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## CITY OF KELOWNA

### MEMORANDUM

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**Date:** July 13, 2006  
**File No.:** Z06-0040

**To:** City Manager

**From:** Planning and Development Services Department

**Subject:**

**APPLICATION NO.** Z06-0040

**OWNER:** Chris Young and Nadia  
Spodarek

**AT:** 358 Cadder Avenue

**APPLICANT:** Peter J. Chataway

**PURPOSE:** TO REZONE THE SUBJECT PROPERTY FROM THE RU1 – LARGE LOT HOUSING ZONE TO THE RU1S – LARGE LOT HOUSING WITH SECONDARY SUITE ZONE TO ALLOW FOR 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:** DANIELLE NOBLE

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#### 1.0 RECOMMENDATION

THAT Rezoning Application No. Z06-0040 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6, D.L. 14, ODYD, Plan 3514 located on Cadder Ave., 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 Works & Utilities Department being completed to their satisfaction.

#### 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. The applicant is proposing to legalize a secondary suite within the recently constructed accessory building. The subject property is located in the Abbott Street Heritage

Conservation Area and therefore a Heritage Alteration Permit is also required to accompany the rezoning application.

### 3.0 COMMUNITY HERITAGE COMMISSION

Application No. HAP06-0008 was reviewed by the Community Heritage Commission at the meeting of July 11, 2006 and the following recommendation was passed:

THAT the Community Heritage Commission supports Heritage Alteration Permit Application No. HAP06-0008, for 358 Cadder Ave., Lot 6, Plan 3514, ODYD, to rezone from the RU1- Large Lot Housing zone to the RU1s-Large Lot Housing with a Secondary Suite in order to allow for the conversion of an accessory building into a secondary suite.

### 4.0 BACKGROUND

A single family dwelling currently exists on the subject property. The dwelling measures 129m<sup>2</sup>. There has recently been the addition of an accessory building on the property. However, a very similar application was reviewed by the CHC and Council in 2005, and was not endorsed by Council to receive the RU1s designation. Consequently, the building permit was issued without approval for suite-related requirements. However, there have been multiple bylaw complaints documented within the last year from neighbouring property owners, suggesting the accessory building was being utilized for the purposes of a suite. Upon investigation from the Bylaw Enforcement division, it was confirmed that no kitchen amenities were installed. However, on-street parking concerns have also been documented. The applicant aims to develop a legitimate secondary suite use within the recently constructed accessory building.

### 5.0 PROPOSAL

The applicant is seeking to convert the recently constructed accessory building into a secondary suite on the subject property. The accessory building measures 1.5 storeys in height and the suite measures 87.80m<sup>2</sup> in size. The accessory building contains a two car garage and a third stall is located on the north-eastern corner of the property (adjacent to the accessory building). The sample board submitted by the applicant indicates that the accessory building has been finished with avocado green walls, ivory trim, a black asphalt shingled roof and high gloss black shutters. The accessory building was approved to be constructed in a cape style to complement other buildings in the heritage conservation area.

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> )	638m <sup>2</sup>	550m <sup>2</sup>
Lot Width (m)	17.27m	16.5m
Lot Depth (m)	37.1m	30.0m
Site Coverage (%)	31.4%	40%
Site Coverage (%) (with driveways, parking)	36.7%	50%
Total Floor Area (m <sup>2</sup> ) -House (existing) -Accessory Footprint (proposed) -Secondary suite	129.0m <sup>2</sup> 72.1m <sup>2</sup> 89.6 m <sup>2</sup>	90m <sup>2</sup>
Height	1.5 storeys (4.42m)	1.5 Storeys (for accessory bldgs)
Setbacks-Accessory (m)		
-Front (to house)	5.0m	4.5m
-Rear	1.5m	7.5m
-Side Yard (e)	3.05m	2.3m
-Side Yard (w)	3.25m	2.3m
Private Open Space (m <sup>2</sup> )	60m <sup>2</sup>	60m <sup>2</sup>
Parking Spaces (Total)	3	3

## 5.1 SITE CONTEXT

The subject property is located on the north side of Cadder Avenue between Abbott Street and Long Street.

Adjacent zones and uses are:

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

## 5.2 SITE LOCATION MAP

Subject Property: 358 Cadder Avenue



## 6.0 Existing Development Potential

The purpose of the RU1-Large Lot Housing zone is to provide for single detached housing, and compatible secondary uses, on large serviced urban lots.

### 6.1 Current Development Policy

#### 6.1.1 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).

The OCP designates the area in which the subject property is located as the Abbott Street Heritage Conservation Area. The purpose of the Heritage Conservation Area designation is to provide objectives and guidelines for the conservation of the areas' heritage resources and distinct character. One of the objectives of Conservation Areas is to encourage additions that are compatible with the form and character of the existing neighbourhood context.

#### 6.4.2 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.

#### 6.4.3 Kelowna Heritage Register

The subject property is not listed on the heritage register.

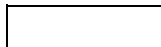
### 7.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services department has no concerns with the proposed rezoning to add an “s” designation to the parent zone of the subject property. The proposal is consistent with the Official Community Plan and Strategic Plan. In anticipation of a successful rezoning, the applicant previously provided a translucent finish/glaze on the east and west facing windows on the upper half-storey of the accessory building to provide a higher degree of privacy to the neighbouring properties.

Staff note that Council has adopted both design guidelines for new development in the heritage conservation area and design guidelines for second dwellings on single family lots in the last several years. At the time of construction for the accessory building, the applicant was subject to conventional heritage alteration guidelines through the previous application and was in general accordance with the revitalization guidelines.

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Shelley Gambacort  
Acting Development Services Manager



Signe Bagh  
Acting Director of Planning & Development Services

SB/DN  
Attach.

**ATTACHMENTS**

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

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