

REPORT TO COUNCIL



Date: April 19, 2012
To: City Manager
From: Land Use Management, Community Sustainability (PMc)
Application: Z12-0024 **Owner:** Shamus Jonathon Knox & Lisa Christine Hawkins
Address: 1452 Montenegro Dr. **Applicant:** Shamus Jonathon Knox
Subject: Rezoning Application
Existing OCP Designation: Single/Two Unit Residential
Existing Zone: RU1h - Large Lot Housing (Hillside Area)
Proposed Zone: RU1hs - Large Lot Housing (Hillside Area) with Secondary Suite

1.0 Recommendation

THAT Rezoning Application No. Z12-0024 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 8, Section 13, Township 26, O.D.Y.D., Plan KAP84278, located on Montenegro Drive, Kelowna, BC from the RU1h - Large Lot Housing (Hillside Area) zone to the RU1hs - Large Lot Housing (Hillside Area) 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 the suite be eligible for final occupancy prior to final adoption of the zone;

AND FURTHER 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

This application is seeking to rezone the subject property from the RU1h- Large Lot Housing (Hillside Area) zone to the RU1hs - Large Lot Housing (Hillside Area) with a secondary suite zone in order to legalize an existing secondary suite located within the basement of the 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.

This 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. Minimal impact is anticipated on abutting properties, as parking requirements and private open space provisions are achieved on-site.

4.0 Proposal

4.1 Background / Project Description

The dwelling located on the subject property was constructed in 2008. In March 2012, there was a bylaw investigation that determined the existence of an unauthorized secondary suite in the basement of the dwelling.

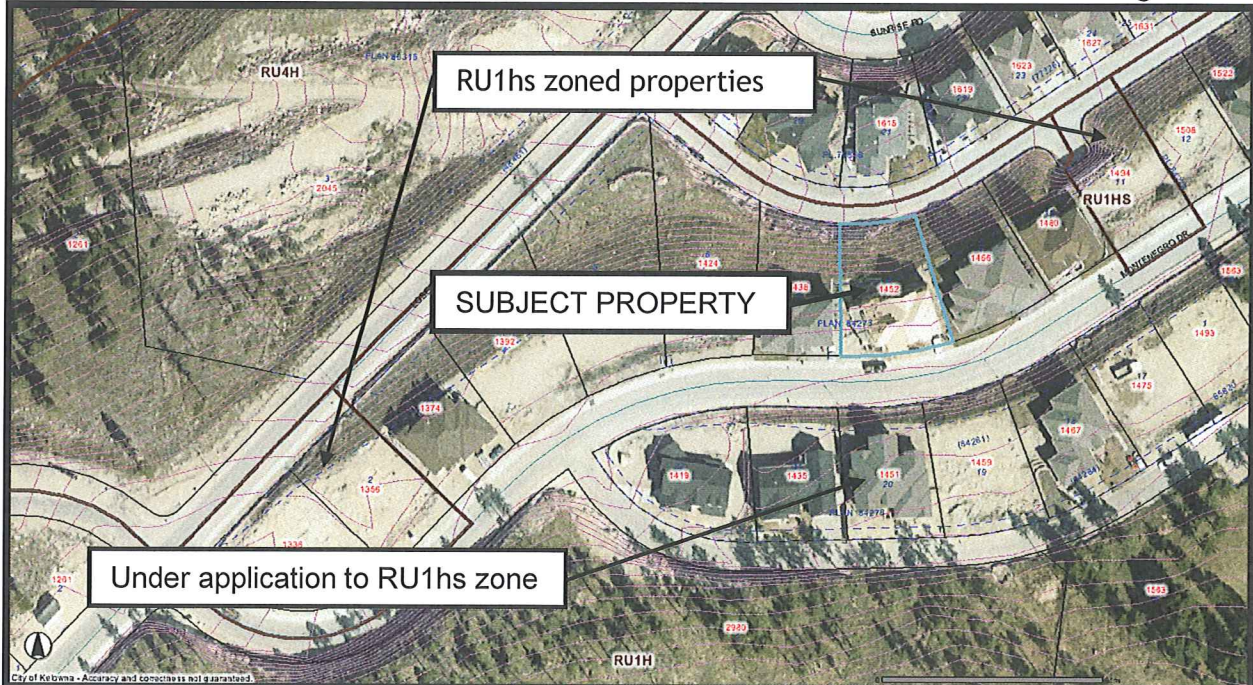
The existing one bedroom suite has an entrance located on the north side of the basement of the dwelling. The entrance is connected to the parking area by a walkway along the west side of the building. The access to the upper level dwelling unit is through the main entrance facing the street. The existing dwelling incorporates a two vehicle garage, which provides adequate off-street parking for the principal dwelling. There is a third parking stall available adjacent to the west end of the dwelling to provide parking for the suite. Outdoor private space is available on the property.

