

# Memo



**Date:** September 23, 2011  
**To:** City Manager  
**From:** Land Use Management, Community Sustainability (JM)  
**Application:** Z11-0071                      **Owner:** David Mathieson, Nancy Doehring  
**Address:** 3990 Hart Road                      **Applicant:** David Mathieson  
**Subject:** Rezoning Application

Existing OCP Designation:    AGR - Resource Protection Area

Existing Zone:                      A1 - Agriculture 1

Proposed Zone:                      A1s - Agriculture 1 with Secondary Suite

---

## 1.0 Recommendation

THAT Rezoning Application No. Z11-0067 to amend the City of Kelowna Zoning Bylaw No. 8000, by changing the zoning classification of Lot 1, Sections 4 and 9, Township 26, ODYD, Plan KAP73101, located on 3990 Hart Road, Kelowna, BC from the A1 - Agriculture 1 zone to the A1s - Agriculture 1 with Secondary Suite zone, be considered by Council;

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

AND THAT final adoption of Zone Amending Bylaw be considered subsequent to the requirements of the Development Engineering Branch, the South East Kelowna Irrigation District, and the Interior Health Authority being completed to their satisfaction;

AND FURTHER THAT the suite be eligible for final occupancy prior to final adoption of the zone.

## 2.0 Purpose

The applicant is seeking rezoning in order to legalize an existing secondary suite within the principal dwelling on the parcel.

## 3.0 Land Use Management

Land Use Management generally supports the development of secondary suites within existing single dwelling housing units as a form of sensitive infill. Specifically, where located on agricultural land, secondary suites are encouraged to be within a principal dwelling.

When situated in urban areas, secondary suites achieve many of the objectives of the OCP by providing additional density and diversity in a manner that is sensitive to existing established neighbourhoods. In developed areas, this additional density makes more efficient use of infrastructure. However, it is less clear that the objectives of the OCP are being met where secondary suites are developed in very rural or agricultural areas. In these areas, it should be recognized that additional residential units place a greater burden on limited infrastructure, and increase the likelihood that residents will be dependent on single occupant vehicle use.

#### 4.0 Proposal

##### 4.1 Background

Bylaw Enforcement presently has an active file dating from May 23, 2011 for an illegal secondary suite on the subject property, which triggered the subject application.

##### 4.2 Project Description

The applicant proposes to legalize an existing secondary suite situated on the second storey of an existing two-storey single detached house on the subject property. The suite contains two bedrooms, and is accessible internally and has direct access to the exterior via staircase at the side of the dwelling.<sup>1</sup>

There is parking provided for the secondary suite in the existing driveway, and ample private open space is available. A lit pathway that leads from the exterior entrance to the suite to the parking area will be a requirement of Building Permit.

