

Memo

File: 3090-20 / DV 1A 21

DATE: March 18, 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 6.0 metre front yard setback rather than the standard 7.5 metres. The subject property is a corner lot located at 6650 Island Highway South (Figures 1 and 2), and the setback variance would only apply to Craft Road, a small unopened road right-of-way. The subject property is zoned Country Residential One (CR-1) (Appendix A) and is designated as being within a Rural Settlement Area. Existing development consists of a small shed, which will remain, and the development proposal is for a single detached dwelling with a garage connected via a breezeway (Figures 3-5).

The purpose of minimum setback distances are multifold. They help increase vehicular and pedestrian safety by maintaining sightlines, increase and maintain privacy between adjacent properties, and ensure that there is adequate spacing to allow for the maintenance and repair of the building. It is worth noting that planning staff are in the process of updating some language and minor changes in the Zoning Bylaw; if these changes are approved, the lot line subject to this variance would be considered a "side lot line abutting a road" and would be subject to a 4.5 metre setback.

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 a land use designation designed to preserve a rural form and character and rural way of life by ensuring 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.

Given that this is a waterfront property, an Aquatic and Riparian Habitat Development Permit will be required, per Section 80 of Bylaw No. 337. The applicants want to determine the siting of the house first and will follow up with the appropriate development permit application.

Zoning Bylaw Analysis

Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019,” outlines the specifications and regulations that dictate how a property may be used and developed. The proposed dwelling is within the maximum building height and lot coverage requirements, and the minimum setback distance is maintained for the eaves of the house pertaining to all lot lines. Per Section 403(1) of Bylaw No. 520 (Appendix B), eaves and other features that protrude from a foundation without adding floor area have a more lenient setback, as the required minimum setback can be reduced by up to 50 per cent or 2.0 metres, whichever is lesser. As such, the variance request is summarized in the table below.

Zoning Bylaw	Variance	Zoning	Proposed	Variance
Section 701 (4)	Front yard setback	7.5 metres	6.0 metres	1.5 metres

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)”
 Appendix B – “Section 403 of Bylaw No. 520 – Siting Exemptions”

