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

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**Date:** September 7, 2004  
**File No.:** Z04-0051

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:**

APPLICATION NO. Z04-0051  
AT: 608 Coronation Avenue

OWNER: Donald Tulloch  
APPLICANT: Donald Tulloch

**PURPOSE:** TO REZONE THE PROPERTY FROM THE RU2-MEDIUM LOT HOUSING ZONE TO THE RU2S-MEDIUM LOT HOUSING WITH SECONDARY SUITE ZONE TO ALLOW FOR A SECONDARY SUITE WITHIN A SINGLE DETACHED DWELLING.

**EXISTING ZONE:** RU2 – MEDIUM LOT HOUSING

**PROPOSED ZONE:** RU2s ZONE – MEDIUM LOT HOUSING WITH SECONDARY SUITE

**REPORT PREPARED BY:** RYAN SMITH

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

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**1.0 RECOMMENDATION**

THAT Rezoning Application No. Z04-0051 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 49, District Lot 139, ODYD Plan 1037, located on Coronation Avenue, Kelowna, B.C. from the RU2 – Medium Lot Housing zone to the RU2s – Medium 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 withheld pending inspection and approval of the proposed secondary suite by the Inspection Services Department;

## 2.0 SUMMARY

The applicants are seeking to rezone the subject property from the RU2 – Medium Lot Housing to the RU2s – Medium Lot Housing with Secondary Suite in order to legalize an existing secondary suite on the second floor of a single detached dwelling.

## 3.0 BACKGROUND

This rezoning application is the result of a bylaw enforcement complaint relating to an illegal suite in the single family dwelling on the subject property.

### 3.1 The Proposal

The applicant is seeking to rezone the subject property from the RU2 – Medium Lot Housing to the RU2s – Medium Lot Housing with Secondary Suite. The proposed secondary suite (located on the second storey of the existing dwelling), will measure 63.5m<sup>2</sup> and will accommodate two bedrooms, one bathroom, and a kitchen/living area.

The applicant is proposing to provide three parking spaces that can be accessed via the rear lane. The applicant will be required to provide a lit pathway connecting the parking area to the building.

The application meets the requirements of the proposed RU2s – Medium Lot Housing with Secondary Suite zone as follows:

CRITERIA	PROPOSAL	RU2s ZONE REQUIREMENTS
Lot Area (m <sup>2</sup> )	378m <sup>2</sup> ❶	400.0 m <sup>2</sup>
Lot Width (m)	10.06m❶	13.0 m
Lot Depth (m)	32.00m❶	30.0m
Site Coverage (%)	27.8% 35%	40% (buildings) 50% (with driveway and parking)
Total Floor Area (m <sup>2</sup> ) -House -Secondary suite	168.61m <sup>2</sup> 63.5m <sup>2</sup>	N/A The lesser of 90 m <sup>2</sup> or 40% of the total floor area of the principal building ( $0.4 * 168.61 = 67.44 \text{ m}^2$ )
Height	2 stories	lesser of 9.5m or 2.5 stories
Setbacks		
-Front	12.1m	4.5 m or 6.0 m from a garage or carport having vehicular entry from the front
-Rear	9.5m	7.5 m
-East Side	2m	1.8 m
-West Side	1.9m	1.8 m
Parking Spaces (Total)	3 spaces	3 spaces

❶Note: Section 1.8.4 of Zoning Bylaw No.8000 states that “A lot having less than the required minimum lot size in a zone may be rezoned to add the “s” notation to the zone classification to permit a secondary suite as a secondary use, provided the lot was created before adoption of the City of Kelowna Zoning Bylaw No. 8000 and the development otherwise complies with all regulations of the Zoning Bylaw. The subject property is in compliance with the above noted section of the zoning bylaw.

The property is zoned RU2 – Medium 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 allowed on lots with RU2s – Medium 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) is consistent with the direction of this policy document. The OCP also supports the use of secondary suites as a method of sensitively integrating higher density into neighbourhoods.

## 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

To convert an existing illegal suite to a legal suite, confirmation of the compliance to B.C. Building Code and City of Kelowna regulations is required.

A site inspection report to be conducted by Building Inspector to assess the required upgrade prior to final approval of this application.

### 4.2 Works and Utilities Department

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

#### 4.2.1 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.

The disconnection of the existing small diameter water service and the tie-in of the new service will be by City forces at the developer's expense.

The water meter must be installed inside the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws.

#### 4.2.2 Sanitary Sewer

This property is currently serviced by the municipal sanitary sewer system. The existing 100mm-diameter service is adequate 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 if one does not exist.

The City Utility Billing Department must be notified to add a second residential unit onto the sanitary sewer user cost for this address

#### 4.2.3 Site Related Issues

An adequate dust free on-site parking area must be provided.

#### 4.3 Interior Health

No comment.

#### 4.4 Fire Department

No objection.

### 5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Development Services Department supports the proposed rezoning of the property from RU2 – Medium Lot Housing to RU2s – Medium Lot Housing with Secondary Suite. The proposal is consistent with both the future land used designation and policies with regards to secondary suites outlined in the Official Community Plan.

The applicant is requesting the "s" designation in order to legalize an existing "illegal" secondary suite. The suite is located on the second storey of the existing house. As the suite is located within the existing house, there will be no negative visual impact on the single-family character of the area. In addition, there is sufficient on-site parking accessed from the rear lane. There is sufficient private open space on-site to meet the bylaw requirements; however, the applicant must provide a well lit pathway between the parking area and building entrance.

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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  
Attach.

**FACT SHEET**

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| 1. APPLICATION NO.:  | Z04-0051   |
| 2. APPLICATION TYPE:   | Rezoning   |
| 3. OWNER:  | Donald Tulloch   |
| • ADDRESS  | 6502 Postill Lake Road   |
| • CITY   | Kelowna, BC  |
| • POSTAL CODE  | V1P 1A2  |
| 4. APPLICANT/CONTACT PERSON:   | Donald Tulloch   |
| • ADDRESS  | 6502 Postill Lake Road   |
| • CITY   | Kelowna, BC  |
| • POSTAL CODE  | V1P 1A2  |
| • TELEPHONE/FAX NO.:   | 765-0609   |
| 5. APPLICATION PROGRESS:   |  |
| Date of Application:   | July 23, 2004  |
| Servicing Agreement Forwarded to Applicant:  | n/a  |
| Servicing Agreement Concluded:   | n/a  |
| Staff Report to Council:   | September 7, 2004  |
| 6. LEGAL DESCRIPTION:  | Lot 49, D.L.139, ODYD Plan 1037  |
| 7. SITE LOCATION:  | The subject property is located on the north side of Coronation Avenue between St. Paul Street and Richter Street. |
| 8. CIVIC ADDRESS:  | 608 Coronation Avenue  |
| 9. AREA OF SUBJECT PROPERTY:   | 378m <sup>2</sup>  |
| 10. AREA OF PROPOSED REZONING:   | 378m <sup>2</sup>  |
| 11. EXISTING ZONE CATEGORY:  | RU2 – Medium Lot Housing   |
| 12. PROPOSED ZONE:   | RU2s – Medium Lot Housing with Secondary Suite   |
| 13. PURPOSE OF THE APPLICATION:  | To rezone the subject property to allow for a secondary suite within a single detached dwelling.                   |
| 14. MIN. OF TRANS./HIGHWAYS FILES NO.:<br>NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY | n/a  |
| 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
- Elevations
- Floor plans