

Memo



Date: October 28, 2010

To: City Manager

From: Land Use Management, Community Sustainability

Application: Z10-0082

Owner: Steven W. Lwowski

Address: 350 Moyer Road

Applicant: Kevin Lwowski

Subject: Rezoning Application

Existing OCP Designation: AGR - Rural/Agricultural

Existing Zone: A1 - Agriculture 1

Proposed Zone: A1s - Agriculture 1 with Secondary Suite

1.0 Recommendation

THAT Rezoning Application No. Z10-0082 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 40, Section 35, Township 26, ODYD Plan 425 except plan 43311, located on Moyer Road, Kelowna, BC from the A1-Agriculture 1 zone to the A1s - 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;

AND THAT a building permit for the suite be applied for prior to final adoption of the zone;


AND THAT final adoption of Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch being completed to their satisfaction.

2.0 Purpose

This application is seeking to rezone the subject property from the A1-Agriculture 1 zone to the A1s - Agriculture 1 with Secondary Suite zone to locate a mobile home on the property.

3.0 Land Use Management

The subject property is located in the Agriculture Land Reserve and the Agriculture Land Commission (ALC) policies allow a mobile home on a site provided that it is intended for family members and accordingly, the applicant has provided staff with a corresponding 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.



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.

4.0 Proposal

4.1 Project Description

The applicant is seeking to rezone the subject property to allow the placement of a new mobile home on the site for a family member. A number of buildings are located on the site including a principal residence, a barn, and a shop for farm equipment. The proposed siting of the mobile home is in front of the barn within 8 meters of the principal residence and would be accessed from the existing driveway.

The proposed single wide mobile home has 2 bedrooms. It features a pitched roof with gables on either end and a gable over the main entrance to the unit. A small deck is planned for the entry to the dwelling with small garden areas on either side. A grass area adjacent to the unit will satisfy the private open space requirement.

4.2 Site Context

The subject property is located on the north side of Moyer Road in the rural area of Rutland. The surrounding properties are all zoned:

<u>Direction</u>	<u>Zone</u>	<u>Use</u>
North	A1- Agriculture 1	Farm land
West	A1s - Agriculture 1 with Secondary suite	
East	A1- Agriculture 1	Baseball diamonds
South	P3 - Parks and open space	
	A1 - Agriculture RR3 - Rural Residential 3	

4.3 Subject Map: 350 Moyer Road



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	3.62 ha ①	4.0 ha
Lot Width	97.57 - 167.57 m	40.0 m
Lot Depth	181.07 - 241.4 m	Na
Development Regulations		
Site Coverage (buildings/parking)	1.0%	10%
Size ratios	Suite (Mobile Home): 83.8m ² Principal dwelling: 319.8 m ² Suite is 26 % of principal dwelling	In accessory bldg lessor of 90 m ² or 75% of existing bldg
Front Yard	17.3m to mobile home	6.0 m
Side Yard (east)	42 m from principal dwelling	3.0 m
Side Yard (west)	112.57 m from principal dwelling	3.0 m

	Development Regulations	
Rear Yard	125.67 m	10 m / 3.0 m for accessory buildings
Separation Distance Between Houses	8 m	Min 5.0 m
Other Requirements		
Parking Stalls (#)	4 or more Spaces	3 spaces
Private Open Space	meets requirements	30m ² requirement

① Existing non-conforming lot size

5.0 Current Development Policies

5.1 Kelowna 2020 Official Community Plan

The current Official Community Plan has designated the subject property as Rural / Agricultural. Secondary Suites. Encourage, under the conditions stipulated in the Zoning Bylaw, the creation of secondary suites.¹

5.2 City of Kelowna Agricultural Plan

Secondary Suites. Support the provision of secondary suites in agricultural areas as per Agricultural Land Commission regulations which allow one suite per parcel.²

6.0 Technical Comments

6.1 Building & Permitting Department

1) \$2500 Development Cost Charges (DCC's) are required to be paid prior to issuance of any Building Permits.

