

# Memo



**Date:** March 10, 2010

**To:** City Manager

**From:** Community Sustainability Division

**File No:** Z09-0060

**Applicant:** Frank Aiello  
(contact: Shane Hodak)

**At:** 4170 McClain Road

**Owner:** FAA Enterprises Ltd. and  
Frank Aiello

**Purpose:** TO REZONE THE SUBJECT PROPERTY FROM THE A1 - AGRICULTURE 1 ZONE TO THE A1(S) - AGRICULTURE 1 WITH SECONDARY SUITE ZONE.

**Existing Zone:** A1 - Agriculture 1

**Proposed Zone:** A1(s) - Agriculture 1 with a secondary suite

Report Prepared by: Birte Decloux

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## 1.0 RECOMMENDATION:

THAT Rezoning Application No. Z09-0060 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 75, Sections 2 and 3, Township 26, ODYD, Plan 1247, except plans 10644, 18326 and 20428 located at McClain Road, Kelowna, BC, from the A1 - Agriculture 1 zone to the A1(s) - Agriculture 1 with a secondary suite zone be considered by Council;

AND THAT the zone amending bylaw be forwarded to a Public Hearing for further consideration;

AND THAT a Building Permit is applied for prior to final adoption of the zone amending bylaw.

## 2.0 SUMMARY

The application is seeking to rezone the subject property from the A1 - Agriculture 1 zone to the A1(s) - Agriculture 1 with a secondary suite zone in order to retain a mobile home on the site. The property is located within the Agriculture Land Reserve. Policy # 8 of the *Agriculture Land Reserve Act* permits one manufactured home, up to 9m in width for use by a member of the owner's immediate family.

## 3.0 BACKGROUND

The applicant is constructing a single family dwelling on the site and proposes to retain the existing mobile home for a family member. Originally, the applicant had intended to remove the mobile home, however has since reconsidered, and decided to retain it for a family member. An affidavit was supplied declaring that the mobile home will only be occupied by family members.

A handwritten signature in blue ink, located in the bottom right corner of the page.

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

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	A1(s) ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	3.96 ha *	4.0 ha
Lot Width	30.32 - 131.73 m	40.0 m
Lot Depth	344.34 - 313.67m	Na
Development Regulations		
Site Coverage (buildings/parking)	0.8 %	10%
Size ratios	Suite (Mobile Home): 108 m <sup>2</sup> Principal dwelling: 400.5 m <sup>2</sup> Suite is 27% of principal dwelling	In accessory bldg lessor of 90 m <sup>2</sup> or 75% of existing bldg
Height (principal house)	2 Storey (8.5m)	2 ½ storeys / 9.5 m
Height (mobile home)	1 storey (3.04 m)	Max 13.0 m
Front Yard	15 m	6.0 m
Side Yard (north)	66.91 m	3.0 m
Side Yard (south)	26.01 m	3.0 m
Rear Yard	Over than 200 m	10 m / 3.0 m for accessory buildings
Separation Distance Between Houses	Greater than 5 m	Min 5.0 m
Other Requirements		
Parking Stalls (#)	4 or more Spaces	3 spaces
Private Open Space	meets requirements	30m <sup>2</sup> requirement

\* existing non-conforming lot size

### 3.1 Site Context

The subject property is located on the west site of McClain Road in South East Kelowna and is located in the Agriculture Land Reserve. More specifically, the adjacent land uses are as follows:

North A1 - Agriculture 1

East A1 - Agriculture 1 & A1(s) - Agriculture 1 with a Secondary Suite

South A1- Agriculture 1

West A1 - Agriculture 1

### 3.2 Site Location: 4170 McClain Road



## 4.0 CURRENT DEVELOPMENT POLICY

### 4.1 Agricultural Land Reserve Act - Section 3 (1) (b)

Section 3 (1) "the following land uses are permitted in an agricultural land reserve unless otherwise prohibited by a local government bylaw:

(b) for each parcel,

- (i) one secondary suite within a single family dwelling, and
- (ii) one manufactured home, up to 9m in width, for use by a member of the owner's immediate family;

Section 1 (1) "**immediate family**" means, with respect to an owner, the owner's

- (a) parents, grandparents and great grandparents,
- (b) spouse, parents of spouse and stepparents of spouse,
- (c) brothers and sisters, and
- (d) children or stepchildren, grandchildren and great grandchildren;

## 5.0 TECHNICAL COMMENTS

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

### 5.1 Development Engineering

The proposed rezoning for the addition of a mobile does not compromise City of Kelowna utilities as far as servicing is concerned.

