

Memo

File: 3090-20/DV 2A 20

DATE: October 5, 2020

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

FROM: Planning and Development Services Branch

RE: Development Variance Permit – 7821 Ships Point Road (Salutari/Ivan)
Lot 72, District Lot 26, Newcastle District, Plan 18550, PID 003-758-052

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

Background Information

An application has been received to consider a Development Variance Permit to reduce the front yard setback pertaining to Baynes Drive for the purposes of constructing a carriage house. The subject property is zoned Residential One (R-1) (Appendix A), is approximately 0.18 hectares in size, and is bounded by Baynes Drive to the west, Ships Point Road to the north, and other residential properties to the east and south (Figures 1 and 2). It currently has a driveway and a single detached dwelling. The requested variance for the foundation of the building is from 4.5 metres to 2.5 metres, and from 2.5 metres to 2.2 metres for the eaves of the building (Figures 3-9). Applicants requesting to develop land within 4.5 metres of a Ministry of Transportation and Infrastructure (MOTI) right-of-way must get permission from MOTI to do so, which the applicant has already secured.

Minimum setback distances are enforced in order to ensure sightlines to increase vehicular and pedestrian safety, to help provide privacy for property owners and their neighbours, and to provide adequate space to access and maintain buildings and structures.

Official Community Plan and Regional Growth Strategy Analysis

Bylaw No. 337 and No. 120, being the "Rural Comox Valley Official Community Plan, Bylaw No. 337, 2014" and the "Comox Valley Regional District Regional Growth Strategy, Bylaw No. 120, 2010" respectively, designate the subject property as being within a Rural Settlement Area. The proposed development activities are not in conflict with the residential policies, objectives, and goals for that land designation within either of the Bylaws.

Zoning Bylaw Analysis

Bylaw No. 520, being the "Rural Comox Valley Zoning Bylaw No. 520, 2019," stipulates a minimum front yard setback of 4.5 metres (Appendix A). The bylaw also defines a front yard lot line as any lot line that is adjacent to a roadway, meaning that the subject property has two front yard lot lines. However, the Bylaw provides leniency with respect to features like eaves that protrude without adding floor area. Section 403(1) (Appendix B) of the Zoning Bylaw allows the setback to be reduced by up to 50 per cent or a maximum of 2.0 metres, which is why the two variances are required. They are summarized in the table on the following page.

Table 1: Variance Summary

Zoning Bylaw	Variance	Zoning	Proposed	Difference
Section 701 (4)	Front yard setback	4.5 metres	2.5 metres	2.0 metres
Section 403 (1)	Siting exemptions	2.5 metres	2.2 metres	0.3 metres

