
**CITY OF KELOWNA
MEMORANDUM**

DATE: May 21, 2009
TO: City Manager
FROM: Community Sustainability Division

APPLICATION NO. Z09-0019 **APPLICANT:** Thomas Stapleton

AT: 1290 Clark Ct **OWNER:** Thomas and Naomi Stapleton

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

EXISTING ZONE: RU1 - LARGE LOT HOUSING

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

REPORT PREPARED BY: BIRTE DECLOUX

1.0 RECOMMENDATION

THAT Rezoning Application No. Z09 -0019 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 17, Section 35, Township 26, O.D.Y.D., Plan 31160, located on Clark Court, 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;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Black Mountain Irrigation District being completed to their satisfaction;

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 in order to legalize an existing secondary suite.

3.0 BACKGROUND

In March 2009, the applicant applied for a building permit to removal walls and add a beam for a recreation room area. However, when a City of Kelowna Building Inspector visited the site, it was noted that the basement had been turned into a secondary suite. The owner was advised to decommission the suite or to rezone the property to legalize the suite.



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

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RU1(s) ZONE REQUIREMENTS (Suite within Principal Dwelling)
Subdivision Regulations		
Lot Area	2,261 m ²	550 m ²
Lot Width	22 m (at the front yard set back)	16.5 m unless
Lot Depth	37.18 m	30.0 m
Development Regulations		
Site Coverage (buildings/parking)	17.5 %	50%
Height (existing house)	1.5 storey / 7 m	2 ½ storeys / 9.5 m
Floor Area of principal dwelling	230 m ²	
Floor Area of Secondary Suite / Size ratios	90m ² /39%	In building can't exceed lessor or 90 m ² or 40%
Front Yard	10.10 m	4.5 m / 6.0 m to a garage
Side Yard (east)	5.94 m	2.0 m (1 - 1 ½ storey)
Side Yard (west)	2.286 m	2.0 m (1 - 1 ½ storey)
Rear Yard	> 7.5 m	7.5 m
Other Requirements		
Parking Stalls (#)	3 spaces in garages Plus one on driveway	3 spaces
Private Open Space	meets requirements	30m ² required per dwelling unit

3.1 Site Context

The subject property is located on the south side of Clark Court, in the Rutland area. More specifically, the adjacent land uses are as follows:

- North RU1 – Large Lot Housing
- South P3 – Park and Open Space
- East RU1 - Large Lot Housing
- West RU1 – Large Lot Housing

3.2 **Site Location:** 1290 Clark Court



4.0 **CURRENT DEVELOPMENT 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.

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 Development Engineering

This development is within the service area of the Black Mountain Irrigation District (BMID). All the fees and charges are to be paid directly to BMID.

The subject property is located within the Local Service Area (LSA) # 20 and has not cash commuted the charge of one SFE for the existing dwelling. The applicant is responsible to cash commute the charges for this development in the amount of **\$4,863.78** for the dwelling and the suite.

Note: Since their comments this portion has been cash commuted.

5.2 Building and Permitting

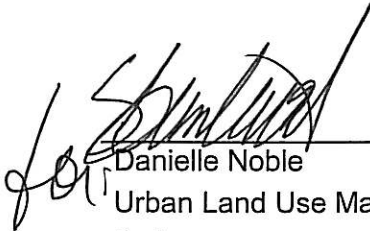
A building permit is required for suite development to BCBC 2006. Separate heating system required for proposed suite. No concerns with proposed size change.

5.3 Fire Department

Requirements of Section 9.36, Secondary Suites, of the BCBC 2006 are to be met. Fire separations per BCBC 2006. The address for the suite and main house is to be visible from the street.

6.0 COMMUNITY SUSTAINABILITY DIVISION COMMENTS

The Land Use Management Department notes that policies within the Official Community Plan support the sensitive integration of infill into existing neighbourhoods where services are already in place and densification can easily be accommodated. The proposal allows for more efficient use of the subject property and helps to diversify the housing supply in the area.



