

THE CORPORATION OF THE CITY OF ENDERBY

AGENDA

MEMO

To: Tate Bengtson, Chief Administrative Officer  
From: Kurt Inglis, Planner and Deputy Corporate Officer  
Date: May 25, 2021  
Subject: 0011-21-ZTA-END (Mandair) - Third Reading and Adoption of Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1726, 2021

---

**RECOMMENDATION**

THAT Council receives and files the attached Staff Report dated May 10, 2021;

AND THAT upon consideration of input at the Public Hearing, Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1726, 2021 which proposes to reduce the minimum lot area for single-family dwellings on the property legally described as LOT 7 DISTRICT LOT 226 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN KAP50468 and located at 2009 McGowan Street, Enderby BC from 450 m<sup>2</sup> (4,844 square feet) to 350 m<sup>2</sup> (3,767 square feet) be given Third Reading and Adoption;

AND FURTHER THAT should Council give Third Reading and Adoption to Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1726, 2021, such Adoption shall come into force and effect once the Ministry of Transportation and Infrastructure has endorsed the Bylaw.

**BACKGROUND**

A Zoning Text Amendment Application has been submitted for the property located at 2009 McGowan Street, Enderby BC. The applicant is proposing to amend the City of Enderby Zoning Bylaw No. 1550, 2014 to reduce the minimum lot area for single-family dwellings on the property legally described as LOT 7 DISTRICT LOT 226 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN KAP50468 and located at 2009 McGowan Street, Enderby BC from 450 m<sup>2</sup> (4,844 square feet) to 350 m<sup>2</sup> (3,767 square feet). The proposed Zoning amendment would facilitate a subdivision of the property to create smaller single-family lots; although the subject property's R.2 zoning designation permits two-family subdivisions, the applicant is not proposing to reduce the minimum lot area for two-family dwellings.

A plan showing lot lines and road dedication would be required at the subdivision application stage. At this time, the proposal before Council only relates to the minimum lot size for single-family dwellings. If the subdivision plan is not able to demonstrate that the development meets all City of Enderby Zoning Bylaw and Subdivision Servicing and Development Bylaw requirements (minimum lot size, lot frontage, maximum lot coverage, etc.) the applicant would be required to seek a lot frontage waiver and/or variances from Council.

It should be noted that by law, there is a presumptive right to develop private property provided it is consistent with land use regulations (unless varied for site specific reasons) and Provincial enactments; to ensure this, the City's Subdivision Approving Officer completes a technical evaluation based on an objective reading of the City's land use regulations and servicing standards as well as Provincial enactments. Part of this process involves the Subdivision Approving Officer evaluating the road network plans over and against the legal requirements under Section 75 of the *Land Title Act*, to ensure that the road network follows a practical course; Section 75 states:

*75 (1) A subdivision must comply with the following, and all other, requirements in this Part:*

*(a) to the extent of the owner's control, there must be a sufficient highway to provide necessary and reasonable access*

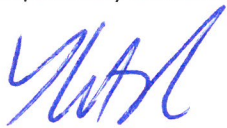
*(i) to all new parcels, and*

*(ii) through the land subdivided to land lying beyond or around the subdivided land;*

*(b) all highways provided for in a subdivision plan or otherwise legally established on lands adjoining, lying beyond or around the land subdivided must be continued without unnecessary jogs and must be cleared, drained, constructed and surfaced to the approving officer's satisfaction, or unless, in circumstances the approving officer considers proper, security is provided in an amount and in a form acceptable to the approving officer;*

At the Regular Meeting of May 17, 2021, Council gave First and Second Readings to Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1726, 2021 and forwarded it to a Public Hearing; the Public Hearing provides an opportunity for all persons who believe that their interest in property is affected by the Bylaw to make public representation. Following the conclusion of the Public Hearing, Council will consider the Bylaw for Third Reading and Adoption.

