

# Report

Date January 17, 2024

File: ZB000210

Subject Zoning Amendment Bylaw No. 3940 for three readings and adoption

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## **PURPOSE**

To introduce Zoning Amendment Bylaw No. 3940, 2023, which proposes to amend Zoning Bylaw 1997, No. 2950 from "Residential One and Two Family (R3)" to "Infill Residential Neighbourhood (R3-N)" to permit a detached accessory dwelling unit at 3110 Chapman Road, Chemainus.

## **BACKGROUND**

The subject property was created as a panhandle lot in 1989. The parent lot was a large remnant of land, which has recently been further subdivided, with new lots accessing from Napier Drive and Lennox Close.

The existing residence on the property contains a suite. The current owner has undertaken steps to rectify violations of building code requirements unknown or declared to them prior to purchase. These included the removal of a large illegal storage shed and issues with the secondary suite.

The property owner wishes to construct a detached accessory dwelling unit (ADU) on the property, in addition to the existing single-family dwelling and secondary suite. An amendment to the Zoning Bylaw is required for this.

## **DISCUSSION**

### **Property Details**

The subject property (Attachment 1) is a large lot of 1,616 m<sup>2</sup> (17,389 sq ft) within the Chemainus Growth Centre and zoned Residential R-3 (Attachment 3). The neighbourhood is residential in character with R3 zoning along Chapman Road and a newer development to the rear of the property zoned CD 6. The area has commercial uses, trails, and parks within walking distance.

### **Proposal**

The attached orthophoto map (Attachment 2) shows a vacant area on the southeast corner of the subject property where the ADU is proposed. The site slopes down significantly from Chapman Road to the site. The retaining wall along the southerly property line screens the proposed ADU from other Chapman Road properties. The east property line is fenced and at the same elevation with the adjacent property. The single storey design of the proposed ADU will minimize visual impact or intrusions for residents on either side ensuring private amenity space.

The plan conforms to all the provisions of the R3-N zone, including parking requirements (Attachments 4 & 5).

## Referrals

No concerns have been raised to the application through the in-house referral process.

## Official Community Plan

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).

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 creation of new zones and zoning standards to address specific interests or goals that will allow development of a greater variety of residential and commercial services (p.42).

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

- d. Consider higher density residential development that is sensitive in scale and appearance to the surrounding residential areas...,
- 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.

The subject property is designated as Residential Neighbourhood. The designation is supportive of "gentle densification" where infill is permitted, provided that neighbourhood character is maintained and it does not result in significant nuisance impacts.

## Proposed Zoning

The R3-N 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 that the introduction of ADUs would be done in a considered manner. To that end, the zone has several regulations applicable to ADUs including density (maximum of two residential buildings and three residential units), maximum gross floor area (120 m<sup>2</sup>), maximum height (single story 6.2 m), and a requirement that ownership of the ADU remain on the existing property title to prevent further subdivision.

The applicant is aware of all the requirements in the R3-N zone (Attachment 6), including that a covenant be registered on title to prevent strata title as a requirement of building permit.

## Analysis & Conclusion

This application is consistent with OCP policy for gentle densification and infill housing in the Residential Neighbourhood designation. The site is large and although the ADU is situated in a corner of the site, it does provide for privacy for the tenant and does not directly impact the privacy of surrounding properties. For these reasons, it is recommended that Zoning Amendment Bylaw 3940, 2023, be given three readings and adoption. Recent amendments to the *Local Government Act* prohibit local governments from holding public hearings for zoning amendments for housing where the

amendment is consistent with the OCP. Consequently, a public hearing cannot be held for this Zoning Bylaw amendment should Council wish to proceed with it. Notification of Council's intention to consider the Zoning Amendment Bylaw has been issued in accordance with *Local Government Act* requirements.

**OPTIONS**

1. **(Recommended Option)** This option, which requires two separate motions, would enable Council to adopt the bylaw immediately after third reading has passed.
  - (1) THAT Council give first, second, and third readings to Zoning Amendment Bylaw No. 3940, 2023.
  - (2) THAT Council adopt Zoning Amendment Bylaw No. 3940, 2023.
  
2. (Alternate Option) THAT Council deny Zoning Amendment Application ZB000210 to permit a detached accessory residential dwelling at 3110 Chapman Road.

**IMPLICATIONS**

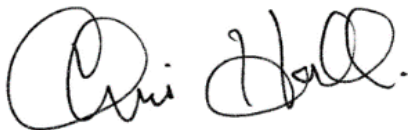
If Council adopts Zoning Amendment Bylaw No. 3940, 2023, the property owner would be permitted a detached accessory dwelling unit, subject to regulations in the R3-N zone, the Zoning Bylaw, and other applicable bylaws.

If the application is denied, the property owner will not be permitted to develop the site for an accessory dwelling unit. However, recent amendments to the *Local Government Act* (Bill 44) are expected to result in amendments to the Zoning Bylaw in mid-2024 that would allow additional dwelling units and the proposed ADU, without a site-specific amendment.

**RECOMMENDATION**

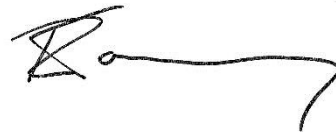
- (1) THAT Council give first, second, and third readings to Zoning Amendment Bylaw No. 3940, 2023.
  
- (2) THAT Council adopt Zoning Amendment Bylaw No. 3940, 2023.

Report prepared by:



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Report reviewed by:



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**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
- (5) Site Plan and Building Plan
- (6) R3-N Zone
- (7) Draft Bylaw No. 3940, 2023