



THE CORPORATION OF THE CITY OF COURTENAY

## STAFF REPORT

**To:** Council

**File No.:** 3360-20-1901

**From:** Deputy Chief Administrative Officer

**Date:** April 1, 2019

**Subject:** Zoning Amendment Bylaw No. 2953 to allow for a secondary residence at 2991 Chapman Road

### PURPOSE:

The purpose of this report is for Council to consider a zoning amendment application to rezone the above referenced property legally described as Lot 2, Section 18, Comox District, Plan VIP77045 to permit a secondary residence.

### DEPUTY CAO RECOMMENDATIONS:

THAT based on the April 1<sup>st</sup>, 2019 Staff report entitled "Zoning Amendment Bylaw No. 2953 to allow for a secondary residence at 2991 Chapman Road" Council approve OPTION 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 2953, 2019; and

THAT Council direct staff to schedule and advertise a statutory public hearing with respect to Zoning Amendment Bylaw No. 2953, 2019 on April 15<sup>th</sup>, 2019 at 5:00 p.m. in the City Hall Council Chambers.

Respectfully submitted,

John Ward, CMC  
Deputy Chief Administrative Officer

### BACKGROUND:

The subject property is located within the Sandwich/Headquarters area. The immediate neighbourhood is comprised of single-family homes on large lots with a rural character.



Figure 1: Location of the Subject Property

The Official Community Plan (OCP) designates this neighbourhood “Suburban Residential”. The stated purpose of this designation is for single-family homes with lot sizes greater than 2,500m<sup>2</sup> and full urban services.

Further land use policy is established in the Sandwich/Headquarters Local Area Plan which describes the subject parcel and surrounding neighbourhood as a predominantly residential area with single family, detached dwellings as the primary housing form. Multi-family forms of housing, including two family or duplex development are not allowed on remaining vacant lots. The plan conditionally supports secondary suites but does not contain policy relative to secondary residences or comparable forms or housing such as carriage houses.

The subject property, and surrounding neighbourhood, are zoned Rural Residential Five (RR-5). The zone allows for single family houses on large lots.

The subject property is 4,063m<sup>2</sup> and contains a 70m<sup>2</sup> single storey house. The applicant proposes to construct a second dwelling should the proposed zoning amendment be successful. A key complexity of this proposal is that the existing house will be reclassified as the secondary residence once the new house is constructed. This differs from typical proposals where the secondary dwelling is added after the main house.



Figure 2: Proposal and context





*Figure 3: Existing house proposed to be reclassified as a "secondary residence"*

A secondary residence is a form of secondary or accessory housing. A key attribute is that it exists only when a primary or main dwelling is present and is secondary in appearance and function to the primary dwelling. Other similar forms of housing in the City include secondary suites, carriage houses and granny flats. A secondary residence is completely detached from the main dwelling and limited in floor area with the intent that it is smaller and functions with less intensity than the main house. Currently, secondary residences are only listed as a permitted use in the Residential Two (R-2) zone. Although "carriage houses" and "granny flats" are permitted in a few other zones.

This zoning bylaw amendment will add "secondary residence" as a permitted use exclusively on the subject property. It will also establish setback, and height restrictions for secondary dwellings.

The application and advertisement of this proposal state that a "carriage house" is proposed. Although "carriage houses" are secondary to principal dwellings, by definition "carriage houses" differ from "secondary residences" in that they must be located above a garage. As the existing house is not above a garage it cannot be classified under the zoning bylaw and a carriage house necessitating the use of the "secondary residence" definition.

#### **DISCUSSION:**

The proposal diverges from the established land uses in the immediate area but is generally supported by the OCP due to the provision of sanitary sewer and is consistent with the character of the neighbourhood.

#### **Consistency with Land Use Policy**

Central to Sandwich/Headquarters Local Area Plan is the notion that any type of subdivision or redevelopment must respect the existing character of the neighbourhood. In terms of built form, the proposed secondary residence will remain as it currently exists. The proposal will permit the construction of a new house which will be approximately 163m<sup>2</sup> and more consistent with the size of surrounding houses. In terms of lot size, the parcel is near the minimum size currently permitted by zoning at 4,063m<sup>2</sup>

(the zoning bylaw allows a minimum area of 4,000m<sup>2</sup>) but lot sizes on Chapman Road range from a low of 1,208m<sup>2</sup> to a high of 11,751m<sup>2</sup>. Notably, the policy does allow for limited, sensitive densification once sewer services are provided. Both the proposed and existing dwellings will be connected to municipal sanitary sewer services.

