

THAT final adoption of the zone amending bylaw be considered subsequent to the applicant providing an assessment by a qualified Professional Engineer regarding the flood protection works and, if required, committing to upgrading the existing flood protection structure.

2.0 SUMMARY

The applicant seeks to rezone the subject property from the RR3 – Rural Residential zone to the RR3s – Rural Residential with Secondary Suite zone in order to be permitted reconstruction of a cabin that was destroyed by fire.

3.0 BACKGROUND

3.1 The Proposal

The subject property is located on Finch Road in McKinley West. A two-storey house is located in the eastern section of the property, with access off Finch Road. A cabin used to exist at the lakefront; however, it was destroyed by fire in the fall of 2001. The cabin was used as a summer cottage by the owner and included a full kitchen. Unlike the other lots along Finch Road, the subject property has a level section at the road, which allowed the construction of the principal dwelling. The main dwellings on the other lots were constructed at the lake, since the grades at Finch Road are too steep to build upon.

The applicant would like to rebuild the cabin, which would then be considered a secondary suite. He has therefore made application for rezoning of the property from RR3 – Rural Residential 3 to RR3s – Rural Residential 3 with secondary suite.

The secondary suite would be approximately 85m² in size and would contain of a bedroom, an open living/kitchen area, a full bath and a utility room. Parking for the suite would be located on the internal access road, located approximately 10m east of the proposed cabin.

The new cabin would be the same distance to the lake as the previous cabin. The proposed distance is 10.5m from the retaining wall, which is less than the 15.0m leave strip and riparian management area specified by the City of Kelowna Zoning Bylaw and the Official Community Plan. Since the secondary suite would be reconstructed at the same distance of the cabin, a Development Variance Permit is not required. However, the applicant will be required to register a restrictive covenant on title specifying the reductions of provincial floodplain management provisions and saving harmless the province and the city from future claims for damages due to flooding and erosion. The relaxation specifies the reduction of the setback from the natural boundary to 10.5m from 15m required.

The existing foreshore protection appears to be somewhat unstable and insufficient. The applicant will be required to have the flood protection works assessed by a suitably qualified Professional Engineer and upgraded as required to the provincial standard of a flood event on Okanagan Lake. The applicant has already contacted an Engineer to address these concerns.

The subject property is in a Wildland Fire Hazard Development Permit area. The requirement for a DP has been waived; however, the applicant will be required to register a covenant specifying the standard wildland fire prevention requirements prior to receiving a building permit.

The application meets the requirements of the RR3s – Rural Residential with secondary suite zone as follows:

CRITERIA	PROPOSAL	RR3s ZONE REQUIREMENTS
Lot Area (m ²)	3243m ² ❶	1.0ha
Lot Width (m)	30.5m	18.0m
Lot Depth (m)	76m	30.0m
Site Coverage (%)	6.9%	30%
Total Floor Area (m ²) - House - Secondary suite	250m ² approx. 84.7m ²	Max. 90m ² or 75% of the principal building
Storeys (#)	2 storeys for cabin, 6.0m max.	2 ½ storeys
Setbacks (m)		
- Front	16.9m	6.0m
- Rear	10.5m from retaining wall ❷	7.5m 1.5m for an accessory building 15.0m from natural boundary Okanagan Lake
- Side - North - South	4.82 (house) 7m	2.0m for 1 st storey 2.3m for 2 nd storey
Parking Spaces	4	3

Notes:

- ❶ The lot was created prior to the adoption of Zoning Bylaw No. 8000. According to section 1.8.4 of the said bylaw, undersized lots can be rezoned to permit a secondary suite, provided they meet all other requirements of the bylaw and were in existence prior to the bylaw.
- ❷ The Ministry of Water, Land and Air Protection granted a relaxation of the provincial floodplain provisions from 15.0m from the natural boundary to 10.5 m proposed. A registered covenant specifying this relaxation is a requirement of final rezoning. A variance will not be required, since the proposed setback of the cabin is identical to the setback of the previous cabin.

