

REPORT TO COUNCIL



Date: October 5, 2012
To: City Manager
From: Land Use Management, Community Sustainability (BD)
Application: Z10-0044 **Owner:** Nathan Morden
Address: 120 Homer Road **Applicant:** Nathan Morden
Subject: Rezoning Extension
Existing Zone: RU1 - Large Lot Housing
Proposed Zone: RM1 - Four Dwelling Housing
Existing Future Land Use: Multiple Unit Residential - Low Density

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, 2012 to March 21, 2013.

2.0 Purpose

The extension is required to allow additional time to legalize an existing four-plex by rezoning the subject property from the RU1 - Large Lot Housing zone to the RM1 - Four Dwelling Housing zone. The rezoning necessitates a Development Variance Permit to legalize the existing building footprint.

3.0 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 handwritten signature or mark, possibly initials, located at the bottom right of the page.

- 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 property was recently sold to a new owner. The new owner wishes to have this application remain open for an additional six months from the current deadline to allow for more time to finance the outstanding requirements, including Development Engineering and Building & Permitting. 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 being requested by the new property owner, further extensions would likely not be supported.

Report prepared by:



Birte Decloux, Land Use Planner

Reviewed by:



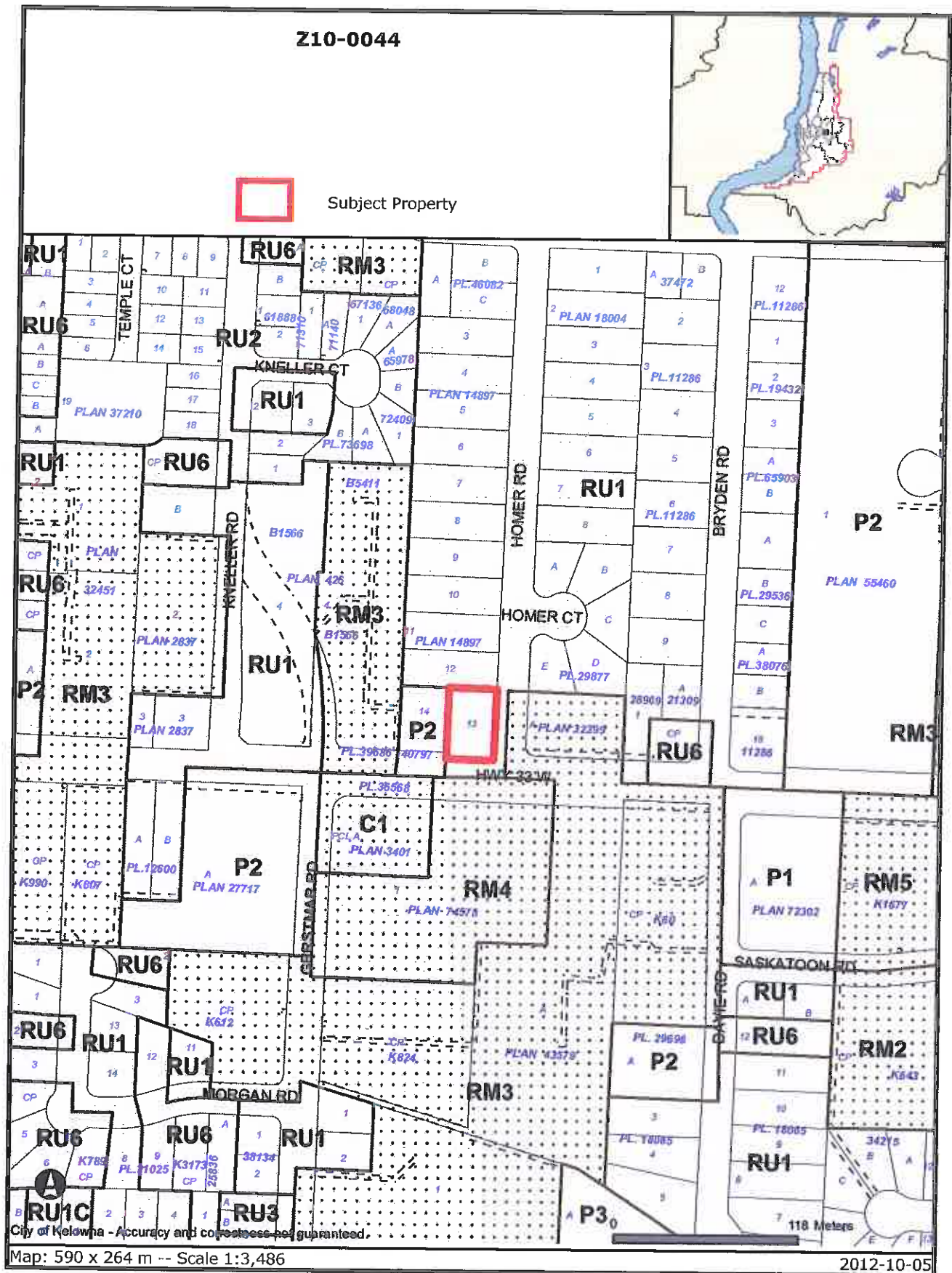
Danielle Noble, Manager, Urban Land Use Branch

Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

/hb



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.