

# REPORT TO COUNCIL



**Date:** December 12, 2016  
**RIM No.** 1250-30  
**To:** City Manager  
**From:** Community Planning Department (TB)

**Application:** Z16-0056  
**Owner:** Robert Arnold Anderson  
Lynn Marguerite Anderson  
Alexander Richard Kramar  
Margaret Susan Kramar  
**Address:** 2273-2275 Aberdeen Street  
**Applicant:** Robert Arnold Anderson  
Alexander Richard Kramar

**Subject:** Rezoning Application  
**Existing OCP Designation:** MRL - Multiple Unit Residential  
**Existing Zone:** RU6 - Two Dwelling Housing  
**Proposed Zone:** RM1 - Four Dwelling Housing

---

## 1.0 Recommendation

THAT Rezoning Application No. Z16-0056 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Strata Lot 1, District Lot 136, ODYD, Strata Plan KAS3174 Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form V; and Strata Lot 2, District Lot 136, ODYD, Strata Plan KAS3174 Together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form V, located at 2273-2275 Aberdeen Street, Kelowna, BC from the RU6 - Two Dwelling Housing zone to the RM1 - Four Dwelling Housing zone, 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 September 30, 2016;

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

## 2.0 Purpose

To rezone the subject property from RU6 - Two Dwelling Housing to RM1 - Four Dwelling Housing to legalize 2 existing dwellings on the rear of the subject property (4 dwellings total).

## 3.0 Community Planning

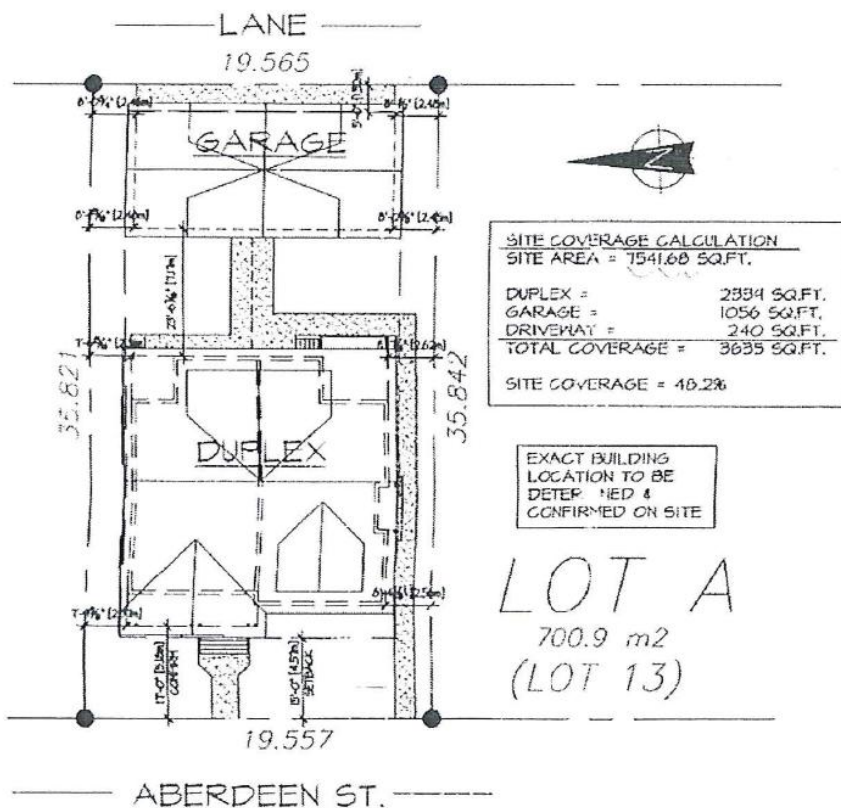
Community Planning supports the proposed rezoning as it is consistent with the Official Community Plan (OCP) Future Land Use Designation of Multiple Unit Residential Low Density (MRL). The proposal is also consistent with OCP Urban infill policies of Sensitive Infill and Compact Urban Form. The rezoning will allow for 2 existing rental units to be legalized for a total of 4 dwellings on the subject property.

The proposal requires 1 rear yard setback variance, and 1 parking variance from 6 stalls required to 4 stalls provided. The property is located approximately 2 blocks north of the proposed RU7 - Sensitive Infill Zone, which only requires 1 parking stall per dwelling.

## 4.0 Proposal

### 4.1 Background

The subject property is zoned RU6 - Two Dwelling Housing and was developed with 2 dwellings and a detached four-bay garage with two bonus rooms above in 2006. The garage was constructed such that one half of the garage belonged to each side of the duplex on the front of the property.



Under previous ownership, the bonus rooms above the garages were converted into dwellings and used as rental units. The new owners purchased the property in 2014 and continued to rent the

units until a bylaw complaint in 2016. Staff have been working with the applicants over the past several months to propose a solution that would allow the dwellings to be legalized and preserve rental units in an urban area. The proposal is of a similar configuration that staff would anticipate to see in the proposed RU7 - Sensitive Infill Zone, however the applicants have proposed RM1 so as to comply with current OCP Future Land Use.

