
CITY OF KELOWNA

MEMORANDUM

Date: August 7, 2002
File No.: TA02-0004

To: City Manager

From: Planning and Development Services Department

APPLICATION NO. TA02-0004

APPLICANT: CITY OF KELOWNA

PURPOSE: CHANGES TO THE REQUIREMENTS FOR SECONDARY SUITES IN
ACCESSORY BUILDINGS

REPORT PREPARED BY: KIRSTEN G. BEHLER

1.0 RECOMMENDATION

THAT Municipal Council receive Text Amendment TA02-0004 for information;

AND THAT Municipal Council direct staff to process the Text Amendment No. TA02-0004 according to Development Application Procedures Bylaw No. 8140.

2.0 SUMMARY

Recent concerns about secondary suites in accessory buildings have lead to a review of the current bylaw requirements. Planning and Development Services staff recommends reducing the maximum height of accessory buildings containing a suite from 6.0m to 4.5m. In addition, staff recommend that a garage would have to be incorporated into the accessory building.

3.0 BACKGROUND

Current City of Kelowna regulations for secondary suites permit the construction of suites in accessory buildings on all RU6 lots and on those lots that have been rezoned to permit a suite, such as the RU1s zone. The zoning bylaw currently includes the following restrictions for suites in accessory building:

- The maximum floor area of the suite shall not exceed the lesser of 90m² or 75% of the total floor area of the principal dwelling (Section 9.5);
- The maximum height of accessory buildings containing a suite is 6.0m (Sections 13.1 to 13.6);
- An accessory building containing a suite cannot be closer than 5.0m to the principal dwelling 0m (Sections 13.1 to 13.6);
- Accessory buildings containing a suite shall conform to the side yard setback requirements for the principal building and meet the rear yard setback for accessory buildings (Section 6.5);

- One parking stall for the suite, in addition to the two stalls for the principal dwelling, has to be provided on the lot (Section 8).

Prior to 1993, secondary suites in Kelowna were allowed in the principal dwelling in the R-2, R-10 and R-11 zones. More comprehensive zoning was then introduced to permit suites in accessory buildings in the Two-Family Residential zone (R-2). A thorough staff review resulted in recommendations for further changes in 1997. The changes introduced the “s” zone to permit secondary suites on single-detached housing lots on a case-by-case basis. Suites were permitted in the primary dwelling or in accessory buildings of no more than 4.5m in height. The site coverage approved for lots with secondary suites was 35%, and together with parking and driveways up to 45%. With the introduction of the current Zoning Bylaw No. 8000 in 1998, the site coverage was changed to 40% and 50% respectively for all single-detached and the two-dwelling housing zones. The height of accessory buildings containing a suite was increased from a maximum of 4.5 m to 6.0m. Please refer to Schedule 1 for a detailed chronology of bylaw change for secondary suites in accessory buildings.

Recently, the City of Kelowna has received a number of complaints regarding the scale of suites in accessory buildings. The majority of complaints relate to the massing of the accessory building. Other concerns listed are potential parking problems, the proximity of the suite to the house, and loss of privacy for adjacent residents. Concerns about renters in the neighbourhood and potential decrease in property values were also raised.

To give staff time to address these concerns and study potential changes, Council directed on July 29, 2002, that building permit applications be put on hold for 30 days from the date that a complete application is received. If the bylaw has not been amended before the end of the 30 day period, City Council will determine if the on hold period is to be extended for a further 60 days or if the application can be processed to the current bylaw standards. Currently there are twelve pending applications for suites in accessory buildings.

