

# Report

Date	April 5, 2018	Prospero No. ZB000070
To	Council	Folio No. 01136-000
From	Morgan McLeod, Development Planner	File No. 3360-20 17.25
Subject	Zoning Bylaw Amendment Application No. ZB000070 for 3181 & 3183 Gibbins Road	

## Purpose

The purpose of this report is to provide Council with information, analysis and recommendations regarding a zoning bylaw amendment application to rezone the subject property from the Residential One and Two Family Zone (R3) to Residential Medium Density Multi-Family Zone (R3-MF) to regularise a duplex that was converted to a fourplex.

## Background

The subject property is located at 3181 & 3183 Gibbins Road and is approximately 875 m<sup>2</sup> (0.22 ac) in area (see ATTACHMENTS 1 & 2). The property currently contains an illegal multi-family building and a number of accessory buildings and structures. The building was originally constructed as a duplex in 1977. The subject property is in the Urban Containment Boundary and is zoned Residential One and Two-Family (R3) (ATTACHMENT 3).

The property currently contains a duplex with an accessory building (see site photos in ATTACHMENT 4) and is primarily surrounded by single family residences.

## History

On April 7, 1981, a complaint was made that the subject property was being used as a fourplex. The building had two 3 bedroom units and two 2 bedroom units. The Building Inspector issued a letter to the owner informing him that the property's legal use of the structure was for a two family residence only. The owner was informed by the Municipality that failure to comply with the Zoning Bylaw may result in the District pursuing bylaw enforcement action.

On June 17, 1982, the owner applied to rezone the property from the R3 Zone to Residential Multi-Family Three Storey (R7) Zone, which was not approved on the basis that the duplex was converted into a four plex without a building permit and contrary to the requirements of the Zoning Bylaw.

The issue of the building being used as a fourplex has continued since it was originally converted; the property file indicates the property has had enforcement notices in 1985, 1988, 1993 and 2000. It is the current owner's intention to regularize the building.

## Proposal

The owner has applied to rezone the property to the R3-MF zone in order to bring the existing fourplex into compliance with the Zoning Bylaw (ATTACHMENT 5). The applicant has provided a site plan

(ATTACHMENT 6). The four-plex contains 4 dwelling units with a landscaped yard and parking provided at the front of the property. The units would be accessed via a driveway off Gibbins Road.

A form and character Development Permit under Development Permit Area-1 (General) would be the required next step if the rezoning application is approved. At the Development Permit stage, the proposed development would need to meet requirements of the proposed R3-MF zone, relevant Development Permit Guidelines and Municipal policies. The Development Permit would address potential upgrades and improvements to the building and landscaping.

## Discussion

### Official Community Plan

The OCP contains a number of policies which support multi-family residential development within the Urban Containment Boundary (UCB).

*2.5.2.8 – The Municipality encourages sensitive integration of increased density in growth centres through the use of multi-unit housing.*

Increasing densities in residential areas helps provide a variety of housing options.

*2.5.2.1 – 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.*

The proposed multi-family units are relatively small (~1,020 ft<sup>2</sup> for 3 or 2 bedroom), which would provide a greater variety of housing in the area and infill in the subject area, compared with the larger surrounding single family dwellings. The multi-family housing type would assist in accommodating the diverse needs of the population in terms of size, effort to maintain and affordability. Redevelopment of the subject property would also result in a more efficient use of resources and infrastructure by accommodating an increase in density in the growth centre. The proposal is consistent with the OCP.

### Zoning Bylaw

The existing permitted use of the subject property is two-family dwelling (duplex). The zoning bylaw defines a two-family dwelling as, “means a building, containing two dwelling units which, if joined by a party wall, is primarily adjoined by habitable space rather than a carport, located on a single lot or on two strata lots and which is used or intended to be used as the residence of two (2) families. Despite the foregoing, suites, granny flats, or in-law suites, and the like are permitted, provided that the unit number of 2 is not exceeded.” therefore the conversion of both sides of duplex into a four plex is not permitted in the R3 zoning.

## Building Division

It will likely be difficult to bring the building up to the current BC Building Code requirements for a fourplex. Staff recommend that, should Council wish to support the proposal, the zoning amendment bylaw be given first reading only, and that second reading be withheld pending submission of a code analysis by an architect to identify the upgrades necessary to bring the fourplex into substantial compliance with the BC Building Code and a letter of commitment from the owners to undertake the work identified in the analysis (a Building Permit would be required for this work). Depending on the results of the analysis, staff may recommend that Council authorise registration of a Notice of Title.

