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**CITY OF KELOWNA  
MEMORANDUM**

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**DATE:** December 20, 2007

**TO:** City Manager

**FROM:** Planning & Development Services Department

**APPLICATION NO.** DVP07-0196      **APPLICANT:** Dana Johnson  
Carmen Langstaff

**AT:** 5555 Lakeshore Road      **OWNER:** Dana Johnson  
Carmen Langstaff

**PURPOSE:** TO OBTAIN A DEVELOPMENT VARIANCE PERMIT IN ORDER TO  
VARY THE SIZE OF THE SUITE IN AN ACCESSORY BUILDING  
FROM A MAXIMUM OF 90 M<sup>2</sup> TO 106.6 M<sup>2</sup>.

**EXISTING ZONE:** A1 – AGRICULTURE 1

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

**REPORT PREPARED BY:** BIRTE DECLOUX

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**1.0 RECOMMENDATION**

THAT Final Adoption of Zone Amending Bylaw No. 9917 be considered by Council;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP07-0195 for Lot 2, SEC. 15 and 22, TWP 28, S.D.Y.D., Plan 6042, located on Lakeshore Road, Kelowna, B.C.,

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

Section 9.5.4 Secondary Suites – maximum floor area

To vary the size of the secondary suite in an accessory building from a maximum of 90 m<sup>2</sup> to 106.6 m<sup>2</sup>.

**2.0 SUMMARY**

The applicant is proposing to construct a second dwelling as the principal dwelling on the subject property replacing the original house that was destroyed by the Okanagan Mountain Park fire in 2003. They intend to maintain the existing dwelling as a secondary suite within an accessory building, however it exceeds the size requirement for a secondary suite.

### 3.0 BYLAW COMPLIANCE

The proposed application meets the requirements of the A1(s) Agriculture 1 with a Secondary Suite zone as follows. The one conflict with the Zoning Bylaw regulations for this zone is detailed.

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	A1(s) ZONE REQUIREMENTS (FOR TWO PRINCIPAL DWELLINGS)
Subdivision Regulations		
Lot Area	30,932m <sup>2</sup>	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 (accessory to principal)	106 m <sup>2</sup> / 46%*	In accessory bldg lesser of 90 m <sup>2</sup> 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



#### **4.0 TECHNICAL COMMENTS**

4.1 As Attached

#### **5.0 PLANNING AND DEVELOPMENT SERVICES DEPARTMENT COMMENTS**

Staff recommends that this Development Variance Permit application be supported, because the existing property is large enough to accommodate both buildings without any impact on each other or on the surrounding neighbours. The property does not fall within the Agriculture Land Reserve.



Shelley Gambacort  
Current Planning Supervisor  
Bcd

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#### **ATTACHMENTS**

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

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**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

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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.

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Steve Muenz, P. Eng.  
Development Engineering Manager

SS

Type: REZONING - NON APC

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 ? 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.



## 9.5 Secondary Suites

9.5.1 All secondary suites must comply with the following:

- (a) **Secondary suites**, when permitted, are to be located only in a converted **single detached housing** or an **accessory building**.
- (b) A **mobile home** may be considered a **secondary suite** within an **accessory building** only in an A1s – Agriculture 1 with Secondary Suite zone. All such development shall be in compliance with the *British Columbia Agricultural Land Commission Act*, Regulations and Orders.
- (c) No **structural alteration** or addition shall be undertaken that **alters** the existing low-density residential character of the neighbourhood.
- (d) Where a **secondary suite** is located in an **accessory building** the principal dwelling unit shall be located between the **front yard** and the **accessory building** except in the A1s – Agriculture 1 with Secondary Suite zone. Where a **secondary suite** is located in an **accessory building** in the A1s – Agriculture 1 with Secondary Suite zone, the **accessory building** must be located at least two times the distance of the required **front yard** setback.
- (e) An **accessory building** shall not be higher than the lesser of 4.5 m or the height of the existing principal **dwelling** unit on the same property, except in the A1(s) – Agriculture 1 with Secondary Suite Zone the 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.

9.5.2 No more than one secondary suite shall be permitted per principal **dwelling** unit. It may be permitted within the principal **dwelling** unit or within an **accessory building**. It shall not be allowed in conjunction with a bed and breakfast home.

