



THE CORPORATION OF THE CITY OF COURTENAY

## STAFF REPORT

To: Council

File No.: 3360-20-2108

From: Chief Administrative Officer

Date: November 15<sup>th</sup>, 2021

Subject: **Zoning Amendment Bylaw No. 3043 to Allow for a Secondary Suite at 1544 Dingwall Road**

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### PURPOSE:

The purpose of this report is for Council to consider an application for a text amendment at the property legally described as Lot B, Section 17, Comox District Plan, EPP72243 to permit a secondary suite on the subject property.

### CAO RECOMMENDATIONS:

THAT based on the November 15<sup>th</sup>, 2021 staff report "Zoning Amendment Bylaw No. 3043 to Allow for a Secondary Suite at 1544 Dingwall Road" Council approve OPTION 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 3043, 2021; and,

THAT Council considers Zoning Amendment Bylaw No. 3043, 2021 consistent with the City's Official Community Plan; and

THAT Council waives the requirement to hold a public hearing with respect to Zoning Amendment Bylaw No. 3043, 2021 pursuant to Section 467 (2) of the *Local Government Act* and directs staff to give notice of the waiver of the public hearing pursuant to Section 467 of the *Local Government Act* in advance of considerations of 3<sup>rd</sup> Reading of the bylaw.

Respectfully submitted,

Geoff Garbutt M.Pl., MCIP, RPP  
Chief Administrative Officer

### BACKGROUND:

The subject property is an approximately 1,320m<sup>2</sup> (0.32 acres) residential lot located at 1544 Dingwall Road in East Courtenay (**Figure 1**). The property is currently zoned Rural Residential One (RR-1). A house was recently moved onto the previously vacant lot, and a basement is being constructed underneath. If the text amendment is approved then the basement will include the secondary suite. The Zoning Bylaw requires three parking spaces for properties with secondary suites (two for the single family dwelling, one for the secondary suite). Four parking spaces will be provided on-site. Plans and elevations are shown in **Attachment No. 1**.

The proposed secondary suite is 80m<sup>2</sup> (861ft<sup>2</sup>) in size and includes two bedrooms, one bathrooms, kitchen, a living room, a dining room and a laundry closet (**Attachment No. 1**). The applicant's rationale for the rezoning can be found in **Attachment No. 3**.



Figure 1. Context map with the Subject Property outlined in yellow.

## DISCUSSION:

The subject property is located within less than two kilometres from North Island College, the hospital, the Superstore shopping complex, Vanier Secondary School and Queneesh Elementary School. These destinations are accessible by cycling, walking, or transit (with two bus routes that travel along Lerwick Road).

### OCP Review

The proposed application represents infill development within an established neighbourhood designated Urban Residential in the Official Community Plan (OCP).

The OCP and the Affordable Housing Policy support infill development within existing Urban Residential areas provided it is in keeping with the character and scale of the surrounding neighbourhood. Infill housing provides more rental housing stock and diversity of housing types, and promotes more efficient use of land that is already serviced.

### Zoning Review

This application meets zoning requirements, including building height, lot coverage, building setbacks and parking for both the RR-1 zone (which the property will remain zoned) and the requirements for secondary suites as stipulated in the Zoning Bylaw (for which the site specific text amendment would be applied). The requirements and proposal is summarized in the tables below.

Regulation (RR-1)	Requirement	Proposal
Front yard setback	7.5m	13.64m
Rear yard	9.0m	9.16m
Side yard	4.5 total minimum 1.75m minimum	14.29m west 6.37m east
Lot Coverage	30%	~27.27%
Height	9.0m	6.86m

Secondary Suite Regulation	
Total not more than 90.0 m <sup>2</sup>	Approximately 80m <sup>2</sup> (includes 2 bedrooms, 1 bathroom, living room, kitchen, dining, and laundry closet)
Accessory to single residential dwelling	Yes
Located within a residential building with only one other dwelling unit	Yes
Located on a property which is a single real estate entity	Yes
Three Parking Spaces (2 spaces for the principal dwelling unit and 1 additional space for the secondary residence)	4 parking spaces

#### FINANCIAL IMPLICATIONS:

Application fees in the amount of \$500 have been collected in order to process the rezoning amendment application. Should the proposed Zoning Amendment Bylaw be adopted, a Building Permit application will be required for the suite.

