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**CITY OF KELOWNA  
MEMORANDUM**

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**DATE:** April 5, 2007  
**FILE NO.:** Z07-0009  
**TO:** City Manager  
**FROM:** Planning & Development Services Department  
**SUBJECT:**

**APPLICATION NO.** Z07-0009      **APPLICANT:** George Tivy  
Marilyn Miller  
**AT:** 4573 Horak Road      **OWNER:** George Tivy  
Marilyn Miller

**PURPOSE:** TO REZONE FROM THE RU1 – LARGE LOT HOUSING ZONE TO THE RU1s – LARGE LOT HOUSING WITH SECONDARY SUITE ZONE, IN ORDER TO ESTABLISH A SECONDARY SUITE WITHIN AN EXISTING ACCESSORY BUILDING.

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

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

**REPORT PREPARED BY:** NELSON WIGHT

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**1.0 RECOMMENDATION**

THAT Rezoning Application No. Z07-0009 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot C, District Lot 357, S.D.Y.D., Plan 18353, located on Horak 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;

**2.0 SUMMARY**

This rezoning application seeks to rezone from RU1 – Large Lot Housing to RU1s – Large Lot Housing with Secondary Suite zone to allow for a secondary suite within an existing accessory building on the subject property.

**3.0 BACKGROUND**

There is an existing single family dwelling on the subject property, and an accessory building. This 67 m<sup>2</sup> (720 ft<sup>2</sup>) accessory building is to be converted to habitable space to accommodate living space for the parents of one of the applicants.

There is adequate surface parking available for both the principal and secondary dwelling units.

The proposed application meets the requirements of the RU1s – Large Lot Housing with Secondary Suite zone as follows (conflicts with Zoning Bylaw No. 8000 are noted at the end of the table):

CRITERIA	PROPOSAL	RU1s ZONE REQUIREMENTS
<b>Subdivision Regulations</b>		
Lot Area	1,562 m <sup>2</sup>	550 m <sup>2</sup>
Lot Width	41.0 m	13.0 m
Lot Depth	38.0 m	30.0 m
<b>Development Regulations</b>		
Site Coverage (buildings)	21%	40%
Site Coverage (buildings/parking)	32%	50%
Height (principal dwelling)	4 m 2 ½ storeys	The maximum height is the lesser of 9.5 m or 2 ½ storeys.
Front Yard	11.5 m	4.5 m or 6.0 m to a garage
Side Yard (north)	7.2 m	2.0 m (1 to 1 ½ storey) 2.3 m (2 to 2 ½ storey)
Side Yard (south)	3.3 m	2.3 m
Rear Yard	5.7 m <sup>A</sup>	7.5 m
<b>Other requirements</b>		
Floor Area (principal dwelling)	378 m <sup>2</sup> (4,065 ft <sup>2</sup> )	n/a
Floor Area (secondary suite)	68 m <sup>2</sup> (720 ft <sup>2</sup> ) 20% of principal building	The lesser of 90 m <sup>2</sup> or 75% of the total floor area of the principal dwelling
Height (accessory building)	4 m	The lesser of 4.5 m or the height of the principal dwelling
Site coverage (accessory building)	4%	14%
Parking Stalls (#)	(at least) 3 spaces	3 spaces
Separation Distance	5 m	5.0 m
Private Open Space	meets requirements	30 m <sup>2</sup> of private open space per dwelling
Siting of Accessory Building	Does not meet requirements <sup>B</sup>	Where a secondary suite is located in an accessory building the principal dwelling unit shall be located between the front yard and the accessory building

<sup>A</sup> This shortfall in the required rear yard is existing non-conforming. This application does not contemplate a worsening of the non-conformity, and therefore no variance is required.

<sup>B</sup> The applicants have applied to vary this requirement to allow the existing accessory building to remain in its current non-conforming location.

