



COUNCIL REPORT

To: Paul Gipps, CAO

Date: February 9, 2021

From: Jayden Riley, Planner II

File No: TUP 20-04

Subject: **TUP 20-04; Temporary Use Permit; 3145 Coventry Crescent**

RECOMMENDATION

THAT Council approve the Temporary Use Permit (TUP 20-04) to allow a home based brewery at 3145 Coventry Crescent subject to the conditions outlined in the attached permit (*Attachment 3*)

STRATEGIC AREA(S) OF FOCUS

Economic Development and Prosperity (Council's Strategic Priorities 2020-2022)

BACKGROUND

This application is seeking a Temporary Use Permit (TUP) to operate a brewery within an enclosed garage of a single detached dwelling. Home based brewery is not an intended use of a home based business, major, which is otherwise permitted in the Single Detached Residential (R1) Zone, therefore a TUP is required. No accessory structures are proposed to support the use. A TUP is valid for maximum of three (3) years with the possibility for renewal.

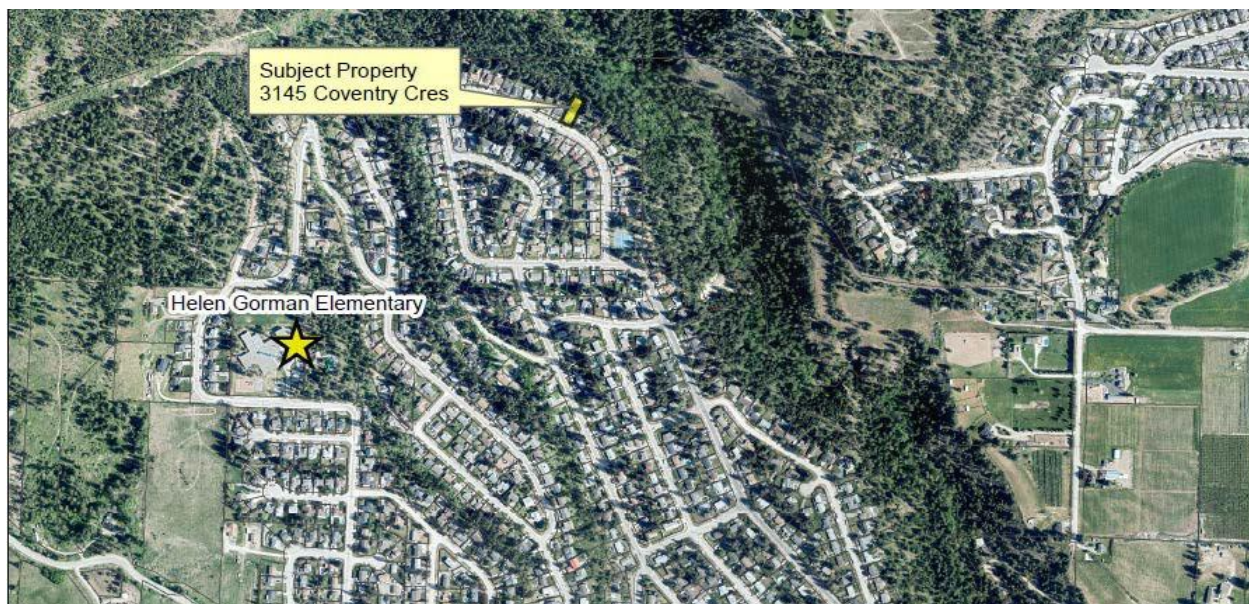
PROPERTY DETAILS			
Address		3145 Coventry Crescent	
PID		009-666-184	
Folio		36415069.356	
Lot Size		1,015 m ²	
Owner	Brad Kotnik	Agent	N/A
Current Zoning	Single Detached Residential (R1)	Proposed Zoning	N/A
Current OCP	Single Family Residential	Proposed OCP	N/A
Current Use	Single family dwelling	Proposed Use	Home based brewery

Development Permit Areas	Aquatic, Terrestrial, Hillside
Hazards	None
Agricultural Land Reserve	No

ADJACENT ZONING & LAND USES

North	^	Parks and Open Space (P1) (Glen Canyon)
East	>	Single Detached Residential (R1)
West	<	Single Detached Residential (R1)
South	v	Single Detached Residential (R1)

NEIGHBOURHOOD MAP



PROPERTY MAP



Legislative Requirements

Local Government Act

Section 493 of the *Local Government Act* gives Council the authority to issue a Temporary Use Permit (TUP) to allow a use that is not permitted in the applicable zoning regulations. A TUP may allow a use on a property for up to three (3) years and may specify conditions under which the use may be carried out. A TUP may be extended once for a period of up to three (3) years at the discretion of Council.

DISCUSSION

Background

The subject property is located at 3145 Coventry Crescent within the Glenrosa neighbourhood, containing one single detached dwelling. The subject property is located within a residential neighborhood with surrounding single detached dwelling (R1) land use to the east, south, and west, and Glen Canyon Regional Park (P1) to the north. The adjacent property to the east, located nearest to the garage where the proposed operation of the brewery is to be contained, is owned by the City of West Kelowna and is vacant except for a booster (water) station (*Figure 1*).



