
**CITY OF KELOWNA
MEMORANDUM**

DATE: September 11, 2009
TO: City Manager
FROM: Community Sustainability Division

APPLICATION NO. Z09-0042 **APPLICANT:** James East
AT: 557 McWilliams Road **OWNER:** James East & Sandra East

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 SUITE WITHIN A SINGLE FAMILY DWELLING

EXISTING ZONE: RU1 – LARGE LOT HOUSING

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

REPORT PREPARED BY: LUKE TURRI

1.0 RECOMMENDATION

THAT Rezoning Application No. Z09-0042 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 11, Section 26, Township 26, ODYD, Plan 29389, located on McWilliams Road, Kelowna, B.C. from the 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 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 suite on the lower level of the building consists of one bedroom, one bathroom and a kitchen/dining /living room area. The suite is accessed from a separate entrance at the rear of the home. The property can provide adequate private outdoor space and appropriate parking for both units.



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

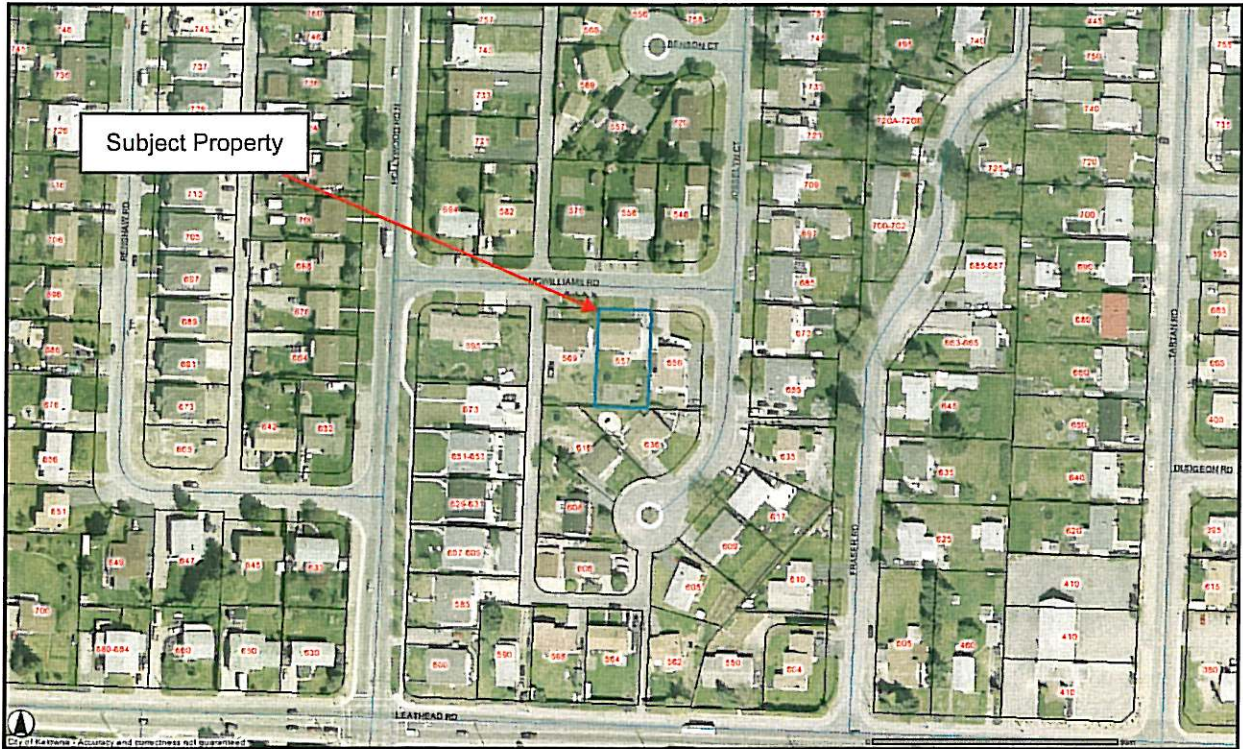
Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RU1(s) ZONE REQUIREMENTS (Suite within Principal Dwelling)
Subdivision Regulations		
Lot Area	845 m ²	550 m ²
Lot Width	21.34 m	16.5 m
Lot Depth	39.62 m	30.0 m
Development Regulations		
Site Coverage (buildings)	22 %	40%
Site Coverage (buildings/parking)	49 %	50%
Height (existing house)	1.5 storey	2 ½ storeys / 9.5 m
Floor Area of principal dwelling	162.94 m ²	-
Floor Area of Secondary Suite / Size ratios	55 m ² / 25%	Cannot exceed the lesser of 90 m ² or 40%
Front Yard	7.47 m	4.5 m / 6.0 m to a garage
Side Yard (west)	1.99 m (existing non-conforming)	2.0 m (1 - 1 ½ storey)
Side Yard (east)	2.79 m	2.0 m (1 - 1 ½ storey)
Rear Yard	23 m	7.5 m
Other Requirements		
Parking Stalls (#)	4 spaces	3 spaces
Private Open Space	meets requirements	30m ² required per dwelling

