

**REGULAR MEETING OF COUNCIL  
AGENDA**

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**DATE:** May 16, 2022  
**TIME:** 4:30 p.m.  
**LOCATION:** Council Chambers, Enderby City Hall

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*The public may attend this meeting by means of electronic facilities.*

*Please contact Enderby City Hall at 250-838-7230 or [info@cityofenderby.com](mailto:info@cityofenderby.com) by 3:30 pm on the day of the meeting to obtain access codes to attend the meeting electronically.*

*The City of Enderby uses Zoom for its electronic facilities and encourages those attending the meeting who are unfamiliar with the application to test it in advance; for technical support, please contact Zoom.*

*If you do not have a computer or mobile phone capable of using Zoom, please let us know and we can provide you with a number that you can call in from a regular telephone.*

*When applicable, public hearing materials are available for inspection at [www.cityofenderby.com/hearings/](http://www.cityofenderby.com/hearings/)*

- 1. APPROVAL OF AGENDA**
- 2. ADOPTION OF MINUTES**
  - 2.1 Meeting Minutes of May 2, 2022 Page 3
  - 2.2 Public Hearing Report May 2, 2022 Page 9
- 3. DEVELOPMENT MATTERS AND RELATED BYLAWS**
  - 3.1 Development Variance Permit Application #0041-22-DVP-END Page 16

Legal: LOT C DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS)  
DIVISION YALE DISTRICT PLAN 5784

Address: 1806 George Street, Enderby BC

Applicant: Venture 3 Holdings Ltd.

Owner(s): Venture 3 Holdings Ltd.
  - 3.2 Development Variance Permit Application #0035-22-DVP-END Page 28

Legal: LOT 1 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS)  
DIVISION YALE DISTRICT PLAN 28202

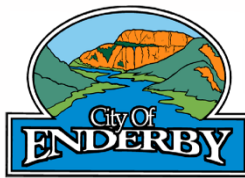
THE WESTERLY 47 FEET OF LOT 13 BLOCK 7 DISTRICT LOT  
150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE  
DISTRICT PLAN 211A AS SHOWN ON PLAN E11894

THE EASTERLY 25 FEET OF LOT 13 BLOCK 7 DISTRICT LOT  
150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE  
DISTRICT PLAN 211A AS SHOWN ON PLAN E11894

Address: 702 Cliff Avenue, Enderby BC (Lot 1)  
704 Cliff Avenue, Enderby BC (Lot 16 and Lot 13)

Applicant: Leonard H. Marriott  
Owner(s): Enderby & District Care Society

- 3.3 Lot Frontage Waiver Request – 201 Francis Drive (Proposed Remainder Lot) Page 40  
Memo prepared by Planner dated May 9, 2022
- 4. CONTINUING BUSINESS AND BUSINESS ARISING FROM COMMITTEES AND DELEGATIONS**
- 4.1. Committee-of-the-Whole
- 5. REPORTS**
- 5.1 Mayor and Council Reports
- 5.2 Area F Director Report
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- 5.4 Bylaw Enforcement Statistics for First Period of 2022 (Jan-Apr) Page 43  
Memo prepared by planner dated May 9, 2022
- 5.5 RDNO Building Permit Report – April 2022 Page 46
- 6. NEW BUSINESS**
- 6.1 Successful Grant Application Through BC Hydro Community Regreening Program Page 47  
Memo prepared by Planner dated May 3, 2022
- 7. PUBLIC QUESTION PERIOD**
- 8. ADJOURNMENT**



## THE CORPORATION OF THE CITY OF ENDERBY

Minutes of a **Regular Meeting** of Council held on Monday, May 2, 2022 at 4:30 p.m. in Council Chambers.

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Present: Mayor Greg McCune  
Councillor Tundra Baird  
Councillor Brad Case  
Councillor Roxanne Davyduke  
Councillor Shawn Shishido

Staff: Chief Administrative Officer – Tate Bengtson  
Chief Financial Officer – Jennifer Bellamy  
Planner – Kurt Inglis  
Clerk-Secretary – Andraya Holmes

Other: Press and Public

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### **APPROVAL OF AGENDA**

Moved by Councillor Baird, seconded by Councillor Case  
*“THAT the May 2, 2022 Council Meeting agenda be approved as circulated.”*

CARRIED

### **ADOPTION OF MINUTES**

Meeting Minutes of April 19, 2022

Moved by Councillor Shishido, seconded by Councillor Baird  
*“THAT the April 19, 2022 Council Meeting minutes be adopted as circulated.”*

CARRIED

Public Hearing Report for April 19, 2022

Moved by Councillor Shishido, seconded by Councillor Baird  
*“THAT the April 19, 2022 Public Hearing Report be adopted as circulated”*

CARRIED

### **DELEGATIONS**

Patrick Vance, North Okanagan IG Wealth Management Walk for Alzheimer’s 2022

Mr. Vance gave a presentation on the upcoming Walk for Alzheimer’s happening in Vernon on May 29<sup>th</sup> at 12pm, with registration either online or at 11am the day of the walk. Also gave an overview of some of the services provided by the Alzheimer Society of British Columbia including First Link which is a phone service to provide people with information and resources,

and Minds in Motion, a fitness and social program for those living with early-stage dementia. Minds in Motion was offered virtually throughout the COVID-19 Pandemic.

Mayor McCune thanked Mr. Vance for his presentation and said that he would be in touch regarding Council representation for the walk.

### **PUBLIC HEARINGS**

City of Enderby Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1752, 2022 and City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1753, 2022

The regular meeting gave way to the public hearing at 4:48 p.m.

The regular meeting re-convened at 6:18 p.m.

### **DEVELOPMENT MATTERS AND RELATED BYLAWS**

City of Enderby Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1752, 2022 and City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1753, 2022

Councillor Shishido asked if postponing the decision would make sense.

Chief Administrative Officer responded that this is an option, but if Council receives any new information between this Public Hearing and the decision, another Public Hearing would have to be held.

Mayor McCune stated that he feels there is enough information available to make an informed decision and that a new public hearing would likely not bring forward any new information that would affect the outcome. Explained that most of the concern is surrounding the use of the land for an apartment building, which the applicant has said he also would not want built on this property.

Councillor Davyduke explained that more housing is important and may be a benefit to seniors wanting to downsize as well.

Councillor Case asked about the extension of the fire flows and when this would occur.

Chief Administrative Officer responded that this would be a condition of a building permit being issued to the developer.

Moved by Councillor Case, seconded by Councillor Shishido  
*“THAT Council receives and files the attached Staff Report dated April 12, 2022;*

*AND THAT, having considered the input of the Public Hearing, Council gives third reading and adopts City of Enderby Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1752, 2022, which proposes to change the future land use designation of the property legally described as LOT A SECTION 27 TOWNSHIP 18 RANGE 19 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1702, and located at 186 Salmon Arm Drive, Enderby BC, from Residential Low Density to Residential Medium Density;*

AND THAT, having considered the input of the Public Hearing, Council gives third reading and adopts City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1753, 2022 which proposes to rezone the property legally described as LOT A SECTION 27 TOWNSHIP 18 RANGE 19 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN 1702, and located at 186 Salmon Arm Drive, Enderby BC, from the Residential Single Family (R.1) zone to the Residential Multi-Family Medium Intensity (R.3) zone, with Adoption being subject to the applicant registering a restrictive covenants on the title of the property, satisfactory to the City of Enderby, requiring any new buildings constructed not to exceed two storeys or 8.84 metres (29 feet) in height, and that apartment buildings are prohibited from being built on the property;

AND FURTHER THAT Adoption of City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1753, 2022, shall come into force and effect once the Ministry of Transportation and Infrastructure has endorsed the Bylaw.”

CARRIED

Development Variance Permit Application #0041-22-DVP-END

Moved by Councillor Baird, seconded by Councillor Case

“THAT Council authorizes the issuance of a Development Variance Permit for the properties legally described as, i) LOT 1 SECTION 22 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN KAP80826, and located at 201 Francis Drive, Enderby BC, ii) THAT PART OF DISTRICT LOT 150 SHOWN ON AMENDED PLAN B1064 (DD 257637F); KAMLOOPS DIVISION YALE DISTRICT EXCEPT: (1) PLANS 6200, 17523 AND KAP90786 (2) PART OUTLINED RED ON PLAN B6558, and located at 402 Princess Street, Enderby BC, and iii) THAT PART OF DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT SHOWN ON PLAN KAP90785, and located at 718 3rd Avenue, Enderby BC, to permit variances to the following Sections of City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000:

- Section 2.0 of Schedule “A” by not requiring Princess Street adjacent to proposed Lot 1 and between the portions of 1<sup>st</sup> and 2<sup>nd</sup> Avenue to be constructed to the centreline of the road in accordance with the Collector Road Standards;
- Section 2.0 of Schedule “A” by not requiring Princess Street adjacent to proposed Lot 1 from the west end of 3<sup>rd</sup> Avenue to the northeast corner of the lot to be dedicated 9 m from the centreline of the road in accordance with Local Road Standards;
- Section 2.0 of Schedule “A” by not requiring Princess Street adjacent to proposed Lot 1 from the west end of 3rd Avenue to the northeast corner of the lot to be constructed to the centreline of the road in accordance with the Local Road Standards;
- Section 4.0 of Schedule “A” and Schedule “B” by not requiring a connection to a community sanitary sewage system for 201 Francis Drive;
- Section 5.0 of Schedule “A” and Schedule “B” by not requiring 201 Francis Drive and 402 Princess Street to be connected to a community storm drainage system;
- Section 6.0 of Schedule “A” by not requiring the provision of ornamental street lighting;  
and

- *Section 7.0 of Schedule “A” by not requiring the provision of underground wiring for power, telephone and cablevision.”*

CARRIED

## **BYLAWS**

2022 Budget Bylaws: City of Enderby 2022-2026 Financial Plan Bylaw No. 1747, 2022, City of Enderby Annual Tax Rate Bylaw No. 1748, 2022, City of Enderby Sewer Frontage Tax Bylaw No. 1749, 2022, City of Enderby Water Frontage Tax Bylaw No. 1750, 2022 and City of Enderby Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1751, 2022

Moved by Councillor Baird, seconded by Councillor Case  
*“THAT Council adopts the bylaws cited as “City of Enderby 2022-2026 Financial Plan Bylaw No. 1747, 2022”, “City of Enderby Annual Tax Rate Bylaw No. 1748, 2022”, “City of Enderby Sewer Frontage Tax Bylaw No. 1749, 2022”, “City of Enderby Water Frontage Tax Bylaw No. 1750, 2022” and “City of Enderby Fees and Charges Bylaw No. 1479, 2010 Amendment Bylaw No. 1751, 2022”.*

CARRIED

## **REPORTS**

### Mayor and Council Reports

#### Councillor Case

Councillor Case attended the SILGA conference where councillor Schreiner was a master of ceremonies and did a great job. There was an excellent turn-out at the conference.

Reported that he attended a presentation by Nathan Cullen, the Minister of Municipal Affairs, where it was discussed that municipalities will need to be proactive in adding density because of the need for more housing.

#### Councillor Baird

Councillor Baird asked how many AED’s are currently in the community.

Chief Administrative officer reported that he is aware of one located at the Senior’s Centre, one at the Arena, and one that is shared between the Pool and the Drill Hall. The Senior’s Centre AED is owned and maintained by the society that operates the centre.

#### Chief Administrative Officer

Attended a pre-construction meeting at Mill Avenue today that went well. Construction on Mill is expected to begin on May 16<sup>th</sup>.

