
**CITY OF KELOWNA
MEMORANDUM**

DATE: December 12, 2007

TO: City Manager

FROM: Planning & Development Services Department

APPLICATION NO. Z07-0072

APPLICANT: Dana Johnson
Carmen Langstaff

AT: 5555 Lakeshore Road

OWNER: Dana Johnson
Carmen Langstaff

PURPOSE: TO REZONE FROM THE A1 – AGRICULTURE 1 ZONE TO THE A1(s) – AGRICULTURE 1 WITH SECONDARY SUITE ZONE, IN ORDER TO BUILD A NEW PRINCIPAL DWELLING AND MAINTAIN THE EXISTING DWEILLING AS A SECONDARY SUITE WITHIN AN ACCESSORY BUILDING.

EXISTING ZONE: A1 – AGRICULTURE 1

PROPOSED ZONE: A1(s) – AGRICULTURE 1 WITH SECONDARY SUITE ZONE

REPORT PREPARED BY: BIRTE DECLOUX

1.0 RECOMMENDATION

THAT Rezoning Application No. Z07-0072 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, SEC. 15 and 22, TWP 28, S.D.Y.D., Plan 6042, located on Lakeshore Road, Kelowna, B.C. from the A1 – Agriculture 1 Zone to the A1(s) – Agriculture 1 with Secondary Suite Zone 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 considered in conjunction with Council's consideration of a Development Variance Permit on the subject property;

2.0 SUMMARY

This application seeks to rezone from the A1 – Agriculture 1 zone to the A1(s) – Agriculture 1 with a Secondary Suite zone. The applicant intends to build a new principal dwelling and maintain the existing dwelling as a secondary suite within an accessory building. The new dwelling will be located on the same site as a previous house that was destroyed by the Okanagan Mountain Park fire in 2003.

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3.0 BACKGROUND

There is an existing single family dwelling on the subject property which was constructed after the fire in 2003. It is located on the east side of the property which is accessed by the easement that cuts across the property. The proposed principal dwelling will be located in the same place as the pre-fire dwelling. It too is accessed from the easement. The distance between the two buildings is 55 m because of natural features which inhibit closer placement of the dwellings.

There is adequate surface parking available for each dwelling.

The proposed application meets the requirements of the A1(s) Agriculture 1 with a Secondary Suite zone as follows :

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	A1(s) ZONE REQUIREMENTS (FOR TWO PRINCIPAL DWELLINGS)
Subdivision Regulations		
Lot Area	30,932m ²	4.0 ha
Lot Width	186 m	40.0 m
Lot Depth	115 m	Na
Development Regulations		
Site Coverage (buildings)	1.0 %	10%
Site Coverage (buildings/parking)	~ 2%	10%
Size ratios	106 m ² / 46%*	In accessory bldg lessor of 90 m ² or 75% of existing bldg
Height (new Principal)	2 storeys/ 7.9 m	2 ½ storeys / 9.5 m
Height (accessory building)	1 storey / 5.8 m	Max 13.0 m
Front Yard	± 79 m	6.0 m
Side Yard (west)	~ 30 m	3.0 m
Side Yard (east)	~ 150 m	3.0 m
Rear Yard (accessory building)	3.0 m	3.0 m for accessory buildings

- variance required

CRITERIA	PROPOSAL	A1(s) ZONE REQUIREMENTS (FOR TWO PRINCIPAL DWELLINGS)
Separation Distance Between Houses	55 m	Min 5.0 m
Other Requirements		
Parking Stalls (#)	5 Spaces	3 spaces

3.1 Site Context

The subject property is located on the north side of Lakeshore Road approximately 400 meters east of Bertram Creek Park. The surrounding properties have an affluent rural character. More specifically, the adjacent land uses are as follows:

North RR1 – Rural Residential 1
 East A1 – Agriculture 1
 South A1 – Agriculture 1
 West A1 – Agriculture 1



3.2 Existing Development Potential

The purpose is to provide a zone for single detached housing, and compatible secondary uses.

4.0 TECHNICAL COMMENTS

4.1 As Attached

5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS

Staff recommends that this rezoning application be supported, as it represents a sensitive infill project, consistent with the policies contained within the OCP. The existing property is large enough to accommodate both buildings without any impact on the surrounding neighbours. The applicant intends to further develop the site to include barns and corrals for horses.

