

# Memo



**Date:** October 8, 2009

**To:** City Manager

**From:** Community Sustainability Division

**File No:** Z09-0049

**Applicant:** Michael Gaspari

**At:** 685 Old Meadows Road

**Owner:** Michael Gaspari

**Purpose:** To rezone the subject property from the RU2- Medium Lot Housing 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 zone

Report Prepared by: Birte Decloux

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## 1.0 RECOMMENDATION:

THAT Rezoning Application No. Z09-0049 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 3, District Lot 358, ODYD, Plan KAP85260, located at Old Meadows Road, Kelowna, BC, from the RU2- Medium Lot Housing 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 in conjunction with Council's consideration of a Development Variance Permit on the subject property;

AND THAT final adoption of the zone amending bylaw be subject to the submission of a professional report by a structural engineer to the satisfaction of the Building and Inspections Manager;

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the Development Engineering Department and the Fire Department being completed to their satisfaction.

## 2.0 SUMMARY:

The applicant is seeking to rezone the subject property from the RU2 - Medium Lot Housing zone to the RU2(s) - Medium Lot Housing with a secondary suite zone to legalize an existing suite within a single family dwelling.



### 3.0 BACKGROUND:

In 2007, an existing lot was subdivided into three smaller lots. The Building and Permitting Department approved the relocation of a single family dwelling with a garage on the subject property. Prior to inspection for final occupancy, the garage was converted into a suite. Subsequent required inspections were never completed and final occupancy was never granted.

Accordingly, the applicant made a rezoning application in 2007 with the Planning and Development Services Department, which was closed due to inactivity and because the applicant could not satisfy the parking requirements as stated in the Zoning Bylaw and the Fire Department access requirements.

Bylaw Services Department has been investigating this site for illegal suite activity since August 2008.

### 4.0 THE PROPOSAL:

In response to persistent Bylaw Services activity, the applicant is again seeking to legalize the secondary suite located in the double garage of a single family dwelling. This one bedroom suite is 67m<sup>2</sup> in size and is accessed on the east elevation of the house. The private outdoor space for the suite is located in the front yard (accessed through the parking area), with the private space for the principal dwelling located in the rear yard.

The proposed application meets the requirements RU2(s) - Medium Lot Housing with a secondary suite zone of follows:

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RU2(s) ZONE REQUIREMENTS (FOR SECONDARY SUITE)
Subdivision Regulations		
Lot Area	674 m <sup>2</sup>	400 m <sup>2</sup>
Lot Width	15.66 m	13 m
Lot Depth	43.0 m	30 m
Development Regulations		
Site Coverage (buildings)	41.3%	40 %
Site Coverage (buildings/parking)	36%	50 %
Height	1 storey	9.5m or 2 ½ storeys
Floor Area of principal dwelling	243m <sup>2</sup>	
Floor Area of Secondary Suite / Size ratios	67.22 m <sup>2</sup> /27.7%	In building can't exceed lessor or 90 m <sup>2</sup> or 40%
Front Yard	6.0 m	4.5 m or 6.0 m to a garage
Side Yard (w)	2.7 m	1.5 for 1 - 1 ½ storey
Side Yard (east)	2.56 m	1.5 for 1 - 1 ½ storey
Rear Yard	8.98 m	6.0 m 1 - 1 ½ storey

Other Requirements		
Parking Stalls (#)	4 spaces ①	3 spaces
Private Open Space	meets requirements	30 m <sup>2</sup> of private open space per dwelling

① a variance is being sought to legalize an additional parking stall situated within the required front yard setback.

### Site Context

The subject property is located on the south side of Old Meadows Road, in the Mission. More specifically, the adjacent land uses are as follows:

- North A1 - Agriculture 1
- East RU6 - Two Dwelling Housing
- South RU1 - Large Lot Housing
- West RU2 - Medium Lot Housing

### 4.1 Site Location: 685 Old Meadows Road



## 5.0 CURRENT DEVELOPMENT POLICY

The property is proposed to be zoned RU2(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.



