

REPORT TO COUNCIL



Date: April 29, 2019

RIM No. 1250-30

To: City Manager

From: Community Planning Department (DS)

Application: Z18-0047 **Owner:** Thomas Brown

Address: 4480 Walker Road **Applicant:** Thomas (Michael) Brown

Subject: Rezoning Application

Existing OCP Designation: S2RES – Single/Two Unit Residential

Existing Zone: RU1 – Large Lot Housing

Proposed Zone: RU1 – Large Lot Housing
RU2 – Medium Lot Housing

1.0 Recommendation

THAT Rezoning Application No. Z18-0047 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of Lot 1 District Lot 167 ODYD Plan 16858, located at 4480 Walker Road Kelowna, BC from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone NOT be considered by Council.

2.0 Purpose

To consider a Staff recommendation to NOT rezone portions of the subject property to facilitate a two-lot subdivision requiring a variance.

3.0 Community Planning

The application to Council is to amend the zone of a portion of the subject property to permit a two-lot subdivision of the residential parcel. The proposed subdivision would require a variance to lot depth. As such, this report will detail the zone amendment, subdivision details, and a brief explanation of the variance required to complete the subdivision.

Community Planning does not support the request for rezoning of a portion of the subject parcel to complete a two-lot subdivision that would require a lot depth variance. Variances to lot depth or width are rarely supported by Community Planning. Rare rationale for support include protection of sensitive natural environments or a small request such as 0.7 m or 0.5 m variances. The variance required to complete a subdivision on the subject parcel is to request a lot depth 4.3 m less than the required minimum. Kelowna's OCP does not have policy for supporting subdivision of lots that do not meet the required lot sizes unless

rationale such as natural environment protection is achieved. Further explanation of Kelowna's policies and Staff rationale are detailed in Section 4.2 of this report.

4.0 Proposal

4.1 Background

The subject parcel is located in a neighbourhood of RU1 zone, Single/Two Unit Residential designation. The area of large lot housing contains average lot sizes of 22 m width and 34.0 – 40.0 m depth. The subject parcel and many parcels to the east were constructed in the 1960's. Many other homes in the neighbourhood were constructed between 1970 and 1989. As such, this neighbourhood has seen applications to subdivide, rezone and reconstruct new single and two unit residential dwellings.

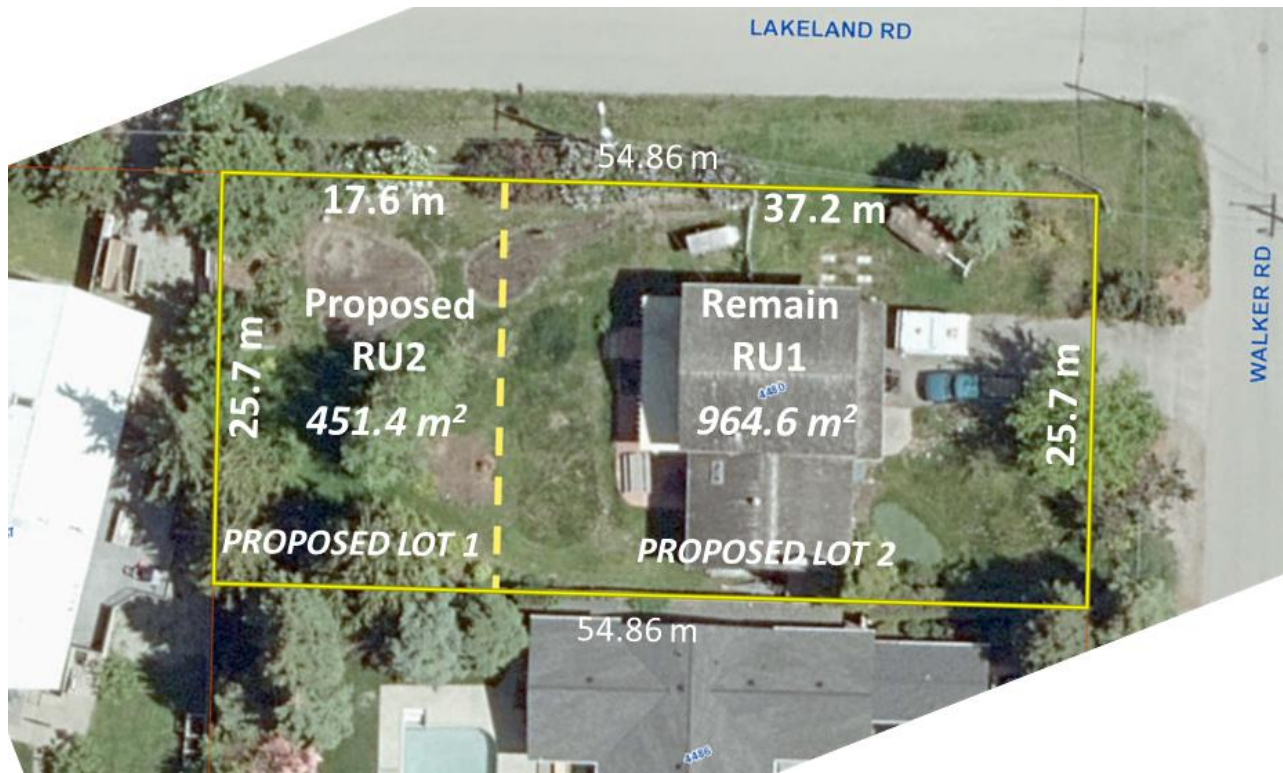
Subject Property Map: 4480 Walker Road



4.2 Project Description

The applicant is proposing to retain the existing 1968 single family dwelling, and redevelop only in an area of the rear yard. The applicant seeks to create a two-lot subdivision that would result in one RU1 zoned lot, and one RU2 zoned lot. The proposed subdivision does not meet the minimum lot dimensions for an RU2 zoned lot.

