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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.** Z09-0034

**APPLICANT:** Malis & Raymond Seida

**AT:** 122 Wyndham Cr.

**OWNER:** Malis & Raymond Seida  
Elizabeth & Siegmur 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. Z09-0034 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 8, Section 4, Twp. 23, O.D.Y.D., Plan KAP52773, located at 122 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 the covenant KK106748 be discharged from the title prior to final adoption;

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) MediumLot 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	176 m <sup>2</sup>	
Floor Area of Secondary Suite / Size ratios	62.5 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	RR3 – Rural Residential 3	Residential
East	RU2 – Medium Lot Housing	Residential

South	RU2 – Medium Lot Housing	Residential
West	RU2 – Medium Lot 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

Rated door required from bedroom #2 to laundry room in fire separation wall.

5.3 Bylaw Services

City Bylaws has had 3 complaints regarding this property:


- Zoning - Illegal Suite: Service Request still remains open; generated on February 4, 2009.
- Noise - Neighbour / Vicinity: Service Request generated on February 6, 2009 regarding loud music; concluded on February 7, 2009.
- Business Licencing Bylaw: Service Request generated on June 6, 2009 to check and see if Dancing Chef was still in business; concluded on June 6, 2009.

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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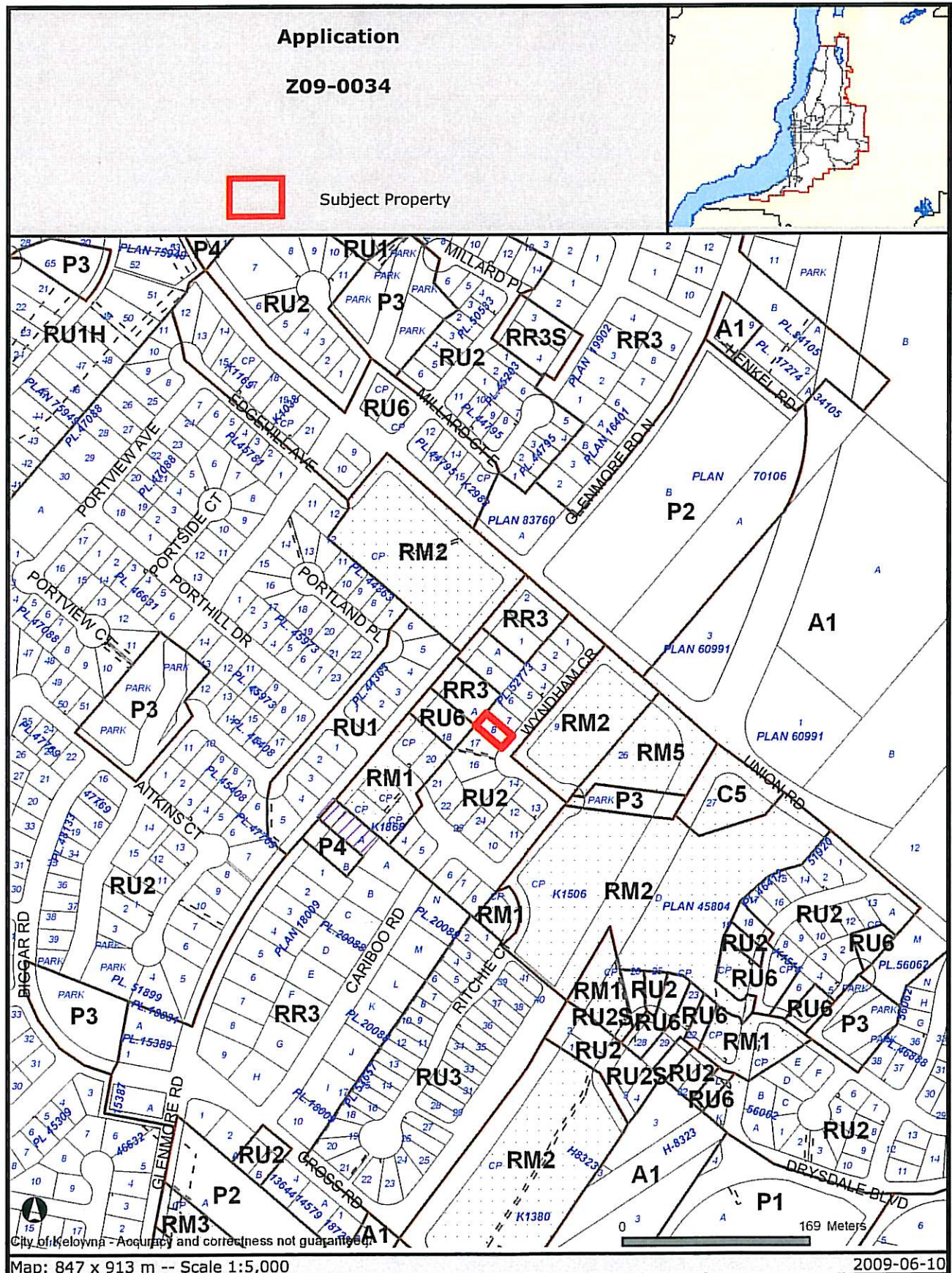
ATTACHMENTS

