
CITY OF KELOWNA
MEMORANDUM

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

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 90m² (968 ft²) maximum to 120.58 m² (1,297.9 ft²) 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:

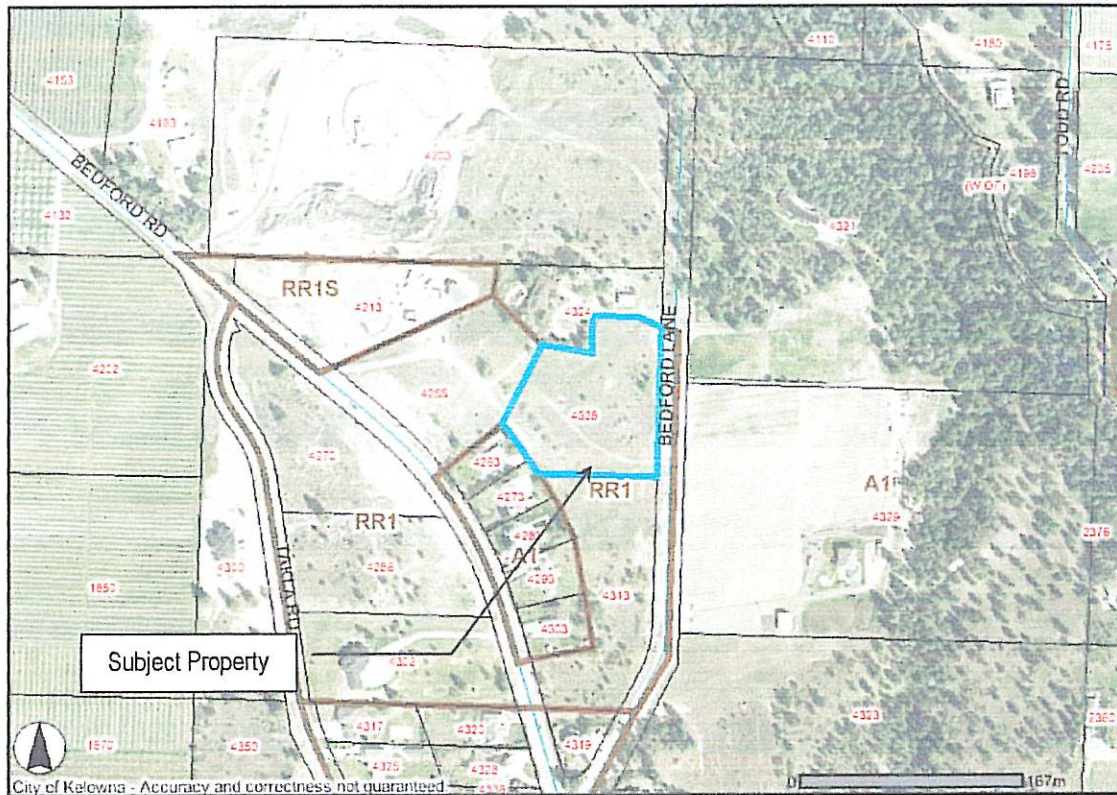
CRITERIA	PROPOSAL	RR1(s) ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	1.1 ha (11,039m ²)	1.0 ha (10,000m ²)
Lot Width	112.60 m	40.0 m
Lot Depth	89.54 m	30.0 m
Development Regulations		
<i>Height</i>	5.5 m*	4.5 m
Site Coverage	Meets requirements	10%
Front Yard	63.5 m	6.0 m
Side Yard (north)	14.8 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
Accessory Development		
<i>Floor Area (secondary suite)</i>	120.58 m ² *	90 m ²
Other Regulations		
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 offsite 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

