior of the building.
- 5) Structure appears to be over the height allowed for a secondary suite structure. The 2nd floor storage room can't have a closet that would define this as a bedroom.
- 6) Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

¹ City of Kelowna. *Official Community Plan*. Objective 5.2, Policy 5.2.3, Community Sustainability.

² City of Kelowna. *Official Community Plan*. Objective 5.3, Policy 5.3.2, Focus development to designated growth areas.

See attached Memorandum from the Development Engineering Branch, dated March 16, 2012.

6.3 Bylaw Services

No concerns.

6.4 Fire Department

Additional address for the suite above the accessory building is required.

6.5 Interior Health Authority

Wastewater Disposal

Our office does not have record of an onsite wastewater system for the proposed suite/existing accessory building. In the absence of a municipal sewer connection, we recommend that a Record of Sewerage System Filing is provided to your department demonstrating that there is an approved sewerage system specifically to service the proposed secondary residence.

Drinking Water

The community water system (GEID) available for connection to this proposed development does not meet the 43210 Drinking Water Objectives and has not provided an approved long-term plan to meet these objectives. Please note that it is incumbent on the Landlord to provide tenants with safe and potable water for domestic purposes per Section 17(2) of the Public Health Act Transitional Regulation.

As the proposal will allow for the creation of a secondary suite, we support this application from a healthy built environment perspective. 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.

6.6 Glenmore - Ellison Improvement District

See letter from GEID, dated March 15, 2012

6.7 FortisBC Energy (gas)

No objection.

6.8 FortisBC (electric)

Prior to final approval of this application, the applicants must contact FortisBC at 1-866-436-7847 and quote their file # Z12-0013, DVP12-0036, DP12-0037 to initiate all necessary arrangements for electrical service with this proposal. It is the developer's responsibility to ensure that all of FortisBC's requirements including construction fees and any Fortis SRWs that may be required with this application have been addressed prior to receiving final approval.

7.0 Application Chronology

Date of Application Received: March 2, 2012

Outstanding Information Received (septic capability): April 20, 2012

Report prepared by:



James Moore, Land Use Planner

Reviewed by:



Danielle Noble, Manager, Urban Land Use

Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

Attachments:

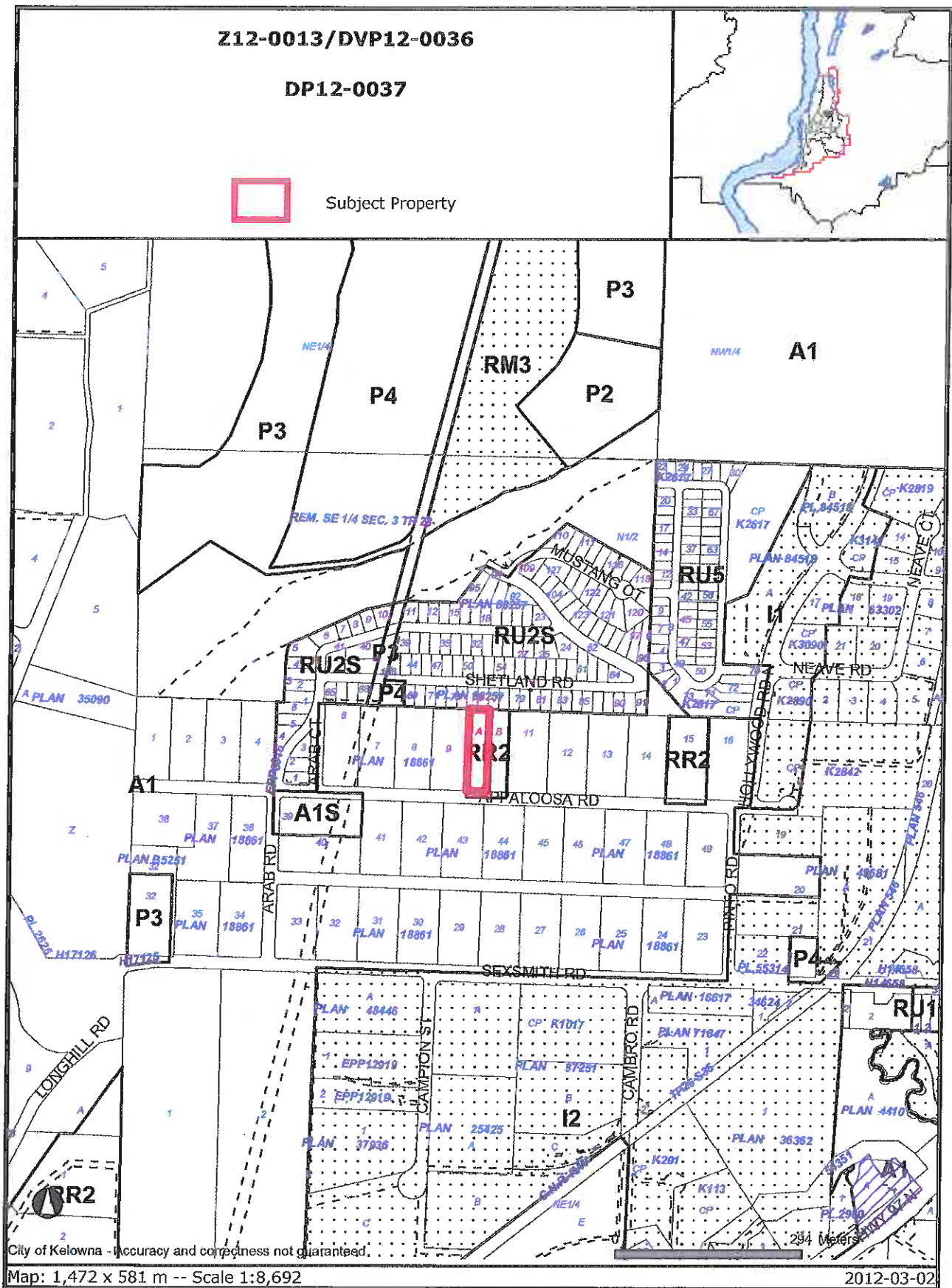
Subject Property Map

Site Plan / Landscape Plan

Context/Site Photos

Development Engineering Memorandum, dated March 16, 2012

GEID letter, dated March 15, 2012



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.

LEGAL DESCRIPTION
 LOT A, PLAN 35661
 LOT AREA: 4,055m²
 ZONING: R12



3.00m SIDE SETBACK

3.50m REAR SETBACK

- EX. WORK-SHOP
- PROPOSED SECONDARY SUITE
- 1.50m CONCRETE SIDEWALK
- ROCK MULCH SHRUBS (TYPICAL)
- EX. TURF

EX. HOUSE APP. LOCATION

1.50m SIDE SETBACK

PLAN 18861
 LOT 9

EX. DRIVEWAY

PLAN 35661
 LOT A
 3096 APPALOOSA ROAD

PLAN 35661
 LOT B

APPALOOSA ROAD

6.00m FRONT SETBACK

| | | | |
|--|-------|--------------------------------|----------|
| DRAWING NO. | | JP-01 | |
| CITY OF KELOWNA BUILDING DEPARTMENT | | APPALOOSA ROAD JAKOB PETERS | |
| REVISIONS | | WORK SHOP - SITE PLAN | |
| REV. NO. | | 1 | |
| DRAWN | A.W. | DESIGN | APPROVED |
| DATE | SCALE | DATE | SCALE |
| 1 02/23/12 AW | 1:500 | OCT. 2010 | 1:500 |
| No. | BY | GENERAL REVISIONS | REVISION |
| | | | CHK'd |

APPLICANT'S SITE PHOTOS



South Elevation



Southwest corner



East Elevation



Northeast Corner

CITY OF KELOWNA

MEMORANDUM

Date: March 16, 2012
File No.: Z12-0013
To: Planning & Development Services Department (JM)
From: Development Engineer Manager (SM)
Subject: 3096 Appaloosa Road – Lot A, Plan 35661, Sec. 3, Twp. 23, ODYD

Development Engineering Services comments and requirements regarding this application to rezone from RR2 to RR2s are as follows:

1. Subdivision

Provide easements as required

2. Sanitary Sewer.

The property is not currently connected to the Municipal Wastewater collection system. The nearest connection point to the Sanitary Sewer Main is located 315 metres away from the subject property. Sanitary sewage is to be handled by an on-site sewage disposal system for both dwellings and is subject to approval of the Provincial Public Health Officer.

