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**CITY OF KELOWNA  
MEMORANDUM**

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**DATE:** October 15, 2008  
**TO:** City Manager  
**FROM:** Community Sustainability Division  
**APPLICATION NO.** Z08-0083      **APPLICANT:** Tinling, Jean  
**AT:** 560 Peck Court      **OWNER:** Tinling, Jean

**PURPOSE:** 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 WITHIN A DETACHED ACCESSORY BUILDING.

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

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

**REPORT PREPARED BY:** BIRTE DECLOUX

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### **1.0 RECOMMENDATION**

THAT Rezoning Application No. Z08-0083 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 18, Section 14, Township 26, O.D.Y.D., Plan 25160, located on Peck Court, Kelowna, B.C. from the RU1 – Large Lot Housing zone to 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;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Works and Utilities department and Rutland Waterworks being completed to their satisfaction;

### **2.0 SUMMARY**

This application seeks to rezone from the RU1 – Large Lot Housing zone to RU1(s) Large Lot Housing with a Secondary Suite zone in order to legalize a secondary suite which has been partially constructed in a detached, accessory building.

### **3.0 BACKGROUND**

The applicant has partially built the accessory building containing a secondary suite prior to applying for a zoning change. At time of finalizing this report, the applicant had stopped all work to ensure that the proper zoning is in place prior to completion of the suite. The applicant is upgrading the site with improvements to the principal dwelling in addition to the carriage house development.

The site has an ample size to accommodate both buildings. The accessory building is relatively compact with a double car garage on the ground floor and a small suite above. The floor plan is functional appealing with additional appeal owing to a full sized sliding glass door leading to a balcony which looks over the widest part of the property. Due to the pie shape of the lot, the accessory building is completely hidden by the principal residence.

The proposed application meets the requirements of RU1(s) Large lot housing with a secondary suite as follows:

<b>Zoning Bylaw No. 8000</b>		
<b>CRITERIA</b>	<b>PROPOSAL</b>	<b>RU1(S) ZONE REQUIREMENTS</b> (FOR SECONDARY SUITE IN ACCESSORY BUILDING)
<b>Subdivision Regulations</b>		
Lot Area	887 m <sup>2</sup>	550 m <sup>2</sup>
Lot Width	16.5 m	16.5 m
Lot Depth	38.5 m	30.0 m
<b>Development Regulations</b>		
Site Coverage (buildings)	26.5 %	40%
Site Coverage (buildings/parking)	47.7 %	50%
Floor Area of Principal Dwelling	863.8 m <sup>2</sup>	
<b>Proposed Secondary Suite in an Accessory Building</b>		
Height	4.5 M	1½ storeys / 4.5 m
Front Yard	> 25 m	4.5 m or 6.0 m to a garage
Side Yard (e)	25.12 m	2.0 m (1 - 1 ½ storey)
Side Yard (w)	9 m	2.0 m (1 - 1 ½ storey)
Rear Yard	1.55 m	1.5 m
Floor Area	52 m <sup>2</sup> / 6%	Lessor of 90m <sup>2</sup> or 75% of Principle Dwelling
Separation (Distance Between Houses)	5 m	5.0 m
<b>Other Requirements</b>		
Parking Stalls (#)	3 spaces	3 spaces
Private Open Space	meets requirements	30 m <sup>2</sup> of private open space per dwelling

### 3.1 Site Context

The subject property is located on the north side of Peck Court, in the Rutland area within close proximity to Mission Creek. More specifically, the adjacent land uses in all directions are RU1 Large Lot Housing.

### 3.2 Site Location: 560 Peck Court



## 4.0 **POLICY**

The property is proposed to be rezoned 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 **Policy and Regulation**

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

*Objective #4* – Realize construction of housing forms and prices that meet the needs of Kelowna residents.

*Objective #5* – Achieve accessible, high quality living and working environments.

*Objective #7* – Sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas.

#### 4.1.2 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).

*Development Permit Process* - This development is subject to the Development Permit Guidelines for Form and Character of Secondary Suite and Two Dwelling Housing Development.

## 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 attached.

### 5.2 Inspections Services

Existing active building permit #36112 to meet suite requirements to BCBC 2006 related to fire separation, exiting, etc.

### 5.3 Fire Department

An unobstructed and easily distinguishable firefighter access path, of 1100mm, from the street to the back of the property line and to the secondary site main entrance is required. Must be maintain in all seasons. If a fence is every constructed between the dwellings a 1100 mm, clear width, gate is required, easily openable without any special knowledge.

