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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** March 16, 2006

**File No.:** Z07-0015

**To:** City Manager

**From:** Planning & Development Services Department

**Subject:**

**Application No:** Z07-0015

**Applicant:** Bing L. Li and Sio C. Cheng

**Location:** 299 Phipps Crescent

**Owners:** Bing L. Li and Sio C. Cheng

**Purpose:** To rezone the subject property to legitimize an existing illegal secondary suite within the principal dwelling.

**Existing Zone:** RU1 – Large Lot Housing Zone

**Proposed Zone:** RU1s – Large Lot Housing with Secondary Suite Zone

**Report Prepared By:** Corine (Cory) Gain, MCIP, CPT

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## **1.0 RECOMMENDATION**

THAT Rezoning Application No. Z07-0015 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2 Section 26 Township 26 Osoyoos Division Yale District Plan KAP52738, located at 299 Phipps Crescent, 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.

## **2.0 SUMMARY**

This application seeks to rezone the subject property to legitimize an existing illegal 46.4 m<sup>2</sup> secondary suite within the principal dwelling. The application was submitted in response to bylaw enforcement activity related to the Zoning Bylaw and the Traffic Bylaw and Unightly Premises.

## **3.0 BACKGROUND**

### **2.1 The Proposal**

The subject 569.34 m<sup>2</sup> property is currently zoned RU1 – Large Lot Housing. A single family dwelling approximately 108.3 m<sup>2</sup> in size is located on the property. The applicant seeks to

rezone the subject property to legitimize the existence of a secondary suite within the principal building. The "s" zone classification will accomplish this. The existing secondary suite must adhere to the requirements of both the RU1s zone and Section 9.5 of the Zoning Bylaw whichever is more restrictive.

The proposed application meets the requirements of the RU1s Zone as follows:

CRITERIA	PROPOSAL	BYLAW REQUIREMENTS
<b>Subdivision Regulations</b>		
Lot Area	569.34 m <sup>2</sup>	550 m <sup>2</sup>
Lot Width	16.5 m	16.5 m
Lot Depth	32.975 & 35.620 m	30 m
<b>Development Regulations</b>		
Site Coverage (buildings)	119.5 m <sup>2</sup> 20.9% / 29%	40% Buildings/50% Incl. driveways and parking
Height (existing house)	Existing - 2 storeys	2 ½ storeys / 9.5 m
Front Yard	6.6 m	6.0 m
Side Yard (West)	2.5 m	2.3 m
Side Yard (East)	2.95 m	2.3 m
Rear Yard (North)	~ 12 m	7.5 m
CRITERIA	PROPOSAL	BYLAW REQUIREMENTS
Size of Secondary Suite	46.41 m <sup>2</sup>	90 m <sup>2</sup> or 40% of the total floor area of the principal dwelling (~55 m <sup>2</sup> )
Private Open Space	> 30 m <sup>2</sup> Each	30 m <sup>2</sup> per dwelling
<b>Other Regulations</b>		
Minimum Parking Requirements	4 legitimate spaces	2 spaces for the principal dwelling + 1 space for the suite

### 3.1 Site Context

The adjacent land uses are as follows:

<i>Direction</i>	<i>Zoning Designation</i>	<i>Land Use</i>
North	RU1 – Large Lot Housing	Residential
East	RU6 – Two Dwelling Housing	Residential
South	RU1 – Large Lot Housing	Residential
West	RU1 & RU6	Residential

