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**CITY OF KELOWNA  
MEMORANDUM**

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**Date:** August 8, 2008  
**To:** City Manager  
**From:** Planning & Corporate Services Department  
**Subject:**

**APPLICATION NO.** Z08-0041      **APPLICANTS:** George Staley  
Shirley Staley

**AT:** 4039 June Springs Road      **OWNERS:** George Staley  
Shirley Staley

**PURPOSE:** TO REZONE THE SUBJECT PROPERTY FROM A1 – AGRICULTURE 1 TO A1s – AGRICULTURE 1 WITH SECONDARY SUITE TO ALLOW FOR THE CREATION OF A SUITE WITHIN 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. Z08-0041 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 2, Section 3, Township 26, O.D.Y.D., Plan KAP80425, located on June Springs 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 considered subsequent to the requirements of South East Kelowna Irrigation District and the Works & Utilities Department being completed to their satisfaction.

**2.0 SUMMARY**

This rezoning application seeks to rezone the subject property from A1 to A1s to allow for a suite in an accessory building. The existing accessory building is used for storage and as a shop. This zoning change would allow for the conversion of the 2<sup>nd</sup> floor of the accessory building to be converted to habitable space.

**3.0 HISTORY**

2002 – Agricultural Land Commission (ALC) approved a home-site severance application for the subject property, creating the 4.3 acre parcel which is now under application for rezoning (A02-0101).

2005 – Subdivision application for home-site severance lot approved, creating 1.7 ha (4.3 ac) subject property (application #S04-0094).

March 2008 – Application for “non-farm use” approved by ALC, allowing the secondary suite in the accessory building (application #A07-0019).



The surrounding area is predominantly in the Agricultural Land Reserve (ALR) and used for agricultural purposes. However, there is some urban residential development to the north and east of this parcel (Gallagher's Canyon development), as well as some rural residential to the south.

There is one single family dwelling on the property and one accessory building. Outside of the established yard areas, the land is primarily used to grow table grapes.

Water service for this lot is supplied by the South East Kelowna Irrigation District (SEKID). An existing septic tank and field handle the sewage disposal for the existing dwelling and an additional system would need to be installed for the proposed secondary suite. The applicants have indicated a need to install these facilities whether the secondary suite development proceeds or not, given the new agricultural health regulations, which require proper toilet and hand-washing facilities for farm help.

The table below shows this application's compliance with the requirements of the A1s zone:

CRITERIA	PROPOSAL	A1s ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	1.7 ha (4.3 ac) <sup>A</sup>	2.0 ha
Lot Width	100 m	40.0 m
Development Regulations		
Site Coverage	meets requirements	10% for residential development
Height (principal building)	7.8 m	9.5 m or 2 ½ storeys
Height (accessory building)	7.5 m	13.0 m
Height (accessory building containing secondary suite)	7.5 m	lesser of 9.5 m or the height of the existing principal dwelling unit
Front Yard	28.8 m	6.0 m
Side Yard (east)	13.0 m	3.0 m
Side Yard (west)	28.0 m	3.0 m
Rear Yard	101 m	10.0 m 3.0 m to acc. bldg.
Other Regulations		
Garage or carport	meets requirements	suite in accessory bldg. must include a garage or carport
Floor Area (principal dwelling)	> 120 m <sup>2</sup> (1,300 ft <sup>2</sup> )	
Floor Area (suite)	78 m <sup>2</sup>	90 m <sup>2</sup> or 75% of principal bldg.

<sup>A</sup> This parcel was created as part of a home-site severance application, and is therefore legally non-conforming to lot area.

### **Zoning and Uses of Adjacent Property**

North	A1 – Agriculture 1 / Pasture, Hay Land, and Orchard
East	A1 – Agriculture 1 / Pasture, Hay Land, and Orchard
South	A1 – Agriculture 1 / Pasture and Hay Land
West	A1 – Agriculture 1 / Orchard

## **5.0 POLICY**

### **5.1.1 Kelowna 2020 Official Community Plan**

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

### **5.1.2 City of Kelowna Agricultural Plan**

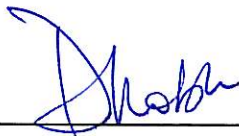
**Secondary Suites.** Support the provision of secondary suites in agricultural areas as per Land Commission Policy # 770/98, which allows one suite per parcel, substantially within the footprint of an existing or proposed single family dwelling provided it is clearly secondary to the single family dwelling. Suites in accessory buildings or enlarging the footprint of an existing residence for a suite would require an ALC application.

