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**CITY OF KELOWNA**  
**MEMORANDUM**

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**DATE:** January 9, 2009

**TO:** City Manager

**FROM:** Community Sustainability Division

**PURPOSE:** TO REZONE THE SUBJECT PROPERTY FROM THE RR1 – RURAL RESIDENTIAL 1 ZONE TO THE RR1(S) – RURAL RESIDENTIAL 1 WITH SECONDARY SUITE ZONE TO ALLOW A CARRIAGE HOUSE ON THE PROPERTY

**APPLICATION NO.** Z08-0081

**OWNER:** Frank & Eva Sipos

**AT:** 4328 Bedford Lane

**APPLICANT:** Frank Sipos

**EXISTING ZONE:** RR1 – Rural Residential 1

**PROPOSED ZONE:** RR1(s) – Rural Residential 1 (with Secondary Suite)

**REPORT PREPARED BY:** Luke Turri

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**1.0 RECOMMENDATION**

THAT Rezoning Application No. Z08-0081 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 3, Section 32, Township 29, ODYD, Plan KAP76256, located on Bedford Lane, Kelowna, BC from the RR1-Rural Residential 1 zone to the RR1s-Rural Residential 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.

AND THAT final adoption of the zone amending bylaw be considered subsequent to the requirements of the South East Kelowna Irrigation District and the Interior Health Authority being completed to their satisfaction.

**2.0 SUMMARY**

The applicant is proposing to rezone the subject property from RR1 to RR1(s) to allow a carriage house on the property.



### 3.0 BACKGROUND

#### 3.1 The Proposal

The applicant is proposing to rezone the subject property to the RR1s zone, to allow a detached secondary suite on the property. Currently, one single-family dwelling exists on the property that was approved for a Building Permit in June 2007. The owner is requesting to build a larger, principal dwelling on site while maintaining the existing dwelling. As proposed, this would require the existing dwelling to become a secondary suite.

As the existing dwelling is both over-sized and over-height as a secondary suite, the applicant is requesting a Development Variance Permit to vary the floor area of a secondary suite in an accessory building from the 90m<sup>2</sup> (968 ft<sup>2</sup>) maximum to 120.58 m<sup>2</sup> (1,297.9 ft<sup>2</sup>) proposed. The variance application is also requesting a relaxation of the maximum height allowed for a secondary suite, from 4.5m to 5.5m proposed.

The proposal conforms to the provisions of Zoning Bylaw No. 8000 with variances noted as follows:

