

A Loophole Allowed Me to Flourish

Norman Van Eeden Petersman · October 5, 2022



(Source: [Centre for Aging Better](#).)

“Being a snowbird in a house with 2,400 square feet for me, my cat, and my dog felt insane.”

Brenda Baron* knew that her house in Tsawwassen, British Columbia, was too large. She also knew that her niece’s family had been sideswiped by a sudden spike in housing prices in the Lower Mainland of British Columbia and was struggling to find a suitable home in the area.

Fortunately, Baron was able to do something that most older adults wish they could do in our city: She sold a 50% interest in her property to her niece and used the proceeds of the sale to construct a modern, ground-oriented home for herself adjacent to the older, “main” house. She downsized without moving to another neighborhood and she opened up an ideal place for her niece and her family to live.

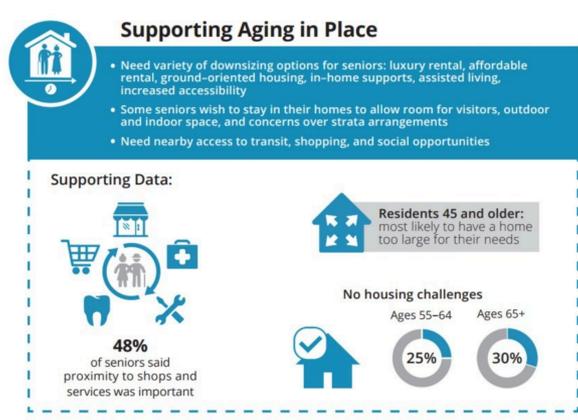
This would be a normal and prudent occurrence in many communities around the world. However, the city of Delta and most cities and towns across North America have made it nearly impossible to do what Baron did.

The city of Delta does not allow people to live in a secondary structure on a single property, unless the property is specifically zoned to include a coach house within a very narrow set of confines. Yes, you can build a house for a golf cart or a pool house for your pool, but the moment those detached structures are habitable for people, the law says no. The [Suburban Experiment](#) has left us with a legacy of laws that strip away freedoms from property owners and deprive us of opportunities to introduce more housing into our neighborhoods in the least intrusive way possible.

The Dilemma for Older Homeowners

A growing number of older adults face a difficult choice: Remain in their outsized homes or move to condos that do not provide them with the desirable features of their home that they’ve become accustomed to. Consequently, in a [2020 report about Delta’s housing needs](#), over 70% of older adults in Delta strongly identified with the statement that their homes are too large, but they have nowhere else to go. Tellingly, in the broader population, “only 30% of [survey] respondents think they will need a single-detached house in 20 years,” even though 77% of housing in Delta is comprised of single-detached houses.

Many retirees in Delta and cities like it would like to downsize, but don’t like their options.



(Source: [City of Delta Housing Needs Assessment Report](#).)

An Unexpected Choice

Due to a quirk in the construction of her home, Baron was able to construct a mostly detached home while still being able to meet requirements. How? The foundation of the main house extended to include an adjacent tool room, and this meant that Baron could create a home that was technically “attached,” even though the untrained observer would think they were looking at two homes on one property.

In municipal planning lingo, Baron had the choice and freedom to create an accessory dwelling unit (ADU) that met her needs, benefited her niece and her family, and provided her with security of tenure in a place of her own choosing in a neighborhood that was familiar to her.



Baron ensured that her contractor built her ADU to meet [universal design standards](#). She enjoys a ground-oriented entrance, curbless shower, wide hallways that are readily accessible with a wheelchair or walker (should the day come when she needs either), and windows on all four sides to brighten her living space. She gardens when she wants to, travels whenever she feels like it, and encourages all her friends in similar circumstances to do the same.

“It’s made my life much more flexible for traveling. I worry a lot less about security, and I have less space to worry about. It’s been serendipitous!”

Allowed by Loophole Versus Allowed by Right

It’s no accident that I met Baron at a meeting for Del-POP (Deltans for People-Oriented Places), our Strong Towns [Local Conversations](#) group in Delta, British Columbia. As she told her story, I was intrigued because she’d stumbled across a way to get what so many people wanted. **Baron’s experience made her realize that what she was allowed to do by means of a concrete loophole was something that everyone should be allowed to do by right.**

When Baron invites her friends to her perfectly sized home, they often want to do something similar with their home. Unfortunately, though, the city of Delta (along with nearly every other municipality in North America) forbids the construction of detached accessory dwelling units. The path that Baron took is closed off to her friends, and this is a major source of frustration for them and other people in their shoes. “[My experience] sparked my resolve to see more free-standing, ground-oriented units in Delta,” said Baron. “But the city’s requirement that a secondary dwelling be attached to the main structure is a huge hang-up that needs to go away.”

If you can build something "by right," that means it's allowed by all existing regulations, and it's not subject to the discretion of local officials. You can get a permit to build something by right without going through a public hearing or having anyone vote on it.

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We need to open up our zoning bylaws to allow more people to flourish on their own properties, in homes that meet their needs. Allowing detached accessory dwelling units to be constructed, along with a broader commitment to [incremental development](#) across the board, would go a long way toward allowing people to [age in place](#).

Baron’s Advice for People Wanting to Build a Detached Accessory Dwelling Unit

1. Hire a good designer who knows how to push up against the limits of the existing zoning bylaw.
2. Be proactive with City Hall officials who can sometimes err when it comes to parking requirements and setbacks for secondary structures.
3. Enter into a sales agreement for a percentage of your property with people you trust and have confidence will be good neighbors.
4. It is wise to take out a life insurance policy for the primary income earner(s) if a sudden loss of earnings would make it difficult for them to meet their obligations to pay their mortgage on their portion of the property.
5. Design your home with aging in mind and follow the [best practices of universal design](#). Your future self will thank you.

*Brenda Baron is a pseudonym for a Delta resident whose name has been changed to protect her identity.

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Norm Van Eeden Petersman

Norm Van Eeden Petersman, the [Member Advocate](#) at Strong Towns, is an energetic enthusiast for the work that Strong Towns members are doing around the world. He is the co-founder of [Deltans for People-Oriented Places \(Del-POP\)](#) and also co-founder of the Strong Towns Toastmasters group. He spent 10 years pastoring Christian churches in Canada and has worked in local and federal politics, tree-planting, construction, and farming. He builds pedestrian-oriented Lego villages with his son and helps his wife train their guide dog and two cats. You can connect with him on Twitter at [@normvep](#) or [LinkedIn](#).

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