

Memo

File: 3090-20 / DV 4A 19

DATE: May 24, 2019

TO: Advisory Planning Commission
Electoral Area A

FROM: Planning and Development Services Branch

RE: Development Variance Permit – 9 Little Bear Way (Bell)
Strata Lot 5, Section 33, Township 11, Nelson District, Strata Plan VIS5591,
PID 026-010-836

An application has been received to consider a Development Variance Permit (DVP) that would decrease the regulated rear and side yard setbacks that are applicable to an accessory building on the above noted residential lot.

The subject property is a 0.2 hectare lot near the end of a cul-de-sac road (Figure 1). It is located within a strata subdivision, created in 2004, with the road (Little Bear Way) being common property owned and maintained by the strata lot owners. The subject property was developed in 2008 with a single detached dwelling near the middle of the lot (Figure 2). The other properties in the Little Bear Way strata subdivision are similarly developed. The properties to the rear are part of a separate strata subdivision.

The applicants are seeking to construct a new accessory building for the purposes of storing personal vehicles (Figure 3) and providing a room for “accessory flex space”. The proposed building would be a total of 163 square metres (15.24 metres long by 10.67 metres wide) and 6.4 metres tall. Due to the location of the house and driveway on the lot, the character of the neighbouring development, and the dimensions of the proposed accessory building, the applicants are seeking to locate the proposed building partially within setback areas in the southwest corner of the lot. A DVP is required in order to construct with this siting.

Official Community Plan

The subject property is designated Settlement Expansion Areas in the Official Community Plan (OCP), being the “Rural Comox Valley Official Community Plan Bylaw, No. 337, 2014”. The objective of this designation is to generally maintain a rural character.

Zoning bylaw

The property is zoned Residential-Rural (Appendix B) which allows for a maximum of 200 square metres of accessory building floor area with a maximum height of 6.0 metres. Because height is calculated from average natural grade and the building is being embedded into a slope, its calculated height (for the purposes of the Zoning Bylaw) is only 5.8 metres.

This zone requires a minimum rear yard setback of 7.5 metres and a side yard setback of 3.5 metres. Section 403(2) of the Zoning Bylaw requires that eaves also be considered when they extend into the setback area by more than 50 per cent or two metres. The applicant has clarified that the proposed site plan with its 1.1 metre setback (Appendix A) is to the eaves as the outermost projection. The eaves would project 0.6 metres from the edge of the building.

The requested variances to the zoning bylaw's required setbacks are as follows:

	Required Setback	Proposed Setback	Variance Difference
Foundation (rear)	7.5 m	1.7 m	5.8 m
Eaves (rear)	5.5 m	1.1 m	4.4 m
Foundation (side)	3.5 m	1.7 m	1.8 m
Eaves (side)	1.75 m	1.1 m	0.65 m

Notification

Please be advised that all adjacent properties within 100 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, MCIP, RPP
 Manager of Planning Services
 Planning and Development Services Branch

/jm

Attachments Appendix A – “Application submissions DV 4A 19”
 Appendix B – “Copy of Residential-Rural zone”

