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**CITY OF KELOWNA  
MEMORANDUM**

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**Date:** February 19, 2007  
**To:** City Manager  
**From:** Planning & Development Services Department  
**APPLICATION NO.** Z06-0068      **APPLICANTS:** Diane Drummond  
**AT:** 4284 Jaud Road      **OWNER:** Diane Drummond

**PURPOSE:** TO REZONE THE SUBJECT PROPERTY FROM THE A1 - AGRICULTURE 1 ZONE TO THE A1S - AGRICULTURE 1 WITH SECONDARY SUITE ZONE IN ORDER TO ALLOW FOR A SUITE IN AN ACCESSORY BUILDING.

**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. Z06-0068 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot A, Section 34, Township 29, O.D.Y.D. Plan 13328, on Jaud 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 withheld until the applicant has addressed the requirements of the Works and Utilities department.

### **2.0 SUMMARY**

The purpose of this application is to allow the original house to remain on the subject property, in addition to the second house, which is under construction. Legalizing this original house as a secondary dwelling unit necessitates successful approval of the following applications:

1. approval of a non-farm use application with the Agricultural Land Commission (previously approved under application # A06-0016, ALC file #G – 36880, see attached minutes recording that decision);
2. approval of a rezoning application from A1 to A1s;
3. approval of a development variance permit to address the non-conforming structure (exceeds maximum floor area allowed for secondary suites).

### **3.0 BACKGROUND**

The subject property is located on Jaud Road, approximately 1 km south of the South Kelowna Elementary School. Priest Creek runs through the southern portion of the property.

The surrounding area is predominantly in the Agricultural Land Reserve (ALR) and used for agricultural purposes, except for the two isolated residential developments to the east and south. A 10-lot rural residential subdivision lies to the east across Jaud Road, and there is 10-unit mobile home park across Jaud Road to the south.

Existing development on the subject property consists of the following buildings:

1. a 113 m<sup>2</sup> (1,216 ft<sup>2</sup>) single-family home (under a delayed demolition permit),
2. a 416 m<sup>2</sup> (4,474 ft<sup>2</sup>) single-family home with attached garage under construction, and
3. a 70 m<sup>2</sup> (750 ft<sup>2</sup>) detached garage.

Outside of the established and newly proposed yard areas, the land is primarily grassed and used for horse paddocks and some grazing. There are two significant environmental areas, which include Priest Creek, which runs along the southern portion of the property, and a wetland in the north central portion of the property immediately north of the dwelling that is under construction.

Water service for this lot is supplied by the South East Kelowna Irrigation District (SEKID). Sewage disposal for the new dwelling, which is under construction, is to be provided by a new septic tank and field installation. There is no information from the Applicant with regard to any sewage disposal systems that are connected to the existing dwelling, but is assumed to be the same (i.e.: tank and field).

The proposed development meets the requirements of the A1s – Agriculture 1 with Secondary Suite zone, as follows; conflicts with the Zoning Bylaw requirements are detailed immediately following the table:

<b>Zoning Bylaw No. 8000</b>		
<b>CRITERIA</b>	<b>PROPOSAL</b>	<b>A1s ZONE REQUIREMENTS</b>
<b>Subdivision Regulations</b>		
Lot Area	2.0 ha (5.0 ac)	4.0 ha except it is 2.0 ha for properties in the ALR
Lot Width	102 m	40.0 m
Lot Depth	195 m	30.0 m
<b>Development Regulations</b>		
Site Coverage (residential development)	3%	10%
Site Coverage (agricultural structures)	0%	35%
Height (new house under construction)	1 ½ storey	2 ½ storeys / 9.5 m
Height (original house, to be legalized as secondary suite)	1 ½ storey	lesser of 9.5 m or the height of the existing principal dwelling unit
Front Yard	13.0 m	6.0 m
Front Yard to Secondary Suite in Accessory Bldg.	± 40 m	2 x front yard setback = 12 m
Side Yard (south)	48 m	4.0 m



Side Yard (north)	16 m	3.0 m
Rear Yard (west)	> 10.0 m	10.0 m / 3.0 m to accessory structures
Floor area of existing house	416 m <sup>2</sup> (4,474 ft <sup>2</sup> )	
Floor area of secondary suite	<b>113 m<sup>2</sup> (1,216 ft<sup>2</sup>)</b> <sup>A</sup> 27%	The lesser of 90 m <sup>2</sup> or 75% of the total floor area of the principal dwelling
Height (Suite in Accessory Building)	meets requirements	Maximum height of an accessory building containing a secondary suite shall be the lesser of 9.5 m or the height of the existing principal dwelling unit on the same property.,
<b>Other Requirements</b>		
Parking Stalls (#)	meets requirements	3 spaces
Private Open Space	meets requirements	30 m <sup>2</sup> of private open space per dwelling
Second Kitchen	meets requirements	second kitchen is not permitted in A1s zone
No Bed & Breakfast, Lodgers, etc.	meets requirements	a secondary dwelling unit is not permitted in conjunction with lodgers, bed and breakfast accommodation or a group home.
Attached Covered Parking	meets requirements	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. Single storey accessory buildings containing secondary suites are not required to provide an attached garage or carport.

<sup>A</sup> The applicant is applying to vary this regulation in order to allow a secondary suite that exceeds the maximum floor area permitted.