##### 4.3 Site Context

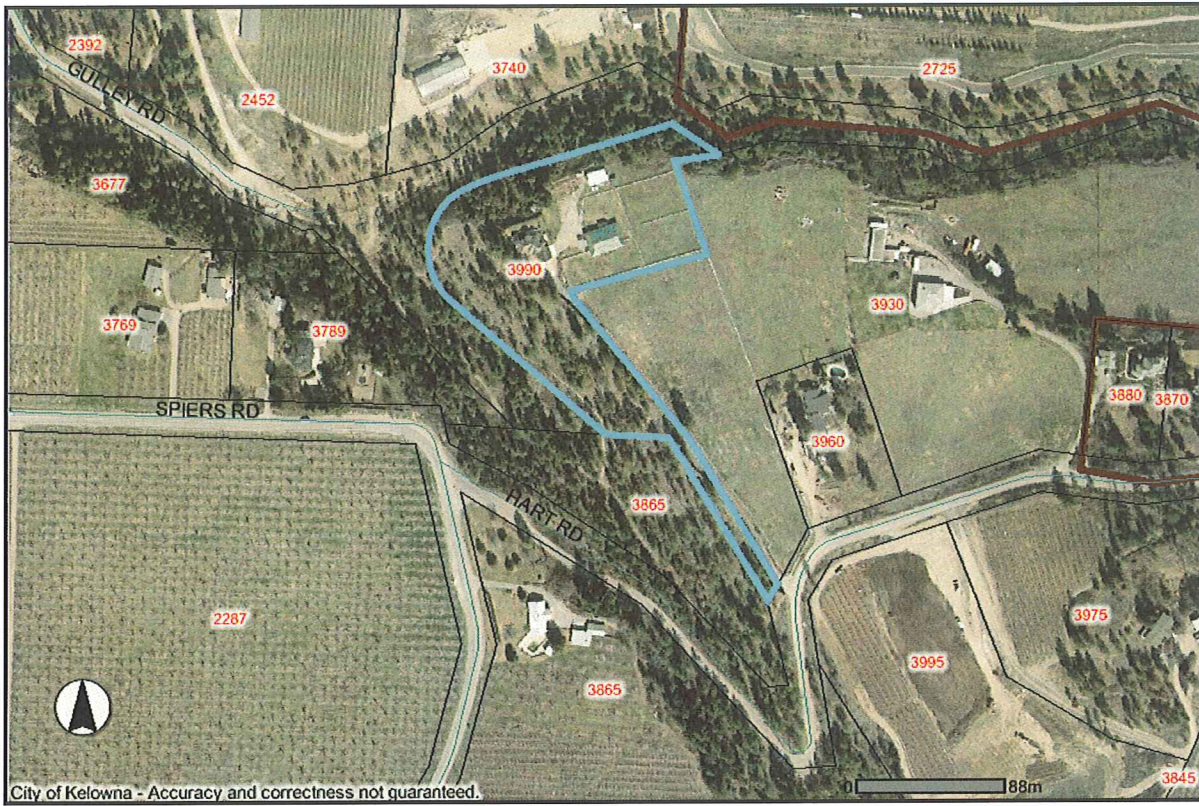
The subject property is a panhandle lot that is accessed via Hart Road and sits at the top of a steep bank to the west and north. The lot is situated in the Agricultural Land Reserve (ALR) and is used for agricultural purposes. Express permission is not required from the Agricultural Land Commission (ALC), as ALC regulations allow secondary suites when contained within the footprint of a single family dwelling.

Surrounding uses consist principally of agriculture, but there is some rural residential development and golf course development in the area.

Direction	Land Uses
North	A1 - Agriculture 1 / P3lp - Parks and Open Space (Liquor Primary)
East	A1 - Agriculture 1 / RR2 - Rural Residential 2
South	A1 - Agriculture 1
West	A1 - Agriculture 1

<sup>1</sup> The staircase on the exterior of the home is not shown on building permit plans for the home, and was not approved by a separate permit.

4.4 Subject Property Map: 3990 Hart Road



4.5 Zoning Analysis Table

Zoning Bylaw No. 8000		
CRITERIA	PROPOSAL	A1s ZONE REQUIREMENTS <i>Suite within Principal Dwelling</i>
Subdivision Regulations		
Lot Area	1.79 ha	2.0 ha within the ALR
Lot Width	No change	40 m
Development Regulations		
Site Coverage (buildings)	1%	10% for residential buildings
Height (existing house)	No change	2 ½ storeys / 9.5 m
Floor Area of principal dwelling	255 m <sup>2</sup>	
Floor Area of Secondary Suite / Size ratios	72.1 m <sup>2</sup> / 28.2%	In building can't exceed lessor of 90 m <sup>2</sup> or 40%
Front Yard	exceeds	6.0 m
Side Yard (east)	exceeds	3.0 m

Side Yard (west)	exceeds	3.0 m
Rear Yard	exceeds	10.0 m
Other Requirements		
Parking Stalls (#)	4 spaces	3 spaces
Private Open Space	meets requirements	30m <sup>2</sup> required per dwelling

## 5.0 Current Development Policies

### 5.1 Kelowna Official Community Plan (OCP)

#### Development Process

**Compact Urban Form.**<sup>2</sup> Develop a compact urban form that maximizes the use of existing infrastructure and contributes to energy efficient settlement patterns. This will be done by increasing densities (approximately 75 - 100 people and/or jobs located within a 400 metre walking distance of transit stops is required to support the level of transit service) through development, conversion, and re-development within Urban Centres (see Map 5.3) in particular and existing areas as per the provisions of the Generalized Future Land Use Map 4.1.

