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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** May 9, 2003  
**File No.:** Z03-0011

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:**

APPLICATION NO. Z03-0011  
AT: 1250 Gaggin Road

OWNER: VGM Holdings Ltd.  
APPLICANT: Axel Hilmer Planning  
Consultant

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 EXISTING ACCESSORY BUILDING

EXISTING ZONE: RU1 – LARGE LOT HOUSING

PROPOSED ZONE: RU1s – LARGE LOT HOUSING WITH SECONDARY SUITE

REPORT PREPARED BY: KEIKO NITTEL

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

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**1.0 RECOMMENDATION**

THAT Rezoning Application No. Z03-0011 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot C, Section 22, Township 26, ODYD, Plan 19101, located on Gaggin Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT final adoption of the zone amendment bylaw be considered subsequent to approval by the Ministry of Transportation.

## 2.0 SUMMARY

The applicant is seeking to rezone the subject property from the RU1 – Large Lot Housing to RU1s – Large Lot Housing with Secondary Suite to permit the construction of a secondary suite in an existing accessory building.

## 3.0 BACKGROUND

### 3.1 The Proposal

The applicant is seeking to rezone the subject property from the RU1– Large Lot Housing to RU1s – Large Lot Housing with Secondary Suite to allow a secondary suite within an accessory building. There is currently a single detached dwelling, a detached garage and a storage shed located on the subject property. The proposed secondary suite is to be located within the existing detached garage. The garage currently has a side yard setback of 1.5m on the west elevation. The applicant is therefore proposing to relocate the garage in order to achieve the required 2.0m side yard setback for accessory buildings with secondary suites.

The proposed secondary suite includes a kitchen/dining room, living room, bathroom, and bedroom. In addition, a carport will be attached to the south elevation of the accessory building. Additional parking is provided in the front driveway. Parking on-site exceeds that required by the Zoning Bylaw.

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

<b>CRITERIA</b>	<b>PROPOSAL</b>	<b>RU1s ZONE REQUIREMENTS</b>
Lot Area (m <sup>2</sup> )	954.0m <sup>2</sup>	550.0m <sup>2</sup>
Lot Width (m)	22.3m	15.0m
Lot Depth (m)	42.7m	30.0m
Site Coverage (%)	19.8% 39.0%	40% (buildings) 50% (with driveway and parking)
Total Floor Area (m <sup>2</sup> ) --Secondary suite	53.5m <sup>2</sup>	the lesser of 90 m <sup>2</sup> or 75% of the total floor area of the principal building ( <b>70.23m<sup>2</sup></b> )
Height (Accessory)	3.7m	4.5m
Setbacks-Suite (m)		
-Front (From Principal Dwelling)	5.0m	5.0m
-Rear	3.05m	1.5m
- Side (west)	2.0m	1.8m
- Side (east)	13.4m	1.8m
Parking Spaces (Total)	5+	3

