

# Memo

**File:** 3090-20/DV 3A 21

**DATE:** December 15, 2021

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

**FROM:** Planning and Development Services

**RE:** Development Variance Permit Application – 471 Leet Lane  
(Fanny Bay Holdings Ltd.)  
Lot 12, District Lot 48, Newcastle District, Plan 34539, PID 000-294-799

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

A Development Variance Permit (DVP) application has been received to reduce the minimum highway frontage requirement for a proposed lot line adjustment. The proposed lot line adjustment involves two adjacent lots in Baynes Sound – Denman/Hornby Islands Electoral Area (Electoral Area A) (Figures 1 and 2). The existing Lot 11 is located at 7336 Turner Road, and is approximately 2.12 hectares in area. The existing Lot 12, which hooks across Cowie Creek, is located at 471 Leet Lane, and is approximately 16.48 hectares in total area (Figure 3). The southern portion of this Lot has an unopened portion of Cougar Smith Road as highway frontage. Access to this portion is via a railway crossing and an easement agreement with 453 Leet Lane to reach the Old Island Highway.

The proposed lot line adjustment is to combine Lot 11 and northern portion of Lot 12 to create Proposed Lot A, which becomes 3.54 hectares in area (Figure 4). The southern portion of Lot 12 is unhooked to become Remainder Lot 12, which becomes approximately 15 hectares in area. This proposal will not increase the number of lots.

As the result of this proposal, the proposed Remainder Lot 12 has a highway frontage of approximately 2 per cent (Figure 5). The minimum highway frontage for a proposed lot in a subdivision is 10 per cent of its perimeter. Therefore, a DVP is required as part of this lot line adjustment referral.

## 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" (OCP) designate the subject properties within Rural Settlement Areas (RSAs). It is the intent of the RSA to create land uses and lot sizes that maintain the rural character and function of the RSA. Section 43(1) of the OCP states the minimum lot area is between 4 and 20 hectares. This policy does not apply to the proposed lot line adjustment due to no net increase of lots.

Zoning Bylaw Analysis

Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw, No. 520, 2019”, zones the subject properties as follows:

- Lot 11: Country Residential One (CR-1)
- Lot 12: CR-1 in the northern portion; Rural Twenty (RU-20) and Upland Resource – 40 Hectares (UR-40ha) in the southern portion (Figure 6) (Appendices A to C)

With respect to minimum frontage, Section 501(1)(iii) of the Zoning Bylaw requires a minimum highway frontage of 10 per cent of its perimeter for each proposed lot in a subdivision. For this proposed lot line adjustment, the highway frontages for proposed Lot A and Remainder Lot 12 are approximately 19 per cent and 2 per cent, respectively. Therefore, a DVP is required to reduce the minimum highway frontage requirement for proposed Remainder Lot 12 (Figure 4).

Some of the reasons for a minimum highway frontage requirement are:

- To ensure adequate access to the lot, especially if the lot has varied terrain, such as steep slopes and watercourses, which would reduce the available location and width for safe access.
- To ensure an adequate building envelope in order to accommodate dwellings and structures, and sufficient spaces around them to provide access to the rear yard.
- To ensure that if land use policies were to permit subdivision in the future, there would be adequate highway frontage to permit access to future lots.

The reason for the 10 per cent as the minimum threshold is provided in the *Guide to Rural Subdivision Approvals* from the Ministry of Transportation and Infrastructure. It states 10 per cent “is a good rule of thumb for avoiding parcel shapes that would be too small for a building envelope (building site, access, and so on) and for any further development of the parcel.”

