



# COUNCIL REPORT

To: Paul Gipps, CAO

Date: April 6, 2021

From: Hailey Rilkoff, Planner II

File No: DVP 21-07

Subject: **DVP 21-07; Development Variance Permit; 2409 Tallus Ridge Drive**

## RECOMMENDATION

**THAT** Council authorize the issuance of a Development Variance Permit (DVP 21-07) for Lot 12 District Lot 2600 ODYD Plan KAP82099 (2409 Tallus Ridge Drive) 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 120 m<sup>2</sup> and increase the maximum allowable percentage from 40% to 48% of the habitable floor area of the principal dwelling.

## 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. The owner intends to legalize an existing suite within the basement, however the floor area is larger than what is permitted under the bylaw.

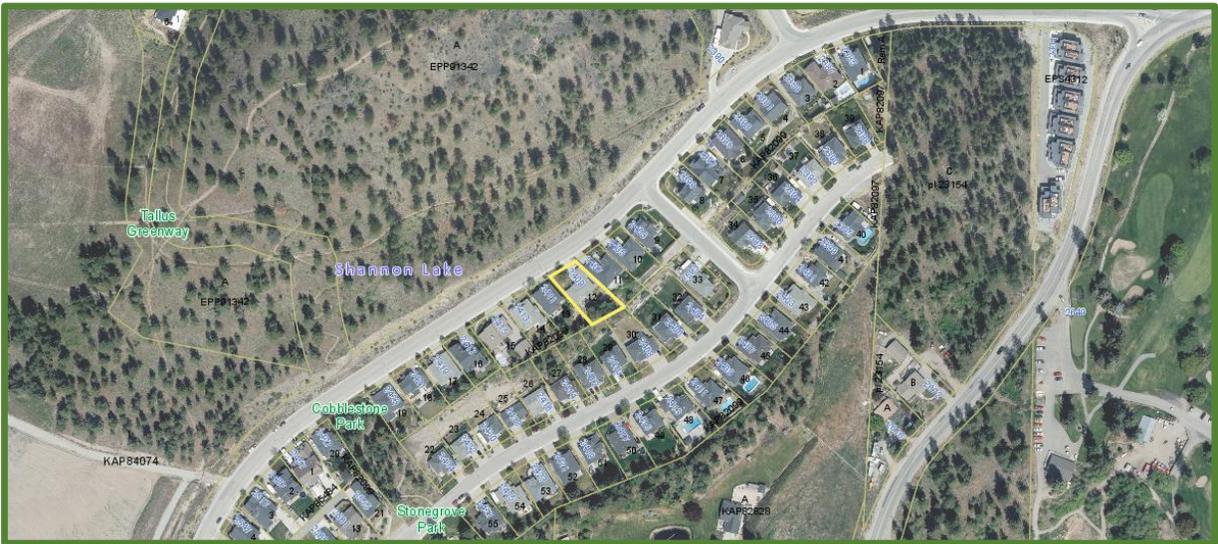
PROPERTY DETAILS			
<b>Address</b>	2409 Tallus Ridge Drive		
<b>PID</b>	026-851-644		
<b>Folio</b>	36414916.013		
<b>Lot Size</b>	0.221 Acres (894.356 m <sup>2</sup> )		
<b>Owner</b>	Mehdi Sharifi	<b>Agent</b>	Mehdi Sharifi
<b>Current Zoning</b>	R1 – Single Detached Residential	<b>Proposed Zoning</b>	-
<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>	Wildfire Interface; Hillside; Sensitive Terrestrial		

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

### ADJACENT ZONING & LAND USES

<b>North</b>	^	P1 – Parks and Open Space; R3 – Low Density Multiple Family
<b>East</b>	>	R1 – Single Detached Residential
<b>West</b>	<	R1 – Single Detached Residential
<b>South</b>	v	R1 – Single Detached Residential

### NEIGHBOURHOOD MAP



### PROPERTY MAP





## 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>2</sup>. Secondary suites are supported as an affordable form of infill housing in the City<sup>3</sup>.

### *Zoning Bylaw No. 0154*

The City's R1 Single Detached Residential zone permits secondary suites, however the secondary suite regulations in Section 3.16 of the Zoning Bylaw must be met. In this case, the proposed secondary suite does not meet the maximum floor area or percentage distribution between the suite and principal dwelling.

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>Proposal</b>
<b>Secondary Suite Regulations</b>		
<b>Maximum Floor Area</b>	90 m <sup>2</sup>	120 m <sup>2</sup> (variance)
	40% of principal dwelling	48% (variance)
<b>R1 Zone Permitted Uses</b>		
<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*, 37 notification letters were sent to all property owners and their tenants within 100 metres of the subject property (*Attachment*

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

<sup>3</sup> Official Community Plan, 3.8.3 Affordable Housing, Policy 2.

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>4</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 construct the secondary suite.

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.

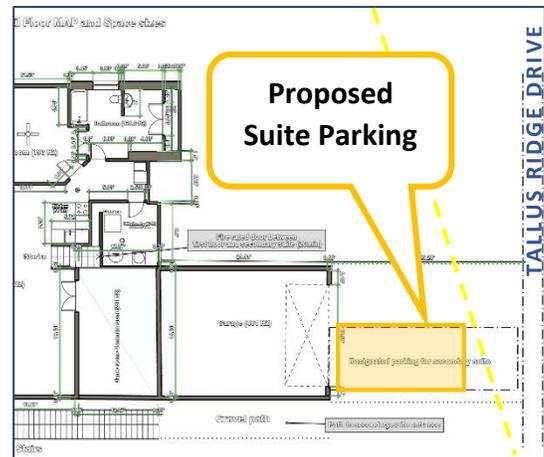


Figure 2 - Proposed Suite Parking

## CONCLUSION

It is recommended that Council approve the proposed variance application DVP 21-07 to increase the maximum floor area of the secondary suite. The secondary suite is proposed within an existing single detached dwelling 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.

<sup>4</sup> [Changes to the BC Building Code for Secondary Suites](#), Ministry of Municipal Affairs and Housing (2019)

**Alternate Motion:**

**THAT** Council deny the issuance of a Development Variance Permit (DVP 21-07) for Lot 12 District Lot 2600 ODYD Plan KAP82099 (2409 Tallus Ridge Drive).

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 develop a secondary suite 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 21-07
2. Applicant's Rationale Letter
3. Public Notification Map