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**CITY OF KELOWNA  
MEMORANDUM**

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**DATE:** August 25, 2009  
**TO:** City Manager  
**FROM:** Community Sustainability Division

**APPLICATION NO.** Z09-0028                      **APPLICANT:** Chris Vickery

**AT: 3832 Finch Road**                              **OWNER:** Arlene Tuttle

**PURPOSE:** TO REZONE FROM THE A1 – AGRICULTURE 1 ZONE TO THE A1(s) AGRICULTURE 1 WITH SECONDARY SUITE ZONE TO CONSTRUCT A SECONDARY SUITE WITHIN AN ACCESSORY BUILDING.

**EXISTING ZONE:** A1 – AGRICULTURE 1 ZONE

**PROPOSED ZONE:** A1(s) AGRICULTURE 1 WITH SECONDARY SUITE ZONE

**REPORT PREPARED BY:** BIRTE DECLOUX

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**1.0 RECOMMENDATION**

THAT Rezoning Application No. Z09-0028 to amend City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 1, Section 32, Township 23, O.D.Y.D., Plan 38647, located on Finch Road, Kelowna, B.C. from the A1 Agriculture 1 zone to the A1(s) 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;

**2.0 SUMMARY**

This application seeks to rezone from A1-Agriculture 1 zone to the A1(s)-Agriculture 1 with secondary suite zone to construct a secondary suite within an accessory building.

**4.0 BACKGROUND**

A single family dwelling is situated on the west side of the property near the lake. The applicant is proposing to construct a new secondary suite within an accessory building on the higher elevation of the property. The site has challenging topography with many sloped areas, however, the accessory building is planned to be sited on a relatively flat area. There are two access easements across the subject property, allowing the neighbour to the south access to Finch Road. The driveway to the proposed accessory building is accessed off one of these easements.

The accessory building visually appears to be larger than permitted, however the floor area of the suite falls within the 90m<sup>2</sup> maximum permitted and there is no restriction regarding the foot print of an accessory building in the Agriculture Zone. The proposed building consists of the suite and triple garage on the main floor. An unfinished storage area is planned for lower floor without interior access by the suite.



The proposed suite is a well designed one bedroom space with a large balcony.

The proposed application meets the requirements of A1(s) Agriculture 1 with secondary suite zone follows:

<b>Zoning Bylaw No. 8000</b>		
<b>CRITERIA</b>	<b>PROPOSAL</b>	<b>A1(s) ZONE REQUIREMENTS</b>
<b>Subdivision Regulations</b>		
Lot Area	11.7 ha	4.0 ha
Lot Width	371.66 m	40.0 m
Lot Depth	468.17 m	NA
<b>Development Regulations</b>		
Site Coverage	0.44 %	10%
Size ratios	Finished Suite 90 m <sup>2</sup> or 27%	In accessory bldg lessor of 90 m <sup>2</sup> or 75% of existing bldg
Height (accessory building)	6.9 m	Lessor of 9.5m or height of existing principal dwelling
Foot print	195.64 m <sup>2</sup>	
Front Yard	203.2 m	6.0 m
Side Yard (s)	90.34 m	3.0 m
Side Yard (n)	161.2 m	3.0 m
Rear Yard	129.2 m	10 m / 3.0 m for accessory buildings
Separation Distance Between Houses	Greater than required	Min 5.0 m
<b>Other Requirements</b>		
Parking Stalls (#)	3 spaces provided for suite	3 spaces

#### 4.1 Site Context

The subject property is located at the end of Finch Road in McKinley Landing. More specifically, the adjacent land uses are as follows:

North - RR3 – Rural Residential 3

East A1 – Agriculture 1 zone

South A1 – Agriculture 1 zone

West W1 – Recreational Water Use

4.2 Site Location: 3832 Finch Road



**5.0 CURRENT DEVELOPMENT POLICY**

The property is proposed to be zoned A1(s) – Agriculture 1 with Secondary Suite. The purpose of this zone is to provide for rural areas and agricultural uses as well as other complimentary uses suitable in an agricultural setting.

