
**CITY OF KELOWNA
MEMORANDUM**

Date: July 13, 2007
To: City Manager
From: Planning & Development Services Department
APPLICATION NO. Z07-0021 **APPLICANTS:** Carl Enns
AT: 4150 Sealy Road **OWNER:** Carl Enns
Lorraine Enns

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

1.0 RECOMMENDATION

THAT Rezoning Application No. Z07-0021 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 110, Section 3, Township 26, O.D.Y.D. Plan 1247 except Plan 18334, on Sealy 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;

2.0 SUMMARY

This application was initiated as a result of the owner's intent to make additions to the original home (labelled "Existing Cottage" on attached Site Plan). Because the existing zoning allows for only one dwelling unit, the only way to make additions to the existing non-conforming 2nd dwelling is to legalize it through a change in zoning. In this case that change of zoning is from the A1 to A1s zone.

3.0 BACKGROUND

The subject property is located on Sealy Road. Existing development on the subject property consists of the following buildings:

1. a 240 m² (2,592 ft²) single-family home (labelled "Principal Residence" on Site Plan);
2. a 90 m² (969 ft²) single-family home (labelled "Existing Cottage" on Site Plan);
3. a 122 m² (1,310 ft²) detached garage.

Water service for this lot is supplied by the South East Kelowna Irrigation District (SEKID). Sewage disposal for the dwellings already exists in the form of septic tanks and fields.

The proposed development meets the requirements of the A1s – Agriculture 1 with Secondary Suite zone, as follows;

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	A1s ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	0.40 ha (1 ac) ^A	4.0 ha except it is 2.0 ha for properties in the ALR
Lot Width	61.1m	40.0 m
Lot Depth	66.5 m	30.0 m
Development Regulations		
Site Coverage (residential development)	9.4%	10%
Site Coverage (agricultural structures)	0%	35%
Height (Principal Building)	2 storey	2 ½ storeys / 9.5 m
Height (Accessory Building)	1-storey	13 m
Front Yard	7.9 m	6.0 m
Front Yard to Secondary Suite.	7.9 m ^B	2 x front yard setback = 12 m
Side Yard (south)	4.3 m	3.0 m
Side Yard (Regina Road)	7.9 m	4.0 m
Rear Yard (west)	26.67m	10.0 m / 3.0 m to accessory structures
Floor area of existing house	240 m ² (2592 ft ²)	
Floor area of secondary suite	90m² (969 ft²) ^C 38%	The lesser of 90 m ² 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 in the A1s zone shall be the lesser of 9.5 m or the height of the existing principal dwelling unit on the same property.,
Other Requirements		
Parking Stalls (#)	meets requirements	3 spaces
Private Open Space	meets requirements	30 m ² 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.

^A The parcel is existing non-conforming with regard to lot area. Section 1.7.1 does not apply in this case, since the parcel—although created prior to 1976—is more than 0.2 ha in size, so it is to be developed in accordance with the existing A1 zone, NOT the RU1 zone.

^B This dwelling—which is to be legalized as a “suite in an accessory building”—is legally non-conforming to this front yard setback requirement of 12 m. Additions proposed to this structure do not worsen the non-conformity, so a development variance permit would NOT be required.

^C 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 – estate residential property
East	A1 – Agriculture 1 – estate residential property
South	A1 – Agriculture 1 – estate residential property
West	A1 – Agriculture 1 – estate residential property

4.0 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.

5.0 TECHNICAL COMMENTS

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

5.1 Environment Division

This lot will require the registration of (under the Land Title Act against the title of the subject property) a Section 219 Restrictive Covenant. The covenant should incorporate the recommendations of a professional in wildland fire management assessment and save harmless the City of Kelowna in the event of damage to individual homes as a result of the spread of wildfire.

5.2 Fire Department

Fire department access, fire flows, and hydrants as per the BC Building Code and City of Kelowna Subdivision Bylaw. Fire fighter access from the front or street side of the property to the back building(s) is not to be impeded at anytime. The addresses for both residences are to be visible from the street. If a

fence is ever constructed between the dwellings a six foot wide gate is required. Any gate is to open with out special knowledge

5.3 Inspections Services Department

No comments.

