

# Memo

**File:** 3090-20/DV 12B 19

**DATE:** January 3, 2020

**TO:** Advisory Planning Commission  
Lazo North (Electoral Area B)

**FROM:** Planning and Development Services Branch

**RE:** Development Variance Permit – 1561 McDonald Road (Swan)  
Parcel A (DD 389220I) of Lot F, Section 5, Comox District, Plan 10028,  
PID 005-486-556

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An application (Appendix A) has been received to consider a Development Variance Permit (DVP) to (1) increase the maximum permitted lot coverage from 15 per cent to 21 per cent and (2) increase a carriage house's ground level floor area from 90 square metres to 107 square metres.

The 0.14 hectare property (Figures 1 and 2) is developed with a single detached dwelling and an accessory building (Figures 3 and 4). The owners would like to convert the accessory building into a carriage house. To accomplish this, the owners previously applied for a DVP (File DV 4B 18) which addressed setbacks. However, upon review of the building design, it was found that the building exceeds the regulated lot coverage and a variance is required to address this for the project to proceed as planned.

## File DV 4B 18

In seeking to convert the accessory building into a carriage house, the Comox Valley Regional District Board issued DV 4B 18 on October 4, 2018, to address the building setbacks. While it met the setback requirements as an accessory building, the zone requires buildings with residential uses to have a rear setback of 7.5 metres and a side setback of 3.5 metres. The DVP varied the minimum rear and side yard setback to 3.1 metres. Also, that DVP included a provision that the floor area of the ground level may exceed the floor area of the second storey.

## Zoning Bylaw

The property is zoned Rural Eight (RU-8) in Bylaw No. 520, being the Rural Comox Valley Zoning Bylaw No. 520, 2019 (Appendix B). Among the permitted uses, the RU-8 zone allows for a single detached dwelling and carriage house but the lot coverage regulation limits the area covered by buildings and structures to no more than 15 per cent of the lot. According to the site plan, the house (inclusive of a deck) covers 154 square metres and the proposed carriage house (which is the existing accessory building) covers 120 square metres, equating to 11 per cent and 8.5 per cent lot coverage. With a small greenhouse added to the total, the total lot coverage equates to 21 per cent.

Lot coverage measures the total area covered by all buildings, including attached decks and porches, and structures with a roof. While setbacks create a building envelope, a lot coverage regulation states how much of that envelope may be covered. Combined with a height regulation, it creates a potential building bulk that may be developed on the lot. This will affect the rural character of a neighbourhood by directing how much open space is available on residential lots to parking, personal storage, gardening/landscaping, natural areas and outdoor activities. Also, as no public drainage function is provided for private properties outside of municipalities, higher lot coverages require greater attention be paid to rainwater management.

#### Carriage House Ground Level Floor Area

The owner intends on retaining as much of the accessory building as possible while building the dwelling above. Because the accessory building measures 107 square metres and the Zoning Bylaw limits the ground floor to 90 square metres, another variance is required. The previous DVP (File DV 4B 18) included a provision that “*The floor area of the ground level of the proposed carriage house shown on Schedule B is greater than the floor area of the second storey.*” However, as a consequence of the adoption of Zoning Bylaw No. 520, the equivalent regulation was converted into “*The total floor area of the ground level of the building must not exceed 90 square metres.*” This second proposed variance would clarify that the permitted ground level floor area is limited to 107 square metres.

**Table 1: Variance Summary**

<b>Zoning Bylaw No. 520</b>	<b>Variance</b>	<b>Required (max)</b>	<b>Proposed</b>	<b>Difference</b>
Section 801 (7)(i)	Lot Coverage	15%	21%	6%
Section 315 (2)(vii)	Carriage House Ground Level Floor Area	90 m <sup>2</sup>	107 m <sup>2</sup>	17 m <sup>2</sup>

Sincerely,

***T. Trieu***

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

/jm

Attachments Appendix A – “Application submissions (DV 12B 19)”  
 Appendix B – “Rural Eight (RU-8) Zone”







Figure 2: Air Photo



**Figure 3: Google Street View of Subject Property (2015)**



**Figure 4: Photo of Backyard**



The zoning for our property, 1561 McDonald Rd, is RU-8 which allows for a principal dwelling and a carriage house. Currently we have a detached garage/shop located next to our house with a large multi-level yard. The shop at the rear was built in 1969 with the garage added in 1991.

