



## CITY OF WEST KELOWNA PUBLIC HEARING AGENDA

Tuesday, February 25, 2020, 6:00 P.M.  
COUNCIL CHAMBERS  
2760 CAMERON ROAD, WEST KELOWNA, BC

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### Pages

#### 1. CALL THE PUBLIC HEARING TO ORDER

It is acknowledged that this meeting is being held on the traditional territory of the Syilx/Okanagan Peoples.

This meeting is open to the public and all representations to Council form part of the public record. This meeting is being webcast live and will be archived on the City's website.

#### 2. INTRODUCTION OF LATE ITEMS

#### 3. ADOPTION OF AGENDA

#### 4. OPENING STATEMENT

#### 5. PUBLIC HEARING

##### 5.1 Z 19-14, Zoning Amendment Bylaw No. 0154.86, 1150 Sunview Place

3

Legal/Address: Lot 37, District Lot 1119, ODYD, Plan KAP 52689

Current Zoning: Single Detached Residential (R1)

Proposed Zoning: Compact Single Detached Residential (RC3)

Purpose: To facilitate a two (2) lot subdivision

##### 5.2 Z 19-13, Zoning Amendment Bylaw No. 0154.87 (PH), 1130 Thomas Road

26

Legal/Address: Lot 1, District Lot 506, ODYD, Plan 22046, 1130 Thomas Road

Current Zoning: Single Detached Residential (R1)

Proposed Zoning: Duplex Residential (R2)

Purpose: To facilitate a two (2) lot subdivision and subsequent duplex development

#### 6. ADJOURNMENT OF THE PUBLIC HEARING

No other submissions from the public or applicant may be received by Council.

Copies of the proposed bylaws, information and reports are available for review at the City of West Kelowna Planning Department, 2760 Cameron Road, between 8:30 a.m. and 4:30 p.m., Monday through Friday (excluding statutory holidays).





PUBLIC HEARING REPORT  
Development Services  
For the February 25, 2020 Public Hearing

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DATE: February 14, 2020  
TO: Paul Gipps, CAO  
FROM: Jayden Riley, Planner II  
RE: Z 19-14; Zoning Amendment Bylaw No. 0154.86; 1150 Sunview Place  
Legal: Lot 37, District Lot 1119, ODYD, Plan KAP 52689  
Owner: Leszek and Kery Pazio  
Agent: Dave MacBride

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BACKGROUND

Bylaw No. 0154.86 (Z19-14) was given first and second readings at the January 28, 2020 regular Council meeting.

ADDITIONAL INFORMATION FOR PUBLIC HEARING

Please see *Attachment 1* for original report. There have been 7 public submissions (*Attachment 3*).

REVIEWED AND APPROVED BY

Brent Magnan, Planning Manager  
Mark Koch, Director of Development Services  
Tracey Batten, Deputy CAO/Corporate Officer  
Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. Jan. 28, 2020 Council Report, Z 19-14 Zoning Bylaw Amendment No. 0154.86 (1<sup>st</sup> and 2<sup>nd</sup> Reading); 1150 Sunview Place
2. Zoning Amendment Bylaw No. 0154.86
3. Public Submissions







**COUNCIL REPORT**  
**Development Services**  
**For the January 28, 2020 Council Meeting**

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**DATE:** January 22, 2020 **File:** Z 19-14  
**TO:** Paul Gipps, CAO  
**FROM:** Jayden Riley, Planner II  
**RE:** Application: Zoning Bylaw Amendment No. 0154.86, 2020 (File: Z 19-14)  
Legal: Lot 37, District Lot 1119, ODYD, Plan KAP 52689  
Address: 1150 Sunview Place  
Owners: Leszek and Kerry Pazio  
Agent: Dave MacBride

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**RECOMMENDED MOTION:**

**THAT** Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.86, 2020 (File: Z 19-14); and

**THAT** Council direct staff to schedule the proposed bylaw amendment for Public Hearing.

**RATIONALE**

- The proposed amendment is consistent with the existing and intended use of the subject property.
- The proposal is aligned with the parcel's Land Use Designation of Single Family Residential (SFR).
- Servicing for both water and sanitary sewer is currently available to facilitate the anticipated two (2) lot subdivision under the proposed RC3 Zone.
- Although rezoning will create the potential for subdivision, the number of dwelling units permitted over the same area will not increase.

**LEGISLATIVE REQUIREMENTS**

Council has the authority under Part 14 (s. 479) of the *Local Government Act (LGA)* to amend its Zoning Bylaw.

**BACKGROUND**

The subject property is 980 m<sup>2</sup> and located in the West Kelowna Estates / Rose Valley neighbourhood (*Figure 1, Attachments 1 and 2*). The property is surrounded by Single Detached Residential (R1) to the north, east, south, and west. There is currently a single family dwelling located on the subject property. The property is not subject to any development permit areas.

## PROPOSAL

The applicant is proposing to amend the subject property's zoning designation from the Single Detached Residential Zone (R1) to the Compact Single Detached Residential Zone (RC3) in order to facilitate a two (2) lot subdivision. See *Attachment 3* for the preliminary subdivision plan.



Figure 1: Subject Property

## BYLAW AND POLICY REVIEW

### *Official Community Plan Bylaw No. 0100*

The subject property has a Land Use Designation of Single Family Residential (SFR), which is intended to support traditional single family housing opportunities and encourage more land-efficient compact housing form for families. The proposal aligns with the purpose of the SFR designation to encourage compact housing form.

### *Zoning Bylaw No. 0154*

The existing Single Detached Residential Zone (R1) is intended to accommodate low density single detached residential use on parcels of land 550 m<sup>2</sup> and larger. The proposed Compact Single Detached Residential Zone (RC3) is intended to accommodate single detached residential use on parcels of land 325 m<sup>2</sup> and larger, with a minimum 195 m<sup>2</sup> usable parcel area. Single Detached Dwelling is the sole permitted principal use of the R1 and RC3 zones. For a comparison of the R1 and RC3 zones, see *Table 1*.

	Existing: Single Detached Residential Zone (R1)	Proposed: Compact Single Detached Residential Zone (RC3)
<b>Subdivision</b>		
Min. Parcel Area	550 m <sup>2</sup>	325 m <sup>2</sup>
Min. Usable Parcel Area	330 m <sup>2</sup>	195 m <sup>2</sup>
Min. Parcel Frontage	16 m	12 m
<b>Density</b>		
Max. Density	1 Single Detached Dwelling, 1 Secondary Suite or 1 Carriage House per parcel <sup>1</sup>	1 Single Detached Dwelling, 1 Secondary Suite per parcel <sup>2</sup>
Max. Parcel Coverage	40%	40%
Max. Building Height	9 m to a max. of 3 storeys	9 m to a max. of 3 storeys
<b>Setbacks</b>		
Front Parcel Line	4.5 m or 6 m with garage	3.5 m or 6.0 m with garage

<sup>1</sup> The R1 Zone permits carriage houses on parcels 1100m<sup>2</sup> or greater.

<sup>2</sup> The RC3 Zone permits secondary suites on parcels 550m<sup>2</sup> or greater.

Rear Parcel Line	3 m	3 m
Interior Parcel Line	1.5 m	1.5 m
Exterior Parcel Line	4.5 m or 6 m with garage	2.5 m or 6.0 m with garage
Parcels in another zone	n/a	4.5 m

**Table 1: Zoning Comparison**

## TECHNICAL REVIEW

### *Zoning Bylaw No. 0154*

Single Detached Dwelling is the sole permitted principal use of the R1 and RC3 zones. Both zones include similar secondary uses, except Carriage House and Bed and Breakfast are permitted only in the R1 Zone. However, the R1 zone requires that parcels are a minimum 1,100 m<sup>2</sup> to permit a carriage house, which the subject property does not meet. The R1 and RC3 zones also permit secondary suites, however the preliminary subdivision plan (*Attachment 3*) proposes to create two (2) parcels under 550m<sup>2</sup>, which would remove the potential for secondary suites on either proposed parcel.

Rezoning the property from R1 to RC3 will reduce the number of potential secondary uses of the property, with subsequent subdivision further reducing secondary use potential by eliminating secondary suites due to the limited parcel area. Rezoning to RC3 is consistent with the *Official Community Plan* designation and encourages compact housing by creating subdivision potential for the subject property. For these reasons, staff are in support of the proposed zoning amendment.

### *Subdivision*

A subdivision application is anticipated to be submitted, subject to adoption of the proposed zoning amendment. The applicant has submitted a preliminary subdivision plan showing setbacks and a potential building envelope to accommodate the subdivision under the proposed Compact Single Detached Residential Zone (RC3) – see *Attachment 3*. The preliminary subdivision plan identifies two (2) parcels that would generally comply with the subdivision and siting regulations of the RC3 Zone; however, further review would occur at subdivision.