#### Affordable Housing Policy

The City's Affordable Housing Policy sets out a number of strategies that support increasing the provision of affordable housing, including secondary dwellings, throughout the community. When zoning does not permit secondary units, Council's practice to-date has been to consider such rezoning applications on a case-by-case basis taking into account land use planning policy, servicing capacity and neighbourhood interests.

#### Zoning Review

As part of this proposal, zoning parameters will be added to the RR-5 zone to provide specific regulations for secondary dwellings. These regulations reflect the parameters which are currently listed for secondary residences in the R-2 zone. The proposal is consistent with these requirements as summarized below:

Zoning Parameter	Proposed Requirement	Existing Building
Floor Area (max.)	90m <sup>2</sup>	70m <sup>2</sup>
Front Yard (min.)	7.5m	14.6m
Rear Yard (min.)	10.0m	44.7m
Side Yard (min.)	3.5m	17.8m
Side Yard flanking a street (min.)	4.5m	n/a
Building Height (max.)	5.5m	5.2m

Additionally, the secondary dwelling is required to maintain at least one off-street parking space.

#### **FINANCIAL IMPLICATIONS:**

Application fees in the amount of \$3,000 have been collected in order to process the rezoning amendment application. Should the proposed Zoning Amendment Bylaw be adopted, Building Permit application fees will apply.

Properties with a secondary residence are charged a second utility fee (sewer, water, garbage) for the additional dwelling unit. Should the rezoning application be approved, the additional utility fees will be charged to the property at the time of occupancy permit. Secondary residences are exempt from paying Development Cost Charges to the City and Regional District.

#### **ADMINISTRATIVE IMPLICATIONS:**

Processing Zoning Bylaw amendments is a statutory component of the corporate work plan. Staff has spent approximately 15 hours processing this application to date. Should the proposed zoning amendment proceed to public hearing, an additional two hours of staff time will be required to prepare notification for public hearing and to process the bylaw. Additional staff time will be required to process the subsequent building permit application including plan checking and building inspections.

#### **ASSET MANAGEMENT IMPLICATIONS:**

The proposed development utilizes existing infrastructure and is connected to City Water and City Sewer. There are no direct asset management implications associated with this application.

## 2019 – 2022 STRATEGIC PRIORITIES REFERENCE:

▲■ Identify and support opportunities for lower cost housing and advocate for senior government support

●▲ Encourage and support housing diversity

## OFFICIAL COMMUNITY PLAN REFERENCE:

The proposed zoning amendment is generally consistent with the Suburban Residential land use designation of the Official Community Plan.

The subject property is within the Sandwich/Headquarters Local Area Plan. The plan conditionally supports secondary suites but does not contains specific policy relative to secondary residences or comparable forms or housing such as carriage houses.

## REGIONAL GROWTH STRATEGY REFERENCE:

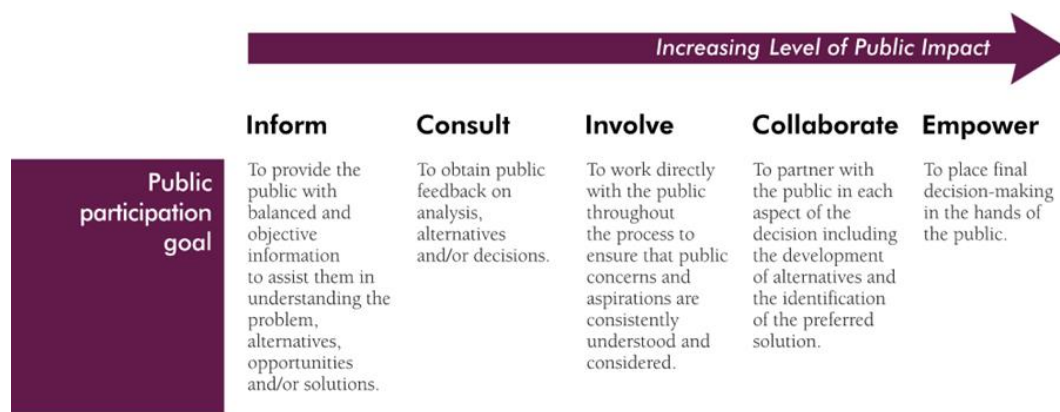
The development proposal is consistent with the RGS Housing Goal to “ensure a diversity of affordable housing options to meet evolving regional demographics and needs” including:

Objective 1-A: Locate housing close to existing services; and

Objective 1-C: Develop and maintain a diverse, flexible housing stock.