### 5.1 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.

## 6.0 TECHNICAL COMMENTS

The application has been submitted to various technical agencies and City departments, and the following relevant comments have been submitted:

### 6.1 Bylaw Enforcement

City Bylaws has had the following files generated on this property:

#129665 - Illegal Suites - generated on August 27, 2008 and remains open to this date.

#148820 - Court File - zoning infraction re illegal suites - generated on July 20, 2009; court hearing date scheduled for September 24, 2009 at 9:30 a.m. Court date was deferred to October 23, 2009.

### 6.2 Development Engineering

#### Domestic Water and Fire Protection

This property is currently serviced with a 19mm-diameter copper water service. The service will be adequate for this application. Metered water from the main residence must be extended to supply the proposed suite.

#### Sanitary Sewer

Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service which is adequate for this application.

#### Site Related Issues

Provide the required on-site parking.

#### 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.

### 6.3 Building and Permitting

Suite constructed without valid building permit. Registered professional to provide report that suite constructed to requirements of BCBC 2006.

### 6.4 Fire Department

The Fire department is not in favor of this zoning as it does not provide the required 1.1M of clear access to the rear house with the parking stalls on each side of the front suite as required for Fire Fighting and emergency purposes.

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 Old Meadows Rd.

## 7.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

The intent of this application is to legitimize an illegal suite that has been converted without appropriate approvals. The upzoning to an “s” designation meets the intent to provide diverse housing opportunities as expressed in OCP policies. Though the land use in principal meets the spirit of providing flexible infill opportunities for a wide range of housing stock, the process at which this applicant has pursued this housing opportunity has essentially circumvented the appropriate approval process, both from a development regulation and a BC Building Code safety perspective.

Technical concerns have been raised regarding this proposal through the development application referral process. Notably, the Fire Department is not in favour, as the proposal does not provide a clear access path of 1.1m to the entrance of the principal dwelling or the secondary suite dwelling. Staff have noted that both residences are being rented while an occupancy permit has not been attained for the dwellings. Bylaw Services have filed legal action on this property, pertaining to BC Building Code and Zoning bylaw infractions. Bylaws officers have noted excess vehicles parked on the road at this address.

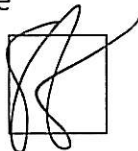
A concurrent Development Variance Permit application has been made to allow the parking pad in the front yard setback on the east driveway. Council will have an opportunity to review the variance should the land use be favourably considered.

While the land use is supported through various Council endorsed policies that Staff are bound by, other technical concerns addressed in this report remain unresolved. For the above-noted reasons, Land Use Management staff reluctantly support the upzoning.