### *Servicing and Access*

The existing single detached dwelling is sufficiently supported by existing public sewer, water, and storm infrastructure, with future connection to services possible within the Sunview Place right of way. Staff confirm that nearby community services can support an additional single detached dwelling, should the applicant proceed with subdivision. Further consideration of proposed servicing will occur at subdivision.

Access to the existing dwelling is provided via Sunview Drive with access to “Lot B” proposed via Sunview Place.

### *Referral Comments*

The application was referred to internal and external agencies and no major concerns were identified. The proposal was also supported by the Advisory Planning Commission (APC) on December 18, 2019. In anticipation of a subdivision application, staff included advisory comments within a comprehensive letter to the applicant in relation to future subdivision considerations, i.e. frontage improvements, service connections, development cost charges, etc.

### PUBLIC NOTIFICATION

A Notice of Application sign has been posted on site as per the Development Applications Procedures Bylaw No. 0260. Should Council give first and second reading to the proposed bylaw amendment, a Public Hearing will be held in accordance with the *Local Government Act*, which includes a mail out to all property owners and their tenants within 100 metres of the subject property and advertisements to be placed in the local newspaper.

### ALTERNATE MOTIONS

1. **THAT** Council postpone first and second reading to City of West Kelowna Zoning Bylaw Amendment Bylaw No. 0154.86, 2020 (File: Z 19-14).

Should Council postpone consideration of the proposed bylaw amendments, further direction to staff on how to proceed is required.

2. **THAT** Council deny first and second reading to City of West Kelowna Zoning Bylaw Amendment Bylaw No. 0154.86, 2020 (File: Z 19-14).

Should Council deny the proposal, the file will be closed. As per the City's Procedures Bylaw, the applicant could re-apply for a similar proposal 6 months after initial Council consideration.

### REVIEWED AND APPROVED BY

Bob Dargatz, Development Manager  
Brent Magnan, Planning Manager  
Mark Koch, Director of Development Services  
Tracey Batten, Deputy CAO/Corporate Officer  
Paul Gipps, CAO

Powerpoint: Yes ■ No □

#### Attachments:

1. Context Map
2. Subject Property Map
3. Preliminary Subdivision Plan
4. Compact Single Detached Residential Zone (RC3)
5. Zoning Bylaw Amendment NO. 0154.86, 2020

H:\DEVELOPMENT SERVICES\PLANNING\3360 Zoning & Rezoning\20 Applications\2019\Z 19-14 1150 Sunview Place\Bylaw\_Rpts\_Minutes\1st and 2nd Reading







# CONTEXT MAP: Z 19-14



File: Z 19-14

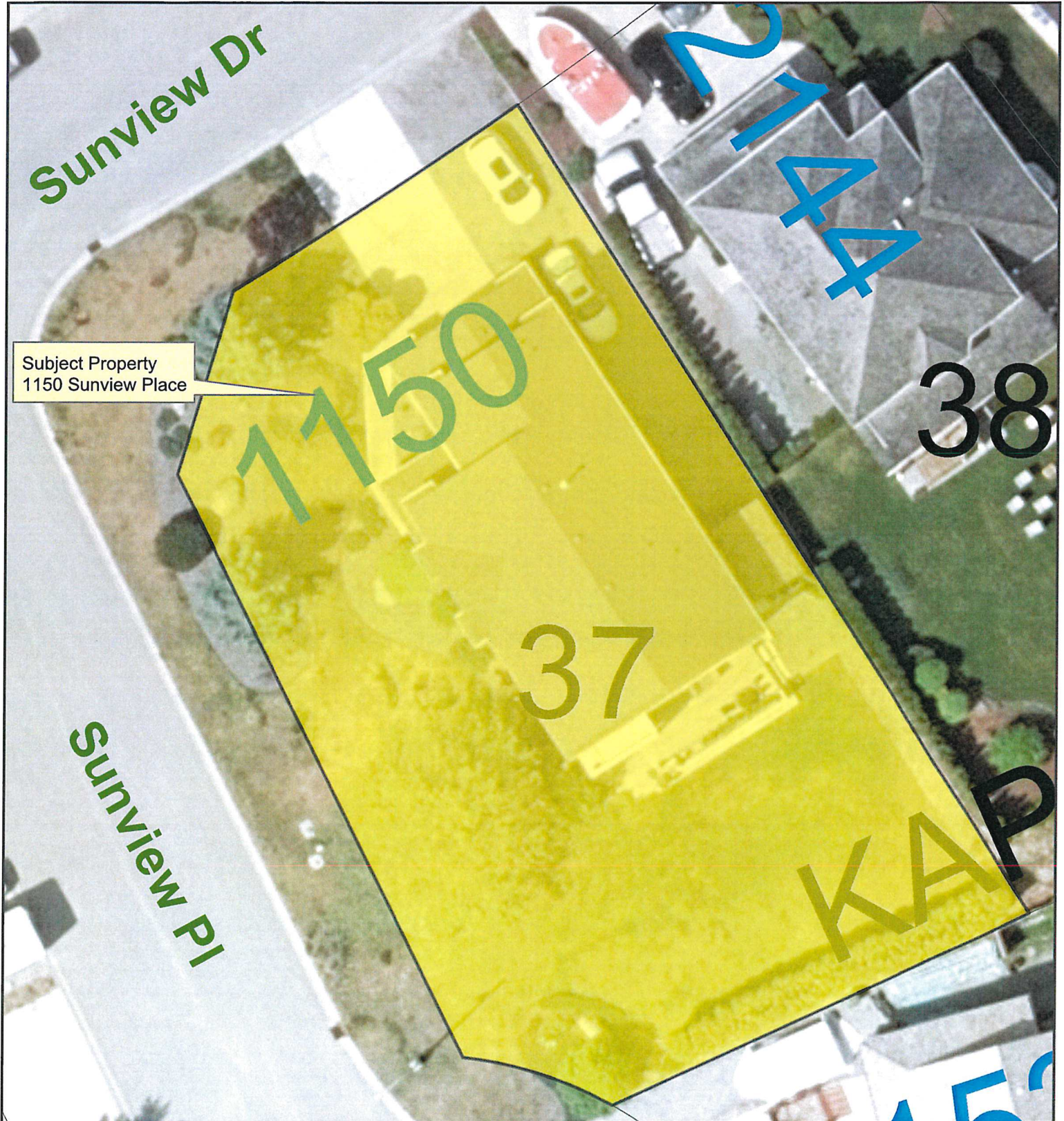
Legal Description: Lot 37, DL 1119, ODYD, Plan KAP52689