#### 4.0 Zoning and Uses of Adjacent Property

North	A1 – Agriculture 1 / Pasture, Hay Land
East	RR2 – Rural Residential 2 / rural residential housing on ± ½ acre parcels.
South	A1 – Agriculture 1 / Priest Creek mobile home park (13 units) RR2 – Rural Residential 2 / rural residential housing on 1.0 ac parcel
West	A1 – Agriculture 1 / Pasture

#### 5.0 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 Zoning Bylaw No. 8000, including subsection 6.5 and 9.5.

#### 6.0 POLICY AND REGULATION

##### 6.1 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.

##### 6.2 Kelowna 2020 – Official Community Plan

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

Agricultural Policies:

11.1.12 Sustained Agriculture. Encourage the retention of diverse agricultural uses through limits on urban development and non-farm use on lands of sustainable production capability;

##### 6.3 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.

#### 7.0 TECHNICAL COMMENTS

The application has been submitted to various technical agencies and City departments, and the following relevant comments have been submitted:

##### 7.1 Environment Manager

No concerns with rezoning as long as the boundaries of the 15.0-m Riparian Management Area (and any protected covenant/sensitive areas) of Priest Creek are adhered to. The 15.0 meter RMA extends from the top of bank of Priest Creek.

##### 7.2 Fire Department

Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw.

7.3 Inspections Services Department

No comments.

7.4 Interior Health

Letter sent to applicant from health department asking for written plan for sewage disposal system and confirmation from contractor that system is large enough to treat the flow of volume..

7.5 Works & Utilities

The proposed rezoning and variance applications for a suite do not compromise Works and Utilities as far as servicing is concerned.

A Drainage Right of Way (ROW) is required for Priest Creek thru the site. The ROW required is from the top-of-bank to top-of-bank plus an additional 3.0 m on one side of the creek.

**8.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS**

8.1 Rezoning Application

Staff is supportive of secondary suite development, in accordance with the policy direction of the OCP and Agriculture Plan (see section above), and in accordance with the previous "non-farm use" approval granted by the Agricultural Land Commission (ALC). It should be noted that the ALC placed two conditions on their approval of the non-farm use application, which are noted below:

- A restrictive covenant be placed on the property to ensure that no new residential buildings are allowed on the property.
- Approval is granted to the applicant only and is valid for three (3) years from the date of the decision, which is September 29, 2006.

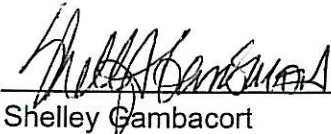
8.2 Development Variance Permit

Were this a project requiring construction of a new building to accommodate the secondary suite, Staff would ensure that it meet the Bylaw requirements. However, as this is an existing structure on the property, it seems more reasonable to use the Development Variance Permit tool to address the non-conforming suite area.

Consequently, Staff is supportive of this Development Variance Permit Application. However, there are some improvements that are recommended for this dwelling unit, such as:

- re-paint to compliment colours for new house under construction;
- CPTED guidelines would suggest the carport space be improved for safety (e.g. lighting).





Shelley Gambacort

Acting Development Services Manager

Approved for inclusion



Mary Pynenburg, MRAIC MCIP

Director of Planning & Development Services

NW/nw

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**ATTACHMENTS (13 pages)**

Location of subject property

ALR Map

Surveyor's Certificate

Photos of Original House (2 pages)

