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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** January 31, 2001

**File No.:** Z00-1061

**To:** City Manager

**From:** Planning and Development Services Department

**Subject:**

APPLICATION NO. Z00-1061

OWNER: WADE BENNER

AT: 640 SEAFORD RD.

APPLICANT: WADE BENNER

PURPOSE: TO REZONE THE SUBJECT PROPERTY FROM THE RU1 – LARGE LOT HOUSING ZONE TO THE RU1s ZONE – LARGE LOT HOUSING WITH SECONDARY SUITE ZONE TO PERMIT THE CONTINUED USE OF A SECONDARY SUITE IN THE BASEMENT OF THE HOUSE

EXISTING ZONE: RU1 – LARGE LOT HOUSING

PROPOSED ZONE: RU1s ZONE – LARGE LOT HOUSING WITH SECONDARY SUITE

REPORT PREPARED BY: KIRSTEN G. BEHLER

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**1.0 RECOMMENDATION**

THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 23, Sec. 23, Twp. 26, O.D.Y.D., Plan 24631, located on Seaford Road, Kelowna, B.C., from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone;

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

AND FURTHER THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Inspection Services Department being completed to the Department's satisfaction.

**2.0 SUMMARY**

The applicant seeks to rezone his property from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone to legalize the use of a secondary suite located in the basement of the building.

**3.0 BACKGROUND**

### 3.1 The Proposal

The subject property is located in Rutland, between Belgo Road and Seaford Road, just north of Springfield Road. The lot is zoned RU1 – Large Lot Housing. The purpose of this zone is to provide for single detached housing as a principal use, and compatible secondary uses on larger serviced urban lots. Secondary suites are allowed on lots with RU1s – Large Lot Housing with Secondary Suite zoning.

The subject lot is a through lot that fronts on Belgo Road to the west and Seaford Road to the east. The main access to the house and the driveway is located at the Seaford Road frontage. The 1½ storey house consists of the main dwelling and a basement with a finished suite. Access to the main dwelling is located at ground level at the front of the house. Due to the slope of the lot to the west, the main access to the suite is at ground level at the back of the house. An exterior staircase leads from the carport to the main door of the suite. A door located in the living room of the suite connects the suite to the main dwelling via a staircase, and furthermore provides access to the shared laundry room.

The applicant purchased the house with the finished secondary suite in the basement. He would now like to legalize the secondary suite in order to continue renting it out.

The application meets the requirements of the RU1s – Large Lot Housing with Secondary Suite zone as follows:

CRITERIA	PROPOSAL	RU1s ZONE REQUIREMENTS
Lot Area (m <sup>2</sup> )	1133m <sup>2</sup>	550m <sup>2</sup>
Lot Width (m)	26.2m	16.5m
Lot Depth (m)	42.6m	30.0m
Site Coverage (%)	12.3% 27%	40% (building and carport) 50% (with driveway and parking)
Total Floor Area (m <sup>2</sup> ) - existing house - secondary suite	219.2m <sup>2</sup> 67.9m <sup>2</sup> (31% of total floor area of building)	N/A 90m <sup>2</sup> or 40% of the total floor area of the principal building
Storeys (#)	1 ½ storeys	2 ½ storeys / 9.5m
Setbacks (m)		
- Front	10.4m	4.5m (6.0m for carport)
- Rear	22.0m	7.5m
- Side	2.3m	2.0m
Parking Spaces	3	3

