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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** November 20, 2001  
**File No.:** Z01-1046 / TA01-014  
**To:** City Manager  
**From:** Planning and Development Services Department  
**Subject:**

APPLICATION NO. Z01-1046 / OWNER: WILLIAM HALTON  
TA01-014  
AT: 318 ASPEN ROAD APPLICANT: WILLIAM HALTON

PURPOSE: TO REZONE THE SUBJECT PROPERTY FROM THE RR1 –  
RURAL RESIDENTIAL 1 TO THE RR1s – RURAL  
RESIDENTIAL 1 WITH SECONDARY ZONE TO LEGALIZE  
AN EXISTING BASEMENT SUITE  
  
TO AMEND ZONING BYLAW NO. 8000 TO ADD THE “S”  
DESIGNATION TO THE RR1 - RURAL RESIDENTIAL 1  
ZONE

EXISTING ZONE: RR1 – RURAL RESIDENTIAL 1

PROPOSED ZONE: RR1s – RURAL RESIDENTIAL WITH SECONDARY SUITE

REPORT PREPARED BY: KIRSTEN G. BEHLER

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**1.0 RECOMMENDATION**

THAT Zoning Bylaw Text Amendment TA01-014 to amend City of Kelowna Zoning Bylaw No. 8000 by William Halton, as outlined in the report of the Planning and Development Services Department dated November 20, 2001, be considered by Council;

THAT Rezoning Application No. Z01-1046 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6, Section 22, Township 28, SDYD, Plan 18222, located on Aspen Road, Kelowna, B.C. from the RR1 – Rural Residential 1 zone to the RR1s – Rural Residential 1 with Secondary Suite zone be considered by Council;

THAT Zoning Bylaw Text Amendment No. TA01-014 and the zone amending bylaw 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 RR1 – Rural Residential 1 to the RR1s – Rural Residential 1 with Secondary Suite zone in order to permit the continuing use of a secondary suite in the basement of the house. In addition, he has asked the City of Kelowna to amend the text of the RR1 zone to add the “s” designation.

### 3.0 BACKGROUND

#### 3.1 The Proposal

The subject property is located on Aspen Road in Okanagan Mountain. The one-storey house with full basement is located on the western section of the odd-shaped corner lot, with access from Aspen Road.

The approximately 63m<sup>2</sup> large secondary suite is located in the basement of the house, with access via a set of stairs at the northeast side of the house. The one bedroom suite has a full kitchen, a living room and a bathroom. In addition, the suite has its own washer and dryer. The remainder of the basement consists of an open area with fireplace, which is used by the owner, as well as the furnace room.

In addition to the house, a two-car garage and a shed are located on the lot. This garage has been converted to living space and is used by the owner. Parking for the main dwelling and for the tenants of the suite is provided with one stall in front of the garage and two stalls on the east side of the garage.

The RR1- Rural Residential 1 zone currently does not include the “s” designation for secondary suites. The applicant is therefore seeking a text amendment to Zoning Bylaw No. 8000, as outlined in detail in Schedule 1 of this report.

The application meets the requirements of the RR1s – Rural Residential 1 with secondary suite zone as follows:

CRITERIA	PROPOSAL	RR1s ZONE REQUIREMENTS
Lot Area (m <sup>2</sup> )	1935m <sup>2</sup> ❶	1ha
Lot Width (m)	50.4m	40.0m
Lot Depth (m)	51.0m	30.0m
Site Coverage (%)	9.1%	10%
Total Floor Area (m <sup>2</sup> )		
- Existing house	244.1 m <sup>2</sup>	N/A
- Secondary suite	62.8 m <sup>2</sup>	90m <sup>2</sup> or 40% of total floor area of house
Storeys (#)	1 storey	2 ½ storeys or 9.5m
Setbacks (m)		
- Front	3.0 garage ❷	6.0m
- Rear	21.0m	10.0m
- Side		
- West	7.3m	4.5m
- East	5.0m	3.0m
Parking Spaces	3	3 spaces minimum

#### Notes:

- ❶ The lot has a non-conforming lot size for the RR1 zone. Through a text amendment currently in process, the addition of the “s” zone to the parent zone for non-

confirming lot sizes is permitted. This text amendment was given second and third readings by Council at the Regular Meeting of Tuesday, November 13, 2001.

- ② The Board of Variance granted a variance for the reduced front yard in 1992.