Location of subject property

Site Plan

Elevation Photos

Suite Floor Plan





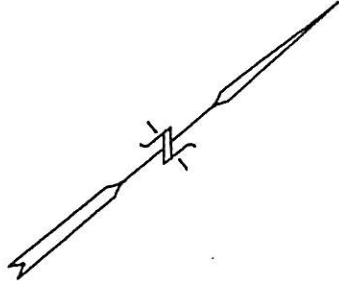
**B.C. LAND SURVEYORS SITE CERTIFICATE**

FOR : SHILOH MANAGEMENT LTD.

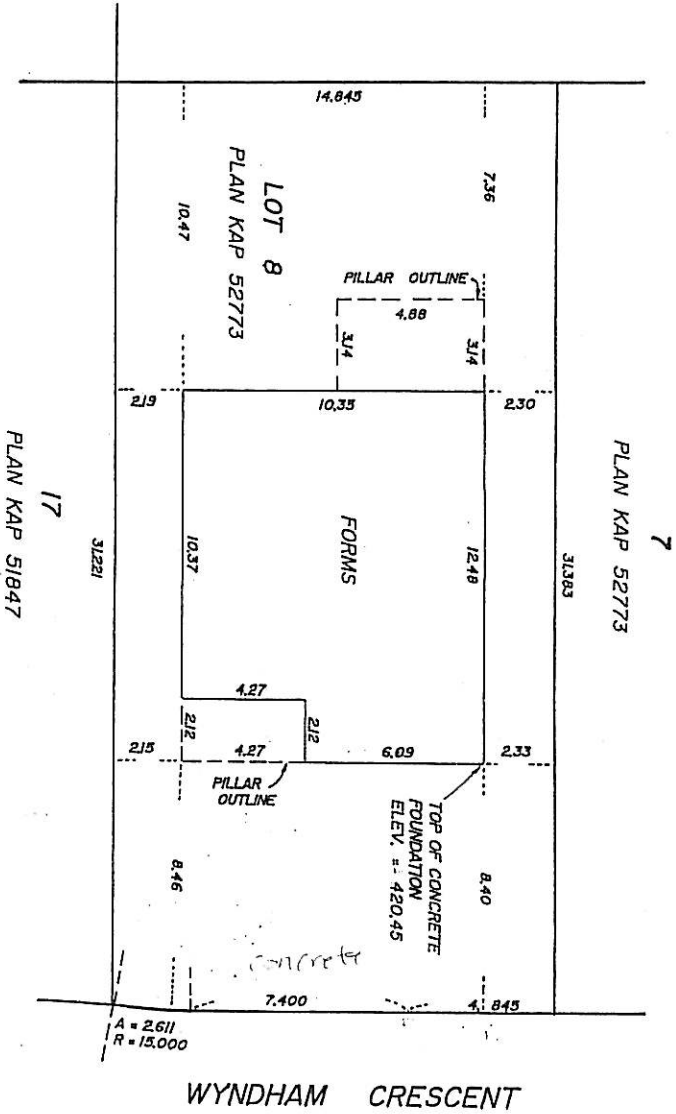
FILE : 96-147  
RE :

COVERING : LOT 8, PLAN KAP 52773, SEC. 4, TP. 23,  
050Y005 DIVISION OF YALE DISTRICT.

