

**CITY OF ENDERBY
ZONING TEXT AMENDMENT APPLICATION**

File No.: 0016-24-ZTA-END

August 29, 2024

APPLICANT/OWNER: Eric and Leola Borhaven

LEGAL DESCRIPTION: LOT 1 SECTION 27 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN KAP59880 EXCEPT PLAN KAP65977

P.I.D #: 023-859-440

CIVIC ADDRESS: 123 Red Rock Crescent, Enderby BC

PROPERTY SIZE: 2.75 hectares (6.79 acres/27,478 m²)

ZONING: Residential Single Family (R.1)

O.C.P DESIGNATION: Residential Low Density

PROPOSAL: Construct an accessory residential building (shop) with a detached secondary suite on the second storey level

PROPOSED TEXT AMENDMENT: Permit a detached secondary suite to be permitted on the second storey level of an accessory residential building

RECOMMENDATION:

THAT City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1803, 2024 which proposes to amend the City of Enderby Zoning Bylaw No. 1550, 2014 to permit a detached secondary suite to be located on the second storey level of an accessory residential building for the property legally described as LOT 1 SECTION 27 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN KAP59880 EXCEPT PLAN KAP65977 and located at 123 Red Rock Crescent, Enderby BC, be given First and Second Reading and forwarded to a Public Hearing.

BACKGROUND:

This report relates to a Zoning Text Amendment application for the property located at 123 Red Rock Crescent, Enderby. The applicant is proposing to construct a new accessory residential building (shop) with a detached secondary suite on the second storey level; in order to accommodate this proposed development, the applicant is proposing to amend the City of Enderby Zoning Bylaw No. 1550, 2014 in order to permit a detached secondary suite to be located on the second storey level of an accessory residential building.

Site Context:

The 2.75 hectare (6.79 acre/27,478 m²) property is located on the western side of the Red Crescent cul-de-sac. The property slopes steeply to the northwest and a significant portion of the property remains treed. Access to the property is gained via a gravel driveway off of Red Rock Crescent. A single family dwelling, built in 2008, is located in the central portion of the property, with a large accessory residential building to its southeast. The City of Enderby has a utility statutory right-of-way that runs northwest through the property to Preston Crescent, which is intended for future sanitary and storm sewer mains.

The subject property and properties to the north, east, and south are zoned Residential Single Family (R.1) and are designated in the OCP as Residential Low Density. The property to the west is zoned Country Residential (C.R) and is designated in the OCP as Residential Low Density.

The following map shows the Zoning designation of the subject and surrounding properties:

The following orthophoto of the subject and surrounding properties was taken in 2011:



Figure 2: Orthophoto

****NOTE:** The property lines shown above are not an accurate representation of their true locations and are intended for display purposes only.

The Proposal

The applicant is proposing to construct a two-storey accessory residential building (shop) with a detached secondary suite on the second storey level. As shown on the site plan attached as Schedule 'A', the applicant is proposing to locate the new accessory residential building to the southwest of the existing single family dwelling. The proposed accessory residential building would be serviced via the City's community water and community sanitary sewer systems off of Red Rock Crescent.

ZONING BYLAW:

The property is currently zoned Residential Single Family (R.1) and uses permitted within this zone include:

- Accessory residential
- Restricted agricultural use
- Single family dwellings
- Two family dwellings
- Three family dwellings
- Four family dwellings
- Attached secondary suites
- Detached secondary suites
- Bed and breakfasts
- Civic and public service use
- The keeping of backyard hens
- The keeping of backyard bees

Although accessory residential buildings and detached secondary suites are both permitted uses in the Residential Single Family (R.1) zone, a detached secondary suite is not permitted to occur on the second storey level of an accessory residential building. Given this, in order to accommodate the proposed development, the applicant is proposing to amend the City of Enderby Zoning Bylaw No. 1550, 2014 in order to permit a detached secondary suite to be located on the second storey level of an accessory residential building.

***It should be noted that there are certain elements of the applicant's proposed development which are not consistent with the City of Enderby Zoning Bylaw No. 1550, 2014; these matters would be addressed through a separate Development Variance Permit application, should this Zoning Text Amendment application be approved.