## **Communications and Engagement**

Should Council choose to provide 1<sup>st</sup> and 2<sup>nd</sup> readings to this bylaw, the application will proceed to the Public Hearing stage, at which time the general public will be provided with an opportunity to have input on the proposed Zoning Bylaw amendment. Neighbouring properties within a 60 m radius of the subject property will be notified of this application and advertisements will be placed in the local newspaper, as per the requirements of the *Local Government Act*.

## **Options**

The following options are presented for Council's consideration:

### Recommended Option:

**Option 1:** Council could choose to give 1<sup>st</sup> reading to the zoning amendment bylaw and require, prior to bringing the bylaw back to Council for consideration of 2<sup>nd</sup> reading, submission of a code analysis by an architect to identify the upgrades necessary to bring the fourplex into substantial compliance with the BC Building Code and a letter of commitment from the owners to undertake the work identified in the analysis.

### Other Options:

**Option 2:** Council could choose to give 1<sup>st</sup> and 2<sup>nd</sup> readings to the zoning amendment bylaw without the requirement for a code analysis or letter of commitment. A Building Permit would be required to address a number of basic life-safety provisions of the BC Building Code related to the two additional dwelling units. Staff would bring forward a report recommending that Council authorise registration of a Notice of Title.

**Option 3:** Council could choose not to support the zoning amendment bylaw. In this instance, staff would be seeking Council direction on whether to pursue decommissioning of the two illegal dwelling units and/or registration of a Notice on Title.

## **Implications**

There are no social, financial, environmental, cultural, personnel, communications or Official Community Plan implications of the recommended option.

