

Report

Date July 16, 2025

File: ZB000255

Subject Zoning Amendment Bylaw No. 4017, 2025 for first three readings

PURPOSE

To introduce Zoning Amendment Bylaw No. 4017, which proposes to legalize an existing detached accessory dwelling unit at 6560 Nevilane Drive.

BACKGROUND

6560 Nevilane Drive is a 0.652-acre parcel zoned as 'Rural Residential (R1)' in [Zoning Bylaw No. 2950, 1997](#) and designated as 'Rural Residential' in [Official Community Plan Bylaw No. 3900](#) (OCP). The subject property is abutted by other R1-zoned properties to the north, east, and south and Lakeview Park to the west (Attachments 1, 2 and 3). While the property is located outside of the urban containment boundary, it is serviced by municipal water and storm-water drainage systems and has an on-site septic system. The parcel is located within several development permit areas (DPAs), including DPA-3 (Natural Environment) and DPA-4 (High Fire Hazard).

The property was granted building permits for a single-family dwelling and a detached accessory building (workshop) in 1997 (Attachment 4). The detached workshop has since been converted to a 72 m² accessory dwelling unit (ADU) without a building permit. In addition, a carport has been constructed on the east side of the detached accessory building (Attachment 5). The R1 zone permits a maximum of two dwelling units located within one building.

Proposal

The applicant is requesting a site-specific zoning bylaw amendment to legalize the use of the detached ADU. If the application is approved, the property owner will be required to apply for a building permit to confirm that the detached ADU meets BC Building Code requirements. The applicant has provided a rationale for the rezoning in Attachment 6, and the proposed Zoning Amendment Bylaw No. 4017, 2025 (Bylaw No. 4017) is included as Attachment 7.

DISCUSSION

Official Community Plan

The proposed rezoning application generally complies with the goals of the OCP. The following sections of the OCP apply to the subject property:

Section 3.1.1 - Urban Containment Boundary

"Focus development to the reduced urban containment boundary to protect rural and natural areas from expanded residential development and prevent residential intensification that necessitates extension of road networks and increases automobile dependency."

Proposed Bylaw No. 4017 would legalize an existing detached ADU located outside of the Urban Containment Boundary. Additional road works or driveway accesses are not proposed. The R1 zone permits a maximum of two dwelling units; therefore, the property owner would not be permitted to construct any additional dwelling units further to approval of Bylaw No. 4017.

Section 5.1.2 (b) – Diverse Housing Mix

“Assess and consider how proposals for new housing meet the needs identified in the most recent Housing Needs Assessment Report.”

North Cowichan’s 2024 Interim Housing Needs Report identifies the need for 2,172 new housing units by July 2029. If Council denies the rezoning application, the property owners will be required to decommission the detached ADU.

Section 3.2.18 – Rural Residential Designation

“Very little housing growth is anticipated in these areas, although there may be some limited context-specific opportunities.”

Approval of the rezoning application complies with the maximum of two dwelling units permitted in the R1 zone; however, it does not comply with the requirement to locate the two dwelling units in one building. If Council denies the application, the property owners would be permitted to apply for a building permit to construct a secondary suite attached to the house.

Section 3.2.19 – Rural Residential Designation

“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.”

The subject property is serviced by municipal water. Confirmation that the existing septic field is sufficient to manage increased use from the detached ADU will be required as a condition of building permit issuance. If approved, a Section 219 covenant will be registered on the title of the property to prevent the separation of the house and detached ADU by subdivision.

Second Dwelling Rural Lands Policy

In 2019, Council approved the [Second Dwelling Rural Lands Policy \(SDRLP\)](#) to provide guidance for approving site-specific rezoning applications to allow for detached ADUs. In accordance with this policy, restrictive covenants will be required as a condition of occupancy to restrict the gross floor area of the ADU to 90m², restrict the siting of the ADU to the existing footprint, and prohibit subdivision of the land or residential buildings.

The existing detached ADU does not comply with Section 3(c) of the policy, which requires a minimum lot size of 1 acre for properties that are not connected to municipal sewer. Notwithstanding the provisions of this policy, North Cowichan has approved 13 site-specific rezoning applications in the R1 Zone to permit detached ADUs, similar to the request of the subject application.