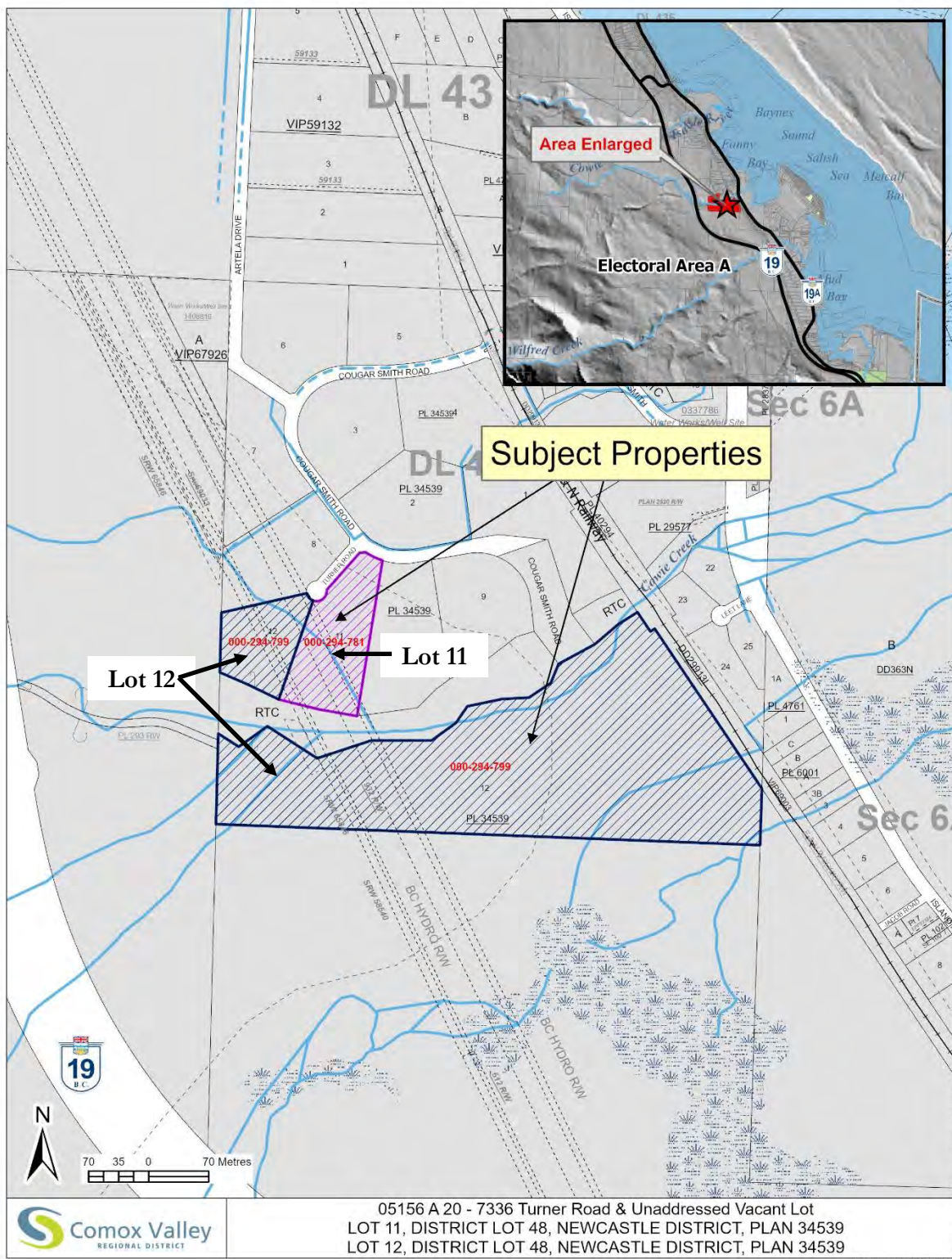
Sincerely,

***T. Trieu***

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

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Attachments: Appendix A – CR-1 Zone  
Appendix B – Rural Twenty (RU-20) Zone  
Appendix C – Upland Resource 40 Hectares (UR-40ha) Zone



