

# Memo



**Date:** December 14, 2010

**To:** City Manager

**From:** Land Use Management, Community Sustainability

**Application:** Z10-0087

**Owner:** Kenneth W. Busch

**Address:** 2967 McCulloch Road

**Applicant:** Kenneth W. Busch

**Subject:** Rezoning Application

Existing OCP Designation: Rural/Agriculture

Existing Zone: RR3 - Rural Residential 3

Proposed Zone: RR3s - Rural Residential 3 with Secondary Suite

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## 1.0 Recommendation

THAT Rezoning Application No. Z10-0087 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 2, Section 10, Township 26, ODYD Plan 3101, located on McCulloch Road, Kelowna, BC from the RR3 - Rural Residential 3 zone to the RR3 - Rural Residential 3 with Secondary Suite zone, be considered by Council;

AND THAT Zone Amending Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of Zone Amending Bylaw be considered in conjunction with Council's consideration of a Development Variance Permit on the subject property;

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 RR3 - Rural Residential zone to the RR3s - Rural Residential with a secondary suite zone to construct a secondary suite within an accessory building.

## 3.0 Land Use Management

The subject property is in the Agricultural Land Reserve, however, correspondence from the Agriculture Land Commission (ALC) (see attached) exempts this site from any ALC restrictions.

*L*

The proposal allows for more efficient use of the subject property and helps to diversify the housing supply in the area. Policies within the Official Community Plan support the sensitive integration into existing neighbourhoods, where services are already in place and densification can easily be accommodated.

Minimal impact (if any) is anticipated on abutting properties, as parking requirements and private open space provisions are achieved on-site.

#### 4.0 Proposal

##### 4.1 Project Description

The applicant is proposing to construct a generous one bedroom, ground level secondary suite within an accessory building. The suite is being located at the front on the subject property and thus a variance is required to allow this siting. The current driveway is being relocated towards the west side of the site to facilitate a safer access point from the property. All parking and private open space requirements are satisfied.

##### 4.2 Site Context

The subject property is located on the south side of McCulloch Road in South East Kelowna. The surrounding properties are zoned as follows:

<u>Direction</u>	<u>Zone</u>
North	A1 - Agriculture 1
West	A1 - Agriculture 1
East	A1 - Agriculture 1
South	P3L - Parks and Open Space (Liquor Primary)

##### 4.3 Subject Property: 2967 McCulloch Road



## 4.4 Zoning table:

The proposed application meets the requirements of RR3s- Rural Residential 3 with Secondary Suite zone as follows:

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	RR3(s) ZONE REQUIREMENTS
Subdivision Regulations		
Lot Area	4,264 m <sup>2</sup>	1600 m <sup>2</sup>
Lot Width	47.64 m	20 m for corner lot
Lot Depth	67.06 m	30.0 m
Development Regulations		
Site Coverage (buildings)	6 %	30%
Site Coverage (buildings/parking)	20 %	50%
Size ratios	68.75m <sup>2</sup> / 30%	In accessory bldg lessor of 90 m <sup>2</sup> or 75% of existing bldg
Existing Dwelling		
Height	6.9m/2 storey	2 ½ storeys / 9.5 m
Floor area of principal dwelling	234m <sup>2</sup>	
Front Yard	<20.0 m	6.0 m
Side Yard (east- flanking)	21.2 m	4.5 m (2- 2 ½ storey)
Side Yard (west)	24.05 m	2.3 m (2- 2 ½ storey)
Rear Yard	14.3m	7.5 m
Separation Distance Between Houses	19 m	Min 5.0 m
Proposed Accessory Building		
Height	4.19m /1 storey	1 ½ storeys / 4.5 m
Front Yard	12 m	6.0 m
Side Yard (east-flanking)	35.6 m	4.5 m (1 - 1 ½ storey)
Side Yard (west)	2.0 m	2.0 m (1 - 1 ½ storey)
Rear Yard	44.19 m	1.5 m
Other Requirements		
Parking Stalls (#)	4 spaces	3 spaces
Private Open Space	meets requirements	No requirement

## 5.0 Current Development Policies

Kelowna Official Community Plan (OCP) <sup>1</sup>  
Housing Polices:

**Integration**<sup>1</sup>. Encourage the sensitive integration of different housing forms in the various sectors of the City, in support of neighbourhood diversity and healthy communities;

**Secondary Suites**<sup>2</sup>. Encourage, under the conditions stipulated in the Zoning Bylaw, the creation of secondary suites.

## 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) Operable bedroom windows required as per the 2006 edition of the British Columbia Building Code (BCBC 06).

