



THE CORPORATION OF THE CITY OF COURTENAY

## STAFF REPORT

**To:** Council

**File No.:** 3360-20-2303

**From:** Director of Development Services

**Date:** August 30, 2023

**Subject:** Zoning Amendment Bylaw No. 3101 – 1410 Glen Urquhart Avenue

### **PURPOSE:**

Council to consider an application for a text amendment at the property legal described as LOT 3, SECTION 47, COMOX DISTRICT, PLAN 20073 to permit a detached secondary residence on the subject property. Staff are recommending to not hold a public hearing as per section 464(2)(B) of the *Local Government Act*, as the proposal is consistent with the City's Official Community Plan, and issue public notice as per Section 467 of the *Local Government Act* that a public hearing will not be held.

### **BACKGROUND:**

The subject property is approximately 2,104 m<sup>2</sup> (0.52 acres) in size and is zoned Rural Residential 1 (RR-1). There is currently a single residential dwelling unit and three (3) non-residential accessory structures on the property. The applicant is proposing a secondary residence at the rear of the property. Secondary Residence is not currently a permitted use in the RR-1 zone. If the text amendment is approved, then the applicant will be permitted to operate a secondary residence on the property.

The proposed secondary residence is 56.0 m<sup>2</sup> (602.8 ft<sup>2</sup>) in size.



**Figure No. 1:** Context Map

### **DISCUSSION:**

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

The OCP supports 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.

Should Council grant a zoning text amendment to permit the secondary residence on the property, the proposed development will be subject to the guidelines of the DPA-2: Detached Secondary Residences form and character Development Permit.

The applicant is seeking to create a secondary residence for a family member, and recognizes the value the unit could provide to the general housing stock.

**Zoning Review**

The property is zoned RR-1 and the proposed development meets the RR-1 zoning requirements, including minimum lot size, minimum lot frontage, building setbacks and parking (which the property will remain zoned). As well, the proposal meets the general requirements for secondary residences as stipulated in *Zoning Bylaw No. 2500, 2007*. The requirements and proposal are summarized in **Table No. 1**.

<b>Proposal's Achievement of Relevant Zoning Requirements</b>		
<b><u>Rural Residential Two Regulations</u></b>	<b><u>Required</u></b>	<b><u>Proposed</u></b>
Minimum Lot Size	1,250 m <sup>2</sup>	2,104 m <sup>2</sup>
Minimum Lot Frontage	<10% of the Perimeter of the Lot	<10% of the Perimeter of the Lot
Total Floor Area of Secondary Residence	90.0 m <sup>2</sup>	56.0 m <sup>2</sup>
Yard Setbacks (Minimum)	Front: 7.5 m Side Interior A: 3.0 m Side Interior B: 3.0 m Rear: 6.0 m	Front: >7.5 m Side Interior A: 3.0 m Side Interior B: >3.0 Rear: 9.0 m
Height of Secondary Residence	5.5 m	3.9 m
Lot Coverage (Maximum)	30.0%	13.0%
Parking Spaces (Minimum)	Three (3) (Two for the principle dwelling unit and one for the secondary residence)	Three (3) Spaces

**Table No. 1:** Zoning Analysis

**FINANCIAL IMPLICATIONS:**

There are no direct financial implications related to the processing of this Zoning Amendment.

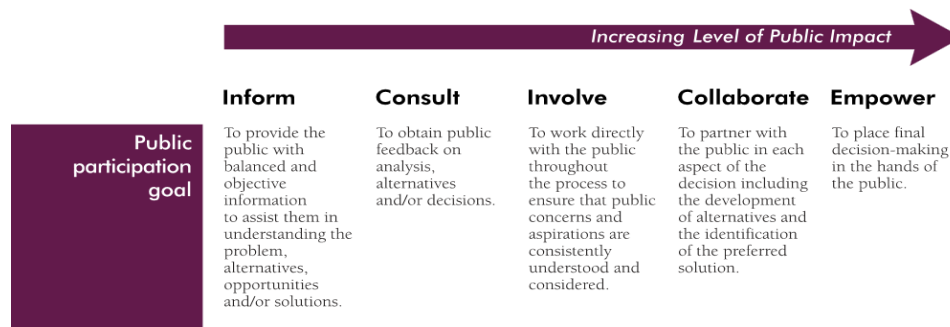
**ADMINISTRATIVE IMPLICATIONS:**

Processing Zoning Amendments is included in the current work plan as a statutory component.

Should Council not grant the Zoning Amendment, the applicant's Development Permit would be unable to be approved and the applicant would not be able to construct the proposed detached secondary residence dwelling.

**PUBLIC ENGAGEMENT:**

Staff would inform the public based on the IAP2 Spectrum of Public Participation:



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The Public Information Meeting requirements for this development have been waived at the discretion of the Director of Development Services, as per *Section 8.4 of Development Application Procedures Bylaw No. 2699, 2012*.

If Council supports not holding a public hearing for the proposed Zoning Amendment, an advertisement will be posted in the newspaper and a notice will be mailed out to residents within 100 metres informing them that the public hearing will not be held. The advertisement and mailout provide an opportunity for the public to comment. Any comments received will be brought forward to Council by staff.

Alternatively, Council has the discretion to direct staff to schedule a public hearing and provide statutory notice. This would have to be done through a resolution.

**OPTIONS:**

1. THAT Council, not hold a public hearing as per Section 464(2)(b) of the *Local Government Act* as “Zoning Amendment Bylaw No. 3101” (1410 Glen Urquhart Avenue) is consistent with the City’s Official Community Plan; and  
THAT Council, direct staff to issue public notice as per Section 467 of the *Local Government Act* that a public hearing will not be held for “Zoning Amendment Bylaw No. 3101” (1410 Glen Urquhart Avenue).
2. THAT Council, request additional information from staff through a resolution.
3. THAT Council, direct staff to hold a public hearing under section 464(1)(b) and to give notice under section 466.
4. THAT Council not proceed with the application.

**ATTACHMENTS:**

- Attachment No. 1: Plans and Elevations
- Attachment No. 2: Applicant’s Rationale
- Attachment No. 3: Notice of Waiver of Public Hearing Mailout

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