



ADVISORY PLANNING COMMISSION REPORT

To: Advisory Planning Commission Members

Date: November 16, 2022

From: Dallas Arcangel, Planner II

File No: LUCA 22-01

Subject: **LUCA 22-01; Land Use Contract Discharge; 753 Lindsay Court**

BACKGROUND

The subject property, at 753 Lindsay Court, is located in the Lakeview Heights neighbourhood. The subject property is currently developed with a single detached dwelling and attached two-car garage. There is an existing accessory building at the rear of the property with no provision made for a driveway to the building at the current time. The detached accessory building is currently used as an outbuilding for storage. This existing accessory building is intended to be used as a carriage house subject to the discharge of Land Use Contract No. 0183.

PROPERTY DETAILS			
Address		753 Lindsay Court	
PID		004-413-628	
Folio		36414409.600	
Lot Size		1354.4825 sq m (14,374.77 sq ft)	
Owner	Ryan Zazelenchuk	Agent	Ryan Zazelenchuk
Current Zoning	Single Family Residential (R1)	Proposed Zoning	Single Family Residential (R1)
Current OCP	Single Family Residential	Proposed OCP	Single Family Residential
Current Use	Accessory Building – Outbuilding	Proposed Use	Accessory Building – Outbuilding
Development Permit Areas	None		
Hazards	None		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES		
North	^	Agriculture (A1/ALR)
East	>	Single Family Residential (R1)

West	<	Single Family Residential (R1)
South	v	Single Family Residential (R1)

NEIGHBOURHOOD MAP



PROPERTY MAP



DISCUSSION

Proposal

The application is for the discharge of the Land Use Contract No. 183 to allow the underlying zoning of R1 to guide development and allow for the legalization of a carriage house. The subject property is currently occupied by a single-family dwelling with a detached accessory building at the rear. The existing accessory building was under building permit review for a detached garage in 2017 but was never completed and is being used only as a storage building (Attachment 1).

Zoning and Policy Review

Land Use Contracts

During the late 1970s, the provincial *Municipal Act* enabled local governments to enter into agreements with property owners specifying area and site-specific land uses and conditions of development. While new LUCs are not allowed to be created, some LUCs are still in effect, including LUC 183 (M72284). LUC 183 was created in 1977 and currently regulates development on the subject property. A modification was made to LUC 183 in 1980 but pertains only to lot 6 and not relevant to the subject property, being lot 1 (R12557).

The *Miscellaneous Statutes Amendment Act, 2014* amended several sections of the Local Government Act, which included new provisions regarding the termination of all land use contracts in the Province effective June 30, 2024. Local government jurisdictions containing lands subject to these contracts must establish zoning for these lands through adoption of a zoning bylaw no later than June 30, 2022. The City has this zoning (underlying zoning) in place for all land use contract areas. The contract termination process includes a mandatory public hearing and requires notification to all property owners within the land use contract area. At this time, the bulk discharge of land use contracts has not been included in the 2019 Operational Plan.

Official Community Plan Bylaw No. 0100

The Land Use Designation for the subject property in the Official Community Plan is Single Family Residential and aims to provide traditional single family housing opportunities and encourage more land efficient compact housing forms for families. The neighbourhood policies include infill development of carriage houses that, in turn, complements the type, scale, use and character of adjacent buildings and the neighbourhood, where appropriate. The proposed discharge of the Land Use Contract No. 0183 is consistent with the Single Family Residential Land Use Designation.

Zoning Bylaw No. 0265 (R1 Zone)

In the R1 Zone a maximum density of only 1 single detached residential dwelling is permitted on a parcel. A carriage house is permitted as a secondary use under the R1 Zone in the Zoning Bylaw No. 0265. The purpose is to provide for a diversity of housing opportunities that are affordable and within the context of existing neighbourhoods.

If the land use contract is successfully discharged, the underlying Single Detached Residential (R1) zone automatically applies. The R1 zone permits the use of a carriage house in accordance with section 10.5.3 of the Zoning Bylaw No. 0265.

Zoning Bylaw No. 0265 (Carriage House Regulations)

As per s.3.19.1 General Regulations of the Zoning Bylaw a carriage house is permitted on a parcel subject to meeting the conditions outlined in this section, where there is one single family dwelling and does not contain a secondary suite.

Zoning Bylaw No. 0265 (Parking)

As per Section 4 of the Zoning Bylaw, the following parking is required for the proposed uses.

- Single Detached Dwelling – 2.0 spaces per dwelling unit
- Carriage House – 1.0 space per one bedroom dwelling

The proposal complies with the parking requirements, and the applicant has provided a parking plan demonstrating compliance.

KEY CONSIDERATIONS

In providing recommendations to City staff and Council, the APC may wish to consider the following:

- Termination of all land use contracts will occur on June 30, 2024, as per s.547 of the *Local Government Act*.
- The proposal is consistent with the Land Use Designation for Single Family Residential.
- The existing accessory building complies to the required R1 Zoning regulations without variances.
- Adequate parking can be provided on site for the one additional required space.

Specific comments would be appreciated should the APC have any concerns with the proposed land use contract discharge, so that they may be further investigated or considered prior to staff providing a recommendation to Council as part of consideration of the application.

Respectfully submitted,

Dallas Arcangel, Planner II

Powerpoint: Yes ☒ No ☐

Attachments:

Attachment 1 – Site Plan