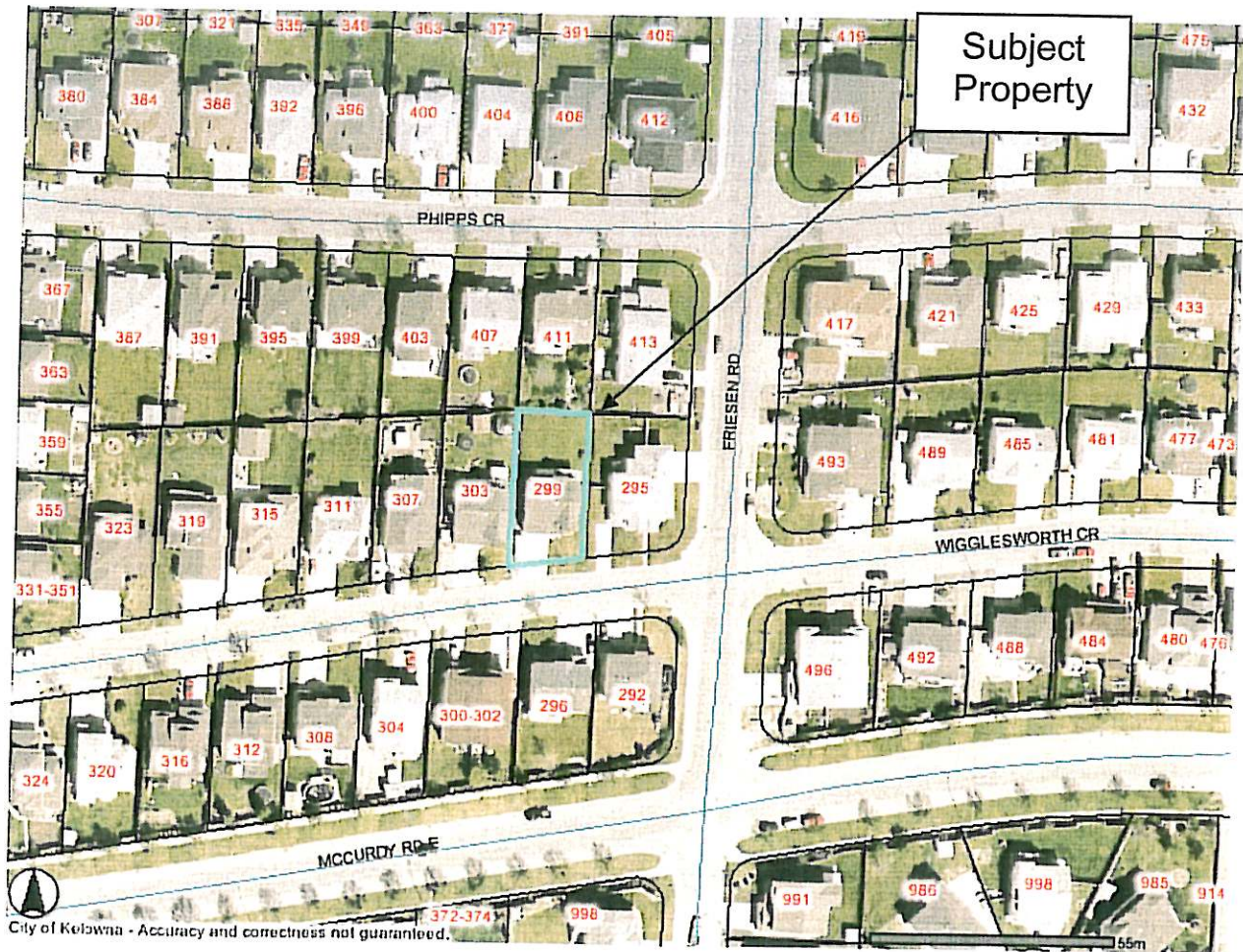
### 3.2 Existing Development Potential

Existence of a secondary suite within the existing building on the subject property maximizes the development potential under the proposed zoning designation.



### 3.3 Site Location Map

Subject property: 299 Phipps Crescent



### 3.4 Current Development Policy

#### 3.4.1 City of Kelowna Strategic Plan (2004)

Objectives of the Strategic Plan include: to realize construction of housing forms at prices that meet the needs of Kelowna residents; to achieve accessible, high quality living and working environments; to sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas.

#### 3.4.2 Kelowna 2020 Official Community Plan (OCP)

Section 8.1.64 Land Utilization within Single Detached Areas directs the City to "Work towards achieving more efficient use of land within developed single-detached neighbourhoods by encouraging rezoning, subdivision and building permit applications that would allow for smaller lot sizes, secondary suites, minor boarding facilities, minor group homes, duplexes etc. that are sensitively integrated into a neighbourhood."

Section 8.1.46 Secondary Suites directs, "Encourage, under the conditions stipulated in the Zoning Bylaw, the creation of secondary suites."

#### 4.0 TECHNICAL COMMENTS

##### 4.1 Inspection Services

The furnace and hot water tank appear to be opening to the garage. Confirm. Carbon monoxide detectors are required. Shared laundry room to be fire rated. Shared garage requires 1 hr. fire separation from suite.

##### 4.2 Works & Utilities


The plan for the proposed rezoning application for a suite within an existing dwelling does not compromise Works & Utilities Department requirements as far as servicing is concerned.

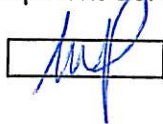
##### 4.3 Fire Department

Fire Department access, fire flows and hydrants as per BC Building Code and City of Kelowna Subdivision Bylaw.

#### 5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The Planning and Development Services Department is supportive of the proposed rezoning of the property from RU1 Large Lot Housing Zone to RU1s Large Lot Housing with Secondary Suite Zone to legitimize an existing secondary suite. The Official Community Plan supports the creation of secondary suites.

