

# Report

Date July 16, 2025

File: 3080-21 25.11

Subject Development Variance Permit DVP00122 - 3118 Drinkwater Road

## PURPOSE

To present an application for a Development Variance Permit (DVP) to facilitate the construction of a detached accessory dwelling unit at 3118 Drinkwater Road.

## BACKGROUND

The subject property at 3118 Drinkwater Road measures 0.27 hectares in size and contains an existing single-family dwelling constructed in approximately 1989. It has a land use designation of 'Rural Residential' under [Official Community Plan Bylaw No. 3900, 2022](#) (Official Community Plan) and is located outside of the Urban Containment Boundary. It is zoned R1 – the 'Residential Rural Zone' under [Zoning Bylaw No. 2950, 1997](#) (Zoning Bylaw). Location, orthophoto, and zoning reference maps are provided as Attachments 1, 2, and 3.

On June 18, 2025, Zoning Amendment Bylaw No. 3988, 2025 was adopted by Council for site-specific permission of a detached accessory dwelling unit (ADU) up to 90m<sup>2</sup> (Attachment 4). The finalized design for the ADU identified some areas of conflict with building-specific zoning provisions, necessitating this variance application in furtherance of a building permit application.

## PROPOSAL

A site plan and complete drawing set of the building are provided as Attachments 5 and 6, respectively. The proposal is for a detached accessory building with ground floor garage space and the ADU on the upper storey accessed by a set of stairs, as illustrated by the front elevation snip from the drawing set:



1 FRONT ELEVATION  
A.3 1/4"=1'-0"

The property owner requires a relaxation of the following Zoning Bylaw provisions to facilitate their proposal:

1. Section 40.4(3): To increase the maximum gross floor area of an accessory building that contains a dwelling unit from 120m<sup>2</sup> to 144.6m<sup>2</sup>.
2. Section 40.4(4) to permit a maximum building height of 7.5m for a detached accessory dwelling unit with a roof pitch of less than 6:12; and,
3. Section 40.4(7) to increase the maximum permitted depth of an upper-storey deck on a detached accessory dwelling unit from 2.0m to 2.4m.

## DISCUSSION

### Section 40.4(3) Variance (Accessory Building Gross Floor Area)

The maximum gross floor area of an accessory building under section 40.4(3), whether it contains an ADU or not, is 120m<sup>2</sup>. The proposal is for the upper-storey living space at 3118 Drinkwater (the portion considered the ADU) to measure 76.6m<sup>2</sup>, which falls well within the 90m<sup>2</sup> limit permitted under its site-specific zoning. It is the total gross floor area of the ground-level garage space (110m<sup>2</sup>), when combined with the upper-storey ADU, that exceeds the total overall permitted gross floor area for an accessory building; the total combined building floor area is 186.6m<sup>2</sup>. In its definition of "gross floor area", the Zoning Bylaw permits a reduction of a portion of garage space from accessory building gross floor area calculations.<sup>1</sup> After applying this reduction to the proposal for 3118 Drinkwater, the resulting gross floor area is 144.6m<sup>2</sup> – still exceeding the 120m<sup>2</sup> maximum and thus requiring a variance.

Larger or over-height accessory buildings are often proposed for rural properties to accommodate the storage of vehicles, machinery, and equipment. The above-garage living space configuration is also a common form of detached ADU – the more classic 'carriage house' design – as it facilitates a functional layout without materially increasing building mass or site coverage. The subject property is almost three-quarters of an acre in size, and no other significant accessory buildings already exist on the property. Staff believe that a variance to permit increased overall accessory building floor area in the form of non-residential ground-level garage space would have a negligible impact on neighbourhood character and adjacent properties.

### Section 40.4(4) Variance (Upper Storey Deck Depth)

As illustrated in Attachment 6, the depth of the proposed upper storey deck exceeds the Zoning Bylaw maximum by 0.4m. This modest extension improves the usability of the outdoor area while minimizing its impact on adjacent properties, as the deck faces inward towards the front yard of the existing single-family home on the property, as opposed to overlooking 3098 Drinkwater to the east. Staff are supportive of this variance.

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<sup>1</sup> "gross floor area" equals the sum of the floor area of each storey in all buildings on a lot, including exterior walls, but excluding the following: (a) *attached garages or covered parking areas to a maximum of 42 m<sup>2</sup> (452 sq. ft.) in area in residentially-zoned (R) lots for single-family dwellings, two-family dwellings or modular homes.*

### **Section 40.4(7) Variance (Accessory Building Height)**

Under the Zoning Bylaw, a maximum building height of 6.5m is permitted for detached ADUs except where the roof is pitched 6:12 or steeper, in which case a property owner can build up to 7.5m high. The proposal for 3118 Drinkwater is for a 4:12 pitched roof with an overall building height of 7.5m, thus requiring a variance to this zoning regulation. The proposed design meets the building code requirements for the minimum interior ceiling height in the upper-storey living space while allowing for an increased ground-level garage height.

