
**CITY OF KELOWNA
MEMORANDUM**

DATE: October 23, 2008

TO: City Manager

FROM: Community Sustainability Division

APPLICATION NO. Z08-0093

APPLICANT: Shelley Nicholl-Smith

AT: 1441 Flemish Street

OWNER: Shelley Nicholl-Smith

PURPOSE: TO REZONE FROM THE RU1-LARGE LOT HOUSING ZONE TO THE RU1(s) LARGE LOT HOUSING WITH A SECONDARY SUITE ZONE TO CONSTRUCT A SECONDARY SUITE WITHIN AN EXISTING DWELLING.

EXISTING ZONE: RU1-LARGE LOT HOUSING

PROPOSED ZONE: RU1(s) LARGE LOT HOUSING WITH SECONDARY SUITE

REPORT PREPARED BY: BIRTE DECLOUX

1.0 RECOMMENDATION

THAT Rezoning Application No. Z08-0093 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 43, District Lot 137, O.D.Y.D., Plan 15035, located on Flemish Street, Kelowna, B.C. from the RU1 large lot housing zone to the RU1(s) Large Lot Housing with a 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 from the RU1 Large Lot Housing zone to the RU1(s) Large Lot Housing with a Secondary Suite zone to legalize a secondary suite existing in the basement of the principal dwelling.

3.0 BACKGROUND

The subject property is located in an established neighbourhood east of the downtown core. There is a single family dwelling on the site with an illegal suite in the basement. Adequate parking is supplied in the carport with a tandem spot in the driveway in addition to one spot to the west of the driveway. The property lends itself to private open space for one unit in the front and for the other in the rear yard.



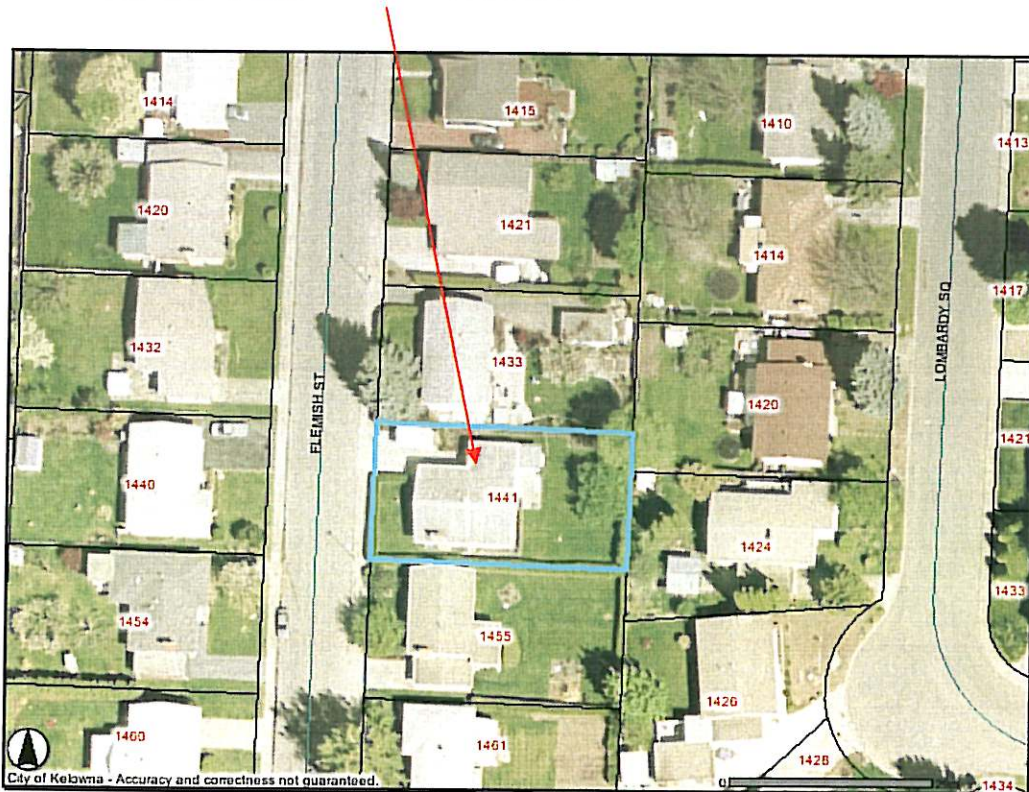
The proposed application meets the requirements of RU1(s) Large Lot Housing with a Secondary Suite as follows:

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RU1(S) ZONE REQUIREMENTS (FOR SECONDARY SUITE)
Subdivision Regulations		
Lot Area	713 m ²	550 m ²
Lot Width	19.51 m	16.5 m/ 15 m where access to rear lane/ 17 m for corner lot
Lot Depth	36.58 m	30.0 m
Development Regulations		
Site Coverage (buildings)	30.8 %	40%
Site Coverage (buildings/parking)	45.5 %	50%
Height	1 storey	Less than 2 ½ storeys / 9.5 m
Front Yard	7.7 m	4.5 m or 6.0 m to a garage
Side Yard (s)	1.99 m (existing non-confirming)	2.0 m (1 - 1 ½ storey) / 2.3 m (2 – 2 ½ storey)
Side Yard (n)	3.82 m	2.0 m (1 - 1 ½ storey)) / 2.3 m (2 – 2 ½ storey)
Rear Yard	12 m	7.5 m
Floor Area of existing dwelling	219.62 m ²	
Floor Area of Secondary Suite	87.19 m ² (39.7%)	Lesser of 40% of principal dwelling or 90m ²
Other Requirements		
Parking Stalls (#)	3 spaces	3 spaces
Private Open Space	meets requirements	30 m ² of private open space per dwelling

3.1 **Site Context**

The subject property is located on the east side of Flemish Street, a few block north of Bernard Avenue and East of Gordon Drive with easy access to downtown. Specifically, the adjacent land uses are RU1 Large Lot Housing in all directions.

3.2 **Site Location:** 1441 Flemish Street



4.0 **POLICY**

The property is proposed to be zoned RU1(s) – Large Lot Housing with Secondary Suite. The purpose of this zone is to provide for single detached housing as a principal use, and compatible secondary uses.

4.1 **Kelowna 2020 – Official Community Plan**

The proposal is consistent with the future land use designation of Single/Two Unit Residential in the Official Community Plan. The Single/Two Unit Residential designation covers single detached homes for occupancy by one family, single detached homes with a secondary suite, semi-detached and detached buildings used for two dwelling units, and complementary uses (OCP, Chapter 8).

5.0 TECHNICAL COMMENTS

The application has been submitted to various technical agencies and City departments, and the following relevant comments have been submitted:

5.1 Works and Utilities

See Attachment

5.2 Inspections Services


Building permit required, existing suite to be upgraded to requirements of BCBC 2006, i.e.: fire separation between main residence and suite.

5.3 Fire Department

Requirements of Section 9.36, Secondary Suites, of the BCBC 2006 are to be met. Fire separations per BCBC 2006.

6.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

Rezoning the subject property to the RU1(s) zone would be consistent with the Future Land Use designation of the area. The proposal allows for more efficient use of the subject property and helps to diversify the housing supply in the area.



Shelley Gambacort

Director of Land Use Management

SG/Bcd

ATTACHMENTS (ensure all appropriate ones are included)