Our lot coverage, including all covered decks and a carport, is currently at 21.4%. We plan to remove our existing carport and add exterior covered stairs to access the proposed suite. Our proposed lot coverage, including all covered decks and the covered stairs, would be 20.8%. While it is a decrease from our current lot coverage, it still exceeds the allowable lot coverage of 15%. We are seeking a variance of the existing bylaw as our proposed project will see our lot coverage exceed the allowable amount by 5.8%.

As mentioned, we were granted variances for the side, rear and eve setbacks as well as a "wedding cake" design in our previous application last year.

Since our last application, the bylaws have been amended and the wording has changed regarding total floor area (315.2vii). The new wording states that "The total floor area of the ground level of the building must not exceed 90 sq m." Our existing structure's total ground level floor area is 106 sq m. We wish to build above the existing structure without altering the foundation and footings; therefore, we are seeking a variance of 16 sq m.

We are located on 1/3 of an acre and are surrounded by larger acreages on 3 sides and next to Dakota Place on the 4<sup>th</sup> side. We are separated from Dakota Pl and the new construction that has been built there, by a Statutory Right of Way and a small orchard (designated green space) on one end. We have a solid fence between our property and the properties on Dakota Pl. As well, evergreen trees have been planted on the Statutory Right of Way along our fence line which will provide additional privacy and sound barrier as they mature.

We have limited the windows of our proposed suite to just one, obscured glass, bathroom window on the Dakota Pl side of the structure for added privacy.

Our property has many elevation differences as the entire property slopes predominately from the northeast to the southwest. The properties along McDonald Rd change elevations quickly. Subsequently, the new construction of residences on Dakota Place sit at a significantly higher elevation than our property. The proposed roofline would be well below the maximum allowable height limit for a carriage house (which is 8 m). The addition of a suite above our garage/shop would be less than 2 m. above our current house roofline and, as such, we believe it would not have a negative impact on the neighboring properties.

Note, the mature trees that currently grow on neighboring properties to the west are much taller than our home (and proposed structure) and obscure the view that might have been possible were they not there.

There is no house to the rear of our property as the houses on the adjacent acreages behind us are situated about midway between their front and back property lines. The treed area on adjoining properties extends for at least 120m to the rear of our property.

Our BC Hydro power lines are overhead from the street directly to our primary residence with an underground feed to the current garage/shop. It would be our intention to upgrade the existing power supply to the garage/shop to accommodate the additional needs of the proposed suite.

We have a very large paved driveway which allows plenty of parking and open sight lines for entering onto McDonald Road safely. There is a nice space between the fence and the garage that could be dedicated to suite parking. We would also make the flower bed on the side of the driveway smaller to allow straighter access. Currently there is a carport on the side of the garage built up to the fence. As previously stated, we would remove this carport.

We wish to build upon the existing structure to minimize environmental impact and well as for simplicity.

To reiterate, we are seeking the following variances:

1. A variance for the lot coverage of 5.8% beyond the allowable 15%
2. A variance for the total floor area of the ground level of the building of 16 sq. meters beyond the allowable 90 sq. meters.

Building a carriage house above our current garage/shop structure is the ideal solution to housing my parents and meeting their needs be closer to family and assistance while still maintaining their independence.

We feel that the conversion of our accessory building into a Carriage House will not only accommodate the needs of our family, but will also add value to the neighborhood.

Respectfully submitted for your consideration,

Daryl and Michelle Swan

1561 McDonald Rd, Courtenay

**PROJECT DATA**

LEGAL ADDRESS : PARCEL A (DD R106788) OF LOT #, SECTION 5, COMOX DISTRICT, PLAN 10028

CIVIC ADDRESS : 1561 McDONALD ROAD COURTENAY, B.C.