### 5.4 Rutland Waterworks


CEC's for the secondary suite and the meter upgrade is required and to be paid for by the owner/developer prior to issuance of the water certificate letter.

## 6.0 LAND USE MANAGEMENT COMMENTS

Land Use Management staff recommend that this rezoning application be supported, as it represents a sensitive infill project that is, consistent with the policies contained within the OCP for sensitive infill development.

The project meets all the requirements of the Zoning bylaw and minimal impact on the neighbours is anticipated due to the siting on the property.

A Direct Development Permit will assess the form and character of the accessory building subsequent to the zoning being approved.

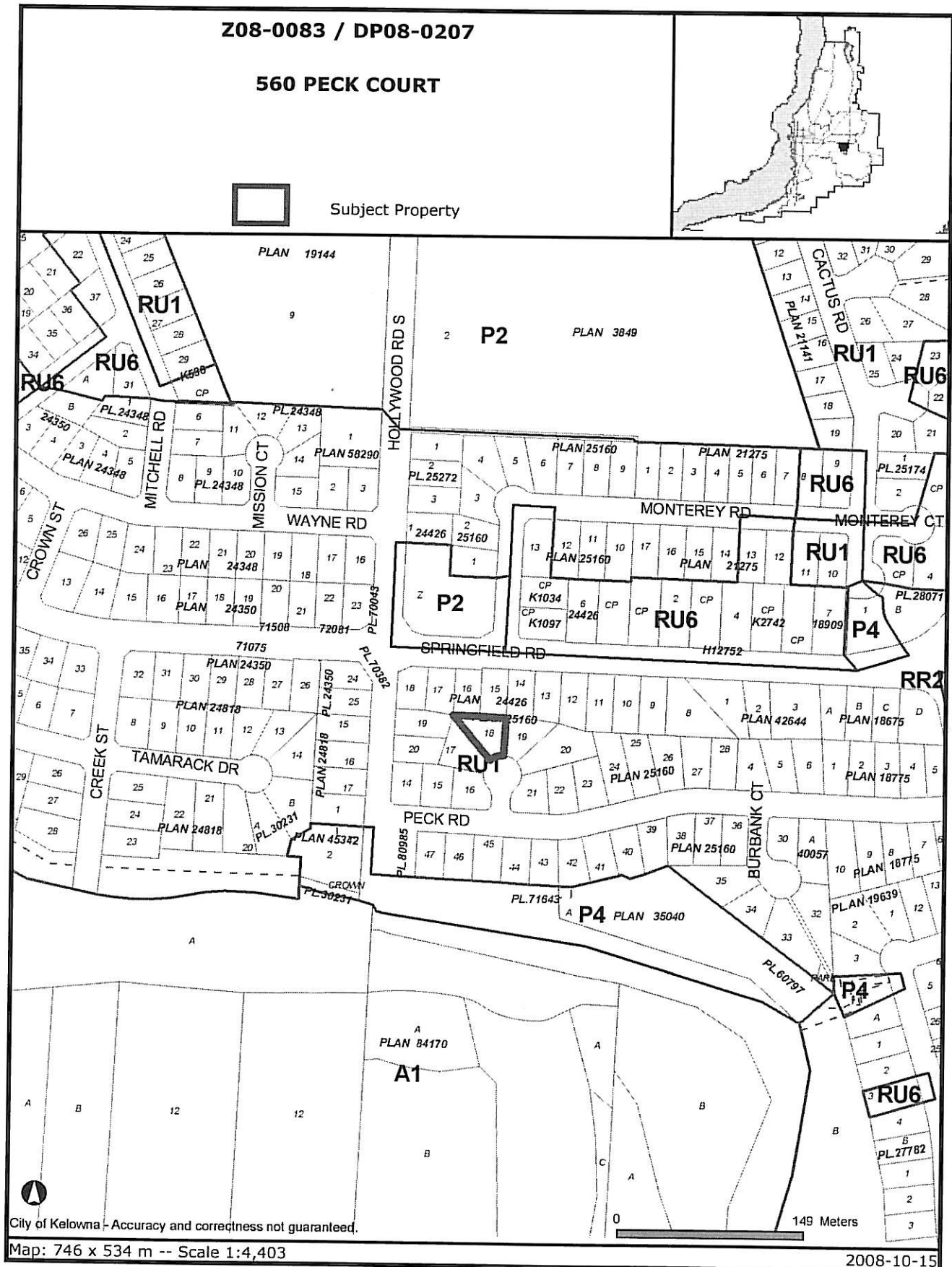
  
Danielle Noble

for: Current Planning Supervisor  
DN/Bcd

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ATTACHMENTS:

Location of subject property  
Site Plan (both buildings)  
Floor Plan  
Elevation Plans  
Photos of existing building and Accessory building  
Works and Utilities comments



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.

