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**CITY OF KELOWNA**

**MEMORANDUM**

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**Date:** September 19, 2005

**File No.:** Z05-0047

**To:** City Manager

**From:** Planning and Corporate Services Department

**Subject:**

APPLICATION NO. Z05-0047/DVP05-0118      OWNER: ROSS GRIEVE

AT: 2750 ARTHUR ROAD

APPLICANT: BURROWS HUGGINS  
ARCHITECT

PURPOSE: TO REZONE THE SUBJECT PROPERTY FROM THE A1-  
AGRICULTURAL 1 TO THE AGRICULTURAL 1 WITH  
SECONDARY SUITE ZONE.

EXISTING ZONE: A1- AGRICULTURAL 1

PROPOSED ZONE: A1s- AGRICULTURAL 1 WITH SECONDARY SUITE

REPORT PREPARED BY: KEIKO NITTEL

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

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**1.0 RECOMMENDATION**

THAT Rezoning Application No. Z05-0047 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 20, Township 23, ODYD, Plan 5370, located on Arthur Road, Kelowna, B.C. from the A1- Agricultural 1 zone to the A1s- Agricultural with Secondary Suite zone be considered by Council;

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**

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. Variances to the required riparian management area setback as well as the building height regulations are also being requested and will be reviewed as part of the applicant's associated development variance permit application.

### 3.0 BACKGROUND

#### 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 applicant is proposing to construct a new single detached dwelling, a secondary suite within an accessory building, a garage, and a boat house on the subject property. The architectural style of the proposed buildings is based on a west coast vernacular with exterior finishes including wood board and batten siding, a slate shingle roof, stone base and stone chimney. The proposing buildings are arranged around an existing driveway running mid-way through the site. Due to the grade of the property, the relocation of the driveway would be difficult and thus affects the siting of the buildings on site. The applicant is therefore proposing variances to allow portions of the building to project into the riparian management area (RMA) setback. While the majority of both the house and the accessory building with secondary suite maintain a setback of 15.0 m, a small corner of each building encroaches with the required setback. In addition, the applicants are requesting a variance to allow projections of the eaves, decks, and patios within the RMA.

The applicant has also made application for an Environmental Development Permit to mitigate the impact of the proposed structures to be located within the RMA. The applicant has submitted an Environmental Consultant's Report outlining plans to remove of several existing structures, including the existing house, accessory buildings, and septic field, that are currently located within the RMA. The report also outlines plans for further restoration of the RMA through riparian plantings as well as the replacement of existing concrete pathways with pervious surfaces. Prior to issuance of the Development Variance Permit, the applicant will be required to obtain approval of the Environmental Development Permit (a Direct D.P.).

The proposed building height of the house slightly exceeds the maximum height permitted with a height of 10.0 m where only 9.5 m is permitted. The house, however, is only two storeys on the lake elevation and one storey from the front of the building and is thus designed to work with the existing grade of the site. The accessory building within the accessory building is also one storey from the internal portions of the site with a two storey portion facing the lake. The main level of the building will contain a 90 m<sup>2</sup>, two bedroom secondary suite with an unfinished basement below. The applicant will be required to register a covenant on title stating that the basement of the accessory building may not be developed. The basement of the accessory building is only accessible from a set of exterior doors on the west elevation of the building.

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

CRITERIA	PROPOSAL	<u>A1s</u> ZONE REGULATIONS
Site Area (m <sup>2</sup> )	8457m <sup>2</sup>	400m <sup>2</sup> (440m <sup>2</sup> corner lot)
Site Width (m)	61m	13.0 (15.0 corner lot)
Site Depth (m)	109m	30.0m
Site Coverage (%)	7	10%
Parking Stalls (#)	8+	3 stalls * if lane access to lot is available all parking must be accessed from lane, existing front driveways must be removed)
Parking Stall Size	3.0 x6.0	Width of 2.5 m (2.7 m /3.0 m/3.3m ) Length of 6.0m
Floor Area of Secondary Suite (m <sup>2</sup> )	90m <sup>2</sup>	75% of total floor area of principal building or <b>90m<sup>2</sup></b> (lesser) when is an accessory bldg