5.4 Interior Health Authority

No information on file regarding septic field(s).

5.5 Southeast Kelowna Irrigation District

Records indicate only one residence with approved water service on the property. SEKID requires payment of fees for the second dwelling in addition to the requirements of the application under review. Applicant to contact SEKID.

5.6 Works & Utilities

The proposed rezoning in order to add a 234 square foot addition to the existing secondary dwelling does not compromise Works and Utilities as far as servicing is concerned.


6.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS

Staff has no concerns with the proposed rezoning application.


Shelley Gambacort

Current Planning Supervisor

Approved for inclusion



David Shipclark

Acting Director of Planning & Development Services

NW/nw

ATTACHMENTS (13 pages)

Location of subject property

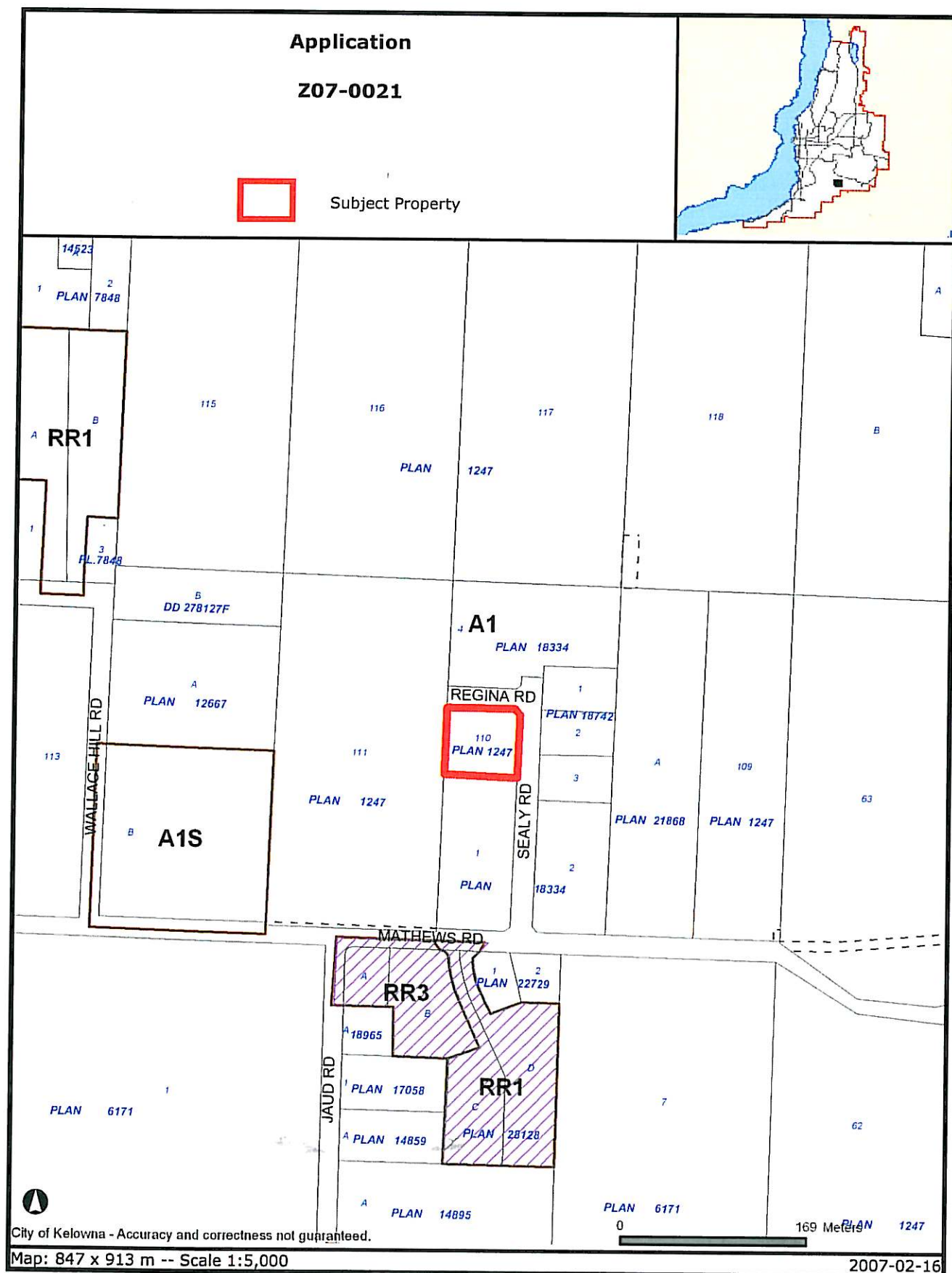
Site Plan

Landscape Plan

Elevations of Dwelling Labelled "Existing Cottage" on Site Plan (2 pages)