4.2 Site Context

The subject property is located on the north side of Montenegro Road, east of Loseth Road. The property is located in the Belgo - Black Mountain Sector of Kelowna. The surrounding properties in all directions are zoned RU1h - Large Lot housing (Hillside Area). There are other RU1hs zoned properties located within the block.

Subject Property Map:

1452 Montenegro Drive



Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU1h - Large Lot Housing (Hillside Area)	Single Unit Dwelling
East	RU1h - Large Lot Housing (Hillside Area)	Single Unit Dwelling
South	RU1h - Large Lot Housing (Hillside Area)	Single Unit Dwelling (under application to "s" zone)
West	RU1h - Large Lot Housing (Hillside Area)	Single Unit Dwelling

4.3 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RU1hs ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	550 m ²	927 m ²
Lot Width	16.5 m	30.8 m
Lot Depth	30.0 m	35.9 m
Development Regulations		
Site Coverage	40%, 50% including driveways and paved parking areas	25% buildings 30% inc. driveways
Height	2½ Storeys / 9.5 m	2 Storeys / 9.0 m
Floor area of principal dwelling		406.7 m ²
Floor area of suite/ Size Ratio	In building cannot exceed the lessor of 90m ² or 40%	61.3 m ² 15%
Front Yard	3.0 m, or 6.0 m to back of curb or sidewalk to garage	4.55 m to PL 6.0 m to sidewalk
Side Yard (west)	2.3 m 2 or 2½ storey	2.3 m
Side Yard (east)	2.3 m 2 or 2½ storey	2.3 m
Rear Yard	7.5 m	18 m
Other Regulations		
Minimum Parking Requirements	3 stalls required	2 stalls in garage 1 stall outdoors
Private Open Space	30 m ² per dwelling	Adequate space available

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Development Process

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

¹ Official community plan Objective 5.2 Community Sustainability

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

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 \$2,500.00 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 The Building Code only allows for a secondary suite to be 40% of the main residence to a maximum of 90 sq. meters.
- 6 Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

Domestic Water.

The subject property is located within the Black Mountain Irrigation District (BMID). All charges and fees must be paid directly to BMID.

6.3 Bylaw Services

#220209 - zoning, illegal suite; generated March 9, 2012 and remains open to this date.

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 (B.M.I.D.)

Requirements for water supply related to the addition of a secondary suite in the existing house physically located at 1452 Montenegro Drive, Lot 8, Plan 84278.

CONNECTION & METER FEES:

As per Bylaw No. 667, the Connection fee for a legal suite is \$100.00. A meter has already been installed in the existing dwelling, therefore no meter charges apply.

CAPITAL CHARGES:

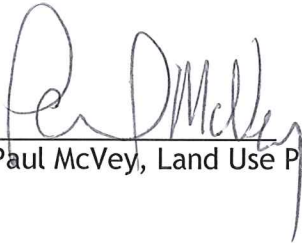
As per bylaw No. 678, the capital expenditure charge for the proposed suite is \$1,080.00. This money is to fund water source development and larger supply mains as defined in the BMID Capital Plan. If the applicant agrees to the above conditions they must come in to our office to complete a

BMID Application for Building form and pay the applicable charges. Once these requirements have been met, we will issue a water certificate to the City of Kelowna.

