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## CITY OF KELOWNA MEMORANDUM

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**Date:** August 27, 2004  
**File No.:** DVP04-0072  
**To:** City Manager  
**From:** Planning and Corporate Services Department  
**Subject:**

**APPLICATION NO.** DVP04-0072      **OWNER:** Charlene Madden  
**AT:** 335 Hardie Road      **APPLICANT:** Charlene Madden  
(or Rick Goyette)

**PURPOSE:** VARY THE FLOOR AREA PERMITTED FOR A SECONDARY SUITE IN AN ACCESSORY BUILDING TO ALLOW A SUITE THAT IS 79% OF THE PRINCIPAL DWELLING FLOOR AREA, WHERE THE FLOOR AREA CANNOT EXCEED 75% OF THE PRINCIPAL DWELLING

VARY THE REQUIREMENT FOR ATTACHED PARKING TO A SUITE IN AN ACCESSIBLE, SUCH THAT NO ATTACHED PARKING BE REQUIRED;

**EXISTING ZONE:** RU1 - LARGE LOT HOUSING

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

**REPORT PREPARED BY:** NELSON WIGHT

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

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### **1.0 RECOMMENDATION**

THAT Final Adoption of Zone Amending Bylaw No. 9291 be considered by Council;

AND THAT Council authorize the issuance of Development Variance Permit No. DP04-0072 for Lot 10 Sec. 26 Twp. 26 O.D.Y.D. Plan 14462, located on Hardie Road, Kelowna, B.C. subject to the following:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";

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

**Section 9.5.4 Secondary Suites – Maximum Floor Area**

Vary the maximum floor area permitted for a secondary suite located in an accessory building from the lesser of 90 m<sup>2</sup> or 75% of the total floor area of the principal to allow a suite in an accessory building that is 64 m<sup>2</sup> and 79% of the total floor area of the principal building.

**Section 9.5.10 Secondary Suites – Attached Garage or Carport**

Vary the requirement to include a garage or carport for a minimum of one vehicle, such that no covered parking be required for the secondary suite.

## 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.

This Development Variance Permit application seeks to vary the following requirements of the Zoning Bylaw: (a) a secondary suite in an accessory building must include a garage or carport for a minimum of one vehicle; and (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.

## 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 m<sup>2</sup> (689 ft<sup>2</sup>) 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.

Initially, the Applicant was proposing to vary the side yard setback requirement for the accessory building, but has since revised the proposal. The accessory building will meet the required set back requirement of 2.0 m.

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 <sup>2</sup> )	809 m <sup>2</sup> (0.2 ac.)	550 m <sup>2</sup>
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 <sup>2</sup> ) -House -Secondary suite	81 m <sup>2</sup> (872 ft <sup>2</sup> ) 64 m <sup>2</sup> (689 ft <sup>2</sup> ) (79%) <sup>A</sup>	N/A The lesser of <b>90 m<sup>2</sup></b> or 75% of the total floor area of the principal building
Height	1 storey (3.7 m)	4.5 m
<b>Setbacks</b>		
Front	7.5 m	4.5 m
West Side	2.0 m	2.0 m
East Side	3.5 m	2.0 m
Rear	5.8 m	7.5 m
<b>Other Requirements</b>		
Parking Spaces (Total)	3 spaces <sup>C</sup>	3 spaces
Distance between house and suite	5.0 m	5.0 m

<sup>A</sup> 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

<sup>B</sup> The Applicant is requesting that a variance be granted to allow uncovered parking for the secondary suite, where an attached garage or carport is required.

### 3.2 Site Context

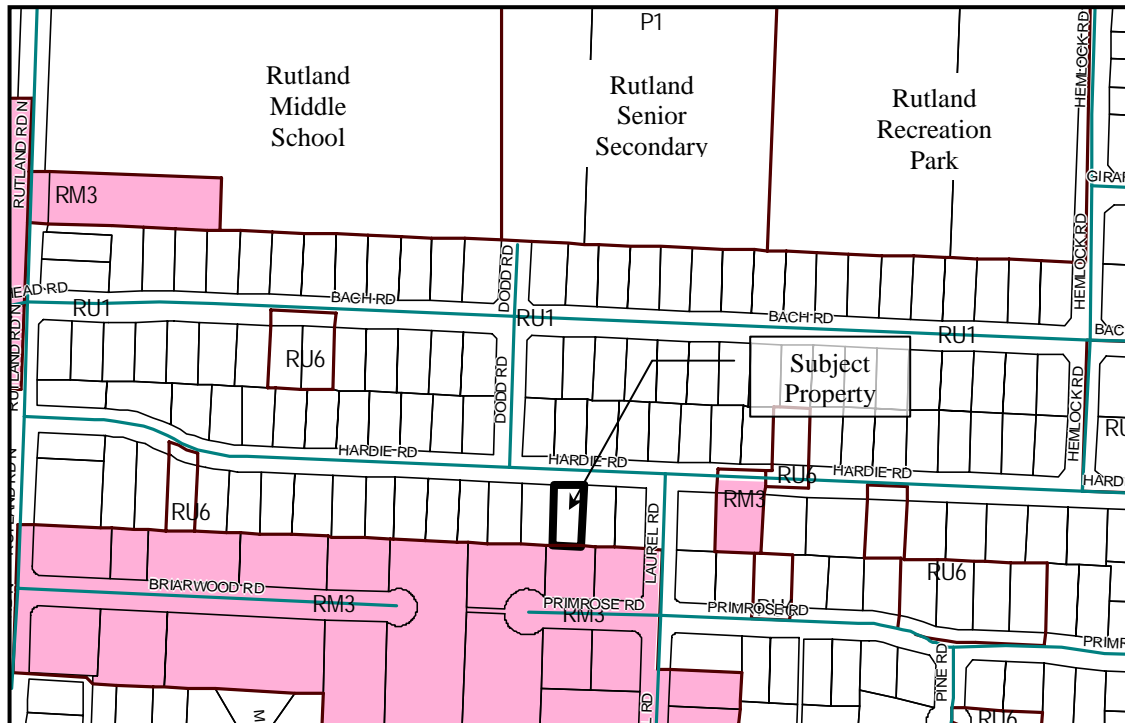
The subject property is located 1 ½ blocks south of Rutland Senior Secondary school, on Hardie Road. The surrounding area is entirely residential in nature, with a mix of single-family, two-family, and multi-family housing.