5.2 Kelowna 2020 – Official Community Plan

The future land use designation of the subject property is Future Urban Reserve. This translates into land that has some development potential but is not projected for development within the Official Community Plan 20-year time horizon. There is potential for the reconsideration of the status of these lands as part of a future review and updating of the Official Community Plan. These boundaries are schematic in nature, and include lands that may remain within the ALR. Lands within this designation will not be supported for any further parcelization.

**6.0 TECHNICAL COMMENTS**

The application has been submitted to various technical agencies and City departments, and the following relevant comments have been submitted:

6.1 Development Engineering

The application to rezone from A1 to A1s will increase the load of the onsite septic storage system and it's proximity to the lake may be an issue. The rezoning should be subject to the Public Health Authority.

6.2 Building and Permitting

No concerns

**6.3 Fire Department**

This premises is in excess of 8km response from the nearest Firehall and adequate fire protection cannot be assured, therefore, it is recommended this structure should be sprinklered to the NFPA 13D standard

**6.4 Public Health Inspector**


No objection to the approval of the creation of a secondary suite - I.H. has been provided with information for onsite sewage and drinking water.

**7.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS**

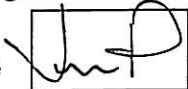
The A1(s) - Agriculture 1 with a secondary suite does not impact the future land use designation of Future Urban Reserve. The site is amply large to accommodate an accessory building containing a suite without impacting the neighbours or the principal dwelling on the subject property. The applicant was able to meet all the criteria of Interior Health for both water and septic systems.

Staff note the sizable area dedicated to the storage area in the lower half of the accessory building. However under the Agriculture 1 zoning, the footprint of the accessory building is not restricted and thus meets the zoning bylaw. The applicant felt that combining storage and a secondary suite within one building is a more economical and environmentally sensitive use of the site. At this time, the secondary suite is intended for caretakers of the property.

Given the siting of the proposed accessory structure, no Natural Environment Development Permit will be triggered and a professional geotechnical report will be submitted to ensure soil stability thru the Development Permit Waiver process.

