

Memo

File: 3090-20/DV 1B 21

DATE: February 4, 2021

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

FROM: Planning and Development Services

RE: Development Variance Permit – 2086 Hector Road (Willis/Zimmerman)
Lot 4, District Lot 170, Comox District, Plan 21086, PID 003-488-136

Background Information

An application has been received to consider a Development Variance Permit to reduce the front yard setback to allow the construction of a carriage house. The subject property is approximately 0.19 hectares in size, zoned Country Residential One (CR-1), designated as a Settlement Expansion Area, and is bound by the Town of Comox to the south, Acacia Road to the west, and other CR-1 zoned properties to the north and east (Figures 1 and 2). Existing development on the property includes a single detached house and a detached garage. The development proposal includes removing part of the garage and constructing a carriage house in the area, and a variance is being requested to help facilitate this development (Figures 3-7). The variance sought is from 7.5 metres to 5.0 metres for the foundation of the building, and from 5.5 metres to 4.25 metres for the eaves.

The purposes of setbacks are multifold. Generally, larger minimum setback distances are stipulated for lot lines adjacent to roadways for reasons of safety. These setbacks increase sightlines and help increase safety for pedestrians, cyclists, and drivers. In addition, setbacks help ensure a certain standard of privacy to and from adjacent properties, and ensure homeowners have adequate space available to maintain the building.

Official Community Plan and Regional Growth Strategy Analysis

Bylaw Nos. 120 and 337, being the “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010” and the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014” respectively, designate the land as being within a Settlement Expansion Area (SEA). Development and densification within the SEA is to be limited until a point at which those lands can be incorporated by a member municipality. The proposed development does not conflict with any of the residential policies, goals, or objectives outlined in either Bylaw No. 120 or Bylaw No. 337.

Zoning Bylaw Analysis

The Zoning Bylaw, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019,” stipulates minimum setback distances that need to be maintained between structures and lot lines. The minimum side yard setback is 3.5 metres, which the development proposal meets. The minimum setback for the front yard lot line, though, is 7.5 metres for the foundation of a structure, per

Section 703(5)(i) of Bylaw No. 520, and is 5.5 metres for the eaves of the building, per Section 403(1) of the same bylaw. Given this, the applicant is seeking a 2.5 metre reduction in the front yard setback pertaining to the foundation, and a 1.25 metre reduction pertaining to the eaves.

Sincerely,

T. Trieu

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

/dt

Attachments Appendix A – “Section 703 of Bylaw No. 520”