  
Shelley Gambacort  
Acting Manager of Development Services



Mary Pynenburg  
Director of Planning & Development Services

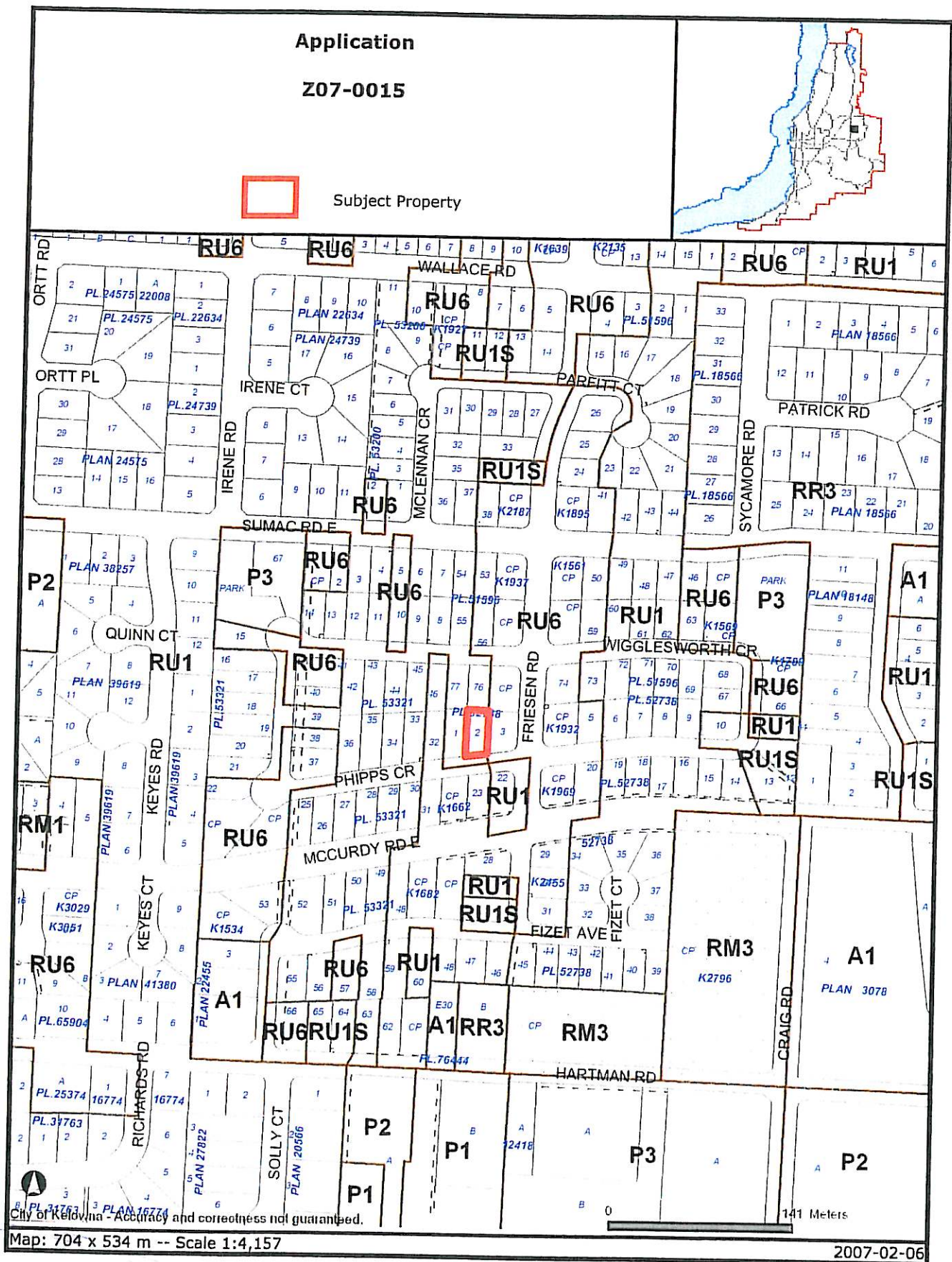
MP/SG/cg

#### Attach.

#### ATTACHMENTS

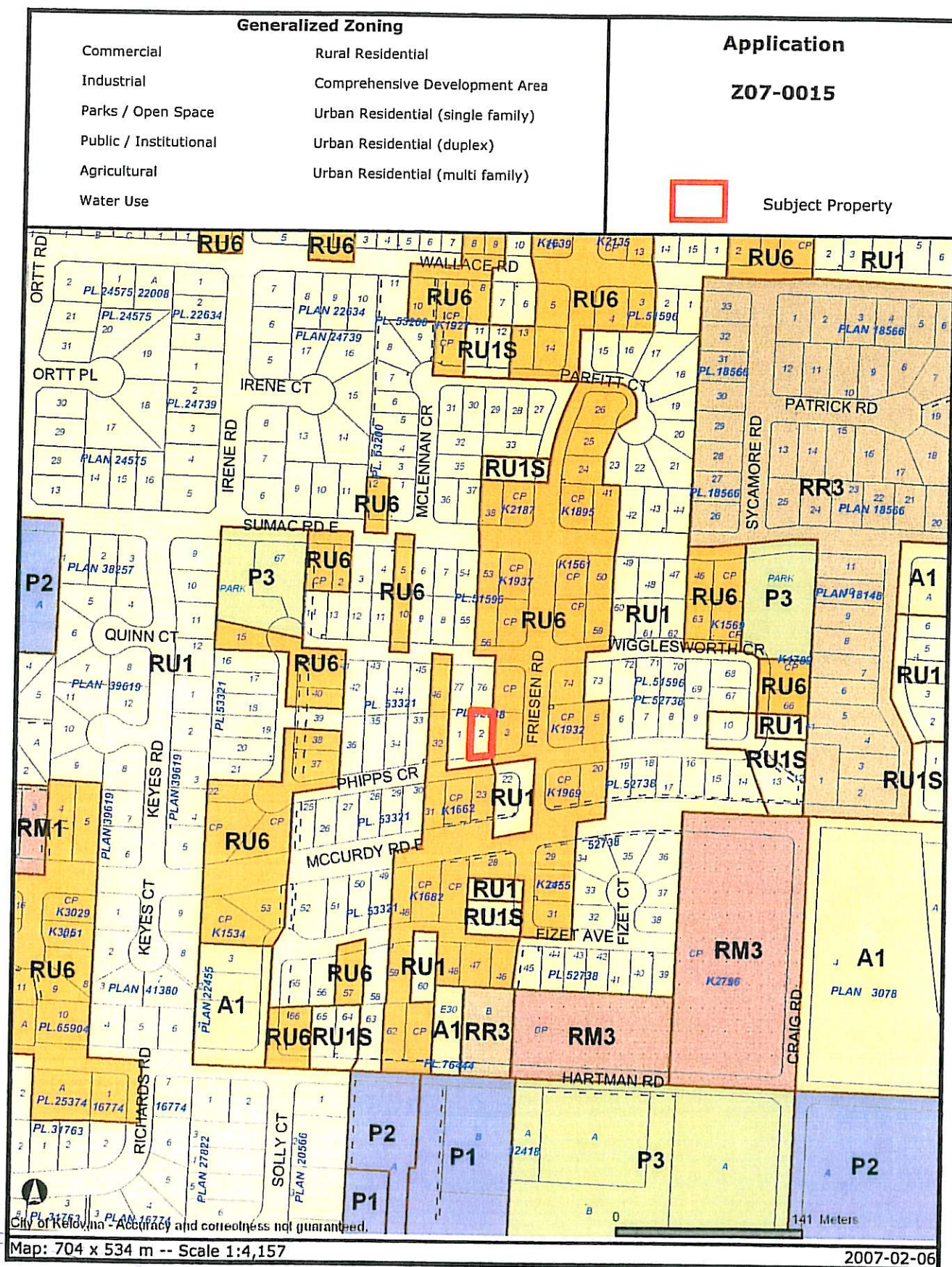
- Location Map
- Generalized Zoning Map
- B.C. Land Surveyor's Certificate
- Site Plan Showing parking and private open space
- Landscape Plan
- Original Building Permit site plan
- Elevation Drawings (4)
- Floor Plans (Main & Lower)
- Photographs (3)





Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
The City of Kelowna does not guarantee its accuracy. All information should be verified.





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# B.C. LAND SURVEYOR'S CERTIFICATE

ON LOT 2, PLAN KAP52738,  
SECTION 26, TOWNSHIP 26, O.D.Y.D.

SCALE 1:300 All distances are in metres.

77

STRATA PLAN

76  
PLAN KAP53321

16.500

2

CLIENT : JOHN CHARLES PEACOCK  
FILE No : 2006-030  
FIELD BOOK : SC 98-057

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Certified correct this 25th day of May, 2006.

*Neil R. Denby*

Neil R. Denby

B.C.L.S.

RUSSELLS DENBY

*british columbia land surveyors*

#2 - 1470 Water Street Phone (250) 763-7322  
Kelowna, B.C. V1Y 1J5 Fax (250) 763-4413  
email denby@telus.net

FRIESEN ROAD

3  
PLAN KAP52738

5.27  
DECK  
11.03  
HOUSE #299  
11.92  
11.02  
12.975  
2.95  
16.023  
1.75  
ENT  
2.91  
3.00  
6.12  
2.50  
16.711

PHIPPS CRESCENT



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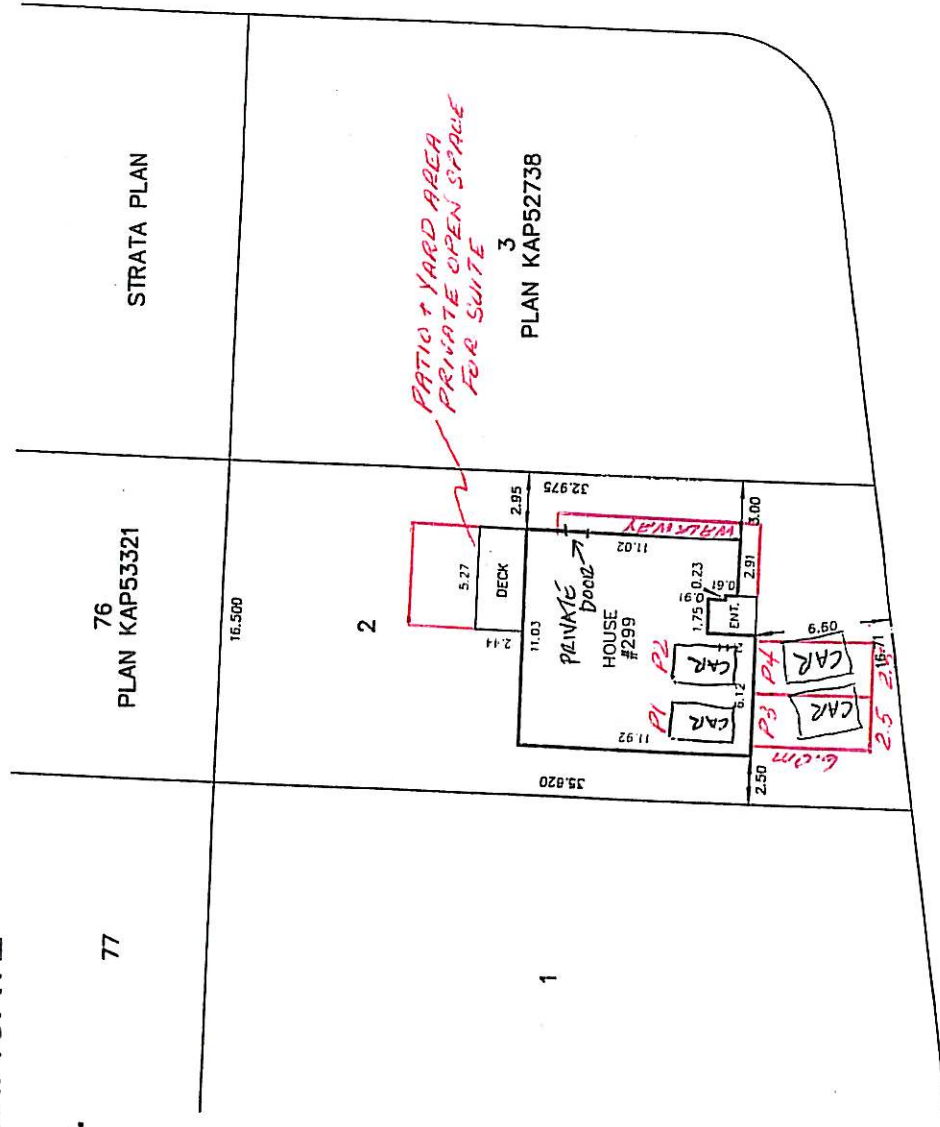
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*[Signature]*