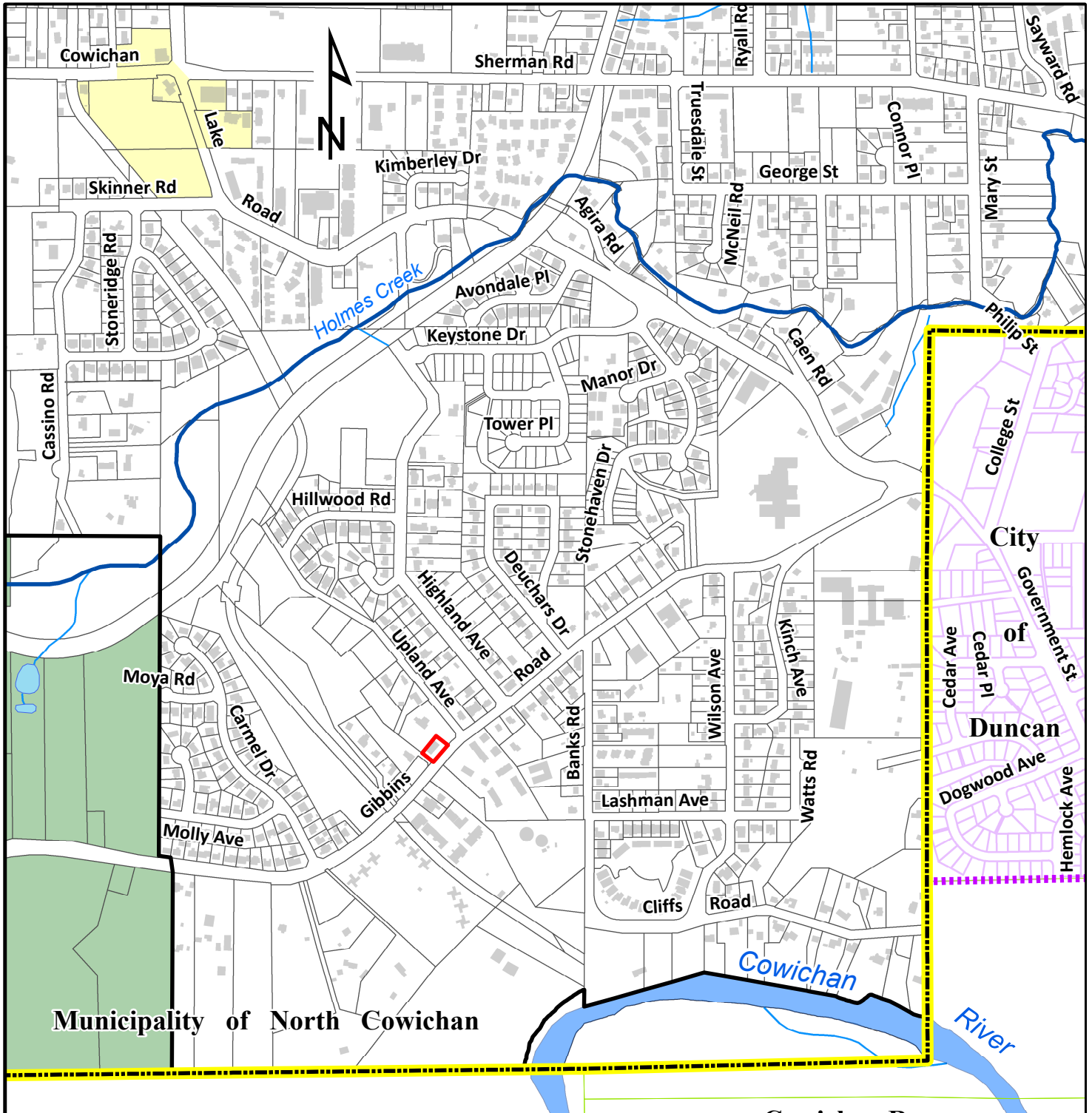
## **Recommendation**

That Council

1. read a first time Zoning Amendment Bylaw (Gibbins Road), 2018, No. 3685, and
2. require the owner to provide a code analysis prepared by an architect to identify the upgrades necessary to bring the fourplex into substantial compliance with the BC Building Code and a letter of commitment from to undertake the work identified in the analysis.

## **Attachments**

1. Location Plan
2. Air Photo
3. Zoning Map
4. Site Photos
5. Letter from Applicant
6. Site Plan
7. Residential Medium Multi-Family (R3-MF) Zone
8. Bylaw No. 3685



LEGEND

- |                    |                                      |
|--------------------|--------------------------------------|
| Subject Property   | Urban Containment Boundary           |
| Existing Buildings | Agricultural Land Reserve            |
| Waterbodies        | Neighbourhood Commercial Designation |
| Watercourses       | North Cowichan Municipal Boundary    |