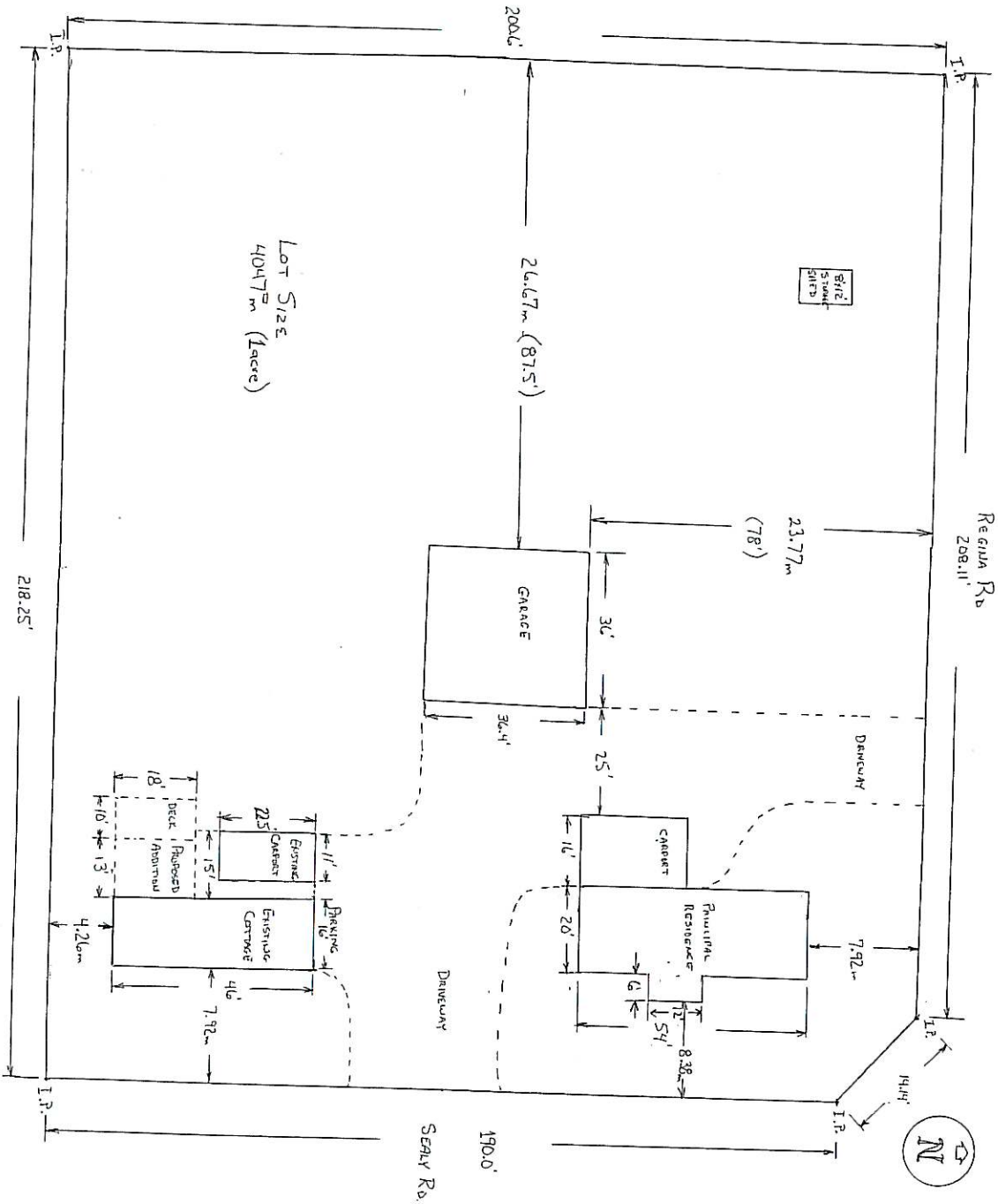
Floor Plan

Photos

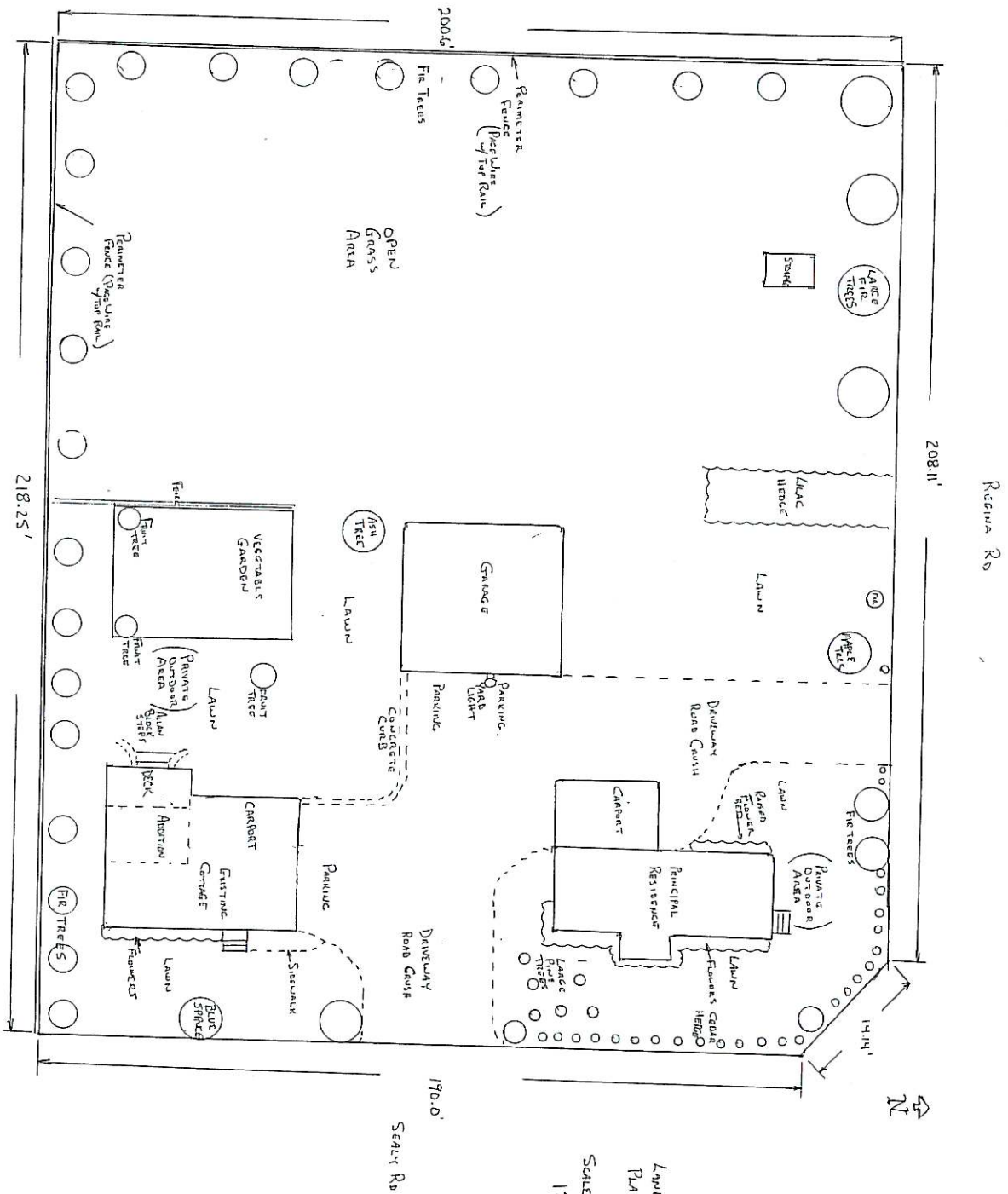


Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.
The City of Kelowna does not guarantee its accuracy. All information should be verified.

