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

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**Date:** June 9, 2005  
**File No.:** Z04-0064  
**To:** City Manager  
**From:** Planning & Corporate Services Department  
**Subject:**

**APPLICATION NO.** Z04-0064      **OWNER:** Alfred and Christine Kempf

**AT:** 1276 Teasdale Road      **APPLICANT:** Pushor Mitchell

**PURPOSE:** TO REZONE A PORTION OF THE SUBJECT PROPERTY FROM A1 – AGRICULTURE 1 ZONE TO A1s – AGRICULTURE 1 WITH SECONDARY SUITE ZONE

**EXISTING ZONE:** A1 – AGRICULTURE 1

**PROPOSED ZONE:** A1s – AGRICULTURE 1 WITH SECONDARY SUITE

**REPORT PREPARED BY:** NELSON WIGHT

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### **1.0 RECOMMENDATION**

THAT Rezoning Application No. Z04-0064 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of a portion of Parcel A (Plan B5620) of Lot 2 Sections 23 and 24 Township 26 O.D.Y.D. Plan 2329 Except Plan H13224 located on Teasdale Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the A1s – Agriculture 1 with Secondary Suite zone, as per Map “A” attached to the report of Planning & Corporate Services Department dated June 9, 2005 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 proposing to rezone a portion of the subject property from the A1 – Agriculture 1 zone to A1s – Agriculture 1 with Secondary Suite zone. This change in zoning would allow one of the two existing secondary suites in the accessory building to remain, and the subdivision of a homesite severance parcel to be completed, pursuant to the Agricultural Land Commission approval, and pursuant to the Preliminary Layout Review letter issued on July 8, 2004.

### **3.0 BACKGROUND**

#### **3.1 History**

- November 2003 – approval from Agricultural Land Commission (ALC) for 0.7 ha homesite severance parcel;
- July 2004 – Preliminary Layout Review (PLR) letter from City of Kelowna Subdivision Approving Officer detailing requirements for subdivision approval. Item 4.2 of that PLR letter notes that subdivision approval is contingent upon successful rezoning of

the proposed 0.7 ha parcel to the A1s zone to allow one of the two existing suites to remain, or that the two suites be decommissioned.

- April 2005 – meeting with landowner, wherein landowner agreed to decommission one of the two existing suites, in order that the application could proceed to Council without any variance to the Bylaw being required.

### 3.2 The Proposal

This application is intended to legalize one of the two existing suites in an accessory building, in order that a subdivision approval can be granted, creating a 0.7 ha homesite severance parcel. This proposed parcel is located in the southwest corner of the property, next to Teasdale Road (see attached site plan).

The subject property is approximately 9.0 ha (22.23 ac) in size, and is presently used primarily for agricultural purposes (existing orchard). The proposed 0.7 ha homesite severance parcel has one main residence, and two secondary suites located in an accessory building. Topography could be described as gently sloping from south to north. There is a minor drainage course running north from the middle of the parcel, connecting with Gopher Creek, which runs along the western boundary of this lot.

The application meets the requirements of the A1s – Agriculture 1 with Secondary Suite zone as follows:

CRITERIA	PROPOSAL	A1s ZONE REQUIREMENTS
Subdivision Regulations		
Parent Parcel	9.0 ha (22.23 ac)	
Proposed Lot	0.7 ha (1.7 ac)	2.0 ha (except for homesite severance parcels)
Site Width	± 80 m	40.0 m
Development Regulations		
Number of units	one single family dwelling two secondary suites <sup>A</sup>	one single dwelling house one secondary suite
House Accessory Building	± 215 m <sup>2</sup> ± 116 m <sup>2</sup>	
Secondary Suite Floor Area	Suite A: 58 m <sup>2</sup> Suite B: 58 m <sup>2</sup> Total area: 116 m <sup>2</sup> <sup>B</sup>	90 m <sup>2</sup>
Site coverage	± 3% (residential bldg.) ± 1.7% (accessory building)	10% (residential bldg.) 35% (agricultural bldg.)
Height (principal dwelling)	2 ½ storeys, > 4.0 m	2 ½ storeys or 9.5 m
Height (for suite in accessory building)	4.0 m	4.5 m, and no higher than existing principal dwelling
Site Front Yard	8.21 m	6.0 m
Site Side Yard (east)	7.6 m	3.0 m
Site Side Yard (west)	38 m	3.0 m

Site Rear Yard	30.94 m	6.0 m
Other Regulations		
Separation between principal and accessory bldg	14.0 m	5.0 m
Attached, covered parking	Meets requirements	<b>Section 9.5.10</b> - Where a secondary suite is located in an accessory building, the accessory building must include a garage or carport for a minimum of one vehicle.

<sup>A</sup> If successful in this rezoning application, the Owner will be required to decommission only one of the two existing secondary suites. Otherwise, both suites will have to be removed in order for the subdivision of the homesite severance parcel to be approved.

<sup>B</sup> The Applicant will be required to decommission one of the two secondary suites.