3. Domestic Water.

The subject property is located within the Glenmore Ellison Improvement District (GEID). All charges and fees must be paid directly to GEID.

4. Miscellaneous.

Parking is provided on site



Steve Muenz, P.Eng.
Development Engineering Manager

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Glenmore-Ellison Improvement District

445 Glenmore Road
Kelowna, BC V1V 1Z6

Email: glenmore.ellison@shaw.ca
Website: www.glenmoreellison.com

Phone: 250-763-6506

Fax: 250-763-5688

March 15, 2012

City of Kelowna
Land Use Management Dept.
1435 Water St.
Kelowna, BC V1Y 1J4

FILE COPY

Attention: James Moore (via email to hbenmore@kelowna.ca)

Re: Rezoning Application Z12-0013/DVP12-0036/DP12-0037
Lot A, Plan 35661 – 3096 Appaloosa Rd - Peters

Glenmore-Ellison Improvement District (GEID) has completed a review of the proposed rezoning application of Lot A, Plan 35661 from RR2 to RR2(s) to permit a suite in a separate accessory building and vary the height of the accessory building. The subject property is located within GEID boundaries.

GEID responded to DVP10-0164 concerning the variance in height for the accessory building. At that time, no suite was planned. However, according to the current application, the applicant is proposing to construct a suite in the building.

The property is currently considered to be "A" Grade permitting water supply to a single residence and the one (1) acre lot. The following sections describe the water servicing requirements to meet GEID servicing bylaws and policies.

1. Capital Expenditure Charges (CECs)

GEID Bylaw #135 stipulates that CECs are payable at a charge of \$3,840.00 for carriage homes on existing lots. These rates are subject to change without notice, and CECs will be charged as per the Bylaw that governs at the time of payment.

Payment of CECs must be by a stand-alone cheque and cannot be combined with other fees.

2. Waterworks, Irrigation and Metering

The property is currently serviced with one domestic service connection near the southeast corner of the lot. All water to the proposed carriage house must be supplied through the existing house. If a larger service connection is required, GEID will install the service at the landowner's cost.

Metering, with costs borne by the applicant, is required for new dwellings built since 2004 as well as for housing newly connecting to GEID's system. A residential meter is a

requirement of this application and will be installed by GEID's contractor, CORIX Utilities in the existing house to capture all domestic water for the property.

Prior to the meter installation, the applicant is required to ensure that the plumbing at the house will support the installation of the meter. All costs for any plumbing alterations are to be borne by the applicant. Once the plumbing is prepared for meter installation, the applicant will need to call GEID's contractor, CORIX Utilities, who will supply and install the meter and remote reading device (MXU) at the main house. The fee for meter/MXU supply and installation by CORIX is \$525.00.

3. Connection, Administration and Inspection

No connection, administration or inspection fees are applicable.

4. New Account Fees

No new account fees are applicable.

5. Development Application Fee

According to Bylaw #121, a \$150.00 Development Application Fee is required for each referral for subdivision, rezoning and development permits.

6. Summary of Engineering Submissions and Payables

Upon receipt of the following fees, by two separate cheques, GEID will be in a position to issue a water letter for the proposed development:

| | | |
|-----------------------------|------------|-------------------|
| CECs | \$3,840.00 | |
| Total CECs | | \$3,840.00 |
| Meter/MXU | \$525.00 | |
| Development Application Fee | \$150.00 | |
| Total Other Fees | | \$675.00 |

Please note that the domestic water tolls will be increased to two dwelling units and that all water tolls are the responsibility of the property owner.

If you have any questions on this matter, please contact me at (250) 763-6506.

Sincerely,

**GLENMORE-ELLISON
IMPROVEMENT DISTRICT**



Darwyn Kutrey, R.E.T., CRM
General Manager

c.c. Jakob Peters (via email: jakobelsa@gmail.com)