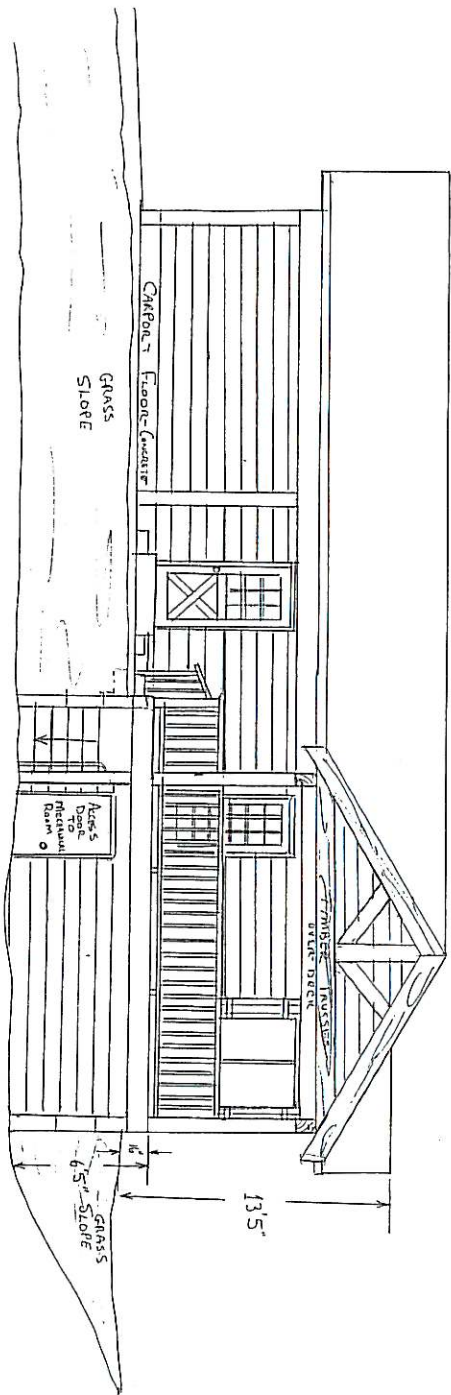
Rem 110
Sec 3
Twp 26
Ran 1247



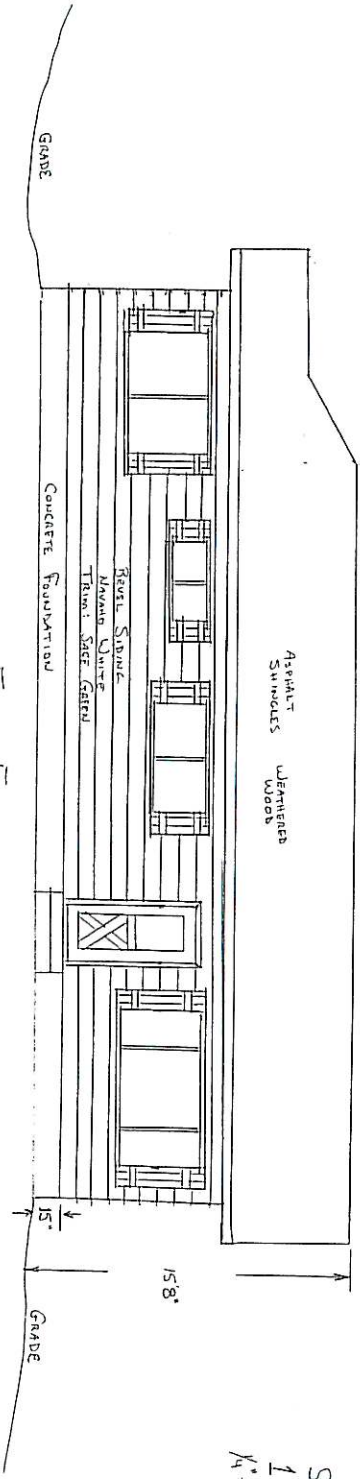
41150 Sealy Rb
Rem 110
Sec 3
Twp 26
Rm 1247