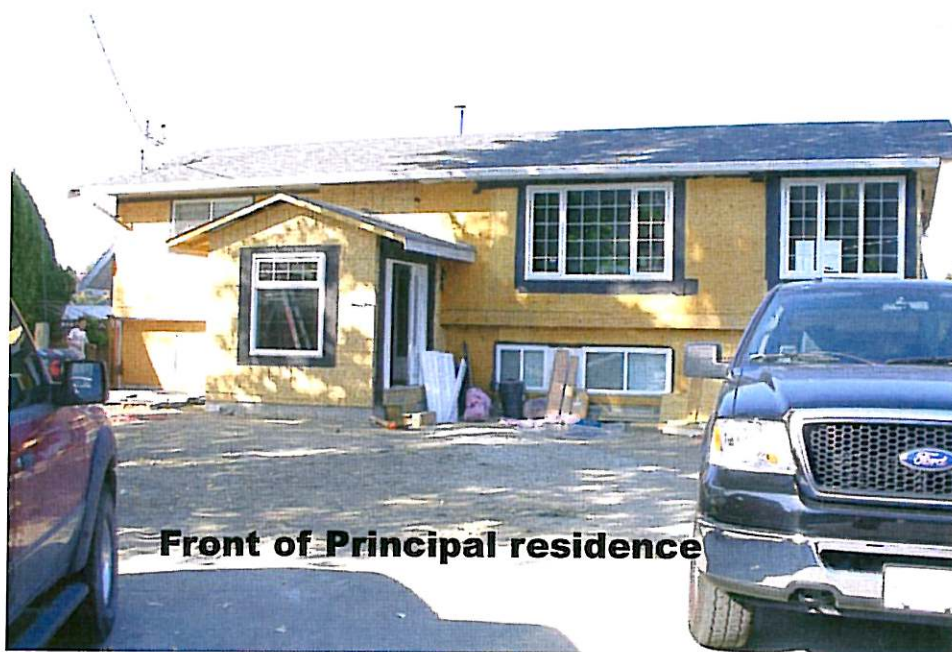
Accessory  
Building



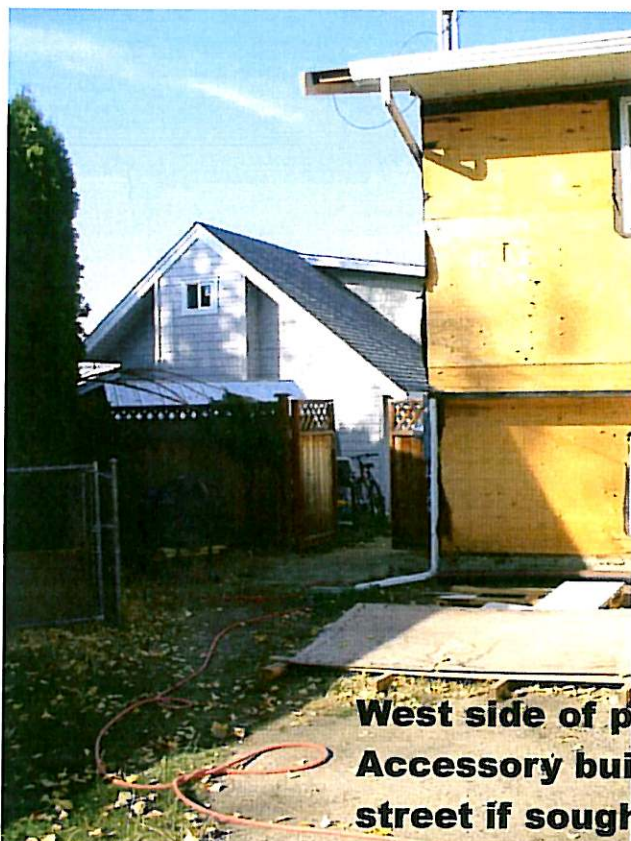
NW

SW





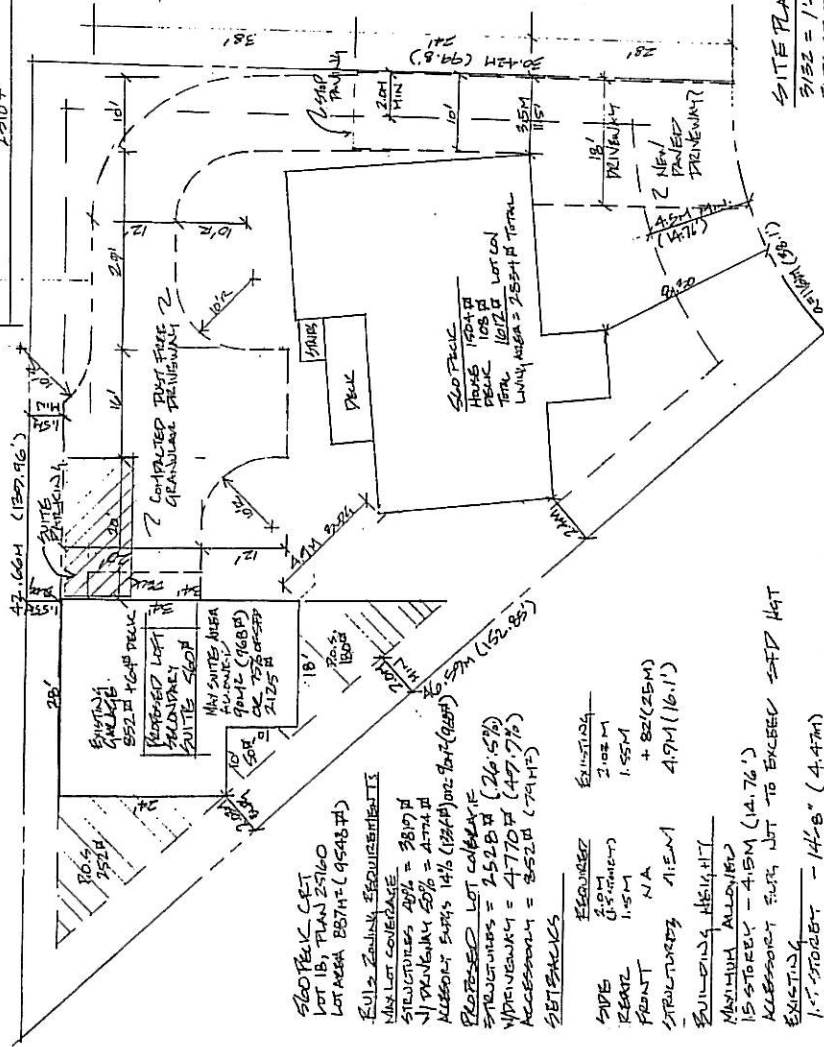
**Front of Principal residence**



**West side of principal residence  
Accessory building only visible to  
street if sought out.**

**560 Peck Court  
Z08-0083**

MINIMUM ALLOWED 4774<sup>sq</sup> (58% LOT AREA)  
- 2464<sup>sq</sup> STRUCTURES  
2310<sup>sq</sup>



SITE PLAN  
3/132 = 1'-0"  
BURY SETBACKS PROVIDED  
FROM SEALED ELLS SURVEY  
DATED JUNE 23, 2008

SLOPE 1%  
LOT 1B, PLAN 25160  
LOT AREA 8074<sup>sq</sup> (9548<sup>sq</sup>)  
FULL ZONING REQUIREMENTS II  
MAX LOT COVERAGE  
STRUCTURES 40% = 3229<sup>sq</sup>  
MINIMUM ALLOWED 4774<sup>sq</sup>  
ACCESSORY 50% = 4037<sup>sq</sup>  
ACCESSORY 14% (1344<sup>sq</sup>) ONE STORY (9548<sup>sq</sup>)  
PROPOSED LOT COVERAGE  
STRUCTURES = 2528<sup>sq</sup> (24.5%)  
MINIMUM ALLOWED 4774<sup>sq</sup> (47.7%)  
ACCESSORY = 852<sup>sq</sup> (7.9%)

