

# Memo

**File:** 3090-20/DV 5A 20

**DATE:** December 14, 2020

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

**FROM:** Planning and Development Services

**RE:** Development Variance Permit – 3550 Eagleview Drive (Morgan)  
Lot 1, Section 28, Township 11, Nelson District, Plan VIP81228, PID 026-732-467

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The attached development proposal is for commission members' review and comment. The subject property is located at 3550 Eagleview Drive in the Baynes Sound – Denman/Hornby Islands Electoral Area (Electoral Area A) (Figures 1 and 2). The property is approximately 0.54 hectares in area. The property is bound by Cameron Road to the north, Eagleview Drive to the east and south and a residential lot to the west. The subject property presently has a single detached dwelling (Figures 3 and 4). The applicants propose to convert this dwelling to a carriage house, so that they can construct a single detached dwelling elsewhere on the subject property. This proposed conversion would require a Development Variance Permit (DVP). The DVP application is to increase the maximum permitted interior entryway and landing space from 2.8 square metres to 5.2 square metres (Figures 5 and 6).

In support of their application, the applicants submitted a written brief to provide history and background (Appendix A). According to the applicants, when they designed this dwelling in 2017, they were aware that in the draft Zoning Bylaw at that time, a carriage house would permit an internal staircase to access the residential use on the second floor for weather protection and improved safety. As such, the draft bylaw would also permit a limited amount of interior entryway and landing space on the first floor. Therefore, they designed such a space that featured a hallway reaching an internal staircase; however, the floor area of this hallway design would exceed the maximum permitted floor area of an interior entryway and landing space.

## Regional Growth Strategy Analysis

Bylaw No. 120, being the "Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010" (RGS) designates the subject property within Settlement Expansion Areas (SEAs). The proposed residential development does not conflict with residential policies in the RGS.

## Official Community Plan Analysis

Bylaw No. 337, being the "Rural Comox Valley Official Community Plan Bylaw No. 337, 2014" (OCP) designates the subject property within SEAs. Similar to the RGS, the proposed residential development does not conflict with residential policies in the OCP.

Zoning Bylaw Analysis

Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019” zones the subject property Residential One B (R-1B). This DVP application does not affect the specific regulations of the zone; instead, it proposes to vary Section 315(2)(iv) of the Zoning Bylaw, which states,

“The second storey floor area occupied by the residential use may contain interior access to any part of the accessory use below. The interior entryway, landing or similar space must not exceed 2.8 square metres in area.”

The floor area of the existing interior entryway and landing space is approximately 5.2 square metres. Table 1 summarizes the proposed variance:

**Table 1: Summary of Proposed Variance**

<b>Bylaw No. 520</b>	<b>Maximum Floor Area</b>	<b>Proposed Floor Area</b>	<b>Difference</b>
Section 315(2)(iv)	2.8 square metres	5.2 square metres	2.4 square metres

The carriage house regulations permit an internal staircase for a safe and protected access to the second floor. As such, there is a companion provision for a limited interior staircase landing and entryway on the first floor. The intent of a maximum floor area of this space is to constrict residential use on the first floor. Almost all of the residential use within a carriage house should be on the second floor. The first floor is intended for accessory uses, such as a garage.

Figure 5 shows that the hallway on the first floor has a door leading to a “storage, mechanical room, laundry and shared space.” In order to have a clear separation between residential and accessory uses, this door needs to be covered up. The decommission of this door is a subject condition of the DVP. The applicants’ written brief (Appendix A) states that they would agree to seal up this door prior to building the proposed single detached dwelling.

The subject dwelling meets all other carriage house regulations. For example, the maximum total floor area of residential use is 90 square metres, and the total floor area of residential use is approximately 84 square metres. The maximum building height is 8 metres, and the building height is approximately 7.1 metres.

Please be advised that all adjacent properties within 100.0 metres of the subject parcel will be notified via mail of the variance request and be given the opportunity to comment prior to the application going forward to the Electoral Areas Services Committee for consideration.

