



# COUNCIL REPORT

To: Paul Gipps, CAO

Date: April 6, 2021

From: Hailey Rilkoff, Planner II

File No: DVP 21-04

Subject: **DVP 21-04; Development Variance Permit; 3507 Gates Road**

## RECOMMENDATION

**THAT** Council authorize the issuance of a Development Variance Permit (DVP 21-04) for Lot 7 District Lot 3189 ODYD Plan 41564 (3507 Gates Road) in general accordance with the attached permit to vary Zoning Bylaw No. 0154 S 3.16.2 to increase the maximum floor area of a secondary suite from 90 m<sup>2</sup> to 104.5 m<sup>2</sup>.

## STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity - Quality, innovative urban development (Council's 2020-2022 Strategic Priorities).

## BACKGROUND

The applicant has applied for a Development Variance Permit (*Attachment 1*) to increase the maximum floor area of a Secondary Suite. The property is developed with a single detached dwelling which has an existing suite, however the suite was not authorized through a building permit. The owners intend to legalize the existing suite, however the existing floor area is larger than what is permitted under the bylaw.

PROPERTY DETAILS			
<b>Address</b>		3507 Gates Road	
<b>PID</b>		014-585-910	
<b>Folio</b>		36414626.784	
<b>Lot Size</b>		0.395 Acres (1,598.51 m <sup>2</sup> )	
<b>Owner</b>	Tarrant and Kimberly Vernon-Jarvis	<b>Agent</b>	Tarrant Vernon-Jarvis
<b>Current Zoning</b>	R1 – Single Detached Residential	<b>Proposed Zoning</b>	-
<b>Current OCP</b>	SFR – Single Family Residential	<b>Proposed OCP</b>	-
<b>Current Use</b>	Residential	<b>Proposed Use</b>	Residential
<b>Development Permit Areas</b>		Hillside	

<b>Hazards</b>	n/a
<b>Agricultural Land Reserve</b>	No

**ADJACENT ZONING & LAND USES**

<b>North</b>	^	R1 – Single Detached Residential
<b>East</b>	>	R1 – Single Detached Residential
<b>West</b>	<	RU3 – Rural Residential Medium Parcel; RU4 – Rural Residential Large Parcel
<b>South</b>	v	R1 – Single Detached Residential

**NEIGHBOURHOOD MAP**



**PROPERTY MAP**



History

The subject property has been developed with a single detached dwelling which was built in 1991 with an unfinished basement. At the time the house was constructed, the property was zoned R-1 under Zoning Bylaw No. 176 which did not permit secondary suites. In 1996, a Building Permit (BP5490-96) was issued to a previous owner to finish the basement; at that time a second kitchen was in place. The previous owner provided written confirmation to the RDCO that the suite constructed was only occupied by family members and that it would not be rented out in the future. The second kitchen was permitted to remain based on this written attestation.

The current owners have owned the property since 2019 and the suite is currently occupied by a long-term tenant. A bylaw enforcement complaint resulted in the current owner contacting the City in order to legalize the existing secondary suite.

### Proposal

The owners now intend to legalize the secondary suite and complete works to bring the suite up to code. The proposal meets the majority of the regulations for secondary suites within the City's Zoning Bylaw. However, the existing suite cannot meet the maximum floor area requirement of 90 m<sup>2</sup> based on the existing layout.

### Variance

The variance requested is to increase the maximum floor area of the secondary suite from 90m<sup>2</sup> to 104.5m<sup>2</sup> (difference of 14.5m<sup>2</sup>). The suite still meets the Zoning Bylaw requirement to be no more than 40% of the habitable floor area of the principal dwelling.



Figure 1 - Suite Floor Area

### Applicant's Rationale

The owners have provided a proposal summary which outlines their rationale for the proposed variance (*Attachment 2*). The owners indicate that the only way to reduce the existing floor area of the suite would be to reconstruct the existing fire rated wall which separates the suite from the house's mechanical room and storage area. The owners believe this would be a costly undertaking as it would require rebuilding of the suite's kitchen and bathroom as well as changes to a structural wall.

The owners indicate that they will be completing works to improve the suite in order to meet or exceed the BC Building Code Requirements.



**Figure 2 - Existing Suite**

**Policy and Bylaw Review**

*Official Community Plan Bylaw No. 0100*

The City’s OCP includes various objectives and policies for residential lands which encourage sensitive infill housing, in various forms, which complement the form and scale of adjacent buildings<sup>1</sup>. Secondary suites are supported as an affordable form of infill housing in the City<sup>2</sup>.

*Zoning Bylaw No. 0154*

When the subject property was developed, the R-1 Single Family Housing zone in place (Zoning Bylaw No. 176) did not permit secondary suites. Now, the City’s R1 Single Detached Residential zone does permit secondary suites, however the secondary suite regulations in Section 3.16 of the Zoning Bylaw must be met.

Section 4.4.1(a) of the Zoning Bylaw requires two parking spaces per single detached dwelling unit and one parking space per one bedroom secondary suite. The applicant has shown that on-site parking is available for the single detached dwelling within the two-car garage, and one parking space is provided on the driveway in front of the garage.

Table 1 provides a summary of the Zoning Bylaw requirements in relation to this proposal.

