

Memo

File: 3090-20/DV 4B 21

DATE: May 4, 2021

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

FROM: Planning and Development Services

RE: **Development Variance Permit – 347 Butchers Road (Gottmann)
Lot B, District Lot 186, Comox District, Plan 38036, PID 001-004-760**

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

Application Overview

An application has been received to consider a Development Variance Permit to reduce the rear yard setback for the property at 347 Butchers Road. The subject property is approximately 0.18 hectares, is zoned Country Residential One (CR-1), and is designated as being within a Settlement Expansion Area (SEA). Current development on the property is limited to a single detached dwelling and the property has retained several trees and vegetation (Figures 1 and 2). The proposed development includes the construction of a sundeck onto the rear portion of the house, encroaching upon the 7.5 metre rear yard setback (Figure 3). Because the property borders the Town of Comox (the access road is within the Town's jurisdiction), planning staff at the Town will receive a referral for comment as well.

Minimum setbacks are prescribed by the Zoning Bylaw for a multitude of reasons. They ensure sightlines are maintained which help increase pedestrian and vehicular safety, provide privacy to and from adjacent properties, and ensure that there is enough space around a structure for it to be maintained.

Regional Growth Strategy and Official Community Plan Analysis

Bylaw No. 120, being the "Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010," and Bylaw No. 337, being the "Rural Comox Valley Official Community Plan Bylaw No. 337, 2014," both designate the subject property as being within the SEA. The SEA land use designation is used for properties close to a member municipality and is intended to ensure minimal development until such a time as the property can be incorporated into a member municipality's jurisdiction. The proposed development does not conflict with the residential goals, objectives, and policies outlined in either bylaw for the SEA.

Zoning Bylaw Analysis

Bylaw No. 520, being the "Rural Comox Valley Zoning Bylaw No. 520, 2019," stipulates minimum setback distances that structures must maintain from all property lines, which is the subject of this variance application. The dwelling on the property currently meets the 7.5 metre rear yard setback,

but the addition of a sundeck will encroach upon this minimum setback. The reduction sought is 0.75 metres, for a reduced rear yard setback of 6.75 metres.

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”