Online booking is now live for Riverside RV Park, which was an objective of the campground strategic plan for this year. The campground manager will be installing the refurbished entrance soon and there is work being done on the fence at the campground as well.

Long line painting of the streets is complete and the hand work street painting will be completed over the next few weeks.

The brine leak at the arena is believed to be fixed. The final phase of restoration of the lobby of the arena will start soon. Ventilation improvements were made to the washrooms in the lobby, electrical outlets that were not up to code were replaced and there will be a new service window added to the concession that faces towards the curling rink.

Reported that there was an excellent turn out at the community clean up.

Mayor McCune asked about the possibility of having the streets of downtown cleaned earlier in the year, suggested that the Fire Hall may be able to take this on.

Councillor Baird asked if it is possible to place a garbage can in the parking lot to the south of Cliff Avenue. Chief Administrative Officer responded that a garbage can would be placed there.

Mayor McCune

Mayor McCune reported that he and the Chief Administrative Officer had a meeting with the RCMP that went well. Explained that 24 hour police presence has been great for the community.

**NEW BUSINESS**

2021 Statement of Financial Information

Moved by Councillor Baird, seconded by Councillor Shishido  
*“THAT Council approves the 2021 Statement of Financial Information.”*

CARRIED

Community Futures BC Regions in 2021 – April 2022

Moved by Councillor Shishido, seconded by Councillor Case  
*“THAT Community Futures BC Regions in 2021 – April 2022 by received and filed”*

CARRIED

Disclosure of Contracts – Council

Moved by Councillor Case, seconded by Councillor Davyduke  
*“THAT Council receives and files the memorandum entitled ‘Disclosure of Contracts – Council’ dated April 21, 2022.”*

CARRIED

**PUBLIC QUESTION PERIOD**

There were no questions from the public.

**ADJOURNMENT**

Moved by Councillor Baird, seconded by Councillor Case  
*“THAT the regular meeting of May 2, 2022 adjourn at 7:05 p.m.”*

CARRIED

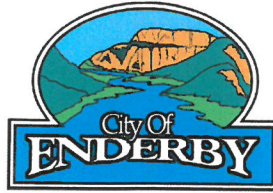
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**MAYOR**

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**CORPORATE OFFICER**





AGENDA

## THE CORPORATION OF THE CITY OF ENDERBY

Report of a **Public Hearing** held via video conference on May 2, 2022 at 4:48 p.m. in Council Chambers.

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**Present:** Mayor Greg McCune  
Councillor Tundra Baird  
Councillor Brad Case  
Councillor Roxanne Davyduke  
Councillor Shishido

**Staff:** Chief Administrative Officer – Tate Bengtson  
Chief Financial Officer – Jennifer Bellamy  
Planner – Kurt Inglis  
Clerk-Secretary – Andraya Holmes

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Mayor McCune read the rules of procedures for public hearings and introduced the following bylaws:

City of Enderby Official Community Plan Bylaw No. 1549, 2014 Amendment Bylaw No. 1752, 2022 and City of Enderby Zoning Bylaw No. 1550, 2014 Amendment Bylaw No. 1753, 2022

The Planner provided an overview of the background information related to the bylaws and a list of participants were noted in the following order:

1. David Shiner: 189 Salmon Arm Drive, Enderby BC
2. Dave Crozier: 204 Cliffview Drive, Enderby BC
3. Angus and Jill Bubar: 170 Salmon Arm Drive, Enderby BC
4. Sandy Park: 182 Salmon Arm Drive, Enderby BC
5. Dave Ellington (applicant): 713 2<sup>nd</sup> Avenue, Enderby BC

**Dave Crozier: 204 Cliffview Drive, Enderby BC**

- Suggested notification process should be changed to include more of the neighbourhood.
- Would have liked a sign on the property.
- Concerns about property value of surrounding properties.
- Stated that the R.3 Zone is too open ended, would like to see plans for the proposed development.
- Concerned that an owner of an apartment building may have little community connection.
- Suggested homes with rental suites, or townhouses, would be more appropriate.
- Concerned about a lack of greenspace.
- Concerned about surrounding properties losing their views.

- Suggested R.3A as an alternative zoning.

**Sandy Park: 182 Salmon Arm Drive, Enderby BC**

- Suggested the street fronting this property should be used for single family dwellings.
- Concerned about capacity of the fire department to respond to a fire if a building is three storeys high.
- Stated that the R.3 Zone is too open ended, would like to see plans for the proposed development.
- Stated that there was no neighbourhood opposition expressed when a petition was circulated opposing this development; everyone she spoke with signed the petition.
- Concerned about an increase in traffic in the neighbourhood.

**David Michael Shiner: 189 Salmon Arm Drive**

- Feels the process for rezoning is not transparent and too quick.
- Would have liked a sign on the property.
- Concerned about an apartment building changing the character of the neighbourhood.
- Concerned about value of surrounding properties.
- Suggested a different zoning as he feels R.3 leaves too much to chance.

**Angus and Jill Bubar: 170 Salmon Arm Drive, Enderby BC**

- Feel they should have been notified by letter about this application.
- Would like to see plans for a proposed development before rezoning.
- Concerned that three storeys is too tall and would not fit the character of the neighbourhood.
- Stated that the R.3 Zone is too open ended.

WRITTEN SUBMISSIONS:

**Robert Lizotte: 181 Cliffview Drive, Enderby BC**

- Objected to proposed rezoning.
- Concerned that a multifamily development will bring unpleasant people, noise, and increased traffic.
- Believes the current structure should be a heritage building.
- Concerned about privacy.
- Concerned about dust and demolition hazards.
- Would have liked a sign on the property.
- Concerned about parking.
- Concerned about views of surrounding properties
- Unhappy with the notification process for rezoning.
- Does not like that the public hearing was held electronically.
- Suggested the property should be subdivided for single family dwellings.

**Sandy Park: 182 Salmon Arm Drive**

- Suggested the lot should be used for 3-6 single family homes.
- Concerned about impacts to views.
- Concerned about increased traffic.
- Stated that more people should have been notified by letter and that there should have been a sign on the property.
- Concerned that part of Cliffview will have to be reconstructed for multifamily.
- Concerned about value of surrounding properties.

**Lindsay Norgan: 185 Cliffview, Enderby BC**

- Against rezoning to R.3.
- Would like to see more single family homes at this location.

**Cherie and Kim Mallette: 41 Preston Crescent, Enderby BC**

- Feel they should have been notified by letter about this application.
- Would have liked a sign on the property.
- Would like notice sent further in advance of the Public Hearing.
- Not opposed to a multi-family dwelling
- Opposed to a three-storey, high density building.

**Derrick Skelly: 176 Cliffview Drive, Enderby BC**

- Feels he should have been notified by letter about this application.
- Concerned about views of surrounding properties.
- Concerned about increased noise in the neighbourhood.

**Glen Copeland: 188 Cliffview Drive, Enderby BC**

- Feels he should have been notified by letter about this application.
- Feels there should have been a sign on the property.
- Feels hearings should be held later in the day.

**Steve Taylor: 14 Preston Crescent, Enderby BC**

- Concerned about impacts to view.
- Concerned about property value.
- Suggested that 3 storeys is too tall.
- Suggested townhouses would be a better fit for the property.

**Martin Vanderzwan: 7 Preston Crescent, Enderby BC**

- Against densification in this neighbourhood.
- Concerned about increased traffic.
- Concerned about increased burden on water and sewer systems.
- Does not want the area to change from single family dwellings.
- Concerned about future owners renting and not being invested in the community.
- Feels he should have been notified by letter about this application.
- Feels there should have been a sign on the property.
- Feels he should have been notified further in advance.

**John and Susan Young: 219 Salmon Arm Drive, Enderby BC**

- Not in favour of the rezoning.
- Concerned regarding parking, noise levels and street congestion.
- Suggested opening up Crown land for housing.
- Feels there should have been a sign on the property.

**Jack Van Dongen: 110 West Enderby Road, Enderby BC**

- Feels there should have been a sign on the property.
- Suggested homes within 500m should be notified instead of 30m.
- Suggested that the property should not be rezoned until a developer purchases the property.
- Suggested that a developer should present a proposed plan so that neighbours can have a say in the development of the property.
- Concerned about property value decreasing.

**Deborah Michalchuk: 12 Preston Crescent, Enderby BC**

- Opposed to the rezoning.
- Concerned about an increase in traffic.
- Concerned about the value of her property being lowered and losing her view.
- Suggested that R.3 zoning is too open ended.
- Concerned about an increase in traffic.

**Nancy Gray: 9 Preston Crescent, Enderby BC**

- Opposed to the proposed rezoning.
- Suggested requiring a definitive building plan prior to rezoning.
- Not opposed to a multifamily development but feels scope of R.3 is too broad.
- Suggested the process is too fast and should be changed to include signage and letters to more properties.

**Jason and Marli Luff: 173 Cliffview Drive, Enderby BC**

- Opposed to the proposed rezoning.
- Concerned about density in the neighbourhood.
- Concerned about increased noise and traffic.
- Concerned about privacy.
- Concerned about changing views.
- Concerned about property value.
- Feel they should have been notified by letter about this application.

**Howie and Mandy Cyr: 8 Preston Crescent, Enderby BC**

- Concerned about an increase in traffic, people, and problems inherent with densification.
- Feels there should have been a sign on the property.
- Feels more of the neighbourhood should have received letters.
- Does not feel this is the place for affordable housing.

**Tom Tatebe: 179 Cliffview Drive, Enderby BC**

- Opposed to the rezoning.
- Does not want density.
- Concerned about increased noise, traffic, and people.

**Dave Ellington: 713 2<sup>nd</sup> Avenue, Enderby BC (Applicant)**

- Thanked everyone for their input, noted that it is nice to see so many people care about the neighbourhood.
- Stated that his family has lived in Enderby for many years and has a vested interest in the good of the community.
- Stated that he also would not want an apartment building built on the property and would not sell to someone who is intending to build one.

The Planner asked each speaker if they would like to speak again.

**Dave Crozier: 204 Cliffview Drive, Enderby BC**

- Stated that once the building is sold there is no guarantee they the new owner will not build an apartment building.

**Sandy Park: 182 Salmon Arm Drive**

- Stated that she would like to see plans for development before this rezoning is approved.

**David Michael Shiner: 189 Salmon Arm Drive**

- Asked Council to shut down this application.

**Angus and Jill Bubar: 170 Salmon Arm Drive, Enderby BC**

- Asked why this zoning was chosen if the intention is not to build apartments.
- Stated that an owner will be able to build whatever they want if they purchase this land under the R.3 zoning.

**Dave Ellington: 713 2<sup>nd</sup> Avenue, Enderby BC (Applicant)**

- Thanked everyone for their words.

Mayor McCune opened the floor to Council for questions.

Councillor Case asked how the development process would impact what could be built and what could be built with an R.3A zoning.

The Planner responded that this process varies based on the type of development. If the lot were to be stratified or split up for single family dwellings to be built the owner would have to go through the subdivision process. If the proposed buildings could not meet all bylaw requirements the owner would be required to apply for a Development Variance Permit which would have a public consultation process. The R.3A zone allows for only one building to be built on the property that could have up to 4 dwellings. The R.3 zoning allows for more than one building to be built on the lot.

Mayor McCune stated that with the size of the lot, and after factoring in parking and greenspace, it seems nearly impossible that an owner would be able to build a 23 unit apartment building within the requirements of the bylaw.