**Table 1 - Zoning Bylaw Review**

	<b>Zoning Bylaw 0154</b>	<b>Existing/Proposal</b>
<b>Secondary Suite Regulations</b>		
<b>Maximum Floor Area</b>	90 m <sup>2</sup>	104.5 m <sup>2</sup> (variance required)
	40% of principal dwelling	33.56%
<b>R1 Zone Permitted Uses</b>		

<sup>1</sup> Official Community Plan, 3.3.1 Residential, Objectives 2. & 3.

<sup>2</sup> Official Community Plan, 3.8.3 Affordable Housing, Policy 2.

<b>Relevant Permitted Uses</b>	Single Detached House Secondary Suite	Single Detached House Secondary Suite
<b>R1 Zone Development Regulations</b>		
<b>Max Density</b>	1 single detached dwelling 1 secondary suite	1 single detached dwelling 1 secondary suite
<b>Required Parking</b>		
<b>Single Detached House</b>	2 per dwelling	2 spaces in garage
<b>Secondary Suite</b>	1 per 1 bedroom dwelling	1 space in driveway

### Legislative Requirements

Section 498 of the *Local Government Act* gives Council the authority to issue a Development Variance Permit that varies, in respect of the land covered in the permit, the provisions of the Zoning Bylaw.

### Public Notification

In accordance with the *Local Government Act*, 25 notification letters were sent to all property owners and their tenants within 100 metres of the subject property (*Attachment 3*) and a notice of application sign has been placed on the subject property in accordance with the Development Applications Procedures Bylaw No. 0260. At the time of writing this report, no submissions from the public had been received.

## **DISCUSSION**

The BC Building Code (BCBC) introduced regulations in 1992 to regulate secondary suites within single detached dwellings. Since 1992, the BCBC restricted the maximum floor area of secondary suites to 90 m<sup>2</sup> in area and no more than 40% of the habitable space of the building. As of December 2019, revisions to the BCBC removed limitation to floor space and the percentage distribution of the secondary suite to the habitable space of the building. This change, along with additional changes to the types of houses secondary suites are permitted within, were introduced by the Province to remove barriers to creation of more affordable housing units<sup>3</sup>.

The City's Zoning Bylaw regulations for secondary suites were written to match the previous building code restrictions. Potential changes to the City's secondary suite regulations to address the changes in the BCBC will be considered as part of a comprehensive Zoning Bylaw review in 2021.

If the variance to increase the maximum floor area for the secondary suite is approved, a Building Permit application will be required to legalize the secondary suite. It is anticipated that upgrades or changes to the suite entrance and deck may be required to meet the BC Building Code requirements.

<sup>3</sup> [Changes to the BC Building Core for Secondary Suites](#), Ministry of Municipal Affairs and Housing (2019)

The proposed on-site parking space for the secondary suite is located in the driveway and in front of the two-car garage which results in a tandem parking configuration. Tandem parking is permitted for single detached dwellings and secondary suites. Tandem parking can often be inconvenient for the users of the tandem parking stalls when “shuffling” of vehicles is required in order for vehicles to depart the garage or rear tandem parking space.

## CONCLUSION

It is recommended that Council approve the proposed variance application DVP 21-04 to increase the maximum floor area of the secondary suite. The secondary suite is existing and provides an additional rental unit which supports the City’s infill and affordable housing policies. The proposed variance is not anticipated to result in significant negative impact on the neighbourhood as the suite is a permitted use within the zone and the variance is in relation to the internal floor area.

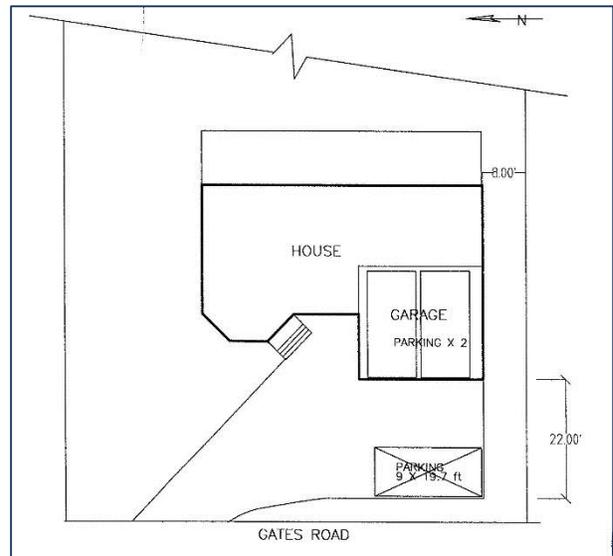


Figure 3 - Proposed Parking Spaces

## Alternate Motion:

**THAT** Council deny the issuance of a Development Variance Permit (DVP 21-04) for Lot 7 District Lot 3189 ODYD Plan 41564 (3507 Gates Road).

Should Council deny the requested variance, the file will be closed. As the secondary suite would not meet the maximum floor area, significant changes to the building would be required in order to be legalized through a Building Permit. As per the City's Development Applications Procedures Bylaw No. 0260, the applicant could re-apply for a similar proposal 6 months after initial Council consideration.

## REVIEWED BY

Mark Koch, Director of Development Services

Shelley Schnitzler, Legislative Services Manager/Corporate Officer

## APPROVED FOR THE AGENDA BY

Paul Gipps, CAO

Powerpoint: Yes  No

Attachments:

1. Draft DVP 21-04
2. Applicant's Rationale Letter
3. Public Notification Map