
CITY OF KELOWNA

MEMORANDUM

Date: January 17, 2001
File No.: DVP00-10,092

To: City Manager

From: Planning and Development Services Department

Subject:

APPLICATION NO. DVP00-10,092 OWNER: BARBARA LARSON

AT: 4195 WALLACE HILL RD. APPLICANT: BARBARA LARSON AND
KAMEL ABOUGOUSH

PURPOSE: TO VARY THE MAXIMUM ALLOWED SIZE OF A SECONDARY SUITE
TO BE ACCOMMODATED IN A BUILDING ADDITION CURRENTLY
UNDER CONSTRUCTION

EXISTING ZONE: A1 – AGRICULTURE 1

PROPOSED ZONE: A1s – AGRICULTURE 1 WITH SECONDARY SUITE

REPORT PREPARED BY: KIRSTEN G. BEHLER

1.0 RECOMMENDATION

THAT Final Adoption of Zone Amending Bylaw No. 8632 be considered by the Municipal Council;

AND THAT Council authorize the issuance of a Development Variance Permit No. DVP00-10,090; Barbara Larson and Kamel Abougoush, Lot B, Sec. 3, Twp. 26, O.D.Y.D., Plan 12667, located on Wallace Hill Road., Kelowna, B.C.;

AND THAT variances to the following section of Zoning Bylaw No. 8000 be granted:

9.5.4 Secondary Suites, maximum floor area: A variance for the maximum area of the secondary suite from 90 m² to 109 m², and from 40% of the floor area of the principal building to 40.47%.

2.0 SUMMARY

The applicants wish to build a second kitchen in an addition to their main house, in order to accommodate a secondary suite for the applicants' mother. The applicants are pursuing a rezoning application to rezone the property from the current A1 – Agriculture 1 zone to A1s – Agriculture 1 with Secondary Suite zone. The proposed suite does not conform to the regulations of the A1s zone in Zoning Bylaw No. 8000. The applicants are requesting a variance for the maximum area of the secondary suite from 90m² to 109m², and from 40% of the floor area of the principal building to 40.47%.

3.0 BACKGROUND

3.1 The Proposal

The subject property is located in Southeast Kelowna at the northeast corner of the intersection Wallace Hill Rd. and Mathews Rd. The property is currently zoned for A1 – Agriculture 1 use. The applicants wish to rezone the property to A1s – Agriculture 1 with Secondary Suite use, in order to accommodate a secondary suite in a building addition.

The building addition that would house the proposed secondary suite is currently under construction. The suite would be physically connected to the main house with a breezeway, a bathroom, and a tack room. The suite itself would contain an open living/kitchen area, a den with en-suite three-piece bathroom, a Master Bedroom with three-piece en-suite bathroom and a laundry room. Access to the suite would be provided through the laundry room at the west side of the building, and an additional door exists between the breezeway and the proposed suite. The building addition includes an unfinished basement, which will be used for storage only. Access to the basement is via an exterior staircase.

In order to construct the kitchen and finish the proposed secondary suite, the applicants seek to vary the maximum size of the suite. According to Zoning Bylaw No. 8000, the floor area cannot exceed 90m², or 40% of the floor area of the principal building, whichever is less. The floor area of the proposed suite is 109m², and thus exceeds the bylaw requirement by 19m². With 40.47%, the proposed suite is also larger than 40% of the floor area of the principal building.

The application meets the requirements of the A1s – Agriculture 1 with Secondary Suite zone as follows:

CRITERIA	PROPOSAL	A1s ZONE REQUIREMENTS
Site Area (m ²)	2.42 ha	2.0 ha min.
Site Width (m)	153m	40.0m min.
Site Coverage (%)	1.1%	10%
Total Floor Area (m ²) - existing house - secondary suite	134m ² 109m ² / 40.47%❶	N/A 90m ² or max. 40% of principal bldg.
Storeys (#)	1 ½	2 ½ or 9.5m
Setbacks (m)		
- Front	31m	6.0m
- Rear	99m	10.0m
- West Side	4.6m	4.0m
- East Side	128m	3.0m
Parking Stalls (#)	4	3 min., 4 max.

