
**CITY OF KELOWNA
MEMORANDUM**

DATE: October 03, 2008

TO: City Manager

FROM: Community Sustainability Division

APPLICATION NO. Z08-0079

OWNER: Sherry & Mike Belanger

AT: 4150 McClain Road

APPLICANT: Sherry & Mike Belanger

PURPOSE: TO REZONE FROM THE A1 – AGRICULTURE 1 ZONE TO THE A1s – AGRICULTURE 1 WITH SECONDARY SUITE ZONE TO ALLOW FOR A SECONDARY SUITE WITHIN A MOBILE HOME.

OCP DESIGNATION: AGR – Rural / Agricultural

EXISTING ZONE: A1 – Agriculture 1

PROPOSED ZONE: A1s – Agriculture 1 with Secondary Suite

REPORT PREPARED BY: Andrew Browne

1.0 RECOMMENDATION

THAT Rezoning Application No. Z08-0079 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1 Section 2 Township 26 ODYD Plan 20428, located at 4150 McClain Road, Kelowna, B.C. from the A1 – Agriculture 1 zone to the A1s – 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 subsequent to the requirements of the South East Kelowna Irrigation District being completed to their satisfaction.

2.0 SUMMARY

The applicant proposes to rezone the subject property from A1 – Agriculture 1 to A1s – Agriculture 1 with Secondary Suite in order to provide a secondary suite within a mobile home for immediate family. The proposed rezoning conforms to the City of Kelowna Official Community Plan future land use designation of Rural / Agricultural.

