

# Memo

**File:** 3090-20/DV 3B 21

**DATE:** May 13, 2021

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

**FROM:** Planning and Development Services

**RE:** Development Variance Permit – 1496 Jackson Drive (Richardson)  
Lot 2, District Lot 216, Comox District, Plan 39408, PID 000-647-721

---

The attached development proposal is for commission members' review and comment. A development variance permit (DVP) application has been received to reduce the rear yard setback and increase the ground floor area of an existing accessory building to facilitate its conversion to a carriage house.

The subject property is located at 1496 Jackson Drive in the Lazo North Electoral Area (Electoral Area B) (Figures 1 and 2). The subject property is in the Comox Valley Water Local Service Area, Jackson Drive Sewer Service and Comox Fire Protection District. The property is bound by residential lots to the east and west, and Comox Valley Regional District owned Water Services lot to the north.

The property is approximately 0.17 hectares in size, and it currently has a single detached dwelling and an accessory building (Figures 3 and 4). The accessory building received its building permit approval on July 3, 1998 (Figure 5). The approval was for the building to have approximately 111.0 square metres of floor area. Since then, the floor area of this accessory building was expanded to 136.9 square metres without permit. According to the applicants, when they purchased the property in November 2019, this building was already enlarged.

The applicants propose to convert the existing accessory building to a carriage house (Figure 4). The conversion will include the following activities:

- Remove the Shed portion as shown on the site survey (Figures 4 and 6);
- Apply for a building permit to legalize the additional floor area without permit; and
- Add 90 square metres of residential floor area above the Garage portion. The second floor will be accessed from an external staircase facing eastward (Figure 7).

The proposed conversion changes how the Zoning Bylaw regulations are applied. The minimum rear yard setback increases from 1.0 metre as an accessory building to 7.5 metres as a principal building. Additionally, the maximum floor area of the ground level of a carriage house is limited to 90 square metres. Due to these changes, the proposed conversion requires a DVP to reduce the rear yard setback and increase the floor area of the ground level.

Regional Growth Strategy Analysis

Bylaw No. 120, being the “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010” (RGS) designates the subject property within Settlement Expansion Areas (SEAs). The proposed residential development does not conflict with residential policies in the RGS.

Official Community Plan Analysis

Bylaw No. 337, being the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014” (OCP) designates the subject property within SEAs. Similar to the RGS, the proposed residential development does not conflict with residential policies in the OCP.

Zoning Bylaw Analysis

The subject property is zoned Country Residential One (CR-1) (Appendix A). Table 1 summarizes the proposed variance:

**Table 1: DVP Application**

<b>Bylaw No. 520</b>	<b>Minimum Rear Yard Setback Requirement</b>	<b>Proposed Setback</b>	<b>Difference</b>
Section 703(5): Minimum Rear Yard Setback of the Foundation of Carriage House	7.5 metres	5.7 metres	1.8 metres
Section 403(1) Minimum Rear Yard Setback of the Eaves of Carriage House	5.5 metres	5.2 metres	0.3 metres
	<b>Maximum Floor Area</b>	<b>Proposed Floor Area</b>	<b>Difference</b>
Section 315(2)(vii) Maximum Floor Area of Ground Level of a Carriage House	90.0 square metres	127.4 square metres	37.4 square metres

As mentioned earlier, the applicants will remove the shed portion to decrease the amount of variance and will submit a building permit to legalize the expansion of the building without permit. Aside from these matters, the proposed carriage house will meet the carriage house regulations in Section 315 of the Zoning Bylaw (Appendix B). In addition, the 127.4 square metre of accessory floor area on the ground level would be within the maximum 200.0 square metres of combined floor area of all accessory uses in the CR-1 zone.

The intent of minimum rear yard setback is to provide adequate distance between neighbours for noise and privacy, and to ensure sufficient space to repair the structure. The intent of the maximum floor area for the ground level of a carriage house is to maintain the relative building scale between the principal single detached dwelling and carriage house. Furthermore, the ground level of a carriage house should be relative in size to the residential use on the second floor, which also has a maximum floor area of 90 square metres.

Please be advised that all adjacent properties within 100.0 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.

