
CITY OF KELOWNA
MEMORANDUM

Date: January 16, 2009

To: City Manager

From: Community Sustainability Division

Purpose: TO OBTAIN A DEVELOPMENT VARIANCE PERMIT TO VARY THE SIZE OF A SECONDARY SUITE FROM 90m² ALLOWED TO 120.58m² PROPOSED AND TO VARY THE MAXIMUM HEIGHT OF AN ACCESSORY BUILDING CONTAINING A SECONDARY SUITE FROM 4.5M PERMITTED TO 5.5M PROPOSED.

APPLICATION NO. DVP08-0200

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 Final Adoption of Zone Amending Bylaw No.10145 be considered by Council;

AND THAT Council not authorize the issuance of Development Variance Permit No. DVP08-0200, for Lot 3, Section 32, Township 29, ODYD, Plan KAP76256, located at 4328 Bedford Lane, Kelowna, BC.

2.0 SUMMARY

The secondary suite land use is supported by the OCP. However, the applicant is seeking a Development Variance Permit on a recently constructed dwelling in order to vary the maximum allowable floor area in a secondary suite from 90m² to 120.58m², and to vary the maximum height of an accessory building containing a secondary suite from 4.5m to 5.5m.

3.0 BACKGROUND

The subject property was created as part of an eight lot subdivision in 2004, and laid vacant for several years. The owners obtained a building permit to construct a 120.58m² house in 2007, which is occupied today. The current rezoning and Development Variance Permit applications are the result of the owner's desire to build a 450 m² (4840 ft²) house to the south of the current dwelling.

3.1 The Proposal

The applicant is proposing to rezone the subject property to the RR1(s) zone, to allow a secondary suite on the property. Currently, one dwelling exists on the property. The owner is requesting to build a larger dwelling on site, while maintaining the existing dwelling. This would make the existing dwelling the secondary suite.

As the existing dwelling is over-sized as a secondary suite, the applicant is requesting a Development Variance Permit to vary the size of a secondary suite in an accessory building, from the 90m² allowed to the 120.58 m². The applicant is also requesting a variance for the maximum height of this carriage house, from 4.5m allowed to 5.5m already constructed.

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

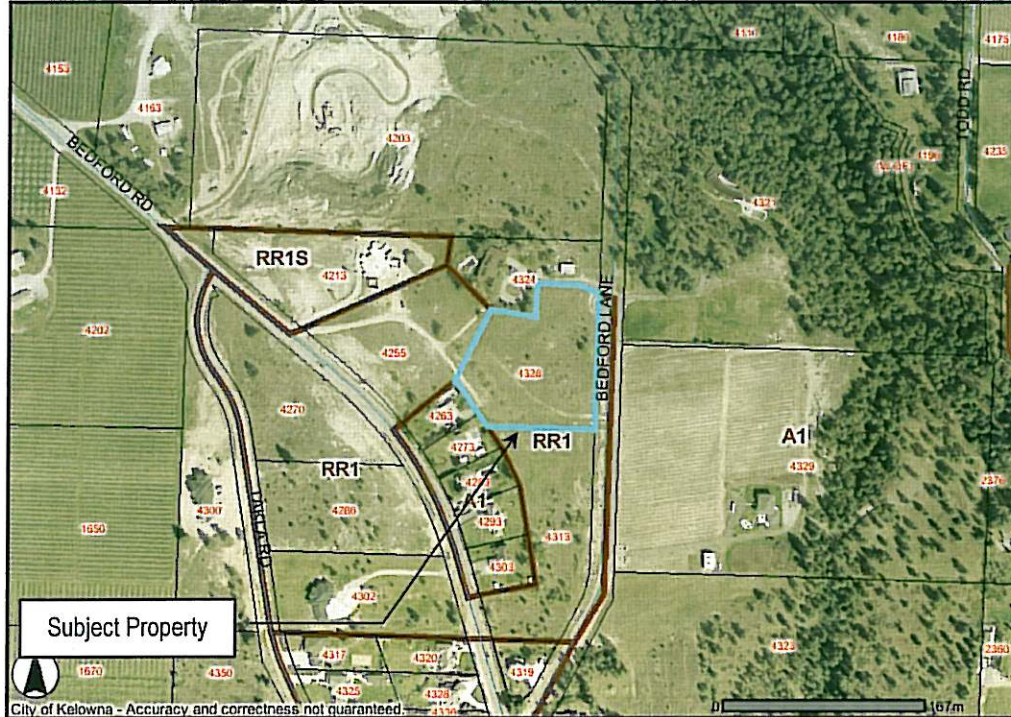
CRITERIA	PROPOSAL	RR1(s) ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	1.1 ha	1.0 ha
Lot Width	112.60 m	40.0 m
Lot Depth	89.54 m	30.0 m
Development Regulations		
<i>Height</i>	<i>5.5 m *</i>	<i>4.5 m</i>
Site Coverage	Meets requirements	10%
Front Yard	63.5 m	6.0 m
Side Yard (north)	14.8 m	3.0 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>	<i>120.58 m² *</i>	<i>90 m²</i>
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
East	A1 – Agricultural
South	RR1 – Rural Residential
West	A1 – Agricultural RR1 – Rural Residential RR1s – Rural Residential 1 with Secondary Suite

