

Memo

File: 3090-20/DV 4A 21

DATE: October 14, 2021

TO: Advisory Planning Commission
Baynes Sound – Denman/Hornby Islands (Electoral Area A)

FROM: Planning and Development Services

RE: **Development Variance Permit – 6650 Island Highway South (Latta)
Lot 1 of Lot 31G of Section 2A, Nelson District, Plan 23003, PID 003-213-447**

The attached development proposal is for commission members' review and comment.

An application has been received to consider a Development Variance Permit to allow the construction of a single detached dwelling with a maximum height of 11.0 metres – an increase of 1.0 metre over the regulated maximum of 10.0 metres defined within the Zoning Bylaw, Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019.” The subject property is located at 6650 Island Highway South (Figures 1 and 2). It is designated as being within a Rural Settlement Area, and is zoned Country Residential One (CR-1) (Appendix A). Existing development consists of a small shed, which will remain, and the proposed development is for a single detached dwelling with a garage connected via a breezeway (Figures 3 to 5).

This is the second time that the members of the Electoral Area A Advisory Planning Commission (APC A) will consider a variance application for this property. At the April 6, 2021 meeting, APC A members voted to support the applicants' variance request for a reduced lot line setback pertaining to Craft Road. After further development work was done by the applicants, they discovered that encroaching within the allowed distance of the Craft Road setback might damage the root systems of several trees they were hoping to retain. Additionally, because the property is oceanfront, the applicants have now received a Geotechnical Assessment from a professional engineer to determine the appropriate floodplain setback and flood construction level (FCL). The prescribed FCL requires that the house be raised an additional 0.68 metres, and be built at an elevation of 5.01 metres geodetic. Combined, these two reasons have led the applicants to apply for a second variance, this time for the height of the dwelling.

The purpose of regulating building height is multifold. It can help maintain privacy from and between adjacent neighbours; will ensure that building designs are relatively consistent and that new builds fit within the character and scope of the existing development; and, can help preserve views. View preservation is particularly important when the view that would be blocked is publicly accessible.

Regional Growth Strategy and Official Community Plan Analysis

Bylaw No. 120, being the “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010,” and Bylaw No. 337, being the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014,” both designate the property with the Rural Settlement Area land use designation. The Rural Settlement Area is prescribed to land in order to preserve and maintain a rural form and character and rural way of life by ensuring that development is relatively small-scale in nature. The proposed development does not conflict with the residential goals, policies, and objectives outlined for the Rural Settlement Area.

It was indicated at the last APC A meeting that the applicants will submit an Aquatic and Riparian Habitat Development Permit (DP) application at a future date following that variance, as is required per Section 80 of Bylaw No. 337. The applicants have submitted this DP application and it is currently being processed.

Zoning Bylaw Analysis

Bylaw No. 520 outlines the specifications and regulations that dictate how a property may be used and developed. The proposed dwelling meets all Zoning Regulations, including those for lot line setbacks and lot coverage, except for the height. The current height of the dwelling is listed at 10.6 metres, though the applicants are requesting a variance to increase the height to 11.0 metres to account for any minor changes that may be required.

Sincerely,

T. Trieu

Ton Trieu, RPP, MCIP
Manager of Planning Services
Planning and Development Services

/dt

Attachments Appendix A – Section 703 of Bylaw No 520 – Country Residential One (CR-1)

