

# Report

Date June 7, 2023

File: 3360-20 22.05

Subject Zoning Amendment Bylaw No. 3912, 2023, for first and second readings

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## **PURPOSE**

To introduce Zoning Amendment Bylaw No. 3912, 2023, which proposes to amend Zoning Bylaw No. 2950, 1997, to permit a detached accessory dwelling unit (ADU) at 7325 Osborne Bay Road.

## **BACKGROUND**

The subject property is located at 7325 Osborne Bay Road and is .9 hectares in size. It is located within the Rural Restricted (A3) Zone (Attachments 1 & 2) and is designated as Rural Residential in the Official Community Plan, i.e., outside of the Urban Containment Boundary (UCB) (Attachment 3).

The property is serviced by well water and septic. The predominant land uses surrounding the subject property are rural residential and zoning A3 on all points of the compass.

### Proposal

The applicant requests a text amendment to the A3 Zone (Attachment 7) to permit the construction of a 90m<sup>2</sup> ADU on the subject property.

A plan prepared by a professional surveyor identifies the location of the existing home and proposed 2<sup>nd</sup> dwelling (Attachment 4). A letter of rationale that explains the purpose of the application is provided in Attachment 5. The proposed ADU is designed to utilize an existing driveway and is to be sited in the east quarter of the lot.

## **DISCUSSION**

### Zoning Bylaw No. 2950 – Rural Accessory Dwelling Units and Density

On October 4, 2022, Council adopted Bylaw No. 3876 (Rural Accessory Dwelling Units), which updated Zoning Bylaw No. 2950 to closely align with ALC Regulations for most A-zoned parcels (A1, A2, A3, and A5). The amendment authorized parcels two hectares or larger in area to site a detached accessory dwelling unit of up to 90m<sup>2</sup> of gross floor area, subject to registration of a covenant prohibiting future stratification and subdivision of the subject property. In addition, this amendment codified the maximum size of an ADU and how it is measured (gross floor area).

Staff note that while the A3 zone allows for two detached dwellings, the applicant does not meet the minimum lot size requirement of 2 hectares. Two dwelling units in the form of a two-family dwelling (duplex) are permitted, but the lot size is not large enough to qualify for a detached ADU. The requested zoning amendment would allow for the construction of a detached ADU on the subject property and will not increase the maximum permitted density under the zoning (i.e., two dwelling units per lot).

### Second Dwelling Rural Lands Policy

Council's Second Dwelling Rural Lands (SDRL) Policy (Attachment 6) establishes criteria for site-specific zoning amendment applications for second dwellings (now referred to as ADUs) outside the UCB. The proposal does not meet the minimum parcel criteria of the Policy (1-hectare lot area minimum where no municipal water or sewer are available – lot area is .9 hectares). Where the SDRL is applied, registration of a covenant restricting future subdivision and stratification of the subject property is required prior to the adoption of the zoning amendment.

### Official Community Plan No. 3900 (OCP) Policies

The following OCP policies are applicable to the proposal:

#### ***Rural Residential Designation***

*Policy 3.2.19 The municipality will strive to:*

- c. Configure zoning to maximize housing potential without further subdivision to permit detached accessory dwellings where servicing connections are available, or in the alternative, adequate on-site common septic treatment and water supply can be achieved.*

#### ***Diverse Housing Mix***

*Policy 5.1.2 The Municipality will strive to:*

- b. Assess and consider how proposals for new housing meet the needs identified in the most recent Housing Needs Assessment Report.*
- h. Explore and encourage different housing types that are suitable to aging in place...*

### **ANALYSIS & CONCLUSION**

This application is supported by OCP policy but is not compliant with the SDRL policy (1-hectare lot area minimum where no municipal water or sewer are available – lot area is .9 hectare) or the A3 Zoning (lot area minimum of 2 hectares). Accordingly, staff are obliged to recommend the denial of this application. The 1-hectare minimum lot area requirement (SDRL policy), where no municipal sewer or water exists, is intended to provide enough room on the lot for both the septic system and well siting relative to building placement. One hectare is also the minimum parcel size recommended by Island Health, where the parcel is not serviced with community water and sewer.

### **OPTIONS**

1. **(Recommended Option)** THAT Council deny Zoning Amendment Application ZB000182 to permit a detached accessory residential dwelling at 7325 Osborne Bay Road.
2. THAT Council:
  - (1) Give first and second readings to Zoning Amendment Bylaw No. 3912, 2023, to permit a detached accessory dwelling unit at 7325 Osborne Bay Road; and,
  - (2) Authorize a Public Hearing for Zoning Amendment Bylaw No. 3912, 2023 and notification in accordance with the *Local Government Act*.

## IMPLICATIONS

If the application is denied, the property owner will not be permitted to construct a detached accessory dwelling unit. However, a second dwelling in the form of a secondary suite or two-family dwelling (duplex) would still be possible.

If Council gives first and second reading to Zoning Amendment Bylaw No. 3912 and forwards the application to a public hearing, owners and occupants of properties within a 60-metre radius of the subject property will be notified, as per section 4(a) of Public Notice Bylaw No. 3906, and advertisements placed in the local newspaper in accordance with the requirements of the *Local Government Act* and the *Community Charter*. Registration of a covenant on the title will be required prior to the adoption of the Bylaw should Council choose to support this application.

## RECOMMENDATION

THAT Council deny Zoning Amendment Application ZB000182 to permit a detached accessory residential dwelling at 7325 Osborne Bay Road.

Report prepared by:

*Glenn Morris*

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Report reviewed by:



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Rob Conway MCIP, RPP  
Director, Planning and Building

## Approved to be forwarded to Council:



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Ted Swabey  
Chief Administrative Officer

### Attachments:

- (1) Location Map
- (2) Orthophoto Map
- (3) Zoning Map
- (4) Site Plan
- (5) Letter of Rationale
- (6) Second Dwelling Rural Lands Policy
- (7) Draft Zoning Amendment Bylaw No. 3912, 2023