



COUNCIL REPORT
Development Services
For the January 14, 2020 Council Meeting

DATE: January 6, 2020 File: DP 19-17

TO: Paul Gipps, CAO

FROM: Jayden Riley, Planner II

RE: Application: Development Permit with Variances (File: DP 19-17)
Legal: Lot 14, DL 2697, ODYD, Plan 33644
Address: 3156 Shetler Drive
Owner: Darren and Stacey Bradbury
Agent: Steve Kelly, Urban Elegance Homes

RECOMMENDED MOTION:

THAT Council authorize the issuance of a Hillside Development Permit (File: DP 19-17) to permit the construction of a carriage house on Lot 14, DL 2697, ODYD, Plan 33644 (3156 Shetler Drive), subject to the conditions outlined in the attached Development Permit; and

THAT Council authorize a variance to Zoning Bylaw No. 0154, S. 3.26.4(b), to permit a carriage house and on site sewerage disposal system on a parcel area under 1 ha, with issuance of the permit subject to the registration of a no-build no-disturb covenant over the back up septic field area identified in *Attachment 5*.

RATIONALE:

- The City has received a geotechnical report that concludes the land may be used safely for the use intended and a landslide assessment assurance statement.
- The City has received a report from a Registered Wastewater Practitioner confirming the subject property can support an on site sewerage disposal system for both the existing dwelling and the proposed carriage house with sufficient area for a back up field.
- The proposal conforms to the primary uses and regulations outlined in the Zoning Bylaw No. 0154 for the Single Detached Residential Zone (R1), with the exception of the proposed variance, which is considered to have no impact to adjacent properties.

LEGISLATIVE REQUIREMENTS:

Council has the authority under Part 14 S. 490 of the *Local Government Act* to issue a development permit. This Development Permit is specifically for hillside development. S. 498 of the *Local Government Act* gives Council the authority to issue a Development Variance Permit that varies, in respect of the land covered in the permit, the provisions of the Zoning Bylaw.

BACKGROUND:

Proposal

The applicant is proposing to construct a carriage house and on site sewerage disposal system on the subject property that contains an existing single family dwelling and septic system. The property is within a Hillside Development Permit Area with steep slopes to the north of the parcel. The applicant has submitted a geotechnical report and a report from a Registered Wastewater Practitioner that support the proposal. Zoning Bylaw No. 0154 requires that a carriage house is connected to the public sewer system unless connection to the community sewer system is not available to the parcel and the parcel has a minimum lot area of 1 ha. Public sewer is not available to the property, however the parcel has a lot area under the 1 ha minimum. Therefore, the applicant requires a Hillside Development Permit and Development Variance Permit in order to construct the proposed carriage house and on site sewerage disposal system.

Location and Surrounding Uses

The subject property is 2,326 m² (0.57 acres) and located in the Smith Creek Neighbourhood, on the corner of Shelter Drive and Sandberg Road (*Figure 1*). The subject property contains an existing single family dwelling. The majority of the property includes slopes greater than 20%, however the steep sloped area is localized to the north half of the parcel boundary with flat surfaces at the south, adjacent to the road. The surrounding land uses include the following:

- North – Parks and Open Space (P1 Zone)
- East, South, West – Single Detached Residential (R1 Zone)



Figure 1: Subject Property

POLICY AND BYLAW REVIEW

Official Community Plan Bylaw No. 0100

The subject property falls within the City of West Kelowna's Single Family Residential Land Use Designation, which is supportive of traditional single family housing opportunities and compact housing form for families.

The site is located within a Terrestrial and Hillside Development Permit Area. A Hillside Development Permit has been required due to the proposed location of the carriage house and surrounding area being on and near slopes over 20% (*Attachment 3*). The applicant is exempt from a Terrestrial Development Permit, as the site has been previously disturbed.

Zoning Bylaw No. 0154

The subject property is zoned Single Detached Residential (R1). The existing single family dwelling and proposed carriage house are permitted uses in the R1 Zone. However, S. 3.26.4(b) of Zoning Bylaw No. 0154 requires that a carriage house is connected to the community sewer system unless:

- Connection to community sewer is not available to the parcel;
- The parcel has a minimum area of 1 ha (2.4 ac); and

- The applicant for building permit for the carriage house provides the City evidence that all filings with Interior Health that are required by Section 8 of the Sewerage System Regulation have been made.

As the subject property is under the minimum parcel area of 1 ha, a Development Variance Permit is required in order to permit the proposed carriage house to be serviced by an on site sewerage disposal system.

TECHNICAL REVIEW

Geotechnical Investigation

As the development is proposed within a Hillside Development Permit Area, a geotechnical report, dated September 10, 2019, was submitted with the application. The report states that there is no obvious indication of slope instability or tension cracks or slumps, with only minor indications of erosion. The report also provides recommendations for site preparation and temporary excavations, foundation design, and final slope finishing - all of which will be required as a condition of the Development Permit, subject to approval.

On Site Wastewater Investigation

Deans Tech Consulting Ltd. filed a report, dated June 6, 219, to Interior Health for a sewerage disposal system for the proposed carriage house on the subject property. The report concludes that the systems would require an area of 220 ft² and 4 laterals of 22 ft. in order to service the proposed carriage house. The report provides construction details and design with the septic field location proposed to the north of the existing home and west of the proposed carriage house.

As recommended by Interior Health, Deans Tech Consulting provided a follow up report, dated November 7, 2019, confirming the subject property has sufficient area for a back up septic field for the proposed carriage house and the existing dwelling located at the front yard of the subject property (*Attachment 5*). In order to ensure this area is maintained for a back up field, staff are recommending the owner register a S. 219 no-build no-disturb covenant for this purpose.

PUBLIC NOTIFICATION

In accordance with the *Local Government Act* for the proposed Development Variance Permit, letters were sent to all property owners and their tenants (44 notices) within 100 metres of the subject property (*Attachment 7*). A Development Application sign has been placed on the subject property in accordance with the Development Applications Procedures Bylaw No. 0260. As of the date of this report, no submissions have been received from the public.

ALTERNATE MOTION:

THAT Council deny the issuance of a Hillside Development Permit and Variance for Lot 14, DL 2697, ODYD, Plan 33644 (3156 Shetler Drive).

REVIEWED AND APPROVED FOR THE AGENDA 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. Context Map
2. Subject Property Map
3. Development Permit Area Map
4. Site Plan
5. Overall Layout and Testing Locations Map
6. Draft Permit (DP 19-17)
7. Public Notification Map