

# Memo

**File:** 3090-20/DV 1A 20

**DATE:** February 28, 2020

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

**FROM:** Planning and Development Services Branch

**RE:** Development Variance Permit Application – 3414 Kentwood Road (Rowan)  
Lot 2, Section 30, Township 11, Nelson District, Plan 29374, PID 001-392-891

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

## **Application Description**

An application has been received to consider a Development Variance Permit (DVP) for a 0.14 hectare parcel, pertaining to the applicant's front yard setback. The house is located on Kentwood Road, and while it is not a corner lot, it is the first house off of Royston Road (Figures 1 and 2) about 700 metres from the Inland Island Highway (No. 19).

The existing setback of 7.84 metres meets the standard requirement of 7.5 metres as outlined in the Zoning Bylaw, Bylaw No. 520, being the "Rural Comox Valley Zoning Bylaw No. 520, 2019". The variance is required because the applicant would like to construct and add an entryway/mudroom to the front of the house. The proposal indicates that the entryway will be 3 metres in length, thus creating a 4.88 metre setback. The applicant is aware of the Ministry of Transportation and Infrastructure's involvement once the setback is fewer than 4.5 metres and made sure to avoid this requirement.

## **Official Community Plan and Regional Growth Strategy Analysis**

The property is designated Rural Settlement Area in both the Regional Growth Strategy and the Official Community Plan. The variance being requested through this DVP does not conflict with the residential policies established in these documents.

## **Zoning Bylaw Analysis**

The property is zoned Country Residential One (CR-1). The CR-1 zone (Appendix A) permits a principal dwelling. As the entryway/mudroom is attached to the dwelling, it must meet the setbacks applicable to principal buildings. The requested variance is detailed in Table 1 on the following page.

**Table 1: Variance Summary**

<b>Zoning Bylaw</b>	<b>Variance</b>	<b>Zoning</b>	<b>Proposed</b>	<b>Difference</b>
Section 703 (5)	Front yard setback	7.5 metres	4.88 metres	2.62 metres
Section 403 (1)	Siting exemptions	5.5 metres	5.3 metres	0.2 metres

There is a secondary variance required, found in Section 403(1) of the Zoning Bylaw, which discusses setbacks regarding features that protrude from a building without adding square footage (such as bay windows or, in this case, eaves). The minimum setback within the Zoning Bylaw for an eave based on the 7.5 metre general setback is 5.5 metres. The eave will protrude a maximum of 0.2 metres, so a variance is required to move from the 5.5 metre required setback to the 5.3 metre proposed setback.

The building with the addition is still well within the 35 per cent maximum for site coverage – it increases from 13.4 per cent (Figure 3) to 14.7 per cent (Figures 4-5) – and no other zoning specifications as listed within the bylaw are impacted by this application.

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.

