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

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**Date:** June 10, 2004  
**File No.:** Z04-0028

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:**

**APPLICATION NO.** Z04-0028

**OWNER:** ISHA BLUE

**AT:** 822 LAWRENCE AVENUE

**APPLICANT:** PETER J. CHATAWAY

**PURPOSE:** TO REZONE THE SUBJECT PROPERTY FROM THE RU6 – TWO DWELLING HOUSING ZONE TO THE RU6b – TWO DWELLING HOUSING ZONE WITH BOARDING HOUSE

**EXISTING ZONE:** RU6 – TWO DWELLING HOUSING

**PROPOSED ZONE:** RU6b – TWO DWELLING HOUSING WITH BOARDING HOUSE

**REPORT PREPARED BY:** RYAN SMITH

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1.0 RECOMMENDATION

THAT Rezoning Application No. Z04-0028 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 42, Block 15, DL 138, ODYD Plan 262, located on Lawrence Avenue, Kelowna, B.C. from the RU6 – Two Dwelling Housing zone to the RU6b – Two Dwelling Housing with Boarding House 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 amending bylaw be considered in conjunction with Council's consideration of a Development Variance Permit on the subject property.

2.0 SUMMARY

The applicant is seeking to rezone the subject property from the RU6 – Two Dwelling Housing zone to the RU6b – Two Dwelling Housing with Boarding House zone to accommodate a 7 bedroom boarding house.

### 3.0 BACKGROUND

#### 2.1 The Proposal

The applicant is seeking to renovate the existing single family dwelling for use as a boarding house. With proposed renovation the applicant is proposing to accommodate a maximum of six occupants in six bedrooms that will be provided. An additional bedroom and living area will also be provided for the owner/manager. Also provided will be 5 parking stalls which will be accessed from the lane at the rear of the property.

The renovation to the existing house will include the addition of three bedrooms and a new kitchen area. The applicant is also proposing to remove the existing garage at the rear of the property in order to accommodate the required number of parking stalls.

The eastern side yard setback for the dwelling is currently non-conforming with regard to the provisions of Zoning Bylaw No.8000. As the applicant is proposing a change in use the applicant is also required to address this non-conformity by way of a development variance permit. The applicant is not proposing to increase the size of the non-conformity.

Should Council choose to forward this application to a public hearing, staff will bring the development variance permit application forward at that time.

The application meets the requirements of the RU6b – Two Dwelling Housing with Boarding House zone as follows:

<b>CRITERIA</b>	<b>PROPOSAL</b>	<b>RU6b ZONE REQUIREMENTS</b>
Lot Area (m <sup>2</sup> )	557.4m <sup>2</sup>	400m <sup>2</sup>
Lot Depth (m)	36.5m	30.0m
Lot Width (m)	15.24m	13.0m
Area of Buildings at Grade	152m <sup>2</sup>	223m <sup>2</sup>
<b>Setbacks</b>		
Front Yard	4.57m	4.5m
Rear Yard	15.4m	6.0m
Side Yard West	2.0m (to first storey) 2.3m (to 2 <sup>nd</sup> storey)	2.0m 2.3m
Side Yard East	1.54m	2.3m
Area of Pavement, Accessory Buildings, etc...	275.4m <sup>2</sup>	278.7m <sup>2</sup>
Site Coverage (%) (Buildings)	27%	40%
Site Coverage (%) (Buildings and paved areas)	49.4%	50%
Private Open Space	107m <sup>2</sup>	52.5m <sup>2</sup>
Parking Spaces	5	2 stalls – Principal Dwelling 3 stalls – Boarding House (2 per room)
Storeys (#)	2	2.5

\*Note: The applicant will provide an application for a development variance permit in order to address the existing non-conforming eastern side yard setback.

