

Request for Decision Bylaw Amendment Application

File No: P 722 526
Reference: Bylaw No. 3143
Date: May 2, 2022

- Subject:** Bylaw No. 3143 (Windermere East / Root)
Applicant: Shannon & Stephen Root
Location: 1065 Swansea Road near Holland Creek.
Legal: Lot 3, District Lot 4596, Kootenay District, Plan 3068 (PID 015-001-016)
- Proposal:** To amend the zoning designation of the Root property to permit a future Auxiliary Dwelling Unit (Secondary Suite). The zoning designation is proposed to be amended from R-1(A), Single Family Residential (A) to R-1(C), Single Family Residential – Auxiliary Dwelling Unit.
- Options:**
1. THAT Bylaw No. 3143 cited as “Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 384, 2022 (Windermere East / Root)” be introduced.
 2. THAT Bylaw No. 3143 cited as “Regional District of East Kootenay – Upper Columbia Valley Zoning Bylaw No. 900, 1992 – Amendment Bylaw No. 384, 2022 (Windermere East / Root)” not proceed.
- Recommendation:** **Option 1**
OCP policies support incorporating secondary suites into the plan area. The land use is consistent with surrounding land uses and enables a long standing non-conforming structure to become compliant.

Property Information: **Current OCP Designation:** R-SF, Residential Low Density which includes single family residential subdivisions, duplexes and zoning that supports secondary suites.

OCP Policies:

- A mix of residential densities is supported within the plan area.
- Incorporating secondary suites into the plan area is supported. This will require an amendment to the Upper Columbia Valley Zoning Bylaw and will consider what types of secondary suites may be appropriate and how to address potential impacts on parking and septic systems.
- The current zoning regulations do not include a zone to recognize the short-term rental of single family dwellings. Undertaking a stand-alone public planning process to establish regulations pertaining to the use of single family residences for short term rentals is supported.
- Bylaw amendment applications for residential development should address the following:
 - compatibility of the proposed development with surrounding land uses, parcel sizes, local rural character and lifestyle;

**Property
Information -
cont'd:**

- Development is encouraged to recognize and integrate opportunities to retain and maximize the views.

Current Zone Designation: R-1(A), Single Family Residential (A) Zone (minimum parcel size: 1670 m²)

Proposed Zone Designation: R-1(C), Single Family Residential – Auxiliary Dwelling Unit Zone (minimum parcel size: 555 m²)

Parcel Size: 0.38 ha (0.94 ac)

Density:

The proposed bylaw amendment application would permit an auxiliary dwelling unit within the existing accessory structure up to 70 m².

ALR Status: Not within the ALR

Interface Fire Hazard Rating: Low to Moderate, within the Windermere Rural fire protection area

BC Assessment: Residential & Farm

Water and Sewer Services: Community water & onsite sewer.

Flood Hazard Rating: N/A

**Professional
Studies:**

None

**Additional
Information:**

- This Bylaw Amendment Application is to address a non-compliant auxiliary dwelling unit within an accessory structure located on the property:
 - A Building Permit Application was granted in 2004, for the accessory structure including a home based business.
 - In 2009 a renovation was completed (for which no permit was received by the RDEK) to include the approximate 196 m² non-compliant auxiliary dwelling unit.
 - The applicants have lived in the auxiliary dwelling unit since 2009 and purchased the property from the applicants' parents in December of 2021.
 - In 2021 the applicants pursued expanding the auxiliary dwelling unit to accommodate their growing family, the non-compliance was discovered during this process.
 - The applicants indicate they are committed to making the auxiliary dwelling unit compliant with all RDEK Bylaws.

**Additional
Information –
cont'd:**

- In addition to a Bylaw Amendment Application, a Development Variance Permit application will be required to permit:
 - a reduction of the rear yard setback from 3 m to 2.1 m;
 - increase the maximum total floor space of an Auxiliary Dwelling Unit from 70 m² to 196 m² and;
 - to permit an Auxiliary Dwelling Unit with floor space not exclusively located above the first storey of the building.
- A Building Permit Application will also be required for the change of use from an Accessory Structure to Auxiliary Dwelling Unit. The structure will need to meet all current building permit requirements in order to obtain an occupancy.
- The applicant states they wish to apply for a future Development Variance Permit to permit a renovation / addition to the suite which will result in the total floor space of the auxiliary dwelling unit being increased to a total of approximately 238 m².
- The existing home based business is currently compliant with RDEK Bylaws and operates in a 109 m² space within the accessory structure not included in the calculation of the total floor space of the auxiliary dwelling unit.

Consultation:

Section 475 of the *Local Government Act* requires that local government consider the depth and breadth of consultation to be undertaken with persons or organizations that it considers may be affected by the proposed zoning amendment. Consultation completed to date for this amendment includes referral of the bylaw to the following organizations. In addition, there will be opportunity for discussion with the public prior to the commencement of the public hearing.

APC Areas F & G: Supported

Referral Agencies:

- **Interior Health Authority:** No comment to date
- **Transportation & Infrastructure:** Interests Unaffected
- **Environment:** Interests Unaffected
- **Ktunaxa Nation Council:** No comment to date
- **Shuswap Indian Band:** No opposition
- **School District No. 6:** No comment to date
- **Telus:** No opposition

**Documents
Attached:**

- Bylaw
- Schedule A
- Location Map
- Land Use Map
- Zoning and OCP Designation Map
- Aerial Photo
- Plot Plans
- Existing Building Diagram

**RDEK
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