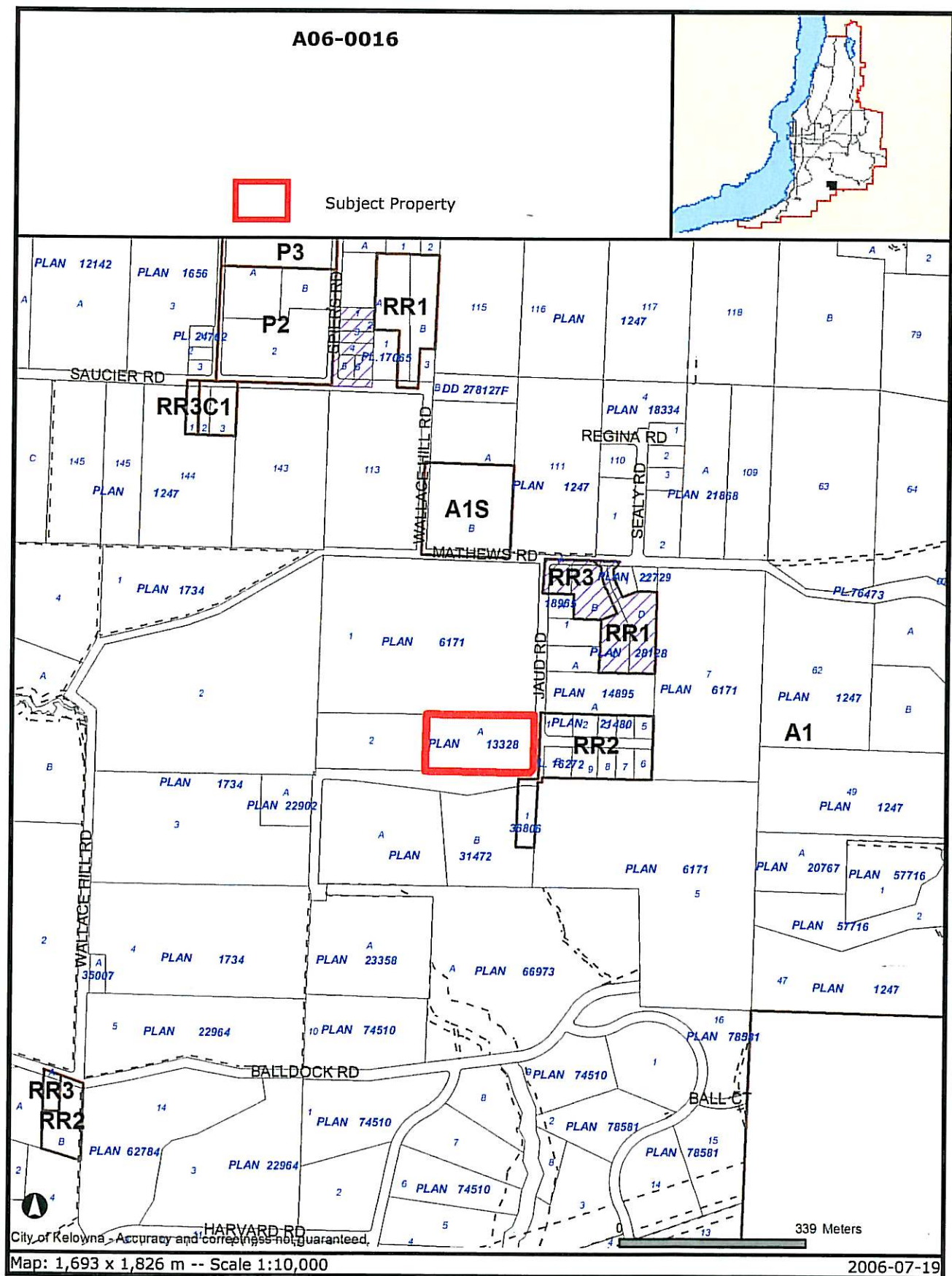
Floor Plans of Original House

Elevations of New House Under Construction (2 pages)

Air Photo

Letters in Support from Neighbours at 4205 Wallace Hill Road (2 pages)

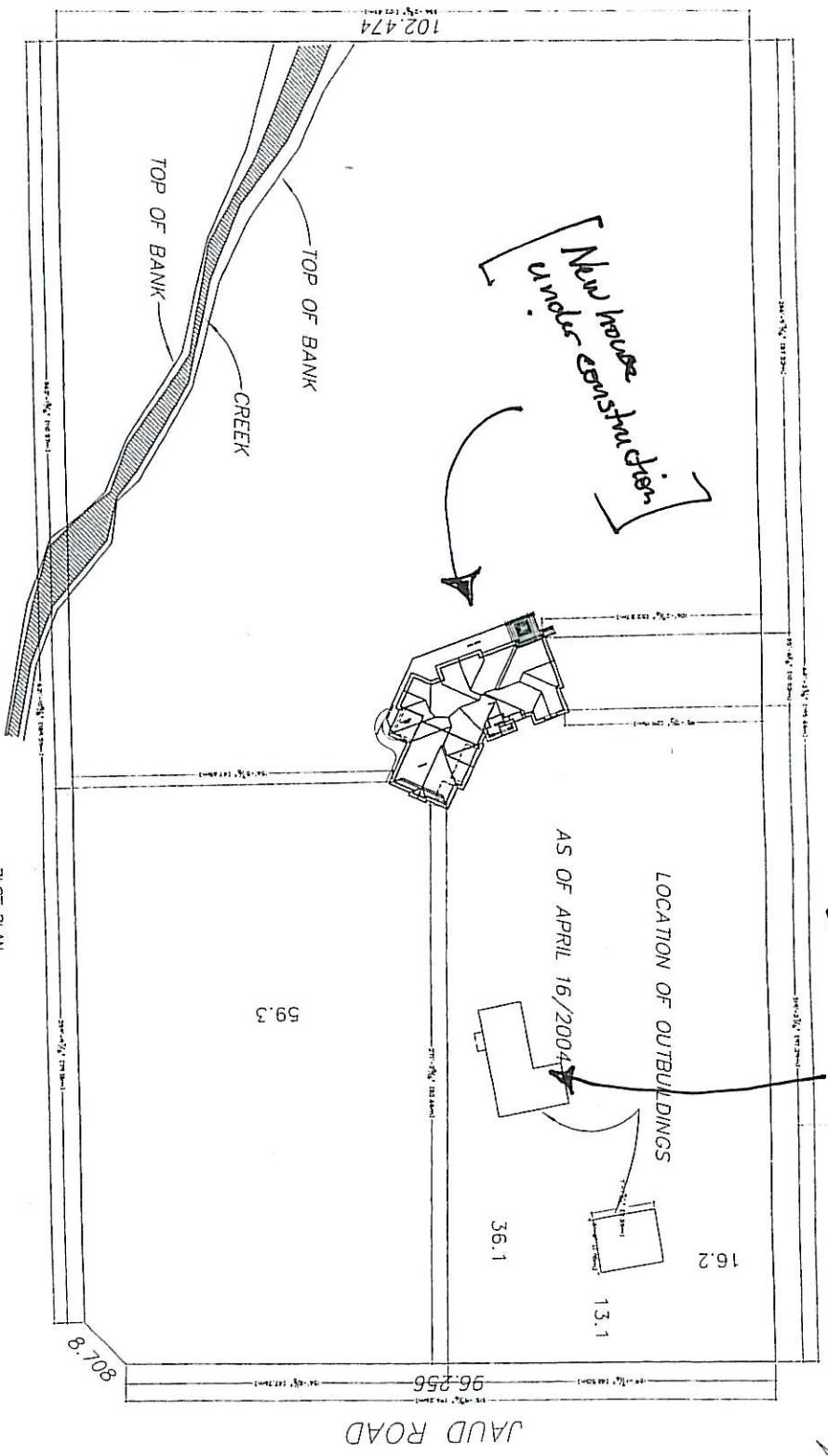
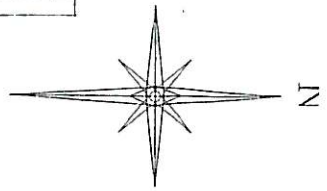
Minutes from ALC Meeting Regarding Application #G – 36880 (2 pages)



Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
The City of Kelowna does not guarantee its accuracy. All information should be verified.

SKETCH PLAN SHOWING BUILDINGS  
AND CREEK IN LOT A PLAN 13328  
SEC. 34 TP. 29 O.D.Y.D.  
DISTANCES ARE IN METRES.