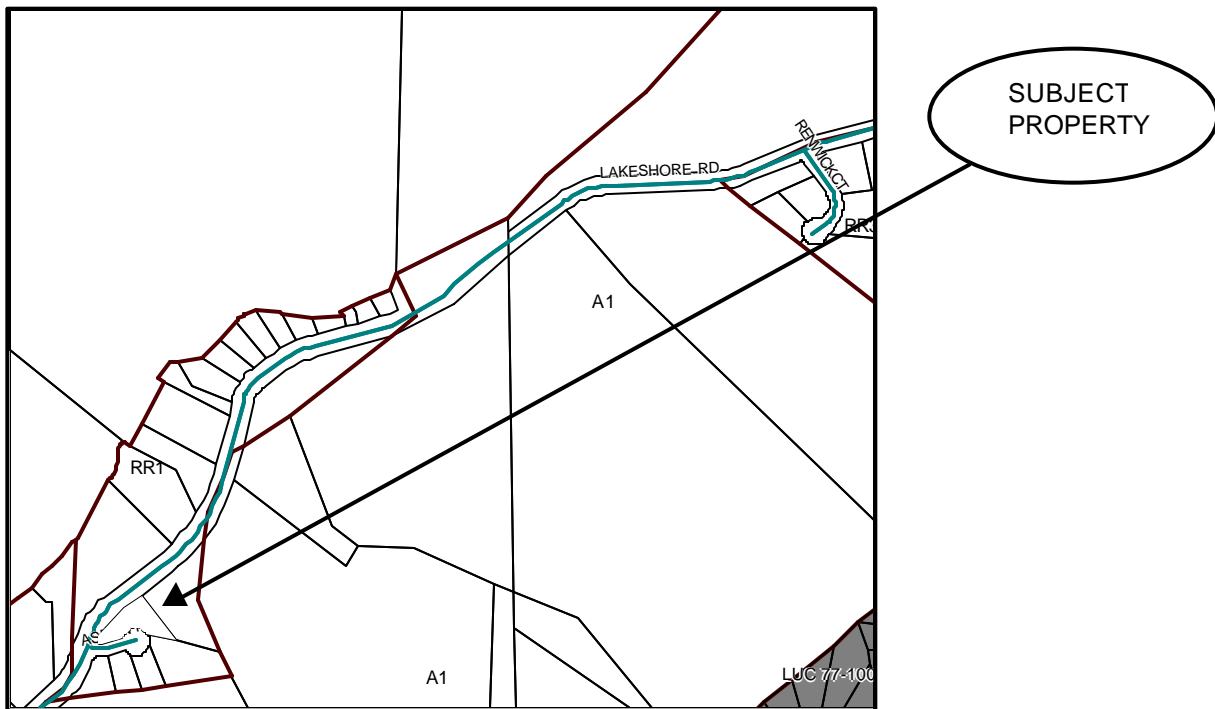
### 3.2 Site Context

The subject property is located in Okanagan Mountain. It is zoned RR1 – Rural Residential 1. The area is predominantly zone for rural residential and agricultural uses. In the past five years, the City of Kelowna received two complaints for illegal suites in the area, both of which were for the subject property.

Adjacent zones and uses are, to the:

- North - RR1 – Rural Residential 1 – Single Detached Dwelling
- East - RR1 – Rural Residential 1 – Single Detached Dwelling
- South - RR1 – Rural Residential 1 – Single Detached Dwelling
- West - RR2 – Rural Residential 2 – Single Detached Dwelling

### 3.3 Site Location Map



### 3.3 Existing Development Potential

The property is zoned RR1 – Rural Residential 1, a zone intended for country residential development and complementary uses, on larger 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 Rural/ Agricultural in the Official Community Plan. This designation is intended for land within the Agricultural Land Reserve and other rural non-farm lands where natural physical constraints or lack of services and utilities limit land use intensification. The intensification through the addition of a secondary suite can be accomplished on this lot, while maintaining the rural residential character of the area.

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)

The Strategic Plan includes the objective of reducing the use of agricultural land for urban purposes (City of Kelowna Strategic Plan, Section 1). Although designated Rural/ Agricultural in the Official Community Plan, the subject property is not actively used for agricultural purposes and does therefore not result in a reduction of agricultural land.

#### 3.4.3 Southwest Okanagan Mission Sector Plan (1993)

The Southwest Okanagan Mission Sector Plan was completed prior to the drafting of the City's policies on Secondary Suites and thus makes no reference to secondary suites. However, it identifies the predominant form of housing to be low density single family and cluster housing, and the proposed suite is consistent with this policy.

### 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. 01-797 – Bylaw Enforcement Officer: Ted Komick).

#### 4.2. Works and Utilities Department

The property is serviced by a well. Septic approval is required from the Public Health Officer. The Works & Utilities Department has concerns with

the parking layout. Parallel parking on the apron is not supported, and the parking shown beside the garage only supports one vehicle because of shed.