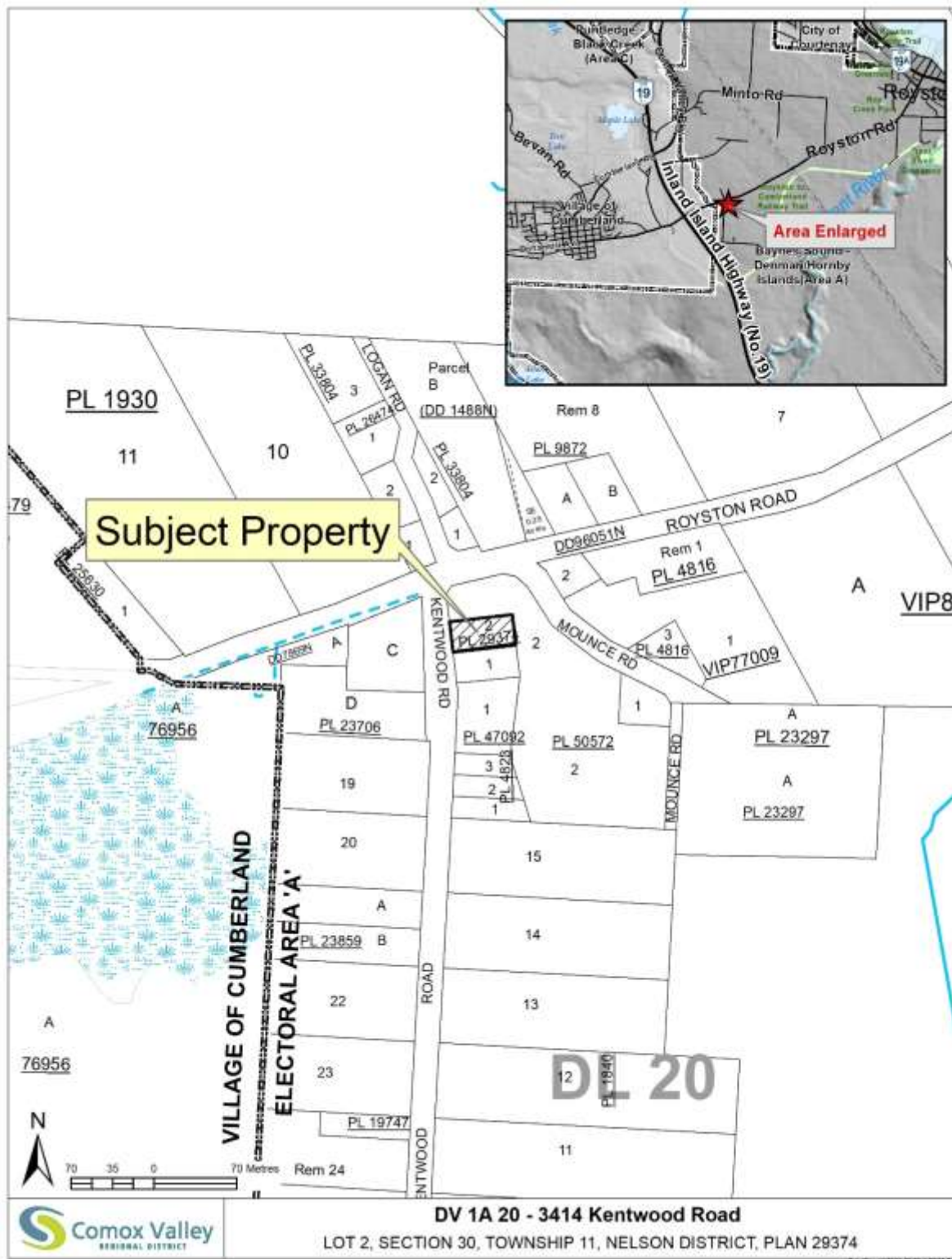
Sincerely,

***T. Trieu***

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

/dt

Attachments: Appendix A – “CR-1 Zone”

