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CITY OF KELOWNA  
**MEMORANDUM**

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**Date:** August 18, 2008

**To:** City Manager

**From:** Planning and Development Services Department

**APPLICATION NO:** DVP08-0184

**OWNER:** A.M.D.I Investments Inc.,  
Inc. No. 542475

**AT:** 2176 Wilkinson St

**APPLICANT:** Ian Montgomery

**PURPOSE:** To vary the maximum floor area of a secondary suite from 90m<sup>2</sup> or 40% of the total floor area of the principal building allowed to 90m<sup>2</sup> and 42% of the total floor area of the principal building.

**EXISTING ZONE:** RU2 – Medium Lot Housing

**REPORT PREPARED BY:** Carlie Ferguson

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**1.0 RECOMMENDATION**

THAT Final Adoption of Zone Amending Bylaw No. 10062 be considered by Council;

THAT Council authorize the issuance of Development Variance Permit No. DVP08-0184, for Lot B Section 19 Township 26 Osoyoos Division Yale District Plan 35197, located on Wilkinson St, Kelowna, B.C.

AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 9.5.4 Secondary Suite (Maximum Floor Area for Suite)

To vary the maximum floor area of a secondary suite from 90m<sup>2</sup> or 40% of the total floor area of the principal building allowed to 90m<sup>2</sup> and 42% of the total floor area of the principal building.

**2.0 SUMMARY**

As per the guidelines of the zoning bylaw that regulate secondary suites sizes, the maximum floor area of a secondary suite shall not exceed the lesser of 90 m<sup>2</sup> or 40% of the total floor area of the principal building. This variance application requests a secondary suite that is 90 m<sup>2</sup> and 42% of the total floor area of the principal building exceeding the 40% of the total floor area of the principal building requirement.

### 3.0 BACKGROUND

The established single family dwelling contains an existing secondary suite on the subject property. This application and concurrent rezoning application are intended to legalize the secondary suite. As nearly the entire lower level of the existing dwelling unit is considered to be part of the secondary suite, the size of the suite does not comply with the zoning bylaw requirements. Therefore, a Development Variance Permit is required to allow a secondary suite that is 90.0m<sup>2</sup> and proposes to be 42% of floor area of the building in size, where the maximum permitted suite size is 90.0m<sup>2</sup> or 40% of the total floor area of principal building, whichever is less. As mentioned, the secondary suite consists of nearly the entire lower level of the existing house including two bedrooms, a bathroom, living room, dining room, kitchen, and laundry room. Adequate parking is on-site with four parking spaces in total, one parking space is provided within a single vehicle carport and three parking spaces are provided within a three car garage.

The table below shows this application's compliance/non-compliance with the requirements of the proposed RU2s – Large Lot Housing with Secondary Suite zone:

CRITERIA	PROPOSAL	RU2s ZONE REQUIREMENTS
Lot Area (m <sup>2</sup> )	713.0m <sup>2</sup>	400.0 m <sup>2</sup>
Lot Width (m)	15.0m	13.0 m
Lot Depth (m)	47.0m	30.0m
Site Coverage (%)	27% 50%	40% (buildings) 50% (with driveway and parking)
Total Floor Area (m <sup>2</sup> ) -House -Secondary suite	211m <sup>2</sup> 89.6 m <sup>2</sup> or 42% <sup>i</sup>	N/A The lesser of 90 m <sup>2</sup> or 40% of the total floor area of the principal building
Setbacks-House (m)		
-Front	7.54m	4.5 m or 6.0 m from a garage or carport having vehicular entry from the front
-Rear	23.93m	7.5 m
-Side (North)	5.51m	2.3 m (2 to 2 1/2 storey)
-Side (South)	1.74m <sup>ii</sup>	2.3 m (2 to 2 1/2 storey)
Parking Spaces (Total)	4	3
Private Open Space	74 m <sup>2</sup>	30 m <sup>2</sup> of private open space per dwelling

<sup>i</sup> The applicant has applied to vary this requirement, in order to allow for a secondary suite from 90m<sup>2</sup> or 40% of the total floor area of the principal building allowed to 90m<sup>2</sup> and 42% of the total floor area of the principal building

<sup>ii</sup> This an existing non-conforming setback.