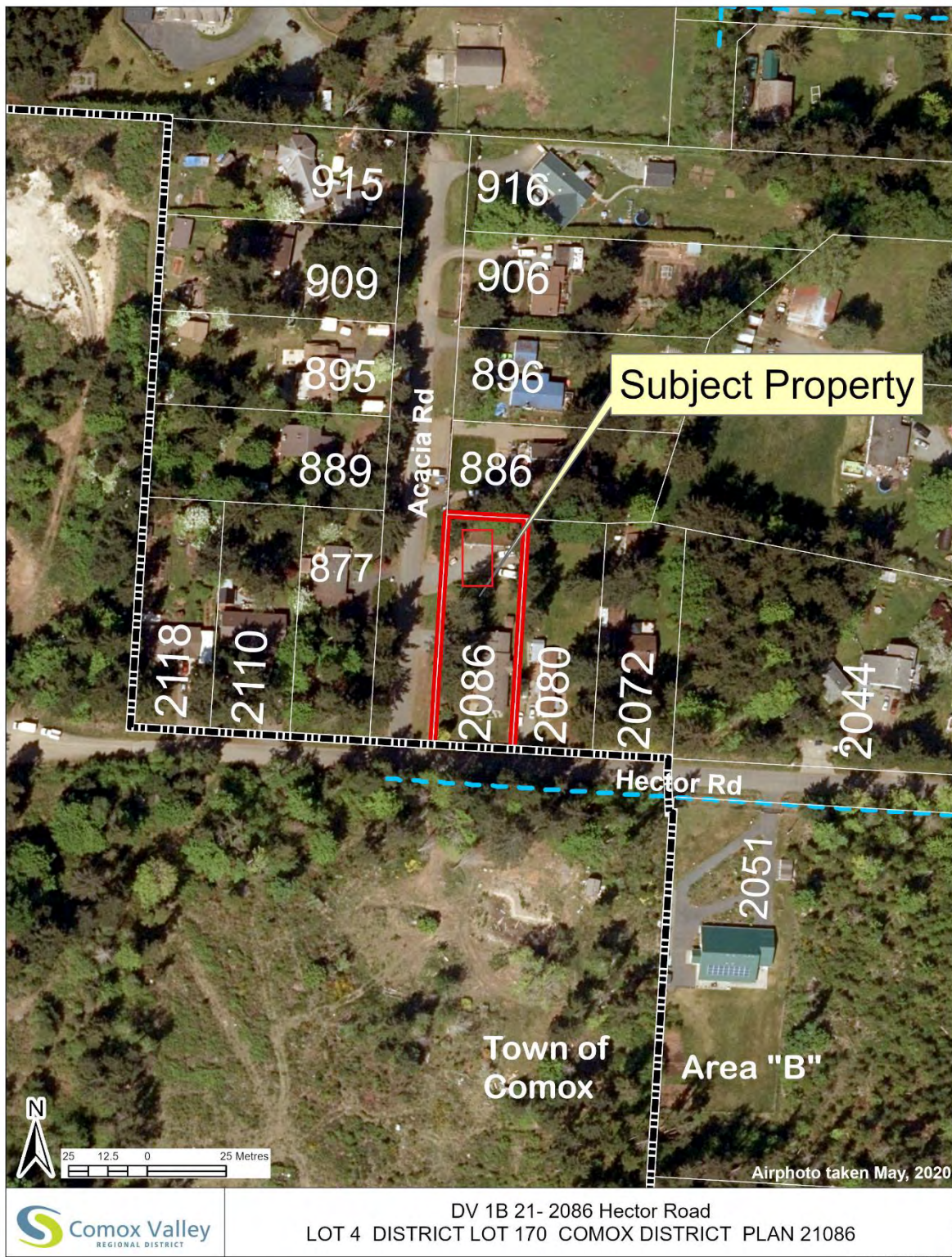


Figure 2: Air Photo