Cowichan Reserve  
I.R. No.1

0 100 200 300 400  
Meters

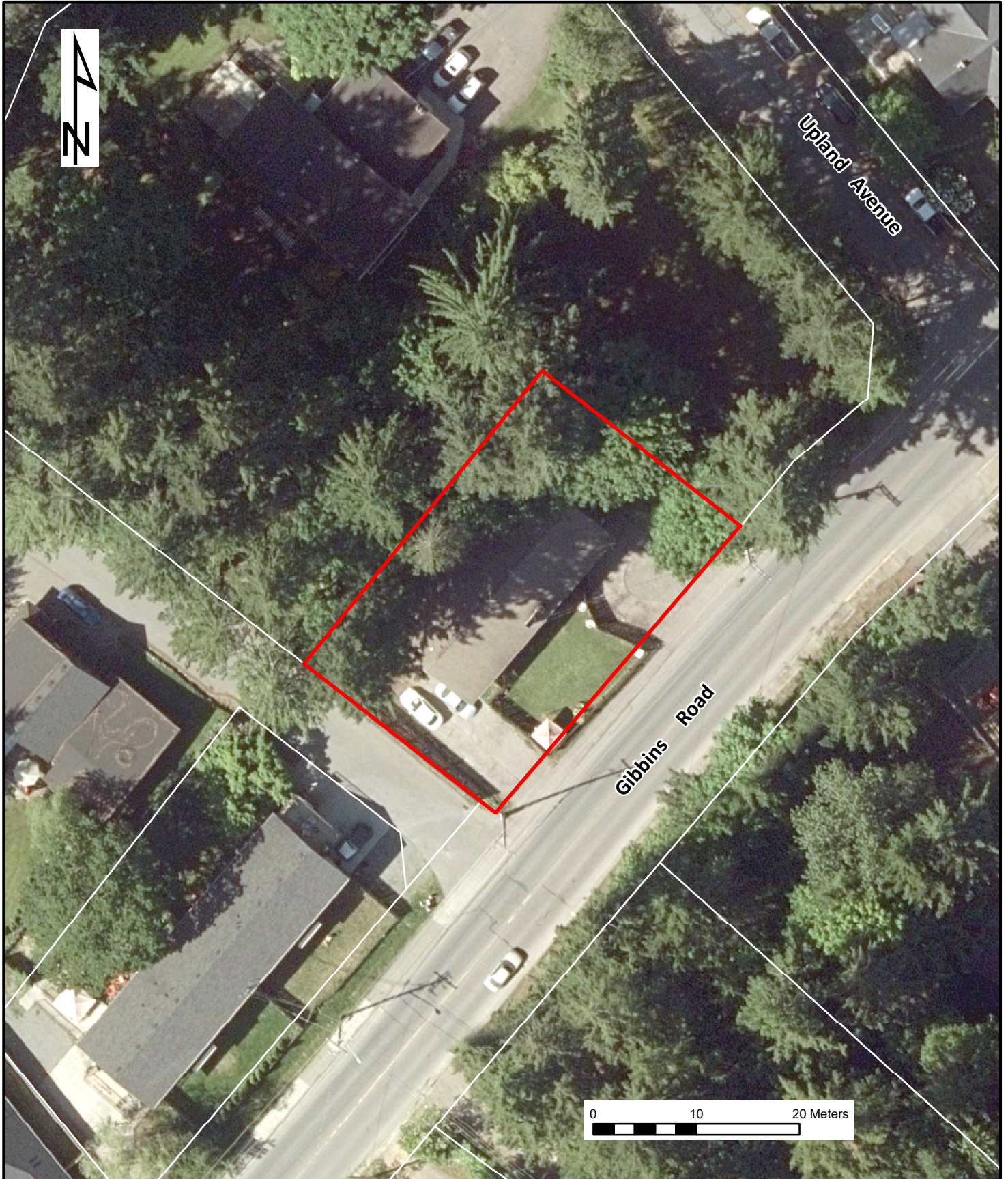
MUNICIPALITY OF  
**NORTH**  
Cowichan

LOCATION MAP

3181 & 3183 Gibbins Road

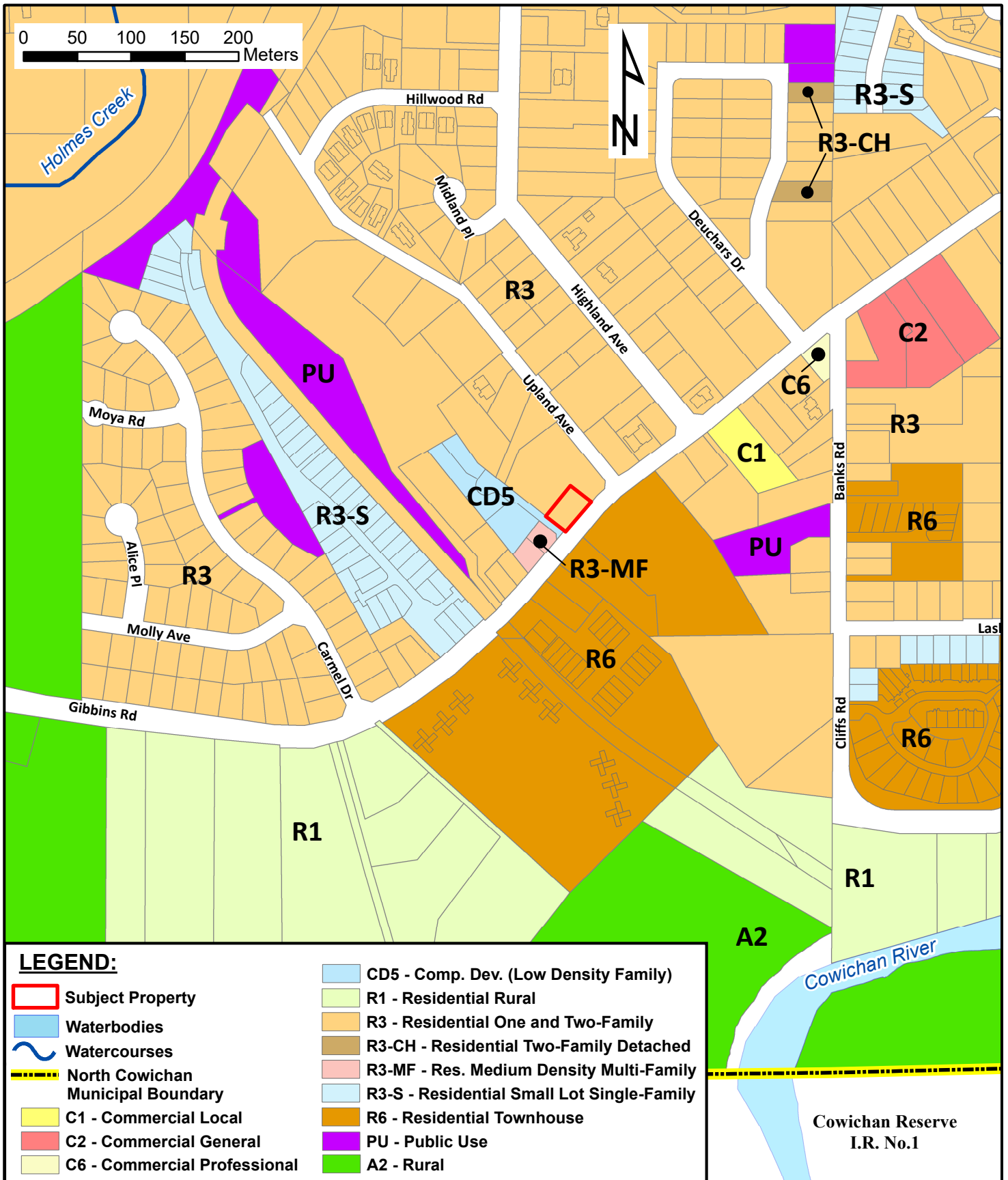
DATE:	November 29, 2017
TYPE:	Rezoning
FILE#:	ZB000070