 Subject Property  
 City Boundary

0 150 300 600  
Metres










File: Z 19-14

Legal Description: Lot 37, DL 1119, ODYD, Plan KAP52689

**LEGEND**

-  Subject Property
-  Zoning Boundary
-  Parcels

0 3.5 7 14 Metres



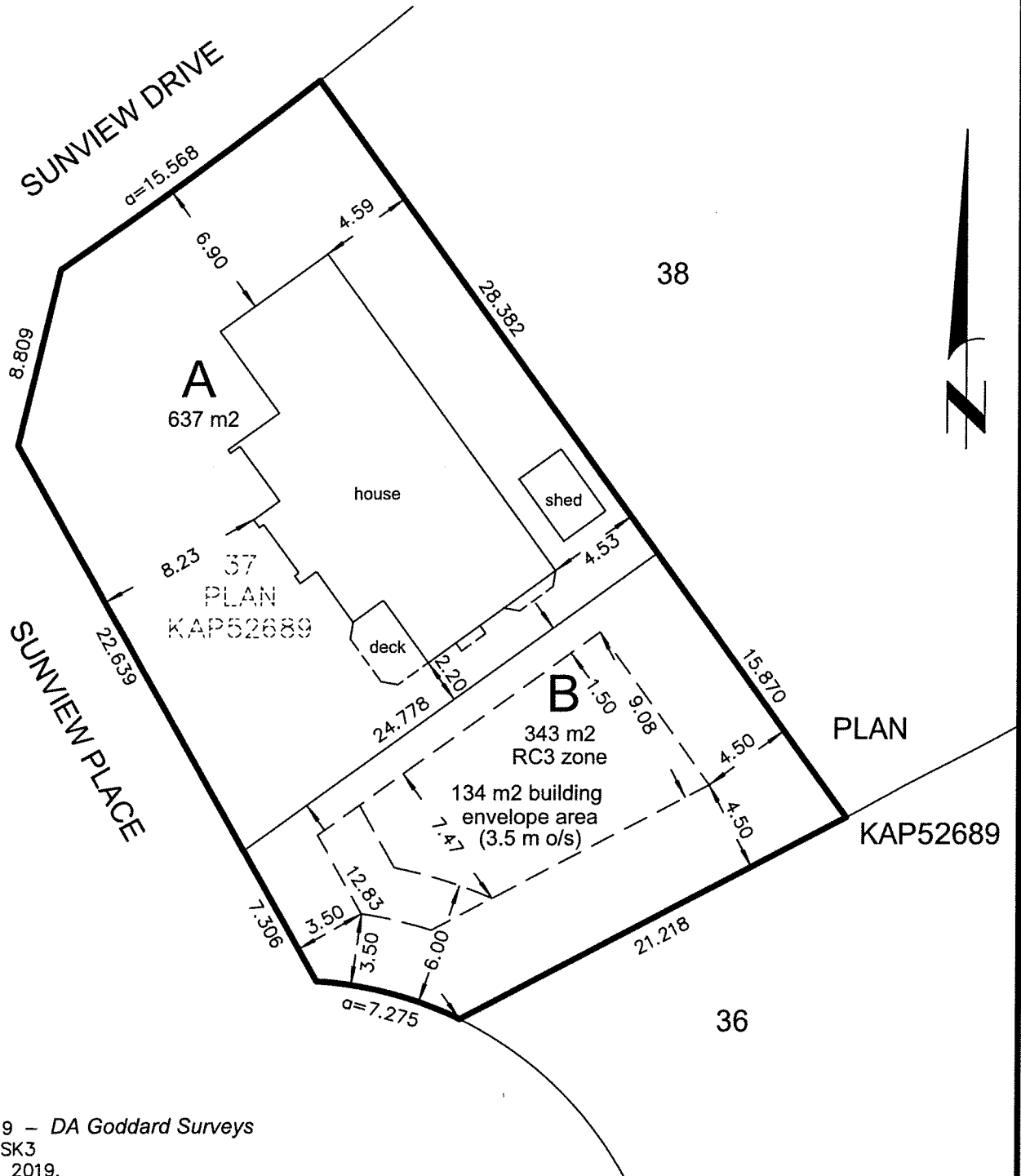
PROPOSED SUBDIVISION OF LOT 37,  
DL 1119, ODYD, PLAN KAP52689.

PID: 018-836-160  
CIVIC ADDRESS: 1150 SUNVIEW PLACE, WEST KELOWNA.  
CLIENT: DAVE MacBRIDE

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Scale 1:300 Metric. Distances shown are in metres and decimals thereof. Lot dimensions are based on existing Land Title and Survey Authority records and may be subject to minor change at time of new survey.

Note: Unregistered interests have not been included or considered.





**10.3. COMPACT SINGLE DETACHED RESIDENTIAL ZONE (RC3)**Bylaw No.  
154.36**.1 Purpose**

To accommodate single detached residential use on parcels of land that are 325 m<sup>2</sup> and larger.

**.2 Principal Uses, Buildings and Structures**

- (a) Single detached dwelling

**.3 Secondary Uses, Buildings and Structures**

- (a) Accessory uses, buildings and structures  
 (b) Care facility, minor  
 (c) Home based business, major  
 (d) Secondary suite on parcels 550 m<sup>2</sup> (5,920.2 ft<sup>2</sup>) or greater

Bylaw No.  
154.50**.4 Site Specific Uses, Buildings and Structures - Reserved****.5 Regulations Table**

SUBDIVISION REGULATIONS		
(a)	Minimum parcel area	325 m <sup>2</sup> (3,498.3 ft <sup>2</sup> )
(b)	Minimum usable parcel area	195 m <sup>2</sup> (2,099.0 ft <sup>2</sup> )
(c)	Minimum parcel frontage	12.0 m (39.4 ft)
DEVELOPMENT REGULATIONS		
(d)	Maximum density:	
.1	Single detached dwelling	1 per parcel
.2	Secondary suite	1 per parcel
(e)	Maximum parcel coverage	40%
(f)	Maximum building height:	9.0 m (29.5 ft) to a maximum of 3 storeys except it is 5.0 m (16.4 ft) for accessory buildings and structures
SITING REGULATIONS		
(g)	Buildings and structures shall be sited at least the distance from the feature indicated in the middle column below, that is indicated in the right-hand column opposite that feature:	
.1	Front parcel boundary or private access easement, whichever is closer	3.5 m (11.5 ft) except it is 6.0 m (19.7 ft) for a garage or carport having vehicular entry from the front
.2	Rear parcel boundary or private access easement, whichever is closer	3.0 m (9.8 ft)
.3	Interior side parcel boundary	1.5 m (4.9 ft)

Bylaw No.  
154.50



.4	Exterior side parcel boundary or private access easement, whichever is closer	2.5 m (8.2 ft) except it is 6.0 m (19.7 ft) for a garage or carport having vehicular entry from the exterior side
.5	Parcels in another zone	4.5 m (14.8 ft)
.6	A1 Zone or ALR	15.0 m (49.2 ft) except it is 9.0 (24.6ft) if a level 1 buffer is provided.

## .6 Other Regulations

- (a) Without limiting the application of the height regulation in Section 10.3.5(f), the height of any single building wall, measured from the lowest elevation of grade at the foot of the wall to the lower surface of the eave, or to the top of the wall in the case of a building without eaves, shall not exceed the lesser of 3 storeys or 9 m (29.5 ft).

### (b) Siting Regulations for Approved Subdivisions

- .1 the regulations requiring a minimum distance between garages or carports having vehicular entry from parcel boundaries or private access easements, that is greater than the minimum distance required for other buildings and structures, and
- .2 the regulations requiring that the siting of a building or structure be determined in relation to the location of a private access easement, if it is closer to the building or structure than the relevant parcel boundary,

shall not apply to any parcel created by subdivision deposited in the Land Title Office before March 13, 2014 provided that the building permit authorizing the construction of the building or structure is issued before March 13, 2019.

Bylaw No.  
154.06

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**CITY OF WEST KELOWNA**

**BYLAW NO. 0154.86**

**A BYLAW TO AMEND "ZONING BYLAW NO. 0154"**

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WHEREAS the Council of the City of West Kelowna desires to amend "CITY OF WEST KELOWNA ZONING BYLAW NO. 0154" under the provisions of the *Local Government Act*.

THEREFORE BE IT RESOLVED that the Council of the City of West Kelowna, in open meeting assembled, hereby enacts as follows:

1. Title

This Bylaw may be cited as "CITY OF WEST KELOWNA ZONING AMENDMENT BYLAW NO. 0154.86, 2020".

2. Amendments

"Zoning Bylaw No. 0154" is hereby amended as follows:

- 2.1 By changing the zoning on Lot 37, District Lot 1119, ODYD, Plan KAP 52689 as shown on Schedule 'A' attached to and forming part of this bylaw from Single Detached Residential (R1) to Compact Single Detached Residential (RC3).
- 2.2 By depicting the change on "Zoning Bylaw No. 0154 Schedule B" (Zoning Bylaw map).

