

# Report

---

Date	August 16, 2023	File: ZB00095
Subject	Zoning Amendment Bylaw No. 3919, 2023, for first and second readings	

---

## **PURPOSE**

To introduce Zoning Amendment Bylaw No. 3919, 2023, which proposes to amend Zoning Bylaw No. 2950, 1997, to permit a detached accessory dwelling unit (ADU) at 6344 Woodgrove Way.

## **BACKGROUND**

### **Property Details**

The subject property is 0.465 hectares in size. It is zoned Residential Rural (R1) and is designated as Rural Residential in the Official Community Plan, as are surrounding properties (Attachments 1-3).

The site is outside the Urban Containment Boundary (UCB) (Attachment 4) and is serviced by community water and a private septic system.

Two covenants were placed on the title when the lot was created in 2005. The Municipality required one to establish and protect a 15-metre riparian zone along Woodgrove Creek abutting the property. The second covenant was required by Vancouver Island Health Authority (VIHA). It establishes an area to be set aside for sewage disposal purposes only. The proposed site for the ADU is outside of the two covenant areas (Attachment 5, Site Plan).

### **Proposal**

The applicant is requesting an amendment to the R1 Zone to permit an ADU on the subject property for a family member.

The proposed ADU will utilize an existing driveway and be serviced by municipal water. The ADU will utilize the existing septic system and field in accordance with any requirements specified by VIHA. Stormwater will be managed on-site in accordance with current municipal rainwater guidelines.

---

## DISCUSSION

### Zoning

The current R-1 zoning permits a variety of uses, including "Single-Family Dwelling" and "Two-Family Dwelling." (There is currently a two-family dwelling abutting the subject site.) The proposal for an ADU will maintain the overall permitted maximum dwelling unit density of two, albeit the term is not explicitly stated in the bylaw. Under the density heading of the Rural Residential 1 zone (Sec.56 (4(a)) the bylaw states: "*The number of residential buildings shall not exceed one.*" The sub-sections following contain twelve exceptions to allow a "maximum of two dwelling units..." all with specific locations. In this instance, the applicant is seeking a similar accommodation for an ADU while maintaining the bylaw intent of a maximum of two dwelling units per site.

### Second Dwelling Rural Lands Policy

On December 4, 2019, Council adopted the Second Dwelling Rural Lands Policy (Attachment 6) to "establish criteria for site-specific zoning amendment applications for detached second dwellings in areas designated as Rural." The policy contains four specific provisions that applications must satisfy. These include a maximum gross floor area of 90m<sup>2</sup>, a requirement for a covenant restricting strata subdivision, minimum parcel sizes based on water and sewer services availability, and for sites zoned Agricultural, a further covenant to regulate siting to protect agricultural land.

The application meets these standards, and the applicant is aware of the covenant requirement.

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

The following OCP statement addresses development in areas outside the UCB (Sec 3.2.13) in a general context:

*"There are pockets of residential development outside the UCB that are neither urban nor rural. Some properties are connected to municipal sewer; many are municipally serviced with water. This designation includes the village of Maple Bay and clusters of larger residential parcels in various locations outside urban centres. These peaceful neighbourhoods may still provide opportunities for small-scale farming, craft-based home businesses, or local and individual commercial uses that contribute to neighbourhood livability. Very little housing growth is anticipated in these areas, although there may be some limited context-specific opportunities".*

The following policy, however, is applicable and more fully identifies how the prior statement is to be implemented:

Section 3.2.19 (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.*"

## Analysis and Conclusions

Detached ADUs provide housing for young adults, single and two-person households, individuals with special needs, and older people. ADUs are more affordable than conventional single-family housing and can contribute positively to the available rental housing stock.

While outside the UCB, the site's proximity to urban services such as transit, schools, parks, and future commercial centre in the Properties neighbourhood makes it more suitable for an ADU than many other more remote large lot residential areas. Moreover, the zone currently permits duplexes, so permitting an ADU does not compromise overall density. The Second Dwelling Rural Lands policy provides a means of assessing such applications, and this proposal is consistent with the policy. Finally, the ability to use the policy and amend the zoning on a case-by-case basis, as has occurred several times previously, enables Council to assess whether an application fits the character of the surrounding neighbourhood and other considerations that may be relevant.

In conclusion, the application falls within OCP policy and past practice of Council to authorize applications for ADU through site-specific zoning amendments. Granting first and second readings to Zoning Amendment Bylaw No. 3919 and authorizing a public hearing is recommended.

## OPTIONS

### 1. (Recommended Option)

THAT Council:

- (1) Give first and second readings to Zoning Amendment Bylaw No. 3919, 2023; and,
- (2) Authorize a Public Hearing for Zoning Amendment Bylaw No. 3919, 2023.

### 2. THAT Council deny Zoning Amendment Application ZB000179 to permit a detached accessory dwelling at 6344 Woodgrove Way.

## IMPLICATIONS

If Council gives first and second readings to Zoning Amendment Bylaw No. 3919 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 1(a) of Public Notice Bylaw No. 3406, and advertisements will be placed in the local newspaper in accordance with the requirements of the *Local Government Act* and the *Community Charter*.

If the application is denied, the property owner would be limited to one residential building on the property but would have the opportunity to redesign the current residence into a duplex.

---

**RECOMMENDATION**

THAT Council:

- (1) Give first and second readings to Zoning Amendment Bylaw No. 3919, 2023; and,
- (2) Authorize a Public Hearing for Zoning Amendment Bylaw No. 3919, 2023.

Report prepared by:



---

Chris Hall  
Contract Planner

Report reviewed by:



---

Rob Conway, MCIP, RPP  
Director, Planning and Building

**Approved to be forwarded to Council:**



---

Ted Swabey  
Chief Administrative Officer

Attachments:

- (1) Location Map
- (2) Orthophoto Map
- (3) Zoning Map
- (4) Urban Containment Boundary Map
- (5) Site Plan
- (6) Second Dwelling Rural Lands Policy
- (7) Zoning Amendment Bylaw No. 3919