3) Home Protection Office (HPO) documentation required at time of building permit applications

4) 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 concerns.

### 6.4 Fire Department Additional address required.

### 6.5 Interior Health Authority Confirmed that proposed wastewater treatment is acceptable.

### 6.6 Irrigation District - See Development Engineering

### 6.7 School District No. 23 - N/A

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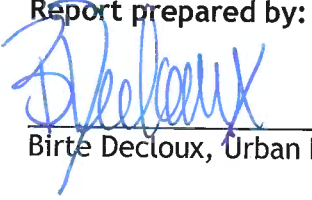
<sup>1</sup> City of Kelowna Official Community Plan, Policy #8-1.44

<sup>2</sup> City of Kelowna Official Community Plan, Policy #8-1.47

**7.0 Application Chronology**

Date of Application Received: October 15, 2010

Report prepared by:

  
Birte Decloux, Urban Land Use Planner

Reviewed by:



Danielle Noble Manager, Urban Land Use Management

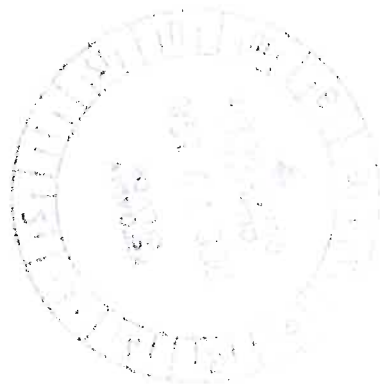
Approved for Inclusion:

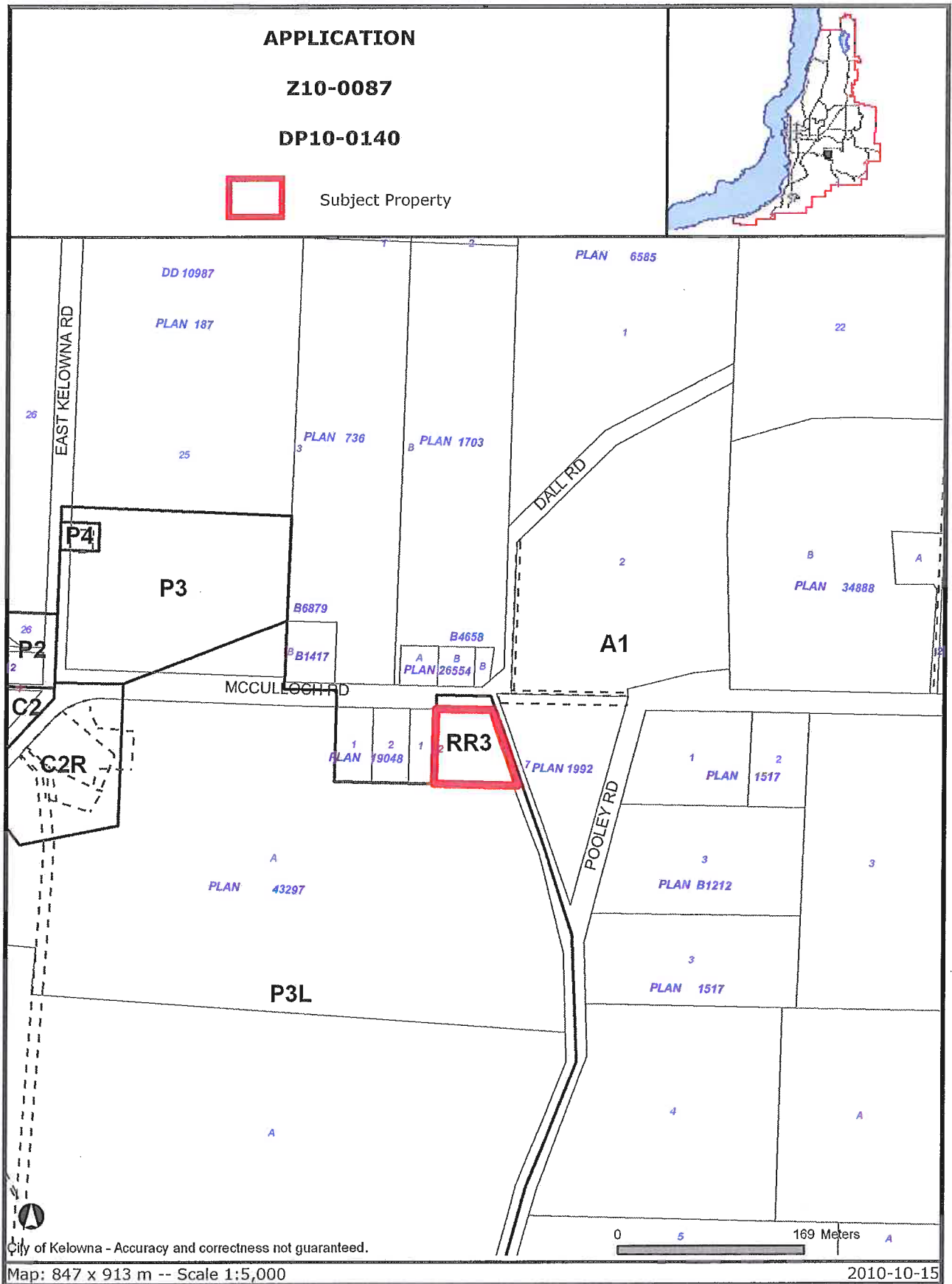


Shelley Gambacort, Director, Land Use Management

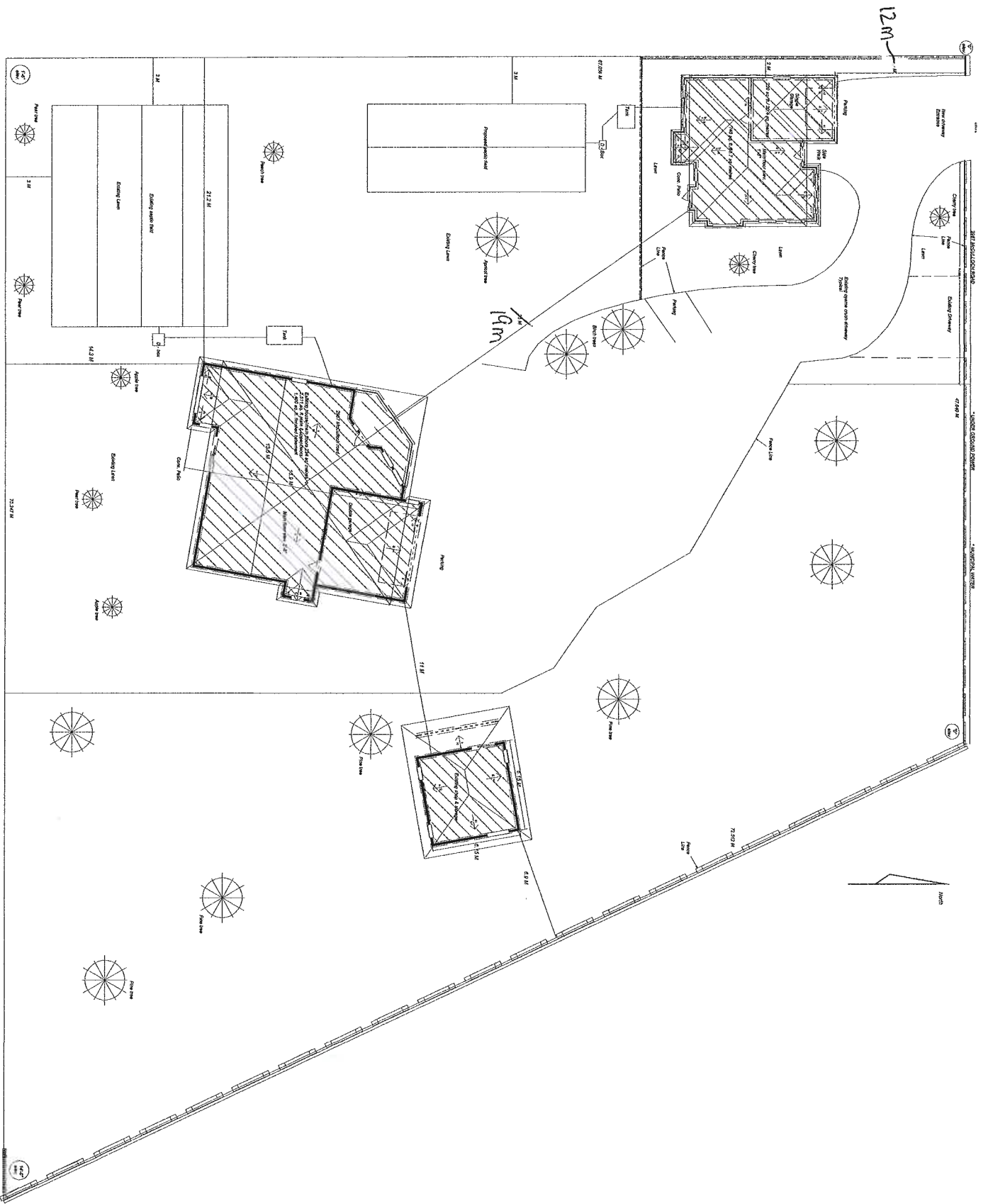
Attachments:

- Site/Landscape Plan
- Conceptual Elevations
- Context/Site Photos
- Technical Comments (Development Engineering, Agriculture Land Commission)



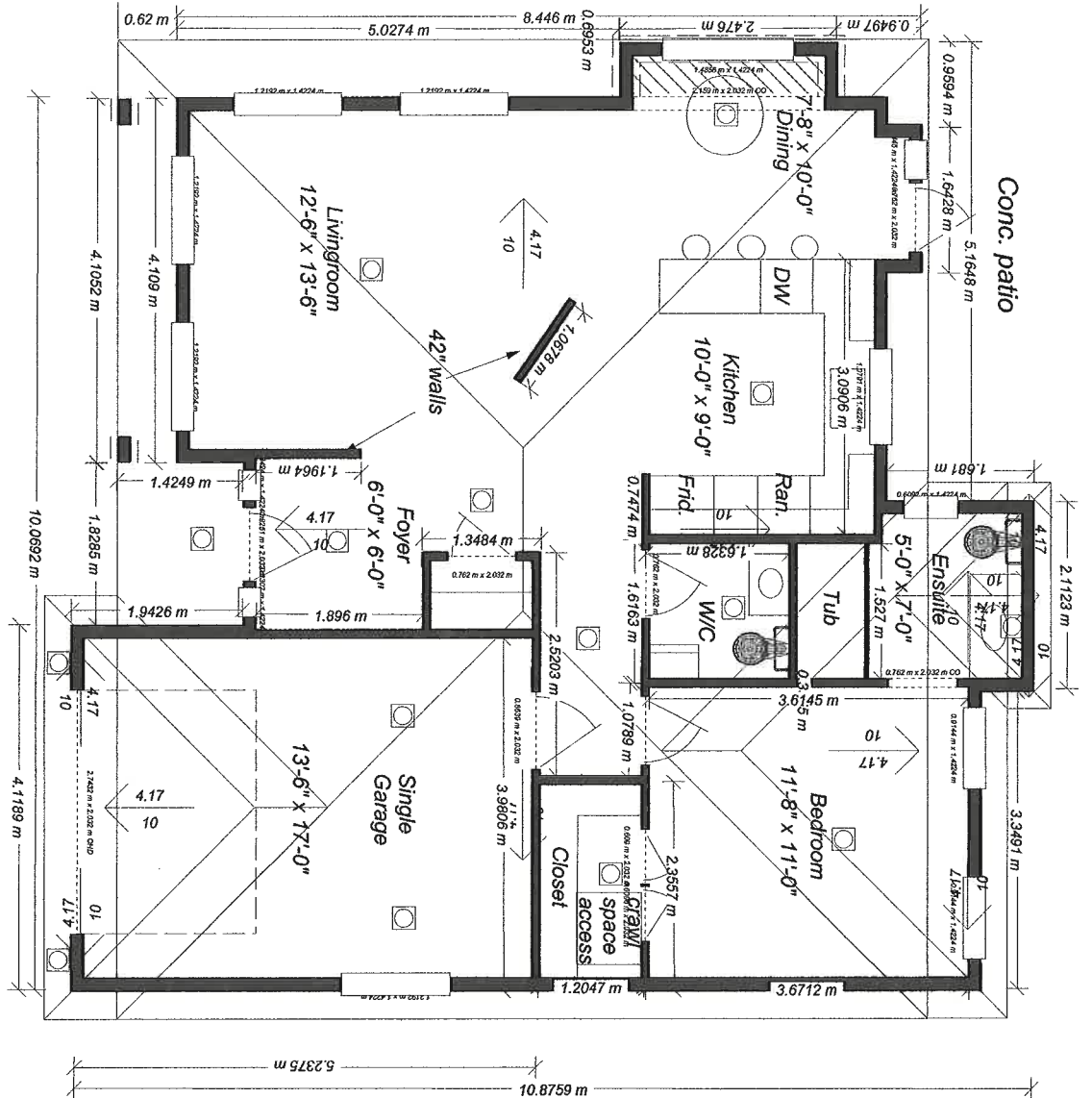


*Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
The City of Kelowna does not guarantee its accuracy. All information should be verified.*