Danielle Noble  
Manager, Urban Land Use

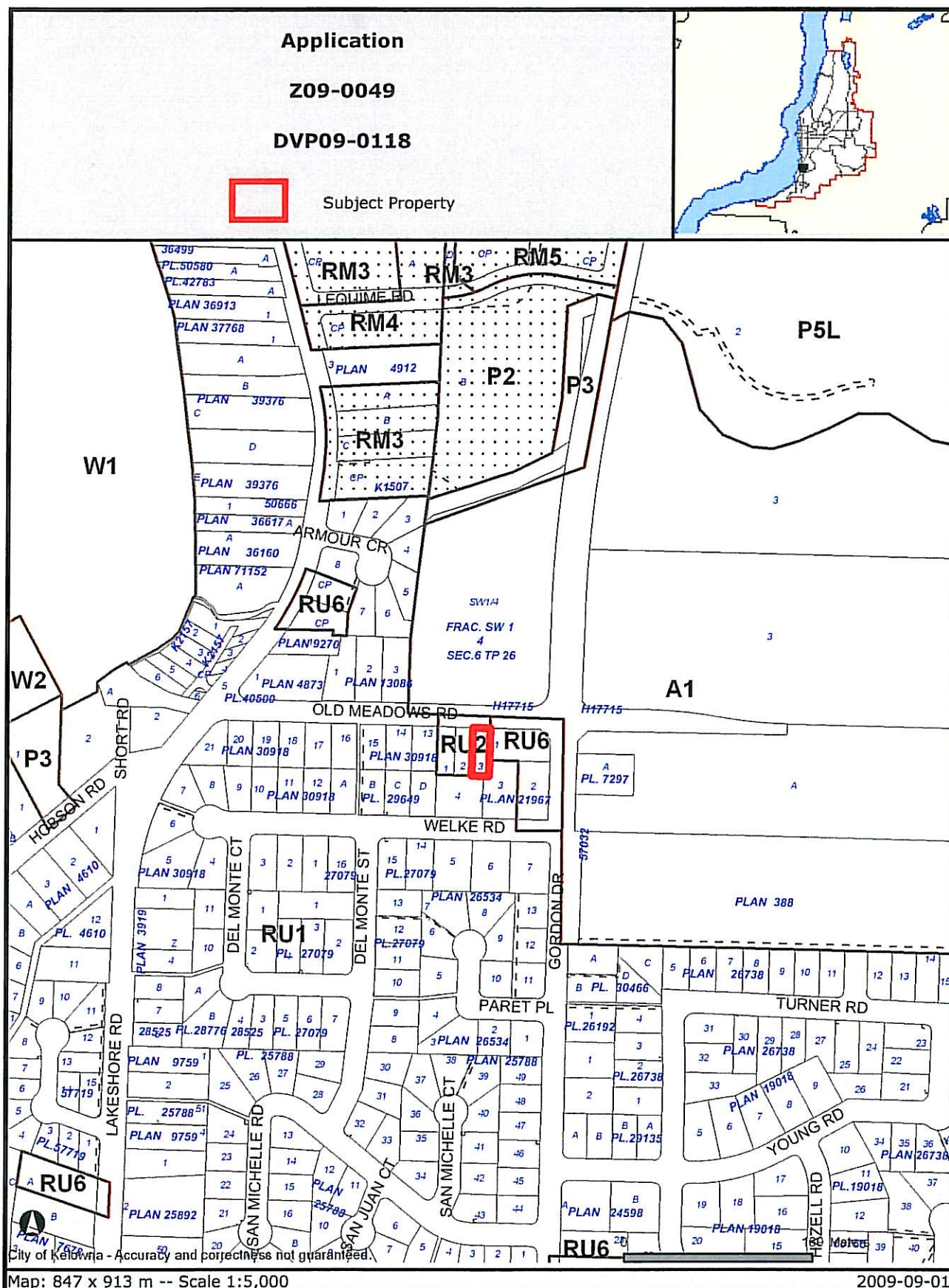
Approved for inclusion:



Shelley Gambacort  
Director, Land Use Management

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**Attachments:**  
Subject Property Map  
Site Plan  
Floor Plans  
Elevation Drawings  
Photographs  
Landscape Drawings



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.

# British Columbia Land Surveyors

## BUILDING LOCATION CERTIFICATE

SV



This is to state that on the 12th day of October, 2007 a survey was performed under my superintendence, on the property described as follows:

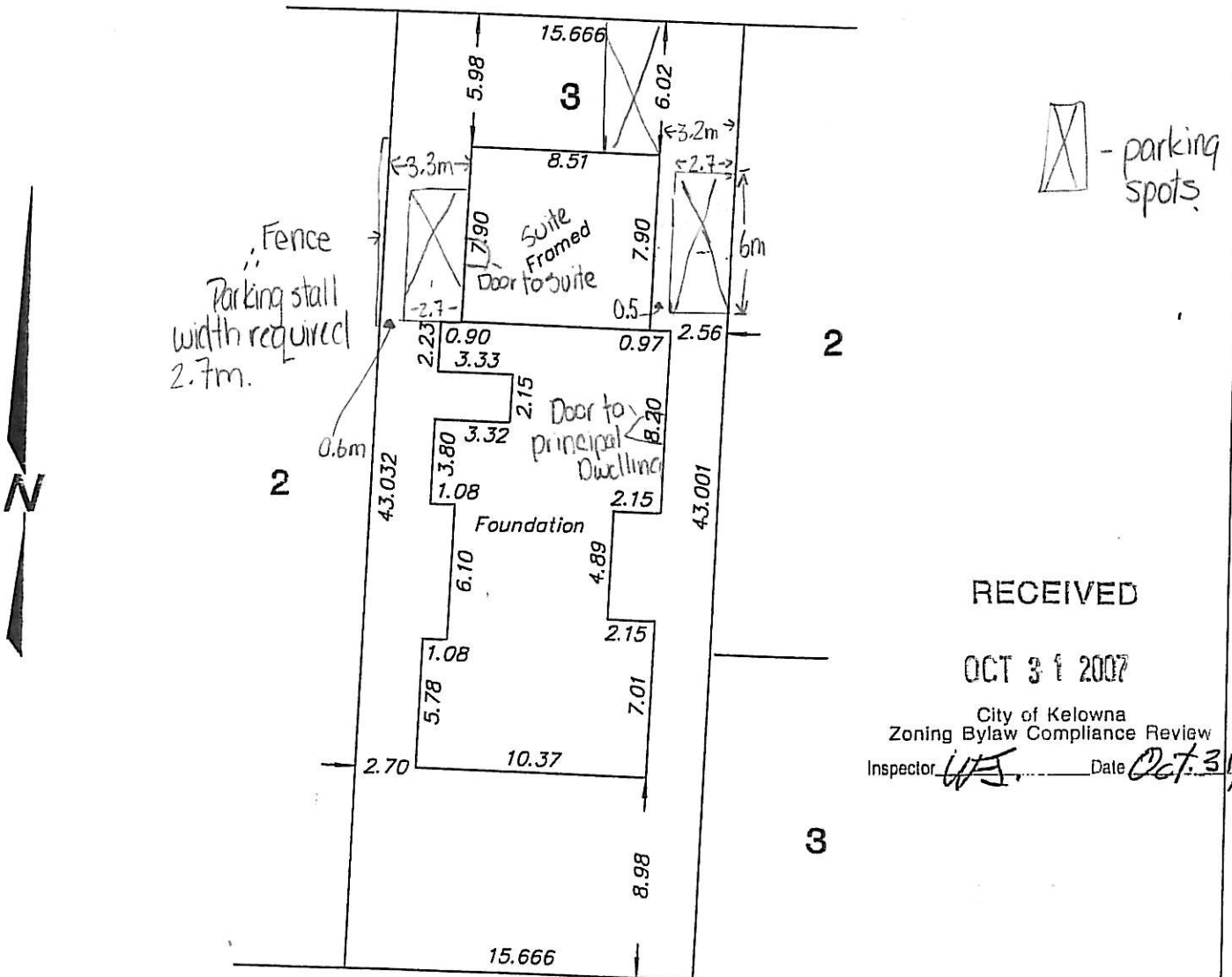
#~~685~~ Old Meadows Road Lot 3, D.L. 358, ODYD, Plan KAP\_ \_ \_ \_

The building(s) erected on the said property is (are) wholly within the boundaries thereof, and does (do) not encroach on adjoining properties. The accompanying sketch shows within acceptable tolerances the size of the building and property, and their relative positions. This sketch is not to be used for the establishment of property boundaries. Distances shown are in metres and decimals thereof.

Property boundary dimensions shown are derived from registered records.  
This certificate is intended for building inspection purposes only.

Top of Footing = 344.7m  
Scale 1:300 Metric.

**Old Meadows Road**



RECEIVED

OCT 31 2007

City of Kelowna  
Zoning Bylaw Compliance Review  
Inspector *WFS* Date *Oct. 31/07*

**FRITSCH LAND SURVEYING INC.**

Legal & Engineering Survey Consultants

Copyright © No part of this drawing may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying recording, or otherwise, without the prior written permission of

"Fritsch Land Surveying Inc."