SCALE : 1 : 200 (All distances are in metres.)



A  
PLAN  
17761



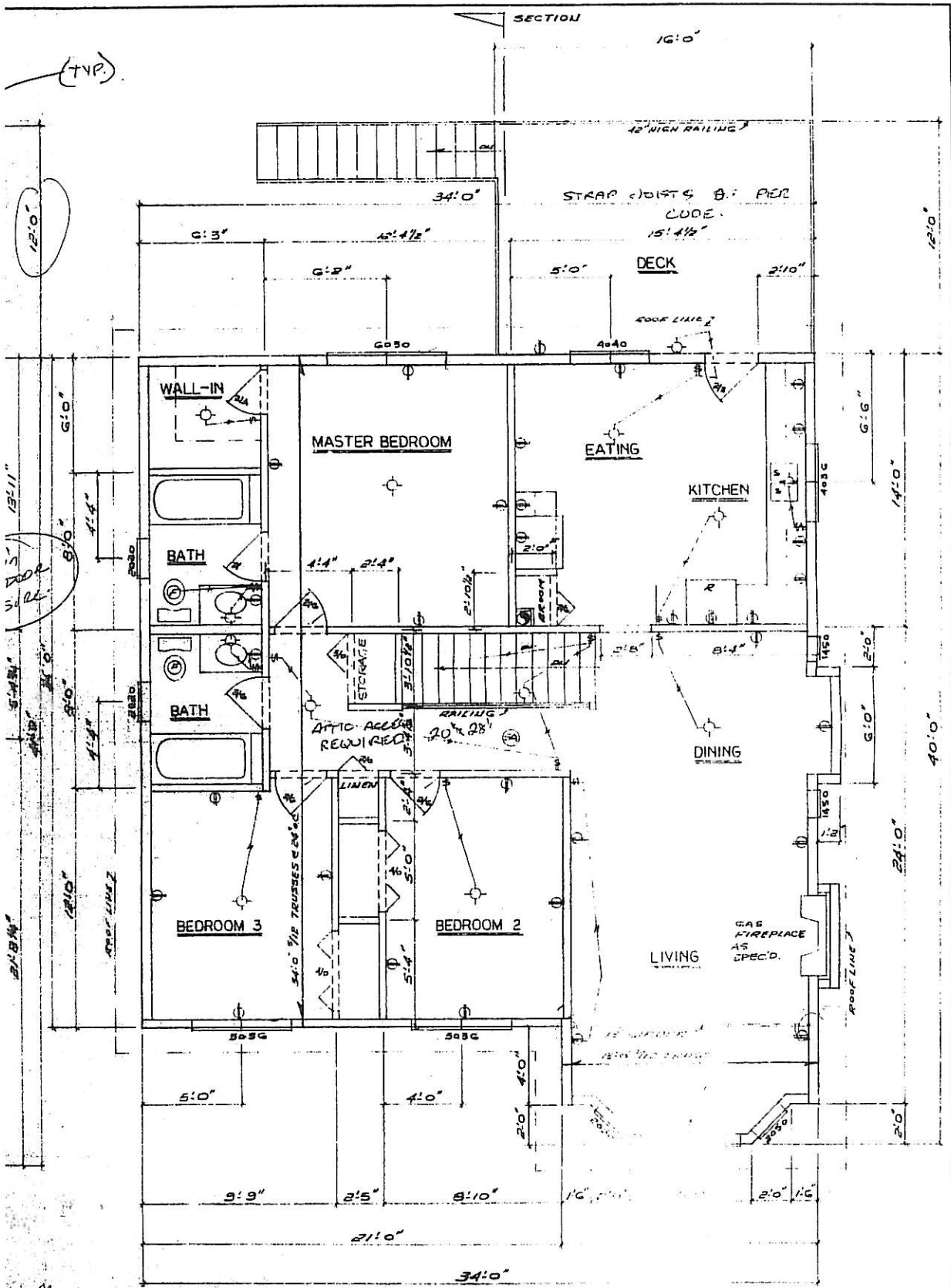
LOTHAR T. SCHWENDTMAYER

B.C. LAND SURVEYOR  
2280 - C Leckie Road, Kelowna, B.C., V1X 6G6. Tel. 861-8445.