2) Full Plan check for Building Code related issues will be done at time of Building Permit applications.

6.2 Development Engineering Department

See Attached.

6.3 Bylaw Services

No comment.

6.4 Fire Department

¹ Official Community Plan – Housing Policies 8.1.47 page 8-7

² Agriculture Plan – Legislative Policies # 10 Page 79

An unobstructed and easily distinguishable fire fighter access path, of 1100 mm, from the street to the secondary detached home entrance is required.

If a fence is ever constructed between the dwellings a gate with a clear width of 1100mm is required for emergency access. Any gate is to open with out special knowledge. Additional visible address is required for the new detached home.

6.5 Interior Health Authority

No objection to this proposal.

6.6 Irrigation District - N/A - see Development Engineering comments

6.7 School District No. 23 - N/A

7.0 Application Chronology

Date of Application Received: September 27, 2010

Agriculture Advisory Committee referral: October 14, 2010

The above noted application was referred to the Agricultural Advisory Committee at the meeting on October 14, 2010 and the following comments were made:

- AAC inquired if it has been confirmed that the mobile home is solely for family member use. Staff advised that an affidavit would be required and would state that the manufactured home would be removed if the home is no longer occupied by immediate family.
- AAC inquired if the zoning would revert back to the A1 zone or stay A1s. Staff advised that the zoning would remain A1s. The affidavit would trump the zoning.
- AAC expressed concern with the application because there is no enforcement after the fact.

Report prepared by:


Birte Decloux, Urban Land Use Planner

Reviewed by:



Danielle Noble Manager, Urban Land Use Management

Approved for Inclusion:



Shelley Gambacort, Director, Land Use Management

Attachments:

Site Plan

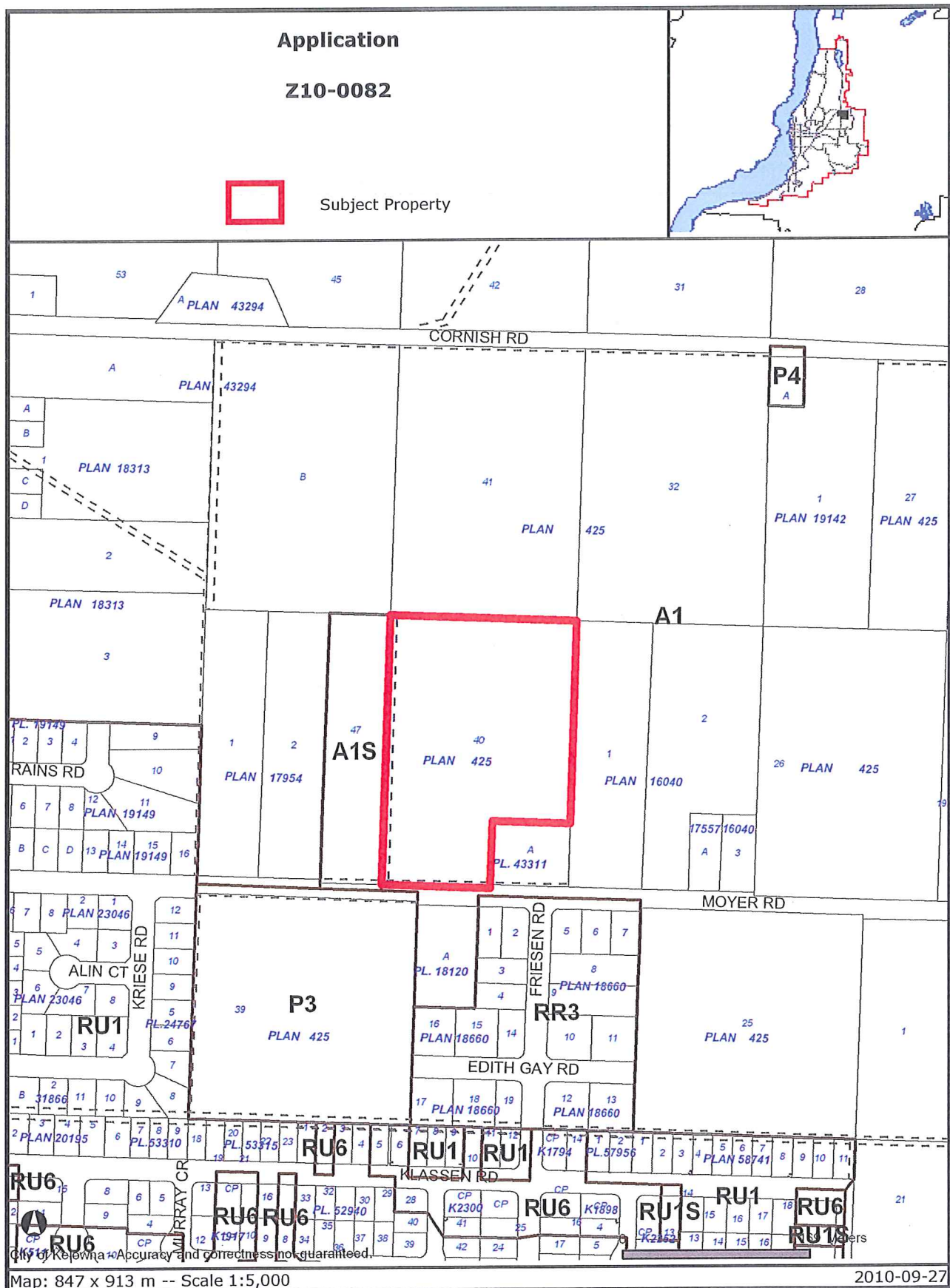
Floor Plans

Landscape Plan - N/A

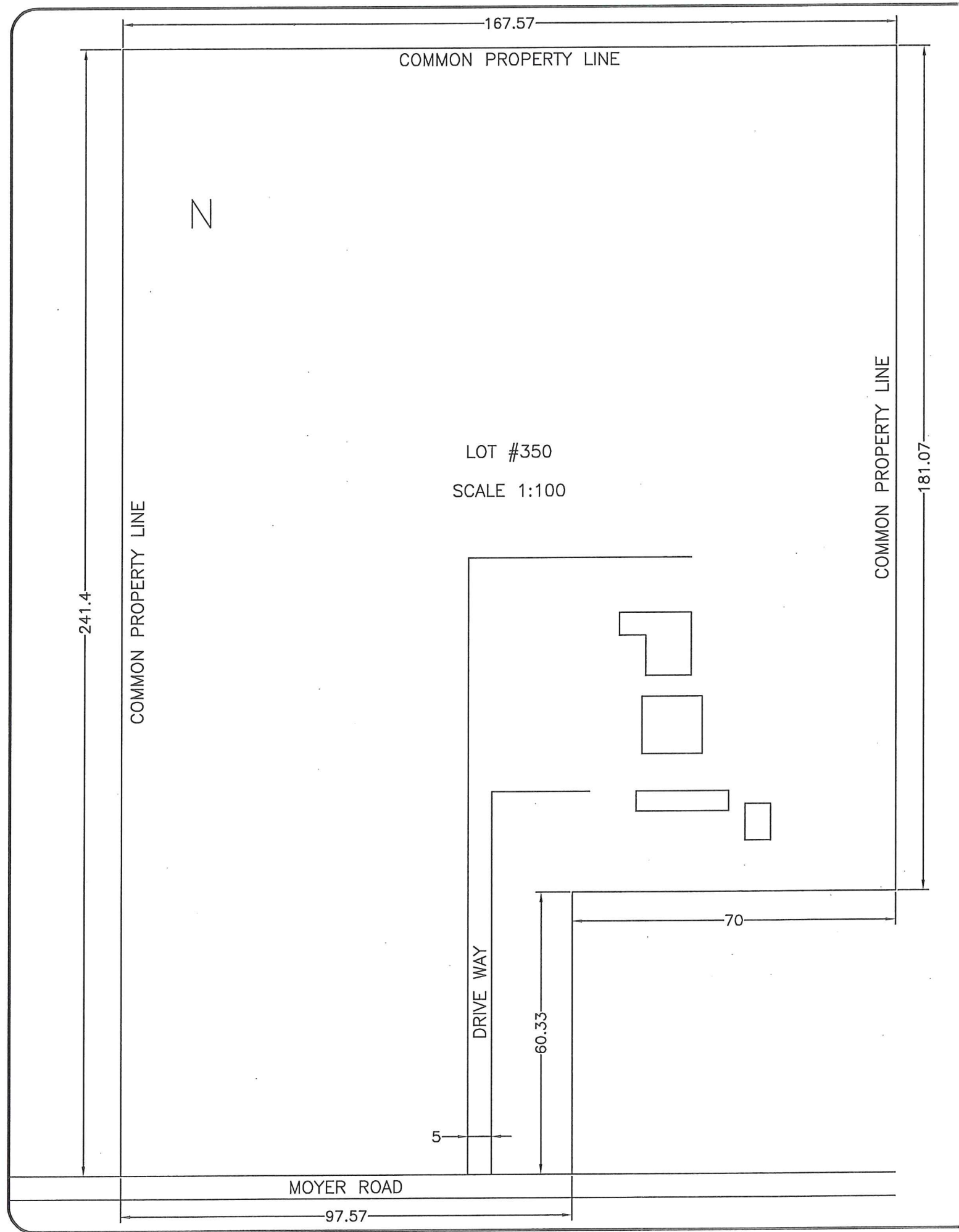
Context/Site Photos

Sustainability Checklist -N/A

Development Engineering Comments



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.