7.0 Application Chronology

Date of Application Received: March 29, 2012

Report prepared by:



Paul McVey, Land Use Planner

Reviewed by:



Danielle Noble, Manager, Urban Land Use

Approved for Inclusion:



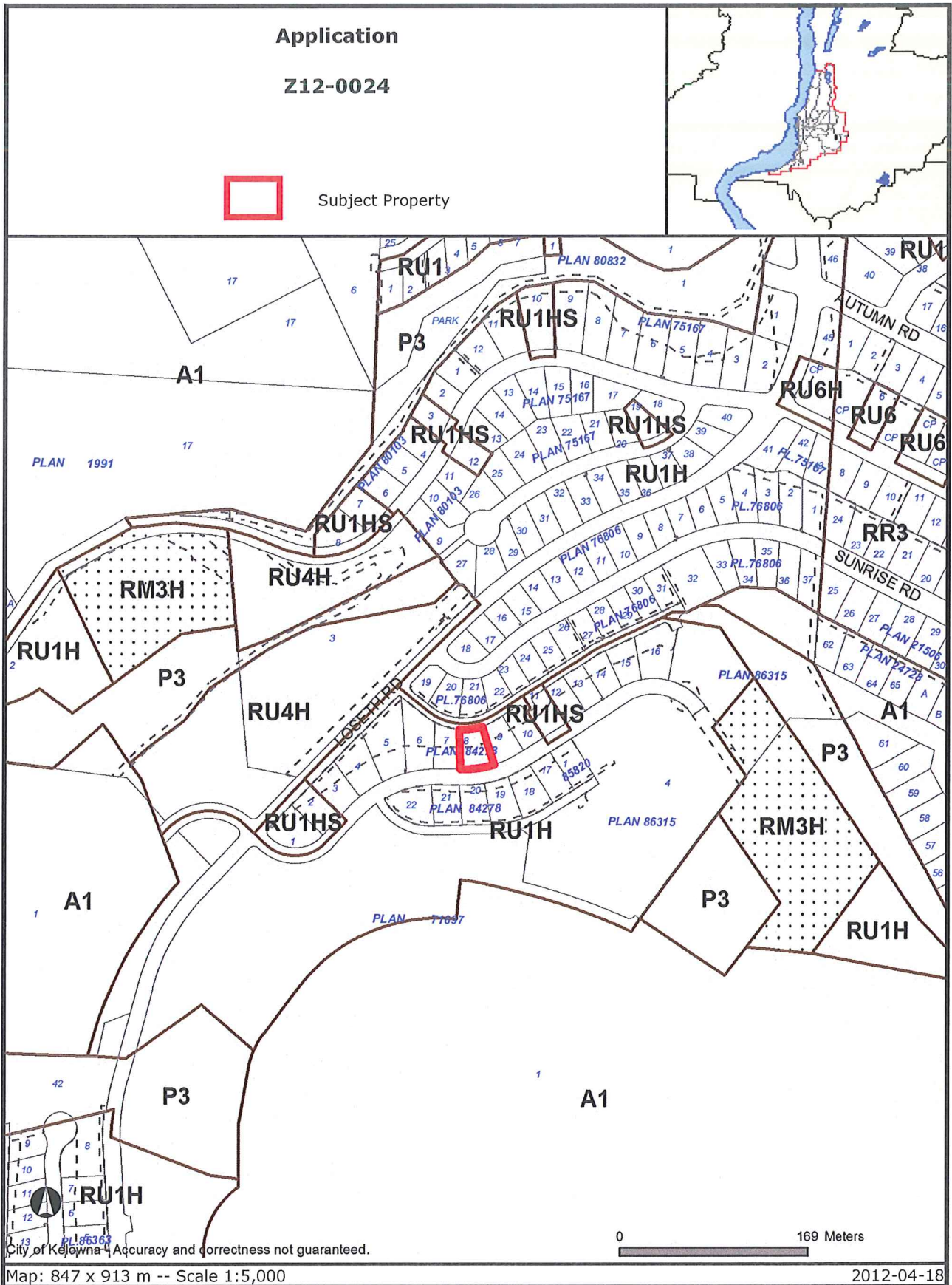
Shelley Gambacort, Director, Land Use Management

