
CITY OF KELOWNA

MEMORANDUM

Date: August 22, 2001
File No.: Z01-1038

To: City Manager

From: Planning and Development Services Department

Subject:

APPLICATION NO. Z01-1038
AT: 1930 ABBOTT STREET

OWNER: SHAIDA LANGLEY
APPLICANT: SHAIDA AND JIM LANGLEY

PURPOSE: TO REZONE THE PROPERTY TO ALLOW FOR THE CONSTRUCTION
OF A SECONDARY SUITE IN A BUILDING ADDITION

EXISTING ZONE: RU1 – LARGE LOT HOUSING

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

REPORT PREPARED BY: KIRSTEN G. BEHLER

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of that part Lot 9 shown on Plan B2020, D.L. 14, ODYD, Plan 1782, located on Abbott Street, 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 THAT final adoption of the zoning bylaw be considered in conjunction with Council's consideration of Major Heritage Alteration Permit HAP01-10,009.

2.0 SUMMARY

The applicant seeks to rezone the subject property from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone to permit the construction of a secondary suite on the top floor of a two-storey building addition. The building addition will require a reduction of the required rear yard from 7.5m to 2.3m. Since the subject property is located in the Abbott Street Heritage Conservation Area, the variance is dealt with through Major Heritage Alteration Permit HAP01-009, which should be considered by Council concurrently with final adoption of the zone amending bylaw.

The application for a Major Heritage Alteration permit was considered by the Community Heritage Committee on July 31, 2001 and by the Advisory Planning Commission on August 7, 2001. The rezoning application was not part of consideration by the two bodies, and their recommendations are thus not included in this report, but will follow in the Major Heritage Alteration Permit report.

3.0 BACKGROUND

3.1 The Proposal

The subject property is located in the Abbott Street Heritage Conservation Area, at the southwest corner of Abbott Street and Vimy Avenue. Presently, two detached houses exist on the site. The larger house is located on the northern portion of the lot and fronts onto Vimy Avenue. A smaller, one-storey house, which presumably is a former cottage, is located at the southern edge of the lot. The applicants wish to demolish this smaller house in order to make room for an addition to the larger house, which they currently occupy. The building addition will include a secondary suite on the second floor and a three-car garage on the ground floor. Furthermore, the applicants will demolish an existing detached garage.

The two-storey addition will include a three vehicle garage, a family room, a kitchen extension, a nook and a covered patio on the ground floor. On the second floor of the addition, a new bedroom for the main dwelling and a secondary suite on top of the garage will be created. The proposed one-bedroom suite will include an open living/kitchen/dining room area, a bathroom, washer and dryer, as well as a balcony facing Abbott Street. The suite will have access from the elevator located at the south side of the house and a staircase at the Abbott Street elevation.

The proposed addition will require a variance to Zoning Bylaw No. 8000. Per definition, the rear yard is located at the south property line of this nearly square corner lot and should have a minimum of 7.5m depth. However, the proposed addition is oriented towards Abbott Street, which practically turns the southern section of the property into a side yard. Therefore, the applicants wish to reduce the required rear yard from 7.5m to 2.3m. The variance is addressed in Major Heritage Alteration Permit HAP01-009.

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

CRITERIA	PROPOSAL	RU1s ZONE REQUIREMENTS
Lot Area (m ²)	861m ²	550m ²
Lot Width (m)	27.4m	17.0m
Lot Depth (m)	31.4m	30.0m
Site Coverage (%)	34% 48%	40% (building) 50% (with driveway and parking)
Total Floor Area (m ²) - House - Secondary suite	362m ² 88m ²	N/A 90m ² or 40% of the total floor area of the building, whichever is less
Storeys (#)	2 storeys / 8.5m	2 ½ storeys / 9.5m
Setbacks (m)		
- Front	5.9m	4.5m
- Rear	2.3m ❶	7.5m
- West Side	5.3m	2.3m
- East Side	6.0m	4.5m
Parking Spaces	4	3

Notes:

- ❶ The applicant wishes to vary the minimum rear yard requirements from 7.5m to 2.3m under HAP01-009.

3.2 Site Context

The subject property is located in the Abbott Street Heritage Conservation Area. The site is located on the southwest corner of Abbott Street and Vimy Avenue. The neighbourhood is predominantly zoned for single family housing, with several lots being zoned to allow for secondary suites, such as the lot across the street from the subject property. In the past five years, the City of Kelowna received five complaints about illegal suites for a total of three properties in the area.