"This document is not valid unless originally signed and sealed."

This certificate of location has been prepared in accordance with the Manual of Standard Practice and is certified correct this 29th day of October, 2007.

*[Signature]*  
British Columbia Land Surveyor

07-280

685 ~~649~~ OLD MEADOWS RD RD# 21990



West  
driveway



East  
Driveway





## Service Request Attachment

Dept: BY  
Request: 129665  
Date: 2009-03-06  
Title: March 3 014.jpg  
Uploaded: 2009-03-07



## Service Request Attachment

Dept: BY  
Request: 129665  
Date: 2009-03-06  
Title: March 3 016.jpg  
Uploaded: 2009-03-07





## Service Request Attachment

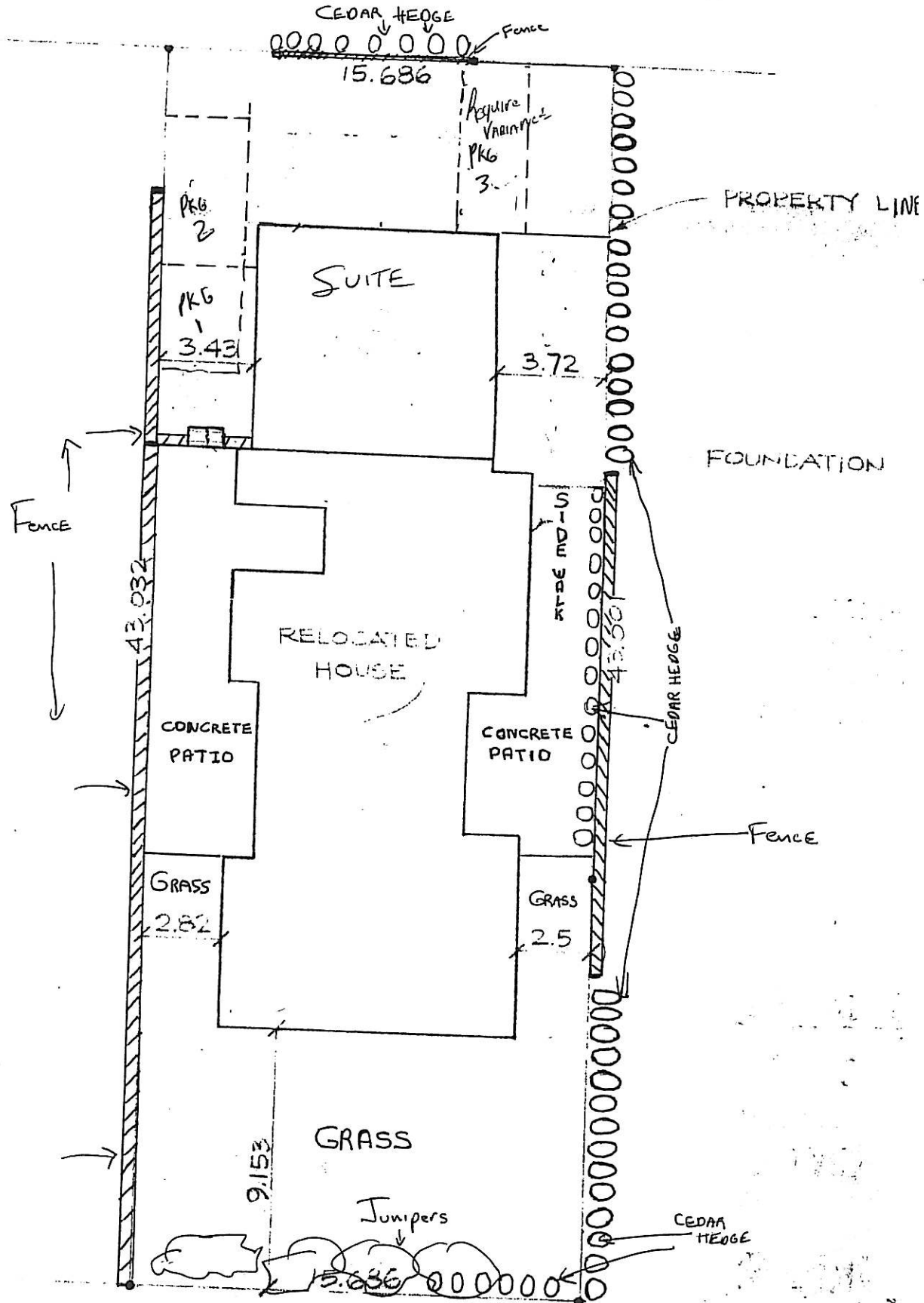
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Date: 2009-07-22  
Title: July 21 016.jpg  
Uploaded: 2009-07-22