Danielle Noble
Urban Land Use Manager
Bcd

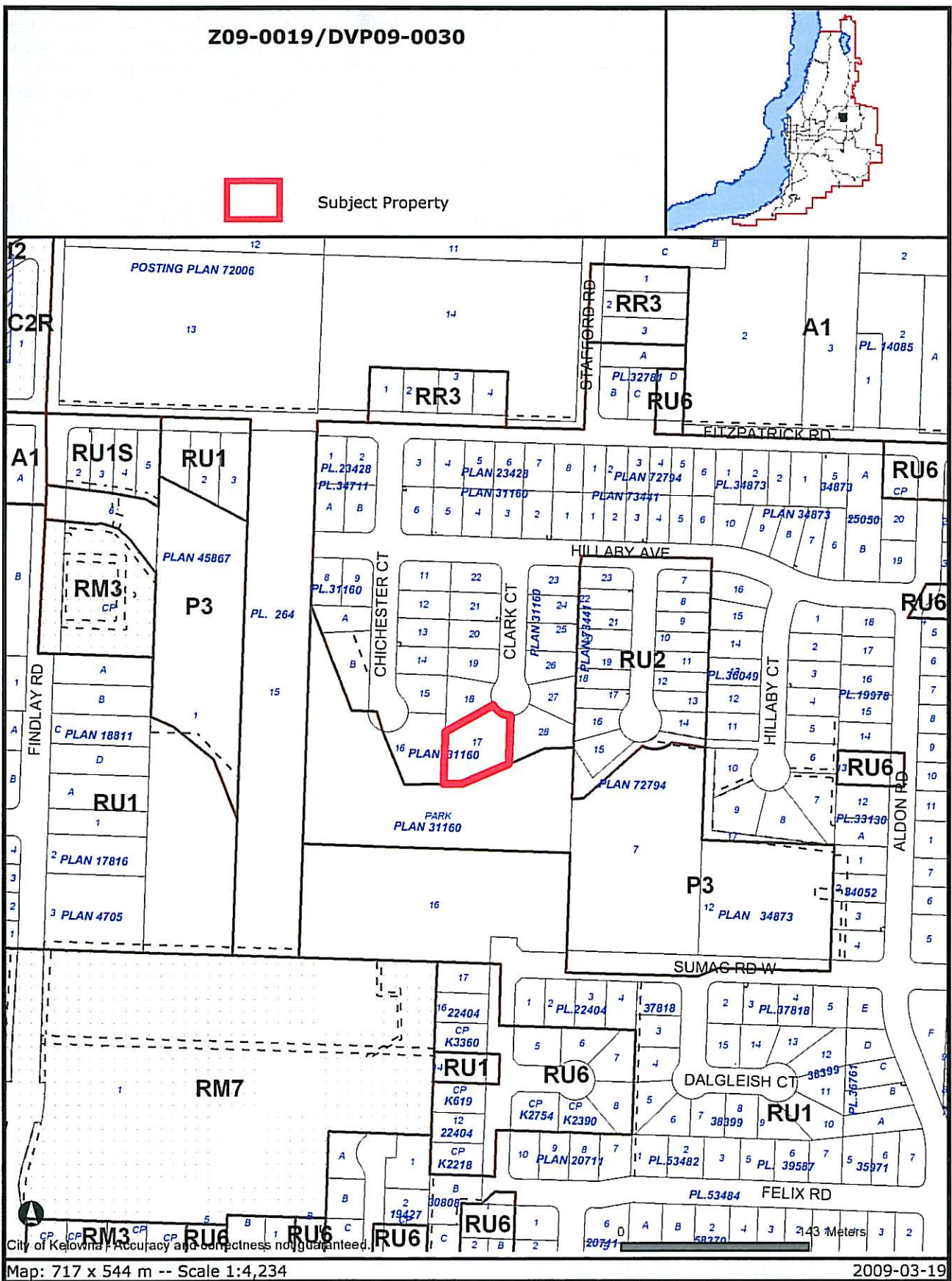
Approved for Issuance



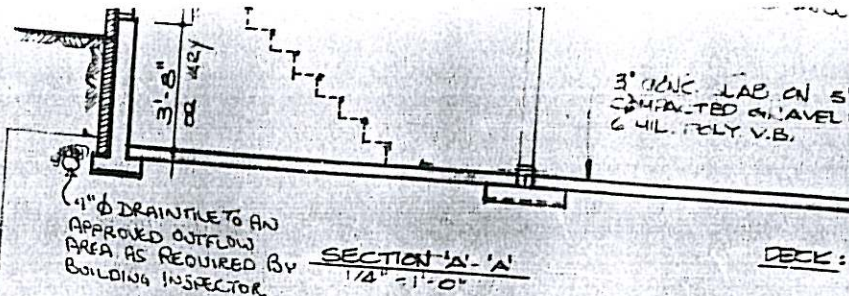
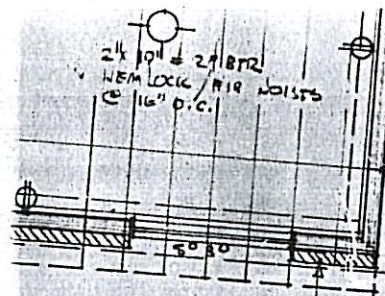
Shelley Gambacort
Director of Land Use Management

