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**CITY OF KELOWNA  
MEMORANDUM**

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**DATE:** August 18, 2009

**TO:** City Manager

**FROM:** Community Sustainability Division

**APPLICATION NO.** Z09-0033                      **APPLICANT:** Malis & Raymond Seida  
**AT:** 124 Wyndham Cr.                      **OWNER:** Malis & Raymond Seida

**PURPOSE:** TO REZONE FROM THE RU2 – MEDIUM LOT HOUSING ZONE TO THE RU2(s) – MEDIUM LOT HOUSING WITH A SECONDARY SUITE ZONE TO LEGALIZE A SUITE WITHIN A SINGLE FAMILY DWELLING.

**EXISTING ZONE:** RU2 – MEDIUM LOT HOUSING

**PROPOSED ZONE:** RU2(s) – MEDIUM LOT HOUSING WITH A SECONDARY SUITE

**REPORT PREPARED BY:** Alec Warrender

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1.0 RECOMMENDATION

THAT Rezoning Application No. Z09-0033 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 17, Section 4, Twp. 23, O.D.Y.D., Plan KAP51847, located at 124 Wyndham Cr. Kelowna, B.C. from the from the RU2- Medium Lot Housing zone to the RU2(s) – Medium 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 Building and Permitting Department being completed to their satisfaction;

2.0 SUMMARY

This application seeks to rezone from the RU2- Medium Lot Housing zone to the RU2(s) – Medium Lot Housing with a Secondary Suite zone to legalize a suite within an existing single family dwelling.

3.0 BACKGROUND

There is an existing single family dwelling on the subject property which has been under investigation for an illegal suite. With this application, the owner is seeking to legalize the suite. The proposed application meets the requirements of RU2(s) Medium Lot Housing with a Secondary Suite zone follows:



Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RU2(s) ZONE REQUIREMENTS (Suite within Principal Dwelling)
Development Regulations		
Principal dwelling Floor Area	169.5 m <sup>2</sup>	
Floor Area of Secondary Suite / Size ratios	58 m <sup>2</sup> / 35 %	lessor or 90 m <sup>2</sup> or 40%
Parking Stalls (#)	4 spaces	3 spaces
Private Open Space	meets requirements	30m <sup>2</sup> required per dwelling

3.1 Site Location:

122 Wyndham Cr.



3.2 Site Context

The adjacent zoning and land uses are as follows:

Direction	Zoning Designation	Land Use
North	RU6 – Two Dwelling Housing	Residential
East	RU2 – Medium Lot Housing	Residential

South	RU2 – Medium Lot Housing	Residential
West	RU2 – Medium Lot Housing RM1 – Four Dwelling Housing	Residential

4.0 CURRENT DEVELOPMENT POLICY

The property is proposed to be zoned RU2(s) – Medium 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

5.1 Development Engineering

See Attached.

5.2 Building and Permitting

Proper floor plan required for rezoning application review. Separate entrance required for suite.

5.3 Bylaw Services


Bylaws has an open Service Request, #137969 - generated as a result from a complaint received regarding an illegal suite at this location.


5.4 Fire Department

No Comment

6.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

Policies within the Official Community Plan support the sensitive integration of infill in established neighbourhoods and 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. The legalization of the suite will ensure safety and compliance to the various bylaws and BC Building code.

  
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 Danielle Noble  
 Urban Land Use Manager

