

CITY OF KELOWNA

MEMORANDUM

Date: June 3, 2003
File No.: DVP03-0040/Z03-0017
To: City Manager
From: Planning and Development Services Department
Subject:

APPLICATION NO. Z03-0017/DVP03- 0040 OWNER: Syrina Pidwebesky & Derek Klask
AT: 681 Paret Place APPLICANT: Syrina Pidwebesky & Derek Klask

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

TO ALLOW AN ACCESSORY BUILDING WITH SECONDARY SUITE TO NOT INCLUDE A GARAGE OR CARPORT WHERE A GARAGE OR CARPORT FOR A MINIMUM OF ONE VEHICLE IS REQUIRED.

TO ALLOW A SPATIAL SEPARATION BETWEEN THE SINGLE DETACHED DWELLING AND THE ACCESSORY BUILDING WITH SECONDARY SUITE OF 1.0 METRES WHERE 5.0 METRES IS REQUIRED.

EXISTING ZONE: RU1 – LARGE LOT HOUSING

PROPOSED ZONE: RU1s – LARGE LOT HOUSING WITH SECONDARY SUITE

REPORT PREPARED BY: KEIKO NITTEL

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Rezoning Application No. Z03-0017 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 3, DL 358, ODYD, Plan 26534 located on Paret Place, 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 Council authorize the issuance of Development Variance Permit No. DVP03-0040; Lot 3, DL 358, ODYD, Plan 26534, located on Paret Place, Kelowna, B.C.;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 9.5.10 – Specific Use Regulations: Secondary Suites

A variance to allow a secondary suite located in an accessory building to *not* include a garage or carport.

Section 13.1.6 (c): Urban Residential Zones: RU1s Large Lot Housing with Secondary Suite

A variance to allow a spatial separation between the single detached dwelling and accessory building with secondary suite of 1.0metre where 5.0metres is permitted.

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

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 a secondary suite in an existing accessory building. A building permit has authorized the conversion of the accessory building from a garage into a gym, office, and bedroom. The applicants would now like to add a kitchen thus creating a secondary suite.

3.0 ADVISORY PLANNING COMMISSION

At the May 6, 2003 meeting of the Advisory Planning Commission it was resolved that:

That the Advisory Planning Commission *not* support Development Variance Permit Application No. DVP03-0040, 681 Paret Place, Lot 3, Plan 26534, Sec. 31, Twp. 29, ODYD, Syrina Pidwerbesky & Derek Klask, to vary the separation between the principal dwelling unit and the accessory building from the 5.0m required to the 1.0 metre proposed; and to vary the requirement that an accessory building must include a garage or carport for a minimum of one vehicle when secondary suite is located in an accessory building.

4.0 BACKGROUND

4.1 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 in an existing accessory building. The separation between the accessory building is approximately 4.0 metres. The applicants eventually intend on doing an addition to the existing house that will result in a separation of 1.0 metres between the house and the accessory building. A variance to the required 5.0 metre separation rule is therefore required.

The existing accessory building was formerly a detached garage. A building permit, however, was approved for its conversion to an office, gym, and washroom. The applicants are proposing to now build kitchen facilities thus converting this space into a

secondary suite. The 41.7m² secondary suite will include a kitchen/dining area, living room, bedroom, and bathroom. The proposed building does not include a garage or carport, as required by the Zoning Bylaw, therefore necessitating a variance. The front driveway, however, provides on-site parking that 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:

CRITERIA	PROPOSAL	RU1s ZONE REQUIREMENTS
Lot Area (m ²)	1344m ²	400.0m ²
Lot Width (m)		13.0m
Lot Depth (m)	32.0m	30.0m
Site Coverage (%)	10.9% 25% (approx.)	40% (buildings) 50% (with driveway and parking)
Total Floor Area (m ²) --Secondary suite	41.7m ²	the lesser of 90 m² or 75% of the total floor area of the principal building
Height (Accessory)	<4.5m	4.5m
Setbacks-Suite (m)		
-Front (From Principal Dwelling)	1.0m ❶	5.0m
-Rear	10.m	1.5m
- Side (west)	7.5m (approx)	1.8m
- Side (east)		1.8m
Parking Spaces (Total)	6+ ❷	3

- ❶ A variance is required to allow a 1.0m separation between the principle dwelling and the accessory building with secondary suite.
- ❷ Parking is located on the driveway. A variance is required in order to permit the accessory building to not include a garage or carport.

