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

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**Date:** June 30, 2004  
**File No.:** (3360-20) **Z03-0069**

**To:** City Manager

**From:** Planning & Corporate Services Department

**Subject:**

APPLICATION NO. Z03-0069                      OWNER: MARY CRESSWELL

AT: 902 SKYLINE STREET                      APPLICANT: AS ABOVE

PURPOSE: TO REZONE THE SUBJECT PROPERTY TO THE RU1s –  
LARGE LOT HOUSING WITH SECONDARY SUITE ZONE TO  
PERMIT THE USE OF AN EXISTING SECONDARY BUILDING  
AS A SECONDARY SUITE

EXISTING ZONE: RU1 – LARGE LOT HOUSING

PROPOSED ZONE: RU1s – LARGE LOT HOUSING with SECONDARY SUITE

REPORT PREPARED BY: PAUL McVEY

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

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**1.0    RECOMMENDATION**

THAT Rezoning Application No. Z03-0069 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 20, Sec. 30, Twp. 26, O.D.Y.D., Plan 11261, located on Skyline Street, 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 amending bylaw be considered in conjunction with Council's consideration of a Development Variance Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Inspection Services Department being completed to their satisfaction;

## 2.0 SUMMARY

The applicant wishes to rezone the subject property to the RU1s – Large Lot Housing with Secondary Suite zone to permit the use of a portion of an accessory building as a legal secondary suite.

## 3.0 BACKGROUND

### 3.1 The Proposal

The original house was constructed on the subject property in mid 1963. There was an inground swimming pool constructed in the rear yard in 1978. The accessory building was constructed on the site in 1981 as an unfinished garage.

In April 1999, there was an approved building that authorized construction of a 6.0 m addition to the east end and a 2.4 m addition to the west end, as well as permission to close in the exiting carport which is attached to the principal dwelling. This authorized construction which resulted in a 90.3 m<sup>2</sup> accessory building, and created a “pool house”.

In January, 2003 there had been an investigation into an illegal suite in the “pool house” building. This current application for a secondary suite rezoning is in response to this complaint.

The area in the accessory building that has been used as a suite is 55.2 m<sup>2</sup>.

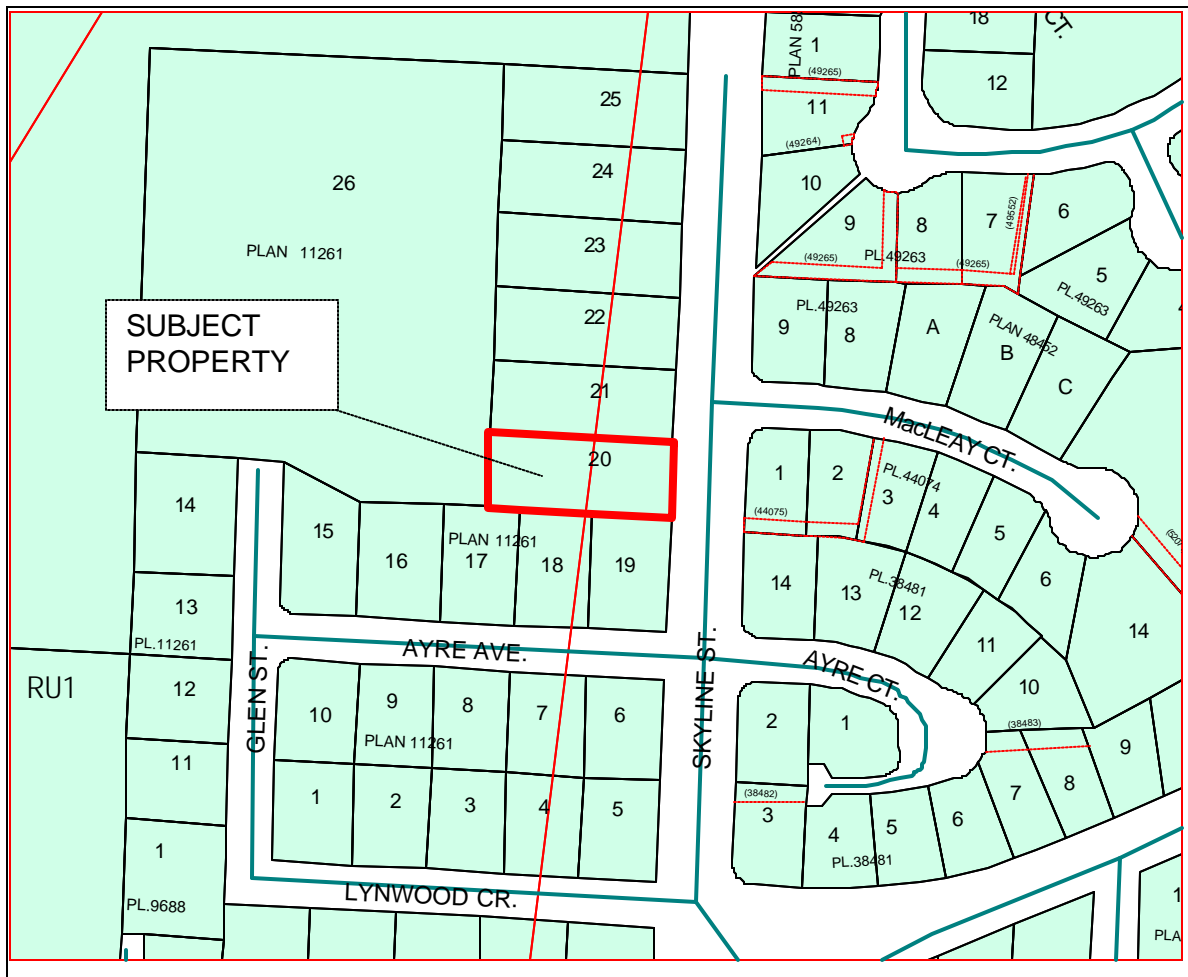
A comparison of the proposal with the requirements of the RU1s – Large Lot Housing with Secondary Suite zone is as follows:

CRITERIA	PROPOSAL	RU1s ZONE REQUIREMENTS
Site Area (m <sup>2</sup> )	1,546m <sup>2</sup>	500.0
Site Width (m)	24.3 m	16.5
Site Depth (m)	60.9 m	30.0 m
Site Coverage (%)	9.9% 16%	40% buildings 50% with driveways and parking
Total Floor Area (m <sup>2</sup> ) House Secondary Suite	190.9 m <sup>2</sup> 55.2 m <sup>2</sup>	N/A The lesser of 90 m <sup>2</sup> or 40% of the total floor area of the principal Building
Height (Accessory building)	3.5 m	4.5 m accessory
Storeys (#)	1.5 storeys	2.5 storey (9.5m)
Setbacks (m)		
- Front	11.2 m	4.5 m or 6.0 m from a garage or carport having vehicular entry from the front
- Rear	20.3 m	7.5 m
- North Side	2.0 m	5.8 m
- South Side	2.0 m	2.0 m
Separation between buildings	2.13m existing❶	5.0 m
Parking Stalls (#)	3 stalls provided	3 stalls required

Variance required:

- ① Vary Section 13.1.6 ( c ) – from 5.0 m separation between principal building and accessory building required to 2.13 m separation existing

### SUBJECT PROPERTY MAP



### 3.2 Site Context

Adjacent zones and uses are, to the:

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

### 3.3 Existing Development Potential

The existing zone of RU1 – Large Lot Housing permits single detached housing as the principal use, and bed and breakfast homes, care centres minor, group homes minor, home based business major and minor, and secondary suites and secondary uses.

### 3.4 Current Development Policy

#### 3.4.1 Kelowna Official Community Plan

This proposal is consistent with the "Single/Two Unit Residential" designation of the Official Community Plan.

#### 3.4.2 City of Kelowna Strategic Plan (1992)

The project is consistent with the Urban Form objectives of the Strategic Plan which encourages a "more compact urban form by increasing densities through infill and redevelopment within existing urban areas...".