[Original house to  
be legalized as a  
secondary suite]



PLOT PLAN

FILE 13493 FB 297  
RE: DIANE DRUMMOND

N A Goddard Land Surveying Inc.



## **DVP06-0228 – Jaud Road**

The subject property is located on Jaud Road, approximately 1km from the South Kelowna Elementary School. Priest Creek runs through the southern portion of the property. The subject property is in Agricultural Land Reserve.



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Original house  
North Elevation

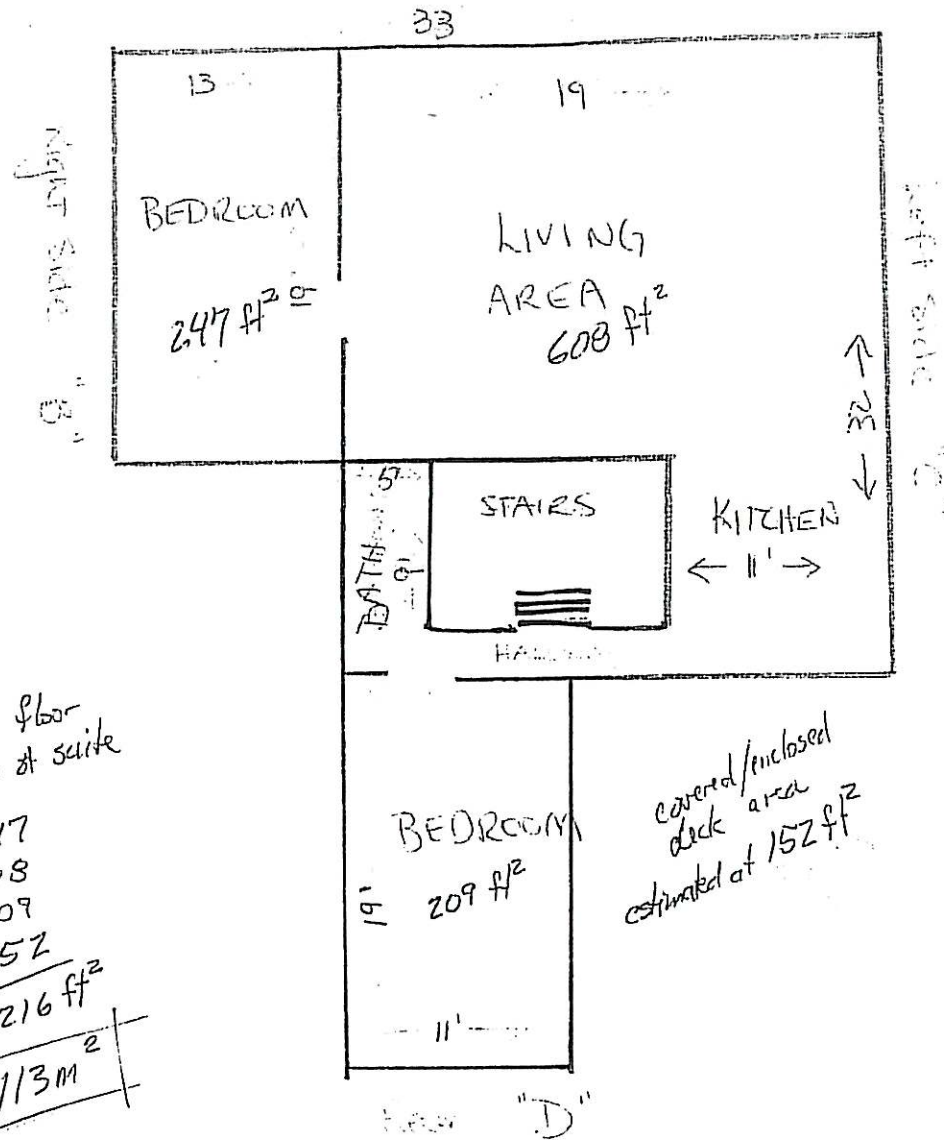


East Elevation



# 4284 JAUD RD - HOUSE FLR PLAN

Front of House "A"



