

REPORT TO COUNCIL



Date: July 25, 2012

To: City Manager

From: Land Use Management, Community Sustainability (GS)

Application: Z12-0045

Owner: Stephen Krysko
Donara Krysko

Address: 5460 Lakeshore Road

Applicant: Davara Holdings Ltd.
(Dave Sargent)

Subject: Rezoning Application

Existing OCP Designation: Resource Protection Area

Existing Zone: RR1- Rural Residential 1

Proposed Zone: RR1s- Rural Residential 1 with Secondary Suite

1.0 Recommendation

THAT Rezoning Application No. Z12-0045 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, Section 22, Township 28, SDYD Plan EPP15367 located at 5460 Lakeshore Road, Kelowna, BC from the RR1- Rural Residential 1 zone to the RR1s- Rural Residential 1 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 Interior Health being met;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Fire Department being met;

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the issuance of a Natural Environment Development Permit and Form & Character Development Permit by staff.

2.0 Purpose

The applicant is proposing to rezone the subject property from the RR1- Rural Residential 1 zone to the RR1s- Rural Residential 1 with Secondary Suite zone to construct a new principal dwelling while retaining an existing dwelling that largely complies with carriage home (secondary suite in an accessory building) requirements.

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3.0 Land Use Management

The subject property and an adjacent property while under separate title have functioned as a single larger parcel under common ownership with a principal dwelling on the western parcel and a guest house constructed near Okanagan Lake on the eastern parcel. The eastern (subject) property is the site of the current septic system for the existing dwellings. The proposal is to intensify the two properties by adding a new dwelling to the eastern (subject) property.

Adding a dwelling required a creative lot line adjustment to include the building footprint of the existing dwelling on one property. The adjustment provides for the retention of an existing home of relative significance. While not designated on the Heritage Register, the homes were designed by the firm Erikson, Massey Architects¹.

The requested rezoning and proposed development require a number of variances. Variances range from side and front yard setback variances to site coverage and a parking regulation. The yard encroachments are for portions of the structure which are within required front and side yards.

Site coverage reflects that while the zoning in this area is Rural Residential (RR), the subject property (as with the lots in this area) is more consistent with the Urban Residential (i.e. RU1). As a result, the maximum site coverage of 10% is a limiting factor. The appropriate zoning for this parcel size is RU1, but the lack of community sanitary sewer precludes this zoning. The site coverage will however create challenges for wastewater treatment (septic system). It is recommended that rezoning is contingent on the applicant meeting IH requirements for wastewater treatment.

The final variance relates to the already constructed accessory structure where zoning regulations require a secondary suite in an accessory building greater than one storey to provide parking for one vehicle. Neither the proposed redevelopment of the subject property, nor the topography allow for a garage or carport. Parking is not however a concern as the proponent is showing four parking spaces, greater than the three required.

The file referral resulted in one fairly significant concern being identified. The existing carriage house will be largely cutoff from emergency access following the development of the new dwelling. The Fire Department notes that they are not supportive of the rezoning given the access concerns. The proponent is however looking into a variety of alternate solutions to satisfy the Fire Department and is confident that this can be achieved.

Given the above and further that the applicant has provided evidence that the adjacent neighbours (5432 Lakeshore Road) are supportive of the proposed development, staff are supportive of both the rezoning and the proposed variances necessary to achieve the proposal.

4.0 Proposal

4.1 Project Description

The applicants are seeking to construct a new principal dwelling on the subject property where only a small dwelling (i.e. beach house) currently exists. A lot line adjustment along the western boundary has allowed for the development on the subject property.

¹ Arthur Erikson and Geoffrey Massey rose to relative fame in their profession designing institutional uses including Simon Fraser University in Burnaby and the Museum of Anthropology in Vancouver.

4.2 Site Context

The subject property is located on the north side of Lakeshore Road and is a lakefront property in the Southwest Mission Sector of the City. The property is set among a number of rural residential properties along the lake, none of which meet the 1.0 ha minimum area as required by the RR1 zone where not connected to sewer. The property is also near a larger agricultural holding, though the property is buffered from agricultural impacts by Lakeshore Road. The closest urban services (i.e. Commercial) are located in excess of 5 km from the subject property.

