

Report

Date	June 1, 2022	File: 3360-20 21.22
Subject	Zoning Amendment Bylaw (3110 Moorfield Road.; R3 to R3-CH), No. 3872, 2022	

PURPOSE

To introduce Zoning Amendment Bylaw No. 3872, which proposes to amend Zoning Bylaw No. 2950 to rezone 3110 Moorfield Road from Residential One and Two-Family Zone (R3) to Residential Two-Family Detached Zone (R3-CH) to permit an accessory dwelling unit. A staff presentation will be provided.

BACKGROUND

The 850 m² (0.21 acres) subject property (PID: 003-032-256) is located at 3110 Moorfield Road and is zoned Residential One and Two-Family (R3) Zone (Attachments 1 & 2). It is located within the Growth Centre designation of the Official Community Plan, inside the Urban Containment Boundary in the 'South-End'/Berkey's Corner neighbourhood of the Municipality (Attachment 3).

Land uses surrounding the subject property are primarily one and two-family dwellings, with a public park located to the east and north (Ryall Park Natural Area, Moorfield Park). Schools and community services are located within 400 metres to the north and west of the site.

Proposal

The R3 Zone is limited to a maximum of two residential units within one residential building. In addition to a principal single family dwelling, a secondary suite or a two-family dwelling are permitted on an R3-zoned property. However, the applicant wishes to construct a detached garden suite to accommodate a family member.

With the principal residence currently located on the north end of the subject property, this would result in a density of two residential dwellings within two residential buildings, which is not permitted in the R3 Zone. Therefore, the applicant has applied to rezone the subject property to the Residential Two-Family Detached Zone (R3-CH) because the R3-CH Zone permits a detached accessory dwelling unit (i.e., garden suite or coach house), which would accommodate the proposed garden suite.

The Residential Two-Family Detached Zone (R3-CH) would permit the property owners to construct an accessory dwelling unit at the south end of the parcel.

The applicant's Letter of Rationale is provided in Attachment 4.

The Site Plan showing existing and proposed development on the subject property is provided in Attachment 5. Building elevations as proposed are provided in Attachment 6. Site Photos are shown in Attachment 7. And the R3-CH Zone is provided in Attachment 8.

DISCUSSION

Official Community Plan

A zoning amendment proposal to facilitate a detached accessory dwelling unit, such as requested for the subject properties, aligns with the Official Community Plan (OCP; No. 3450) objective of 'Growth Management' and 'Housing' toward the goal of 'Building Strong Communities', providing the balance of their policies are met.

Key 'Growth Management' & 'Housing' policies relevant to this proposal are:

1. *The Municipality support will focus development in growth centres (sec. 2.5.1.2).*
2. *The Municipality recognizes the need for a variety of housing types (by size, type, tenure, density and cost) integrated into a range of neighbourhoods in all growth centres, and especially for housing types suitable for the aging population and young families (sec. 2.5.2.1).*
3. *The Municipality will ensure that new residential development respects and complements the character of the surrounding neighbourhood (sec. 2.5.2.5).*

This zoning amendment proposal, which would permit an "accessory dwelling unit" in the form of a garden suite or coach house on the subject property, aligns with the OCP's objective of 'Growth Management' and 'Housing' by providing:

- Residential infill development within the Urban Containment Boundary (OCP sec. 2.5.1.2);
- Residential buildings form diversity in this neighbourhood that is presently comprised of single and two-family dwellings (OCP sec. 2.5.2.1); and,
- Accessory dwelling unit use in keeping with the character of the neighbouring residences, i.e., the current proposal is for a single storey structure (4.8 m), with street-front siting on Lane Road.

Finally, infill housing is ideally suited to this neighbourhood, it is located within walking distance to parks, community services, and schools, e.g., Ryall Park, Evans Sportsfield, and Drinkwater Elementary School.



Figure 1. Proximity of the subject property to parks, schools, and community services

Residential Two-Family Detached Zone (R3-CH)

Except for a provision related to driveway access, the rezoning application proposal for an “accessory dwelling unit”, which in the case of this proposal would be a 78.3 m² (843 ft²) garden suite, demonstrates compliance with the provisions of the R3-CH Zone. It includes the requirement that the accessory dwelling unit be no greater than 40% of the floor area of the principal dwelling (or 85 m², whichever is less). If the application is approved and the accessory dwelling unit is constructed, the site would not exceed a residential density of two residential units, whereby the number of units per residential building would not exceed one (Zoning Bylaw 58.2 (5) (a) & (b)).

For driveway access, despite that the R3-CH Zone permits only one shared access for *both* principal and accessory dwelling units, the applicant is requesting two individual driveway access points on this corner lot fronting two public roads, i.e., Moorfield Road and Lane Road (Attachment 5).

Specifically, section 58.2 (13) of the R3-CH Zone states:

(g) “Driveway access must be shared by both the principal building and accessory building”.