#### 2.2 Site Context

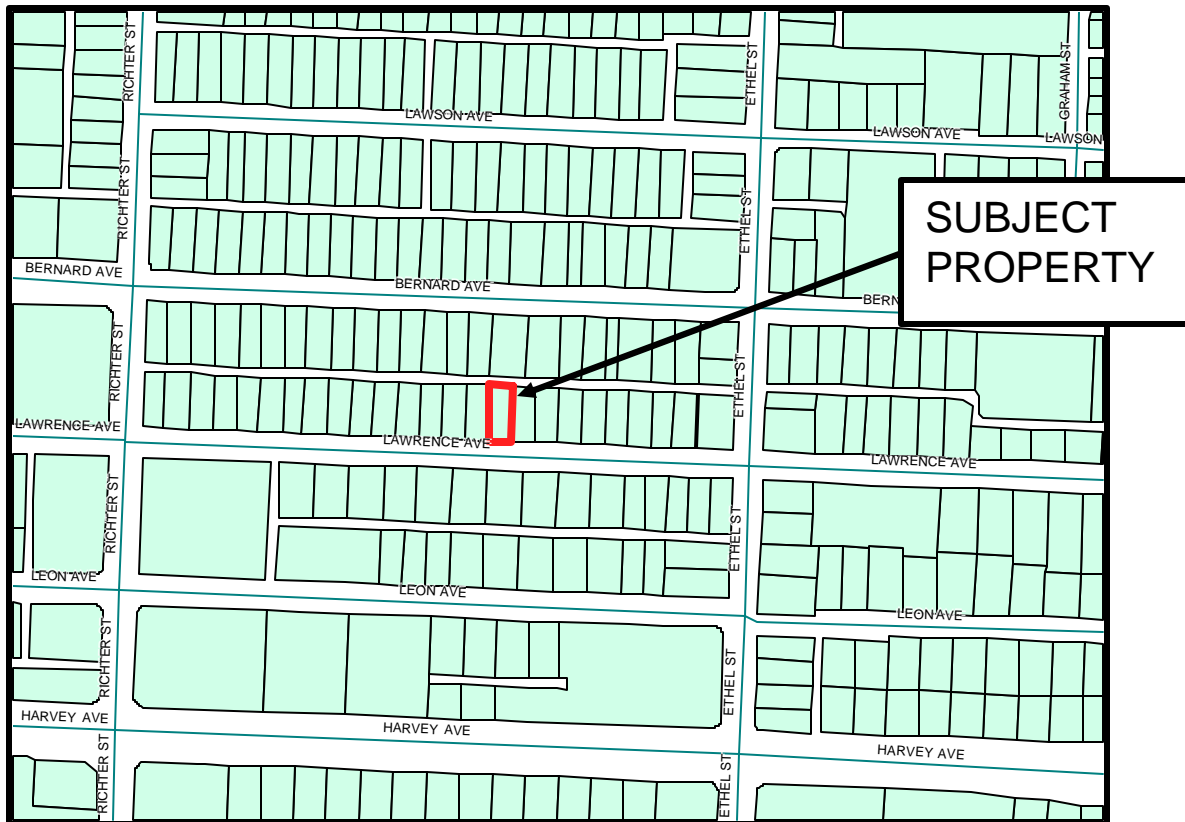
The subject property is located on the north side of Lawrence Avenue between Richter Street and Ethel Street.

Adjacent zones and uses are:

- North - RU6 – Two Dwelling Housing – Single Family Dwelling
- East - RU6 – Two Dwelling Housing – Single Family Dwelling
- South - RU6 – Two Dwelling Housing – Single Family Dwelling
- West - RU6 – Two Dwelling Housing – Single Family Dwelling

2.3 Site Location Map

Subject Property: 822 Lawrence Avenue



#### 4.4 Existing Development Potential

The subject property is currently zoned RU6 – Two Dwelling Housing. The purpose of this zone is to provide a zone for development of a maximum of two dwelling units per lot.

#### 4.5 Current Development Policy

##### 4.5.1 Kelowna Official Community Plan

The future land use designation for the subject property identified in the Official Community Plan is Single / Two Unit Residential. The proposed rezoning is consistent with this future land use designation.