#### Agriculture Policies

**Secondary Suites.**<sup>3</sup> Encourage secondary suites on agricultural land to be located within a permitted principal dwelling.

#### Infrastructure Policies

To support sustainability, Kelowna will: Design transportation routes to prioritize investment in transit, pedestrian and bicycle infrastructure in order to increase mobility choices for residents and minimize the use of single occupancy vehicles - one of the largest producers of greenhouse gases.<sup>4</sup>

## 6.0 Technical Comments

### 6.1 Building & Permitting Department

- 1) 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) Structural review will be completed at building permit stage. Engineering may be required for work done without permits.
- 4) Full Plan check for Building Code related issues will be done at time of Building Permit applications.

<sup>2</sup> City of Kelowna Official Community Plan, Chapter 5, Policy No. 5.3.2

<sup>3</sup> City of Kelowna Official Community Plan, Chapter 5, Policy No. 5.34.1

<sup>4</sup> City of Kelowna Official Community Plan, Infrastructure, Chapter 7, Pg. 7.1

6.2 Development Engineering Department

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.

6.3 Bylaw Services

The first complaint received regarding the suite on subject property was on June 8, 2011. Service Request #198512 remains open.

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

The above referenced application will be approved for water servicing subject to the following:

1) Payment of Capital Expenditure Charge (suite less than 74.3 m2):	\$1,200.00
2) Application Fee	450.00
3) New Account Fee:	20.00
	\$1,670.00

If a new service to the property is required additional servicing costs will apply.

6.6 Fortis BC

No objection.

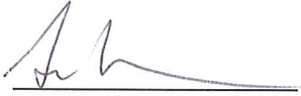
6.7 Fortis BC Energy

No objection.