### **3.1 Site Context**

The subject property is located on the east side of Horak Road, immediately west of Bellevue Creek Elementary School. The surrounding properties are developed for single- and two-family housing. More specifically, the adjacent land uses are as follows:

North-	RU1 – Large Lot Housing
East	P2 – Education and Minor Institutional
South	RU1 – Large Lot Housing
West	RU1 – Large Lot Housing

### **3.2 Existing Development Potential**

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

## **4.0 TECHNICAL COMMENTS**

### **4.1 Fire Department**

Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw. Note; Fire Department access is never from a back or side lane, it is always from the main street. Fire fighter access from the front or street side of the property to the back building(s) is not to be impeded at anytime. The address for both residences are to be visible from the street. If a fence is ever constructed between the dwellings a six foot wide gate is required. Any gate is to open with out special knowledge.

### **4.2 Inspections Department**

Inspection Services unable to do application review, proposed floor layout required, foundation information required related frost protection, bearing capacity and poly under floor slab.

### **4.3 Works and Utilities Department**

#### **1. Domestic Water and Fire Protection**

The existing lot is serviced with a small diameter PVC water service, which is substandard. Disconnect and provide a new water service to meet current by-law requirements. Service upgrades can be provided by the City at the owner's cost.

Metered water from the main residence must be extended to supply the suite.

The meter shall be within the building on the water service inlet as required by the City Plumbing Regulation and Water Regulation bylaws.

#### **2. Sanitary Sewer**

The existing house is provided with a single 100mm-diameter sanitary sewer service, complete with inspection chamber that should be used to service the main residence and the proposed suite

3. Development Permit and Site Related Issues

Adequate, hard surface on-site parking must be provided

4. Electric Power and Telecommunication Services

It is the applicant's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services which would be at the applicant's cost.

## 5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

Development of the proposed suite is subject to the Secondary Suite and Two Dwelling Housing Development Guidelines set out in the Official Community Plan. The intent of the Development Guidelines is to give consideration to the form, character and landscaping of all new secondary suites and two dwelling forms of housing.

Staff recommends that this rezoning application be supported, because it represents a sensitive infill project, consistent with the policies contained within the OCP.

A subsequent report will be coming to Council with respect to the required Development Variance Permit, in order to address the siting of the accessory building. Staff is also supportive of this element of the project.



Shelley Gambacort

Acting Development Services Manager

Approved for inclusion



Mary Pynenburg, MRAIC MCIP

Director of Planning & Development Services

NW/nw

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## ATTACHMENTS

Location of subject property

Site Plan (Surveyor's Certificate)