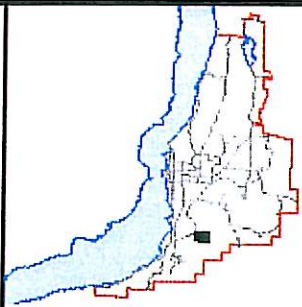
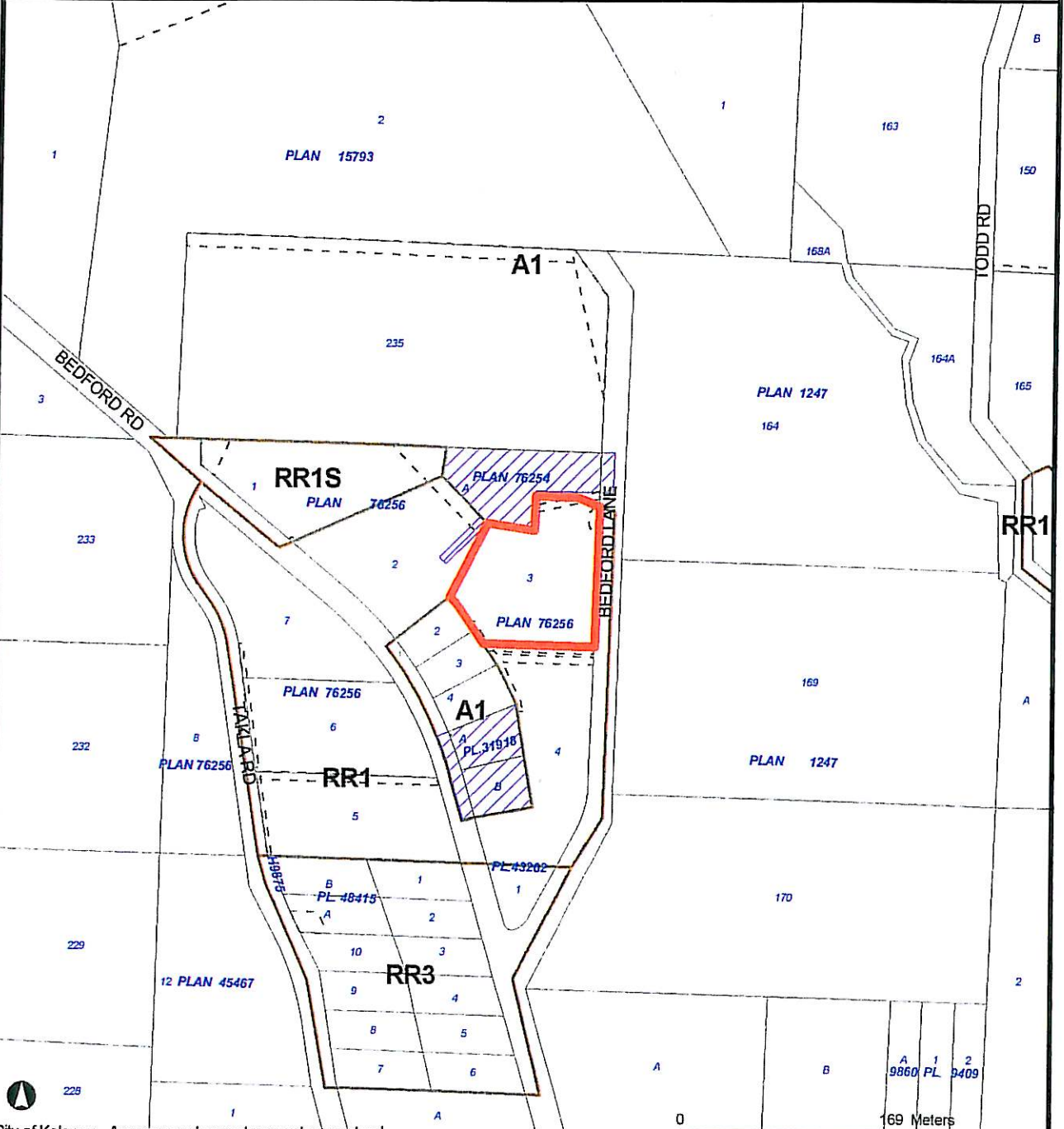
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ATTACHMENTS

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

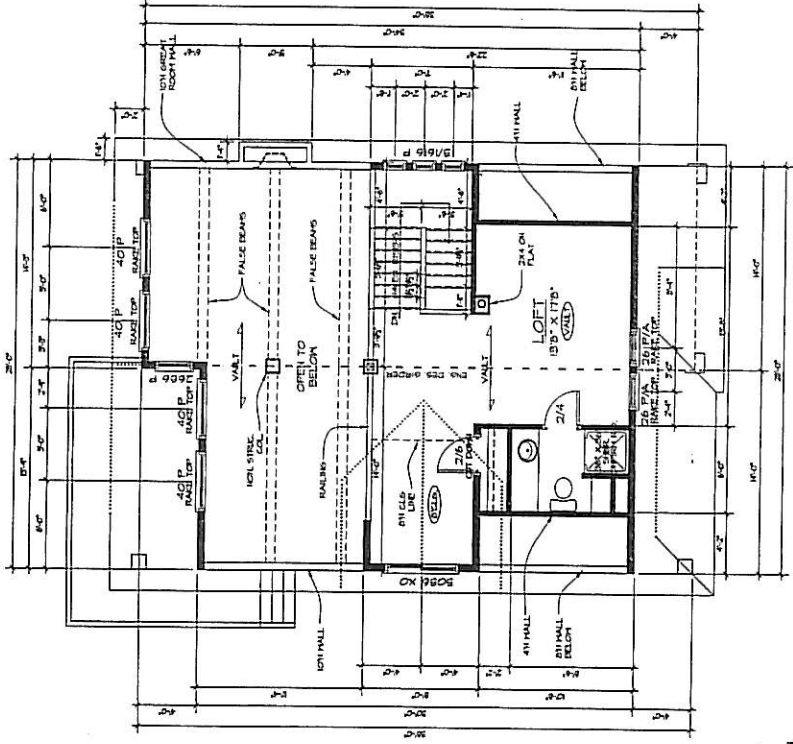
Application
Z08-0081
DP08-0199 DVP08-0200