3.1 **Site Context**

The subject property is located on the north side of Leathead Road, west of Hollywood Road North in the North Rutland area. More specifically, the adjacent land uses are as follows:

- North RU1 – Large Lot Housing
- East RU1 – Large Lot Housing / RU6 – Two Dwelling Housing
- South RU1 – Large Lot Housing
- West RU1 – Large Lot Housing / RU6 – Two Dwelling Housing

3.2 Site Location Map: 557 McWilliams Road



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.

Section 8.35 - Land Utilization within Single Detached Areas: Work towards achieving more efficient use of land within developed single-detached neighbourhoods by encouraging rezoning, subdivision and building permit applications that would allow for smaller lot sizes, secondary suites, minor boarding facilities, minor group homes, duplexes etc. that are sensitively integrated into a neighbourhood;

Section 8.47 Secondary Suites: Encourage, under the conditions stipulated in the Zoning Bylaw, the creation of secondary suites;

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 Black Mountain Irrigation District

See attached.

5.2 Building & Permitting

Building permit required to upgrade existing suite to requirements of BCBC 2006.

5.2 Bylaw Enforcement

City Bylaws has an open file for an investigation of an illegal suite at this location. File was generated on May 12, 2009 and remains open to this day (pending outcome of rezoning application).

5.3 Development Engineering Branch


This application does not trigger any servicing requirements.

5.4 Fire Department

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

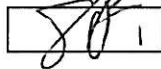
6.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

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.