**Proposed Site Plan**  
 4,120 sq. metres

Lot # 2, Plan 3101  
 Scale = 1 : 700  
 Drawn by K. Busch  
 Oct. 2010  
 Zoned RR 3



Floor Plan with 3'-0" crawl space

1 : 50

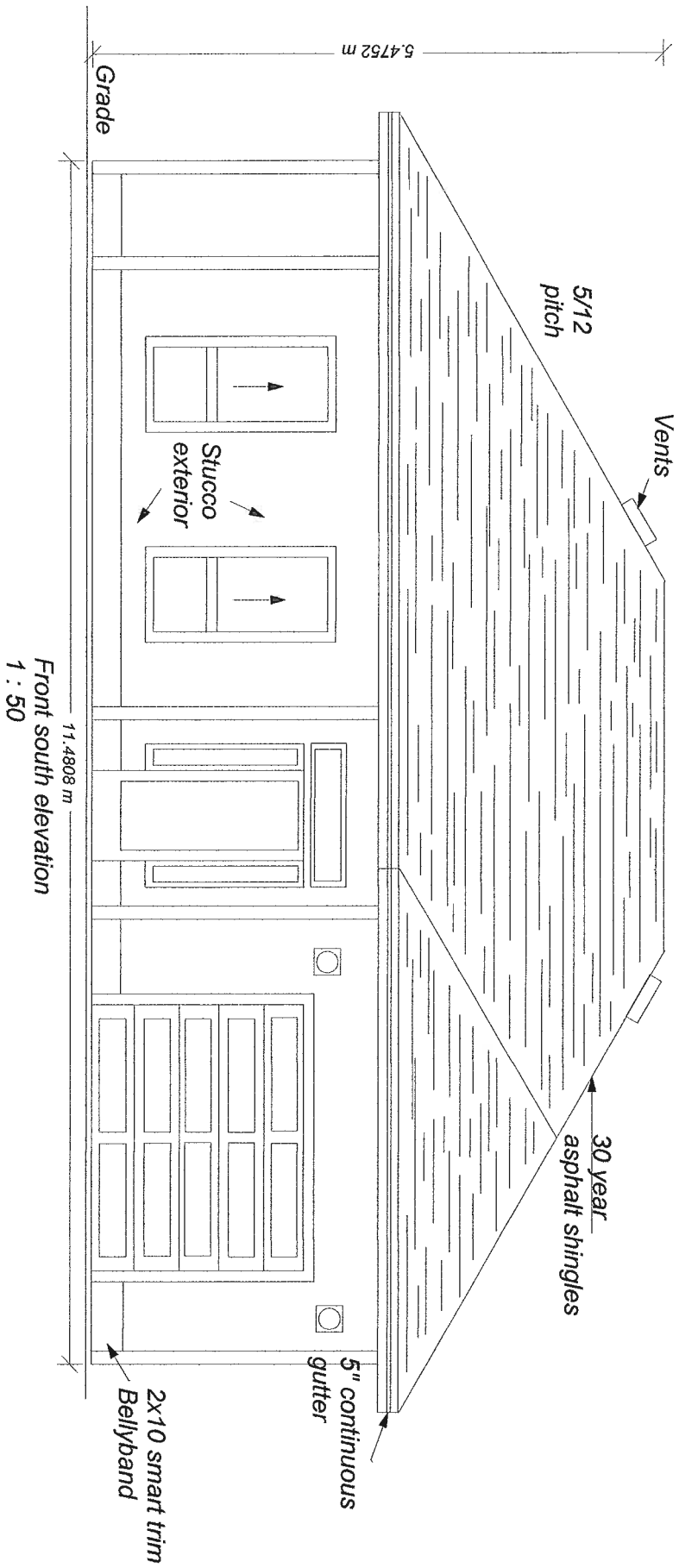
740 sq. ft./ 72.5 sq. metres living space