Figure 1: proposed brewery location (garage)

Proposal

This application is seeking a Temporary Use Permit to operate a brewery within the garage of a single detached dwelling and Single Detached Residential (R1) Zone. No accessory structures or outdoor storage is proposed to accommodate the use. See below floor plan and summary of the proposed temporary use (*Table 1, Figure 2*):

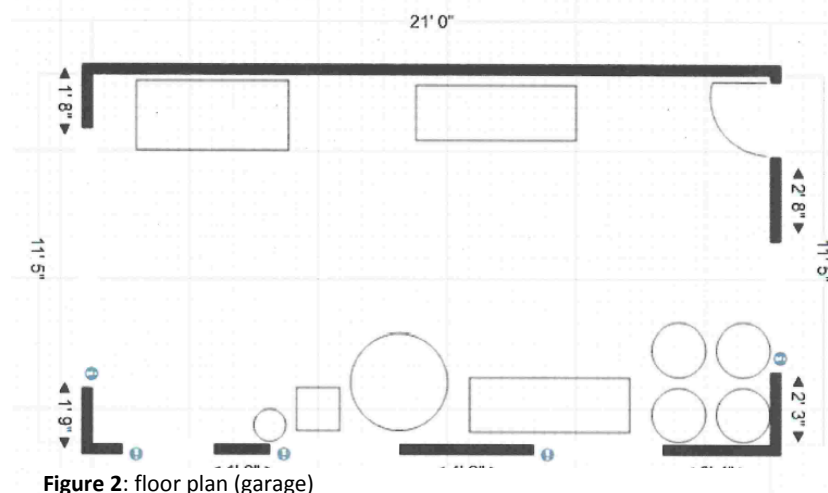


Figure 2: floor plan (garage)

House of operation	Brewing 1 day per week, 4:30 PM to 9:30 PM
Client visits	Customer pick-up Thursday and Friday 5:00 PM to 7:00 PM, Saturday 4:00 PM to 6:00 PM, no sampling permitted at the brewery.
Storage needs	20 cases of growlers (6 x 1.89 L), maximum 20 bags of grain
Equipment	2 x 115 L kettles, propane burner, pump and plate chiller, brew commander, 4x 150L Unitank, 1 x glycol chiller
Anticipated production volume	117 L per week (58.5 growlers) up to 4x 117L per week
Mitigation measures	All activities proposed within enclosed garage, limited LED lighting
Potential nuisances	Noise from propane burner and odor from grain and hops aroma on brew day

Table 1: Proposal Summary

Official Community Plan Bylaw No. 0100

The subject property has a land use designation of Single Family Residential (SFR), which is intended to provide traditional single family housing opportunities.

Zoning Bylaw No. 0154

The subject property is zoned Single Detached Residential (R1). The R1 Zone permits single detached dwelling as a principal use and home based business (major) as a secondary use. Although brewery is not explicitly prohibited as a home based business use it was determined not to meet the intent of home based business due to the presence of commercial or industrial equipment. The proposed temporary use would otherwise align with the home based business regulations outlined in S.3.14 of the Zoning Bylaw for parcels under 0.5 ha, such as:

- The business is occurring within the dwelling unit;
- The combined maximum floor area is under the 50 m² maximum;
- Limited to 3 client visits at a time;
- No outdoor storage is proposed; and
- Retail sales are limited to products produced on the premises.

Should the brewery operate under a TUP, it would be regulated by the TUP as opposed to the home based business regulations. Therefore, the TUP (*Attachment 3*) has included language to mirror the regulations outlined under S. 3.14 for “home based business, major” for parcels under 0.5 ha. The applicant has not requested any provisions outside of these regulations, but has offered additional restrictions, as outlined in *Table 1*, such as limiting the number of days for brewing (1) and customer pick up (3, with limited hours).

Licensing Requirements

A manufacturing license is required from the Liquor and Cannabis Regulation Branch (LCRB) to operate a brewery, which requires the zoning to support manufacturing use. A TUP that allows brewery has been confirmed to meet the LCRB's use requirements. A business license with the City would also be required to operate, as well as a building permit for the change of use.

Referral Responses

Advisory Planning Commission

The Advisory Planning Commission (APC) discussed the application on December 16, 2020. The APC did not recommend support for the proposal based on the following rationale:

- Difficult to control the amount of customer visits
- Neighbourhood impacts caused by increased traffic, noise, odour
- May set unwanted precedent

Public Notification

In accordance with the *Local Government Act*, 41 notices were mailed to property owners and their tenants within 100 m of the subject property and a notice was placed in the local newspaper. A Notice of Application sign was also installed on the subject property, in accordance with the City's Development Applications Procedures Bylaw No. 0260. At the time of writing this report, no submissions from the public have been received.

CONCLUSION

It is recommended that Council approve the proposed temporary use to allow a home based brewery at 3145 Coventry Crescent. The conditions outlined in the permit mirror those of the City's home based business regulations, including limited client visits, no exterior storage, and limited floor area. In addition to mirroring the regulations, there will be a limitation on the number of brewing days and customer pick-up. The TUP will also prohibit on-site consumption and limit the activities to occur within the garage. The applicant will also require a business license from the City and liquor license from the LCRB prior to operating, as well as a building permit for the change of use.

The TUP would allow the business to become operational under the conditions of the permit. The TUP would limit the duration the use would be permitted; therefore, should the brewery prove to be a nuisance for the neighborhood, these factors would be evaluated and direct Council's consideration at time of permit renewal.

Alternate Motions:

1. **THAT** Council deny the proposed Temporary Use Permit (TUP 20-04) application at 3145 Coventry Crescent.

2. **THAT** Council postpone consideration for the Temporary Use Permit (TUP 20-04) application at 3145 Coventry Crescent.

Should Council postpone consideration of the temporary use permit application, direction to staff is required.

REVIEWED BY

Brent Magnan, Planning Manager

Mark Koch, Director of Development Services

Shelley Schnitzler, Legislative Services Manager/Corporate Officer

APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. Applicant Proposal Summary
2. Public Notification Map
3. TUP 20-04