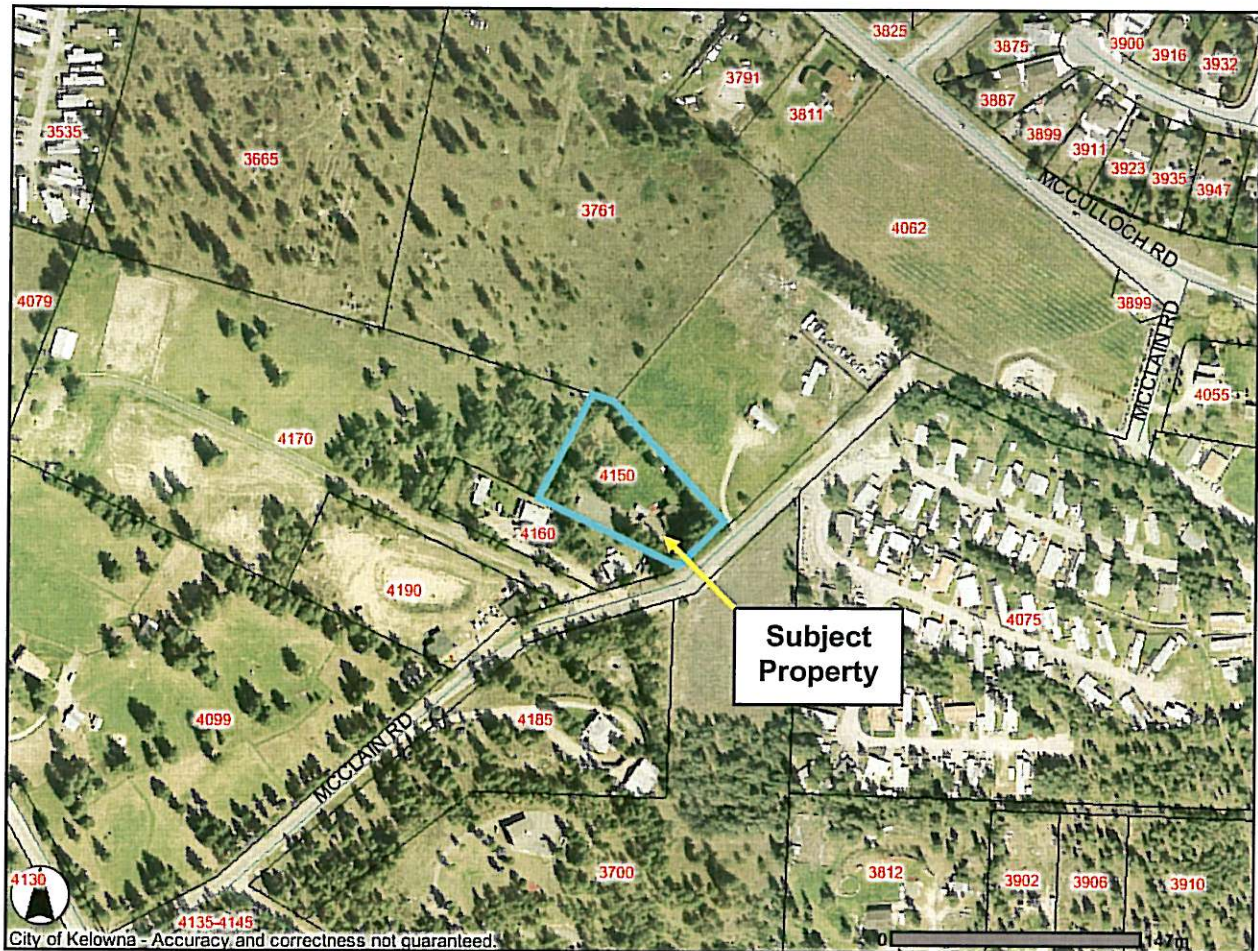
3.0 **BACKGROUND**

3.1 **Site Context**

The subject property is located in Southeast Kelowna at 4150 McClain Road. The surrounding area is predominantly zoned for agriculture but also features zoning for rural residential detached homes and mobile home parks.

The immediately adjacent land uses are as follows:

North	A1 – Agriculture 1
South	A1 – Agriculture 1 & A1s – Agriculture 1 with Secondary Suite
East	A1 – Agriculture 1 & RM7 – Mobile Home Park
West	A1 – Agriculture 1 & A1s – Agriculture 1 with Secondary Suite



3.2 **The Proposal**

The applicant proposes to rezone the subject property from A1 – Agriculture 1 to A1s – Agriculture 1 with Secondary Suite in order to provide a secondary suite within a mobile home for immediate family.

The following table shows this application's compliance with the requirements of the A1s zone.

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	A1s ZONE REQUIREMENTS
Development Regulations		
Lot Area	5 516 m ² existing	40 000 m ²
Site Coverage	6.4%	10%
Secondary Suite Size	72.9 m ²	90 m ²
Height	meets requirements	Lesser of 2 storeys or 6.5 m, above which the building must be setback by 1.2 m
Side Yard	24.87 m	2.3 m
Side Yard	17.37 m	2.3 m
Rear Yard	10.67 m	7.5 m
Other Requirements		
Parking Stalls (#)	meets requirements	3 spaces
Private Open Space	meets requirements	30 m ² per dwelling unit

4.0 **TECHNICAL COMMENTS**

4.1 **Fire Department**

Because of the distance from the road to the proposed building the driveway (fire department access) is to be 6 meters wide. If a gate is to be across the fire department access the gate must open with out special knowledge or have a fire department lock box installed; contact the Fire Prevention Office for information.

Any over head branches or objects must be clear to a height of 5 meters along the fire department access.

4.2 **Inspections Department**

No comments.

4.3 **Works & Utilities Department**

Domestic Water and Fire Protection

The property is located within the South East Kelowna Irrigation District (SEKID) service area.

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.

Sanitary Sewer

Sanitary sewage is to be handled by an on-site sewage disposal system subject to approval of the Provincial Public Health Officer.

4.4 **South East Kelowna Irrigation District**

Please see the attached letter dated September 29, 2008 from the South East Kelowna Irrigation District.

5.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

No significant impact on adjacent or nearby properties is anticipated. This Zoning Bylaw Amendment application conforms to the intent of the future land use designation for the subject property as expressed in the City of Kelowna's Official Community Plan.

Agricultural Land Commission regulations do not apply to this property as it was less than 2 acres in size and existed on separate title before the ALC was created.

Land Use Management staff have no concerns with the proposed rezoning.