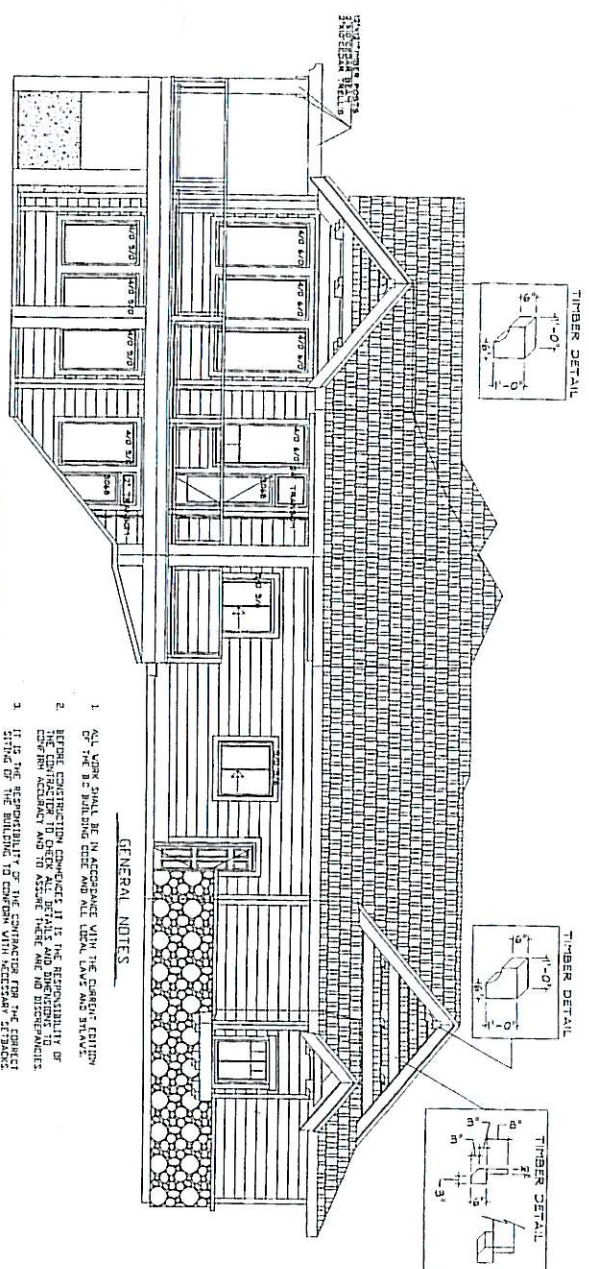
total floor  
area of suite

247  
608  
209  
152  
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1,216 ft<sup>2</sup>

1,216 ft<sup>2</sup>  
= 113 m<sup>2</sup>

side should bear its own costs.

# New House (under construction)



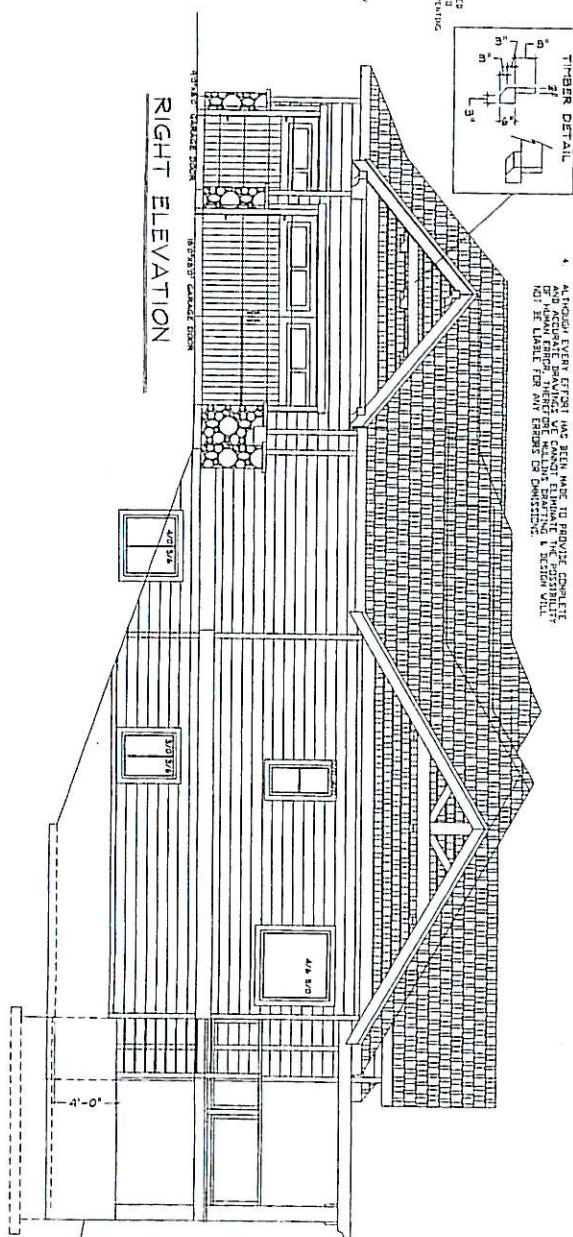
LEFT ELEVATION

NOTE

SHOWN SUBJECT TO BE CHANGING  
IN ORDER TO BE CHANGING  
IN ORDER TO BE CHANGING  
AND CHANGING

NOTE

SHOWN SUBJECT TO BE CHANGING  
IN ORDER TO BE CHANGING  
IN ORDER TO BE CHANGING  
AND CHANGING



RIGHT ELEVATION

## GENERAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CODES AND ORDINANCES OF THE CITY OF BOSTON AND ALL LOCAL LAWS AND ORDINANCES.
2. BEFORE CONSTRUCTION COMMENCES, IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF BOSTON AND TO ASSURE THEM AND NO DISCREPANCIES.
3. IT IS THE RESPONSIBILITY OF THE CONTRACTOR FOR THE CORRECT SITUATION OF THE BUILDING TO CONFORM WITH NECESSARY SETBACKS AND ACCURATE DRAWINGS. WE CANNOT ELIMINATE THE POSSIBILITY OF BEING LABEL FOR ANY ERRORS OR OMISSIONS.
4. ALTHOUGH EVERY EFFORT HAS BEEN MADE TO PROVIDE COMPLETE AND ACCURATE DRAWINGS, WE CANNOT ELIMINATE THE POSSIBILITY OF BEING LABEL FOR ANY ERRORS OR OMISSIONS.

\*\*\*NOTE\*\*\*  
CONTRACTOR TO CONFIRM  
DIM PRIOR TO CONST.