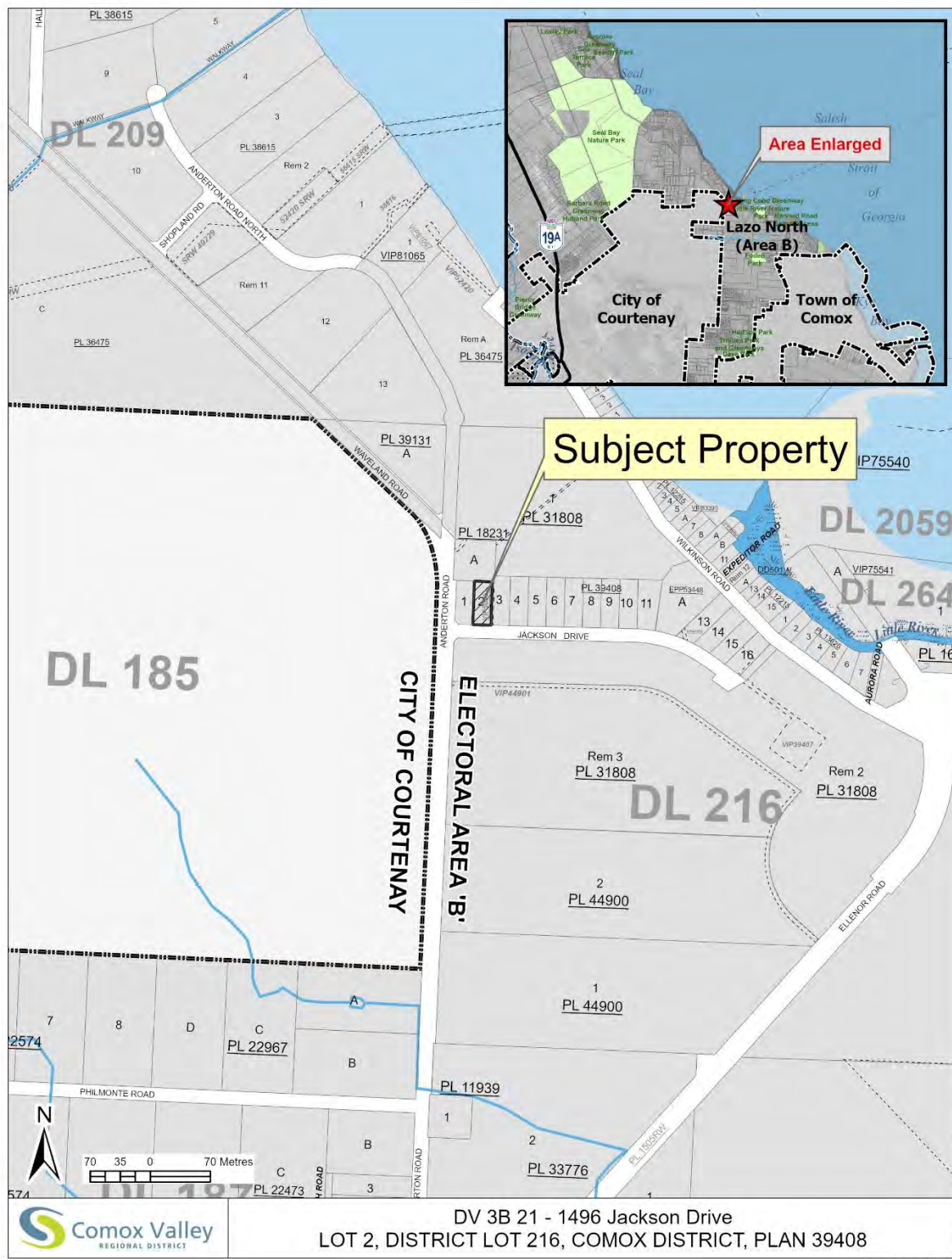
Sincerely,

***T. Trieu***

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

/bc

Attachments: Appendix A – “CR-1 Zone”  
Appendix B – “Carriage House Regulations in Section 315 of the Zoning Bylaw”