4.0 **TECHNICAL COMMENTS**

4.1 Works and Utilities

The proposed variance does not compromise Works & Utilities requirements.

5.0 **LAND USE MANAGEMENT DEPARTMENT**

Council has given staff direction to evaluate the regulations that are associated with 's' (secondary suite) developments. Specifically, to review the policies of these infill proposals from a planning, servicing, building inspections, and transportation perspective. In the interim, staff is bound by the current policy direction to evaluate proposals against.

Accordingly, the Land Use Management Department is not supportive of this application, as the zoning bylaw's maximum allowable floor area and the maximum height requirement for suites in an accessory building should be respected. The existing house, which would become the suite in an accessory building, was issued an Occupancy Permit in December 2008. The applicants submitted a Building Permit application for what is being proposed to be the principal residence in November 2008.

Initially, the existing home could have been designed to meet the zoning bylaw requirements for a suite in an accessory building, thereby avoiding any variances. It would be possible to renovate the existing home to meet the bylaw requirements by redesigning the roofline and removing the habitable area on the second floor. Alternatively, the proposed principal dwelling could be redesigned to incorporate the existing dwelling and reduce the interior floor area used for the suite, which would also remove the need for variances.

Conversely, staff acknowledge that given the size of the property, the siting of the buildings (both existing and proposed) and the substantial setbacks to the abutting property owners, granting the variances would not unduly impact the adjacent property owners. However, despite these considerations, the Land Use Management Department can not condone the lack of compliance with zoning bylaw requirements.

Should Council choose to approve this application, an alternate recommendation is provided below.

6.0 ALTERNATE RECOMMENDATION

THAT Final Adoption of Zone Amending Bylaw No.10145 be considered by Council;

AND THAT Council authorize the issuance of Development Variance Permit No. DVP08-0200, for Lot 3, Section 32, Township 29, ODYD, Plan KAP76256, located at 4328 Bedford Lane, Kelowna, BC.;

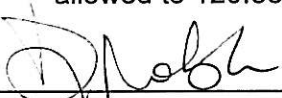
AND THAT variances to the following sections of Zoning Bylaw No. 8000 be granted:

Section 9.5.1 (e) – Secondary Suites

A variance to allow the maximum height of an accessory building containing a secondary suite from 4.5m allowed to 5.5m proposed.

