

---

**CITY OF KELOWNA**

**MEMORANDUM**

---

**Date:** March 4, 2004

**File No.:** Z03-0039

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:**

**APPLICATION NO.** Z03-0039

**OWNER:** Eldon James Veitch

**AT:** 1301 Lewis Road

**APPLICANT:** Terry Peters

**PURPOSE:** TO REZONE THE SUBJECT PROPERTY FROM THE RR2 – RURAL RESIDENTIAL 2 ZONE TO THE RR2S – RURAL RESIDENTIAL 2 WITH SECONDARY SUITE ZONE;

**EXISTING ZONE:** RR2 – RURAL RESIDENTIAL 2

**PROPOSED ZONE:** RR2S – RURAL RESIDENTIAL 2 WITH SECONDARY SUITE

**REPORT PREPARED BY:** RYAN SMITH

---

**1.0 RECOMMENDATION**

THAT Rezoning Application No. Z03-0039 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Sec.13, Twp. 26, Plan KAP54818 ODYD, located on Lewis Road, Kelowna, B.C. from the RR2 – Rural Residential 2 zone to the RR2s – Rural Residential 2 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 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 withheld pending Council's adoption of TA02-0005;

AND THAT final adoption of the zone amending bylaw be considered subsequent to approval by the Ministry of Transportation;

**2.0 SUMMARY**

The applicant is proposing to rezone the subject property from the RR2 – Rural Residential Zone to the RR2s – Rural Residential 2 zone with Secondary Suite. The

applicant has also applied to vary the maximum permitted size for a secondary suite in an accessory building from 90m<sup>2</sup> permitted to 111m<sup>2</sup> proposed.

### 3.0 BACKGROUND

The applicant's parents have lived at this location for the past 35 years and their age is now beginning to make maintenance tasks on this large property very difficult. They would like to add an additional dwelling on the site so that their daughter and son-in-law may help with the day-to-day upkeep of the property.

#### 3.1 The Proposal

The applicant's are proposing to construct a new house on the subject property and would like to use the existing single family dwelling as a secondary suite. The existing single family dwelling is 111m<sup>2</sup> in size and therefore is also the subject of a development variance permit application. A secondary suite is not currently a permitted use in the RR2- Rural Residential zone however staff is proposing to add the "s" designation in a package of "housekeeping" text amendments that will follow this application.

The application meets the requirements of the RR2s –Rural Residential 2 with Secondary Suite zone as follows:

| CRITERIA   | PROPOSAL            | RR2s ZONE REQUIREMENTS |
|--|---------------------|------------------------|
| Lot Area (m <sup>2</sup> )                             | 6338m <sup>2</sup>  | 4000m <sup>2</sup>     |
| Lot Width (m)  | 108.32m             | 36                     |
| Lot Depth (m)  | 64m                 | 30m                    |
| Parking Spaces   | 3+                  | 3                      |
| Site Coverage  |                     | 20%                    |
| <b>Storeys (#)</b>                                     |                     |                        |
| Proposed House   | 2.5                 | 2.5                    |
| Existing House (proposed suite)                        | 1                   | 1.5                    |
| <b>Size (m<sup>2</sup>)</b>                            |                     |                        |
| Size of proposed Dwelling(m <sup>2</sup> )             | 185.8m <sup>2</sup> | N/A                    |
| Size of proposed Secondary Suite(m <sup>2</sup> )      | 111m <sup>2</sup> ❶ | 90m <sup>2</sup>       |
| <b>Setbacks-Existing Dwelling (m) (proposed suite)</b> |                     |                        |
| - Front  | 50m (approx.)       | 6.0m                   |
| - Rear   | 10m                 | 9.0m                   |
| - Side (n)   | 35m (approx.)       | 3.0m                   |
| - Side (s)   | 60m (approx.)       | 3.0m                   |
| <b>Setbacks-Proposed Dwelling(m)</b>                   |                     |                        |
| - Front  | 36m (approx.)       | 6.0m                   |
| - Rear   | 18m                 | 9.0m                   |
| - Side (n)   | 95m                 | 3.0m                   |
| - Side (s)   | 3m                  | 3.0m                   |

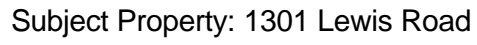
❶ Note: The applicant is seeking to vary the maximum permitted size for a secondary suite.

### 3.2 Site Context

The subject property is located on Lewis Road north of Springfield Road and West of Highway 33 in the Black Mountain Sector.

