
CITY OF KELOWNA
MEMORANDUM

Date: June 22, 2004
File No.: (3360-20) Z04-0044

To: City Manager

From: Planning and Corporate Services Department

Subject:

APPLICATION NO. Z04-0044 **OWNER:** Charlene Madden
AT: 335 Hardie Road **APPLICANT:** Charlene Madden

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 WITHIN AN ACCESSORY BUILDING;

EXISTING ZONE: RU1 - LARGE LOT HOUSING

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

REPORT PREPARED BY: NELSON WIGHT

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Rezoning Application No. Z04-0044 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 10, Sec. 26, Twp. 26, ODYD, Plan 14462 located at 335 Hardie 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.

2.0 SUMMARY

The Applicant is seeking to rezone the subject property from the RU1 – Large Lot Housing zone to the RU1s - Large Lot Housing with Secondary Suite zone. A secondary suite in an accessory building is proposed in the location of an existing garage, which is to be demolished.

There is an accompanying Development Variance Permit application addressing the following: (a) there is no carport or garage component contemplated as part of the accessory building; (b) the square footage of the secondary suite exceeds the 75% rule, with the proposed suite having a floor area which is 79% of the principal building floor area; and (c) the proposed side yard setback to the accessory building 1.5 m where 2.0 m is required.

3.0 BACKGROUND

3.1 The Proposal

This application seeks to have the subject property rezoned to allow for a secondary suite within an accessory building. The Applicant proposes to demolish the existing garage. In that same location, a single storey, 64 m² (689 ft²) accessory building is proposed, which would accommodate a secondary suite.

Because there is no garage or carport proposed for the accessory building, a variance will be required. A second variance is required to allow a floor area for the accessory building that exceeds 75% of the floor area for the principal dwelling. A third variance is required to allow the accessory building to be located 1.5 m from the east property line, where 2.0 m is required.

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

CRITERIA	PROPOSAL	RU2s ZONE REQUIREMENTS
Lot Area (m ²)	809 m ² (0.2 ac.)	550 m ²
Lot Width (m)	20.73 m	16.5 m
Lot Depth (m)	38.71 m	30.0 m
Site Coverage (%)	17% 29%	40% (buildings) 50% (with driveway and parking)
Total Floor Area (m ²) -House -Secondary suite	86 m ² 64 m ² (79%) ^A	N/A The lesser of 90 m² or 75% of the total floor area of the principal building
Height	1 storey (3.7 m)	4.5 m
Setbacks		
Front	7.5 m	4.5 m
West Side	1.5 m ^B	2.0 m
East Side	3.5 m	2.0 m
Rear	5.8 m	7.5 m
Parking Spaces (Total)	3 spaces ^C	3 spaces

^A The Applicant is requesting a variance to allow a floor area for the secondary suite that would be 79% of the principal dwelling floor area, where a maximum of 75% is permitted.

^B The Applicant is requesting a variance to allow a setback of 1.5 m where 2.0 m is required.

^C The Applicant is requesting that a variance be granted to allow uncovered parking for the secondary suite, where an attached carport is required.

3.2 Site Context

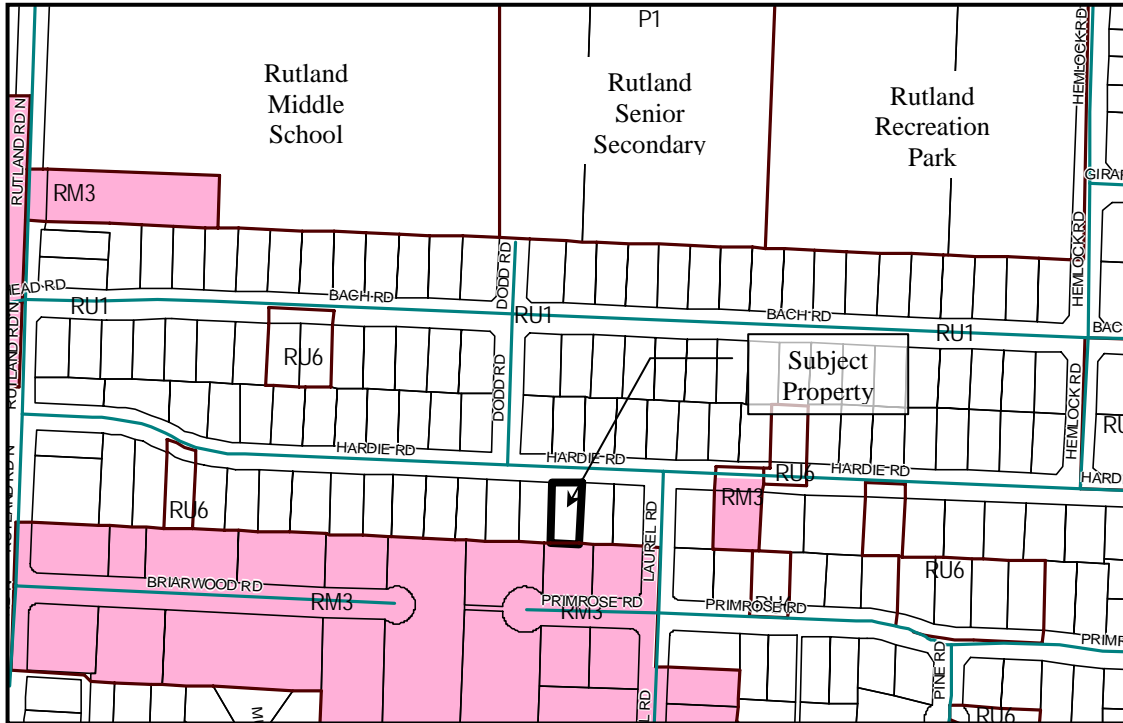
The subject property is located 1 ½ blocks south of Rutland Senior Secondary school, on Hardie Road. The surrounding area is entirely residential in nature, with a mix of single-family, two-family, and multi-family housing.

