
**CITY OF KELOWNA
MEMORANDUM**

Date: June 30, 2005
To: City Manager
From: Planning & Corporate Services Department
Subject:

APPLICATION NO. Z05-0032 **APPLICANTS:** Phillip Bachmann
Gerti Bachmann

AT: 3753 East Kelowna Road **OWNERS:** Phillip Bachmann
Gerti Bachmann

PURPOSE: TO REZONE THE SUBJECT PROPERTY FROM A1 – AGRICULTURE 1 TO A1s – AGRICULTURE 1 WITH SECONDARY SUITE TO ALLOW THE A SUITE IN AN ACCESSORY BUILDING.

EXISTING ZONE: A1 – AGRICULTURE 1

PROPOSED ZONE A1s – AGRICULTURE 1 WITH SECONDARY SUITE

REPORT PREPARED BY: NELSON WIGHT

1.0 RECOMMENDATION

THAT Rezoning Application No. Z05-0032 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 14 Township 26 O.D.Y.D. Plan KAP72697, located on East Kelowna Road, Kelowna, B.C. from A1 – Agriculture 1 to A1s – Agriculture 1 with Secondary Suite, 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.

2.0 SUMMARY

This rezoning application seeks to rezone the subject property from A1 to A1s to allow for a suite in an accessory building. The accessory building is currently being used as an artist studio, so this application would allow full-time occupancy of the space as a secondary suite.

There is an accompanying Development Variance Permit Application #DVP05-0078, which seeks to allow the suite to occupy the entire accessory building, as opposed to the 90 m² floor area maximum allowed for secondary suites.

3.0 HISTORY

1996 – Agricultural Land Commission (ALC) approved a home-site severance application for the subject property (application #A96-101).

2003 – Subdivision application for home-site severance lot approved, creating 0.68 ha (1.68 ac) subject property (applications #S97-115 and #S00-089).

March 2005 – Application for “non-farm use” approved by ALC, allowing the secondary suite in the accessory building (application #A04-0013).

4.0 BACKGROUND

4.1 The Proposal

The Applicants are seeking to convert an existing artist studio space into a secondary dwelling unit, to allow full-time habitation within this building.

Existing development consists of one single-family home and an accessory building designed like a traditional, gambrel-roofed barn. There is no agricultural activity taking place on this parcel. It is used entirely for residential purposes, in addition to the “barn” being used as an artist studio.

There are two separate private sewage disposal systems on this property: one septic tank and field serving the home, and one serving the accessory building, which is sized for a two-bedroom suite. Water service for this lot is supplied by the South East Kelowna Irrigation District (SEKID).

The table below shows this application’s compliance with the requirements of the A1s zone:

CRITERIA	PROPOSAL	A1s ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	0.68 ha (1.68 ac) ^A	2.0 ha
Lot Width	103.9 m	40.0 m
Development Regulations		
Site Coverage	2.0	10% for residential development
Height (principal building)	14.6 m	9.5 m or 2 ½ storeys
Height (accessory building)	5.6 m (18’ 4”) ^B	13.0 m
Height (accessory building containing secondary suite)	5.6 m (18’ 4”) ^B	lesser of 4.5 m or height of principal dwelling
Front Yard	39.0 m	6.0 m
Side Yard (east)	36.0 m	3.0 m
Side Yard (west)	4.5 m	3.0 m
Rear Yard	15.1 m 14.9 m to acc. bldg.	10.0 m 3.0 m to acc. bldg.
Other Regulations		
Garage or carport	does not meet requirements ^C	suite in accessory bldg. must include a garage or carport
Floor Area (principal dwelling)	269 m ² (2,900 ft)	
Floor Area (suite)	164 m ² ^D	90 m ² or 75% of principal bldg.

^A This parcel was created as part of a home-site severance application, and is therefore legally non-conforming to lot area.

^B The Applicant is applying to vary the maximum height allowed for an accessory building containing a secondary suite from 4.5 m to 5.6 m.

^C The Applicant is applying to vary this requirement, such that no garage or carport component be required.

^D The Applicant is applying to vary this requirement to suite area to allow the entire area of the accessory building of 164 m², where a maximum 90 m² is permitted.