Subject Property

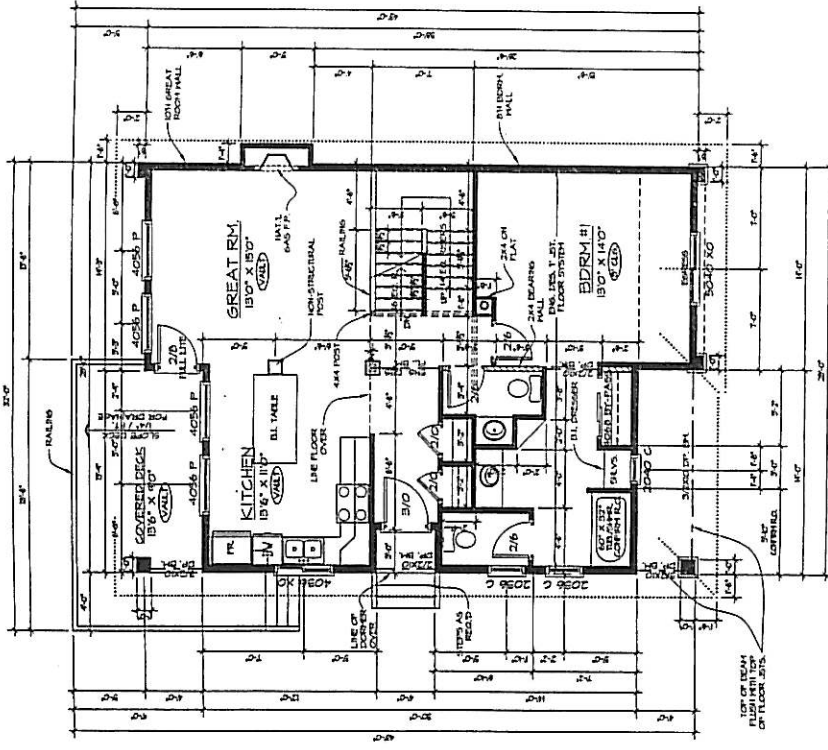
City of Kelowna - Accuracy and correctness not guaranteed.
 Map: 847 x 913 m -- Scale 1:5,000 2008-08-26

*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.*



UPPER FLOOR 357 SQ.FT.

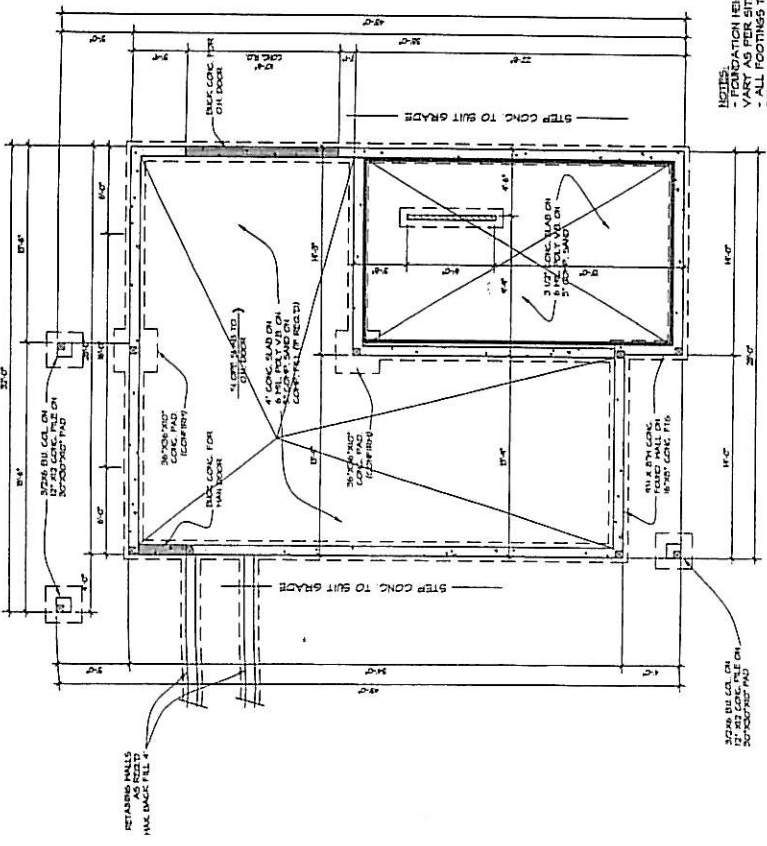
- NOTES:**
- FRAMER TO CONFIRM ALL PIPELINES FIXTURE & FINISHES PRIOR TO CONSTRUCTION.
 - FRAMER TO PROVIDE PROPER BACKING FOR TOILET BARS, GRAB BARS, RAILS, PAPER TOWEL HOLDERS AND SIMILAR FIXTURES AS REG'D.
 - ELECTRICAL CONTRACTOR TO CONFIRM ELECTRICAL LAYOUT WITH CUSTOMER ON SITE PRIOR TO FIRING.
 - FINISHES LAYOUT AS PER ENG. DES. TRUSS DRAWINGS.