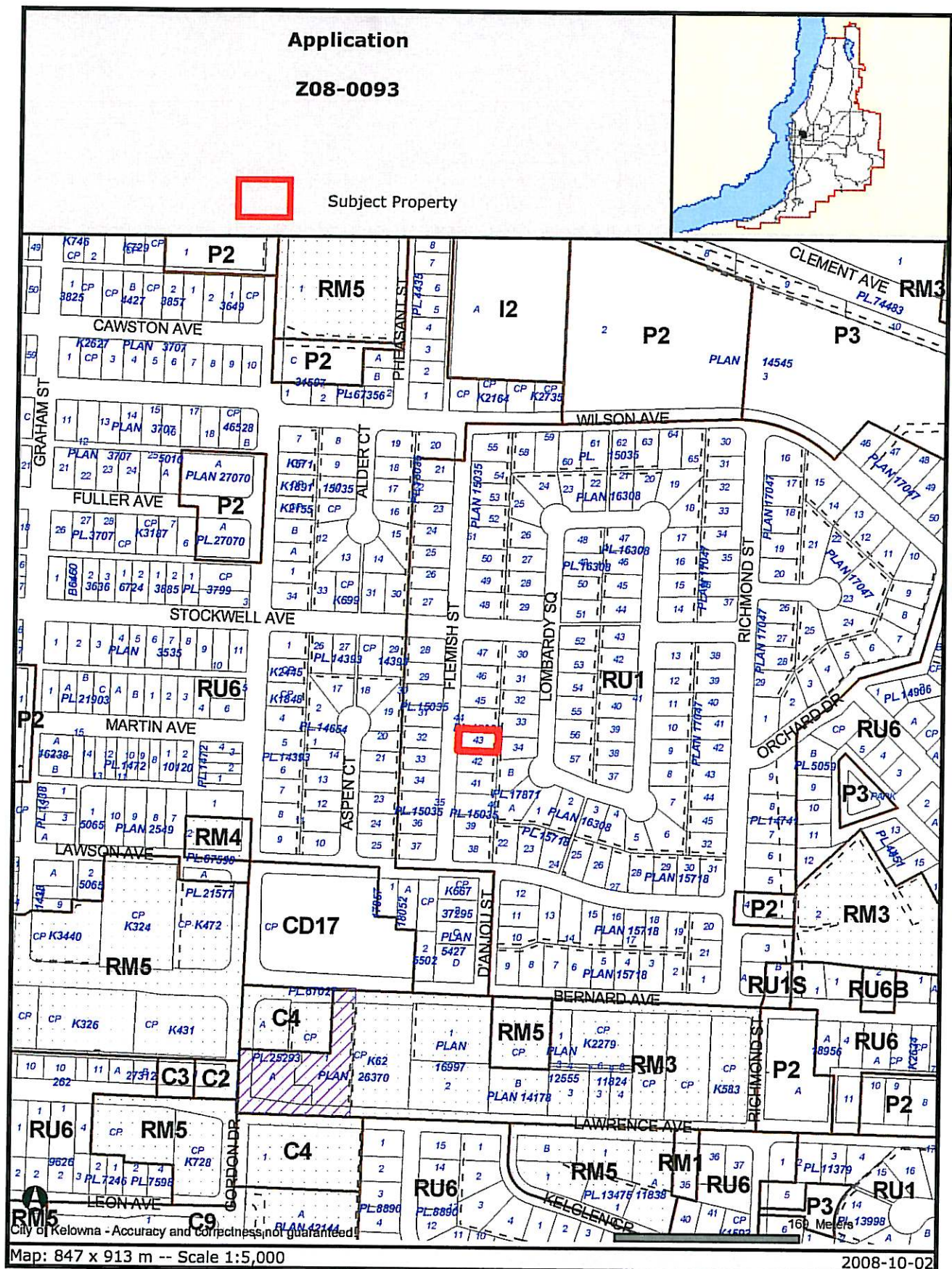
Location of subject property

Site Plan (existing building location)

Plot Plan

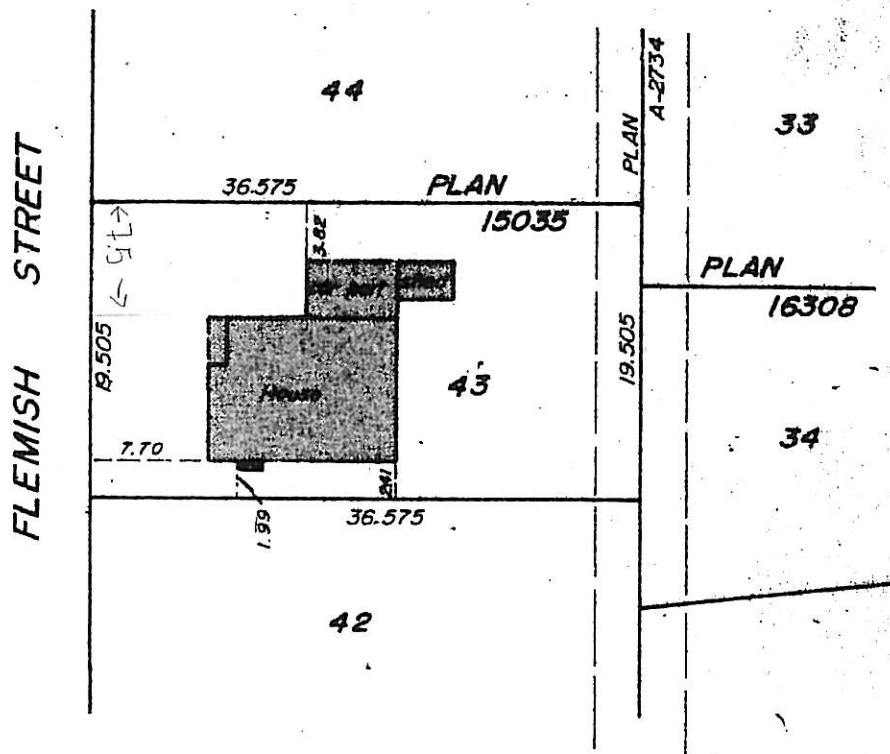
Floor Plans – basement & main floor

Works and Utilities comments



B. C. LAND SURVEYORS CERTIFICATE

ON LOT 43 PLAN 15035 D.L. 137 Q.D.Y.D.