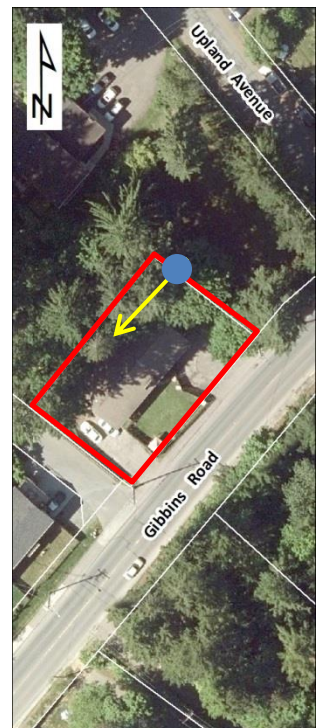
	<b>ORTHOPHOTO MAP</b> ( Orthophoto is from 2017 aerial photography)	<b>DATE:</b> November 29, 2017
	3183 & 3181 Gibbins Road	<b>TYPE:</b> Rezoning
		<b>FILE#:</b> ZB000070











## R.E.B. Development Services

1342 Oakwood Place, Duncan B.C. V9L 5R3 Phone 250-246-7640

Date: November 20, 2017

File: 2017/Gibbins Rd

Municipality Of North Cowichan

P.O. Box 278, Duncan B.C.

V9L 3X4

Attn: Mr. Kyle Young

Re: Proposed Rezoning Of Lot 1,  
Sections 18, Range 44, Quamichan District, Plan 6946  
3181 Gibbins Road, Duncan B.C.

Dear Sir;

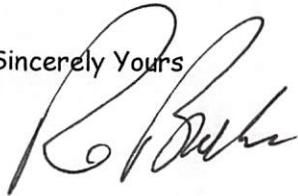
Please find attached for consideration of rezoning as demanded by the Municipality of North Cowichan Bylaw Enforcement Officer the following:

- 1) A completed Application Form.
- 2) Our Client's cheque in the amount of \$2,500.00 to cover the application fee.
- 3) A current copy of the Certificate of Title.
- 4) Two sets of the newly generated Site Plan, Floor Plans & Elevations.

This application is required to bring the existing building into compliance with the current bylaws. The property is zoned to permit two family dwellings but has for years contained four separate dwelling units. Additional investigations are underway as suggested by the Municipal Building Inspector and this information will be provided when it becomes available.

