

**To:** Her Worship Mayor McKortoff and Members of Council  
**From:** Leah Curtis, Planning Technician  
**Date:** December 12, 2023  
**Subject:** Report 1 – Zoning Amendment Bylaw No.1085.147, 2023  
 5809 89<sup>th</sup> Street  
**Tracker No:** BLW-378

**Recommendation:**

That Zoning Bylaw Amendment Application Z23-02 be accepted.  
 That Zoning Amendment Bylaw No.1085.147, 2023 be read for a first and second time.

**CAO Comments:**

Approved for Council consideration.

**Executive Summary:**

The purpose of this report is to request that Council consider Zoning Amendment Bylaw No.1085.147, 2023 (Attachment 1). The Applicant is proposing to amend the zoning for the Property located at 5809 89<sup>th</sup> Street in order to accommodate the subdivision of the Property into two small lots. One lot containing the existing residence.

**Background:**

<b>OWNER</b>	Brent Ogilvy
<b>APPLICANT</b>	Brent Ogilvy
<b>CIVIC ADDRESS</b>	5809 89 <sup>th</sup> Street
<b>LEGAL DESCRIPTION</b>	Lot 17, DL 2450s, SDYD, Plan 29593
<b>OCP DESIGNATION</b>	Low-Medium Density Residential
<b>ZONING</b> Current Proposed	R1 – Single Family Residential R2 – Single Family Residential Small Lot

**Site Context and Proposal**

The subject property is approximately 1001.3m<sup>2</sup> in area and is situated on the east side of 89<sup>th</sup> Street. The parcel currently has a single-family home with a large garage.

The surrounding pattern of development is varied, with multiple zones surrounding the subject property (see Figure 1). The applicant is looking to rezone the property in order to subdivide the property into two small lots.

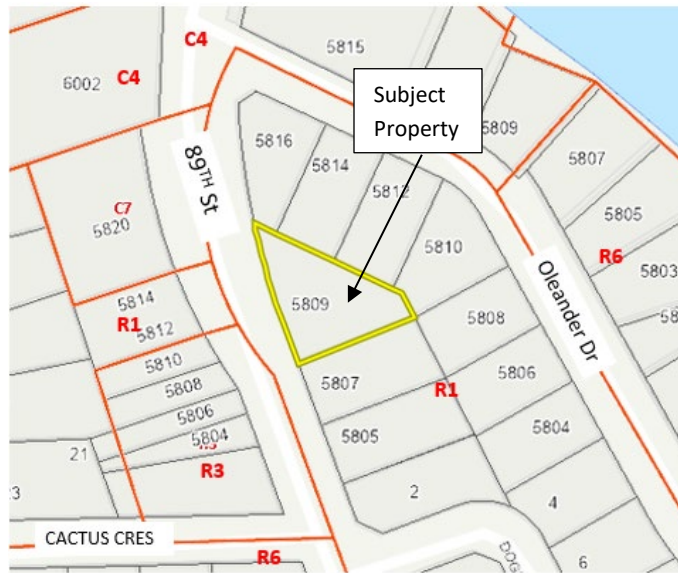


Figure 1 Site Context – Zoning Designations of Surrounding Area

It is important to note that the subject property has an easement along the rear property line for a sewer right of way. No permanent or temporary structures would be permitted to be located on this easement.

Attachment 5 shows the proposed subdivision of the subject property and provides the building envelope (developable) area of the property. The easement as well as the required setbacks for the R2 zoned have not been included in the building envelope calculations. Tables 1 and 2 below shows the proposed lot sizes and the size of the building envelopes.

Table 1: Proposed Lot Sizes

Minimum Lot Size R2 Zone	Proposed Lot 1	Proposed Lot 2
400m <sup>2</sup>	450.6m <sup>2</sup>	550.7m <sup>2</sup>

Table 2: Proposed Building Envelope (Developable) Areas

	Proposed Lot 1	Proposed Lot 2
<b>Building Envelope (Developable) Area</b>	161.4m <sup>2</sup> or 1,737 ft <sup>2</sup>	314.8m <sup>2</sup> or 3388 ft <sup>2</sup>

The applicant has been informed that should the rezoning and subsequent subdivision of the subject property occur; the following changes would need to be made:

1. the external cladding on the garage building must be non-combustible; and
2. that the location of the sanitary sewer for the existing residence must be moved so that it will not cross the newly proposed lot.