Properties with a secondary suite 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 suites 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 30 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, sewer and storm mains. There are no direct asset management implications associated with this application.

#### 2019 - 2022 STRATEGIC PRIORITIES REFERENCE:

- Communicate appropriately with our community in all decisions we make
- ▲ Encourage and support housing diversity

#### OFFICIAL COMMUNITY PLAN REFERENCE:

The proposed zoning amendment is consistent with the Urban Residential land use designation of the Official Community Plan. It represents infill residential development near existing amenities and services, providing a range of housing choice, while fulfilling OCP Section 4.4.3 4 a) – limited infill will be considered only in keeping with the character and scale of an existing neighbourhood.

#### REGIONAL GROWTH STRATEGY REFERENCE:

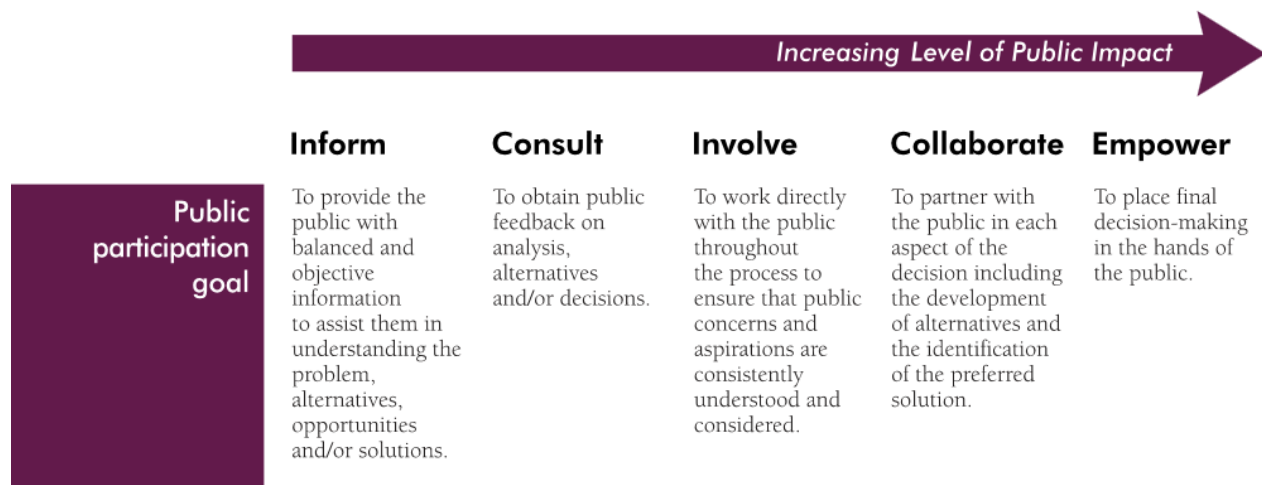
The development proposal is consistent with the RGS Housing Goal to “ensure a diversity of affordable housing options to meet evolving regional demographics and needs” including:

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 will “**Consult**” the public based on the IAP2 Spectrum of Public Participation:



Prior to this application proceeding to Council, the applicant distributed an alternative public information package to property owners and occupiers within 100m of the property and collected and summarized feedback, over a two week period as per the Alternative Development Information Meeting process. The applicant received one phone call as a result of the mail out. The neighbour was concerned about security. The applicant has stated they are planning to erect a fence to address this concern. The City has received no comments to date. The information provided to neighbours and the summary of the process can be found in **Attachment No. 2**.

**OPTIONS:**

**OPTION 1: (Recommended)**

That based on the November 15<sup>th</sup>, 2021 staff report “Zoning Amendment Bylaw No. 3043 to Allow for a Secondary Suite at 1544 Dingwall Road” Council approve OPTION 1 and proceed to First and Second Readings of Zoning Amendment Bylaw No. 3043, 2021; and,

THAT Council considers Zoning Amendment Bylaw No. 3043, 2021 consistent with the City’s Official Community Plan; and

THAT Council waives the requirement to hold a public hearing with respect to Zoning Amendment Bylaw No. 3043, 2021 pursuant to Section 467 (2) of the *Local Government Act* and directs staff to give notice of the waiver of the public hearing pursuant to Section 467 of the *Local Government Act* in advance of considerations of 3<sup>rd</sup> Reading of the bylaw.