**Figure 1: Two Adjacent Lots in a Proposed Lot Line Adjustment**



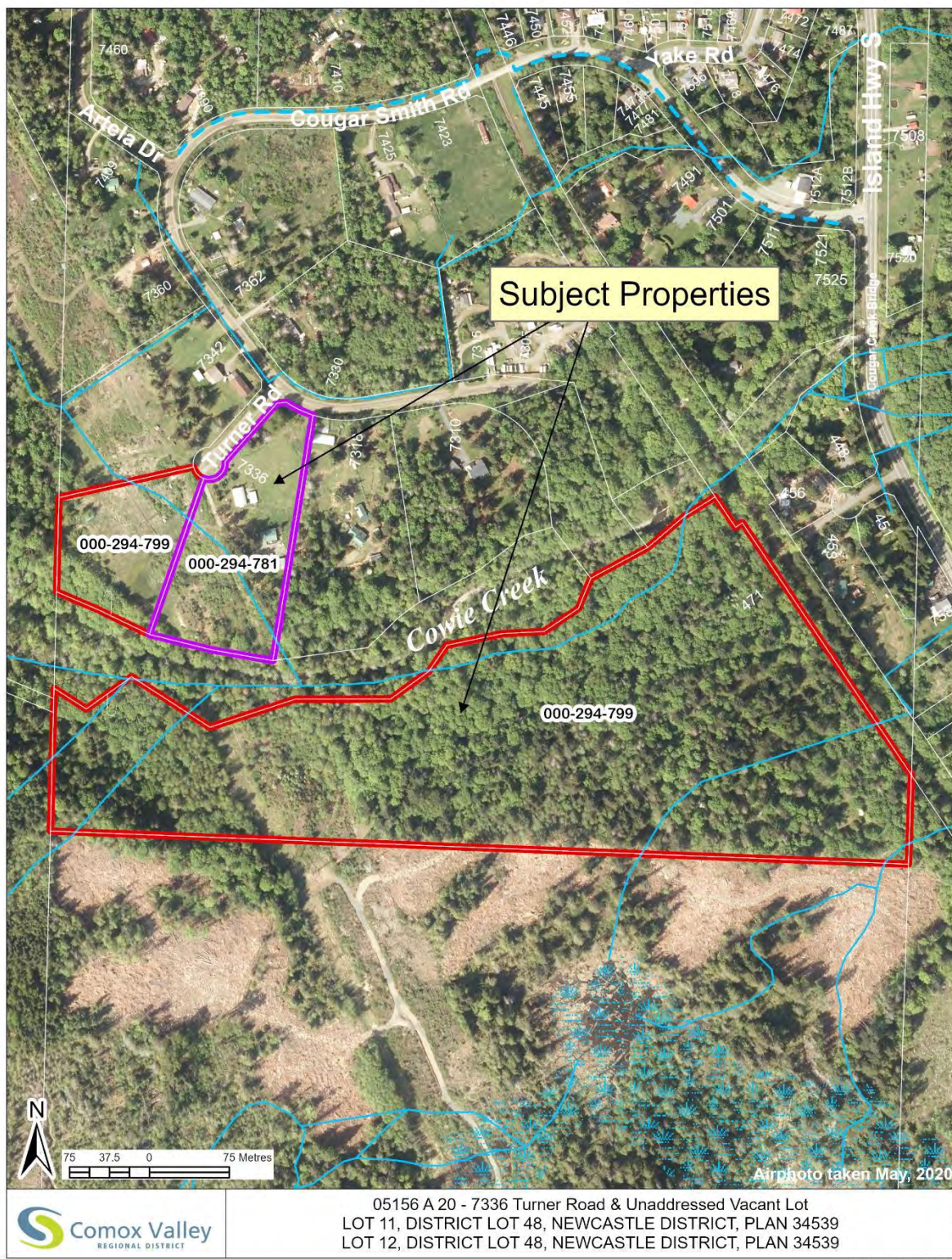