Attachments:

- Site Plan
- Landscape Plan
- Floor Plans
- Site Photos

Handwritten notes:
2/28/12, 3/29/12, 4/11/12, 4/18/12
3/29/12, 4/11/12, 4/18/12





*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 BUILDING LOCATION CERTIFICATE ON LOT 8, PLAN KAP84278, SECTION 13, TOWNSHIP 26, ODYD

1452 MONTENEGRO DRIVE

LANE

a=20.759

LOT 8 PLAN KAP84278

POSTED

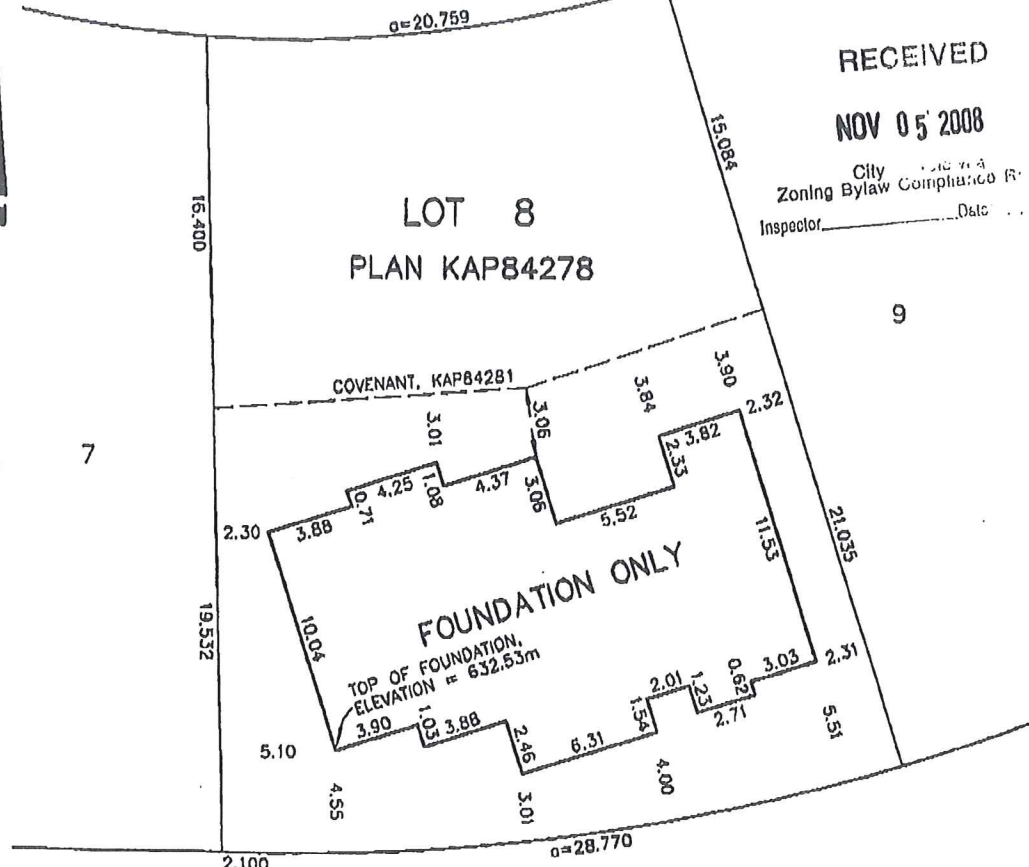
RECEIVED

NOV 05 2008

City of Kelowna
Zoning Bylaw Compliance Review
Inspector _____ Date _____

BP
37394

TB



MONTENEGRO DRIVE

I HEREBY CERTIFY THAT THE ABOVE SKETCH SHOWS THE REGISTERED DIMENSIONS OF THE ABOVE DESCRIBED PROPERTY AND RELATIVE LOCATION OF THE BUILDINGS THEREON.