Sincerely,

T. Trieu

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

/dt

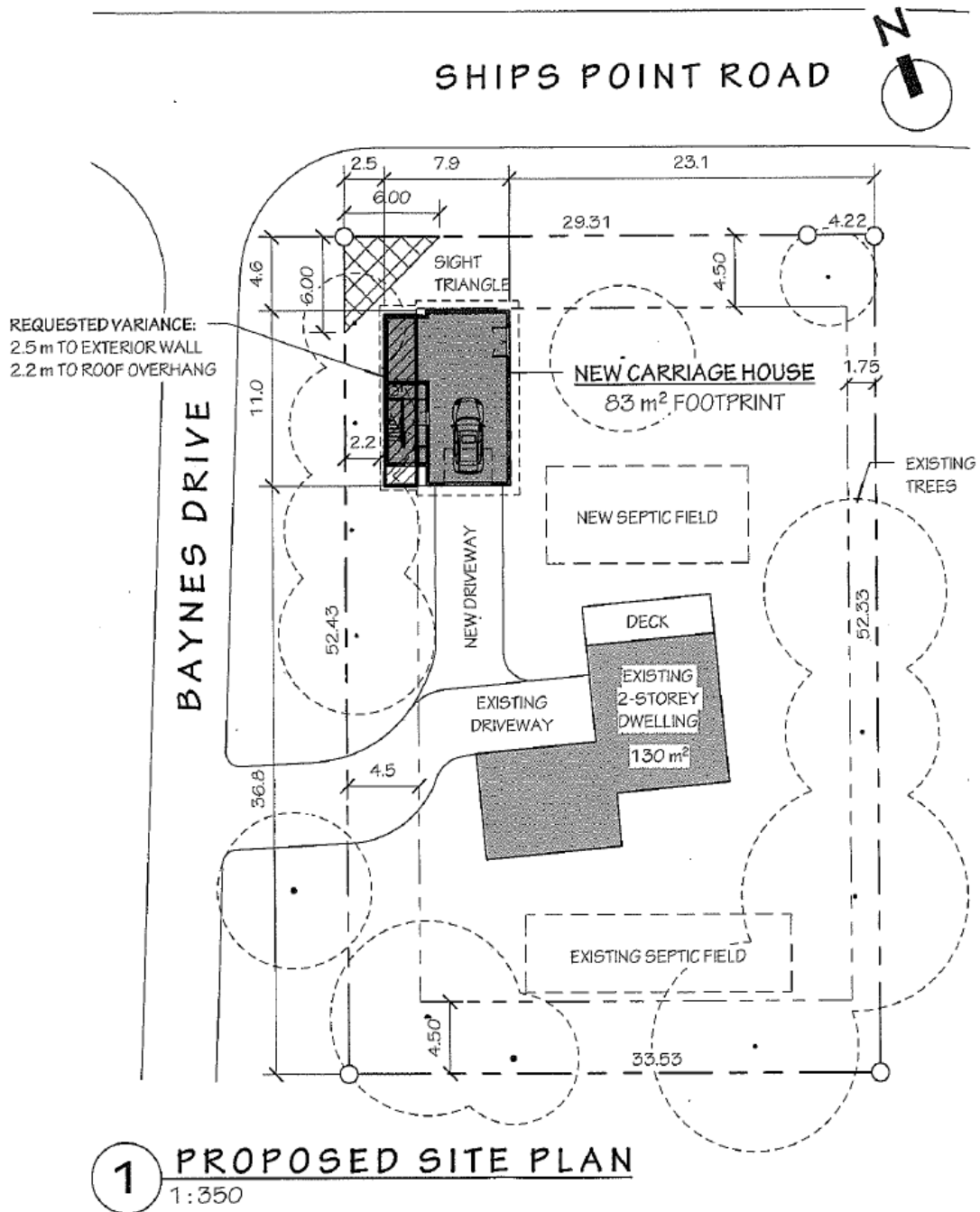
Attachments Appendix A – “Section 701 of Bylaw No. 520”
Appendix B – “Section 403 of Bylaw No. 520”



Figure 1: Subject Property Map

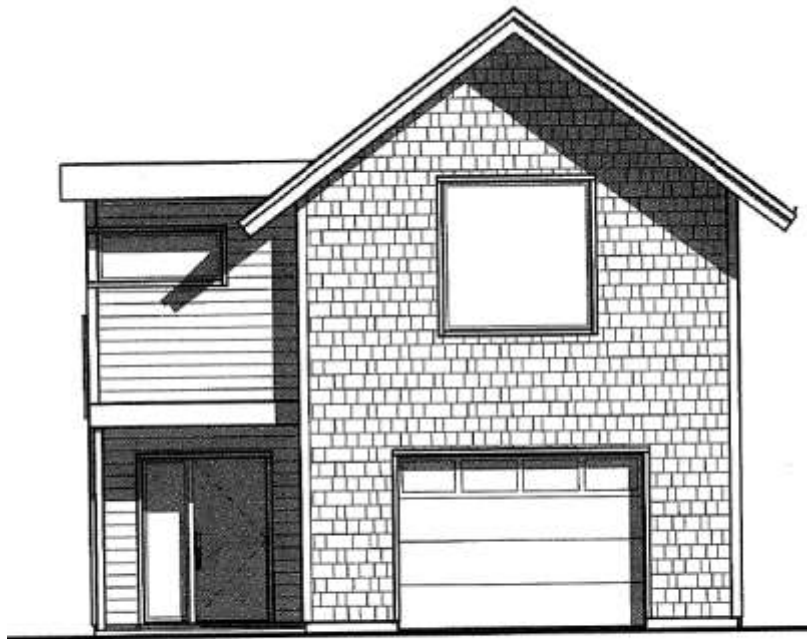


Figure 2: Air Photo



SUMMARY & SITE PLAN

Figure 3: Site Plan



1 SOUTH ELEVATION
3/16" = 1'-0"

Figure 4: Elevation Drawing (South)