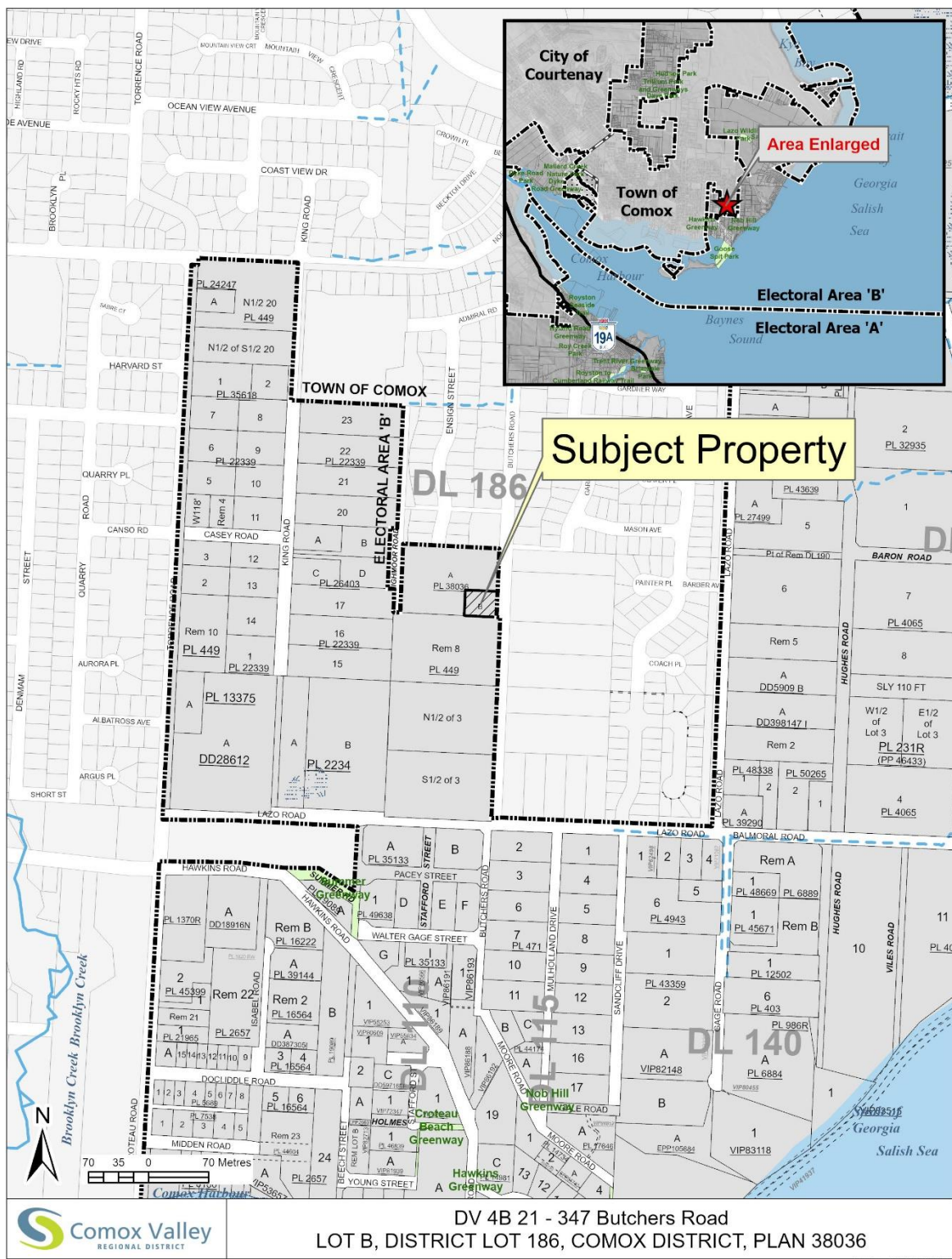


Figure 1: Subject Property Map



Figure 2: Air Photo

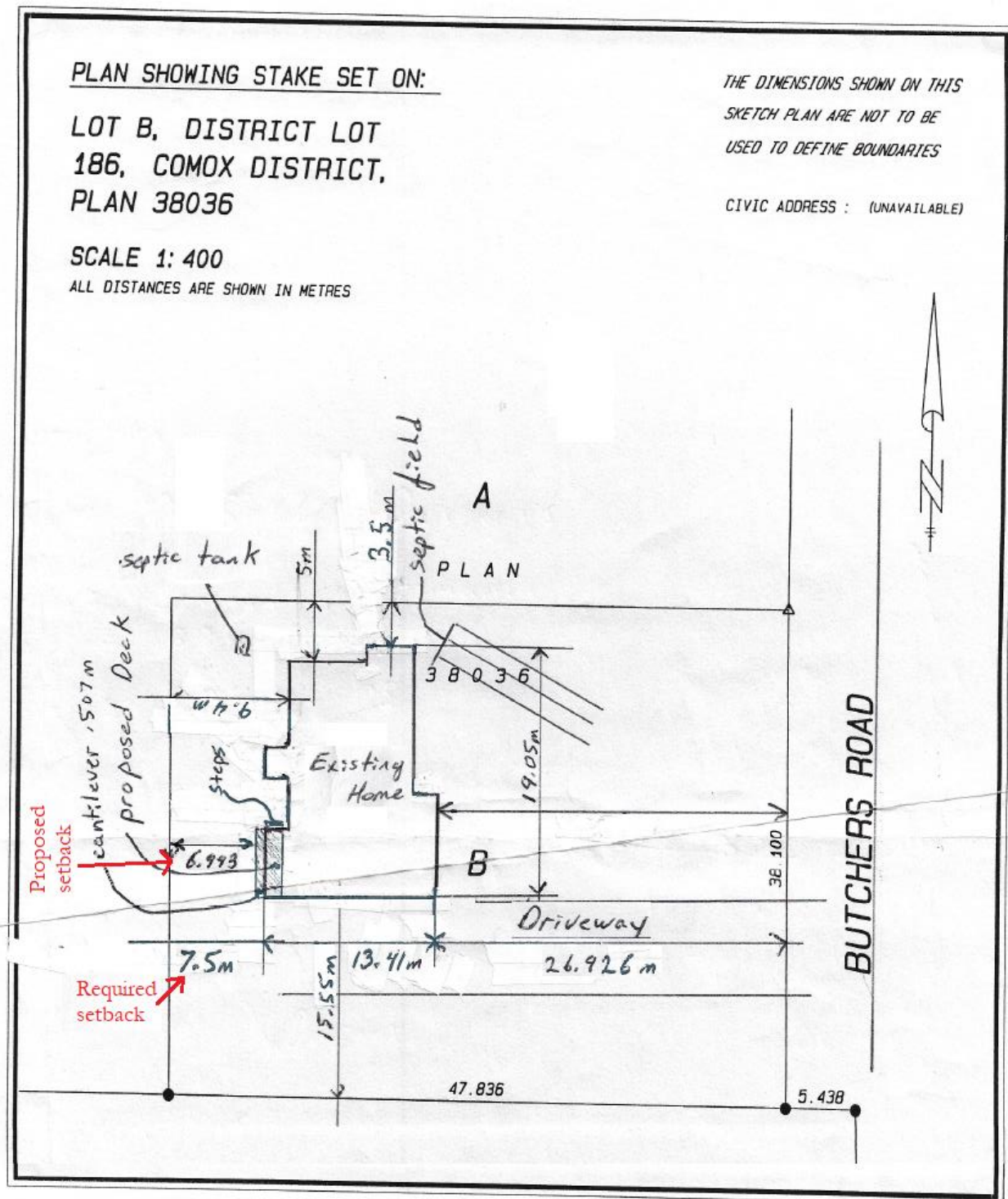


Figure 3: Site Plan

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