

---

**CITY OF KELOWNA**

**MEMORANDUM**

---

**Date:** September 15, 2005  
**File No.:** Z05-0007/DVP05-0014

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:**

APPLICATION NO. Z05-0007/DVP05-0014      OWNER: Kevin & Pamela Purnell

AT: 4110 Tatlow Road

APPLICANT: as above

PURPOSE: TO OBTAIN A DEVELOPMENT PERMIT TO ALLOW AN ACCESSORY BUILDING WITH SECONDARY SUITE THAT IS 6.4 M WHERE ONLY 4.5 M IS PERMITTED.

EXISTING ZONE: A1- AGRICULTURAL 1

PROPOSED ZONE: A1s- AGRICULTURAL 1 WITH SECONDARY SUITE

REPORT PREPARED BY: KEIKO NITTEL

---

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

---

**1.0 RECOMMENDATION**

THAT Final Adoption of Zone Amending Bylaw No. 9404 be considered by Council;

THAT Council authorize the issuance of Development Variance Permit No. DVP05-0014 for Lot 3, Section 3, Township 26, ODYD, Plan 5504 located on Tatlow Road, Kelowna, B.C.:

1. The dimensions and siting of the building to be constructed on the land be in general accordance with Schedule "A";
2. The exterior design and finish of the building to be constructed on the land be in general accordance with Schedule "B";
3. The applicant be required to register a restrictive covenant prohibiting the development of the lower level of the accessory building as living space and restricting its use as a workshop;
4. The applicant be required to pay the fees and deposits of the South East Kelowna Irrigation District prior to issuance of a Building Permit.

AND THAT a variance to the following section of Zoning Bylaw No. 8000 be granted:

Section 9.5.1(e) – Secondary Suites

To obtain a variance to allow a secondary suite within an accessory building to be 6.4 m in height where only 4.5 m is permitted.

AND FURTHER THAT the applicant be required to complete the above-noted conditions within 180 days of Council approval of the development permit application in order for the permit to be issued.

## 2.0 SUMMARY

The applicant is seeking to rezone the subject property from the A1s – Agricultural 1 zone to A1s – Agricultural 1 with Secondary Suite to permit a secondary suite within an accessory building.

## 3.0 BACKGROUND

The zone amending bylaw is currently sitting at third reading with a condition of adoption that the requirements of the South East Kelowna Irrigation District (SEKID) being completed to their satisfaction. Subsequent to the Public Hearing, the applicant proceeded to construct a well on the subject property. The applicant then requested that the bylaw be rescinded to allow Council consider the connection to the well instead of SEKID. Council, however, chose not to rescind the bylaw.

The applicant has now advised that they are prepared to hook up to SEKID in order to proceed with the development. Provided that their fees are paid prior to issuance of a Building Permit, SEKID is satisfied that their requirements have been met. The zone amending bylaw is therefore being forwarded for adoption with the understanding that the secondary suite may not be constructed until such time that arrangements for SEKID hook up are complete.

### 3.1 The Proposal

The applicant is seeking to rezone the subject property from the A1 – Agricultural 1 zone to A1s – Agricultural 1 with Secondary Suite to permit a secondary suite in an accessory building. The subject property is a 0.64 ha lot with A1 zoning and is in the Agricultural Land Reserve (ALR). The subject property, however, falls within the Agricultural Land Commission exception provisions, in that the parcel was subdivided prior to Dec 21, 1972 and it is less than 2 acres in size. The ALR regulations are therefore not applicable.

The proposed secondary suite is to be located on the south side of the property. On the front elevation, the accessory building will be one storey. The slope of the property, however, will facilitate a walkout basement on the rear elevation. A development variance permit will be required to allow the accessory building to exceed 4.5 m at the back of the building. The basement portion of the building will not be accessible from the inside of the building. In addition, the applicant will be required to register a covenant on title stating that the basement will not be permitted to be developed for living space. The intent of the applicant is to use the space as a workshop/storage area. A full bathroom will not be permitted on the lower level. The main floor contains a single car garage, two bedrooms, a living room, kitchen, and two bathrooms. The exterior of the building will be finished in earth tone stucco with asphalt shingle roofing.

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

CRITERIA	PROPOSAL	A1s ZONE REQUIREMENTS
Lot Area (m <sup>2</sup> )	6413m <sup>2</sup>	40000 m <sup>2</sup>
Lot Width (m)	82.57m	40.00m
Lot Depth (m)	75.90	n/a
Total Floor Area (m <sup>2</sup> ) -- House --Secondary suite	185.8m <sup>2</sup> 89.4m <sup>2</sup>	n/a <b>90m<sup>2</sup></b>
Height (Accessory)	6.4m	4.5m
Setbacks-Suite (m)		
-Front	12.2m	6.0m
-Rear	56.4m	10.0m
- Side (North)	60.7m	3.0m
- Side (South)	6.1m	3.0m
Proximity of Accessory Building to Principal Building	33.8m	5.0m
Parking Spaces (Total)	6+	3 spaces