### 3.2 Site Context

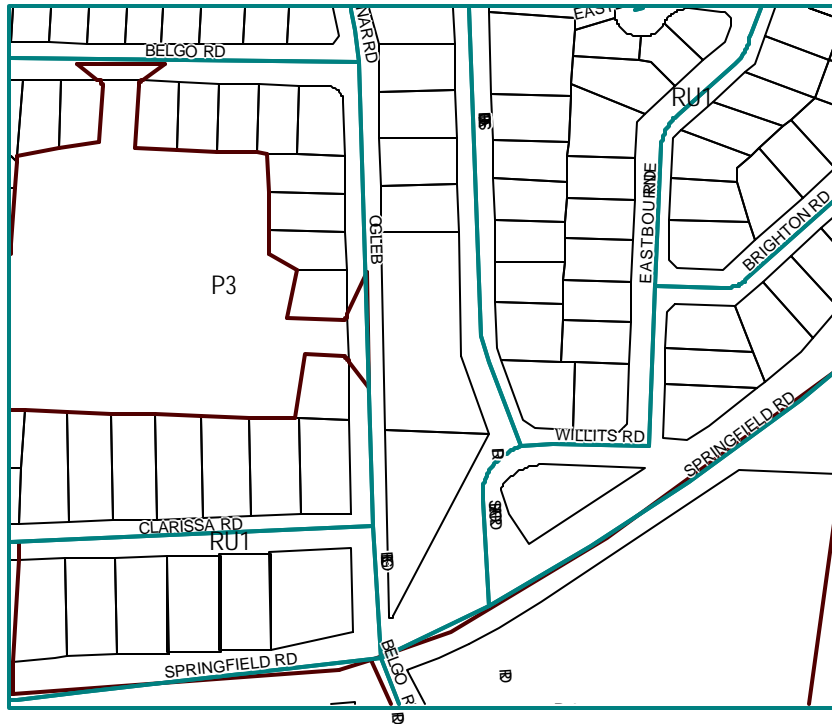
The subject property is located in Rutland, approximately one block north of Springfield Road, between Belgo and Seaford Roads. The area is predominantly zoned RU1 – Large Lot Housing, and the majority of lots are used for single family dwellings. Several sites in the neighbourhood are zoned RU6 – Two Dwelling Housing, and parts of the neighbourhood to the west are zoned for Low Density Multiple Housing (RM3).

At this point, no legal secondary suites exist in the immediate vicinity of the subject property. There have been several complaints regarding illegal secondary suites in the area in recent years.

Adjacent zones and uses are, to the:

- North - RU1 – Large Lot Housing – Single Family Dwelling with Day Care
- East - RU1 – Large Lot Housing – Single Family Dwelling
- South - RU1 – Large Lot Housing – Single Family Dwelling
- West - RU1 – Large Lot Housing – Single Family Dwelling

### Location Map



### 3.3 Existing Development Potential

The property is currently zoned RU1 – Large Lot Housing. The purpose of this zone is to provide for single detached housing as a principal use, and compatible secondary uses, such as bed and breakfast homes, care centres and home based businesses. Secondary suites are permitted on lots with RU1s – Large Lot Housing with Secondary Suite zoning.

### 3.4 Current Development Policy

#### 3.4.1 Kelowna Official Community Plan

The proposal is consistent with the “Single/Two Family Residential” future land use designation in the Official Community Plan. This designation covers single detached homes for occupancy by one family, single detached homes with a secondary suite, semi-detached buildings used for two dwelling units, and complementary uses (OCP, Chapter 15).

In addition, the Official Community Plan encourages secondary suites as a form of rental or affordable housing and as an effective tool to increase densities in existing neighbourhoods without major impacts on the form and character of the neighbourhood (Section 4.6.18).

#### 3.4.2 City of Kelowna Strategic Plan (1992)

One of the objectives of the Strategic Plan is “to develop a more compact urban form by increasing densities through infill and re-development within existing urban areas and to provide for higher densities within future urban areas” (Objective 1.1). The proposal is consistent with this objective and with its accompanying strategies.

#### 3.4.3 Rutland Sector Plan (1997)

The application is consistent with the Rutland Sector Plan, which supports the use of secondary suites (Policy 4.5.8). Furthermore, the plan contains the objective of encouraging “the provision of a housing mix that accommodates people in all age groups and life cycle stages” (1.3 Population Objectives), as well as the policy to “support the continued infill of low density single/two family housing within existing neighbourhoods not selected for redevelopment to higher densities” (Policy 4.6.7).