Section 9.5.4 – Secondary Suites

A variance to allow the maximum floor area of a secondary suite from 90m² allowed to 120.58m² proposed.


for Shelley Gambacort
Director, Land Use Management Department

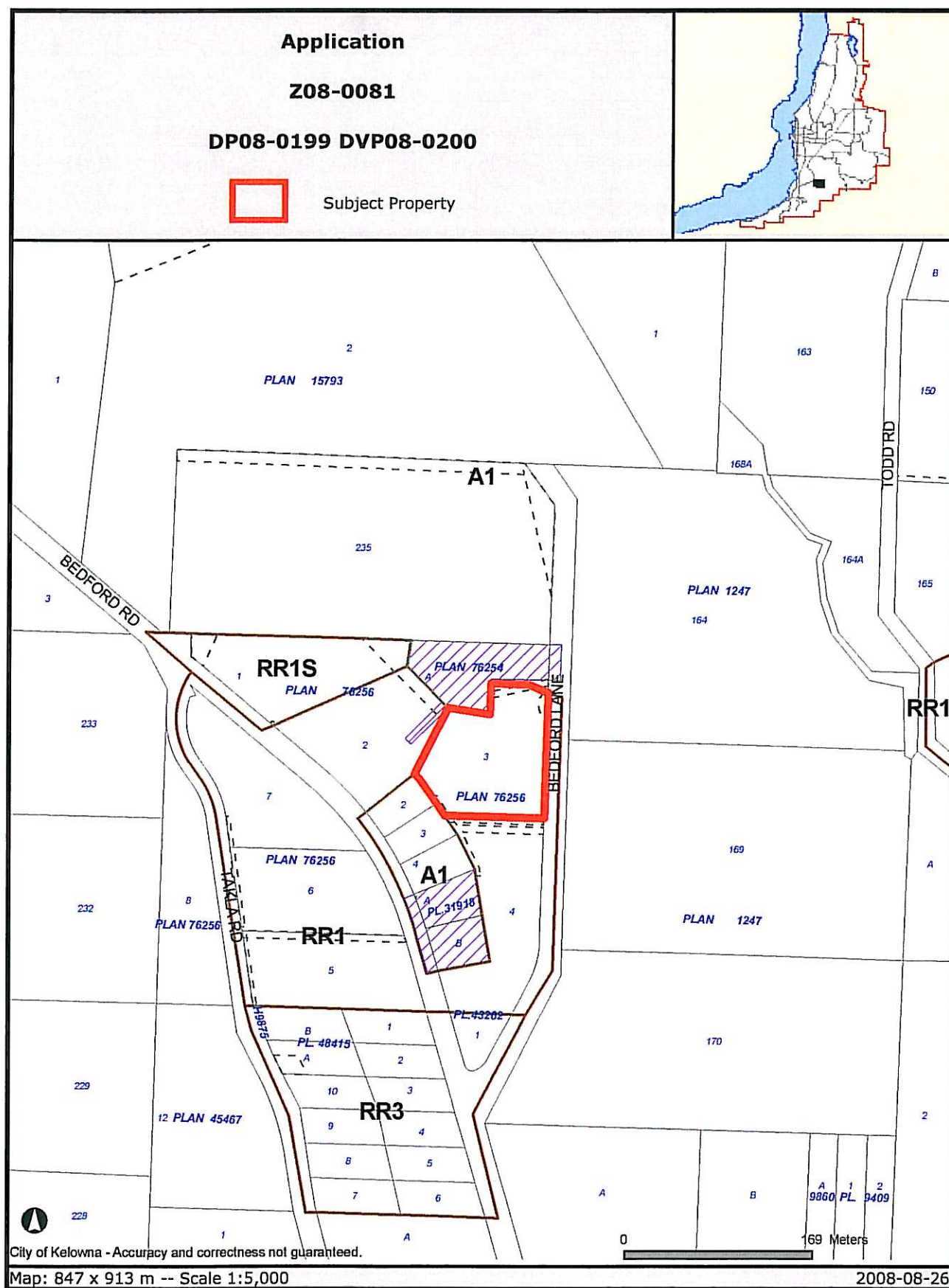
SG/DN/lt

Approved for inclusion

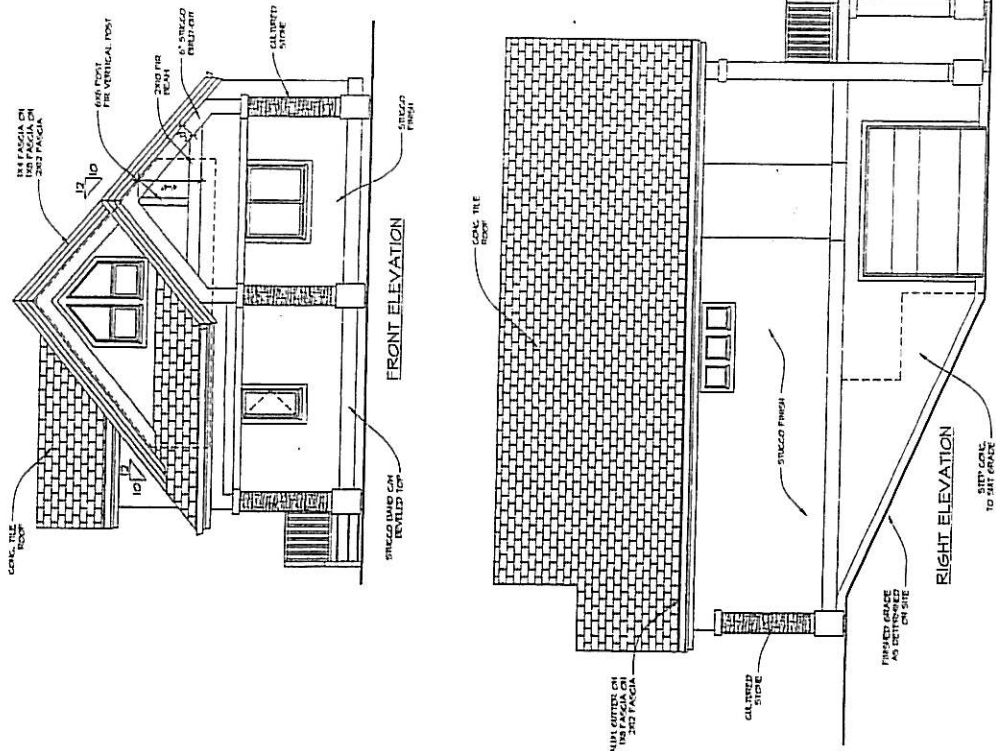
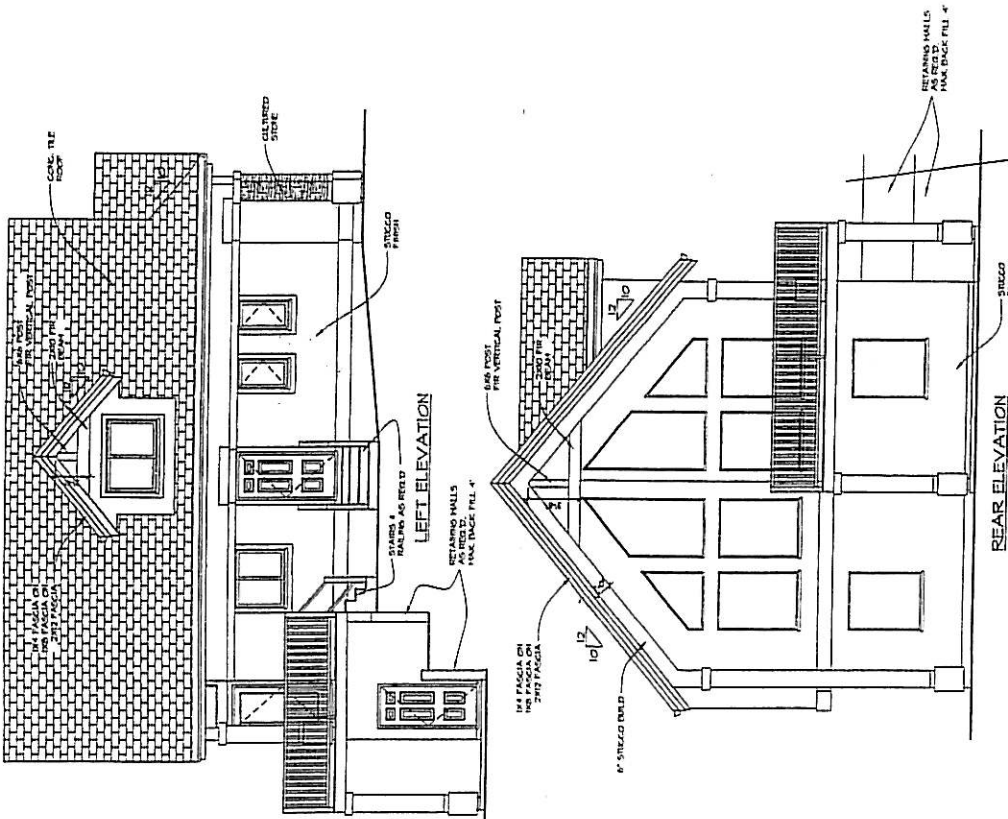