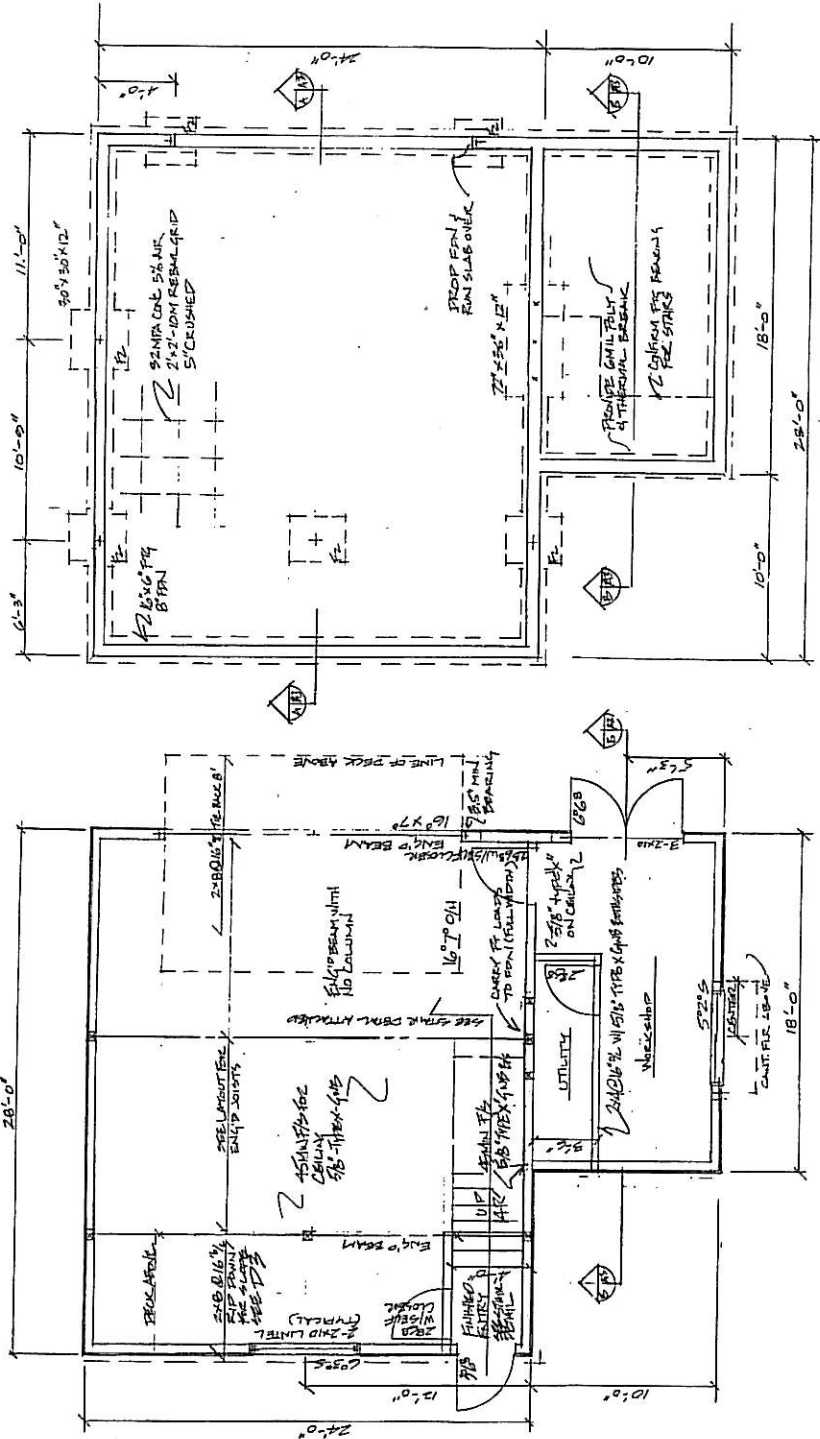
SETBACKS  
EXISTING  
SIDE 2.0M  
REAR 1.5M  
FRONT N/A  
STRUCTURES 11.5M  
BUILDING HEIGHT  
MINIMUM ALLOWED  
15-STOREY - 41.5M (137.8')  
EXISTING  
1-1 STOREY - 14'6" (4.47M)  
GARAGE 1/2 LOT LOWER THAN HOUSE HAT OF 1/16'  
PRIVATE OPEN SPACE (POS)  
REQUIRED = 2 + 1 FLOORED + 3  
PROPOSED (SHADED AREA) 4822<sup>sq</sup>