  
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Danielle Noble

Urban Land Use Manager

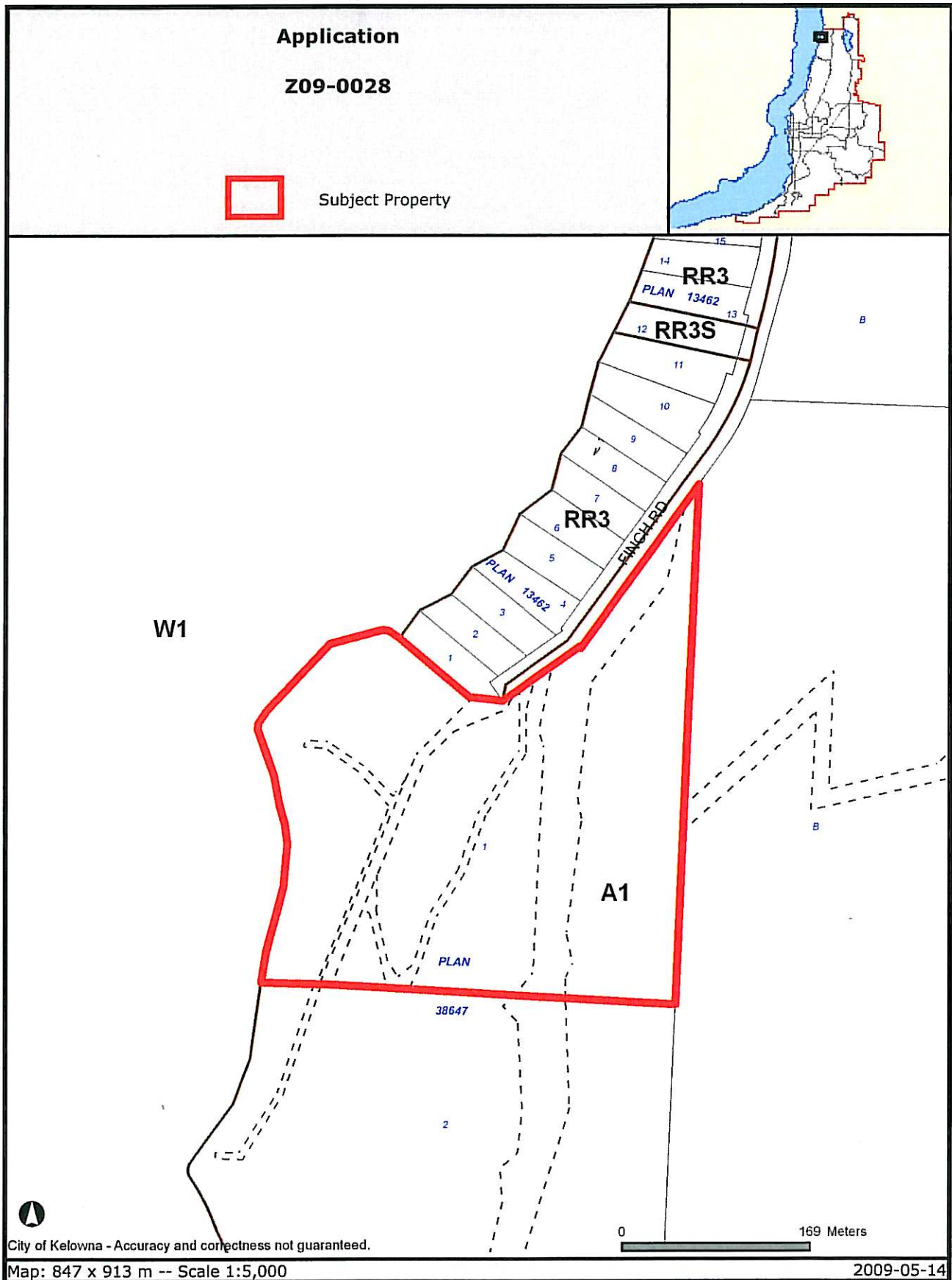
Approved for Issuance 

Shelley Gambacort  
Director of Land Use Management

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**ATTACHMENTS**

- Location of subject property
- Site Plan
- Elevation drawings
- Suite Floor Plan

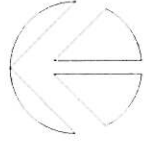


*Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only. The City of Kelowna does not guarantee its accuracy. All information should be verified.*



IHS DESIGN  
644 BAYVIEW LANE  
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PROJECT NORTH

REVISION DATE DESCRIPTION

REVISION	DATE	DESCRIPTION

PROJECT

PRIVATE RESIDENCE  
3832 FINCH ROAD  
KELOWNA, BC  
LOT 1 PLAN 38847

DATE

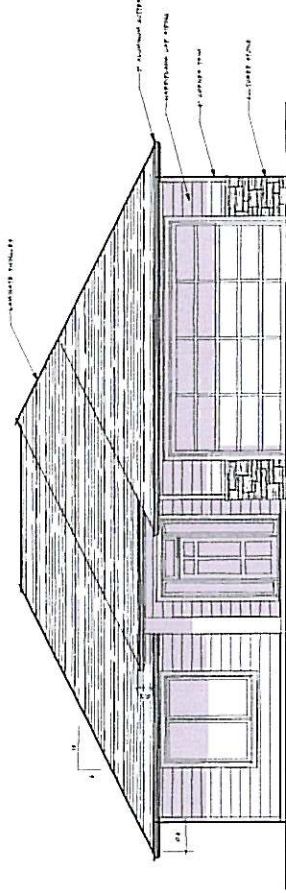
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DATE