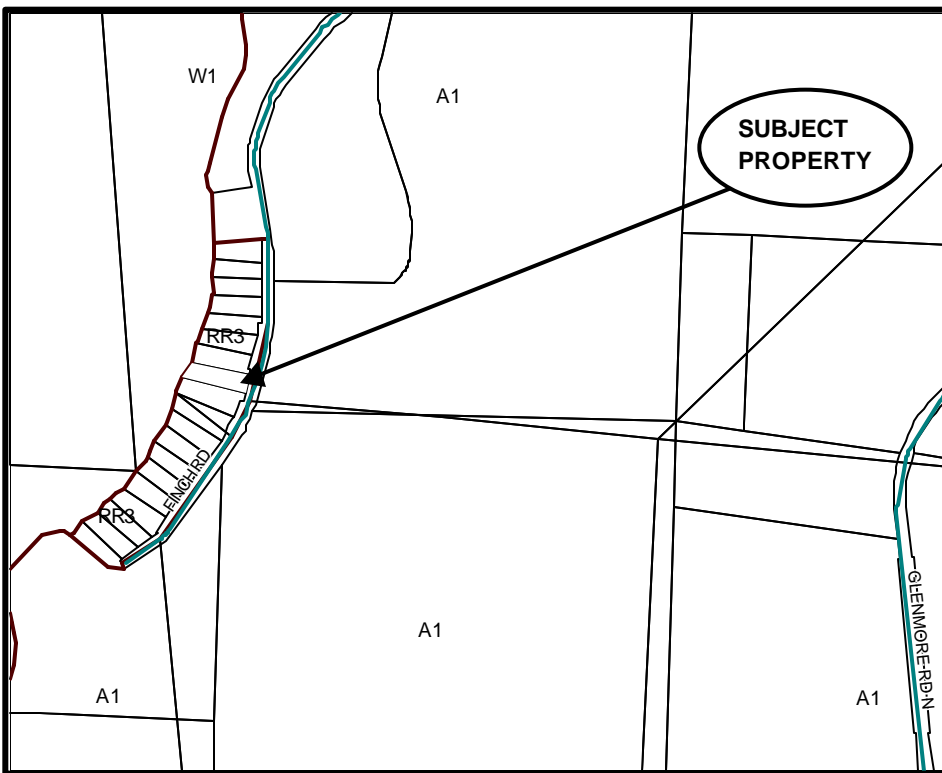
3.2 Site Context

The subject property is located in McKinley West, on the west side of Finch Road. It is zoned RR3 – Rural Residential. The area west of Finch Road is predominantly zoned RR3 – Rural Residential, with agricultural zoning east of Lakeshore Road.

Adjacent zones and uses are, to the:

- North - RR3 – Rural Residential 3 - Single Detached Dwelling
- South - RR3 – Rural Residential 3 – Single Detached Dwelling
- West - W1 – Recreational Water Use – Lake Okanagan
- East - A1 – Agriculture 1 – forest, vacant

3.2 Site Location Map



3.3 Existing Development Potential

The property is zoned RR3 – Rural Residential, with the purpose to provide a zone for country residential development on smaller lots. Secondary suites are allowed on lots with RR3s – Rural Residential with Secondary Suite zoning.

3.4 Current Development Policy

3.4.1 Kelowna Official Community Plan

The property is designated as Future Urban Reserve, and the proposed rezoning is not consistent with this designation. However, the future urban reserve does include areas that are already developed, such as the Finch Road area, which is rural residential. The rezoning is consistent with the current single detached use of the subject property.

The Official Community Plan encourages the creation of secondary suites, provided that they meet the requirements of the zoning bylaw.