KIDSTON & Co.

LOT DIMENSIONS ARE FROM REGISTERED RECORDS.
THIS PLAN IS PREPARED FOR MORTGAGE PURPOSES ONLY AND
IS NOT TO BE USED FOR THE ESTABLISHMENT OF PROPERTY
BOUNDARIES.

SCALE 1:500 ALL DISTANCES ARE IN METRES.

CERTIFIED CORRECT OCTOBER 26, 1984

GEHUE & ASSOC.
B.C. LAND SURVEYORS
101-1435 ST. PAUL STREET, KELLOWNA
TELEPHONE (804) 763-5711

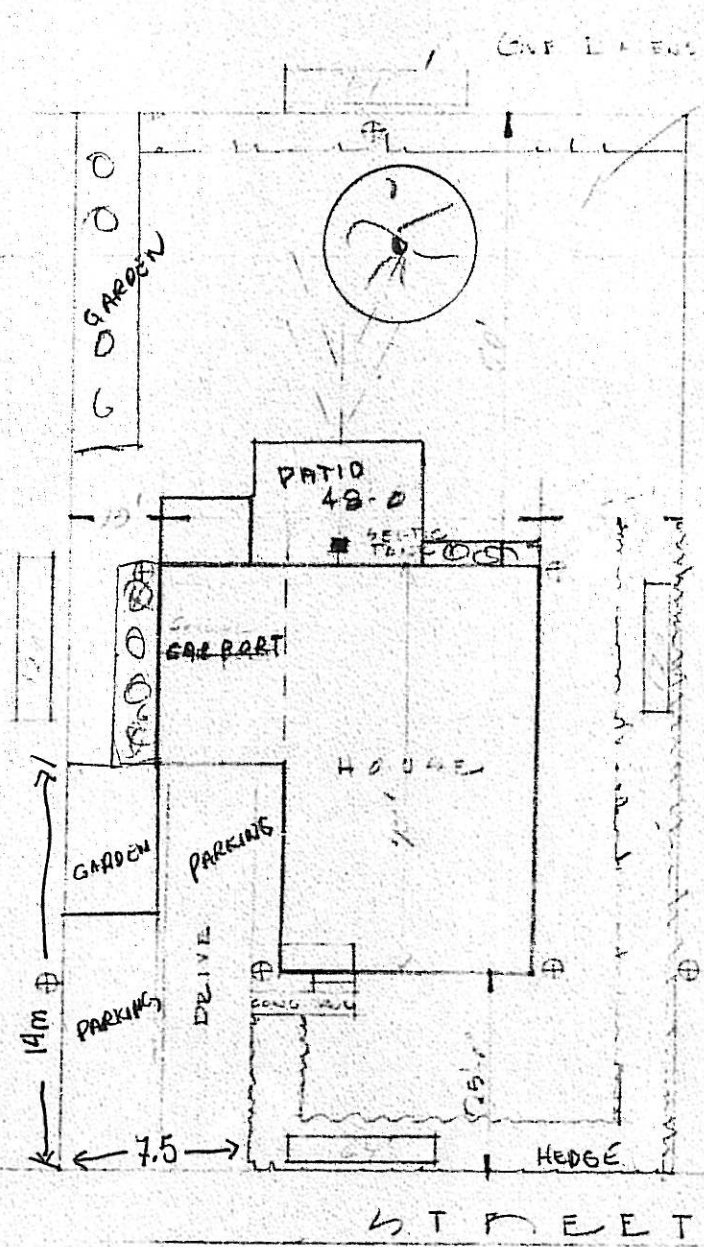
[Signature]

B.C.L.S.