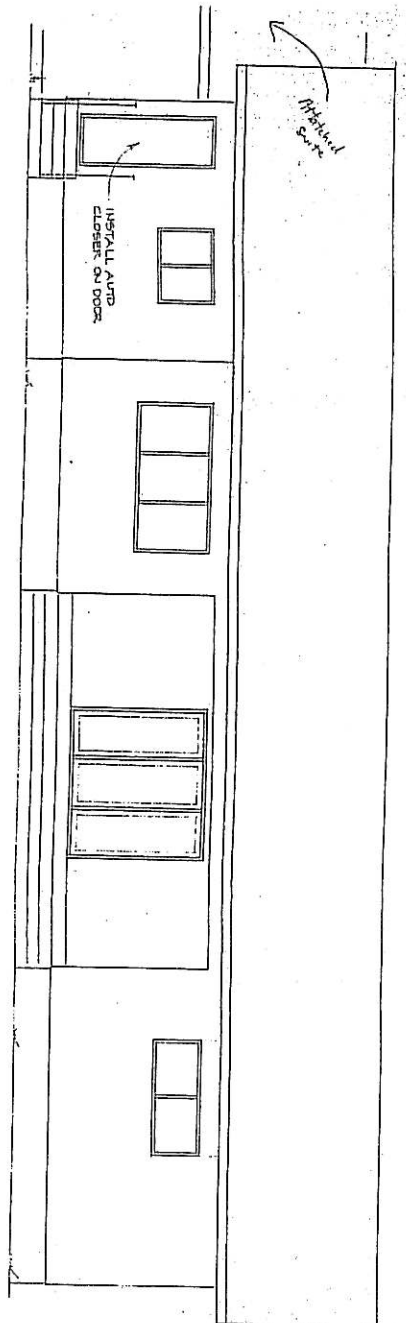




Landscape Plan

685 OLD MEADOWS ROAD

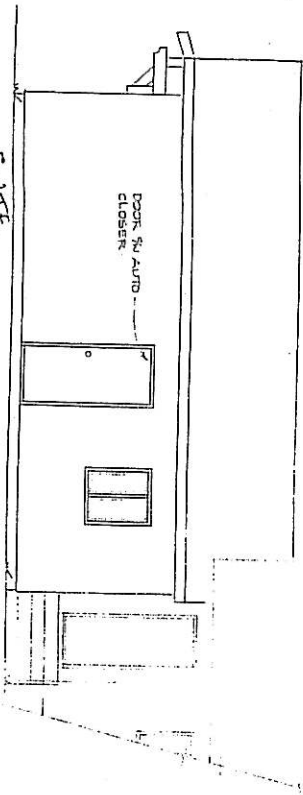




WALL AREA = 86.5 m<sup>2</sup>  
GLASS AREA = 11.29 m<sup>2</sup>  
GLASS = 13% OF WALL

## RIGHT ELEVATION

SCALE : 1/4" = 1'-0"