Notes:

❶ The applicants wish to vary the size of the suite under this Development Variance Permit Application.

3.2 Site Context

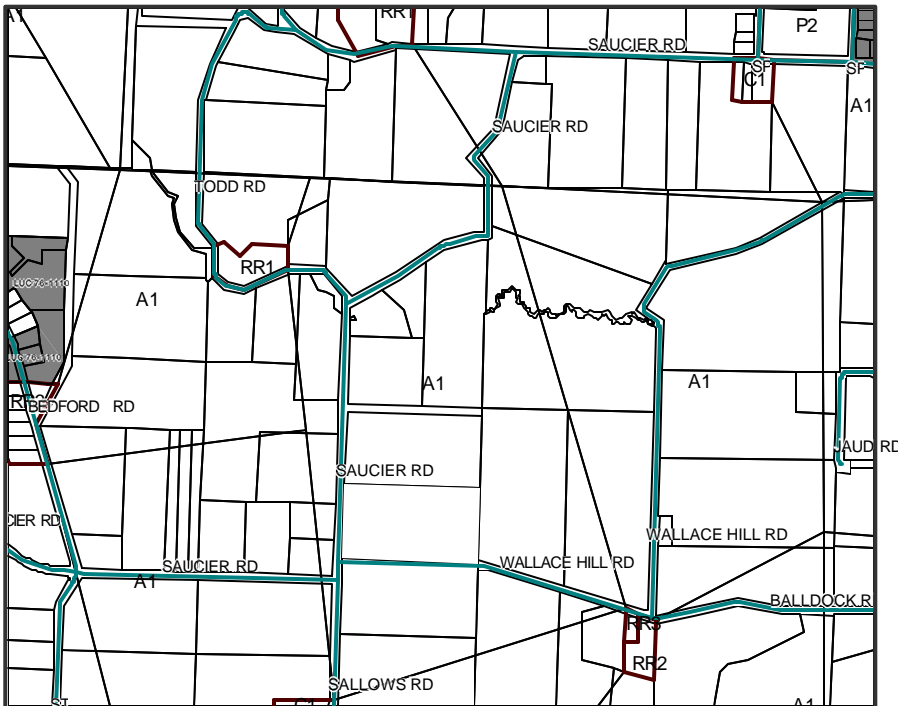
The subject property is located in Southeast Kelowna at the northeast corner of the intersection Wallace Hill Rd. and Mathews Rd. The area is predominantly zoned A1 – Agriculture 1, and the majority of lots are used for farming. Southeast of the subject property, at the corner of Jaud Rd.

and Mathews Rd., a small single family neighbourhood, zoned Rural Residential 2 and 3, is located. No legal secondary suites exist in the immediate vicinity of the subject property.

Adjacent zones and uses are, to the:

- North - A1 – Agriculture 1 – single family dwelling
- East - A1 – Agriculture 1 – farm use
- South - A1 – Agriculture 1 – farm use, 2-3 dwellings
- West - A1 – Agriculture 1 – farm use

3.3 Location Map



3.3 Existing Development Potential

The property is currently zoned A1- Agriculture 1. The purpose of this zone is to provide a zone for rural areas and agricultural uses. Single detached housing is allowed as a principal use, and a secondary suite is allowed as a secondary use on properties zoned A1s.

3.4 Current Development Policy

3.4.1 Kelowna Official Community Plan

The proposal is consistent with the designation of Rural / Agricultural in the Official Community Plan future land use designation. The Rural / Agricultural designation covers “land within the Agricultural Land Reserve and other rural farm and non-farm lands where natural physical constraints or lack of services and utilities limit land use intensification” (OCP, Chapter 15).

In addition, the Official Community Plan encourages secondary suites as a form of rental or affordable housing and as an effective tool to increase densities in existing neighbourhoods without major impacts on the form and character of the neighbourhood (Section 4.6.18).