Danielle Noble
Urban Land Use Manager

Approved for Inclusion



Shelley Gambacort
Director of Land Use Management

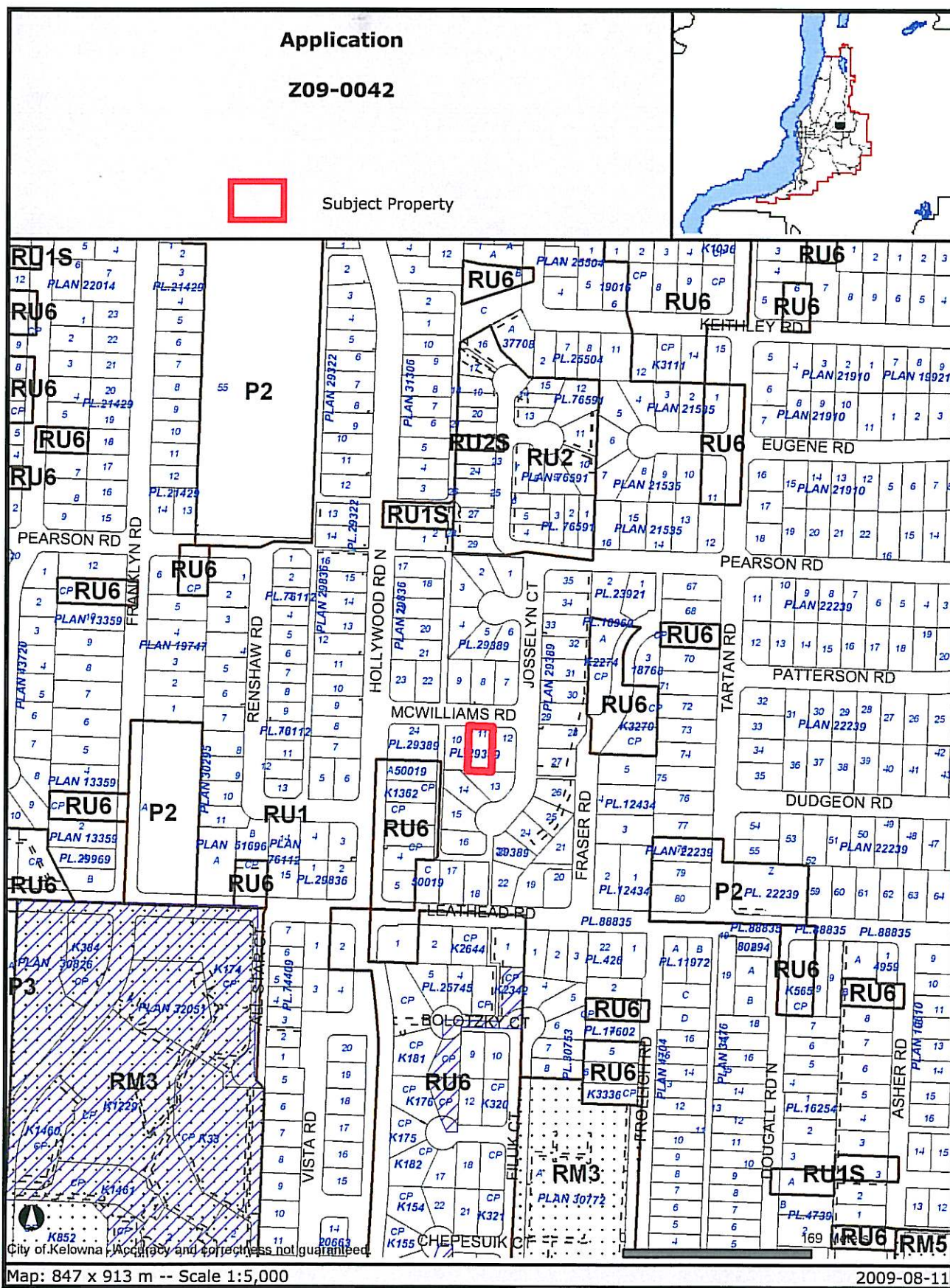
ATTACHMENTS

Subject Property Map

Site Plan

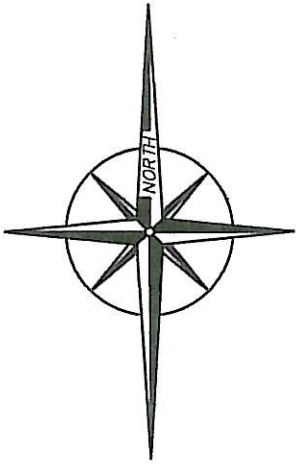
Floor Plans (2 pgs)