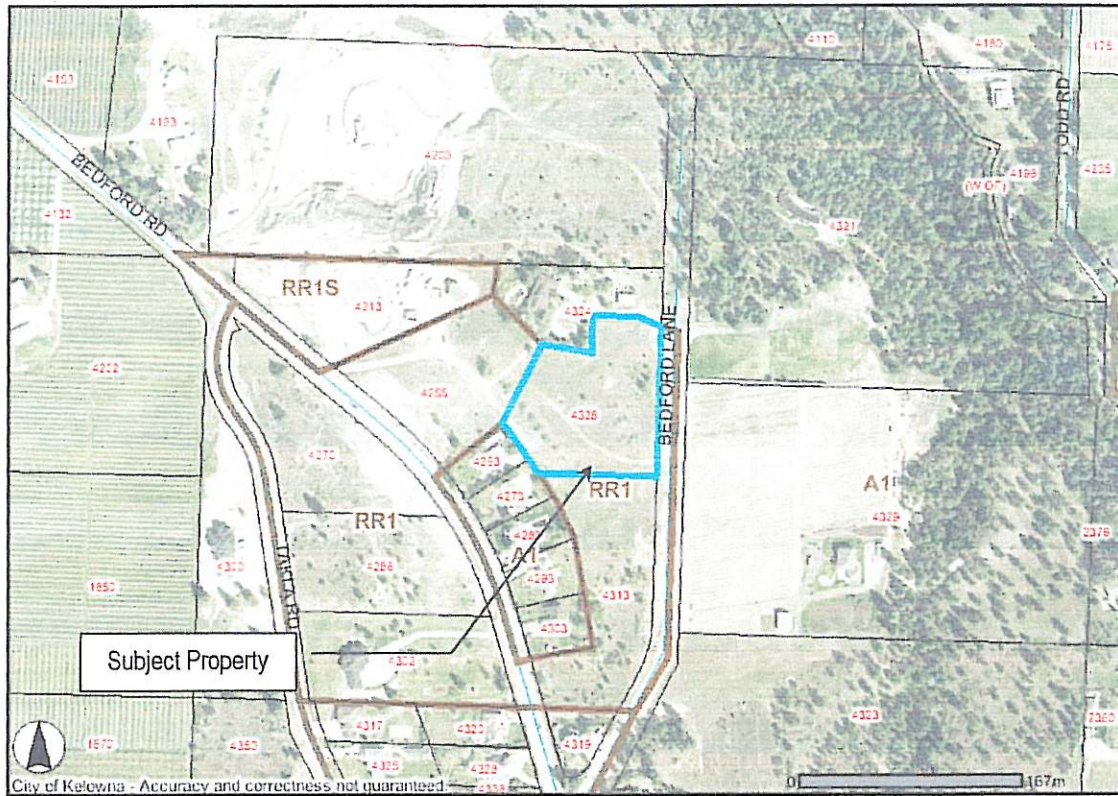
CRITERIA	PROPOSAL	RR1(s) ZONE REQUIREMENTS
<b>Subdivision Regulations</b>		
Lot Area	1.1 ha (11,039m <sup>2</sup> )	1.0 ha (10,000m <sup>2</sup> )
Lot Width	112.60 m	40.0 m
Lot Depth	89.54 m	30.0 m
<b>Development Regulations</b>		
<i>Height</i>	5.5 m*	4.5 m
Site Coverage	Meets requirements	10%
Front Yard	63.5 m	6.0 m
Side Yard (north)	14.8 m	3.0 m
Side Yard (south)	19.0 m	3.0 m
Rear Yard	21.63 m	3.0 m
Separation between dwellings	7.32 m	5.0 m
<b>Accessory Development</b>		
<i>Floor Area (secondary suite)</i>	120.58 m <sup>2</sup> *	90 m <sup>2</sup>
<b>Other Regulations</b>		
Minimum Parking Requirements	3 spaces	3 spaces

\* Requires variance.

### 3.2 Site Context

#### Site Location Map

Subject property: 4328 Bedford Lane



The subject property is located in the South East Kelowna area, south of Casorso Road. Specifically, adjacent land uses are as follows:

North	A1 – Agricultural 1
East	A1 – Agricultural 1
South	RR1 – Rural Residential 1
West	A1 – Agricultural 1 RR1 – Rural Residential 1 RR1s – Rural Residential 1 with Secondary Suite

### 4.0 CURRENT DEVELOPMENT POLICY

#### 4.1 Kelowna Official Community Plan (OCP)

The Kelowna Official Community Plan identifies the subject property as a "Rural/Agricultural" future land use. The proposed secondary suite use is consistent with that designation.

OCP Section 8.47 (Secondary Suites): Encourage, under the conditions and requirements stipulated in the Zoning Bylaw, the creation of secondary suites.

## 5.0 TECHNICAL COMMENTS

### 5.1 Fire Department

If a gate is ever installed on the drive way it must be min 14 feet clear width and requires a fire department lock box with an over ride switch and a key to disable the locking device in case of power outage.

### 5.2 Works and Utilities

#### 5.2.1 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 onsite Works and that all associated fees are paid.

#### 5.5.2 Sanitary Sewer

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

### 5.3 South East Kelowna Irrigation District

A Capital Expenditure Charge in the amount of \$4,000.00 must be paid. The new house must have a water meter and an Application Fee of \$450.00 must be made. The owner is advised that it is his or her responsibility to have the meter installed and they should contact the District office when they are ready to receive the water meter. An Account Fee of \$20.00 must be paid. The property is currently service by a 25mm domestic service. This should be adequate to provide water service to the existing Carriage House as well as the new residence and the applicant is not required to provide for an additional service. Should the applicant decide they would like a second domestic water service, additional charges will apply.

