

# Memo



**Date:** May 30, 2011  
**To:** City Manager  
**From:** Land Use Management, Community Sustainability (AB)  
**Application:** Z11-0023   **Owner:** Danny Damario & Susan Girard  
**Address:** 4191 Lakeshore Road                           **Applicant:** Danny Damario & Susan Girard  
**Subject:** Rezoning application  
**Existing OCP Designation:** Single / Two Unit Residential  
**Existing Zone:** RU1 - Large Lot Housing  
**Proposed Zone:** RU1s - Large Lot Housing with Secondary Suite

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## **1.0 Recommendation**

THAT Rezoning Application No. Z11-0023 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 1 Section 6 Township 26 ODYD Plan 9270, located at 4191 Lakeshore Road, Kelowna, BC from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing with 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 Development Engineering Branch and the Building & Permitting Branch being completed to their satisfaction;

AND FURTHER THAT a building permit application for the secondary suite be received prior to final adoption of the zone.

## **2.0 Purpose**

The applicant is proposing to rezone the subject property from the RU1 - Large Lot Housing zone to the RU1s - Large Lot Housing with Secondary Suite zone in order to legalize an existing ground-floor secondary suite.

## **3.0 Land Use Management**

The proposed rezoning is consistent with the Official Community Plan future land use designation for the subject property, and the City encourages the sensitive integration of secondary suites within existing neighbourhoods. Impact on neighbouring residents is mitigated as a result of the suite being internal to the principal dwelling; no additional detached structure is proposed.

This application resulted from an illegal suite investigation from Bylaw Services, and a complete building permit application will be required prior to final adoption of the zone amending bylaw in order to ensure compliance with the British Columbia Building Code.

## 4.0 Proposal

### 4.1 Project Description

The resident homeowner is seeking to legalize a secondary suite within the existing principal dwelling. At approximately 900 square feet, the secondary suite occupies the ground floor while the principal dwelling occupies the main floor and the uppermost half floor. Ample private open space exists on site, including landscaped yards and large patios and verandahs, and a double garage with large driveway easily accommodates associated parking requirements.

The applicant indicates that they built the home to accommodate a secondary suite (appropriate fire resistance ratings, separate ventilation and hot water, et al) and that at the time they had mistakenly thought they had established the suite legally (not realizing that zoning was required). The original building plans, however, did not disclose the suite layout or the presence of an additional kitchen so it was not known that a secondary suite was intended.

Criteria	Requirement / Maximum	Proposed / Existing
Site Coverage (buildings)	40 %	~ 23 % (existing)
Site Coverage (buildings, driveways, and parking)	50 %	~ 37 % (existing)
Height	Lesser of 9.5 m or 2 ½ storeys	2 ½ storeys (existing)
Front Yard (Lakeshore Rd)	4.5 m, except it is 6.0 m from a garage or carport	~ 20 m (existing)
Side Yard (south)	2.0 m for a 1 or 1 ½ storey portion of a building; 2.3 m for a 2 or 2 ½ storey portion of a building	2.3 m (existing)
Side Yard (north)	2.0 m for a 1 or 1 ½ storey portion of a building; 2.3 m for a 2 or 2 ½ storey portion of a building	~ 3 m (existing)
Rear Yard	7.5 m with up to 2.5 m projection permitted for unenclosed patios, etc.	~ 14 m (existing)
Secondary Suite Area	Lesser of 90 m <sup>2</sup> or 40% of the total floor area	83.2 m <sup>2</sup> and 37.8 %
Private Open Space	30 m <sup>2</sup> per dwelling	Complies. (large yard, verandah, ground level patio)
Parking	2 for principal dwelling and 1 for secondary suite = 3 total	Complies. (2 car garage plus large driveway)

## 4.2 Site Context

The subject property is located in the North Mission - Crawford OCP sector and has frontage on Lakeshore Road. Land uses in the surrounding neighbourhood are predominantly residential. Specifically, the adjacent zones and land uses are:

Direction	Zone	Land Use
North	RU6 - Two Dwelling Housing	Attached duplex
South	RU1 - Large Lot Housing	Single detached dwelling
East	RU1 - Large Lot Housing	Single detached dwelling
West	RU1 - Large Lot Housing	Single detached dwelling



## 5.0 Current Development Policies

### 5.1 Kelowna 2030 Official Community Plan

Single/Two Unit Residential (future land use designation). Single detached homes for occupancy by one family, single detached homes with a secondary suite, semi-detached buildings used for two dwelling units, modular homes, bareland strata, and those complementary uses (i.e. minor care centres, minor public services/utilities, and neighbourhood parks), which are integral components of urban neighbourhoods. Suitability of non-residential developments within the neighbourhood environment will be determined on a site-specific basis. Non-residential developments causing increases in traffic, parking demands or noise in excess of what would typically be experienced in a low density neighbourhood would not be considered suitable.

## 6.0 Technical Comments

Building & Permitting Branch. 1) \$2500 Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits. 2) Operable bedroom windows required as per the 2006 edition of the British Columbia Building Code (BCBC 06). 3) Provide the City of Kelowna Bulletin #88-02 (Secondary Suites Requirements in a single family dwelling) for minimum requirements. The drawings submitted for Building Permit application is to indicate the method of fire separation between the suite and the main dwelling. 4) Range hood above the stove and the washroom to vent separately to the exterior of the building. The size of the penetration for this duct thru a fire separation is restricted by BCBC 06, so provide size of ducts and fire separation details at time of Building Permit Applications. 5) Full Plan check for Building Code related issues will be done at time of Building Permit applications. 6) There is an open building permit (BP34446) for an attached garage that should be completed prior to issuing a new permit for the suite. Inspection Services has been trying to get compliance since June 12, 2007 when the permit was issued for construction.

Bylaw Services Branch. Existing open Service Request for an illegal suite investigation.

Development Engineering Branch. See attached memorandum.

Fire Department. Requirements of section 9.10.9.14, Secondary Residential Suites, of the BCBC 2006 are to be met. Smoke Alarms as per section 9.10.19 of the BCBC are required. Additional address for the suite is required.

FortisBC / Shaw Cable / Telus / Terasen. No comments.