Figure 2: Air Photo of the Two Adjacent Lots



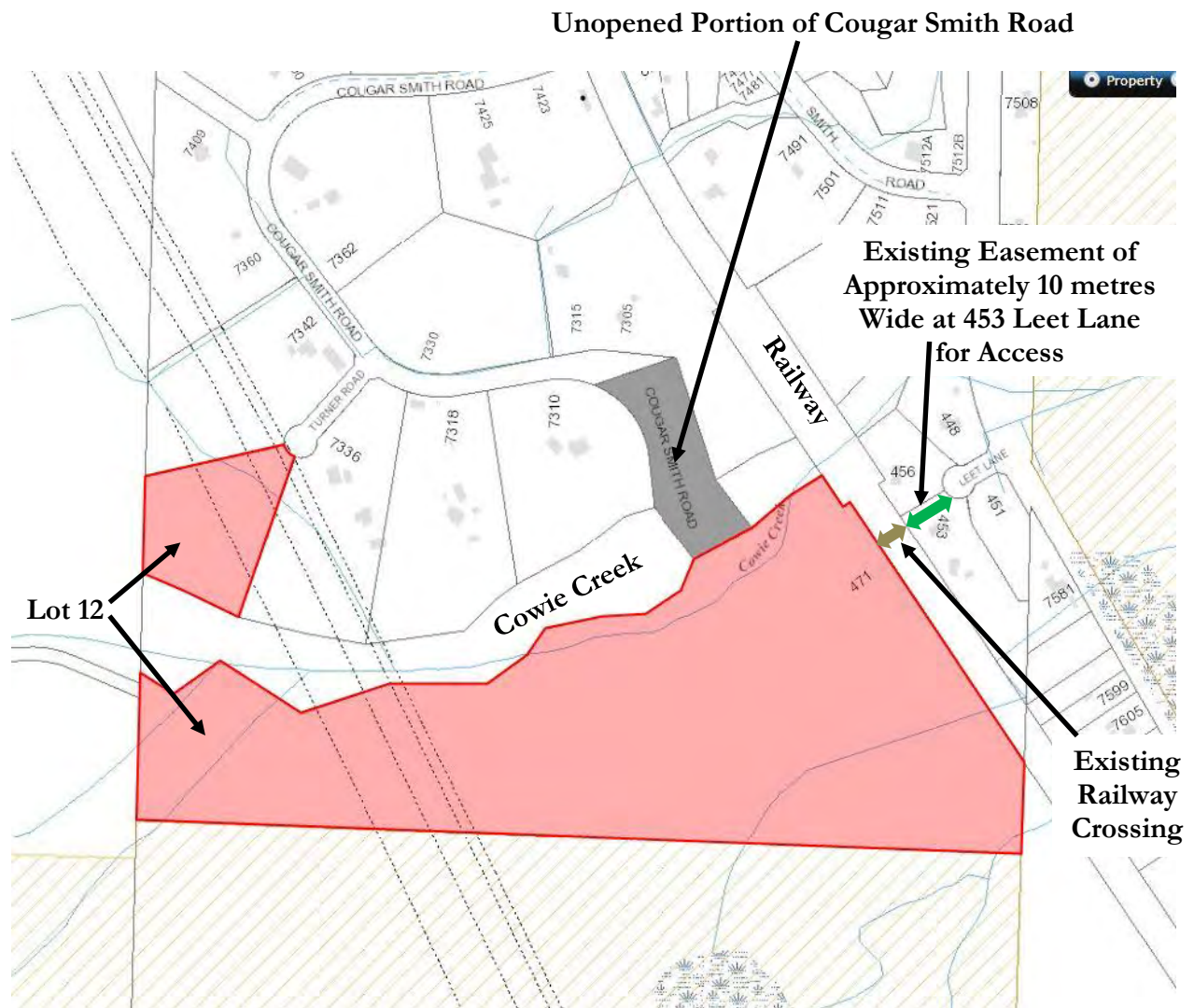