Development of the proposed suite is subject to the Secondary Suite and Two Dwelling Housing Development Guidelines set out in the Official Community Plan. The intent of the Development Guidelines is to give consideration to the form, character and landscaping of all new secondary suites and two dwelling forms of housing.

A Development Variance Permit accompanies this zoning change application to vary the requirement for the size of the accessory building to 106.6 m². Staff is also supportive of this element of the project.



Shelley Gambacort

Current Planning Supervisor

Bcd

ATTACHMENTS

Location of subject property
Site Plan (existing building location)
Site Plan (both buildings)
Photos of existing building
Technical comments

CITY OF KELOWNA
MEMORANDUM

Date: September 13, 2007
File No.: Z07-0072, DVP07-0196
To: Planning and Development Officer (NW)
From: Development Engineering Manager (SM)
Subject: 5555 Lakeshore Road – Lot 2, Plan 6042

The Works & utilities Department comments and requirements regarding this application to rezone the subject property from A1 to A1s are as follows:

The proposed rezoning in order to add primary residence to the existing Accessory building and vary the size of the Accessory building does not compromise Works and Utilities as far as servicing is concerned.

It should be noted that the Transportation Department are currently working on a design for the improvement of Lakeshore Road thru this area, although the proposed location of the new dwelling is not affected.

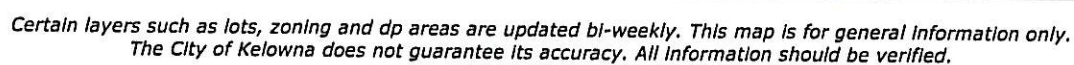
Steve Muenz, P. Eng.
Development Engineering Manager

SS

Type: REZONING - NON APC

File Circulation

Seq	Out	In	By	Comment
				B.C. Assessment Authority (info only)
2007-08-14	2007-08-14			
				Bylaw Enforcement Officer
2007-08-14	2007-08-14		PTURNER	The only file that Bylaws has had regarding this property was in assisting the Building Department with hand delivery of a letter to Dana Johnson. File was generated on May 30, 2007 and concluded on the same date.
				Community Development & Real Estate Mgr
2007-08-14	2007-08-23		SALEXANC	Land Comments for Inclusion in Council Report: Please contact the Land Agent for road dedications over 20 metres in width, land dedications and land transfers to or from the City of Kelowna, road closures and road reserves. Depending on the type of land transaction being contemplated, the processing time can vary from 3 weeks to 3 months. The Land Department requires a full size copy, together with an 8 1/2 x 11 copy, of any survey plans.
				Remarks.
				Fire Department
2007-08-14	2007-08-21		GDAFT	No concerns
				FortisBC
2007-08-14	2007-09-19			no response
				Inspections Department
2007-08-14	2007-08-22		RREADY	Building permit for principle use (new home) to be in place prior to approval for rezoning application of accessory building to carriage home. Accessory building previously converted to residential use (no permits) requires building/plumbing permits to convert from accessory building.
				Mgr Policy, Research & Strategic Plannin
2007-08-14	2007-08-16			no comment
				Public Health Inspector
2007-08-14	2007-08-27			No Comment
				Works & Utilities
2007-08-14	2007-09-18			The proposed rezoning in order to add primary residence to the existing Accessory building and vary the size of the Accessory building does not compromise Works and Utilities as far as servicing is concerned.
				It should be noted that the Transportation Department are currently working on a design for the improvement of Lakeshore Road thru this area, although the proposed location of the new dwelling is not affected.