LOT #350

SCALE 1:100

COMMON PROPERTY LINE

COMMON PROPERTY LINE

COMMON PROPERTY LINE

DRIVE WAY

MOYER ROAD

N

241.4

167.57

181.07

70

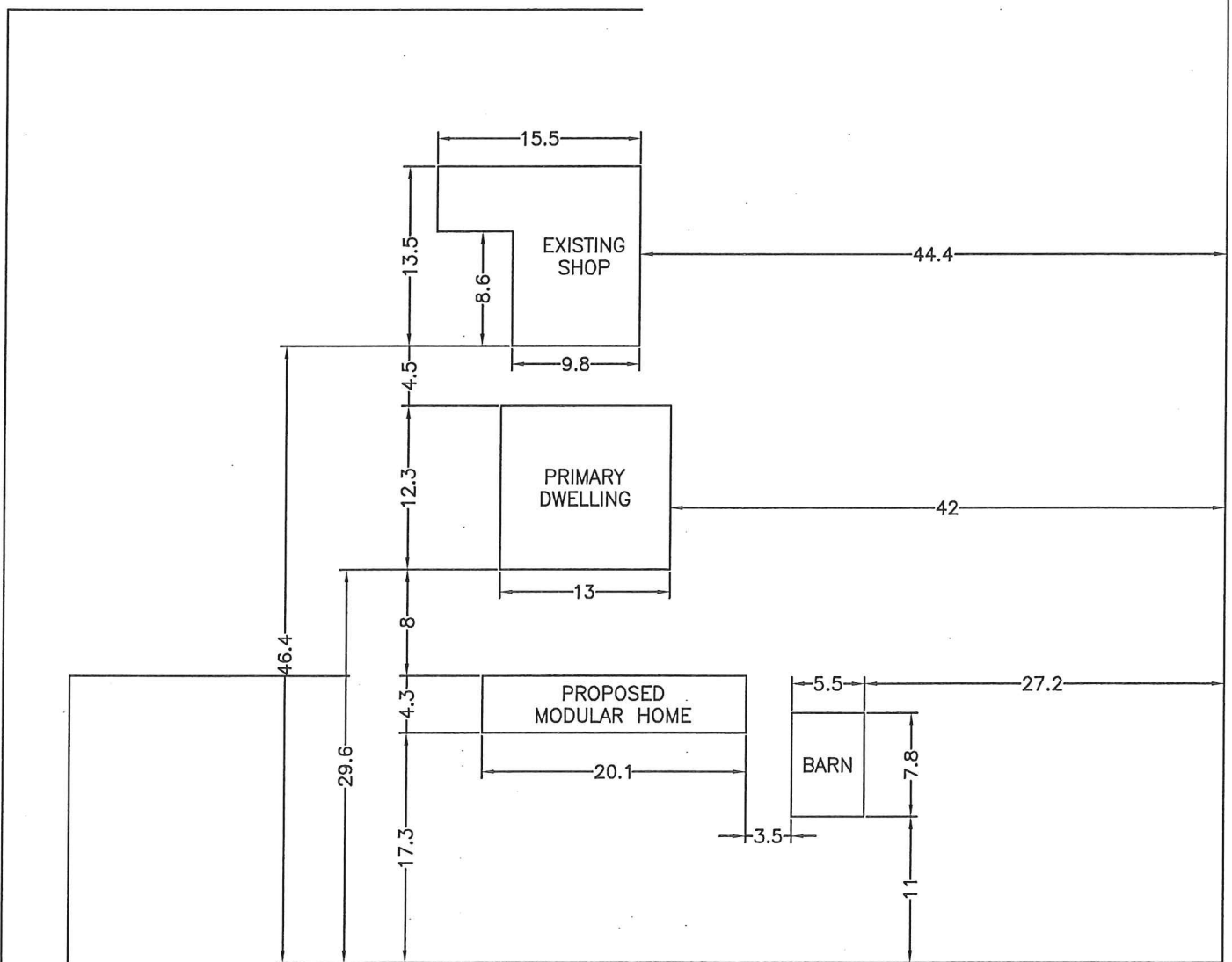
60.33

5

97.57

LOT #350

SCALE 1:50



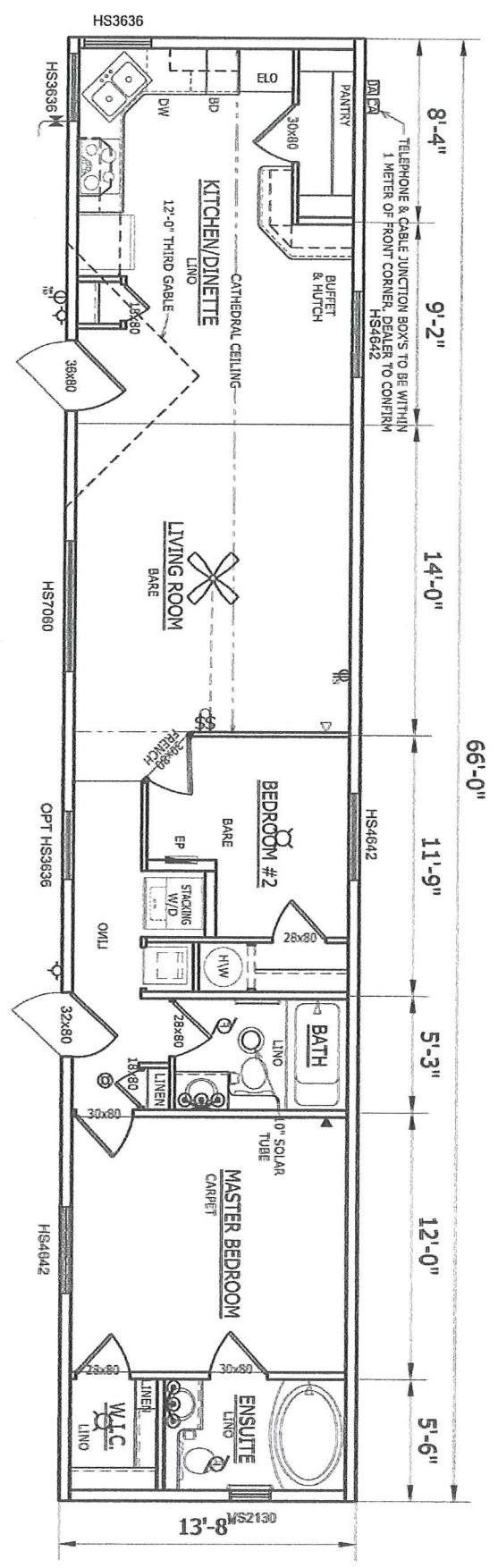
CLIENT: **LWOWSKI**
LAKE COUNTRY MODULAR HOM

TITLE: **CONFIRMATION DRAWING**
MODEL: **10-072**
LC-880

DWG BY: **DAJONN**
DATE: **9/27/10**
SCALE: **NTS**
FILE: **10-072**

DATE	REVISION DESCRIPTION	BY

DWG #: **FP1**



Please Sign and Return in 1 Day:

- UG = UPPER GLASS
- UV = MICROWAVE
- PP = POT L/PN DRAWERS
- BD = KITCHEN DRAWER
- LS = LKTY SUSAN
- TOT = TPOUT TRAY
- HWRR = HICONSERVING
- WDRH = WOOD CONSTRUCTION
- RMC = REC. MED CAB.
- VD = VANITY DRAWERS
- PP = ELECTRICAL PANEL
- PH = PHONE JACK
- CL = CABLE JACK
- RE = RECEPTACLE
- SW = SWITCHED RECEPT.
- SW = SWITCH
- SW = 3 WAY SWITCH
- EL = EXTENSION LIGHT
- EL = BULB TRACK LIGHT
- EL = FLUORESCENT
- EL = POT LIGHT
- EL = UNDERCABINET
- EL = CEILING LIGHT
- EL = LIGHT COMBO
- EL = VANITY LIGHT
- EL = BATH FAN
- EL = SCENE LIGHT
- EL = CARBON MONOXIDE
- EL = SMOKE AL. COMBO
- EL = LB @ TLOOR
- EL = LB @ ATTIC
- EL = CABLE LB
- EL = PHONE LB
- EL = FROST FREE TAP
- EL = FURNACE
- EL = WATER HEATER
- EL = WASH/DRYER

X



Proposed location
of mobile home



CITY OF KELOWNA

MEMORANDUM

Date: October 15, 2010
File No.: Z10-0082
To: Land Use Management (BD)
From: Development Engineering Manager (SM)
Subject: 350 Moyer Road – Lot 40, Plan 625 except Plan 43311, Sec. 35, Twp. 26, ODYD

The Development Engineering comments and requirements regarding this application to rezone from A1 to A1s are as follows:

1. Subdivision

Provide easements as required

2. Domestic water and fire protection.

This development is within the service area of the Black Mountain Irrigation District (BMID). All the fees and charges are to be paid directly to BMID.

3. Sanitary Sewer.

The subject property is located within the Local Area Service (LAS) #20. The current Policy requires that all the LAS charges be cash commuted when the property is rezoned. The pay-out charge for a house and a carriage house is 1 and ½ SFE (single family equivalent) less the 1.0 SFE paid in 2005. The current LAS #20 rate is \$4267.50 per SFE and the total charge is in the amount of **\$2,133.75**. (Valid until March 31, 2011).

4. Miscellaneous.

Parking is provided on site

5. Bonding and Levies Summary.

Levies

Local Service Area #20 charges	<u>\$ 2,133.75</u>
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Steve Muenz, P.Eng.
Development Engineering Manager

BB