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

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**Date:** September 16, 2004  
**File No.:** (3360-20) Z04-0058

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:**

**APPLICATION NO.** Z04-0058      **OWNER:** Albert & Edeltraud Schadek  
**AT:** 3381 Oliver Court      **APPLICANT:** Albert & Edeltraud Schadek

**PURPOSE:** TO REZONE THE PROPERTY FROM RR3 – RURAL RESIDENTIAL 3 ZONE TO RR3s – RURAL RESIDENTIAL 3 WITH SECONDARY SUITE TO ALLOW FOR THE CONSTRUCTION OF A SECONDARY SUITE WITHIN AN ACCESSORY BUILDING;

**EXISTING ZONE:** RR3 – RURAL RESIDENTIAL 3 ZONE

**PROPOSED ZONE:** RR3s – RURAL RESIDENTIAL 3 WITH SECONDARY SUITE ZONE

**REPORT PREPARED BY:** NELSON WIGHT

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**SEE ATTACHED FACT SHEET FOR COMPLETE APPLICATION DETAILS**

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## **1.0 RECOMMENDATION**

THAT Rezoning Application No. Z04-0058 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 32, Sec. 16, Twp. 26, ODYD, Plan 24182 located at 3381 Oliver Court, Kelowna, B.C. from the RR3 – Rural Residential 3 zone to the RR3s - Rural Residential 3 with Secondary Suite zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration.

## **2.0 SUMMARY**

The Applicant is seeking to rezone the subject property from the RR3 – Rural Residential 3 zone to the RR3s – Rural Residential 3 with Secondary Suite zone. The proposed secondary suite is to be located in an accessory building.

## **3.0 BACKGROUND**

### **3.1 The Proposal**

This application seeks to have the subject property rezoned to allow for a secondary suite within an accessory building. There is an existing home on this lot, and the

Applicant proposes to move-on a modular home, siting it towards the rear of the property. A car port would be attached to this structure, in order to meet the requirements for a suite in an accessory building. The existing home is 232 m<sup>2</sup> (2,500 ft<sup>2</sup>), and the proposed suite would contain 76 m<sup>2</sup> (818 ft<sup>2</sup>) of living space with an attached car port. Vehicular and pedestrian access to the proposed suite would be provided by an extension to the existing driveway, along the east side of the existing home.

The subject property is located in a rural residential area of the City, which is serviced by an individual well, and private sewage disposal (septic tank and field). The proposed suite would require a separate septic tank to be installed. However, the existing field has capacity to accommodate the additional load from the proposed suite.

The application meets the requirements of the proposed RR3 Rural Residential 3 with Secondary Suite zone as follows:

CRITERIA	PROPOSAL	RR3s ZONE REQUIREMENTS
Lot Area (m <sup>2</sup> )	2995 m <sup>2</sup> (0.74 ac.)	1.0 ha unless connected to the community sanitary sewer system.
Lot Width (m)	20 m	18.0 m
Lot Depth (m)	> 30 m	30.0 m
Site Coverage (%)	14%	30%
Total Floor Area (m <sup>2</sup> ) -House -Secondary suite	232 m <sup>2</sup> 76 m <sup>2</sup> (33%)	N/A The lesser of <b>90 m<sup>2</sup></b> or 75% of the total floor area of the principal building
Height (accessory building)	1 storey (< 4.5 m)	4.5 m
<b>Setbacks</b>		
Front	21.02 m	6.0 m
West side (existing house)	4.54 m	2.0 m (1 ½ storey) 2.3 m (2 ½ storey)
South side (accessory bldg.)	7.6 m	2.0 m (1 ½ storey) 2.3 m (2 ½ storey)
East side (existing house)	3.48 m m	2.0 m (1 ½ storey) 2.3 m (2 ½ storey)
Rear (accessory bldg.)	6.1 m	1.5 m for accessory buildings
Parking Spaces (Total)	> 3 spaces	3 spaces