British Columbia Land Surveyors BUILDING LOCATION CERTIFICATE

This is to state that on the 28th day of July, 2003 a survey was performed under my superintendence, on the property described as follows:

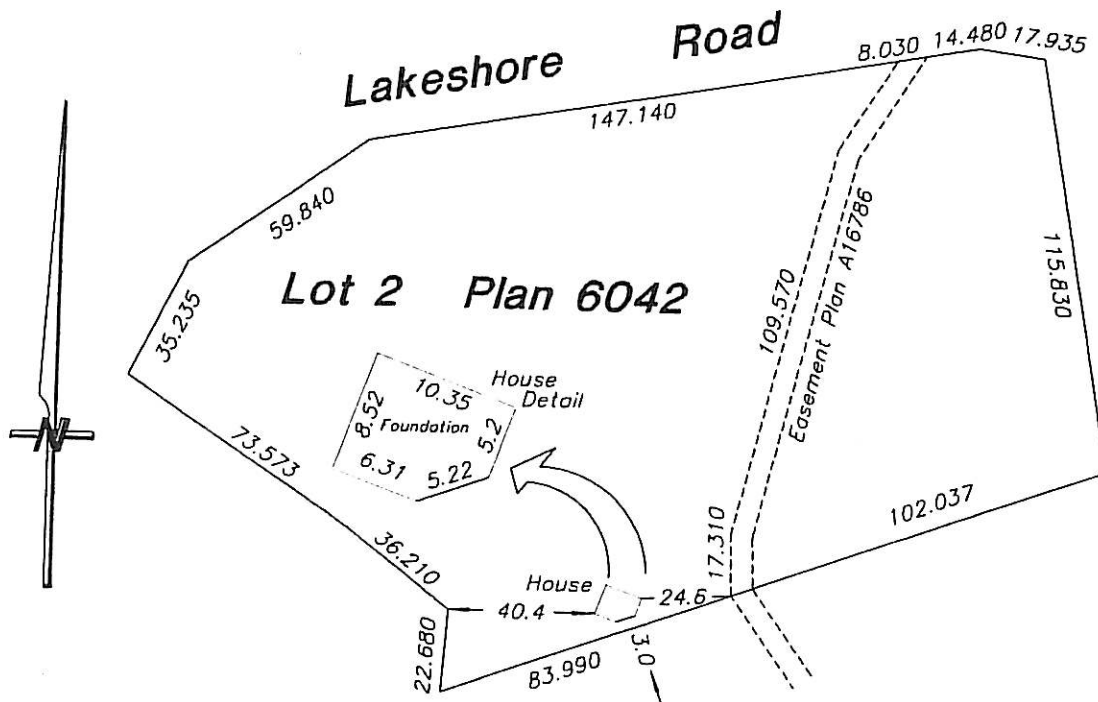
5555 - Lakeshore Road Lot 2, Sec. 15 & 22, Tp.28, SDYD, Plan 6042.

The building(s) erected on the said property is (are) wholly within the boundaries thereof, and does (do) not encroach on adjoining properties. The accompanying sketch shows within acceptable tolerances the size of the building and property, and their relative positions. This sketch is not to be used for the establishment of property boundaries. Distances shown are in metres and decimals thereof.

Property boundary dimensions shown are derived from registered records.

This certificate is intended for building inspection purposes.

Scale 1:2000 Metric.



This certificate of location has been prepared in accordance with the Manual of Standard Practice and is certified correct this 28th day of July, 2003.