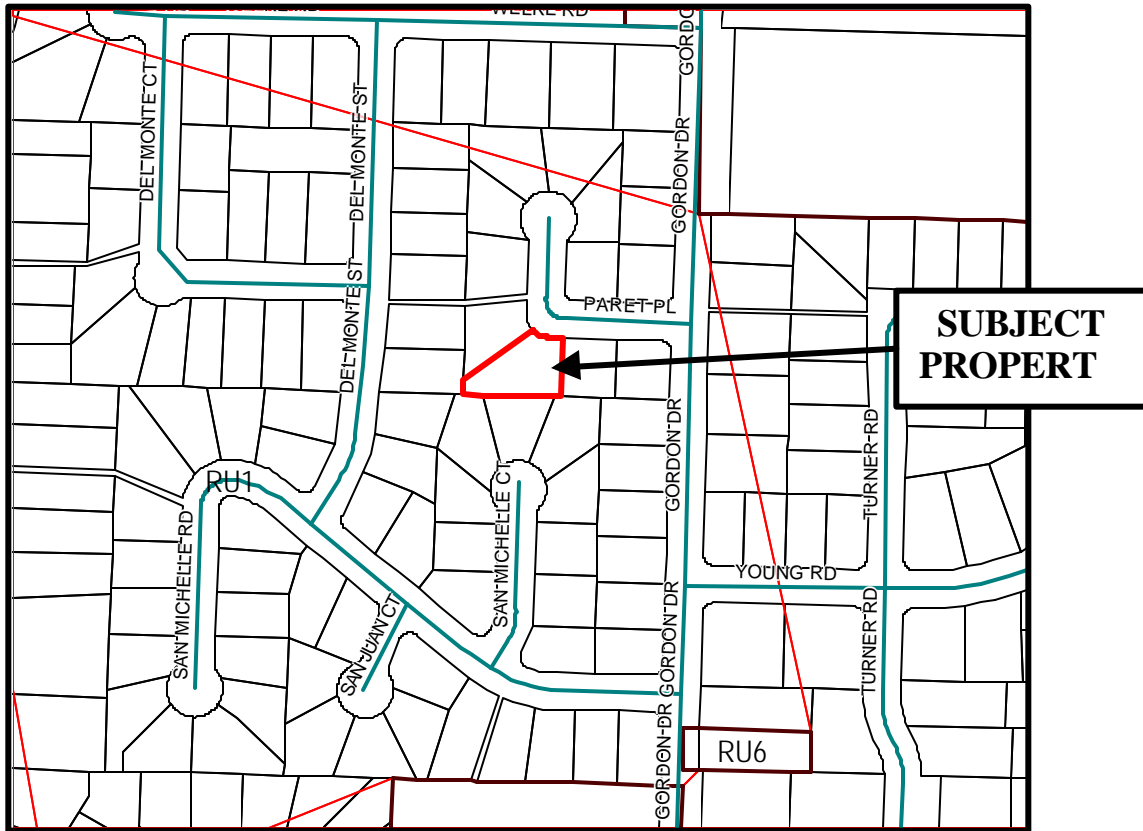
4.2 Site Context

The subject property is located on Paret Place off Gordon Drive.

Adjacent zones and uses are:

North - RU1 - Large Lot Housing
 East - RU1 - Large Lot Housing
 South - RU1 - Large Lot Housing
 West - RU1 - Large Lot Housing

Site Location Map



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 permitted on lots with 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).

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

5.1 Aquila Networks Canada
No requirements

5.2 Fire Department
No comments.

5.3 Inspections Department
1. Frost protection is required around perimeter.
2. Smoke alarm required.
3. Heating and Ventilation checklist required.
4. Permits will be required for the kitchen and gas fire place.
5. A carport or garage shall be added to the building.

5.4 Interior Health
Sanitary sewer connection required.

5.5 Works & Utilities Department
The Works & utilities Department has the following comments and requirements associated with this application to rezone from RU-2 to RU-2s.

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 pvc 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.