Floor Plan of Suite

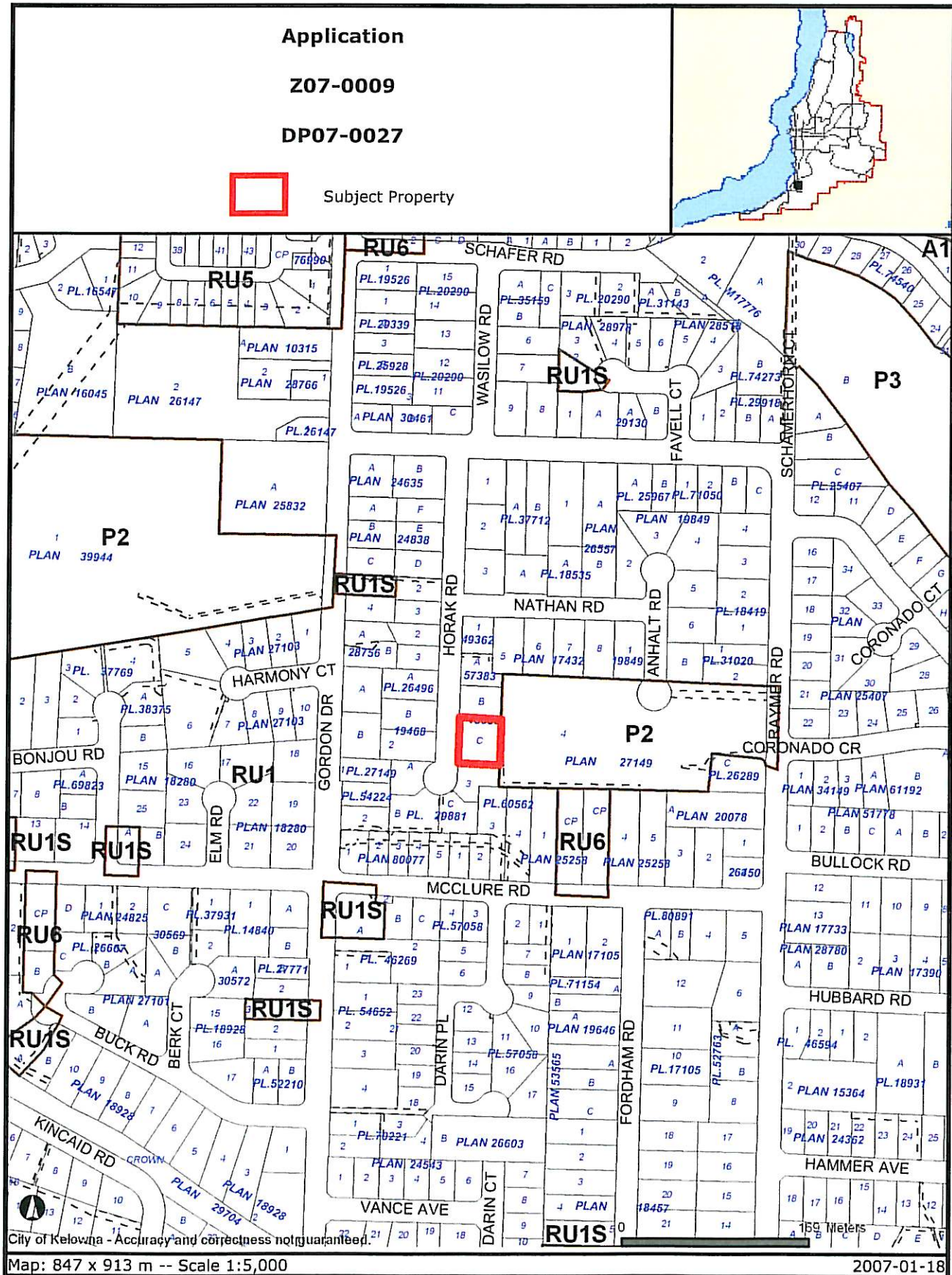
Photos of Subject Property (7 pages)

Landscape Plan

Letter or Rational from Applicants (2 pages)

Letter of Support from Neighbour





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.