9.5.3 No secondary suite will be allowed without connection to a community sanitary sewer unless the lot is at least 830 m<sup>2</sup> and meets the requirements of the **City** and the Medical Health Officer for septic disposal capacity.

9.5.4 The maximum floor area of a secondary suite shall not exceed the lesser of 90 m<sup>2</sup> or 40% of the total floor area of the principal **building**. Where a secondary suite is located in an **accessory building**, the maximum floor area of the secondary suite shall not exceed the lesser of 90 m<sup>2</sup> or 75% of the total floor area of the principal **building**.

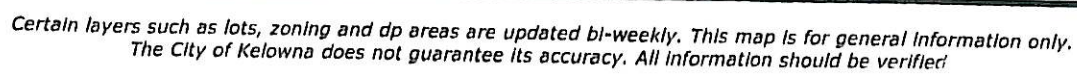
9.5.5 Parking and signs shall be in conformance with the regulations of this Bylaw and Sign Bylaw No. 8235.

9.5.6 Secondary **dwelling** units shall comply with all relevant **City** Bylaws, and the **Building Code**.

9.5.7 A secondary **dwelling** unit shall be located in a **building** and on a property which is a single real estate entity. No strata titling will be permitted.

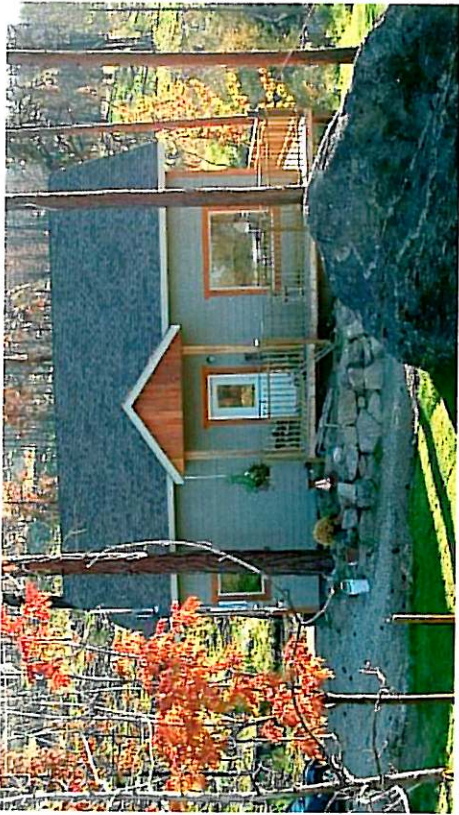
9.5.8 A secondary **dwelling** unit is not permitted in conjunction with lodgers, bed and breakfast accommodation or a group home.

9.5.9 The operators of secondary **dwelling** units shall be required to hold a valid **business** licence with the **City of Kelowna**.