ATTACHMENTS

Location of subject property
Site Plan (3 versions)
Elevation (Photos)
Suite Floor Plan



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.

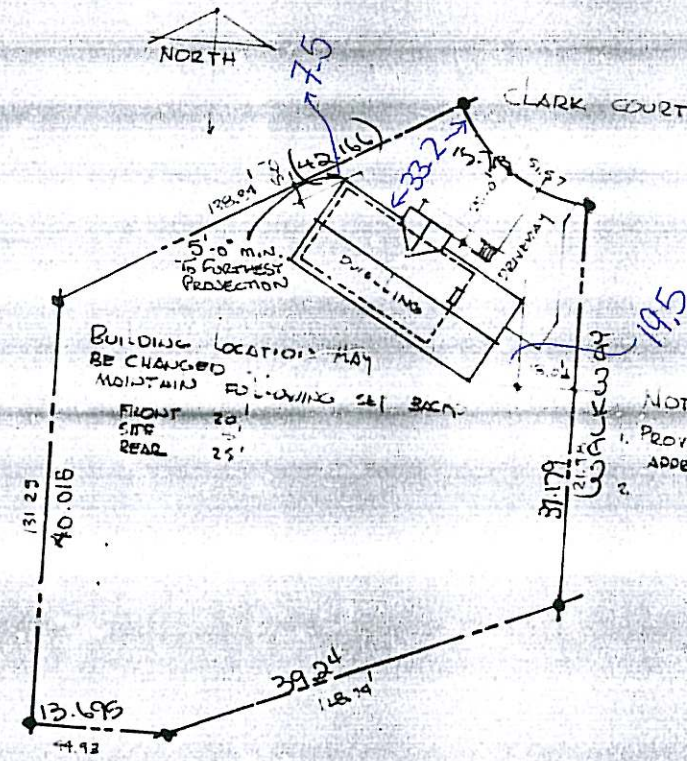
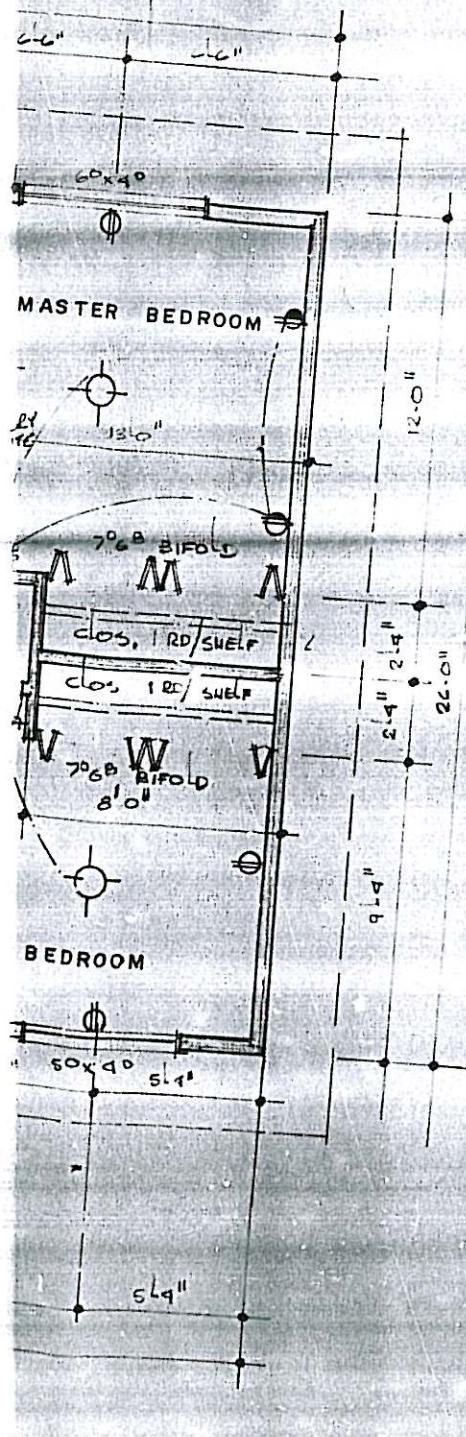


