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## CITY OF KELOWNA

### MEMORANDUM

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**Date:** August 20, 2002  
**File No.:** Z02-1029

**To:** City Manager

**From:** Planning and Development Services Department

**Subject:**

APPLICATION NO. Z02-1029  
AT: 1907 Abbott Street

OWNER: Domes, Barry and Sandi  
APPLICANT: Domes, Barry and Sandi

PURPOSE: TO REZONE THE PROPERTY FROM RU1-LARGE LOT HOUSING TO RU1s-LARGE LOT HOUSING WITH SECONDARY SUITE TO ALLOW FOR THE CONSTRUCTION OF A SECONDARY SUITE IN AN ACCESSORY BUILDING

EXISTING ZONE: RU1 – LARGE LOT HOUSING

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

REPORT PREPARED BY: RYAN SMITH / KIRSTEN BEHLER

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**SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS**

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#### 1.0 RECOMMENDATION

THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 28, Blk. 5, District Lot 14, ODYD, Plan 348 Except: (1) Sublot 1 on Plan B967 (2) Sublot 2 on Plan B1037 (3) Parts outlined Red on Plan B3957 and B4788 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 HAP02-0005.

## 2.0 SUMMARY

The applicants seek to rezone the subject property from the RU1 – Large Lot Housing to the RU1s – Large Lot Housing with Secondary Suite to permit a secondary suite on the second story of a proposed accessory building.

## 3.0 COMMUNITY HERITAGE COMMISSION

The Community Heritage Commission at the meeting of August 13, 2002 has considered the applications, and the following resolution was passed:

The Community Heritage Commission supports Heritage Alteration Permit and Rezoning Application No. HAP02-0005 and Z02-1029 - 1907 Abbott Street subject to the existing log siding on the house being retained and to the design of the gables and the colour of the proposed detached building matching the design of the gables and the colour of the existing house.

The rezoning application was not part of consideration by the CHC when reviewing HAP02-0005.

## 4.0 BACKGROUND

### 4.1 The Proposal

The applicants seek to rezone the subject property from the RU1 – Large Lot Housing to the RU1s – Large Lot Housing with Secondary Suite to allow a secondary suite on the second story of a proposed accessory building. The proposed two-storey accessory structure will include a two-vehicle garage, with a one-bedroom suite above. The exterior will be finished with stucco. The gable ends will be designed consistent with those of the house. Furthermore, the house and the accessory building will be painted in the same colour.

The subject property is located in the Abbott Street Heritage Conservation Area on the eastern side of Abbott Street its intersection with Lake Avenue. The form and character of the proposed accessory building, as well as the requested variance to reduce the flanking side yard from 4.5m required to 2.9m proposed will be considered as part of Heritage Alteration Permit No. HAP02-0005, to be submitted to Council concurrently with final adoption of the zone amending bylaw.

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 <sup>2</sup> )                                       | 829m <sup>2</sup>                           | 550.0m <sup>2</sup>   |
| Lot Width (m)  | 21.3m                                       | 17.0m   |
| Lot Depth (m)  | 43m   | 30.0m   |
| Site Coverage (%)  | 17.7%<br>25%                                | 40% (building)<br>50% (with driveway and parking)   |
| Total Floor Area (m <sup>2</sup> )<br>-House<br>-Secondary suite | 111m <sup>2</sup><br>82m <sup>2</sup> (74%) | N/A<br>90m <sup>2</sup> or 75% of the total floor area of the principal dwelling, whichever is less |
| Storeys (#)  | 1 ½ storeys<br>6.0m                         | 9.5m or 2 ½ storeys<br>6.0m   |
| Setbacks-House (m)   |   |   |
| - Front Yard   | 7m approx.                                  | 6.0m  |
| - Side Yard (east)   | 2.0m  | 2.0m  |
| - Flanking Side Yard (west)                                      | 6m approx.                                  | 4.5m  |
| Setbacks-Accessory Building (m)                                  |   |   |
| - Flanking Side Yard (west)                                      | 2.9m ❶                                      | 4.5m  |
| - Rear Yard  | 8.5m approx.                                | 1.5m  |
| - Side Yard (east)   | 1.0m min.                                   | 2.3   |
| Proximity of Accessory Building to Principal Building            | 5.0m  | 5.0m  |
| Parking Spaces   | 3   | 3   |

Notes:

- ❶ The applicant is seeking a variance from the minimum flanking yard setback requirement of 4.5 meters in HAP02-0005.

#### 4.2 Site Context

The subject property is located in the Abbott Street Heritage Conservation Area on the eastern side of Abbott Street on the corner where it intersects Lake Avenue. The neighbourhood is zoned predominantly for single family housing. Several lots in the area have been re-zoned from RU1- Large lot housing to RU1s - Large lot housing with secondary suite. These include the two lots on the western corners of Abbott St. and Vimy Ave. The subject property is heavily landscaped such that the buildings are not visible from either road frontage.