## GARAGE RIGHT ELEVATION

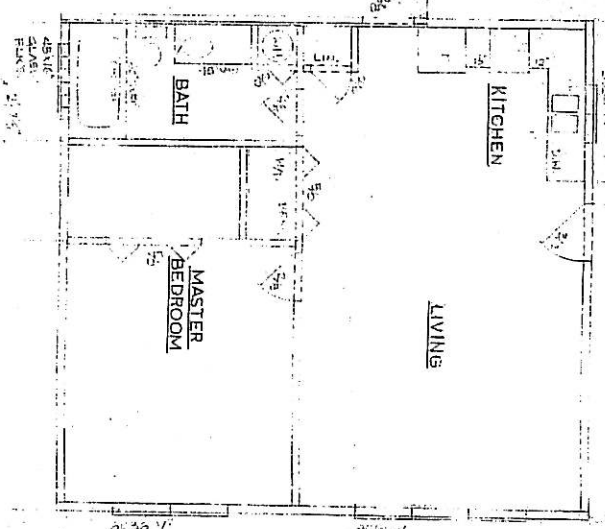
### LEGAL DESCRIPTION

LOT 3  
PLAN KAP B5260  
O.D.Y.D.  
685 OLDMENARDUS RD

### PLOT PLAN

SCALE = 1:200 (METRIC) Reviewed  
by [Signature] and [Signature]  
Inspection Services

# SUITE FLOOR PLAN



## IMPORTANT NOTES:

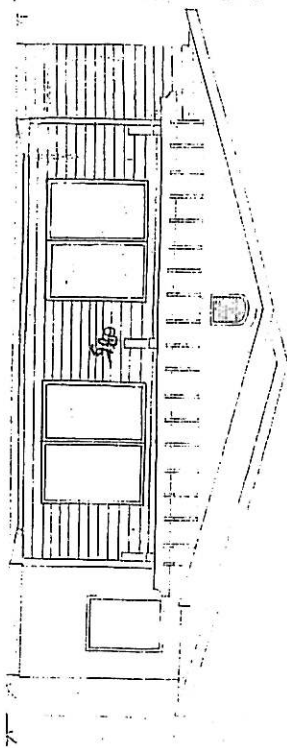
1. GENERAL CONTRACTOR TO CHECK PLANS FOR ERRORS AND OMISSIONS PRIOR TO BEGINNING CONSTRUCTION. AFTER CONSTRUCTION BEGINS, GENERAL CONTRACTOR REMAINS FULLY RESPONSIBLE FOR THE COMPLETION OF THE WORK SHOWN ON THE PLANS.
2. LOCATION OF BUILDING ON SITE (INCLUDING SETBACKS) IS SHOWN ON THE PLANS. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
3. THE GENERAL CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
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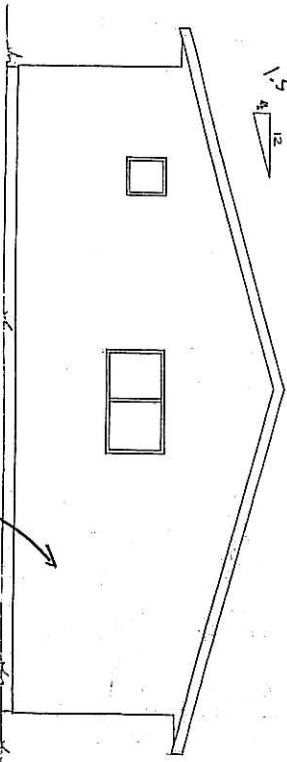
T. SQUARE SERVICES  
 215.1878 Schell Ave., Kalamazoo, MI 49001  
 DATE: July 1, 2007  
 JOB NO:  
 DRAWN BY: TERRY TORRENTI  
 FOR  
 MR. & MS. M. GASPARI

CONFIRM PITCH OF ROOF  
 ON SITE

1.5  
 4 12



FRONT ELEVATION



REAR ELEVATION

SCALE: 1/4" = 1'-0"

stucco

48" x 16" GLASS BLOCKS

6" horizontal stucco  
 yellow

Attached  
 suite

Reviewed  
 by City of Kalamazoo  
 Inspection Services

LEFT ELEVATION