READ A FIRST AND SECOND TIME THIS  
PUBLIC HEARING HELD THIS  
READ A THIRD TIME AND ADOPTED THIS

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MAYOR

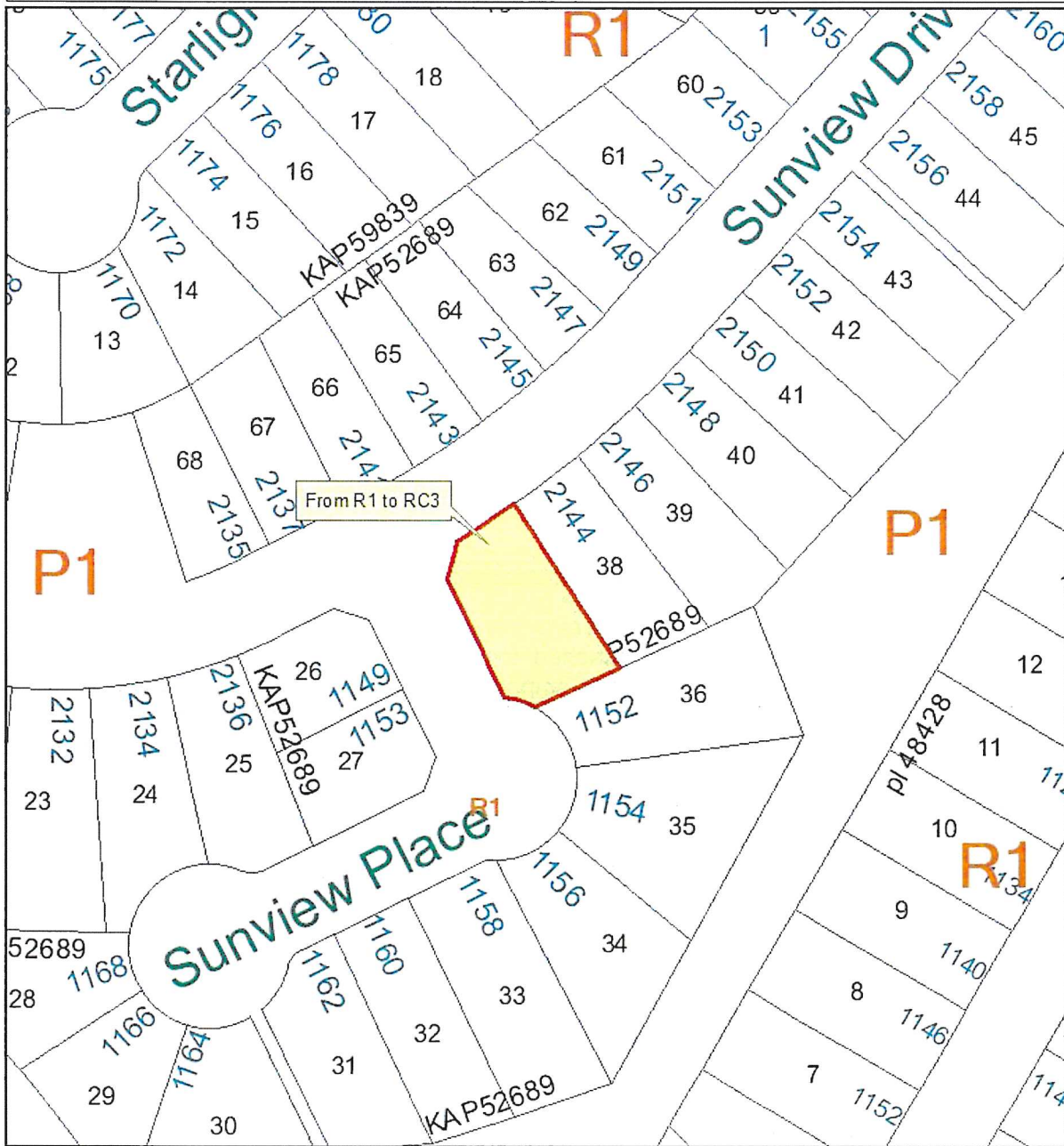
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CITY CLERK





CITY OF  
WEST  
KELOWNA

## SCHEDULE 'A' of BYLAW NO. 0154.86



### LEGEND

-  Subject Property
-  R1 to RC3

0 15 30 60 Metres

1:1,200



Date: 2020-01-20

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**CITY OF WEST KELOWNA**

**BYLAW NO. 0154.86**

**A BYLAW TO AMEND "ZONING BYLAW NO. 0154"**

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WHEREAS the Council of the City of West Kelowna desires to amend "CITY OF WEST KELOWNA ZONING BYLAW NO. 0154" under the provisions of the *Local Government Act*.

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2. Amendments

"Zoning Bylaw No. 0154" is hereby amended as follows:

- 2.1 By changing the zoning on Lot 37, District Lot 1119, ODYD, Plan KAP 52689 as shown on Schedule 'A' attached to and forming part of this bylaw from Single Detached Residential (R1) to Compact Single Detached Residential (RC3).
- 2.2 By depicting the change on "Zoning Bylaw No. 0154 Schedule B" (Zoning Bylaw map).

READ A FIRST AND SECOND TIME THIS 28<sup>TH</sup> DAY OF JANUARY, 2020  
PUBLIC HEARING HELD THIS  
READ A THIRD TIME AND ADOPTED THIS

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MAYOR

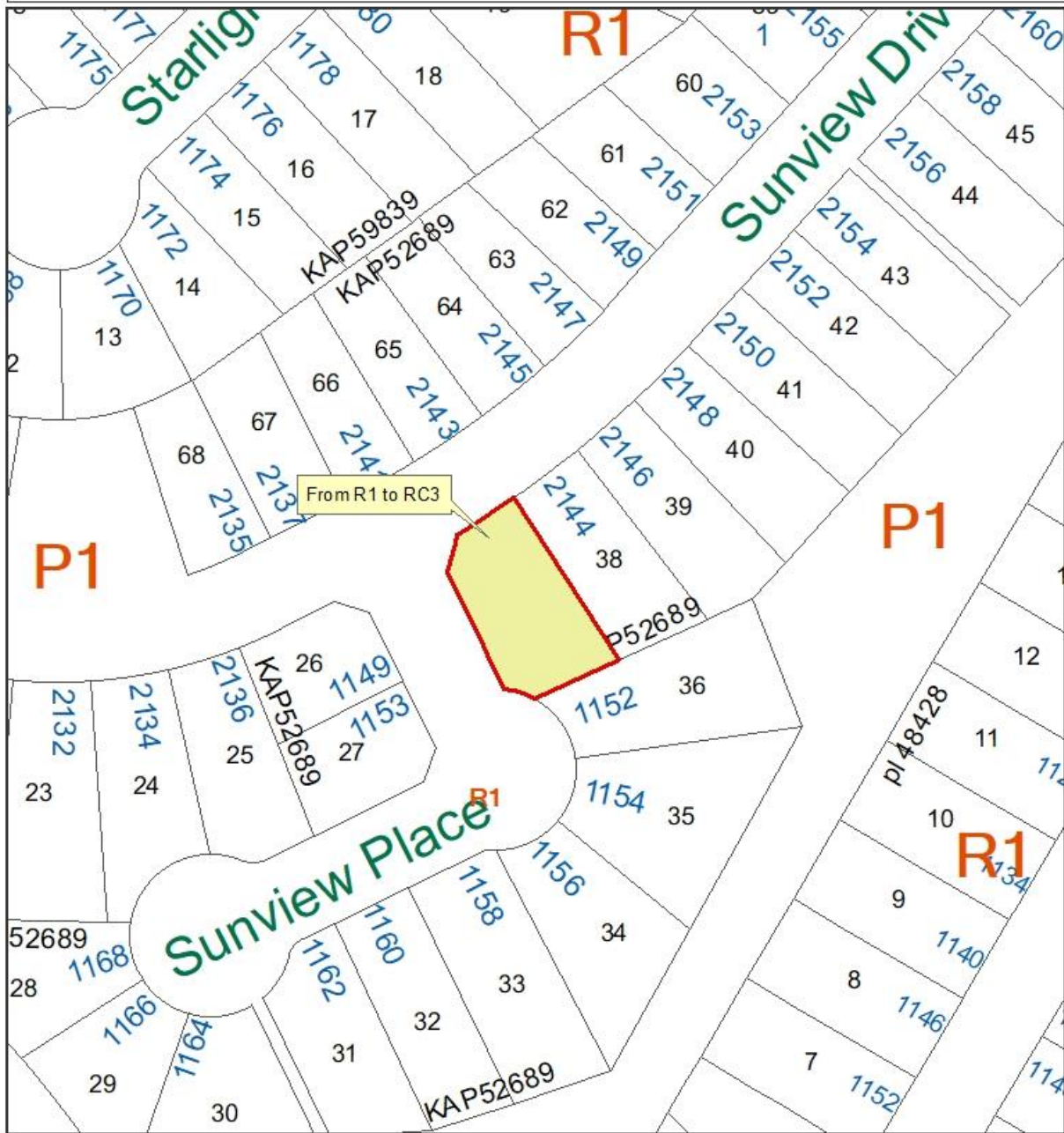
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CITY CLERK



CITY OF  
WEST  
KELOWNA

## SCHEDULE 'A' of BYLAW NO. 0154.86



### LEGEND

- Subject Property
- R1 to RC3

0 15 30 60 Metres  
1:1,200



Date: 2020-01-20

# PUBLIC HEARING SUBMISSIONS

Bylaw No. 0154.86 (File No. Z 19-14)

NO.	Date RECEIVED	Time RECEIVED	RECEIVED FROM
<b>Submissions included with Public Hearing Report to Council</b>			
1.	February 18, 2020	11:47 a.m.	Travis Good and Kerry Divers
2.	February 18, 2020	11:47 a.m.	Andrew and Kristine Curtis
3.	February 18, 2020	11:47 a.m.	Bryan Gassner and Brittany Pope
4.	February 18, 2020	11:47 a.m.	Kylie Ashley
5.	February 18, 2020	11:47 a.m.	Shawn Ashley
6.	February 18, 2020	11:47 a.m.	John and Joanna Dorward
7.	February 21, 2020	8:30 a.m.	Craig & Terry Lauze
8.			
9.			
<b>Submissions included with Late Items Agenda</b>			
10.			
11.			
12.			
13.			
<b>Submission received after Late Items Agenda deadline</b>			
14.			
15.			
<b>Submissions received at Public Hearing</b>			
16.			

