

CITY OF MERRITT

AGENDA

PUBLIC HEARING

CITY HALL
2185 Voght Street
Merritt, B.C.

Tuesday, March 23, 2010
At 7:00 pm

Mission Statement: The City of Merritt is a progressive, attractive, economically viable City that is socially responsible and environmentally sustainable.

Council

Mayor Susan Roline

Councillor Dave Baker

Councillor Mike Goetz

Councillor Nadia Hunter

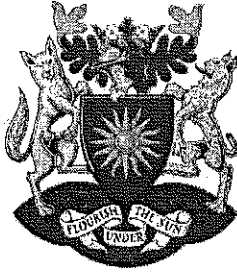
Councillor Harry Kroeker

Councillor Alastair Murdoch

Councillor Shelley Sanders

Country Music Capital of Canada

For Enquiries
Telephone - (250) 378-4224
www.merritt.ca



CITY OF MERRITT

A G E N D A

**PUBLIC HEARING
COUNCIL CHAMBER, CITY HALL
TUESDAY, MARCH 23, 2010
AT 7:00 PM**

1. CALL TO ORDER

2. INTRODUCTION OF THE BYLAW

ZONING BYLAW -
2414 SPRINGBANK
AVENUE
Page 4-5

- 2.1 City of Merritt Zoning Bylaw Amendment Bylaw No. 2092, 2010
- 2414 Springbank Avenue
File: 3900.1894
-

3. STAFF REPORT

ZONING BYLAW -
2414 SPRINGBANK
AVENUE
Page 6-15

- 3.1 City of Merritt Zoning Bylaw Amendment Bylaw No. 29092,
2010 - 2414 Springbank Avenue; Administrator's March 16, 2010
Memorandum
File: 3360 RZ2010-01
-

4. PROPONENT'S SUBMISSION

5. PUBLIC SUBMISSIONS

6. CONSIDERATION OF RETURNING BYLAW TO REGULAR
COUNCIL MEETING FOR FURTHER READINGS

7. CLOSE OF PUBLIC HEARING

**CITY OF MERRITT
BYLAW NO. 2092, 2010**

A BYLAW TO AMEND CITY OF MERRITT ZONING BYLAW NO. 1894, 2004

WHEREAS the Council of the Corporation of the City of Merritt has received an application to amend the City of Merritt Zoning Bylaw No. 1894, 2004;

AND WHEREAS the Council of the City of Merritt has held a Public Hearing pursuant to the *Local Government Act*;

NOW THEREFORE the Council of the City of Merritt in open meeting assembled hereby enacts as follows:

1. That this bylaw shall be cited as **“CORPORATION OF THE CITY OF MERRITT ZONING AMENDMENT BYLAW NO. 2092, 2010.”**

That the following be added under “Special Regulations”:

“7.4 Notwithstanding Section 7.1, 7.2 and 7.3 the following regulations will apply on a site specific basis for Lot 2, DL 121, Plan KAP 63309, KDYD (2414 Springbank Avenue):

Column I	Column II
.1 Maximum Number of Garden Suites	1 per parcel
.2 Maximum Floor Area for Garden Suite	Not to exceed 10% of parcel area or parcel coverage of principal building.
.3 Maximum Height for Garden Suite	Not more than 2 storeys and less than 10 metres in height, and must include a garage.
.4 Minimum setback from Parcel Line for Garden Suite	
.1 front parcel line	10 metres
.2 rear parcel line	1.5 metres
.3 interior side parcel line	1.5 metres
.4 exterior side parcel line	3 metres

.5 Minimum setback from Principal Building for
Garden Suite 6 metres

.6 Garden suite must be connected to water and sewer
services on principal building”

READ A FIRST TIME this	23 rd day of February, 2010
READ A SECOND TIME this	23 rd day of February, 2010
PUBLIC HEARING HELD this	23 rd day of March, 2010
READ A THIRD TIME this	day of , 2010
ADOPTED this	day of , 2010

SUSAN ROLINE,
MAYOR

RUTH TOLERTON,
CORPORATE SERVICES MANAGER

Report

City of Merritt
For Public Hearing
March 23rd, 2010

To: Mayor and Council

File Number: 3360

From: Administrator

Date: March 16th, 2010

Application No. RZ2010-01

Applicant: Don Cowie

Owner: Don Cowie

Subject Property Location: 2414 Springbank Ave.