Respectfully Submitted,



---

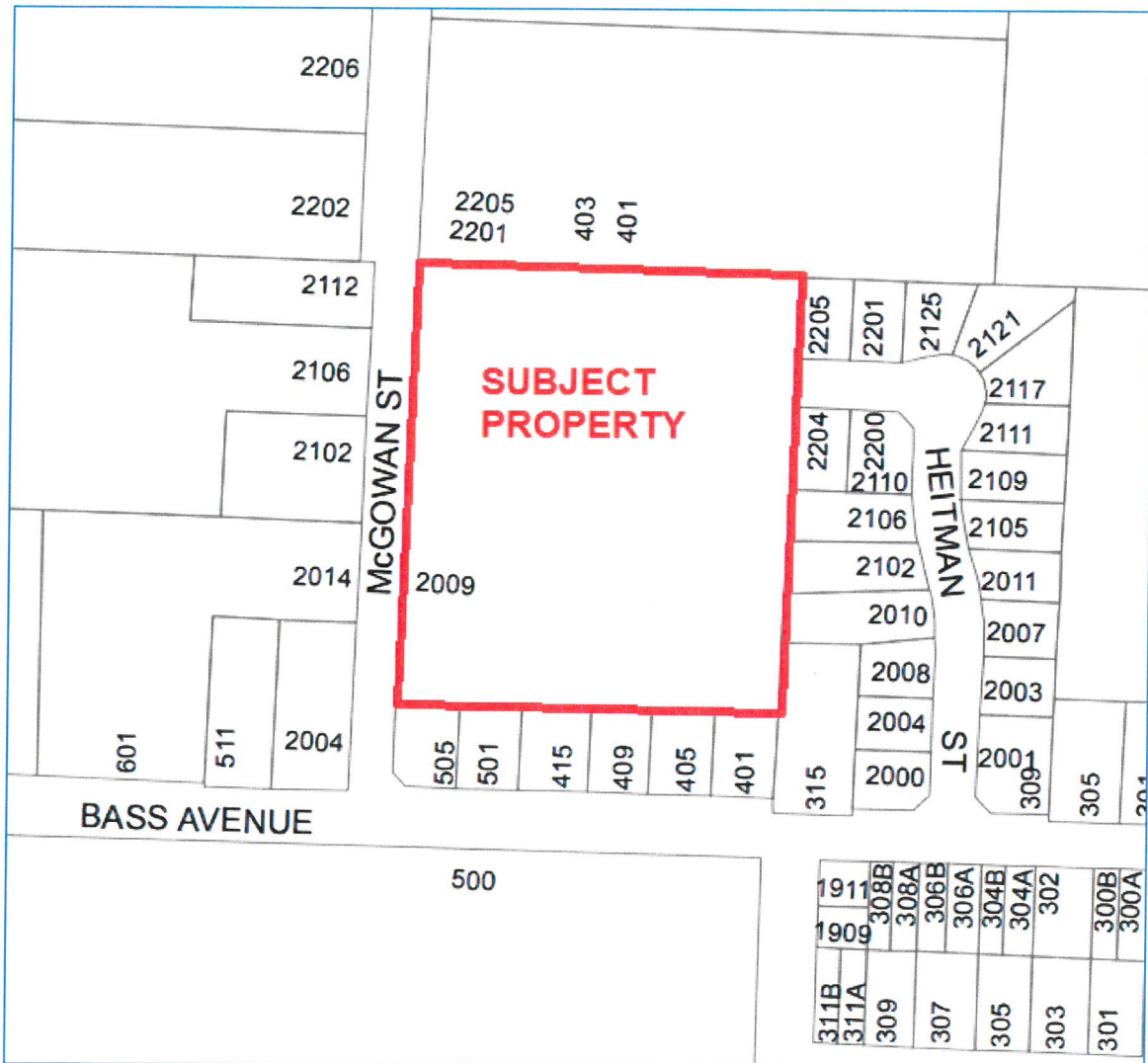
Kurt Inglis  
Planner and Deputy Corporate Officer

THE CORPORATION OF THE CITY OF ENDERBY

ZONING TEXT AMENDMENT APPLICATION

SUBJECT PROPERTY MAP

File: 0011-21-ZTA-END (Mandair)  
Applicant: Jaswinder (Ron) Mandair  
Owner: John Pavelich and Marjorie Abbott  
Location: 2009 McGowan Street, Enderby BC



