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

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**Date:** August 20, 2004  
**File No.:** Z04-0050  
**To:** City Manager  
**From:** Planning and Corporate Services Department  
**Subject:**

APPLICATION NO. Z04-0050                      OWNER: Caroline Maria Kaltenhauser  
AT: 3473 Moberly Road                      APPLICANT: Caroline Maria Kaltenhauser

PURPOSE: TO REZONE THE PROPERTY FROM RU1 – LARGE LOT HOUSING TO RU1s- LARGE LOT HOUSING WITH SECONDARY SUITE TO ALLOW A SECONDARY SUITE IN AN ACCESSORY BUILDING

EXISTING ZONE: RU1 – LARGE LOT HOUSING

PROPOSED ZONE: RU1s – LARGE LOT HOUSING WITH SECONDARY SUITE

REPORT PREPARED BY: KEIKO NITTEL

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

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**1.0     RECOMMENDATION**

THAT Rezoning Application No. Z04-0050 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 13, DL 135, ODYD, Plan 3886 located on Moberly Rd 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 subsequent to the removal of the second kitchen to the satisfaction of the Inspection Services Department.

**2.0     SUMMARY**

The applicant is seeking to rezone the subject property from the RU1 –Large Lot Housing to the RU1s – Large Lot Housing with Secondary Suite to allow for the construction of an accessory building with a secondary suite.

### 3.0 BACKGROUND

#### 3.1 The Proposal

The subject property is a double fronting lot located between Moberly Road and Casorso Road. The existing 1 ½ storey house fronts onto Moberly Road with an existing driveway running along the south side of the property providing access to both roads. The applicant will be required to remove the existing second kitchen located in the basement of the house prior to receiving final reading on the rezoning.

The proposed accessory building is to be 1 ½ stories in height. The main level will contain a garage, storage room, washroom, laundry room, kitchen, and living/dining room. Two bedrooms and a washroom will be located on the second floor. Due to the orientation of the proposed building, the second floor bedroom windows are oriented towards the existing house and Casorso Road. The second floor washroom window is oriented towards the property to the south. The applicant will therefore be required as part of the development permit to provide frosted glass in this window to ensure the privacy of the adjacent properties is maintained. No second floor windows are proposed facing the property to the north.

The proposed development meets the regulations of the Zoning Bylaw. The existing dwelling has private open space in the front yard as well as at the rear of the building on an existing patio and deck. The proposed secondary suite will have private open space adjacent to the front exit of the building as well as a large space on the east side of the building. In this location, an existing mature cedar hedge buffers the yard from Casorso Road. The on-site parking provided exceeds the minimum requirements of the bylaw. Tandem stalls are available in the existing driveway adjacent to the house. The proposed accessory building provides parking for one vehicle in an attached garage as well as several additional spaces in the driveway.

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> )	771.0m <sup>2</sup>	550.0 m <sup>2</sup>
Lot Width (m)	21.73m	16.5 m
Lot Depth (m)	36.24m	30.0m
Site Coverage (%)	28.5%	40% (buildings) 50% (with driveway and parking)
Total Floor Area (m <sup>2</sup> ) -House -Secondary suite	140m <sup>2</sup> main floor 90 m <sup>2</sup>	N/A The lesser of <b>90 m<sup>2</sup></b> or 75% of the total floor area of the principal building
Size of Accessory Building	80.3m <sup>2</sup>	90.0m <sup>2</sup>
Height (Accessory)	4.5m	4.5m
Setbacks		
Distance between House & Accessory Building	5.0m	5.0m
- Front yard	7.32m/4.897m	7.5 m/ 4.5m
-South Side	3.2m	2.0 m
-North Side	2.0m	2.0 m
Parking Spaces (Total)	5+	3