Purpose: To allow for a 'garden suite'

Existing Zone: R1, Single Family Residential

Proposed Zone: R1, Single Family Residential with site specific regulations

Report Prepared By: Sean O'Flaherty, Development Services Officer

Background:

The building envelope on this property is severely restricted because of a utility statutory right-of way for a City sewer main which dissects the subject property and a covenant for riparian and steep slopes. Both statutory right-of ways and covenants are no-build areas. In essence, only 34% of this parcel can be used by the owner to build a house. The remaining 66% is in the no-build area. The approximately 1100m² remaining for building is split by the sewer main.

Reviewed by:			
Administrator: <i>Joseph Q. Call</i>	Financial Services Mgr:	Corporate Services Mgr:	Other:



COUNTRY MUSIC CAPITAL OF CANADA

The applicant has applied to allow a garden suite on his large residential lot. There is only one other conforming property zoned for a garden suite in Merritt. Bylaw 1999 allowed for the property at 1826 Quilchena Ave. to have a site-specific garden suite in R2, Low Density Residential. In the summer of 2009, an application to allow a garden suite on Langley Street (an R1 neighbourhood), was defeated after a Public Hearing.

Also, the neighbour to the east at 2426 Springbank Road was granted a variance (DVP2007-12) to allow a detached garage with an activity room above because of similar interference with the sewer statutory right-of-way. The activity room has no provisions for habitation, no water and sewer connection and no cooking facilities. That Variance Permit specifically restricted the use of the detached garage from being used as a dwelling. A zoning amendment is required in all cases where the applicant is requesting a second dwelling unit for living purposes.

The applicant has applied to LEED Canada for LEED Gold certification on his development. There are no LEED certified projects in the Nicola Valley. The closest LEED projects are in Kamloops including the new Interior Health building and some City of Kamloops buildings.

The Leadership in Energy and Environmental Design (LEED) Green Building Rating System™ encourages and accelerates global adoption of sustainable green building and development practices through the creation and implementation of universally understood and accepted tools and performance criteria.

LEED is a third-party certification program and an internationally accepted benchmark for the design, construction and operation of high performance green buildings. LEED promotes a whole-building approach to sustainability by recognizing performance in five key areas of human and environmental health:

- sustainable site development
- water efficiency
- energy efficiency
- materials selection
- indoor environmental quality

LEED Gold is the second highest level of performance after LEED Platinum.

Policy:

- The Official Community Plan sets direction for development and growth from a policy and land use base.
- The subject property is in the “North Nicola” sector of the Official Community Plan.
- Policy 5.4.5.2.2 Encourages residential development that complements the scale and character of surrounding neighbourhoods.
- Policy 5.4.5.2.3 Encourages residential development on lands south of Irvine Avenue and north of Nicola River.

The City's zoning bylaw has existing provisions for garden suites in R2, Low Density Residential, but not R1, Single Family Residential. Some of the key regulations currently under R2 are:

- There must be 6m of separation between the principal building and the garden suite.
- The garden suite must be in the rear of the yard.
- The garden suite must be connected to water and sewer services from the principal building.
- The garden suite cannot be more than 2 storeys and not less than 10m high and must contain a garage.

Planning and Development Services Department Comments:

A Garden Suite is an eastern Canadian term defining a self-contained residential building that is subordinate to the principal building. A 'granny flat' is the Australian equivalent and is considered a dated term but is still referenced in local governments. A 'coach house' is commonly used in BC and typically describes a second dwelling unit built above or behind a rear garage. Garden Suites offer a smaller, accessible, and affordable housing form and encourages aging in-place for residents who own fairly large lots and yet do not require them at this stage of their life-cycle. The applicant intends to place an aging relative in the garden suite.

Garden suites are property improvements, which increases the assessed value of the property — and thus property taxes. Furthermore utility charges are levied against the additional 'dwelling unit'.

Technical Comments:

Services and Utilities

- Garden suite is connected to existing water and sewer services on the property
- building is not situated over any existing underground services or utilities
- no interference with, or disruption of, the existing surface water drainage pattern on adjacent properties, or causing any ponding of storm water

Form and Character

- garden suite design will be compatible with, or will blend with the design, materials and colour of the primary residence on the same property.

Regulation/Permit Requirements

- building, plumbing and electrical permits required to ensure construction is to occupancy standard
- year-round access to all structures for fire protection of the suite/garage (i.e., snow removal on driveway)
- LEED certifications as necessary.

