



MEMORANDUM

TO: MAYOR AND COUNCIL
FROM: BRIGID REYNOLDS, CONSULTING TOWN PLANNER
SUBJECT: ZONING AMENDMENT BYLAW NO. 1121-2025, 134 COWICHAN LAKE RD
FILE NO: ZA2025-02
MEETING DATE: AUGUST 19, 2025

Purpose

The purpose of this report is to consider bylaw no. 1121-2025 and grant first reading to amend Zoning Bylaw No. 1055-2021 section 5.1.4 c) ii) Permitted Principal and Accessory Uses Traditional Urban R-3 to add (d) Medical clinic or other professional office as an accessory use and home based business use as permitted by Building Permit 06-2024-19 at 134 Cowichan Lake Rd, Lot 1, Section 6, Cowichan Lake District, Plan VIP5853 (PID: 005-902-118).

Background

The subject property is zoned R-3 Traditional Urban. Is 1601 m² large and located in the Highway Corridor neighbourhood.

- Home-based business is permitted as an accessory use.
- Accessory use is defined as a use that is subordinate to and must be in conjunction with a permitted principal use.

The property owner has indicated and the building permit file reflects that earlier discussions took place about a possible subdivision and new detached dwelling unit and a medical clinic on this property. June 4, 2024, the building permit application was approved to construct an addition to the existing single family dwelling. The addition was intended to include an addition to the existing dwelling unit, a secondary suite and the medical office as a home based business.

Official Community Plan

Home based business related policies are found in the Economic Development section of the OCP, specifically Section 5.1.3 includes the following objectives related to home occupation:

- 5.1.3.1) Expand the range of home occupation uses and number of employees to encourage entrepreneurship and business incubation.
- 5.1.3.2) Increase the number of employees by up to 6 based upon neighbourhood context and zone district.
- 5.1.3.3) Revise Zoning Bylaw to permit the percentage of home devoted to occupation up to 50%.
- 5.1.3.4) Expand the range of permitted occupations.

Zoning Bylaw

The Zoning Bylaw defines home based business as “an occupation or profession conducted by the owner or occupant that is incidental to the use of a dwelling unit for residential purposes or to the residential use of a lot occupied by a dwelling and includes: the office or a studio of a person engaged in business, art, health, crafts, or instruction; the operation of a childcare centre.

Home-based Business regulations are detailed in Zoning Bylaw Section 4.3.11. In the zones permitted, a home-based business use shall require:

- a) that all activity be conducted within the interior of the principal dwelling, except for the production of fruits, vegetables, or plants;
- b) that the activity be clearly subservient and incidental to the use of the dwelling for residential purposes, and to the residential use of the lot on which the dwelling is located, and for certainty a home occupation is only permitted where it is ancillary to a permitted residential use;
- c) no alteration be made to the external appearance of the property which indicates that a home occupation is being conducted on the premises;
- d) that there be no noise, vibration, dust, smoke, odour, heat, or traffic generation other than that normally associated with a dwelling;
- e) that there be no external storage or outdoor display of materials, equipment, or finished products;
- f) that there be no retail sales or commodities offered for sale at the dwelling;
- g) that there be no use of materials or products that produce flammable or explosive vapours or gases, or liable to explode under ordinary temperatures;
- h) that not more than 40% of the gross floor area of the residential dwelling up to a total maximum area of 80 square metres be used for the home occupation use; and

- i) the provision of two off-street parking spaces is met

The 'home based business/medical office' meets the permitted floor area requirements of 80m².

The zoning bylaw requires two parking spaces for a home based business in addition to the two that are required for single family dwellings. A secondary suite requires one parking space.

Medical or professional office is permitted in commercial zone districts.

Discussion

The gross floor area for the addition is 352.5 m² size. The 2 bedroom secondary suite is 70.3 m² and is intended to be used by visiting clinicians.

The home based business is 73.5 m² in size, contains a waiting room, three treatment rooms, patient washroom (accessible), staff washroom and storage area. See Attachment No. 1. An accessible ramp is located at the front of the building. Based on BC Building Code requirements the space was built to accommodate a 'public assembly' use for 10 or more people.

While a home based business is permitted and the size of the home based business is consistent with the zoning bylaw, the scale of the business exceeds what is anticipated by the Zoning Bylaw. In particular that the home based business is to be 'subservient and incidental' to the use of the dwelling for residential purposes and that no alterations are made to the external appearance of the property to indicate that a home based business is taking place. Additionally, construction to accommodate public assembly use is beyond the scope of renovation of a single family dwelling.

The building permit was approved in June 2024. According to the applicant, numerous conversations were held with Town staff at the time to discuss the proposed medical clinic/home based business in its current form. When the applicants requested their occupancy permit in June 2025, the contract planner's interpretation of the medical clinic/home based business was that it is beyond the intent of a home based business and made the determination that she could not approve it. The applicants were advised that the way to resolve this matter was to apply to amend the zoning for the property.

The applicants are frustrated because they were told and believed their proposal was consistent with the Zoning Bylaw. They have invested considerable funds into the project and feel that the last minute determination is unreasonable and is costing them financially and emotionally. They have stated that if they were aware that their proposal was not supported, they would have taken a different approach. However, because they want to resolve the matter they agreed with the proposal to seek a site specific zoning amendment to permit the medical office as a home based business/accessory use.

Per the Fees and Charges Bylaw, a zoning amendment application fee is \$2,500. Because the applicants acted on information from previous staff that the proposal was consistent with the Zoning Bylaw, current staff are asking Council to consider not requiring the application fee be paid.

Public Notification and Consultation

As required in the Development Approval Procedures and Notification Bylaw No. 1109-2024 a letter was sent to neighbours within 50 m of the subject property about the proposed zoning amendment. The property owner has posted a sign on their property. A notice has been posted on the Town's website and on its Facebook page.

At the time of writing the report no comments have been received

Sections 464(2) of the Local Government Act states that the Town is not required to hold a public hearing for proposed Zoning Amendment Bylaw No. 1121-2025 as the proposed bylaw is consistent with the Official Community Plan.

Options

1. That Council proceed with 1st, 2nd, and 3rd readings of the zoning amendment bylaw and not require the application fee to be paid, in the circumstances; or
2. The Council direct the applicants to provide more information related to the application.

Recommendation

The contract planner recommends Council

1. grant 1st, 2nd, and 3rd reading of Zoning Amendment Bylaw No. 1121-2025 (as amended) to amend Zoning Bylaw No. 1055, 2021 section 5.1.4 c. ii) Site Specific Permitted Principal and Accessory Uses Traditional Urban R-3 to add (d) Medical clinic or other professional office as an accessory use and home based business use as permitted by BP 06-2024-19, 134 Cowichan Lake Rd, Lot 1, Section 6, Cowichan Lake District, Plan VIP5853 (PID: 005-902-118).
2. not require the application fee to be paid.

Signed:

Brigid Reynolds

Brigid Reynolds RPP MCIP
Contract Planner

Concurrence:

John Thomas

John Thomas MBA

Chief Administrative Officer

Attachment No. 1
Clinic Floor Plan

