

# REPORT TO COUNCIL



**Date:** August 23, 2012

**To:** City Manager

**From:** Community Sustainability Division

**File No:** Z12-0043

**Applicant:** Lynae R., Dennis, & Darlene S. Igel

**At:** 391 Yates Road

**Owner(s):** Lynae R., Dennis, & Darlene S. Igel

**Purpose:** Rezoning Application

**Existing OCP Designation:** Single/Two Unit Residential

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

**Proposed Zone:** RU1c - Large Lot Housing with a carriage house zone

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## 1.0 RECOMMENDATION:

THAT Rezoning Application No. Z12-0043 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 14, Sec. 32, Twp. 26, ODYD, Plan 15293, located at 391 Yates Road, Kelowna, BC, from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with a carriage house zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT a building permit for the carriage house be applied for prior to final adoption of the zone;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering department and the Glenmore Ellison Improvement District being completed to their satisfaction.

## 2.0 PURPOSE:

This application is seeking to rezone the subject property from the RU1 - Large Lot Housing zone to the RU1c - Large Lot Housing with a carriage house zone to allow the conversion of the loft area of an existing accessory building into a carriage house.

## 3.0 LAND USE MANAGEMENT:

This is the third attempt to rezone the subject property to allow a carriage house.

When the original 2008 rezoning application was considered at Public Hearing, there was substantial concern expressed by the immediate neighbours regarding the proposal for a secondary suite in an accessory building (now considered a carriage house). These complaints focused primarily on the size and location of the proposed accessory building, the potential impact on the neighbourhood, as well as concern for their loss of privacy.

qv

Since that time, the applicant has constructed an accessory building with only a loft area, in the same configuration as was proposed in 2008. The building permit application for that accessory building was made in January 2010, and occupancy permit was obtained in April 2010. Notably, the applicant has constructed the building with consideration of the public comments previously expressed by: i) providing side and rear yard setbacks that are greater than the minimum setbacks required in the zone, and ii) windows on impacted elevations have been installed with frosted “privacy glazing” to minimize possible over-look of the neighbouring properties. As well, there is a new owner of the property directly behind the subject property (394 McTavish Rd.) who has planted new shrubs along the common property line to replace the previously existing dying shrubs for additional vegetative buffering.

Generally, the land use to facilitate carriage houses allows for more efficient use of existing lots and helps to diversify the housing supply in the area. Should the land use be supported by Council, a Development Permit will be executed at a Staff level to evaluate form and character of the detached accessory building.

#### 4.0 BACKGROUND & PROPOSAL:

The applicant constructed an accessory building (garage) with a loft area on the subject property. The applicant now wishes to rezone the property to allow conversion of this loft area into a carriage house.

A rezoning application was made in 2008 (Z08-0051) to rezone to the secondary suite zone for the development an accessory building containing a secondary suite. At the time of the Public Hearings held on October 28, 2008 and December 9, 2008, there was substantial opposition from the surrounding neighbourhood and the zone amending bylaw was defeated.

Accordingly, an accessory building was constructed on the property and did not contain a residential unit, and only a Building Permit was required to authorize construction.

With this current application, there is a Development Permit submitted concurrent with the rezoning application to address the form and character of the proposed carriage house to be executed at a Staff level should the land use be supported.

The proposed application meets the requirements of RU1c - Large Lot Housing with a carriage house zone follows:

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RU1c ZONE REQUIREMENTS (Carriage House)
Subdivision Regulations		
Lot Area	1,142 m <sup>2</sup>	550 m <sup>2</sup>
Lot Width	27.74 m	16.5 m
Lot Depth	41.21 m	30.0 m
Development Regulations		
Site Coverage (buildings)	25 %	40%
Site Coverage (buildings & parking)	43.4	50%

Existing Dwelling		
Height (existing house)	2 storeys/ 6.73 m	2 ½ storeys / 9.5 m
Front Yard	10.3m	6.0 m to garage
North Side yard	6.19 m	2.3 m (2 - 2½ Storey)
South Side Yard	6.4 m	2.3 m (2 - 2½ Storey)
Rear Yard	24.7 m	7.5 m
Principal dwelling floor area	197.69m <sup>2</sup>	
Proposed Carriage House		
Height	4.5 m	1 1½ storey / 4.5 m
Front Yard	31.8 m	6.0m to garage
North Side yard	3.3 m	2.0 m (1-1½ Storey)
South Side Yard	10.83 m	2.0 m (1-1½ Storey)
Rear Yard	3.01 m	1.5 m
Floor Area of Secondary Suite / Size ratios	86.9 m <sup>2</sup> / 44 %	In accessory building can't exceed lesser of 90 m <sup>2</sup> or 75% of principal dwelling
Separation (distance between units)	13.7 m	5.0 m
Site Coverage	7.8% / 89.36 m <sup>2</sup>	14% or 90 m <sup>2</sup>
Other Requirements		
Parking Stalls (#)	4 spaces	3 spaces
Private Open Space	meets requirements	30m <sup>2</sup> requirement

#### 4.1 Site Context

The subject property is located on the east side of Yates Road, north of Ballou Road, in the Glenmore Area. The area is typified by large urban lots which have amenities such as transit, schools and shopping are within the immediate area.