**CITY OF ENDERBY  
ZONING TEXT AMENDMENT APPLICATION**

**AGENDA**

File No.: 0011-21-ZTA-END

May 10, 2021

---

**APPLICANT:** Ron Mandair

**OWNER:** John Pavelich and Marjorie Abbott

**LEGAL DESCRIPTION:** LOT 7 DISTRICT LOT 226 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN KAP50468

**P.I.D #:** 018-377-297

**CIVIC ADDRESS:** 2009 McGowan Street, Enderby BC

**PROPERTY SIZE:** 2.28 hectares (5.63 acres/22,784 m<sup>2</sup>)

**ZONING:** Residential Two Family (R.2)

**O.C.P DESIGNATION:** Residential Low Density

**PROPOSAL:** Subdivision

**PROPOSED TEXT AMENDMENT:** Reduce the minimum lot area for single-family dwellings on the subject property from 450 m<sup>2</sup> (4,844 square feet) to 350 m<sup>2</sup> (3,767 square feet)

**RECOMMENDATION:**

THAT City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1726, 2021 which proposes to amend the City of Enderby Zoning Bylaw No. 1550, 2014 to reduce the minimum lot area for single-family dwellings on the property legally described as LOT 7 DISTRICT LOT 226 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN KAP50468 and located at 2009 McGowan Street, Enderby BC from 450 m<sup>2</sup> (4,844 square feet) to 350 m<sup>2</sup> (3,767 square feet), be given First and Second Reading and forwarded to a Public Hearing.

**BACKGROUND:**

This report relates to an application to amend the City of Enderby Zoning Bylaw No. 1550, 2014 to reduce the minimum lot area for single-family dwellings on the property legally described as LOT 7 DISTRICT LOT 226 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN KAP50468 and located at 2009 McGowan Street, Enderby BC from 450 m<sup>2</sup> (4,844 square feet) to 350 m<sup>2</sup> (3,767 square feet). The proposed Zoning amendment would facilitate a subdivision of the property to create smaller



single-family lots; although the subject property's R.2 zoning designation permits two-family subdivisions, the applicant is not proposing to reduce the minimum lot area for two-family dwellings.