3.4.2 City of Kelowna Strategic Plan (1992)

One of the objectives of the Strategic Plan is “to develop a more compact urban form by increasing densities through infill and re-development within existing urban areas and to provide for higher densities within future urban areas” (Objective 1.1). The proposal is consistent with this objective and with its accompanying strategies.

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. Inspection Service Department

Fire department must approve access for fire truck.

4.2 Fire Department

The department has no objections to the proposed rezoning.

4.3 Ministry of Water, Land and Air Protection

The Ministry gave consent for relaxation of flood plain requirements. Rather than the 15.0m setback from the natural boundary normally required, the setback could be reduced to 10.5m. This relaxation is subject to the applicant entering into a covenant registrable under Section 219 of the *Land Title Act*. All conditions of the covenant are specified in the letter of the Ministry dated March 6, 2002.

In addition, the Ministry recommended replacement and/ or upgraded foreshore protection works (retaining wall). These works shall be designed and constructed under the supervision of a suitably qualified professional engineer to the provincial standard of a one in two hundred year flood event.

4.4 Public Health Inspector

If changes are proposed to the septic system 1.0m or more from the building or expansion from 1 to 2 bedrooms, a sewage disposal permit will be required. The sewage system must be in good working order.

The applicant proposes a one-bedroom cabin and no changes to the septic system will be required.

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The Planning and Development Services Department has no concerns regarding the proposed rezoning of the property from RR3 – Rural Residential to RR3s – Rural Residential with Secondary Suite.

The suite would replace a cabin that burned down in 2001. The area of the suite is larger than the original cabin, but does not exceed the City of Kelowna maximum permitted size for secondary suites. The proposed distance of the new cabin from the natural boundary is identical to that of the former cabin. The Ministry of Water, Land and Air Protection granted a relaxation from provincial floodplain requirements to reduce the setback of the cabin from 15.0m from the natural boundary required to 10.5m proposed. To acknowledge this setback reduction from Lake Okanagan, the applicant is required to register a covenant on the title of the property specifying the permitted setback and saving harmless the City of Kelowna and the province.

The subject property is located in a Wildland Fire Hazard DP area. The registration of a covenant specifying the standard requirements to prevent wildland fires will be a requirement of building permit.

Andrew Bruce
Current Planning Manager

Approved for inclusion

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

KGB
Attach.

FACT SHEET

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| 1. APPLICATION NO.: | Z02-1008 |
| 2. APPLICATION TYPE: | Rezoning |
| 3. OWNER: | John and Christine Hawkins |
| . ADDRESS | 845 Hollydell Road |
| . CITY | Kelowna, BC |
| . POSTAL CODE | V1X 1L6 |
| 4. APPLICANT/CONTACT PERSON: | John and Christine Hawkins |
| . ADDRESS | As above |
| . CITY | |
| . POSTAL CODE | |
| . TELEPHONE/FAX NO.: | 765-6422 / 765-2360 |
| 5. APPLICATION PROGRESS: | |
| Date of Application: | March 5, 2002 |
| Date Application Complete: | |
| Servicing Agreement Forwarded to Applicant: | N/A |
| Servicing Agreement Concluded: | N/A |
| Staff Report to Council: | June |
| 6. LEGAL DESCRIPTION: | Lot 12, Sections 32 and 33, Township 23, ODYD, Plan 13462 |
| 7. SITE LOCATION: | McKinley West, on the west side of Finch Road |
| 8. CIVIC ADDRESS: | 4042 Finch Road
Kelowna, BC |
| 9. AREA OF SUBJECT PROPERTY: | 3243m ² |
| 10. AREA OF PROPOSED REZONING: | 3243m ² |
| 11. EXISTING ZONE CATEGORY: | RR3 – Rural Residential |
| 12. PROPOSED ZONE: | RR3s – Rural Residential with Secondary Suite |
| 13. PURPOSE OF THE APPLICATION: | To permit the construction of a suite in the an accessory building |
| 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 of proposed suite
- Conceptual elevation of proposed suite