

# Memo



**Date:** May 17, 2011  
**To:** City Manager  
**From:** Land Use Management, Community Sustainability (LT)  
**Application:** Z11-0025                      **Owners:** Christopher Fehr & Ian McClellan  
**Address:** 2857 East Kelowna Road      **Applicant:** Christopher Fehr  
**Subject:** Rezoning Application (Secondary Suite)

Existing OCP Designation: Rural/Agricultural  
Existing Zone: A1 - Agriculture 1  
Proposed Zone: A1s - Agricultural 1 with Secondary Suite

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## 1.0 Recommendation

THAT Rezoning Application No. Z11-0025 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Parcel A (DD 145723F & Plan B6784) of Lot 25 Section 16 Township 26 ODYD Plan 187, located at 2857 East Kelowna Road, Kelowna, BC from the A1 - Agriculture 1 zone to the A1s - Agricultural 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 final adoption of the zone amending bylaw be considered subject to the requirements of the Interior Health Authority being completed to their satisfaction;

AND FURTHER THAT a building permit application for the secondary suite be received prior to final adoption of the zone amending bylaw.

## 2.0 Purpose

The applicant is proposing to rezone the subject property from the from the A1 - Agriculture 1 zone to the A1s - Agricultural 1 with Secondary Suite zone in order to legalize an existing secondary suite within an accessory building.

## 3.0 Land Use Management

This rezoning application is in direct response to a bylaw investigation. Although staff support the legalization of the suite and the subsequent addition to the rental stock, we do not endorse constructing a suite prior to seeking proper authorization.

This proposal allows for more efficient use of the subject property and helps to diversify the housing supply in the area. As the property is less than 2 acres and created prior to 1973, it is exempt from ALR conditions. The accessory structure is already existing, creating no further conversion of farmland being taken out of production as a result. The siting of the accessory building is within a reasonable footprint from the principal dwelling.

## 4.0 Proposal

### 4.1 Project Description

The landowner is seeking to legalize an existing secondary dwelling contained within an accessory building, located to the rear of the principal dwelling. The existing principal dwelling was built in 1992, with the accessory structure remaining for storage use. Since that time, the accessory building has been the subject of several bylaw complaints related to its use as a rental unit.

The total lot area is less than 0.2ha, and the lot was created prior to 1976, and is exempt from ALR regulations. As such, (per Section 1.7.1 of Zoning Bylaw No. 8000) the lot is to be developed in accordance with the provisions and regulations of the RU1 zone. The proposal complies with the Zoning Bylaw No. 8000 provisions for the RU1s - Large Lot Housing with Secondary Suite zone as follows:

Criteria	Requirement / Maximum	Proposed
Site Coverage (buildings)	40 %	18 %
Site Coverage (buildings, driveways, and parking)	50 %	25 %
Height of Accessory Building	Lesser of 4.5 m or 1 ½ storeys	~ 3.0m / 1 storey
Front Yard	4.5 m; 6.0 m from a garage or carport vehicle entry	~ 11.0 m
Side Yard (south)	2.0 m for a 1 or 1 ½ storey portion of a building; 2.3 m for a 2 or 2 ½ storey portion of a building	3.0 m
Side Yard (north)	2.0 m for a 1 or 1 ½ storey portion of a building; 2.3 m for a 2 or 2 ½ storey portion of a building	~ 4.5 m
Rear Yard (from accessory building)	1.5 m	~5.0 m
Secondary Suite Area	Lesser of 90 m <sup>2</sup> or 75% of the total floor area	50 m <sup>2</sup> and 44 %
Private Open Space	30 m <sup>2</sup> per dwelling	Complies
Parking	2 for principal dwelling and 1 for secondary suite = 3 total	3 spaces

### 4.2 Site Context

The subject property is located in the South East Kelowna neighbourhood, north of East Kelowna Park. Land uses in the surrounding neighbourhood are predominantly agricultural. Specifically, the adjacent zones and land uses are:

Direction	Zone	Land Use
North	A1 - Agriculture 1	Agriculture
South	A1 - Agriculture 1	Agriculture/Park
East	A1 - Agriculture 1	Agriculture
West	A1 - Agriculture 1	Agriculture

### 4.3 Subject Property Map -2857 East Kelowna Road



### 5.0 Current Development Policies

#### 5.1 Current Official Community Plan (Kelowna 2020)

**Secondary Suites.** Encourage, under the conditions stipulated in the Zoning Bylaw, the creation of secondary suites.

### 6.0 Technical Comments

#### 6.1 Building & Permitting Branch.

Development Cost Charges of \$2,500 are required to be paid prior to issuance of any Building Permits. Operable bedroom windows required as per the 2006 edition of the British Columbia Building Code (BCBC 06). Full Plan check for Building Code related issues will be done at time of Building Permit applications.