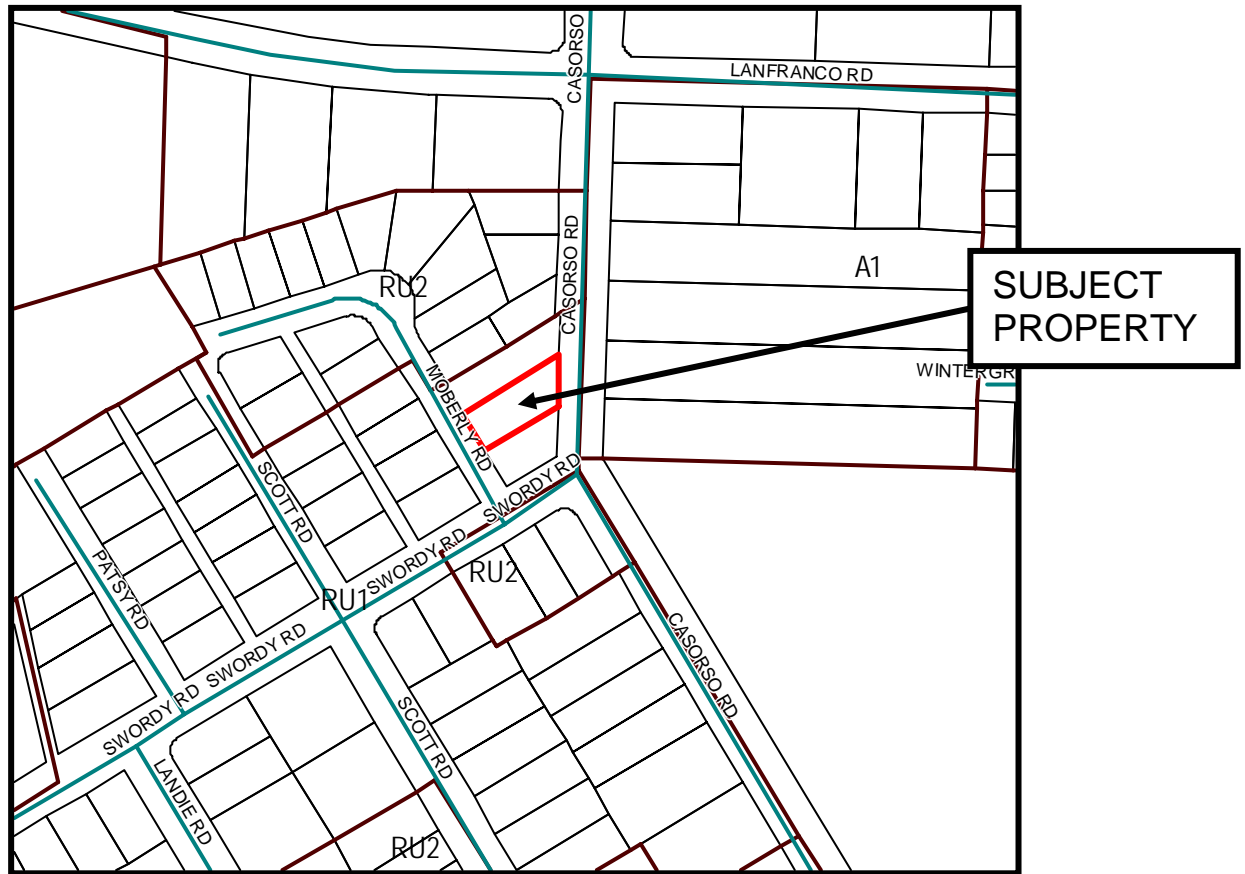
### 3.2 Site Context

The subject property is located on Moberly Road north of Swordy Road.

Adjacent zones and uses are:

- North - RU1 - Large Lot housing
- East - A1 - Agricultural 1
- South - RU2 - Medium Lot housing
- West - RU1 - Large Lot housing

#### Site Location Map



### 3.3 Existing Development Potential

The property is zoned RU1 – Large 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 RU1s – Large Lot Housing with Secondary Suite zoning.

### 3.4 Current Development Policy

#### 3.4.1 Kelowna Official Community Plan

The proposal is consistent with the designation of Single/Two Family Residential in the Official Community Plan future land use designation. The Single/Two Family Residential designation covers single detached homes for occupancy by one family, single detached homes with a secondary suite, semi-detached buildings used for two dwelling units, and complementary uses (OCP, Chapter 15).

#### 3.4.2 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). The proposal is consistent with these objectives and with their accompanying strategies.

### 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 Fire Department

No comment.

#### 4.2 Interior Health

City water and sanitary sewer is required.

#### 4.3 Inspection Services

The east & west elevations are reversed drawings. Spatial Separation calculation for the elevation facing existing house to be provided for review and acceptance prior to DP approval

#### 4.4 Works & Utilities

The Works & Utilities Department have the following requirements associated with this application.

##### 4.4.1 Domestic Water and Fire Protection

This development is within the service area of the City of Kelowna. All charges for service connections and upgrading costs are to be paid directly to the City of Kelowna. This property is currently serviced with a 19mm-diameter copper water service. If a larger service is required, it can be provided by the City at the owner's cost. Should the existing meter be installed in a pit, the meter shall be removed and relocated within the building. The service to the existing dwelling within the property may require realignment.