LANDSCAPING
PLAN VIEW
SCALE 1/4" = 1'
1:1992



BACK ELEVATION

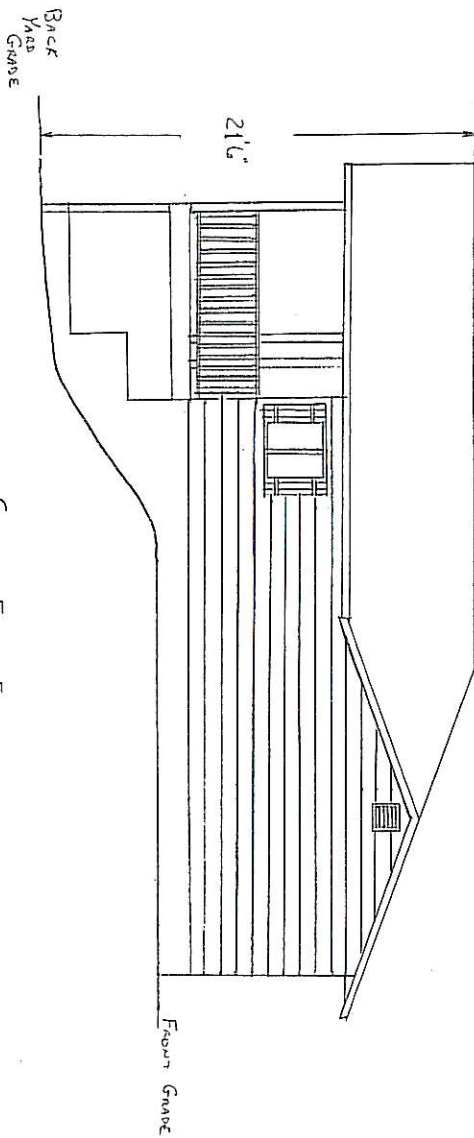


FRONT ELEVATION

SCALE
1:48
1/4" = 1'

