REPORT TO COUNCIL

Date: April 19, 2021

To: Council

From: City Manager

Department: Development Planning

Subject: Supplemental Report for 4350 June Springs Road

Recommendation

THAT Council receives, for information, the report from the Development Planning Department dated April 19th, 2021, with respect to the Rezoning and Text Amendment Bylaws for the property located at 4350 June Springs Road, Kelowna, BC;

AND THAT Council waives the requirement for Development Variance Permit to be considered in conjunction with final adoption of Rezoning Bylaw No. 12133;

AND Zoning Bylaw Text Amendment Application No. TA21-0010 to amend City of Kelowna Zoning Bylaw No. 8000 as outlined in the Report From the Development Planning dated April 19th, 2021 for Lot 6 Section 35 Township 29 ODYD Plan KAP56325, located at 4350 June Springs Road, Kelowna, BC be considered by Council;

AND THAT Zoning Bylaw Text Amendment Bylaw No. 12132 and Rezoning Bylaw No. 12133 located at 4350 June Springs Road, Kelowna, BC be forwarded for reading consideration.

AND FURTHER THAT Zoning Bylaw Text Amendment Bylaw No. 12132 and Rezoning Bylaw No. 12133 be given first reading to the bylaws and advance them to Public Hearing.

Purpose

To receive an update for the Rezoning and Text Amendment Applications and to move the file to a Public Hearing.

Background:

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. The applicant is seeking the carriage house subzone to allow for the legal conversion of the accessory building into a carriage house.

On March 29th, 2021 a Rezoning Application was presented to Council to bring the carriage house into compliance. Council passed Staff's Alternative Recommendation, which was to move the Rezoning file (Z20-0032) for 4350 June Springs to a Public Hearing. As part of the Alternative Recommendation, Staff

included a Development Variance Permit Application to Section 9.5b.3a of the Zoning Bylaw. However, since this section is a regulation of density, this cannot be varied and Staff recommend this file move forward in conjunction with a site-specific Text Amendment. The Text Amendment will be to allow a carriage house on a property less than 1.0ha in size that is not connected to services. The Rezoning and Text Amendment Applications will move forward to bring the carriage house into compliance.

Discussion:

Staff are proposing that the Rezoning Application is brought forward in conjunction with a site-specific Text Amendment. The reason for this is Section 9.5b.3a reads:

> A carriage house shall be connected to a community sanitary sewer unless the lot is at least 1.0ha and meets the requirements of the City and the Medical Health Officer for septic disposal capacity.

Staff believe this is regulation of density, which cannot be varied as per the Local Government Act Section 498(2)a. To bring this property into conformance, a site-specific Text Amendment to allow a carriage house on a property not connected to sewer that is less than 1.0ha possible.

Conclusion:

Following Council's decision on March 29th, 2021, Staff are recommending that Council give Zoning Bylaw Text Amendment Bylaw No. 12132 and Rezoning Bylaw No. 12133 located at 4350 June Springs Road, further reading consideration.

Report prepared by: Tyler Caswell, Planner I

Reviewed by: Dean Strachan, Community Planning & Development Manager

Reviewed by: Terry Barton, Development Planning Department Manager

Attachment:

Schedule A" Proposed Site Specific Text Amendment