Black Mountain Irrigation District letter dated August 19, 2009

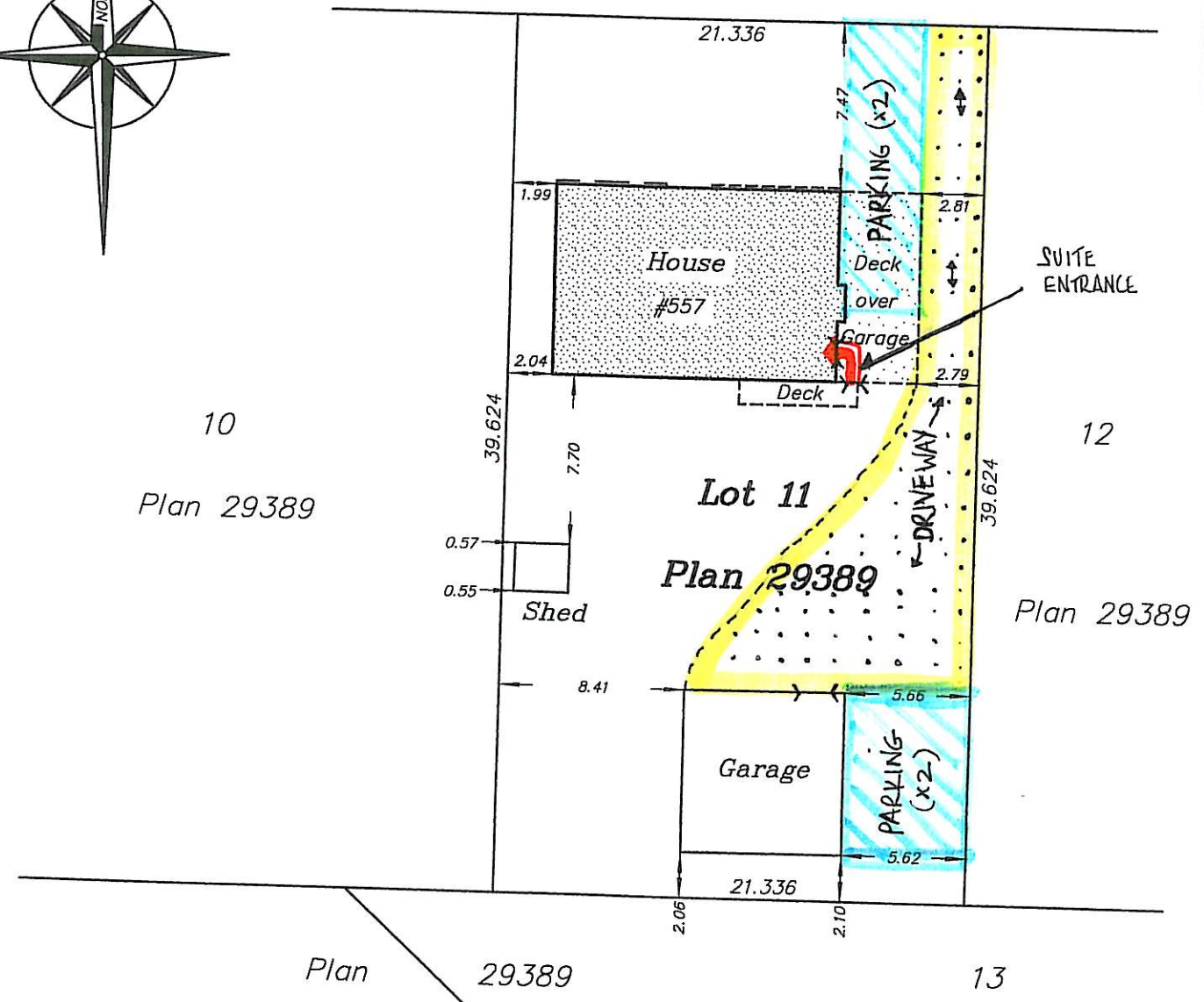


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
 The City of Kelowna does not guarantee its accuracy. All information should be verified.

**B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION
ON LOT 11, PLAN 29389, SEC 26, TP 26, O.D.Y.D.**



McWilliams Road



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.