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P1 - P4 PARKING SPACES

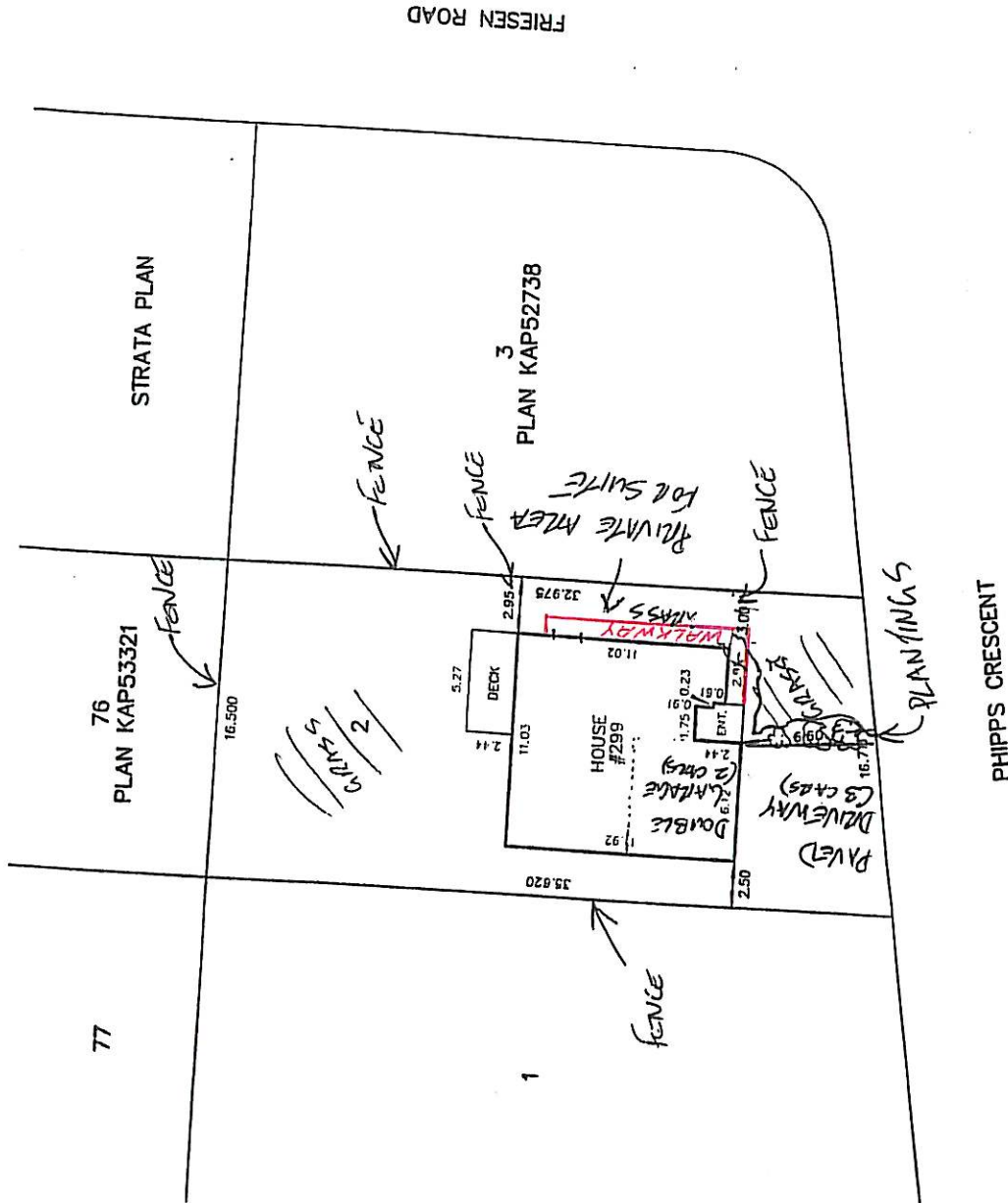


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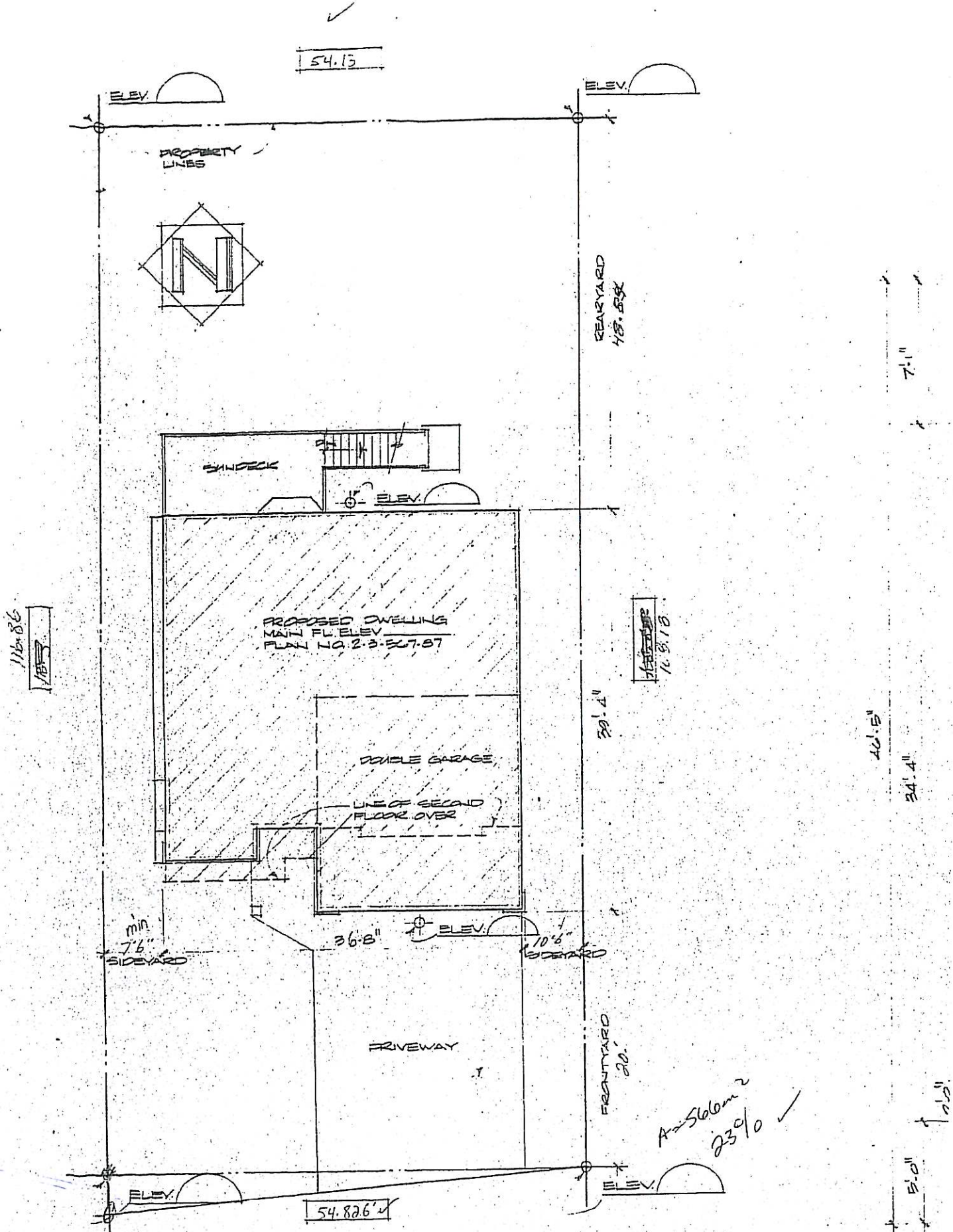
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**RUNNALLS DENBY**  
*British Columbia land surveyors*