**OPTION 2:**

THAT Council approve OPTION 2 and proceed to First and Second Readings of Zoning Bylaw No. 3043, 2021; and

THAT Council direct staff to schedule and advertise a statutory Public Hearing with respect to the above referenced bylaw.

**OPTION 3:** Defer consideration of Bylaw No. 3043 with a request for more information.

**OPTION 4:** Defeat Bylaw No. 3043.

Prepared by:



Cassandra Marsh,  
Planner I

Reviewed by:



Matthew Fitzgerald, RPP, MCIP  
Manager of Development Planning

Concurrence by:

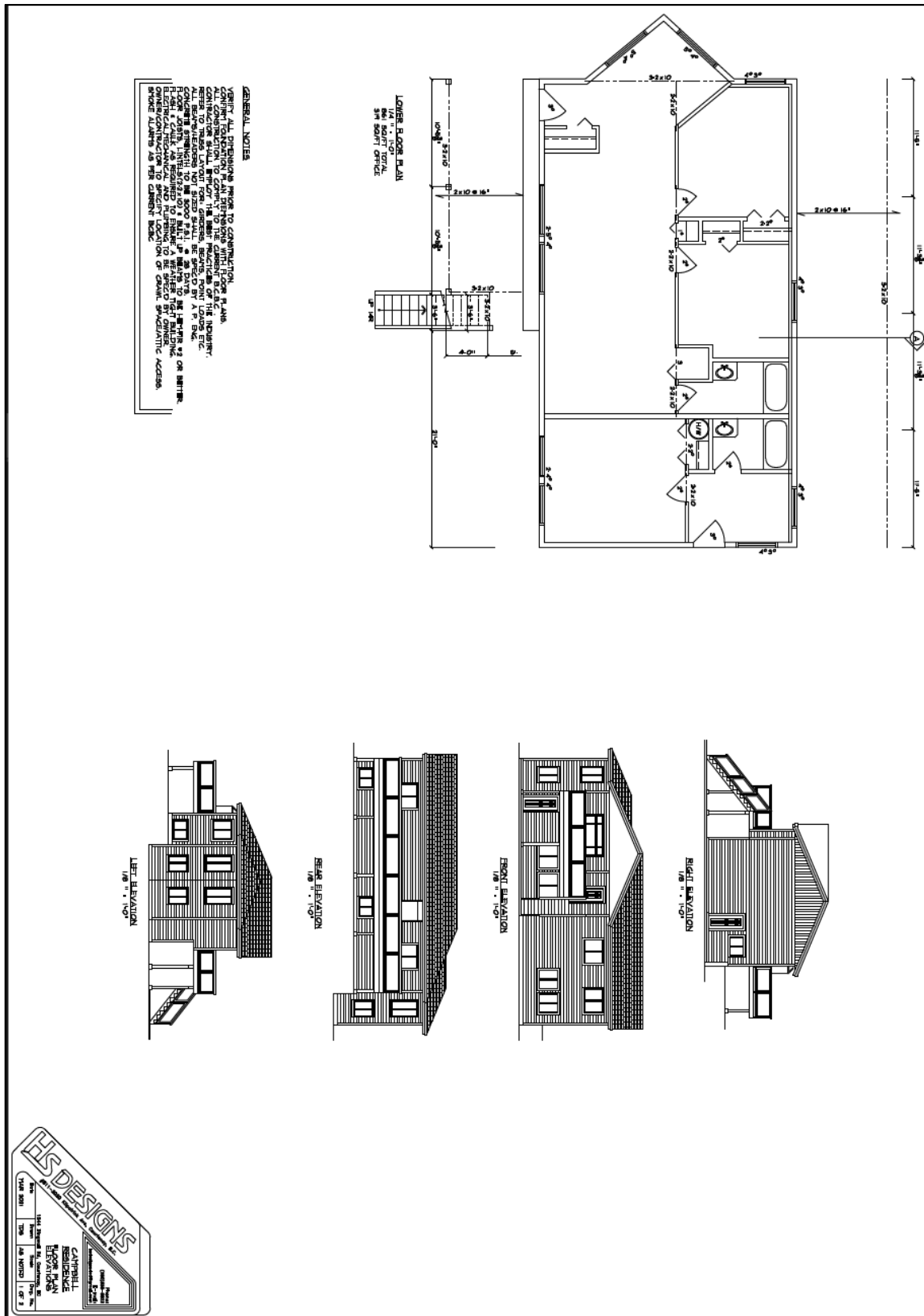


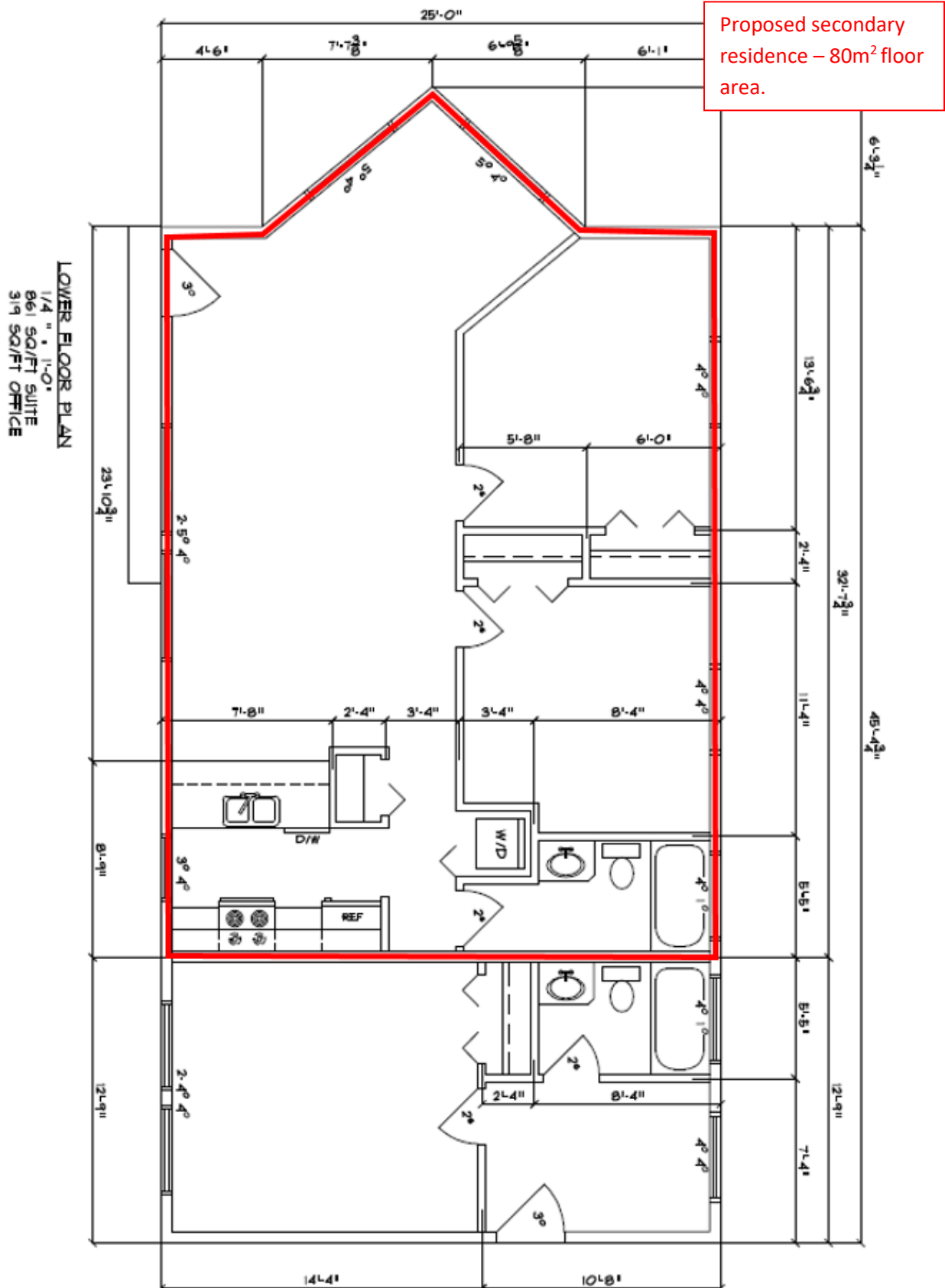
Geoff Garbutt M.Pl., MCIP, RPP  
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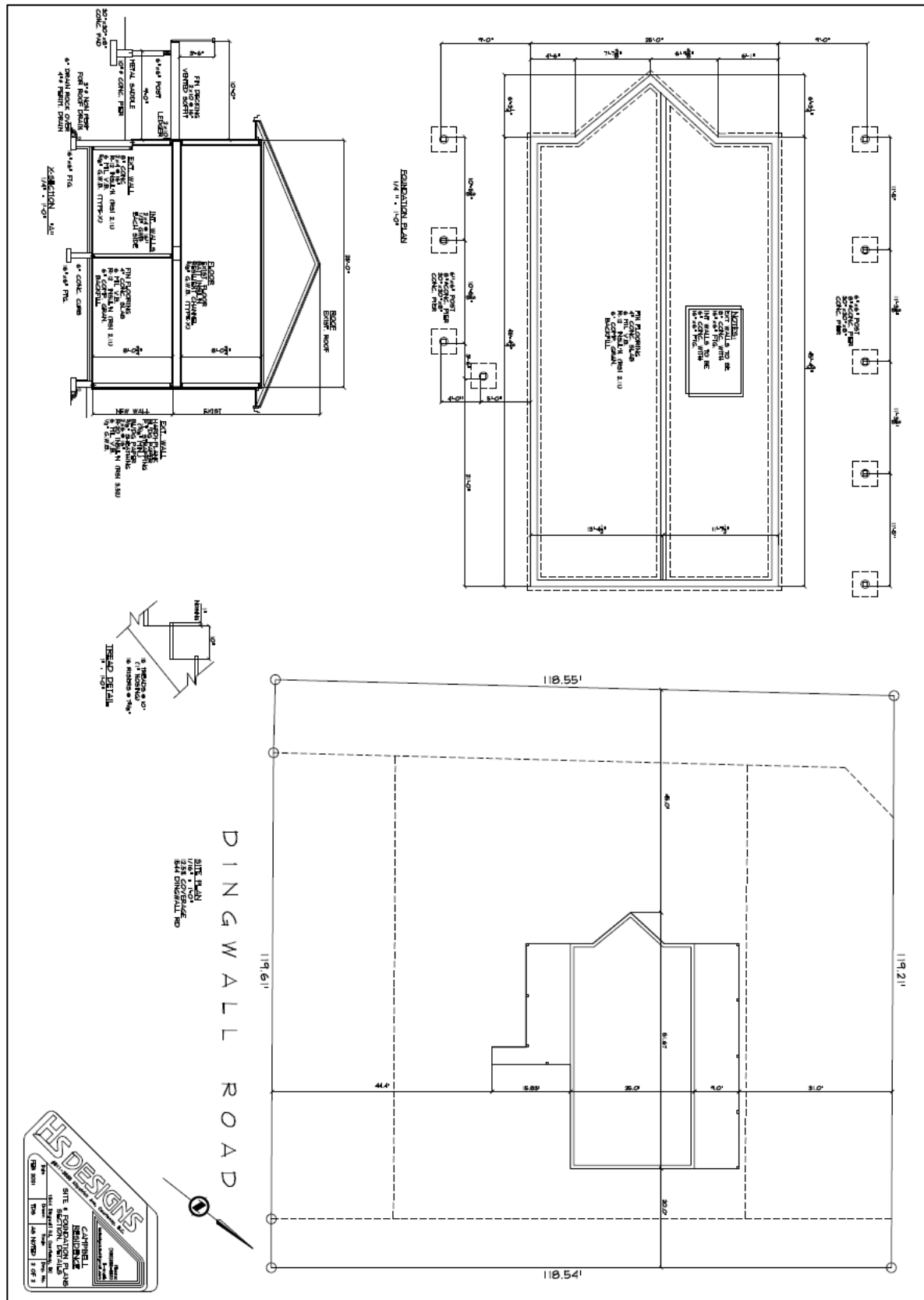
**Attachments:**