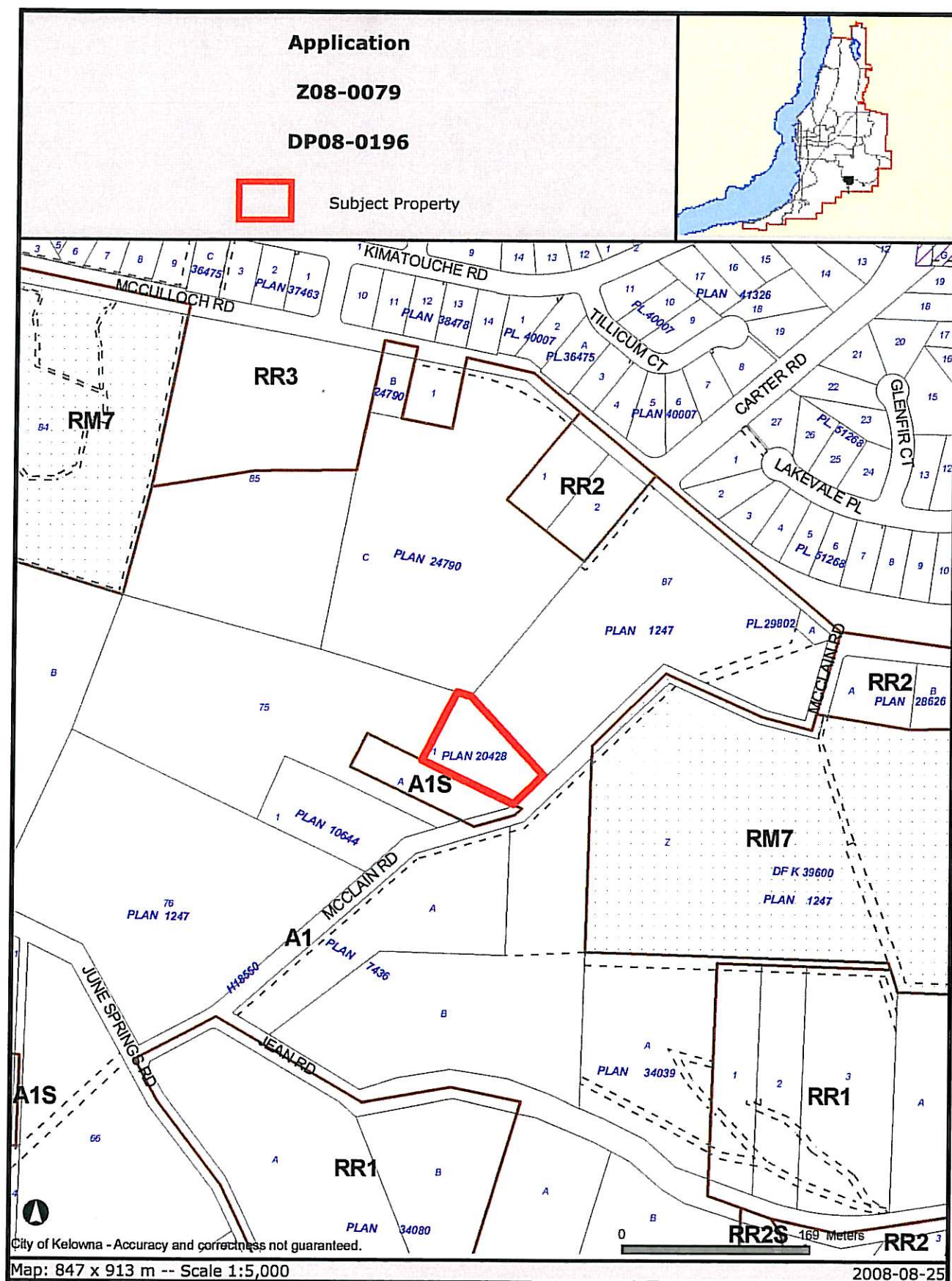

Shelley Gamabert
Director of Land Use Management

ATTACHMENTS

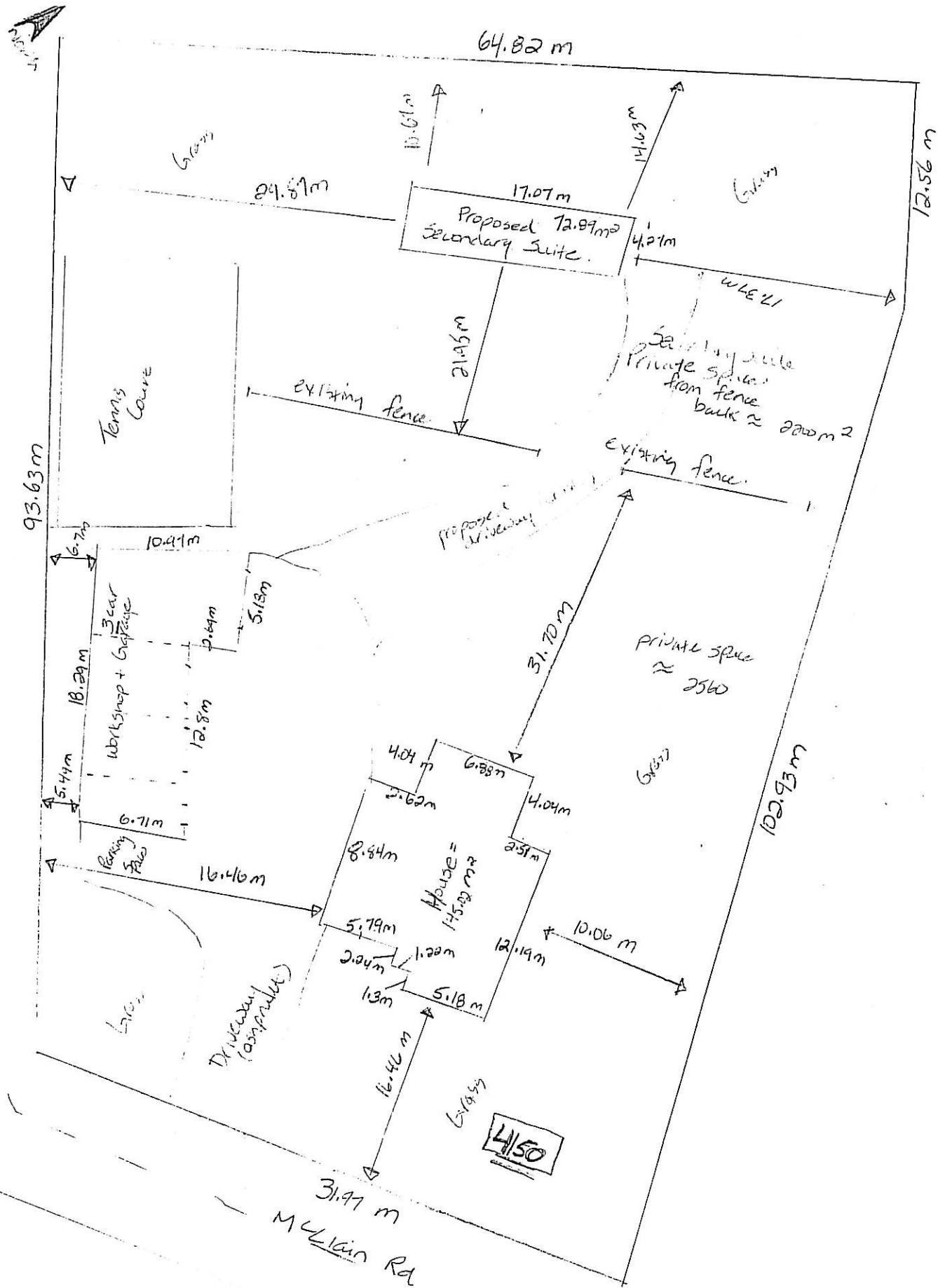
Location map

Site plan

South East Kelowna Irrigation District letter dated September 29, 2008



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.



4/50



South East Kelowna Irrigation District

P.O. Box 28064 RPO East Kelowna
Kelowna, B.C.
V1W 4A6

Office: 3235 Gulley Road
Telephone: (250) 861-4200
Fax: (250) 861-4213
Email: info@sekid.ca
Website: www.sekid.ca

September 29, 2008

Mike & Sherry Belanger
4150 McClain Road
Kelowna, BC V1W 4E1

Dear Mike & Sherry:

Re: Your request to waive regrade fees for 4150 McClain Road

Further to your correspondence dated September 22, 2008, the Board of Trustees considered your request at a regularly scheduled meeting on September 25, 2008 to waive the regrade fees that apply to bring your property up to current District standards and allow for the addition of another residence.

After some deliberation, the Board has denied your request to waive the regrade fee, but has agreed to amend the requirement originally presented by staff. District policy requires that a minimum of one acre of regrade be required for a single family residence on lots greater than one acre. Staff has interpreted this to mean that in cases where there are two residences proposed each residence would require one acre of water rights, or, in cases where the lot is less than two acres, the lot must be fully regraded. The Board has determined that with the addition of a secondary suite (or equivalent) the one acre minimum applies and the additional regrade required is 0.67 acres, not the 0.93 acres originally indicated.

The result is that less water right are required than originally indicated to you. A summary of fees owing:

1.	Regrade Water Rights (0.67 X \$4,856.23)	\$3,253.67
2.	Capital Expenditure Charge (1 unit < 75m ²)	1,000.00
3.	Application Fee (water meter)	450.00
4.	New Account Fee	20.00
	Total:	\$4,723.67

I would also say I regret any communication problems you might have had in dealing with District staff. Notes on property files are routinely made in these circumstances and there are differences between our understanding of what action was required and your understanding. I apologize for any confusion this has caused.

Sincerely,

A handwritten signature in dark ink, appearing to read "D. Stirling".

David Stirling
Chair of the Board of Trustees



WATER - NEVER ENOUGH TO WASTE

