
CITY OF KELOWNA

MEMORANDUM

Date: January 8, 2001
File No.: Z00-1057

To: City Manager

From: Planning and Development Services Department

Subject:

APPLICATION NO. Z00-1057 OWNER: DANIEL GAGNON

AT: 3544 KIMATOUCHE RD. APPLICANT: DANIEL GAGNON

PURPOSE: TO AMEND THE RR3/RR3s ZONE TO PERMIT A MAXIMUM HEIGHT OF 6 m FOR ACCESSORY BUILDINGS CONTAINING A SUITE

TO REZONE THE SUBJECT PROPERTY FROM THE RR3 – RURAL RESIDENTIAL 3 TO RR3s – RURAL RESIDENTIAL 3 WITH SECONDARY SUITE TO ACCOMMODATE A SECONDARY SUITE IN AN ACCESSORY BUILDING

EXISTING ZONE: RR3 - RURAL RESIDENTIAL 3

PROPOSED ZONE: RR3s - RURAL RESIDENTIAL 3 WITH SECONDARY SUITE

REPORT PREPARED BY: KIRSTEN G. BEHLER

1.0 RECOMMENDATION

THAT the RR3 - Rural Residential 3/RR3s - Rural Residential 3 with Secondary Suite zone of the City of Kelowna Zoning Bylaw No. 8000 be amended by replacing the existing Section 12.3.5(b) with the following:

12.3.5(b) The maximum **height** is the lesser of 9.5 m or 2 ½ **storeys**, except it is 4.5 m for accessory **buildings** and accessory **structures** and a maximum of 6.0 m for accessory **buildings** containing a suite;

AND THAT City of Kelowna Zoning Bylaw No. 8000 be amended by changing the zoning classification of Lot 17, Sec. 3, Twp. 26, O.D.Y.D., Plan KAP65948, located on Kimatouche Road, Kelowna, B.C., from the RR3 - Rural Residential 3 zone to the RR3s - Rural Residential 3 with Secondary Suite zone;

AND THAT the text amendment and zone amending bylaws be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT the applicant register a Section 219 Restrictive Covenant indicating the location of the future suite prior to final adoption of the rezoning bylaw.

2.0 SUMMARY

The applicant wishes to rezone his property from RR3 – Rural Residential to RR3s – Rural Residential with Secondary Suite in order to allow for the future construction of a secondary suite on top of a detached garage.

3.0 BACKGROUND

3.1 The Proposal

The applicant wishes to rezone his property to allow for the construction of a secondary suite in the future. The suite will be located on the second storey of the detached garage. This accessory building will be constructed in the northwest corner of the lot.

The size of the proposed suite is 72m² and will include one bedroom, one bathroom and an open kitchen/living area. Access to the suite will be provided via an interior staircase with the door at the eastside of the building. The main floor of the accessory building will be used as a two-car garage with two garage doors at the south side of the building. The style of the proposed accessory building is consistent with the style of the proposed main house.

The secondary suite will be constructed at a later date. At this point, the applicant wishes to construct the shell of the accessory building and plans to finish the second floor in the future. Before finishing and occupying the suite, the applicant will have to install a second septic field. The applicant confirmed with the Okanagan-Similkameen Health Region that the lot provides sufficient space for this expansion.

The application meets the requirements of the RR3s – Rural Residential with Secondary Suite zone as follows:

CRITERIA	PROPOSAL	RR3s ZONE REQUIREMENTS
Site Area (m ²) ①	1624 m ²	1 ha (RR3s zone) 830 m ² (secondary suites on septic)
Site Width (m)	29.2 m	18.0 m
Site Depth (m)	48.3 m	30.0 m
Site Coverage (%)	19%	30%
Total Floor Area (m ²) - Principal Building - Secondary Suite	72 m ²	N/A 90 m ² maximum
Storeys (#) - Principal Building - Accessory building	7.3 m 5.5 m	9.5 m 6.0 m
Setbacks (m)		
- Front	8.6 m	6.0 m
- Distance house to access. bldg.	7.1 m	5.0 m min.
- Rear	9.2 m	1.5 m accessory building
- West Side - Principal Building - Accessory Building	2.0 m 22.2 m	2.0 m 2.3 m
- East Side - Principal Building - Accessory Building	7.6 m 3.7 m	2.0 m 2.3 m
Parking Stalls (#)	4	4 maximum