T.E. Ferguson
B.C.L.S., L.S.
THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED

THIS PLAN IS FOR THE USE OF THE BUILDING INSPECTOR AND/OR MORTGAGEE ONLY AND IS NOT TO BE USED FOR THE RE-ESTABLISHMENT OF PROPERTY BOUNDARIES.

CLIENT: HAWKINS	
DATE: NOVEMBER 3, 2008	T.E. Ferguson Land Surveying Ltd.
SCALE: 1:250 METRES	B.C. AND CANADA LAND SURVEYORS
FILE: 18255	404-1630 PANDOSY STREET, KELOWNA, B.C.
© T.E. FERGUSON LAND SURVEYING LTD.	TELEPHONE: (250) 763-3115
	FAX: (250) 763-0321

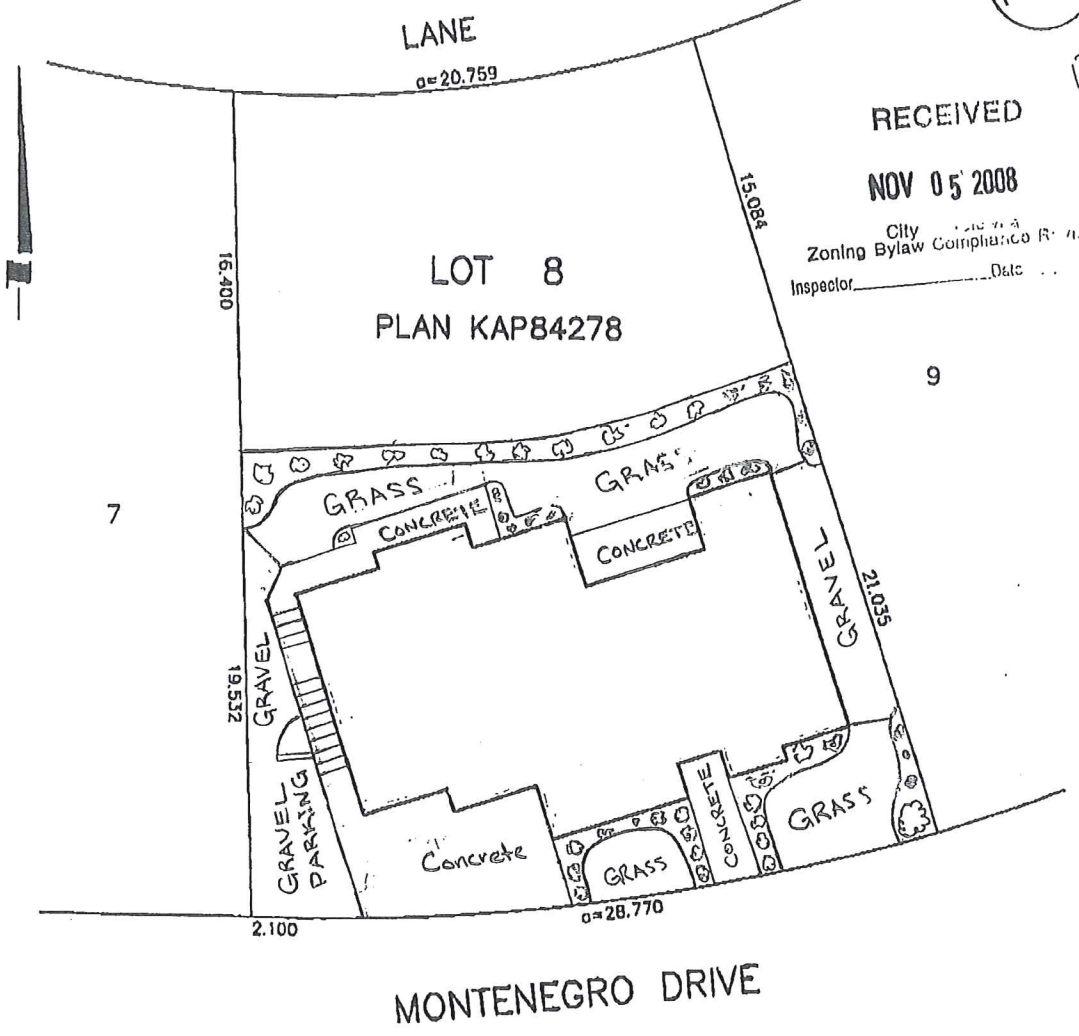
SITE PLAN

B.C. LAND SURVEYOR'S BUILDING LOCATION CERTIFICATE ON LOT 8, PLAN KAP84278, SECTION 13, TOWNSHIP 26, ODYD

1452 MONTENEGRO DRIVE

POSTED

BP
31374



RECEIVED

NOV 05 2008

City of Kelowna
Zoning Bylaw Compliance Review
Inspector _____ Date _____

VB

I HEREBY CERTIFY THAT THE ABOVE SKETCH SHOWS THE REGISTERED DIMENSIONS OF THE ABOVE DESCRIBED PROPERTY AND RELATIVE LOCATION OF THE BUILDINGS THEREON.

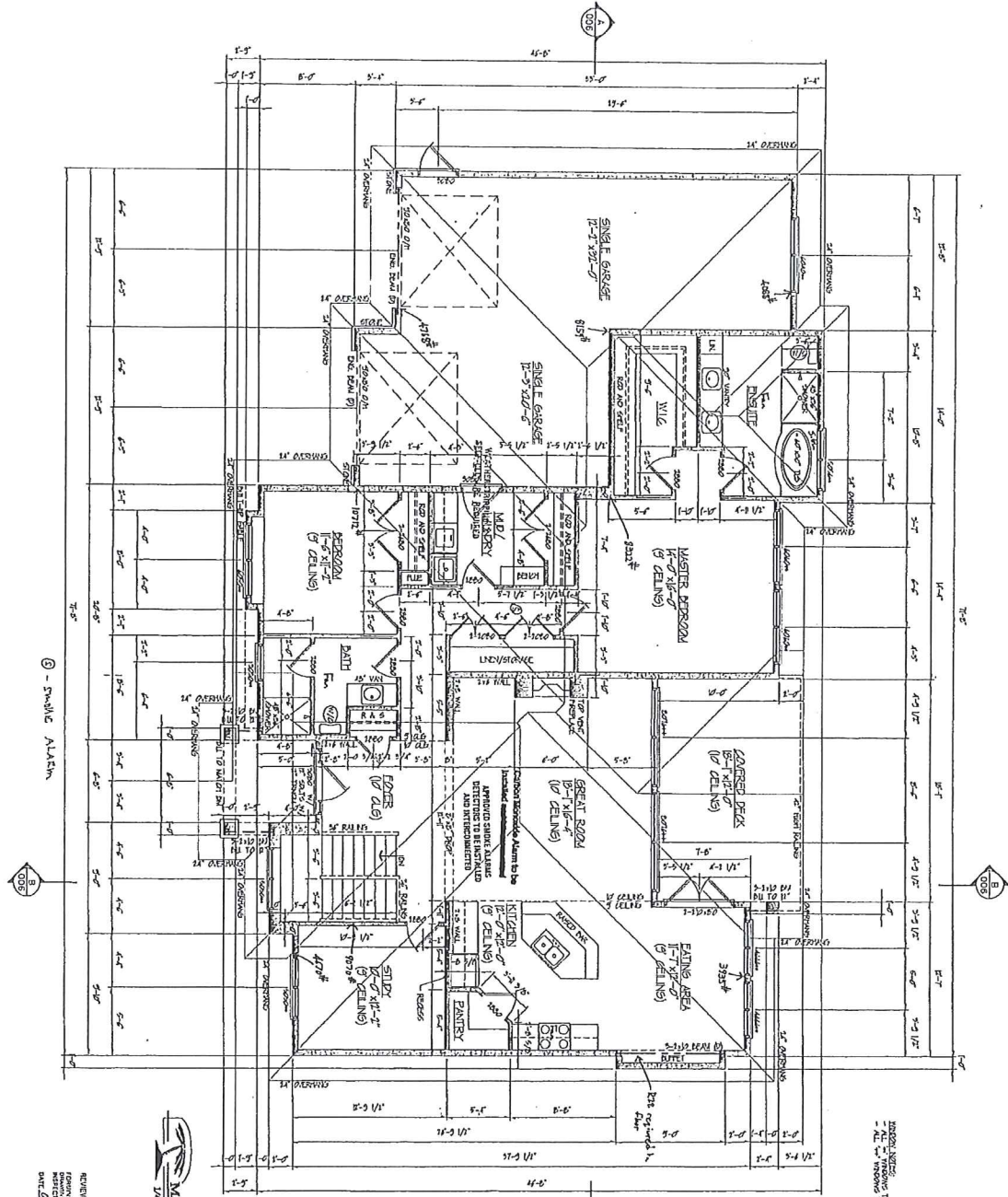
T.E. Ferguson
B.C.L.S., P.L.S.

THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY SIGNED AND SEALED

THIS PLAN IS FOR THE USE OF THE BUILDING INSPECTOR AND/OR MORTGAGEE ONLY AND IS NOT TO BE USED FOR THE RE-ESTABLISHMENT OF PROPERTY BOUNDARIES.

CLIENT: HAWKINS	T.E. Ferguson Land Surveying Ltd.
DATE: NOVEMBER 3, 2008	B.C. AND CANADA LAND SURVEYORS
SCALE: 1:250 METRES	404-1630 PANDOSY STREET, KELOWNA, B.C.
FILE: 18255	TELEPHONE: (250) 763-3115
© T.E. FERGUSON LAND SURVEYING LTD.	FAX: (250) 763-0321

LANDSCAPE PLAN



© - DWG. ALLEN

MAIN FLOOR PLAN
1/8" = 1'-0" (AS SHOWN)

REVIEWED BY CITY OF KILGORE ARCHITECTURAL SERVICES
DRAWING NO. OF BUILDING PERMIT: 27327
DATE: 08/21/2008
BY: J.W. HAASDYK
CHECKED BY: J.W. HAASDYK

File Log

NOTES:
1. ALL DIMENSIONS TO BE FINISHED SURFACE UNLESS NOTED OTHERWISE.
2. SEE NOTES ON SHEET 08-74-001 FOR FINISHES AND MATERIALS.