### 4.0 TECHNICAL COMMENTS

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

#### 4.1 Aquila Networks Canada (FortisBC)

No requirements

#### 4.2 Bylaw Enforcement Officer

Open Illegal Suite File No. 42530 - c/o Pearson SUI

#### 4.3 Fire Department

No Comment

#### 4.4 Inspection Services Department (DVP04-0054)

It shall comply to the requirements for the separation of a secondary suite from principal building according to City of Kelowna bulletin and BC BC., which may also result an upgrade to both building elevations located within the existing 7'-0" clearance for compliance to article 9.10.14 of the BC Building Code for spatial separation between two buildings

NOTE; This issue will have to be dealt with prior to final adoption of the zone amending bylaw.

#### 4.5 Works and Utilities Department

No Comment.

## 5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

The Planning and Corporate Services Department does not have concerns with this proposed rezoning of the subject property from the existing RU1 – Large Lot Housing zone to the proposed RU1 – Large Lot Housing with Secondary Suite zone. The proposed rezoning will permit the use of a portion of an existing accessory building as a legal suite. The existing accessory building is located in the rear yard, and is not readily visible from the street. The existing accessory building also has a small garage area located at one end that is currently being used as a workshop.

There is also adequate parking available on site in compliance with the RU1s zone. At this time, it is anticipated that the suite will be used by an elderly family member who requires assistance with day to day living and housekeeping, while living independently of the family in the main house.

There is an application for a Development Variance Permit (DVP04-0054) that has been made in order to address the existing separation between the accessory building and the main dwelling located on the subject property. There may be some building improvements that will have to be addressed prior to final adoption of the zone amending bylaw. The applicant has provided a list of neighbours signatures in support of this a variance application.

In light of the above, the Planning and Corporate Services Department supports this application, and recommends for positive consideration by Council.

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Andrew Bruce  
Manager of Development Services

Approved for inclusion

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

PMc/pmc  
Attach.

**FACT SHEET**

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|--|---|
| <b>1. APPLICATION NO.:</b>                             | Z03-0069  |
| <b>2. APPLICATION TYPE:</b>                            | Rezoning  |
| <b>3. OWNER:</b>                                       | Mary J. Cresswell   |
| . ADDRESS  | 902 Skyline St.   |
| . CITY   | Kelowna, BC   |
| . POSTAL CODE  | V1Y 4C5   |
| <b>4. APPLICANT/CONTACT PERSON:</b>                    | Mary J. Cresswell   |
| . ADDRESS  | 902 Skyline St.   |
| . CITY   | Kelowna, BC   |
| . POSTAL CODE  | V1Y 4C5   |
| . TELEPHONE NO.:                                       | 861-5457  |
| <b>5. APPLICATION PROGRESS:</b>                        |   |
| Date of Application:                                   | December 5, 2003  |
| Date Application Complete:                             | December 5, 2003  |
| Servicing Agreement Forwarded to Applicant:            | N/A   |
| Servicing Agreement Concluded:                         | N/A   |
| Staff Report to Council:                               | June 30, 2004   |
| <b>6. LEGAL DESCRIPTION:</b>                           | Lot 20, Sec. 30, Twp. 26, O.D.Y.D.,<br>Plan 11261   |
| <b>7. SITE LOCATION:</b>                               | West Side of Skyline Street, South of<br>MacLeay Court.   |
| <b>8. CIVIC ADDRESS:</b>                               | 902 Skyline St.   |
| <b>9. AREA OF SUBJECT PROPERTY:</b>                    | 1,546m <sup>2</sup>   |
| <b>10. AREA OF PROPOSED REZONING:</b>                  | 1,546m <sup>2</sup>   |
| <b>11. EXISTING ZONE CATEGORY:</b>                     | RU1 – Large Lot Housing   |
| <b>12. PROPOSED ZONE:</b>                              | RU1s – Large Lot Housing with<br>Secondary Suite  |
| <b>13. PURPOSE OF THE APPLICATION:</b>                 | To Rezone The Subject Property To<br>The RU1s – Large Lot Housing With<br>Secondary Suite Zone To Permit The<br>Use Of An Existing Secondary<br>Building As A Secondary Suite |
| <b>14. DEVELOPMENT PERMIT MAP 6.2<br/>IMPLICATIONS</b> | Not Applicable  |

Attachments

Subject Property Map

5 pages of site plan, building elevations / cross section diagrams