February 8, 2020

Travis Good and Kerry Divers

2141 Sunview Drive, West Kelowna V1Z 3R1

Phone Number: [REDACTED]

**Re: Supporting letter for Rezoning Application of 1150 Sunview, Place, West Kelowna**

We are neighbours across the street from 1150 Sunview Place and have an understanding the owners of 1150 Sunview Place are applying to rezone their property from R1 to R3C for the purpose of subdividing.

We are in support of the rezoning as it has no direct impact to us and will continue to reflect the general visual intent of the neighbourhood when this property is rezoned.

Travis Good and Kerry Divers  
[REDACTED]





February 8, 2020

Andrew Curtis and Kristine Curtis

2137 Sunview Drive, West Kelowna V1Z 3R1

Phone Number: [REDACTED]

**Re: Supporting letter for Rezoning Application of 1150 Sunview, Place, West Kelowna**

We are neighbours across the street from 1150 Sunview Place and have an understanding the owners of 1150 Sunview Place are applying to rezone their property from R1 to R3C for the purpose of subdividing.

We are in support of the rezoning as it has no direct impact to us and will continue to reflect the general visual intent of the neighbourhood when this property is rezoned.

Andrew Curtis and Kristine Curtis

Signature: [REDACTED]





February 8, 2020

Bryan Gassner and Brittany Pope

2145 Sunview Drive, West Kelowna V1Z 3R1

Phone Number: [REDACTED]

**Re: Supporting letter for Rezoning Application of 1150 Sunview, Place, West Kelowna**

We are neighbours across the street from 1150 Sunview Place and have an understanding the owners of 1150 Sunview Place are applying to rezone their property from R1 to R3C for the purpose of subdividing.

We are in support of the rezoning as it has no direct impact to us and will continue to reflect the general visual intent of the neighbourhood when this property is rezoned.

Bryan Gassner and Brittany Pope

Signature: [REDACTED]



February 15, 2020

City Council Members  
C/O City of West Kelowna Planning Department  
2760 Cameron Road  
West Kelowna, BC V1Z 2T6

**REF:** Supporting Letter for the Rezoning Application of 1150 Sunview Place, West Kelowna  
Rezoning Application File No. Z19-14

I am a neighbour across the street from 1150 Sunview Place and have an understanding that the owners of 1150 Sunview Place are applying to rezone their property from R1 to RC3 for the purpose of subdividing.

I am in support of this rezoning as it has no direct impact to us and will continue to reflect the general visual intent of the neighbourhood when this property is rezoned.

Kylie Ashley

2143 Sunview Drive, West Kelowna

[REDACTED]

[REDACTED]

Signature: Kylie Ashley *U*



February 15, 2020

City Council Members  
C/O City of West Kelowna Planning Department  
2760 Cameron Road  
West Kelowna, BC V1Z 2T6

**REF:** Supporting Letter for the Rezoning Application of 1150 Sunview Place, West Kelowna  
Rezoning Application File No. Z19-14

I am a neighbour across the street from 1150 Sunview Place and have an understanding that the owners of 1150 Sunview Place are applying to rezone their property from R1 to RC3 for the purpose of subdividing.

I am in support of this rezoning as it has no direct impact to us and will continue to reflect the general visual intent of the neighbourhood when this property is rezoned.

Shawn Ashley

2118 Sunview Drive, West Kelowna



Signature: Shawn Ashley



#6

February 15, 2020

City Council Members  
C/O City of West Kelowna Planning Department  
2760 Cameron Road  
West Kelowna, BC V1Z 2T6

REF: Supporting Letter for the Rezoning Application of 1150 Sunview Place, West Kelowna  
Rezoning Application File No. Z19-14

We are neighbours adjacent to 1150 Sunview Place and have an understanding that the owners of 1150 Sunview Place are applying to rezone their property from R1 to RC3 for the purpose of subdividing.

We are in support of this rezoning as it has no direct impact to us and will continue to reflect the general visual intent of the neighbourhood when this property is rezoned.

John & Joanna Dorward

1152 Sunview Place, West Kelowna

[REDACTED]

[REDACTED]

[REDACTED]

Signature: John Dorward



[REDACTED]

Signature: Joanna Dorward

Date: February 18, 2020

To: The Mayor and Council  
c/o the Planning Department  
City of West Kelowna  
2760 Cameron Road, West Kelowna, B.C. V1Z 2T6

REF: NON-supporting letter for Rezoning Application of 1150 Sunview Place, West Kelowna

We are the neighbours adjacent/beside 1150 Sunview Place, West Kelowna. We have an understanding that the owners of 1150 Sunview Place are applying to rezone their property from R1 to RC3, for the purpose of subdividing.

Unfortunately, we have to express our strong non-support of rezoning 1150 Sunview Place from R1 to RC3 with the purpose of subdividing. Should the subdividing be approved and a 2-story house be built on this small footprint of land as proposed, it will violate our privacy. Our house and neighbouring houses on both sides were designed and built so that the next-door neighbours' and our home have privacy through staggering of the placement of the homes on our lots, window placement, etc. The rooftop patio/deck of the proposed home on the tiny lot will look right into our house and greatly affect the enjoyment of our property. In addition, the small lot with the proposed 2-story house utilizing maximum size of much smaller lot than the area, combined with the style proposed, does not reflect the general intent of the neighbourhood.

Thank you,

Name: Craig and Terry Lauzé

Address: 2144 Sunview Drive, West Kelowna, B.C. V1Z 3R1

Phone: [REDACTED]

[REDACTED]

Craig Lauzé

[REDACTED]

Terry Lauzé





PUBLIC HEARING REPORT  
Development Services  
For the February 25, 2020 Public Hearing

---

DATE: February 12, 2020  
TO: Paul Gipps, CAO  
FROM: Jayden Riley, Planner II  
RE: Z 19-13; Zoning Amendment Bylaw No. 0154.87 (PH); 1130 Thomas Road  
Legal: Lot 1, District Lot 506, ODYD, Plan 22046  
Owner: Michael and Roberta Kay

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BACKGROUND

Bylaw No. 0154.87 (Z19-13) was given first and second readings at the February 11, 2020 regular Council meeting.

ADDITIONAL INFORMATION FOR PUBLIC HEARING

There is no new information to present for Public Hearing. Please see *Attachment 1* for original report.

REVIEWED AND APPROVED BY

Brent Magnan, Planning Manager  
Mark Koch, Director of Planning  
Tracey Batten, Deputy CAO/Corporate Officer  
Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. Feb.11, 2020 Council Report, Z 19-13 Zoning Bylaw Amendment No. 0154.87 (1<sup>st</sup> and 2<sup>nd</sup>); 1130 Thomas Road
2. Zoning Bylaw Amendment No. 0154.87





**COUNCIL REPORT**  
**Development Services**  
**For the February 11, 2020 Council Meeting**

---

**DATE:** February 4, 2020 **File:** Z 19-13

**TO:** Paul Gipps, CAO

**FROM:** Jayden Riley, Planner II

**RE:**           **Application:**       Zoning Bylaw Amendment No. 0154.87, 2020 (File: Z 19-13)  
                  **Legal:**            Lot 1, District Lot 506, ODYD, Plan 22046  
                  **Address:**       1130 Thomas Road  
                  **Owners:**       Michael and Roberta Kay

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**RECOMMENDED MOTION:**

**THAT** Council give first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.87, 2020 (File: Z 19-13); and

**THAT** Council direct staff to schedule the proposed bylaw amendment for Public Hearing.

**RATIONALE**

- The proposal is aligned with the parcel's Land Use Designation of Single Family Residential (SFR).
- The subject property has sufficient parcel area for an R1 and R2 parcel, but insufficient parcel area to be rezoned to R2 and later subdivided.
- Split zoning provides assurance to the applicant that duplex is a permitted use prior to investing in subdivision related costs.
- Split zoning a portion of the property to R2, allows for subdivision with two (2) water and sewer connections rather than being limited to one (1), as per Water Systems Bylaw No. 1108 and Sanitary Sewer Use Bylaw No. 0072.
- Should Council choose to adopt the proposed amendment, staff will recommend of a S.219 No-Build covenant to ensure no building occurs on "Lot A" prior to subdivision registration.

**LEGISLATIVE REQUIREMENTS**

Council has the authority under Part 14 (S.479) of the *Local Government Act (LGA)* to amend its Zoning Bylaw.

## BACKGROUND

The subject property currently contains a single detached dwelling on a 1,555 m<sup>2</sup> parcel. The property is a corner lot, having frontage on Thomas Road and Concord Road. There are no development permit areas subject to the property.

## LOCATION/CONTEXT

The subject property is located in the Lakeview Heights Neighbourhood, surrounded by Agriculture (A1/ALR) to the north, Single Detached Residential (R1) to the east and south, and Concord Road and Highway 97C to the west - see *Figure 1* for context.

