
CITY OF KELOWNA

MEMORANDUM

Date: October 4, 2005
To: City Manager
From: Planning and Corporate Services Department
Subject:

APPLICATION NO. Z05-0062/
DVP05-0180

OWNER: Jack Peters
Cynthia Waldek-Peters

AT: 1857 Barlee Road

APPLICANT: Jack Peters

PURPOSE: 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

EXISTING ZONE: RU1 – LARGE LOT HOUSING

PROPOSED ZONE: RU1S – LARGE LOT HOUSING WITH SECONDARY SUITE

REPORT PREPARED BY: RYAN SMITH

SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS

1.0 RECOMMENDATION

THAT Rezoning Application No. Z05-0062 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, District Lot 129, ODYD Plan 12956, located on Barlee Road, Kelowna, B.C. from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone not be considered by Council;

2.0 SUMMARY

The applicants are seeking to rezone the subject property from the RU1 – Large Lot Housing zone to the RU1s – Large Lot Housing with Secondary Suite zone.

3.0 BACKGROUND

This applicant has submitted this rezoning application in order to legalize an existing illegal suite which was identified by City of Kelowna Bylaw Enforcement during the investigation of a complaint at the same address.

3.1 The Proposal

The subject property is located on the northwest end of Barlee Road between Harvey Avenue and Agassiz Road. The applicant is seeking to rezone the subject property in order to legalize an existing basement suite in a single family dwelling. Both the single family dwelling and basement suite share the same size and footprint (106.2m²) and each has a separate access. There are two driveways on the subject property allowing a minimum of 3 cars to park on site. Both the single family dwelling and suite have two bedrooms, one bathroom, a kitchen and living room. The access to the single family dwelling is provided from stairs at the front of the dwelling while the suite is accessed from stairs at the rear of the building. The subject property has a large rear yard which allows ample private open space for the tenants of both dwellings.

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 ²)	1381m ²	550m ²
Lot Width (m)	27.22m	16.5m
Lot Depth (m)	51.18m	30.0m
Site Coverage (%)	7.8%	40%
Total Floor Area (m ²) -House -Secondary suite	212.5m ² 106.2m ² ❶	N/A 90m ²
Height	1.5 storeys	2.5 storeys
Setbacks-House (m)		
-Front	9.14m	6.0m
-Rear	32m	7.5m
-North Side	6.1m	2.0m
-South Side	4.2m	2.0m
Parking Spaces (Total)	3	3

❶ The applicant is seeking to vary the maximum size for a secondary suite from the 90m² maximum to 106.2m² proposed.

3.2 Site Context

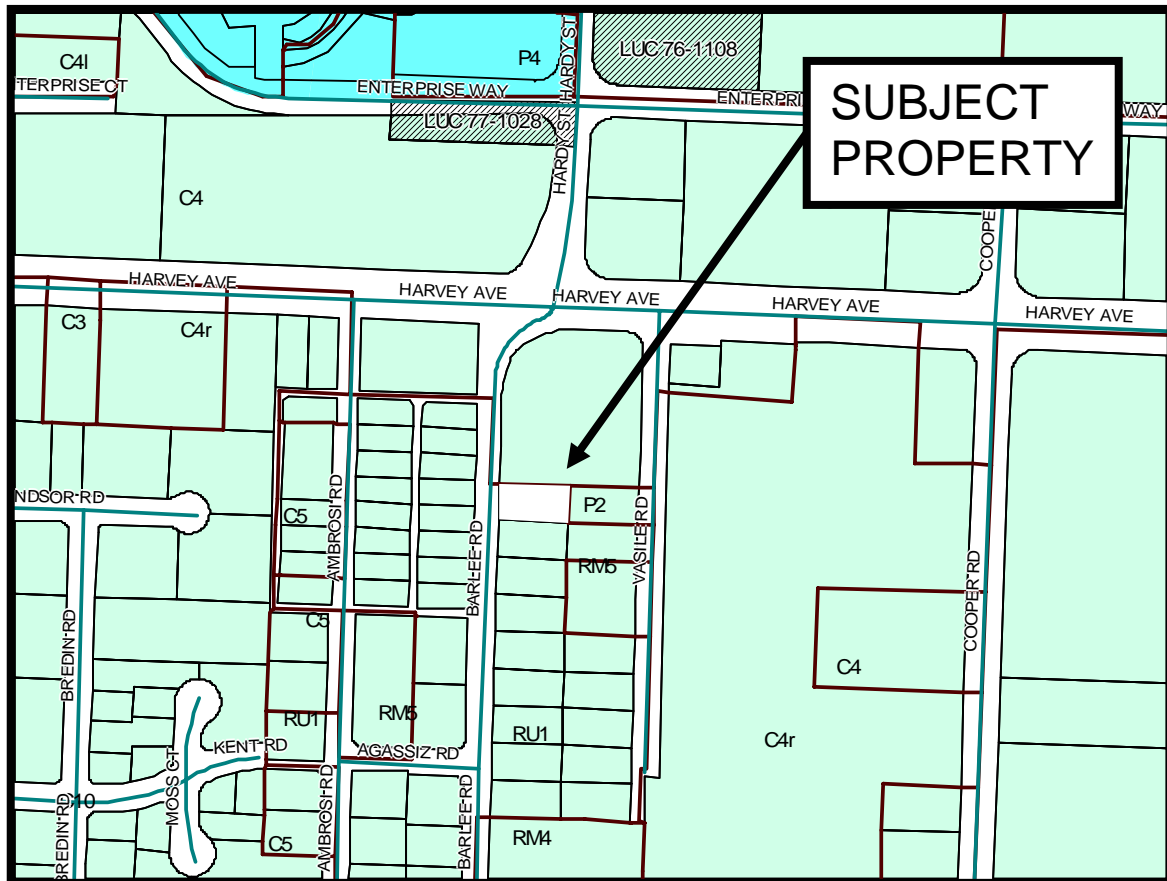
The subject property is located on the northwest end of Barlee Road between Harvey Avenue and Agassiz Road.