NOTE ON BRICK VENEER
 BRICK IS OUTSIDE OF FRAME DIMENSION
 USE CONC. BRICK & PARCE TO GRADE,
 THEN USE FIN. BRICK.

GENERAL NOTES TO SECTIONS

- 1 ALL DIMENSION LUMBER SHALL BE NO. 2 AND BETTER WESTERN HEALOCK UNLESS SPECIFIED. (SEE SECTIONS)
- 2 ALL PLYWOOD SHALL HAVE A MINIMUM SPECIFICATION AS FOLLOWS:
 WALL SHEATHING - SPRUCE STD. SHEATHING
 ROOF SHEATHING - DOUGLAS FIR STD. SHEATHING
 FLOOR SHEATHING - DOUGLAS FIR SELECT SHEATHING
- 3 ALL WOOD BEARING ON CONCRETE SHALL BE PROTECTED BY:
 A. BEING TREATED
 B. 6 MIL POLYETHYLENE FILM
 C. 45LB FELT

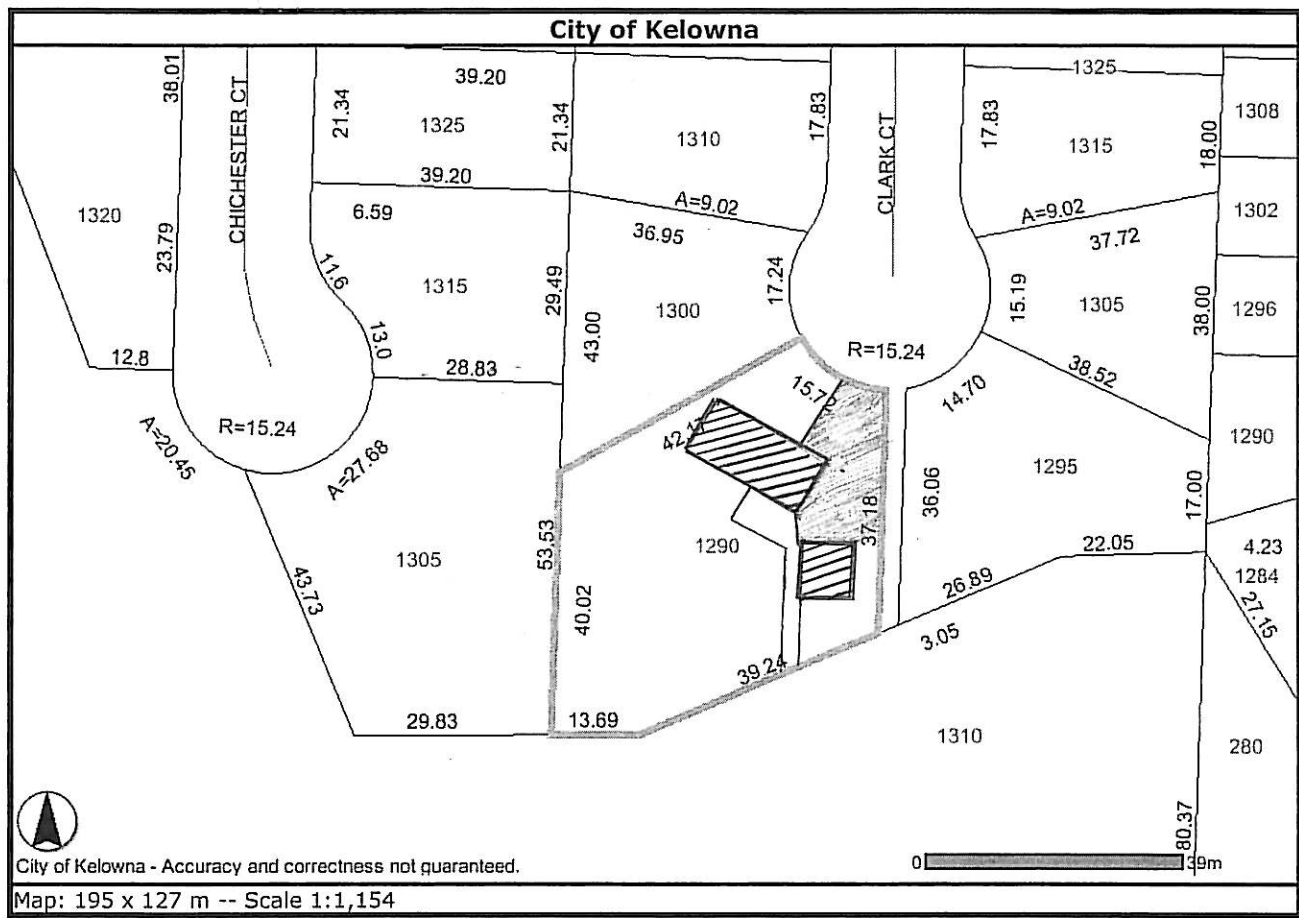
KEY FOR BUILDING PRIVATE USE
 CLOCK



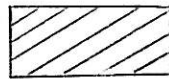
SITE PLAN
 LOT 17 PLAN 31160 OODD.
 SCALE 1" = 40.0'

GENERAL NOTES