Parking Demands

- a designated parking space on the property for the occupants of the garden suite. Therefore a total of three off-street parking spots will be required.

Other Considerations

- The building envelope on this lot is sandwiched between a statutory right-of-ways and two covenant areas, all registered on property title. This is a particularly challenging configuration for the owner.

Agency Referrals

No agency referrals are required.

Public Notice

Notice of this Public Hearing was advertised in the March 10th and 17th, 2010 issues of the Merritt Herald. Notices were mailed on February 24th 2010 to property owner/occupiers within 30 metres of the subject property. There has been no feedback to date.

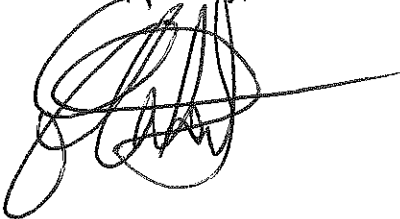
Administration Comments:

If the City was to consider allowing garden suites on a City-wide basis, further analysis is recommended. However, because of the sensitivity of the issues, it is recommended that the City proceed to deal with future applications strictly on a site specific basis.

Recommendation:

THAT the City of Merritt Zoning Bylaw Amendment Bylaw No. 2092, 2010 be read a third time.

Respectfully,



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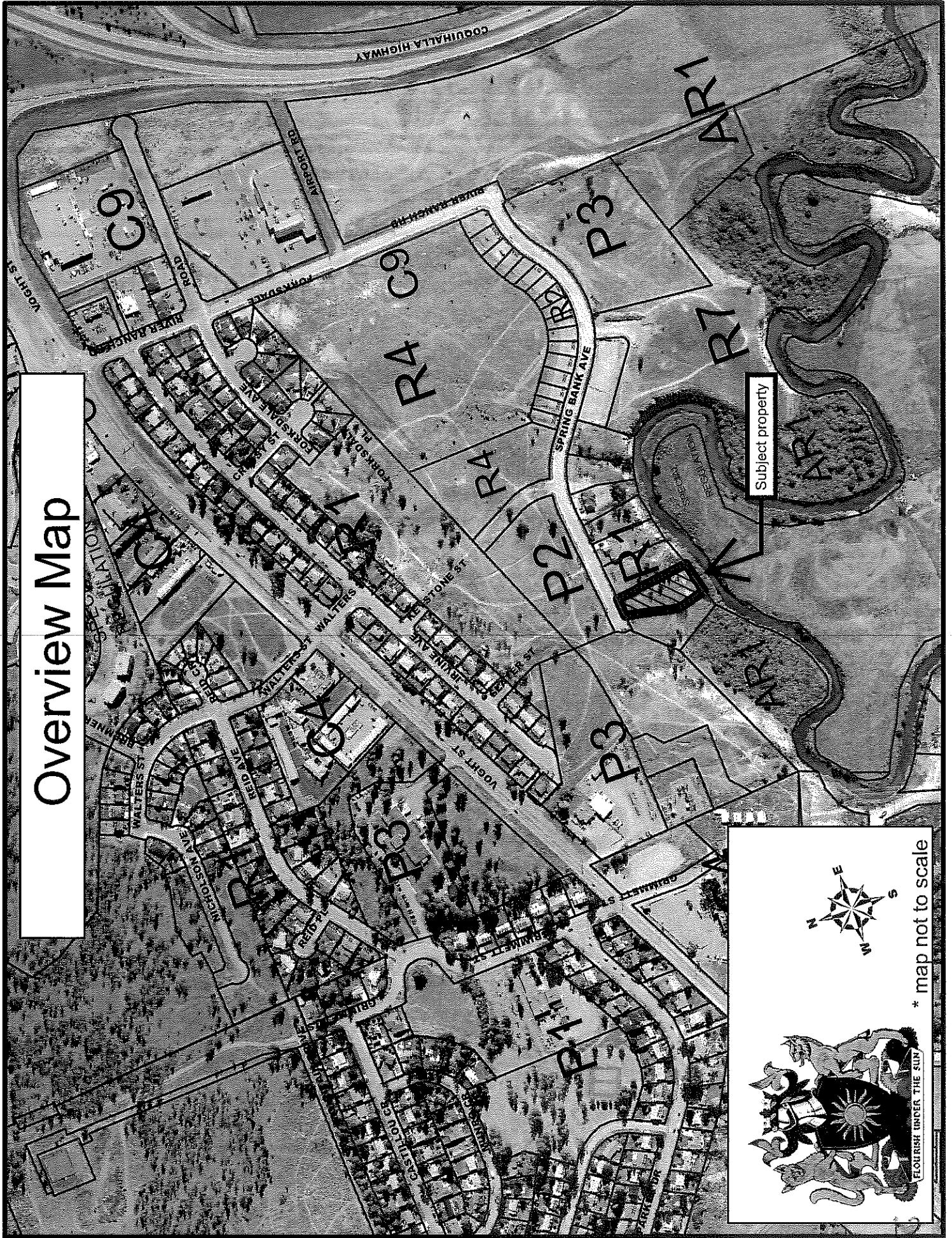
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MAYOR**