#### 6.2 Bylaw Services Branch.

Bylaw Services has an open Service Request, #169951, regarding a zoning infraction taking place at this location (carriage house).

#### 6.3 Development Engineering Branch.

See attached memorandum.

#### 6.4 Fire Department.

Requirements of section 9.10.9.14, Secondary Residential Suites, of the BCBC 2006 are to be met. Smoke Alarms as per section 9.10.19 of the BCBC are required. Additional address for the suite is required.

#### 6.5 Irrigation District (SEKID)

No comments.

6.6 Interior Health Authority (Public Health Inspector)

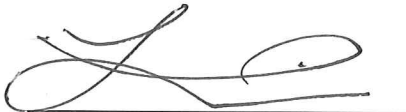
Confirmation from an Authorized Person required to ensure adequate space for primary and replacement wastewater system for the accessory building, or that the existing onsite wastewater system is capable of handling the domestic sewage from both dwellings. The report should be stamped by the Authorized Person and include soil permeability calculations and a site plan showing proposed primary and replacement areas for both systems.

Please note that the community water system (SEKID) indicated for connection to this proposed development does not meet the 43210 Drinking Water Objectives and is frequently on a public water quality advisory. We recommend that approvals should be contingent upon the completion of necessary treatment upgrades, or where there is evidence that an approved plan is in place to meet the required treatment objectives. The transfer of property to prospective purchasers should also be contingent upon the sharing of information on the current status of this system.

7.0 **Application Chronology**

Date of Application Received      April 18, 2011  
All Comments Received              May 11, 2011