Councillor Case asked about firefighting and three storey buildings.

Chief Administrative Officer responded describing existing three storey buildings and firefighting capabilities.

Mayor McCune explained that when Salmon Arm Drive was reconstructed, this was done to accommodate increasing density in the neighbourhood.

Councillor Shishido asked if the R.3A zoning is limited to four units.

The Planner responded that it is unless subdivided. In that case, there could be up to four units allowed per lot provided they were contained in a single building.

Councillor Shishido asked if there is a zone between R.3A and R.3.

The Planner explained that there is not, but that R.3 does allow for less dense developments.

Chief Administrative Officer stated that a possible solution is to attach a restrictive covenant to the property that will not allow apartments to be built. A restrictive covenant could limit the height of potential development as well.

Councillor Shishido asked if restrictive covenants could be removed.

Chief Administrative Officer explained that they must be removed through the same process they are placed and would therefore require a public hearing.

Councillor Baird explained that a restrictive covenant could solve many of the issues brought forward by neighbours.

Mayor McCune asked if there should be a requirement for signage when an application to rezone is brought forward.

Councillor Case responded that many small communities do not have this requirement.

Mayor McCune explained that it seems much of the concern from the neighbourhood is over the possibility of an apartment building being constructed. Explained that we are in a housing crisis and need to make housing available in the community.

Councillor Case stated that he attended the Southern Interior Local Government Authority conference last weekend where it was discussed that higher levels of government are putting pressure on local governments to increase density. If local governments will not comply, higher levels of government are likely to step in and impose a requirement.

Councillor Davyduke asked if there could be changes to the notification process.

The Planner responded that Council can change the notification process for these applications, and that if directed to do so, Staff could present different options to Council to consider.

Councillor Davyduke explained that she agrees the R.3 may be too open ended, and that the covenants are a good solution.

Councillor Baird asked if there is a process for heritage protection.

The Planner explained that Council does have tools to protect heritage buildings, such as heritage designation. However, the City must compensate a property owner for the value lost if a building receives a heritage designation.

Councillor Shishido asked if the R.3 zoning allows for a variety of dwellings to be built on the property.

The Planner responded that yes, the R.3 zoning allows for diverse housing developments without requiring subdivision.

Mayor McCune made his closing statement and declared the Public Hearing closed at 6:18 p.m.

Pursuant to Section 465 (6) of the *Local Government Act*, I, Tate Bengtson, Corporate Officer, hereby certify this to be a fair and accurate report of the Public Hearing held on May 2, 2022.



Signature

May 9/2022

Date

**CITY OF ENDERBY  
DEVELOPMENT VARIANCE PERMIT APPLICATION**



File No: 0044-22-DVP-END

May 6, 2022

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**APPLICANT/OWNER:** Venture 3 Holdings Ltd.

**LEGAL DESCRIPTION:** LOT C DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 5784

**PID #:** 010-218-637

**LOCATION:** 1806 George Street, Enderby BC

**PROPERTY SIZE:** 0.401 hectares (0.99 acres/4,006 m<sup>2</sup>)

**ZONING:** Highway and Tourist Commercial (C.2)

**O.C.P DESIGNATION:** Highway and Tourist Commercial

**PROPOSAL:** Construct a 5.2 m<sup>2</sup> (56 square foot) electrical utility building

**PROPOSED VARIANCE:** Vary Section 402.10.a of the City of Enderby Zoning Bylaw No. 1550, 2014 by reducing the minimum exterior side yard setback from 4.5 m (14.76 feet) to 0.914 m (3 feet)

**RECOMMENDATION:**

THAT Council authorize the issuance of a Development Variance Permit for the property legally described as LOT C DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 5784 and located at 1806 George Street, Enderby B.C. to permit a variance to Section 402.10.a of the City of Enderby Zoning Bylaw No. 1550, 2014 by reducing the minimum exterior side yard setback from 4.5 m (14.76 feet) to 0.914 m (3 feet), as shown on the attached Schedule 'A', subject to the applicant providing a revised site plan showing the proposed electrical building being sited at least 1.83 m (6 feet) from the edge of the statutory right-of-way shown on Plan A9568.

**BACKGROUND:**

This report relates to a Development Variance Permit application for the property located at 1806 George Street, Enderby BC. The applicant is proposing to construct a 5.2 m<sup>2</sup> (56 square foot) electrical utility building and in order to accommodate the proposed siting of the building, the applicant is requesting a variance to Section 402.10.a of the City of Enderby Zoning Bylaw No. 1550, 2014 by reducing the



minimum exterior side yard setback from 4.5 m (14.76 feet) to 0.914 m (3 feet), as shown on the attached Schedule 'A'.

### Site Context

The 0.401 hectares (0.99 acre/4,006 m<sup>2</sup>) subject property is located on the northwest corner of the intersection of George Street (Highway 97A) and Meadow Crescent, with access to the property being gained via a paved maneuvering aisle off Meadow Crescent. The subject property is flat with the western two-thirds of the property being paved, while the eastern portion is undeveloped. The site is currently being used as a car wash and laundromat, with a commercial building being located in the central portion of the lot; a dwelling unit is located on the second-storey level of the commercial building.

The zoning and Official Community Plan (OCP) designations of the subject property and surrounding properties are as follows:

- Subject property– Zoned Highway and Tourist Commercial (C.2) and designated as Highway and Tourist Commercial in the OCP
- North and southeast properties - Zoned Highway and Tourist Commercial (C.2) and designated as Highway and Tourist Commercial in the OCP
- West and northwest properties – Zoned Residential Mobile Home Park (R.5) and designated as Residential Low Density in the OCP
- South property – Zoned Assembly, Civic and Public Service Use (S.1) and designated as Highway and Tourist Commercial in the OCP

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

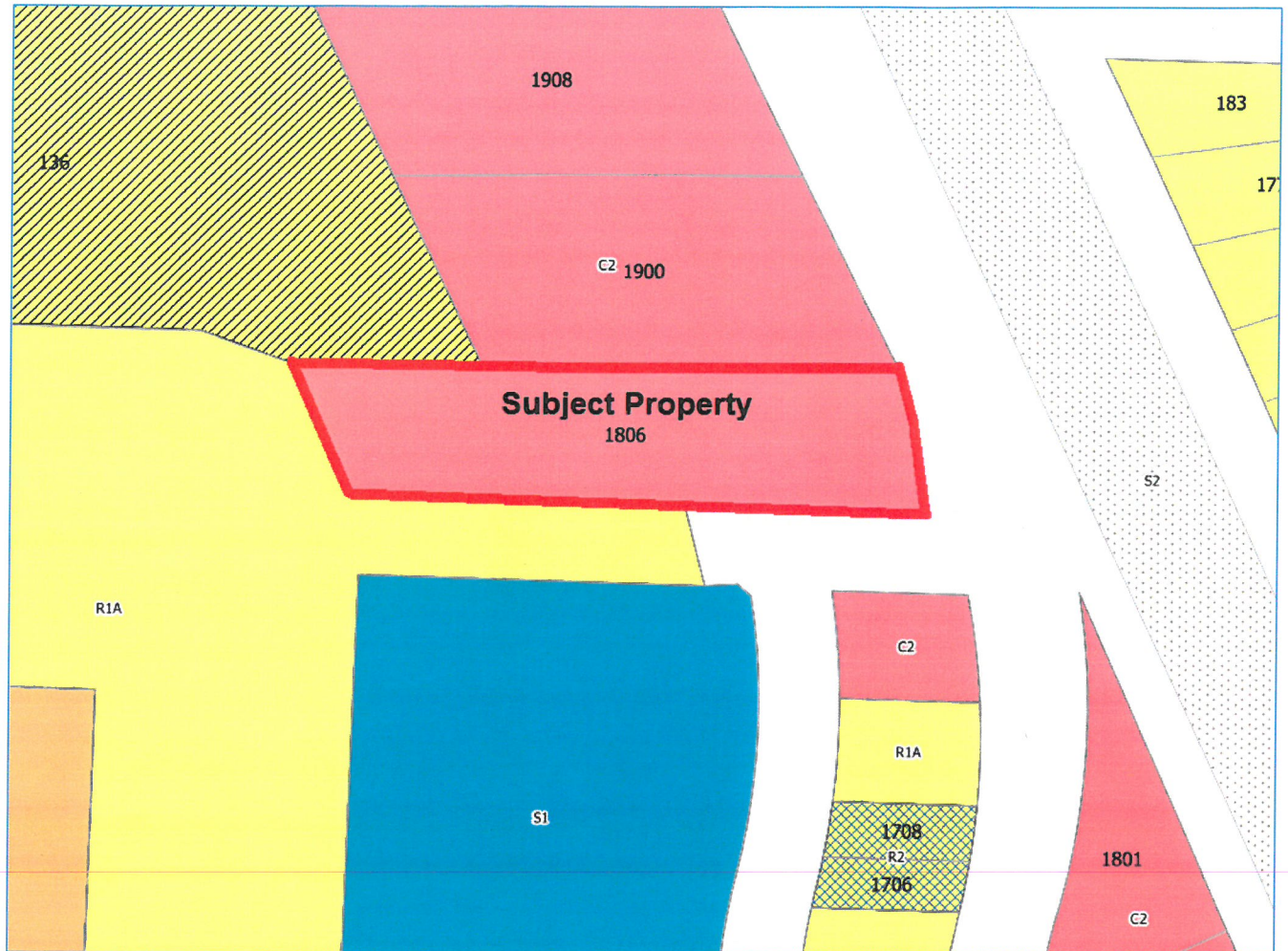


Figure 1: Zoning Map

- Pink – Highway and Tourist Commercial (C.2)
- Yellow - Residential Single-Family (R.1-A)
- Single Cross-hatch – Residential Mobile Home Park (R.5)
- Double Cross-hatch – Residential Two-Family (R.2)
- Blue – Assembly, Civic and Public Service Use (S.1)
- Dotted – Transportation Corridor (S.2)

\*\*NOTE: The adjacent property located at 130 Cliffview Lane has been rezoned to the Residential Mobile Home Park (R.5) zone, but the City's mapping has not been updated to reflect this change.

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



Figure 2: Orthophoto

The Proposal

The applicant is proposing to construct a 5.2 m<sup>2</sup> (56 square foot) electrical utility building along the property’s southern boundary, to the west of the entrance to the site off of Meadow Crescent. The electrical utility building is intended to accommodate an increase to the size of the electrical service (200 amp to 400 amp) for wash bay #1, in order facilitate the installation of an automatic car wash in that bay. In order to accommodate the proposed siting of the building, the applicant is requesting a variance to Section 402.10.a of the City of Enderby Zoning Bylaw No. 1550, 2014 by reducing the minimum exterior side yard setback from 4.5 m (14.76 feet) to 0.914 m (3 feet), as shown on the attached Schedule ‘A’.

**ZONING BYLAW:**

The subject property is zoned Highway and Tourist Commercial (C.2) and the permitted uses within this zone include:

- Accessory buildings and structures;

- Accommodation including apartments, dwelling units, hotels and motels;
- Assembly and civic use and public service;
- Food service;
- Retail sales and service for: automobiles, farm equipment, boats, mobile homes, trucks, recreation vehicles, motorcycles, and sporting goods; also included is the rental of the aforementioned items;
- Retail sales including servicing where applicable: confectionery stores, flowers, fruit, plants, produce, nurseries, green houses, tire shops, wine and beer shops, appliances, beverages, bicycles, electronic equipment, furniture, garden supplies, glass, hardware, paint, pets, pet food, plants, animal beauty parlours, bakery shops, hairdressers, locksmith shops, optical shops, shoe repair, tailor shops, and watch repair;
- Service, repair and rental;
- Transportation facilities;
- Retail sales of beer, wine and liquor;
- Educational facilities and professional studios;
- Entertainment and recreation facilities; and
- Office and commerce facilities.