### Figure 1: Subject Property Map





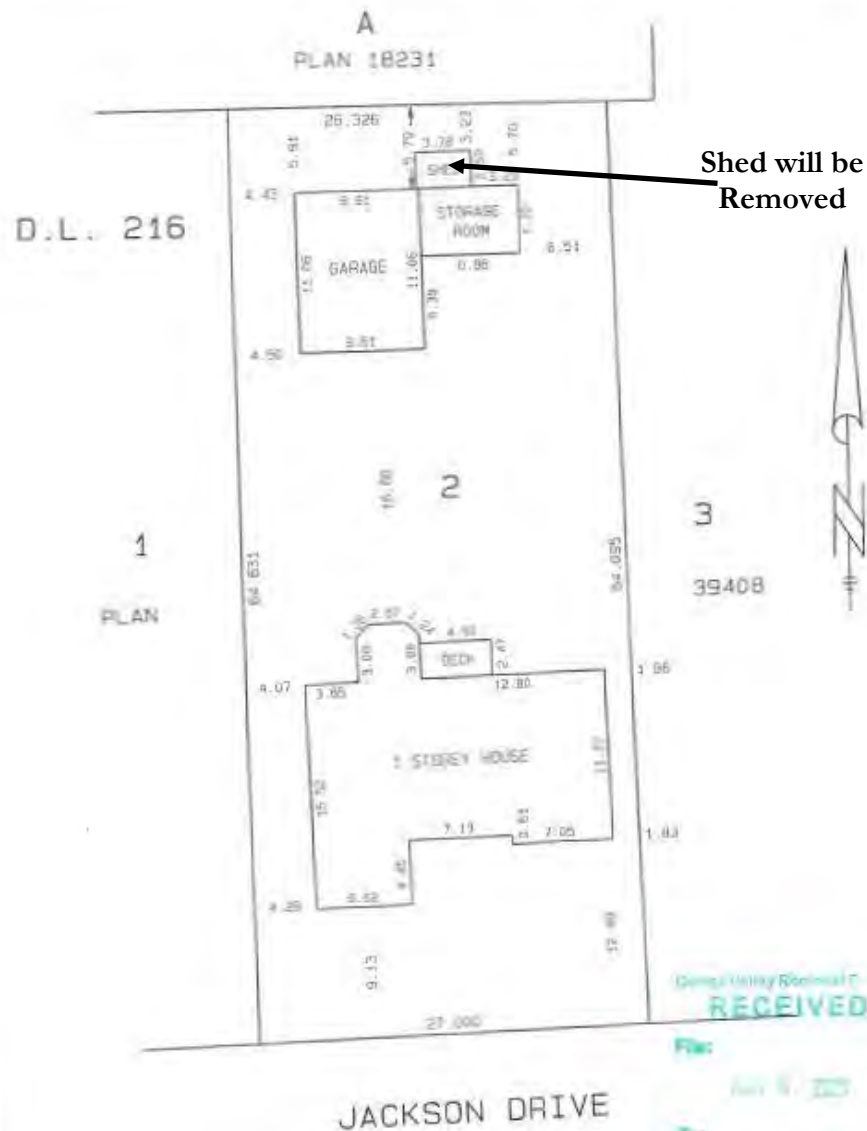
Figure 2: Air Photo

BRITISH COLUMBIA LAND SURVEYOR'S CERTIFICATE OF LOCATION  
FOR LOT 2, D.L. 216, COMOX DISTRICT, PLAN 39408.

1496 JACKSON DR., COMOX  
SCALE 1 : 350 (METRIC)

NOTES:

OFFSETS SHOWN ARE NOT TO BE USED FOR DEFINING LOT BOUNDARIES.  
LOT DIMENSIONS AND OFFSET DISTANCES SHOWN WOULD ONLY  
BE FOR A COMPLETE RESURVEY OF THE SUBJECT PROPERTY.  
BUILDING TIES MADE TO EXISTING BUILDING OR WOOD CORNER MARKS.



*Eve Hooper*  
MAY 1, 2021 B.C.L.S.

