

Memo

File: 3090-20 / DV 5A 19

DATE: July 8, 2019

TO: Advisory Planning Commission
Electoral Area A

FROM: Planning and Development Services Branch

RE: Development Variance Permit – 3719 Cameron Road (Staples)
Lot B, Section 28, Township 11, Nelson District, Plan VIP77130, PID 025-965-506

An application has been received to consider a Development Variance Permit (DVP) that would increase the regulated height of a house from 10 metres to 10.45 metres on the above noted residential lot (Appendix A).

The subject property is a 0.8 hectare lot at the corner of Cameron and Royston Roads (Figures 1 and 2). It is developed with a house on the side of Roy Creek fronting Royston Road and the property owners are now developing a new house off Cameron Road (Figure 3).

The owners obtained a building permit for a 8.76 metres tall house, consisting of two-stories plus a 12:9 pitched roof (Figure 4). In accordance with a covenant registered on title, the owners constructed the underside of the floor system at least 1.5 metres above the natural boundary of Roy Creek, using a combination of fill and crawl space height. According to the application, the owners believed they were of sufficient distance and height above the creek to be under the regulated height limit. However, in May, the surveyor confirmed the underside of the floor system was constructed 1.63 metres above the natural boundary of Roy Creek. In June, after the trusses were added, the surveyor found that the height, from average natural grade to the top of the trusses was 10.37 metres. The property is zoned Residential-Rural (Appendix B) which places a maximum height of 10 metres for principal dwellings, measured from average natural grade to the highest part of the roof surface. The owners are requesting the height regulation be varied to 10.45 metres to allow the roof to be completed.

	Required Setback	Proposed Setback	Variance Difference
Height	10.0 m	10.45 m	0.45 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

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Attachments Appendix A – “Application submissions DV 5A 19”
 Appendix B – “Copy of Residential-Rural zone”