The proposal as compared to the Zoning Bylaw requirements for the C.2 zone is as follows (highlighted items require a variance):

CRITERIA	C.2 ZONE REQUIREMENTS	PROPOSAL
Building Height (max.)	12 m (39.37 feet) or three storeys	< 12 m (39.37 feet) or three storeys
Lot Coverage (max.)	50%	< 50%
Setbacks (min.)		
Front Yard	4.5 m (14.76 feet)	> 4.5 m (14.76 feet)
Rear Yard	4.5 m (14.76 feet)	> 4.5 m (14.76 feet)
Side Yard	3 m (9.842 feet)	> 3 m (9.842 feet)
Exterior Side Yard	4.5 m (14.76 feet)	0.914 m (3 feet)

**OFFICIAL COMMUNITY PLAN:**

Policies contained within the Official Community Plan which apply to this development include:

- 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 subject application was referred to the City of Enderby Public Works Manager, Building Inspector, and Fire Chief.

The City of Enderby Public Works Manager provided the following comments:

*“The proposed location of the electrical utility building is shown as either encroaching or very near to a sanitary sewer statutory right-of-way in favour of the City of Enderby, which bisects the subject and northerly parcels and provides service to the same.*

*The encumbrance is 10’ wide. The invert of the sanitary sewer main is known to be 10.5’ at a manhole inside of this alignment, which is deeper than typical and requires extra room for maintenance and eventual replacement.*

*Given the nature of the site, the need to ensure the constructability of the proposed electrical utility building, and the need to ensure adequate working room for repair and replacement of the sanitary main, the siting of the structure should be moved west by at least 6’ as a condition of the side yard setback variance. If the owners are concerned that shifting this structure to the west may unduly impact the maneuvering areas to the west associated with the principal use, a more precise location could be determined if they provided a survey.”*

#### **PLANNING ANALYSIS:**

The City of Enderby Planner raises no objections to the applicant's request to vary to Section 402.10.a of the City of Enderby Zoning Bylaw No. 1550, 2014 by reducing the minimum exterior side yard setback from 4.5 m (14.76 feet) to 0.914 m (3 feet), as shown on the attached Schedule 'A', as part of the construction of a 5.2 m<sup>2</sup> (56 square foot) electrical utility building. Upon consideration of input from adjacent land owners, it is recommended that Council authorize the issuance of the Development Variance Permit given that the proposed building has a relatively small footprint and the proposed location would not detract from the character of the site, nor impact the views of surrounding properties. Given the comments of the City's Public Works Manager respecting the proposed location of the building in relation to the adjacent statutory right-of-way to the east, and the need to ensure the constructability of the proposed electrical utility building and to ensure adequate working room for repair and replacement of the sanitary main, it is recommended that issuance of the Development Variance Permit be subject to the applicant providing a revised site plan showing the proposed electrical building being sited at least 1.83 m (6 feet) from the edge of the statutory right-of-way shown on Plan A9568. City Staff have discussed this proposed condition with the applicant, and they have no concerns.

**SUMMARY**

This is an application for a Development Variance Permit for the property located at 1806 George Street, Enderby BC. The applicant is proposing to construct a 5.2 m<sup>2</sup> (56 square foot) electrical utility building, and in order to accommodate the proposed siting of the building the applicant is requesting a variance to Section 402.10.a of the City of Enderby Zoning Bylaw No. 1550, 2014 by reducing the minimum exterior side yard setback from 4.5 m (14.76 feet) to 0.914 m (3 feet), as shown on the attached Schedule 'A'.

The City of Enderby Planner is supportive of the variance request and is recommending that Council authorize the issuance of a Development Variance Permit, subject to the applicant providing a revised site plan showing the proposed electrical building being sited at least 1.83 m (6 feet) from the edge of the statutory right-of-way shown on Plan A9568.

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**Prepared By:**



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Kurt Inglis, MCIP, RPP  
Planner

**Reviewed By:**

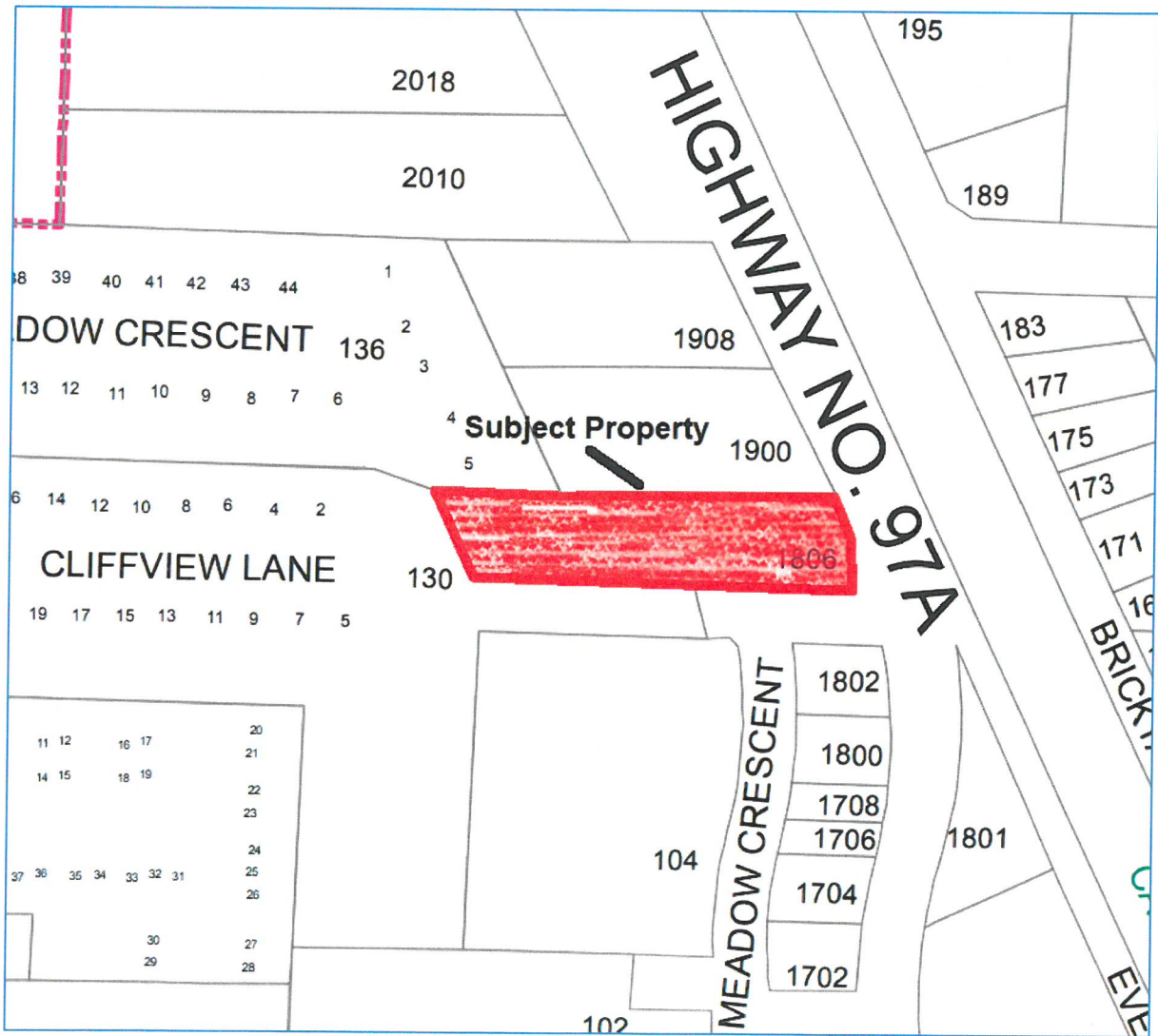


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Tate Bengtson  
Chief Administrative Officer

THE CORPORATION OF THE CITY OF ENDERBY  
DEVELOPMENT VARIANCE PERMIT APPLICATION  
SUBJECT PROPERTY MAP

File: 0044-22-DVP-END  
Applicant/Owner: Venture 3 Holdings Ltd.  
Location: 1806 George Street, Enderby BC

