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

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**Date:** February 27, 2004  
**File No.:** Z03-0039/**DVP03-0082**

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:**

**APPLICATION NO.** Z03-0039/ **OWNER:** Eldon James Veitch  
**DVP03-0082**

**AT:** 1301 Lewis Road **APPLICANT:** Terry Peters

**PURPOSE:** 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

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

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

**REPORT PREPARED BY:** RYAN SMITH

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## **1.0 RECOMMENDATION**

THAT Final Adoption of Zone Amending Bylaw No.9199 be considered by Council;

THAT Council not authorize the issuance of Development Variance Permit No.  
DVP03-0082; Lot A, Sec.13, Twp. 26, Plan 54818 ODYD, located on Lewis Road,  
Kelowna, B.C.;

AND THAT variances to the following sections of Zoning Bylaw No. 8000 not be  
granted:

Section 9.5.4: Vary the maximum floor area for a secondary suite from 90m<sup>2</sup>  
permitted to 111m<sup>2</sup> existing.

Section 6.5.7: Vary the maximum permitted lot coverage for accessory  
buildings or structures from 90m<sup>2</sup> permitted to 111m<sup>2</sup> proposed.

## **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 is also seeking 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 this development variance permit application.

The new home would measure approximately 185m<sup>2</sup> in size and would be located on the south side of the subject property. The existing house currently sits on the north west section of the property. The applicant would create a new driveway to service the proposed dwelling.

The City of Kelowna recently created the RR2s – Rural Residential 2 with Secondary Suite zone as part of package of housekeeping text amendments to Zoning Bylaw No.8000.

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	10%	20%
Site Coverage (accessory)	111.5m <sup>2</sup> ❶	90m <sup>2</sup>
<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> )	111.5m <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

- ①Note: The applicant is seeking to vary the maximum permitted size for a secondary suite and the maximum permitted lot coverage for an accessory building.

### 3.2 Site Context

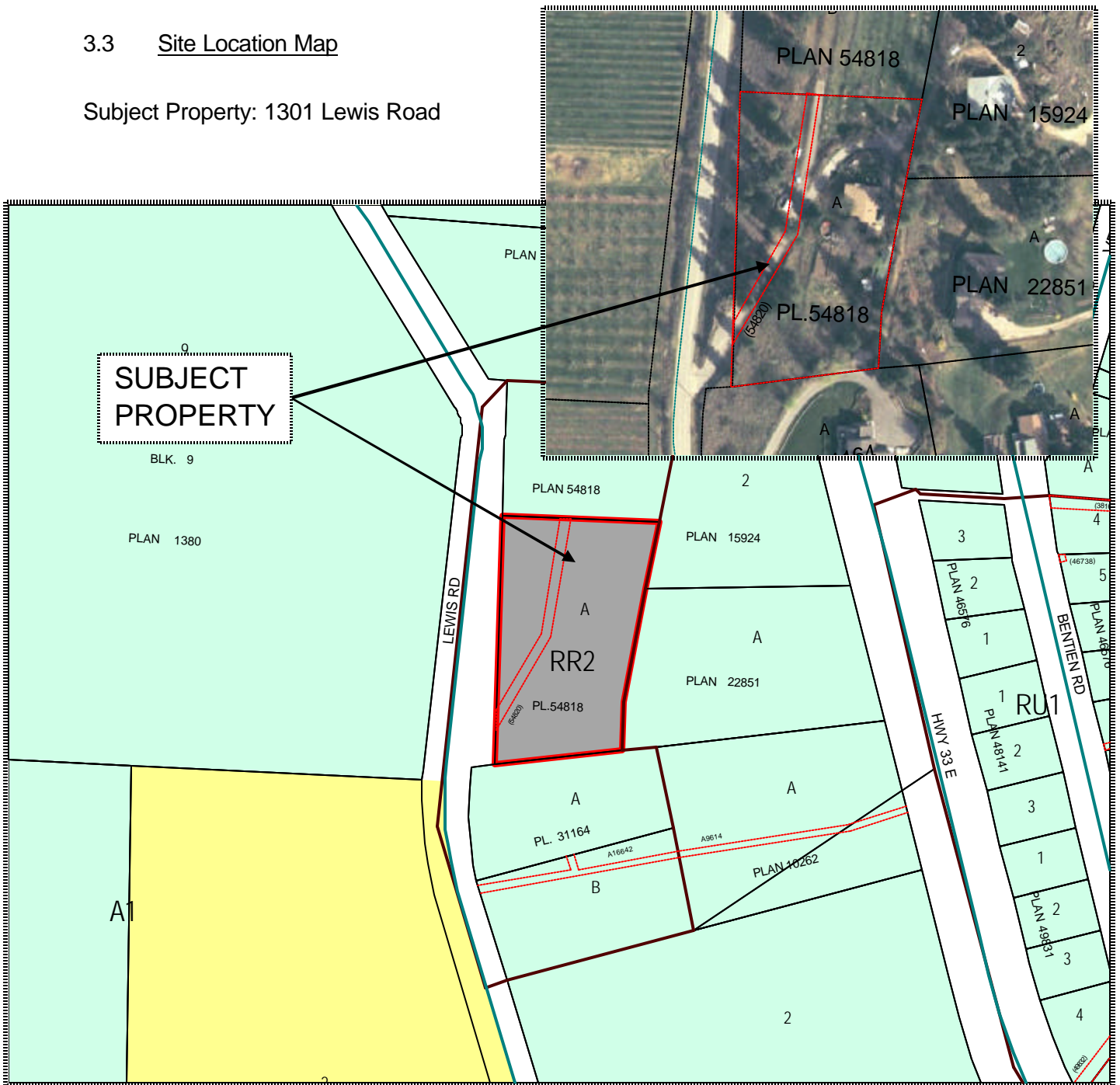
The subject property is located on Lewis Road north of Springfield Road and West of Highway 33 in the Black Mountain Sector.

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

### 3.3 Site Location Map

Subject Property: 1301 Lewis Road



### 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.

#### 4.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Corporate Services Department supports the proposed rezoning to allow a secondary suite, however, has concerns regarding this 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 reduce the size of the existing dwelling in order to meet the bylaw or find an alternative solution that would meet the bylaw.

#### 5.0 ALTERNATE RECOMMENDATION

THAT Final Adoption of the associated Zone Amending Bylaw be considered by Council;

THAT Council authorize the issuance of Development Variance Permit No. DVP03-0082; Lot A, Sec.13, Twp. 26, Plan 54818 ODYD, located on Lewis Road, Kelowna, B.C.;

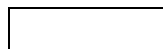
AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 9.5.4: Vary the maximum floor area for a secondary suite from 90m<sup>2</sup> permitted to 111m<sup>2</sup> existing.

Section 6.5.7: Vary the maximum permitted lot coverage for accessory buildings or structures from 90m<sup>2</sup> permitted to 111m<sup>2</sup> proposed.

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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/DVP03-0082
2. **APPLICATION TYPE:** Rezoning  
**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:** N/A
6. **LEGAL DESCRIPTION:** Lot A, Sec.13, Twp. 26, Plan 54818 ODYD
7. **SITE LOCATION:** The subject property is located on Lewis Road north of Springfield 1 and West of Highway 33 in the Black Mountain Sector.
8. **CIVIC ADDRESS:** 3101 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 VARY THE MAXIMUM PERMITTED SIZE FOR A SECONDARY SUITE IN AN ACCESSORY BUILDING FROM 90M<sup>2</sup> PERMITTED TO 110M<sup>2</sup> PROPOSED
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 plans
- Elevations