The applicant acknowledged that these changes would be required to subdivide the property. Furthermore, the applicant was advised that a variance to the setbacks would not be supported

by administration for the proposed new parcel, as the intent of the subdivision would be to be able to build without having a variance.

## **Analysis**

### *Official Community Plan Bylaw No.1375, 2022*

The current Official Community Plan (OCP) designation of the property is Low-Medium Density Residential. The proposed rezoning would comply with the OCP designation's density requirements. The OCP seeks to accommodate diverse housing options as a form of infill and intensification in existing low-density neighbourhoods and support smaller lots where possible and suitable. The proposed rezoning and subsequent subdivision of the subject property complies with the OCP designation and policies.

### *Zoning Bylaw No.1085, 1998*

A zoning amendment is required as the Property is currently zoned R1 – Single Family Residential. The proposed R2 – Single Family Residential Small Lot designation would allow for a minimum lot size of 400m<sup>2</sup>, enabling the applicant to subdivide the property into two small lots. The proposed site plan illustrates that all proposed lots conform to the minimum lot size for the R2 zone (Attachment 5).

### *Subdivision and Development Servicing Bylaw No.1100, 1998*

Off-site servicing costs and any additional engineering requirements will be secured through the subdivision process. Development Cost Charges will be payable at subdivision stage.

### *Land Use Procedure Bylaw No.1235, 2007*

As per the Town of Osoyoos *Land Use Procedure Bylaw No.1235, 2007*, rezoning application signage was placed on the subject property notifying the public of the pending application. Once a public hearing date has been determined, neighbouring property owners and tenants will receive notification by mail and notices will be placed in the local newspaper as required by the *Local Government Act*.

## **Options:**

- 1 a) That Zoning Bylaw Amendment Application Z23-03 be accepted.  
b) That Zoning Amendment Bylaw No.1085.147, 2023 be read for a first and second time.
- 2 That Council denies the application and the amendment bylaw be abandoned.
- 3 That Council request additional information before proceeding further.

## **Implications:**

### **a) Community**

- The proposed amendment and subsequent subdivision will enable one new residential lot to be created.

**b) Organizational**

- A notice of development sign has been posted on the subject property (Attachment 3) on September 29, 2023. Notification of the Public Hearing will be mailed or otherwise delivered to properties within a 60-metre radius as per the Town's *Land Use Procedure Bylaw No.1235* following Council's approval of the application and 1<sup>st</sup> and 2<sup>nd</sup> readings of the amending bylaw.

**c) Budget**

- There are no impacts to the budget associated with this report.

**d) Significant Dates**

- Should 1<sup>st</sup> and 2<sup>nd</sup> reading be granted, administration is proposing a Public Hearing be held on January 23, 2024, following the required notification process.

**e) Sustainability**

- The proposed amendment is consistent with the Town's approach to sustainability as this area is currently serviced.

**Others Consulted:**

Operational Services

**Attachments:**

1. Zoning Amendment Bylaw No.1085.147, 2023
2. Application Package
3. Location Map
4. Development Sign
5. Proposed Subdivision Plan

**TOWN OF OSOYOOS  
BYLAW NO. 1085.147, 2023**

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*A bylaw to amend the Zoning Bylaw 1085, 1998.*

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**WHEREAS** Council deems it desirable to amend the Zoning Bylaw.

**APPLICANT:** Brent Ogilvy  
**ADDRESS:** 5809 89<sup>th</sup> Street

**NOW THEREFORE BE IT RESOLVED THAT** the Municipal Council of the Town of Osoyoos in open meeting assembled **ENACTS AS FOLLOWS:**

1. This Bylaw may be cited for all purposes as “Zoning Amendment Bylaw No. 1085.147, 2023”.
2. That the Town of Osoyoos Bylaw 1085, 1998 Schedule “A” Zoning Map be amended by changing the designated zoning from “R1 - Single Family Residential” to “R2 – Single Family Residential Small Lot” of the property legally described as “Lot 17, District Lot 2450S, SDYD, Plan KAP29593”.

