



The Corporation of the District of Saanich

Report

To: Mayor and Council
From: Lindsay Chase, Director of Planning
Date: March 5, 2025
Subject: 5630 Alderley Road - Rezoning Application
File: REZ00501

RECOMMENDATIONS

1. That Council rescind the motion of the June 19, 2018 public hearing "That final reading of the Zoning Amendment Bylaw 2018, No. 9469 be withheld pending a letter of commitment from the applicant and appropriate bonding to complete the Development Servicing Requirements including the requirement to construct a hammerhead or "T" type turning area at the end of Alderley Road".
2. That Final Reading of the Zoning Bylaw, 2003, Amendment Bylaw, 2018, No. 9469 be withheld pending a community amenity contribution in the amount of \$10,000 for road improvements in the area.
3. That Council give final adoption to Zoning Bylaw, 2003, Amendment Bylaw, 2018, No. 9469.

PURPOSE

To rescind and replace a condition of rezoning approval and give Final Reading to Zoning Amendment Bylaw 2018, No. 9469. The bylaw is included as Attachment 1 to this report.

BACKGROUND

In 2010 the applicant applied for a delayed demolition permit to construct a new single-family dwelling while committing to demolish the original residence upon securing occupancy for the new dwelling. As a bylaw-imposed condition of the permit, the application provided a \$10,000 bond to the District of Saanich to ensure the demolition was completed. However, the original residence remained on the property, and the District of Saanich continues to hold this bond.

The retention of two dwellings on the property resulted in a zoning bylaw compliance issue as the A-1 (Rural) Zone that applies to the property does not permit two dwellings. To address the non-compliance, an application to rezone the property from A-1 to A-2 (Rural – Two Dwelling) Zone to permit a second dwelling was submitted in July 2012.

At the June 19, 2018 public hearing Council gave three readings to "Zoning Bylaw, 2003, Amendment Bylaw, 2018, No. 9469" to rezone 5630 Alderley Road from A-1 (Rural) Zone to A-2 (Rural – Two Dwelling) Zone in order to retain an existing second dwelling to accommodate a resident farmer and moved the following three motions.

1. That Final Reading of the Zoning Amendment Bylaw No. 9469 be withheld pending registration of a covenant to secure the following:
 - To prohibit future subdivision of the property;
 - To require that the second dwelling may only be occupied as long as the property is assessed as farm for taxation purposes; and
 - If the existing house is destroyed or demolished it cannot be rebuilt greater than the existing square footage plus 10%.”
2. That Final Reading of the Zoning Amendment Bylaw No. 9469 be withheld pending registration of a Housing Agreement to secure the following:
 - To require the second dwelling on the property may only be occupied by a resident farmer; and
 - To require that the second dwelling must be provided to the resident farmer for a nominal fee.
3. That Final Reading of the Zoning Amendment Bylaw No. 9469 be withheld pending a letter of commitment from the applicant and appropriate bonding to complete the Development Servicing Requirements including the requirement to construct a hammerhead or “T” type turning area at the end of Alderley Road.

Two of the three conditions have been met: a covenant has been registered on title, and a housing agreement has been executed. A letter of commitment and bonding for the T-turnaround area has not been provided.

Through discussions with Engineering, Bylaw, Building and Legal staff and the applicant, an alternative to the third condition was suggested in which the delayed demolition bond currently held for the delayed demolition of the original home would be re-directed towards road improvements. The District of Saanich would not construct the T-turnaround but would allocate these funds towards road improvements near the property at the discretion of the District of Saanich. This alternative is supported by the Engineering Department.

To bring this proposal forward for Council consideration, the applicant was asked to provide a new \$10,000 security deposit for road improvements. The applicant accepted this proposal and has provided a cheque for \$10,000 for road improvements.

DISCUSSION

In an effort to create a path forward to be able to consider final adoption of Zoning Amendment Bylaw No. 9469 and to ultimately achieve zoning compliance for 5630 Alderley Road, staff recommends that the third motion be rescinded and replaced with a new condition, as described above. The applicant has reviewed and accepted the proposed condition change and has provided a cheque for \$10,000 for road improvements to satisfy the proposed condition.

If Council supports the recommendation and adopts the rezoning bylaw, the District of Saanich would cash the road improvement contribution and forfeit the delayed demolition bond. If Council were to reject the recommendation and retain the existing motion and not adopt the rezoning bylaw, the road improvements deposit would be returned, the delayed demolition bond would be retained and staff may explore enforcement measures, as appropriate.

CONCLUSION

Staff recommend rescinding and replacing the third condition of rezoning approval and giving final reading to Zoning Bylaw, 2003, Amendment Bylaw, 2018, No. 9469.

Prepared by: Fiona Titley, Planner

Reviewed by: Andrea Pickard, Sr. Planner

Approved by: Lindsay Chase, Director of Planning

Attachments 1. Zoning Bylaw, 2003, Amendment Bylaw, 2018, No. 9469.

ADMINISTRATOR'S COMMENTS:

I endorse the recommendation from the Director of Planning.

Brent Reems, Chief Administrative Officer