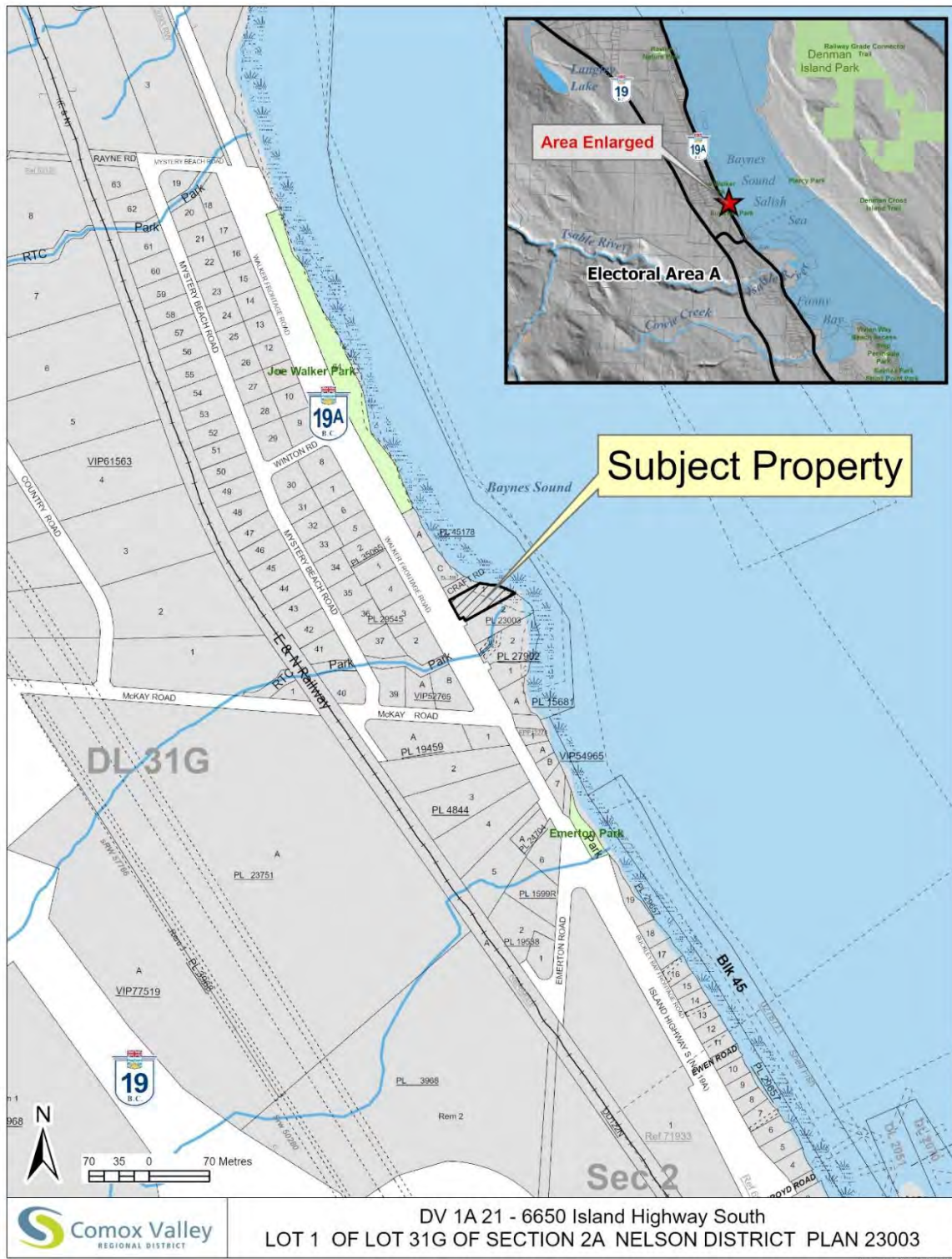


Figure 1: Subject Property Map

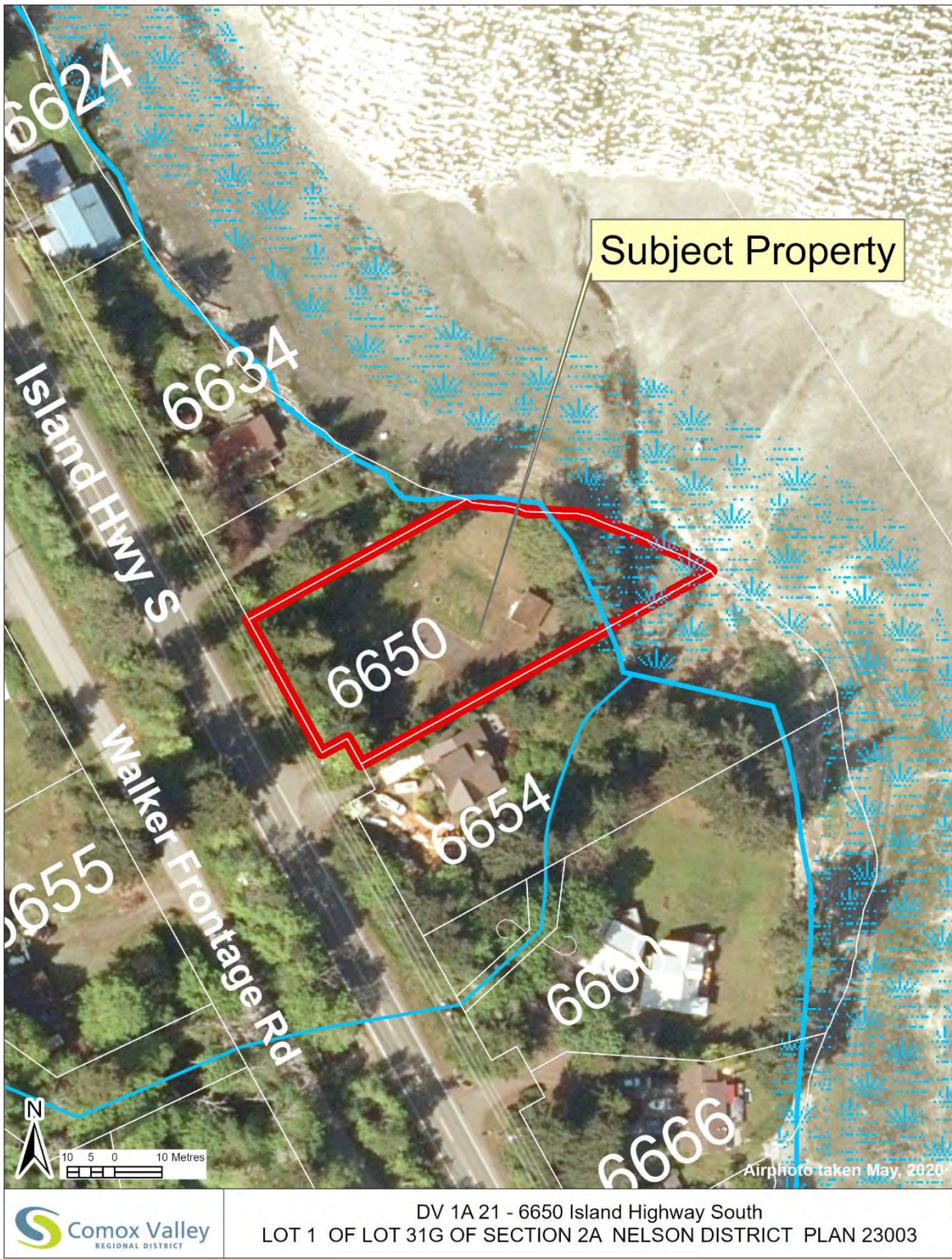


Figure 2: Air Photo

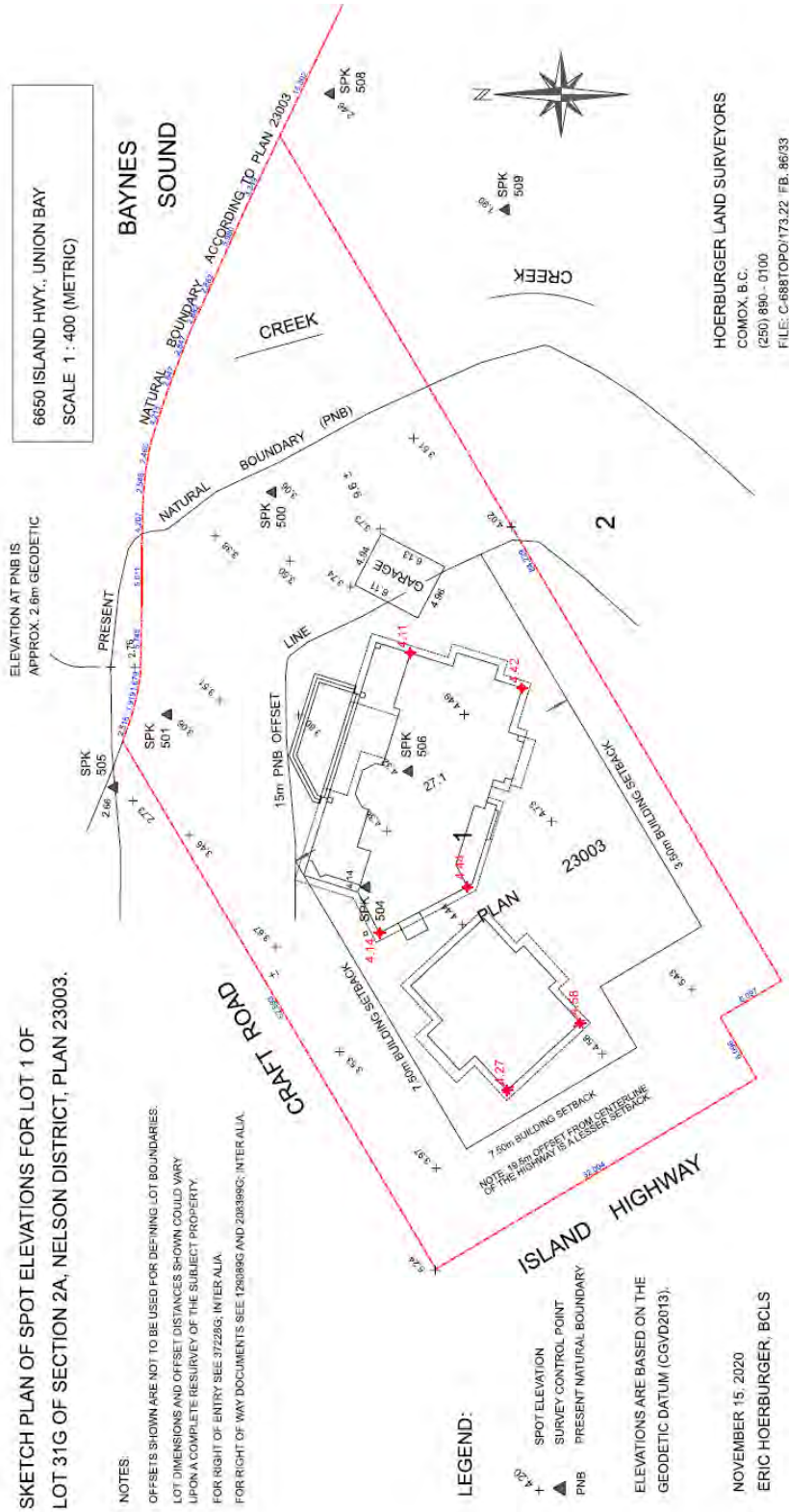


Figure 3: Site Plan

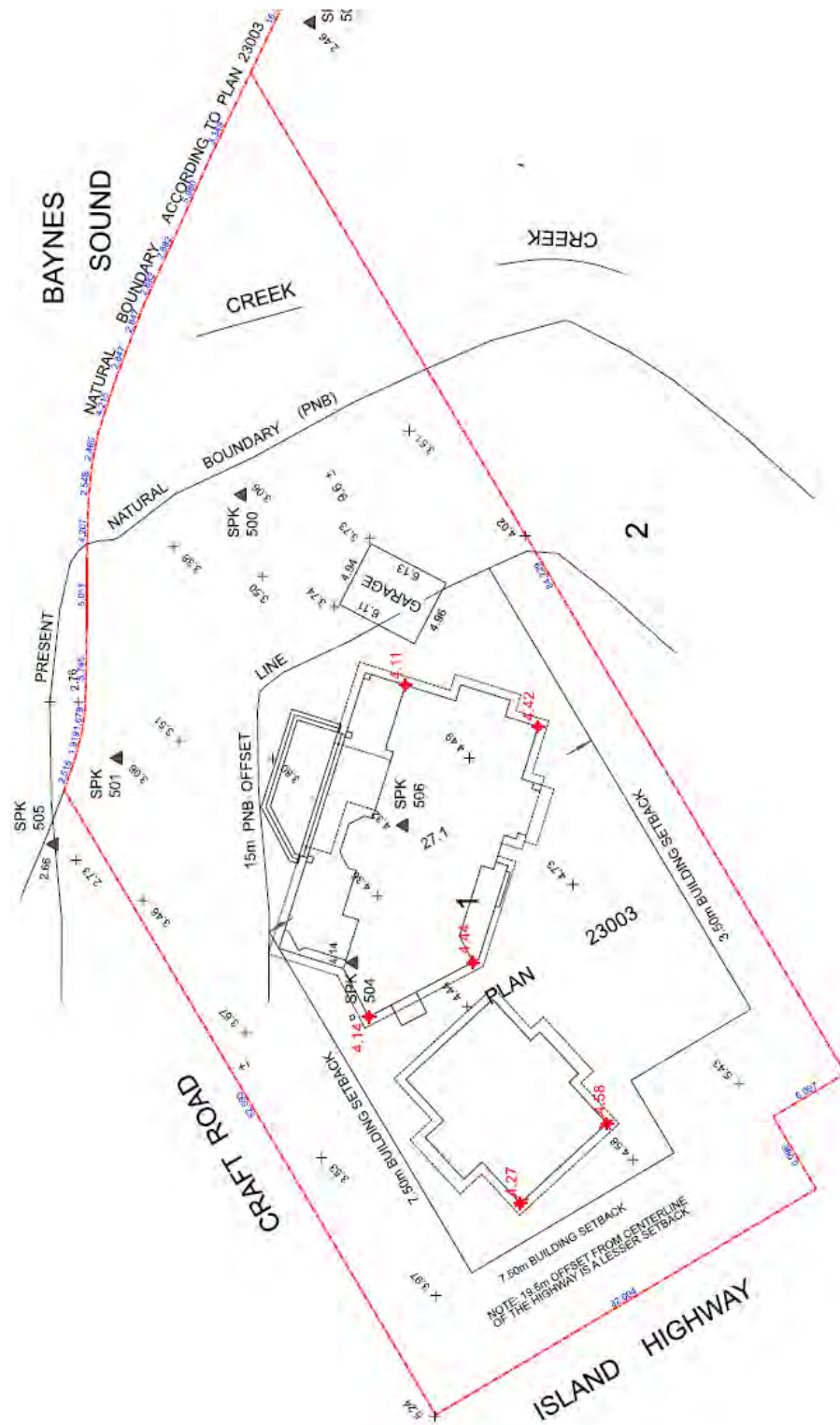


Figure 4: Site Plan (Zoomed In)



Figure 5: Rendering of Proposed Development

703**Country Residential One (CR-1)****1. Principal Use**

- i) **On any lot:**
 - a) Single detached dwelling
- iii) **On any lot over 4000 square metres in area:**
 - a) Agricultural use

2. Accessory Uses

- i) **On any lot:**
 - a) Carriage house
 - b) Secondary suite
 - c) Secondary dwelling
 - d) Home occupation use
 - e) Bed and Breakfast
- ii) **On any lot 2000 square metres in area or larger:**
 - a) Domestic agriculture
- iii) **On any lot 2.0 hectares in area or larger:**
 - a) Domestic industrial use