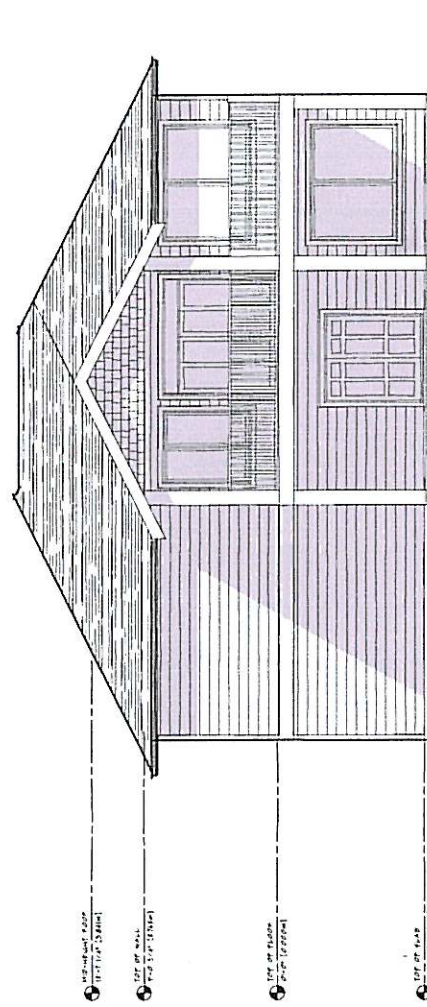
MAY 5, 2009

DRAWING NUMBER

1 of 5



1 SOUTH ELEVATION  
Scale 1/4" = 1'-0"

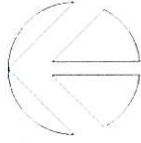


2 NORTH ELEVATION  
Scale 1/4" = 1'-0"



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PROJECT NORTH

REVISION	DATE	DESCRIPTION

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 KELOWNA, BC  
 LOT 1 PLAN 38647

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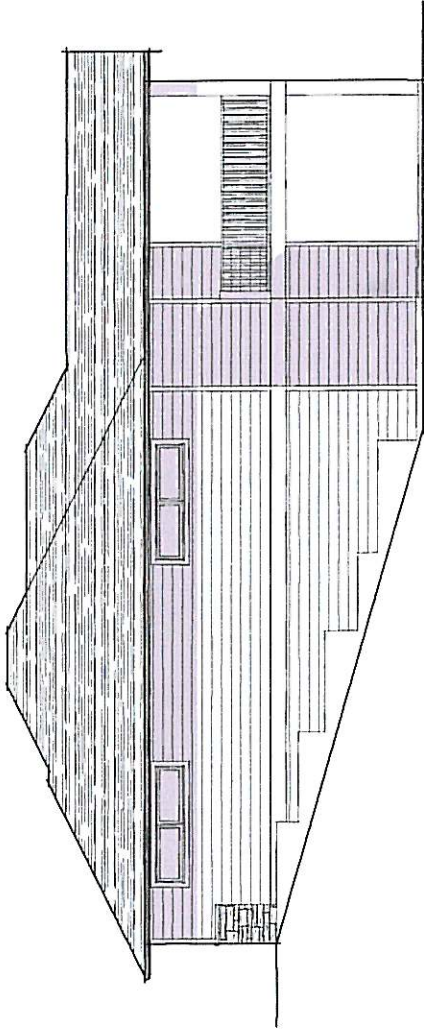
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DATE

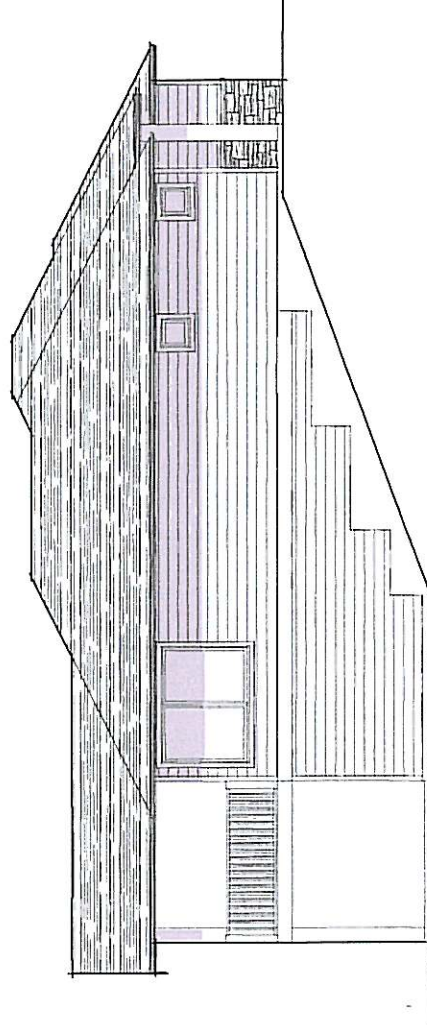
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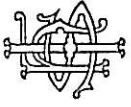
2 of 5