Adjacent zones and uses are:

- North - RR2- Rural Residential 2 – Single Family Dwelling
- East - A1 – Agriculture 1 – Single Family Dwelling
- South - RR2 – Rural Residential 2 – Single Family Dwelling
- West - A1 – Agriculture 1 – Agricultural field



### 3.4 Existing Development Potential

The subject property is currently zoned RR2 – Rural Residential 2. A secondary suite is not currently a permitted use in this zone; however, will become a permitted with the adoption of TA02-0005.

### 3.5 Current Development Policy

#### 3.5.1 Kelowna Official Community Plan

The subject property is designated as Rural/Agricultural in the Official Community Plan and Agricultural Plan. The OCP supports more efficient use of land within developed single detached neighbourhoods by encouraging rezoning that would allow for secondary suites that are sensitively integrated into the neighbourhood (8-5.33). The Official Community Plan also supports the creation of secondary suites as an appropriate way to increase density without significant impact on neighbourhoods. In addition, it encourages the creation of secondary suites, provided that they meet the requirements of the zoning bylaw (8-5).

#### 3.5.2 Black Mountain Sector Plan

Objectives:

- To maintain the single family residential character of the Black Mountain Area recognizing that the area presently offers a residential environment which is relatively homogenous in residential use.
- To provide for residential densities which are generally consistent with existing densities recognizing, however, that somewhat higher single family residential densities may be warranted to reflect increased costs of providing services including the provision of sanitary sewer.
- To limit residential development in the plan area to single family residential uses only.

#### 3.5.3 Kelowna Strategic Plan (1992)

One of the goals outlined in the Strategic Plan is the support of urban development which ensures there will be a full range of housing types, densities, sizes, and prices/rents. The proposal is consistent with this objective and with its accompanying strategies.

### 3.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

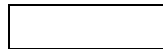
The Planning and Corporate Services Department supports the proposed rezoning to allow a secondary suite, however, has concerns regarding the associated development variance permit application. The following issues of concern to staff:

- A secondary suite greater than 90m<sup>2</sup> would not be permitted as part of a main building under the current building code. This should also apply to accessory buildings.
- Allowing larger suites removes the distinction between a secondary suite and a second main dwelling. If the new building is not built within the size requirements of a secondary suite, then the proposal should not be dealt with as a secondary suite application, but as a second main dwelling.

The Planning and Corporate Services Department recommends that the applicant explore ways to decrease the size of the proposed secondary suite to the maximum permitted size of 90m<sup>2</sup>.

---

Andrew Bruce  
Development Services Manager



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

RM/AB/rs  
Attach.

## FACT SHEET

1. **APPLICATION NO.:** Z03-0039 (DVP03-00082)
2. **APPLICATION TYPE:** Rezoning (with Development Variance Permit)
3. **OWNER:** Eldon James Veitch  
 . **ADDRESS** 1301 Lewis Road  
 . **CITY** Kelowna, BC  
 . **POSTAL CODE** V1P 1C7
4. **APPLICANT/CONTACT PERSON:** Terry Peters  
 . **ADDRESS** 669 Hardie Crt.  
 . **CITY** Kelowna, BC  
 . **POSTAL CODE** V1X 6X1  
 . **TELEPHONE/FAX NO.:** 765-5727
5. **APPLICATION PROGRESS:**  
 Date of Application: July 21<sup>st</sup>, 2003  
 Date Application Complete: August 12, 2003  
 Servicing Agreement Forwarded to Applicant: N/A  
 Servicing Agreement Concluded: N/A  
 Staff Report to APC: N/A  
 Staff Report to Council: March 4, 2004
6. **LEGAL DESCRIPTION:** Lot A, Sec.13, Twp. 26, Plan KAP54818 ODYD
7. **SITE LOCATION:** The subject property is located on Lewis Road north of Springfield I and West of Highway 33 in the Black Mountain Sector.
8. **CIVIC ADDRESS:** 1301 Lewis Road
9. **AREA OF SUBJECT PROPERTY:** 6338m<sup>2</sup>
10. **AREA OF PROPOSED REZONING:** 6338m<sup>2</sup>
11. **EXISTING ZONE CATEGORY:** RR2 –Rural Residential 2
12. **PROPOSED ZONE:** RR2s – Rural Residential 2 with Secondary Suite
13. **PURPOSE OF THE APPLICATION:** TO REZONE THE SUBJECT PROPERTY FROM THE RR2 – RU RESIDENTIAL 2 ZONE TO THE RR2S – RURAL RESIDENTIAL 2 V SECONDARY SUITE ZONE;
14. **MIN. OF TRANS./HIGHWAYS FILES NO.:**  
 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 plans
- Elevations