

August 01, 2023

## Regional District of Okanagan-Similkameen

101 Martin Street,  
Penticton, BC  
V2A 5J9  
CANADA

Attention: Planning Department

3205 RUSHBURY PL.  
NARAMATA, BC

### Land Use Bylaw Amendment Application - Supporting Rationale

Dear Christopher Garrish,

Please find attached our detailed application for the development of a garage and guest suite as well as a pool, pool house, and associated hardscaping proposed for 3205 Rushbury Place.

This amended application is being made after thorough consideration following our APC meeting on July 10, 2023 and the Public Information Meeting on July 12, 2023. We believe that the application better fits the neighbourhood context, the Zoning requirements and continues to meet the owners' needs.

Our understanding of the comments from the planning staff / APC members was the following:

- If there was a Separation of the *Garage* for the *Principal Dwelling* and circulation / access to the *Accessory Dwelling*, this would meet the requirements for the two to be considered as separate structures, and
- If the proposed *Accessory Dwelling* was reduced in area to a maximum of 125 m<sup>2</sup>, the only Variance request would be to the One Hectare policy

Our understanding of the comments from the Public Information Meeting attended by a neighbour of the subject property was the following:

- The development should be sensitive to views to and from site, and that these concerns will be addressed by the applicants directly with the neighbours.

As a result of the above comments, we have revised the design of the proposal to include:

1. A 125 m<sup>2</sup> *Accessory Dwelling*;
2. A separate *Garage* for the *Principal Dwelling* meeting the requirements for *Accessory Structure*; and
3. More views through the site allowed by the reduced footprint of the 125 m<sup>2</sup> *Accessory Dwelling*

In keeping with our letter included in the previous application for the project site, we believe that the project adds to the character of the existing residence on property as a rural residential development and fits with the character of the neighbouring buildings. The location of the proposed garage and guest suite further supports the intention to minimize the impact on the neighbourhood as it lies adjacent to the neighboring property's accessory building on the lower portion of our client's property and would not be blocking any of their views. Also, the project as proposed would have minimal impact on the views of any

neighbours to whom the project is visible. In fact, our clients have been discussing this project with the neighboring properties and are supported by them as demonstrated by their letters of support previously attached.

The area of the proposed guest suite is 125 m<sup>2</sup> and the parcel area of 3205 Rushbury Place is 0.69 ha. Which means that according to the zoning bylaw, if the guest suite is classified as an accessory dwelling, then it would not conform to the following 2 clauses in section **7.2 Accessory Dwellings**:

***"7.2.2. No accessory dwelling shall have a floor area greater than 125.0 m<sup>2</sup>, unless otherwise specified."***

***"7.2.4. An accessory dwelling shall not be permitted on parcels less than 1.0 ha in area unless connected to a community sewer system."***

However, in considering this project it is important to note that the existing zoning (SH2) does allow for an accessory dwelling in addition to a single detached dwelling. It is also important to note that the SH2 zone allows a maximum site coverage of 25% (1,720 m<sup>2</sup>). As the existing principal building and garage currently covers only 5.3% of the parcel, the existing house could be expanded and cover an additional 19.7% of the parcel area which would be an addition of 1,356 m<sup>2</sup> or almost 14,600 ft<sup>2</sup>. In contrast, the proposal for the garage and guest suite covers only an additional 3.1% (214 m<sup>2</sup>) of the lot. If the area of the proposed pool, pool house, and exterior patio are also included, the total parcel coverage would still only be 13.9% (483 m<sup>2</sup> existing and 472 m<sup>2</sup> new pool deck, pool house, patio and guest suite) which is more than 10% below the maximum parcel coverage allowed.

In considering this project, please also note that our client's elderly father currently resides with them as "part of the family." This is the main reason that they did not want to enlarge their prime residence for their guests as this would impact his (and their) privacy. He lives on the ground floor where all living areas and private rooms such as bathrooms are accessible to him. It is important to note that the existing Principal Dwelling only contains 3 modest bedrooms and 2.5 bathrooms.

Building a separate garage and guest suite is a very logical choice for our client for several reasons. The existing garage is only large enough for 2 vehicles whereas our client has 4 vehicles that he would like to store out of the weather. This requires the garage to be expanded. It is also important to note that the existing garage is relatively unattractive and not in character with the existing residence.

While the existing septic field requires an update to handle the capacity of the guest suite, we have confirmed with the designer of the existing septic system that it would be possible to install an updated system which would be able to provide capacity for both the main house and the proposed guest suite. More information on this can be found in the previously attached letter provided by the above mentioned certified professional.

It needs also be mentioned that the proposed garage and guest house, and pool and pool house have been sited to comply with the zoning requirements regarding setbacks.

As part of our application, we had intended to request a variance for clauses 7.2.2 and 7.2.4 mentioned above. However, the Planning Department requested that we apply for a Rezoning instead. As there are no current zones that allow what our client is requesting, we would therefore request a site specific zoning amendment to the SH2 zone.

Finally, we would like to emphasize that this application is presented for the sole purpose of providing our clients with a guest suite as private guest accommodation – for visiting family and friends only - which is currently unavailable within the principal building. Our clients do not propose, nor do they desire to have an **accessory dwelling** on the property which - based on the zoning bylaw - would be subject to year-round residential occupancies. Our clients do not wish to rent their guest suite to anyone, either on a short term or a long-term basis. The owners are more than happy to support this claim by offering to place a covenant on title that would prohibit renting the guest suite to avoid any misuse of this rezoning in the future. Moreover, such a restriction would prevent increasing density within the parcel and will conform to the rural residential density which the OCP for electoral area 'E' supports.

In closing, we believe that this proposal fits very well with the neighbouring buildings and with your support, could vastly improve the quality of life for the residents of 3205 Rushbury Place.

Sincerely,

A handwritten signature in black ink, consisting of a stylized, cursive 'C' followed by a horizontal line extending to the right.

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Cal Meiklejohn, Architect AIBC, FRAIC, LEED™AP  
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