## CITIZEN/PUBLIC ENGAGEMENT:

Staff would consult the public based on the IAP2 Spectrum of Public Participation:



Should Zoning Amendment Bylaw No. 2953, 2019 receive First and Second Readings, a statutory public hearing will be held to obtain public feedback in accordance with the *Local Government Act*.

Prior to this application proceeding to Council, the applicant held a public information meeting on January 24<sup>th</sup>, 2019 at a property immediate southwest to the subject property. According to the information provided by the applicant, one neighbour attended the meeting. The applicant also delivered a survey to 14 neighbours informing them of his intentions and asking for their input. 12 surveys were returned of the 14 distributed. All 12 were in favour of the proposal. All written comment sheets are included with the meeting summary in **Attachment No. 2**.

No additional correspondence has been received from neighbours regarding this proposal at the time of this report.

**OPTIONS:**

**OPTION 1: (Recommended)**

THAT based on the April 1<sup>st</sup>, 2019 Staff report, “Zoning Amendment Bylaw No. 2953 to allow for a secondary residence at 2991 Chapman Road” Council approve OPTION 1 and proceed to First and Second Readings of Zoning Bylaw No. 2953, 2019; and

THAT Council direct staff to schedule and advertise a statutory public hearing with respect to Zoning Amendment Bylaw No. 2953, 2019 on April 15<sup>th</sup>, 2019 at 5:00 p.m. in the City Hall Council Chambers.

**OPTION 2:** Defer consideration of Bylaw No. 2953 with a request for more information.

**OPTION 3:** Defeat Bylaw No. 2953.

Prepared by:



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Matthew Fitzgerald, MCIP, RPP  
Planning Supervisor

Reviewed by:

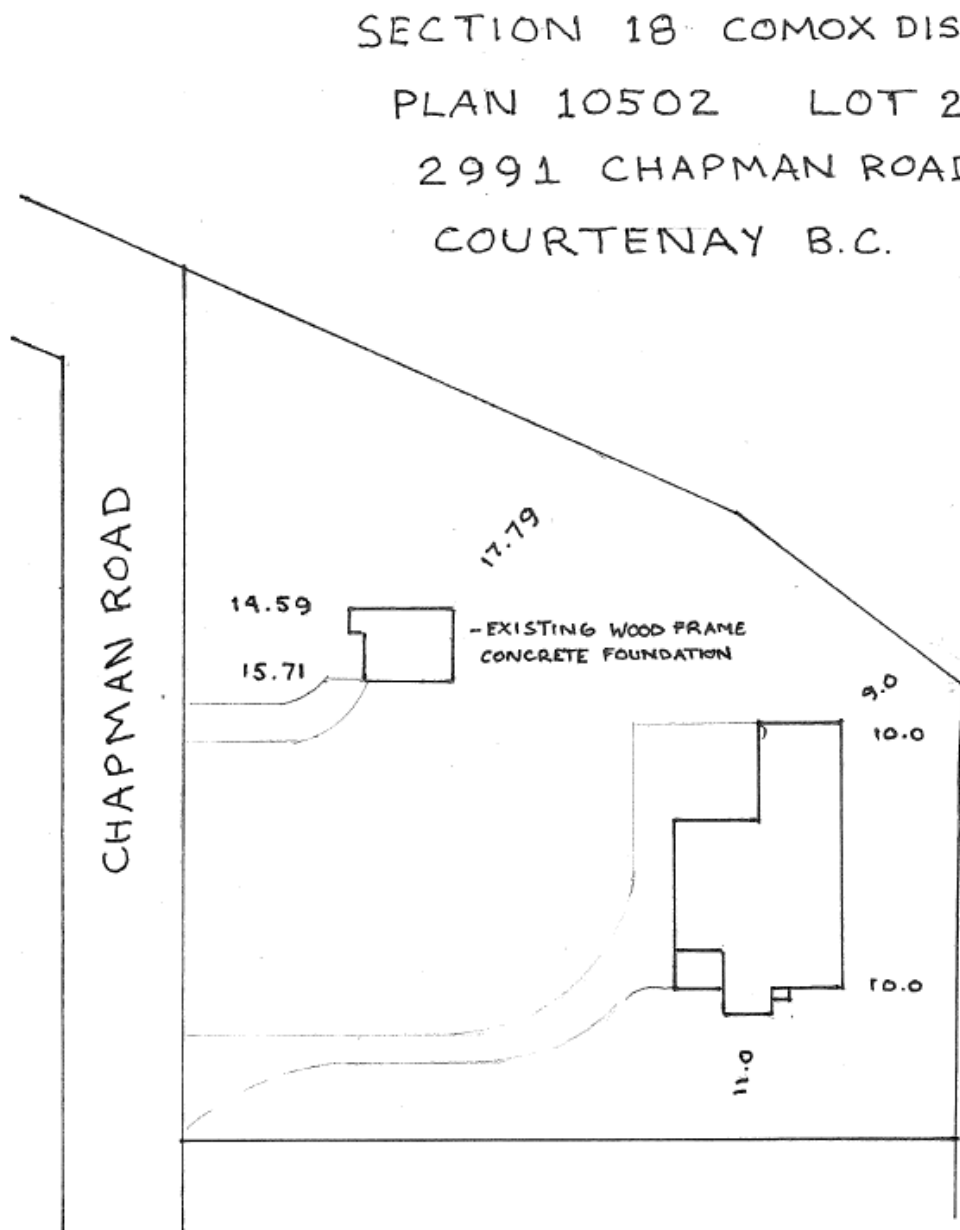


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Ian Buck, MCIP, RPP  
Director of Development Services

*Attachments:*

1. *Attachment No. 1: Plans and Pictures*
2. *Attachment No. 2: Public Information Meeting Summary and Public Comments*
3. *Attachment No. 3: Rationale*

**Attachment No. 1: Plans and Pictures**

2991 CHAPMAN Rd



**Attachment No. 2: Public Information Meeting Summary and Public Comments**

**AN INFORMATIONAL MEETING WAS HELD AT MY CURRENT RESIDENCE 2985 GLACIER ROAD ON THE EVENING OF JANUARY 24 2019 AT 7:30 PM. THE SURROUNDING PROPERTY OWNERS WERE NOTIFIED BY E-MAIL, PHONE OR IN PERSON. ONE RESIDENT SHOWED UP AND STAYED FOR APPROXIMATELY 2 HOURS. THE INFORMATION SUPPLIED INCLUDED BLUEPRINTS OF THE PROPOSED BUILDING, SITE PLAN, SIGN IN SHEET AND COMMENT SHEET.**

**THE LACK OF RESPONSE I FEEL WAS INPART TO THE FACT THIS WAS THE FOURTH NEIGHBOURHOOD MEETING IN LESS THAN A YEAR AND PEOPLE FELT THEY WERE ALREADY AWARE OF MY INTENTIONS. HOWEVER, REALIZING ONE RESIDENT IS NOT GOING TO MAKE A GOOD REPRESENTATION. I MADE PERSONAL VISITS TO ALL THE NEIGHBOURS EXPLAINING MY INTENTIONS AND ASKED THEM TO SIGN A COPY OF THE E-MAIL THAT WAS SENT OUT AND CHECK THE APPROPRIATE LINE. SOME OF THE RESIDENTS CHOSE TO THINK ABOUT IT AND RETURNED THE AFFIDAVITS AT A LATER DATE. I THEN DELIVERED THE AFFIDAVITS TO CITY HALL ON Jan. 31 2019 HAVING WAITED AS LONG AS I COULD. THERE WERE 12 OF 14 RETURNED, ALL IN APPROVAL OF MY REZONING REQUEST.**

**THE ONLY QUESTION OF NOTE WAS THE SIZE OF THE BUILDING.**

**TOM REVIE 2985 GLACIER ROAD**

JAN 24 2019

## SIGN IN SHEET

TOM REVIE 2985 GLACIER ROAD

[illegible]

**PUBLIC INFORMATION MEETING****JANUARY 15, 2017****(Enter Application Information and Address of Subject Property)****COMMENT SHEET**

Name: Tom Revie Email: thwacker@yahoo.com  
 Address: 2985 Glacier Road Phone: 250-338-8992

(Insert Applicant Name) has applied to the City of Courtenay for an (INSERT APPLICATION TYPE ie. OCP/Zoning Amendment/Temporary Use Permit/Development Variance Permit). (Insert Project Description). This project is under review by staff in the Planning Department of the City.

Given the information you have received regarding this project do you have any comments or questions?

- I have no problem with the proposed build  
& rezoning. It's already a cleared/empty lot!