James East

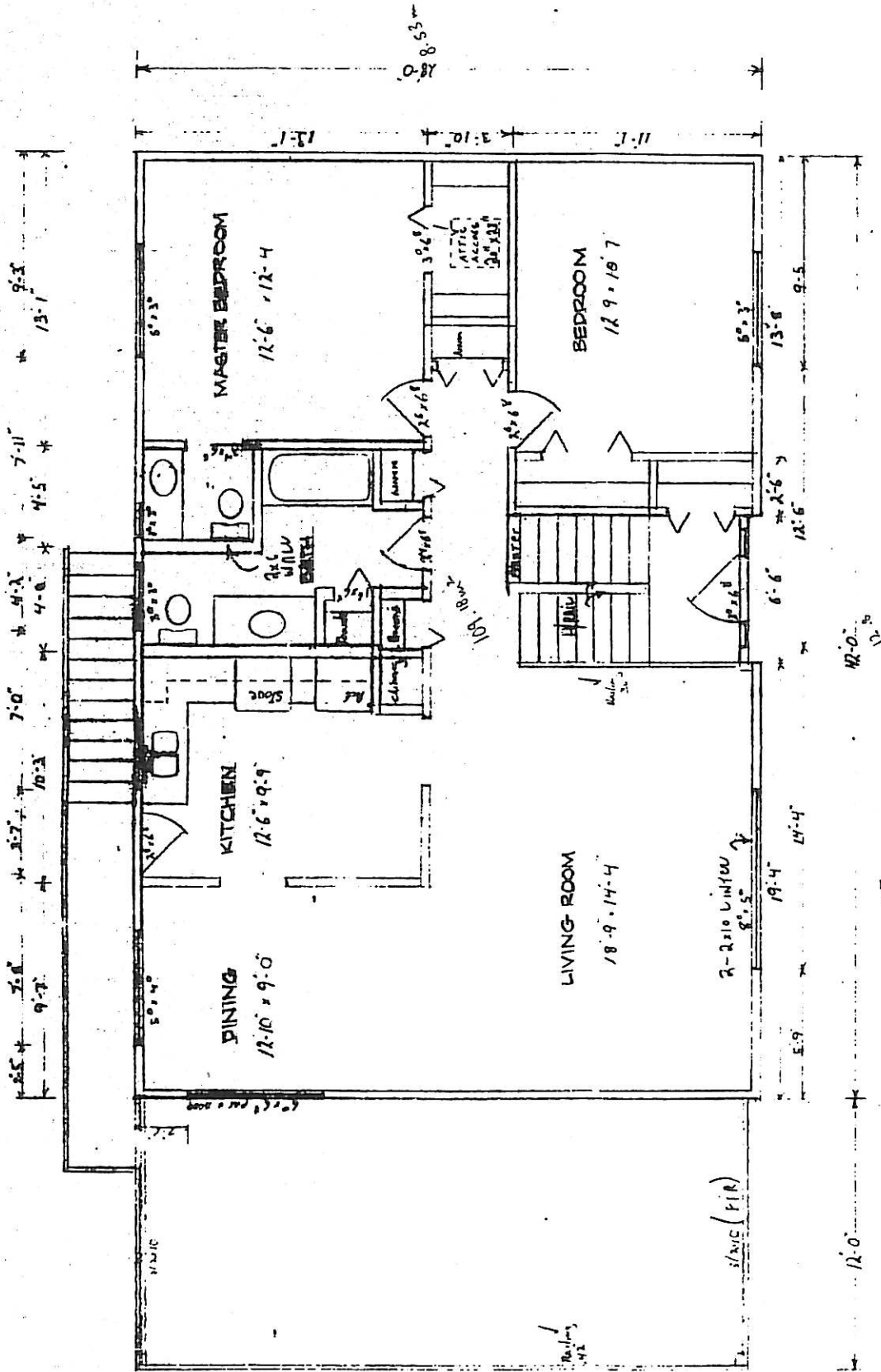
Scale: 1:300 All distances are in metres.

VAN GURP & COMPANY
land surveyors
2008 201-1470 St. Paul Street
Kelowna, B.C. Tel. (250) 763-5711

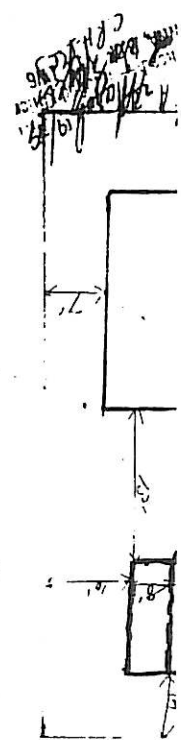
Certified correct this 16th day of July, 2008.