4.2 Site Context

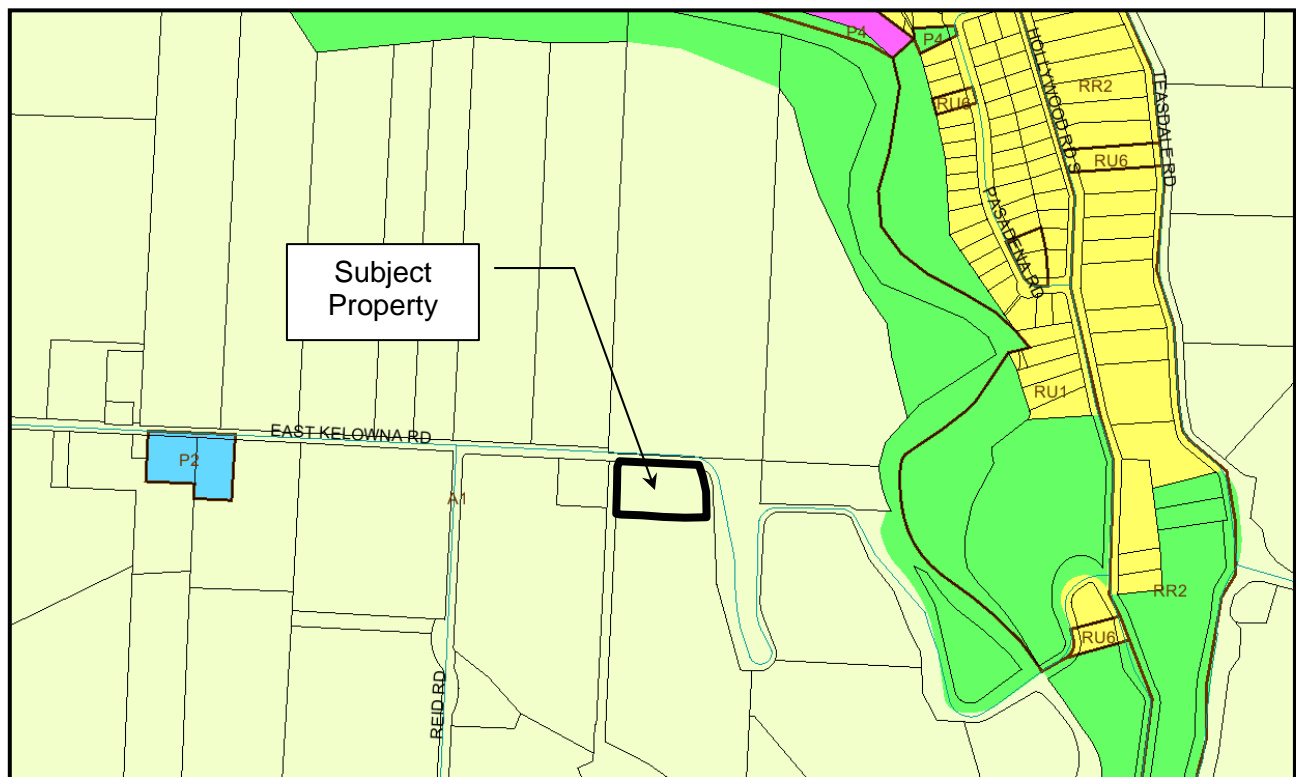
The subject property is located on East Kelowna Road just west of the Mission Creek ravine. The surrounding land is within the Agricultural Land Reserve (ALR), and zoned A1. More specifically, the use of adjacent parcels could be described as follows:

Zoning and Uses of Adjacent Property

North	A1 – Agriculture 1 / Pasture, Hay Land, and Orchard
East	A1 – Agriculture 1 / Pasture, Hay Land, and Orchard
South	A1 – Agriculture 1 / Pasture and Hay Land
West	A1 – Agriculture 1 / Orchard

Site Location Map

Subject property: 3753 East Kelowna Road, Kelowna B.C.



4.3 **Existing Development Potential**

The purpose is to provide a zone for rural areas and agricultural uses as well as other complementary uses suitable in an agricultural setting. A maximum of one single dwelling house is permitted. In addition a secondary suite may be permitted when in accordance with relevant provisions of this bylaw including subsection 6.5 and 9.5.

4.4 **Policy and Regulation**

4.4.1 City of Kelowna Strategic Plan

A Primary Goal of the Strategic Plan is to preserve viable agricultural holdings as an integral part of our community.

4.4.2 Kelowna 2020 Official Community Plan

The current Official Community Plan has designated the subject property as Rural / Agricultural.

4.4.3 City of Kelowna Agricultural Plan

Secondary Suites. Support the provision of secondary suites in agricultural areas as per Land Commission Policy # 770/98, which allows one suite per parcel, substantially within the footprint of an existing or proposed single family dwelling provided it is clearly secondary to the single family dwelling. Suites in accessory buildings or enlarging the footprint of an existing residence for a suite would require an ALC application.

5.0 TECHNICAL COMMENTS

5.1 Fire Department

No objections.

5.2 Inspection Services

No comments received.

5.3 Irrigation District (SEKID)

This will advise that Lot A, Plan 72697, is within the district boundary and domestic water is available subject to compliance with district bylaws. The owner is requested to contact the district directly for detailed district requirements, including applicable fees.

5.4 Interior Health

Unable to comment due to guideline changes through Interior Health Authority as per Steve Pope. Comments pending once outline from Health Authority has been provided.

5.5 Works and Utilities

No comments.

6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

Staff supports the application to rezone the subject property from the A1 – Agriculture zone to the A1s – Agriculture with Secondary Suite zone, due to prior approval having been granted by the ALC.

It should be noted that the Applicant has applied for a development variance permit (DVP05-0078) to address the following inconsistencies with the Zoning Bylaw:

- Floor area of 164 m² exceeds maximum floor area for a secondary suite of 90 m²;
- Height of accessory building containing a secondary suite exceeds 4.5 m maximum;
- Accessory building does not include garage or carport.

Staff has some concerns regarding the requested size of the suite. However, it should be noted that the building is existing, and no significant changes to the exterior are contemplated.

Andrew Bruce
Development Services Manager

Approved for inclusion

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