### 5.4 Interior Health Authority (Public Health Inspector)

The applicant is required to hire a Registered Onsite Wastewater Practitioner to assess the property and establish daily sewerage flows to determine whether the property has the space and capability to properly dispose of the waste onsite.

## 6.0 LAND USE MANAGEMENT DEPARTMENT

The Land Use Management Department is supportive of the proposed rezoning of the property to accommodate a secondary suite use.

In principle, Official Community Plan (OCP) policies support this type of land use, however this particular application does present several challenges. Though the OCP supports the creation of secondary suites, and the proposed zoning is congruent with the future land use designation for the property, the existing dwelling would be over-sized for a suite within an accessory building. Notably, the property owners applied for a single family dwelling building permit in 2007. Secondary suite policies were well established at that time, and should the owners have chosen to abide by the suite guidelines, then a more modest building permit application could have been pursued. However, as applied for, the proposal would essentially be the equivalent of the RU6 – Two Dwelling Housing

zone, which is only supported in areas where infrastructure services are already in place and infill housing can be supported by urban amenities. These conditions are not met in this area of the City.

Although the proposed secondary dwelling is already constructed, this should not necessarily suggest that its non-conformity should be accepted and that existing policies should not be acknowledged. Staff consider this to be an unwelcome precedent to set, which circumvents City guidelines and should not be a development option.

That being said, staff recognize that alterations to the existing dwelling could be made to meet the City's secondary suite policies, and therefore are supportive of the rezoning application. The Development Variance Permit application for secondary suite building height and secondary suite floor area will be considered at a later date.



Danielle Noble  
Manager, Urban Land Use



Approved for inclusion



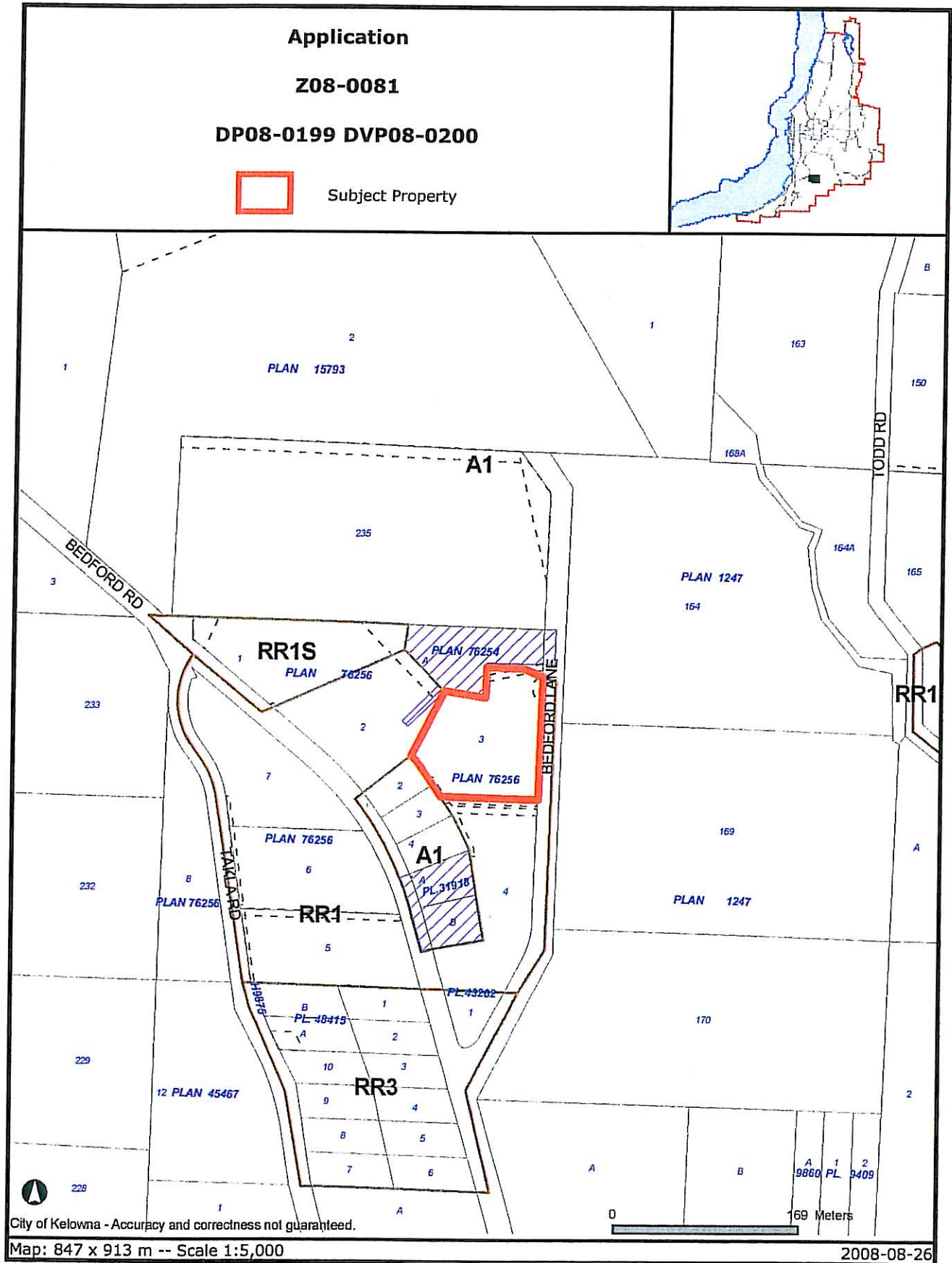
Shelley Gambacort  
Director, Land Use Management