Zoning Bylaw

The detached ADU was constructed within the footprint of an existing workshop on the subject property; however, a carport was added to the east side of the accessory building. An updated site plan will be required at the building permit stage to confirm that the carport meets setback requirements. The carport is not located within the DPA-3 riparian area setback.

The detached ADU is serviced by municipal water. Approval of the site-specific rezoning will not result in an additional water connection.

Water and Sewer Servicing

The proposed ADU is located in an existing building that is currently serviced by the municipal water system. Servicing capacity was not identified as a concern by the Engineering department.

Local Government Act

Per Section 464 (3) of the *Local Government Act*:

- (3) A local government must not hold a public hearing on a proposed zoning bylaw if
- a) an official community plan is in effect for the area that is the subject of the zoning bylaw,
 - b) the bylaw is consistent with the official community plan,
 - c) the sole purpose of the bylaw is to permit a development that is, in whole or in part, a residential development, and
 - d) the residential component of the development accounts for at least half of the gross floor area of all buildings and other structures proposed as part of the development.

A Notice of No Public Hearing was posted to North Cowichan's public notice places on June 27, 2025, advertised on North Cowichan's social media on June 30, 2025, and in the Cowichan Valley Citizen on July 9, 2025, in accordance with Section 467 of the *Local Government Act*.

OPTIONS

1. **(Recommended Option)** THAT Council gives first, second, and third readings to Zoning Amendment Bylaw No. 4017, 2025.
2. THAT Council denies zoning amendment application number ZB000255, which seeks to legalize an existing detached accessory dwelling unit at 6560 Nevilane Drive.

IMPLICATIONS

If the application is approved, the applicant will be required to register a Section 219 *Land Title Act* covenant restricting the size and siting of the detached ADU and prohibiting the ability to subdivide or stratify the parcel. The applicant would then be required to obtain a building permit to ensure the detached ADU meets BC Building Code requirements.

If the zoning bylaw amendment is defeated, the property owner will be required to decommission the detached ADU.

Staff recommend approval of Bylaw No. 4017 to legalize the detached ADU for the following reasons:

1. Limited Impact on Surrounding Properties and North Cowichan Infrastructure

The subject property is a large lot with ample tree coverage and fencing that screens the existing buildings from view. The detached ADU was converted from a workshop that was constructed on the property in 1997, located approximately 35 metres from the closest neighbouring house on 6594 Nevilane Drive.

Approval of the rezoning will not result in further development or an additional water connection on the property. Since the detached ADU is currently connected to the water supply, an increase in water consumption is unlikely.

2. Limited Environmental Impact

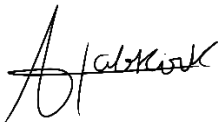
Approval of the detached ADU will not result in further development of the lot. If the rezoning application is denied, the property owner would be required to decommission the detached ADU and could instead construct a secondary suite attached to the principal dwelling (house). The development would increase impermeable site coverage and require the use of new construction materials. In addition, the house on the property is sited within 30 metres of the Lakeview Park stream. The property owner would be required to obtain a Riparian Areas Protection Report before constructing an addition.

The interim Community Amenity Contribution policy does not apply to this rezoning, as approval will not result in an increase in density on the subject property.

RECOMMENDATION

THAT Council gives first, second, and third readings to Zoning Amendment Bylaw No. 4017, 2025.

Report prepared by:



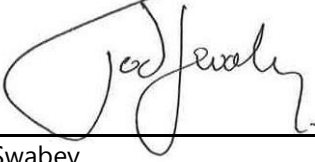
Amanda Habkirk
Development Planner

Report reviewed by:



Amanda Young
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) 1997 Building Permit
- (5) Accessory Dwelling Unit Floor Plan
- (6) Rezoning Rationale
- (7) Zoning Amendment Bylaw No. 4017, 2025

Report Approval Details

Document Title:	ZB 255 (6560 Nevilane Drive) Report to Council.docx
Attachments:	<ul style="list-style-type: none"> - (1) Location Map.pdf - (2) Orthophoto Map .pdf - (3) Zoning Map.pdf - (4) 1997 Building Permit.pdf - (5) Accessory Dwelling Unit Floor Plan.pdf - (6) Rezoning Rationale.pdf - (7) Zoning Amendment Bylaw No. 4017, 2025.pdf
Final Approval Date:	Jul 11, 2025

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

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