### 5.2 Fire Department

Fire Department access to meet the City of Kelowna Subdivision By-law. This information is not provided. The address is to be visible from McClain Rd.

### 5.3 Building and Permitting Branch

The original house on the site was a drug house and demolished in 2003. The mobile home was then placed on the site. A BP for a Single Family Dwelling is active.

### 5.4 South East Kelowna Irrigation District

Applicant will require a water meter for the mobile home. He should stop by the office to arrange this.

### 5.5 Terasen Gas

Please be advised that Terasen Gas' facilities will not be adversely impacted by the proposal as our distribution pipeline is located in the roadway. Therefore, Terasen Gas has no objection to the proposals at the above-noted location.

## 6.0 LAND USE MANAGEMENT DEPARTMENT COMMENTS

The subject property is located in the Agriculture Land Reserve. Agriculture Land Commission (ALC) policies allow mobile homes on the site provided that they are intended for family members. The applicant has providing staff with an affidavit declaring that the dwelling unit will only be used by family members. The proposal meets the ALC policy with respect to the mobile home which limits the size up to 9m in width. It meets fire regulations and therefore the size of the suite does not contravene the Building Code.

The mobile home is attractive (see the attached photographs) and meets all requirements of the zoning bylaw pertaining to parking and open private space. Considering the size of the subject property and proximity to the neighbours, the mobile home is anticipated to have little or no impact on neighbours. Other parcels in this neighbourhood also have A1s zoning.

\_\_\_\_\_  
Danielle Noble  
Manager, Urban Land Use

Approved for inclusion: 

 Shelley Gambacort  
Director, Land Use Management

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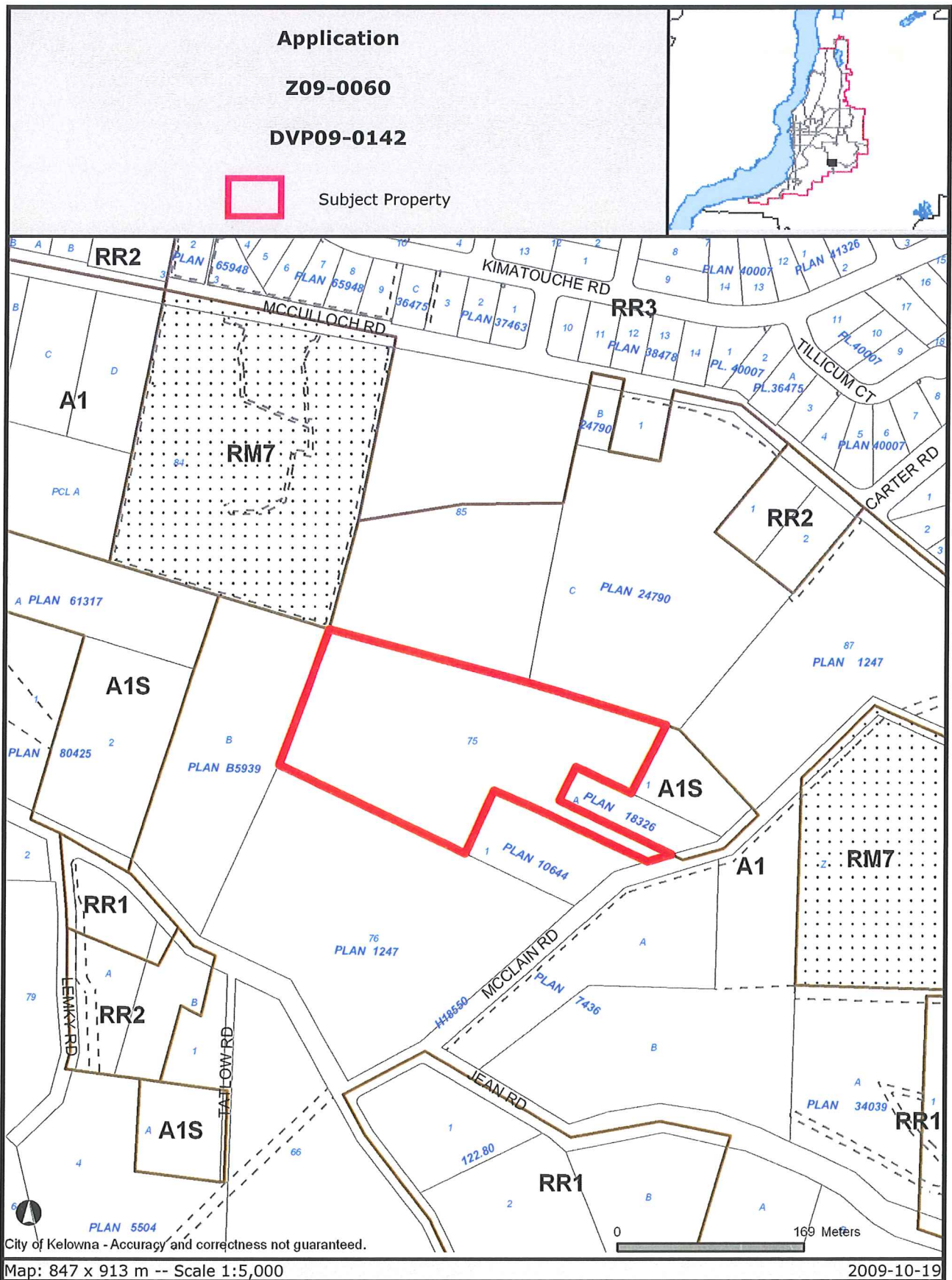
**Attachments:**