3.4.2 City of Kelowna Strategic Plan (1992)

The Strategic Plan includes the objective of reducing the use of agricultural land for urban purposes (City of Kelowna Strategic Plan, Section 1). The proposal does not result in a significant reduction of agricultural land and is therefore consistent with the Strategic Plan. Furthermore, the subject property is not actively used for agricultural purposes.

3.4.3 Southeast Kelowna Sector Plan

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.

3.4.4. Agriculture Plan (1998)

The application is generally consistent with the Agriculture Plan which supports the general principle of secondary suites in rural / agricultural areas as per Land Reserve Commission Policy #770/98. This policy allows "one suite per parcel, substantially within the existing footprint of an existing or proposed single family dwelling provided it is clearly secondary to the dwelling" (Agriculture Plan, Page 74).

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 noted that the upgrade to the septic system on the property is complete.

4.2. Inspections Department

The Inspections Department had concerns regarding a secondary building already located on the property. Old records indicated that this building is a cottage. However, the building does not include a kitchen, has no running water and is also not connected to the septic system. The building is used for storage of hay and tools. Following clarification regarding this issue, the Inspections Department had no further concerns.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department has no concerns regarding the proposed variance for the size of the secondary suite. The Community Planning Manager commented that larger secondary suites should not be allowed for building code and infrastructure reasons. However, given that the addition to the building is under construction and that the septic field

can accommodate the suite, the Planning and Development Services Department supports the proposed suite. Whereas the maximum size of 90m² is appropriate in an urban setting for typical urban size lots, the department feels that larger suites can be accommodated on large rural lots. The proposed size of the suite has no negative impact on the form and character of the neighbourhood. The applicants contacted the owners of the four adjacent properties, who support the application.

Andrew Bruce
Current Planning Manager

Approved for inclusion

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

KGB
Attach.

FACT SHEET

1. **APPLICATION NO.:** DVP00-10,092
2. **APPLICATION TYPE:** Development Variance Permit
3. **OWNER:** Barbara Larson
· **ADDRESS** 4195 Wallace Hill Rd.
· **CITY** Kelowna, BC
· **POSTAL CODE** V1W 4B6
4. **APPLICANT/CONTACT PERSON:** B. Larson & K. Abougoush / Doug Lane
· **ADDRESS** 1485 Water St.
· **CITY** Kelowna, BC
· **POSTAL CODE** V1Y 1J6
· **TELEPHONE/FAX NO.:** (250) 762-2235
(250) 762-4584
5. **APPLICATION PROGRESS:**
Date of Application: December 8, 2000
Date Application Complete: December 8, 2000
Servicing Agreement Forwarded to Applicant: N/A
Servicing Agreement Concluded: N/A
Staff Report to Council: January 17, 2001
6. **LEGAL DESCRIPTION:** Lot B, Plan 12667, Sec. 3, Twp. 26, District 26 ODYD
7. **SITE LOCATION:** Southeast Kelowna, at the corner of Wallace Hill Rd. and Mathews Rd.
8. **CIVIC ADDRESS:** 4195 Wallace Hill Rd.
Kelowna, BC
V1W 4B6
9. **AREA OF SUBJECT PROPERTY:** 2.42 ha
10. **AREA OF PROPOSED REZONING:** 2.42 ha
11. **EXISTING ZONE CATEGORY:** A1 – Agriculture 1
12. **PROPOSED ZONE:** A1s – Agriculture 1 with Secondary Suite
13. **PURPOSE OF THE APPLICATION:** To vary the size of the proposed secondary suite from 90m" / 40% of the floor area of the principal building to 109m" / 40.47%
14. **MIN. OF TRANS./HIGHWAYS FILES NO.:** N/A
NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY
15. **DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS** N/A

ATTACHMENTS

(not attached to the electronic version of the report)

- Location of subject property
- Site plan
- Floor plan
- West elevation