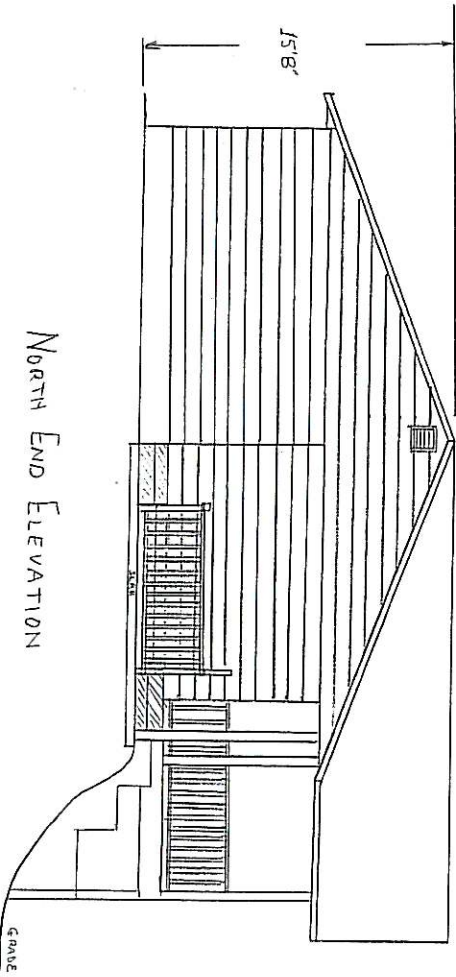
Secondary
Building

4150 SEALT Rd



SOUTH END ELEVATION

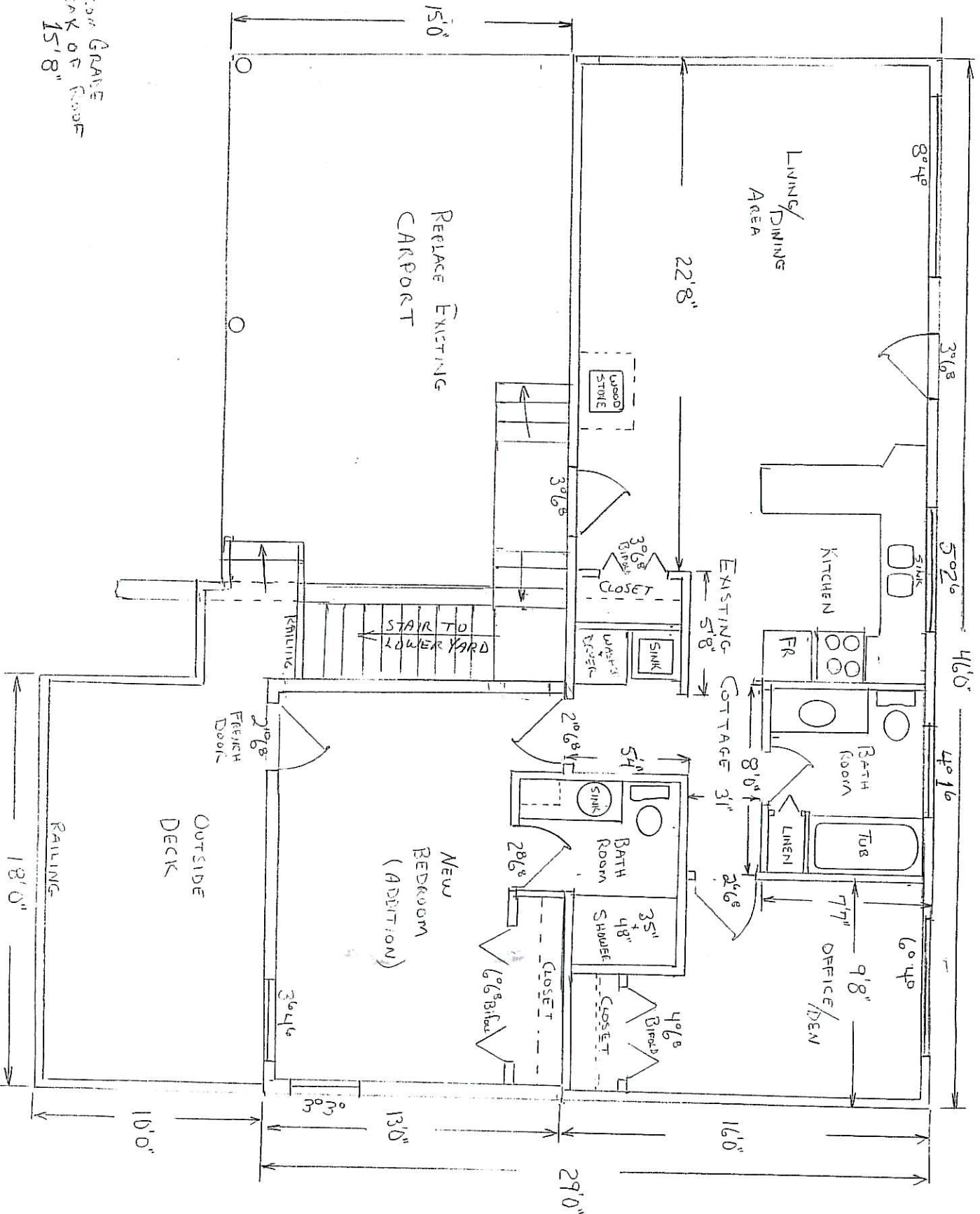
4150 SEALY Rd
Secondary Building



NORTH END ELEVATION

SCALE
1:48
1/4" = 1'

HEIGHT
AT
FROM GRAVE
PEAK OF TROOP
15'8"





4150 SEALY RD MAIN RESIDENCE



RESIDENCE #4 EAST
SEALY RD



WEST RESIDENCE
MATTHEWS RD



COTTAGE SOUTH
4150 SEALY RD