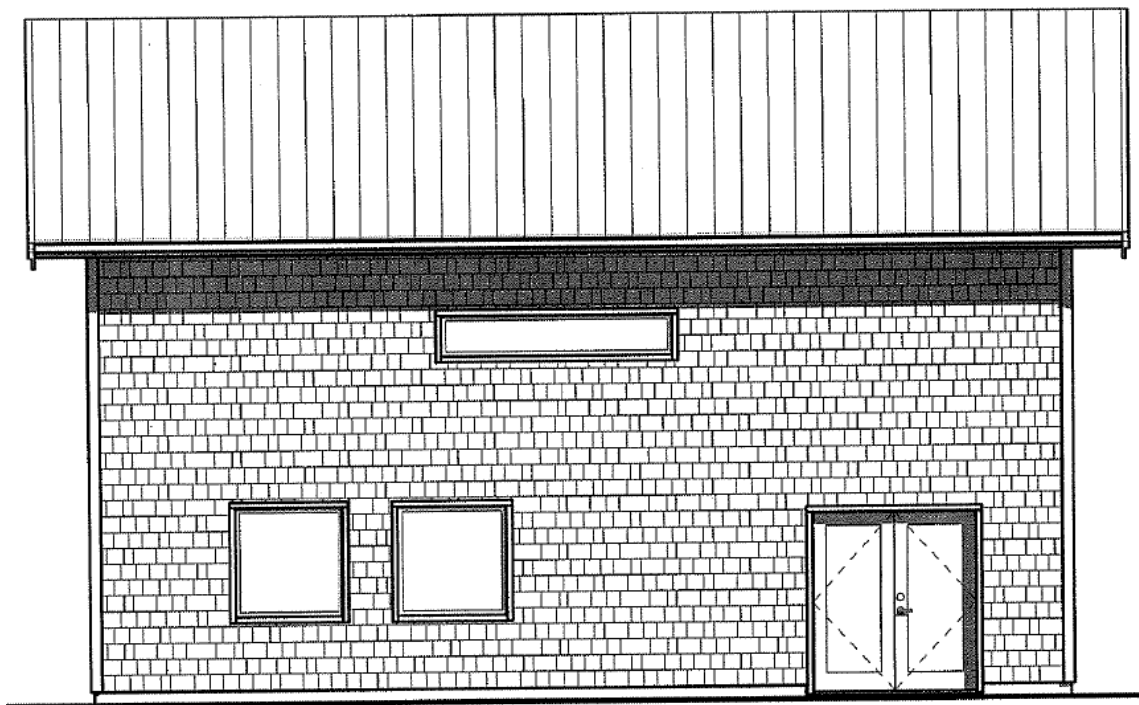


Figure 5: Elevation Drawing (East)

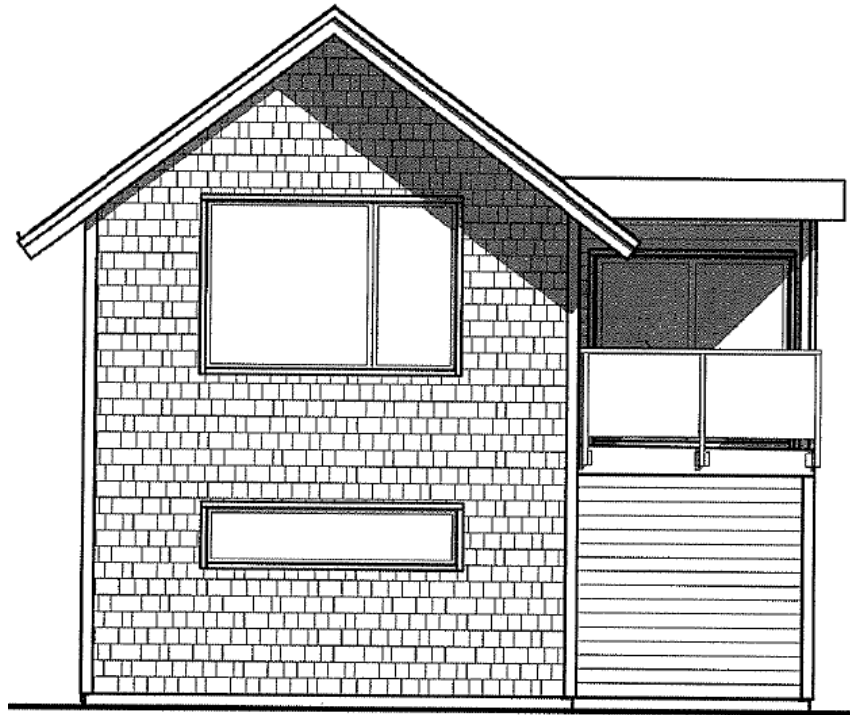


Figure 6: Elevation Drawing (North)