Sincerely,

***T. Trieu***

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

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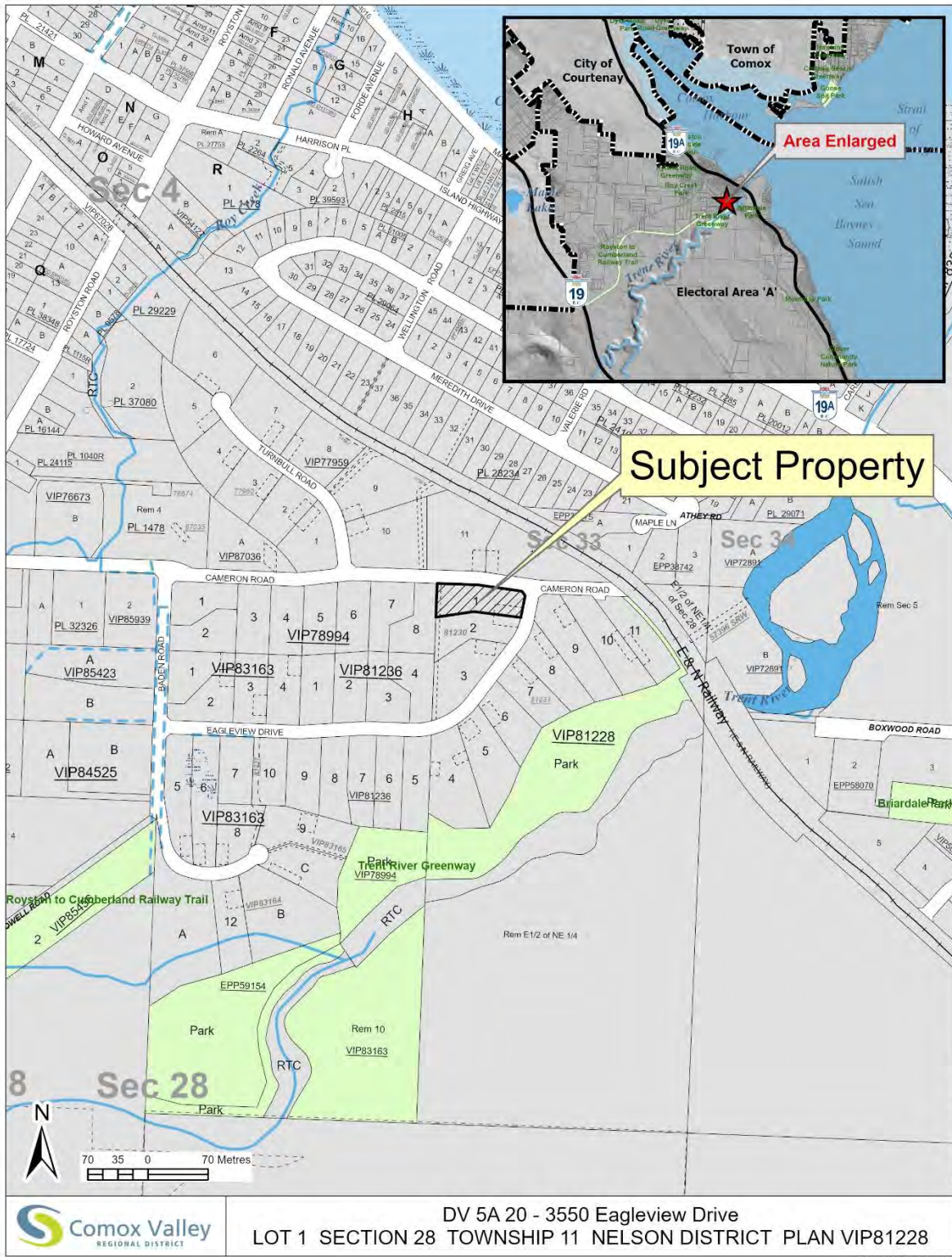