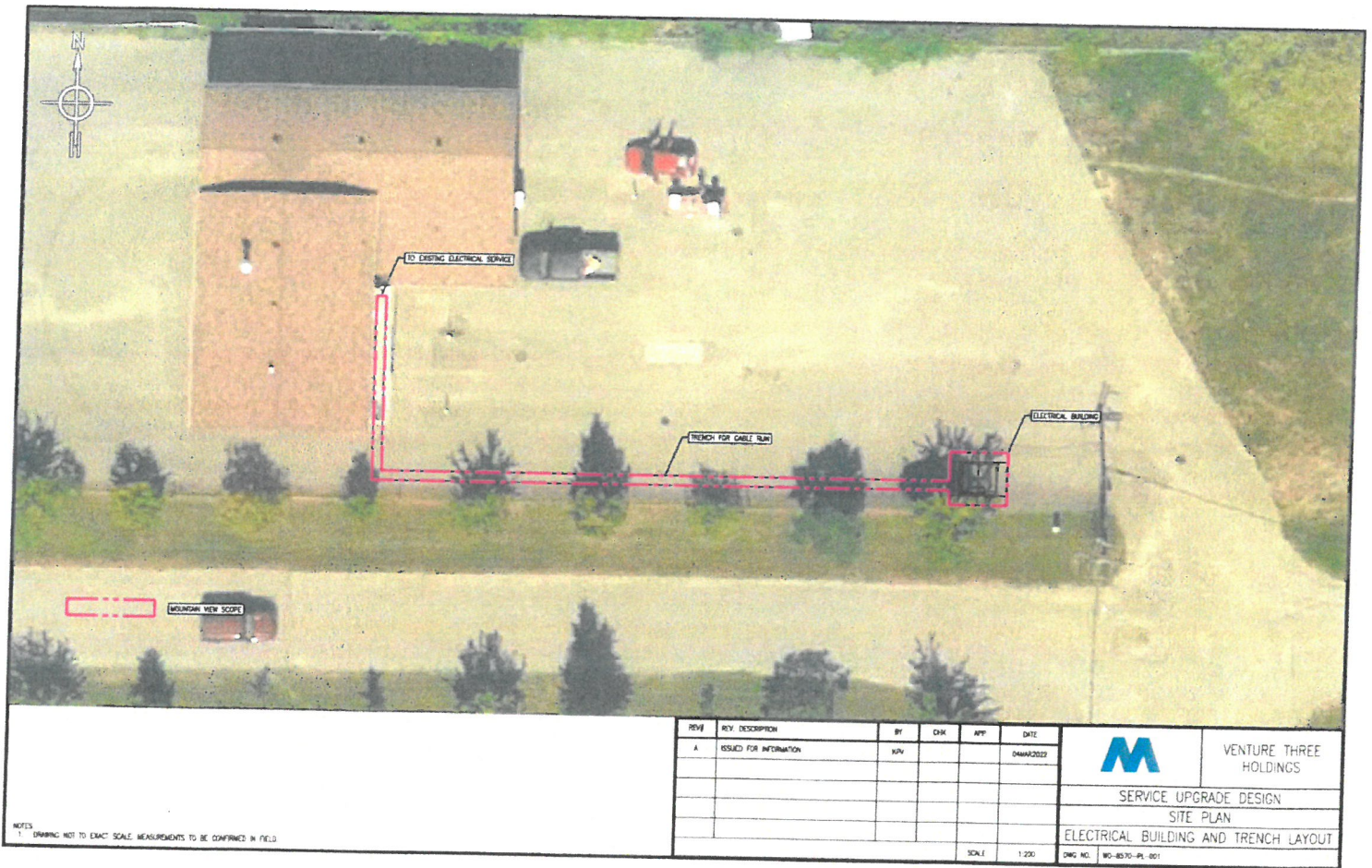


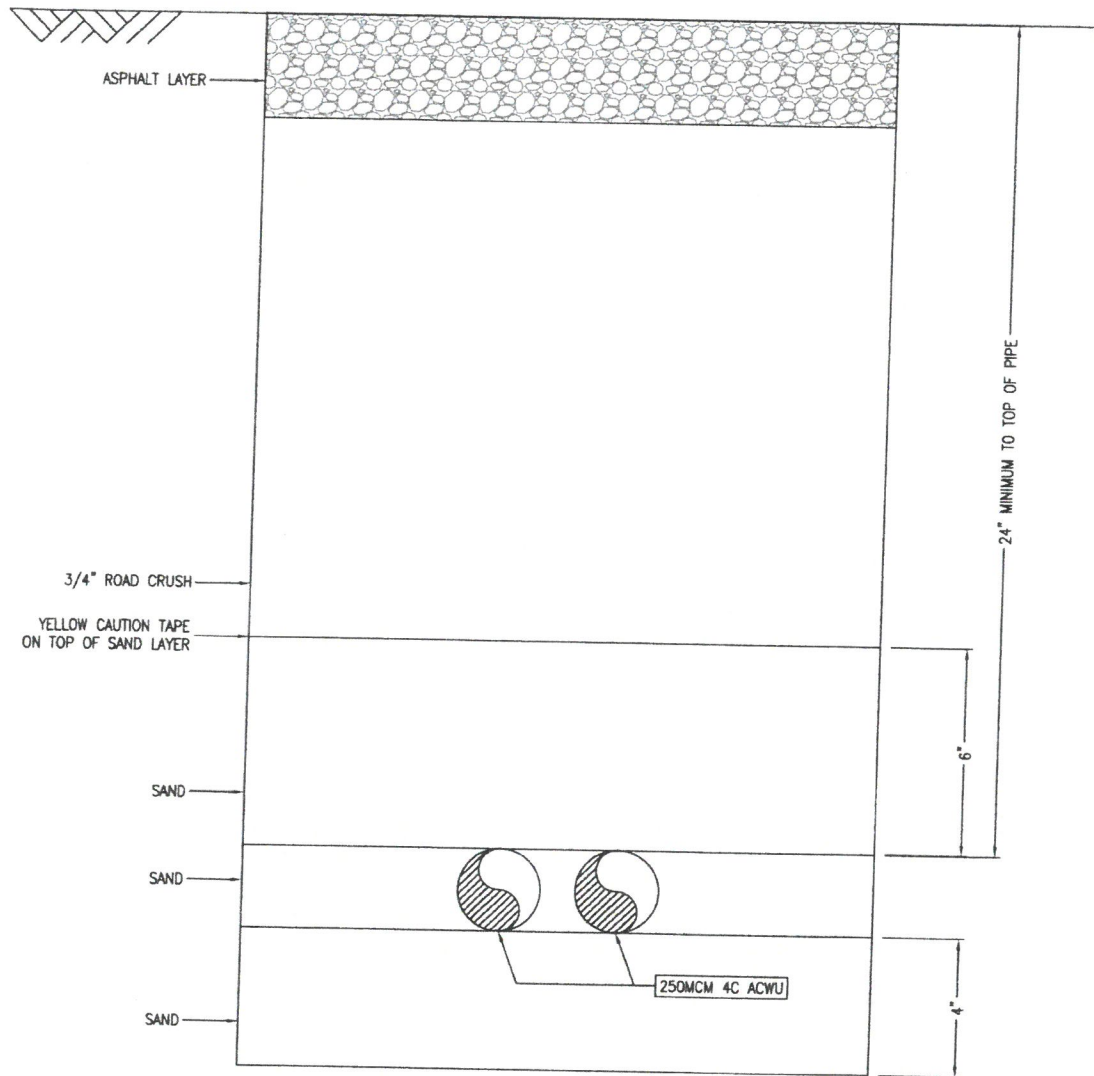
SCHEDULE 'A'











NOTES:

REV#	REV. DESCRIPTION	BY	CHK	APP	DATE
A	ISSUED FOR INFORMATION	KPV			07MAR2022



VENTURE  
THREE  
HOLDINGS

SERVICE UPGRADE  
DESIGN

STANDARD DETAIL

TRENCH DETAIL

SCALE 1:5

DWG NO. WO-8570-STD-001

**CITY OF ENDERBY  
DEVELOPMENT VARIANCE PERMIT APPLICATION**

**AGENDA**

File No: 0035-22-DVP-END

May 9, 2022

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**APPLICANT:** Leonard H. Marriott

**OWNER(S):** Enderby & District Care Society

**LEGAL DESCRIPTIONS:** LOT 1 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 28202

THE WESTERLY 47 FEET OF LOT 16 BLOCK 7 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT DISTRICT PLAN 211A AS SHOWN ON PLAN E11894

THE EASTERLY 25 FEET OF LOT 13 BLOCK 7 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT DISTRICT PLAN 211A AS SHOWN ON PLAN E11894

**PID #s:** 004-622-162  
012-591-998  
012-591-971

**LOCATION:** 702 Cliff Avenue, Enderby BC (Lot 1)  
704 Cliff Avenue, Enderby BC (Lot 16 and Lot 13)

**PROPERTY SIZE:** 702 Cliff Avenue – 696.0 m<sup>2</sup> (7,492 square feet)  
704 Cliff Avenue (combined) – 802.7 m<sup>2</sup> (8,640 square feet)

**ZONING:** General Commercial (C.1)

**O.C.P**

**DESIGNATION:** General Commercial

**PROPOSAL:** Boundary lot adjustment

**PROPOSED VARIANCES:** Vary Subdivision Servicing and Development Bylaw by, i) not requiring Cliff Avenue adjacent to the proposed lots to be dedicated 9.0 m from centreline of the road, ii) not requiring Cliff Avenue adjacent to the proposed lots to be constructed to the centreline of the road, iii) not requiring a connection to the

community water supply system for proposed Lot 1, iv) not requiring a connection to the community sanitary sewer system for proposed Lot 1, v) not requiring a connection to the community storm drainage system for the proposed lots, vi) not requiring the provision of ornamental street lighting, and vii) not requiring the provision of underground wiring for power, telephone and cablevision.

**RECOMMENDATION:**

THAT Council authorizes the issuance of a Development Variance Permit for the properties legally described as, i) LOT 1 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT PLAN 28202, and located at 702 Cliff Avenue, Enderby BC, ii) THE WESTERLY 47 FEET OF LOT 16 BLOCK 7 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT DISTRICT PLAN 211A AS SHOWN ON PLAN E11894, and located at 704 Cliff Avenue, Enderby BC, and iii) THE EASTERLY 25 FEET OF LOT 13 BLOCK 7 DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT DISTRICT PLAN 211A AS SHOWN ON PLAN E11894, and located at 704 Cliff Avenue, Enderby BC., to permit variances to the following Sections of City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000:

- Section 2.0 of Schedule "A" by not requiring Cliff Avenue adjacent to the proposed lots to be dedicated a minimum of 9.0 m from the existing mean centreline of the road in accordance with the Local Road Standards;
- Section 2.0 of Schedule "A" by not requiring Cliff Avenue adjacent to proposed lots to be constructed to the centreline of the road in accordance with the Local Road Standards;
- Section 3.0 of Schedule "A" and Schedule "B" by not requiring a connection to the community water supply system for proposed Lot 1;
- Section 4.0 of Schedule "A" and Schedule "B" by not requiring a connection to the community sanitary sewer system for proposed Lot 1;
- Section 5.0 of Schedule "A" and Schedule "B" by not requiring a connection to the community storm drainage system for the proposed lots;
- Section 6.0 of Schedule "A" by not requiring the provision of ornamental street lighting; and
- Section 7.0 of Schedule "A" by not requiring the provision of underground wiring for power, telephone and cablevision,

subject to the owner registering a restrictive covenant on the title of the proposed Lot 1 which prevents any development on the property until it is connected to the City's community water, sanitary sewer and storm drainage systems.

## **BACKGROUND:**

This report relates to Development Variance Permit Application for the properties located at 702 and 704 Cliff Avenue, Enderby BC. The applicant is proposing a boundary lot adjustment between the three lots associated with 702 and 704 Cliff Avenue, which would see the properties being consolidated from 3 lots to 2 lots, as shown on the attached Schedule 'A'. As a boundary lot adjustment is considered a 'subdivision' under the City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000, several bylaw requirements have been triggered. The applicant is seeking variances to the City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000 in order to, i) not require Cliff Avenue adjacent to the proposed lots to be dedicated 9.0 m from centreline of the road, ii) not require Cliff Avenue adjacent to the proposed lots to be constructed to the centreline of the road, iii) not require a connection the community water supply system for proposed Lot 1, iv) not require a connection to the community sanitary sewer system for proposed Lot 1, v) not require a connection to the community storm drainage system for the proposed lots, vi) not require the provision of ornamental street lighting, and vii) not require the provision of underground wiring for power, telephone and cablevision.

### Site Context

The property located at 702 Cliff Avenue is 696.0 m<sup>2</sup> (7,492 square feet) in size and is located on the south side of Cliff Avenue. The site is flat with a commercial building, built in 1915, located in the northeast corner of the property; the building's façade directly abuts the Cliff Avenue sidewalk. The Twice But Nice retail store currently operates out of the building. Access to the property is gained via a paved access to the west of the building. The lot is connected to the City's community water and sewer systems, but it is unknown whether it is connected to the community storm drainage system.

The two lots associated with 704 Cliff Avenue (Lot 13 and Lot 16) are a combined 802.7 m<sup>2</sup> (8,640 square feet) and are located on the south side of Cliff Avenue, directly adjacent to the lot described above. The lots are flat and there are no improvements on either of the lots. Lot 16 was the location of the previous Greyhound Station building, which was demolished in 2012 following a fire. Neither of the lots are connected to the City's community water, sewer or storm drainage systems.

The following figure shows the zoning designations of the subject and surrounding properties:



**Figure 1: Zoning Map**

- Purple: General Commercial (C.1)
- Yellow: Residential Single Family (R.1-A)
- Orange: Residential Multi-Family Low Intensity (R.3-A)/Residential Multi-Family Medium Intensity (R.3)
- Tan: Residential Two Family (R.2)
- Teal: Assembly, Civic and Public Use (S.1)
- Green: Highway and Tourist Commercial (C.2)

The following orthophoto of the subject and surrounding properties was taken in 2018:



Figure 3: 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 a boundary lot adjustment between the three lots associated with 702 and 704 Cliff Avenue, which would see the properties being consolidated from 3 lots to 2 lots, as shown on the attached Schedule 'A'. The proposed Lot 1 would be 556.8 m<sup>2</sup> (5,993 square feet) in area while proposed Lot 2 would be 940.3 m<sup>2</sup> (10,121.3 square feet).