More specifically, the adjacent land uses are as follows:

Orientation	Zoning	
North	RU1	Large Lot Housing - Single Unit Housing
South	RU1	Large Lot Housing - Single Unit Housing
East	RU2	Medium Lot Housing - Single Unit Housing
West	RU1	Large Lot Housing - Single Unit Housing

#### 4.2 Subject Property: 391 Yates Road



## 5.0 CURRENT DEVELOPMENT POLICY

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

Policy 5.2.3 **Complete Suburbs.**<sup>1</sup> 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.**<sup>2</sup> 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.

#### Policy 10.3 .1 **Housing Availability.**<sup>3</sup>

Support the provision of housing for all members of the community, including those in core housing need or requiring special needs housing (transitional, age in place, emergency or shelter).

#### 2. **Address Housing Needs of All Residents.**<sup>4</sup>

Address housing needs of all residents by working towards an adequate supply of a variety of housing.

<sup>1</sup> Official community plan Objective 5.2 Community Sustainability

<sup>2</sup> Official community plan Objective 5.3 Focus development to designated growth areas.

<sup>3</sup> Official community plan Objective 10.3 Support the creation of affordable and safe rental, non-market and/or special needs housing

<sup>4</sup> Official community plan Goals for a Sustainable Future

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

### 6.2 Development Engineering

Development Engineering has the following requirements associated with this rezoning application.

**Domestic Water and Fire Protection:** The property is located within the Glenmore Ellison Irrigation District (GEID). The developer is required to make satisfactory arrangements with the GEID for these items. All charges for service connection and upgrading costs are to be paid directly to the GEID.

**Sanitary Sewer:** Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service. An inspection chamber (IC) must be installed on the service at the owner's cost. Service upgrades can be provided by the City at the owner's cost. The applicant will be required to sign a Third Party Work Order for the cost of the service upgrade. For estimate inquiry's please contact Sergio Sartori, by email [ssartori@kelowna.ca](mailto:ssartori@kelowna.ca) or phone, 250-469-8589.

**Development Permit and Site Related Issues:** The maximum driveway width entering Yates road is 6 metres. On-site parking modules must meet bylaw requirements.

**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.

### 6.3 Fire Department

An unobstructed and easily distinguishable firefighter access from the street to the secondary detached suite main entrance is required. The addresses for both residences are to be visible from Yates Rd.

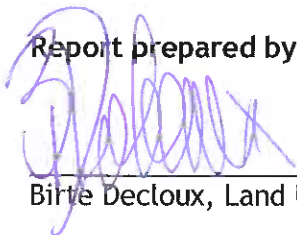
### 6.4 Bylaw Services

No Comment

## 7.0 Application Chronology

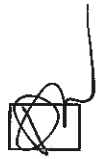
Date of Application Received: May 23, 2012

Report prepared by:



Birte Decloux, Land Use Planner

**Reviewed by:**



Danielle Noble Manager, Urban Land Use

**Approved for Inclusion:**



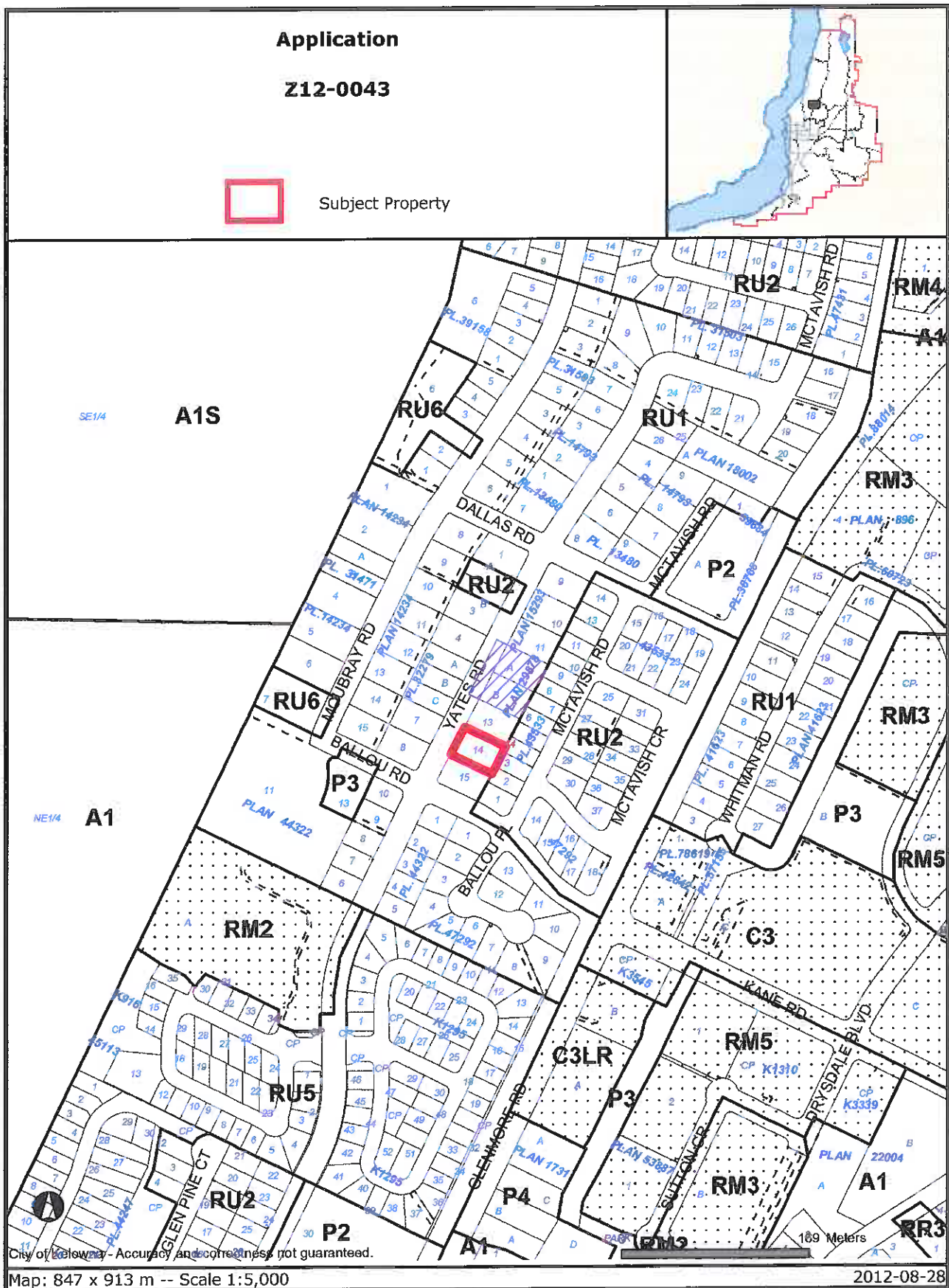
Shelley Gambacort, Director, Land Use Management

*for:*

**Attachments:**

- Site Plan & Floor plans
- Conceptual Elevations
- Context/Site Photos
- Statement of intent



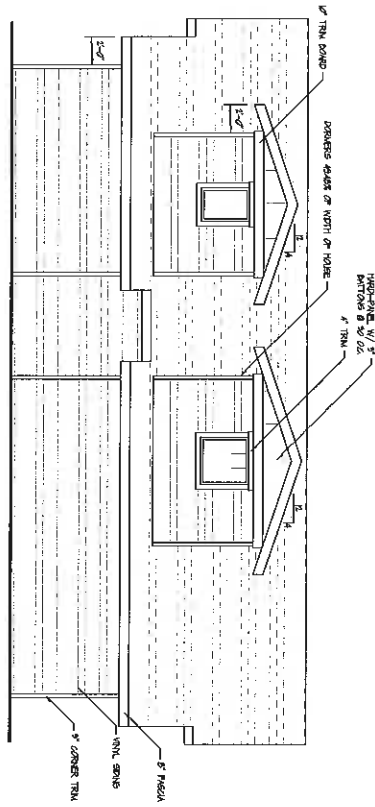


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
The City of Kelowna does not guarantee its accuracy. All information should be verified.

