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**CITY OF KELOWNA  
MEMORANDUM**

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**DATE:** November 25, 2008  
**TO:** City Manager  
**FROM:** Community Sustainability Division  
**APPLICATION NO.** Z08-0091      **OWNER:** David & Linda Dyck &  
Robert and Joanne Stutters  
**AT:** 308 Moyer Road      **APPLICANT:** David Dyck  
**PURPOSE:** TO REZONE FROM THE A1 – AGRICULTURE 1 ZONE TO THE A1s –  
AGRICULTURE 1 WITH SECONDARY SUITE ZONE TO LEGALIZE  
AND EXPAND AN EXISTING SECONDARY SUITE  
**EXISTING ZONE:** A1 – Agriculture 1  
**PROPOSED ZONE:** A1s – Agriculture 1 with Secondary Suite  
**REPORT PREPARED BY:** Andrew Browne

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**1.0    RECOMMENDATION**

THAT Rezoning Application No. Z08-0091 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 47 Section 35 Township 26 ODYD Plan 425 except Plans 16532 and 17954, located at 308 Moyer 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 Works & Utilities Department and Black Mountain 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 legalize and expand an existing secondary suite. The proposed rezoning conforms to the City of Kelowna Official Community Plan future land use designation of Rural / Agricultural.



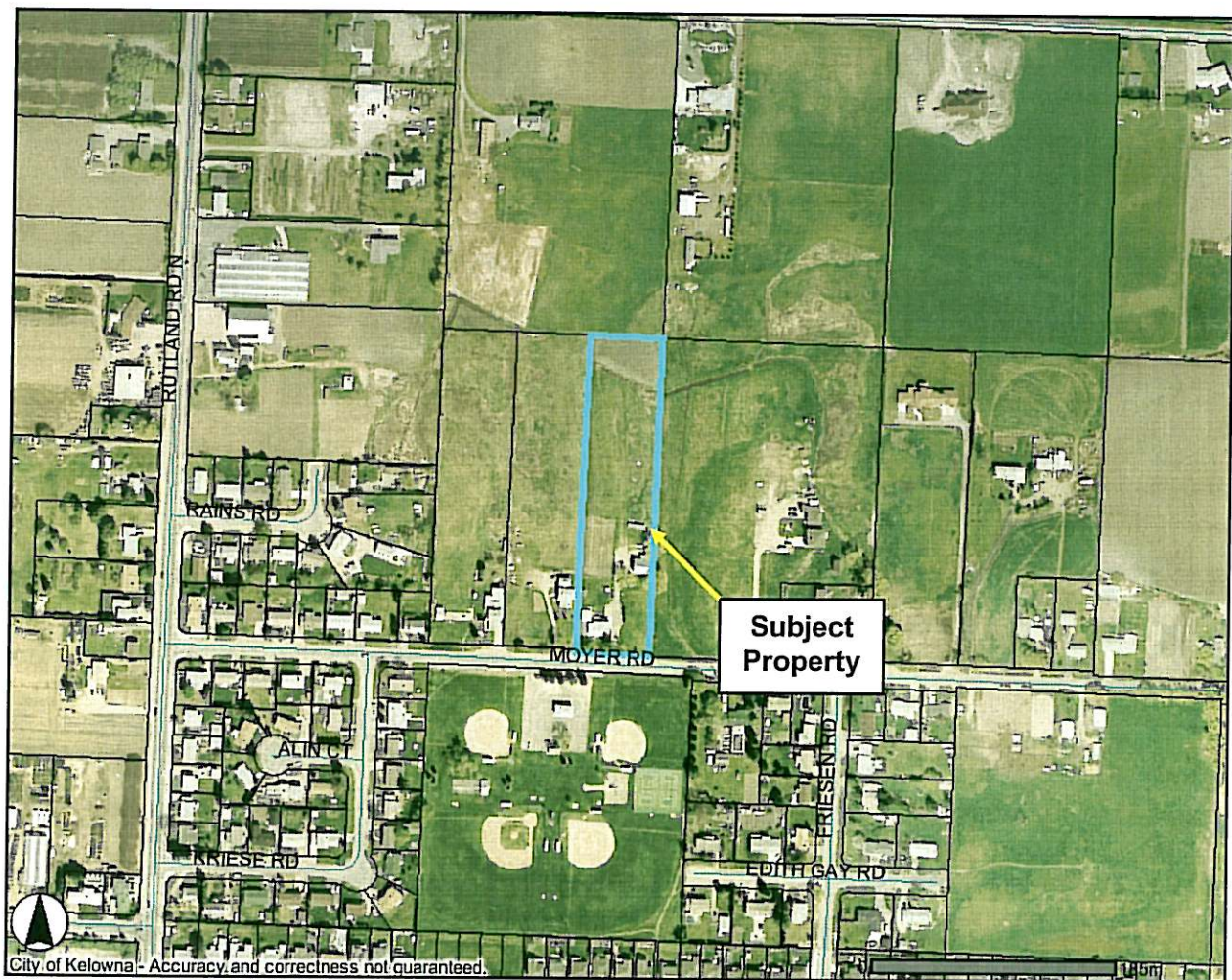
### 3.0 BACKGROUND

#### 3.1 Site Context

The subject property is located in Rutland at 308 Moyer Road. The surrounding area is predominantly zoned for agriculture and urban and rural residential.