OFFICIAL COMMUNITY PLAN:

The following policies from the City of Enderby Official Community Plan relate to this development:

Policy 2.2.b - To maintain and enhance the City of Enderby as a sustainable, diverse, vibrant, unique and attractive community.

Policy 2.2.c - To maintain and enhance the social well-being, development, and the quality of life for all citizens of Enderby.

Policy 2.2.f - To respect and preserve a process of open, flexible and participatory decision making in the ongoing planning and day-to-day decisions of the City.

Policy 3.3.c - Council recognizes that development of land has social impacts and will act through the approval process to minimize negative and maximize positive impacts.

REFERRAL COMMENTS:

The application was referred for comment to the City of Enderby Public Works Manager, Building Inspector, Fire Chief, and Ministry of Transportation and Infrastructure.

No comments of concern were received in response to the referral.

PLANNING ANALYSIS:

The City of Enderby Planner raises no objections to the applicant's request to amend the City of Enderby Zoning Bylaw No. 1550, 2014 in order to permit a detached secondary suite to be located on the second storey level of an accessory residential building, and upon consideration of input received at a Public Hearing, it is recommended that Council support the application. The rationale for why detached secondary suites are not permitted on the second storey level of accessory residential buildings is because it could have visual or privacy impacts to adjacent properties, which is compounded by the fact that accessory residential buildings have more lenient setbacks as compared to principal buildings and detached secondary suites; these visual and privacy impacts are most pronounced on typically-sized residential lots in the community, which are generally 450 m²-700 m² in area. However, the subject property is a very large lot (2.75 hectares or ~48x larger than a typical residential lot) and the proposed accessory residential building is setback considerably from the property lines (i.e. > 60 m (197 feet)); given this, it is not anticipated that the proposal would result in any privacy or visual impacts to adjacent properties.

SUMMARY

This report relates to a Zoning Text Amendment application for the property located at 123 Red Rock Crescent, Enderby. The applicant is proposing to construct a new accessory residential building (shop) with a detached secondary suite on the second storey level; in order to accommodate this proposed development, the applicant is proposing to amend the City of Enderby Zoning Bylaw No. 1550, 2014 in order to permit a detached secondary suite to be located on the second storey level of an accessory residential building.

The City of Enderby Planner recommends that Council support the application.

Prepared By:



Kurt Inglis, MCIP, RPP
Planner

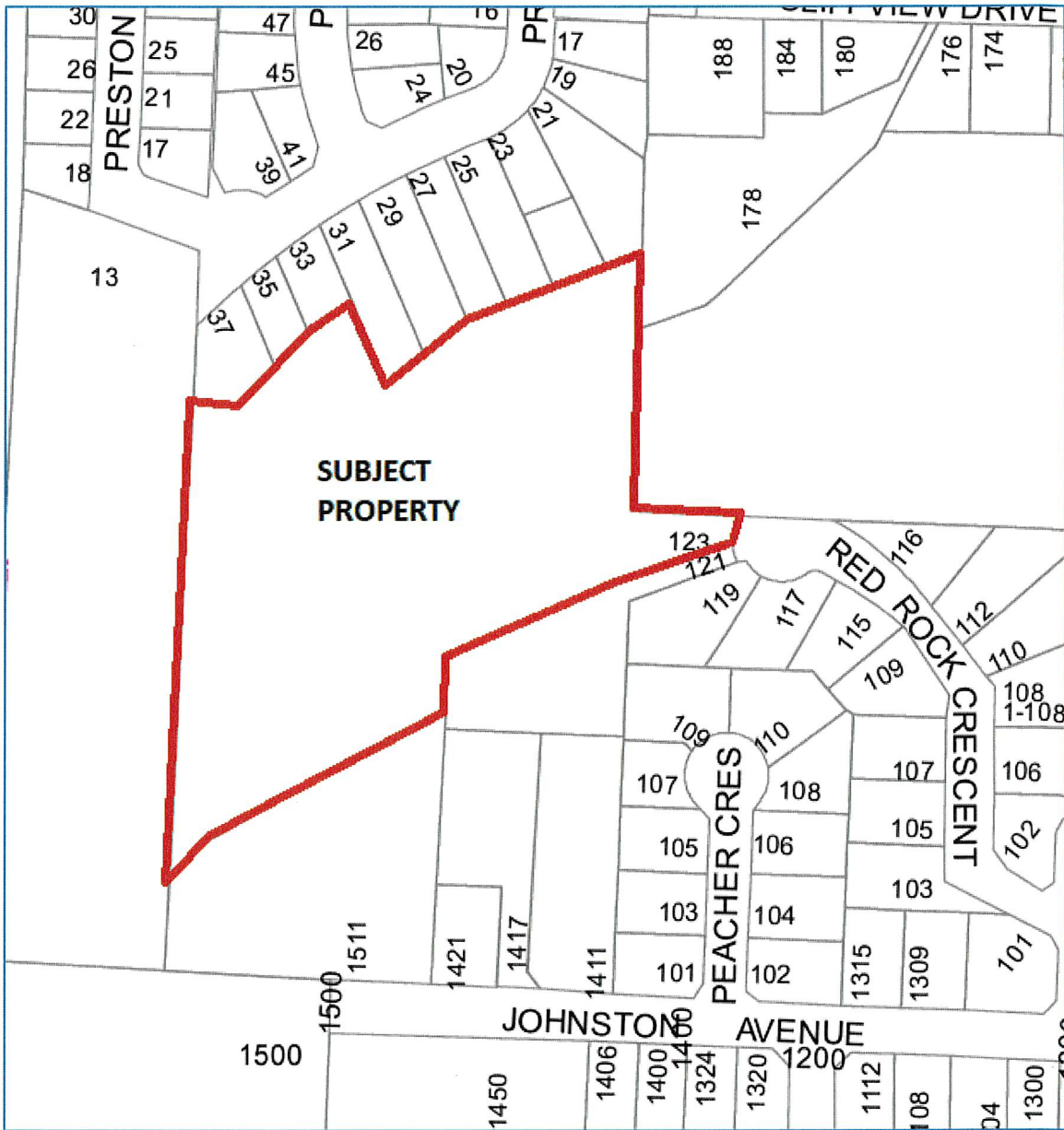
Reviewed By:



Tate Bengtson
Chief Administrative Officer

THE CORPORATION OF THE CITY OF ENDERBY
ZONING TEXT AMENDMENT APPLICATION
SUBJECT PROPERTY MAP

File: 0016-24-ZTA-END
Applicant/Owner: Eric and Leola Borhaven
Location: 123 Red Rock Crescent, Enderby BC