#### 3.1 Site Context

The subject property is located on the west side of Wilkinson St, immediately east of Stillingfleet Park. The surrounding properties are developed for single and two-family housing. More specifically, the adjacent land uses are as follows:

North	RU2 – Medium Lot Housing
East	RU2 – Medium Lot Housing
South	RU2 – Medium Lot Housing
West	P3 – Parks and Open Space

### 3.2 Site Location Map: 2176 Wilkinson St



## 4.0 TECHNICAL COMMENTS

### 4.1 Works and Utilities

The Works & Utilities Department comments and requirements regarding this rezoning application to rezone from RU-2 to RU-2s are as follows:

Our records indicate that this property is serviced with a 100mm-diameter sanitary sewer service that should be adequate for the proposed application. An inspection chamber (IC) and Brooks Box must be installed on the service at the owner's cost as required by the sewer-use bylaw. **The applicant will be required to sign a Third Party Work Order for the cost of installing the (IC) and Brooks Box.**

### 4.2 Fire Department

Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw. Requirements of Section 9.36, Secondary Suites, of the BCBC 2006 are to be met.

### 4.3 Inspections Department

Building/plumbing & gas site inspections required to check for required upgrades/permits to BCBC 2006 prior to approval for rezoning.



## 5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

Planning Staff are generally supportive of secondary suite development, in accordance with the policy direction of the Strategic Plan and OCP. Ideally, if this was a project requiring construction of a new building to accommodate the secondary suite, Staff would ensure that it comply with the zoning bylaw requirements and guidelines. However, as this is an existing structure on the property with minimal opportunity for interior floor area conversions, the variance is considered minor in nature and fulfills the objective of creating housing variety to ensure housing supply meets the needs of Kelowna's diverse population. As the suite is within the existing house, there will be no negative visual impact on the single-family character of the area and adequate parking is available on site. BC Building Code compliance will be reviewed through the subsequent building permit application.



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Danielle Noble  
Current Planning Supervisor