The surrounding properties are zoned as follows:

Orientation	Zoning	Land Use
North	None	Okanagan Lake
East	RR1 - Rural Residential 1	Rural residential
South	A1 - Agriculture 1	Agriculture
West	RR1 - Rural Residential 1	Rural residential

4.3 Subject Property Map : 5460 Lakeshore Road



4.4 Zoning Analysis Table

The proposed application conforms or does not conform to the RR1s - Rural Residential 1 with Secondary Suite zone as follows:

Zoning Analysis Table		
CRITERIA	PROPOSAL	RR1s ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	2,080 m ²	10,000 m ²
Lot Width	22.9 m	40.0 m
Lot Depth	85 m	30.0 m
Development Regulations		
Site Coverage	23 % ①	10 %
Height	2 storeys/ 7.4 m	2 ½ storeys / 9.5 m
Front Yard	4.7 m ②	6.0 m
Side Yard (east)	3.0 m	3.0 m
Side Yard (west)	1.0 m ③	3.0 m
Rear yard	20.4 m	10.0 m / 3.0 m (accessory buildings)
Other Requirements		
Accessory Building Height	4.5 m	6.0 m
Max. Floor Area Secondary Suite	58 m ²	90 m ² or 75% of floor area of principal building
Required Open Space	>30m ²	30 m ²
Garage in an accessory structure	0 ④	1
Parking	4	3

① A variance is being sought to increase permitted site coverage from 10% required to 23% proposed.

② A variance is sought to reduce the front yard from 6.0 m required to 4.7 m proposed.

③ A variance is being sought to reduce the required side yard from 3.0 m required to 1.0 m proposed.

④ A variance is requested to vary the requirement that a secondary suite in an accessory building greater than one storey must include an attached garage or carport.

4.0 Current Development Policies

4.1 Kelowna Official Community Plan (OCP)

Objective 5.15 Ensure environmentally sustainable development².

Policy .1 No Net Loss of Aquatic Habitat Productivity. Require “no net loss” with respect to land use decisions that affect aquatic habitat based on the “no net loss” principle of the Department of Fisheries and Oceans policy. No individual land use or development project should result in a

² City of Kelowna 2030 Official Community Plan: Greening Our Future (2011), Development Process Chapter; p. 5.17 & 5.18.

net loss in habitat productivity as determined through environmental assessment in land use decisions and project approvals that affect aquatic habitats as identified on the Natural Environment DP Map 5.5. In the long term the City will strive for a net gain in overall productivity of the city's aquatic habitats. "Tradeoffs" in the interest of land development will only be supported when long term net gains in habitat productivity can be substantiated.

Policy .3 Environmentally Sensitive Area Linkages. Ensure that development activity does not compromise the ecological function of environmentally sensitive areas and maintains the integrity of plant and wildlife corridors.

5.0 Technical Comments

5.1 Building & Permitting Department

- a. The side yard setback of less than 1.2 meters will require upgraded fire separation and no unprotected opening (door or windows) which may affect the form and character of the structure.
- b. Fire fighting access for the beach house is not good if intended for a residential use.
- c. Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permit(s) for new construction.
- d. Full Plan check for all other Building Code related issues will be done at time of Building Permit applications.

5.2 Environment & Land Use Branch

The hazardous conditions (steep hillside) and sensitive environmental areas associated with Okanagan Lake and the riparian areas are receiving extensive restoration works to improve the natural features. Ongoing protection of these features will be improved through the registration of a Section 219 - No Disturb covenant. These works were negotiated through the previous technical subdivision.

5.3 Development Engineering Department

See attached.

5.4 Fire Department

The emergency access to the lower or lakeside home is to meet the requirements of 9.10.20.3.(1)&(2). With the proposed construction of the upper home this emergency access to the lower home is eliminated. The Fire Department is not in favour of this rezoning.