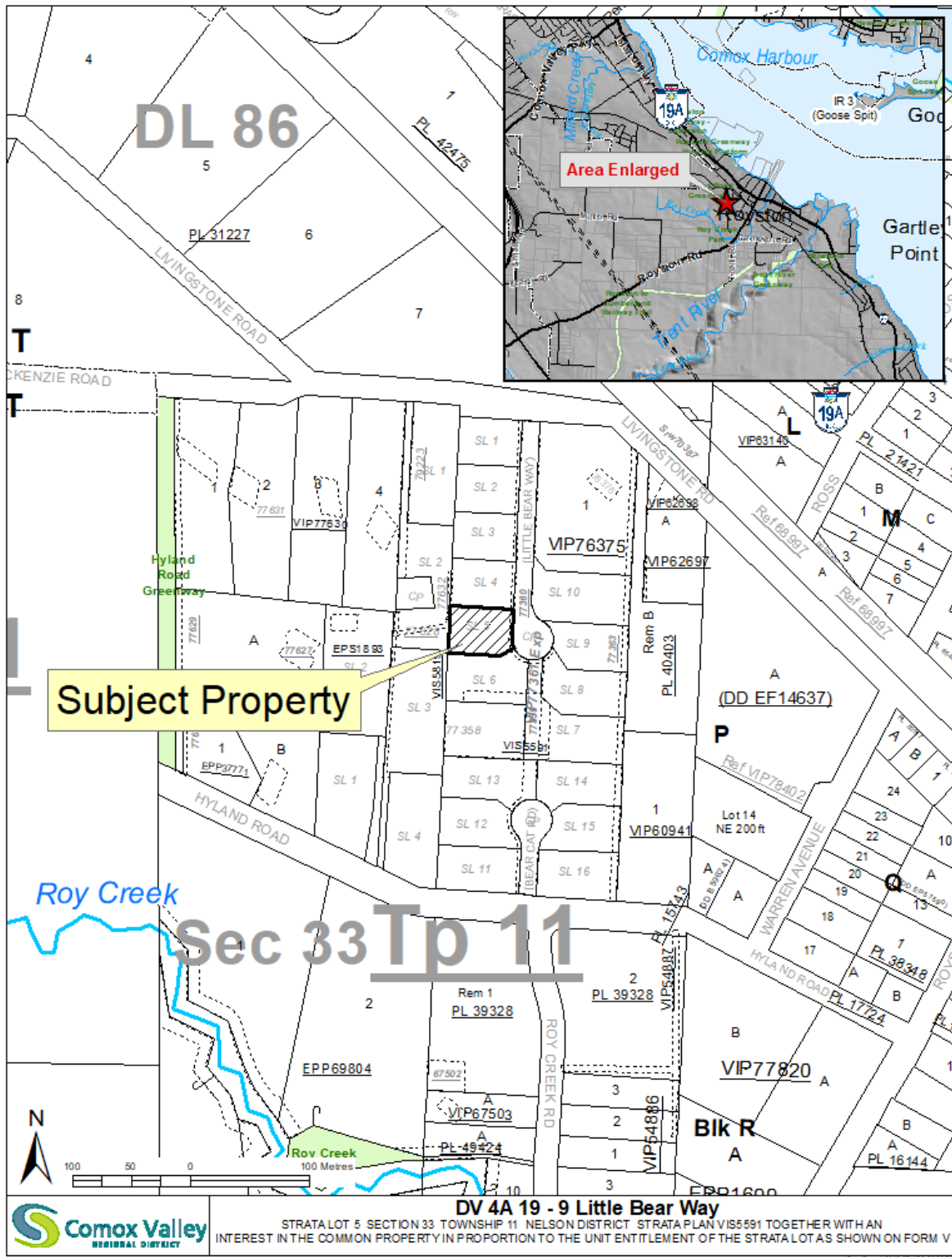


Figure 1: Subject Property



Figure 2: Air Photo (2018)



**Figure 3: Photo of Proposed Location for Accessory Building
(Approximately covering the gravelled area)**

To Whom It May Concern:

We are writing this letter in an effort to obtain a variance on one side yard set back and rear yard set back. We are proposing to build a detached shop to accommodate storage of a recreational vehicle, based on overage grade overall height will be 19 feet, tall enough to store recreational vehicles such as our trailer. This has an overall positive impact on the community as it keeps storage of items inside instead of in plain site. Based on the design elevation and current bylaw setback the only option would be to remove our existing patio at a significant cost and loss of use of our home. We are asking requesting a variance of the rear and side yard setback to 1.1 m. Surrounding the proposed shop are three other large size detached secondary garage/ shop buildings with higher floor elevations then our property, therefore there would be no undue undue burden on any neighboring residences. The proposed style and structure of the secondary building on our property is in step with the existing house and neighboring homes which all have large detached shops (one as large as 4800 square feet on the property to the rear of ours).