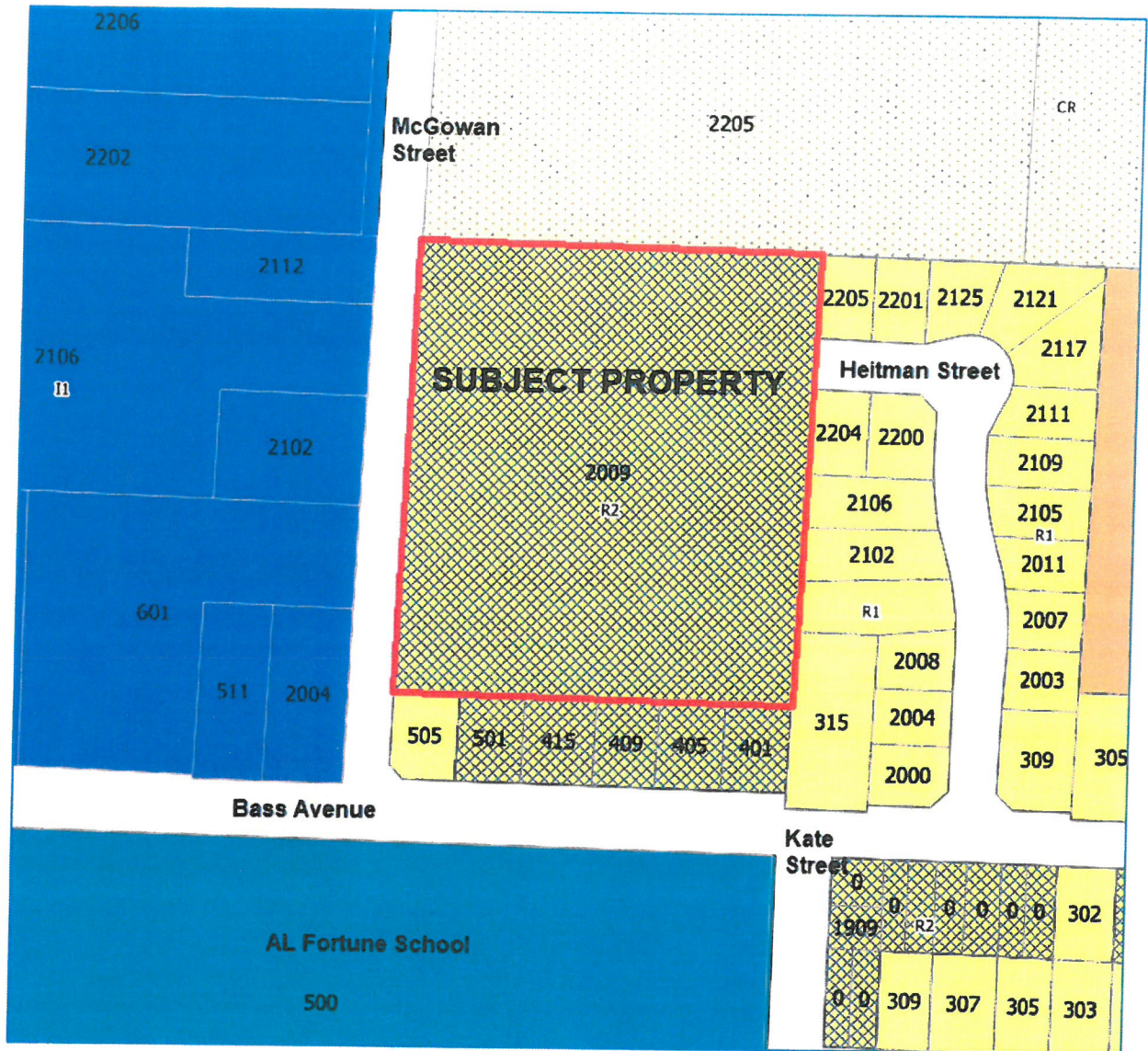
Site Context:

The 2.28 hectares (5.63 acres/22,784 m<sup>2</sup>) property is located on the east side of McGowan Street. The northeast corner of the lot abuts the temporary-terminus of Heitman Street (Heitman Street was constructed with the intention of it ultimately continuing through the subject property as a through-road, once the property developed). A single-family dwelling and several accessory residential buildings are located in the southwest corner of the lot, with the remainder of the lot remaining as an undeveloped field.

The entirety of the property, except for a small sliver of the southwest corner, is located within the 200-year floodplain. The property directly abuts a neighbouring lot to the north that is located in the Agricultural Land Reserve.

The subject property and several properties to the south are zoned Residential Two Family (R.2) and are designated in the OCP as Residential Low Density. The properties to the east and southeast are zoned Residential Single Family (R.1) and are designated in the OCP as Residential Low Density. The properties to the north are zoned Country Residential (C.R) and are designated in the OCP as Agricultural. The properties to the west are zoned Light Industrial (I.1) and are designated in the OCP as Light Industrial.

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



**Figure 1: Zoning Map**

- Cross Hatch – Residential Two Family (R.2)
- Yellow – Residential Single Family (R.1)
- Dotted – Country Residential (C.R)
- Blue – Light Industrial (I.1)
- Teal - Assembly, Civic and Public Service (S.1)



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



Figure 2: Orthophoto

### The Proposal

The applicant is intending to subdivide the property. Under the property's Residential Two Family (R.2) zoning designation, the property can be subdivided to create either single-family or two-family (duplex) lots. The applicant is applying to amend the City of Enderby Zoning Bylaw No. 1550, 2014 to reduce the minimum lot area for single-family dwellings on the property from 450 m<sup>2</sup> (4,844 square feet) to 350 m<sup>2</sup> (3,767 square feet), in order to facilitate a subdivision involving smaller single-family lots; this reduction to the minimum lot area for single-family dwellings effectively enables the applicant to build to the same density as if they built duplexes, which have a minimum lot area of 350 m<sup>2</sup> (3,767 square feet) per half

duplex. Council should note that there are no variances to the lot coverage requirement, which remains at 50% (max.) of the lot area.