5.5 Interior Health

See attached.

5.6 Fortis BC Gas

FortisBC facilities will not be adversely affected and has no objection.

5.7 Fortis BC Electric

No concerns.

6.0 Application Chronology

Date of Application Received: May 25, 2012

Refinement of proposal submissions (letter of support received): July 24, 2012

Report prepared by:

Greg Sauer, Environment & Land Use Planner

Reviewed by:



Danielle Noble Manager, Urban Land Use

Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

Attachments:

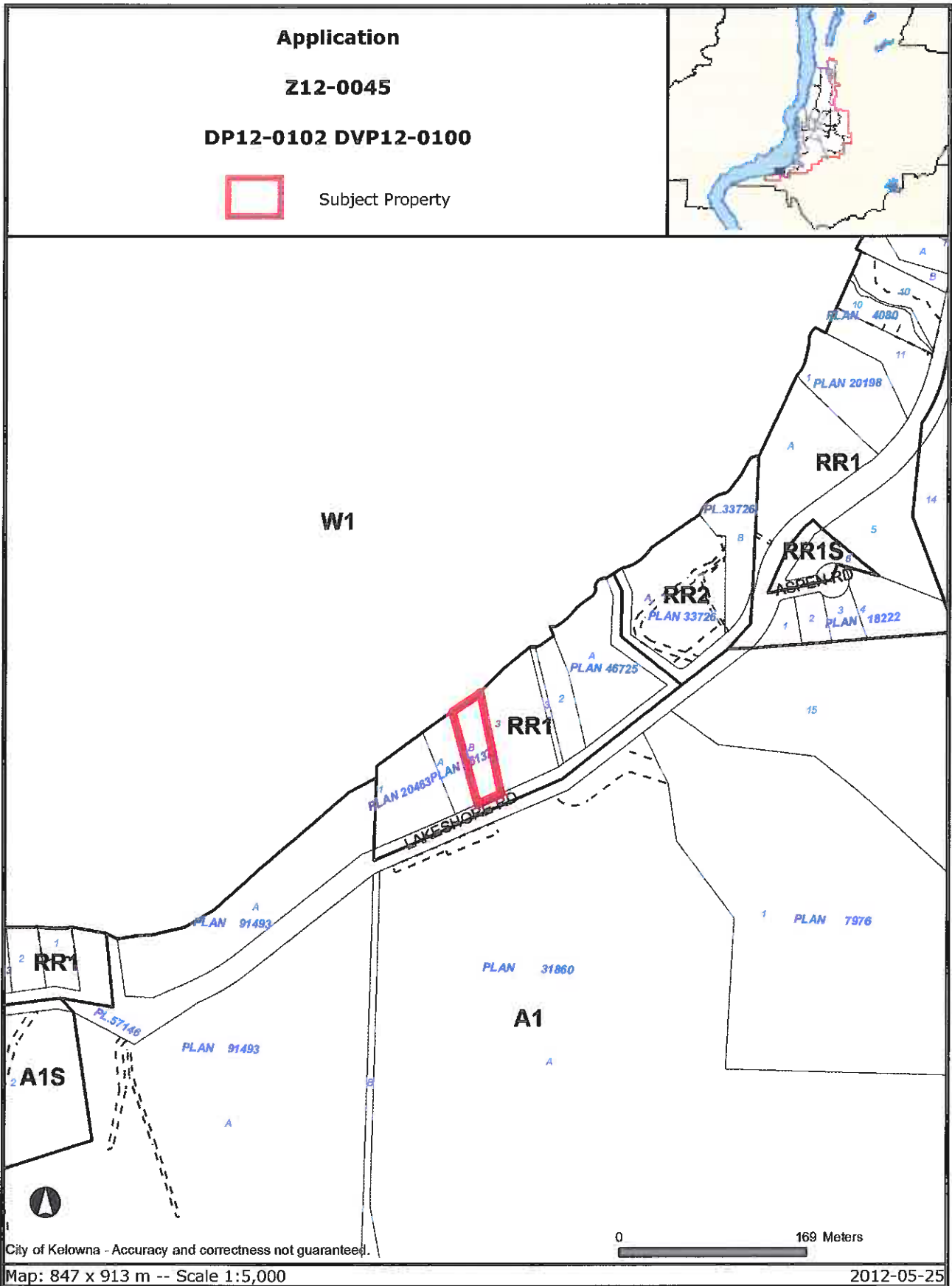
Subject Property Map (1 page)

