



## TOWN OF SIDNEY

### Report to Council

**TO:** Mayor and Council  
**FROM:** Alison Verhagen, Manager of Planning  
Corey Newcomb, Municipal Planner  
**DATE:** August 3, 2017 **FILE NO.:** 3900-02  
**SUBJECT:** Background to Proposed Driveway Coverage Changes

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#### **PURPOSE:**

The purpose of this report is to provide Council with background information related to the proposed increase in allowable driveway and parking area coverage in the draft Off-Street Parking and Loading Bylaw No. 2140 currently under consideration.

#### **DISCUSSION:**

In response to comments and questions raised at the July 10th Special Committee of the Whole meeting, the following is a history of variance applications for driveway coverage as well as a short summary of the options staff considered prior to bringing forward the change in the draft bylaw. For reference, the current Section 4.8.2.i.a in the Off-Street Parking and Loading Bylaw reads as follows:

*“Parking areas shall be permitted in a rear, interior side, exterior side or front yard, provided that if located in a front or exterior side yard the parking areas occupy no more than 30% of the area or the minimum area necessary for the provision of two parking spaces in tandem, whichever is greater”.*

The draft of the new bylaw proposes to increase the above requirement to 50%.

#### Past Development Variance Permit Applications for driveway/parking coverage

Staff have researched past Development Variance applications for an increase in driveway and parking area coverage of front and exterior side yards for single- and two-family residential dwellings and found that a total of 14 Development Variance applications related to this bylaw requirement were submitted since 2010 (approximately 2 per year), as follows:

- DV103 – 9997 Third St. Increase to 66%, approved in 2010. Conditions: none.
- DV106 – 2317 Malaview. Increase to 35%, approved in 2010. Conditions: none.
- DV108 – 9957/59 Swiftsure. Increase to 60%, approved in 2010. Conditions: none
- DV140 – 10215 Surfside. Increase to 46.7%, approved in 2012. Conditions: none on driveway surfaces
- DV150 – 10240 Fifth. Increase to 45%, entirely permeable, approved in 2013. Conditions: none
- DV156 – Harbour landing development; multiple properties. Multiple increases to allow double-wide driveways, variances given by dimension of driveways, approved in 2014. Conditions: none.
- DV167 – 9969 Third. Increase to 38.3% for one dwelling and 42.4% for the second dwelling (two small lot dwellings), approved in 2015. Conditions: none.

- DV175 – 10301 & 10305 Resthaven. Increase to 59.2%, approved in 2015. Approved plan showed 69% of total driveway surface as finished with permeable grass-crete. Applicant later requested to amend DVP plan to allow a driveway that covered 43.4% of front yard and was entirely impermeable. The request to amend the variance was denied May 24, 2016.
- DV201 – 10436 Allbay. Increase to 46%, approved in 2016. Condition: finished entirely in interlocking permeable paving stones.
- DV209 – 10125 Bowerbank. Increase to 37%, approved 2017. Condition: minimum of two finishes.
- DV214 – 2238 Malaview. Increase to 45%, approved 2017. Condition: minimum of two finishes.
- DV215 – 10426 Eden. Increase to 83.2% on Lot A and 60.3% on Lot B, approved in 2017. Condition: finished entirely in interlocking permeable paving stones.
- DV217 – 10166 Fifth. Increase to 58.6%, approved in 2017. Condition: finished entirely in interlocking paving stones.
- DV219 – 10481 Allbay. Requested increase to 72.9%, approved increase to 50%, approved in 2017. Condition: finished entirely in permeable paving stones.

All but one of the 14 variance requests were approved as requested, and the one was ultimately approved at a lesser increase (50% as opposed to the initially requested 72.9%). Of the 15 numeric increases listed above, the average percentage to which driveway coverage was increased is 51.5%. Council has not denied a request to increase driveway coverage during the time period for which staff researched the permit history (2010 – 2017). Proposals and conditions to use permeable surfaces have varied over the past seven years, although in more recent years there has been a marked shift towards conditions related to a minimum of two finishes on the driveway surface or permeability of the surfaces.

Staff note that there are few common features to the above variances in terms of why they were requested. Differences in lot shape and size, as well as differences in individual house designs make it extremely difficult to address every situation with a single regulation. Because of this fact, staff anticipate that variances will still be required, regardless of how the regulation itself changes and regardless of the actual percentage. Staff's intent with this proposed change is to minimize situations where reasonable proposals require a variance.

#### Alternatives to a percentage regulation

Staff also considered several different ways to regulate the size of driveways and parking areas, as follows:

##### 1. Fixed driveway width

Staff considered setting a maximum width for driveways and parking areas at 6 metres, being the average width of a double-wide driveway. This was considered as not being flexible enough to suit the many different shapes of front and exterior side yards as well as properties with multiple driveways or driveway flares to access an additional parking area in a side yard. In addition, on narrow or small lot properties (i.e. 7.5m width) it would allow the driveway to cover nearly the entire front yard area.

##### 2. Maximum driveway coverage permitted = Minimum parking area requirement

This option was considered as too restrictive as it would only allow as much parking area as is required to meet the bylaw requirement for vehicle parking on the property. (i.e. two spaces required by bylaw would allow a maximum area equal to two spaces of parking.) In addition, as the area permitted would only be the size of the actual parking space, determining the allowable size for any access areas is also problematic.

3. No regulation

Some municipalities, such as the District of Saanich, do not regulate driveway coverage. This can result in some properties with front yards that are essentially paved-over entirely for parking. Staff consider this outcome to be unlikely but undesirable nonetheless.

4. Restrict total paved area, as opposed to only parking

Currently, since the 30% limit in the bylaw does not apply to non-parking paved surfaces, the actual amount of paved area can be over 30% once walkways and patios are factored in. Restricting the total paved area may allow for a marginal increase in driveway area, but would also cap the total paved surface area regardless of use. The downside to this approach is that it forces a choice between paving for parking space and people space (which generally results in a win for parking, as a pedestrian is much more adaptable than a vehicle) and also may result in additional non-paved parking areas (i.e. grasscrete or gravel, which are currently included in the 30% but would not be under this scenario), contributing to an overall increase in total parking area (and corresponding loss of green space).

5. Secondary material requirement

Staff also considered adding a requirement to use an alternate paving material for any additional area over a base 30% coverage. This would encourage visual diversity for larger driveways, and possibly encourage the use of permeable surfaces. However, apart from single- and two-family dwellings, secondary materials are already required through the Development Permit process on many properties in Sidney (i.e. commercial, multi-family etc.) so there would be limited benefit to including this requirement in the bylaw. On single-family properties the requirement for a secondary material may in some cases be onerous to the homeowner.

In summary, staff are of the opinion that the proposed bylaw amendment to increase the permitted maximum coverage from 30% to 50% would be a relatively straightforward way to accommodate the majority of requests to increase driveway and parking coverage of residential front and exterior side yards, while still maintaining adequate green space to maintain the existing character of Sidney's residential neighbourhoods.

**STAFF RECOMMENDATION:**

**That the staff report be received for information and that Bylaw No. 2140 be brought forward for Council's consideration.**

Respectfully submitted,



Corey Newcomb, MCIP RPP  
Municipal Planner

Respectfully submitted,



Alison Verhagen, MCIP RPP  
Manager of Planning

I concur,



Tim Tanton, MPA, P.Eng.  
Director of Development Services,  
Engineering, Parks & Works

I concur,

  
Randy Humble, MCIP, RPP  
Chief Administrative Officer

AV:mb