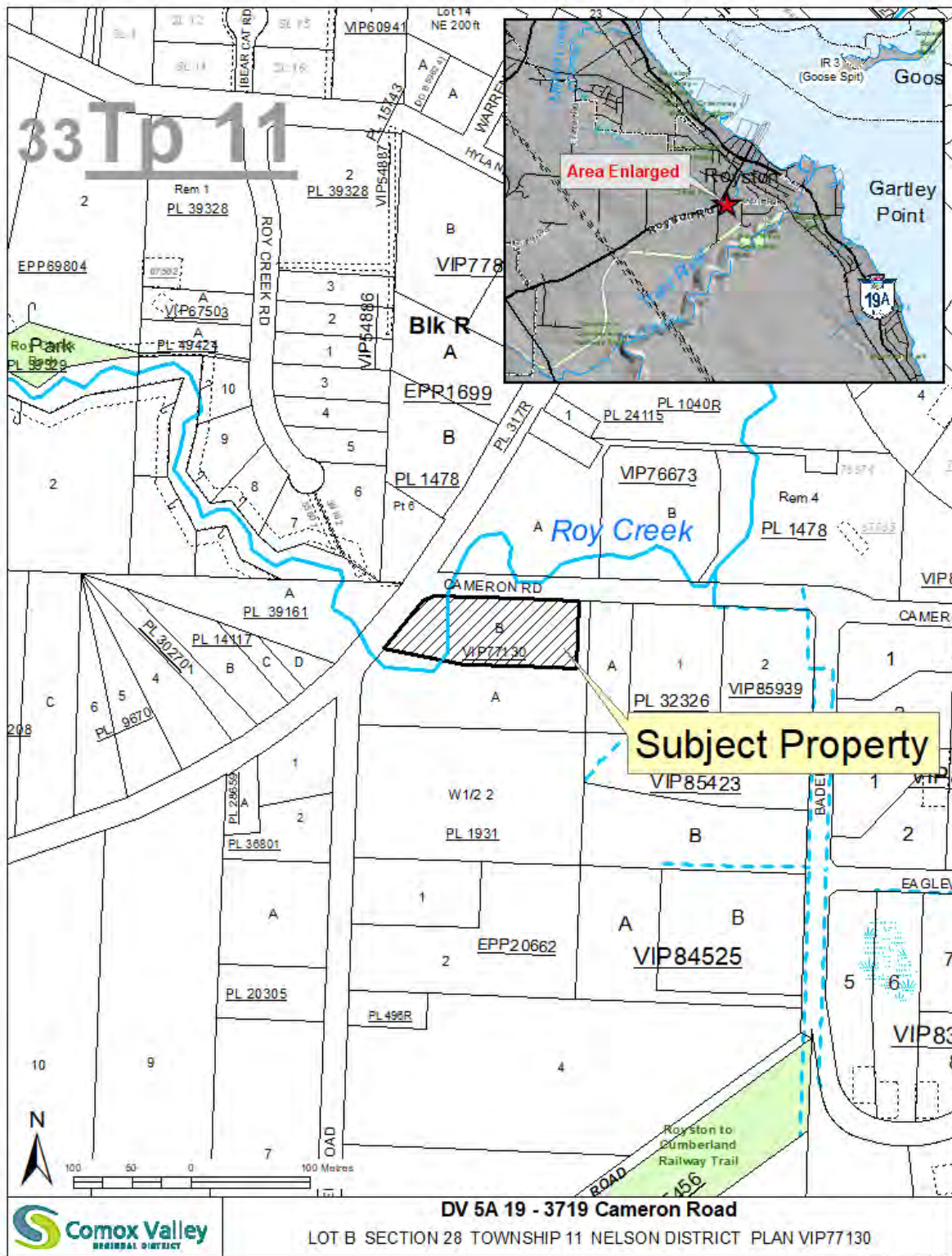


Figure 1: Subject Property



Figure 2: Air Photo (2018)



Figure 3: The House at 3719 Cameron Road under Construction (July 5, 2019)



Figure 4: The House Elevations Submitted as Part of the Building Permit Application

Comox Valley Regional District

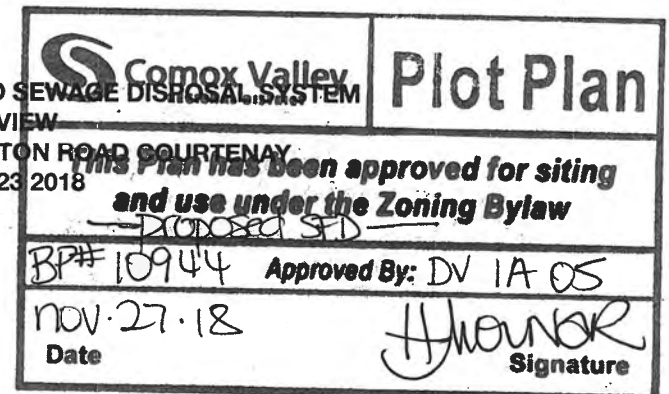
Variance for Max height @ 10.45 meters as height was over because there was a flood plane covenant on the property (old covenant for the whole property). The underside of the floor system had to be 1.5M above the natural boundary line of Roy Creek. We positioned our house with adequate distance from the creek to meet all set back and boundary lines. We had a surveyor come out and measure to conclude that those measurements were met.

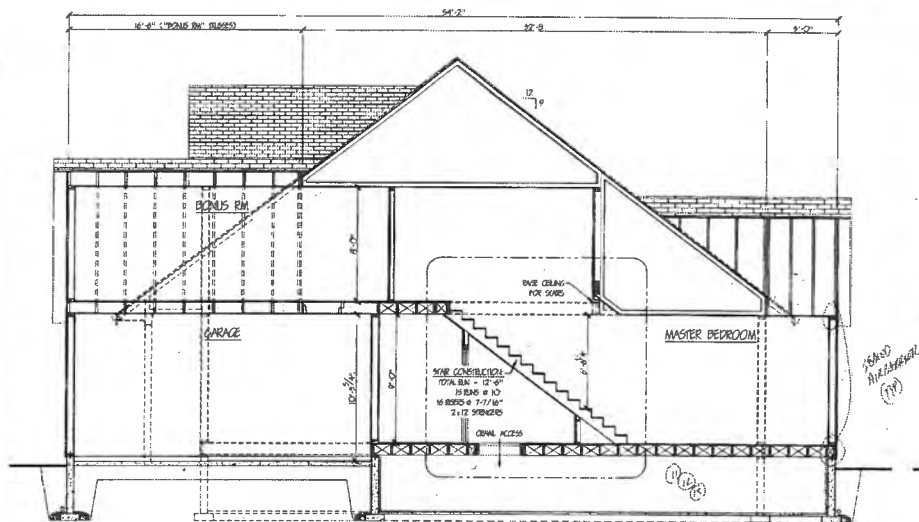
We planned and tried our hardest to meet all requirements and setbacks and we've encountered all these issues as we've gone through and have been trying our hardest to meet all requirements and have adapted along the way

As a result of this covenant we were originally planning a 4 ft crawl and had to change our foundation height to a 6 ft to meet the height of the covenant which in return made the max height of the ridge slightly over 10M.

