

	<b>Planning &amp; Design</b>  <b>POLICY</b>	<b>Policy Number</b>  2024-02
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## Two Unit Dwelling & Multifamily Decks - Side Setbacks: Policy

### Summary

Title of Document:	Two Unit Dwelling & Multifamily Decks -Side Setbacks: Policy
Title of Designated Responsible Manager:	Development Manager, Planning & Design
Original Date Approved:	Oct 10, 2024
Approved By:	General Manager, Planning & Design
Last Revision:	Oct 10, 2024
Next Review Date:	Not defined

### Purpose:

This policy sets out how the Planning & Design Department will treat the side setback requirements for decks (covered and uncovered) on a Two Unit Dwelling or a Multifamily development.

### Background:

When a new deck is developed, it must meet the minimum setback requirements (front, side, and rear) as required in the Land Use Bylaw. However, often times when a development permit application is received for a new Two Unit Dwelling or multifamily building which features a new deck to be built across property lines (ie: no side setbacks) the deck is treated the same as the Two Unit Dwelling or Multifamily building, where side setbacks are not required. This has been the practice of the department when the proposed deck is: built at the same time as the Dwellings, and shown on the original Development Permit application for the new Two Unit Dwelling or Multifamily Dwelling. This practice has been in place as potential purchasers of the dwelling unit are aware of the situation as it is in place at the time of purchase. However, this is a different situation than if the dwelling is constructed first (without the deck) and then the property owner wants to construct a deck after the original construction of the dwelling. In this case the property owner would need to apply for a development permit for the deck and would be required to meet the applicable side setbacks or apply for a side setback waiver (the process of which is explained further in the policy section). In an effort to reduce confusion this policy sets out when the side setbacks for a deck on a Two Unit Dwelling or Multifamily Dwelling are required, and when they are not. The full policy can be seen in the ‘Policy’ section below.

### Policy:

- **When a Development Permit Application is received for a new Two Unit Dwelling or Multifamily Dwelling, and the application shows a deck (covered or uncovered) that is to be built across the property line as 1 continuous deck:**

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- No side setbacks are required for the deck (on the shared side yard only).
- When a Development Permit Application is received for a deck (covered or uncovered) on a Two Unit Dwelling or Multifamily Dwelling, after construction of the Dwelling(s) have been completed already:
  - The deck must meet the applicable side setback requirements listed in the applicable plans (land use bylaw, comprehensive plan, area redevelopment plan, etc), OR
  - The applicant must apply for a waiver of the side setbacks requirements.
    - The required 60m notification to neighbours is not needed if the property owner of the adjacent Two Unit Dwelling or multifamily unit provides written consent of satisfaction with the waiver.

### Supporting Documents

- Land Use Bylaw 6300

### Responsibility for Policy Implementation

Development Manager, Planning & Design

### Policy Status:

**Current Status:** in effect

**Date Effective:** Oct 10, 2024

**Approval Details:** approved by General Manager, Planning & Design

**Endorsement Details**

**Next Review Date:** n/a

**Procedure Author :** Planner 2

**Authored date:** Oct 10, 2024

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