### **ZONING BYLAW:**

The subject properties are zoned General Commercial (C.1) and the uses permitted within this zone include:

- Accessory buildings and structures
- Accommodation including dwelling units, hotels and motels
- Civic use
- Auditoriums, youth centres and social halls
- Educational facilities and professional studios
- Entertainment and recreation facilities
- Cannabis-Related Business
- Food service (excluding drive-through restaurants)
- Office and commerce facilities
- Public service use
- Retail sales
- Service and repair
- Transportation facilities

### **SUBDIVISION SERVICING AND DEVELOPMENT BYLAW:**

Section 2.0 of Schedule "A" of the Subdivision Servicing and Development Bylaw requires the dedication and construction of local roads adjacent to commercial properties proposed for subdivision, in accordance with Design, Materials, and Installation standards outlined in Section 2.0 of Schedule "A" of the Bylaw. Sections 6.0 and 7.0 of Schedules "A" and "B" of the Bylaw require the provision of ornamental street lighting and underground wiring for power, telephone and cablevision.

Section 3.0, 4.0., and 5.0 of Schedule "A" and Schedule "B" of the Bylaw require properties zoned General Commercial (C.1) to be connected to a community water, community sanitary sewer, and community storm drainage systems.

The applicant is seeking variances to the following Sections of the Subdivision Servicing and Development Bylaw No. 1278, 2000 as part of the proposed boundary lot adjustment:

- Section 2.0 of Schedule "A" by not requiring Cliff Avenue adjacent to the proposed lots to be dedicated a minimum of 9.0 m from the existing mean centreline of the road in accordance with the Local Road Standards;

- Section 2.0 of Schedule “A” by not requiring Cliff Avenue adjacent to proposed lots to be constructed to the centreline of the road in accordance with the Local Road Standards;
- Section 3.0 of Schedule "A" and Schedule "B" by not requiring a connection to the community water supply system for proposed Lot 1;
- Section 4.0 of Schedule “A” and Schedule “B” by not requiring a connection to the community sanitary sewer system for proposed Lot 1;
- Section 5.0 of Schedule “A” and Schedule “B” by not requiring a connection to the community storm drainage system for the proposed lots;
- Section 6.0 of Schedule “A” by not requiring the provision of ornamental street lighting; and
- Section 7.0 by not requiring the provision of underground wiring for power, telephone and cablevision.

**OFFICIAL COMMUNITY PLAN:**

Policies contained within the OCP which apply to this development include:

- 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 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 to the City of Enderby Public Works Manager, Fire Chief, and Building Inspector.

The City’s Public Works Manager provided the following comments:

*“Given that this DVP is associated with a boundary lot adjustment rather than redevelopment or new development, I have no concern with the variances except to say that we have verified that the water and sewer services for Lot 1 will be fronting Lot 2 after the boundary lot adjustment occurs.*

*Typically, as a condition of subdivision, we would require the owner to either provide easements for the existing Lot 1 services to legalize the encroachment or otherwise install new services to Lot 1 which do not encroach upon Lot 2; however, this is a commercial zone where the precise future development needs are not known and site servicing requirements can vary more dramatically than would be the case on a single-family or two-family zoned parcel.*

*In this case, requiring the owner to provide easements may encumber the potential of Lot 2 to an undue degree, while installing new services could result in a significant cost to install new service connections that may need to be thrown away.*

*My recommendation would be that the requirement for water and sewer services be waived, subject to a restrictive covenant preventing any development of Lot 1 until it is serviced with water, sewer and storm, or a Works and Services Agreement is entered into to provide for water, sewer, or storm servicing (so as to facilitate the issuance of a building permit prior to servicing). This will achieve two desirable outcomes. First, it will notify prospective purchasers during the course of normal due diligence that Lot 1 is not serviced, such that this deficiency will be incorporated into its market price. Second, it will not require the current owner to invest in services that may not be suited to the development objectives of the next owner, which provides no benefit."*

## **PLANNING ANALYSIS:**

### Road Dedication and Construction to Centreline

The City of Enderby Planner raises no objections to the applicant's request to vary Section 2.0 of Schedule "A" of the City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000 by not requiring Cliff Avenue adjacent to the proposed lots to be dedicated a minimum of 9.0 m from the existing mean centreline of the road, and to be constructed to the centreline of the road, in accordance with the Local Road Standards, for the following reasons:

- The existing road dedication along Cliff Avenue is sufficient to accommodate the road standard;
- The proposed boundary lot adjustment will not result in any additional density being added to the properties, nor an increase in intensity in commercial use, and therefore would not result in any additional traffic demands along this portion of Cliff Avenue; requiring the construction of Cliff Avenue to centreline, at a significant expense, would be excessive for a simple boundary lot adjustment which is not increasing the density or intensity of development on the site; and
- It is not anticipated that the proposed variance would negatively affect the use and enjoyment of the subject or surrounding properties.

### Connection to Community Water, Sanitary Sewer and Storm Drainage Systems

The City of Enderby Planner raises no objections to the applicant's request to vary Section 3.0 and 4.0 of Schedule "A" and Schedule "B" of the City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000 by not requiring proposed Lot 1 to be connected to a community water and sanitary sewer systems. As mentioned by the City of Enderby Public Works Manager in his referral comments, given that proposed Lot 1 is undeveloped and is zoned commercial, the future development needs and site servicing requirements are unknown at this time as there is a wide range of options for how the property can develop under the General Commercial (C.1) zone; given this, it is more appropriate to require the lot to be serviced at the time of Building Permit, at which time the servicing needs of the

development will be known and the services can be sized and located accordingly. However, there needs to be a mechanism to ensure that a prospective purchaser of the property is able to ascertain, through their due diligence, that the lot is currently un-serviced. To achieve this, Staff are recommending that issuance of the Development Variance Permit be subject to the owner registering a restrictive covenant on the title of the proposed Lot 1 which prevents any development on the site until it is connected to the City's community water, sanitary sewer and storm drainage systems. Consistent with the Public Works Manager's comments, the aforementioned covenant would include wording to allow for the issuance of a Building Permit prior to services being installed, subject to the owner entering into a Works and Services Agreement with the City of Enderby to provide for water, sewer, or storm servicing.

The City of Enderby Planner raises no objections to the applicant's request to vary Section 5.0 of Schedule "A" and Schedule "B" of the City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000 by not requiring proposed the proposed lots to be connected to a community storm drainage system. With regards to proposed Lot 1, the comments above related to water and sanitary sewer servicing also apply to storm drainage; Staff feel that storm drainage servicing is more appropriate at the time of Building Permit, subject to either the registration of a restrictive covenant or entering into a Works and Services Agreement. With regards to Lot 2, it is unknown whether the site is currently tied into the City's community storm drainage system or if runoff is being contained on site; regardless, the site appears to be functional from a storm drainage perspective and no issues have been identified to date, therefore Staff are supportive of the request.

Provision of Ornamental Street Lighting and Underground Wiring

The City of Enderby Planner raises no objections to the applicant's request to vary Section 6.0 and 7.0 of Schedule "A" and Schedule "B" of the City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000 by not requiring the provision of ornamental street lighting and underground wiring for power, telephone and cablevision, for the following reasons:

- The existing street lights along this portion of Cliff Avenue provide sufficient lighting to accommodate the needs of traffic in that area, such that additional ornamental street lighting is unnecessary; and
- It would be excessive to require the provision of ornamental street lighting and underground wiring, at a significant cost, as part of a boundary lot adjustment for which no additional density or development intensity is being proposed.

**SUMMARY**

This report relates to Development Variance Permit Application for the properties located at 702 and 704 Cliff Avenue, Enderby BC. The applicant is proposing a boundary lot adjustment between the three lots associated with 702 and 704 Cliff Avenue, which would see the properties being consolidated from 3 lots to 2 lots, as shown on the attached Schedule 'A'. As a boundary lot adjustment is considered a 'subdivision' under the City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000,

several requirements have been triggered. The applicant is seeking variances to the City of Enderby Subdivision Servicing and Development Bylaw No. 1278, 2000 in order to, i) not require Cliff Avenue adjacent to the proposed lots to be dedicated 9.0 m from centreline of the road, ii) not require Cliff Avenue adjacent to the proposed lots to be constructed to the centreline of the road, iii) not require a connection the community water supply system for proposed Lot 1, iv) not require a connection to the community sanitary sewer system for proposed Lot 1, v) not require a connection to the community storm drainage system for the proposed lots, vi) not require the provision of ornamental street lighting, and vii) not require the provision of underground wiring for power, telephone and cablevision.

The City of Enderby Planner is supportive of the variance requests and is recommending that Council authorize the issuance of a Development Variance Permit subject to the owner registering a restrictive covenant on the title of the proposed Lot 1 which prevents any development on the site until it is connected to the City's community water, sanitary sewer and storm drainage.

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**Prepared By:**



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Kurt Inglis, MCIP, RPP  
Planner

**Reviewed By:**

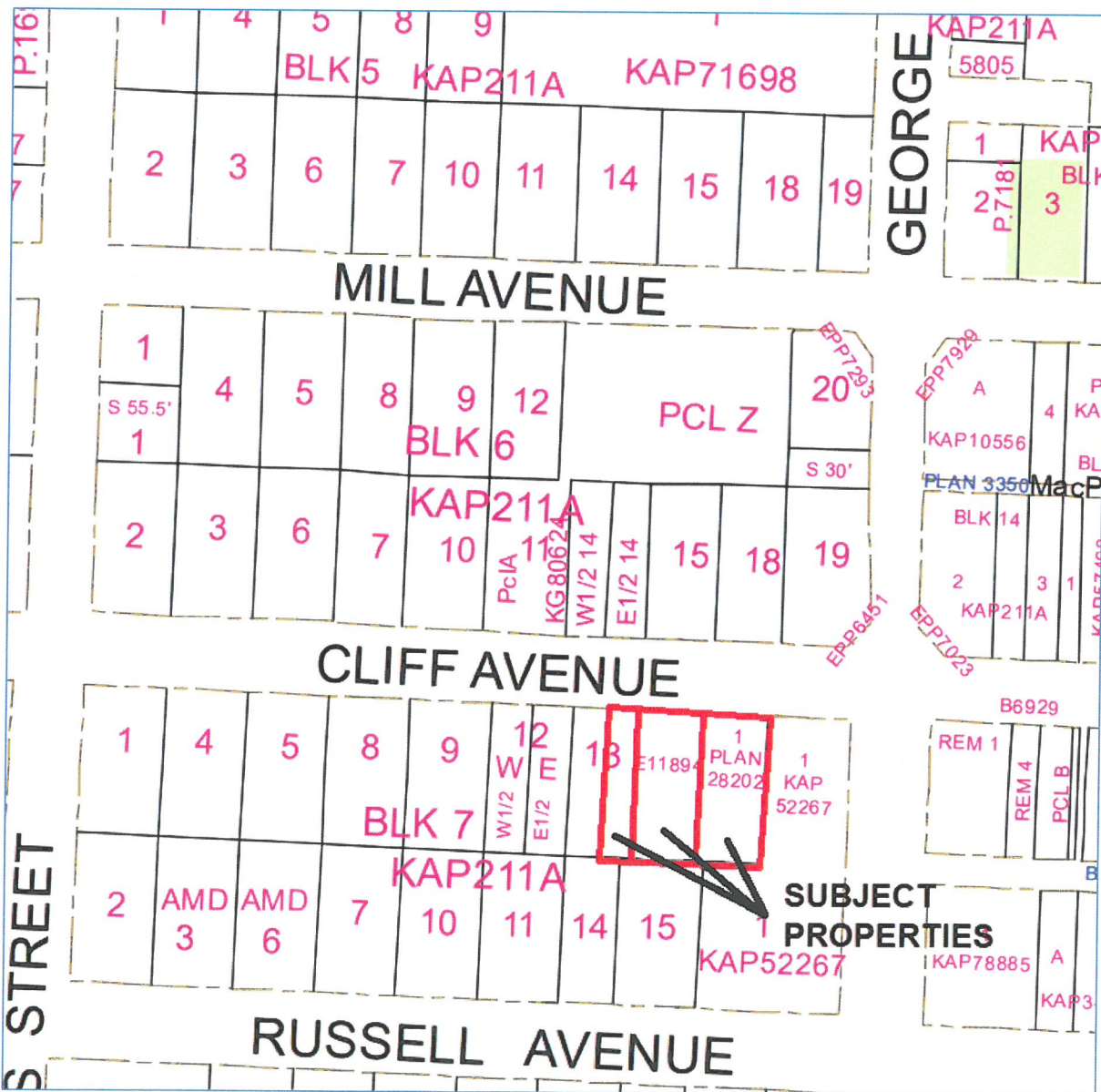


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Tate Bengtson  
Chief Administrative Officer