ZONING : RURAL EIGHT (RU-8)

LOT AREA : 15,091 SQ.FT (0.35 ACRES)

LOT COVERAGE : EXISTING MAIN DWELLING (INCLUDING DECK) ≈ 1,653 SQ.FT  
 PROPOSED CARRIAGE HOUSE (EXISTING BUILDING) ≈ 1,294 SQ.FT  
 EXISTING GREEN HOUSE ≈ 141 SQ.FT  
 TOTAL ≈ 3,088 SQ.FT

$3,088 / 15,091 = 0.20 > 0.15 (1.5\%)$

APPLY FOR A VARIANCE

FLOOR AREA : BOTTOM FLOOR (GARAGE) = 1,150 SQ.FT  
 TOP FLOOR (SECONDARY SUITE) = 977 SQ.FT

BOTTOM FLOOR > TOP FLOOR

APPLY FOR A VARIANCE

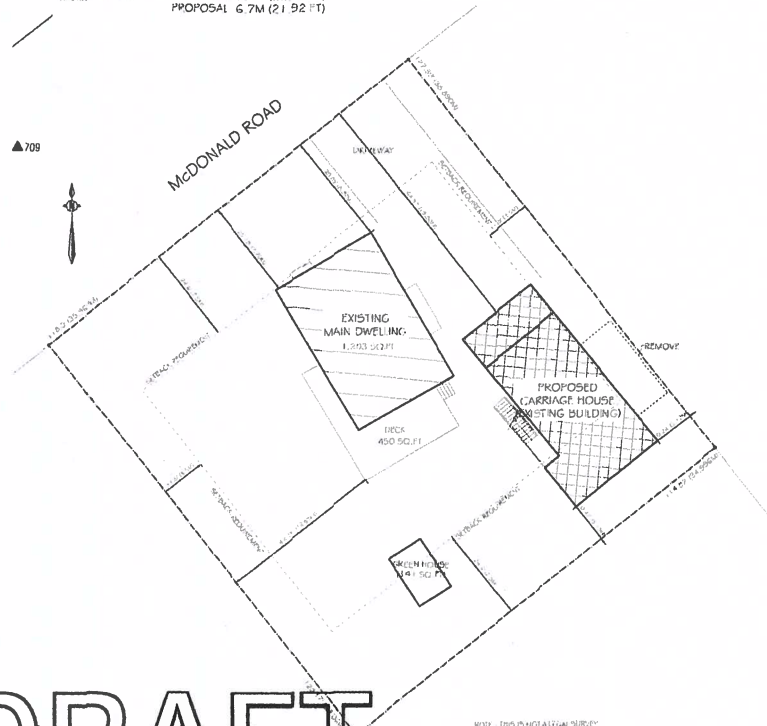
**SETBACK REQUIREMENT (CARRIAGE HOUSE)**

FRONT YARD SETBACK : REQUIRED 7.5 M (24.6 FT)  
 PROPOSAL 19.8 M (65.0 FT)

REAR YARD SETBACK : REQUIRED 7.5 M (24.6 FT)  
 PROPOSAL 3.19 M (10.47 FT) VARIANCE (FILE NO. )

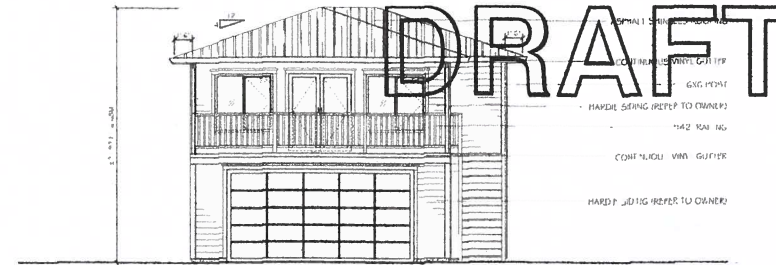
SIDE YARD SETBACK (NORTH-EAST) : REQUIRED 3.5 M (11.5 FT)  
 PROPOSAL 3.12 M (10.24 FT) VARIANCE (FILE NO. )

MAXIMUM HEIGHT OF BUILDING : 7.0M (22.96 FT)  
 PROPOSAL 6.7M (21.92 FT)