British Columbia Land Surveyors  
**BUILDING LOCATION CERTIFICATE**

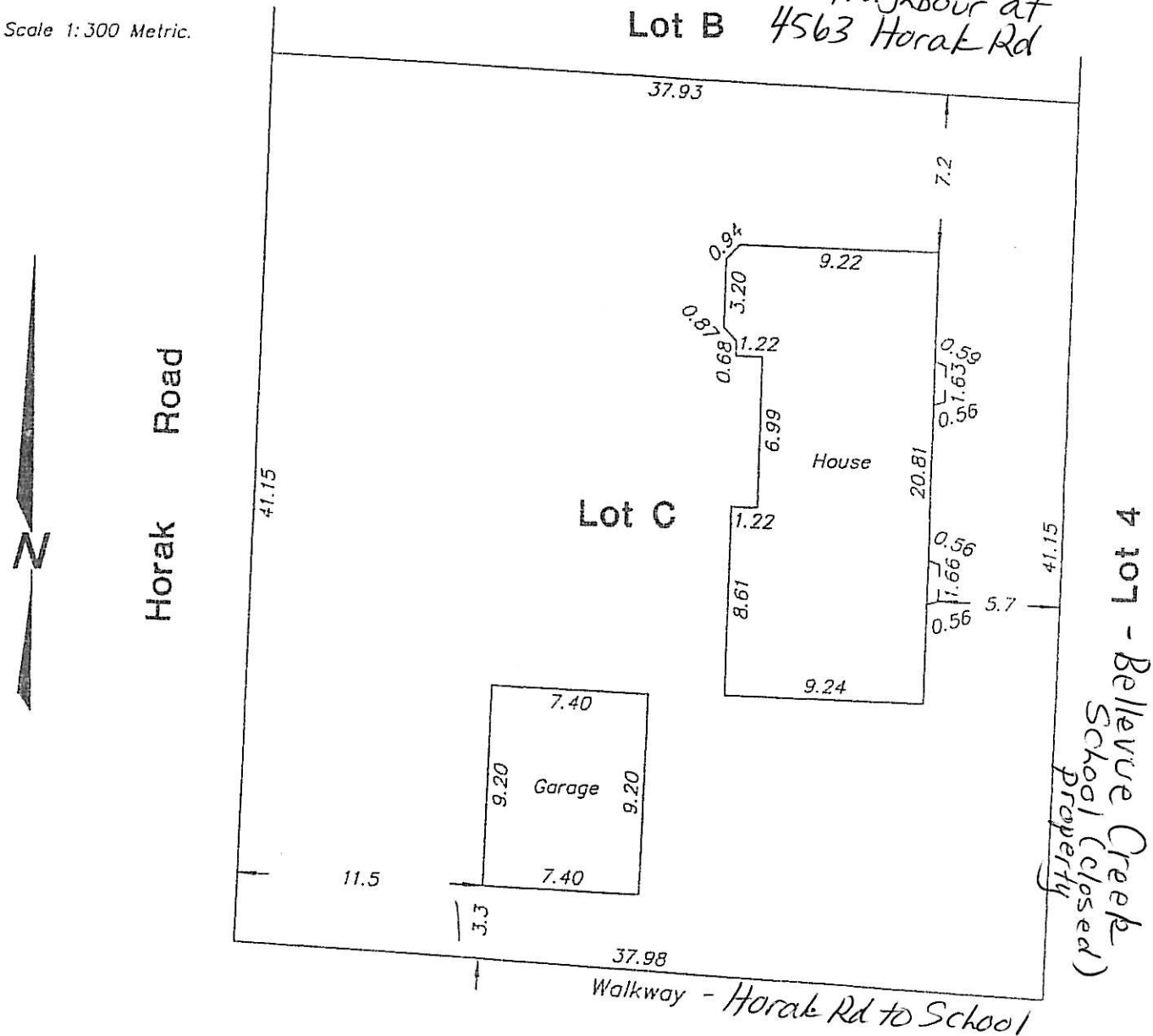
This is to state that on the 7th day of September, 2006 a survey was performed under my superintendence, on the property described as follows:

#4573 Horak Road Lot C, D.L. 357, SDYD, Plan 18353. - *RUI* *CURTIS* *2006*

The building(s) erected on the said property is (are) wholly within the boundaries thereof, and does (do) not encroach on adjoining properties. The accompanying sketch shows within acceptable tolerances the size of the building and property, and their relative positions. This sketch is not to be used for the establishment of property boundaries. Distances shown are in metres and decimals thereof.

Property boundary dimensions shown are derived from registered records.  
This certificate is intended for mortgage purposes only.

Scale 1:300 Metric.



**FRITSCH LAND SURVEYING INC.**  
Legal & Engineering Survey Consultants

This certificate of location has been prepared in accordance with the Manual of Standard Practice and is certified correct this 7th day of September, 2006.

Copyright © No part of this drawing may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying recording, or otherwise, without the prior written permission of

"Fritsch Land Surveying Inc."

"This document is not valid unless originally signed and sealed"

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Man Flower Plan = 720 ft<sup>2</sup>