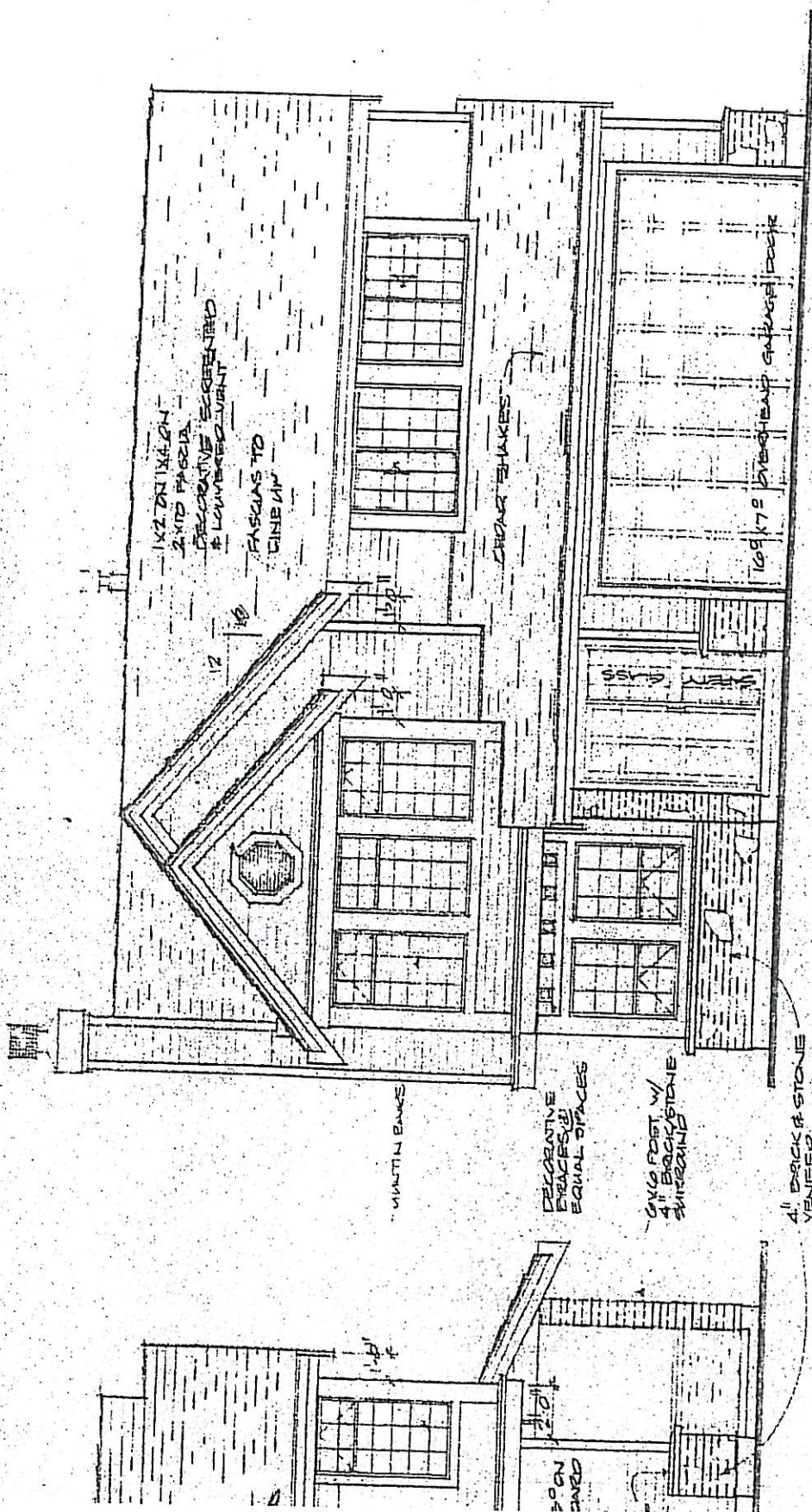
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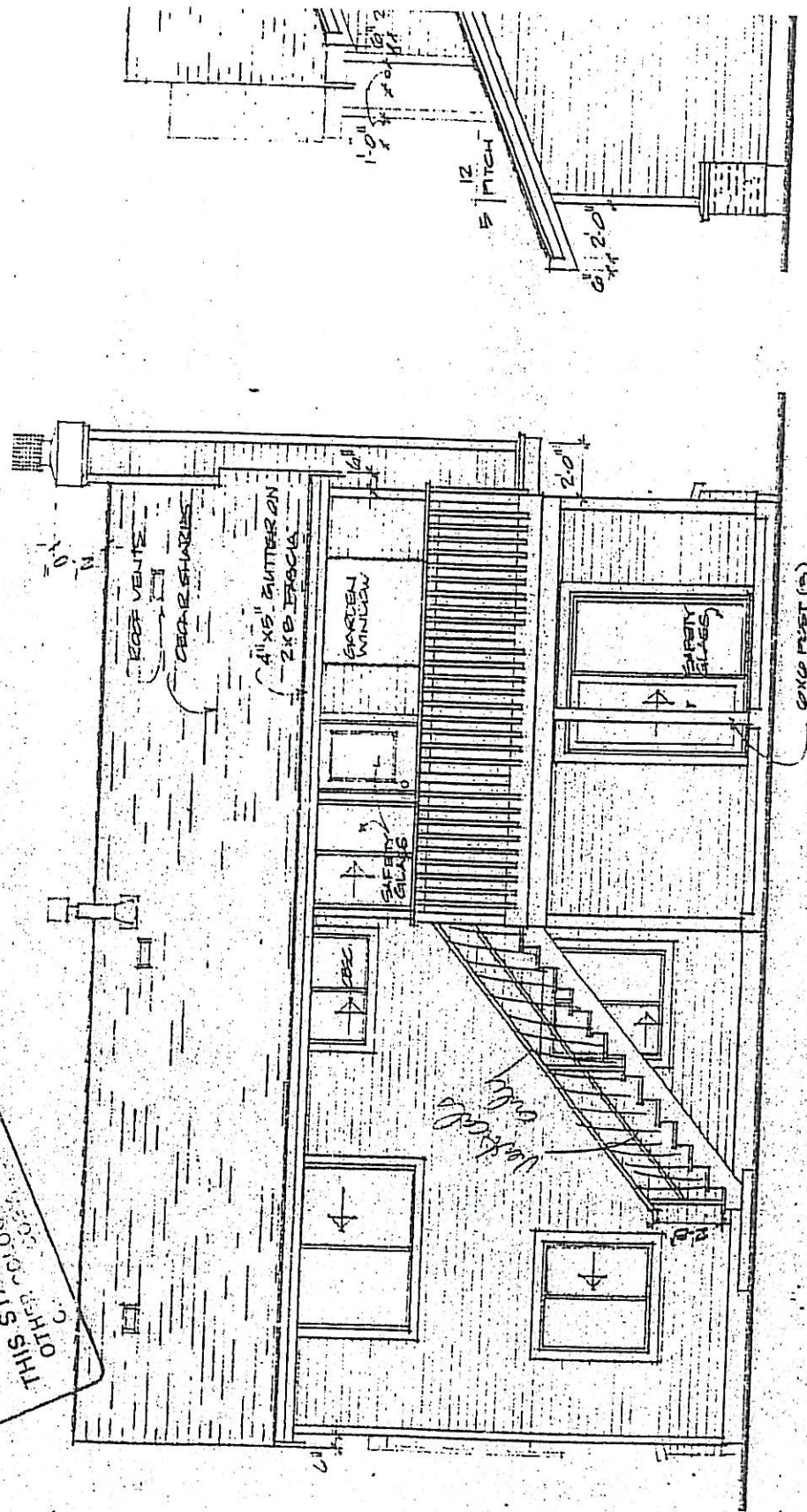