MAIN FLOOR 441 SQ.FT.

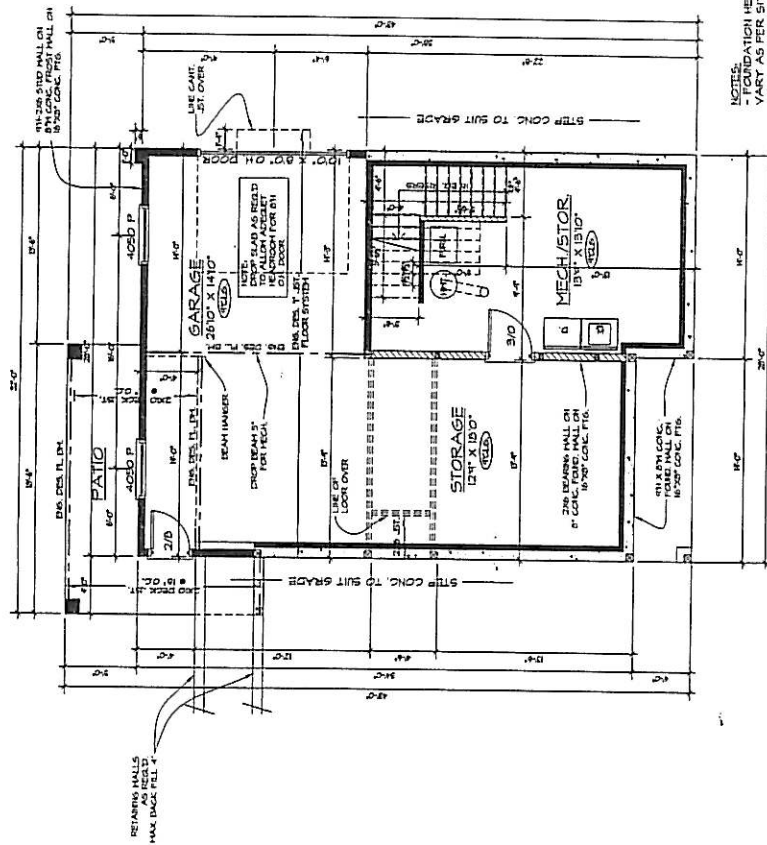
ERRORS AND OMISSIONS

MR. & MRS. SIMOS shall be responsible for any omissions, errors, drawings and specifications, or adjustments required by the contractor. The contractor shall be responsible for any omissions, errors, drawings and specifications, or adjustments required by the contractor. However, we warrant that the drawings and specifications are complete and correct as of the date of issue. We shall not be responsible for any omissions, errors, drawings and specifications, or adjustments required by the contractor. We shall not be responsible for any omissions, errors, drawings and specifications, or adjustments required by the contractor.



NOTES:
 FOUNDATION HEIGHTS MAY VARY AS PER SITE GRADE
 - ALL FOOTINGS TO BE BELOW FROST LINE
 - STEP FOOTINGS 2" MAX. VERT. & 2" MIN. HORIZ.

FOUNDATION PLAN



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 - ALL FOOTINGS TO BE BELOW FROST LINE
 - STEP FOOTINGS 2" MAX. VERT. & 2" MIN. HORIZ.

BASEMENT FLOOR PLAN

ROPS AND OMISSIONS
 The undersigned hereby certifies that the drawings herein were prepared by him or under his direct supervision and that he is a duly licensed Professional Engineer in the State of Florida. He further certifies that he is a duly licensed Professional Engineer in the State of Florida. He further certifies that he is a duly licensed Professional Engineer in the State of Florida. He further certifies that he is a duly licensed Professional Engineer in the State of Florida.

BAXTER DESIGN
 ARCHITECTURAL ENGINEERING
 101 W. 3rd St.
 Tallahassee, FL 32301
 TEL: 904/224-1111
 FAX: 904/224-1112

PROPOSED RESIDENCE OF:
MR. & MRS. SIBBS
 KELOWNA, B.C.

DRAWING SCALE: 1/4" = 1'-0"
 DATE: MARCH 14 / 07
 REV. DATE(S):
 DRN. BY: S.I.B.

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