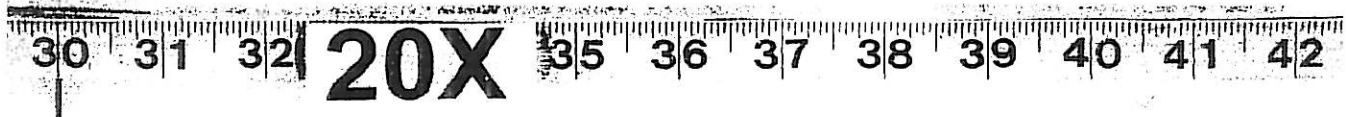
NOTE : This certificate shows the relative location of improvements constructed on the above lot and is not intended for property line re-establishment. We accept no responsibility for the unauthorized use. CERTIFIED CORRECT THIS 9th DAY OF DECEMBER, 1996.

*Lothar T. Schwendtmayer*  
B.C.L.S.

120 Wyndham Cres



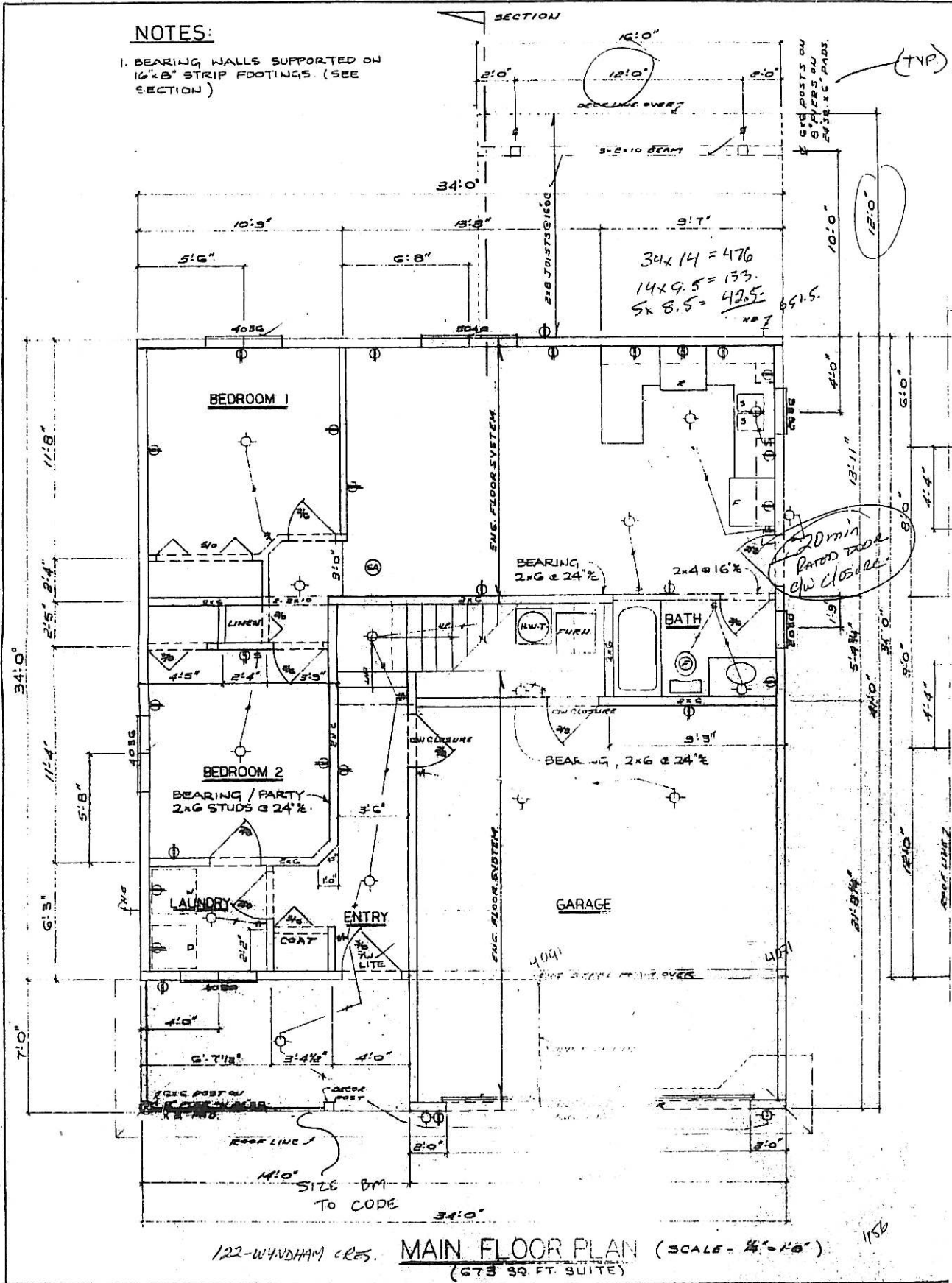
122-WYNDHAM CRES. UPPER FLOOR PLAN (SCALE - 1/4" = 1'-0")  
(1224 SQ. FT.)