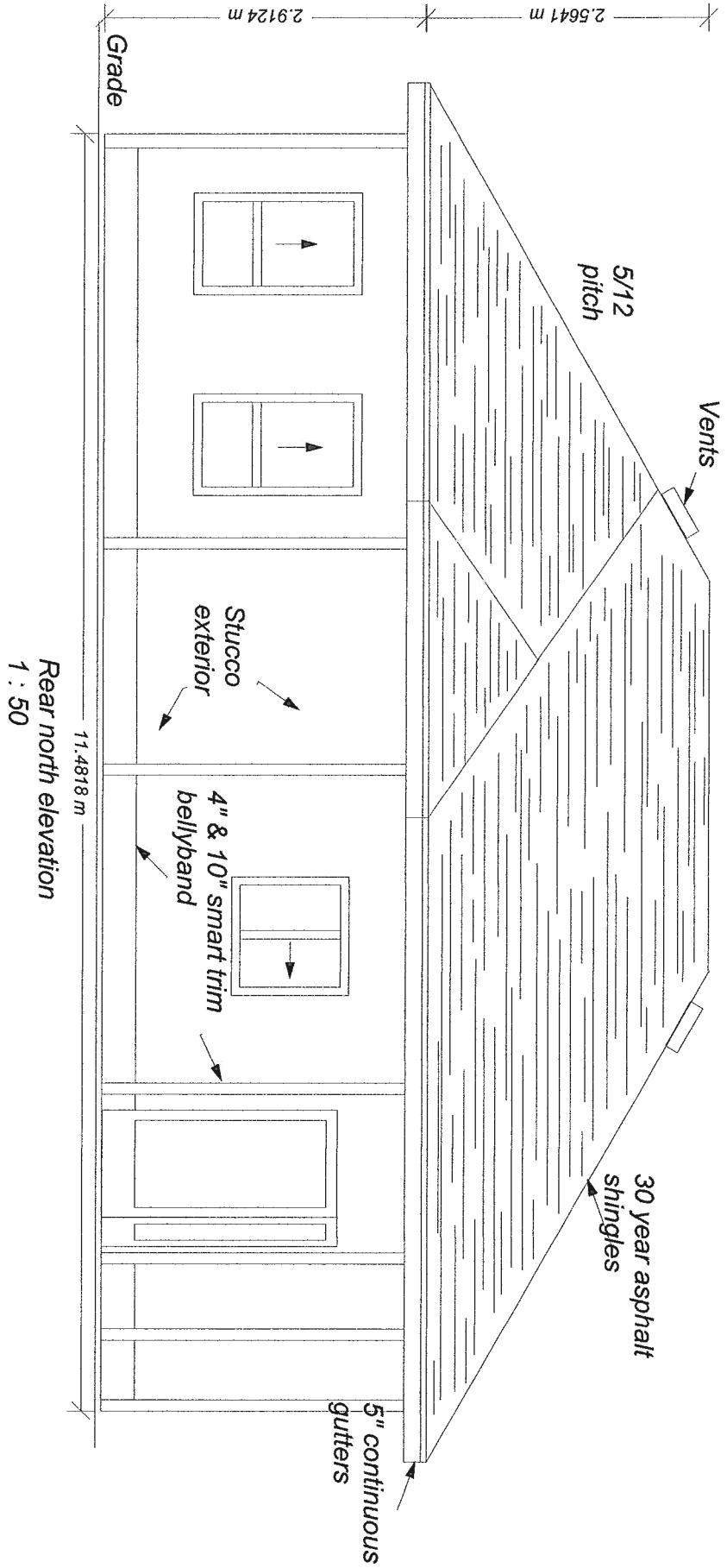
220 sq. ft./ 20 sq. metres garage space

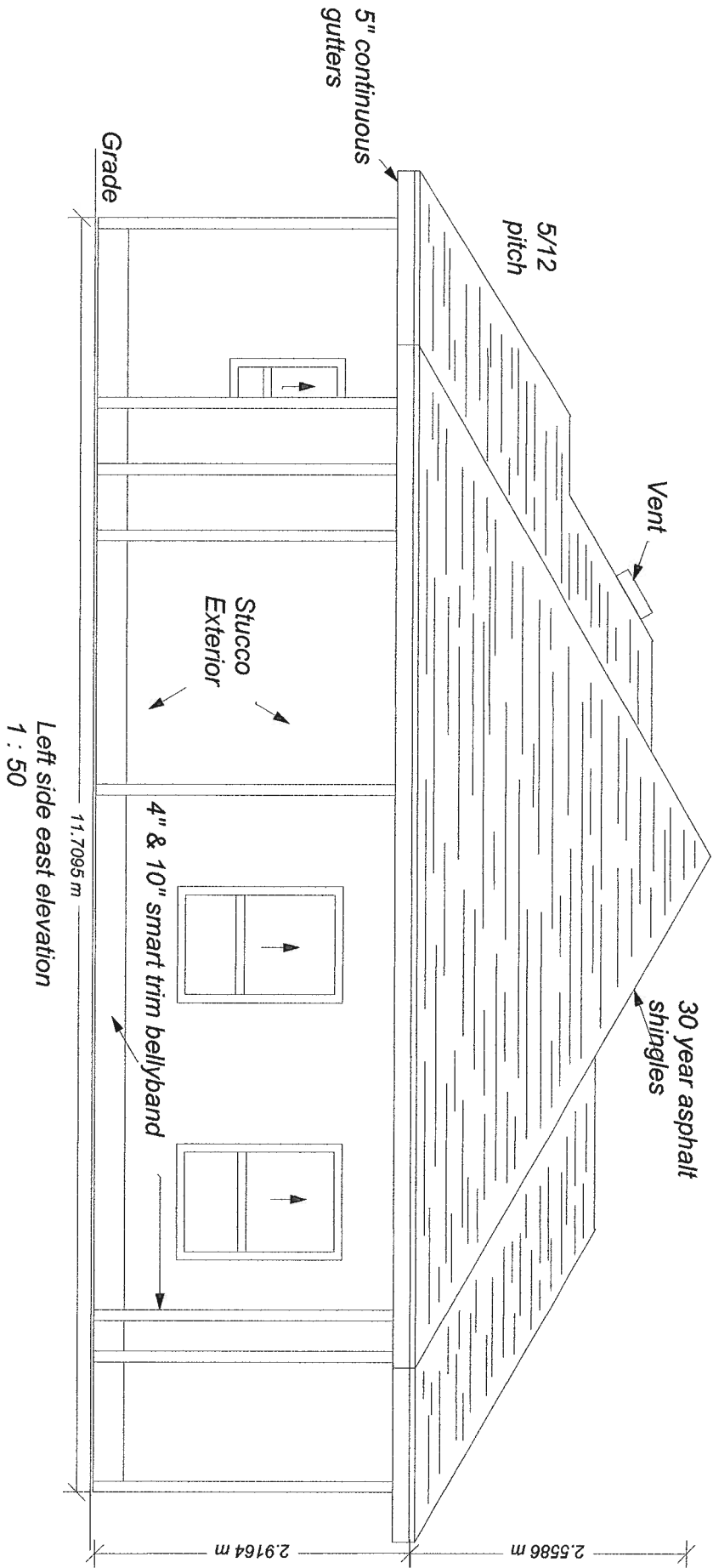
Date : Oct. 2010

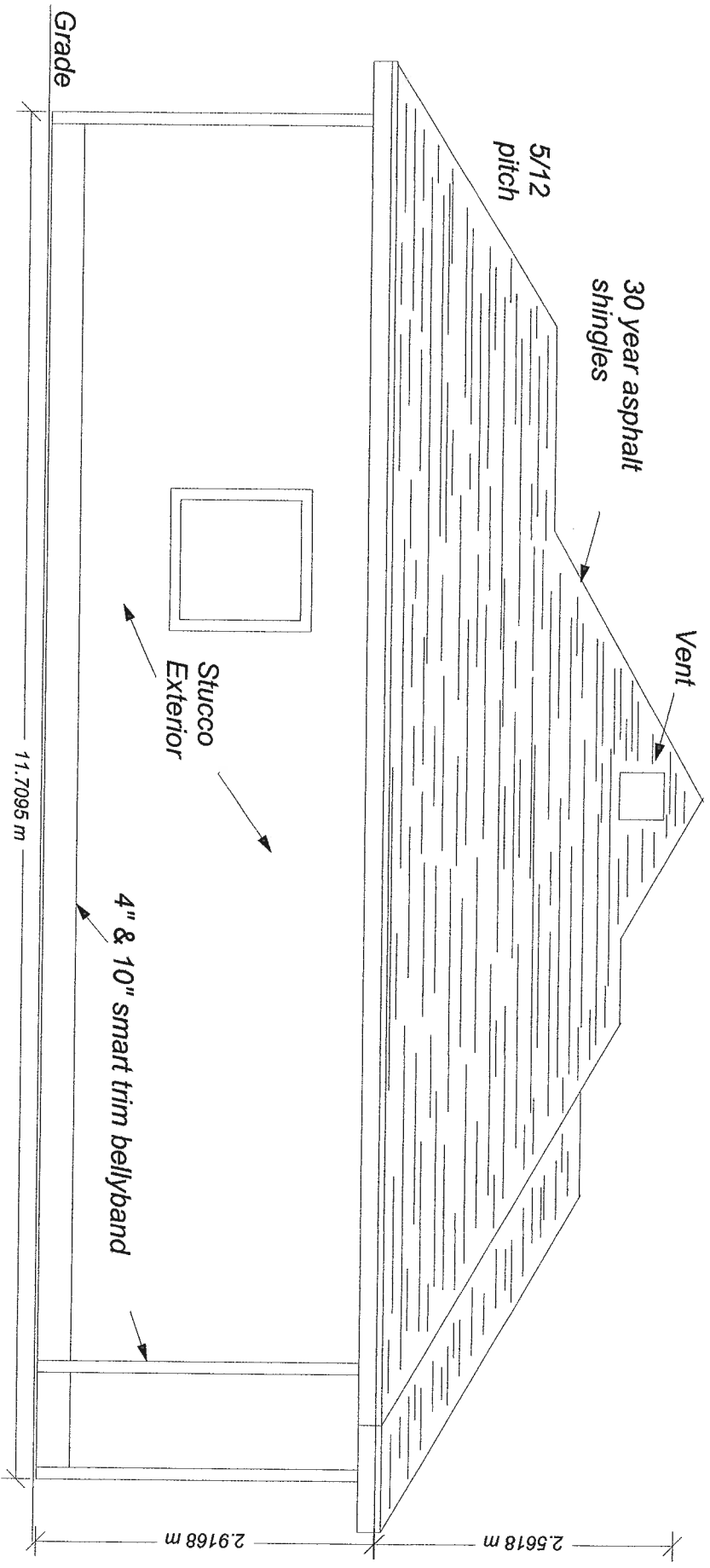












Right side west elevation  
1 : 50

McCulloch road 020.JPG



2967 McCulloch Rd.

McCulloch road 022.JPG



WEST END,

McCulloch road 012.JPG



SHOP

McCulloch road 018.JPG



PROPOSED SITE  
OF GARAGE HOUSE

McCulloch road 019.JPG



NEIGHBOR TO THE WEST

McCulloch road 015.JPG



NEIGHBOR TO THE NORTH

McCulloch road 025.JPG



SHOP

McCulloch road 017.JPG



NEIGHBOR TO THE NORTH

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**CITY OF KELOWNA**  
**MEMORANDUM**

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**Date:** December 13, 2010  
**File No.:** Z10-0087 DP10-0140

**To:** Land Use Management Department (BD)

**From:** Development Engineering Manager

**Subject:** 2967 McCulloch Road **REVISED** RR3 to RR3s

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Development Engineering Services have the following requirements associated with this rezoning Application.

1. Domestic Water and Fire Protection