- 1 ALL APPLICABLE CODES SHALL A CONSTRUCTION OF THIS BUILDING REFERENCE TO THE B.C. BUILDING CODE, LATEST EDITION & SUPPLEMENT, ADDENDUM & ERRATA
- 2 SHOULD ANY DISCREPANCY APPEAR IN DRAWINGS, WHICH LEAVES THE CONTRACTOR IN DOUBT AS TO THE TRUE MEANING OF THE DRAWING, A RULING OBTAINED FROM CANWEST DESIGN IS NOT DONE, THE HIGHEST PRICE SHALL BE USED. THE CONTRACTOR SHALL CHECK ALL DIMENSIONS, ELEVATIONS AND CONDITIONS BEFORE STARTING CONSTRUCTION
- 3 ALL DIMENSIONS TO TAKE PRECEDENCE SHOWN ON PLANS, SECTIONS AND DETAILS
- 4 NO CHANGES TO BE ALLOWED WITHOUT APPROVAL OF CANWEST DESIGN GROUP
- 5 TRUSS MANUFACTURER, GLUE LAMIN MANUFACTURER, STRUCTURAL STEEL MANUFACTURER SHALL PROVIDE 3 SETS OF SHOP DRAWINGS FOR APPROVAL. NO WORK SHALL COMMENCE UNTIL SHOP DRAWINGS ARE APPROVED.