#### 4.2 Project Description

The subject property currently contains 2 strata units. The strata is considered a building strata which means the lot remains common property. This is why the rezoning is possible as the property is still considered one single lot. Under the current OCP guidelines further stratification of the property would not be possible because the rental vacancy rates remain under 3%; therefore, the applicants propose to continue to use the dwellings as rental units.

The building at the rear of the property features a 4 bay garage split evenly between the two strata units. The RM1 zone allows for four dwellings on the subject property, which will exist in 2 duplex structures.

The existing dwellings on the rear of the property are located above the garages, are modest in size, and are accessed through the garages. The property meets the requirements for private outdoor space, and all existing vegetation will be preserved. There are no changes to the dwellings proposed at this time.

#### 4.3 Variances

The applicants have applied for 2 variiances pertaining to rear yard setback and parking. These variiances were not required under the existing zoning of RU6 for a duplex, however the rezoning to RM1 and the legalization of the two rear dwellings changes the requirements. A rear yard setback variance from 6.0 m required to 1.54 m proposed is requested. The structure meets the setbacks for an accessory building, however it does not meet the setbacks for two dwelling housing.

The applicants have also applied for a parking variance from 6 stalls required to 4 proposed. Due to the site layout there is no opportunity to provide the additional 2 stalls as required. The applicants have stated that due to the relatively small size of the rental units, and the close proximity to services and transit, many potential tenants may not own vehicles. Additionally, it is worth noting that the proposed RU7 zone area that will exist approximately 2 blocks away would only require 4 parking stalls for 4 dwellings.

#### 4.4 Site Context

The property is located on the east side of Aberdeen Street, just north-east of Rose Avenue and Richter Street. It is several blocks north of the newly proposed RU7 zone area. The property is near an active transportation corridor on Ethel St, and is within walking distance to the Kelowna General Hospital. The property has a walkscore of 51, meaning that it is somewhat walkable.

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: 2273-2275 Aberdeen Street



4.5 Zoning Analysis Table

Zoning Analysis Table		
CRITERIA	RM2 ZONE REQUIREMENTS	PROPOSAL
Existing Lot/Subdivision Regulations		
Lot Area	1000 m <sup>2</sup>	701.6 m <sup>2</sup>
Lot Width	30.0 m	19.6 m
Lot Depth	30.0 m	35.8 m
Development Regulations		
Height	9.5 m	4.3 m
Side Yard (south)	2.5 m	2.6 m
Side Yard (north)	2.5 m	2.5 m
Rear Yard	6.0 m	1.5 m <sup>①</sup>
Other Regulations		
Minimum Parking Requirements	6 stalls	4 stalls <sup>②</sup>
Private Open Space	25 m <sup>2</sup> per dwelling	Meets requirement
<sup>①</sup> Indicates a requested variance from 6.0 m required to 1.5 m existing <sup>②</sup> Indicates a requested variance from 6 parking stalls required to 4 parking stalls existing		

## 5.0 Current Development Policies

### Kelowna Official Community Plan (OCP)

#### Development Process

**Compact Urban Form.**<sup>1</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.

**Sensitive Infill.**<sup>2</sup> Encourage new development or redevelopment in existing residential areas to be sensitive to or reflect the character of the neighbourhood with respect to building design, height and siting.

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

- Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.
- Operable bedroom windows required as per the 2012 edition of the British Columbia Building Code (BCBC 12).
- The drawings submitted for Building Permit application is to indicate the method of fire separation between the suites.
- Range hood above the stove and the washroom to vent separately to the exterior of the building. The size of the penetration for this duct thru a fire separation is restricted by BCBC 12, so provide size of ducts and fire separation details at time of Building Permit Applications.
- A fire rated exit stairwell is required from the suite to the exterior c/w fire rated doors that open into the stairwell and a fire rating on the bottom of the stairs. Please provide these details on the building permit drawing sets.
- Full Plan check for Building Code related issues will be done at time of Building Permit applications.

### 6.2 Development Engineering Department

6.1 Please see attached Schedule "A" dated September 30, 2016

### 6.3 Fire Department

- Ensure access to both homes is maintained from Aberdeen and that both homes have an address off of Aberdeen.

---

<sup>1</sup> City of Kelowna Official Community Plan, Policy 5.2.3 (Development Process Chapter).

<sup>2</sup> City of Kelowna Official Community Plan, Policy 5.22.6 (Development Process Chapter).

## 7.0 Application Chronology

Date of Application Received: August 22, 2016  
Date Public Consultation Completed: November 17, 2016

**Report prepared by:** Trisa Brandt, Planner I  
**Reviewed by:** Terry Barton, Urban Planning Manager  
**Reviewed by:** Ryan Smith, Community Planning Department Manager  
**Approved for Inclusion:** Doug Gilchrist, Divisional Director, Community Planning & Real Estate

### **Attachments:**

Schedule "A": dated September 30, 2016  
Site Plan  
Elevations and Floor Plans  
Context/Site Photos