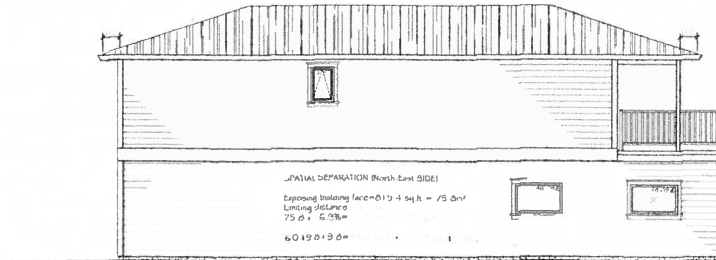


**DRAFT**

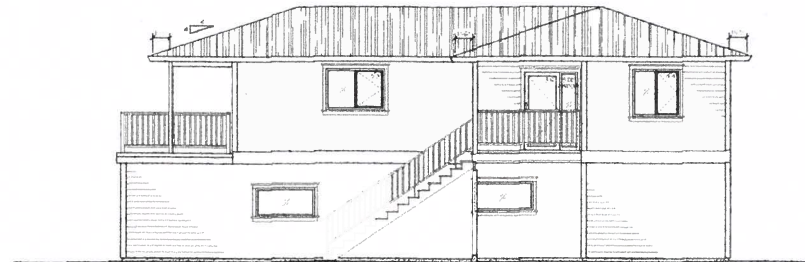
**SITE PLAN**  
 1/16"=1'-0"



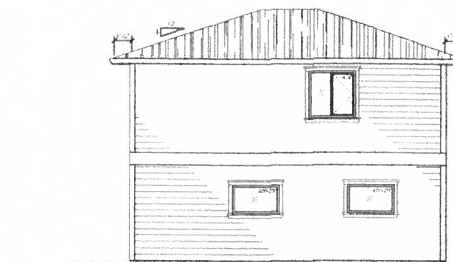
**FRONT ELEVATION (NORTH-WEST)**  
 3/16"=1'-0"



**SIDE ELEVATION (NORTH-EAST)**  
 3/16"=1'-0"



**SIDE ELEVATION (SOUTH-WEST)**  
 3/16"=1'-0"



**REAR ELEVATION (SOUTH-EAST)**  
 3/16"=1'-0"

SPIRAL DEPARATION (South-East Side)  
 Exposing building face = 6'10" x 4 sq ft = 43 sq ft  
 Limiting distance = 3.19m  
 43.11 x 22.76 = 9.72 sq m (105.3 sq ft)  
 10.0 x 9.749 = 97.4 sq ft < 105.3 sq ft OK

NOTE:  
 SOME SPECS UNKNOWN  
 BUILDER TO CHECK AND TO BE RESPONSIBLE  
 FOR ALL DIMENSIONS AND REGULATIONS  
 AND OTHER CONDITIONS ON SITE

TRUSS DESIGN SHOWN IS APPROXIMATE.  
 ALL TRUSSES AND CONNECTIONS TO BE DESIGNED BY  
 TRUSS MANUFACTURER

THESE DRAWINGS ARE FOR DESIGN REFERENCE ONLY  
 & STRUCTURE HAS NOT BEEN EVALUATED BY AN ENGINEER

**DRAFT**

NO.	DATE	DESCRIPTION
1	OCT 17/19	ISSUED FOR REVIEW
2	OCT 18/19	ISSUED FOR REVIEW

CONTRACTOR TO VERIFY ALL LINES, LEVELS, SLOPES, DIMENSIONS, LOCATION FOR BUILDING ON SITE AND LOCATION FOR ALL SERVICES PRIOR TO CONSTRUCTION. ALL WORK TO BE DONE IN ACCORDANCE WITH THE B.C. BUILDING CODE, CURRENT EDITION AND ALL LOCAL BUILDING BYLAWS.

COPYRIGHT RESERVED. THESE PLANS ARE THE PROPERTY OF SHIZEN HOME DESIGN TO BE USED SOLELY FOR THE PROJECT SHOWN. UNAUTHORIZED REPRODUCTION OF USE IN ANY MANNER IS NOT PERMISSIBLE.