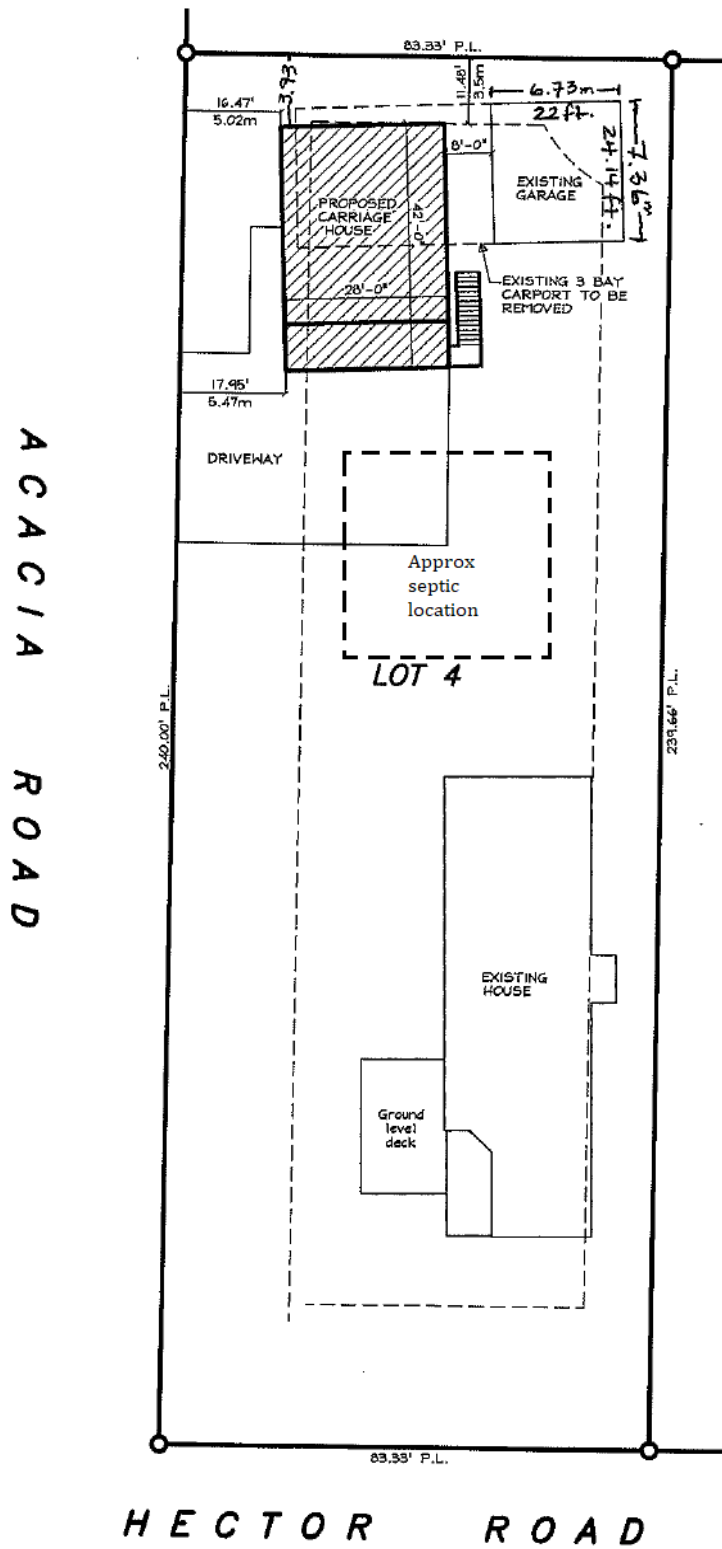
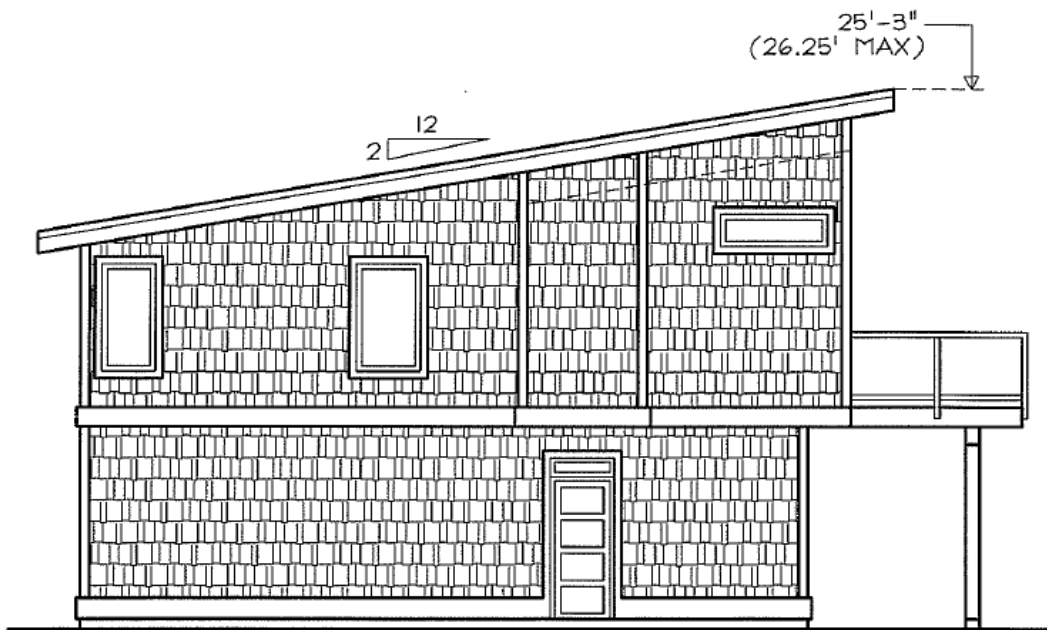


