



COUNCIL REPORT

To: Paul Gipps, CAO

Date: February 9, 2021

From: Jayden Riley, Planner II

File No: Z 20-13

Subject: **Z 20-13; Zoning Amendment Bylaw No. 154.101, 2021; 2500 Tallus Heights Lane**

RECOMMENDATION

THAT Council give first and second reading to Zoning Amendment Bylaw No. 0154.101, 2021 (File Z 20-13); and

THAT Council direct staff to schedule a Public Hearing for the proposed Zoning Amendment Bylaw.

STRATEGIC AREA(S) OF FOCUS

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

BACKGROUND

This application is proposing a site-specific text amendment to permit a secondary suite on a parcel that is under the required minimum parcel size for secondary suite use. The subject property is zoned Compact Single Detached Residential (RC3), which permits secondary suites on parcels greater than 550 m², whereas the subject property is 535 m².

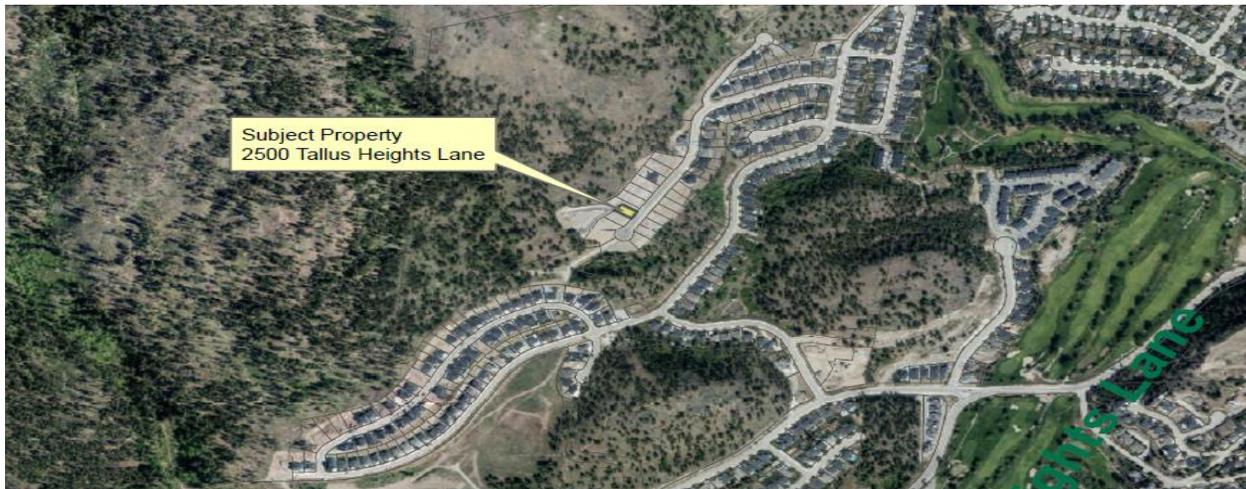
PROPERTY DETAILS			
Address	2500 Tallus Heights Lane		
PID	030-666-791		
Folio	36414916.233		
Lot Size	535 m ²		
Owner	Ryser Developments	Agent	Jamie Mullen, Willow Developments
Current Zoning	Compact Single Detached Residential (RC3)	Proposed Zoning	Compact Single Detached Residential

			(RC3) with secondary suite
Current OCP	Single Family Residential	Proposed OCP	N/A
Current Use	vacant	Proposed Use	Single Family Dwelling with secondary suite
Development Permit Areas	None		
Hazards	None		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES

North	^	Compact Single Detached Residential (RC3)
East	>	Tallus Heights Drive Compact Single Detached Residential (RC3)
West	<	Compact Single Detached Residential (RC3) Parks and Open Space (P1)
South	v	Compact Single Detached Residential (RC3)

NEIGHBOURHOOD MAP



PROPERTY MAP



Legislative Requirements

Council has the authority under S. 479 of the *Local Government Act* to amend its Zoning Bylaw, including the creation of provisions specific to a single zone.

DISCUSSION

Background

The subject property is located in the Shannon Lake neighbourhood within a compact residential neighborhood. The subject property was subdivided in 2018 as part of a 20-lot subdivision.

Proposal

This application is proposing a site-specific text amendment to allow a secondary suite on a parcel zoned Compact Single Detached Residential (RC3) under the minimum 550 m² required by the RC3 zone. The applicant has submitted a letter of rationale with the application (*Attachment 1*).

Policy and Bylaw Review

Official Community Plan

The property has a Land Use Designation of Single Family Residential, intended to support traditional single family housing opportunities and encourage more land efficient compact housing forms for families. The property is not subject to any development permit areas.

Zoning Bylaw No. 0154

The property is zoned Compact Single Detached Residential (RC3), which permits single detached dwelling on parcels 325 m² and larger. The RC3 zone also permits secondary suites on parcels 550 m² and larger. The minimum parcel size for a secondary suite is specifically stated within the list of permitted secondary uses; therefore, a site-specific text amendment is required to permit the use, as opposed to a variance, as the *Local Government Act* does allow the local government to vary use.

Technical Review

Subject to rezoning approval, the applicant is not anticipated to require a variance to accommodate off-street parking for the secondary suite. An existing covenant registered on the parcel would not permit access from Tallus Heights Drive.

Due the topography of the parent parcel and the location of the subject property in relation to the private access road, Tallus Heights Lane, the parcel was configured to accommodate sightlines and an adequate vehicle turning radius, resulting in the north corner of the parcel are being reduced.

Referrals

Advisory Planning Commission

The Advisory Planning Commission (APC) discussed the application on January 20, 2021. The APC was in support of the application, as proposed.

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*.

CONCLUSION

Staff recommend that Council give first and second reading to the proposed amendment bylaw. The proposed zoning amendment is not anticipated to have any significant negative impacts to surrounding properties, as secondary suites are permitted on the surrounding lots, which share the same RC3 zoning and have adequate size to accommodate potential suites. Following first and second reading, the public will be notified and given the opportunity to submit feedback on the proposal, which will be summarized at the Public Hearing.

Alternate Motion:

1. **THAT** Council postpone first and second reading to City of West Kelowna Zoning Amendment Bylaw No. 0154.101, 2021 (File Z 20-13).

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

2. **THAT** Council deny Zoning Amendment Bylaw No. 0154.101, 2021 (File: Z 20-13).

Should Council deny the zoning amendment bylaw, the applicant may not apply for a similar application for a period of six (6) months.

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 Letter of Rationale
2. ZB 0154.101, 2021