**RUTH TOLERTON,
CORPORATE SERVICES MANAGER**

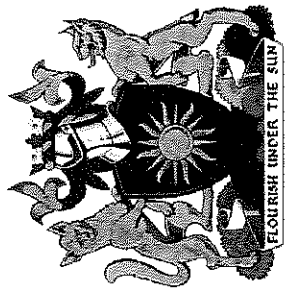
Overview Map



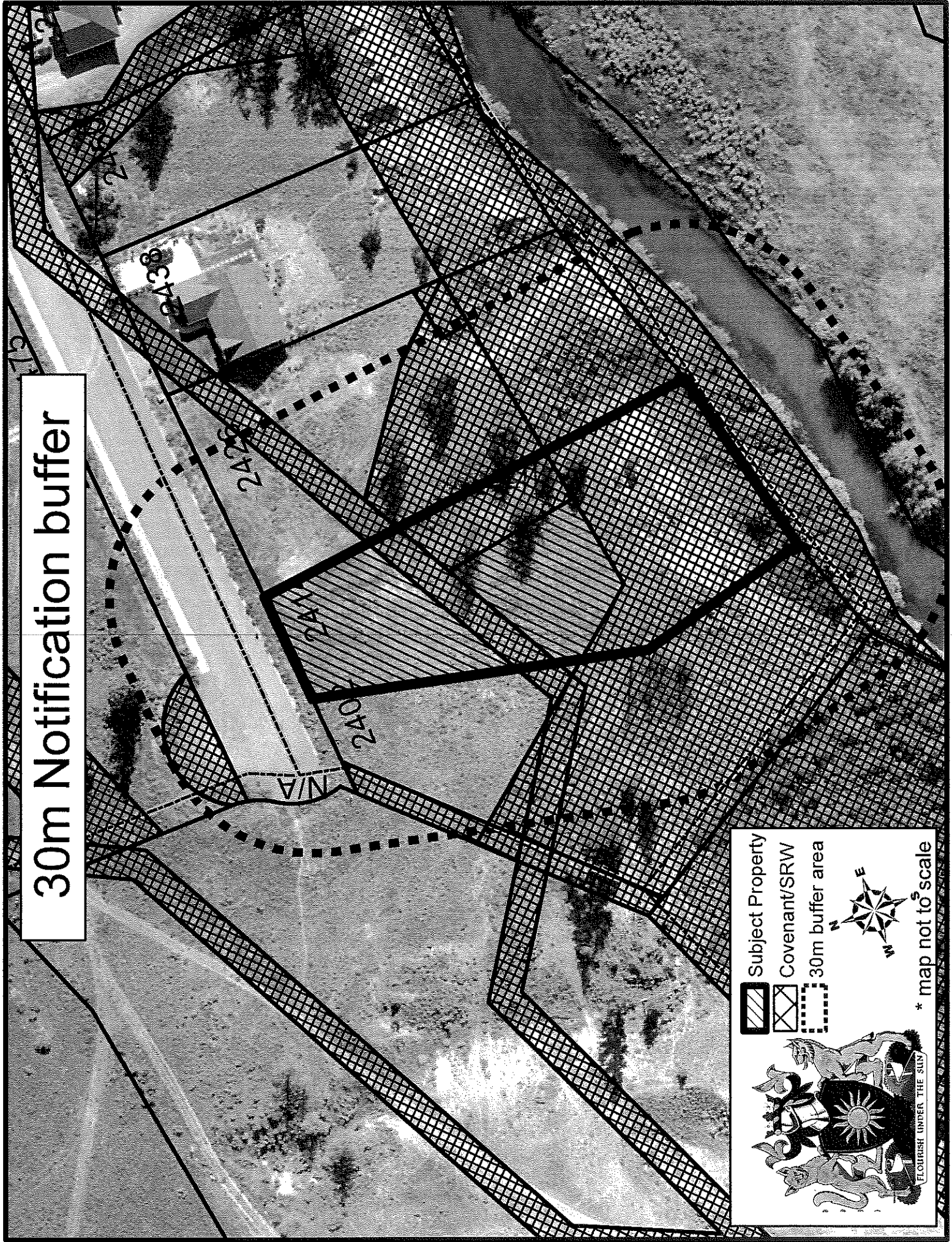
Subject property

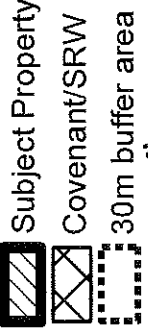



* map not to scale




30m Notification buffer



 Subject Property