3011 Glacier Rd., Courtenay, BC

**Please return your comments by:** JAN. 30 2019

Comment sheets can be submitted by one of the following methods:

1. Drop your comment sheet off at the Development Services Department, City of Courtenay  
830 Cliffe Avenue
2. Email your comment sheet to [planning@courtenay.ca](mailto:planning@courtenay.ca)
3. Fax your comment sheet to 250-334-4241

----- From: [REDACTED]  
**From:** [REDACTED]  
**To:** tom revie <[thwacker@yahoo.com](mailto:thwacker@yahoo.com)>  
**Sent:** Sunday, January 20, 2019 9:39 AM  
**Subject:** Re: rezoning

Sorry  
Unable to scan a reply at this time.  
Please accept this as my approval for the rezoning.  
[REDACTED]

On 2019-01-17 06:04, tom revie wrote:

Good morning all,

This is to inform you that I, Tom Revie have applied for a rezoning of Lot 2 Plan 70822, a 1 acre lot located at 2991 Chapman road Courtenay BC. My intent is to build a single family home for my personal residence. I will host a informational meeting at my current residence at 2985 Glacier road Courtenay BC on January 24 2019 at 7:30 pm.

For those of you with whom I discussed this over the phone or in person but stated you are unable are unable to attend, please sign, date and check the appropriate line.

Thanks for attention in this matter....Tom 250-338-8992

Name and address

.....

I approve.....

I disapprove.....



Good morning all,

This is to inform you that I, Tom Revie have applied for a rezoning of Lot 2 Plan 70822, a 1 acre lot located at 2991 Chapman road Courtenay BC. My intent is to build a single family home for my personal residence. I will host a informational meeting at my current residence at 2985 Glacier road Courtenay BC on January 24 2019 at 7:30 pm.

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Thanks for attention in this matter....Tom 250-338-8992

Name and address

[Redacted signature line]

I approve.....✓.....

I disapprove.....

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Thanks for attention in this matter....Tom 250-338-8992

Name and address

[Redacted]

481 4721 Island Hwy N.

I approve.....✓.....

I disapprove.....



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Thanks for attention in this matter....Tom 250-338-8992

Name and address



4717 N. Isl Hwy

I approve.....

I disapprove.....

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Thanks for attention in this matter....Tom 250-338-8992

Name and address

 4725 N. Island Hwy  
Courtenay V9N 5Y5

I approve.....✓.....

I disapprove.....



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Thanks for attention in this matter....Tom 250-338-8992

Name and address

[REDACTED] - NAUTECH INDUSTRIES LTD  
467 N. ISLAND HWY. COURTENAY.

I approve.....✓

I disapprove.....

Steve Pauli

Good morning all,

This is to inform you that I, Tom Revie have applied for a rezoning of Lot 2 Plan 70822, a 1 acre lot located at 2991 Chapman road Courtenay BC. My intent is to build a single family home for my personal residence. I will host a informational meeting at my current residence at 2985 Glacier road Courtenay BC on January 24 2019 at 7:30 pm.

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Thanks for attention in this matter....Tom 250-338-8992

Name and address

[REDACTED], 2986 CHAPMAN RD.

I approve... Carol Skinked. @ [Signature]

I disapprove.....

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Thanks for attention in this matter....Tom 250-338-8992

Name and address

[Redacted]

Mr. Brian Carvillan  
2980 Chapman Rd. 334-8951

I approve.....✓.....

I disapprove.....

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Thanks for attention in this matter....Tom 250-338-8992

Name and address

[Redacted Name and Address]

I approve.....X.....

I disapprove.....



Good morning all,

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Thanks for attention in this matter....Tom 250-338-8992

Name and address

 3003 Glacier Rd

I approve.....✓

I disapprove.....

Good morning all,

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For those of you with whom I discussed this over the phone or in person but stated you are unable to attend, please sign, date and check the appropriate line.

Thanks for attention in this matter....Tom 250-338-8992

Name and address

[Redacted Name and Address]

2991 Chapman RD

I approve.....✓.....

I disapprove.....

### **Attachment No. 3: Applicant's Rationale**

#### **Written summary**

My proposal is to build a 1757 sq. ft. Single family dwelling on a 1 acre lot at 2991 Chapman Road in the City of Courtenay. This dwelling will be become my personal residence. There is a 750 sq. ft. rental house on a concrete foundation on the property currently rented for \$800/month. The new dwelling will be located within all the legal setbacks and no trees will have to be removed to allow for construction. No neighbours views will be compromised and traffic will only increase by one vehicle.