**Report prepared by:**



Luke Turri, Land Use Planner

**Reviewed by :**



Danielle Noble, Manager, Urban Land Use Branch

**Approved for inclusion:**



Shelley Gambacort, Director, Land Use Management

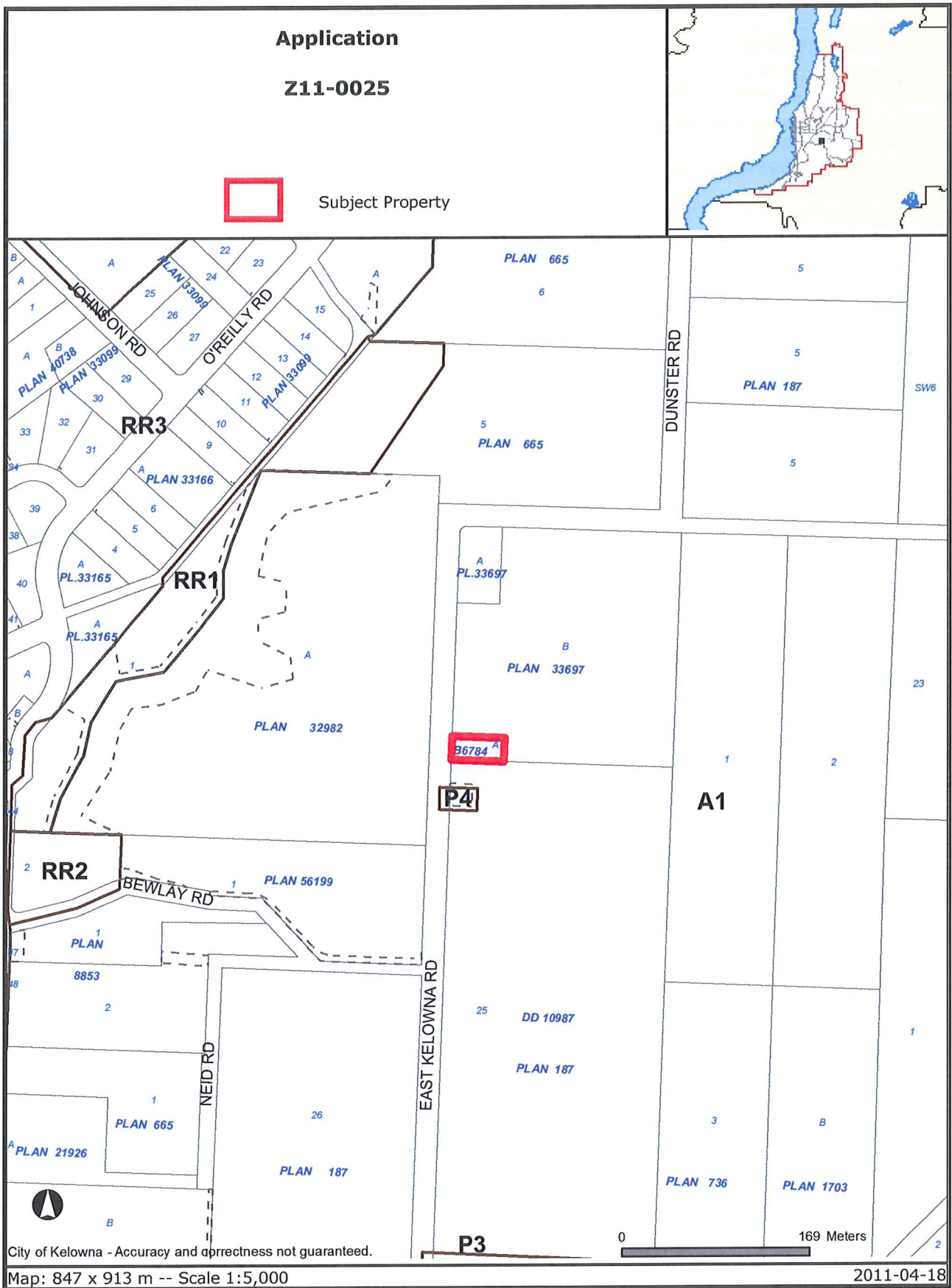
**Attachments:**

Subject Property Map

Site Plan

Accessory Building Plans

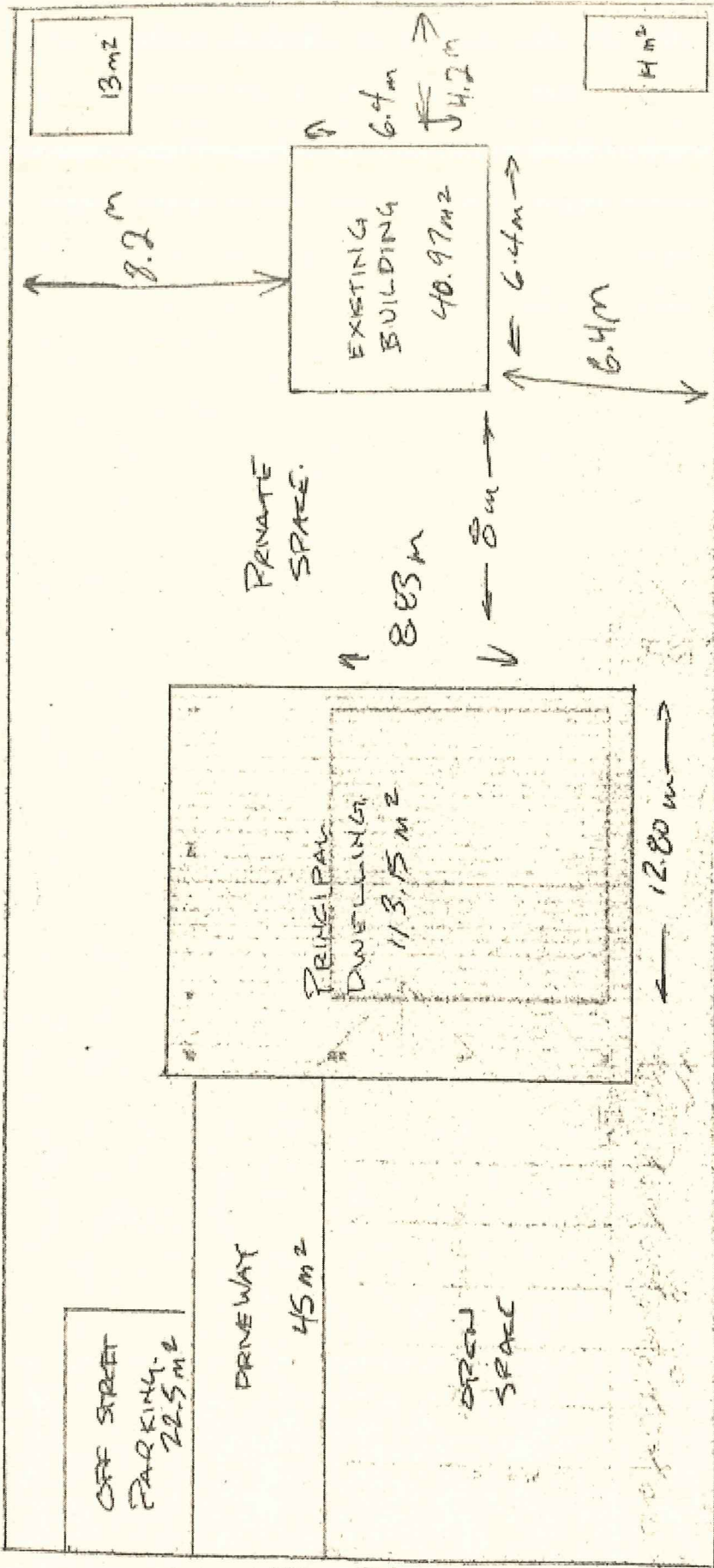
Development Engineering Branch Memorandum



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.