Covenant/SRW
30m buffer area


FLOURISH UNDER THE SUN



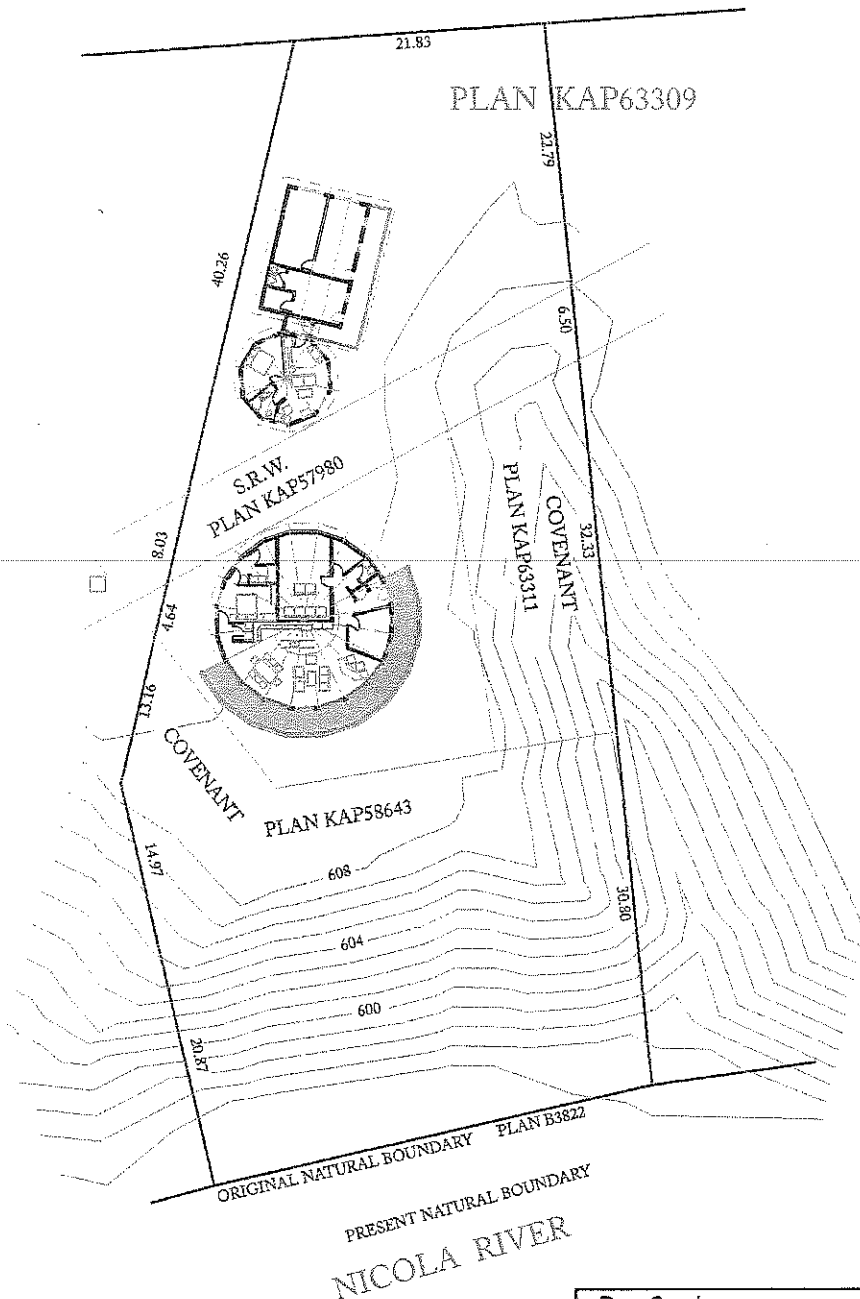
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LOT 2, PLAN KAP63309, DISTRICT LOT 121
KAMLOOPS DIVISION YALE DISTRICT

Scale 1 : 500
Distances are in metres.