Subject Property Map

Site Plan

Photos of site

Mobile home elevations & floor plan



City of Kelowna - Accuracy and correctness not guaranteed.

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.

# SITE IMPROVEMENT SURVEY

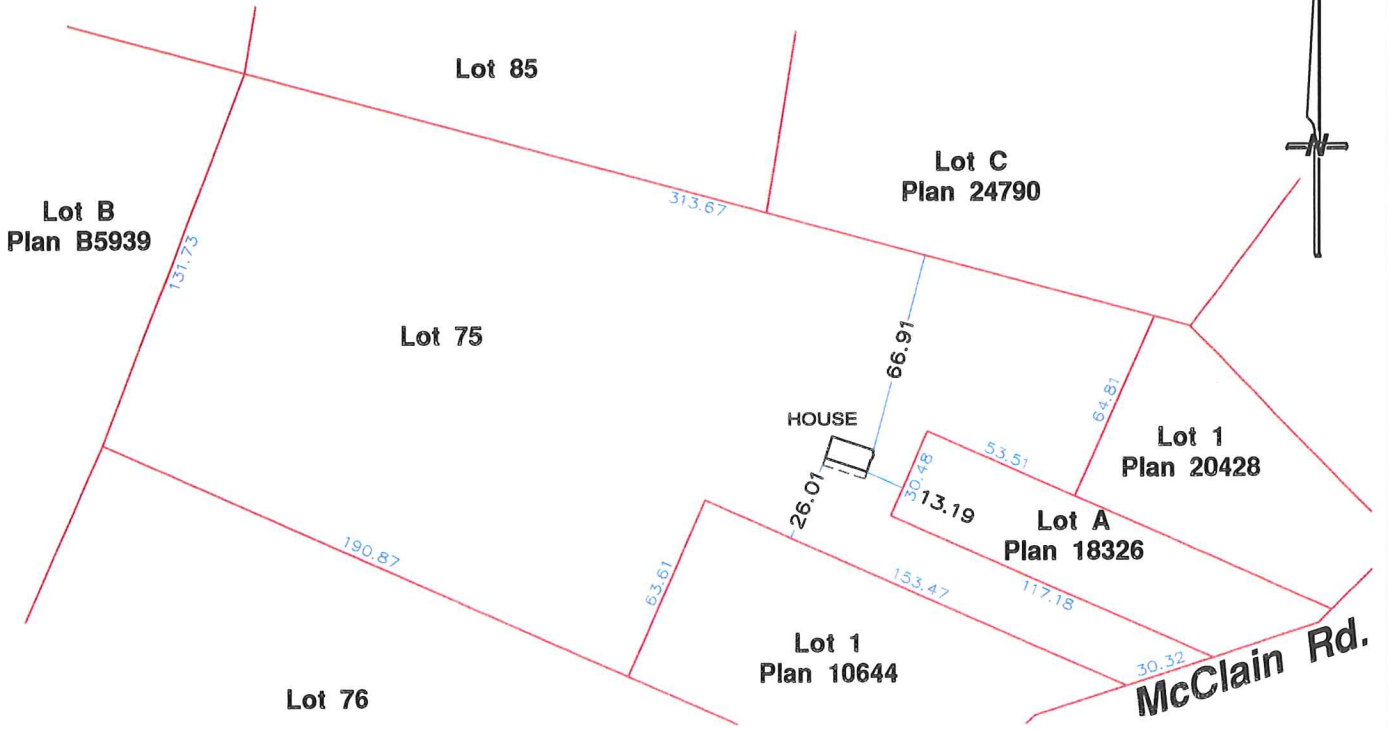
Survey Performed on the 13 th day of August, 20 09