## **6.0 TECHNICAL COMMENTS**

(See attached)

## **7.0 PLANNING AND CORPORATE SERVICES DEPARTMENT COMMENTS**

Staff supports the application to rezone the subject property from the A1 – Agriculture zone to the A1s – Agriculture with Secondary Suite zone, due to prior approval having been granted by the ALC.



*for* Shelley Gambacort  
Planning and Development Services  
NW/nw

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### **Attachments:**

- Location of subject property
- Site Plan
- Photos of Existing Accessory Building
- Air Photo
- Technical Comments

File: Z08-0041

Application

File: Z08-0041

Type: REZONING - NON APC

File Circulation

Seq	Out	In	By	Comment
				B.C. Assessment Authority (info only)
	2008-04-21	2008-04-21		
				Bylaw Enforcement Officer
	2008-04-21	2008-04-21	PTURNER	No concerns
				Community Development & Real Estate Mgr
	2008-04-21	2008-07-22	KGENGE	CD&RE 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-sized copy, together with an 8 ? x 11 copy, of any survey plans.
				Fire Department
	2008-04-21	2008-05-02	MNEID	4039 JUNE SPRING RD Z08-0041 Not sufficient information to determine if there is proper fire separation between the work shop/storage area and the dwelling suite. Building must meet the requirements of the BCBC 2006.
				FortisBC
	2008-04-21	2008-05-23		No response
				Inspections Department
	2008-04-21	2008-04-29	RREADY	Building permit required for development of suite, to be constructed requirements of BCBC 2006. Structural engineer's report required for this existing accessory building.
				Irrigation District - SEKID
	2008-04-21	2008-05-08		No comment
				Public Health Inspector
	2008-04-21	2008-05-02		No concerns provided community water & sanitary sewer are available
				Works & Utilities
	2008-04-21	2008-04-28		see document attached

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CITY OF KELOWNA

MEMORANDUM

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**Date:** April 24, 2008  
**File No.:** Z08-0041  
**To:** Planning & Development Services Department (NW)  
**From:** Development Engineer Manager (SM)  
**Subject:** 4039 June Springs Rd. – Lot 2, Plan KAP80425, Sec. 3, Twp. 26, ODYD

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

1. Sanitary Sewer

This property is currently located outside the municipal wastewater system.

2. Water

The property is located within the South East Kelowna Irrigation District (SEKID). Confirmation is required from SEKID that the water system components proposed satisfy the Bylaw and that security is in place for any offsite Works and that all associated fees are paid.

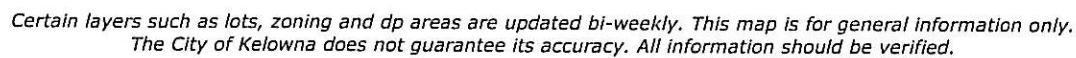
3. Development Permit and Site Related Issues

Provide a designated, unobstructed Emergency Access Path from the frontage road to the main entrance of the proposed carriage house.