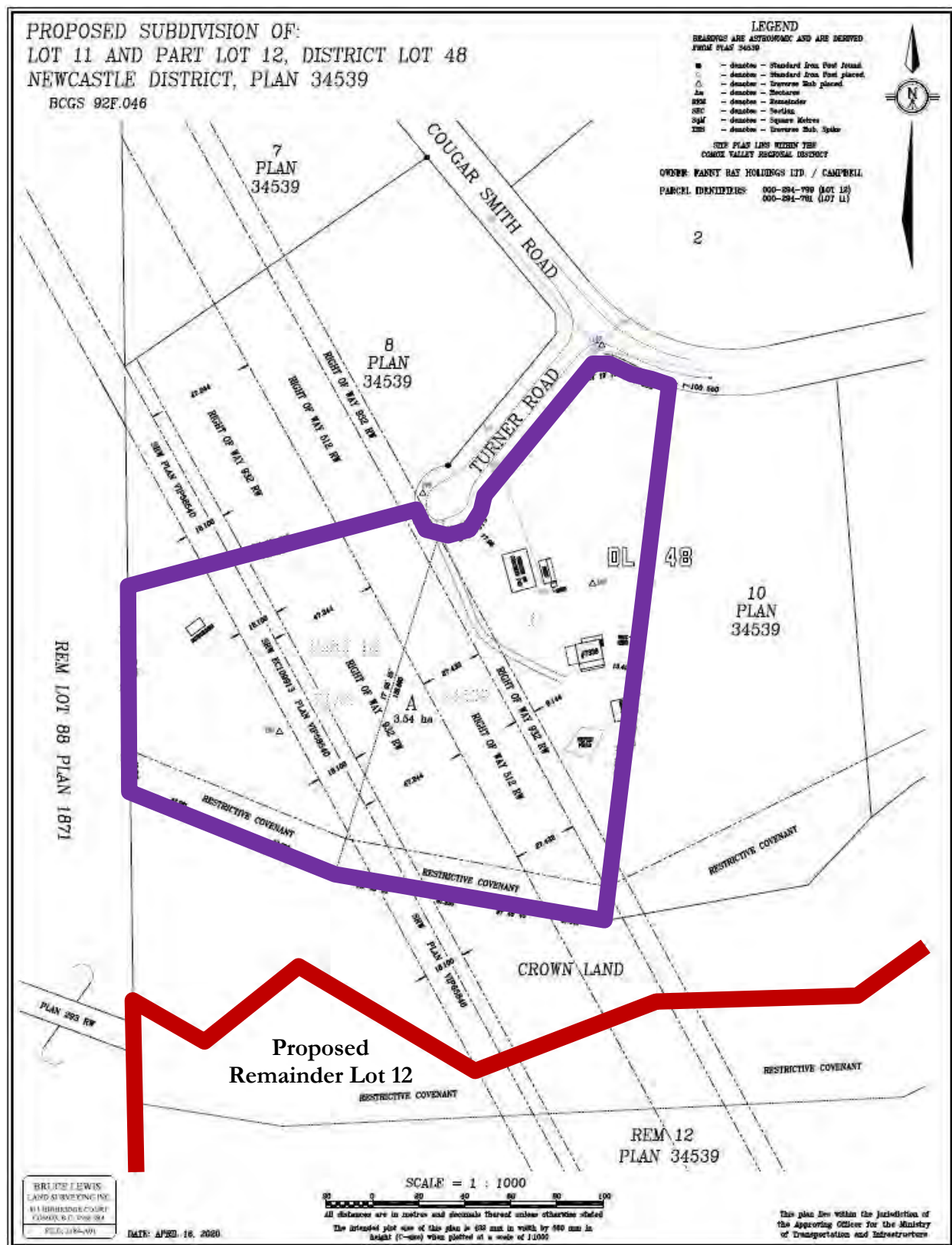
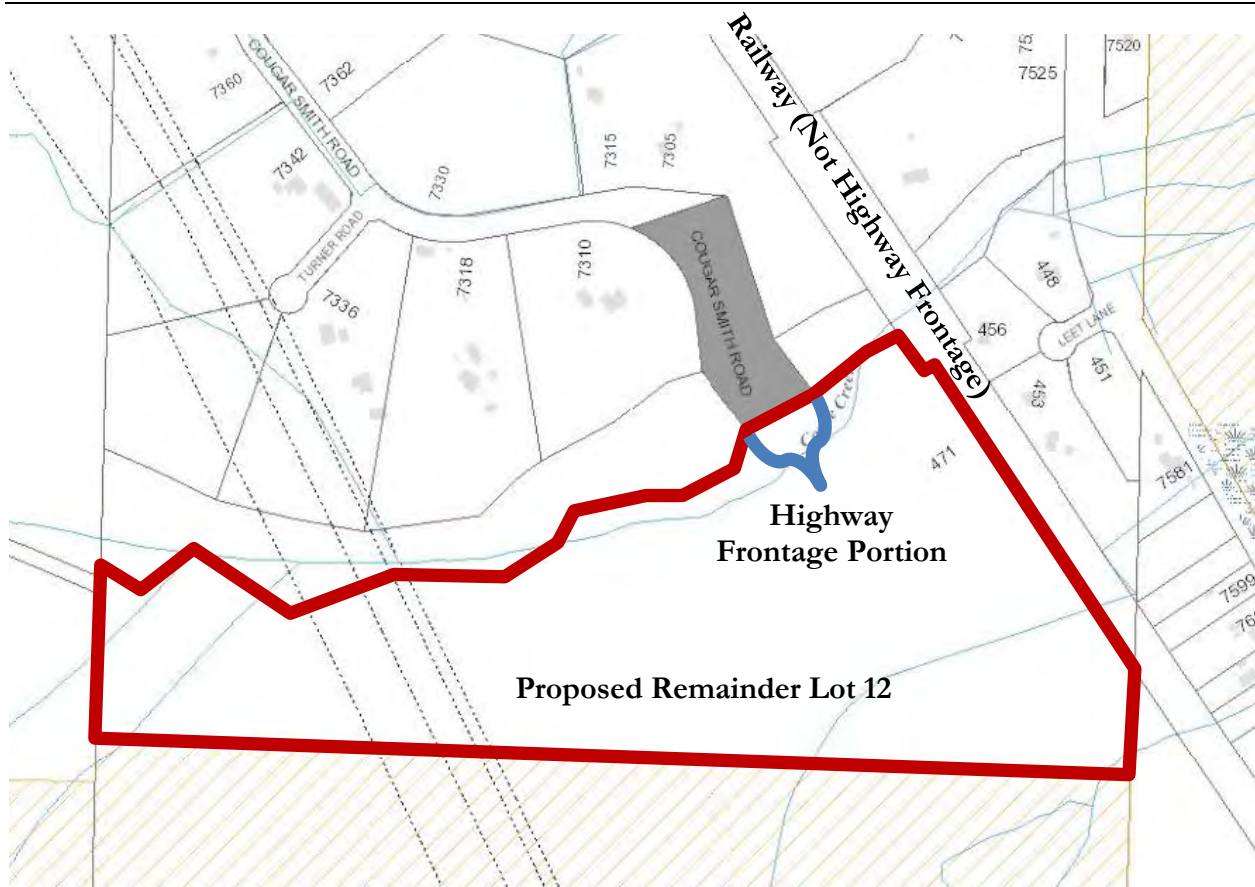