##### 4.4.2. Sanitary Sewer

The 100mm-diameter sanitary sewer service should be adequate for the proposed application. An inspection chamber (IC) must be installed on the service at the owner's cost as required by the sewer-use bylaw.

4.4.3. Development Permit and Site Related Issues

The development will be required to contain and dispose of site generated storm water on the site by installing a ground recharge system consisting of rock pits and perforated pipe bedded in drain rock. Direct the roof drains into on-site rock pits. There is a mature healthy tree within the subject property. Excavation and lot grading within the drip-line of the evergreen will have to be done with great care. Heavy equipment and storage of building materials within the tree drip-line will result in soil compaction around the tree root system causing severe stress to the tree.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department supports the proposed rezoning of the property from RU1 – Large Lot Housing to RU1s – Large Lot Housing with Secondary Suite. The subject property is designated as Single / Two Unit Residential in the Official Community Plan (OCP). The OCP supports the use of secondary suites as an appropriate method of increasing density in low density areas without a significant impact on the existing neighbourhood. The proposed accessory building meets the regulations for secondary suite in accessory buildings as outlined in the Zoning Bylaw. The existing second kitchen located in the basement of the single detached dwelling will be required to be removed to the satisfaction of the Inspection Services Department prior to adoption of the zone amending bylaw.

While the size of the accessory building is consistent with the Zoning Bylaw, the applicant originally submitted drawings where the size of the secondary suite exceeded the maximum allowed. The size of the garage/storage area therefore has been increased, thus decreasing the size of the suite, in order to ensure development meets the rules of the Zoning Bylaw. In order to accommodate the parking spaces in a manner that allows vehicles to enter and exit the site in a forward manner, the orientation of the front of the accessory building to the south is acceptable. The second floor window (bathroom window) will be required to use frosted glass as part of the development permit application in order to maintain the privacy of neighbours to the south. Existing cedar hedges further mitigate the impact and appearance of the suite from the adjacent properties and the road. The exterior finish of the accessory building will be white with grey trim to match the appearance of the existing house.

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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>   | Z04-0050  |
| 2.  | <b>APPLICATION TYPE:</b>  | Rezoning  |
| 3.  | <b>OWNER:</b><br>• ADDRESS<br>• CITY<br>• POSTAL CODE   | Caroline Maria Kaltenhauser<br>3932 Angus Drive<br>Westbank, BC<br>V4T 2J8  |
| 4.  | <b>APPLICANT/CONTACT PERSON:</b><br><br>• ADDRESS<br>• CITY<br>• POSTAL CODE<br>• TELEPHONE/FAX NO.:  | Caroline Maria Kaltenhauser<br><b>Contact: Gordon Kaltenhouse 762-6871</b><br>3932 Angus Drive<br>Westbank, BC<br>V4T 2J8<br>764-8444                   |
| 5.  | <b>APPLICATION PROGRESS:</b><br>Date of Application:<br>Date Application Complete:<br>Servicing Agreement Forwarded to Applicant:<br>Servicing Agreement Concluded:<br>Staff Report to Council: | July 6, 2004<br>July 6, 2004<br>N/A<br>N/A<br>August 20, 2004   |
| 6.  | <b>LEGAL DESCRIPTION:</b>   | Lot 13, DL 135, ODYD, Plan 3886   |
| 7.  | <b>SITE LOCATION:</b>   | The subject property is located on Moberly Road north of Swordy Road  |
| 8.  | <b>CIVIC ADDRESS:</b>   | 3473 Moberly Road, Kelowna , BC   |
| 9.  | <b>AREA OF SUBJECT PROPERTY:</b>  | 771 m <sup>2</sup>  |
| 10. | <b>AREA OF PROPOSED REZONING:</b>   | 771 m <sup>2</sup>  |
| 11. | <b>EXISTING ZONE CATEGORY:</b>  | RU1 – Large Lot Housing   |
| 12. | <b>PROPOSED ZONE:</b>   | RU1s – Large Lot Housing with Secondary Suite   |
| 13. | <b>PURPOSE OF THE APPLICATION:</b>  | TO REZONE THE PROPERTY FROM RU1 – LARGE LOT HOUSING TO RU1s- LARGE LOT HOUSING WITH SECONDARY SUITE TO ALLOW A SECONDARY SUITE IN AN ACCESSORY BUILDING |
| 14. | <b>MIN. OF TRANS./HIGHWAYS FILES NO.:</b><br><b>NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY</b>  | N/A   |
| 15. | <b>DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS</b>   | N/A   |

**ATTACHMENTS**

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

- Location of subject property
- Airphoto
- Elevations
- Site plans
- Landscape plans
- Floor plans