**7.0 Application Chronology**

Date of Application Received: September 8, 2011

**Report prepared by:**



James Moore, Land Use Planner

**Reviewed by:**



Danielle Noble Manager, Urban Land Use Management

**Approved for Inclusion:**

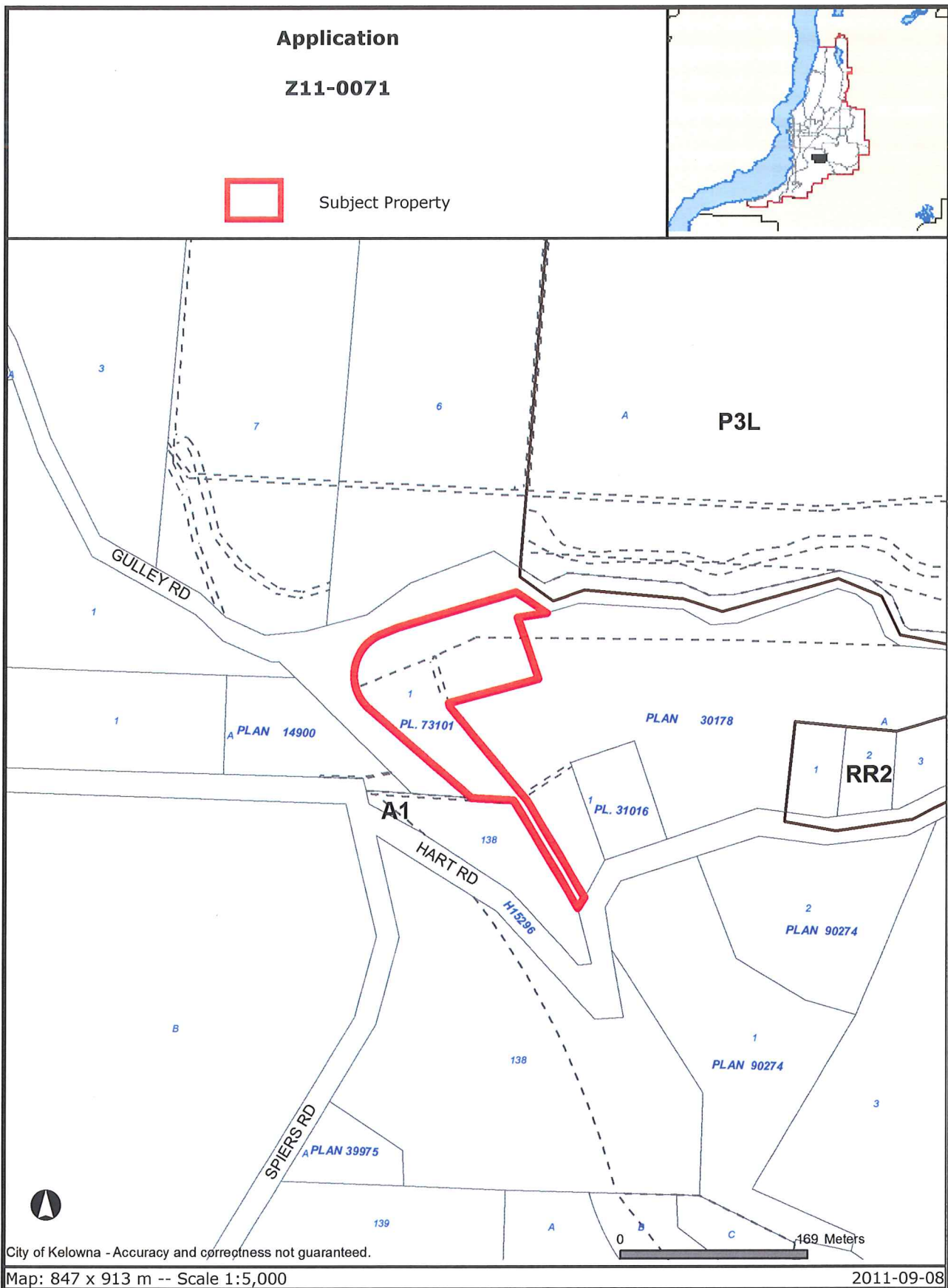


Shelley Gambacort, Director, Land Use Management

**Attachments:**

Subject Property Map  
Site Plan  
Floor Plan  
Context/Site Photos

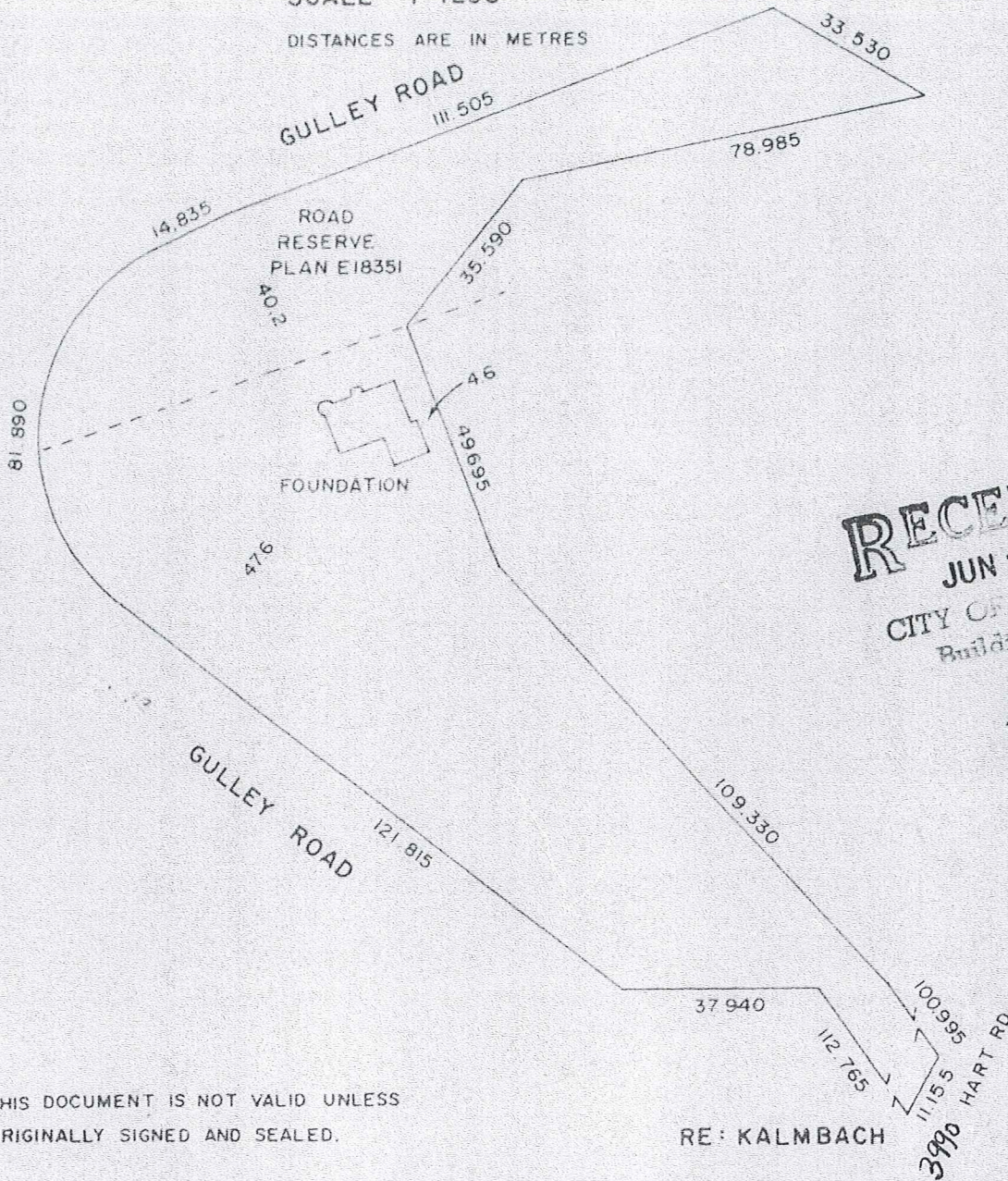




*Certain layers such as lots, zoning and dp areas are updated bi-weekly. This map is for general information only.  
The City of Kelowna does not guarantee its accuracy. All information should be verified.*

PLAN SHOWING LOCATION OF BUILDING ON LOT I  
 PLAN 40110 SEC's. 4 & 9 TP. 26 O.D.Y.D.

SCALE 1:1250  
 DISTANCES ARE IN METRES



**RECEIVED**  
 JUN 1 1990  
 CITY OF KALMBACH  
 Building Department  
*[Signature]*

© THIS DOCUMENT IS NOT VALID UNLESS  
 ORIGINALLY SIGNED AND SEALED.

CERTIFIED CORRECT  
 THIS 8th DAY OF JUNE, 1990.

*[Signature]*  
 B. C. L. S.