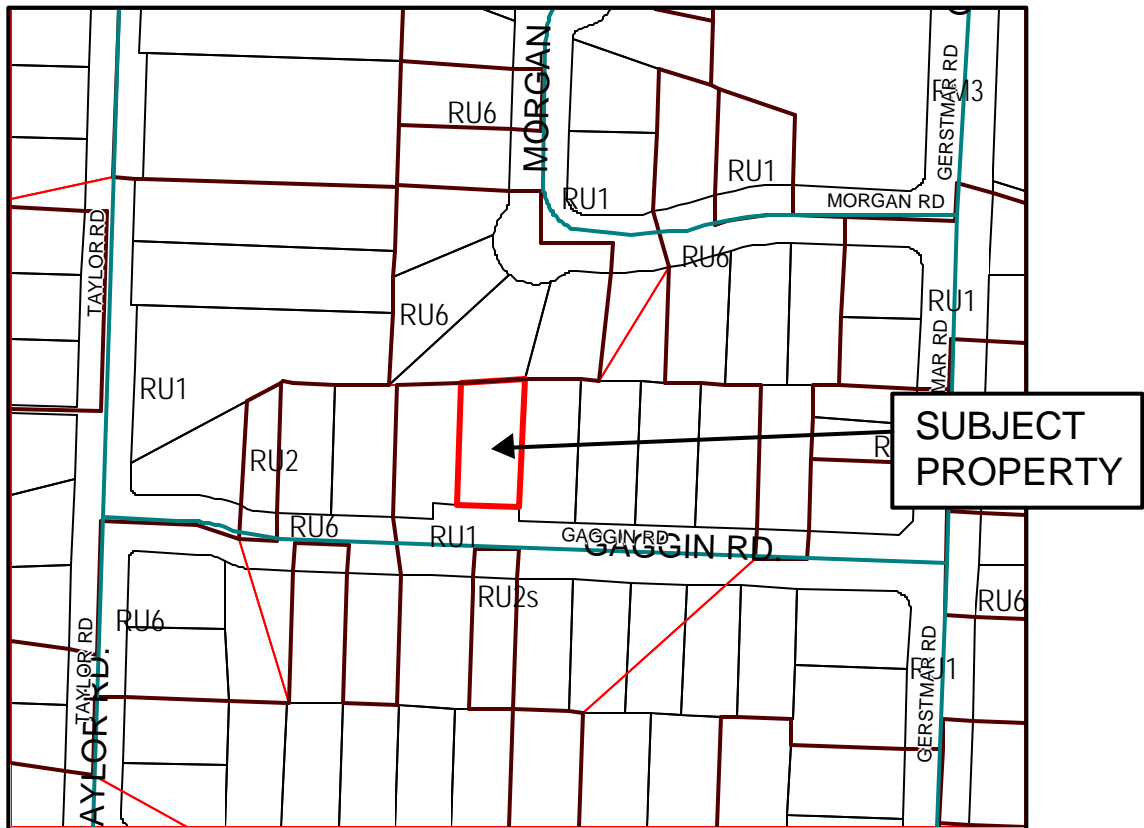
### 3.2 Site Context

The subject property is located on Gaggin Road between Taylor Road and Gerstmar Road.

Adjacent zones and uses are:

- North - RU6 – Two Dwelling Housing
- East - RU1 - Large Lot Housing
- South - RU1 - Large Lot Housing  
- RU2s- Medium Lot Housing with Secondary Suite
- West - RU1 - Large Lot Housing

### 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 permitted 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).

#### 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 these objectives and with their 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

This building has proper footing for a dwelling unit. Alternate frost protection shall be provided. Applicant has advised that the carport will be 12' to the post with 4' eaves. Engineered beams will be required.

#### 4.2 Works and Utilities Department

The Works & utilities Department has the following comments and requirements associated with this application to rezone from RU1 to RU1s:

##### 4.2.1 General

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

##### 4.2.2 Domestic water and fire protection

This development is within the service area of the Rutland Water Works (RWW). All charges for service connection and upgrading costs are to be paid directly to the RWW.

4.2.3 Sanitary Sewer

This property is currently serviced by the municipal wastewater collection system. The existing 100mm-diameter sanitary sewer service is adequate for the requested rezone.

4.2.4 Access and parking

There is sufficient parking provided on site.

5.0 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 is supported by Kelowna's Strategic Plan. It is noted that this neighbourhood already contains a number of duplex units and suites, therefore this conversion for the existing garage to allow a suite would not be out of character with the neighbourhood. The applicant has made several revisions the proposed plans in order to meet the regulations for secondary suites within accessory buildings as outlined in the Zoning Bylaw. The neighbours to the west of the subject property have submitted a letter objecting the proposed development.

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Andrew Bruce  
Current Planning Manager

Approved for inclusion

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

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Attach.

**FACT SHEET**

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| 1. APPLICATION NO.:  | Z03-0011  |
| 2. APPLICATION TYPE:   | Rezoning  |
| 3. OWNER:  | VGM Holdings Ltd.   |
| . ADDRESS  | 350 Spedding Court  |
| . CITY   | Kelowna, BC   |
| . POSTAL CODE  | V1X 7K9   |
| 4. APPLICANT/CONTACT PERSON:                                   | Axel Hilmer   |
| . ADDRESS  | 204 – 1823 Harvey Ave   |
| . CITY   | Kelowna, BC   |
| . POSTAL CODE  | V1Y 6G4   |
| . TELEPHONE/FAX NO.:   | 860-7526  |
| 5. APPLICATION PROGRESS:                                       |   |
| Date of Application:   | March 7, 2003   |
| Date Application Complete:                                     | May 15, 2003  |
| Servicing Agreement Forwarded to Applicant:                    | n/a   |
| Servicing Agreement Concluded:                                 | n/a   |
| Staff Report to Council:                                       |   |
| 6. LEGAL DESCRIPTION:  | Lot C, Section 22, Township 26, ODYD, Plan 19101  |
| 7. SITE LOCATION:  | Gaggin Road between Gerstmar Road and Taylor Road   |
| 8. CIVIC ADDRESS:  | 1250 Gaggin Road  |
| 9. AREA OF SUBJECT PROPERTY:                                   | 974m <sup>2</sup>   |
| 10. AREA OF PROPOSED REZONING:                                 | 974m <sup>2</sup>   |
| 11. EXISTING ZONE CATEGORY:                                    | RU1   |
| 12. PROPOSED ZONE:   | RU1s  |
| 13. PURPOSE OF THE APPLICATION:                                | To rezone the property from RU1 to RU1s to allow for a secondary suite within an existing accessory building. |
| 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
- Air Photo
- Site plan
- Floor plans
- Elevations
- Letter of Opposition