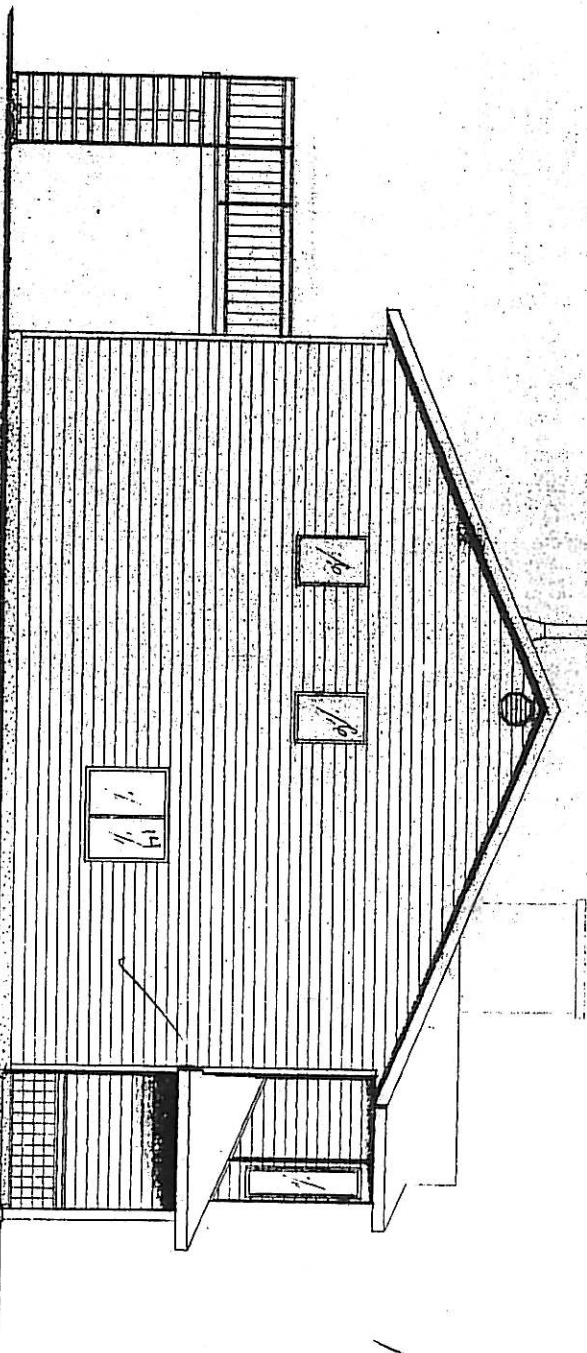


**NOTES:**

1. BEARING WALLS SUPPORTED ON 16"x8" STRIP FOOTINGS (SEE SECTION)

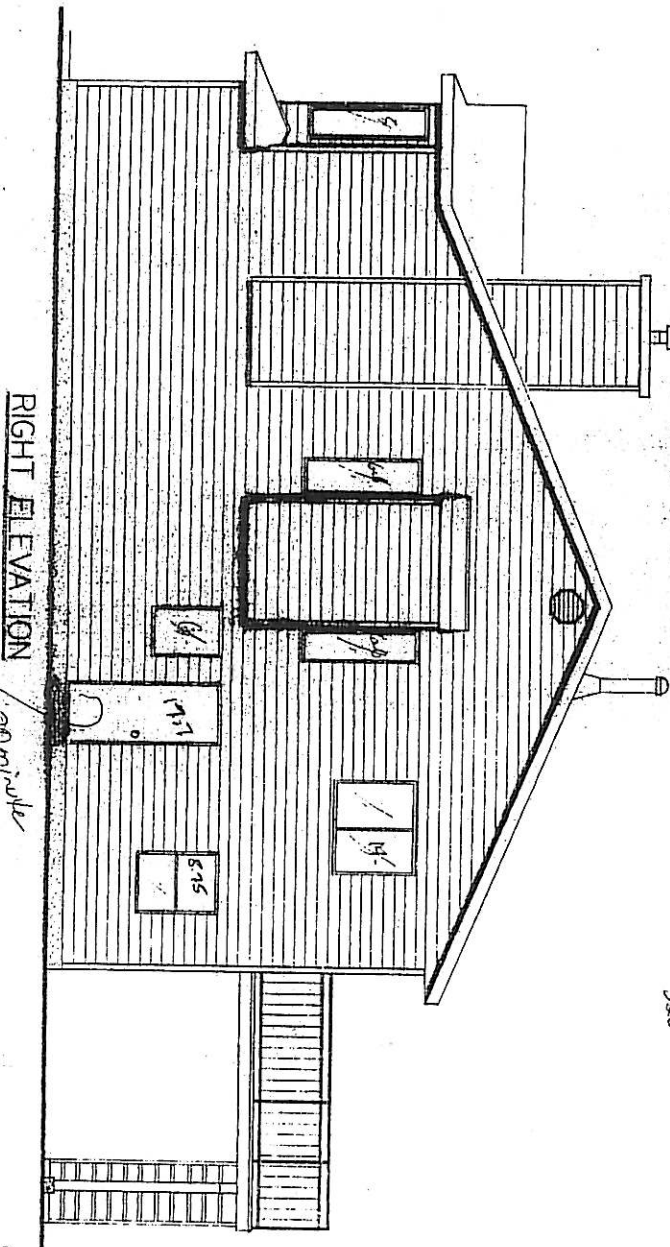


122- WINDHAM CRES.