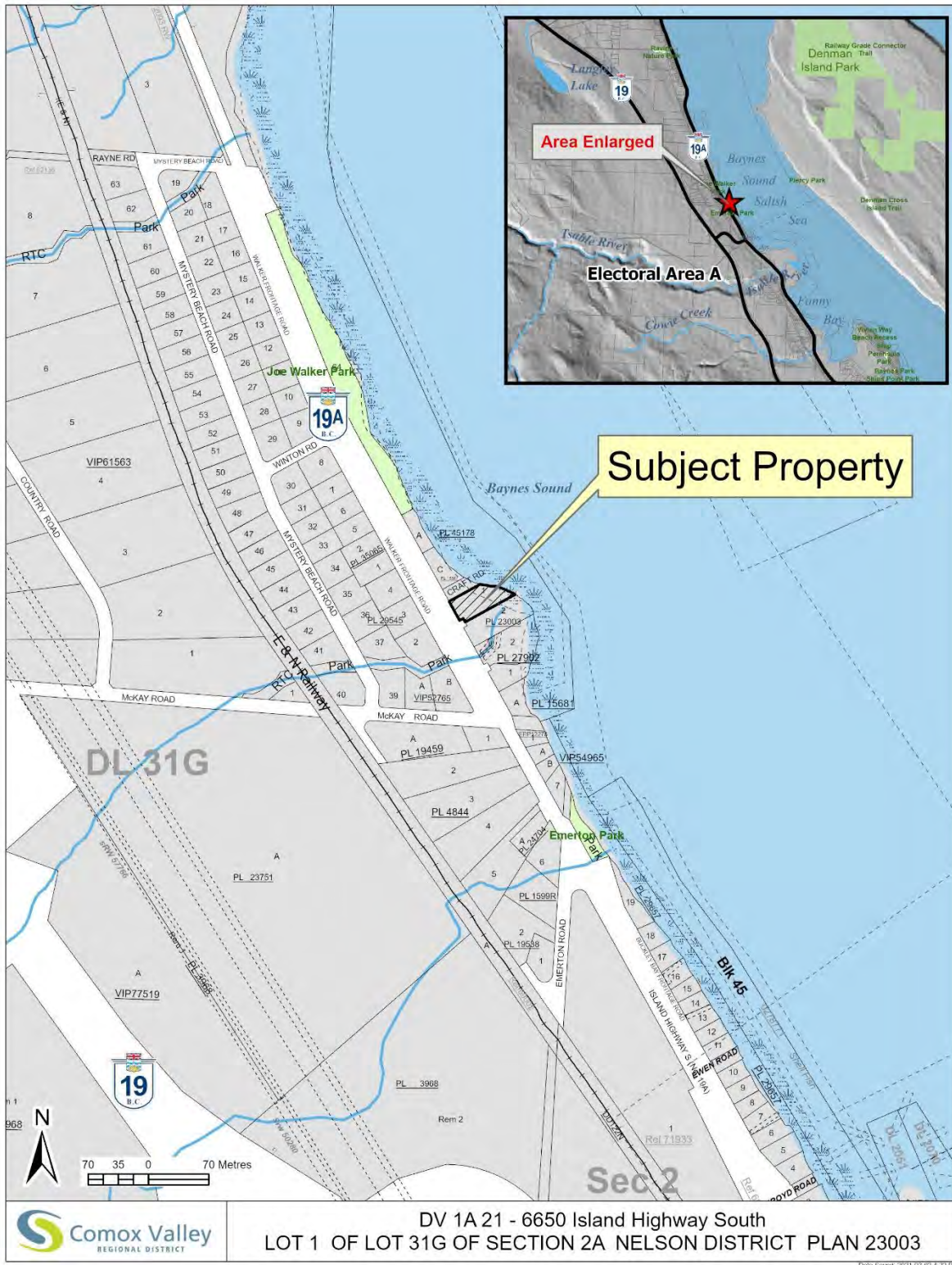


Figure 1: Subject Property Map

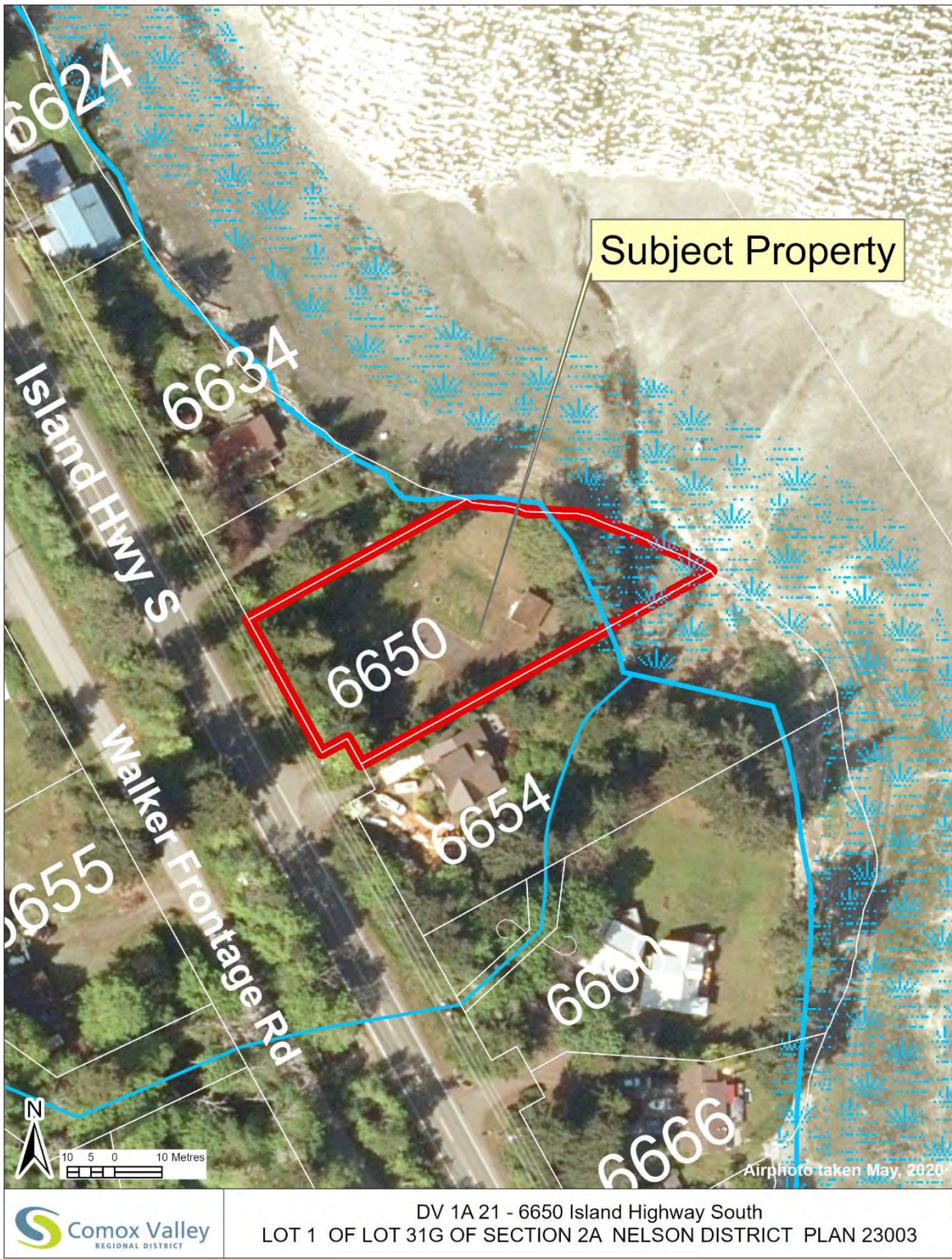


Figure 2: Air Photo

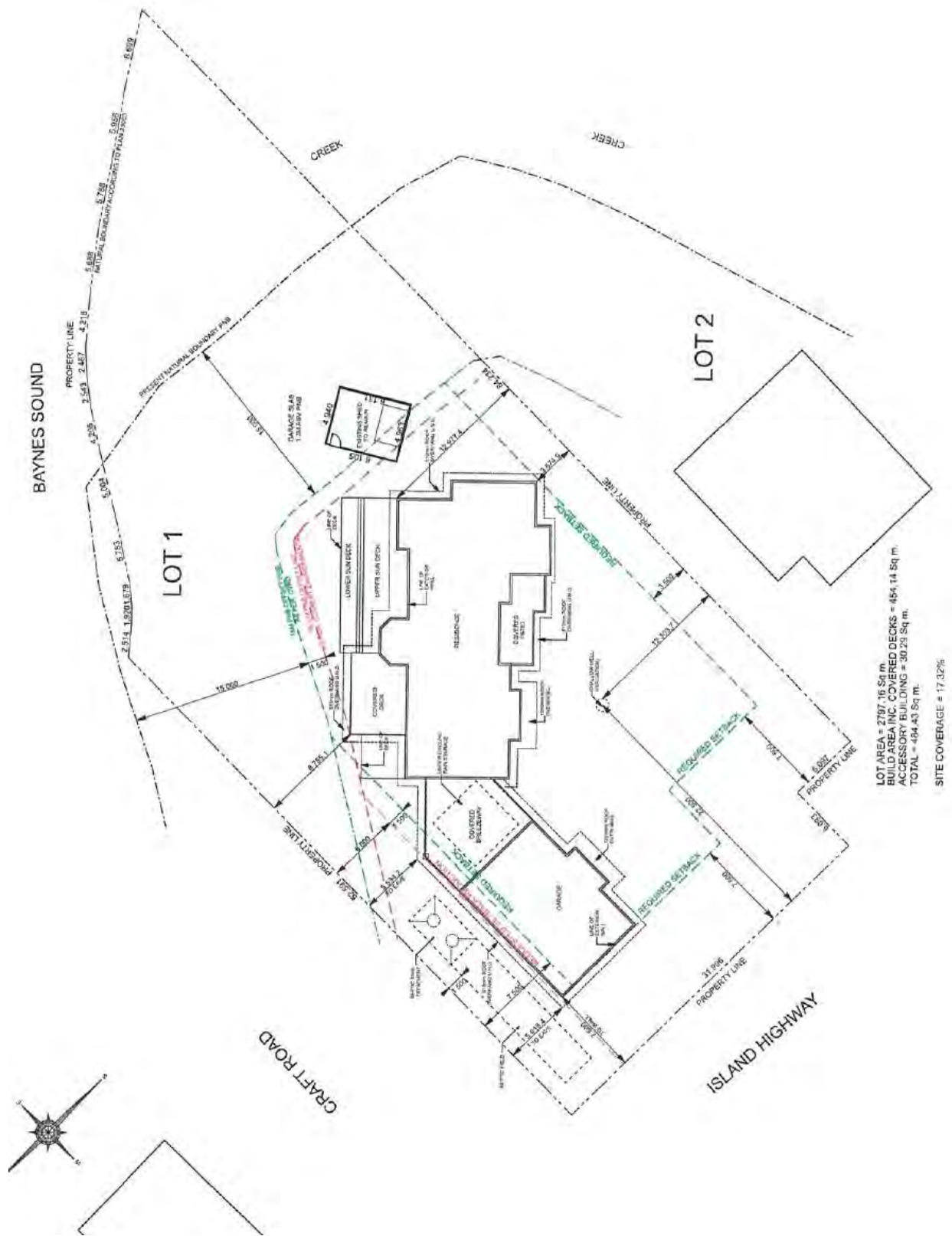


Figure 3: Site Plan

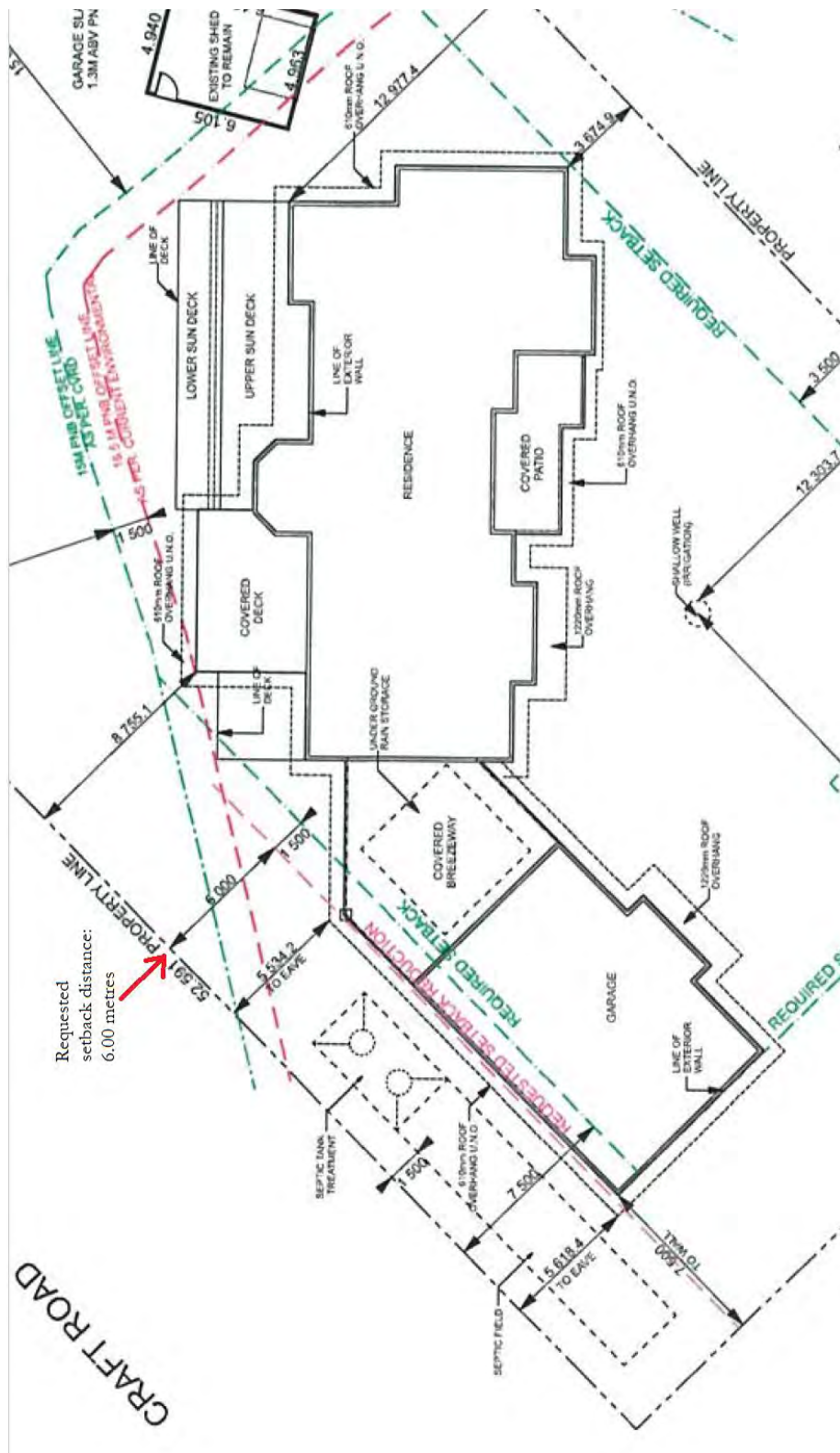


Figure 4: Site Plan (Zoomed In)



Figure 5: Elevation Drawings

Comox Valley Regional District

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

Part 400**Siting Specifications****401 Sight Triangles**

1. No person, being the owner, occupier or lessee of any land at the intersection of two highways shall place or permit to be placed or grow any tree, shrub, plant, fence or other structure with any horizontal dimension exceeding 0.6 metres within the sight triangle above an elevation such that an eye 0.9 metres above the surface of one highway cannot see an object 0.9 metres above the surface of the other highway.