Site Plan (1 page)

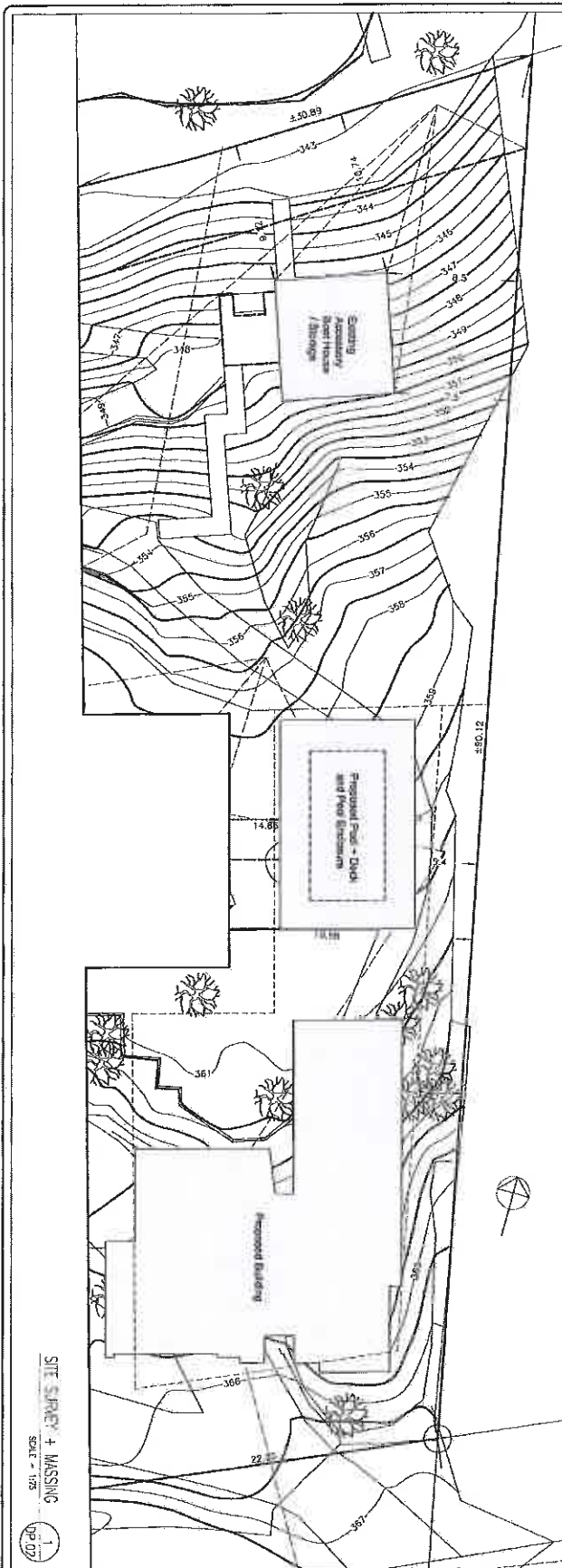
Development Engineering Comments (1 page)

Interior Health Comments (2 pages)

Context/Site Photo (1 page)

