



# Regional Board Report

## Request for Decision

**To:** Regional Board  
**From:** Director of Development and Engineering Services  
**Date:** February 22, 2024

**Subject:** Zoning Amendment Bylaw No. 871-284 (Application Z23/07)  
Maurice Kellerman (owner/applicant)  
Lot 5, Plan KAP742, DL 524, ODYD – 4440 Maxwell Rd.  
Central Okanagan West Electoral Area

**Voting Entitlement:** Custom Vote – Electoral Area West & West Kelowna Fringe & Peachland Fringe Area – Electoral Areas & West Kelowna & Peachland - 1 Director, 1 Vote

---

**Purpose:** To consider first, second and third reading of a site-specific zoning bylaw text amendment to increase the permitted gross floor area of an accessory home from 140m<sup>2</sup> to 186m<sup>2</sup>.

### Executive Summary:

RDCO Zoning Bylaw No. 871 allows for accessory homes with a gross floor area (GFA) of up to 140m<sup>2</sup> on A1, RU1 and RU2 properties that are over 3.8 hectares. The subject property contains a principal dwelling, and the owners are proposing a new 186m<sup>2</sup> accessory home. RDCO staff do not believe that the additional 46m<sup>2</sup> of accessory home GFA will exacerbate onsite or offsite impacts, and no concerns were raised by referral agencies or members of the public at the time of writing this report.

### Recommendations:

**THAT** the Regional Board gives first, second and third reading to Zoning Amendment Bylaw No. 871-274.

-----  
*Respectfully submitted by: Shaun O'Dea, Senior Planner*

Report Approved by:

Handwritten signature of Todd Cashin in black ink.

Todd Cashin, Director of Development and Engineering Services

Approved for Agenda:

Handwritten signature of Sally Ginter in black ink.

Sally Ginter,  
Chief Administrative Officer

---

### Strategic Plan Alignment:

- |  |   |
|--|---|
| <input type="checkbox"/> Emergency preparedness  | <input type="checkbox"/> Truth and reconciliation   |
| <input type="checkbox"/> Health and wellness     | <input type="checkbox"/> Environment and climate – Regional priority only                 |
| <input type="checkbox"/> Regional transportation | <input checked="" type="checkbox"/> Growth and development – Electoral Area priority only |
-

## Background:

The subject property is located in the Trepanier valley in the Central Okanagan West Electoral Area. A building permit application submitted in July 2022 featured a 140m<sup>2</sup> GFA dwelling which was, according to the applicants, intended to be the lot's accessory home. However, the basement area of this dwelling was developed as a habitable space, causing the GFA to exceed the permitted accessory home size.

## Proposal:

The owners wish to build a second residence (originally intended to be the principal dwelling) with a GFA of 186m<sup>2</sup>. Because the proposed accessory home and the existing single family dwelling both exceed the zoning bylaw's maximum permitted GFA for accessory homes, a site-specific text amendment to is required.

The applicant has submitted a rationale letter (attachment 5), explaining that the dwelling is intended to accommodate four family members. Letters were also provided from the owners of the six adjoining residential properties, indicating that there are no objections to the proposal.

## Additional Information:

<b>Owners:</b>	S. Tollefson, M. Kellerman, W. Tullis, J. Tullis
<b>Applicant:</b>	Maurice Kellerman
<b>Address:</b>	4440 Maxwell Road Peachland BC
<b>Legal Descriptions:</b>	Lot 5, Plan KAP742, DL 524, ODYD
<b>Lot Size:</b>	12.42 Acres / 5 Hectares
<b>OCP Designation:</b>	Rural Residential
<b>Zoning:</b>	RU2 – Rural 2
<b>Existing Use:</b>	Single Family Dwelling
<b>Surrounding Uses:</b>	<b>North:</b> Rural Residential – Single Family Dwelling <b>South:</b> Rural Residential – Sand and Gravel <b>East:</b> Rural Residential – Single Family Dwelling <b>West:</b> Rural Residential – Vacant
<b>ALR:</b>	Outside of the ALR
<b>Fire Protection:</b>	Not within a Fire Protection Area
<b>Water Supply:</b>	Well
<b>Wastewater Disposal:</b>	On-site wastewater disposal