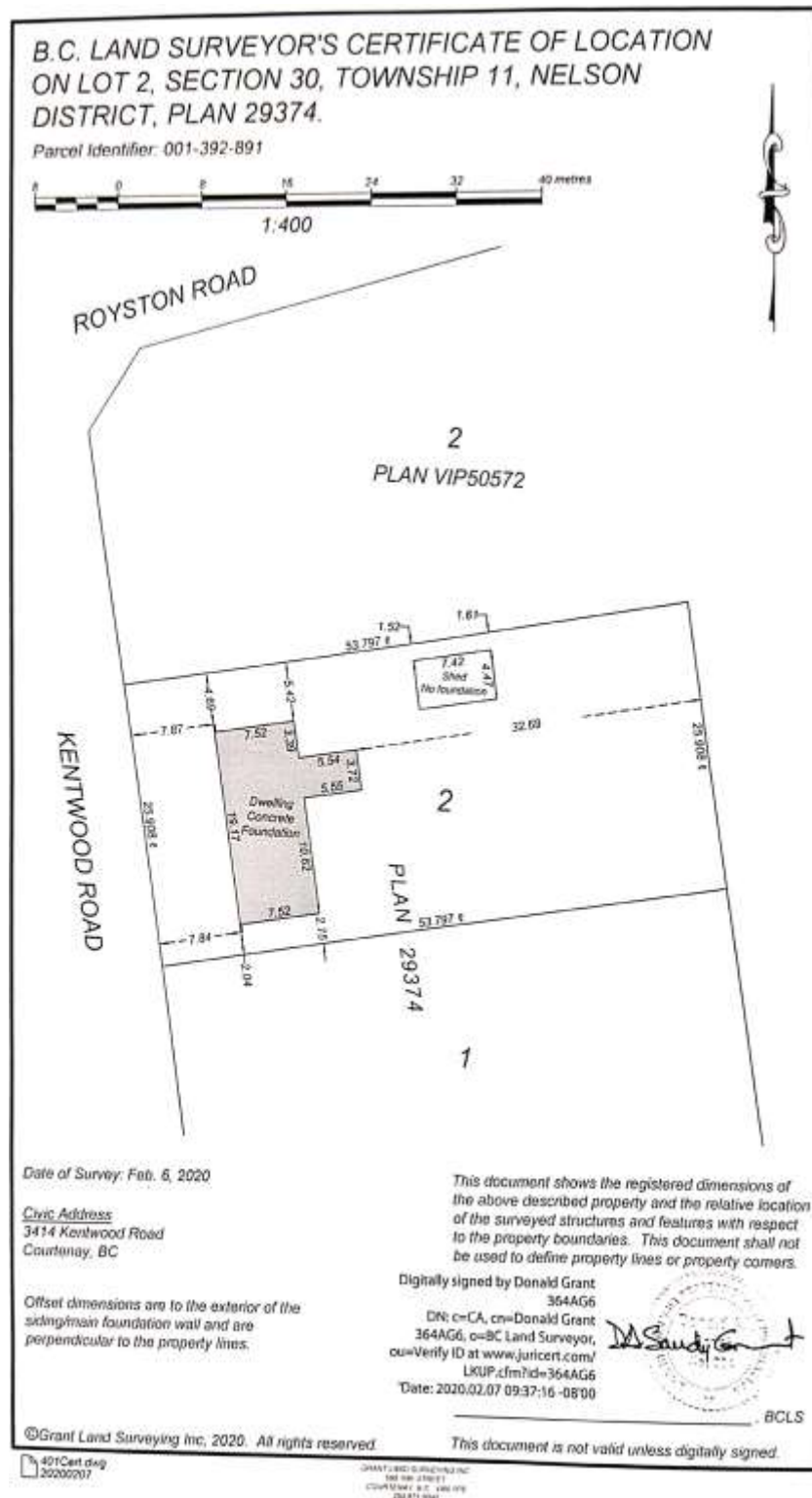


### Figure 1: Subject Property Map



Figure 2: Property Aerial Photo





**Figure 3: BC Land Surveyor Certificate of Location  
(Pre-Existing House without Addition)**