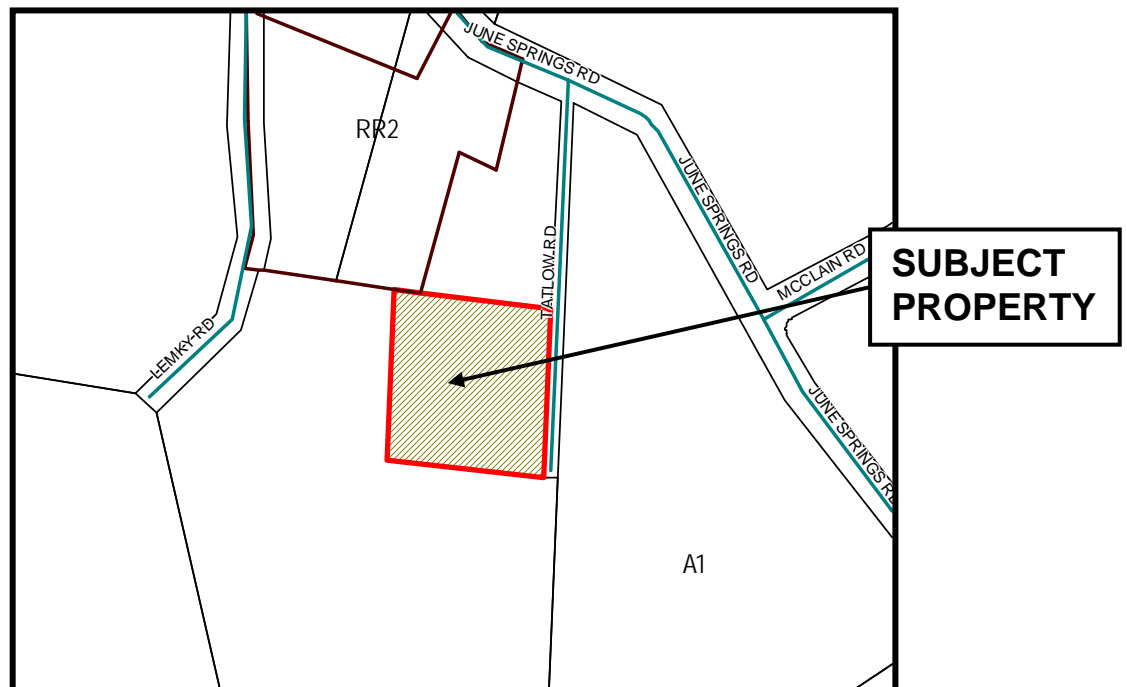
### 3.2 Site Context

The subject property is located at the south end of Tatlow Road.

Adjacent zones and uses are:

North - A1 – Agricultural 1 - ALR  
 East - A1 – Agricultural 1 - ALR  
 South - A1 – Agricultural 1 –ALR  
 West - A1 – Agricultural 1 - ALR

### Site Location Map



### 3.3 Existing Development Potential

The property is zoned A1 – Agricultural 1. The primary uses in this zone include agriculture, animal clinics (major), aquaculture, greenhouses and plant nurseries, intensive agriculture, mobile homes, single detached housing, utility services (minor impact). The secondary uses in this zone include agricultural dwellings (additional), agri-tourist accommodation, animal clinics (major & minor), bed and breakfast homes, care centres (intermediate), forestry, group homes (minor), home based businesses (major, minor, & rural), kennels and stables, wineries and cideries, and second kitchens.

Secondary suites are permitted on lots with A1s – Agricultural 1 with Secondary Suite zoning.

### 3.4 Current Development Policy

#### 3.4.1 Kelowna Official Community Plan

The property is designated as Rural/Agricultural in the Official Community Plan. The Rural/Agricultural designation covers rural farm and non-farm lands where natural physical constraints are or lack of services and utilities limit land use intensification.

In addition, the Official Community Plan encourages the creation of secondary suites, provided that they meet the requirements of the zoning bylaw.

#### 3.4.2 City of Kelowna Strategic Plan (2004)

Objectives of the Strategic Plan include: to realize construction of housing forms and prices that meet the needs of Kelowna residents; to achieve accessible, high quality living and working environments; to sensitively integrate new development with heritage resources and existing urban, agricultural and rural areas.

## 4.0 TECHNICAL COMMENTS

#### 4.1 Inspection Services

There is no use as identified in lower floor however, future bathroom, separate entrance door, and full open above windows are designed. This could become worth it easily in a separate suite and there is no immediate connection between these two floors. This issue and the size of allowable floor area to be addressed prior to any approval.

#### 4.2 Works & Utilities

No comment.

#### 4.3 Interior Health

No objection subject to connection to SEKID water.

#### 4.4 Fire Department

No comment.

#### 4.5 South East Kelowna Irrigation District

See attachment.

5.0 PLANNING AND CORPORATE SERVICES DEPARTMENT

The Planning and Development Services Department is supportive of the proposed rezoning of the property from the A1 – Agriculture 1 zone to the A1s – Agriculture 1 with Secondary Suite zone. The OCP designates the future land use of the subject property as Rural / Agricultural. The proposed land use (suite in an accessory building) is consistent with the direction of this policy document, which encourages the creation of suites under the stipulations of the Zoning Bylaw. The applicant has submitted letters of support from the neighbours for the proposed over-height accessory building with secondary suite. The proposed size and height of the house does not meet the Zoning Bylaw regulations. The location of the property is such that the visibility of the secondary suite is minimized. In addition, due to the slope of the site, the secondary is to be only one story on the front of the building visible from the street. Staff is therefore supportive of the proposed variance. If the variance is approved, a covenant to be registered on title, will be required prohibiting the development of the basement of the proposed dwelling. The applicant will also be required to pay the fees and deposits to allow for hook up to SEKID prior to issuance of a building permit.

---

Andrew Bruce  
Development Services Manager

Approved for inclusion

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

KN  
Attach.

**ATTACHMENTS**

**(not attached to the electronic version of the report)**

- Location of subject property
- Site plan
- Aerial Photo of Site
- Floor plans
- Elevations