4573 Horale Rd : Existing House - Front Elevation



4573 Horale Rd : Existing Necessary Building, Front Elevation

20160715 SS HER



4573 Horale Rd : Existing Necessary Building - West Side Elevation



4573 Horale Rd : Pool/Trellis Garden/Patio area





4573 Horak Rd: North side of lot - raised garden beds + fruit trees



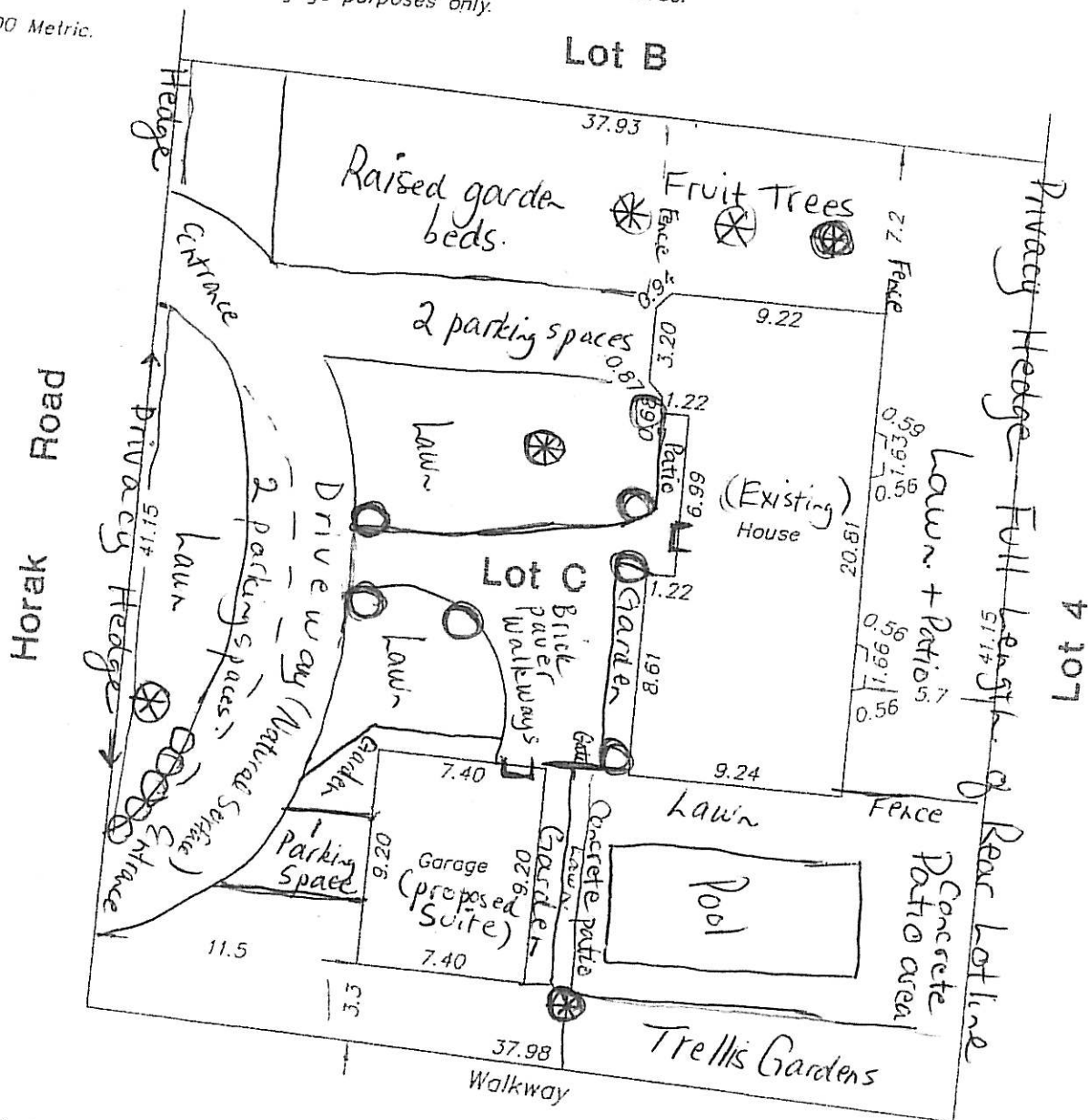
4573 Horak Rd.: Driveway + Parking Area - West view



4573 Horak Rd: 1st Driveway Entrance from Horak Rd. - East view

#4573 Horak Road Lot C, D.L. 357, SDYD, Plan 18353.


Scale 1:300 Metric.



# Existing Landscaping + Parking Plan

is document is not valid unless  
originally signed and sealed."

*This certificate of location has been prepared in accordance with the Manual of Standard Practice and is certified correct this 7th day of September, 2006.*



January 8, 2007

The City of Kelowna  
Planning & Development Services  
1435 Water St  
KELOWNA BC

**RE: Re-Zoning & Development Permit Applications – 4573 Horak Rd., Kelowna**

The purpose of the above applications is to re-zone our property located at 4573 Horak Rd., to allow for a secondary suite to be developed in our 720 sq. ft. accessory building, for Marilyn's 87 year old parents to move into.

Due to age-related physical and mental disabilities, Marilyn's parents can no longer manage on their own and have sold their mobile home located in Central Mobile Home Park. The closing date of the sale of their home is March 5, 2007.