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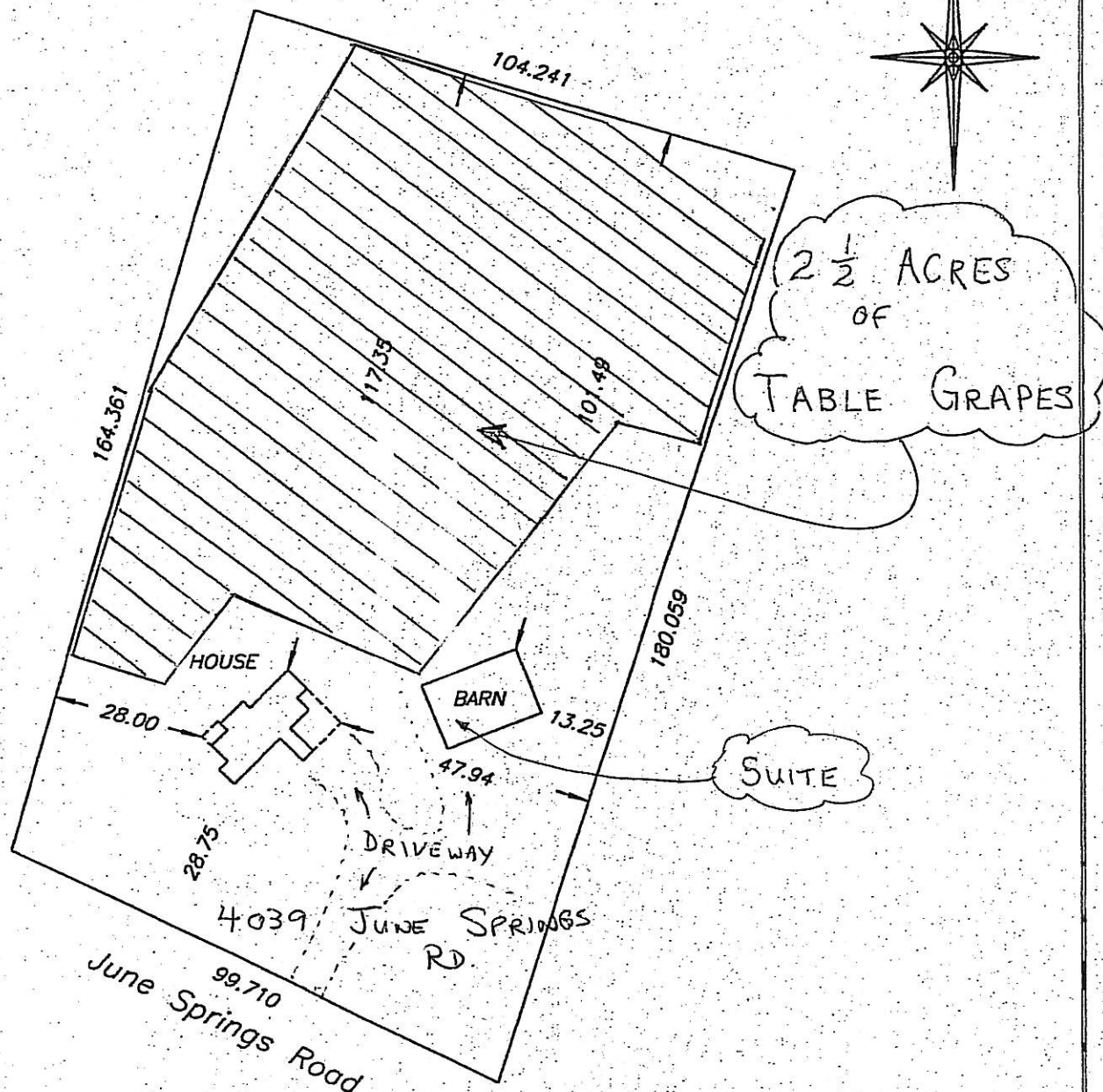
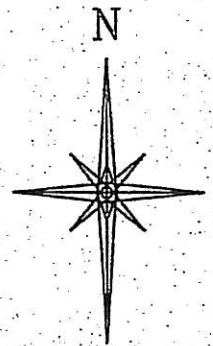
Steve Muenz, P.Eng.  
Development Engineering Manager  
DC





**B.C. LAND SURVEYOR'S CERTIFICATE OF  
LOCATION OF BUILDING ON LOT 2  
PLAN KAP 80425 SEC. 3 TP. 26 O.D.Y.D.**

SCALE 1:1250 DISTANCES ARE IN METRES.



(C)

THIS DOCUMENT IS NOT VALID UNLESS  
ORIGINALLY SIGNED AND SEALED.

**CERTIFIED CORRECT**

this 10th day of January, 2005.

D.A. Goddard BCLS

**FILE 12896 FB 279**

**RE: Staley**

THIS PLAN IS FOR MORTGAGE OR  
MUNICIPAL PURPOSES ONLY AND IS  
NOT TO BE USED TO DEFINE THE  
BOUNDARIES OF THIS LOT.

D.A. Goddard Land Surveying Inc.  
103-1358 ST. PAUL STREET KELOWNA