Legal Description Lot 75, Sections 2 & 3, Township 26, O.D.Y.D., Plan 1247

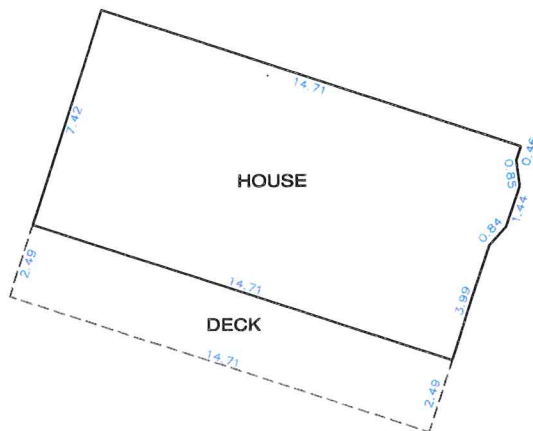
Civic Address 4170 - McClain Road, Kelowna, BC

Distances shown are in meters and decimals thereof.

Scale 1:2500 Metric



Scale 1:250 Metric



I Bret Christensen hereby declare that the dimensions shown on this drawing are accurate and I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath.  
This document is not valid unless originally signed and sealed.  
This plan is prepared for mortgage purposes and/or building inspections and is not to be used to establish legal boundaries.

this 14th day of AUGUST, 20 09

Bret M. Christensen ASct, RSIS







**Winfield**  
**HOME SYSTEMS**  
 A DIVISION OF SRI HOMES, INC.

CLIENT  
**LAUDON**  
**LAKE COUNTRY MODULAR HOME**

TITLE  
**ELEVATIONS**  
 MODEL  
**SD11-4480**

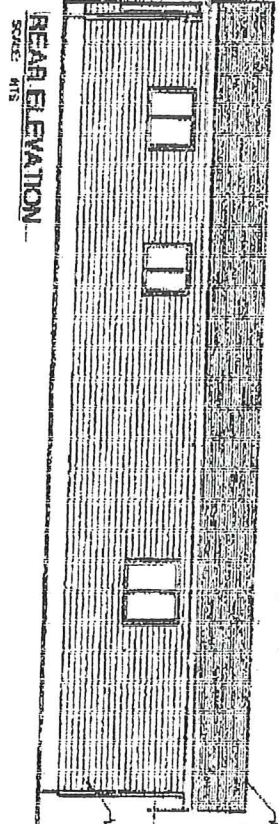
STATUS  
**SP**

DATE: 10/18/2007  
 SCALE: N/S  
 FILE: P031  
 CLIENT:

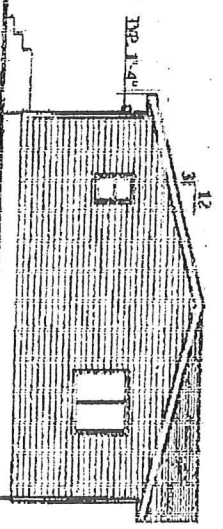
DATE: 10/18/2007  
 DESCRIPTION: RESPIRATOR