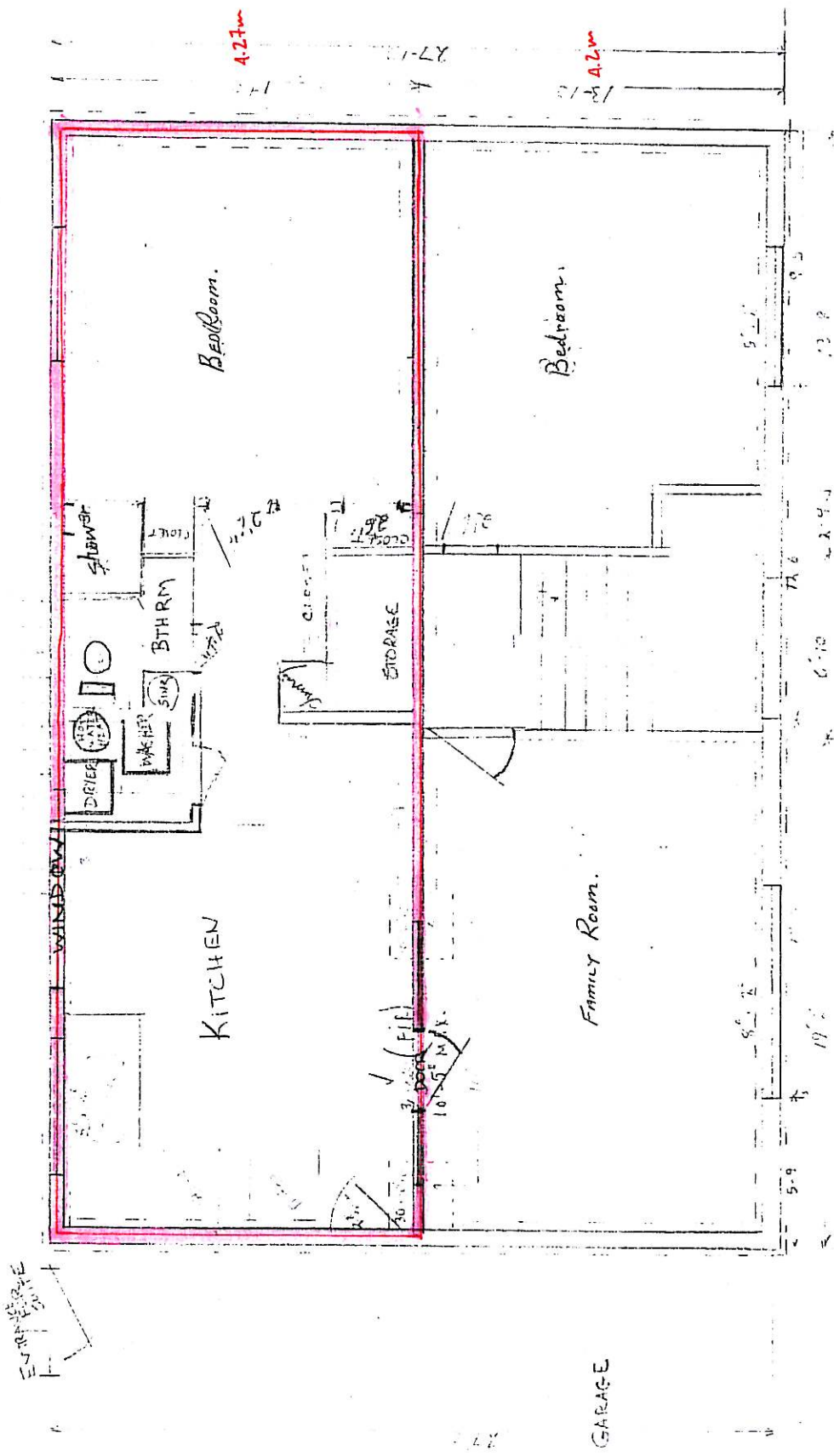
[Handwritten Signature]

This document not valid unless
originally signed and sealed. B.C.L.S. File: 16008sc



MAIN FLOOR PLAN 109.18 m²





MAIN = 53.76 m²
 SUITE = 54.66 m²

42.0m
 17.8m



GARAGE



Office: (250) 765-5169
Fax: (250) 765-0277
www.bmid.ca

BMID File No. 2009-01

August 19, 2009

City of Kelowna
Land Use Management Department
1435 Water Street
Kelowna, BC V1Y 1J4

Attention: Luke Turri

**RE: Rezoning Application City File No. Z09-0042
Lot 11, Plan 29389 – 557 McWilliams Road
Water Service Requirements**

This letter sets out our requirements for water supply related to the addition of a secondary suite to the existing house physically located at 557 McWilliams Road, Lot 11, Plan 29389.

CONNECTION & METER FEES:

As per Bylaw No. 667, the Connection fee for a legal suite is **\$100.00**. A meter assembly is also required for the home and is to be installed by Corix Utilities. The cost for a meter based on an installation to a newly constructed dwelling is **\$383.55**. Additional meter fees may apply due to plumbing configuration in an existing dwelling.

CAPITAL CHARGES:

As per bylaw No. 678, the capital expenditure charge for the proposed addition of a suite is **\$1,080.00**. This money is to fund water source development and larger supply mains as defined in the BMID Capital Plan.

If the applicant agrees to the above conditions and rezoning is approved for construction of the suite, they must come in to our office to complete a *BMID Application for Building form*. Once BMID has this form, signed by the owner or owner's representative, we will issue a "Water Service Certificate" that is required by the City for all new development or buildings.

Please review this information and call us if you have questions. Additional information on the development process can be found at our website at www.bmid.ca.

Yours truly,
Black Mountain Irrigation District

R. Hrasko, P.Eng.
Administrator

cc: James East, 557 McWilliams Rd., Kelowna, BC V1X 5Z2