## PROPOSAL

The applicant is proposing to rezone an 800 m<sup>2</sup> portion of the subject property from the Single Detached Residential Zone (R1) to the Duplex Residential Zone (R2). The intent of the rezoning is to support a two (2) lot subdivision and subsequent duplex development. A subdivision application has been submitted concurrently with the rezoning application; however, issuance of a Preliminary Layout Review (PLR) is subject to rezoning approval, as conditions of the PLR will be specific to the proposed R2 Zone as opposed to the existing R1 zone. The applicant has submitted a preliminary layout identifying the 800 m<sup>2</sup> portion of the property proposed for rezoning and subdivision (*Figure 2, Attachment 3*).



**Figure 1: Context Map**

## BYLAW AND POLICY REVIEW

*Official Community Plan Bylaw No. 0100*

The subject property has a Land Use Designation (LUD) of Single Family Residential, which is intended to support traditional single family housing opportunities and encourage more land efficient compact housing forms for families. The proposal aligns with the intended built form and purpose of the LUD.

*Zoning Bylaw No. 0154*

The subject property is zoned Single Detached Residential (R1), which is intended to accommodate low density single detached residential use on parcels of land that are 550 m<sup>2</sup> and larger. The R1 Zone does not permit duplex use; therefore, in order to accommodate a duplex on the 800 m<sup>2</sup> portion of the property ("Lot A"), an amendment to the zoning designation from the Single Detached Residential Zone (R1) to the Duplex Residential Zone (R2), followed by subdivision, is required.

Both zones permit single detached dwelling; however R1 does not permit duplex. The R2 zone does not permit carriage house, secondary suite, or bed and breakfast uses that are otherwise generally permitted in the R1 Zone (*Attachment 4*). A zoning comparison table is provided below:



	Existing - Single Detached Residential Zone (R1)	Proposed - Duplex Residential Zone (R2)
<b>Subdivision</b>		
Min. Parcel Area	550 sq. m.	800 sq. m.
Min. Usable Parcel Area	330 sq. m.	480 sq. m.
Min. Parcel Frontage	16 m	18 m
<b>Density</b>		
Max. Density	1 Single Detached Dwelling and only 1 Secondary Suite or 1 Carriage House per parcel <sup>1</sup>	1 Single Detached Dwelling or 1 Duplex per parcel
Max. Parcel Coverage	40%	40% (Duplex); 35% (Single Detached Dwelling)
Max. Building Height	9 m to a max. of 3 storeys	9 m to a max. of 3 storeys
<b>Setbacks</b>		
Front Parcel Line	4.5 m or 6 m with garage	4.5 m or 6.0 m with garage
Rear Parcel Line	3 m	3 m
Interior Parcel Line	1.5 m	1.5 m
Exterior Parcel Line	4.5 m or 6 m with garage	4.5 m or 6.0 m with garage
A1 or ALR	15 m or 9 m with buffering	15 m or 9 m with buffering

## TECHNICAL REVIEW

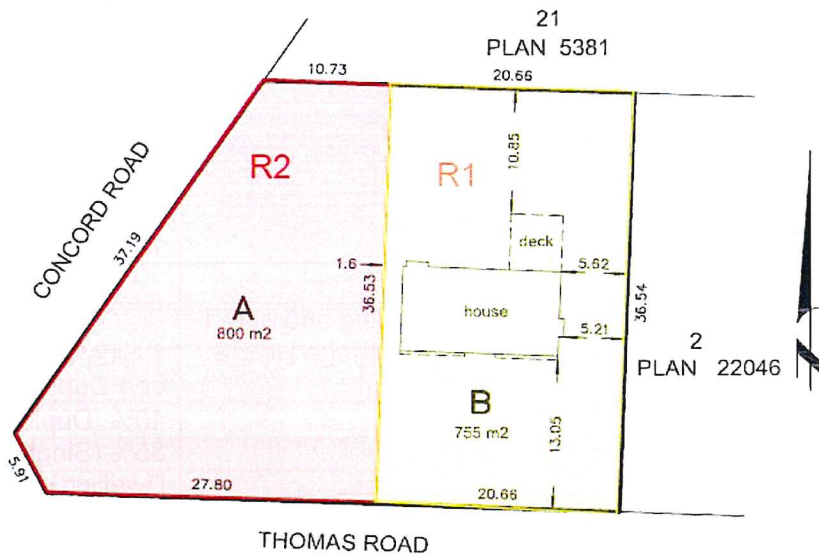
### *Subdivision*

Subject to zoning amendment approval, the applicant is anticipated to subdivide the property to accommodate a duplex on "Lot A" while maintaining the existing dwelling on "Lot B" - see *Figure 2*. The proposed Duplex Residential Zone (R2) requires a minimum 800 m<sup>2</sup> parcel area. Although the R2 Zone permits both duplex and single detached dwelling, rezoning the entire parcel to R2 is not possible as there is insufficient parcel area to accommodate two (2) 800 m<sup>2</sup> parcels. A solution to this issue is to split zone the parcel with the understanding that subdivision will follow.

### *Split Zoning*

Zoning Bylaw No. 0154 does not restrict building more than one dwelling on a split zoned parcel in respect to its legal boundary. S.2.3 states that split zoned parcels are to be treated as a separate parcel for the purpose of determining compliance with the provisions of its zone. The intent of S.2.3 is to allow for the administration of the Zoning Bylaw on parcels that have historically been split zoned through subdivision, rather than to encourage the creation of split zoned parcels. Therefore, in order to mitigate potential building upon "Lot A" prior to subdivision, staff recommend that a no-build covenant is registered on the property as a condition of rezoning approval, with the discharge of the covenant possible upon subdivision registration.

<sup>1</sup> The R1 Zone permits carriage house on parcels 1,100 m<sup>2</sup> or greater.



**Figure 2: Preliminary Layout with Proposed Zoning**

### Servicing

The applicant has provided a functional servicing report that suggests the existing water, sanitary, storm, and road infrastructure can support the proposed duplex development with relatively minor extensions or expansions of existing utilities. The report also confirms that no technical constraints would preclude or prevent duplex development from proceeding. More information regarding required servicing and road frontage improvements will be confirmed at subdivision.

Both the Water Systems Bylaw No. 1108 and Sanitary Sewer Use Bylaw No. 0072 permit only one (1) water and sewer connection per residential parcel with the exception that each residential unit on an R2 zoned property shall receive separate service connections. Therefore, by split zoning a portion of the property to R2, the applicant may apply for subdivision with two (2) water and sewer connections rather than being limited to one (1), despite the fact the end goal is to construct a duplex.

### REFERRALS

During the application referral period, the Ministry of Transportation stated they had no issue with the proposed rezoning. Although a conceptual layout of the Westlake Road Interchange presented at a 2016 Open House included the closing of Concord Road and a laneway access located at the rear of the subject parcel boundary, the Ministry confirmed that property acquisition has not yet been identified. More information will be available following completion of the preliminary and functional design phases for the interchange by late 2020.

### PUBLIC NOTIFICATION

A Notice of Application sign has been posted on site as per the Development Applications Procedures Bylaw No. 0260. Should Council give first and second reading to the proposed bylaw amendment, a Public Hearing will be held in accordance with the *Local Government Act*.

### ALTERNATE MOTIONS

1. **THAT** Council postpone first and second reading to City of West Kelowna Zoning Bylaw Amendment Bylaw No. 0154.87, 2020 (File: Z 19-13).

Should Council postpone consideration of the proposed bylaw amendment, further direction to staff on how to proceed is required.

2. **THAT** Council deny first and second reading to City of West Kelowna Zoning Bylaw Amendment Bylaw No. 0154.87, 2020 (File: Z 19-13).

Should Council deny the proposal, the file will be closed. As per the City's Procedures Bylaw, the applicant could re-apply for a similar proposal 6 months after initial Council consideration.

### REVIEWED AND APPROVED BY

Brent Magnan, Planning Manager  
Mark Koch, Director of Development Services  
Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

#### Attachments:

1. Context Map
2. Subject Property Map
3. Preliminary Layout and Proposed Zoning
4. Duplex Residential Zone (R2)
5. Zoning Bylaw Amendment No.0154.87





CITY OF  
WEST  
KELOWNA

# CONTEXT MAP: Z 19-13



File: Z 19-13

Legal Description: Lot 1, DL 506, ODYD, Plan 22046

 Subject Property

 City Boundary

0 150 300 600  
Metres



Path: H:\DEVELOPMENT SERVICES\PLANNING\3360 Zoning & Rezoning\20 Applications\2019\Z 19-13 1130 Thomas Rd\Maps\Context Map.mxd

1:10,000

Date: 2019-11-04








File: Z 19-13

Legal Description: Lot 1, DL 506, ODYD, Plan 22046

**LEGEND**

-  Subject Property
-  Zoning Boundary
-  Parcels

0 4.75 9.5 19 Metres

1:325



Date: 2019-11-04



**10.8.DUPLEX RESIDENTIAL ZONE (R2)**Bylaw No.  
154.36**.1 Purpose**

To accommodate single detached residential and duplex residential uses.