<b>Principal Building</b>		
Total Floor Area of Principal Building (m <sup>2</sup> )	506m <sup>2</sup>	n/a
Setbacks (m):		
- Front	68m	6.0m
- Rear	14m*	15.0m Riparian Management Area (RMA) setback
- Side	18.0m	3.0m
- Side	15.0m	3.0m
Private open space (m <sup>2</sup> )	30.0m <sup>2</sup> +	Min. 30.0 m <sup>2</sup>
Height (m)	10.0m*	9.5m/ 2.5 storeys
Projections (decks, eaves, patios)	12.0m*	15.0m RMA setback
<b>Accessory Building with Secondary Suite</b>		
Height (m)	7.3m	4.5m
Setbacks (m):		
- Front	43.9m	6.0m
- Rear	15.0m	15.0 RMA setback
- Side	15.0m	15.0 RMA setback
- Side	43.9m	3.0m
Projections (decks, eaves, patios)	13.5m (1.52 m encroachment into RMA)*	15.0 m (may not encroach within the 15.0 m riparian management area)
Separation between Accessory Building & Principal Building	9.7m	5.0m
Private Open Space (m <sup>2</sup> )	30.0m <sup>2</sup> +	30.0m <sup>2</sup> (separate from private open space provided for principal dwelling)
<b>Accessory Buildings</b>		
Garage	10.0m 12.8m 55.2m 85.3m	6.0m front 3.0m side 3.0m side 15.0 m rear
Boat House	70.7m 3.1m 51.2m 30.5m	6.0m front 3.0m side 3.0m side 15.0 m rear

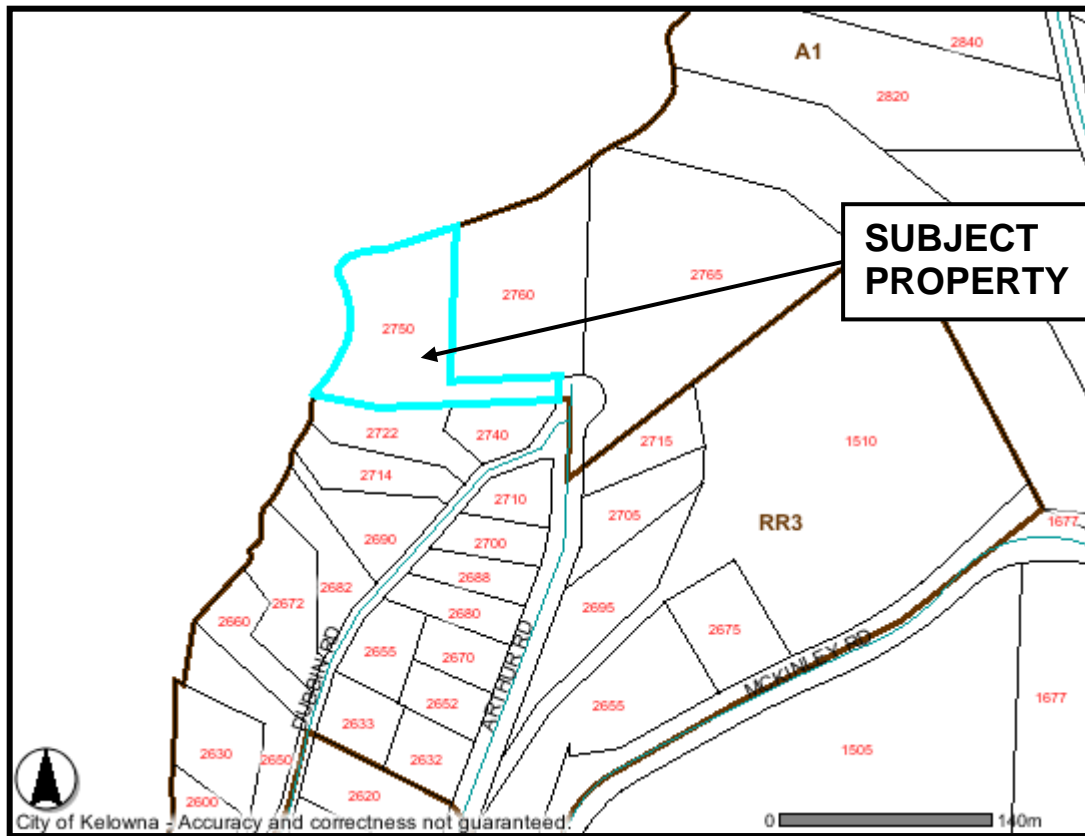
\* variance required.

### 3.2 Site Context

The subject property is located at the end of Arthur Road.