BT PRODUCTION  
**P-035631**  
 DWG #  
**EV**

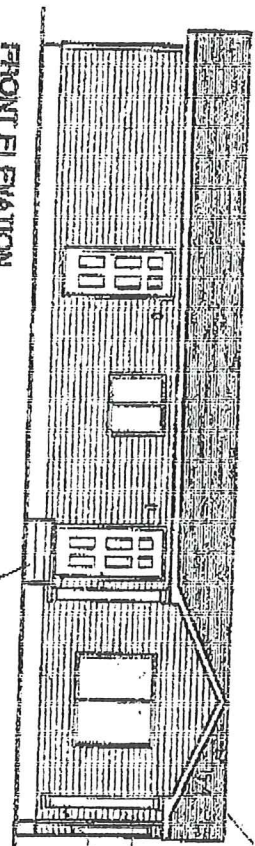
LAUDON  
 LAKE COUNTRY  
 MODULAR HOMES



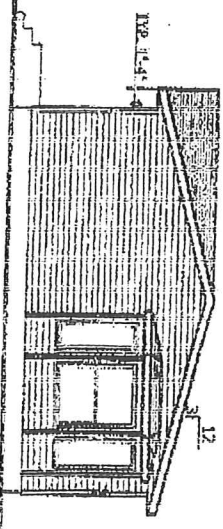
**REAR ELEVATION**  
 SCALE: N/S



**LEFT ELEVATION**  
 SCALE: N/S



**FRONT ELEVATION**  
 SCALE: N/S



**RIGHT ELEVATION**  
 SCALE: N/S

SIDES BY OTHERS

ASPHALT SHINGLES  
 TYPE 1-4-1  
 VINYL SIDING

ASPHALT SHINGLES  
 TYPE 1-4-1  
 VINYL SIDING

ELEVATION NOTES:  
 1) REFER NOTES

Please Sign and Return in 1 Day:

CLIENT:  
**LAUDON**  
LAKE COUNTRY MODULAR HOM

TITLE:  
**CONFIRMATION DRAWING**

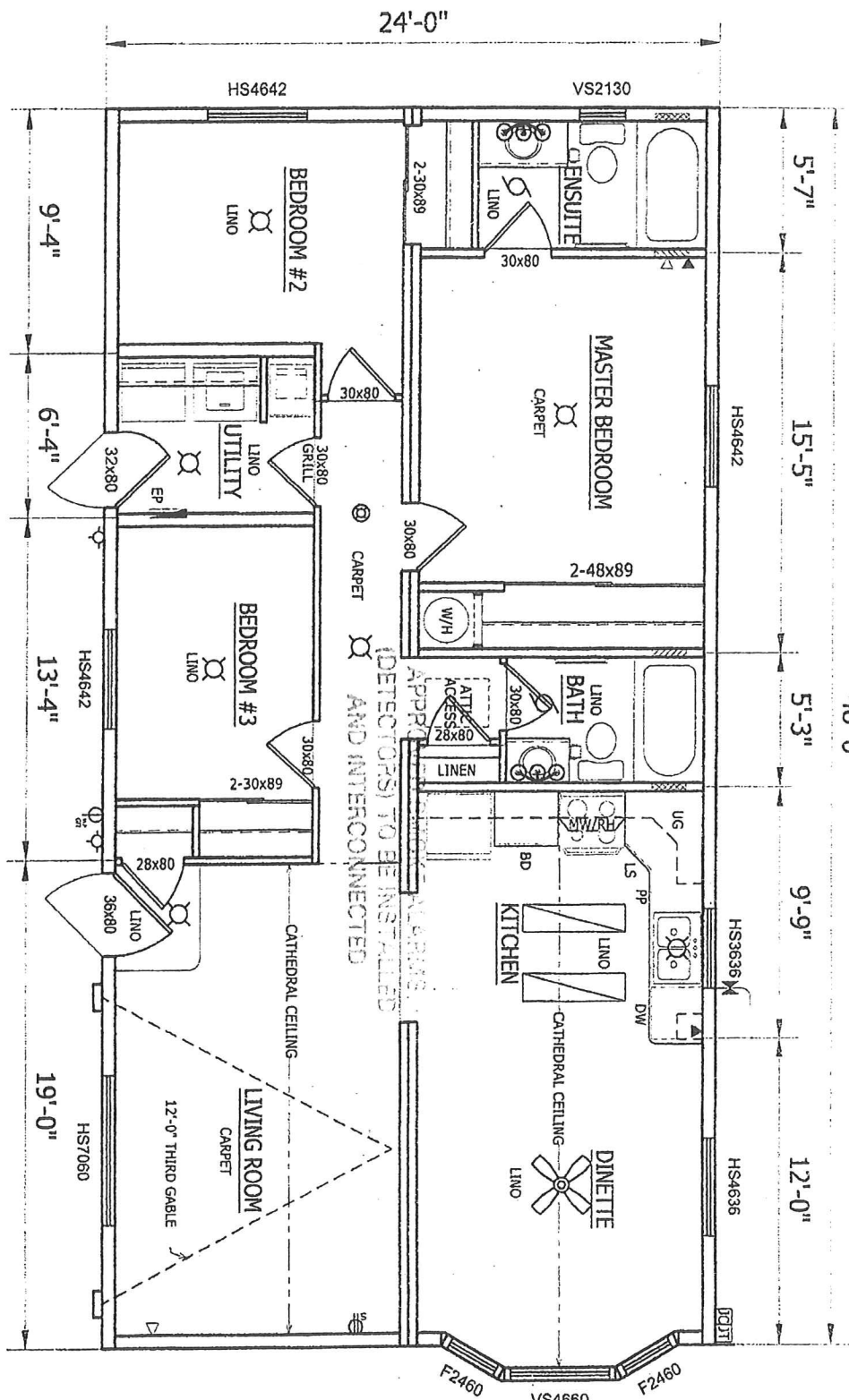
MODEL:  
**GD11-4480**

DATE: JAN 19 2007  
SCALE: NTS  
FILE: P9541  
DWG BY: J

DATE: \_\_\_\_\_  
REVISION DESCRIPTION:

BY: \_\_\_\_\_  
PRODUCTION #:  
**P-055631**  
DWG #:  
**FP1**

Please Sign and Return in 1 Day:



REVIEWED BY CITY OF KILGORE INSPECTIONS SERVICES

33 563

FORMING PART OF BUILDING PERMIT # \_\_\_\_\_ THESE DRAWINGS SHALL REMAIN ON SITE AVAILABLE TO CITY BUILDING INSPECTORS

DATE FEB 20/07 PLAN CHECKER TAHER

- UC = UPPER CLASS
- AW = ALUMINUM
- PP = 301.6 PANORAMA
- BO = KITCHEN OVERSIS
- LS = LASY SLSAN
- TOI = TPOUT TRAY
- INCRORWAWANCE HOOD COORINATION
- WDRH = WASHDRYER
- RAC = REC. MED. CAB.
- VD = VANITY OVERSERS
- PP = ELECTRICAL PANEL
- W = PHONE JACK
- V = COBLE JACK
- Φ = RECPTRICE
- Φ = SWITCH/RECPTR
- Φ = SWITCH/RECPTR
- Φ = SWITCH
- \$ = SWAN SWITCH
- ⊕ = EXTERIOR LIGHT
- ⊕ = CEILING LIGHT
- ⊕ = BRIB INFLIGHT
- ⊕ = FLURESCENT
- ⊕ = POT LIGHT
- ⊕ = INTERCORBOARD HOOD LIGHT
- ⊕ = CEILING FAN
- ⊕ = LIGHT COORO.
- ⊕ = VANITY LIGHT
- ⊕ = SCONE LIGHT
- ⊕ = BATH FAN
- ⊕ = SMOKE DET.
- ⊕ = CARBON MONOXIDE SMOKE DET. COORO.
- ⊕ = 1/8 @ FLOOR
- ⊕ = 1/8 @ ATIC
- ⊕ = CABLE 1/8
- ⊕ = PHONE 1/8
- ⊕ = FROST FREE TAP
- ⊕ = FURNACE
- ⊕ = WATER HEATER
- ⊕ = WASHDRYER