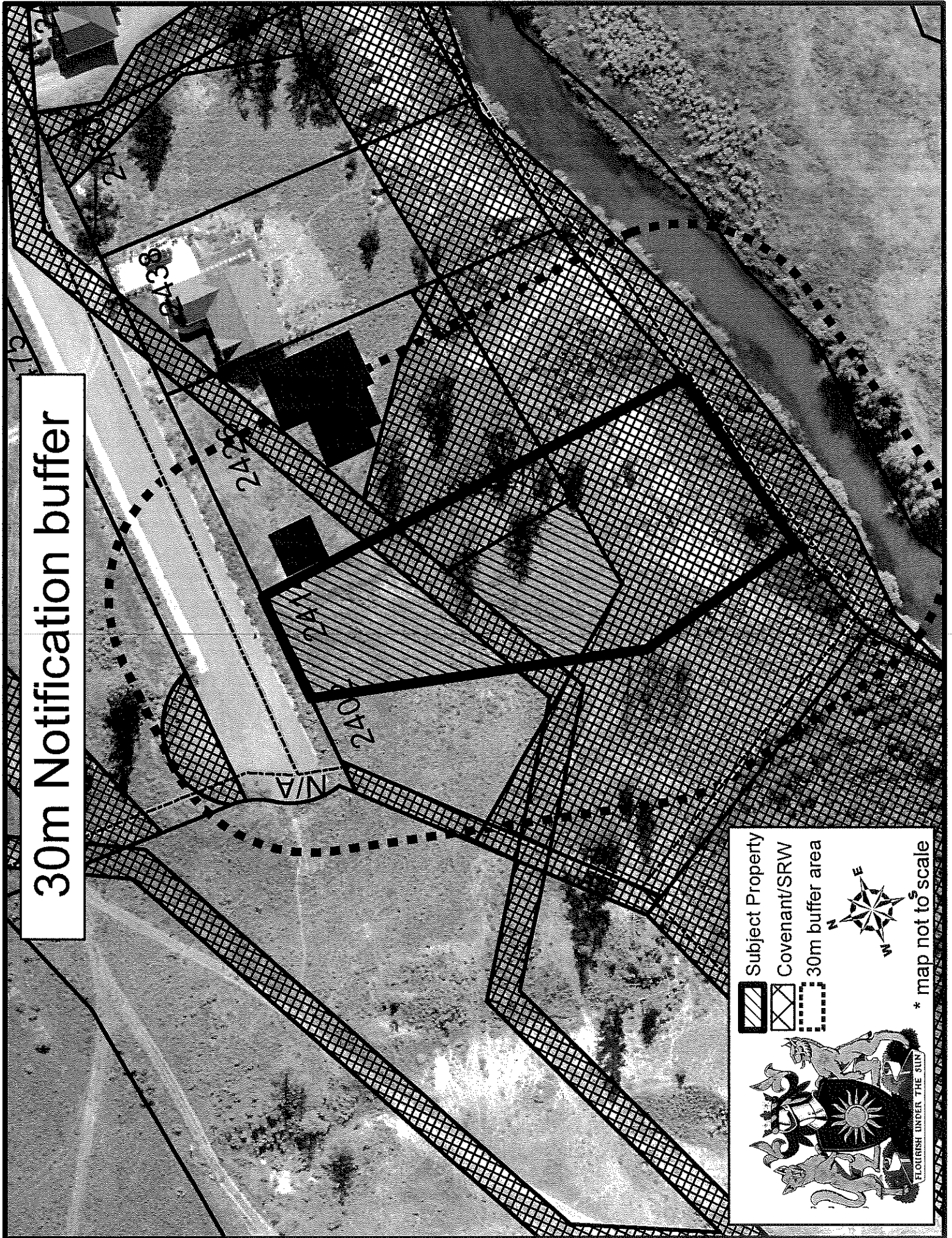


SPRING BANK AVENUE



Don Cowie
146 Hidden Creek Hts NW
Calgary, AB, T3A6K9
403-607-9440

30m Notification buffer



- Subject Property
- Covenant/SRW
- 30m buffer area



* map not to scale

