

# Report

Date June 7, 2023

File: 3360-20 22.12

Subject Zoning Amendment Bylaw No. 3911, 2023, for first and second readings

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## **PURPOSE**

To introduce Zoning Amendment Bylaw No. 3911, 2023, which proposes to amend Zoning Bylaw No. 2950, 1997, to permit a detached accessory dwelling unit (ADU) at 1211 Barnes Road.

## **BACKGROUND**

### Property Details

The subject property is located at 1211 Barnes Road and is 2.1 hectares in size. It is located within the Residential Rural (R1) 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 community water and on-site sewage disposal. The predominant land uses surrounding the subject property are as follows:

- *North: Stuart Channel*
- *East: Residential Rural (R1)*
- *South: Residential Rural (R1)*
- *West: Residential Rural (R1)*

### Proposal

The applicant is requesting a text amendment to the R1 Zone (Attachment 7) to permit a 106m<sup>2</sup> ADU (cottage) on the subject property in addition to a principal single-family dwelling. The cottage is the current home on the property.

### *Existing Cottage Photo*



The applicant wishes to obtain approval for continued use of the 106 m<sup>2</sup> structure as an ADU so that they can construct a new and larger home on the property without removing or decommissioning the existing cottage. A rough sketch plan was prepared to identify the location of the existing cottage and the proposed new dwelling (Attachment 4). A letter of rationale that explains the purpose of the application is provided in Attachment 5. The proposed new home is designed to utilize an existing driveway and is to be sited in the north quarter of the lot adjacent to the existing cottage.

## **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 the Agriculture Land Commission 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. The provision for an ADU use has not been included in the R1 zone, but additional allowances for ADUs will be considered as part of the Zoning Bylaw review.

Staff note that the R1 zone allows a maximum density of two dwelling units in the form of a two-family dwelling (duplex). 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 beyond what is permitted under the R1 zoning (i.e., two dwelling units per lot).

### Second Dwelling Rural Lands Policy

On December 4, 2019, Council adopted the Second Dwelling Rural Lands Policy (Attachment 6), which established criteria for site-specific zoning amendment applications for second dwellings (now referred to as ADUs) outside the UCB. The proposal does not meet the Policy in terms of gross floor area as the proposed ADU is 106m<sup>2</sup> rather than the maximum 90m<sup>2</sup> established in the Policy. Should Council choose to support this application, registration of a covenant restricting future subdivision and stratification of the subject property prior to bylaw adoption is required.

### Official Community Plan No. 3900 (OCP) Designation and 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...*

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## ANALYSIS & CONCLUSION

The applicant has requested that the existing cottage (*circa* 1950) be classified as an ADU and is permitted to remain so that a new and larger dwelling unit can be constructed on the property. The applicant contends that altering the cottage to comply with the 90 m<sup>2</sup> floor area limitation for a building of this age would alter the structure's integrity. Staff do not generally support applications that are contrary to Council policy, but in this instance, it does seem excessive to require the cottage to be removed or altered to achieve a relatively minor reduction in the size of the ADU. As the proposed ADU (cottage) exists and compliance with the Second Dwelling Rural Lands Policy would be difficult to achieve without costly and difficult alterations to the structure, approval of the application is recommended.

## OPTIONS

1. **(Recommended Option)** THAT Council:
  - (1) Consider Zoning Amendment Application ZB000189 to permit a 106 m<sup>2</sup> detached accessory dwelling unit at 1211 Barnes Road despite section 3(a) of Council's Second Dwelling Rural Lands Policy, that the size of the proposed second dwelling be restricted to 90 m<sup>2</sup> or less of gross floor area, and make an exception in this circumstance due to the age of the building and that an alteration to the dwelling to comply with the Policy would alter the integrity of the structure;
  - (2) Give first and second readings to Zoning Amendment Bylaw No. 3911, 2023, to permit a detached accessory dwelling unit with a maximum gross floor area of 106 m<sup>2</sup> at 1211 Barnes Road; and,
  - (3) Authorize a Public Hearing for Zoning Amendment Bylaw No. 3911, 2023 and notification in accordance with the *Local Government Act*.
  
2. THAT Council:
  - (1) Give first and second readings to Zoning Amendment Bylaw No. 3911, 2023, to permit a detached accessory dwelling unit with a maximum gross floor area of 90 m<sup>2</sup> at 1211 Barnes Road; and,
  - (2) Authorize a Public Hearing for Zoning Amendment Bylaw No. 3911, 2023 and notification in accordance with the *Local Government Act*.
  
3. THAT Council deny Zoning Amendment Application ZB000189 to permit a detached accessory dwelling unit at 1211 Barnes Road.

## IMPLICATIONS

If Council adopts Zoning Amendment Bylaw No. 3911 as recommended (Option 1), the existing cottage could remain, and the owner could build a new single-family dwelling.

If Council adopts Zoning Amendment Bylaw No. 3911 but maintains the maximum permitted ADU size of 90 m<sup>2</sup> (Option 2), the owner would be required to remove the cottage, reduce its size to 90 m<sup>2</sup>, or convert it to an accessory structure to construct a new single-family dwelling on the property.

If the application is denied, the property owner will not be permitted to construct a detached accessory dwelling unit. The cottage would need to be removed or converted to an accessory structure to construct a new single-family dwelling on the property.

**RECOMMENDATION**

THAT Council:

- (1) Consider Zoning Amendment Application ZB000189 to permit a 106 m<sup>2</sup> detached accessory dwelling unit at 1211 Barnes Road despite section 3(a) of Council’s Second Dwelling Rural Lands Policy, that the size of the proposed second dwelling be restricted to 90 m<sup>2</sup> or less of gross floor area, and make an exception in this circumstance due to the age of the building and that an alteration to the dwelling to comply with the Policy would alter the integrity of the structure;
- (2) Give first and second readings to Zoning Amendment Bylaw No. 3911, 2023, to permit a detached accessory dwelling unit with a maximum gross floor area of 106 m<sup>2</sup> at 1211 Barnes Road; and,
- (3) Authorize a Public Hearing for Zoning Amendment Bylaw No. 3911, 2023 and notification in accordance with the *Local Government Act*.

Report prepared by:

Report reviewed by:

*Glenn Morris*



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Glenn Morris, MCIP, RPP  
Development Planning Coordinator

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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. 3911, 2023