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 principal dwelling on this lot is 81 m<sup>2</sup> (872 ft<sup>2</sup>). The Zoning Bylaw requires that the suite proposed for an accessory building not exceed 75% of this floor area, or in this case, no more than 61 m<sup>2</sup> (654 ft<sup>2</sup>). Staff considers that the additional 3 m<sup>2</sup> (35 ft<sup>2</sup>) of floor area is reasonable in order to provide a functional space for the future occupant(s).

Staff also sees justification in the second requested variance regarding the provision of covered parking for the secondary suite. Not requiring a carport or garage in this case allows for a building design more consistent with the existing home. Secondly, the parking area functions better without a carport, allowing greater parking flexibility.

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

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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.  | <b>APPLICATION NO.:</b>   | DVP04-0072   |
| 2.  | <b>APPLICATION TYPE:</b>  | Development Variance Permit  |
| 3.  | <b>OWNER/APPLICANT:</b>   | Charlene Madden  |
|     | • <b>ADDRESS</b>  | 335 Hardie Road  |
|     | • <b>CITY</b>   | Kelowna, BC  |
|     | • <b>POSTAL CODE</b>  | V1X 3Y4  |
|     | • <b>TELEPHONE/FAX NO.:</b>   | 765-1571   |
|     | <b>ALTERNATE CONTACT:</b>   | Rick Goyette (Sunrise Homes)   |
|     | • <b>TELEPHONE/FAX NO.:</b>   | 763-1461   |
| 4.  | <b>APPLICATION PROGRESS:</b>  |  |
|     | <b>Date of Application:</b>   | June 23, 2004  |
|     | <b>Date Application Complete:</b>                                     | July 21, 2004  |
|     | <b>Servicing Agreement Forwarded to Applicant:</b>                    | n/a  |
|     | <b>Servicing Agreement Concluded:</b>                                 | n/a  |
|     | <b>Staff Report to Council:</b>                                       | August 27, 2004  |
| 5.  | <b>LEGAL DESCRIPTION:</b>   | Lot 10, Sec. 26, Twp. 26, ODYD, Plan 14462   |
| 6.  | <b>SITE LOCATION:</b>   | The property is located on Hardie Road, approximately 1 ½ blocks south of Rutland Senior Secondary school.   |
| 7.  | <b>CIVIC ADDRESS:</b>   | 335 Hardie Road  |
| 8.  | <b>AREA OF SUBJECT PROPERTY:</b>                                      | 809 m <sup>2</sup>   |
| 9.  | <b>AREA OF PROPOSED REZONING:</b>                                     | 809 m <sup>2</sup>   |
| 10. | <b>EXISTING ZONE CATEGORY:</b>  | RU1 – Large Lot Housing  |
| 11. | <b>PROPOSED ZONE:</b>   | RU1s - Large Lot Housing with Secondary Suite  |
| 12. | <b>PURPOSE OF THE APPLICATION:</b>                                    | VARY THE FLOOR AREA PERMITTED FOR A SECONDARY SUITE IN AN ACCESSORY BUILDING TO ALLOW A SUITE THAT IS 79% OF THE PRINCIPLE DWELLING FLOOR AREA, WHERE THE FLOOR AREA CANNOT EXCEED 75% OF THE PRINCIPLE DWELLING |
|     |   | VARY THE REQUIREMENT FOR ATTACHED PARKING TO A SUITE IN AN ACCESSIBLE, SUCH THAT NO ATTACHED PARKING BE REQUIRED   |
| 13. | <b>MIN. OF TRANS./HIGHWAYS FILES NO.:</b>                             | 2-81-20810   |
|     | <b>NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY</b> | 2-81-20811   |
|     |   | 2-81-20812   |
| 14. | <b>DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS</b>                       | n/a  |

### **ATTACHMENTS**

(not attached to the electronic version of the report)

- Location of subject property
- State of Title
- Site plan (Schedule “A”)
- Floor plans and elevations (Schedule “B” - 2 pgs.)
- Landscaping Plan (Schedule “C”)
- Letters in support (3 pages)