A plan showing lot lines and road dedication would be required at the subdivision application stage. At this time, the variance before Council only relates to the minimum lot size for single-family dwellings. If a subsequent subdivision plan is not able to demonstrate that the development meets all City of Enderby Zoning Bylaw standards (minimum lot size, lot frontage, maximum lot coverage, etc.) the applicant would be required to seek a lot frontage waiver or variances from Council.

#### **ZONING BYLAW:**

The property is currently zoned Residential Two Family (R.2); uses permitted within this zone include:

- Accessory residential;
- Boarding, lodging or rooming houses;
- Convalescent, nursing, and personal care homes;
- Restricted agricultural use;
- Single family dwellings;
- Two family dwellings;
- Attached secondary suites;
- Bed and breakfasts; and
- Civic and public service use.

The minimum lot area provisions for the R.2 zone are as follows:

- a. 450 m<sup>2</sup> (4,844 square feet) for single family dwellings; or
- b. 700 m<sup>2</sup> (7,535 square feet) for two family dwellings; or
- c. 560 m<sup>2</sup> (6,028 square feet) for convalescent, nursing, and personal care home use; or
- d. 350 m<sup>2</sup> (4,036 square feet) for each half of a two family dwelling subdivided as per Section 603.10.e of the Zoning Bylaw.

The majority of the property is located within the 200-year floodplain, thus any dwellings constructed over those portions of the property that are within the 200-year floodplain would need to be constructed to the specified minimum flood construction levels (i.e. a minimum elevation).

#### **OFFICIAL COMMUNITY PLAN:**

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

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.

Policy 3.3.h - Council will utilize the development approval process, including Phased Development Agreements, to secure an adequate supply of quality affordable, attainable and



special needs housing which meets the needs of all residents of the community, regardless of age, mobility, background or socio-economic status.

Policy 5.3.f - Council will develop strategies and tools to encourage and facilitate infill and redevelopment within existing developed areas of the community.

Policy 8.3.h - Council will support infill and redevelopment within the community.

Policy 8.3.i - Council will employ Smart Growth principles in future development.

Policy 9.3.f - Council will develop a robust strategy to support infill, redevelopment, and brownfield reclamation that utilizes existing infrastructure, revitalizes the community, and enhances the use of underutilized lands.

Policy 12.3.c - Council encourages and supports creative and innovative infilling, development, redevelopment and renovation of existing buildings in order to maintain a strong focus on commercial activity in commercial areas.

Policy 20.3.f - Council will encourage infill, redevelopment and brownfield strategies that focus growth towards areas with existing infrastructure.

Policy 20.3.g - Council will support innovative options that will assist in maintaining appropriate levels of infrastructure and service delivery in a fiscally responsible manner.

#### **REFERRAL COMMENTS:**

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

The Ministry of Transportation and Infrastructure advised that they have provided preliminary approval for the application for one year pursuant to Section 52(3)(a) of the *Transportation Act*.

No additional detailed comments 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 to reduce the minimum lot area for single-family dwellings on the subject property from 450 m<sup>2</sup> (4,844 square feet) to 350 m<sup>2</sup> (3,767 square feet), in order to facilitate a subdivision involving smaller single-family lots, for the following reasons:

- Under the property's existing R.2 zoning designation, a lot area of 350 m<sup>2</sup> is permitted for half duplexes (i.e. a two family dwelling that straddles a property line), therefore the proposed reduction in minimum lot area for single-family dwellings would be consistent with the densities that are already permitted on the subject property for two-family dwellings;