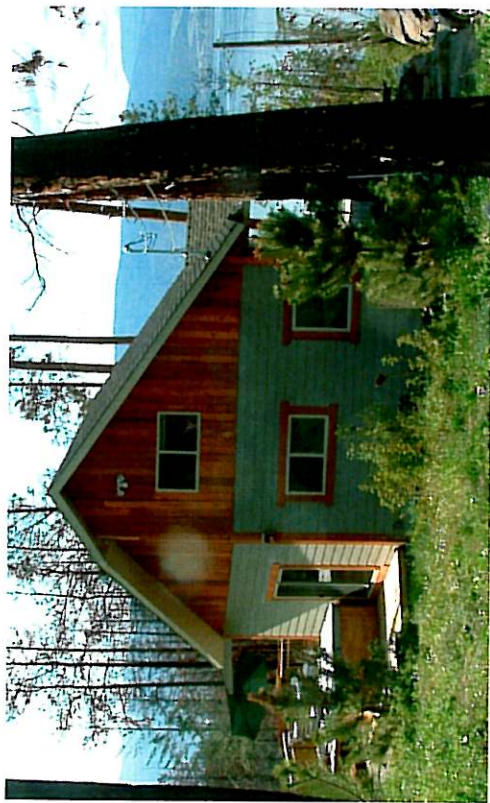
North Side



West and South Side



West Side



East Side

main floor

81.9 m<sup>2</sup>

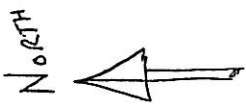
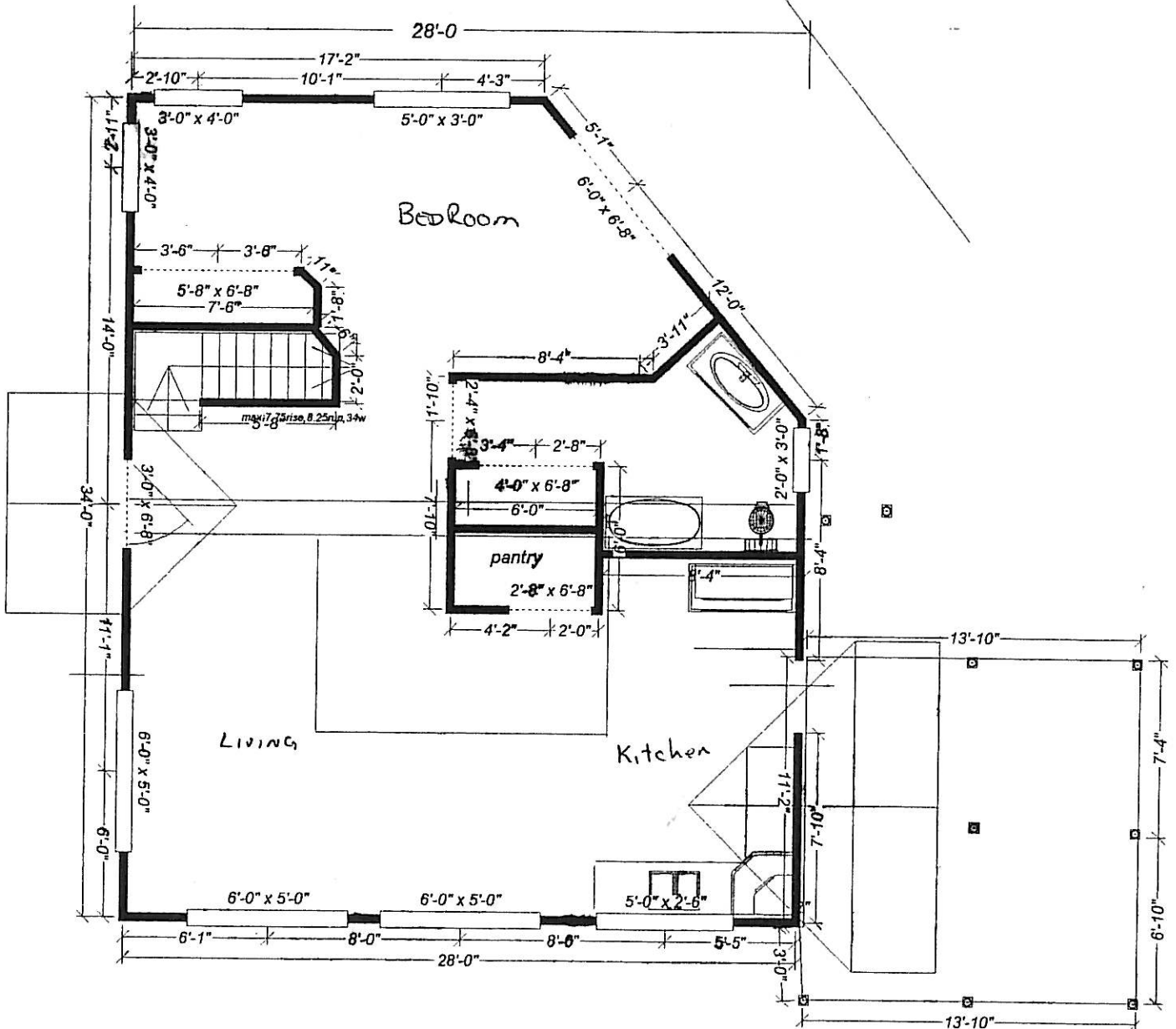
Loft  
room

13.0 m<sup>2</sup>

11.7 m<sup>2</sup>

Total

106.6



5555 LAKESHORE RD, KELOWNA