LEFT ELEVATION

5' L.O. RSR. 7.3' INDIC



RIGHT ELEVATION

1/2\"/>

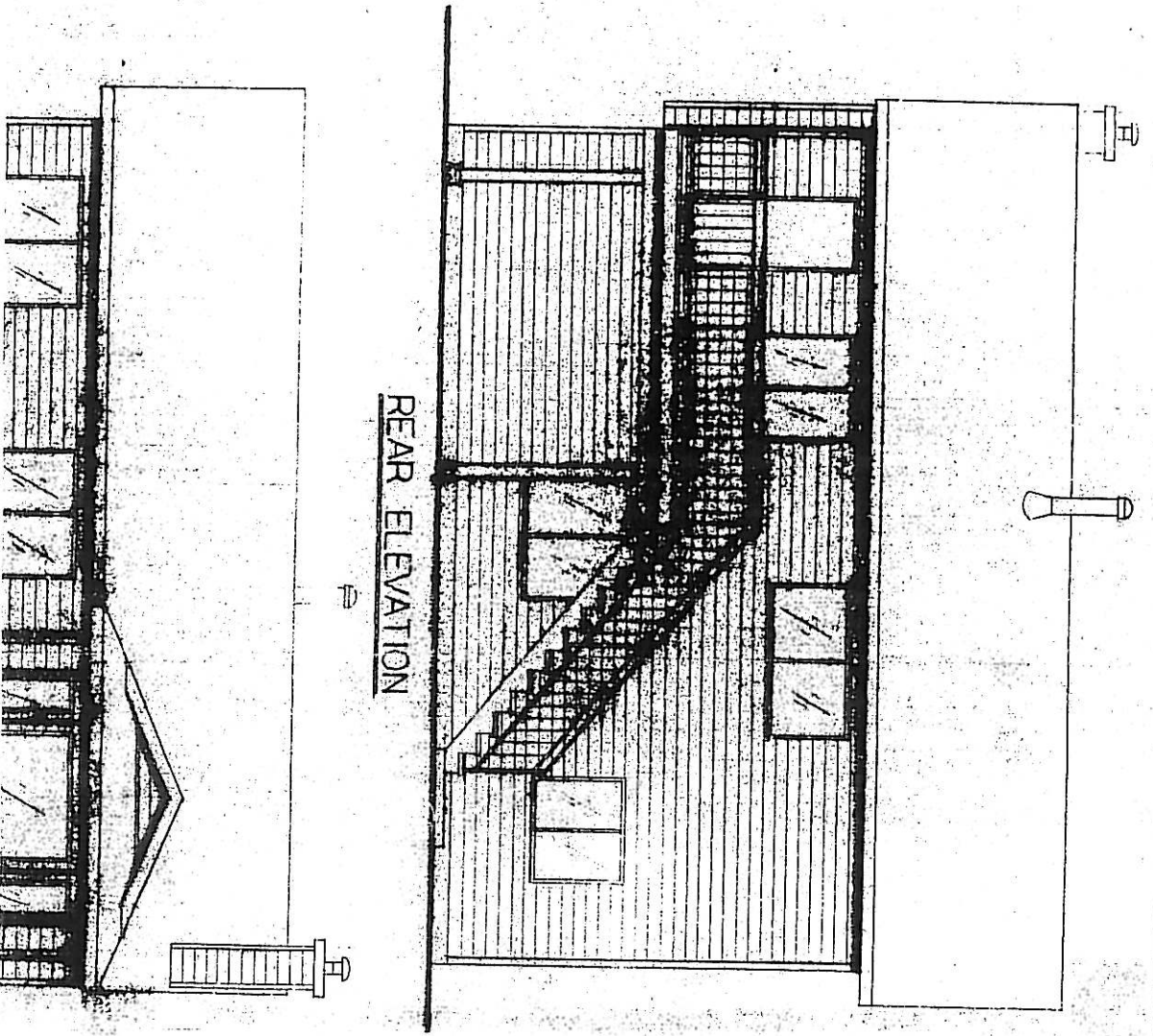
46.95

2.24 = 7.3'

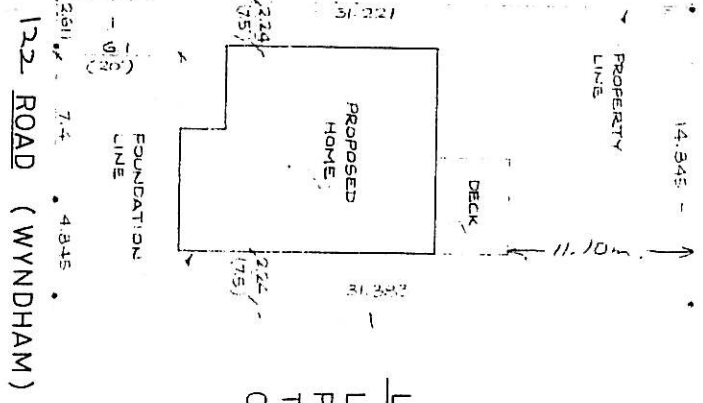
$$\begin{array}{r}
 9 \times 28 = 252 \\
 8 \times 41 = 328 \\
 \hline
 670
 \end{array}$$

8.48 %

$$\begin{array}{r}
 63.2 \text{ m}^2 \\
 2.24 \text{ m}
 \end{array}$$



REAR ELEVATION



122 ROAD (WYNDHAM)

PLOT PLAN

SCALE = 1:200 (METRIC)

FOR SHILOH MANAGEMENT

764-0211

LEGAL DESCRIPTION

LOT 8  
 PLAN 52773  
 T.P. 23  
 O.D.V.D.