- The proposal would facilitate more intensive infill development, which is a key element of Smart Growth development and is supported in the OCP, and provides the following community benefits:
  - More efficient use of land by increasing the ratio of improvement-to-land values;
  - Reducing pressures related to greenfield development and boundary expansion which supports urban containment and rural protection;
  - Focusing future growth within developed areas of the community in order to maximize the value derived from existing infrastructure; and
  - Adding residential capacity without encroaching upon rural protection zones.
- Permitting smaller single-family lots would enable higher densities to be achieved through a single-family subdivision, which would increase the availability of housing within the community; the City of Enderby Housing Needs Report states, *“The limited growth in the housing sector over the past decade may be attributed to a relatively low supply of vacant lots in the community upon which single family dwellings could be developed.”*;
- The community currently has a relatively low supply of vacant single-family lots which are available for new construction; permitting smaller single-family lots on the subject property would increase the yield of single-family lots that could be created through subdivision;
- Permitting smaller single-family lots, which are generally accompanied by smaller dwellings, will help to introduce a lower-cost form of single-family development to the local housing spectrum; the introduction of lower-cost single-family development into the local market will help to support attainable housing<sup>1</sup>;
- The subject property has access off of both Heitman Street and McGowan Street and thus it is anticipated that the adjacent road network is sufficient to meet the incremental traffic demands associated with the potential increase to density associated with a single-family subdivision;
- Smaller single-family lots are a relatively low intensity form of residential development and would not mark a significant change from the character of the surrounding neighbourhood; and
- Permitting smaller single-family lots would increase the likelihood of the property developing as a single-family versus a two-family standard, which would be more consistent with broader neighbourhood context.

## SUMMARY

This is an application to amend the City of Enderby Zoning Bylaw No. 1550, 2014 to reduce the minimum lot area for single-family dwellings on the property legally described as LOT 7 DISTRICT LOT 226 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN KAP50468 and located at 2009 McGowan Street, Enderby BC from 450 m<sup>2</sup> (4,844 square feet) to 350 m<sup>2</sup> (3,767 square feet), in order to facilitate a subdivision involving smaller single-family lots; although the subject property’s R.2 zoning

---

<sup>1</sup> The City of Vernon Attainable Housing Strategy defines “attainable housing” as the ability of households to enter into, and graduate to successively higher levels of, the local housing market.

designation permits two-family subdivisions, the applicant is not proposing to reduce the minimum lot area for two-family dwellings.

The City of Enderby Planner raises no objections to the applicant's request and recommends that Council authorize the issuance of a Development Variance Permit.

---

**Prepared By:**



---

Kurt Inglis, MCIP, RPP  
Planner and Deputy Corporate Officer

**Reviewed By:**



---

Tate Bengtson  
Chief Administrative Officer



THE CORPORATION OF THE CITY OF ENDERBY

BYLAW NO. 1726, 2021

A BYLAW TO AMEND THE TEXT OF THE CITY OF ENDERBY ZONING BYLAW NO. 1550, 2014  
AND AMENDMENTS THERETO

---

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";

AND WHEREAS Council of the City of Enderby has determined to make an amendment to "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. 1726, 2021".
2. Division Six – Residential Zones (R.2) of Schedule "A" of Zoning Bylaw No. 1550, 2014 is hereby amended by adding Section 603.11.d as follows:
  - i. Notwithstanding the minimum lot area requirements outlined in Section 603.6.a of this Bylaw, the minimum lot area for single-family dwellings on the property legally described as LOT 7 DISTRICT LOT 226 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN KAP50468 and located at 2009 McGowan Street, Enderby BC, and any subsequent lots created through subdivision of this property, is 350 m<sup>2</sup> (3,767 square feet).

READ a FIRST time this day of , 2021.

READ a SECOND time this day of , 2021.

Advertised on the day of , 2021 and the day of , 2021 and a Public Hearing held pursuant to the provisions of Section 464 of the *Local Government Act* on the day of , 2021.

READ a THIRD time this day of , 2021.

APPROVED pursuant to Section 52(3)(a) of the Transportation Act this day of , 2021.

---

Development Officer  
Ministry of Transportation and Infrastructure

ADOPTED this day of , 2021.

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CORPORATE OFFICER