This development is within the service area of the Southeast Kelowna Irrigation District (SEKID). The developer is required to make satisfactory arrangements with the SEKID for these items. All charges for service connection and upgrading costs are to be paid directly to the SEKID.

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. Please contact the Public Health Officer.

3. Site Related Issues

Provide on-site parking for the proposed dwelling. To relocate the driveway a "Road Usage Permit" is required for works within the boulevard. The Road Usage Permit can be obtained from City Yards (1495 Hardy Street) prior to installation.

4. Electric Power and Telecommunication Services

It is the applicant's responsibility to make a servicing application with the respective electric power, telephone and cable transmission companies to arrange for service upgrades to these services which would be at the applicant's cost.

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Steve Muenz, P. Eng.  
Development Engineering Manager

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**Agricultural Land Commission**  
133-4940 Canada Way  
Burnaby, British Columbia V5G 4K6  
Tel: 604 660-7000  
Fax: 604 660-7033  
www.alc.gov.bc.ca

December 4, 2008

Reply to the attention of Brandy Ridout  
File: **85000-02/CSRD/Busch**

Ken Busch  
2967 McCulloch Road  
Kelowna, BC V1W 4A5

Dear Mr. Busch:

Re: **Lot 2, Section 10, Township 26, Osoyoos Division Yale District, Plan 3101**  
**PID: 010-891-731**

Thank you for your e-mail of December 1, 2008 with which you provided information on the above-noted property including a subdivision plan dated September 29, 1944 showing the creation of Lot 2 and its size (1.02 acres) and a Certificate of Title dated February 8, 1967.

Section 23(1) of the *Agricultural Land Commission Act* specifies the following:

Restrictions on the use of agricultural land do not apply to land that, on December 21, 1972, was, by separate certificate of title issued under the Land Registry Act, R.S.B.C. 1960, c. 208, less than 2 acres in area.

As such, this is to confirm that the above-noted property is not subject to the provisions of the *Act*.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

per:

A handwritten signature in black ink, appearing to read 'Erik Karlsen', written over a light blue horizontal line.

Erik Karlsen, Chair

Encl: Subdivision plan, Certificate of Title

BR  
I/85000-02/CSRD/Busch