**.2 Principal Uses, Buildings and Structures**

- (a) Duplex
- (b) Single detached dwelling

**.3 Secondary Uses, Buildings and Structures**

- (a) Accessory uses, buildings and structures
- (b) Care facility, minor
- (c) Home based business, major

**.4 Site Specific Uses, Buildings and Structures - *Reserved*****.5 Regulations Table**

SUBDIVISION REGULATIONS		
(a)	Minimum parcel area	800 m <sup>2</sup> (8,611.1 ft <sup>2</sup> )
(b)	Minimum usable parcel area	480 m <sup>2</sup> (5,166.7 ft <sup>2</sup> )
(c)	Minimum parcel frontage	18.0 m (59.1 ft)
DEVELOPMENT REGULATIONS		
(d)	Maximum density:	
.1	Duplex and single detached dwelling	Only 1 duplex, or only 1 single detached dwelling per parcel
(e)	Maximum parcel coverage:	
.1	Duplex	40%
.2	Single detached dwelling and modular home	35%
(f)	Maximum building height	9.0 m (29.5 ft) to a maximum of 3 storeys except it is 5.0 m (16.4 ft) for accessory buildings and structures

SITING REGULATIONS		
(g)	<b>Buildings and structures shall be sited at least the distance from the feature indicated in the middle column below, that is indicated in the right-hand column opposite that feature:</b>	
.1	Front parcel boundary or private access easement, whichever is closer	4.5 m (14.8 ft) except it is 6.0 m (19.7 ft) for a garage or carport having vehicular entry from the front
.2	Rear parcel boundary or private access easement, whichever is closer	3.0 m (9.8 ft)
.3	Interior side parcel boundary	1.5 m (4.9 ft)
.4	Exterior side parcel boundary or private access easement, whichever is closer	4.5 m (14.8 ft) except it is 6.0 m (19.7 ft) for a garage or carport having vehicular entry from the exterior side
.5	A1 Zone or ALR	15.0 m (49.2 ft) except it is 9.0 (24.6ft) if a level 1 buffer is provided.

#### .6 Other Regulations

- (a) Without limiting the application of the height regulation in Section 10.8.5(h), the height of any single building wall, measured from the lowest elevation of grade at the foot of the wall to the lower surface of the eave, or to the top of the wall in the case of a building without eaves, shall not exceed the lesser of 3 storeys or 9 m (29.5 ft).
- (b) Where side-by-side duplex units are subdivided under the *Land Title Act*, Sections 10.8.5(a), 10.8.5(b), and 10.8.5(c) shall not apply provided that each parcel so created contains not less than one half the minimum parcel area, not less than one half of the minimum usable parcel area and not less than one half the minimum frontage specified in those Sections, and Section 10.8.5(g)3 shall not apply.

#### (c) Siting Regulations for Approved Subdivisions

- .1 the regulations requiring a minimum distance between garages or carports having vehicular entry from parcel boundaries or private access easements, that is greater than the minimum distance required for other buildings and structures, and
- .2 the regulations requiring that the siting of a building or structure be determined in relation to the location of a private access easement, if it is closer to the building or structure than the relevant parcel boundary,

shall not apply to any parcel created by subdivision deposited in the Land Title Office before March 13, 2014 provided that the building permit authorizing the construction of the building or structure is issued before March 13, 2019.

Bylaw No.  
154.06

PROPOSED SUBDIVISION OF  
LOT 1, DL 506, ODYD, PLAN 22046.

PID: 007-121-792

CIVIC ADDRESS: 1130 THOMAS ROAD, WEST KELOWNA, BC.

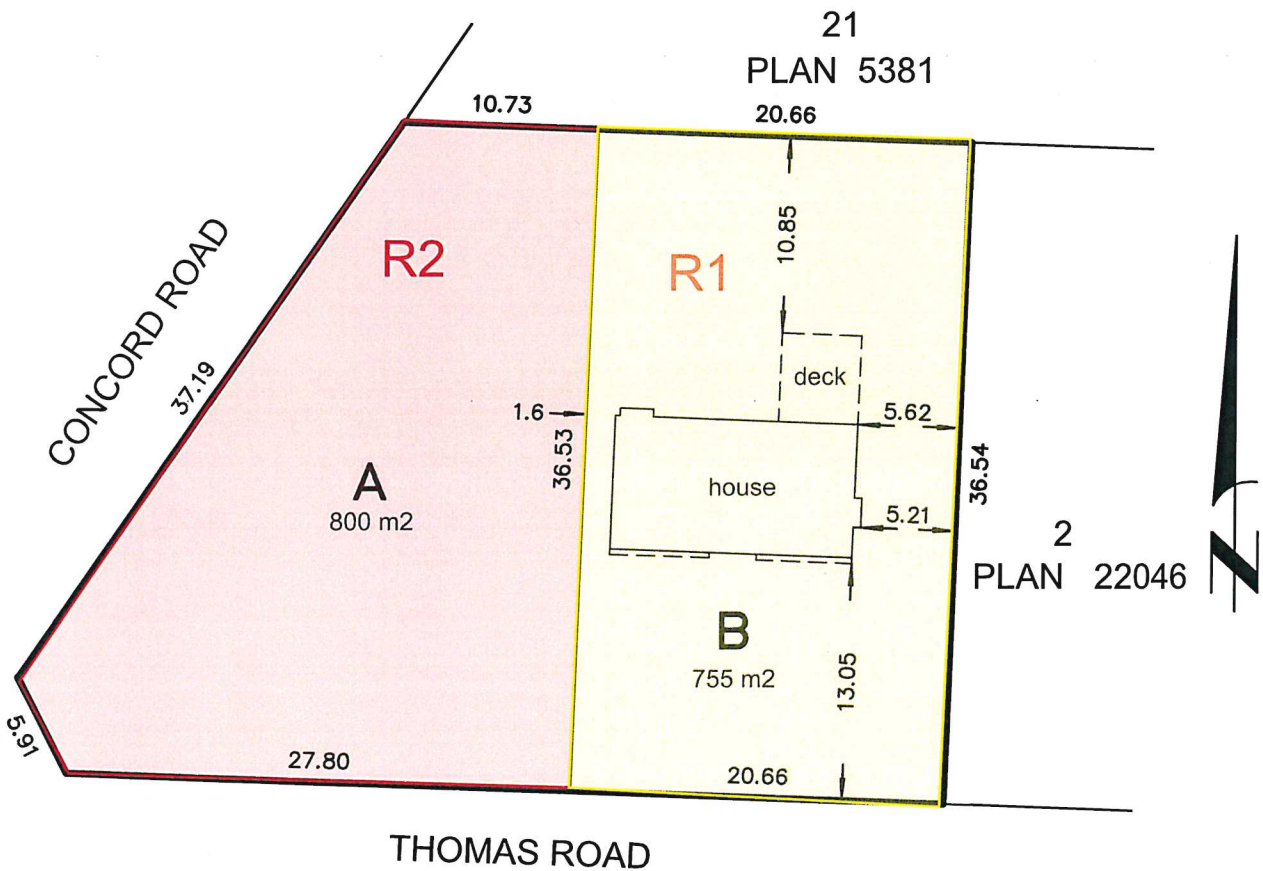
CLIENT: MICHAEL KAY

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Scale 1:400 Metric. Distances shown are in metres and decimals thereof.

Charges on Title: statutory building scheme G5405.

PROPOSED ZONING





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**CITY OF WEST KELOWNA**

**BYLAW NO. 0154.87**

**A BYLAW TO AMEND "ZONING BYLAW NO. 0154"**

---

WHEREAS the Council of the City of West Kelowna desires to amend "CITY OF WEST KELOWNA ZONING BYLAW NO. 0154" under the provisions of the *Local Government Act*.

THEREFORE BE IT RESOLVED that the Council of the City of West Kelowna, in open meeting assembled, hereby enacts as follows:

1. Title

This Bylaw may be cited as "CITY OF WEST KELOWNA ZONING AMENDMENT BYLAW NO. 0154.87, 2020".

2. Amendments

"Zoning Bylaw No. 0154" is hereby amended as follows:

- 2.1 By changing the zoning on Lot 1, District Lot 506, ODYD, Plan 22046 as shown on Schedule 'A' attached to and forming part of this bylaw from Single Detached Residential (R1) to Duplex Residential (R2).
- 2.2 By depicting the change on "Zoning Bylaw No. 0154 Schedule B" (Zoning Bylaw map).