LOT #
 PLAN #



DEVELOP
 NORTH



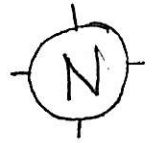
CON. SEWER

WATER MAIN

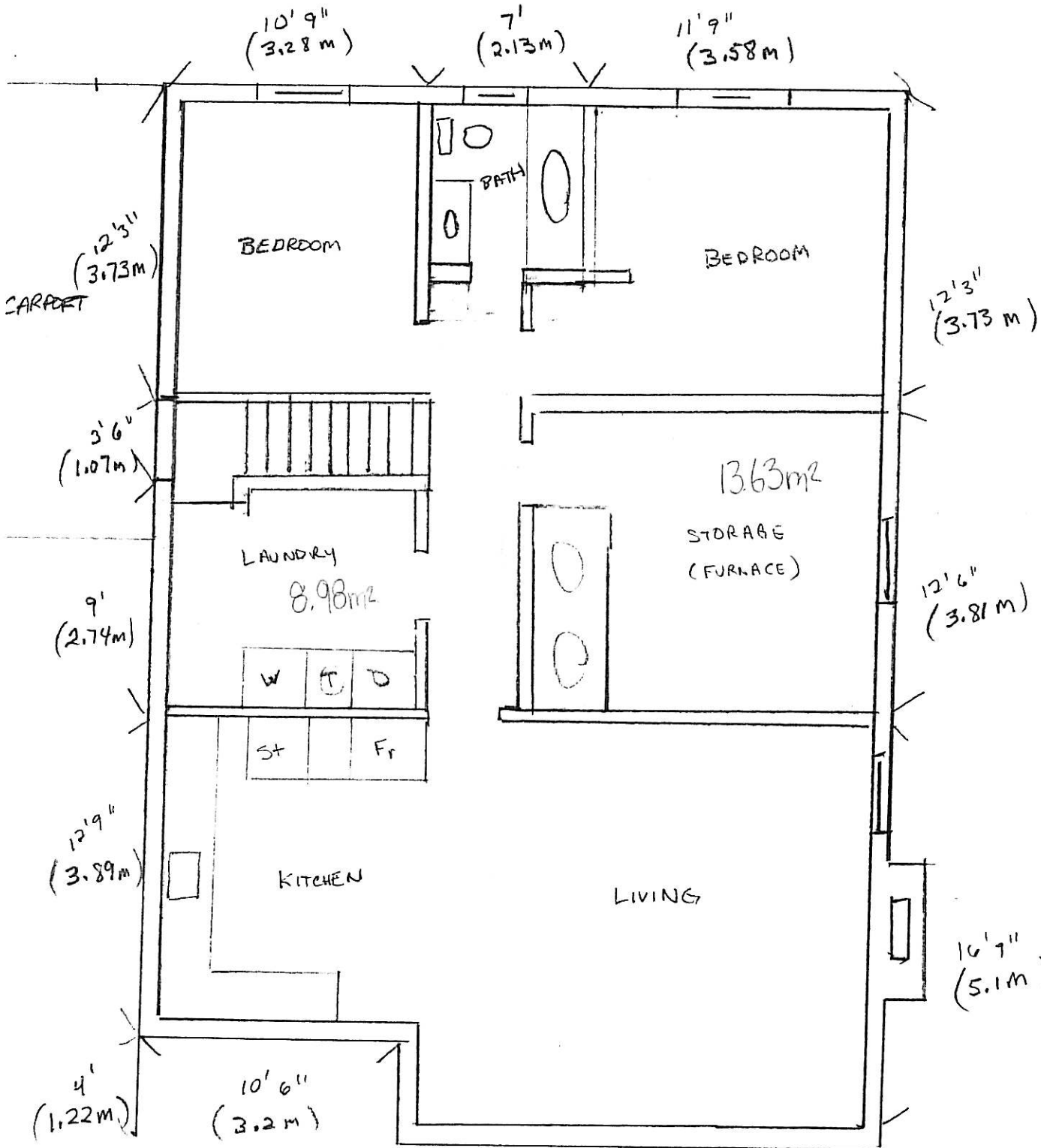
1000' ASSUMED AT CORNER OF PLOT

PLOT PLAN NOT TO SCALE

REFER TO ENCLOSED CIVIL NOTES

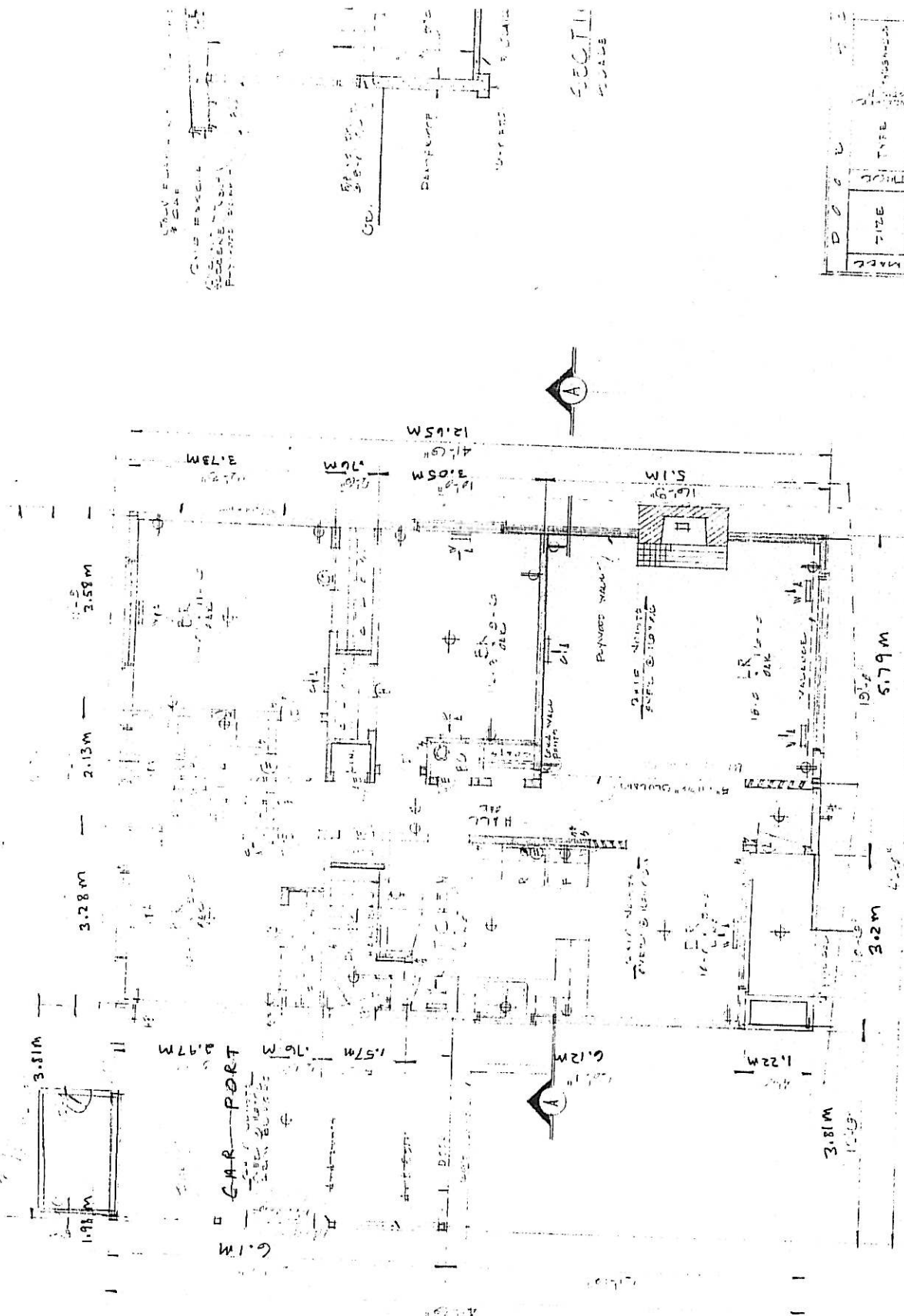


← 29'6" (8.99m) →



TOTAL AREA 1152' sq ()
BASEMENT 109.8m²

WALL ELEMENTS



FLOOR PLAN
SCALE 1/4" = ONE FOOT
AREA = 1187'

NO.	SIZE	TYPE	REMARKS
A	3008 1/2	MECH	FL
B	3808	"	"
C	2500 1/2	"	"
D	2600	"	"
E	2000	"	"
F	2400	"	"

SECTION
A-A

CITY OF KELOWNA
MEMORANDUM

Date: October 14, 2008
File No.: Z08-0093

To: Planning & Development Services Department (BD)

From: Development Engineering Manager (SM)

Subject: 1441 Flemish Street. Lot 43 Plan 15035 Suite

The Works & Utilities Department comments and requirements regarding this application to rezone from RU-1 to RU-1s are as follows:

1. Domestic Water and Fire Protection

The existing lot is adequately serviced with a 19mm diameter copper water service.
Metered water from the main residence must supply the suite.

2. Sanitary Sewer

The existing lot is adequately serviced with a 100mm-diameter sanitary sewer connection that will service both the main residence and suite.

3. Development Permit and Site Related Issues

Adequate, hard surface on-site parking must be provided. The parking modules must meet by-law requirements.

Steve Muenz, P. Eng.
Development Engineering Manager
JF