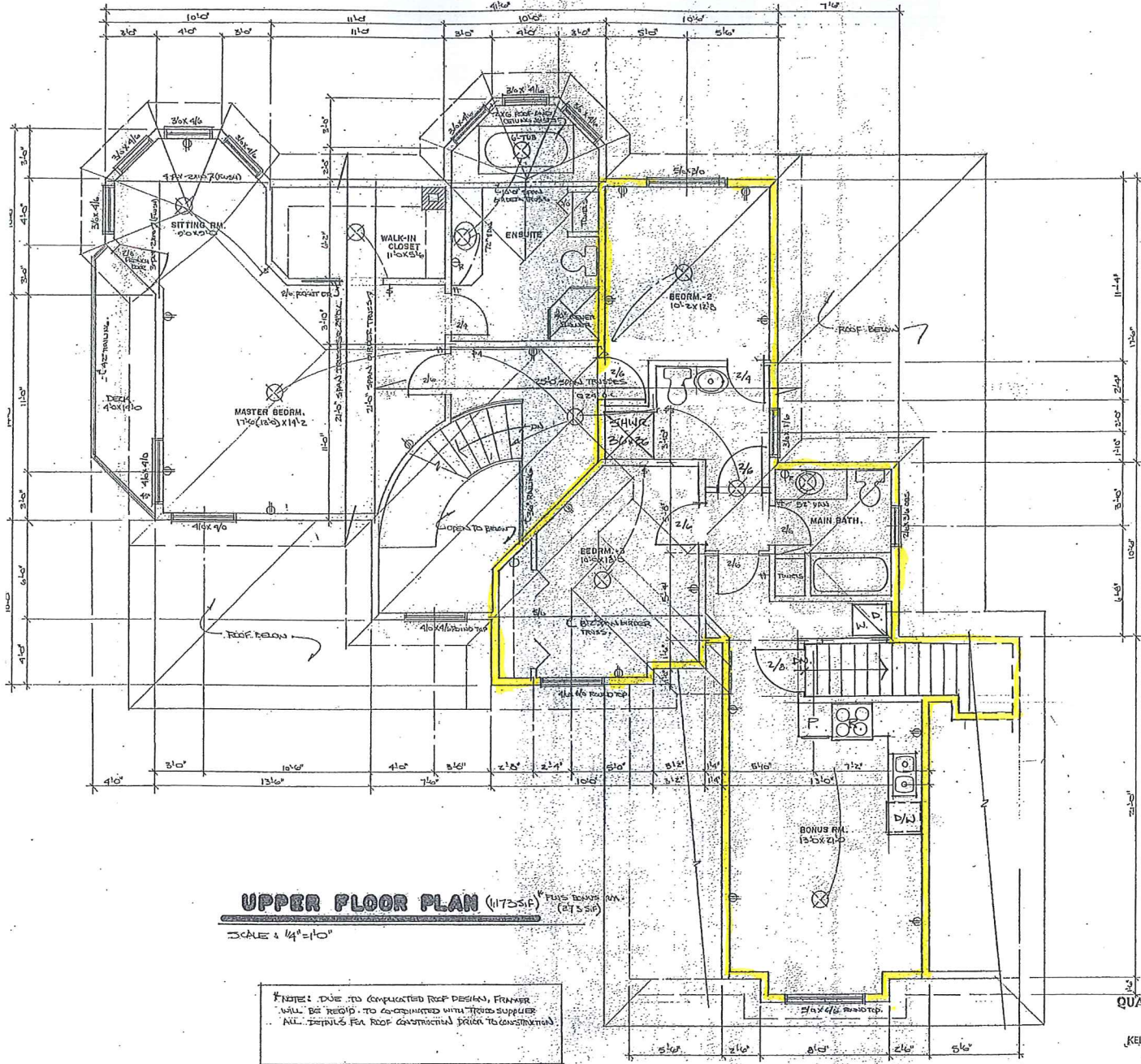
RE: KALMBACH

THIS PLAN IS FOR MORTGAGE OR MUNICIPAL  
 PURPOSES ONLY AND IS NOT TO BE USED TO  
 DEFINE THE BOUNDARIES OF THIS LOT.

