
CITY OF KELOWNA

MEMORANDUM

Date: October 9, 2001
File No.: Z01-1039

To: City Manager

From: Planning and Development Services Department

Subject:

APPLICATION NO. Z01-1039 OWNER: JOHN DEMMERS

AT: 3265 O'REILLY COURT. APPLICANT: JOHN DEMMERS

PURPOSE: TO REZONE THE SUBJECT PROPERTY FROM THE RR3 –
RURAL RESIDENTIAL 3 TO THE RR3s – RURAL
RESIDENTIAL 3 WITH SECONDARY ZONE TO LEGALIZE
AN EXISTING BASEMENT SUITE

EXISTING ZONE: RR3 – RURAL RESIDENTIAL 3

PROPOSED ZONE: RR3s – RURAL RESIDENTIAL WITH SECONDARY SUITE

REPORT PREPARED BY: KIRSTEN G. BEHLER

1.0 RECOMMENDATION

THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 11, Section 16, Township 26, O.D.Y.D., Plan 24733, located on O'Reilly Court, Kelowna, B.C., from RR3 – Rural Residential 3 to RR3s – Rural Residential 3 with Secondary Suite;

AND THAT the zone amending and text amending bylaws be forward to a Public Hearing for further consideration;

AND 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 the subject property from the RR3 – Rural Residential 3 to the RR3s – Rural Residential 3 zone with Secondary Suite zone in order to permit to continuing use of a secondary suite.

3.0 BACKGROUND

3.1 The Proposal

The subject property is located on O'Reilly Court in Southeast Kelowna. The two-storey rancher-style house is positioned in the centre of the corner lot and has its main entrance and driveway off O'Reilly Court.

The secondary suite is located on the ground floor of the house. The entrance to the suite is located at the rear of the house. In addition to one bedroom, the suite consists of a kitchen, a living room and a bathroom. The tenants of the suite have access to a shared laundry room located next to the suite. The ground floor furthermore contains a shop used by the owners of the house and a two-car garage.

Sufficient parking for the main dwelling is provided in the two-car garage and additional parking for the suite is located in a driveway at the rear of the house.

A building scheme is registered on title of the subject property, essentially prohibiting rental units in basement suites. The covenant does not prevent the City of Kelowna from rezoning the property to RR3s. The applicant has been advised of the registered covenant and of the fact that it is his responsibility to act accordingly.

The application meets the requirements of the RR3 – Rural Residential 3 with secondary suite zone as follows:

CRITERIA	PROPOSAL	RR3s ZONE REQUIREMENTS
Lot Area (m ²)	963m ² ❶	1ha
Lot Width (m)	24.4m	20.0m
Lot Depth (m)	39.6m	30.0m
Site Coverage (%)	16.4%	30%
Total Floor Area (m ²) - Existing house - Secondary suite	315m ² 67.7 m ²	N/A 90m ² or 40% of total floor area of house
Storeys (#)	2	2 ½ storeys or 9.5m
Setbacks (m)		
- Front	12.0m	6.0m
- Rear	8.6m	7.5m
- Side		
- West	10.3m	4.5m
- East	5.75m	2.3m
Parking Spaces	3	3 spaces minimum

Notes:

❶ The lot has a non-conforming lot size for the RR3 zone. A text amendment has been forwarded to Council to add a section to the City of Kelowna Zoning Bylaw No. 8000 to permit the rezoning of an undersized lot by adding the "S" designation to the parent zone.

3.2 Site Context

The subject property is located in Southeast Kelowna. It is zoned RR3 – Rural Residential 3. The surrounding neighbourhood is zoned RR3 as well, with one RR2 – Rural Residential 2 zoned lot and A1 – Agriculture 1 zoned lots to the east. To the southwest of the subject property, a number of lots are zoned RU1 – Large Lot Housing, with one RU1s zoned lot allowing a secondary suite. In the past five years, the City has received three complaints regarding illegal suites for three different properties located in the vicinity of the subject property.

Adjacent zones and uses are, to the:

- North - RR3 – Rural Residential 3 – Single Detached Dwellings
- East - RR3 – Rural Residential 3 – Single Detached Dwellings
- South - RR3 – Rural Residential 3 – Single Detached Dwellings
- West - RR3 – Rural Residential 3 – Single Detached Dwellings

3.3 Site Location Map



3.3 Existing Development Potential

The property is zoned RR3 – Rural Residential 3, a zone intended for country residential development and complementary uses, on smaller lots in areas of high natural amenity and limited urban services.

3.4 Current Development Policy

3.4.1 Kelowna Official Community Plan

The property is designated as Single/Two Family Residential in the Official Community Plan. 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 application is therefore consistent with this designation.

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 Southeast Kelowna Sector Plan

The Southeast Kelowna Sector Plan was completed prior to the drafting of the City’s policies on Secondary Suites and thus makes no reference to secondary suites.

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. Bylaw Enforcement Officer

An open investigation file regarding the illegal suite exists for this property (Open File No. 00-2023 – Bylaw Enforcement Officer: Carol-Ann Hunter).

4.2. Works and Utilities Department

Because application is for a suite only, it is recommended that the requirement for sewer be waived.

4.3. Inspection Service Department

- 1) Interconnected smoke alarms required; one required in suite, common area of basement and main floor.
- 2) Separate heating system required.
- 3) Heating grills in the suite are to be removed and the openings drywalled. To ensure the heating system is still balanced and running correctly, the stack temperature and temperature rise on the existing furnace shall be tested.
- 4) Solid core doors required between suite and common area and entrance foyer and common area.

4.4 Public Health Officer

The septic system has been upgraded and approval of this application is recommended.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department has no concerns regarding the proposed rezoning of the property from RR3 – Rural Residential 3 to RR3s – Rural Residential 3 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.

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.: | Z01-1039 |
| 2. APPLICATION TYPE: | Rezoning |
| 3. OWNER: | John and Michelle Demmers |
| . ADDRESS | 3265 O'Reilly Court |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1W 2V6 |
| 4. APPLICANT/CONTACT PERSON: | John Demmers |
| . ADDRESS | As above |
| . CITY | |
| . POSTAL CODE | |
| . TELEPHONE/FAX NO.: | 763-1070 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | August 15, 2001 |
| Date Application Complete: | |
| Servicing Agreement Forwarded to Applicant: | N/A |
| Servicing Agreement Concluded: | N/A |
| Staff Report to Council: | October 9, 2001 |
| 6. LEGAL DESCRIPTION: | Lot 11, Section 16, Twp. 26, ODYD, Plan 24733 |
| 7. SITE LOCATION: | Southeast Kelowna, west of Hall Road and south of O'Reilly Road |
| 8. CIVIC ADDRESS: | 3265 O'Reilly Court
Kelowna, BC |
| 9. AREA OF SUBJECT PROPERTY: | 963m" |
| 10. AREA OF PROPOSED REZONING: | 963m" |
| 11. EXISTING ZONE CATEGORY: | RR3 – Rural Residential 3 |
| 12. PROPOSED ZONE: | RR3 – Rural Residential 3 with Secondary Suite |
| 13. PURPOSE OF THE APPLICATION: | To legalize the continuing use of a secondary suite located 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 | |
| 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
- Floor plans
- Elevation photos