This requirement is better suited to conventional lots where the accessory dwelling is at the rear of the lot. In those situations, restricting the second driveway helps to maintain public on-street parking, as well as the character of the street. Although second driveways are generally discouraged by the Municipality to reduce points of egress onto public roads. In this case, the Engineering Department supports a second access from Lane Road to accommodate the proposed accessory dwelling unit because access for both dwellings from Moorfield Road is not practical. Moreover, the proposed driveway location on Lane Road complies with site distance and other applicable driveway access requirements.

As the request for second driveways is anticipated for other corner lots with R3-CH zoning in other locations, staff recommend a text amendment to section 58.2 13(i) to add the sentence in bold:

“(g) Driveway access must be shared by both the principal building and accessory building. **Second individual access may be considered for corner lots**” [bolded by author].

As proposed, the text amendment would permit second individual driveway access points to be considered by the Municipality on corner lots, where permit requirements are fulfilled, and approval is granted (i.e., Application for Highway Access Permit).

The R3-CH Zone is provided in Attachment 8.

Development Permit Area-3 (Natural Environment)

The proposed location of the accessory dwelling unit at the south end of the subject property is located within a Development Permit Area-3 for the Natural Environment (DPA-3), whereby guideline requirements would apply with future development. Specifically, DPA-3 requires that development within a 30 metre proximity of a stream (i.e., Riparian Assessment Area RAA), as is the case with this proposal as indicated in Figure 2, be assessed by a Qualified Environmental Professional to determine its minimum setback requirements from a stream (as per provincial *Riparian Assessment and Protection Regulations; RAPR*) and a development permit be issued prior to development within the Riparian Assessment Area.

While a development permit application would be made at a later date should this request for a zoning amendment be successful, the applicant has provided information in advance of a development permit to gauge the applicability and impact of DPA-3 on the siting of the accessory dwelling unit as proposed.

A letter of opinion based on an assessment of the proposed siting of the accessory dwelling unit within the RAA of a minor stream within Ryall Park Natural Area (Figure 1), which drains northeast into Averill Creek, was provided by a qualified professional who identified:

"... implementing DPA-3 for your proposed development is not practically or biologically feasible, because the DPA is buffering a culvert outlet and extends over a road where there is not reasonable potential for future riparian habitat to occur" (2022-02-25; p. 4).



Figure 2. The location of the 30-metre riparian assessment area (RAA; DPA-3) is shown in light blue. The approximate location of the proposed garden suite is shown in red. A public road, i.e., Lane Road, is located between the proposal and a creek (within Ryall Park Natural Area; Figure 1) to the east.

Conclusion

In summary, staff consider the zoning amendment proposal for an accessory dwelling unit at 3110 Moorfield Road and the associated draft amendment bylaw to be well-aligned with OCP policy within the objectives of '*Growth Management*' and '*Housing*.'

Further, should this rezoning be successful, a text amendment to the R3-CH Zone as proposed in the Draft Bylaw No. 3872 would permit the Municipality to consider second individual driveway accesses on corner lots located within the R3-CH Zone. If adopted, it would also allow the proposed accessory dwelling to proceed without requiring a variance. Based on the proposed location of the garden suite, a development permit will be required prior to the issuance of a building permit should the zoning amendment be approved.

Approval of this application is recommended. Draft Zoning Amendment Bylaw, No. 3872 is provided in Attachment 9.

OPTIONS

1. **(Recommended Option)** THAT Council:
 - (1) Give first and second readings to "Zoning Amendment Bylaw No. 3872 (3110 Moorfield Road from R3 to R3-CH), 2022"; and,
 - (2) Schedule a Public Hearing for "Zoning Amendment Bylaw No. 3872 (3110 Moorfield Road from R3 to R3-CH), 2022," and that notification be issued in accordance with the *Local Government Act*.
2. THAT Council deny application ZB000173 to amend Zoning Bylaw No. 2950, 1997, to permit a garden suite at 3110 Moorfield Road.

IMPLICATIONS

Should Council adopt Bylaw No. 3872, the applicant could proceed with the construction of the accessory dwelling unit after obtaining a development permit and building permit. Although the applicant has provided a site plan showing the intended location of the accessory dwelling suite, the location could change, provided it is compliant with the applicable zoning regulations.

Should the zoning amendment application be denied, the applicant could not construct an accessory dwelling unit on the subject property but could add a secondary suite or second dwelling unit, provided it is attached to the existing single family dwelling.

RECOMMENDATION

THAT Council:

- (1) Give first and second readings to "Zoning Amendment Bylaw No. 3872 (3110 Moorfield Road from R3 to R3-CH), 2022"; and,
- (2) Schedule a Public Hearing for "Zoning Amendment Bylaw No. 3872 (3110 Moorfield Road from R3 to R3-CH), 2022," and that notification be issued in accordance with the *Local Government Act*.

Report prepared by:

Caroline von Schilling

Caroline von Schilling
Development 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
- (3) Zoning
- (4) Rationale
- (5) Site Plan
- (6) Elevations
- (7) Site Photos
- (8) R3-CH Zone
- (9) Draft Bylaw 3872