Read a First and Second time on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Notice was given in accordance with the *Local Government Act* and Section 94 of the *Community Charter* by advertising twice in the *Times Chronicle* newspaper on the \_\_\_\_\_ day of \_\_\_\_\_, 2023 and the \_\_\_\_\_ day of \_\_\_\_\_, 2023 and posting on the **Public Notice Posting Places** on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Public Hearing was held on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Read a Third time on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

Approved pursuant to section 52(3)(a) of the Transportation Act this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
for Minister of Transportation & Infrastructure

Adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Corporate Officer



PLANNING & DEVELOPMENT SERVICES  
 PO Box 3010, 8711 MAIN ST. Osoyoos BC V0H 1V0  
 TEL: 495-6191 FAX: 495-2400

SCHEDULE "A2"  
 LAND USE PROCEDURES BYLAW 1235, 2007  
**ZONING AMENDMENT  
 APPLICATION**

Attachment 2

Date: **RECEIVED**  
 Cheque No.: **SEP 22 2023**  
 Amount: \_\_\_\_\_  
 Received By: **TOWN OF OSOYOOS  
 Planning and Development Services**

CIVIC ADDRESS: 5809 89<sup>th</sup> ST

LEGAL DESCRIPTION: Lot 17 Block \_\_\_\_\_ PLAN KAP29593 DISTRICT LOT 2450\$

EXISTING ZONING: <u>R1</u>	PROPOSED ZONING: <u>R2</u>	OCP DESIGNATION: <u>LOW &amp; MED DEN.</u>	OCP AMENDMENT: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
EXISTING USE: <u>RESIDENTIAL</u>		PROPOSED USE: <u>RESIDENTIAL</u>	PROPOSED OCP DESIGNATION: (if applicable)

APPLICATION MUST INCLUDE:

- CURRENT STATE OF TITLE CERTIFICATE OR A CURRENT TITLE SEARCH
- SITE PLANS - MUST INCLUDE: LEGAL DESCRIPTION, SCALE, EASEMENTS AND RIGHT OF WAYS, SETBACKS, EXISTING AND PROPOSED BUILDINGS, LOT AREA, NUMBERED PARKING STALLS, ROADS, VEHICLE AND PEDESTRIAN ACCESS
- PRELIMINARY ELEVATIONS AND FLOOR PLANS
- ANY ADDITIONAL TECHNICAL INFORMATION OR REPORTS THE TOWN MAY REQUIRE
- NON-REFUNDABLE APPLICATION FEES IN ACCORDANCE WITH SCHEDULE "B"

REGISTERED OWNER'S NAME: <u>BRENT OGILVY</u>			APPLICANT'S NAME: <u>SAME AS PREVIOUS</u>		
ADDRESS: <u>5809 89<sup>th</sup> ST</u>			ADDRESS: ←		
CITY: <u>OSOYOOS</u>	PROVINCE: <u>BC</u>	POSTAL CODE: <u>V0H 1V1</u>	CITY:	PROVINCE:	POSTAL CODE:
TEL: <u>250-498-7077</u>			TEL:		
FAX: <u>N/A</u>			FAX:		
EMAIL: <u>brentogilvy@hotmail.com</u>			EMAIL:		

An application must be made either by the property owner or by an agent with the owner's written authorization.

SIGNATURE OF REGISTERED OWNER

SEPT 22-2023  
 DATE

SIGNATURE OF APPLICANT

SEPT 22-2023  
 DATE



# ZONING AMENDMENT APPLICATION

**PLANNING & DEVELOPMENT SERVICES**  
 PO Box 3010, 8711 MAIN ST. Osoyoos BC V0H 1V0  
 TEL: 495-6191 FAX: 495-2400

Text Amendment (if applicable)

Describe the Proposed Text Amendment: APPLYING TO REZONE  
5809 89<sup>th</sup> ST FROM R1 ZONING  
TO R2 ZONING.

1. Services currently existing or readily available to the property (check applicable boxes):

SERVICES	CURRENTLY EXISTING		READILY AVAILABLE*	
Road Access	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Water Supply	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Sewage Disposal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Hydro	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Telephone	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No

NOTE\* Readily Available means existing service can be easily extended to the subject property.