**Fluorheel**  
Engineering Solutions  
info@fluorheel.com  
236 639 6061

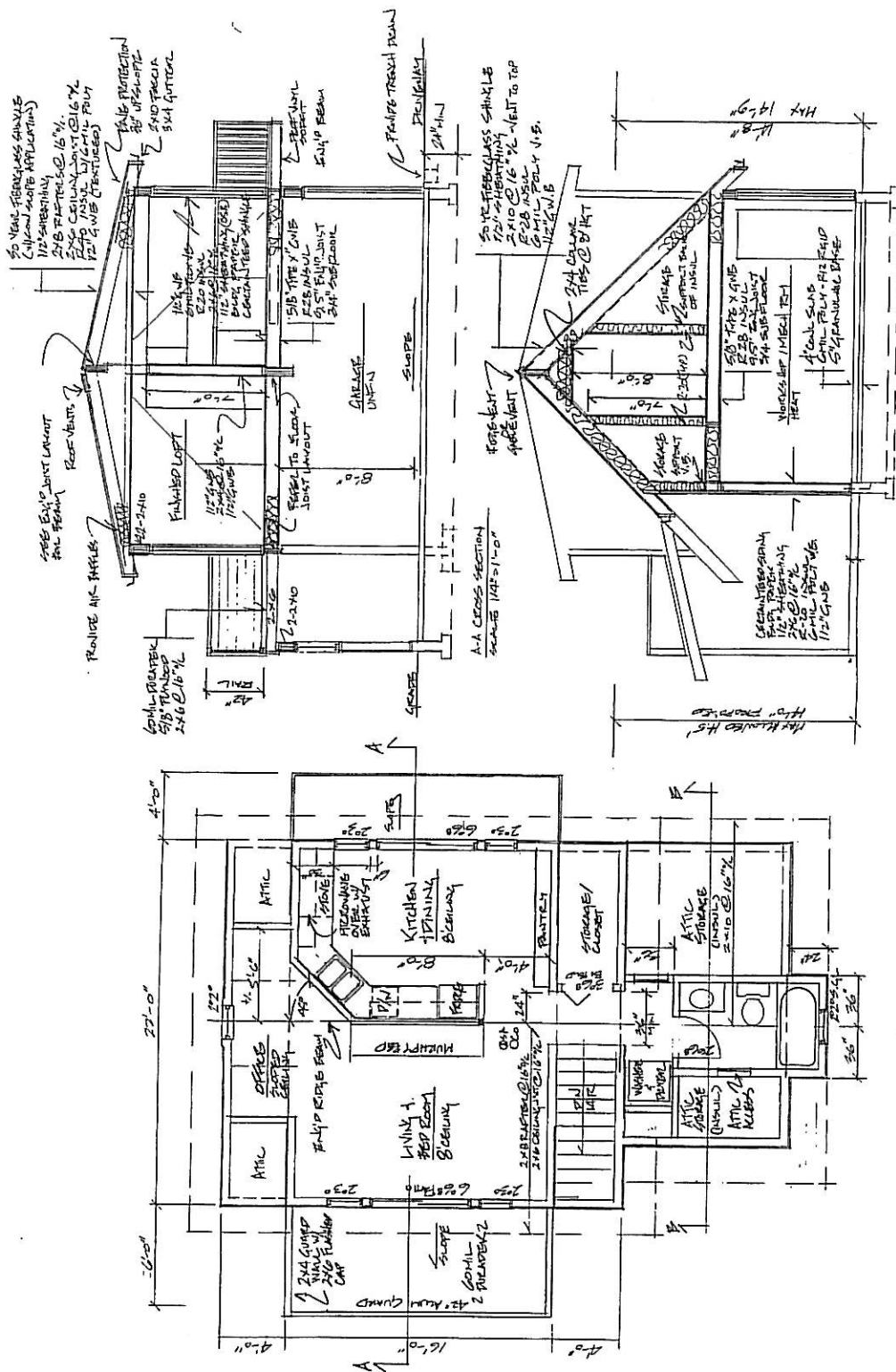
Project: Garage with Loft  
800 Feet Ct, Kelowna

Drawn by: Ken K  
Reviewed by: P. 2008  
Fluorheel: A-2500 for  
State Application

A1



Project:		Garage with Lift / Carport Ramp	
For Tender: Feb 15/08		Dwg No.	
For Permit: Feb 22/08		A2	
Revised: July 08		Drawn by: Ken K	
CODE DESIGN BUILD		info@flynnheeler.com	
350 W 10th St		350 W 10th St	



LOFT PLAN - 4922 AREA OVER 214 (6.97)  
SCALE 1/4" = 1'-0"

S-B CROSS SECTION  
SCALE 1/4" = 1'-0"

REVISIONS AUG 23, 2006

<b>Flumheel</b> Building Solutions info@flumheelbuilding.com 250.859.6862	Project: Garage with Loft 660 Park Ctr, Kalamazoo	Drawn by: Ken K For Permit: Feb 22/06 Revised: July 26/06 A3
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