2. All buildings and structures shall be setback a minimum of 4.5 metres from the sight triangle.

402 Road Setbacks**1. Island Highway No. 19A**

- i) No part of any building or structure shall be located within 22.5 metres of the centre line of the Island Highway except that in Electoral Area A on the ocean side of the Island Highway a minimum setback of 19.5 metres from the centre line of the highway is required.
- ii) An additional 7.5 metres setback for frontage road purposes will be required where specified by the Ministry of Transportation and Infrastructure. Unless otherwise required by this Ministry, the road right-of-way for this highway is 30.0 metres.

2. Local Roads

- i) No part of any building or structure shall be located within 4.5 metres of a property line that abuts a highway.

3. Exceptions

- i) Where the siting requirements of any zone specify a larger setback than is provided for in this section, the most restrictive applies.

403 Siting Exemptions

The setback requirements of this Bylaw shall not apply with respect to the following features only:

1. Bay windows, eaves and gutters, cornices, rainwater leaders, ornamental features including pilasters, service station canopies, sills, stairs, sunlight control projections including sunshades, and other similar features not incorporating floor area, provided that such projections does not exceed 0.6 metres measured horizontally into the setback area or 0.76 metres in the case of eaves and gutters. Where eaves and gutters and sunlight controls project beyond the face of a building, the minimum distance to an abutting front, rear and side lot line required elsewhere in this bylaw may be reduced by not more than 50 per cent of such distance up to a maximum of 2.0 metres, provided that such reduction shall apply only to the projecting feature.
2. Open terraces, decks or patios without a roof structure, not exceeding 0.6 metres above the finished grade.

3. Free standing light poles, warning devices, antennas, utility poles, wires required for a public utility use, flagpoles, shoreline protection devices and retaining walls less than 2.0 metres in height.
4. Uncovered swimming pools provided that the pool is at a least 3.0 metres to any lot lines unless the pool is constructed with its surface at finished grade, in which case, the swimming pool shall be at least 1.5 metres from any lot line.