

REPORT TO COUNCIL



Date: 11/2/2015
RIM No. 0940-50 / 0940-40
To: City Manager
From: Community Planning (AC)
Application: Z13-0038 **Owner:** Aldo & Wilma Clinaz
Address: 721-725 Francis Ave **Applicant:** Lynn Welder Lalonde
Subject: Rescindment of Rezoning
Existing OCP Designation: MRL - Multiple Unit Residential (Low Density)
Existing Zone: RU6 - Two Dwelling Housing
Proposed Zone: RM1 - Four Dwelling Housing

1.0 Recommendation

THAT Council receives, for information, the Report from the Community Planning Department dated November 2, 2015 with respect to Rezoning Application No. Z13-0038 for Strata Lots 1 and 2, District Lot 136, ODYD, Strata Plan KAS1005 together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown in Form 1, located on 721-725 Francis Avenue, Kelowna, BC.

AND THAT Bylaw No. 10933 be forwarded for rescindment consideration and the files be closed.

2.0 Purpose

To rescind Rezoning Bylaw No. 10933 and to direct staff to close the file.

3.0 Community Planning

A duplex to fourplex conversion involves comprehensive renovations which the applicant was surprised to discover including fire separation upgrades and separate mechanical units per dwelling unit. This file was initiated through bylaw enforcement and the current owner purchased the illegal fourplex from the previous owner who converted the structure without permits. The file has received a one year extension which was due on October 15th 2015. The applicant chose to close the file and return the structure back to a duplex rather than complete the necessary final conditions to legalize the fourplex. Once this file is closed, the owner will need to submit a decommissioning building permit to return the duplex to its original form.

4.0 Proposal

4.1 Background

The structure on site that presently contains four dwelling units was originally permitted as a duplex in 1991. At some point after its original construction, the building was illegally converted into a fourplex. While staff suspects that the fourplex has been operating illegally for several years, City of Kelowna Bylaw Services staff only became formally involved as of February, 2013. Following action by Bylaw staff, a formal application to legalize the fourplex was made in October, 2013.

The original application required two variances: to increase the maximum site coverage for buildings, driveways and parking areas from 50% permitted to 57% proposed, and to permit vehicular access from the lane as well as the fronting street. Council had only approved first, second and third readings of the rezoning application. If the applicant chose to proceed with the legalization of the fourplex then a Development Permt and Development Variance Permit would have been brought forward for Council’s consideration.

4.2 Site Context

The subject property is located on the south side of Francis Avenue, approximately 20m east of its intersection with Richter Street. The surrounding area is characterized by a mix of single dwelling housing, duplex housing, and low density multiple dwelling housing.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RU6 - Two Dwelling Housing	residential
East	RU6 - Two Dwelling Housing	residential
South	RU6 - Two Dwelling Housing	residential
West	RU6 - Two Dwelling Housing	residential

Subject Property Map: 721 - 725 Francis Ave.



5.0 Application Chronology

Date of Application Received: October 10, 2013
First Reading Received: March 24, 2014
Public Hearing: April 15, 2014
Meeting for Extension Request: May 25, 2015

Report prepared by:

Adam Cseke, Urban Planner

Reviewed by:

Terry Barton, Urban Planning Manager

Approved for Inclusion

Ryan Smith, Community Planning Manager

Attachments:

none