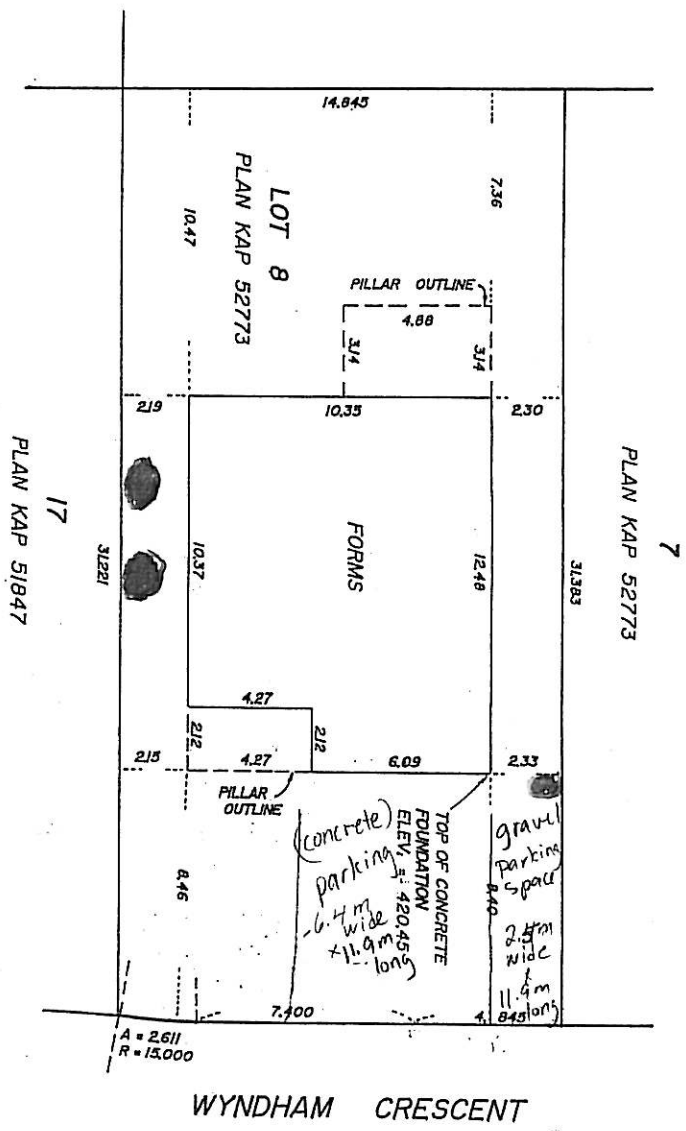
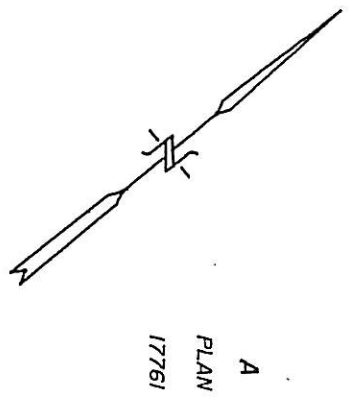
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B.C.L.S.

LOTHAR T. SCHWENDTMAYER

B.C. LAND SURVEYOR  
2280 - C Leckie Road, Kelowna, B.C., V1X 6G6. Tel. 861-8445.

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CITY OF KELOWNA

MEMORANDUM

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**Date:** June 23, 2009  
**File No.:** Z09-0034  
**To:** Planning & Development Services Department (AW)  
**From:** Development Engineer Manager (SM)  
**Subject:** 122 Wyndham Cr. – Lot 8, Plan 52773, 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