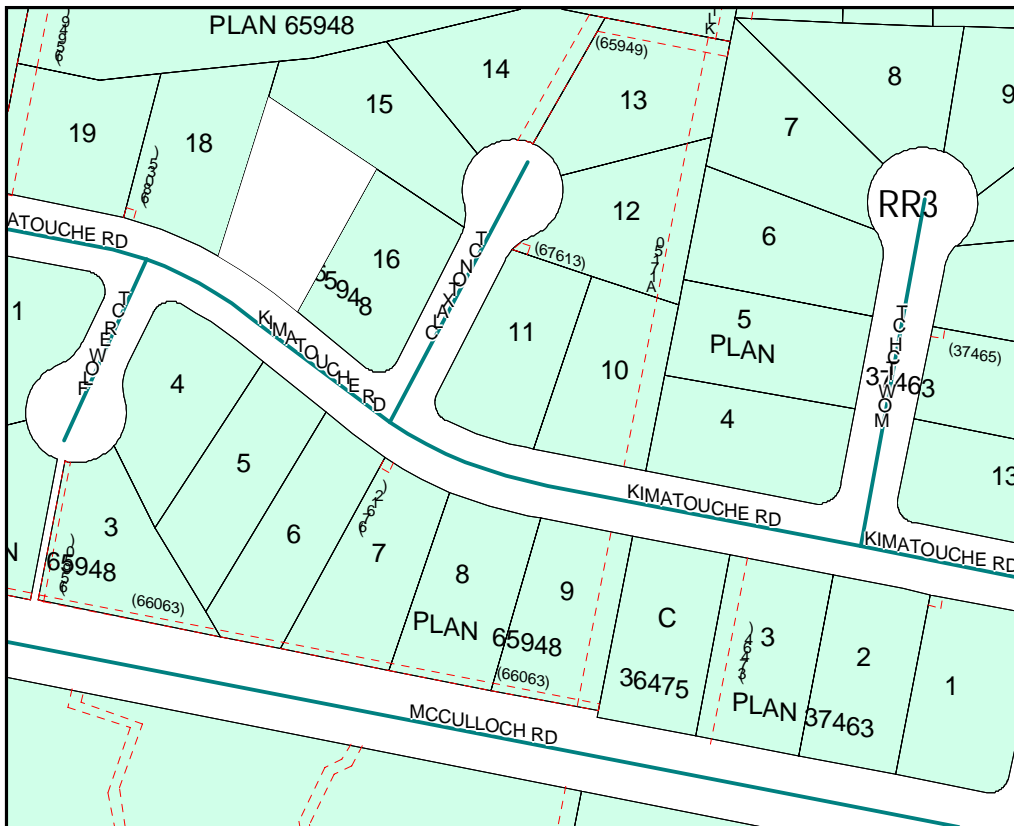
Notes:

- ❶ Required under the current RR3 and RR3s zoning. This subdivision was approved prior; therefore, the lot is smaller than 1 ha.

3.2 Site Context

The property is located in Southeast Kelowna, on the north side of Kimatouche Road between Flower Court and Claxton Court. Adjacent zones and uses are, to the:

- North - RR3 – Rural Residential 3 – country residential – single family dwelling
- East - RR3 – Rural Residential 3 – country residential – single family dwelling under construction
- South - RR3 – Rural Residential 3 – country residential – vacant
- West - RR3 – Rural Residential 3 – country residential – vacant



3.3 Existing Development Potential

The existing zoning RR3 – Rural Residential 3 is intended for country residential development on smaller lots, and complementary uses, in areas of high natural amenity. The principal use in this zone is single-detached housing. Secondary uses allowed in this zone are bed and breakfast homes, minor and intermediate care centres, minor

group homes, minor and major home based businesses, and secondary suites on properties zoned RR3s.