MAIN FLOOR

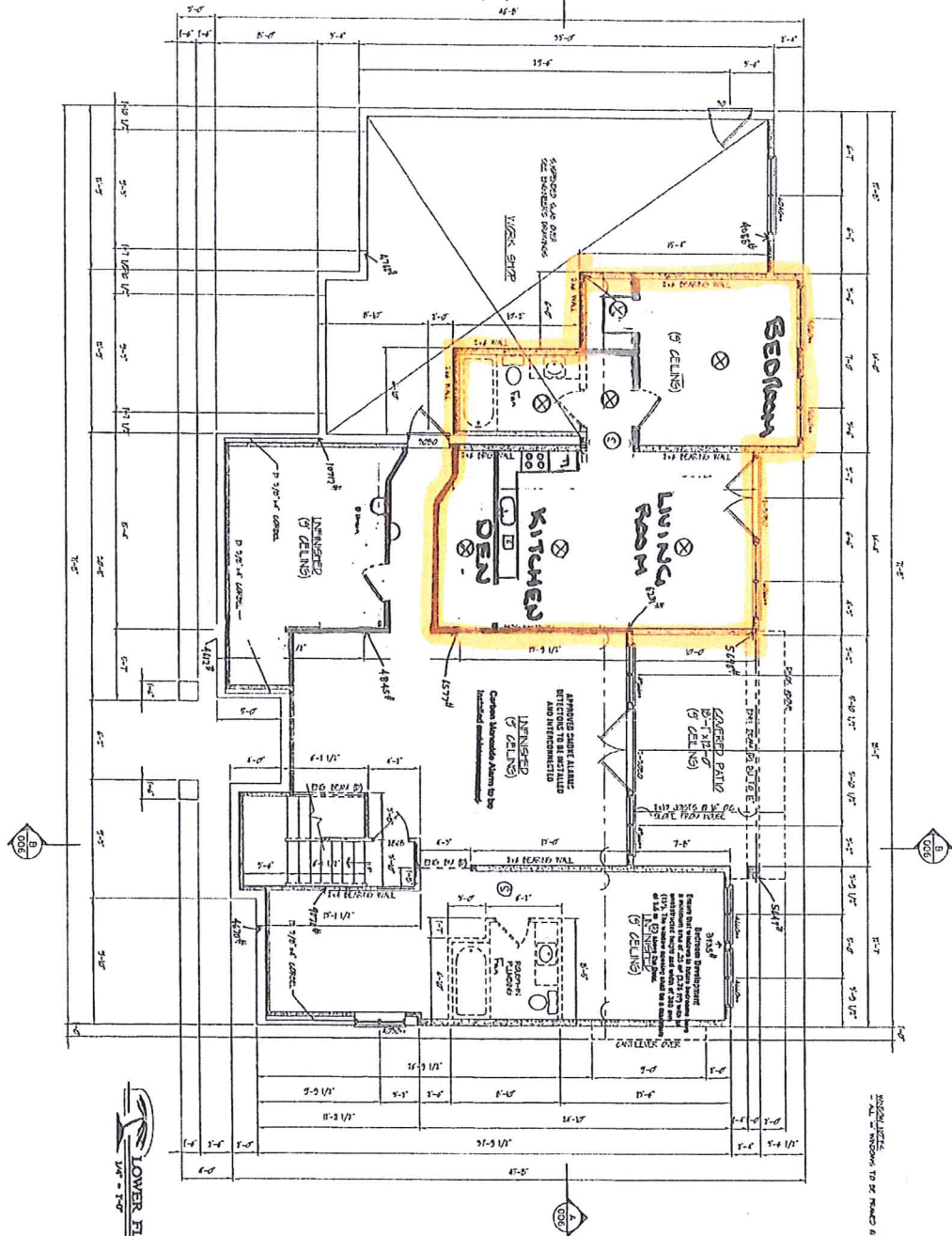
RESIDENCE FOR:
*** HAWKINS ***

OASIS DESIGN
868-2275
DESIGNED BY: JAMES W. HAASDYK
DATE: JULY 23, 2008

MAIN FLOOR PLAN
LOT 8 - MONTENEGRO DRIVE
SCALE AS NOTED | DRAWING NUMBER: 08-74-001 | REVISION

IN REPLY TO THE PLAN IS SUBJECT TO THE PLAN ACTIVITY AS NOTED ON SHEET 08-74-001

- LEGEND**
- ⊗ - CEILING LIGHT FIX.
 - - WALL SCONES
 - ⊙ - SMOKE/CO2 DETECTOR
 - ⊠ - FIRE EXSTIN.



LOWER FLOOR PLAN

LOWER FLOOR & SUITE

RESIDENCE FOR:
 * HAWKINS *

OASIS DESIGN
 868-2275
 DESIGNED BY: JAMES W. HAASDYK
 DATE: JULY 23, 2008

LOWER FLOOR PLAN
 LOT 8 - MONTENEGRO DRIVE
 SCALE: AS NOTED | DRAWING NUMBER: 08-743-002 | REVISION:



FRONT



SUITE
ENTRANCE

REAR



REAR - SHOWING STAIRS



SIDE - SHOWING STAIRS