THIS DOCUMENT IS NOT VALID UNLESS  
ORIGINALLY SIGNED AND SEALED

HOERBURGER LAND SURVEYORS  
COMOX, B.C.  
(250) 890-0198 © 2021  
FILE: 2305CERT/175-5 / FB, 87/27

Figure 3: Site Survey

Comox Valley Regional District

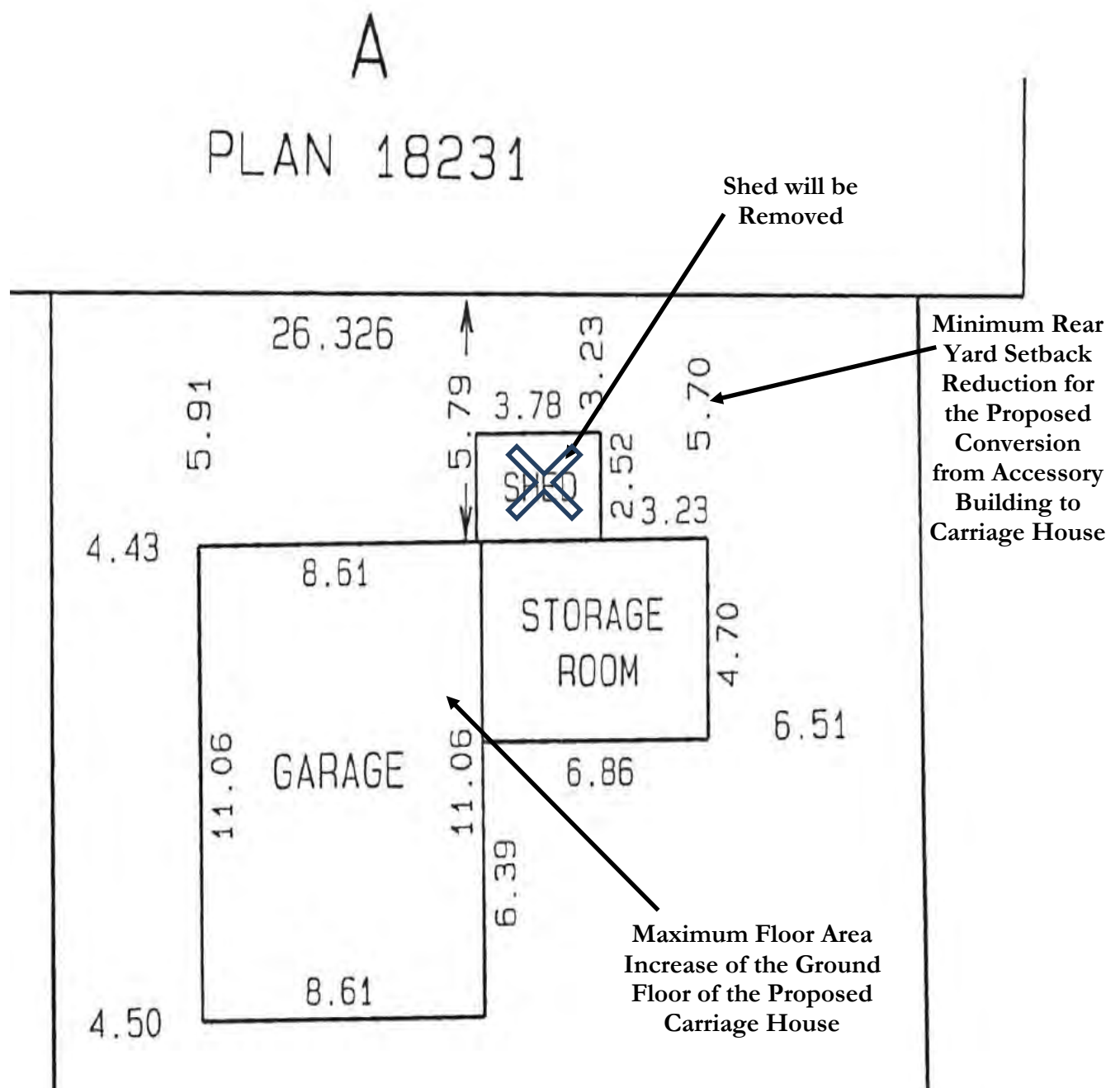


Figure 4: Site Survey Enlarged to Show Accessory Building



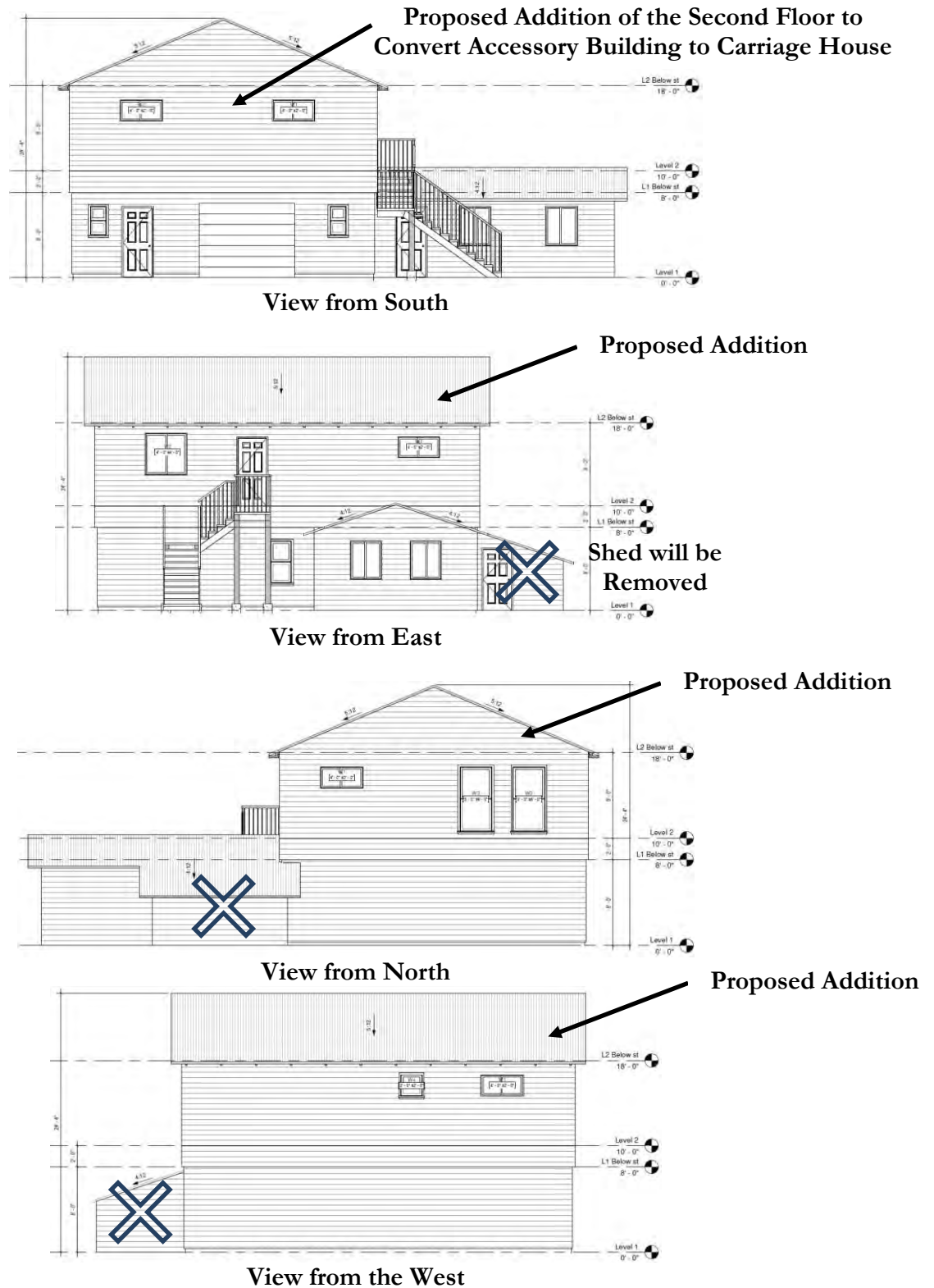


**Figure 5: View of the Front Accessory Building**



**Figure 6: View of the Rear of Accessory Building**





**Figure 7: Elevation Drawings of Proposed Carriage House**

**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*

365 day period and that the recreational vehicle will be removed from the lot or, where permitted, placed into storage on the lot.