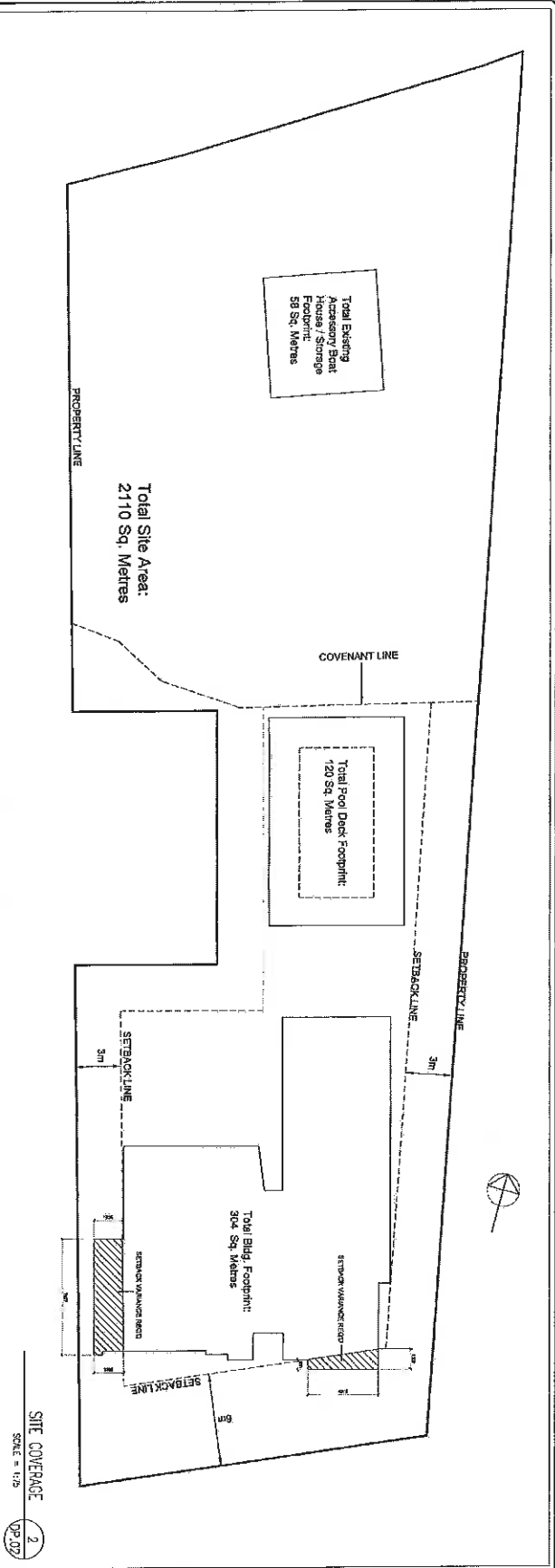


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.



SITE SURVEY + MASSING
SCALE = 1/25

1
02.07



SITE COVERAGE
SCALE = 1/25

2
02.07

<p>TEAM CONSTRUCTION MANAGEMENT LTD. 1000 WESTERN AVENUE VANCOUVER, BC V6V 3W9</p>		<p>clavara & davara</p>	
<p>10-1256</p>			
<p>Sargeant Residence</p>		<p>18 MAY 2012</p>	
<p>NS</p>		<p>DP 02</p>	
<p>10-1256</p>		<p>18 MAY 2012</p>	

SITE COVERAGE

CITY OF KELOWNA
MEMORANDUM

Date: May 29, 2012
File No.: Z12-0045

To: Land Use Management Department (GS)

From: Development Engineering Manager

Subject: 5460 Lakeshore Road RR1 to RR1s

Development Engineering Services have the following requirements associated with this rezoning Application.

1. Domestic Water and Fire Protection

The development is serviced by a private water system and subject to approval of the Provincial Public Health Officer. Please contact the Public Health Officer.

2. Sanitary Sewer

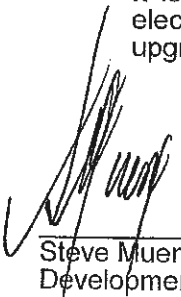
Sanitary sewage is to be handled by an on-site sewage disposal system subject to approval of the Provincial Public Health Officer. Please contact the Public Health Officer.

3. Site Related Issues

Provide on-site parking for the proposed dwelling.

4. Electric Power and Telecommunication Services

It is the applicant's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services which would be at the applicant's cost.