1. *Attachment No. 1: Plans and Elevations*
2. *Attachment No. 2: Alternative Public Information Meeting Mail Out and Summary*
3. *Attachment No. 3: Applicant’s Rationale*
4. *Attachment No. 4: Sustainability Evaluation Checklist*

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











**Attachment No. 2: Public Information Meeting Mail-out and Summary**



BUILDING YOUR VISION, LEADING YOU HOME

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250 702 3378   info@facetbuilders.com   www.facetbuilders.com   PO Box 433 Cumberland, BC   V0R 1S0

October 30, 2021

City of Courtenay  
Planning Department  
Attn: Cassandra Marsh

Re: Rezoning file RZ000061

The attached letter was mailed to residents within 100m of 1544 Dingwall Rd on Monday August 2nd. Below is our Public Information Mailout (PIM) summary of responses:

- Comments received via mail: 0
- Comments received via email: 0
- Comments received via telephone: 1

I received one phone call from the direct neighbour at 1540 Dingwall Rd - Dennis Bailey. He had just purchased the property and was scheduled to move from Chilliwack towards the end of August, and was concerned about the security of his property. The conversation led into a discussion about a fence between the properties and the planning/implementation of said fence is currently underway.

Sincerely,

Coel Palmer, Project Manager - Facet Custom Builders

To whom it may concern.

Facet Custom Builders is working with the homeowner at 1544 Dingwall Road to land a Nickel Bros moved house and create a basement suite on the lower floor. See the attached map for the site location.

The current zoning of the property - Rural Residential 1 (RR-1) - does not allow for a secondary suite, so we are seeking a site specific text amendment to the RR-1 zoning that would permit a secondary suite at 1544 Dingwall Road.

If you are interested to follow up, please go to the City's Development Applications Website: [www.courtenay.ca/devapptracker](http://www.courtenay.ca/devapptracker) and search by the address or the file number. The file number is RZ000061. The online application tracker allows you to see where the application is in the process.

The suite itself is planned to be approximately 860 square feet, it will have two bedrooms and one bathroom. The upper deck will provide a covered patio and separate entrance to the suite. There are 4 off street parking spaces planned, which meets and exceeds the parking requirements (of 3). Outdoor lighting will be kept to a minimum, one or two downward facing pot lights under the front deck and shrouded sconce lights at the entrances.

You can reach me directly with questions or concerns, my name is Coel Palmer and my number is (250)702-6452. Or you can email me at [coel@facetbuilders.com](mailto:coel@facetbuilders.com)

Please respond before August 12th if you are interested or have input on this zoning amendment application. Thank you very much and kind regards.

Coel - Project Manager with Facet Custom Builders



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

#### **Summary of project and reason for change of zoning**

We are currently in the process of landing a Nickel Bros house on the property at 1544 Dingwall Road. The homeowner has planned to incorporate a legal suite into the basement from day 1, prior to the purchase of the land she consulted the planning department at the City of Courtenay about the feasibility. The added cost of creating a two bedroom suite and the rental income that will be generated has been factored into the financing of this project.

In order to move the house from the Nickel Bros lot on the Dyke Road to the Dingwall lot a permit was taken out for a single family dwelling with an unfinished basement area, however, our intentions to incorporate a legal suite have been made clear and from a building perspective we have made correct steps toward the creation of a legal suite that meets municipal requirements.

We are applying for a zoning change from the current zoning of RR-1 to R-1S, it is our understanding (verified by consultation again with the planning department) that this is a very similar zoning and it will allow for a secondary suite. The house will meet all requirements of the RR-1 zoning and if the change to R-1S is made, it would meet all of the requirements of that zoning as well. With the application we have submitted a ‘zoning bylaw compliance’ statement that verifies this with numbers and percentages.