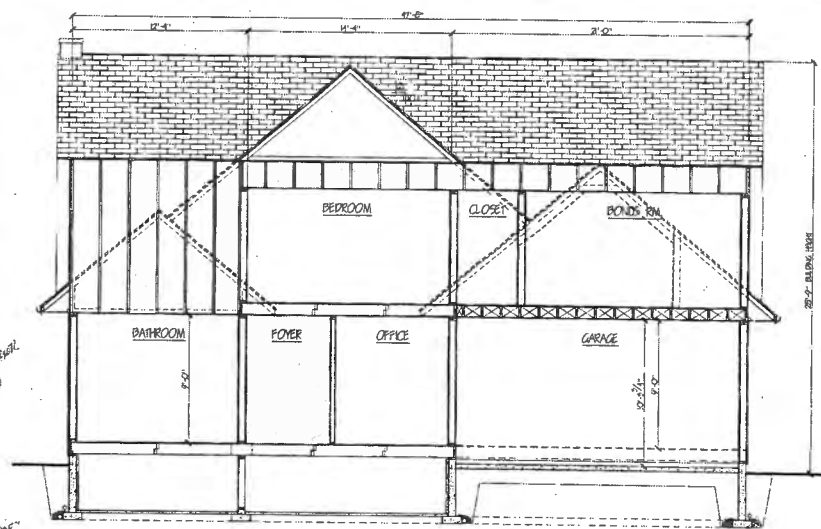
Based on the builder's expertise we hung the underside of our floor system to lower our overall height. Builder believed height was taken from average grade and would be under the 10M max height

We really wanted to build a 2 story house to reduce footprint size and build a bonus room above our garage as we were not able to put in a basement which calculated for the truss height.

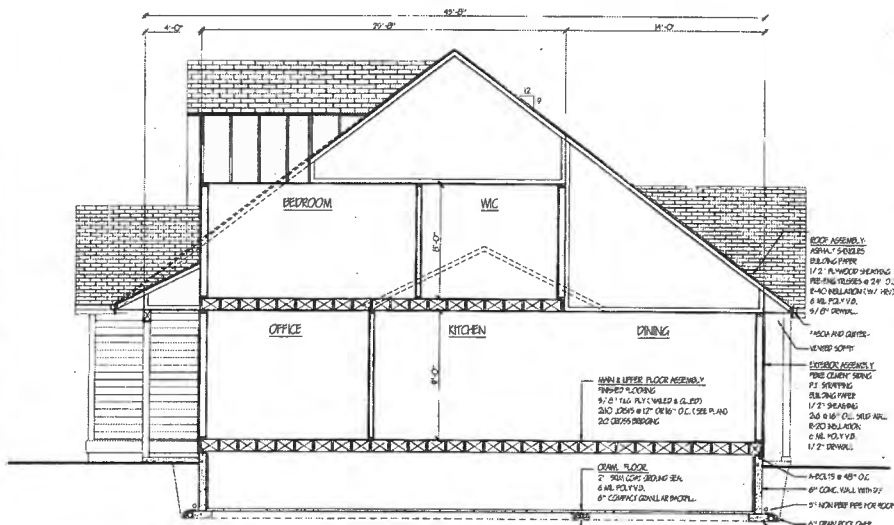




BUILDING SECTION "B"
SCALE 1/4" = 1'-0"



BUILDING SECTION "D"
SCALE: 1/4" = 1'-0"



BUILDING SECTION "A"
SCALE: 1/4" = 1'-0"



BUILDING SECTION "C"
SCALE 1/4" = 1'-0"

[illegible]

MARK RESIDENCE
EDMOND, OK
ISSUED FOR BUILDING PERMIT

SECTIONS

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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.