2. Proposed water supply method TOWN WATER

3. Proposed sewage disposal method TOWN SEWER

4. Approximate commencement date of proposed project \_\_\_\_\_

5. Reasons and comments in support of the application (use separate sheet if necessary):

THERE IS A LACK OF BARE BUILDING LOTS  
WITH-IN TOWN OF OSOYOOS BOUNDARIES FOR  
SINGLE FAMILY CUSTOM HOMES. THIS LOT  
IS CLOSE TO DOWNTOWN AMENITIES AND  
THE PUBLIC BEACH.

**Contaminated Sites Regulation**

**Please note:** The Town of Osoyoos does not receive site profiles. Applicants are required to submit contaminated site information directly to the Ministry of Environment to satisfy any Provincial requirements under the *Environmental Management Act*.







**REZONING APPLICATION Z23-03**

**5809 89<sup>th</sup> Street**

**Legal Description: Lot 17, DL 2450s, SDYD, Plan KAP29593**

**PROPOSED DEVELOPMENT:** The purpose of this proposal is to rezone the property from R1 – Single Family Residential to R2 – Single Family Residential Small Lot to allow the owner to subdivide and create one new small residential lot.

<b>OCP LAND USE</b>	<b>CURRENT</b>	<b>Low-Medium Density Residential</b>
<b>ZONING DESIGNATION</b>	<b>CURRENT</b>	<b>R1 – Single Family Residential</b>
	<b>PROPOSED</b>	<b>R2 – Single Family Residential Small Lot</b>

**OWNER** – Brent Ogilvy  
**APPLICANT** – Brent Ogilvy

Phone number: 250-498-7077

**PUBLIC HEARING:**

**Date:**  
**Time:**  
**Location: Council Chambers**  
**8707 Main Street**

**Town of Osoyoos**  
**Planning & Development Services**  
**250.495.6191**



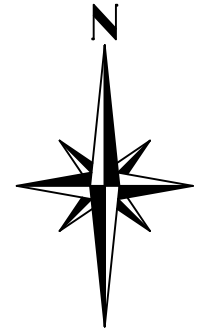
# PROPOSED SUBDIVISION PLAN OF LOT 17, DL 2450s, SDYD, PLAN 29593.

PID: 004-245-377  
CHARGES: SRW P13247  
STATUTORY BUILDING SCHEME P13240

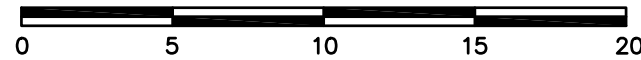
CIVIC ADDRESS:  
5809 - 89th STREET, OSOYOOS

CLIENT: BRENT OGILVY

DATE: NOVEMBER 9, 2023  
VERSION #1



SCALE 1:250



ALL DISTANCES SHOWN ARE IN METRES.

THE INTENDED SIZE OF THIS PLAN IS 432 mm  
IN WIDTH BY 280 mm IN HEIGHT (B SIZE)  
WHEN PLOTTED AT A SCALE OF 1:250

**PROPOSED RE-ZONING TO R2 REQUIRED**

FRONT - 4.5m      MINIMUM WIDTH - 10m  
REAR - 4.5m      MINIMUM AREA - 400m<sup>2</sup>  
INTERIOR SIDE - 1.5m  
EXTERIOR SIDE - 3.0m

NOT SUITABLE FOR  
MORTGAGE PURPOSES

LOT DIMENSIONS ARE DERIVED  
FROM LAND TITLE OFFICE RECORDS  
PLAN 29593, AND ARE SUBJECT TO  
CHANGE UPON A COMPLETE NEW  
LEGAL SURVEY

BEARINGS ARE UTM GRID, ZONE 11

THIS SKETCH PLAN WAS PREPARED FOR  
SUBDIVISION APPLICATION PURPOSES  
AND IS FOR THE EXCLUSIVE  
USE OF THE CLIENT SHOWN.