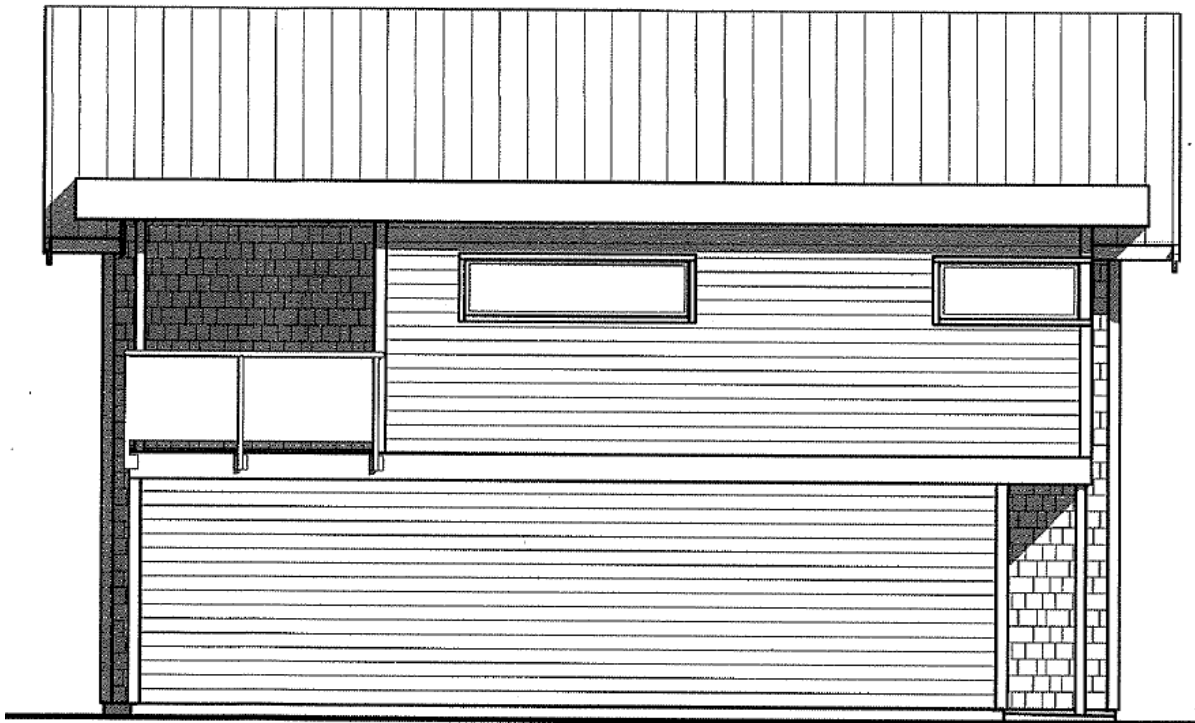


Figure 7: Elevation Drawing (West / Baynes Drive)



Figure 8: 3D Rendering (South)



Figure 9: 3D Rendering (North)

Part 700**RESIDENTIAL ZONES****701****Residential One (R-1)****1. Principal Use**

- i) **On any lot:**
 - a) Single detached dwelling
- ii) **On any lot over 4000 square metres:**
 - a) Agriculture use

2. Accessory Uses

- i) **On any lot:**
 - a) Carriage house
 - b) Secondary suite
 - c) Secondary dwelling
 - d) Home occupation
 - 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

3. 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 90.0 square metres are permitted.

4. 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
Principal	10.0m	4.5m	4.5m	1.75m	4.5m
Accessory	4.5m or less	4.5m	1.0m	1.0m	4.5m
Accessory	7.0m - 4.6m	4.5m	4.5m	1.75m	4.5m

5. Lot Coverage

- i) The lot coverage of all buildings and structures shall not exceed 35 per cent.

6. 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.

7. 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:**

- a) If connected to community water and sewer,
minimum lot area: 600 square metres.
- b) If connected to either community water or sewer,
minimum lot area: 4000 square metres.
- c) If connected to well and approved septic system,
minimum lot area: 1.0 hectares.

End • R-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.