When reviewing the Sustainability Evaluation Checklist and the City of Courtenay’s Affordable Housing Policy this project meets the noted requirements almost across the board and is a rare case of an economical build that will create comfortable and well thought out living accommodations for two separate groups of people (families of otherwise). Please see the written statement we have attached regarding these two documents for more detail on how the design meets the criteria very well.

If everything goes as planned we will be applying for a separate permit for the addition of the legal suite and hopefully it can all be achieved in a timely manner. It seems like our goals are aligning with those of the City of Courtenay.



**Attachment No. 4: Sustainability Evaluation Checklist**

**CITY OF COURTENAY**  
**Development Services**  
 830 Cliffe Avenue  
 Courtenay, BC, V9N 2J7  
 Tel: 250-703-4839 Fax: 250-334-4241  
 Email: [planning@courtenay.ca](mailto:planning@courtenay.ca)

# SUSTAINABILITY EVALUATION

COMPLIANCE CHECKLIST

The following checklist provides a quick reference list of required sustainability criteria that, where applicable, shall be satisfied for all development applications including Official Community Plan (OCP) and Zoning Bylaw amendments, Development Permits, Development Variance Permits, Tree Cutting and Soil Removal Permits, Agricultural Land Reserve and Subdivision applications. These criteria are established to ensure that the goals and objectives of the OCP are satisfied. **Please briefly state in the "Description" column how the application achieves the stated criterion.** Where an element of the development proposal does not comply with a sustainability criterion, a justification stating the divergence and the reason shall be made. A separate sheet may be used to provide comment. **Incomplete forms will result in application delays.**

The Sustainability Evaluation Checklist Policy states: *Proposed developments will be considered where a development:*

- provides substantial benefits to the City;*
- will not negatively impact on the City's infrastructure, neighborhood or environment;*
- new development that supports destination uses such as the downtown, Riverway Corridor or a Comprehensive Planned Community;*
- Meets applicable criteria set out in the OCP.*

The complete Sustainability Evaluation Checklist policy is contained within the City of Courtenay Official Community Plan No. 2387, 2005.

**Project Address:** 1544 Dingwall Road, Courtenay, BC V9N3V2

**Date:** June 24, 2021

**Applicant:** Stacey Campbell

**Signature:**

## APPLICATION REQUIREMENTS To be filled out by applicant

Land Use. The application:	Description of how the criteria are met
a) Provides a mix of housing types and sizes;	Neighbourhood is a mixture of single family detached homes & multi-family housing units. This home with a secondary suite to be rented would blend in well with the current appearance of the neighbourhood. There are single family homes on each side of this home and a Townhouse development across the street.
b) Balances the scale and massing of buildings in relation to adjoining properties;	This property is a detached structure and with a walkout basement suite it is in scale with other surrounding properties,
c) Complements neighboring uses and site topography;	The site topography has a slope with a hill at the back of the lot and flat section at the front of the lot on Dingwall Rd. This provides an ideal site for a single storey house with a walkout basement suite. Homes on adjoining lots are also built on a slope.
d) Provides or supports mixed used developments or neighborhoods;	This home with secondary suite provides housing for owner as well as the rental unit which would be a good step toward addressing the housing shortage in Courtenay.
e) Promotes walking to daily activities and recreational opportunities;	The home is within walking distance to many daily activities, parks, trails, etc.
f) Supports a range of incomes;	The secondary suite will most likely appeal to the middle income mature tenant.
g) Is a positive impact on views and scenery;	The home and suite will be finished to code and provide a very attractive unit that will improve on the undeveloped vacant lot that has been there for many years.