The benefits to having them live in the suite on our property, mirror several of the benefits presented in December, 2006 by the Affordable and Special Needs Housing Task Force, for approval by Kelowna City Council:

- aging parents with disabilities can live in a suite designed for their special needs and be near family to receive support;
- secondary suites are the least expensive and fastest way to increase the supply of affordable housing throughout our community;
- secondary suites are good for extended families for reasons of affordability, provision of access to outdoor space, and enhancing neighbourhood security;
- our Official Community Plan in Kelowna already allows 2 dwellings per lot in every neighbourhood. It is only zoning that doesn't allow suites in some areas.

Over the past 3 months, we have met with City planning and inspection staff and researched all the applicable City Bylaws, and the applicable building code to ensure our applications were feasible to proceed with. We have also approached neighbours in our area (Horak & Nathan Rd.) to discuss our plans. We have enclosed a letter of support from our neighbour at 4563 Horak Rd., whose property abuts our property. The rear of our property backs on the Bellevue Creek school playing field and there is a public access walkway to the school adjoining the south side of our property.

We have lived in our neighbourhood since 1989 (former principal residence prior to September 15/06 was 753 Nathan Rd., which has been recognized by our neighbours, the Communities in Bloom and Garden Tour committees for its beautiful gardens and landscaping.) We purchased 4573 Horak Rd. because of Marilyn's parents' age-related special needs and the potential for this property to address them affordably. Also, we wanted to stay in this neighbourhood, which we love.

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January 8, 2007

To: City of Kelowna

RE: 4573 Horak Rd.

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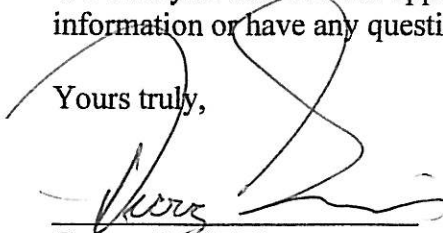
The former owners had lived here for 38 years, and had been providing room and board accommodation in the principal residence for up to 4 international students at a time, for several years, and apparently, were accepted by the neighbourhood.

While we fully understand the re-zoning process and timelines involved, we must house Marilyn's parents regardless of the outcome by March 5<sup>th</sup>. This may mean that they have to temporarily reside in our house, which is not well-designed for their personal grooming needs, (in particular the bathroom & fixtures are not disabled-accessible) and will also result in an overcrowded housing situation. We are anxious to ensure our parents live out their remaining years of life with dignity and respect.

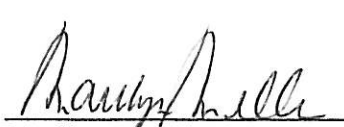
As well, once the required zoning is approved, we intend on applying to CMHC for RRAP & HASI program financial assistance to offset some of the costs of converting the accessory building to a secondary suite designed for seniors' independent living. **We therefore respectfully request your assistance to expedite the processing of our applications as we move through the required steps of re-zoning & development.**

We trust you will find our applications complete, however if you require additional information or have any questions, please contact us immediately.

Yours truly,



George R. TIVY,  
Owner/Applicant



Marilyn J. MILLER  
Owner/Applicant

4573 Horak Rd.,  
Kelowna, B.C., V1W 1S1  
Phone # 764-8166 or 215-2824  
Email: [mmiller@cmhc-schl.gc.ca](mailto:mmiller@cmhc-schl.gc.ca)  
Fax # 764-5371

Enclose. – Application for re-zoning to "S" designation  
- Application for Development Permit

To The City of Kelowna:

RE: Re-Zoning Application for Secondary Suite - 4573 Horak Rd.

This is to advise that We Robert Bush & Sherry Bush  
the registered owners of 4563 Horak Rd., Kelowna, B.C., V1W 1S1  
do not object to the application by our neighbours, George Tivy & Marilyn Miller, to  
re-zone their property located at 4573 Horak Rd., to allow for a secondary suite to be  
created for occupancy by their family.

Signed: [Signature] Date: Nov 13/06

Signed: [Signature] Date: Nov 13/06

Phone Number: 250-764-0532