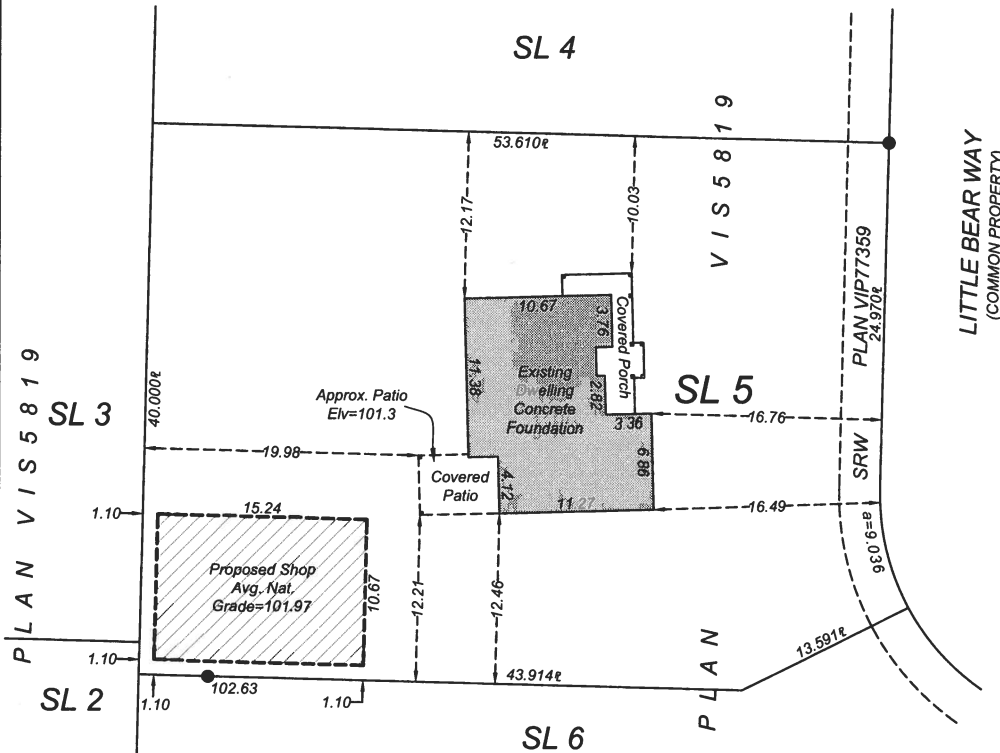
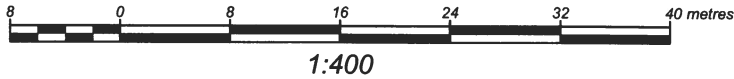
Thank you for you time and consideration.

Sincerely,

Jennifer and Dean Bell

**B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION
ON STRATA LOT 5, SECTION 33, TOWNSHIP 11,
NELSON DISTRICT, STRATA PLAN VIS5591, TOGETHER
WITH AN INTEREST IN THE COMMON PROPERTY IN
PROPORTION TO THE UNIT ENTITLEMENT OF THE
STRATA LOT AS SHOWN ON FORM V**

Parcel Identifier: 026-010-836



Date of Survey: Apr. 2, 2019

Civic Address
9 Little Bear Way
Royston, BC

Offset dimensions are to the exterior of the siding/main foundation wall and are perpendicular to the property lines.

This document shows the registered dimensions of the above described property and the relative location of the surveyed structures and features with respect to the property boundaries. This document shall not be used to define property lines or property corners.