Figure 3: Existing Lot 12 Features



### Figure 4: Lot Line Adjustment Plan

*Comox Valley Regional District*



**Figure 5: Frontage of Proposed Remainder Lot 12 is Approximately 2 Per Cent**



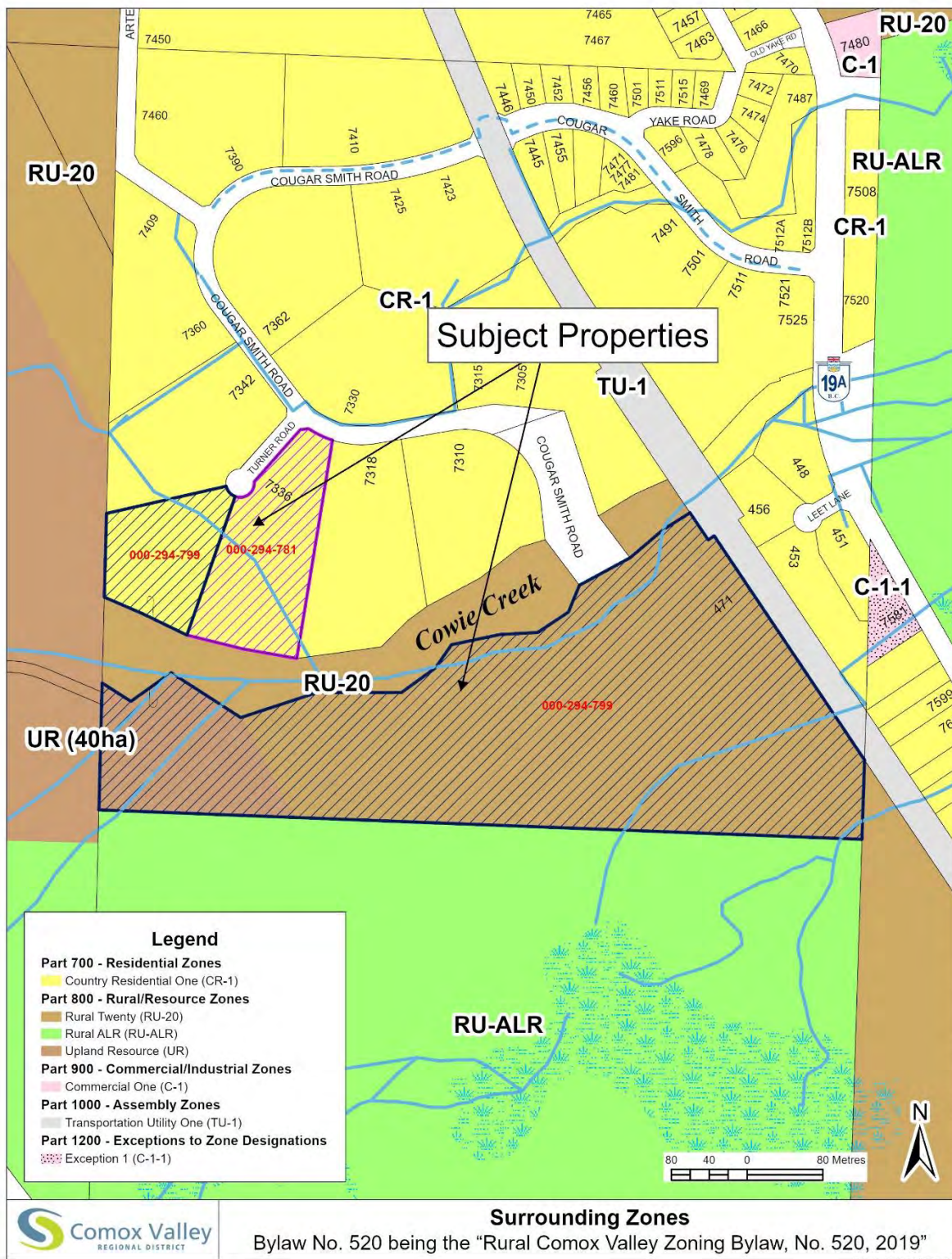


Figure 6: Zoning Map



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

- i) **On any lot:**
  - a) Single detached dwelling
- i) **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
  - f) Domestic agriculture
- ii) **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 identified as “Properties subject to a minimum lot size of 4 hectares for subdivision” in Schedule B 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.



**802****Rural Twenty (RU-20)****1. Principal Use**

- i) **On any lot:**
  - a) Single detached dwelling
  - b) Agricultural use
  - c) Veterinary establishment
  - d) Plant nursery and greenhouse
  - e) Silviculture
  - f) Fish Hatchery (including community based)
- ii) **On any lot greater than 2.0 hectares in area the following uses are also permitted:**
  - a) Animal kennel
  - b) Riding academy
- iii) **On any lot greater than 4.0 hectares in area the following uses are also permitted:**
  - a) Wood processing
  - b) Sawmill including portable sawmill
  - c) Gravel, mineral or peat extraction, gravel crushing and screening, excluding manufacturing or sales of concrete or concrete products
- iv) **On any lot 4.0 hectares in area or larger classified as private managed forest land or farm pursuant to the *Assessment Act* or within a license area under the *Forest Act* the following uses are also permitted:**
  - a) Research and teaching facility
  - b) Rural resource centre to a maximum floor area of 300.0 square metres

**2. Accessory Uses**

- i) **On any lot:**
  - a) Carriage house
  - b) Secondary suite
  - c) Secondary dwelling
  - d) Bed and Breakfast
  - e) Home occupation
  - f) Domestic industrial use