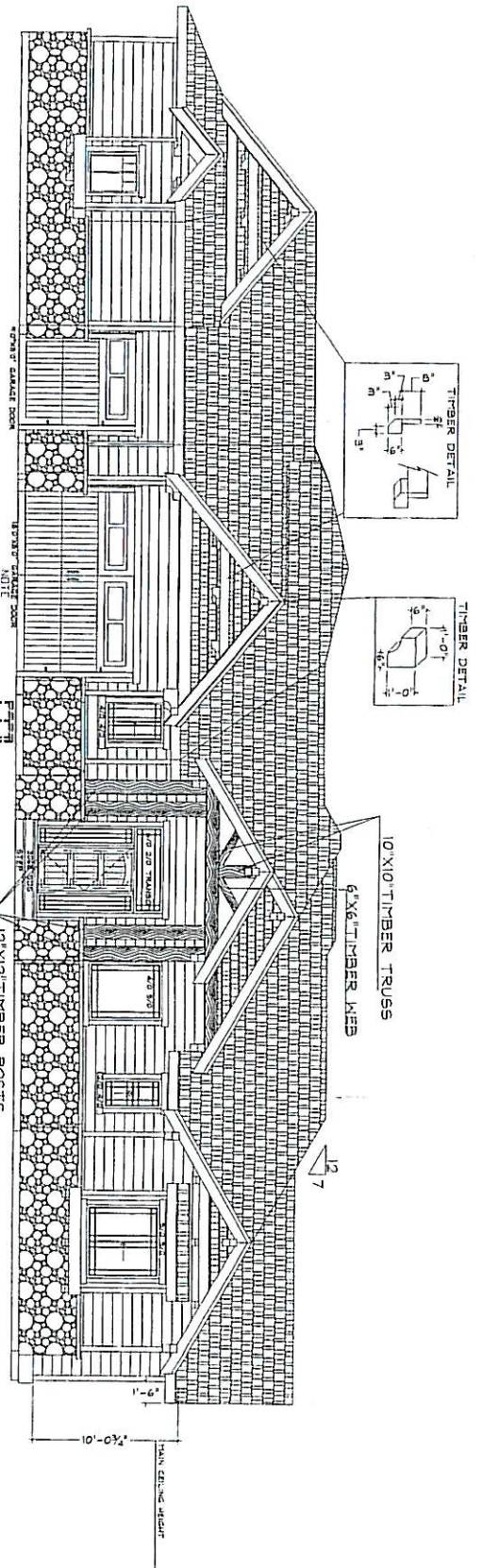
**MULLINS**

DRAFTING & DESIGN  
144 DARTON STREET, BOSTON, MA 02118  
TEL: (617) 552-1111  
FAX: (617) 552-1112  
WWW.MULLINSDESIGN.COM

DRUMMOND-BLANCKARD RESIDENCE



# New House (under construction)



FRONT ELEVATION

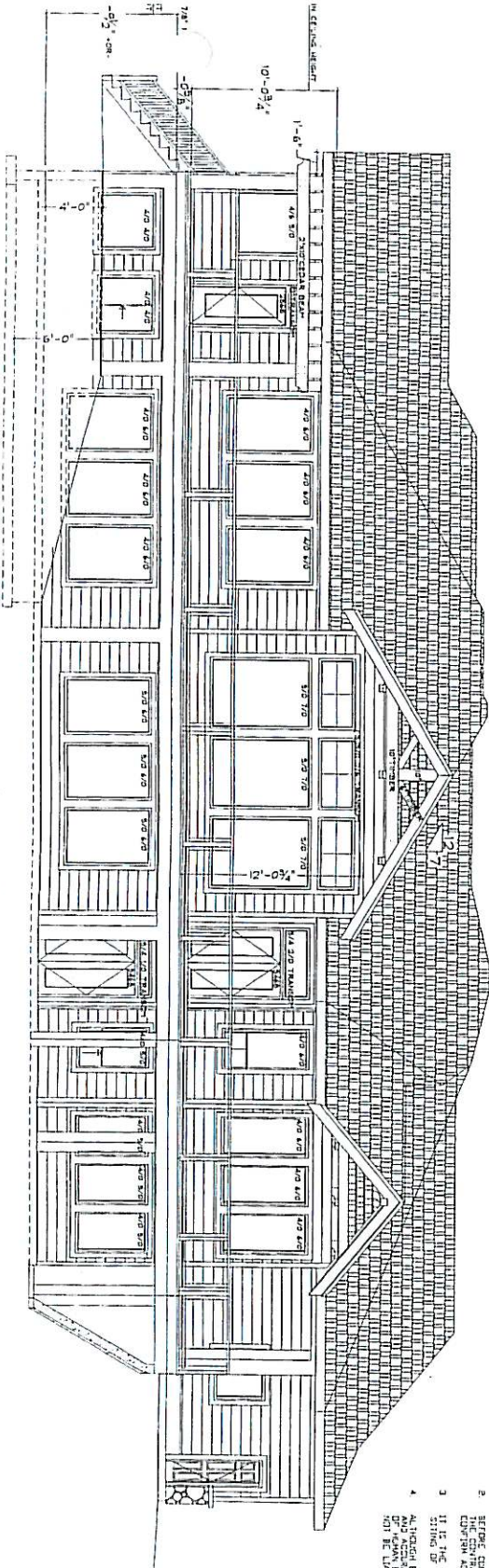
## GENERAL NOTES

1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CURRENT EDITION OF THE B.C. BUILDING CODE AND ALL LOCAL LAWS AND BYLAWS.
2. BEFORE CONSTRUCTION COMMENCES, IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO CHECK ALL MATERIALS AND DIMENSIONS TO THE DRAWING AND TO ADVISE THE ARCHITECT OF ANY DISCREPANCIES.
3. IT IS THE RESPONSIBILITY OF THE CONTRACTOR FOR THE CORRECT SIZING OF THE BUILDING TO CONFORM WITH NECESSARY STANDARDS.
4. ALTHOUGH EVERY EFFORT HAS BEEN MADE TO PROVIDE COMPLETE AND ACCURATE DRAWINGS, THE ARCHITECT CANNOT ELIMINATE THE POSSIBILITY OF OMISSIONS OR ERRORS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS.