Steve Muenz, P. Eng.
Development Engineering Manager

SS



Interior Health

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June 28, 2012

Your File #: Z12-0045, DP12-0102 & DVPI2-0100

Our File #: 13-232-01206

Approving Officer: City of Kelowna – Development Services
Owner/Applicant: Davara Holdings Ltd.

Legal Address: Lot B, Sec 22, Tp 28, Plan 16137
Site Location: 5460 Lakeshore Rd, Kelowna B.C. ("the property")

Thank you for the opportunity to provide comment on the above-named Rezoning Application. Interior Health's recommendations are based on compliance with all applicable sections of the *B.C. Sewerage System Regulation* (B.C. Reg. 326, 2004), and the *B.C. Drinking Water Protection Act* (S.B.C. 2001, c.9) and its Regulation. We welcome the option to offer input on all newly proposed and modified developments to ensure that they reflect the best options for public health protection and healthy built environments.

Wastewater Disposal

Our office has two wastewater disposal records in our files referencing both Lots A & B, Plan 16137. The first Record of Sewerage System filing (see attached filing dated December 1969) references a main house (spanning Lot A & B) and guest house (on Lot B) for a total of 6-occupants indicated sharing a common wastewater disposal field located on Lot B. The second Record of Sewerage System Filing (see attached filing, June 11, 2002) references a repair to the onsite sewerage system serving Lots A and B. From this 2002 Filing, it appears that a 2-bedroom primary residence located mostly on Lot A, as well as a 1-bedroom residence on Lot B, continue to share a common wastewater dispersal field located on Lot B.

Relative to the plans submitted in the present rezoning and development application for Lot B, it appears that an additional residence is being proposed in the approximate location where the shared wastewater dispersal field is referenced on the June 2002 Record of Sewerage System Filing. We also note that this region of the City of Kelowna appears to still reside outside the current service area of the City sewer system and no additional wastewater disposal information has been provided in the referenced application. Further, our office does not have record of any pending wastewater disposal system(s) for either Lot A or B, noting their shared services in the Filings noted above.

We recommend that the location of onsite wastewater disposal systems should be considered at the early stages of a development proposal to ensure that the most suitable sites for onsite wastewater disposal are established. Under the BC Sewerage System Regulation, a site assessment for wastewater disposal and sewerage system design is to be conducted by an Authorized Person and documented through the submission of a Record of Sewerage System Filing. It is also recommended that Lots A and B establish their own separate wastewater systems to ensure suitable structures and sustainable land uses on either lot relative to the land/soil capacities and setbacks to drinking water, Okanagan Lake, potential breakout points and excessive slopes.

Drinking Water

We note that Lots A & B, plan 16137 fall just outside the service area of the City of Kelowna drinking water supply system and no information has been provided on the source(s) of drinking water for the existing and proposed residences. Please note that under the Drinking Water Protection Act, a water supply system means any system other than those that serve only a single-family residence where not

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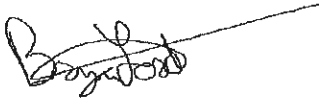
HEALTH PROTECTION
Less Risk – Better Health

Kelowna Health Centre
1340 Ellis Street
Kelowna, B.C. V1Y 9N1

more than a single family resides. We therefore recommend that the applicants provide confirmation to the City of Kelowna on whether their are separate private water sources/intakes for each "single family residence" or, whether there are shared waterworks being proposed. At the present time any shared waterworks between more than one single family dwelling, apart from sharing of a fish screen (see attached), constitutes a drinking water supply system and is subject to the requirements/requires approval under the Drinking Water Protection Act and regulation. Please also note that Interior Health does not recommend in favour of developments that will create multiple small water systems or where new water systems are intended to be adjacent to existing systems. Past practice has shown that multiple small systems are less likely to be sustainable over the long term.

If you have any questions please feel free to contact the undersigned directly.

Sincerely,



Bryn Lord, BSc, BTech, CPHI(C)
Environmental Health Officer
Kelowna Health Centre