FILE 90-6943 FB 147

GODDARD and ASSOCIATES  
 B. C. LAND SURVEYORS  
 200-1449 ST. PAUL STREET KELOWNA

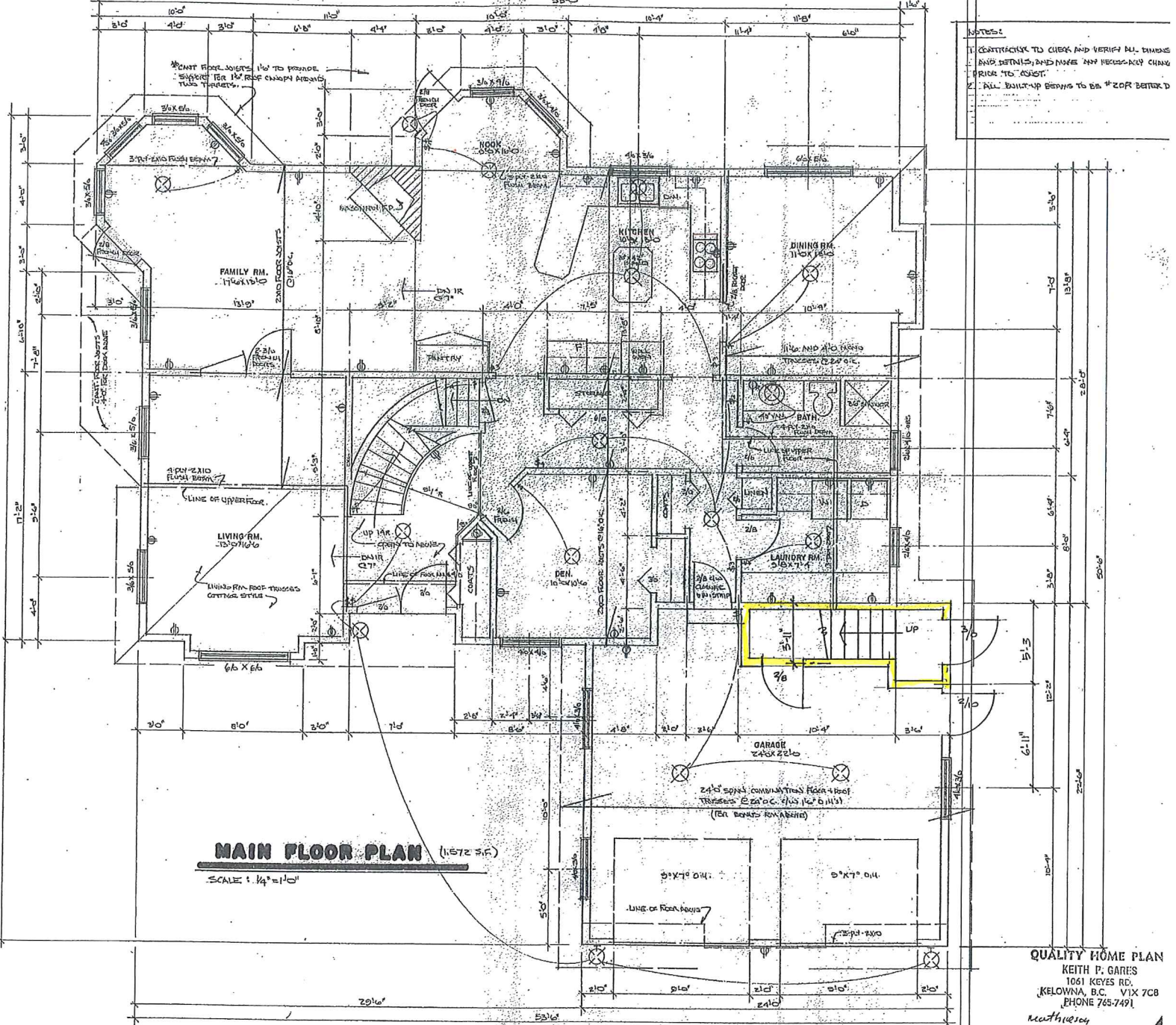




**UPPER FLOOR PLAN** (1172 S.F.)  
 SCALE: 1/4" = 1'-0"

NOTE: DUE TO COMPLICATED ROOF DESIGN, FRAMER  
 WILL BE REQUIRED TO CO-ORDINATE WITH TRUSS SUPPLIER  
 ALL DETAILS FOR ROOF CONSTRUCTION PRIOR TO CONSTRUCTION.