## 7.0 Application Chronology

Date of Application Received	April 11, 2011
All Comments Received	May 9, 2011

### Report prepared by:



Andrew Browne, Planner II

### Reviewed by:



Danielle Noble, Manager, Urban Land Use Branch

### Approved for Inclusion:

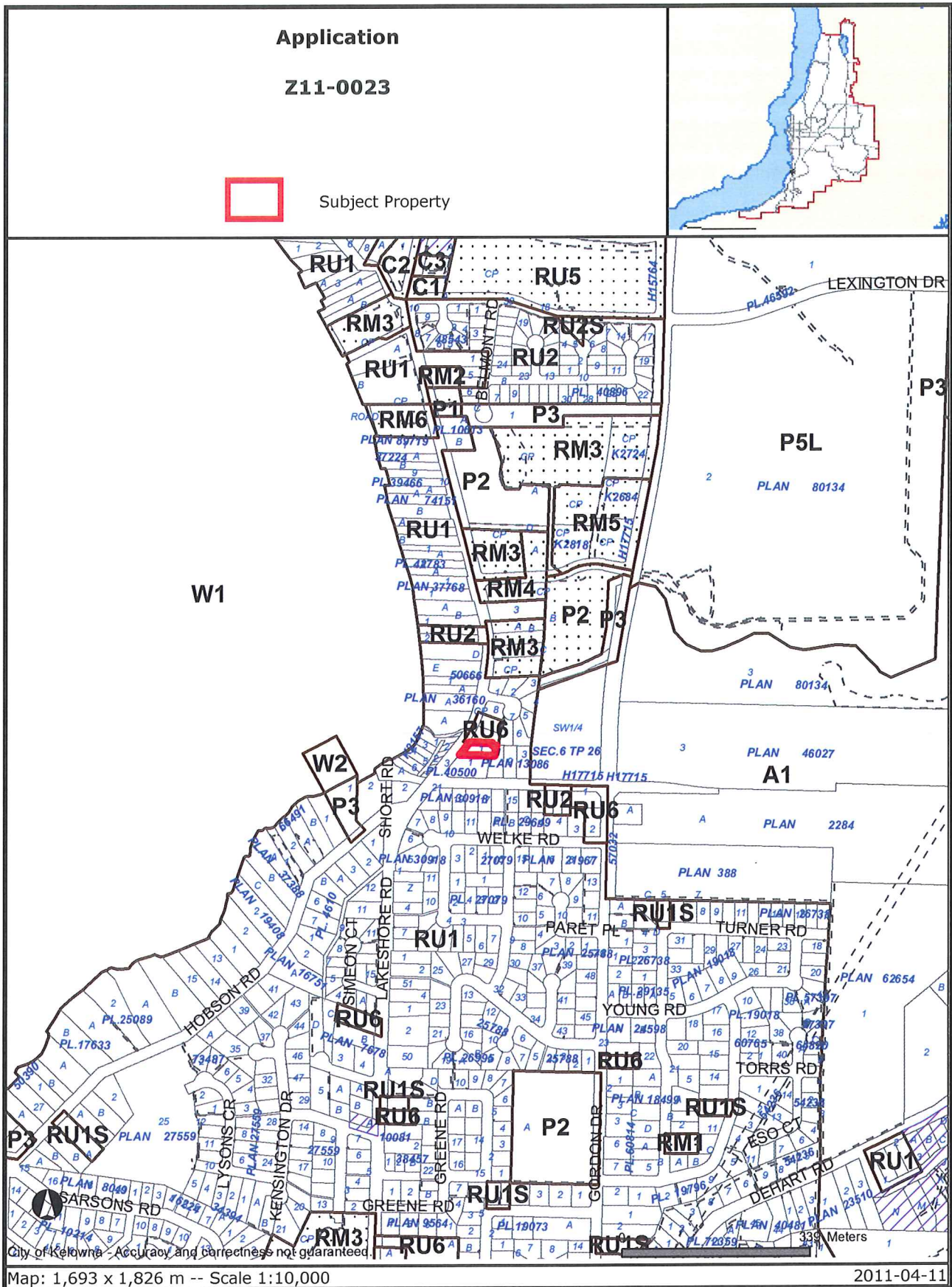


Shelley Gambacort, Director, Land Use Management

for.

### Attachments:

Subject property map  
Development Engineering Branch technical comments  
Photograph of house and yard from Lakeshore Road



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.

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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** April 19, 2011  
**File No.:** Z11-0023

**To:** Land Use Management Department (AB)

**From:** Development Engineering Manager

**Subject:** 4191 Lakeshore Road, Lot 1 Plan 9270 RU1 to RU1s

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Development Engineering has the following requirements associated with this rezoning application.

1. Domestic Water and Fire Protection

The existing lot is serviced with a P.V.C water service, which is substandard. A 19 mm copper metered water service must be provided to meet current by-law requirements. **The disconnection of the existing water service and the tie-in of a new service can be provided by City forces at the owner's expense. The applicant will be required to sign a Third Party Work Order for the cost of the service upgrade.** Metered water from the main residence must be extended to supply the proposed suite.

2. Sanitary Sewer

Our records indicate that this property is currently serviced with a 100mm-diameter sanitary sewer service. An inspection chamber (IC) must be installed on the service at the owner's cost. Service upgrades can be provided by the City at the applicant's cost. **The applicant will be required to sign a Third Party Work Order for the cost of the service upgrade.** For estimate inquiry's please contact Sergio Sartori, by email [ssartori@kelowna.ca](mailto:ssartori@kelowna.ca) or phone, 250-469-8589.

