

REPORT TO COUNCIL



Date: March 15, 2021

To: Council

From: City Manager

Department: Development Planning Department

Application: Z20-0032

Owner: Frank Robert Vezer

Address: 4350 June Springs Rd

Applicant: Rina E. Jeyakumar (Araya Law)

Subject: Rezoning Application

Existing OCP Designation: REP – Resource Protection Area

Existing Zone: RR1 – Rural Residential 1

Proposed Zone: RR1c – Rural Residential 1 with Carriage House

1.0 Recommendation

THAT Rezoning Application No. Z20-0032 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6 Section 35 Township 29 ODYD Plan KAP56325, located at 4350 June Springs Road, Kelowna, BC from RR1 – Rural Residential 1 zone to the RR1c – Rural Residential 1 with Carriage House zone NOT be considered by Council.

2.0 Purpose

To consider a Staff recommendation to NOT rezone the subject property that would bring the existing carriage house into conformance.

3.0 Development Planning

Development Planning Staff do not support rezoning to add the 'c' designation to the subject property. The property is located in Southeast Kelowna and has no ability to connect to a community sanitary system. The City's Zoning Bylaw and Subdivision, Development & Servicing Bylaw as well as the Okanagan Basin Water Board's Policies do not support the development of carriage houses on lots less than 1.0 hectare that rely on on-site sewage disposal. Since 2014, the Okanagan Basin Water Board (OBWB) has required grant recipients, including the City of Kelowna, to have bylaws in place restricting carriage houses to properties greater than 1.0 hectare or to properties with community sewer connections. As per the OBWB Sewage Facilities Assistance Grants' Terms of Reference, OBWB will only fund sewage infrastructure applications in communities that comply with its 1.0 Hectare Policy and Development Planning Staff do not wish to

compromised future funding opportunities by supporting the development of carriage houses which contravene OBWB's policies.

4.0 Proposal

4.1 Background

Following the Okanagan Basin Water Board's policy changes, TA16-0005 (BL11333) which amended Zoning Bylaw No. 8000 to restrict carriage houses on lots less than 1.0 hectare was adopted by Council at the February 27, 2017 meeting.

This file came forward due to illegal suite investigation that was instigated by Bylaw Services on May 30th, 2018. The accessory building began being resided in full-time in 2014, without the correct zoning or permits. Now, the applicant is seeking the carriage house subzone to allow for the legal conversion of the accessory building into a carriage house. The City of Kelowna received a Building Permit (BP23727) for an accessory building on January 24th, 2003. The accessory building was labelled as an unfinished basement (which hasn't been permitted to be finished), an art studio and an office. This Permit also appeared to include a full bathroom and a kitchen area, which are not permitted in accessory buildings. This was likely an oversight by Staff, however, when approved, this Building Permit had a condition stating that this accessory building cannot be used as a dwelling.

4.2 Project Description

The proposed rezoning from RR1 to RR1C would allow the conversion of the accessory building into a carriage house on the subject property. The proposed suite is roughly 60m² in area, is on the second level of the structure and it is located on the eastern portion of the property, accessed from June Springs Road. The accessory building has been inhabited since 2014 by the owner's family members and has remained unchanged from the exterior.