Adjacent zones and uses are:

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

#### 4.3 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 the RU1s – Large Lot Housing with Secondary Suite zoning.

#### 4.4 Current Development Policy

##### 4.4.1 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.

##### 4.4.2 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 these objectives and with their accompanying strategies.

#### 5.0 TECHNICAL COMMENTS

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

##### 5.1 Inspection Services Department

The suite appears to exceed 75% of the main residence floor area. Applicant should submit dimensions of the existing house. Our files indicates the building is 28' X 28' = 784 squ. ft., but the permit was taken out in 1936. The applicants confirmed that the house is 1200 square feet (111m<sup>2</sup>) in size, due to an addition and a living area under the roof. The applicants reduced the entrance area and the suite is now approximately 74% of the floor area of the main house.

##### 5.2 Works & Utilities

###### 1. General

The proposed rezoning application does not compromise Works and Utilities requirements.

###### 2. Domestic water and fire protection

This development is within the City service area. This property is currently serviced by the municipal water main. The existing 19mm-diameter copper water service should be adequate for the proposed additional suite and may be retained.

###### 3. Sanitary Sewer

This property is currently serviced by the municipal sanitary sewer system. The existing 100mm-diameter service will be adequate for the proposed additional suite and may be retained.

4. Development Permit and Site Related Issues

- (a) The existing driveway access on Abbott Street is in the preferred location and can remain in place.
- (b) The Heritage Alteration Permit Applications to remove the log siding on the house or rebuild the existing shed do not compromise Works and Utilities requirements.
- (c) The variance to reduce the side yard setback from 4.5m to 2.9m allows construction within 3.3m of a large healthy Douglas fir. The tree has a trunk diameter of 0.8 meter and excavation or grading within the drip-line of the evergreen will have to be done with great care to reduce the impact to the root system.

6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department supports 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. Furthermore, the proposal also conforms to Kelowna's 1992 Strategic Plan.

Form and character issues, as well as the requested variance to reduce the flanking side yard from 4.5m required to 2.9m proposed will be considered as part of Heritage Alteration Permit No. HAP02-0005.

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Andrew Bruce  
Current Planning Manager

Approved for inclusion ☐

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

RWS  
Attach.

**FACT SHEET**

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| <b>1. APPLICATION NO.:</b>   | Z02-1029 (Also see HAP02-0005)   |
| <b>2. APPLICATION TYPE:</b>  | Rezoning   |
| <b>3. OWNER:</b>   | Domes, Barry and Sandra-Leei   |
| . ADDRESS  | 1907 Abbott Street   |
| . CITY   | Kelowna, BC  |
| . POSTAL CODE  | V1Y 1B8  |
| <b>4. APPLICANT/CONTACT PERSON:</b>  | Domes, Barry and Sandra-Leei   |
| . ADDRESS  | 1907 Abbott Street   |
| . CITY   | Kelowna, BC  |
| . POSTAL CODE  | V1Y 1B8  |
| . TELEPHONE/FAX NO.:   | 862-9326   |
| <b>5. APPLICATION PROGRESS:</b>  |  |
| Date of Application:   | June 26, 2002  |
| Date Application Complete:   | July 04, 2002  |
| Servicing Agreement Forwarded to Applicant:  | N/A  |
| Servicing Agreement Concluded:   | N/A  |
| Staff Report to Council:   | August 20, 2002  |
| <b>6. LEGAL DESCRIPTION:</b>   | Remainder Lot 28, Blk. 5; District Lot 14, ODYD, Plan 348  |
| <b>7. SITE LOCATION:</b>   | Abbott Street Heritage Conservation Area, east corner of intersection of Abbott Street and Lake Avenue |
| <b>8. CIVIC ADDRESS:</b>   | 1907 Abbott Street<br>Kelowna, BC  |
| <b>9. AREA OF SUBJECT PROPERTY:</b>  | 829 m <sup>2</sup>   |
| <b>10. AREA OF PROPOSED REZONING:</b>  | 829 m <sup>2</sup>   |
| <b>11. EXISTING ZONE CATEGORY:</b>   | RU1 – Large Lot Housing  |
| <b>12. PROPOSED ZONE:</b>  | RU1s – Large Lot Housing with Secondary Suite  |
| <b>13. PURPOSE OF THE APPLICATION:</b>   | To rezone the property to allow the construction of a secondary suite in an accessory building         |
| <b>14. MIN. OF TRANS./HIGHWAYS FILES NO.:</b><br><b>NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY</b> |  |
| <b>15. DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS</b>  | 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