**THE CORPORATION OF THE CITY OF ENDERBY**  
**DEVELOPMENT VARIANCE PERMIT APPLICATION**  
**SUBJECT PROPERTY MAP**

**File:** 0035-22-DVP-END  
**Applicant:** Leonard H. Marriott  
**Owner:** Enderby & District Care Society  
**Location:** 702 and 704 Cliff Avenue, Enderby BC

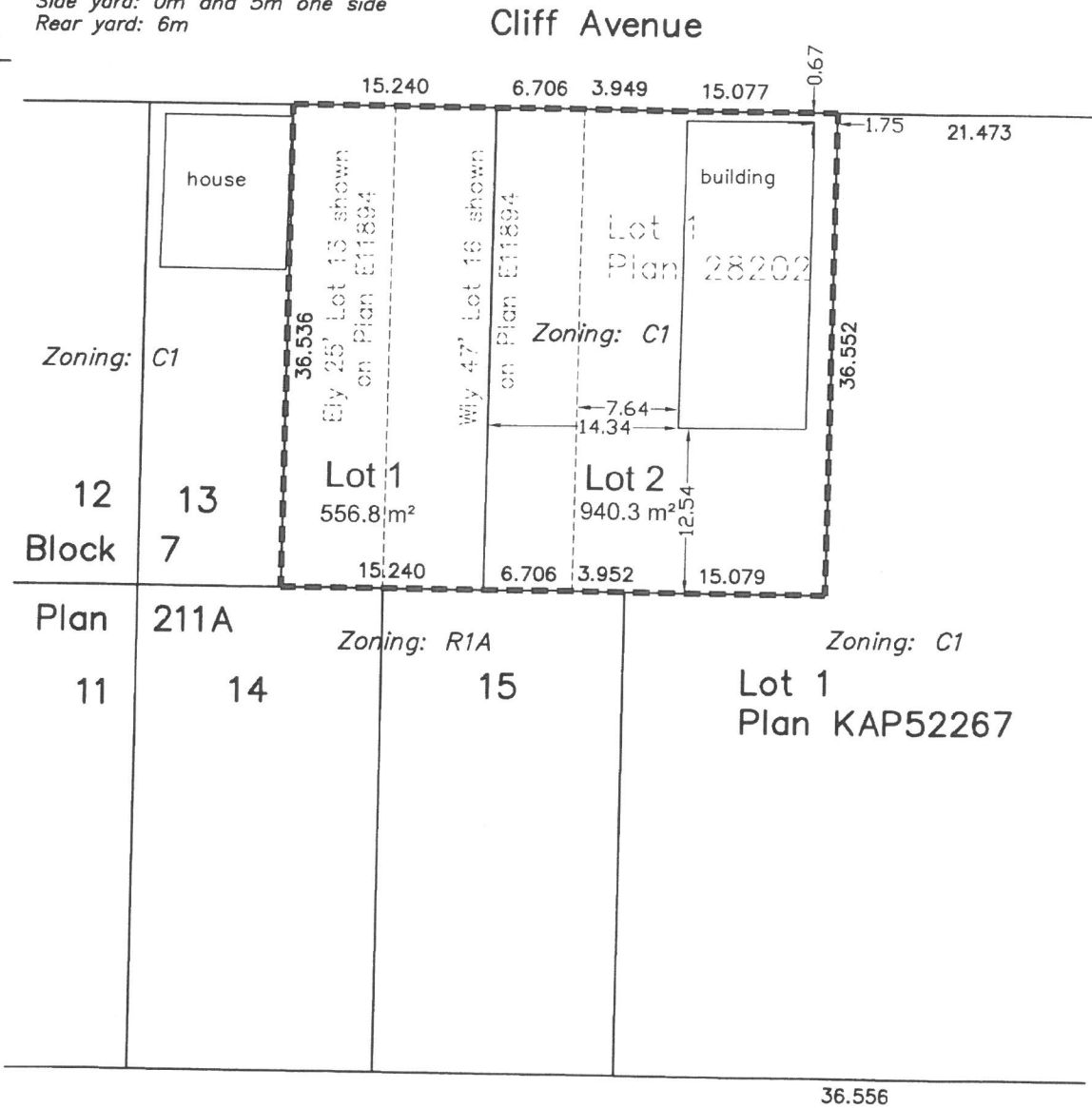


# Schedule 'A'

**Proposed Subdivision of :**  
 Lot 1, Plan 28202; the Ely 25' of Lot 13, Block 7, Plan 211A as shown on Plan E11894; and the  
 Wly 47' of Lot 16, Block 7, Plan 211A as shown on Plan E11894; all of DL 150, K(formerly O)DYD.  
 SCALE 1: 500 ( ALL DISTANCES IN METRES )

**ZONING: C1**  
 MIN LOT WIDTH: 7m  
 MIN LOT AREA: 200 sq.m.  
 MAX LOT COVERAGE: 60%  
 MIN SETBACKS:  
 Front yard: 0m  
 Side yard: 0m and 5m one side  
 Rear yard: 6m

Lot 1, Plan 28202 is subject to  
 Easement KD48440



© JASON R SHORTT, BCLS, 2019

**russell shortt**  
 land SURVEYORS

2801-32nd Street, Vernon, B.C.  
 Phone (250)545-0511 email: jasons@jrshortt.ca

FILE: 29443

Oct 16, 2020 - revised descriptions  
 Dec 4, 2019 - revised lot sizes  
 Nov 28, 2019

THIS PLAN IS PREPARED FOR THE USE OF:  
Enderby Care Society

THE CORPORATION OF THE CITY OF ENDERBY

AGENDA

MEMO

To: Tate Bengtson, Chief Administrative Officer  
From: Kurt Inglis, Planner  
Date: May 9, 2022  
Subject: Lot Frontage Waiver Request – 201 Francis Drive (Proposed Remainder Lot)

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**RECOMMENDATION**

THAT Council authorizes an exemption to Section 701.7 and 1101.b.i of the City of Enderby Zoning Bylaw No. 1550, 2014 by permitting a lot frontage of 0 m for the proposed Remainder Lot associated with the proposed boundary lot adjustment of the properties legally described as, i) LOT 1 SECTION 22 TOWNSHIP 18 RANGE 9 WEST OF THE 6TH MERIDIAN KAMLOOPS DIVISION YALE DISTRICT PLAN KAP80826, and located at 201 Francis Drive, Enderby BC, ii) THAT PART OF DISTRICT LOT 150 SHOWN ON AMENDED PLAN B1064 (DD 257637F); KAMLOOPS DIVISION YALE DISTRICT EXCEPT: (1) PLANS 6200, 17523 AND KAP90786 (2) PART OUTLINED RED ON PLAN B6558, and located at 402 Princess Street, Enderby BC, and iii) THAT PART OF DISTRICT LOT 150 KAMLOOPS (FORMERLY OSOYOOS) DIVISION YALE DISTRICT SHOWN ON PLAN KAP90785, and located at 718 3rd Avenue, Enderby BC, as shown on the attached Schedule 'A'.

**BACKGROUND**

The owner of 201 Francis Drive, 402 Princess Street, and 718 3<sup>rd</sup> Avenue, Enderby BC is proposing a boundary lot adjustment between the three lots, which would see the common property boundary between 201 Francis Drive and 402 Princess Street shift to the west, while 718 3<sup>rd</sup> Avenue would be consolidated with 402 Princess Street, as shown on the attached Schedule 'A'. The owner is seeking an exemption to Section 701.7 and 1101.b.i of the City of Enderby Zoning Bylaw No. 1550, 2014 in order to permit a lot frontage of 0 m for the proposed Remainder Lot.

Section 701.7 and 1101.b.i require the frontage of a parcel fronting a highway to be not less than one-tenth of the perimeter of the parcel. As part of the proposed boundary lot adjustment, the owner is proposing to maintain the property's existing frontage of 0 m. It should be noted that as part of the proposed boundary lot adjustment, the owner is required to provide a driveway easement through proposed Lot 1, in order to connect the proposed Remainder Lot to 1<sup>st</sup> Avenue; the purpose of this driveway easement is to secure ongoing access for the property, given challenges associated with its existing access off of Francis Drive. Given that the aforementioned driveway easement will prevent the proposed Remainder Lot from becoming 'land locked', and highway frontage for the property will likely be secured as part of future development through proposed Lot 1, Staff are recommending that Council authorizes an exemption to Section 701.7 and 1101.b.i of the City of Enderby Zoning Bylaw No. 1550,



2014 by permitting a lot frontage of 0 m for the proposed Remainder Lot, as shown on the attached Schedule 'A'.