Figure 1: Subject Property Map





Figure 2: Air Photo

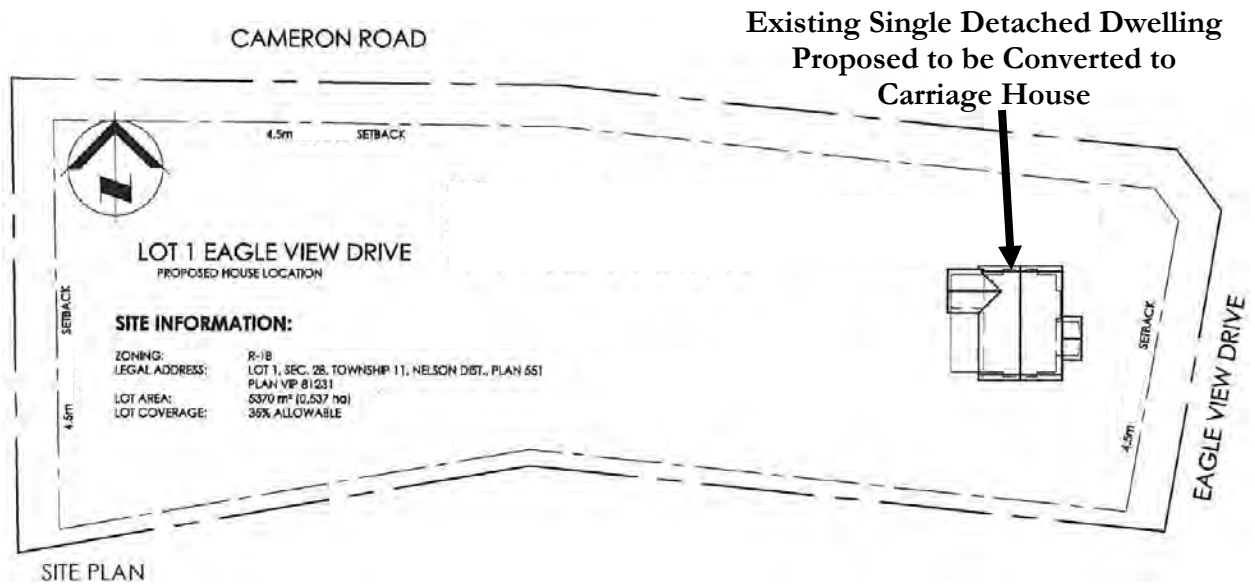


Figure 3: Site Plan





Figure 4: Elevation Drawings and Photos

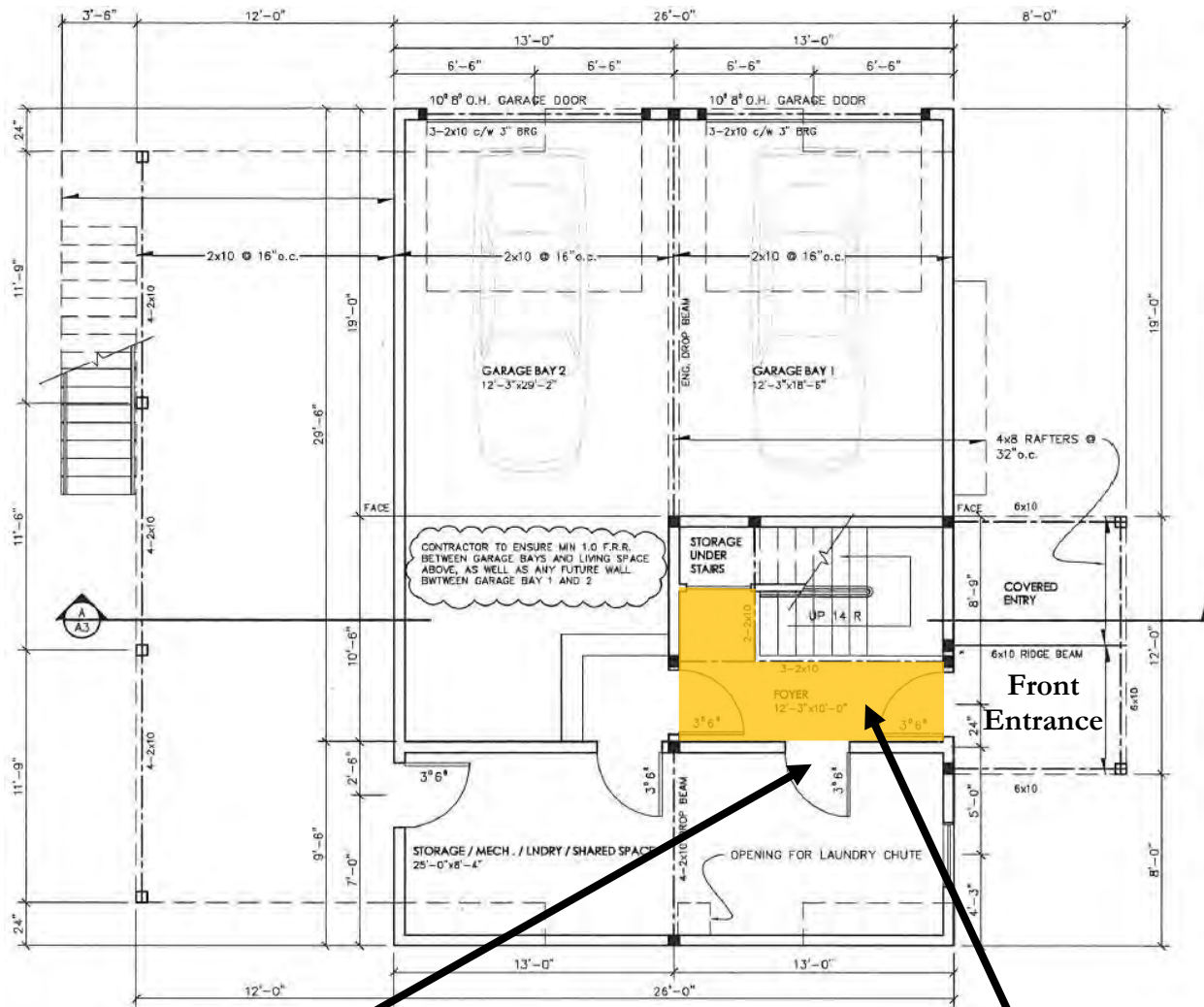


Figure 5: Floor Plan of the Ground Floor

Note that This Door was Moved towards the End (See Figure 6); This Door will be Covered up

Request to Increase the Maximum Floor Area of Interior Entryway and Landing from 2.8 square metres to 5.2 square metres



**Figure 6: Photo of Interior Entryway and Landing Space  
(Photo Taken Standing at the Doorway that will be Covered up)**



**Brian Chow**

3090-20/DV 5A 20

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**From:** Tim morgan <morgantim@hotmail.com>  
**Sent:** December 9, 2020 12:37 PM  
**To:** Brian Chow  
**Subject:** Re: Development Variance Permit Application Updates (File: DV 5A 20)

To Whom it May Concern at the Comox Valley Regional District:

We are writing this letter with respect to our development variance permit application in relation to our carriage house which we are currently using as a primary dwelling (our plan is to be build our main residence this spring and turn the carriage house into a secondary building. In particular, we are seeking a variance in relation to our interior landing of the carriage house.

This landing area in the carriage house is 5.2 sq meters. Pursuant to the current bylaw, the maximum interior access should only by 2.8 square meters. In short, upon first completing the plans and (2017/2018), it is our recall the bylaw was in a state of flux. It will be recalled that only recently were carriage houses able to have interior staircases. I am not sure that the previous bylaw specified an interior landing dimension. In any event, it is our belief that as a result of circumstances at the time, we simply built the entrance way bearing in mind a reasonable space for entry but mindful of the 90 square meter limit.

I hindsight if we had "turned around" the staircase it would made access to the garage from inside impossible. Further we did not want the top of our staircase to end at the living room area--this would be an awkward design in our view.

While the interior of the carriage house requires a variance, of approximately an additional 2.4 square meters, it is our belief that this does not dramatically run contrary to the intent of the overall by law scheme (s. 315 of the Rural Comox Valley Zoning Bylaw, No. 520, 2019). It will be observed, that importantly, our overall interior square living space is within the 90 square meters as permitted by the bylaw. We also assert that this variance request does not inherently run afoul of the character of the neighbourhood. We think it can be fairly characterized as a minor variance that does not fundamentally impinge on matters.

If the variance were not to be granted it remains unclear what we could short of a lower floor/upper floor significant structural renovation.

Finally, as previously mentioned, the carriage house is currently being used as a primary residence. It is our intention to seal the door (remove the door and seal it with drywall) before we seek a permit for the main house.

Should you have any questions or concerns, please do not hesitate to contact us.

Tim and Melissa Morgan

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**From:** Brian Chow <bchow@comoxvalleyrd.ca>  
**Sent:** November 30, 2020 11:06 PM