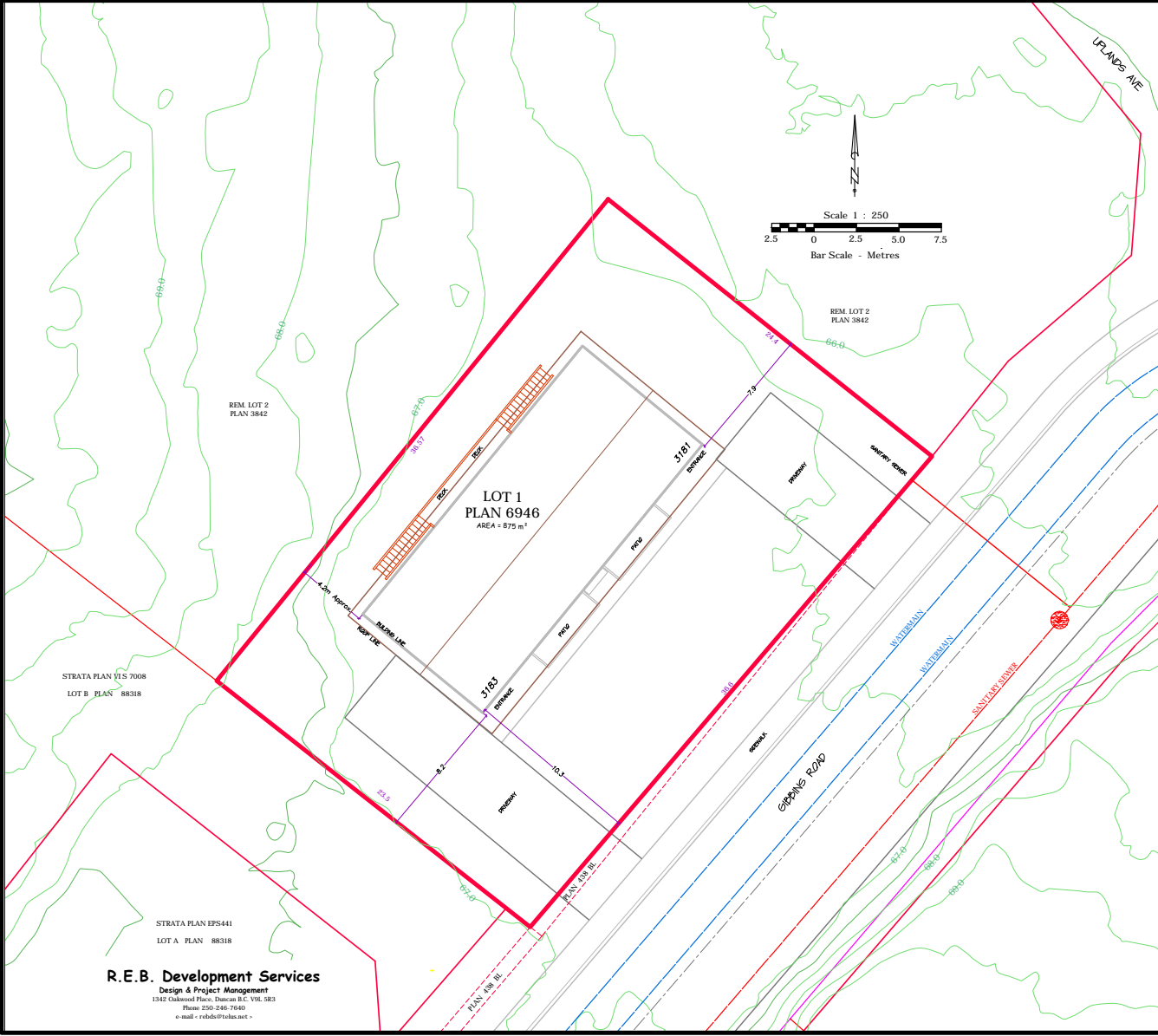
Should you require additional information please do not hesitate to contact me either by e-mail or call/text 250-246-7640.

Sincerely Yours



Richard E. Buckles  
R.E.B. Development Services





# **SITE PLAN**

To Accompany Rezoning Application  
 Lot 1, Sections 18, Range 4,  
 Quamichan District, Plan 6946  
 3181 & 3183 Gibbins Road, Duncan B.C.