SG/DN/lt

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**ATTACHMENTS**

- A – Subject Property Map
- B – Site Plan
- C – Elevations
- D – Floor Plans



City of Kelowna - Accuracy and correctness not guaranteed.

Map: 847 x 913 m -- Scale 1:5,000

2008-08-26

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.

4328 BEDFORD LANE

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S.R.W. PLAN KAP76261  
16.067

PLAN KAP76254  
A

COVENANT  
PLAN KAP76259

EXISTING LANDSCAPE ROCK

EXISTING LANDSCAPE BLOCK WALLS

EXISTING LANE

EXISTING TREES

EXISTING LANDSCAPE BLOCK WALL

S.R.W. PLAN KAP76257

EXISTING TREES

EXISTING SIDEWALK

EXISTING DRIVEWAY

EXISTING DRIVEWAY

PROPOSED TREES

PROPOSED PLANTING BED & LANDSCAPE ROCK

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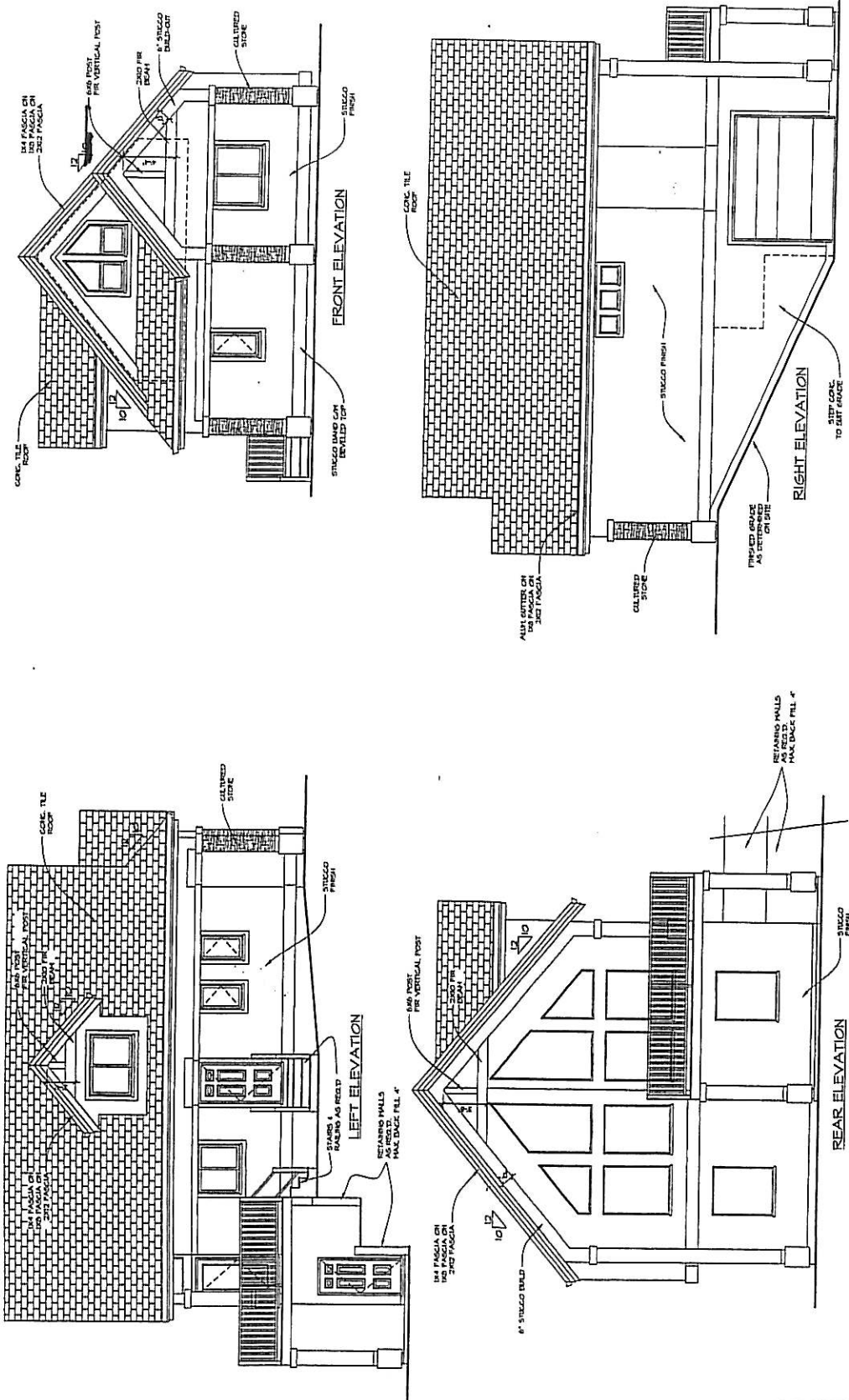
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**BAXTER DESIGN**  
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PROPOSED RESIDENCE OF:  
**MR. & MRS. STUBBS**  
 KELOWNA, B.C.