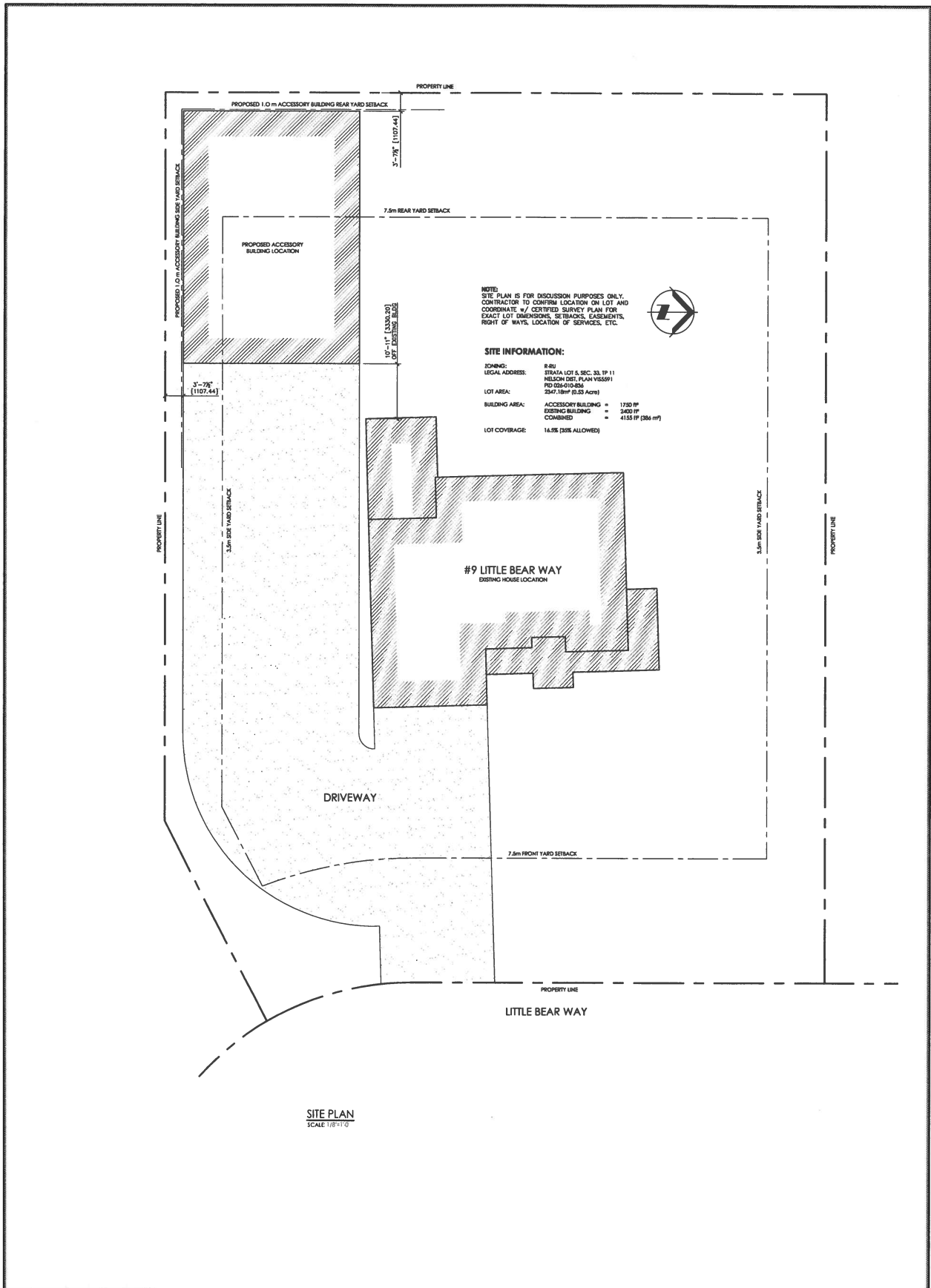


DN: c=CA, cn=Donald Grant
364AG6, o=BC Land Surveyor,
ou=Verify ID at
www.juricert.com/LKUP.cfm?
id=364AG6
Date: 2019.04.29 15:09:18
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This document is not valid unless digitally signed.



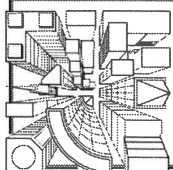
NOTE:
 SITE PLAN IS FOR DISCUSSION PURPOSES ONLY.
 CONTRACTOR TO CONFIRM LOCATION ON LOT AND
 COORDINATE w/ CERTIFIED SURVEY PLAN FOR
 EXACT LOT DIMENSIONS, SETBACKS, EASEMENTS,
 RIGHT OF WAYS, LOCATION OF SERVICES, ETC.



SITE INFORMATION:

ZONING: R-8U
 LEGAL ADDRESS: STRATA LOT 6, SEC. 33, TP 11
 NELSON DIST. PLAN V33891
 PD 024-010-054
 LOT AREA: 2547.18sqf (0.58 Acres)
 BUILDING AREA: ACCESSORY BUILDING = 1720 SF
 EXISTING BUILDING = 2400 SF
 COMBINED = 4155 SF (286 SF)
 LOT COVERAGE: 16.3% (33% ALLOWED)

SITE PLAN
 SCALE: 1/8"=1'-0"



SITE PLAN
 1
 A-1
 of 3

BELL RESIDENCE - DETACHED SHOP

#9 LITTLE BEAR WAY, ROYSTON, BC
 BIRDS EYE DRAFTING AND CONSULTING SERVICE
 COMOX, BC EMAIL: bruce@birdsseyedrafting.com PHONE: 250-464-6272

NO.	REVISION	DATE
1	ISSUED FOR PRELIM REVIEW	APR. 8/19
2	ISSUED FOR FINAL REVIEW	APR. 10/19

NOTE:
 ORDER TRUSS LOCATIONS TO BE DETERMINED BY TRUSS MANUFACTURER. ANY
 DISCREPANCIES TO BE DISCUSSED w/ ENGINEER PRIOR TO CONSTRUCTION.
 ALL POINT LOADS FROM ABOVE TO CONTINUE THRU FLOOR JOIST CAVITY,
 DOWN TO FOUNDATION BELOW.
 UNLESS SPECIFIED OTHERWISE, CONSTRUCTION TO BE IN ACCORDANCE
 WITH PART 9 OF THE B.C. BLDG CODE, 2018. ALTERNATE HEADER, BEAM,
 BUILT UP COLUMN SIZES AND FLOOR JOIST SPACING TO BE DETERMINED
 UPON ENGINEERS REVIEW. ENGINEERS MARKUPS SUPERCEDE ANY NOTES
 INDICATED ON THESE PLANS.
 KITCHEN AND FURNITURE LAYOUT IS CONCEPTUAL AND FOR DISCUSSION
 PURPOSES ONLY. DOOR AND WINDOW SIZES AND LOCN MAY BE ADJUSTED.
 CONTRACTOR TO COORDINATE WITH ENGINEER PRIOR TO CONSTRUCTION IF
 ADJUSTMENTS AFFECT STRUCTURAL COMPONENTS.