  - g) Retail and wholesale sales of agricultural and forestry products to a maximum floor area of 100.0 square metres

**3. Conditions of Use**

- i) **Animal kennels shall be subject to the following conditions:**

- a) Maintain a minimum setback of buildings and structures of 15.0 metres along all lot lines.
  - b) 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 or watercourse.
  - c) No parking, loading or storage areas shall be located in any required setback area.
  - d) Screening shall be provided at not less than 1.5 metres in height for animal kennel.
  - e) 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.
- ii) **Wood processing, gravel, sand and mineral extraction (including crushing and screening of aggregate extracted onsite), research and teaching facilities, and rural resource centres shall be subject to the following conditions:**
- a) A minimum setback for buildings and structures of 15.0 metres along all lot lines.
  - b) Minimum setback requirement for stockpiles shall be 15.0 metres along all lot lines.
  - c) A minimum setback for buildings and structures of 30.0 metres from any lot line abutting a lot zoned Residential or Country Residential.
  - d) No loading or storage areas shall be located in any required setback.
  - e) Screening of not less than 2.0 metres in height shall be provided for wood processing uses and a rural resource centre abutting a lot zoned Residential.
  - f) Screening of not less than 1.5 metres in height shall be provided for wood processing uses and a rural resource centre abutting a lot zoned Country Residential.

#### 4. **Density**

- i) **Residential density is limited to two dwellings units:**
  - a) **On any lot:** one single detached dwelling and one carriage house, secondary suite, or secondary dwelling limited in area to 90.0 square metres are permitted.
  - b) **On a lot greater than 1.0 hectare in area:** two single detached dwellings.