1 EAST ELEVATION  
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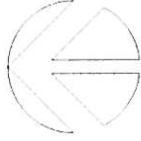


1 WEST ELEVATION  
 Scale: 1/8" = 1'-0"



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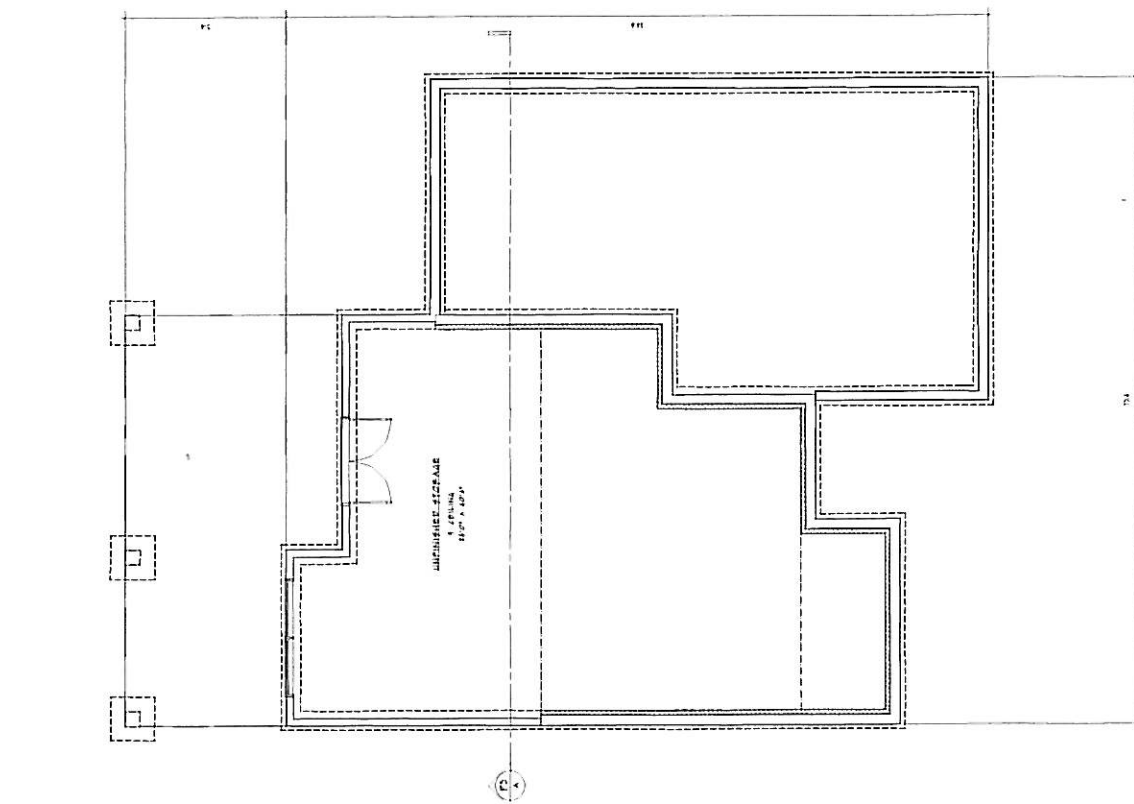
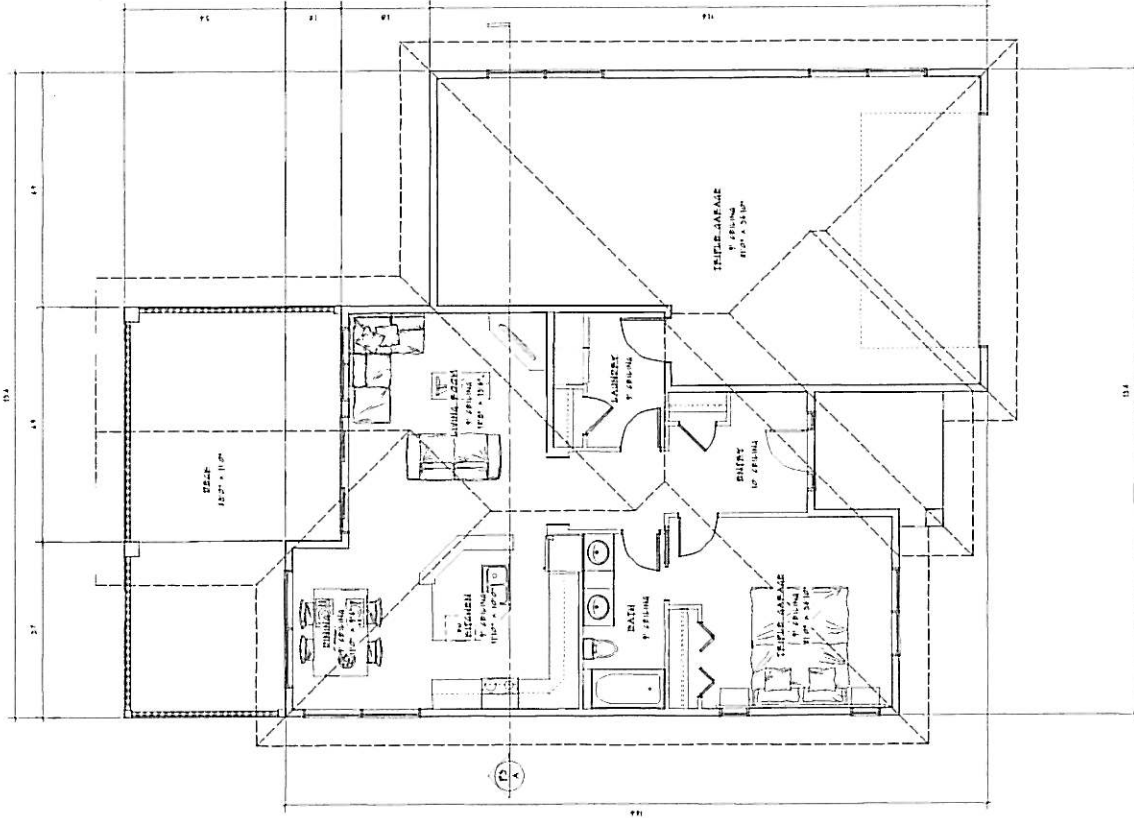
PROJECT  
 PRIVATE RESIDENCE  
 3832 FINCH ROAD  
 KELOWNA, BC  
 LOT 1 PLAN 38647