4.0 DISCUSSION

The current secondary suite regulations have been developed over the past decade with significant input from the public and the development industry. Although the regulations may need some fine-tuning, staff strongly feels that the overall concept of secondary suites in accessory buildings is a good one and that this direction should be supported in the future. The following potential amendments were introduced to Council at the regular meeting of July 29, 2002:

- 1) **Reduce the maximum height permitted for accessory buildings in all zones from 6.0m to 4.5m:** The reduction in height would reduce the overall massing of the building while still allowing the construction of a secondary suite. To maximize the floor area of the suite, dormers would have to be incorporated into the roof, which furthermore break up the massing of the building.
- 2) **Reduce the maximum site coverage permitted on lots with secondary suites from 40% for buildings and structures to 35% and from 50% with parking and driveways to 45%:** The Planning and Development Services Department recommends not to change the overall site coverage on lots with secondary suites. The main concern with recently constructed suites is the massing of the accessory buildings. The massing is affected by both the size and the height of the building, and the reduction in height is expected to eliminate the majority of concerns. Should there still be concerns with the massing at the new suggested height, the site coverage or overall suite sizes could be changed in the future.
- 3) **Eliminate the provision of allowing two single detached housing units in the RU6 – Two Dwelling Housing zone:** The concerns recently received related to suites and not to

two single-detached units on one lot. It is recommended to deal with the provision of allowing two houses on an RU6 zoned property separately. A potential avenue to address the impact of two houses on one lot may be the introduction of a new Development Permit type, which would address form and character of intensive residential development.

5.0 PROPOSED AMENDMENTS

The only recommended change at this time is the reduction of the maximum height of the accessory building from 6.0m to 4.5m, together with a requirement to include a garage in the accessory building. The height reduction would reduce the massing of the building while still allowing the construction of a secondary suite. The requirement to include a garage in the accessory building has the purpose of ensuring that a sufficient number of parking stalls can be provided on site. The suite could be accommodated under the roof of the building, albeit at a smaller size than suites constructed under current height regulations.

Should the owner of a property wish to construct an accessory building to a height of more than 4.5m, he or she could apply for a Development Variance Permit. Variances would be considered by Council on a case-by-case basis with sufficient opportunity for input from the neighbourhood.

6.0 CONCLUSION

The Planning and Development Services Department fully supports the continuing practice of permitting secondary suites in principal dwellings or accessory buildings. Secondary suites are an important form of housing, providing accommodation for family members and potentially affordable rental housing. By reducing the height of accessory buildings containing a suite to 4.5m, the massing of the accessory building containing the suite would be reduced. The requirement to construct a garage in the accessory building would at the same time eliminate parking problems created through the addition of the suite. The Planning and Development Services Department is of the opinion that the height reduction and the requirement for a garage in the accessory building would be sufficient to address recent concerns from residents

Andrew Bruce
Current Planning Manager

Approved for inclusion

R.L. (Ron) Mattiussi, A.C.P., M.C.I.P.
Director of Planning & Development Services

Schedule 1: Chronology of Bylaw Changes to Suites and Accessory Buildings

	Applicable zones	Max. size of suite	Max. size of Accessory Bldgs	Max. Ht. of Accessory Bldg.	Max. lot coverage
July 1984 General Amendments to Bylaw 4500	R-2, R-10, Suites in principal res. only R-11 duplex with suites	75m ² max. res. floor area or 75% of principal res. whichever is lesser	50m ² where two res. units, 70m ² where one res; in R-10 dependent on lot size	4.5m to mid-point of sloping roof	40% buildi
November 1993 General Amendments to Bylaw 4500	R-2 Suites in principal res. or in access. bldg. R-10, R-11 deleted	84m² max. res. floor area or 75% of principal res. whichever is lesser	56m ² where two res. units, 70m ² where one res.	4.5m to midpoint of sloping roof	40% buildi 50% total
May 1998 Amendments to Bylaw 4500 recommended by Secondary Suites Report	R-2, s-zones	90m² max. or less than 40% of principal res; 75% of principal res. where located in access. bldg. whichever is lesser	56m ² where two res. units, 70m ² where one res.	4.5m to midpoint of sloping roof	35% buildings 45% total
October 1998 Bylaw 8000	RU-6, s-zones	90m ² max. or less than 40% of principal res; 75% of principal res. where located in access. bldg. whichever is lesser	Lot coverage of accessory bldgs. not to exceed 14% or a max. area of 90m² in urban res. zones	4.5m to midpoint of sloping roof; 6.0m for an accessory building containing a suite	40% buildings 50% total