Adjacent zones and uses are, to the:

- North - RU1s - Large lot housing with secondary suite— single family dwelling with suite
- East - RU1 - Large lot housing – single family dwellings
- South - RU1 - Large lot housing – single family dwelling
- West - RU1 - Large lot housing – single family dwelling

Site Location Map



3.3 Existing Development Potential

The property 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, such as bed and breakfast homes, minor care centres and group homes, as well as home based businesses.

Secondary suites are allowed 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 designation of Single/Two Family Residential in the Official Community Plan future land use designation. The Single/Two Family Residential 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).

The OCP designates the area in which the subject property is located as the Abbott Street Heritage Conservation Area. The purpose of the Heritage Conservation Area designation is to provide objectives and guidelines for the conservation of the areas' heritage resources and distinct character. One of the objectives of Conservation Areas is to encourage additions that are compatible with the form and character of the existing neighbourhood context.

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.

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

The department initially identified the area of the suite as exceeding the allowed maximum size of 90m². The applicant revised his plans accordingly and reduced the suite to less than 90m².

4.2 Works and Utilities

1. Domestic Water and Fire Protection

- (a) This development has two existing 19mm diameter water services and one water meter. This configuration may be retained.

2. Sanitary Sewer

- (a) This development has an existing 100-mm diameter sanitary sewer service that may be extended to service the new residence.
- (b) Utility billing must be informed of this extension, as an additional sewer use charge will apply to this development.

3. Electric Power and Telecommunication Services

As long as additional poles are not being placed as a result of this application the City of Kelowna has no requirements under this section.

4. Survey Monuments and Iron Pins

If any legal survey monuments or property iron pins are removed or disturbed during construction, the developer will be invoiced a flat sum of \$1,200.00 per incident to cover the cost of replacement and legal registration. Security bonding will not be released until restitution is made.

5. Development Permit and Site Related Issues

- (a) The developer must obtain the necessary permits and have all existing utility services disconnected prior to removing or demolishing the existing structures.
- (b) The development will be required to contain and dispose of site generated storm water on the site by installing a ground recharge system consisting of drywells and perforated pipe bedded in drain rock.

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 OCP future land use designation of Single/Two Family Residential use and with OCP policies on Secondary Suites. The fact that the suite includes an elevator for the parents is an added bonus in increasing the accessibility of the proposed suite to any future occupants with mobility impairments.

The variance and all heritage design guideline issues will be dealt with separately in the report that will be submitted for HAP01-009.

Andrew Bruce
Current Planning Manager

Approved for inclusion

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

KGB
Attach.

FACT SHEET

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| 1. APPLICATION NO.: | HAP01-009 |
| 2. APPLICATION TYPE: | Heritage Alteration Permit (Major) |
| 3. OWNER: | Shaída Langley |
| . ADDRESS | 1930 Abbott Street |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1Y 1B9 |
| 4. APPLICANT/CONTACT PERSON: | Shaída and Jim Langley |
| . ADDRESS | 1930 Abbott Street |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1Y 1B9 |
| . TELEPHONE/FAX NO.: | 717-5000 / 860-0016 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | July 19, 2001 |
| Date Application Complete: | July 19, 2001 |
| Servicing Agreement Forwarded to Applicant: | N/A |
| Servicing Agreement Concluded: | N/A |
| Staff Report to Council: | August 22, 2001 |
| 6. LEGAL DESCRIPTION: | Part of Lot 9 shown on Plan B2020, DL 14, ODYD, Plan 1782 |
| 7. SITE LOCATION: | Abbott Street Heritage Conservation Area, southwest corner of Abbott Street and Vimy Avenue |
| 8. CIVIC ADDRESS: | 1930 Abbott Street
Kelowna, BC |
| 9. AREA OF SUBJECT PROPERTY: | 861 m ² |
| 10. AREA OF PROPOSED REZONING: | 861 m ² |
| 11. EXISTING ZONE CATEGORY: | RU1 – Large Lot Housing |
| 12. PROPOSED ZONE: | RU1s – Large Lot Housing with Secondary Suite |
| 13. PURPOSE OF THE APPLICATION: | To rezone the property to allow the construction of a secondary suite in a building addition |
| 14. MIN. OF TRANS./HIGHWAYS FILES NO.:
NOTE: IF LANDS ARE WITHIN 800 m OF A
CONTROLLED ACCESS HIGHWAY | 02-081-19369 |
| 15. DEVELOPMENT PERMIT MAP 13.2
IMPLICATIONS | N/A |

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plan and main floor plan
- Plan of upper floor with suite
- Elevations
- Cross-section
- Photos of existing house
- Schematic drawing of finished building
in relation to existing streetscape