### 3.2 Site Context

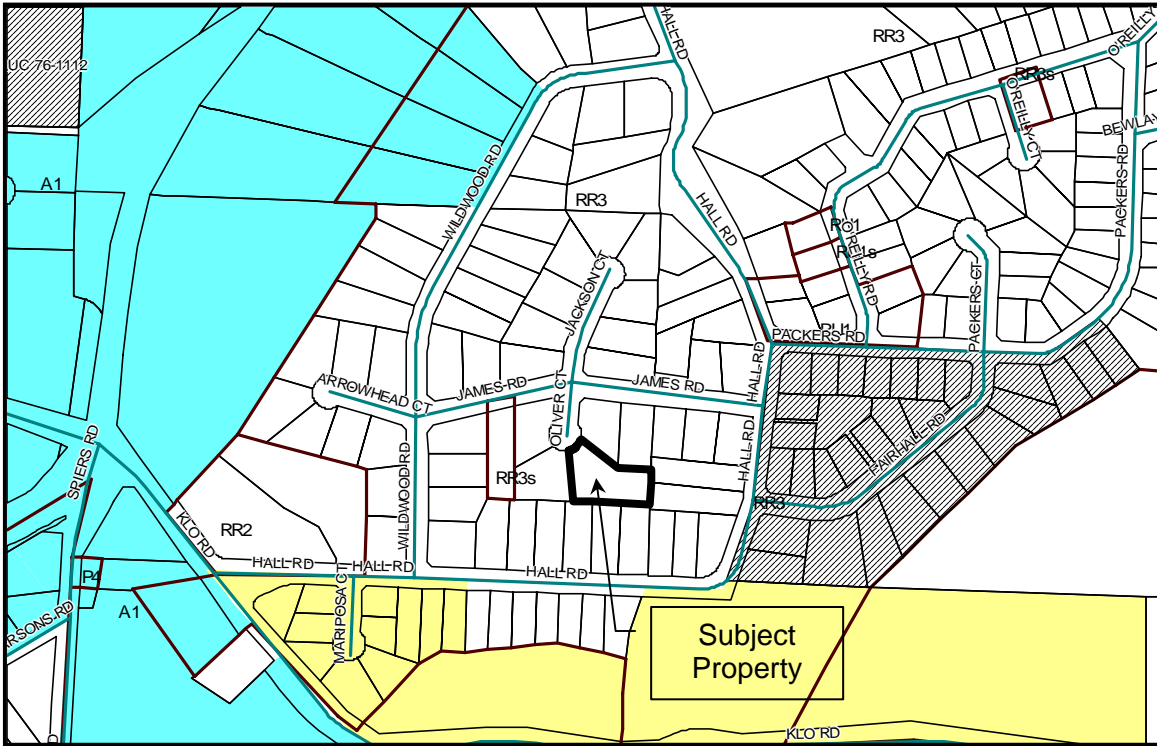
The subject property is located at the south end of Oliver Court, which is in the Hall Road area. The surrounding area is rural residential in nature, with RR3 – Rural Residential 3 being the predominate zone. There is one lot in the immediate area zoned RR3s – Rural Residential 3 with Residential Secondary Suite, and two other lots in the larger Hall Road area zoned to allow a suite.

Adjacent zones and uses are:

- North - RR3 – Rural Residential zone
- East - RR3 – Rural Residential zone
- South - RR3 – Rural Residential zone
- West - RR3 – Rural Residential zone

Site Location Map

Subject Property: 3381 Oliver Court



**3.3 Existing Development Potential**

The property is zoned RR3 – Rural Residential 3. The purpose is to provide a zone for country residential development on smaller lots, and complementary uses, in areas of high natural amenity and limited urban services. Principal uses are “single dwelling housing”, with secondary uses such as bed and breakfast homes, intermediate care centres and group homes, as well as home based businesses.

Secondary suites are permitted within the RR3 – Rural Residential with Secondary Suite zoning.

**3.4 Current Development Policy**

**3.4.1 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).

**3.4.2 Kelowna Official Community Plan**

**Single/Two Unit Residential (Section 19 Future Land)** – The Official Community Plan designates the future land use of the subject property as Single / Two Unit Residential. The proposed land use (single unit dwelling with a secondary suite in an accessory building) is consistent with the direction of this policy document.

**Land Utilization within Single Detached Areas (Section 8.1.34 within Section 8.1 Housing Policies)** – Work towards achieving more efficient use of land within developed single-detached neighbourhoods by encouraging rezoning, subdivision and building permit applications that would allow for smaller lot sizes, secondary suites, minor boarding facilities, minor group homes, duplexes etc. that are sensitively integrated into a neighbourhood;

**Development Standards** (*Section 17.1.27 within Section 17.1 Social Environment*) – Continue to ensure that all new development meets appropriate health, safety and environmental standards.

3.4.3 Southeast Kelowna Sector Plan (adopted March, 1994)

**Objective 2 – Residential Development** (*Section 2.0 Plan Summary*) – To provide for the creation of a residential environment that is compatible with existing development, the overall agricultural setting and is sensitive to the natural environmental qualities of the Southeast Kelowna area.

Specifically, it is the City's policy to require that development NOT occur in the Hall Road area prior to the availability of sanitary sewer and that lot sizes and densities be consistent with existing A-4 development (Note: the A4 zone in Zoning Bylaw No. 4500 became the RR3 zone under Zoning Bylaw No. 8000).

The Ministry of Health has recommended that the existing Hall Road subdivision and any future development be serviced with a sanitary sewer system due to the moderate to severe septic limitation conditions of these properties. On-site septic systems could be utilized as an interim measure until sanitary sewer is available.

**Objective 6 – Utilities and Services** (*Section 2.0 Plan Summary*) – To gradually increase the level of servicing in existing developed areas to an urban standard consistent with the ability and concurrence of the residents to pay for such upgrading.

Specifically, it is the City's policy to service the Hall Road area with sanitary sewer within eight years, on a Specified Area basis

#### 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 Services Department

Health unit approval for re-assessment of Septic System and water supply required prior to DP final approval.

Verification of Modular home compliance to CSA- A277 is required.