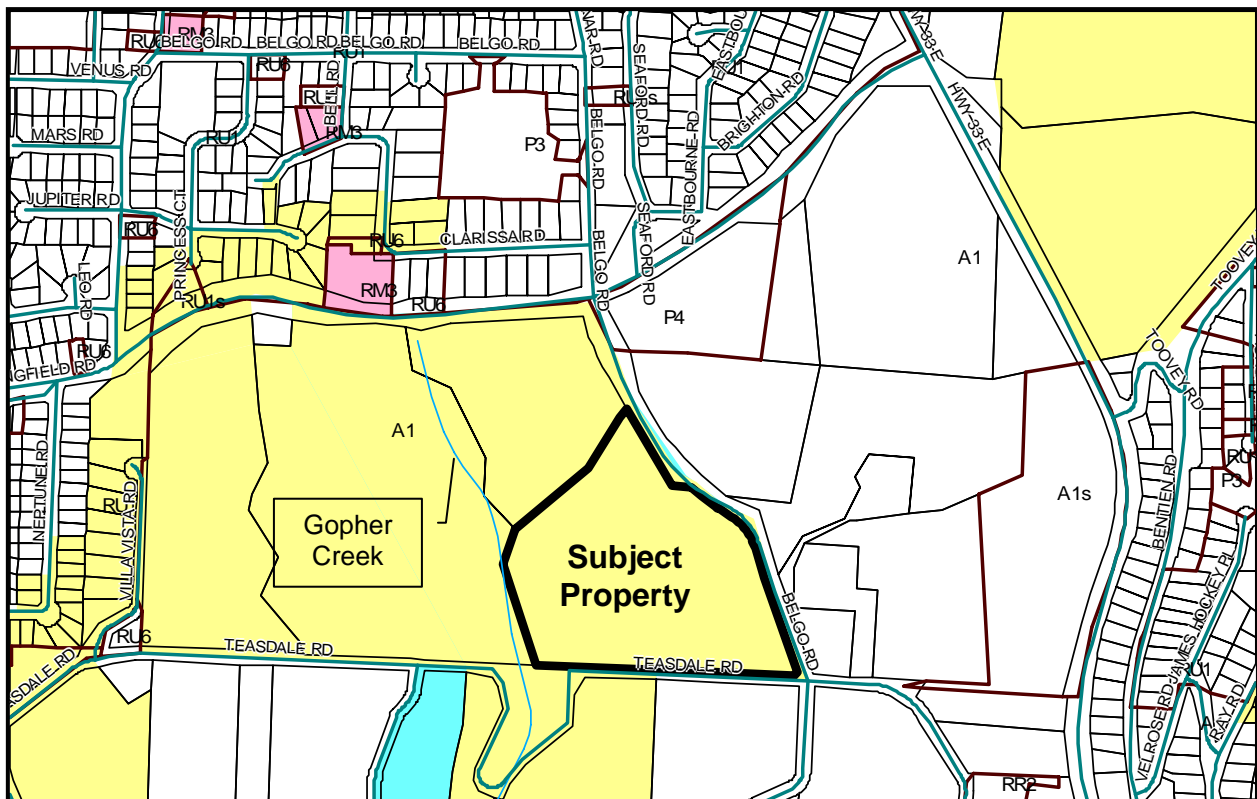
### 3.3 Site Context

The subject property is located in an agricultural area of the City, south of Springfield Road, and west of Hwy 33. The parcel is bound on the east side by Belgo Road, Teasdale Road on the south, and Gopher Creek on the West. The adjacent land uses are as follows:

North	A1 – Agriculture 1
East	A1 – Agriculture 1
South	A1 – Agriculture 1
West	A1 – Agriculture 1

### 3.4 Site Map

Subject property: 1276 Teasdale Road



### Development Potential

The purpose of the A1s – Agriculture 1 with Secondary Suite zone is to provide 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.

## **4.0 TECHNICAL COMMENTS**

### 4.1 Black Mountain Irrigation District (BMID)

Capital charge of 1 lot applies.

### 4.2 Public Health Inspector

Ensure an application for onsite sewage disposal system (suitably sited to accommodate secondary suite) is submitted to this office. Ensure provision of community water.

### 4.3 Works and Utilities

Requirements of S04-0027 must be satisfied before subdivision approval. No concerns with rezoning application.

## **5.0 Current Development Policy**

### 5.1 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.

### 5.2 Kelowna 2020 – Official Community Plan

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

Land areas within this designation will not be supported for more intensive development than that allowed under current zoning regulations.

### 5.3 City of Kelowna Agriculture 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.

## **6.0 PLANNING AND DEVELOPMENT SERVICES COMMENTS**

The Agricultural Land Commission (ALC) reviewed this homesite severance application, and approved the creation of the proposed 0.7 ha parcel, subject to compliance with the relevant bylaws of the City of Kelowna. The decision now rests with Council, as to whether one secondary suite will be permitted to remain within the accessory building on this proposed parcel.

Staff recommends that this rezoning application be approved in order that one of the two existing suites be allowed to remain.

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Bob Shaughnessy  
Subdivision Approving Officer

Approved for inclusion ☐  
R.L. (Ron) Mattiussi, ACP, MCIP  
Director of Planning & Corporate Services  
NW/nw