3. Development Permit and Site Related Issues

On-site parking modules must meet bylaw requirements. Indicate on the Site Plan the designated parking space for the proposed suite

4. Electric Power and Telecommunication Services

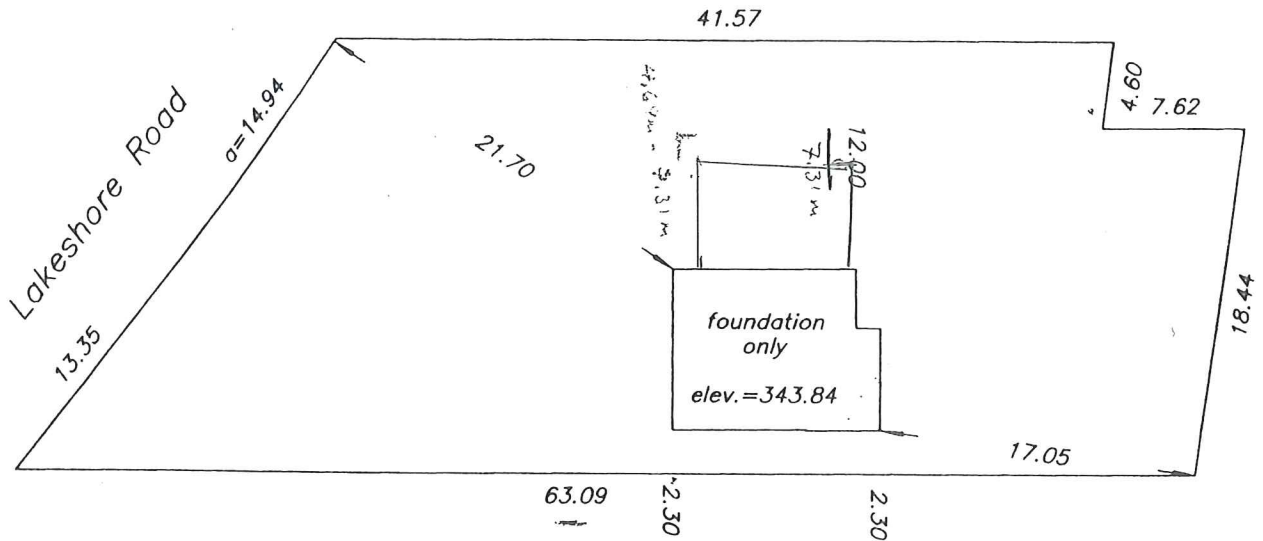
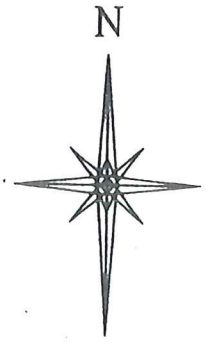
It is the applicant's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services which would be at the applicant's cost.

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Steve Muenz, P. Eng.  
Development Engineering Manager  
ss

B.C. LAND SURVEYOR'S CERTIFICATE OF  
 LOCATION OF BUILDING ON LOT 1  
 PLAN 9270 SEC. 6 TP. 26 O.D.Y.D.

SCALE 1: 400 DISTANCES ARE IN METRES.



REVIEWED BY CITY OF KELOWNA INSPECTIONS SERVICES

FORMING PART OF BUILDING PERMIT # 34446 THESE  
 DRAWINGS SHALL REMAIN ON SITE AVAILABLE TO CITY BUILDING  
 INSPECTORS

DATE JUNE 11/07 PLAN CHECKER [Signature]

©

THIS DOCUMENT IS NOT VALID UNLESS  
 ORIGINALLY SIGNED AND SEALED.

CERTIFIED CORRECT  
 this 28th day of September, 2001.

[Signature]

D.A. Goddard BCLS

FILE 01-11154 FB 232

RE: Sterling Innovations

THIS PLAN IS FOR MORTGAGE OR  
 MUNICIPAL PURPOSES ONLY AND IS  
 NOT TO BE USED TO DEFINE THE  
 BOUNDARIES OF THIS LOT.

D.A. Goddard Land Surveying Inc.  
 200-1449 ST. PAUL STREET KELOWNA