Adjacent zones and uses are:

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

Site Location Map

Subject Property: 335 Hardie Road



3.3 Existing Development Potential

The property is zoned RU1 – Large Lot Housing. The purpose is to provide a zone for single detached housing, and compatible secondary uses, on larger serviced urban lots. Principal uses are “single dwelling housing”, with secondary uses such as bed and breakfast homes, minor care centres and group homes, as well as home based businesses.

Secondary suites are permitted within the RU1s - Large Lot Housing with Secondary Suite zoning.

3.4 Current Development Policy

3.4.1 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).

3.4.2 Kelowna Official Community Plan

The Official Community Plan designates the future land use of the subject property as Single / Two Unit Residential. The proposed land use (single unit dwelling with a secondary suite in an accessory building) is consistent with the direction of this policy document.

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
No concerns.
- 4.2 Fire Department
No concerns.
- 4.3 Irrigation District (Rutland Water Works)
Capital Expenditure Charges due as per Bylaw - dwelling unit \$1500.
Separate service or shut off is required.
- 4.4 Public Health Inspector
No comments.
- 4.2 Works and Utilities Department
The proposed rezoning application does not compromise W & U requirements.
This property is located within a sanitary sewer spec area #21A and is currently serviced by the municipal sanitary sewer system.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The subject property is designated as Single / Two Unit Residential in the Official Community Plan (OCP), and in the Rutland Sector Plan. As such the proposal to add a secondary suite to this site would be consistent with these policy documents. The OCP also supports the use of secondary suites as an appropriate method to increase the density in residential areas without a significant impact on the character of the neighbourhood.

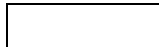
Due to the consistency of the application with City policies, and because the proposed development is compatible with the surrounding neighbourhood, the Planning and Development Services Department supports the proposed rezoning of the property from RU1 – Large Lot Housing zone to RU1s - Large Lot Housing with Secondary Suite zone.

Two of the three variances proposed seem reasonable, but Staff sees little justification for the proposed reduction of the required side yard setback. A separate report will be forwarded to Council to address the proposed variances.

Three letters bearing the signatures of neighbouring property owners in support were submitted with the application, and these letters are attached to this report.

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

- | | | |
|-----|---|---|
| 1. | APPLICATION NO.: | Z04-0044 |
| 2. | APPLICATION TYPE: | Rezoning |
| 3. | OWNER/APPLICANT: | Charlene Madden |
| | • ADDRESS | 335 Hardie Road |
| | • CITY | Kelowna, BC |
| | • POSTAL CODE | V1X 3Y4 |
| | • TELEPHONE/FAX NO.: | 765-1571 |
| 4. | APPLICATION PROGRESS: | |
| | Date of Application: | June 23, 2004 |
| | Date Application Complete: | July 21, 2004 |
| | Servicing Agreement Forwarded to Applicant: | n/a |
| | Servicing Agreement Concluded: | n/a |
| | Staff Report to Council: | July 21, 2004 |
| 5. | LEGAL DESCRIPTION: | Lot 10, Sec. 26, Twp. 26, ODYD, Plan 14462 |
| 6. | SITE LOCATION: | The property is located on Hardie Road, approximately 1 ½ blocks south of Rutland Senior Secondary school. |
| 7. | CIVIC ADDRESS: | 335 Hardie Road |
| 8. | AREA OF SUBJECT PROPERTY: | 809 m² |
| 9. | AREA OF PROPOSED REZONING: | 809 m² |
| 10. | EXISTING ZONE CATEGORY: | RU1 – Large Lot Housing |
| 11. | PROPOSED ZONE: | RU1s - Large Lot Housing with Secondary Suite |
| 12. | PURPOSE OF THE APPLICATION: | To rezone the subject property to allow for the construction of a secondary suite within an accessory building. |
| 13. | MIN. OF TRANS./HIGHWAYS FILES NO.: | |
| | NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY | n/a |
| 14. | DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS | n/a |

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- State of Title
- Site plan
- Floor plans and elevations (2 pages)
- Letters in support (3 pages)