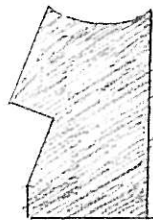
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- Principle Building

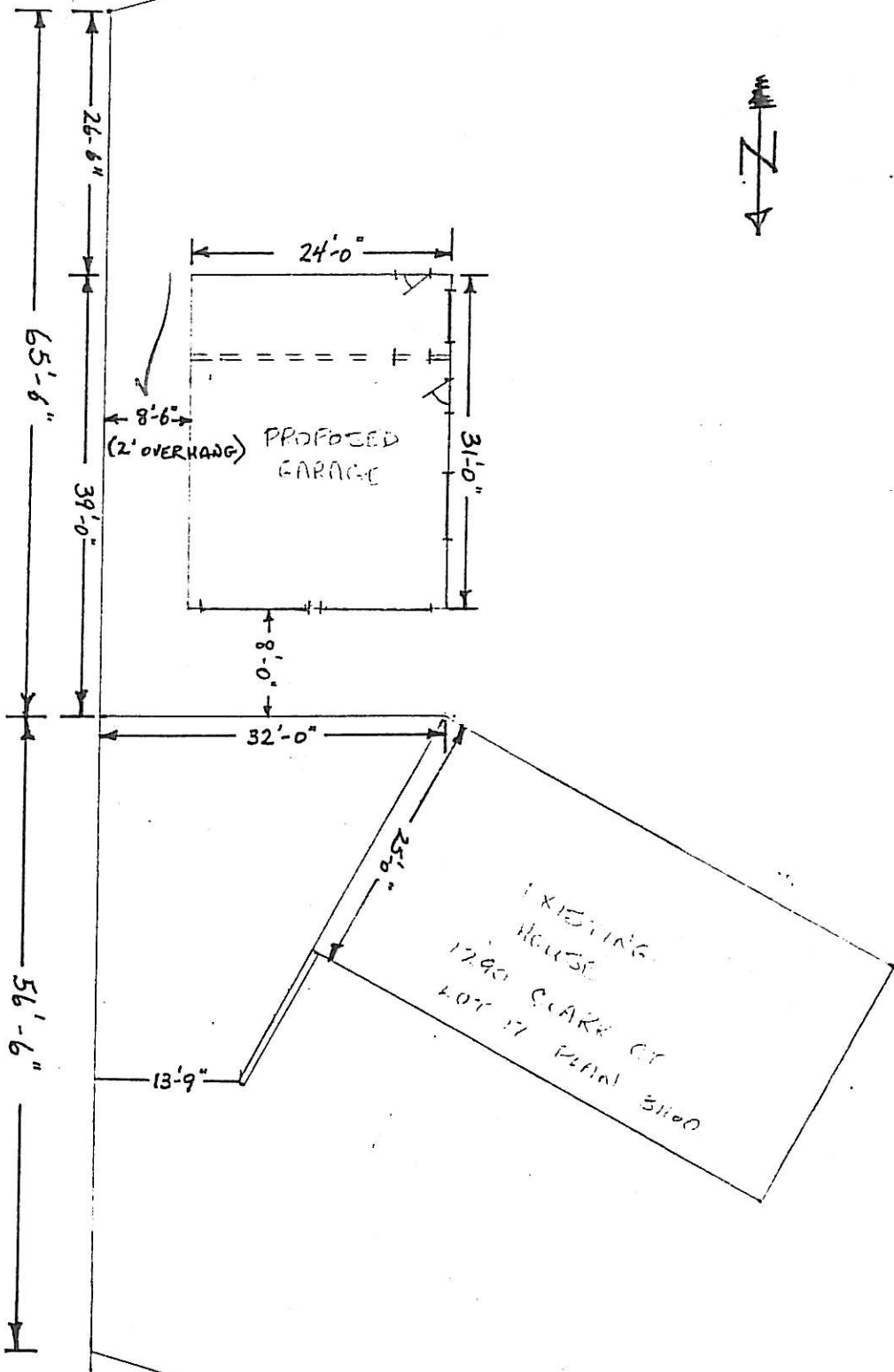


- Two Car Garage



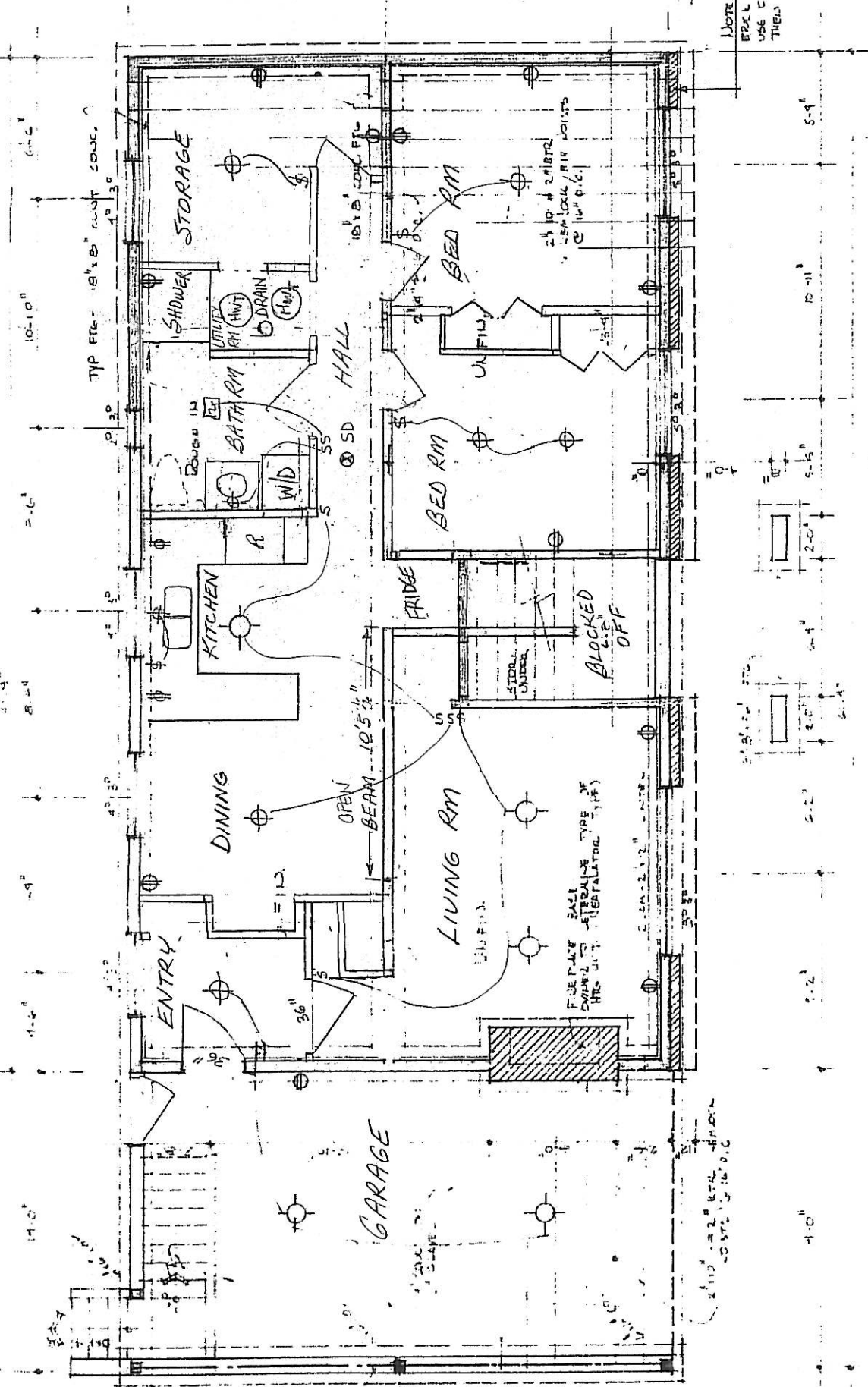
- Driveway and Car Parking

Total Lot Size - .56 Acre



SCALE: 1/16" = 1'-0"

* Interconnected Smoke Alarms * All Fire Separation walls + ceilings * All Beds 4.25 Sq' * All to Be 1/2" Type X Drywall or 5/8" Fire Drywall opening



NOTE: PROVIDE SMOKE ALARMS FOR BUNKERS OF PRIVATE USE
 ELEC. RECEPTACLE FOR SMOKE

FOUNDATION & BASEMENT PLAN

NOTE ON BE
 BRK L, OUT,
 USE CONC. BRK
 THEM USE FLA.

1290 Clark Ct.
Z09-0019



1290 Clark Ct
Suite Entrance.