Height variances for residential buildings require an analysis of the potential impact on adjacent properties in terms of overlook and/or illumination. The Zoning Bylaw contains two additional regulations pertaining to upper storey portions of a detached ADU higher than 5.0m, intended to mitigate these specific factors: the detached ADU must be setback from any side property line a minimum of 3.0m, and no more than 20% of the total wall or roof area 5.0m or higher can be comprised of transparent surfaces (windows or skylights). The proposal for 3118 Drinkwater complies with both of these provisions. The detached ADU is to be situated over 20m away from the neighbouring house at 3098 Drinkwater, and its upper-storey bedroom windows would overlook only 3098's yard fronting Drinkwater Road, rather than into its more private treed rear yard.

While this height variance now meets the assessment criteria for approval under the authority delegated to the Director of Planning and Building, the two other variances are not expressly included in the recently adopted regulations delegated to staff and therefore require Council approval. All variances have been bundled into this development variance permit application to streamline the review process and ensure a holistic assessment of the proposal.

### **Public Notification**

Written notice was given to owners and occupants of property within a 60m radius, and the public received digital notice of this development variance permit application, in accordance with section 499 of the *Local Government Act* (Attachment 7).

### **Summary**

The proposal aligns with the Official Community Plan objectives to support rural infill and diverse housing options while preserving neighbourhood character. The variances are deemed to be minor in both nature and potential impact, and the proposal maintains consistency overall with the intent of the Zoning Bylaw. Staff recommend Council's approval of Development Variance Permit DVP00122 (Attachment 8).

### **OPTIONS**

1. **(Recommended Option)** THAT Council authorize the issuance of Development Variance Permit DVP00122 to vary the following sections of Zoning Bylaw No. 2950, 1997, at 3118 Drinkwater Road:
  - (a) Section 40.4(3) to increase the maximum gross floor area of an accessory building containing a dwelling unit from 120m<sup>2</sup> to 144.6m<sup>2</sup>;
  - (b) Section 40.4(4) to permit a maximum building height of 7.5m for a detached accessory dwelling unit with a roof pitch of less than 6:12; and,
  - (c) Section 40.4(7) to increase the maximum permitted depth of an upper storey deck on a detached accessory dwelling unit from 2.0m to 2.4m.

- Approving DVP00122 would enable the property owner to develop the site in a manner that combines the optimal functionality of the ground-storey garage space with the maximum livability of the ADU. The proposal is aligned with the Official Community Plan and achieves development standards for form, massing, and streetscape integration identified as permissible 'gentle densification' of more rural neighbourhoods.
2. THAT Council deny Development Variance Permit DVP00122 for 3118 Drinkwater Road.
- Should Council deny the application, the applicant would need to revise the accessory building design to comply with existing zoning regulations, resulting in a smaller, potentially less functional garage and/or ADU.

**IMPLICATIONS**

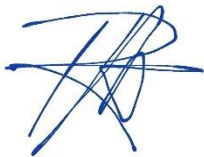
Should Council approve Development Variance Permit DVP00122, the applicant would have a two-year window to apply for a building permit and make a substantial start on the construction of the accessory building and ADU. While there are no direct financial implications for North Cowichan from the approval of this variance, the construction of the detached ADU is likely to result in increased property taxation revenue and the collection of a development cost charge for the additional dwelling unit.

**RECOMMENDATION**

THAT Council authorize the issuance of Development Variance Permit DVP00122 to vary the following sections of Zoning Bylaw No. 2950, 1997, at 3118 Drinkwater Road:

- (a) Section 40.4(3) to increase the maximum gross floor area of an accessory building containing a dwelling unit from 120m<sup>2</sup> to 144.6m<sup>2</sup>;
- (b) Section 40.4(4) to permit a maximum building height of 7.5m for a detached accessory dwelling unit with a roof pitch of less than 6:12; and,
- (c) Section 40.4(7) to increase the maximum permitted depth of an upper storey deck on a detached accessory dwelling unit from 2.0m to 2.4m.

Report prepared by:



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Rachel Pukesh, CPT  
Development Planning Coordinator,

Report reviewed by:



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Amanda Young, MCIP, RPP  
Director, Planning and Building

Report reviewed by:

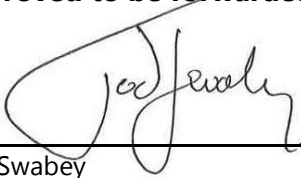


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George Farkas  
General Manager, Planning,  
Development and Community  
Services

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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
- (3) Zoning Map
- (4) Zoning Amendment Bylaw No. 3988
- (5) Site Plan
- (6) Drawings
- (7) Public Notice
- (8) Draft Development Variance Permit DVP00122

## Report Approval Details

Document Title:	DVP00122 (3118 Drinkwater Rd) - Regular Council Report.docx
Attachments:	<ul style="list-style-type: none"> <li>- (1) Location Map.pdf</li> <li>- (2) Orthophoto.pdf</li> <li>- (3) Zoning Map.pdf</li> <li>- (4) Zoning Amendment Bylaw No. 3988.pdf</li> <li>- (5) Site Plan.pdf</li> <li>- (6) Drawings.pdf</li> <li>- (7) Public Notice.pdf</li> <li>- (8) Draft Development Variance Permit DVP00122.pdf</li> </ul>
Final Approval Date:	Jul 10, 2025

This report and all of its attachments were approved and signed as outlined below:

Amanda Young

Teri Vetter

Tricia Mayea

Kristina Pollock

Bill Corsan

George Farkas

Terri Brennan

Ted Swabey