3.4 Current Development Policy

3.4.1 Kelowna Official Community Plan

The proposed development is consistent with the Kelowna OCP future land use designation of the Single/Two Family Residential Use.

Furthermore, the Official Community Plan encourages the construction of Secondary Suites as a form of rental or affordable housing (Section 4.6.18).

3.4.2 City of Kelowna Strategic Plan (1992)

One of the objectives of the Strategic Plan is the development of a more compact urban form by increasing densities through infill and re-development within existing urban areas and by providing for higher densities in future urban areas (Objective 1.1). The proposal generally meets this objective.

3.4.3 Southeast Kelowna Sector Plan (1994)

The Southeast Kelowna Sector Plan was completed prior to the drafting of the City's policies on Secondary Suites and thus makes no reference to these suites.

4.0 TECHNICAL COMMENTS

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

4.1. Public Health Inspector

The public health inspector was concerned that the disposal system would not be adequate to service a five bedroom residence and, given the proposed development, that there might not be adequate room for the expansion of the sewage disposal system to service the future suite.

In response to these comments, the applicant clarified that he plans to finish only one additional bedroom in the basement of the main house, as opposed to the two shown in the original plans. His current disposal permit allows him to have a total of four bedrooms, and therefore suffices for the main house. He furthermore provided confirmation from the Okanagan-Similkameen Health Region that adequate room for an additional septic field exists to service the future suite.

4.1. Inspections Department

The Inspections Department initially commented that no future suite was shown in the original set of drawings, which raised the question of whether a suite is actually planned for the future. In response, the applicant included the future suite in the second set of

drawings. Furthermore, a restrictive covenant will be registered on the title, stating that the property should not be used to provide a secondary suite, unless the suite is located on the second floor of the accessory building.

The Inspections Department is satisfied with this solution and has no further concerns regarding the proposed suite.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

The Planning and Development Services Department has no concerns regarding the proposal, provided that a restrictive covenant be registered against the title of the property to allow the future suite to be built on the second floor of the accessory building only. The proposal to rezone the property to allow for the construction of a secondary suite is consistent with the Official Community Plan future land use designation of single/two-family residential use. The addition of a secondary suite in the future will lead to a more compact urban form without changing the low-density character of the neighbourhood. The applicant contacted other lot owners in the neighbourhood, who are generally supportive of the application.

Andrew Bruce
Current Planning Manager

Approved for inclusion

R.L. (Ron) Mattiussi, ACP, MCIP
Director of Planning & Development Services

/kb
Attach.

FACT SHEET

1. **APPLICATION NO.:** Z00-1057
2. **APPLICATION TYPE:** Rezoning
3. **OWNER:** Daniel Gagnon
 - **ADDRESS** 908 Monashee Place
 - **CITY** Kelowna, BC
 - **POSTAL CODE** V1W 1J6
4. **APPLICANT/CONTACT PERSON:** Same as above
 - **ADDRESS**
 - **CITY**
 - **POSTAL CODE**
 - **TELEPHONE/FAX NO.:**
5. **APPLICATION PROGRESS:**
 - Date of Application:** Nov. 29, 2000
 - Date Application Complete:** Dec. 19, 2000
 - Servicing Agreement Forwarded to Applicant:** N/A
 - Servicing Agreement Concluded:** N/A
 - Staff Report to Council:** Jan. 3, 2001
6. **LEGAL DESCRIPTION:** Lot 17, Section 3, Township 26, ODYD, Plan KAP 65948
7. **SITE LOCATION:** East Kelowna, on the north side of Kimatouche Road between Flower Court and Claxton Court
8. **CIVIC ADDRESS:** 3544 Kimatouche Rd.
9. **AREA OF SUBJECT PROPERTY:** 1624 m●
10. **AREA OF PROPOSED REZONING:** 1624 m●
11. **EXISTING ZONE CATEGORY:** RR3
12. **PROPOSED ZONE:** RR3s
13. **PURPOSE OF THE APPLICATION:** To allow for the future construction of a secondary suite on the second floor of the accessory building

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site Plan
- Elevations and floor plans of main house and accessory building