DATE  
 MAY 5, 2009

DATE  
 MAY 5, 2009

DATE

FLOOR PLANS  
 3 of 5



1 MAIN FLOOR PLAN  
 SCALE 1/4" = 1'-0" THE NET, FINISHED STEP

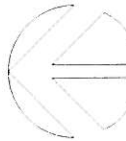
2 FOUNDATION PLAN  
 SCALE 1/4" = 1'-0"





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KELOWNA, BC  
LOT 1 PLAN 38647

DRAWING TITLE

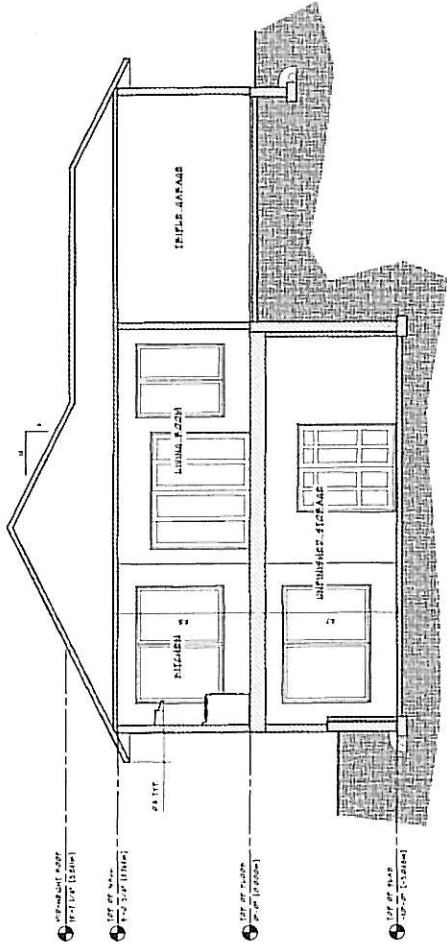
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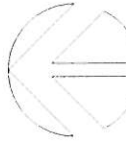
1 SECTION A-A  
PLAN 1/4" = 1'-0"