 - b) Animal kennel

3. Conditions of Use

- i) **Animal kennels shall be subject to the following conditions:**
 - a) A minimum setback for buildings and structures of 15.0 metres along all lot lines.
 - b) A minimum setback for buildings and structures of 30.0 metres from any lot line abutting a lot zoned under Part 700, Residential Zones.
 - c) All structures and area utilized in association with the animal kennel, shall be sited at least 30.0 metres from the boundary of any lake, sea, watercourse or wetlands.
 - d) No loading or storage areas shall be located in any required setback.
 - e) Screening shall be provided of not less than 1.5 metres in height for animal kennel use abutting a lot zoned under Part 700, Residential Zones.
 - f) No more than one sign, not exceeding 1.0 square metre in area on each side may be placed on the lot on which the animal kennel use is carried out.

4. Density

- i) **Residential density is limited to two dwelling units:**
- a) **On any lot:** one single detached dwelling and one carriage house, secondary suite, or secondary dwelling limited in area to 90 square metres are permitted.
- b) **On a lot 1.0 hectare or larger:** two single detached dwellings.

5. Siting and Height of Buildings and Structures

The maximum height of single detached dwellings is 10.0 metres and the maximum height of accessory buildings is 7.0 metres.

- i) The minimum setbacks required for buildings and structures shall be as set out in the table below.

Type of Use	Height of Structure	Required Setback				
		Front Yard	Rear Yard	Side Yard		Side Yard Abutting Road
				Front Lot Line <31m	Front Lot Line >31m	
Principal	10.0m	7.5m	7.5m	1.75m	3.5m	4.5m
Accessory	4.5m or less	7.5m	1.0m	1.0m	1.0m	4.5m
Accessory	7.0m - 4.6m	7.5m	7.5m	1.75m	3.5m	4.5m

6. Lot Coverage

- i) The lot coverage of all buildings and structures shall not exceed 35 per cent.

7. Floor Area Requirements

- i) The combined floor area of all accessory buildings excluding the floor area of any secondary residential use shall not exceed 200.0 square metres.

8. Subdivision Requirements

- i) The minimum permitted lot area for lands shown in the zoning bylaw layer at <http://imap2.comoxvalleyrd.ca/imapviewer/> is 4.0 hectares.

ii) Lot Area for All Other Lands:

The minimum lot area for subdivision is 2.0 hectares.

For property legally described as Lot 1 and 2, Section 6, Plan EPP56666, a subdivision with lots smaller than 2.0 hectares may be created provided that the average lot area within the subdivision is a minimum of 2.0 hectares.

End • CR-1