(Note: the modular home complies to the CSA-A277 standard.)

4.2 Fire Department

No concerns.

4.3 Public Health Inspector

Approval in principle. We recommend a contractor take out a permit to ensure the system will be large enough.

Permit issued August 24, 2004 – see permit attached to this report

4.2 Works and Utilities Department

Septic field is a concern, but is up to public health officer to approve.

#### 5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT

The subject property is designated as Single/Two Unit Residential in the Kelowna 2020 Official Community Plan (OCP). One of the objectives of the OCP is to allow for infill in areas where such infill is compatible with the surrounding neighbourhood. Other considerations include the sensitivity of this development on the natural environment, and the impact on existing area residents. The assessment of impact in the Hall Road area has enhanced significance, given that the area is unserved by either sanitary sewer or a regional water distribution system.

The City's adopted policies specific to this area are contained in the Southeast Kelowna Sector Plan. In this document, the City has identified that the Hall Road area should be

served. Furthermore, there should be no further development prior to the availability of sanitary sewer.

Despite these policies, Council has approved other applications allowing secondary suite development in the Hall Road area. In particular, an approval was granted at 2265 James Road in 2003, resulting in the rezoning of that property to allow for a secondary suite (RR3s).

In consideration of the policies contained in the OCP and the Southeast Kelowna Sector Plan, and in light of the anticipated impact on the neighbourhood, Staff is supportive of this application. Sewage disposal for the proposed suite can be accommodated using the existing field, according to the Ministry of Health (see attached permit). Secondly, the increased load on the existing well, and the surrounding groundwater resources generally should be negligible. Thirdly, the proposed secondary suite is ideal for residents or visitors with disabilities, since it is all on one level.

It should be noted, however, that some area residents have expressed concern about the development to Staff, both verbally and in written form (please see the letters of objection, which are attached to this report). Furthermore, while the addition of a secondary suite on this lot may be appropriate, such infill for every lot in the area may not be.

The proposed development is subject to the guidelines for secondary suites, as detailed in Section 8.3 of the OCP. Prior to an approval for a development permit, the Applicants will be required to address the issue of pedestrian access. This access could be shared with the driveway and should be well-lit to ensure safety.

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Andrew Bruce  
Development Services Manager

Approved for inclusion

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

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Attach.

### **FACT SHEET**

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|-----|---|---|
| 1.  | <b>APPLICATION NO.:</b>   | Z04-0058  |
| 2.  | <b>APPLICATION TYPE:</b>  | Rezoning  |
| 3.  | <b>OWNER/APPLICANT:</b>   | Albert & Edeltraud Schadek  |
|     | • ADDRESS   | 3381 Oliver Court   |
|     | • CITY  | Kelowna, BC   |
|     | • POSTAL CODE   | V1W 2T5   |
|     | • TELEPHONE/FAX NO.:  | 860-7497  |
| 4.  | <b>APPLICATION PROGRESS:</b>  |   |
|     | Date of Application:  | August 16, 2004   |
|     | Date Application Complete:  | August 24, 2004   |
|     | Servicing Agreement Forwarded to Applicant:                           | n/a   |
|     | Servicing Agreement Concluded:  | n/a   |
|     | Staff Report to Council:  | September 17, 2004  |
| 5.  | <b>LEGAL DESCRIPTION:</b>   | Lot 32, Sec. 16, Twp. 26, ODYD, Plan 24182  |
| 6.  | <b>SITE LOCATION:</b>   | The subject property is located at the south end of Oliver Court, which is in the Hall Road area.               |
| 7.  | <b>CIVIC ADDRESS:</b>   | 3381 Oliver Court   |
| 8.  | <b>AREA OF SUBJECT PROPERTY:</b>                                      | 2995 m <sup>2</sup> (0.74 ac.)  |
| 9.  | <b>AREA OF PROPOSED REZONING:</b>                                     | 2995 m <sup>2</sup> (0.74 ac.)  |
| 10. | <b>EXISTING ZONE CATEGORY:</b>  | RR3 – Rural Residential 3 zone  |
| 11. | <b>PROPOSED ZONE:</b>   | RR3s – Rural Residential 3 with Secondary Suite zone  |
| 12. | <b>PURPOSE OF THE APPLICATION:</b>                                    | To rezone the subject property to allow for the construction of a secondary suite within an accessory building. |
| 13. | <b>MIN. OF TRANS./HIGHWAYS FILES NO.:</b>                             |   |
|     | <b>NOTE: IF LANDS ARE WITHIN 800 m OF A CONTROLLED ACCESS HIGHWAY</b> | n/a   |
| 14. | <b>DEVELOPMENT PERMIT MAP 13.2 IMPLICATIONS</b>                       | n/a   |

### **ATTACHMENTS**

(not attached to the electronic version of the report)

- Location of subject property
- State of Title
- Site plan
- Floor plans and elevations (2 pages)
- Landscaping Plan
- Permit for Sewage Disposal System
- Applicant letter to Council
- Letters in opposition (3 pages)