- GENERAL NOTES**
1. THE CONTRACTOR SHALL VERIFY THE EXISTING CONDITIONS AND RECORD THEM IN THE FIELD. ANY DISCREPANCIES OR OMISSIONS SHOULD BE REPORTED TO THE ARCHITECT IMMEDIATELY UPON DISCOVERY.
  2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
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KELOWNA, BC  
LOT 1 PLAN 38647

DRAWING TITLE

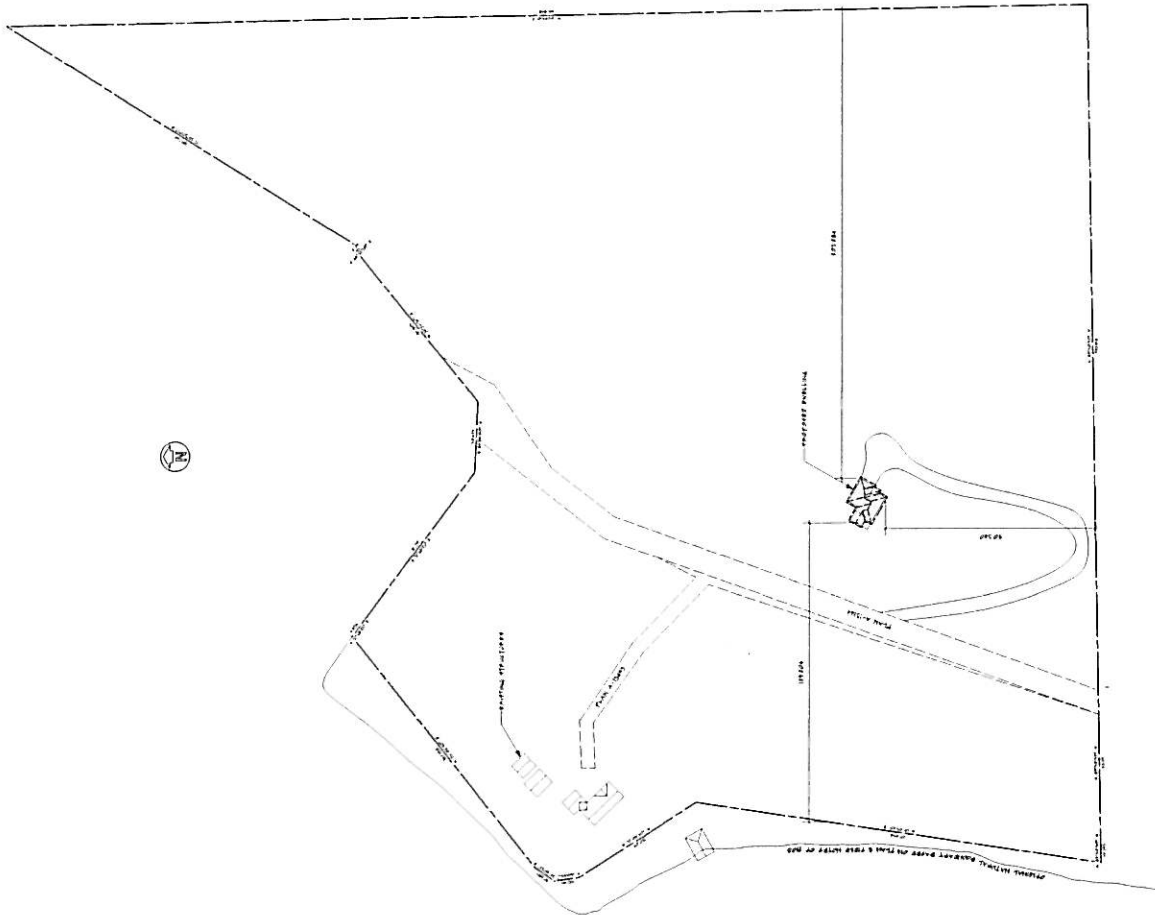
SITE PLAN

DATE

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1 SITE PLAN  
PLAN 38647

OKANAGAN LAKE