The immediately adjacent land uses are as follows:

- |       |                           |
|-------|---------------------------|
| North | A1 – Agriculture 1        |
| South | P3 – Parks and Open Space |
| East  | A1 – Agriculture 1        |
| West  | A1 – Agriculture 1        |



### 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 legalize and expand an existing secondary suite.

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	3.32 acres or 13 465 m <sup>2</sup> (existing non-conforming)	9.88 acres or 40 000 m <sup>2</sup>
Secondary Suite Size	84.6 m <sup>2</sup> and 32.4% of the floor area of the principal building	90 m <sup>2</sup> or 40% of the floor area of the principal building, whichever is less
Other Requirements		
Parking Stalls (#)	meets requirements	3 spaces
Private Open Space	meets requirements	30 m <sup>2</sup> per dwelling unit

## 4.0 POLICY

### 4.1 Kelowna 2020 Official Community Plan

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

### 4.2 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.

## 5.0 TECHNICAL COMMENTS

### 5.1 Fire Department

Requirements of Section 9.36, Secondary Suites, of the BCBC 2006 are to be met; Fire separations as per BCBC 2006.

### 5.2 Inspections Department

Building permit required for addition. Existing residence area and addition for proposed suite to be constructed to requirements of BCBC 2006 ie: fire separation, fire stopping.

### 5.3 Works & Utilities Department

Sanitary sewer charges are required, with terms as per the October 27, 2008 letter from the Works & Utilities Department, on file.

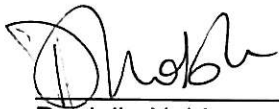
#### 5.4 Black Mountain Irrigation District

Connection charges and deposits are required, with terms as per the October 03, 2008 letter from the Black Mountain Irrigation District, on file.

#### 6.0 LAND USE MANAGEMENT DEPARTMENT

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.

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



Danielle Noble  
Urban Land Use Supervisor

Approved for inclusion

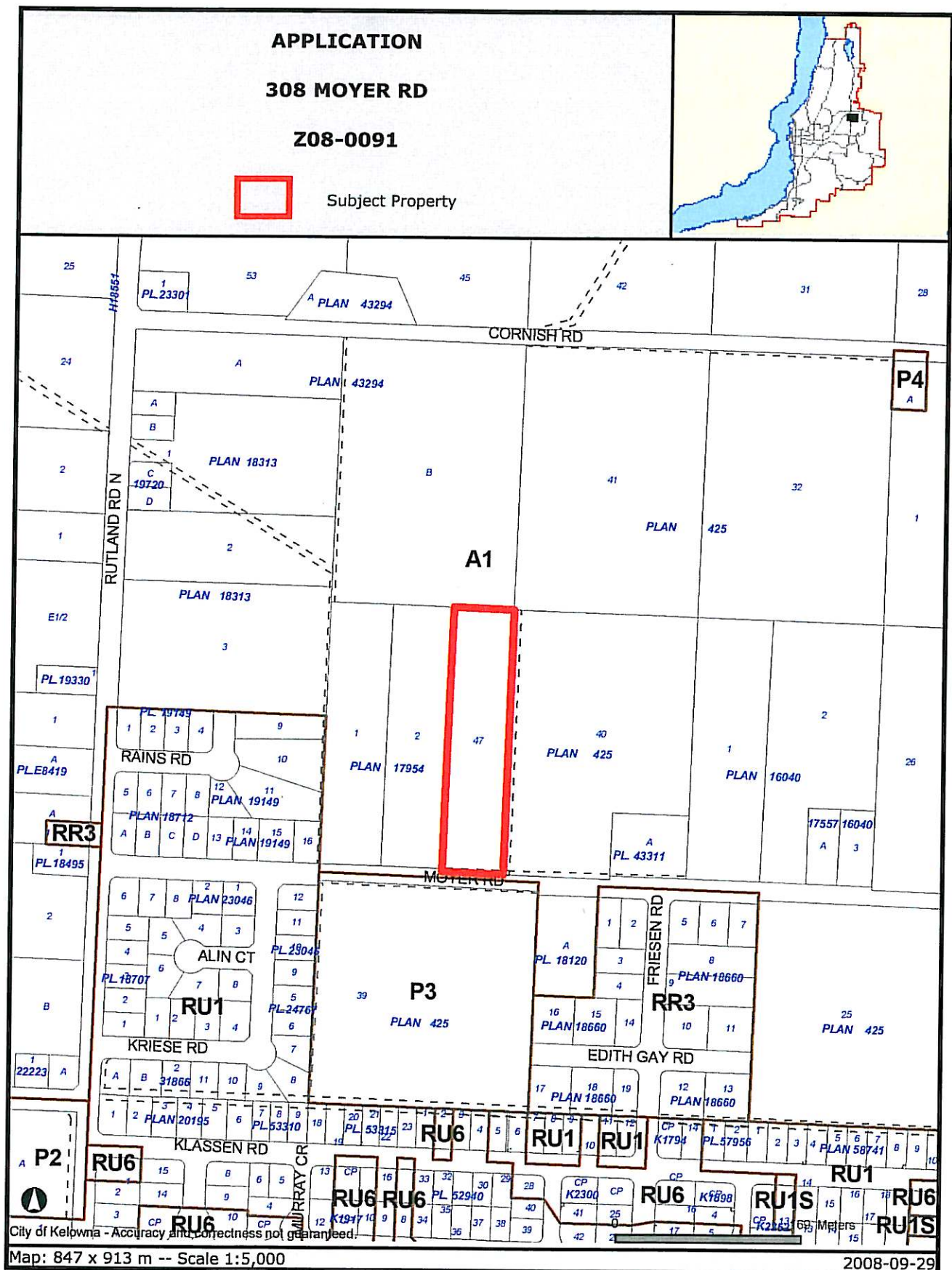


Shelley Gambacort  
Director of Land Use Management

#### ATTACHMENTS

Location map  
Partial site plan





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.

