



Staff Report to Council

Planning and Development

FILE: 3360-20-2022-06

REPORT DATE: January 30, 2023

MEETING DATE:

February 07, 2023

TO: Mayor and Council

FROM: Colin O'Byrne, Manager of Planning

SUBJECT: Rezoning Application for 11898 Baynes Road

CHIEF ADMINISTRATIVE OFFICER REVIEW/APPROVAL:

RECOMMENDATION(S):

THAT Council:

- A. Approve amendments to Zoning Amendment Bylaw No. 2932, 2022 as presented at the February 7, 2023 meeting; OR
- B. Other.

PURPOSE

To bring forward an amended rezoning bylaw for Council consideration, to incorporate changes requested by the applicant. The property is located at 11898 Baynes Rd (PID: 003-896-081), and the rezoning application is to permit construction of an additional, 90 m² (969 ft²) residence.

☐ Information Report

☒ Decision Report

☐ Direction Report

DISCUSSION

Background:

The original application was initially considered by Council at the December 6, 2022 Meeting, where the following motion was passed:

- A. *Grant first and second readings to Zoning Amendment Bylaw No. 2932, 2022; AND*
- B. *Direct Staff to schedule a public hearing for an upcoming Council Meeting.*

Subsequently, the applicant has refined the proposed site layout and is requesting the proposed Zoning Amendment Bylaw be revised to incorporate two design changes. Those revisions are now presented for consideration, prior to scheduling a public hearing.

Relevant Policy, Bylaw or Legislation:

In the Official Community Plan, the property is designated as Agricultural, which prioritizes agricultural use of land in the Agricultural Land Reserve (ALR).

The property is zoned as A-1 (General Agricultural), which permits agriculture, supporting uses, and specified residential uses.

Analysis:

For properties zoned A-1 (General Agricultural), one additional detached residence up to 90 m² gross floor area is permitted on lots at least 8 ha (20 acres) in size that are classified as “farm” by BC Assessment. The subject property is 1.22 ha and not classified as “farm” by BC Assessment; therefore, a site-specific zoning text amendment is required in order to permit an additional, 90 m² (969 ft²) dwelling on the property. It is noted that the applicant has applied to BC Assessment for farm classification, but the process has not been completed to date.

The following Zoning Bylaw regulations for additional residences (i.e., garden suites) in the ALR apply:

- Maximum height 6 m;
- Maximum floor area 90 m² (968 ft²);
- Maximum distance from existing house 50 m;
- Minimum rear setback 7.5 m;
- Share a driveway with existing house;
- Not be attached to an accessory residential building; and
- Minimum flood construction level of 5.75 m.

At the time of initial submission, the applicant intended to work within the above regulations. Detailed site layout and design had not yet been completed because the applicant did not want to go to that expense if the application was not approved. After 1st and 2nd reading to the application was granted, the applicant began to investigate further into a design for the additional dwelling. Based on this work, the applicant is requesting the following design changes be incorporated into the zoning bylaw amendment previously considered by Council:

1. Increase maximum allowable height to 9.0 m; and
2. Permit the additional residence above an accessory residential garage.

The reasons for these changes are primarily related to flood construction level and related fill requirements, and to limit the footprint of buildings on the land.

If the requested changes are incorporated and the amended bylaw is approved, the applicant will be able to construct a 90 m² dwelling above a maximum 100 m² garage. If the changes are not incorporated but the original application is approved, the applicant will be able to construct a 90 m² dwelling with a maximum height of 6.0 m, plus a separate 100 m² garage with a maximum height of 9.0 m. In the A-1 zone, the maximum height allowed for detached residential garages is 9.0 m.

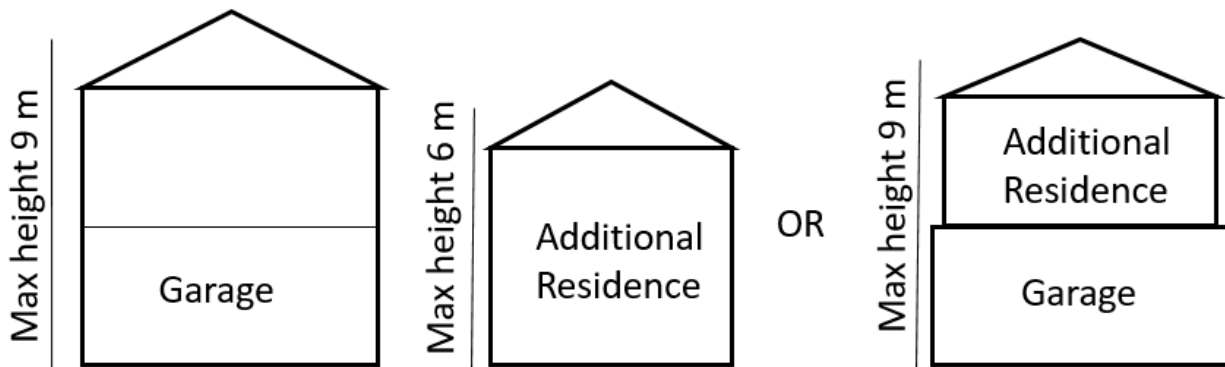


Figure 1: Garage and additional residence in two buildings or combined in one building (this proposal)