Proposed Lot 1, to be rezoned to the RU2 zone is designed to be 17.6 m in width, and 25.7 m in depth. Required RU2 zoned lots must meet a minimum of 13.0 m width, and 30.0 m depth. Zoning Bylaw No. 8000 requires a minimum lot depth requirement of 30.0 m in every zone with the exception of two hillside zones.

Subject Property Map: Proposed Two Lot Split & Rezoning

Subdivisions requiring variances (lot width or depth) require strong rationale for Staff to consider support. The rationale provided by the applicant was reviewed by staff and deemed insufficient to warrant support for the application. The existing neighbourhood consists of parcel that average approximately 930 m² in area. While the four parcels along Walker Road exceed this average, subdividing the parcels requires a reduced lot depth, which will create parcels that are not in keeping with the existing neighbourhood.

The Official Community Plan (OCP) has an objective of ensuring that subdivision design respects the existing neighbourhood context. Community Planning has concerns that this application could set a precedent and if this application and variance are supported, the same rationale would be applied for the remainder (proposed lot 2) of the subject property. This would result in another two-lot subdivision creating RU2 zoned lots with 4.3 m lot depth variances.

Although the subject property is large for the RU1 zone, it does not meet the subdivision regulations required for two RU1 zoned lots, or 2 RU2 zoned lots. There is opportunity to redevelop the subject parcel under the RU6 zone. This would allow a new semi-detached dwelling or two new detached dwellings to be constructed on the property. Secondary suites would not be permitted in two dwellings under the RU6 zone.

4.3 Zoning Analysis Table

Zoning Analysis Table			
CRITERIA	RU ₂ ZONE REQUIREMENTS	Lot 1 RU ₂ PROPOSAL	Lot 2 RU ₁ PROPOSAL
Subdivision Regulations			
Lot Area	400 m ²	451.4 m ²	964.6 m ²
Lot Width	13.0 m	17.6 m	25.7 m
Lot Depth	30.0 m	25.7 m ①	37.2 m
Development Regulations			
Site Coverage	40 %		22 %
Height	9.5 m or 2.5 storeys	m	2 storeys
Front Yard	4.5 m 6.0 m to garage	m	13.0 m
Side Yard (west)	1.8 m	m	2.3 m
Side Yard (east)	1.8 m	m	6.0 m
Rear Yard	7.5 m	m	11.2 m
Other Regulations			
Minimum Parking Requirements	2	2	2
① Indicates a requested variance to the RU ₂ zone Lot Depth from 30.0 m to 25.7 m (4.3 m variance).			

4.4 Site Context

4480 Walker Road is located in the North Mission-Crawford sector of Kelowna. The parcel is 1,415 m² in size and fronts Walker Road with Lakeland Road as a flanking street. The parcel and neighbouring parcels are within a Natural Environment Development Permit Area for vulnerable groundwater aquifers. The parcel is within 650 m of an elementary school and 1.1 km of neighbourhood commercial along Lakeshore Road.

Adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU ₁	Single Family Dwelling
East	RU ₁	Single Family Dwelling
South	RU ₁	Single Family Dwelling
West	RU ₁	Single Family Dwelling

5.0 Current Development Policies

5.1 Kelowna Official Community Plan (OCP)

Kelowna's OCP does not have supporting policies for this application.

6.0 Technical Comments

6.1 Development Engineering Department

See attached Development Engineering Memorandum for required upgrades.

7.0 Application Chronology

Date of Application Received: May 1, 2018

Date Public Consultation Completed: July 3, 2018

8.o Alternate Recommendation

THAT Rezoning Application No. Z18-0047 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of portions of Lot 1 District Lot 167 ODYD Plan 16858, located at 4480 Walker Road Kelowna, BC from the RU1 – Large Lot Housing zone to the RU2 – Medium Lot Housing zone. as shown on Map “A” attached to the Report from the Community Planning Department dated November 19, 2018, be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the outstanding conditions of approval as set out in Schedule “A” attached to the Report from the Community Planning Department dated November 19, 2018;

AND THAT final adoption of the Rezoning Bylaw be considered subsequent to the issuance of a Preliminary Layout Review Letter by the Approving Officer;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council’s consideration of a Development Variance Permit for the subject property.

Report prepared by: Tracey Hillis, Planner

Reviewed by: Dean Strachan, Suburban and Rural Planning Manager

Approved for Inclusion: Ryan Smith, Community Planning Department Manager

Attachments:

Alternative Recommendation Map A: Rezoning Map

Alternative Recommendation Schedule A: Development Engineering Memorandum