READ A FIRST AND SECOND TIME THIS  
PUBLIC HEARING HELD THIS  
READ A THIRD TIME AND ADOPTED THIS

---

MAYOR

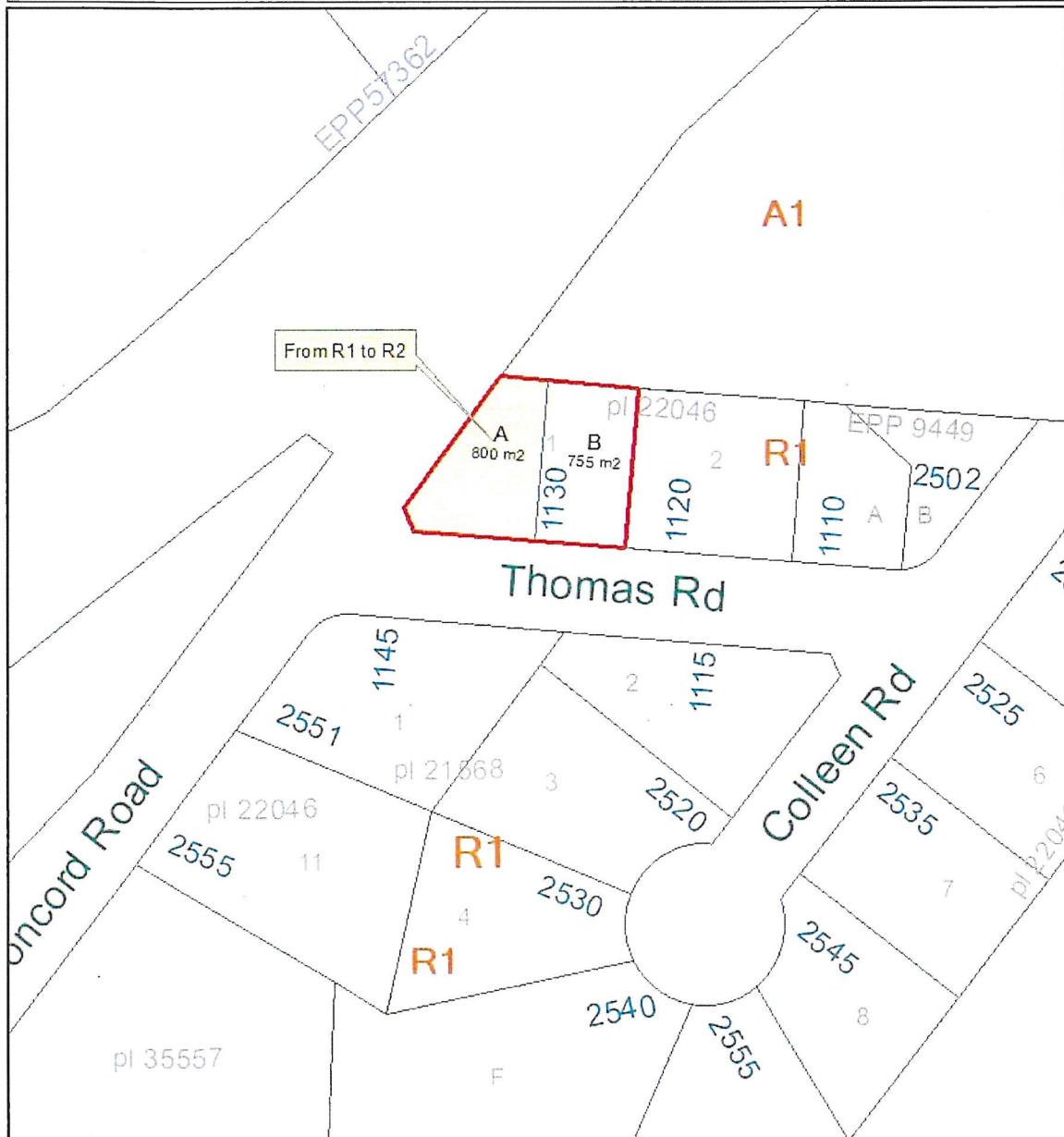
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CITY CLERK



CITY OF  
WEST  
KELOWNA

# SCHEDULE 'A' of BYLAW NO. 0154.87



## Legend

- subject property
- R1 to R2

0 25 50 100 Metres

1:1,200



Date: 2020-01-30

---

**CITY OF WEST KELOWNA**

**BYLAW NO. 0154.87**

**A BYLAW TO AMEND "ZONING BYLAW NO. 0154"**

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- 2.2 By depicting the change on "Zoning Bylaw No. 0154 Schedule B" (Zoning Bylaw map).

READ A FIRST AND SECOND TIME THIS 11<sup>TH</sup> DAY OF FEBRUARY, 2020  
PUBLIC HEARING HELD THIS  
READ A THIRD TIME AND ADOPTED THIS

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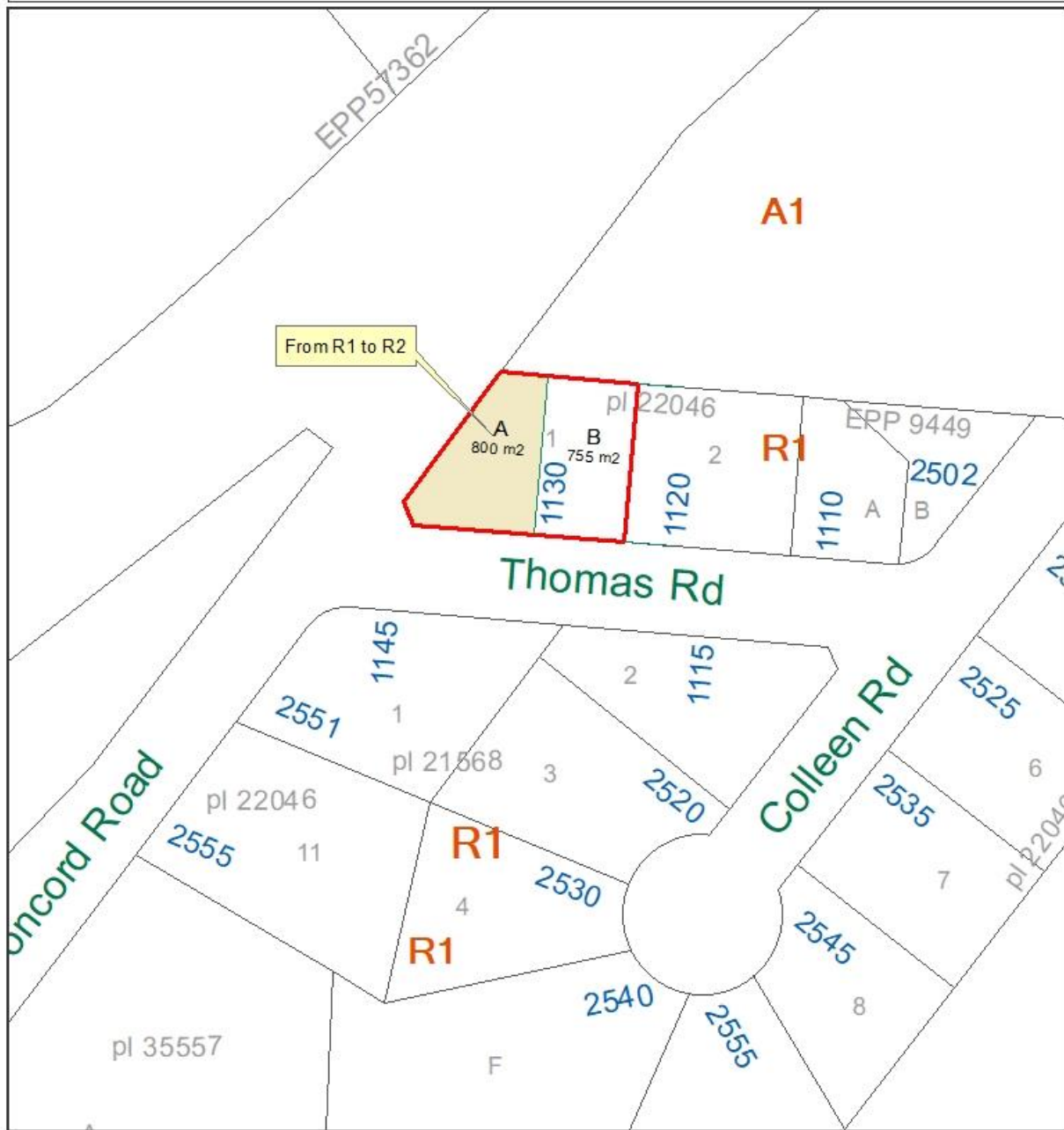
MAYOR

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CITY CLERK



## SCHEDULE 'A' of BYLAW NO. 0154.87



### Legend

- subject property
- R1 to R2

0 25 50 100 Metres

1:1,200



Date: 2020-01-30