The parking stalls meet the size requirement of City of Kelowna Zoning Bylaw No. 8000.

4.3. Inspection Service Department

1. Suite size conforms to the bylaw.
2. The exterior stairs to the suite require minimum headroom of 6' 4" and also a handrail.
3. The fire separation between the suite and the remainder of the basement shall be completed. If a door is to remain, it shall be solid core with a 20 min. rating.
4. The fire rating between the suites shall be upgraded to 3/4 hr or install a photoelectric type smoke alarm conforming to CAN/ULC-S531 in each suite, and interconnected.
5. A separate heating system is required for the suite. The existing heating duct shall be blocked off and drywalled over.
6. The kitchen range requires a proper exhaust hood.
7. The furnace should be checked for temperature rise and stack temperature and adjusted accordingly (see inspector for clarification).
8. A parking layout is required. Inspector indicates the parking will be tight. The applicant subsequently submitted a plan showing the parking layout, which meets the requirements of City of Kelowna Zoning Bylaw No. 8000.

4.4 Public Health Officer

The original septic permit issued in 1992 specifies and engineered system capable of servicing a three-bedroom home and a two-bedroom suite. Approval of this application is recommended.

4.5 BC Gas

There is an existing service to this address. If the changes effect the service size, a billable alteration is required.

4.6 Utilicorp Networks Canada

UNC has no additional requirements.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department has no concerns regarding the proposed text amendment and the rezoning of the property from RR1 – Rural

Residential 1 to RR1s – Rural Residential 1 with Secondary Suite. Legalizing the basement suite is consistent with the Strategic Plan and with Secondary Suite policies in the Official Community Plan. All upgrades to the suite required by the Inspection Services Department will be made prior to final rezoning.

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Andrew Bruce  
Current Planning Manager

Approved for inclusion

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

KGB  
Attach.

Schedule 1

Proposed Text Amendment TA01-014 to add the “s” designation to the RR1 – Rural Residential 1 zone of Zoning Bylaw No. 8000

Replace Section 12.1 with the following section:

- 12.1 RR1 – Rural Residential  
RR1s – Rural Residential with Secondary Suite

Add the following paragraph to Section 12.1.3:

- (i) secondary suites (RR1s only)

Add the following paragraphs to Section 12.1.6:

- (g) An “s” notation shown on Schedule “A” as part of the identified zone classification indicates that a secondary use in the form of a secondary dwelling unit is permitted on the properties so designated, subject to meeting the conditions of use of the zone. An “s” zoning classification on a property shall be established by rezoning the subject property to the “s” version of the parent zone.
- (h) A secondary suite, in accordance with Section 9.5, may only be located within a single detached dwelling or an accessory building to a single detached dwelling which is no closer than 5.0m to the principal building.

**FACT SHEET**

1. **APPLICATION NO.:** Z01-1046 /TA01-014
2. **APPLICATION TYPE:** Rezoning and Text Amendment
3. **OWNER:** William Halton  
· **ADDRESS** 952 16<sup>th</sup> Avenue  
· **CITY** Calgary, AB  
· **POSTAL CODE** T2E 1K9
4. **APPLICANT/CONTACT PERSON:** William Halton / Carol Halton  
· **ADDRESS** As above  
· **CITY**  
· **POSTAL CODE**  
· **TELEPHONE/FAX NO.:** 762-0317
5. **APPLICATION PROGRESS:**  
    **Date of Application:** September 11, 2001  
    **Date Application Complete:**  
    **Servicing Agreement Forwarded to Applicant:** N/A  
    **Servicing Agreement Concluded:** N/A  
    **Staff Report to Council:** November 20, 2001
6. **LEGAL DESCRIPTION:** Lot 6, Section 22, Twp. 28, SDYD, Plan 18222
7. **SITE LOCATION:** Okanagan Mountain, east of Lakeshore Road
8. **CIVIC ADDRESS:** 318 Aspen Rd.  
Kelowna, BC
9. **AREA OF SUBJECT PROPERTY:** 1935m"
10. **AREA OF PROPOSED REZONING:** 1935m"
11. **EXISTING ZONE CATEGORY:** RR1 – Rural Residential 1
12. **PROPOSED ZONE:** RR1s – Rural Residential 1 with Secondary Suite
13. **PURPOSE OF THE APPLICATION:** To legalize the continuing use of a secondary suite located in the basement of the house and amend to RR1 zone to add the "s" designation
14. **MIN. OF TRANS./HIGHWAYS FILES NO.:**  
**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
- Elevations