Approved for Inclusion 

Shelley Gambacort  
 Director of Land Use Management



DN/SG/AW

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ATTACHMENTS

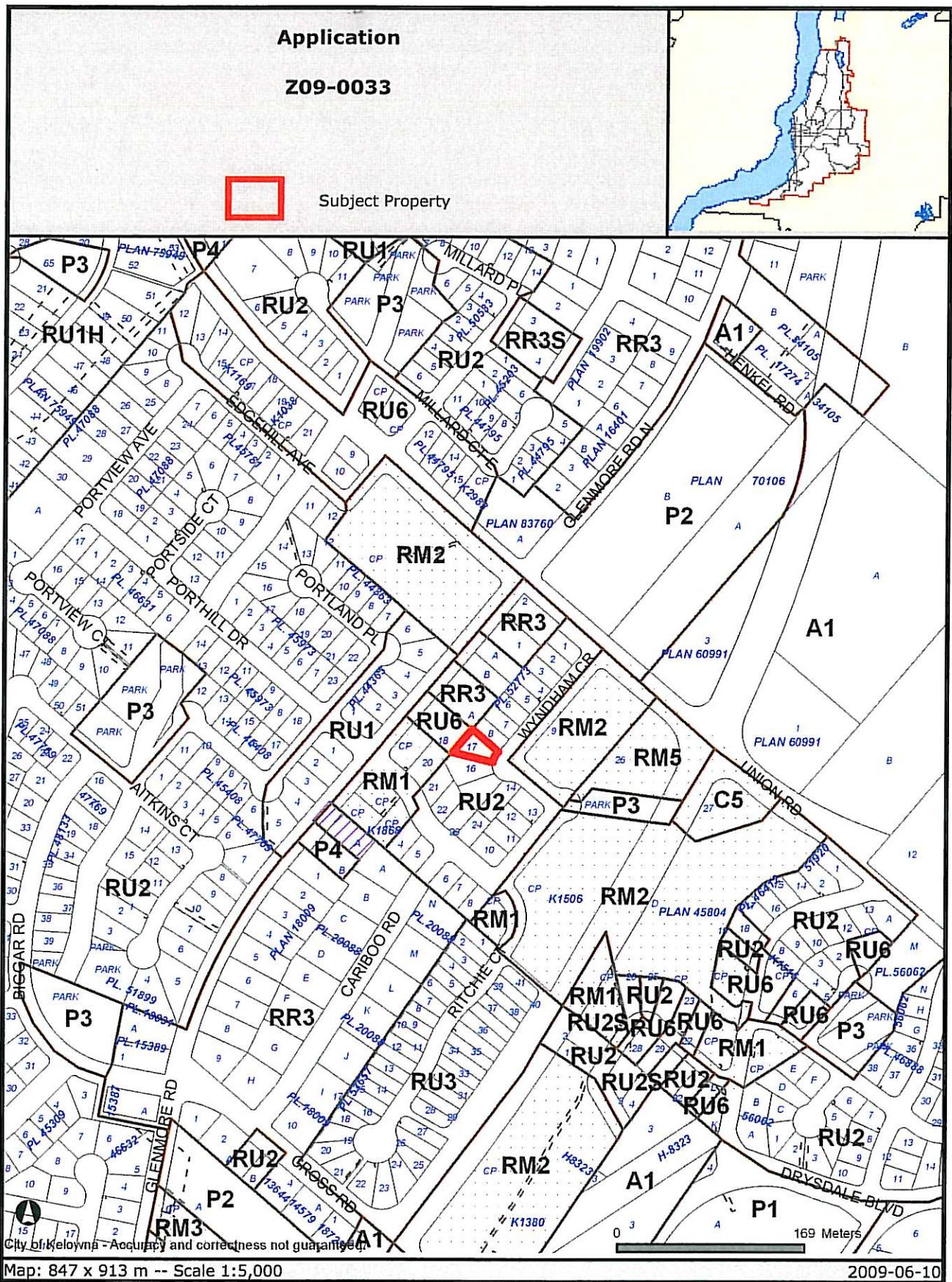
Location of subject property

Site Plan

Elevation Photos

Suite Floor Plan

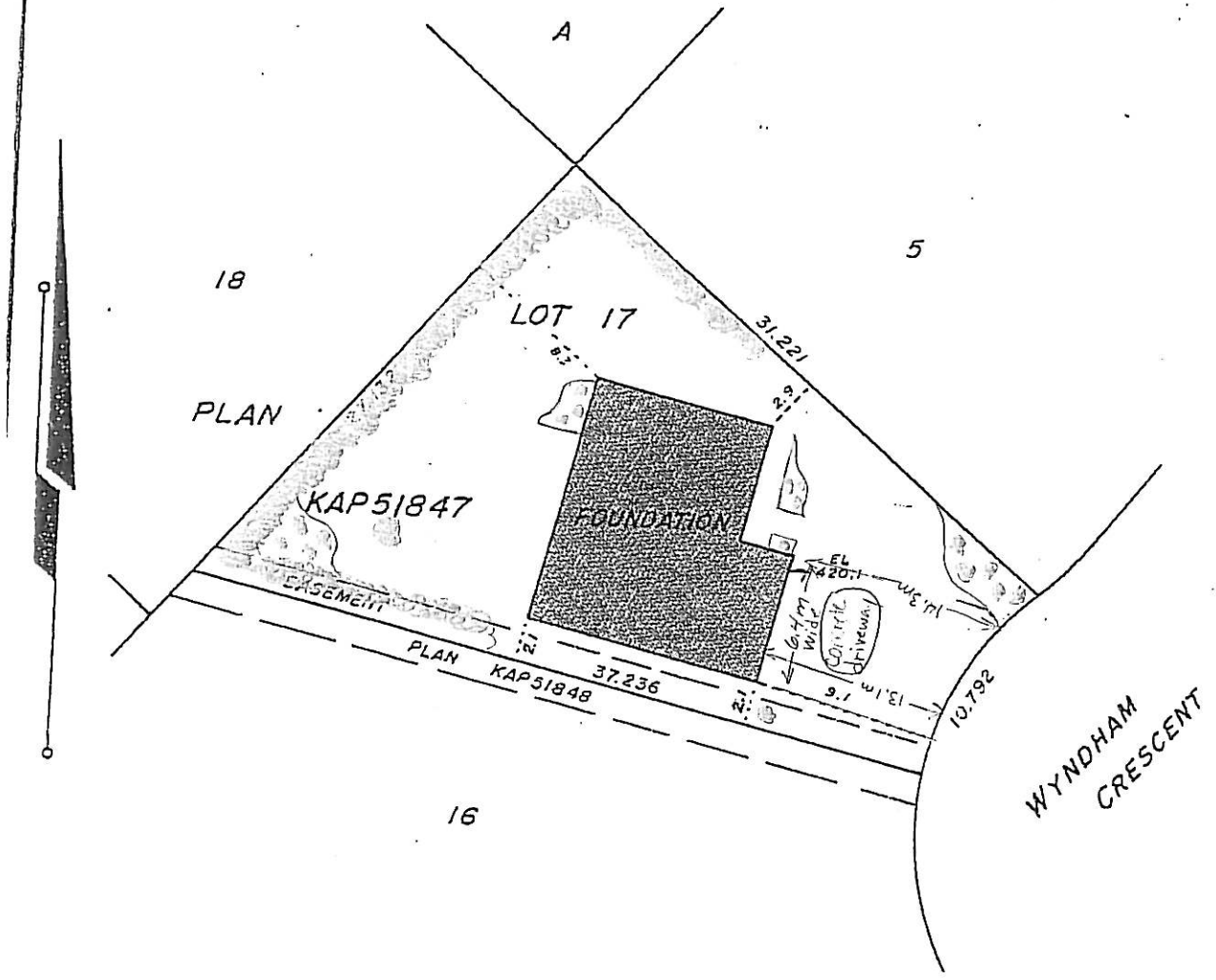




Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
The City of Kelowna does not guarantee its accuracy. All information should be verified.

**B.C. LAND SURVEYORS' CERTIFICATE OF LOCATION**  
 ON LOT 17, PLAN KAP51847, SEC. 4, TP. 23, O.D.Y.D.

124 Wyndham  
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MC LOEWEN

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

SCALE: 1:300 ALL DISTANCES ARE IN METRES.

CERTIFIED CORRECT 14th JUNE, 1996.

**C.W. GEHUE & ASSOCIATES**  
 B.C. LAND SURVEYORS  
 201-1470 ST. PAUL STREET  
 KELOWNA, B.C. TEL (604) 763-5711

*C. W. Gehue*  
 THIS DOCUMENT NOT VALID UNLESS  
 ORIGINALLY SIGNED AND SEALED. B.C.L.S.