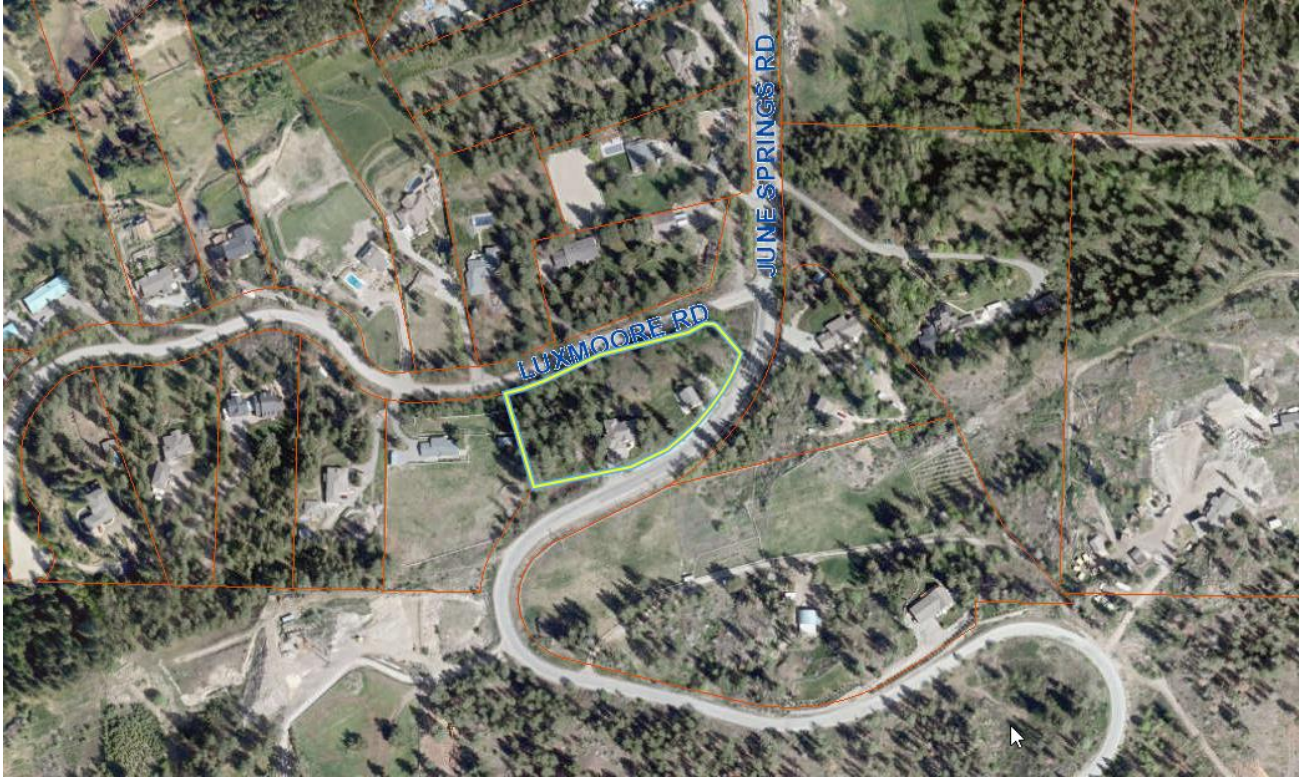
4.3 Site Context

The subject property is located in the Southeast Kelowna OCP Sector and the surrounding area is primarily zoned RR1 – Rural Residential 1, A1 – Agriculture 1 and RR1C – Rural Residential 1 with Carriage House. The surrounding area entirely has a Future Land Use Designation of REP – Resource Protection Area.

Specifically, adjacent land uses are as follows:

Orientation	Zoning	Land Use
North	RR1 – Rural Residential 1 and A1 – Agriculture 1	Single-Family Home(s)
East	RR1C – Rural Residential 1 with Carriage House	Single-Family Home with Carriage House
South	A1 – Agriculture 1	Single-Family Home with Agriculture
West	RR1 – Rural Residential 1	Single-Family Home

Subject Property Map: 4350 June Springs Road



5.0 Current Development Policies

5.1 Okanagan Basin Water Board's 1.0 Hectare Policy

- 5.1.1 The Okanagan Basin Water Board (OBWB) updated its Sewage Facilities Grant Program Policy on carriage houses (Attachment 'B') in 2014. The OBWB requires sewage grant recipients, including the City of Kelowna, to have bylaws in place restricting carriage houses to properties greater than 1.0 hectare or to properties with community sewer connections. As per the OBWB Sewage Facilities Assistance Grants' Terms of Reference, OBWB will only fund sewage infrastructure application in communities that comply with its 1.0 Hectare Policy.

5.2 Kelowna Official Community Plan (OCP)

- 5.2.1 Objective 5.3.1 – Permanent Growth Boundary: Establish a Permanent Growth Boundary as identified on Map 4.1 and Map 5.2. Lands outside of the Permanent Growth Boundary will not be supported for urban or intensive uses with the exception of the extent permitted as per the OCP Future Land Use designations in place as of initial adoption of Bylaw 10500.

6.o Application Chronology

Date of Application Received: April 1st, 2020

Date Public Consultation Completed: Feb 4th, 2021

7. Alternative Recommendation

THAT Rezoning Application No. Z20-0032 to amend the City of Kelowna Zoning Bylaw No. 8000 by changing the zoning classification of Lot 6 Section 35 Township 29 ODYD Plan KAP56325, located at 4350 June Springs Road, Kelowna, BC from RR1 – Rural Residential 1 zone to the RR1c – Rural Residential 1 with Carriage House zone be considered by Council;

AND THAT the Rezoning Bylaw be forwarded to a Public Hearing for further consideration;

AND FURTHER THAT final adoption of the Rezoning Bylaw be considered in conjunction with Council's consideration of a Development Variance Permit for the subject property.

Report prepared by: Tyler Caswell, Planner I

Reviewed by: Dean Strachan, Community Planning & Development Manager

Reviewed by: Terry Barton, Development Planning Department Manager

Approved for Inclusion: Ryan Smith, Divisional Director, Planning & Development Services

Attachments:

Attachment A: Applicant's Rationale

Attachment B: Original Accessory Building Permit Drawings

Attachment C: Okanagan Basin Water Board Memorandum dated January 20, 2014.

Attachment D: Development Engineering Memorandum dated April 29th, 2020