### 4.0 TECHNICAL COMMENTS

The application has been submitted to various technical agencies and City departments, and the following relevant comments have been submitted:

#### 4.1. Inspection Services Department

- 4.1.1. The door between the suite and the main residence shall have a 20 min. rating.
- 4.1.2. Complete the fire separation of the living room, 1/2" gypsum board required on both sides of wall.
- 4.1.3. Interconnected photoelectric smoke alarms are required in each suite, plus an additional smoke alarm in each suite.
- 4.1.4. The fire separation of the common area at the stair shall be completed, 1/2" gypsum board required on both sides of wall.
- 4.1.5. The bedroom must have openable windows. Size to be minimum 5% of floor area and minimum 380 mm (15") in height and width AND .35 m<sup>2</sup> (3.75 sq.ft.) openable area. The bottom of the window shall be a maximum of 1.5 m (5' 0") above the floor (a permanent step is permitted when upgrading an existing suite).
- 4.1.6. The heating systems shall be separate.

#### 4.2 Bylaw Enforcement Officer

An open illegal suite file, initiated by a complaint, exists for the subject property (No. 00-3218 c/o BLEO Gavin, August 2000). In recent years, the department has received several complaints regarding illegal secondary suites in this area.

#### 4.3 Works and Utilities Department

#### 4.1. Domestic Water and Fire Protection

This development is within the Black Mountain Irrigation District (BMID). The Department recommends the installation of a second water service to the subject property. The applicant is required to talk to BMID to make the necessary arrangements for these items, and upgrading costs are to be paid directly to the BMID.

#### 5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department has no concerns regarding the proposed rezoning of the property from RU1 – Large Lot Housing to RU1s – Large Lot Housing with Secondary Suite. The proposal is consistent with the future land use designation of Single/Two Family Residential use in the Official Community Plan and with the OCP policy on Secondary Suites. It is furthermore consistent with the policies and objectives on housing mix and infill in the Rutland Sector Plan.

The applicant has contacted his neighbours, who were generally in favour of the application. The Planning and Development Services Department recommends Council consider the application favourably, but withhold final adoption of the zoning bylaw until the requirements of the Inspection Services Department have been met to the Department's satisfaction.

Andrew Bruce  
Current Planning Manager

Approved for inclusion

R.L. (Ron) Mattiussi, ACP, MCIP  
Director of Planning & Development Services

KGB/  
Attach.

**FACT SHEET**

1. **APPLICATION NO.:** Z00-1061
2. **APPLICATION TYPE:** Rezoning
3. **OWNER:** Wade Benner  
- **ADDRESS** 640 Seaford Rd.  
- **CITY** Kelowna, BC  
- **POSTAL CODE** V1X 5L4
4. **APPLICANT/CONTACT PERSON:** Same  
- **ADDRESS**  
- **CITY**  
- **POSTAL CODE**  
- **TELEPHONE/FAX NO.:** (250) 860-5550  
(250) 762-3755
5. **APPLICATION PROGRESS:**  
Date of Application: December 29, 2000  
Date Application Complete: December 29, 2000  
Servicing Agreement Forwarded to Applicant: N/A  
Servicing Agreement Concluded: N/A  
Staff Report to Council: January 31, 2001
6. **LEGAL DESCRIPTION:** Lot 23, Plan 24631, Sec. 23, Twp. 26, ODYD
7. **SITE LOCATION:** Rutland, one block north of Springfield Road, between Belgo and Seaford Roads.
8. **CIVIC ADDRESS:** 640 Seaford Road  
Kelowna, BC  
V1X 5L4
9. **AREA OF SUBJECT PROPERTY:** 0.11 ha
10. **AREA OF PROPOSED REZONING:** 0.11 ha
11. **EXISTING ZONE CATEGORY:** RU1 – Large Lot Housing
12. **PROPOSED ZONE:** RU1s - Large Lot Housing with Secondary Suite
13. **PURPOSE OF THE APPLICATION:** To permit the continuing use of a secondary suite in the basement of the house
14. **MIN. OF TRANS./HIGHWAYS FILES NO.:** N/A  
**NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY**

**ATTACHMENTS**

**(not attached to the electronic version of the report)**

- Location of subject property
- Site plan
- Floor plans
- Elevations