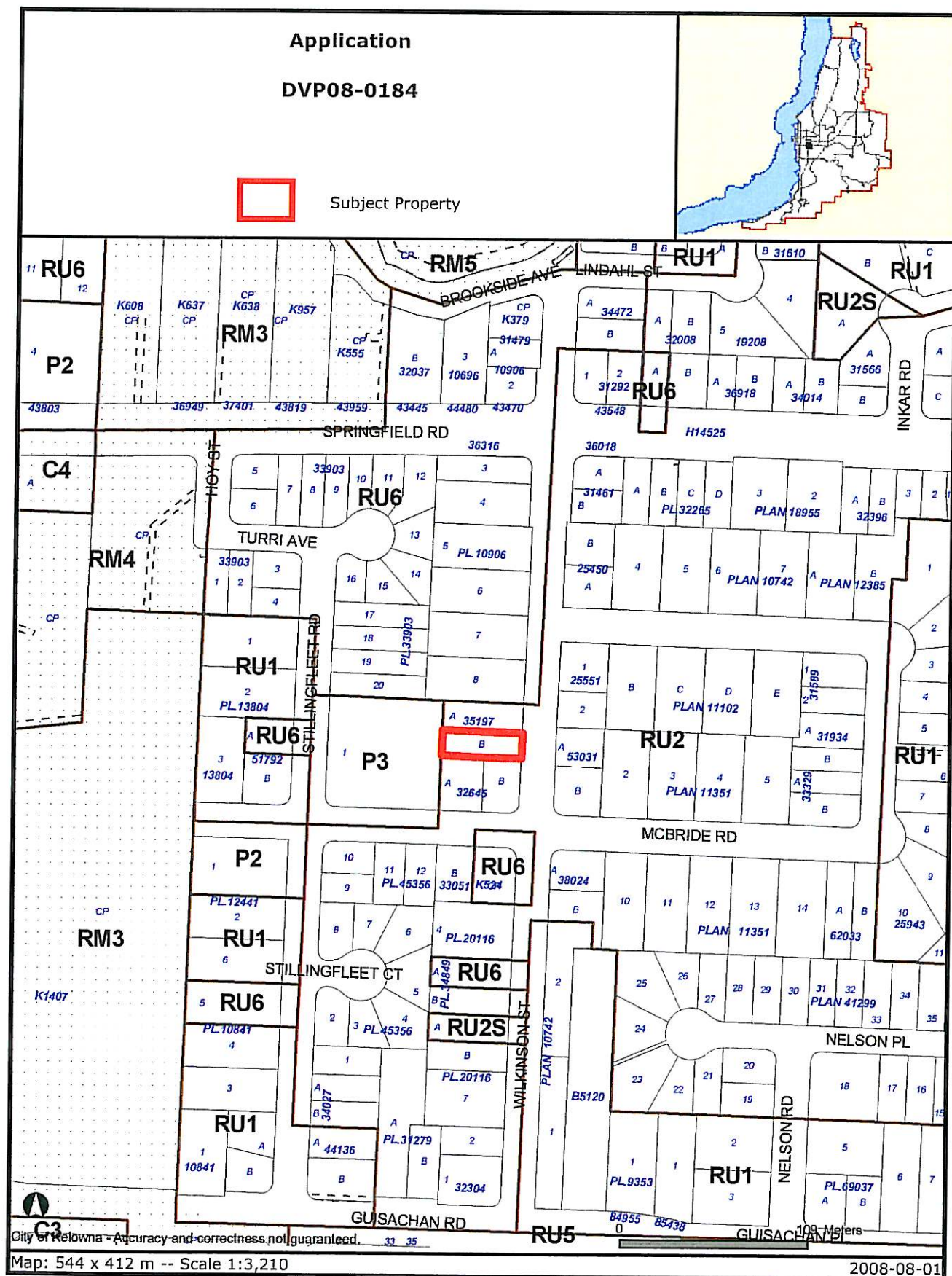
DN/cf

## ATTACHMENTS

Subject Property Map  
Site Plan  
Floor Plan  
Elevations

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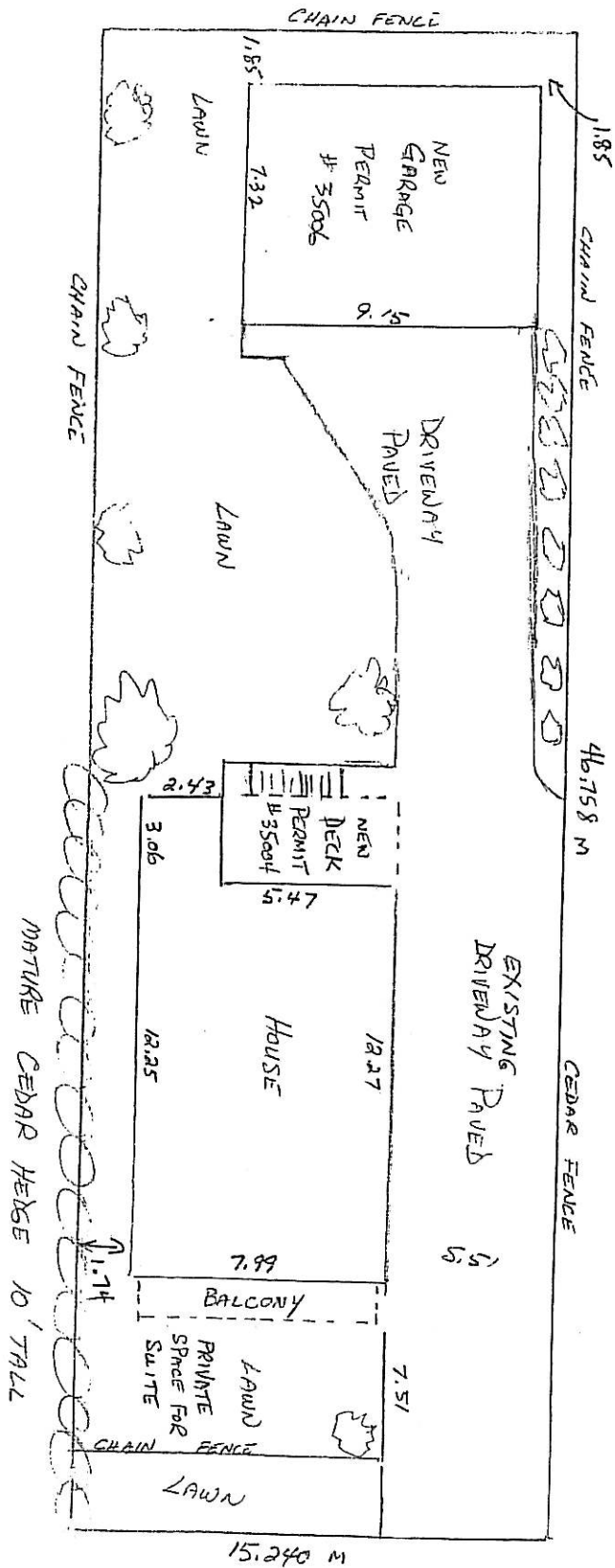
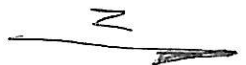


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
The City of Kelowna does not guarantee its accuracy. All information should be verified.