NOTE:
 ALL EXTERIOR DIMENSIONS ARE TO OUTSIDE OF
 SHEATHING. ALL INTERIOR DIMENSIONS ARE TO
 CENTER OF WALL UNLESS NOTED OTHERWISE.
 IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO
 VERIFY ALL DIMENSIONS AND REQUIRED
 CLEARANCES ON SITE PRIOR TO CONSTRUCTION.
 ANY DISCREPANCIES TO BE DISCUSSED w/
 ENGINEER PRIOR TO CONSTRUCTION.
 THESE DRAWINGS ARE THE EXCLUSIVE PROPERTY OF
 BIRDS EYE DRAFTING AND ARE NOT TO BE REPRODUCED
 WITHOUT WRITTEN CONSENT. THESE DOCUMENTS HAVE
 BEEN DESIGNED SPECIFICALLY FOR THE PURCHASER
 (INDIVIDUAL AND/OR COMPANY) AND BUILDING SITE
 INDICATED. ANY ALTERATION TO THE INFORMATION
 SHOWN IN THE TITLE BLOCK INDICATES THAT THESE
 DRAWINGS HAVE BEEN ILLEGALLY REPRODUCED.

706**Residential-Rural (R-RU)****1. PRINCIPAL USE**

- i) **On any lot:**
 - a) Residential use.
- ii) **On any lot over 4000 metres² (1.0 acre):**
 - a) Agricultural use.

2. ACCESSORY USES**On any lot:**

- i) Secondary suite;
- ii) Home occupation use;
- iii) Accessory buildings;
- iv) Bed and Breakfast.

3. DENSITY**Residential use is limited to:**

- i) **On any lot:** One single detached dwelling and secondary suite, or one single detached dwelling and one carriage house, or one single detached dwelling and one secondary dwelling limited in area to 90.0 metres² (968.8 feet²).

4. SITING AND HEIGHT OF BUILDINGS AND STRUCTURES

The setbacks required for buildings and structures within the Residential Rural zone shall be as set out in the table below.

Type of Structure	Height	Required Setback			
		Front yard	Rear yard	Side yard	
				Frontage <31m	Frontage >31m
Principal	10.0m (32.8 ft)	7.5m (24.6ft)	7.5m (24.6ft)	1.75m (5.8ft)	3.5m (11.5ft)
Accessory	4.5m-or less (14.8ft)	7.5m (24.6ft)	1.0m (3.3ft)	1.0m (3.3ft)	1.0m (3.3ft)
Accessory	6.0m-4.6m (19.7ft)	7.5m (24.6ft)	7.5m (24.6ft)	1.75m (5.8ft)	3.5m (11.5ft)

Except where otherwise specified in this bylaw, no building or structure shall be located in any required front and side yard setback areas. [Part 400, Siting Exceptions, of this bylaw and Bylaw No. 2782 being the "Floodplain Management Bylaw, 2005" may affect the siting of structures adjacent to major roads and the natural boundaries of watercourses and the sea, respectively.]

5. LOT COVERAGE

- i) The maximum lot coverage of all buildings and structures shall not exceed 35% of the total lot area.

6. FLOOR AREA REQUIREMENTS

- i) The maximum combined gross floor area of all accessory buildings shall not exceed 200.0 metres² (2152.9 feet²).

7. SUBDIVISION REQUIREMENTS

- a) i) Despite any other provision of this bylaw, the minimum permitted lot area within areas designated as “settlement expansion areas” under “Comox Valley Regional Growth Strategy Bylaw No. 120, 2010” is 4.0 hectares.
- b) ii) Despite any other provision of this bylaw, for the purpose of subdivision, the following sections of this bylaw do not apply to lots within areas designated as “settlement expansion areas” under “Comox Valley Regional Growth Strategy Bylaw No. 120, 2010”:
 - c) a) Section 503 Subdivision Standards 1. AREA AND FRONTAGE REQUIREMENTS i);
 - d) b) Section 503 Subdivision Standards 2. LOT SIZE EXCEPTIONS i) a); and
 - c) Section 503 Subdivision Standards 2. LOT SIZE EXCEPTIONS iii).

iii) **Lot Area**

The minimum lot area permitted shall be 0.8 hectares (2.0 acres)

Despite (iii), a subdivision with lots smaller than identified above may be created by subdivision provided that the average lot area within the subdivision is equal to the minimum lot area permitted.