Adjacent zones and uses are:

North - A1 – Agricultural 1  
 East - A1 – Agricultural 1  
 South - RR3 – Rural Residential 3  
 West - W1 – Okanagan Lake

Site Location Map3.3 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 Policy3.4.1 Kelowna Official Community Plan (2020)

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, 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 is to be addressed through a covenant prohibiting the development of the basement level of the accessory building.

##### 4.2 Works & Utilities

###### 4.2.1 General

Environmental ramifications of new house construction, landscape features including retaining walls, location of onsite storm disposal systems, protection of existing mature trees and building setbacks from Okanagan Lake, must be considered. Dev. Eng. will defer comment on issues to the Environment Manager and the Provincial Government. The application for secondary suite does not compromise W & U servicing requirements.

###### 4.2.2 Water

The property is located within the GEID service area. The City has no objection to MLW supplying water provided that GEID is not able to provide service and has no objections, and provided that MLW is able to provide the service and satisfy City subdivision standards. Sanitary Sewer - Is to be handled by an onsite sewage disposal system for each lot subject to approval of the Public Health office in accordance with the subdivision, development & servicing bylaw schedule 4 "sanitary" section 2.18. Preliminary approval by the Public Health Officer is required for each individual lot, prior to subdivision approval. Contact Health Officer.

###### 4.2.3 Environment

Will need a revised environmental report that certifies he or she is qualified to conduct the assessment; certifies he or she has followed the assessment methods set out in the schedule of the Provincial Riparian Areas Regulation; provides an opinion that no natural features, functions, or conditions that support fish life processes in the assessment area will be harmfully altered, disrupted or destroyed. See Works & Utilities comment. A DVP and QEP report will be required for any development within 15-m of the natural boundary of Okanagan Lake.

##### 4.3 Interior Health

Property should be assessed to determine the suitability of the soil and the sizing requirements for an onsite sewage disposal system which can accommodate the expected flows. Information is to be forwarded to Public Health offices. The applicant has obtained a Septic Permit from Interior Health.

##### 4.4 Fire Department

Fire Dept access, fireflows and hydrants as per BC Building Code and City of Kelowna Subdivision Bylaw. If this is a recognized interface wildland area, a hazard assessment will be required. If there is to be a vehicle gate the gate must have a Fire Department lock box install that will allow us to active the gate. Contact FPO with information on the gate.

##### 4.5 Glenmore Ellison Irrigation District

GEID is to provide service to the subject property. All requirements are to be met prior to issuance of a Building Permit.

## 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 accessory building with secondary suite and variances.

The OCP also designates the area as an Environmental DP area due to steep slopes and proximity to Okanagan Lake. The OCP thus requires a 15m setback as a Riparian Management Area (RMA), within which there should be no disturbance of the riparian area by buildings, landscaping or other site improvements unless authorized by the approval of a Development Variance Permit, an Environmental DP and appropriate federal and provincial agencies. A condition of issuance of the DVP is therefore that the applicant obtains approval of the Environmental Development Permit (a Direct D.P.). Staff has reviewed the Environmental Consultant's report and are satisfied with the proposed restoration and mitigation being proposed. Prior to issuance of the D.P., however, the applicant will be required to obtain approval from the Ministry of Environment as well as providing bonding for the proposed works.

As the applicant is proposing to remove numerous structures from within the RMA as well as enhance the RMA with native plantings, Staff feels that the applicant has adequately mitigated the impact of the encroachments into the Riparian Management Area, addressing the concerns of both the City's Environmental Division and the Ministry of Environment. The applicant has obtained a septic permit for the relocated septic field and water is to be provided by the Glenmore-Ellison Irrigation District.

Staff notes that the buildings are located on somewhat isolated areas of the property where the existing tree cover should limit visibility of these structures from adjoining properties. In addition, Staff acknowledges that the applicant has made significant effort to create buildings that are both sensitive to the existing grade of the site and materials that works with the property thus mitigating the impact of the over height buildings. The applicant also has revised the proposed size of the secondary suite to meet the size regulations. Staff is supportive of the proposal to the height of the accessory building provided that a covenant to be registered on title, to prohibit the development of the basement.

In general, Staff is satisfied that the applicant has made significant efforts to mitigate the impact of all of the requested variances. Through high quality building design and landscaping, significant effort has been made to ensure that the proposed development maintains and enhances the existing natural setting of the property.

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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.

**ATTACHMENTS**

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

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