##### 4.5.2 Kelowna Strategic Plan (1992)

The City of Kelowna Strategic Plan encourages the development of a more compact urban form by increasing densities through infill and redevelopment within existing urban areas and to provide for increased densities within future urban areas.

#### 5.0 TECHNICAL COMMENTS

##### 5.1 Inspection Services

The details for compliance to BC Building Code to be reviewed upon building permit application.

##### 5.2 Works and Utilities

###### 5.2.1 General

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

###### 5.2.2 Domestic water and fire protection

The existing lot is serviced with a small diameter (13-mm) copper water service, which is substandard. Adequate metered water service must be provided to meet current by-law requirements.

Water service issues will be reviewed when a Building Permit application including a mechanical plan is submitted. The installation of the new service will be by City forces. The applicant will be responsible for the cost of the new service.

###### 5.2.3 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. An inspection

chamber (IC) must be installed on the service at the owner's cost as required by the sewer-use bylaw.

5.2.4 Site Related Issues

Ample off-street parking and access is provided from the rear lane.

5.3 Public Health Officer

No objections.

5.4 Fire Department

No objections.

5.5 Bylaw Enforcement Officer

No recent bylaw enforcement issues.

5.6 Ministry of Transportation

No concerns.

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department has no concerns with the proposed rezoning and associated development variance permit. The proposal is consistent with the Official Community Plan and Strategic Plan. Staff feel that this is an appropriate location for a boarding house type use due to its proximity to downtown.

The requested development variance permit application will address an existing non-conforming situation. The applicant is not seeking to increase the non-conforming side from its current setback.

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Andrew Bruce  
Manager of Development Services

Approved for inclusion

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

RM/AB/rs

## FACT SHEET

1. **APPLICATION NO.:** Z04-0028
2. **APPLICATION TYPE:** Rezoning
3. **OWNER:** Isha Blue  
· **ADDRESS:** 822 Lawrence Avenue  
· **CITY:** Kelowna, BC  
· **POSTAL CODE:** V1Y 6L9
4. **APPLICANT/CONTACT PERSON:** Peter J. Chataway  
· **ADDRESS:** 368 Cadder Avenue  
· **CITY:** Kelowna, BC  
· **POSTAL CODE:** V1Y 5H1  
· **TELEPHONE/FAX NO.:** 861-4907
5. **APPLICATION PROGRESS:**  
Date of Application: April 27, 2004  
Date Application Complete: May 28, 2004  
Servicing Agreement Forwarded to Applicant: N/A  
Servicing Agreement Concluded: N/A  
Staff Report to APC: N/A  
Staff Report to Council: June 10, 2004
6. **LEGAL DESCRIPTION:** Lot 42, Block 15, DL 138, ODYD Plan 262
7. **SITE LOCATION:** The subject property is located on the north side of Lawrence Avenue between Richter Street and Ethel Street.
8. **CIVIC ADDRESS:** 822 Lawrence Avenue
9. **AREA OF SUBJECT PROPERTY:** 557.4m<sup>2</sup>
10. **AREA OF PROPOSED REZONING:** 557.4m<sup>2</sup>
11. **EXISTING ZONE CATEGORY:** RU6 – Two Dwelling Housing
12. **PROPOSED ZONE:** RU6b – Two Dwelling Housing with Boarding House
13. **PURPOSE OF THE APPLICATION:** TO REZONE THE SUBJECT PROPERTY FROM THE RU6 – TWO DWELLING HOUSING ZONE TO THE RU6b – TWO DWELLING HOUSING ZONE WITH BOARDING HOUSE
14. **MIN. OF TRANS./HIGHWAYS FILES NO.:** N/A  
**NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY**

**ATTACHMENTS**

**(not attached to the electronic version of the report)**

- Location of subject property
- Site plan
- Floor plans
- Elevations