Figure 3: Site Plan



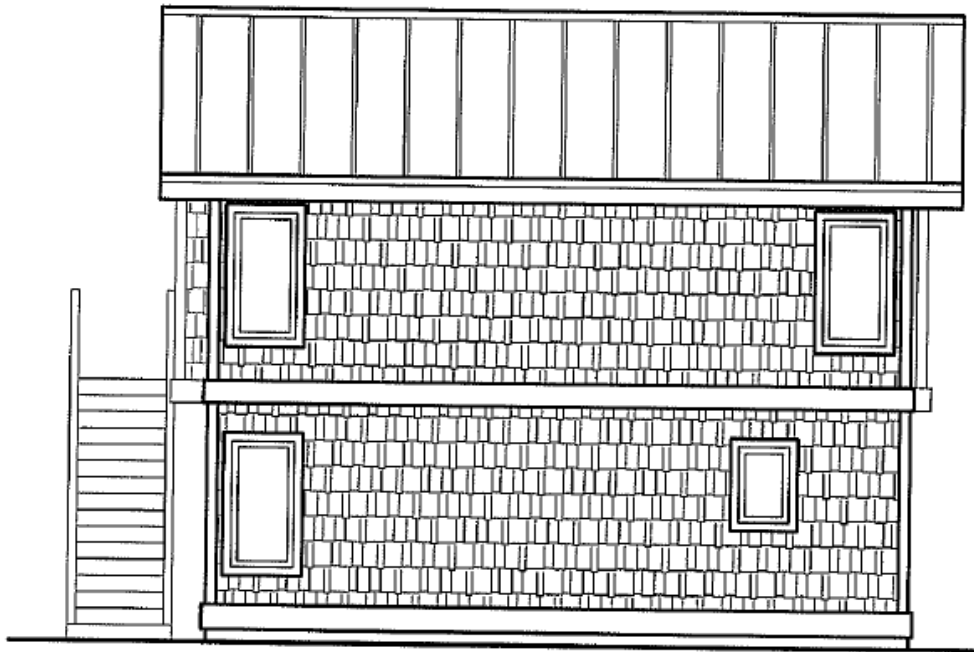
RIGHT ELEVATION

Figure 4: Elevation Drawing 1



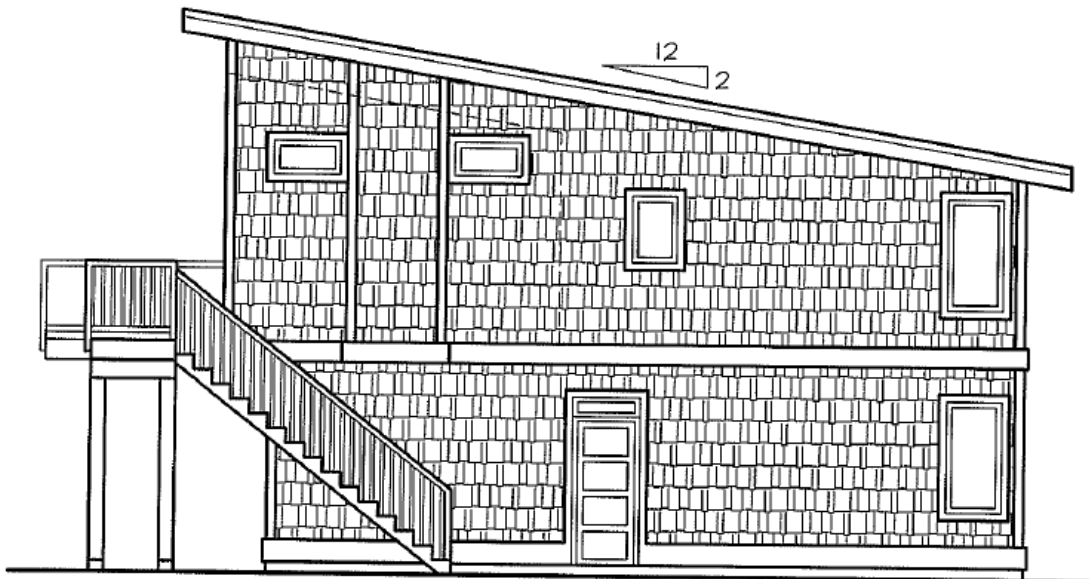
FRONT ELEVATION
VIEW FROM ACACIA ROAD

Figure 5: Elevation Drawing 2



LEFT ELEVATION

Figure 6: Elevation Drawing 3



REAR ELEVATION

Figure 7: Elevation Drawing 4

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