- c) A \$1,000 security deposit in an irrevocable letter of credit or other form satisfactory to a Comox Valley Regional District Officer. If an irrevocable letter of credit is chosen, it shall be automatically renewable unless cancelled, and shall be redeemable locally.
- 2. On any lot zoned Rural Eight (RU-8), Rural Twenty (RU-20), Rural-ALR (RU-ALR) or Upland Resource (UR) for a maximum duration of 60 days, consecutive or non-consecutive within any 12 month period. There shall be no more than one recreational vehicle occupied on a lot.
- 3. Within any other zone, for a maximum duration of 30 days, consecutive or non-consecutive in any 12 month period. There shall be no more than one recreational vehicle occupied on a lot.

### **314 Residential Use**

- 1. Neither a secondary dwelling, carriage house nor secondary suite carry with them the privilege of separate ownership in fee simple or building strata and further, permission for the above forms of residential units is not to be construed in any way as a justification for future subdivision or change in land use designation. All subdivision requirements and land use designations are applicable.

### **315 Secondary Residential Use**

- 1. Where permitted in this bylaw, secondary suites must meet the following criteria:
  - i) Secondary suite means an additional dwelling unit.
  - ii) A secondary suite shall be located only within a principal dwelling unit containing only one other dwelling unit and shall have a total floor area of not more than 90.0 square metres exclusive of the areas used for common storage, common laundry facilities or common areas used for access.
  - iii) A secondary suite shall have a floor area less than 40 per cent of the habitable floor area of the building excluding the area of any attached garage.
  - iv) The entrance to the secondary suite from the exterior shall be separate from the entrance to the principal dwelling unit.
  - v) One off-street automobile parking space shall be provided for the exclusive use of the secondary suite.
- 2. Where permitted in this bylaw, carriage houses must meet the following criteria:
  - i) The siting of carriage houses shall be in accordance with principal structure setbacks.
  - ii) The maximum height for a carriage house is 8.0 metres.
  - iii) The residential use of a carriage house must be located within the second storey of a building accessory to an existing residential dwelling on the same lot.



- iv) The second storey floor area occupied by the residential use may contain interior access to any part of the accessory use below. The interior entryway, landing or similar space must not exceed 2.8 square metres in area.
  - v) A carriage house shall not contain any floor area below grade level.
  - vi) The total floor area occupied by the residential use must not exceed 90.0 square metres.
  - vii) The total floor area of the ground level of the building must not exceed 90 square metres.
  - viii) The carriage house cannot be subdivided from the building it is part of under the *Strata Property Act*.
  - ix) One off-street automobile parking space shall be provided for the exclusive use of the occupants of the carriage house.
  - x) A minimum of one automobile parking space shall be provided within the ground level of the carriage house.
3. Where permitted in this bylaw, a secondary dwelling unit must meet the following criteria:
- i) The siting of a secondary dwelling unit shall be in accordance with the principal structure setbacks.
  - ii) The maximum height of a secondary dwelling unit is 8.0 metres.
  - iii) The total floor area occupied by the secondary dwelling is for residential use only and the total floor area shall not exceed 90.0 square metres.
  - iv) One off-street parking space shall be provided for the exclusive use of the secondary dwelling unit.

### 316 Portable Sawmills

Portable sawmills are permitted only:

1. On a lot on which it is used solely to saw logs from trees grown and harvested on the lot on which the portable sawmill is located; or
2. As a Domestic Industrial Use where permitted in this bylaw subject to the requirements of Section 307.

### 317 Gravel Pits: Equipment Storage and Maintenance

Where gravel, sand or soil extraction occurs within or abutting an area zoned under Part 700, Residential Zones, and not within the Agricultural Land Reserve, the storage and maintenance of vehicles and equipment used on the lot shall be subject to the following conditions unless otherwise specified:

1. Buildings, structures, and outdoor areas used for storage and maintenance of equipment and vehicles shall have a minimum setback of 100.0 metres from all lot lines.