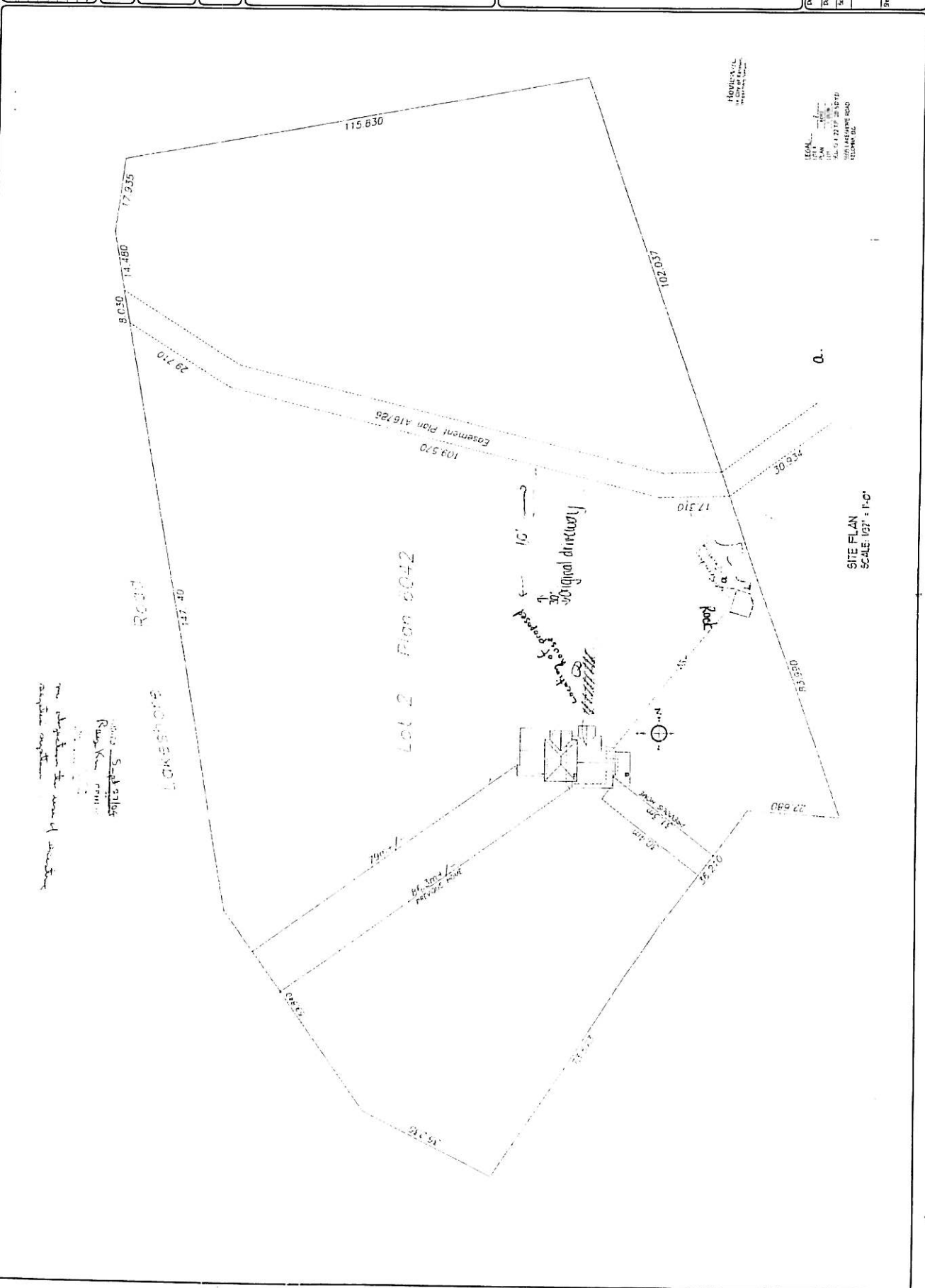
FRITSCH LAND SURVEYING INC.
Legal & Engineering Survey Consultants

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"This document is not valid unless originally signed and sealed." British Columbia Land Surveyor

03-291

Project No.	100-111-00
Date	SEP 2 2008
Scale	1" = 10'
SITE PLAN	
Sheet #	4 of 5





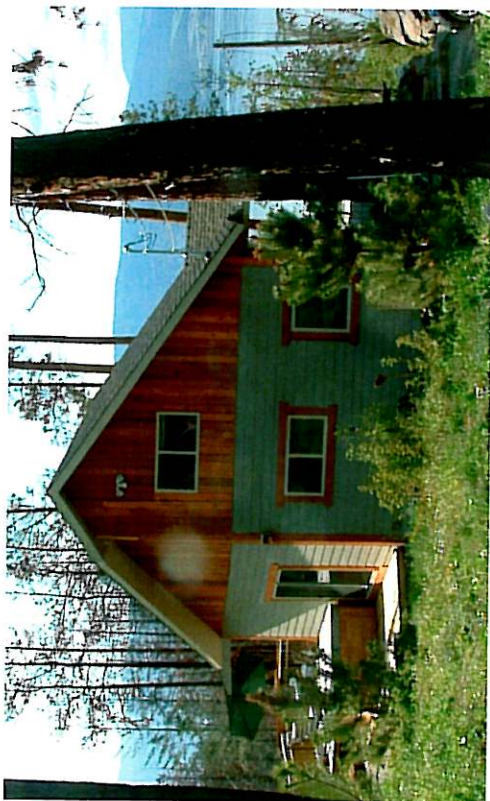
North Side



West and South Side



West Side



East Side