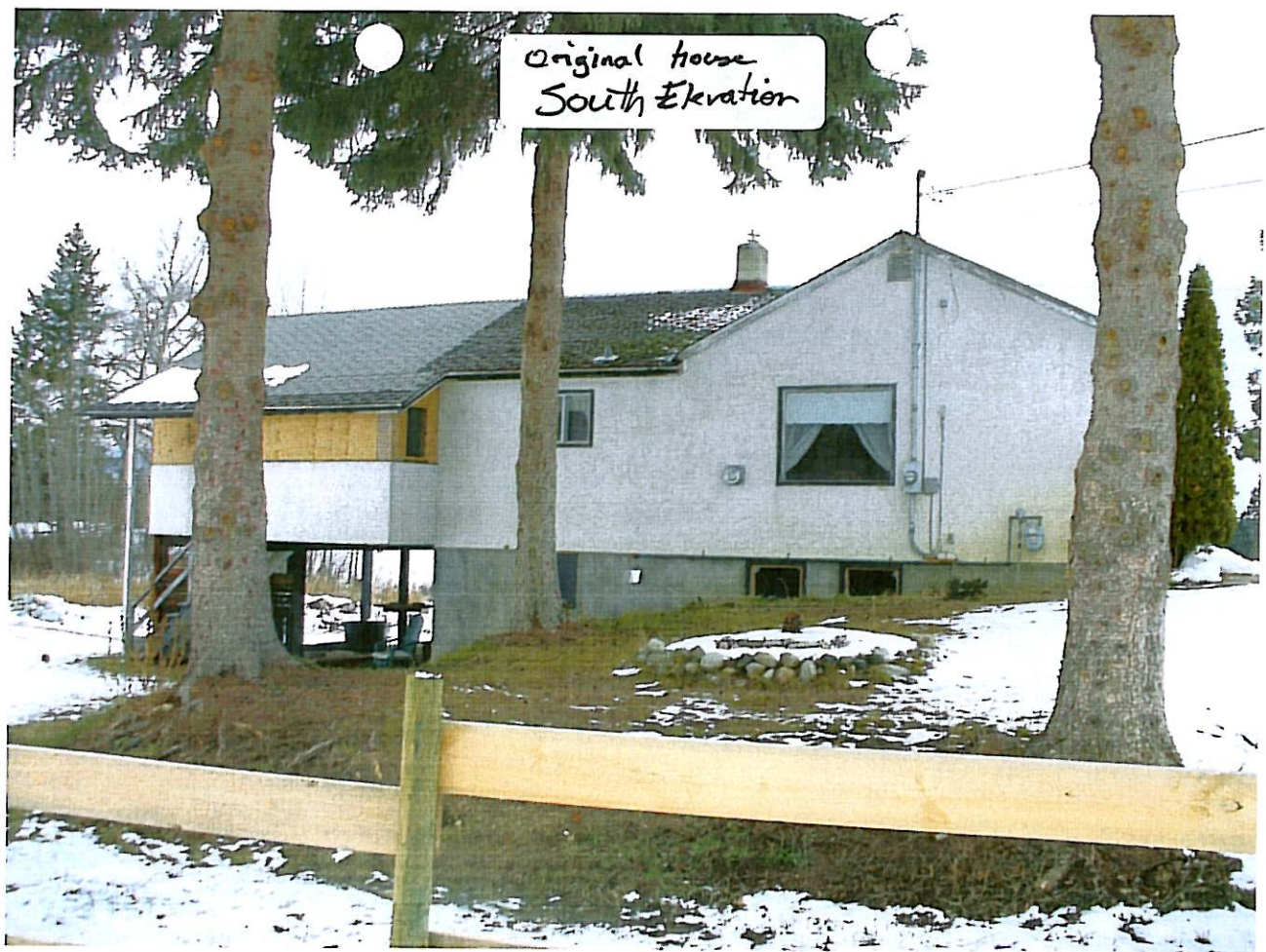
## NOTE

REMOVE 12' X 12' TIMBER POST TO ALSO REMOVE 10' X 10' TRUSS

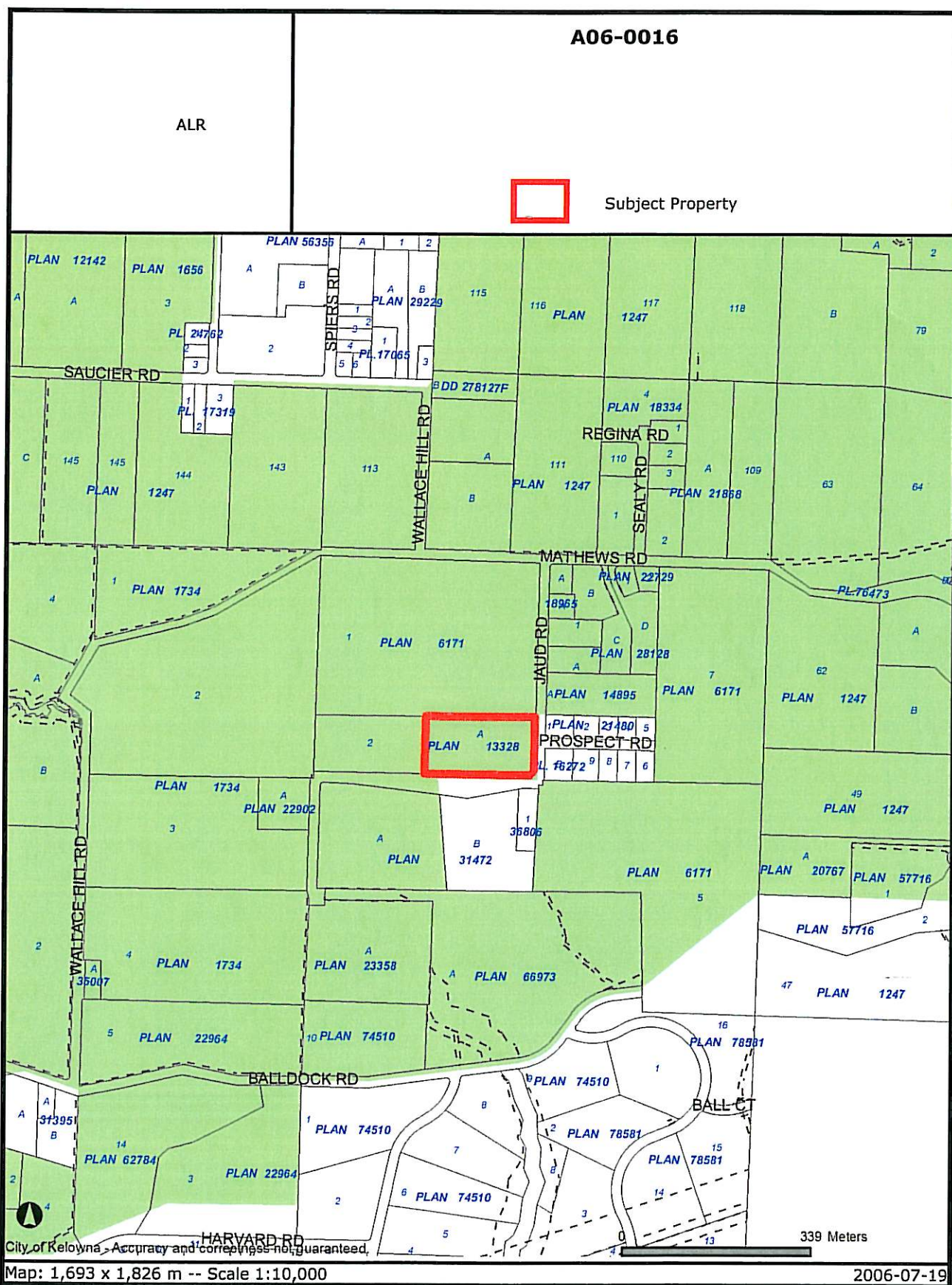
REAR ELEVATION











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To: City of Kelowna  
Planning Department

I, Walter Baron of 4205 Wallace Hill Rd  
Kelowna, B.C. acknowledge and understand that my neighbour, Diane  
Drummond of 4284 Jaud Road, Kelowna, B.C. has made an application to  
the City of Kelowna to re-zone her property at 4284 Jaud Road, Kelowna,  
B.C. from its existing zoning of A1- Agricultural to A1S – Agricultural with a  
Secondary Suite.

By this letter I have no objection to the City of Kelowna approving Diane  
Drummond's application to re-zone her property at 4284 Jaud Road from A1  
to A1S.

Walter Baron

Dec 18/06  
Date



To: City of Kelowna  
Planning Department

I, Helen Bavan of 4205 Wallace Hill Rd.  
Kelowna, B.C. acknowledge and understand that my neighbour, Diane  
Drummond of 4284 Jaud Road, Kelowna, B.C. has made an application to  
the City of Kelowna to re-zone her property at 4284 Jaud Road, Kelowna,  
B.C. from its existing zoning of A1- Agricultural to A1S – Agricultural with a  
Secondary Suite.

By this letter I have no objection to the City of Kelowna approving Diane  
Drummond's application to re-zone her property at 4284 Jaud Road from A1  
to A1S.

Helen Bavan

Dec 18 - 06  
Date

## MINUTES OF THE PROVINCIAL AGRICULTURAL LAND COMMISSION

A meeting was held by the Provincial Agricultural Land Commission on September 29, 2006 at the Ministry of Agriculture and Lands office located at 4607 - 23<sup>rd</sup> Street, Vernon, BC.

PRESENT:	Sue Irvine	Chair, Okanagan Panel
	Sharon McCoubrey	Commissioner
	Sid Sidhu	Commissioner
	Terra Kaethler	Staff
	Martin Collins	Staff

### For Consideration

Application # G - 36880

Applicant(s) Diane Drummond

Proposal To use the existing house on the 2 ha subject property as a secondary suite to house farm help/trainers.

Legal PID: 002-123-801  
Lot A, Section 34, Township 29, Osoyoos Division Yale District, Plan 13328