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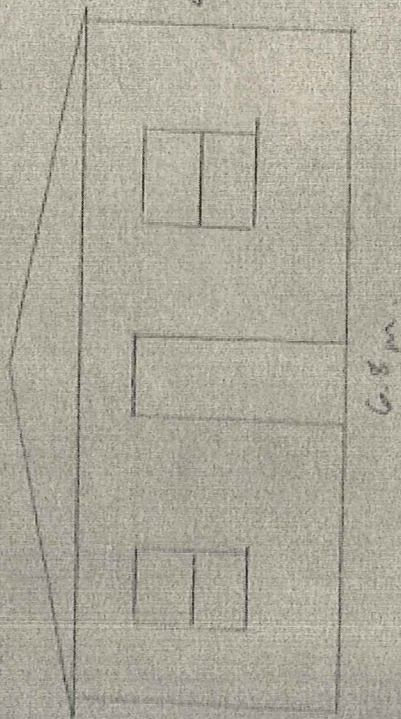
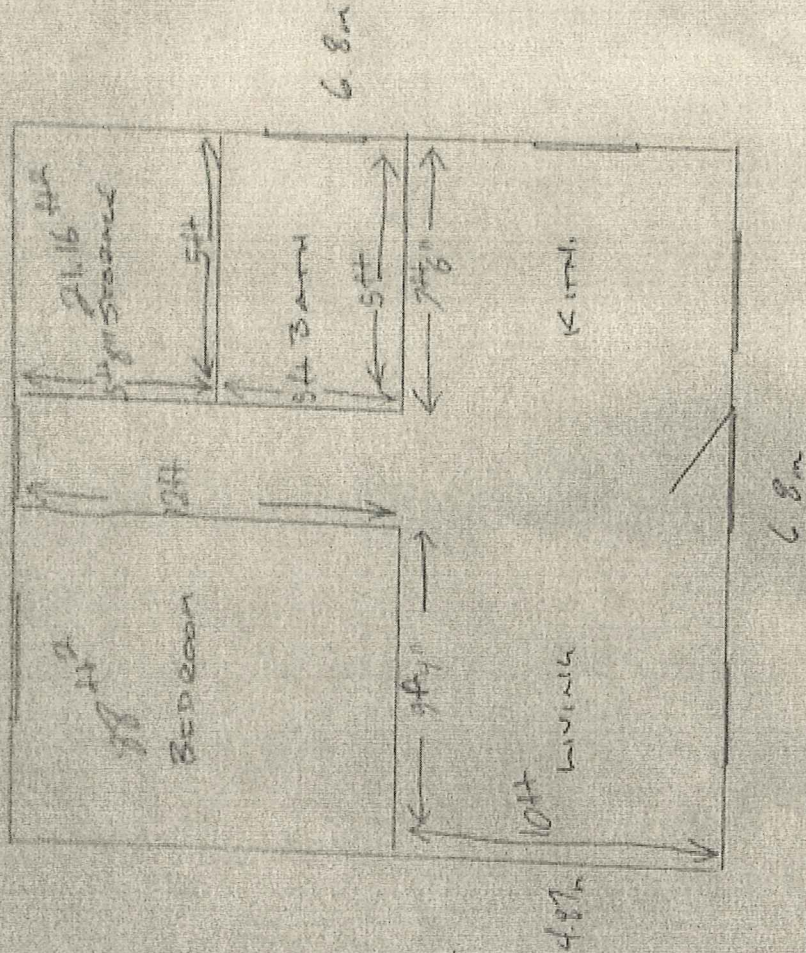
155' 47.43 M



ROAD  
70' 21.34 M

Plot Plan

Z11-0025  
2857 EAST KELLOWNA RD



2857 east kelowna rd  
 necessary building with site

Z11-0025

2857 EAST KELOWNA RD.

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

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**Date:** April 20, 2011  
**File No.:** Z11-0025

FILE COPY

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

**From:** Development Engineering Manager

**Subject:** 2857 East Kelowna Road

A1 to A1s

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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

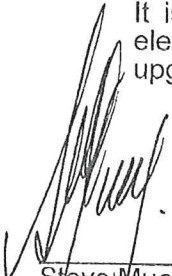
Sanitary sewage is to be handled by an on-site sewage disposal system subject to approval of the Provincial Public Health Officer. Please contact the Public Health Officer.

3. Site Related Issues

Provide on-site parking for the proposed dwelling.

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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