Comox Valley Regional District  
**RECEIVED**

File:

NOV 25 2019

To:

CC:

PROJECT: CARRIAGE HOUSE	
1561 McDONALD RD COURTENAY, B.C.	
OWNER: AS NOTED	FILE: 19-0
DESIGNED BY: OCT 17/19	NOTED BY: JF

**SITE PLAN ELEVATIONS**  
 DRAWING NUMBER: A-1 OF 3

SHIZEN HOME DESIGN  
 410-115-1000 (Vancouver) 250-634-1111 (Courtenay)  
 1000-1000-1000 (Phone)



**801****Rural Eight (RU-8)****1. Principal Use**

- i) **On any lot:**
  - a) Single detached dwelling
  - b) Agricultural use
  - c) Plant nursery and greenhouse
  - d) Riding academy
  - e) Silviculture
  - f) Aquaculture
  - g) Veterinary establishment
  - h) Fish hatchery (including community based)
- ii) **On any lot 2.0 hectares in area or larger:**
  - a) Animal kennel
- iii) **On any lot 8.0 hectares in area or larger:**
  - a) Wood processing or permanent sawmills occupying an area of not more than 1000.0 square metres including vehicle parking, and log sort and lumber storage areas.
  - b) Crushing and screening of sand and gravel.

**2. Accessory Uses**

- i) **On any lot:**
  - a) Carriage house
  - b) Secondary suite
  - c) Secondary dwelling
  - d) Home occupation
  - e) Bed and Breakfast
  - f) Domestic industrial use
  - g) Pet crematorium

**3. Conditions of Use**

- i) **Animal kennel shall be subject to the following conditions:**
  - a) Minimum setback of buildings and structures of 15.0 metres along all lot lines.
  - b) 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 wetland.
  - c) No parking, loading or storage areas shall be located in any required setback area.
  - d) Screening shall be provided at not less than 1.5 metres in height.

- e) 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.
  - ii) **All sawmill uses or portable sawmill uses shall be subject to the following conditions:**
    - a) Minimum setback of buildings and structures of 30.0 metres along all lot lines.
    - b) Uses shall be screened and buffered from adjacent properties through maintenance of natural vegetation of not less than 2.0 metres in height.
    - c) All structures and area utilized in association with sawmill uses or portable sawmill uses, shall be sited at least 30.0 metres from the boundary of any lake, sea or watercourse.
    - d) No parking, loading or storage areas shall be located in any required setback area.
    - e) Uses abutting an area zoned under Part 700, Residential Zones, shall be screened and buffered from adjacent properties through the use of fencing, berming or evergreen vegetation being not less than 2.0 metres in height. Solid fencing may be as high as 3.0 metres.
  - iii) **All gravel, sand crushing and screening operations shall be subject to the following conditions:**
    - a) Minimum setback of buildings and structures of 30.0 metres along all lot lines.
    - b) Minimum yard clearance of 60.0 metres from any lot where gravel, sand or soil extraction occurs within or abutting an area zoned under Part 700, Residential Zones.
    - c) Minimum setback requirement for stockpiles shall be 15.0 metres along all lot lines.
    - d) No parking, loading or storage areas shall be located in any required setback area.
    - e) Uses shall be screened and buffered from adjacent properties through maintenance of natural vegetation of not less than 2.0 metres in height.
    - f) Uses abutting an area zoned under Part 700, Residential Zones, shall be screened and buffered from adjacent properties through the use of fencing, berming or evergreen vegetation being not less than 2.0 metres in height. Solid fencing may be as high as 3.0 metres.
    - g) All structures and area utilized in association with gravel, sand crushing and screening operation, shall be sited at least 30.0 metres from the boundary of any lake, sea, watercourse or wetland.
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 90.0 square metres are permitted.
    - b) **On any lot greater than 1.0 hectare in area:** two single detached dwellings.

**5. Floor Area Requirements**

- i) The combined floor area of all accessory buildings excluding the floor area of any secondary residential use shall not exceed 300.0 square metres.

**6. Siting and Height of Buildings and Structures**

The maximum height of principal buildings is 10.0 metres and the maximum height of accessory buildings is 8.0 metres, or 10.0 metres in the case of an aquaculture building.

- i) The minimum setbacks required for buildings and structures shall be as set out in the table below.

Type of Use	Heights 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	7.5m
Accessory	4.5m or less	7.5m	1.0m	1.0m	1.0m	7.5m
Accessory	8.0m - 4.6m	7.5m	7.5m	1.75m	3.5m	7.5m
Aquaculture	10.0m	7.5m	7.5m	7.5m	7.5m	7.5m

**7. Lot Coverage**

- i) The lot coverage of all buildings and structures shall not exceed 15 per cent.

**8. Subdivision Requirements**

- i) **Minimum lot area:** 8.0 hectares

*End – RU-8*