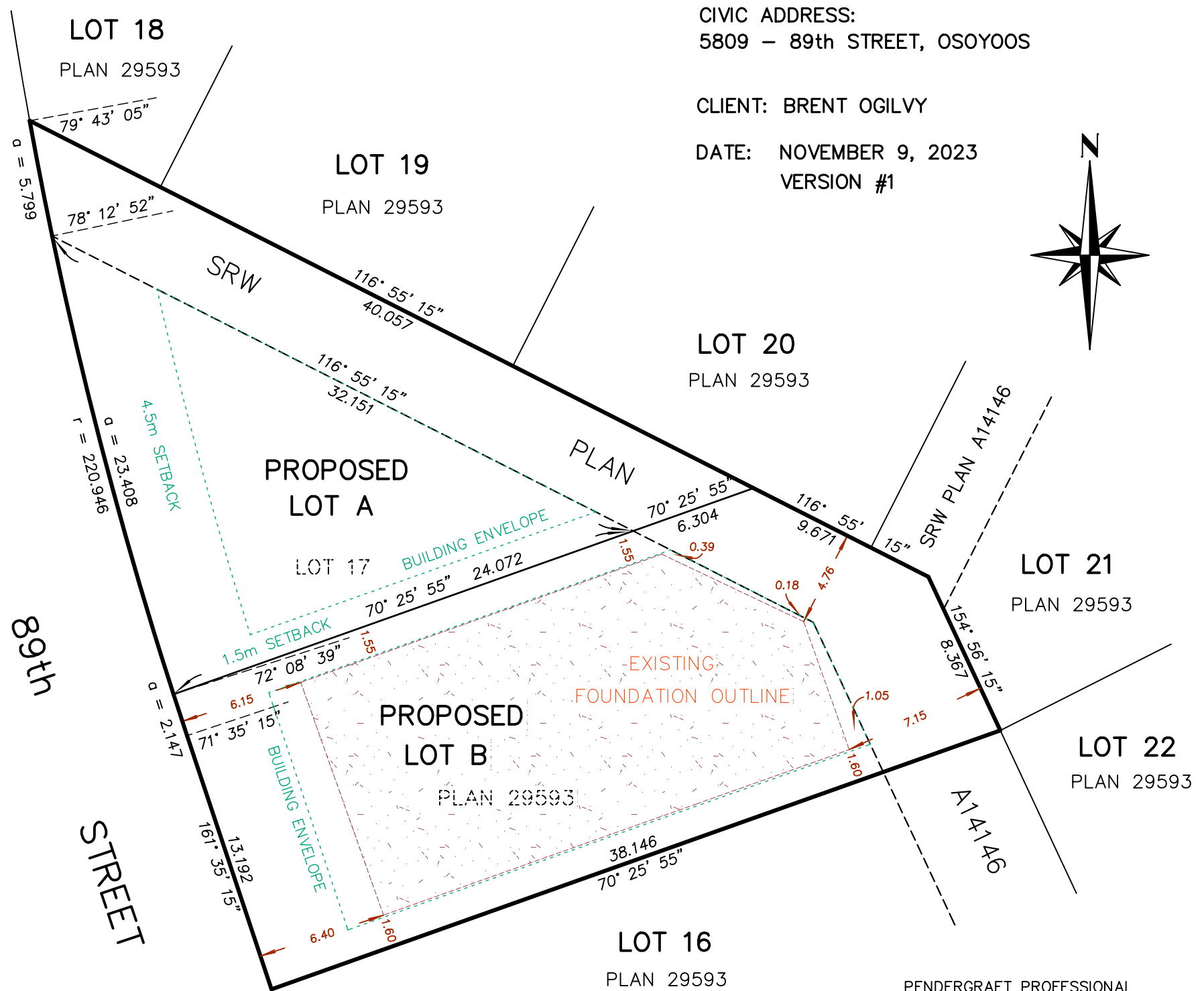


TABLE OF AREAS	LOT AREA	BUILDING ENVELOPE (DEVELOPABLE) AREA
PROPOSED LOT A	450.6 m <sup>2</sup>	161.4 m <sup>2</sup> OR 1737 sqft
PROPOSED LOT B	550.7 m <sup>2</sup>	314.8 m <sup>2</sup> OR 3388 sqft

NOTE: BUILDING ENVELOPE AREAS SHOWN  
EXCLUDE ANY AREAS ENCUMBERED BY  
R2 ZONING SETBACKS, AS WELL AS THE  
SRW PLAN A14146, AT THE REAR OF THE LOTS

PENDERGRAFT PROFESSIONAL  
LAND SURVEYING INC.  
BOX 640  
OSOYOOS, B.C. ©  
VOH 1VO  
PHONE: (250) 495-7127  
email: brad@pendergrftsurveying.ca  
OUR FILE NO. 1213202 PR01.DWG  
DC FILE NO. 1162520