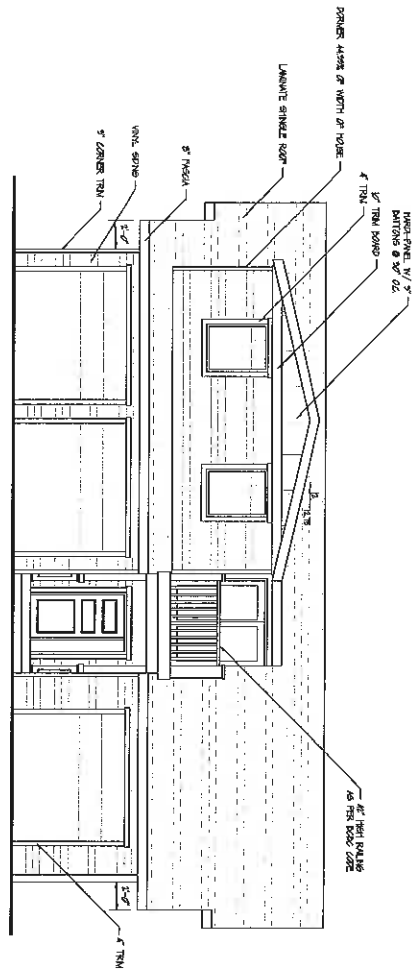




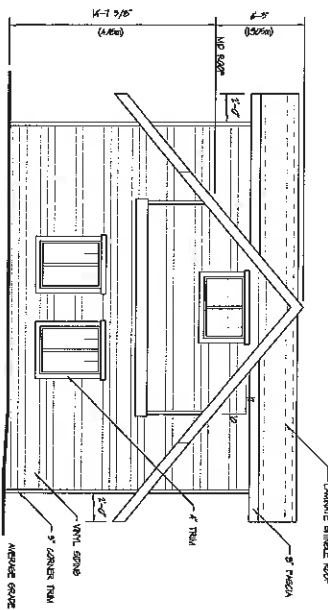
**REAR ELEVATION**  
1/4" = 1'-0"



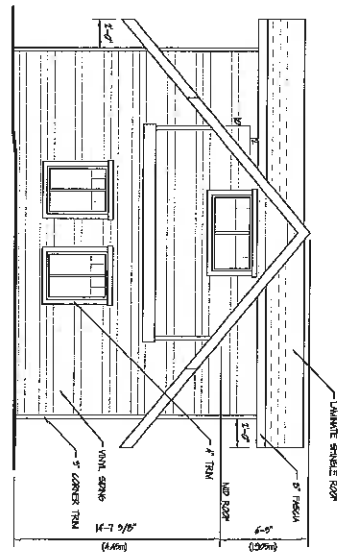
**FRONT ELEVATION**  
1/4" = 1'-0"



**LEFT ELEVATION**  
1/4" = 1'-0"



**RIGHT ELEVATION**  
1/4" = 1'-0"



**CARRIAGE HOME  
FOR \* IGEL \***

**OASIS DESIGN**

200-450 LINDSEY ROAD 868-2275 PALM BEACH GARDEN, FL 33418

DESIGNED BY: JAMES W. HAASDYK

DATE: MAY 2, 2002

**ELEVATIONS**

**391 YATES ROAD**

SCALE: AS NOTED | DRAWING NUMBER: 02-720-002 | REVISION:

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**PICTURES OF CURRENT HOUSE – 391 YATES RD. KELOWNA, BC**



**Front of House (facing Yates)**



**West Side (touching 372 Yates)**



**East Side (touching 385 Yates)**



**Front of Garage (facing rear of existing house)**



**Rear of Garage (facing McTavish)**

## STATEMENT OF INTENT

This rezoning application is to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 14, Section 32, Twn 26, Plan 15293 ODYD, located at 391 Yates Road., Kelowna B.C. from the RU1 - Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone.

Our intention for the rezoning of the subject property is to allow a secondary suite in an existing accessory building.

The subject property is located in the area known as Glenmore in the City of Kelowna. The surrounding area is characterized by urban residential development and encompasses RU1 and RU2 land designations.





The 5 lots that are adjacent to the property are 397 and 385 Yates Rd and 396, 394 and 392 McTavish Rd.



The current use of the property is single family large lot residential. The development on this property will be the renovation of an existing building (garage) which is proposed to contain a secondary suite above. The intent is for the applicants, Terry and Lynae Igel, to be residing in the existing home, with Terry's retiring parents Dennis and Darlene Igel residing within the proposed secondary suite





Existing landscape is comprised primarily of grass and cedars. Lattice work and/or cedars will be used to define two separate yards.

The lot dimension are 41.209m (d) by 27.7m (w) which is considerably larger than the minimum requirements for an RU1 or RU1s designation as outlined in Section 13.1.5 of Zoning Bylaw No. 8000 (see completed zoning chart attached). The subject property is approx .50 acres of land and is a flat, private lot. All services are at the lot line and include: water, sewer, hydro, cable and telephone. The existing dwelling is also using all of the above services.

The existing building, as graphically depicted on the attached site plan and elevation drawings, meet all the development regulations as outlined in Section 13.1.6 in Zoning Bylaw No. 8000. Also of note is the ample availability of parking which exceeds the minimum requirements. The applicants have engaged Oasis Design (ph: 868-2275) for the necessary building designs.