## Regional Growth Strategy Bylaw No. 1336:

The following Regional Growth Strategy objectives are applicable to this proposal;

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

## Brent Road and Trepanier Official Community Plan Bylaw No. 1303:

The following Official Community Plan policies are applicable to this proposal;

- 6.2 The Regional District encourages settlement and housing in areas with services and infrastructure to support growth. Neighbouring municipal areas are currently regarded as best able to service the growth of residential housing.

As the parcel is within the Wildfire Interface Construction Development Permit Area, a wildfire covenant must be registered on the property title during the building permit process to ensure that the current and future owners adhere to the Wildfire Interface Development Permit Design Guidelines. The development envelope is not impacted by other Development Permit Areas.

**Zoning Bylaw No. 871:**

The RDCO Zoning Bylaw allows for accessory homes with a GFA of up to 140m<sup>2</sup> on A1, RU1 and RU2 properties that are over 3.8 hectares. The GFA of accessory homes may not exceed 75% of the GFA of principal residences, and the owners must register a covenant on the property title to ensure that the accessory home is used for the accommodation of the *household* of an agricultural worker or caretaker. A secondary suite is not permitted if an accessory home exists on a property.

**RDCO TECHNICAL COMMENTS:**

**Inspection Services** staff advise that the original designs for the existing home at 4440 Maxwell Road featured two-bedrooms and 140m<sup>2</sup> GFA with an appropriately designed septic system. The addition of the unplanned basement now yields a five-bedroom, 280m<sup>2</sup> home, therefore the original septic system is undersized and will require upgrades prior to final approval of the building permit. Requirements for domestic water supplies for each dwelling must also be confirmed as part of the building permit process.

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

**AGENCY REFERRAL COMMENTS:**

No comments or concerns were received from referral agencies including Interior Health Authority, utility providers, or the District of Peachland.

**RDCO COMMITTEE RECOMMENDATIONS:**

This application will be presented to the RDCO Planning Advisory Committee for comments and recommendations on February 20, 2024.

**Considerations:**

- Organizational:** Application Z23/07 was processed in accordance with RDCO Development Applications Procedures Bylaw No. 1527.
- External:** Notification signs advertising the proposed zoning amendment were installed at the property boundary on February 5, 2024, and 11 notices were mailed to surrounding property owners on January 24, 2024 as required by Development Application Procedures Bylaw No. 1527.
- Pursuant to section 466 and 467 of the Local Government Act, the RDCO published a notice of the proposed bylaw amendment in Westside Weekly on February 14, 2024 and West K News on February 16, 2024.
- Statutory Authority:** *Local Government Act* section 479 – grants local governments the power to enact bylaws that define zones and regulate the use of land, buildings, and other structures within each zone.
- Local Government Act* section 464 (Bill 44 Housing Statutes (Residential Development) Amendment Act, 2023) – A local government must not hold a public hearing on a proposed zoning bylaw if; an official community plan is in effect, the bylaw is consistent with the official community plan, and the purpose of the bylaw is to permit residential development.
- Transportation Act* section 52(3)(a) / *Community Charter* section 135(4) – As the proposal is not within 800 metres of a controlled access highway, Ministry of

Transportation and Infrastructure approval is not required prior to adoption of the zoning amendment bylaw.

Considerations not applicable:

- Financial
  - Legal
  - Alternate Recommendation
- 

Attachments:

1. Zoning Amendment Bylaw No. 871-284
2. Location Map
3. Orthophoto Map
4. Site Plan
5. Rationale Letter
6. RDCO Zoning Bylaw #871 section 6.2 – RU2 Zone regulation
7. RDCO Zoning Bylaw #871 section 3.18 – Accessory Home regulation
8. Presentation Slides

---