



Regional Board Report

Request for Decision

To: Regional Board

From: Director of Community Services

Date: February 2, 2023

Subject: Zoning Amendment Bylaw No. 871-276 (Application Z22/05)
J & S Sanjenko (owner/applicant)
Lot 80, District Lot 2197, ODYD, Plan KAP11592 – 491 Killarney Way
Central Okanagan West Electoral Area

Voting Entitlement: *Custom Vote – Electoral Area West Unfringed Area – Electoral Area Directors only*

Purpose: To consider rezoning the subject property from RU5 Small Lot Country Residential to RU5s Small Lot Country Residential (Secondary Suite) to permit a secondary suite.

Executive Summary:

491 Killarney Way is currently zoned RU5 Small Lot Country Residential, which does not permit a secondary suite. The applicant is seeking a zoning amendment that will allow a secondary suite to be built within the single-family home proposed for construction. To date, no concerns have been identified by affected agencies, RDCO staff, or the public regarding the application.

Recommendations:

THAT the Regional Board receives the report from the Director of Community Services, dated February 2, 2023, with respect to RDCO File: Z22/05 for the property located at 491 Killarney Way and legally described as Lot 80, District Lot 2197, ODYD, Plan KAP11592 (“the Subject Property”);

AND THAT Zoning Amendment Bylaw No. 871-276 for the Subject Property be given first reading;

AND FURTHER THAT the Regional Board schedule a Public Hearing on February 16, 2023, for Zoning Amendment Bylaw No. 871- 276, RDCO File: Z22/05.

Respectfully submitted by: Shaun O’Dea, Planner

Approved by:

A handwritten signature in black ink, appearing to read "Todd Cashin".

Todd Cashin, Director of Community Services

- Attachment(s):
1. Zoning Amendment Bylaw No. 871-276
 2. Orthophoto Map
 3. Site Plan
 4. Zoning Bylaw No. 871, Section 3.26 Secondary Suites
 5. Regional Board Presentation Slides
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Strategic Plan Alignment:

Priorities: Sustainable Communities

Values: Resiliency, Good Governance

Background:

The subject property is located in the Killiney Beach community. The pre-existing home located on this property was destroyed by the White Rock Lake Wildfire in 2021.

Proposal:

The current proposal is to build a 248m² (2,674 sq.ft.) single-family home. The applicant's intent is to develop a 56.7m² (610 sq.ft.) one-bedroom suite on the ground floor. The provision of a secondary suite is subject to the regulations identified in Section 3.26 of Zoning Bylaw No. 871.

The zoning amendment and all requirements of a Building Permit must be fulfilled prior to final approval for occupancy being granted by the Regional District. Based on the plans and supporting documentation submitted, adequate on-site parking is provided for the residence and secondary suite.

Regional Growth Strategy Bylaw No. 1336:

The following policy of the RGS supports the zoning amendment application:

- Policy 3.2.6.1 - Preserve and enhance existing neighbourhoods through encouragement of a variety of housing types, densities, choices, and affordability.

Rural Westside Official Community Plan Bylaw No. 1274:

The subject property has a Residential – Low Density future land use designation. The following OCP policy supports the zoning amendment application:

- Chapter 6, Policy 1 – Encourage new housing on existing vacant lots prior to considering more of the same housing type on large holding or rural residential lots.
- Chapter 6, Policy 7 - Review the need to provide more affordable housing using secondary suites, manufactured homes within existing and new developments, while maintaining sensitivity to the existing rural character of the North Westside area and resolving additional load on any infrastructure.

Zoning Bylaw No. 871:

Zoning Amendment Bylaw No. 871-257 was adopted on February 24, 2020, strengthening servicing requirements for secondary suites and aligning design and construction requirements with the BC Building Code. As a result, Section 3.26 of Zoning Bylaw No. 871 no longer limits the floor space of a secondary suite or the ratio of suite space as a percentage of the gross floor area of the single-family home. Since 2008, the Regional Board has approved eleven secondary suite zoning amendment applications in the Rural Westside Official Community Plan area.

Site Context:

This parcel is serviced by the RDCO's Killiney Beach community water distribution system and is within the North Westside Fire Protection Area. The proposed development will be serviced by an on-site sewerage system.

As per the Rural Westside OCP Bylaw No. 1274, the parcel is entirely within the Wildfire Interface Construction Development Permit Area. A wildfire covenant must be registered on the title during the building permit process to ensure that the current and future owners adhere to the Wildfire Interface Development Permit Design Guidelines.

Portions of the property are also within the Hillside Development Permit Area. However, because the proposal aligns with Section 13.4 of the Rural Westside OCP, and the foundation work and retaining walls will be assessed by an engineer during the building permit process, a Development Permit will not be required.

An easement is registered upon the western portion of the property, protecting unencumbered access for 501 Killarney Way, to the south. As required by the conditions of the easement, the applicants have received written consent for the proposed improvements from the neighbouring property owners.

Additional Information

Owner/Applicant:	Jeremy and Sheryl Sanjenko
Address:	491 Killarney Way, Vernon
Legal Descriptions:	Lot 80, District Lot 2197, ODYD, Plan KAP11592
Lot Size:	0.26 ha (0.65 acres)
OCP Designation:	Residential Low Density
Existing Use:	Vacant (destroyed by White Rock Lake Wildfire)
Surrounding Uses:	North: Residential Low-density South: Residential Low-density East: Residential Low-density West: Killarney Way - Residential Low-density
ALR:	Outside of the ALR
Fire Protection:	North Westside Fire Protection Area
Water Supply:	Killiney Beach
Wastewater Disposal:	On-site wastewater disposal

RDCO TECHNICAL COMMENTS:

Inspection Services staff advise that a building permit will be required for the construction of the secondary suite on the property. Further review of the on-site sewage disposal will be addressed in conjunction with the building permit process. Section 3.26 of Zoning Bylaw No. 871 requires that a registered onsite wastewater practitioner approves the design of an on-site sewerage system with a primary and reserve area for type 1 trench disposal, suitable for the intended daily design flow rates.

Unaffected RDCO Departments include Fire Services, Parks Services, and Engineering Services.

AGENCY REFERRAL COMMENTS:

No comments or concerns have been received from notified agencies including Interior Health Authority, Ministry of Transportation, and Infrastructure (MOTI), B.C. Hydro, Fortis, Telus, or Shaw Cable.

Considerations:

External: In accordance with the Development Applications Procedures Bylaw No. 944, a Notice of Application Sign has been posted at the property. Any correspondence received from the public will be provided to the Board as part of a future public hearing report.

Legal/Statutory Authority: Section 479 of the *Local Government Act* grants local governments the power to enact bylaws that define zones and regulate the use of land, buildings, and other structures within each zone. Under Section 460 of the Act, a local government that has adopted a zoning bylaw must define procedures under which an owner of land may apply for an amendment to a land use bylaw. In accordance with Part 14, Division 3 of the Act, the Regional District of Central Okanagan Development Applications Procedures Bylaw No. 944 defines the processes for public hearings and Board consideration of bylaw amendment applications.

As the property is located within 800 metres of a controlled access highway, Ministry of Transportation and Infrastructure approval is required after third reading and prior to adoption of a zoning amendment bylaw.

Considerations not applicable:

- Organizational
- Financial
- Alternate Recommendation

Approved for Agenda



Brian Reardon, CAO