Adjacent zones and uses are:

- North - C4 – Urban Centre Commercial – Church and Restaurant
- East - P2 – Kalano Club of Kelowna
- South - RU1 – Large Lot Housing – Single Family Dwelling
- West - Large Lot Housing – Single Family Dwelling

Site Location Map

Subject Property: 1857 Barlee Road



3.3 Existing Development Potential

The purpose of this zone is to provide for single detached housing and compatible secondary uses, on large serviced urban lots.

Secondary suites are a permitted secondary use in the RU1 – Large Lot Housing zone provided that a rezoning to the “s” designation is approved by Council.

3.4 Current Development Policy

3.4.1 Kelowna Official Community Plan

The Official Community Plan designates the future land use of the subject property as Medium Density Multiple Unit Residential. The proposed land use (single unit housing with a secondary suite) is not consistent with the direction of this policy document. Making improvements to the subject property may either limit or restrict the ability to redevelop the neighbouring properties for multiple unit residential purposes.

It is acknowledged that the applicant is only proposing to rezone the property to accommodate a suite within the existing dwelling and that this

alone may not limit the ability to develop this and neighbouring properties. However, if rezoning is approved, the applicant could change the plans and propose a suite in an accessory building. Such a development would more likely have the potential to limit the ability to develop this and neighbouring properties.

Having noted the above, the subject property is large in size and abundant private open space and parking are available on the site to accommodate the suite

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 no concerns have been expressed.

4.1 Public Health Inspector

No concerns.

4.2 Inspection Services Department

Must conform to BC Building Code. Complete analysis will be done a building permit stage.

4.3 Works and Utilities Department

The Works and Utilities Department has the following comments with regard to this application:

4.3.1 **Domestic Water & Fire Protection**

This property is currently serviced with a 19 mm diameter copper water service. The Inspection Services Dept must determine if the existing service is of sufficient size to provide adequate water for the existing dwelling and suite. A larger service can be provided by the City at the owner's cost.

4.3.2 **Sanitary Sewer**

Our records indicate the property is serviced with a 100 mm diameter sanitary sewer service that should be adequate.

4.3.3 **DP & Site Related Issues**

Provide off street parking.

4.3.4 **Electric and Telecommunication**

It's the applicant's responsibility to make a servicing application with the respective electric, telephone & cable companies to arrange for service upgrades at the applicant's cost.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department has concerns with the proposed rezoning application to allow a secondary suite in the basement of the existing dwelling on the subject property. As previously noted the Official Community Plan designates the future land use of the subject property as Medium Density Multiple Unit Residential. Therefore the proposed rezoning is not in compliance with the OCP. As noted previously the proposed rezoning and associated development permit have been submitted in order to legalize an existing illegal suite. The secondary suite unfortunately also exceeds the maximum permitted size by 15m².

Staff also explored several other options with the applicant. The first suggestion by staff involved an examination of the existing floor plans for means to decrease the size of the suite. As designed, it would seem costly for the applicant to reduce the size of the basement suite if at all possible. A second option is a rezoning to RU6 which would allow duplex housing as a permitted use on the subject property. This option was also problematic due to inconsistency with the OCP and would have triggered increased application costs for essentially the same proposal (but without the need for a variance). The rezoning to RU6 would also have increased the single family development potential of the site to a duplex from a single family house with secondary suite. Should the current or future owner decide to construct a duplex on the site, this would further sterilize the multiple family development potential of the site.

While the proposed rezoning and associated development variance permit appear to be the most plausible means for the applicant to legalize the existing suite, given the inconsistency with the OCP and the variance required for the size of the suite staff recommend that Council not support this application

Should Council choose to support this application, an alternate recommendation is provided below.

6.0 ALTERNATE RECOMMENDATION

THAT Rezoning Application No. Z05-0062 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot B, District Lot 129, ODYD Plan 12956, located on Barlee 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;

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;

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;

Andrew Bruce
Manager of Development Services

Approved for inclusion ☐

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

RM/AB/rs
Attach

ATTACHMENTS

(not attached to the electronic version of the report)

- Subject property map
- Site plan and floor plans
- Elevations