By locating the additional residence above the garage, the maximum overall footprint of the two uses is reduced to 100 m² and a maximum height of 9.0 m.

The subject property is located within the floodplain, and a minimum flood construction level (i.e., the minimum elevation of the living space floor) of 5.75 m applies for the additional residence. The current grade of the site for the proposed additional residence ranges from approximately 2.5-2.9 m. Therefore, in order to meet the minimum flood construction level, about 3 m of fill is required. Garage space however, is exempt from meeting flood construction levels. If the additional residence is permitted above the garage, no fill will be required to be imported as the flood construction level of the additional residence above the garage will exceed the 5.75 m requirement.

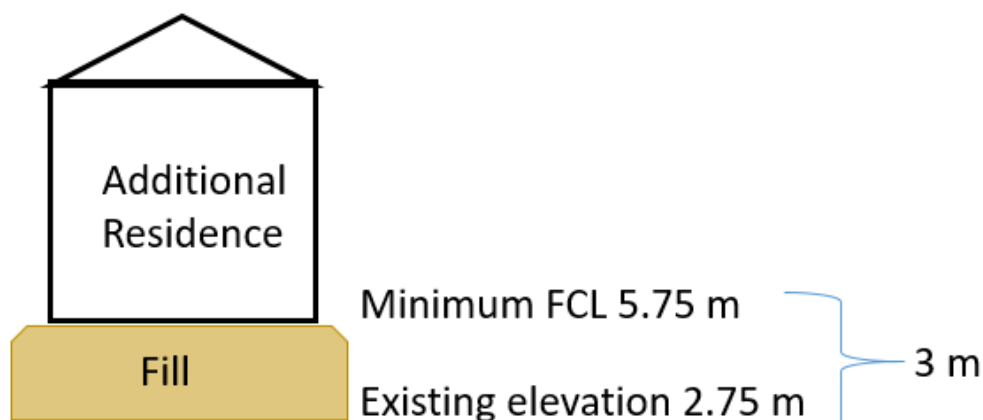


Figure 2: Flood Construction Level (FCL) elevation requirements

The intent of prohibiting additional residences in the ALR above a garage is to discourage property owners from converting garage space into additional living space after construction is completed and City inspections are finished. While permitting this additional residence to be located above the garage does run the risk of that garage being converted into living space, there are some mechanisms that the City can use to minimize this risk, including:

- No stairs being permitted directly from inside the garage space to the residence; and
- Requiring registration of a covenant on title as a condition of rezoning that prohibits conversion of the garage into living space.

In addition, if the City learns that the garage has been converted into living space, bylaw enforcement tools can be used to require conversion back to garage.

In this case, eliminating fill importation and allowing the two uses to be stacked (i.e., garden suite on top of a garage) reduces the project footprint and preserves more land for agricultural purposes. If supported by Council, the revised rezoning bylaw will be presented for a public hearing at an upcoming public meeting.

COUNCIL STRATEGIC PLAN ALIGNMENT

- ☐ Principled Governance ☐ Balanced Economic Prosperity ☐ Corporate Excellence
☐ Community Spirit & Wellbeing ☐ Transportation & Infrastructure Initiatives
☒ Not Applicable
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WORKPLAN IMPLICATIONS

- ☒ Already accounted for in department workplan / no adjustments required
☐ Emergent issue / will require deferral of other priority(ies)
☐ Other

Development applications are processed as part of the regular workplan.

FINANCIAL IMPLICATIONS

- ☒ None ☐ Budget Previously Approved ☐ Referral to Business Planning
☐ Other
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PUBLIC PARTICIPATION

- ☒ Inform ☒ Consult ☐ Involve ☐ Collaborate ☐ Empower

Comment(s):

If these amendments are approved, a public hearing will be scheduled.

KATZIE FIRST NATION CONSIDERATIONS

Referral ☐ Yes ☒ No

SIGN-OFFS

Written by:

Allison Dominelli,
Senior Development Services Technician

Reviewed by:

Colin O'Byrne,
Manager of Planning

ATTACHMENT(S):

- A. Zoning Amendment Bylaw No. 2932, 2022