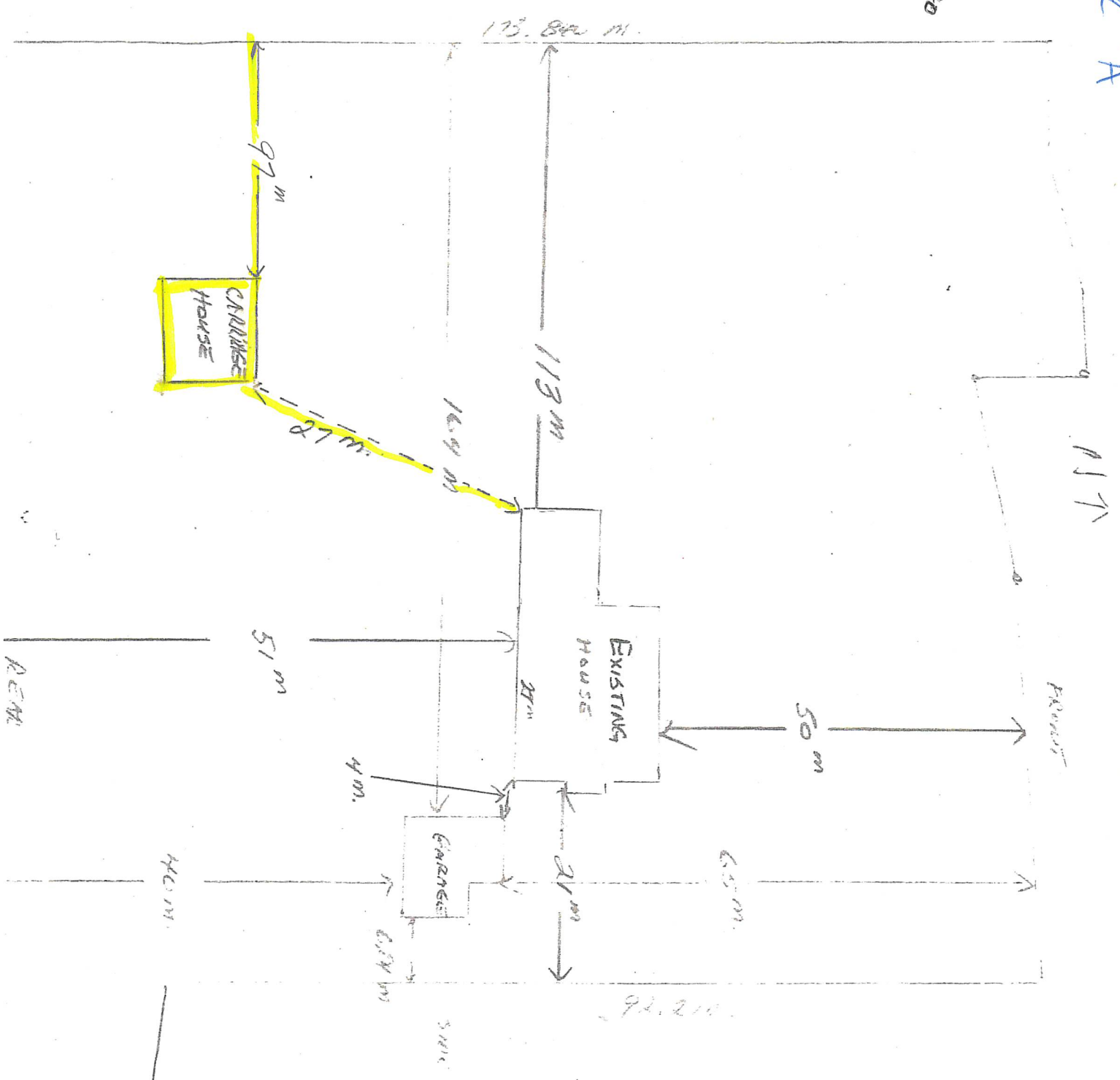
Schedule 'A'

Plan from
Municipal

P.O. 025-859-440

123 Hillside Ave
Kilbuck, Pa.

MEASUREMENTS
ARE APPROXIMATE



THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1803

A BYLAW TO AMEND THE CITY OF ENDERBY ZONING BYLAW NO. 1550, 2014

WHEREAS pursuant to Section 479 of the *Local Government Act*, Council of the City of Enderby may, by bylaw, divide the whole or part of the City of Enderby into zones, name each zone, establish boundaries for the zones and regulate uses within those zones;

AND WHEREAS Council has created zones, named each zone, established boundaries for those zones and regulated uses within those zones by Bylaw No. 1550, cited as "The Corporation of the City of Enderby Zoning Bylaw No. 1550, 2014";

NOW THEREFORE Council of the City of Enderby, in open meeting assembled, enacts as follows:

1. This bylaw may be cited as the "City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1803, 2024".
2. DIVISION SIX – RESIDENTIAL ZONES is amended by including Section 601.11.c as follows:
 - c. A detached secondary suite is permitted to be located on the second storey level of an accessory residential building for the property legally described as LOT 1 SECTION 27 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN KAP59880 EXCEPT PLAN KAP65977, and located at 123 Red Rock Crescent, Enderby BC.

Public notice provided in an edition of the local/regional print newspaper on the day of , 2024 and posted on the City of Enderby website on the day of , 2024, and a Public Hearing held pursuant to the provisions of Section 464 of the *Local Government Act* on the day of , 2024.

READ a FIRST time this day of , 2024.

READ a SECOND time this day of , 2024.

READ a THIRD time this day of , 2024.

Approved pursuant to section 52(3)(a) of the *Transportation Act*

this _____ day of _____, 20____

for Minister of Transportation & Infrastructure

ADOPTED this day of , 2024.

MAYOR

CORPORATE OFFICER