



COUNCIL REPORT

To: Paul Gipps, CAO

Date: January 24, 2023

From: Yvonne Mitchell, Planner II

File No: Z 22-13

Subject: **Z 22-13; Zoning Bylaw Amendment No. 0265.11; 3858 Angus Drive**

RECOMMENDATION

THAT Council consider and resolve to give first and second reading to Zoning Bylaw Amendment No. 0265.11; and

THAT Council consider and resolve to direct staff to schedule a Public Hearing regarding the proposed zoning amendment.

STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity – We will work with our partners on the Westside and throughout the region to advocate for and support efforts aimed at helping West Kelowna businesses prosper. With a focus on the future, we will advance opportunities to expand our economy, increase employment, and develop the community in ways that contribute towards prosperity for all.

BACKGROUND

The subject property is located in the Goats Peak/Gellatly neighbourhood. The large 0.2 hectare parcel is currently developed with a single detached dwelling.

PROPERTY DETAILS			
Address		3858 Angus Drive	
PID		029-627-451	
Folio		36415530.004	
Lot Size		2318.85 m2	
Owner	Sons Angus Holdings Inc.	Agent	Simplex Home Design Ltd.
Current Zoning	Single Detached Residential Zone (R1)	Proposed Zoning	Duplex Residential Zone (R2)
Current OCP	Single Family Residential	Proposed OCP	N/A
Current Use	Single Detached Dwelling	Proposed Use	Duplex

Development Permit Areas Hillside, Sensitive Terrestrial

ADJACENT ZONING & LAND USES

North	^	Westbank First Nation
East	>	Single Detached Residential Zone (R1)
West	<	Single Detached Residential Zone (R1)
South	v	Single Detached Residential Zone (R1)

NEIGHBOURHOOD MAP



PROPERTY MAP



Legislative Requirements

Council has the authority under s.479 of the *Local Government Act* to amend the Zoning Bylaw.

Proposal

This application is for a rezoning from Single Detached Residential Zone (R1) to Duplex Residential Zone (R2). The applicant has indicated they have applied for this rezoning to build a duplex.

Applicant's Rationale

The applicant has provided a rationale for the proposal (Attachment 2).

DISCUSSION

Policy and Bylaw Review

Official Community Plan Bylaw No. 0100

Land Use Designation

The Land Use Designation for the subject property is Single Family Residential (SFR). This Land Use Designation includes a variety of built forms, including:

- Single detached and carriage houses;
- Duplex; and
- Compact or clustered single-detached housing, including manufactured homes.

The purpose is to provide traditional single family housing opportunities and encourage more land efficient compact housing forms for families. The proposed rezoning is consistent with the Single Family Residential Land Use Designation. The OCP also includes policy support for infill development as a means of efficient use of existing infrastructure, and housing development is appropriate and sensitive to surrounding uses.



Figure 1 – Land Use Designation Map. Subject property shown in red dashed lines.

Development Permit Areas

Unless future development qualifies for exemptions under the Official Community Plan, a Hillside, and Sensitive Terrestrial Development Permit will be required.

Zoning Bylaw No. 0265

The Single Detached Residential Zone (R1) only permits a single detached dwelling as a principle use. Accessory uses in the R1 zone include a secondary suite or carriage house. It appears the subject property would be able to accommodate a carriage house in addition to the existing single detached dwelling.

The Duplex Residential Zone (R2) permits either a duplex or a single detached dwelling as the principle use. Accessory uses in the R2 Zone are more limited, and height and setback requirements are the same as in the R1 zone. The parcel does not meet the larger minimum frontage requirement in the R2 zone and therefore cannot be subdivided into multiple R2 lots after rezoning. A comparison of the R1 and R2 Zones is provided in the table below:

Regulation	R1 Zone	R2 Zone
Permitted Principle Uses	<ul style="list-style-type: none"> • Single detached dwelling 	<ul style="list-style-type: none"> • Duplex • Single detached dwelling
Permitted Secondary Uses	<ul style="list-style-type: none"> • Accessory uses, buildings and structures • Care facility, minor • Home based business, major • Bed and breakfast • Carriage House • Secondary suite • Short term accommodation 	<ul style="list-style-type: none"> • Accessory uses, buildings and structures • Care facility, minor • Home based business, major
Minimum Parcel Area	<ul style="list-style-type: none"> • 550 m² (5,920.2 ft²) 	<ul style="list-style-type: none"> • 800 m² (8,611.1 ft²)
Minimum Parcel Frontage	<ul style="list-style-type: none"> • 16.0 m 	<ul style="list-style-type: none"> • 18.0 m
Density	<ul style="list-style-type: none"> • Single detached dwelling - 1 per parcel • Secondary suite and carriage house - only 1 secondary suite or 1 carriage house per parcel 	<ul style="list-style-type: none"> • Duplex and single detached dwelling - only 1 duplex, or only 1 single detached dwelling per parcel
Maximum Height	<ul style="list-style-type: none"> • Single detached dwelling 10.0 m (32.8 ft) to a maximum of 3 storeys • Accessory buildings and structures 5.0 m (16.4 ft) 	<ul style="list-style-type: none"> • 10.0 m (32.8 ft) to a maximum of 3 storeys except it is 5.0 m (16.4 ft) for accessory buildings and structures

	<ul style="list-style-type: none"> • Carriage house 7.0 m (23.0 ft) 	
Front Setbacks	<ul style="list-style-type: none"> • 4.5 m (14.8 ft) • 6.0 m (19.7 ft) for a garage or carport having vehicular entry from the front • 4.5 m (14.8 ft) for a garage or carport having vehicular entry from the front provided that a minimum of 6.2 m (20.3 ft) is maintained from back of curb or edge of sidewalk 	Same as R1 Zone
Rear Setback	<ul style="list-style-type: none"> • 3.0 m (9.8 ft) 	Same as R1 Zone
Interior Setback	<ul style="list-style-type: none"> • 1.5 m (4.9 ft) except it is 3.0 m (9.8 ft) from a private access easement 	Same as R1 Zone
Exterior Setback	<ul style="list-style-type: none"> • 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 	Same as R1 Zone

Most of the surrounding neighborhood is zoned R1. These parcels are developed with single detached dwellings. There is an existing R2 zoned parcel located further down Angus Drive (See Figure 2). This parcel is developed with a Duplex.



Figure 2 – Zoning Map. Subject property shown in red dashed lines.

Referral Comments

The application was referred to various external agencies and internal departments. The referral comments received did not include any objections to the application.

Westbank First Nation

Westbank First Nation has provided conditional approval for this project provided the City of West Kelowna meet the following condition - set up an Archaeology Assessment. Staff have contacted Westbank First Nation to set up an Archaeology Assessment and are awaiting a response at the time of writing this report.

Advisory Planning Commission (APC)

The APC considered the application on November 16, 2022, and carried the following motion:

“**THAT** the Advisory Planning Commission recommend support for file Z 22-13, Zoning Bylaw Amendment, 3858 Angus Drive.”

Discussion amongst the APC members included that there is a large lot size to accommodate densification.

Public Notification

A notification sign has been posted on the subject property in accordance with Development Application Procedures Bylaw No. 0260, 2018. No comments have been received at the time of writing this report. Should this application proceed to Public Hearing, additional notification by mail and advertisement in the local newspaper is required under the *Local Government Act*.

CONCLUSION

The proposed rezoning from R1 to R2 is consistent with the Single Family Residential Land Use Designation in the Official Community Plan, which includes the built form of duplex. The proposal also aligns with the purpose of the SFR LUD, which includes encouraging more land-efficient compact housing forms for families. There is an existing R2 zoned property with a duplex in the neighbourhood. The subject property is a large 0.2 hectare lot that can accommodate densification, and the proposal was supported by the Advisory Planning Commission.

Alternate Resolutions:

1. **THAT** Council consider and resolve to postpone first and second reading of Zoning Amendment Bylaw No. 0265.11, 2022.

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

2. **THAT** Council consider and resolve to deny Zoning Amendment Bylaw No. 0265.11, 2022.

Should Council deny the proposed amendment bylaw, the applicant may not apply for a similar application for a period of six (6) months in accordance with Development Applications Procedures Bylaw No. 0260, 2018.

REVIEWED BY

Chris Oliver, Planning Supervisor

Brent Magnan, Director of Development Approvals

Corinne Boback, Legislative Services Manager / Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes No

Attachments:

1. Zoning Amendment Bylaw, No. 0265.11, 2022
2. Applicant's Rationale
3. Conceptual Site Plan