h) Preserves and provides greenspace, trails and landscaping;	
<b>Building Design. The application:</b>	<b>Description of how the criteria are met</b>
a) Exhibits high standard of design, landscaping and environmental sensitivity;	This is a design by professionals for the placement of the home on the lot that provides for attractive design, landscaping and environmental sensitivity. The engineers and designers have worked with the owner to ensure that all codes are adhered to and meet municipal requirements.
b) Maintains a high standard of quality and appearance;	The original home that is being moved on site is of sound construction and in excellent condition. The new basement unit that is being constructed is being done by professionals. Much care has been given to ensure the conformity of the new and old section of the home resulting in a high standard of quality and appearance.
c) Includes articulation of building faces and roof lines with features such as balconies, entrances, bay windows, dormers and vertical and horizontal setbacks with enhanced colors;	The existing upper storey has attractive roof lines and building face. There will be decks on the street side to enhance the appearance. The secondary suite (walkout basement level) will have vertical siding and the top storey will be painted in the same color to provide cohesion of design. There are contrasting shutters on the building.
d) Avoids creating a strip development appearance;	This is a single family home with basement suite – there is no appearance of strip development.
e) Satisfies Leadership in Energy and Environmental Design (LEED) certification (or accepted green building best practices);	The new build follows accepted green building best practices. Re-using and moving an existing home to this site is a reflection of the owners green philosophy in saving a high quality house from being demolished and instead being used to provide high quality housing for 2 families.
f) Uses environmentally sensitive materials which are energy sensitive or have accepted low pollution standards;	Environmentally sensitive materials with low pollution standards are used.
g) Builds and improves pedestrian amenities;	N/A
h) Provides underground parking;	N/A – This is a large lot and adequate parking spaces will be provided for owner, tenants and visitors.
i) Applies CPTED (Crime Prevention Through Environmental Design) principles;	
<b>Transportation. The application:</b>	<b>Description of how the criteria are met</b>
a) Integrates into public transit and closeness to major destinations;	This property is in close proximity to shopping, recreation, health care facilities, etc. Tenants who do not have their own transportation would be within easy walking distance of public transportation.
b) Provides multi-functional street(s);	N/A
c) Prioritizes pedestrian and cycling opportunities on the public street system and through the site location that can provide an alternative to public road;	Pedestrian and cycling very accessible from this location
d) Provides or contributes towards trail system, sidewalks, transit facilities, recreation area or environmentally sensitive area;	Single family home with secondary suite that provides quick access to community trail system, sidewalks, recreation area, etc
<b>Infrastructure. The application:</b>	<b>Description of how the criteria are met</b>
a) Includes stormwater techniques that are designed to reduce run-off, improve groundwater exchange and increase on-site retention;	Runoff from this lot drains through storm water system that was developed and approved when the lot was subdivided some years ago.
b) Utilizes renewable energy sources (i.e. solar, geothermal) within servable area to City standards;	



<b>Character &amp; Identity. The application:</b>	<b>Description of how the criteria are met</b>
a) Provides a positive image along waterfront areas and fronting road;	Will be attractive frontage along Dingwall Road.
b) Is designed with quality and variety of features within the project (i.e. street furniture, street lights, signs, curb treatments);	N/A – Single family dwelling with secondary suite which provides amenities for owner and tenants.
c) Provides public and private amenity space;	N/A – Single family dwelling with secondary suite which provides amenities for owner and tenants.
d) Preserves heritage fixtures;	N/A
e) Orients to views, open space and street;	Yes. Oriented to street with view of mountains in the distance
<b>Environmental Protection &amp; Enhancement. The application:</b>	<b>Description of how the criteria are met</b>
a) Protects riparian areas and other designated environmentally sensitive areas;	Yes
b) Provides for native species, habitat restoration/improvement;	N/A
c) Includes tree lined streetscapes.	There are trees lined on the front of the lot on Dingwall Road

#### Further Information from the owner-

It seems that much of this form may not be applicable to my current situation. I am a single parent with a 7 year old daughter. We moved to Courtenay from Victoria during Covid . I am a professional health care worker and wish to build our first home in the beautiful community of Courtenay. I have purchased a quality home that has been moved on site and the newly constructed walkout basement will include a home office and a 2 bedroom basement suite. The basement suite will occupy approximately 67% of the lower level. This will be a mortgage helper in addition to meeting the housing needs of the community. As a newcomer to Courtenay last fall I know the issues with finding good quality, affordable housing and I feel my home would be an excellent opportunity for a responsible tenant. There are extra construction considerations such as soundproofing, etc. to ensure that this legal suite provides a comfortable home for myself, my daughter and our tenant.