



THE CORPORATION OF THE CITY OF COURTENAY

STAFF REPORT

To: Council

File No.: 3090-20-2301

From: Director of Development Services

Date: June 14, 2023

Subject: Development Variance Permit No. 2301-1095 Willemar Ave

PURPOSE:

The purpose of this report is for Council to consider a Development Variance Permit to vary the definition of 'secondary suite' of *Zoning Bylaw No. 2500, 2007* to increase the size of an existing secondary suite from 40% of the principle dwelling unit to 45% for the property located 1095 Willemar Road.

Legal Description: Lot 2, District Lot 96, Comox District, Plan 5897.

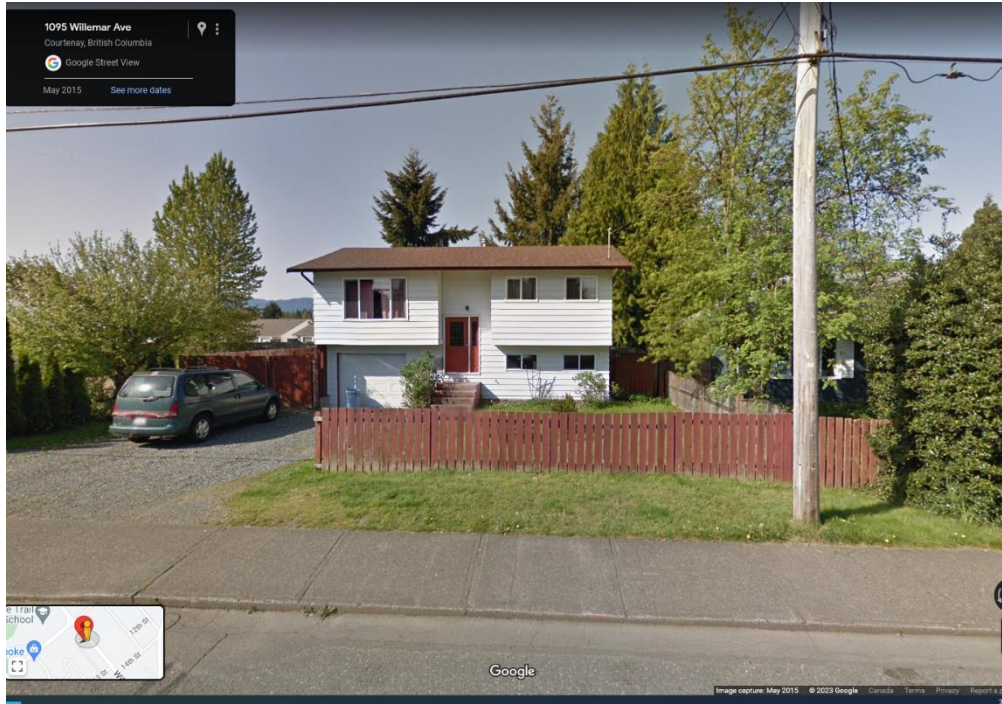
BACKGROUND:

The subject property is located in the Lake Trail Neighbourhood Centre and is zoned R-2. The dwelling unit was originally built in 1976 and has two floors with a total area of 143 m² (1537.23 ft²). The ground floor is 64 m² (690 ft²) and the second floor is 78.7 m². (847.24 ft²). The owner would like to convert the ground floor to a secondary suite (see attachment 2). The subject property is identified in Figure 1 and Figure 2 illustrates the street view of the subject property.

Figure 1 – Subject Property Location Map



Figure 2 – Subject Property Street View



The surrounding uses and zoning are outlined in Table 1 below.

Table 1 – Adjacent Land Uses and Zoning

	Zoning	Land Use
West side (Left)	R-2	Single family home
East side (Right)	C-3	Willemar Grocery Store parking
South (Rear)	R-3A	Multi-family building
North east	R-3	Multi-family building
North west (across Willemar Ave)	Land Use Contract	Multi-family building

DISCUSSION:

Zoning Bylaw, section no. 8.2.1(5) permitted uses for the R-2 zone includes secondary suite. Please note the following definition of “secondary suite” which states:

*“a dwelling unit which is accessory to the principle use being made of the lot upon which the secondary suite is located:
 (a) having a floor space less than 40% of the habitable floor space of the building,*

*(b) located within a building of residential occupancy containing only one other dwelling unit,
(c) located in and part of a building which is a single real estate entity.”*

In 2019, the Province amended the BC Building Code to remove barriers to the creation of more affordable housing including secondary suites. Size restrictions were removed so suites could now have a larger total floor space than 90m² and the floor space could be more than 40% of the habitable space of the building.