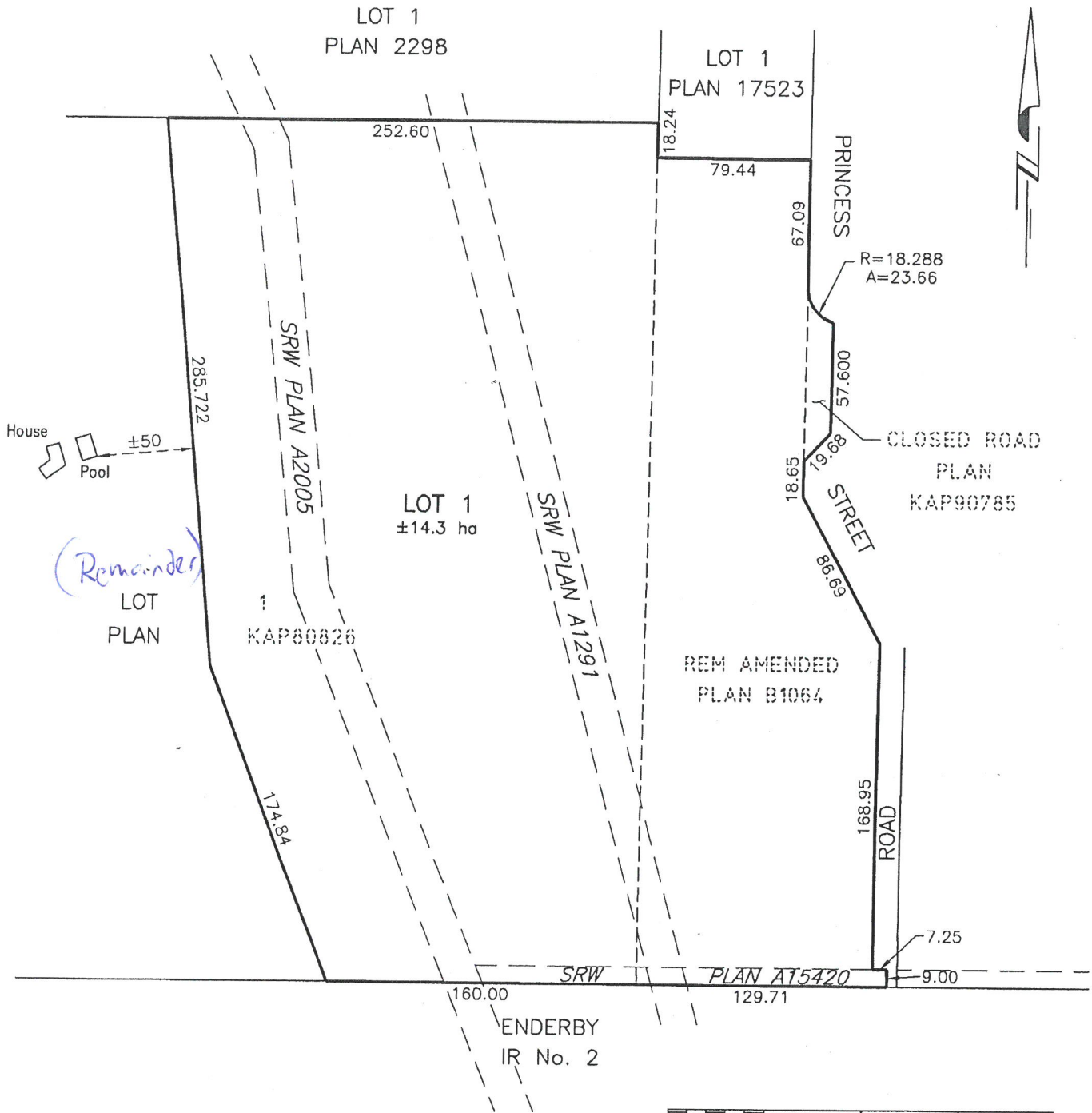
Respectfully Submitted,



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Kurt Inglis  
Planner

ALL DISTANCES ARE IN METRES.



PLAN OF PROPOSED SUBDIVISION OF  
 CLOSED ROAD ON PLAN KAP90785, DL 150,  
 REM OF AMENDED PLAN B1064, DL 150 &  
 PART OF LOT 1 PLAN KAP80826, SEC 23,  
 TP 18, RGE 9, W6M, KDYD

103610A00

SCALE: 1 : 3000	OUR FILE: R10361
DATE: 17 Apr 2018	DRAWN: RL
Osprey Hills Development Co. Ltd.	

**WILLIAM E. MADDIX**  
 B.C. LAND SURVEYOR  
 3500 - 30th STREET  
 VERNON, BC V1T 5E8  
 TELEPHONE: (250) 542-4343

**THE CORPORATION OF THE CITY OF ENDERBY**

**MEMO**

To: Tate Bengtson, Chief Administrative Officer  
From: Kurt Inglis, Planner  
Date: May 9, 2022  
Subject: Bylaw Enforcement Statistics for First Period of 2022 (Jan-Apr)

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**RECOMMENDATION**

THAT Council receives this memorandum for information.

**BACKGROUND**

The bylaw enforcement statistics for the first period of 2022 (Jan - Apr) are attached to this memorandum as Appendix "A"; the highlights of these statistics are as follows:

- A total of 73 complaints were received between January 1, 2022 and April 30, 2022, which is an increase from the first period of 2021 (57 complaints);
- The most common complaints were related to unsightly properties, excessive barking and dogs at large (combined 47.9% of complaints);
- Of the 73 complaints, 49 (67.1%) were resolved through voluntary compliance or were already compliant upon investigation;
- The City issued the following during the first period of 2022:
  - 13 warnings;
  - 12 Bylaw Notices;
  - 2 Orders to Comply; and
  - 1 Dangerous Dog Designation

Respectfully Submitted,



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Kurt Inglis  
Planner

**Appendix "A" - BYLAW COMPLAINT STATISTICS FOR FIRST PERIOD OF 2022 (JAN-APR)**

<b>BREAKDOWN OF COMPLAINTS</b>		
<b>Category</b>	<b>No. of Complaints</b>	<b>Percentage of Complaints</b>
Dogs	26	35.6%
Property	21	28.8%
Parking/Traffic	16	21.9%
Nuisance	6	8.2%
Zoning	3	4.1%
Building	1	1.4%
<b>TOTAL</b>	<b>73</b>	
<b>Identified By</b>	<b>Bylaw Enforcement / Staff</b>	<b>Public</b>
	27 (37.0%)	46 (63.0%)

<b>DOG COMPLAINTS</b>		
<b>Type</b>	<b>No. of Complaints</b>	<b>Percentage of Dog Complaints</b>
Excessive Barking	11	42.3%
Dog at Large	9	34.6%
Aggressive Dog	3	11.5%
Dog on Person Attack	1	3.8%
Dog on Dog Attack	1	3.8%
Failure to Remove Feces	1	3.8%
<b>TOTAL</b>	<b>26</b>	
<b>Complaints Per Jurisdiction</b>	<b>Enderby</b>	<b>Area 'F'</b>
	14 (53.8%)	12 (46.2%)

<b>PROPERTY COMPLAINTS</b>		
<b>Type</b>	<b>No. of Complaints</b>	<b>Percentage of Property Complaints</b>
Unightly Property	15	71.4%
Snow/Ice Removal	5	23.8%
Unlawful Burning	1	4.8%
<b>TOTAL</b>	<b>21</b>	

<b>PARKING/TRAFFIC COMPLAINTS</b>		
<b>Type</b>	<b>No. of Complaints</b>	<b>Percentage of Parking/Traffic Complaints</b>
Unlawful Parking	4	25%
Deposit Snow on to Roadway	4	25%
Obstruct Flow of Pedestrian Traffic	2	12.5%
Deposit Snow on to Sidewalk	1	6.3%
Interfere with Snow Removal Operations	1	6.3%
Deposit Material on to Roadway	1	6.3%
Detached Trailer on Public Property	1	6.3%
Derelect Vehicle	1	6.3%
Obstruct Hydrant	1	6.3%
<b>TOTAL</b>	<b>16</b>	

<b>NUISANCE COMPLAINTS</b>		
<b>Type</b>	<b>No. of Complaints</b>	<b>Percentage of Nuisance Complaints</b>
Excessive Noise	6	100%
<b>TOTAL</b>	<b>6</b>	

<b>ZONING COMPLAINTS</b>		
<b>Type</b>	<b>No. of Complaints</b>	<b>Percentage of Zoning Complaints</b>
Using Trailer as Dwelling	2	66.6%
Unlawful Shipping Container	1	33.3%
<b>TOTAL</b>	<b>3</b>	

<b>BUILDING COMPLAINTS</b>		
<b>Type</b>	<b>No. of Complaints</b>	<b>Percentage of Building Complaints</b>
Construction Without a Permit	1	100%
<b>TOTAL</b>	<b>1</b>	

**RDNO Building Permits Issued Comparison for Year/Month - Summary**



Area: CITY OF ENDERBY

Category: BUILDING PERMITS

Year: 2022 Month: 04

Folder Type	2022 / 04		2021 / 04		2022 to 04		2021 to 04	
	Permits Issued	Res. Units Created	Building Value	Permits Issued	Res. Units Created	Building Value	Permits Issued	Res. Units Created
ACCESSORY BUILDING	0	0	0	0	0	0	0	0
AGRICULTURAL BUILDING	0	0	0	0	0	0	0	0
COMMERCIAL BUILDING	0	0	0	0	0	0	0	0
DEMOLITION	0	0	0	0	0	0	0	0
END - ACCESSORY BUILDING	1	0	60,000	1	0	60,000	2	0
END - COMMERCIAL BUILDING	0	0	5,000	0	0	0	2	0
END - DEMOLITION	1	0	0	1	0	0	0	0
END - INDUSTRIAL BUILDING	0	0	0	0	0	0	0	0
END - MANUFACTURED HOME	0	0	0	0	0	0	0	0
END - MODULAR HOME	0	0	0	0	0	0	0	0
END - MULTI FAMILY DWELLING	0	0	0	1	0	754,432	0	0
END - PLUMBING	0	0	0	0	0	0	0	0
END - SIGN	0	0	0	0	0	0	1	1
END - SINGLE FAMILY DWELLING	1	0	12,969	0	0	0	0	0
INDUSTRIAL BUILDING	0	0	1,630,030	4	1	727,120	6	6
INSTITUTIONAL	0	0	0	0	0	0	0	0
MANUFACTURED HOME	0	0	0	0	0	0	0	0
MODULAR HOME	0	0	0	0	0	0	0	0
MULTI FAMILY DWELLING	0	0	0	0	0	0	0	0
OLD PIMS PERMITS	0	0	0	0	0	0	0	0
PLUMBING	0	0	0	0	0	0	0	0
POOL	0	0	0	0	0	0	0	0
RETAINING WALL	0	0	0	0	0	0	0	0
SIGN	0	0	0	0	0	0	0	0
SINGLE FAMILY DWELLING	0	0	0	0	0	0	0	0
SOLID FUEL BURNING APPLIANC	0	0	0	0	0	0	0	0
<b>Report Totals</b>	<b>3</b>	<b>0</b>	<b>72,969</b>	<b>4</b>	<b>3</b>	<b>1,635,030</b>	<b>7</b>	<b>3</b>
						<b>1,541,552</b>	<b>11</b>	<b>7</b>
								<b>5,129,520</b>

THE CORPORATION OF THE CITY OF ENDERBY

AGENDA

MEMO

To: Tate Bengtson, Chief Administrative Officer  
From: Kurt Inglis, Planner  
Date: May 3, 2022  
Subject: Successful Grant Application Through BC Hydro Community Regreening Program

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**RECOMMENDATION**

THAT Council receives and files this memorandum.

**BACKGROUND**

The BC Hydro Community Regreening Program is intended to assist in the planting of trees within municipalities throughout British Columbia, with an awareness and sensitivity to the proximity of power lines; program objectives include:

- Enhance open spaces;
- Restore and improve urban canopies;
- Diversify and enhance urban forests;
- Beautify parks and outdoor recreation areas;
- Create natural habitats; and
- Bring the community together and support environmental action.

In early 2022, Council authorized Staff to submit a grant application under the 2022 BC Hydro Community Regreening Program intake to fund the planting of flood-tolerant trees in Tuey Park. Over the past 5 years, approximately 6 fully-mature trees have been removed from the cleared area at Tuey Park, as the trees had reached end of life and were hazardous. The removal of these mature trees has resulted in a significant reduction in shade cover for park users.

The City has received confirmation that it was successful in its grant application in the amount of \$5,350. Staff will proceed with sourcing the trees and will schedule the trees to be planted in early fall, following the end of the peak tourism season.

Respectfully Submitted,



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Kurt Inglis  
Planner