Jim Paterson
General Manager, Community Sustainability Division

ATTACHMENTS

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



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.

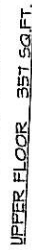
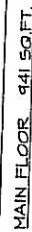


BAXTER DESIGN
 1700 E. 10th, Suite 100
 Lincoln, NE 68502
 Tel: (402) 441-1111
 Fax: (402) 441-1112
 Email: baxterdesign@earthlink.net

PROPOSED RESIDENCE OF:
MR. & MRS. JAMES BAXTER
 1700 E. 10th, Suite 100
 Lincoln, NE 68502
 DRAWING SCALE: 1/4" = 1'-0"
 DATE: MARCH 14 / 07
 REV: BAXTER(S)
 DPL BY: S.H.R.

ERRORS AND OMISSIONS
 I, the undersigned, being a duly licensed Professional Engineer in the State of Nebraska, do hereby certify that I am the author of the foregoing drawings and that I am a duly licensed Professional Engineer in the State of Nebraska. I am not responsible for any errors or omissions in the drawings or for any consequences resulting therefrom. I am not responsible for any errors or omissions in the drawings or for any consequences resulting therefrom. I am not responsible for any errors or omissions in the drawings or for any consequences resulting therefrom.

EXISTING



ERRORS AND OMISSIONS

that a CHART BATTER sheet will be responsible for any employees' unusual discrepancies, or adjustments required by the company, or for the job site, and is the sole authority at the cover or contractor.

CHART BATTER tracks every effort to provide complete and accurate CHART BATTER. However, we assume no liability for omissions, errors, or omissions. It is the responsibility of the user to ensure that all data is accurate and complete before submitting it to the system. We assume no liability for any discrepancies or errors found in the data submitted to our office. We can make the necessary corrections.



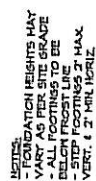
17908 K.L.D. Road
KILGERRA, B.C.
V1W 3P3
ph: (250) 882-9822

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

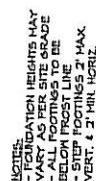
DRAWING SCALE: $1/4" = 1'-0"$
DATE: MARCH 14 / 07
REV. DATE(S):

DATE: 5.11.01


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FOUNDATION PLAN



BASEMENT FLOOR PLAN

 **BAXTER DESIGN**
Commercial Building, Dayton, Ohio
1100 N. Main Street, Dayton, Ohio 45402
Tel. (513) 252-9622
VFW 234
Smith, Dayton, Ohio 45402

PROPOSED RESIDENCE OF:
MR. & MRS. SEPOS
Dayton, N.C.

DRAWING SCALE: 1/4" = 1'-0"
DATE: MARCH 14 / 07
REV. DATTIC)
DON. BY: S.H.B.

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ERRORS AND OMISSIONS

3. A CHIEF BATTER shall not be responsible for any witnesses retained about the case, but he may be judiciously required to attend at the trial of the case, and to be ready to explain any irregularities of the job etc, and to this end of the tower or commander.

4. A CHIEF BATTER makes every effort to provide complete and satisfactory evidence, however, we stress on 24th July for the purpose of the case, and every effort to make it all at all of all orders and every subject in that position. It is the duty of the Chief Batter to make sure that the evidence is complete and that all details before accompanying with that position. It should never discrepancies be found on these plans. Every effort to be made to make the necessary corrections.