#### 5. **Siting and Height of Buildings and Structures**

The maximum height of principal buildings is 10.0 metres and the maximum height of accessory buildings is 8.0 metres.

- i) The 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 Front Lot Line <31m Front Lot Line >31m		Side Yard Abutting Road
Principal	10.0m	7.5m	7.5m	1.75m	3.5m	7.5m
Accessory	4.5m or less	7.5m	1.0m	1.0m	1.0m	7.5m
Accessory	8.0m - 4.6m	7.5m	7.5m	1.75m	3.5m	7.5m

**6. Floor Area Requirements**

- i) The combined floor area of all buildings and structures shall not exceed 15 per cent.

**7. Subdivision Requirements**

- i) **Minimum lot area:** 20.0 hectares

*End • RU-20*

**804****Upland Resource (UR)****1. Principal Use**

- i) **On any lot:**
  - a) Silviculture
  - b) Agricultural use
  - c) Fish hatchery
  - d) Explosives sales, storage manufacturing and distribution
  - e) Firearm range
  - f) Wood processing
  - g) Gravel, mineral or peat extractions, gravel crushing and screening, bulk mixing, processing of soil mixtures for commercial resale
  - h) On any lot in the Agriculture Land Reserve any other use specifically permitted by the *Agricultural Land Commission Act*, regulations and orders

**2. Accessory Uses**

- i) **On any lot:**
  - a) Single detached dwelling

**3. Conditions of Use**

- i) **All wood processing, gravel, sand and mineral extraction (including crushing and screening of aggregate extracted onsite), bulk mixing, processing of soil mixtures shall be subject to the following conditions:**
  - a) A minimum setback of 15.0 metres along all lot lines.
  - b) A minimum setback of 30.0 metres from any lot line abutting an area zoned under Part 700, Residential Zones, and Water Supply and Resource Area zones.
  - c) No loading or storage areas shall be located in any required setbacks.
  - d) Uses abutting an area zoned under Part 700, Residential Zones, shall be screened and buffered from adjacent properties through the use of fencing, berm and evergreen vegetation being not less than 2.0 metres in height.
  - e) All structures and area utilized in association with wood processing, gravel, sand and mineral extraction (including crushing and screening of aggregate extracted onsite), bulk mixing, processing of soil mixtures shall be sited at least 30.0 metres from the boundary of any lake, sea, watercourse or wetland.

**4. Density**

- i) **Residential density is limited to:**
  - a) **On any lot:** One single detached dwelling.



**5. Lot Coverage**

- i) The lot coverage of all buildings and structures is 35 per cent to a maximum of 1000.0 square metres.

**6. Siting and Height of Buildings and Structures**

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

- i) The 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 Front Lot Line <31m Front Lot Line >31m		Side Yard Abutting Road
Principal	10.0m	7.5m	7.5m	1.75m	3.5m	7.5m
Accessory	4.5m or less	7.5m	1.0m	1.0m	1.0m	7.5m
Accessory	7.0m - 4.6m	7.5m	7.5m	1.75m	3.5m	7.5m

**7. Subdivision Requirements**

- i) The minimum lot area for subdivision shall be as follows:
- 40.0 hectares for the area east of the most westerly boundary of the BC Hydro transmission right-of-way Plans 509, 510, 511, 512, 914, 932, 933 and 934.
  - 40.0 hectares for the area within 1.0 kilometre west of the most westerly boundary of the said rights-of-way, with measurement made perpendicularly to the boundary of the said rights-of-way, except as modified in Clause (e).
  - 40.0 hectares for the areas approximately 1.0 kilometre east, south, and west of the Village of Cumberland, except as modified in Clause (e).
  - 400.0 hectares for the area more than 1.0 kilometre west of the most westerly boundary of the said right-of-way's, with measurement made perpendicularly to the boundary of the said rights-of-way except as modified in Clause (e).
  - Where a lot is subject to both the 40.0 and 400.0 hectare minimum lot area, the minimum lot area which applies to the greatest portion of the lot shall be the minimum lot area for creation of that lot. Where a lot is divided into portions of equal area, the minimum lot area in respect of the entire lot shall be 40 hectares.
- ii) The minimum permitted highway frontage for lots created by subdivision shall be 100.0 metres.

*End • UR*