When Courtenay amended its Zoning Bylaw in 2022, the 90m² area was removed but the 40% of the total floor area remained, as reflected in the definition above.

To comply with the Zoning Bylaw definition of 40% the renovation would result in living space being made unusable and the downstairs unit would lose one bedroom.

If the variance is granted, both units would have two bedrooms and one bathroom. The property owner intends to rent the downstairs unit as a long-term rental. A two-bedroom rental could be suitable for a small family. No additional parking spaces would be required for the secondary space. A building permit will be required for the proposed construction of the secondary suite. The floor plans are located in the Development Variance Permit No. 2301 (see Attachment 1).

FINANCIAL IMPLICATIONS:

There are no direct financial implications related to the processing of this Development Variance Permit application. The fee for the Development Variance Permit to vary the Zoning Bylaw is \$1500.00.

ADMINISTRATIVE IMPLICATIONS:

The processing of development variance applications is included in the current work plan as a statutory component.

Should Council deny the variance the applicant would have to reconsider the proposed renovations to the residential dwelling unit which would result in a smaller unit.

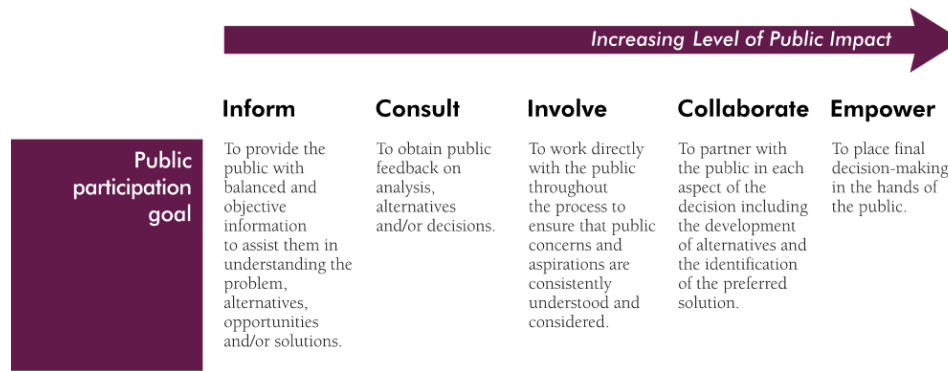
STRATEGIC PRIORITIES REFERENCE:

This initiative addresses the following strategic priorities:

- Affordable Housing - Explore approaches to develop affordable housing: Clarify municipal role in housing affordability

PUBLIC ENGAGEMENT:

Staff **informed** and **consulted** the public based on the IAP2 Spectrum of Public Participation:



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In accordance with Section 499 of the *Local Government Act* and Section 11 of Bylaw No.2850, public notification (**See Attachment 3**) was provided to 120 to property owners and occupants within a 30-metre area on May 31, 2023.

No public comments were received at time of writing this report. Comments received after this report will be presented to Council at the regular council meeting.

OPTIONS:

OPTION 1 (RECOMMENDED)

1. THAT Council, issue Development Variance Permit No. 2301 to the definition of 'secondary suite' of *Zoning Bylaw No. 2500, 2007* to increase the size of an existing secondary suite from 40% of the principle dwelling unit to 45% for the property located 1095 Willemar Road.
2. THAT Council, defer Development Variance Permit No. 2301 and request information from staff.
3. THAT Council, deny Development Variance Permit No. 2301. (see administrative implications)

ATTACHMENTS:

Attachment 1 - Draft Development Variance Permit No. 2301

Attachment 2 – Rationale for Variance Request.

Attachment 3 – Public Notification Distributed on May 31, 2023.

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