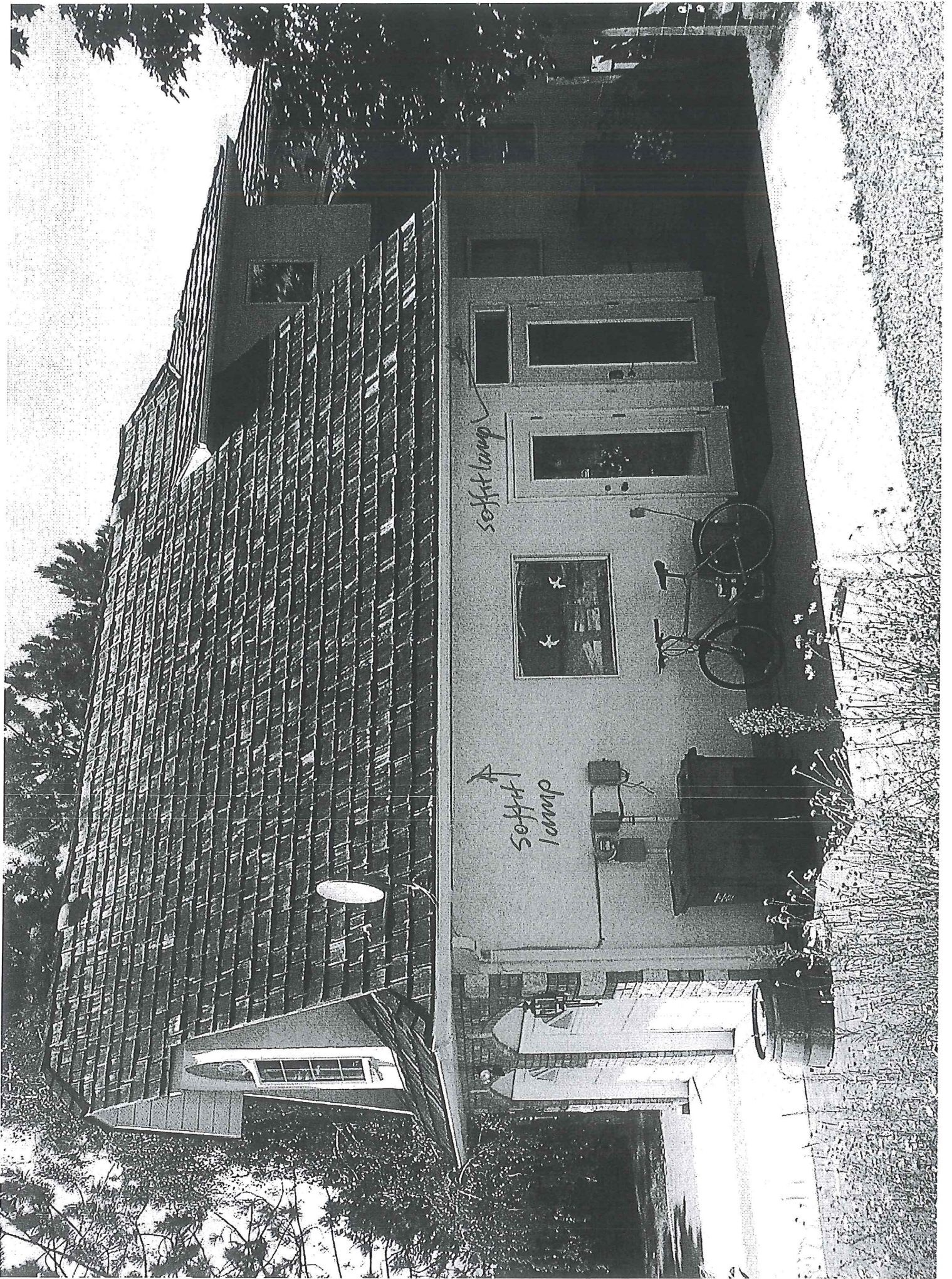
**QUALITY HOME PLANS**  
 KEITH P. GARES  
 1061 KEYES RD.  
 KELOWNA, B.C. V1X 7C8  
 PHONE 765-7491



**QUALITY HOME PLAN**  
 KEITH P. GARES  
 1061 KEYES RD.  
 KELOWNA, B.C. V1X 7C8  
 PHONE 765-7491  
 mathewson  
 878 2478







soft lamp

dinner lamp  
↑



16-7-25 415



1111