## **NOTE:**

- SURVEY INFORMATION DERIVED FROM MUNICIPAL RECORDS.
- ELEVATIONS ARE GEODETIC AND DERIVED FROM INTEGRATED SURVEY CONTROL & RECENT LIDAR TOPOGRAPHICAL MAPPING.
- BUILDING LOCATION TO BE CONFIRMED BY SURVEY FOR DETERMINATION OF ACTUAL SETBACKS

PRELIMINARY - FOR DISCUSSION PURPOSES

OWNER: Tia Moshuk  
 DATE: March 5, 2018  
 FILE #: 2018/Moshuk

**R.E.B. Development Services**  
 Design & Project Management  
 1342 Oakwood Place, Duncan B.C. V9L 5R3  
 Phone 250-248-7640  
 e-mail - reb@redesign.net



**Residential Medium Density Multi-Family Zone (R3-MF)** [BL3495]**Permitted Uses**

- 58.3** (1) The permitted uses for the R3-MF zone are:
- Multi-Family Residence
- (2) The permitted accessory uses for the R3-MF zone are:
- Limited Home-Based Business  
Accessory Building

**Minimum Frontage and Lot Depth**

- (3) The minimum permitted frontage is 18.0 m (59.05')
- (4) The minimum permitted lot depth is 30.0 m (98.43')

**Density**

- (5) The permitted density for the R3-MF zone is as follows:
- (a) Minimum site area per dwelling unit 230 m<sup>2</sup> (2,476 sq. ft.)
- (b) Maximum permitted floor space ratio is 0.5:1.

**Maximum Lot Coverage**

- (6) The maximum permitted lot coverage for the R3-MF zone is 45%; of this, accessory buildings and structures cannot exceed 10% of the lot.

**Minimum Setbacks**

- (7) The minimum permitted setbacks for the R3-MF zone are as follows:
- (a) Principal Buildings
- Yard, Front, 5.0 m (16.40')
- Yard, Side, 1.5m (4.92')
- Yard Side when adjacent to a lane or street, 3.0 m (9.84')
- Yard, Rear, 7.5m (24.61')
- Garage doors from any side or front property line, 5.8m (19.03')
- (b) Accessory Buildings and Structures
- Yard, Front, 10.0 m (32.81')
- Yard, Side, 1.5m (4.92')
- Yard Side when adjacent to a lane or street, 3.0 m (9.84')
- Yard, Rear, 1.5m (4.92')

**Maximum Building Height**

(8) The maximum permitted building heights for the R3-MF zone are as follows:

- (a) Principal Building, 10.0 m (32.81')
- (b) Accessory Building, 5.0 m (16.40')

### **Landscaped Open Space**

(9) Landscaping of the open space must meet the following requirements in the R3-MF zone:

- (a) 30% of the lot area must be provided and maintained as landscaped area not including parking.

### **Exterior Amenity Space**

(10) In the R3-MF zone, each dwelling unit

- (a) located at or below grade must have, at minimum, private outdoor amenity space of 7.4 m<sup>2</sup> (79.66 sq. ft.) in area with, at minimum, one horizontal dimension of 3.0 m (9.84 feet), and
- (b) located above grade (second storey or higher), must have a minimum private outdoor amenity space of 4.75 m<sup>2</sup> (48.44 sq. ft.) in area with, at minimum, one horizontal dimension of 2.0 m (6.56').

### **Conditions of Use**

(11) The conditions of use for the R3-MF zone are as follows:

- (a) no fences over 1.2 m (3.94') in height are permitted in the required yards, front;
- (b) no fences over 1.8 m (5.91') in height are permitted in the required yards, side or rear;
- (c) in no situation shall a fence be greater than 2 m (6.56') in height;
- (d) common garbage and recycle receptacles/bins must be enclosed by walls or decorative fencing for the purposes of screening;
- (e) the lot must have one driveway and must be a maximum of 3.0 m (9.84') wide where it crosses pedestrian sidewalks or trails;
- (f) parking spaces must be located along the side or rear of the principal building.



The Corporation of the District of North Cowichan

**Zoning Amendment Bylaw (Gibbins Road), 2018**

Bylaw 3685

The Council of The Corporation of The District of North Cowichan enacts as follows:

- 1 Schedule "C" of Zoning Bylaw 1997, No. 2950, is amended by reclassifying from Residential One and Two Family Zone (R3) to Residential Medium Density Multi-Family Zone (R3-MF), 3181/3183 Gibbins Road (PID: 000-120-308), shown as "Subject Property" and outlined in bold on the Schedule attached to and forming part of this bylaw.**
- 

READ a first time on

READ a second time on

CONSIDERED at a Public Hearing on

READ a third time on

ADOPTED on

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CORPORATE OFFICER

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PRESIDING MEMBER



## 2

