

# Report

Date November 15, 2023

File: ZB000198

Subject Zoning Amendment Bylaw No. 3938, 2023 for First and Second Readings

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## PURPOSE

To introduce Zoning Amendment Bylaw No. 3938, 2023, which proposes to amend Zoning Bylaw 1997, No. 2950 from "Residential One and Two Family R3" to "Infill Residential Neighbourhood R3-N" at 5865 Highland Avenue.

## BACKGROUND

### Property Details

The subject property (Attachment 1) is a 0.15 ha. (0.37 ac.) lot within the South-End Growth Centre and is zoned Residential R3 (Attachment 3).

Attachment 2 depicts the subject property in its current state, with the existing single-floor residence situated close to the road. The driveway is large enough for four parking spaces. A gated path beside the house provides access to the backyard containing a deck, accessory building (shop), lawn, and garden.

### Proposal

The applicants are requesting to rezone the property to provide an additional residence to rent out as a mortgage helper. As per the letter of rationale (Attachment 4), if the proposal is successful the property owners intend to renovate the existing accessory building, converting it into an accessory dwelling unit (ADU) with part of the building maintained for storage.

### Neighbourhood Context and Site Considerations

The neighbourhood primarily consists of medium to large suburban lots. The street network is classified as "local" with sporadic sections of sidewalks fronting more recently subdivided land. Two trails (north of the subject property) connect this neighbourhood to the Cowichan Valley Trail (via Al Howie Trail and Upland Avenue Connector). Through this trail, residents can access Berkey's Corner (the closest growth centre) without the use of a vehicle. The subject property is relatively flat and free of environmentally significant features. Therefore, construction on the subject property will not trigger additional development permit requirements.

## DISCUSSION

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

The OCP section on Focused Growth and Development describes the type of housing desired in the following statement: "Focused growth provides for a range of tenures (co-ops, co-housing, strata, fee-simples, and rentals) in addition to a variety of forms to accommodate all ages and abilities (e.g., young families seeking private yard space, seniors who wish to 'age in place'..." (p.38)

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Within Growth Centres policies, Section 3.1.3 (Defining Success/Objectives of the OCP) states:

- Update the zoning bylaw to contain zones reflective of local plan designation and that align with the OCP land use designations. This may entail the creation of new zones and zoning standards to address specific interests or goals that will allow the development of a greater variety of residential and commercial services. (p.42)
- Develop land in a low-impact, site-adapted manner, integrating natural features and ecological systems. (p.42)

Section 3.2 Land Use Designations includes the following: The Municipality will strive to:

- b. Permit secondary suites in single-family homes where some of the larger lots may be permitted to have secondary dwellings such as coach houses or garden studios.
- d. Consider higher-density residential development that is sensitive in scale and appearance to the surrounding residential areas ...,

The subject property is designated as Residential Neighbourhood. The designation supports “gentle densification” where infill is permitted, and neighbourhood character is maintained and does not result in significant nuisance and environmental impacts.

#### Proposed Rezoning

The R3-N Infill Residential Neighbourhood Zone was recently incorporated into the Zoning Bylaw. Its purpose was to provide a zone that accomplishes the intent of the OCP policies regarding sensitive infill housing, with provisions for ensuring the introduction of ADUs would be done in a considered manner. To that end, the zone has several sections pertaining to ADUs including density (maximum of two residential buildings and three residential units), maximum gross floor area (120m<sup>2</sup>), maximum height (6.2 metres), and a requirement that ownership of the ADU remains on the existing property title to prevent further subdivision.

The applicants are aware of all the requirements in the R3-N zone (Attachment 7), including that a covenant must be registered on the title to prevent stratification prior to building permit issuance.

#### Referral Comments

As part of routine practice, the application was referred to relevant departments, and no concerns with the requested zoning amendment were identified.

#### Analysis & Conclusions

This application is consistent with the OCP policy for gentle densification and housing in the infill Residential Neighbourhood designation. The neighbourhood connections to the Cowichan Valley Trail offer residents additional active transportation options and recreation opportunities. The subject property is a large lot more than double the minimum lot size of its current zone (R3). Building plans provided (Attachment 5 & 6) identify the extent of the building renovations proposed for the accessory building and the size of the proposed accessory dwelling unit.

For these reasons, it is recommended that Zoning Amendment Bylaw 3938 (Attachment 8) be given first and second reading and a public hearing be scheduled.

## OPTIONS

1. **(Recommended Option)** THAT Council:
  - (1) Give first and second reading to Zoning Bylaw No. 3938, 2023; and,
  - (2) Authorize a Public Hearing for Zoning Amendment Bylaw No. 3938, 2023.
2. That Council deny Zoning Amendment Application ZB000198 to permit a detached accessory residential dwelling at 5865 Highland Avenue.

## IMPLICATIONS

If Council gives first and second readings to Zoning Amendment Bylaw No. 3938, 2023 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, and advertisements will be placed in the local newspaper and on social media in accordance with the requirements of the *Local Government Act* and the *Community Charter*. If the bylaw is adopted, the property owner would be permitted to have a maximum of three dwelling units on the property, subject to regulations in the R3-N zone, the Zoning Bylaw, and other applicable bylaws.

If the application is denied, the property owner may still proceed with the renovation of the existing accessory building but will not be able to construct a detached accessory dwelling unit.

## RECOMMENDATION

THAT Council:

- (1) Give first and second readings to Zoning Amendment Bylaw No. 3938, 2023; and,
- (2) Authorize a Public Hearing for Zoning Amendment Bylaw No. 3938, 2023.

Report prepared by:



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Report reviewed by:



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Rob Conway  
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) Letter of Rationale 2023-02-22
- (5) BCLS Site Plan 2022-10-24
- (6) Building Drawings 2023-10-25
- (7) Infill Residential Neighbourhood Zone (R3-N)
- (8) Zoning Amendment Bylaw No. 3938, 2023