6.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department has no concerns regarding the proposed rezoning of the property from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone. The proposal is consistent with the OCP future land use designation of Single/Two Family Residential uses and with OCP policies on Secondary Suites.

The suite will be located within an existing accessory building and is therefore not expected to have a negative visual impact on the single-family character of the neighbourhood. The applicants have a building permit for the conversion of the accessory building into a gym, office, & bathroom. The applicants are now making application to add a kitchen thus creating a secondary suite. The converted garage has not been operated as an illegal suite. The 41.70 m² proposed secondary suite is relatively small in size and meets the size and height requirements for secondary suites.

The existing separation between the principal dwelling and the accessory building is approximately 4.0 metres where a 5.0 metre separation between a principal dwelling unit and secondary suite within an accessory building is required by the Zoning Bylaw. The applicants intend on eventually constructing an addition to the house thus reducing the separation to 1.0 metre. The applicant will be required to meet Building Code requirements for all construction.

The applicant is also requesting a variance to the rule stating that an accessory building with secondary suite must include an attached carport or garage. The large gravel driveway provides ample on-site parking exceeding that required by the Zoning Bylaw. A minimum of 6 parking spaces can be provided on the existing driveway. As indicated in the attached photographs, the three parking stalls required by the Zoning Bylaw are easily available on site. Gravel driveways are permitted by the Zoning Bylaw. If necessary, there is enough room to add an attached carport on the north or west elevations of the accessory building.

The neighbours (675 Paret Place) to the northwest of the subject property have expressed concern with the proximity of the secondary suite to their property. The applicants intend on maintaining the existing side yard setback of approximately 7.5 metres to the accessory building where only a 2.0 metre sideyard setback is required. Privacy fencing in the rear yard and a mature tree adjacent to the suite provide some screening between the two properties. Windows on the west side of the suite are small in size and largely screened by the fencing and an additional small tree. No windows are located on the south elevation of the accessory building facing the rear yard of the property.

The applicants spoke to neighbours in February as well as circulated a petition on April 15 & 16, 2003. At that time, the applicants received strong support for the application. Attached is the signed petition by those in the neighbourhood in support of the application. Subsequently, however, a letter was circulated in the neighbourhood opposed to the applications (attached). As result of the letter, several neighbours have withdrawn their support for the proposal.

Andrew Bruce
Development Services Manager

Approved for inclusion

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

FACT SHEET

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|---|--|
| 1. APPLICATION NO.: | DVP03-0040/ZO3-0017 |
| 2. APPLICATION TYPE: | Rezoning & Development Variance |
| 3. OWNER: | Syrina Pidwebesky & Derek Klask |
| . ADDRESS | 681 Paret Place |
| . CITY | Kelowna BC |
| . POSTAL CODE | V1W 2K6 |
| 4. APPLICANT/CONTACT PERSON: | Syrina Pidwebesky & Derek Klask |
| . ADDRESS | 681 Paret Place |
| . CITY | Kelowna BC |
| . POSTAL CODE | V1W 2K6 |
| . TELEPHONE/FAX NO.: | 764-0067 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | March 27, 2003 |
| Date Application Complete: | April 14, 2003 |
| Servicing Agreement Forwarded to Applicant: | n/a |
| Servicing Agreement Concluded: | n/a |
| Staff Report to Council: | June 3, 2003 |
| 6. LEGAL DESCRIPTION: | Lot 3, DL 358, ODYD, Plan 26534 |
| 7. SITE LOCATION: | on Paret Place west of Gordon Drive |
| 8. CIVIC ADDRESS: | 681 Paret Place |
| 9. AREA OF SUBJECT PROPERTY: | 1344m ² |
| 10. AREA OF PROPOSED REZONING: | 1344m ² |
| 11. EXISTING ZONE CATEGORY: | RU1 |
| 12. PROPOSED ZONE: | RU1s |
| 13. PURPOSE OF THE APPLICATION: | <p>Rezone to allow a secondary suite within an accessory building.</p> <p>To obtain variances to allow a 1.0 metre separation between the accessory building and the principle dwelling and to allow the accessory building to be without an attached garage or carport.</p> |
| 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
- Air Photo
- Colour Photographs
- Petition of Neighbourhood by Applicants
- Letter circulated to neighbourhood