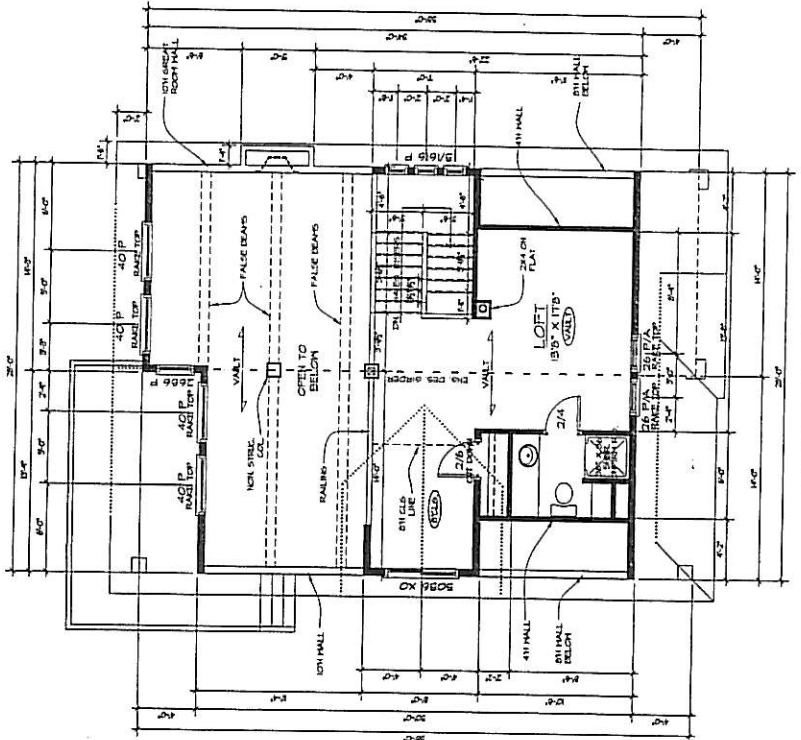
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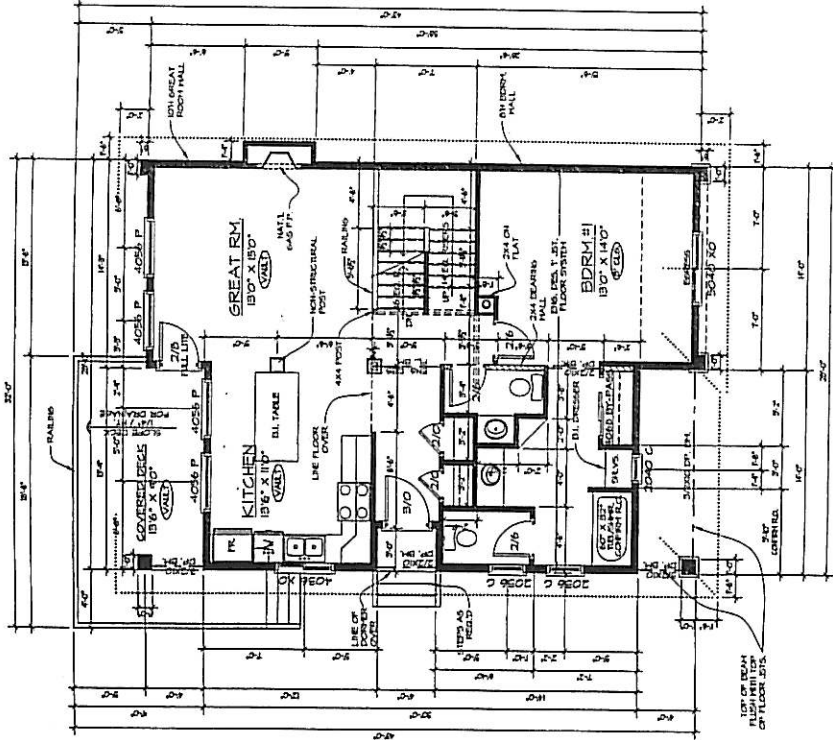
**ERRORS AND OMISSIONS**  
 I, JOHN B. BAXTER, ARCHITECT, and I, JAMES B. BAXTER, ARCHITECT, are responsible for any omissions, errors, or inaccuracies in this drawing. We warrant that the information contained in this drawing was prepared by us or by a duly licensed professional under our direct supervision and that we are duly licensed professionals in the State of Florida. We warrant that we have not been debarred, suspended, or otherwise disciplined by any state or federal agency. We warrant that we have not been convicted of any crime involving moral turpitude. We warrant that we have not been found guilty of any professional malpractice. We warrant that we have not been found guilty of any other crime or offense that would reflect adversely on our ability to perform the professional services required by this contract. We warrant that we have not been found guilty of any other crime or offense that would reflect adversely on our ability to perform the professional services required by this contract.





UPPER FLOOR 351 SQ.FT.

- NOTES:
- FRAMER TO CONFIRM ALL FINISHING FIXTURES
  - PROVIDE R.O.'S PRIOR TO COMMENCEMENT OF CONSTRUCTION
  - FRAMER TO PROVIDE PROPER BACKING FOR TOPEL BARS, GRAB BARS, RODS, PAPER HOLDERS AND SIMILAR FIXTURES AS REG'D
  - ORIGINAL CONTRACTOR TO CONFIRM ELECTRICAL LAYOUT WITH CUSTOMER ON SITE PRIOR TO PERFORMING LAYOUT AS PER ENGS. DES. TRUSS DRAWINGS.



MAIN FLOOR 941 SQ.FT.

**ERRORS AND OMISSIONS**

SETH & SHARIE BAXTER shall not be responsible for any variations in conditions represented on this plan, which have not been verified by SETH & SHARIE BAXTER. However, we assume no liability for any conditions which are not indicated on this plan, and which may be discovered during construction. It is the responsibility of the client to verify all conditions and to make any necessary corrections.