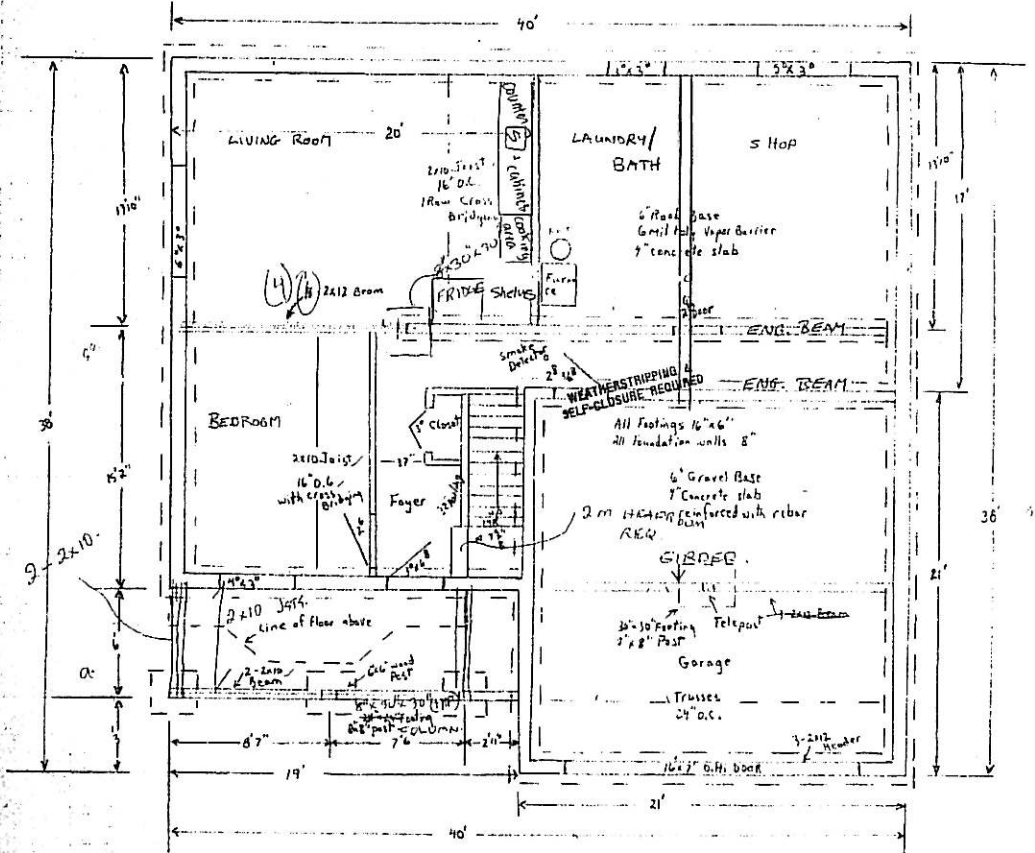
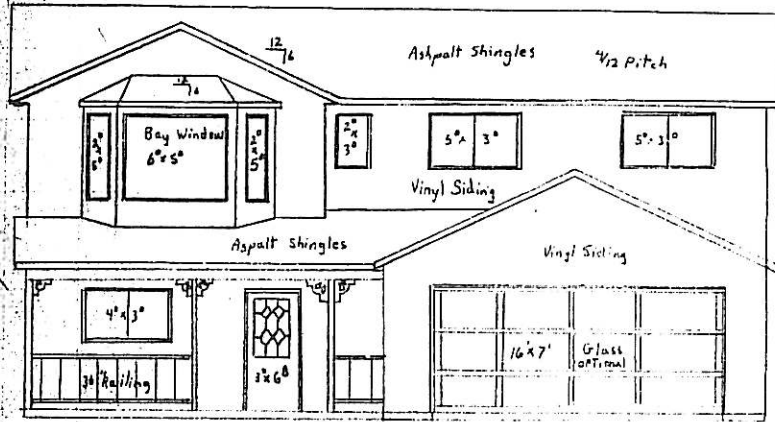