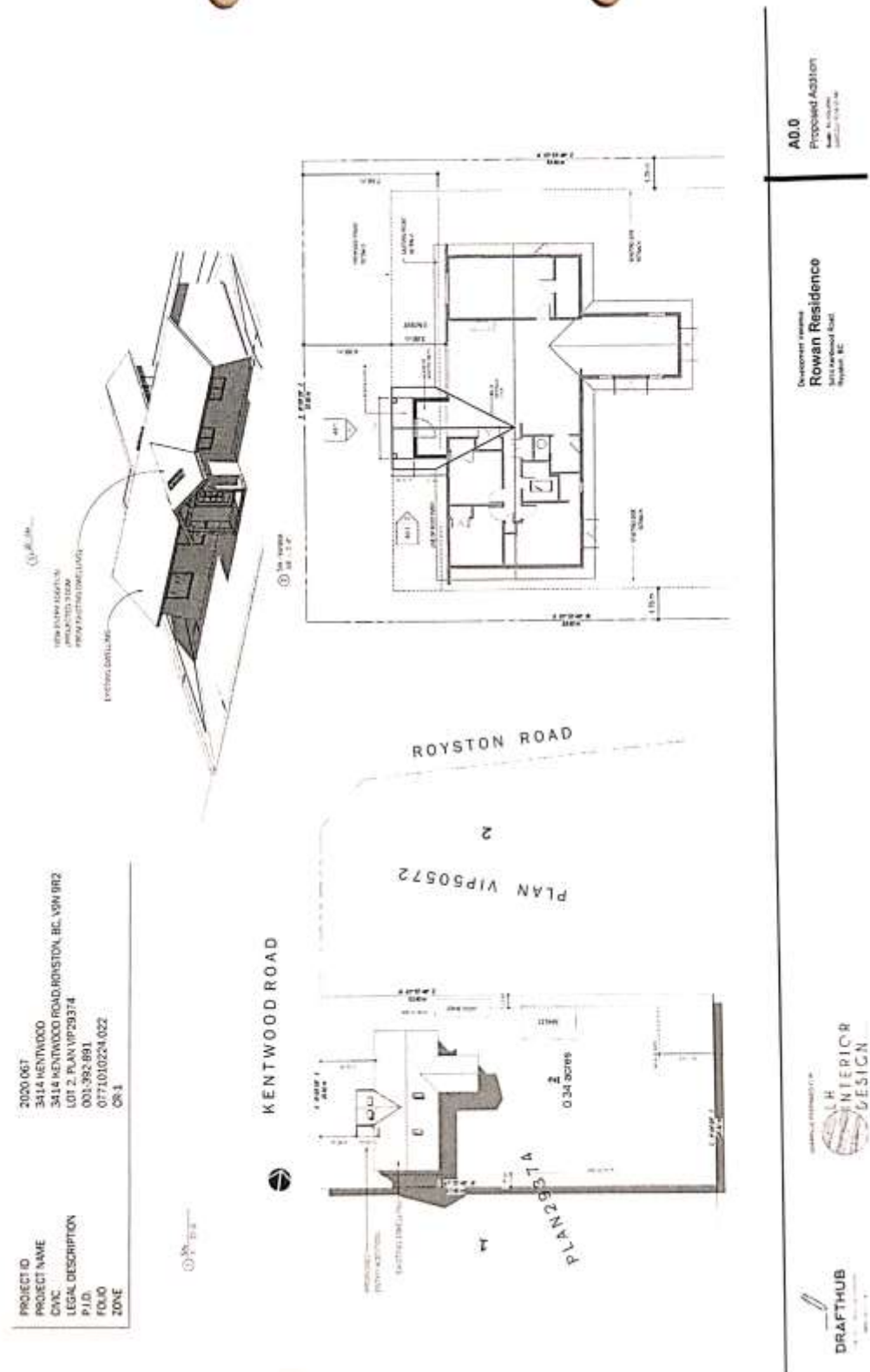


Figure 4: 3D Model of Proposed Addition

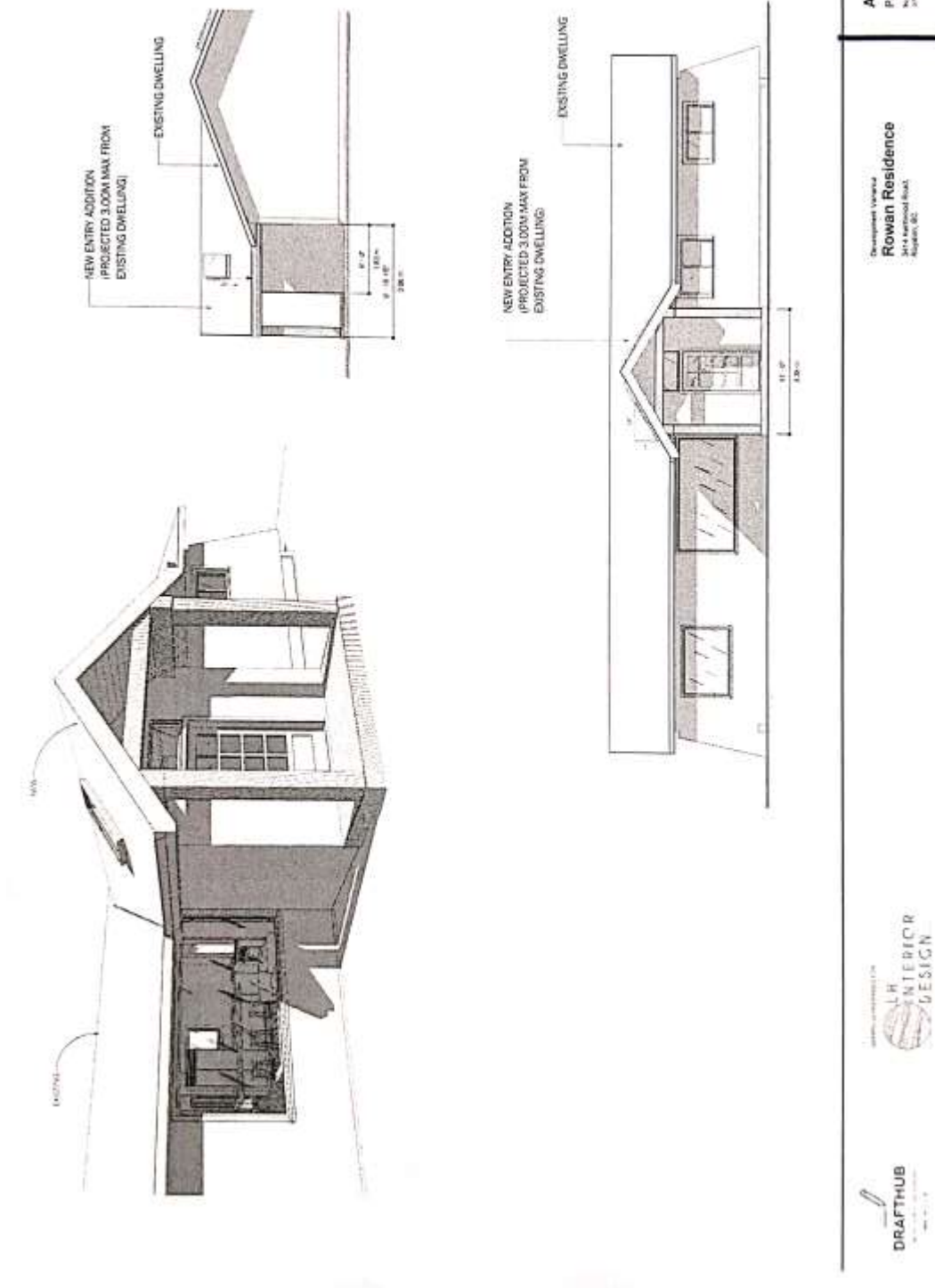


Figure 5: 3D Model of Proposed Addition, Continued

**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*