# SITE PLAN

SCALE 1/4" = 4' = 1.219 MTRS.

712.6 SQ MTRS.



CITY PARK

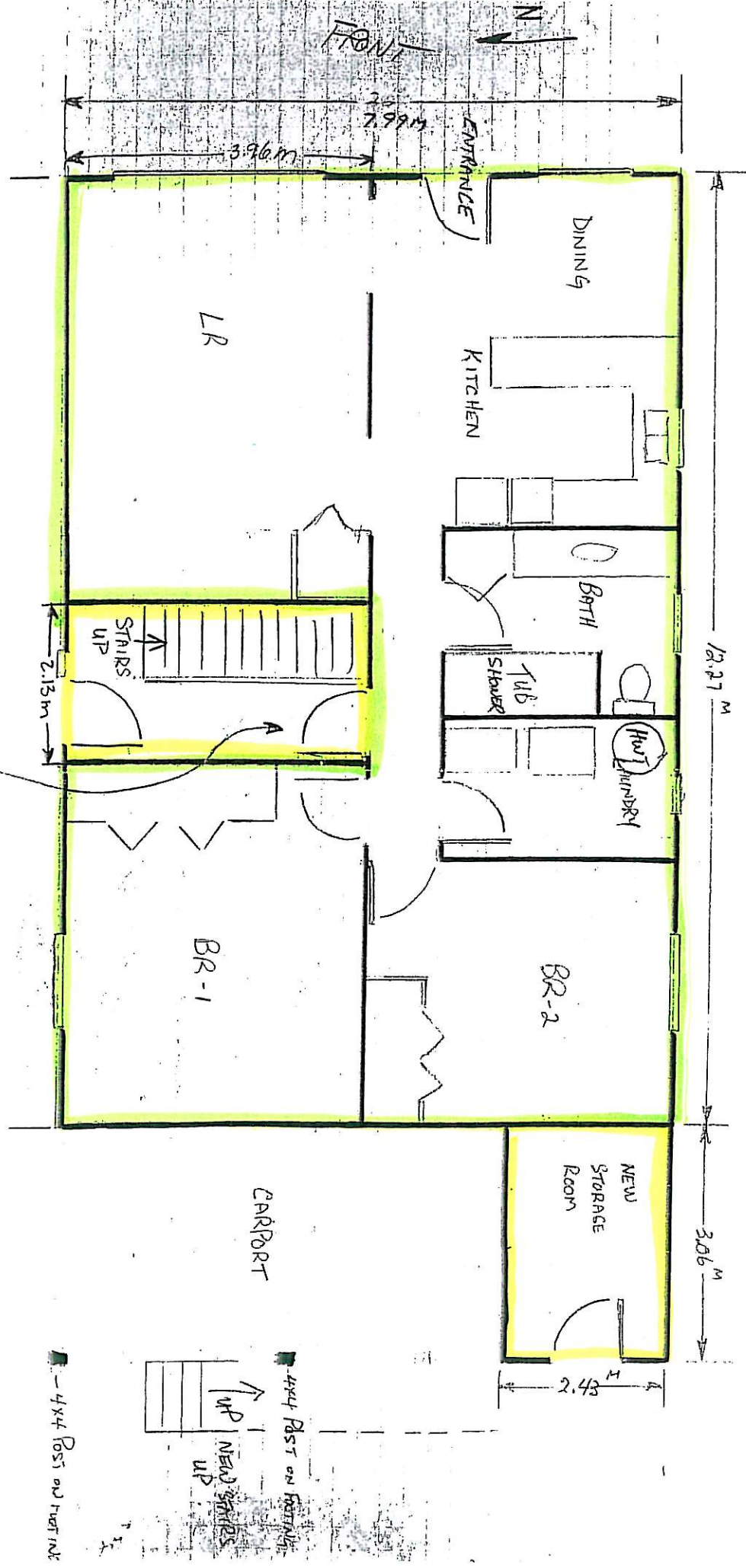
LOT B  
PLAN 35197

SECTION 19  
TOWNSHIP 26 03 41



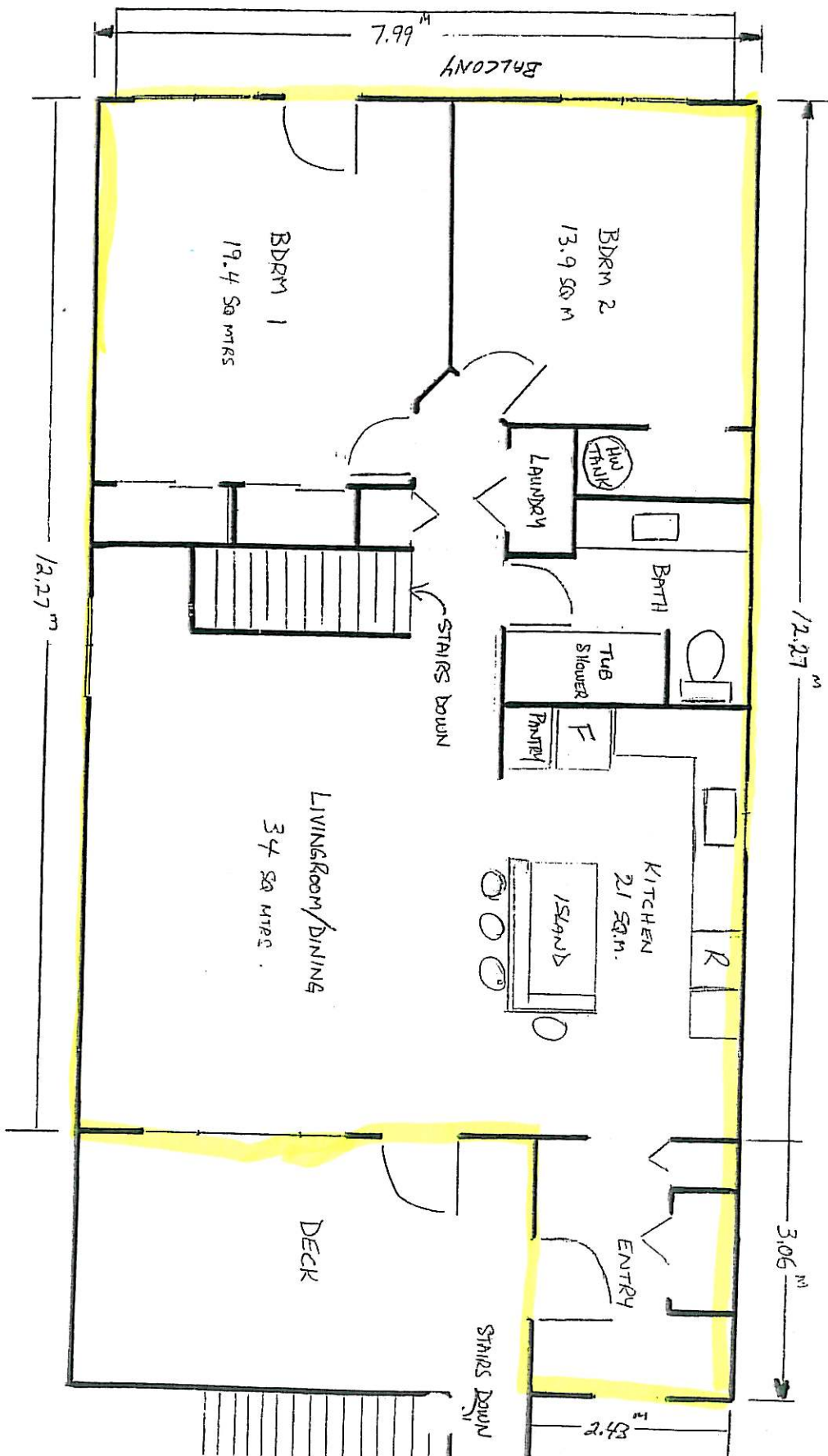
EXISTING  
SUITE / GROUND FLOOR  
~~RETAIL KITCHEN AREA 18.41m<sup>2</sup>~~

Total Living Area:  
Principle = 121.35m<sup>2</sup>  
Secondary Suite = 89.61m<sup>2</sup> (42% of total living area)  
Total = 210.96m<sup>2</sup>



NOTE: TO BE WILLED WITH APPROVAL OF RA1-S

# MAIN RESIDENCE / SECOND STORY



Principle Residence Floor Area  
(shown in yellow)  
= 121.35 m<sup>2</sup>

Note: see both pages

Secondary Suite Floor Area = 89.61 m<sup>2</sup> (42% of total living area -)  
(shown in green)  
Total = 210.96 m<sup>2</sup>

Scale 1/4" = 1' = .304801 mtrs.