124 WYNDHAM CRES.

APPROVED

FORMING PART OF BUILDING PERMIT THESE DRAWINGS SHALL REMAIN ON SITE AVAILABLE TO CITY BUILDING INSPECTORS

Front Elevation

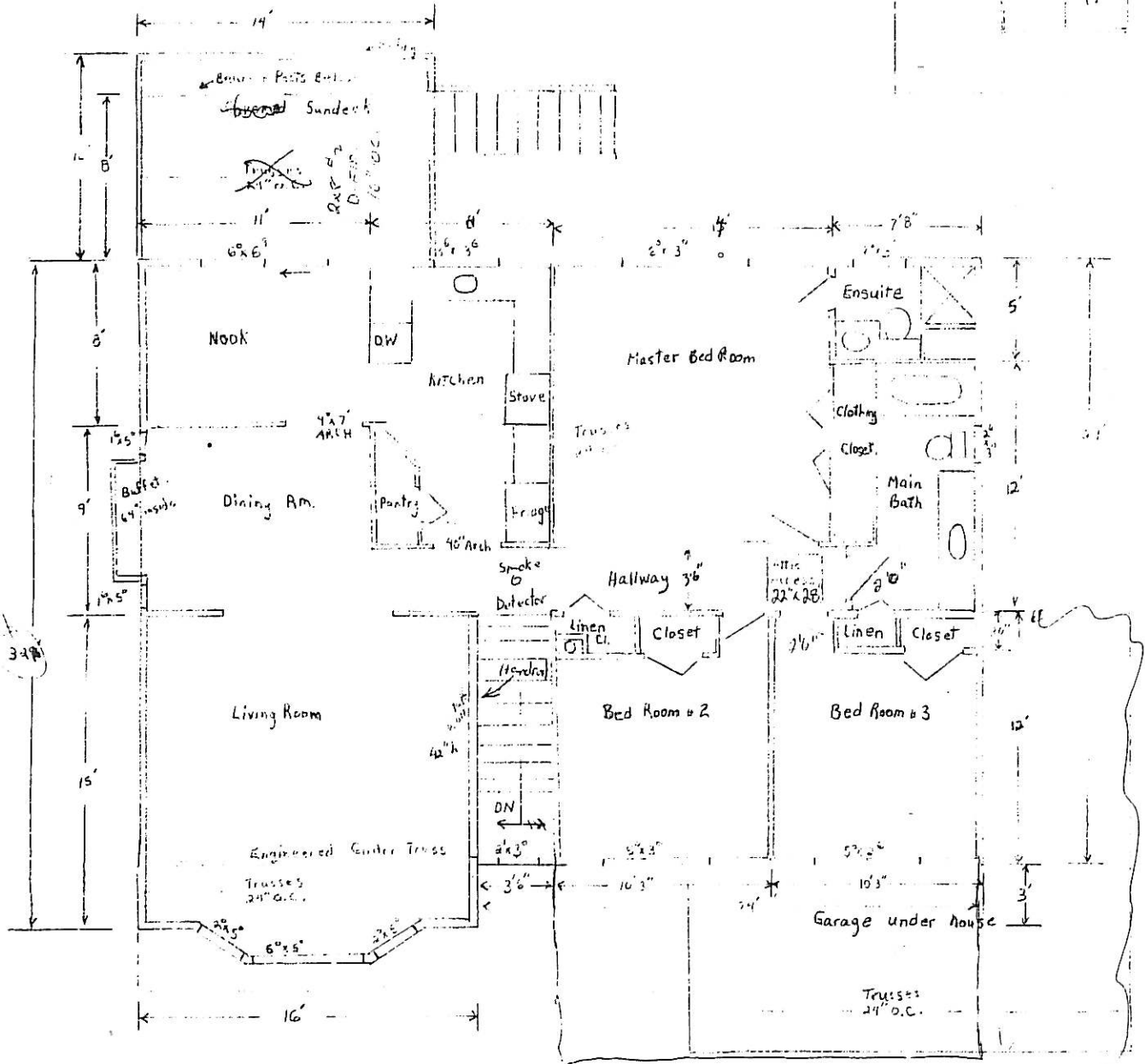


Foundation Plan

BSMT = 625 sq ft SUITE



124 WYNDHAM CRES.



Main Floor Plan





124-WYNDHAM

PROPERTY LINE

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CITY OF KELOWNA

MEMORANDUM

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**Date:** June 23, 2009  
**File No.:** Z09-0033  
**To:** Planning & Development Services Department (AW)  
**From:** Development Engineer Manager (SM)  
**Subject:** 124 Wyndham Cr. – Lot 17, Plan 51847, Sec. 4, Twp. 23, ODYD

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Development Engineering Services comments and requirements regarding this application to rezone from RU2 to RU2s are as follows:

1. Sanitary Sewer.

The subject property is serviced by the Municipal wastewater collection system. There are no additional charges for a suite within an existing dwelling.

2. Domestic Water.

The subject property is located within the Glenmore Ellison Irrigation District. All charges and fees must be paid directly to GEID.

3. Development Permit and Site Related Issues

On-site parking modules must meet bylaw requirements.

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.

This application does not trigger any servicing requirements.

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Steve Muenz, P.Eng.  
Development Engineering Manager

DC