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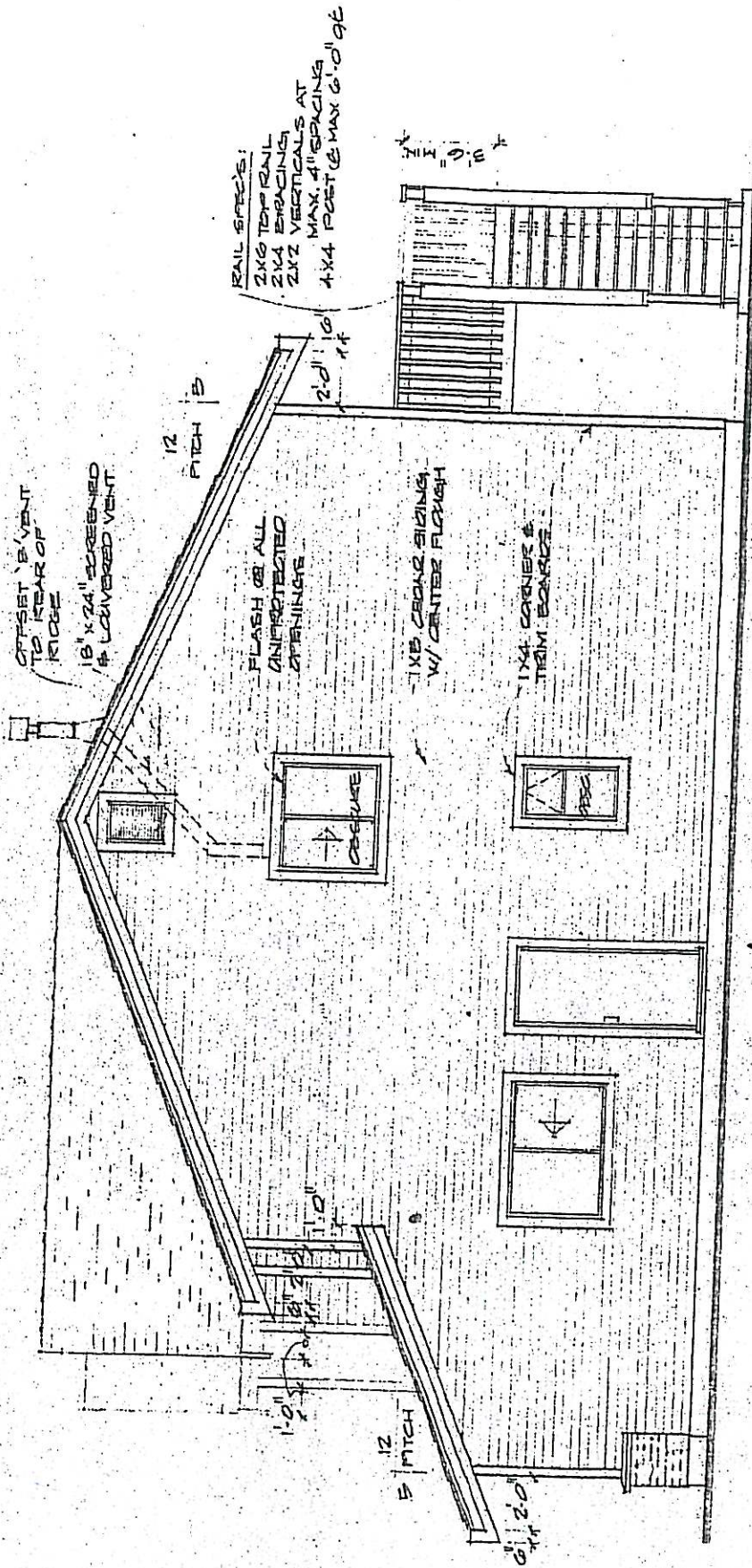
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RIGHT ELEVATION

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