Location 4284 Juad Rd, Kelowna

### Site Inspection

Ms. Drummond confirmed that she received the staff report dated September 14, 2006 and did not identify any errors.

A site inspection was conducted on September 28, 2006. Those in attendance were:

- Commissioners: Sue Irvine, Sharon McCoubrey and Sid Sidhu
- Staff: Terra Kaethler and Martin Collins
- Applicant(s): Diane Drummond, Alex Blanchard

The Commission toured the property with the applicants to view the original house, the new house currently under construction, and the proposed area for horses.

The applicant has begun building a new house on the property. The smaller, original house is still on the property, as well as a small stable. The applicant is developing the property to board and raise horses. The original house is under a delayed demolition permit, but they would like to keep the house on the property to use it as a secondary suite and to rent it out to a horse veterinarian who would help on the property.

### Discussion

The Commission held the view that establishment of additional residence would introduce an encroachment of non-agricultural activity into agricultural land. However, the property is only 2 ha and surrounded by large residential lots and a mobile home park. The Commission had no objection to the proposed non-farm use provided a restrictive covenant is registered which would limit the footprint of residential dwelling uses on the property to its current level, prohibiting any more new buildings on the property.

IT WAS

MOVED BY: Commissioner Irvine

SECONDED BY: Commissioner Sidhu

THAT the application for non-farm use on the 2 ha subject property to use the original house as a secondary suite be approved.

AND THAT the approval is subject to the following conditions:

- A restrictive covenant be placed on the property to ensure that no new residential buildings are allowed on the property.
- Approval is granted to the applicant only and is valid for three (3) years from the date of this decision.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

CARRIED

RESOLUTION # 471/2006