

# Memo

**File:** 3090-20/DV 5B 18

**DATE:** May 7, 2019

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

**FROM:** Planning and Development Services Branch

**RE:** Development Variance Permit – 1406 Wilkinson Road (Graham)  
Lot 15, District Lot 216, Comox District, Plan 12215, PID 004-967-321

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An application has been received to consider a Development Variance Permit (DVP) that would increase the allowable height for an accessory building and decrease the minimum front yard setback. These variances would allow the applicants to achieve their objective of adding a second storey onto an existing accessory building.

The subject property is a 0.14 hectare lot along the dead-end stretch of Wilkinson Road (Figure 1). It is developed with a house and two accessory buildings in the front yard (Figure 2). The applicants originally intended to convert the accessory building into a carriage house and designed the building accordingly. However, since their situation has changed, they have amended the application so that it only allows the second storey to be accessory space and not for residential use.

## Zoning bylaw

The property is zoned Country Residential One (CR-1) (Appendix A) which requires a minimum front yard setback of 7.5 metres for all buildings. The existing building has a front yard setback of 3.19 metres (Figures 3 and 4). It was constructed prior to the Comox Valley Regional District (CVRD) regulating front yard setbacks and, therefore, has lawfully non-conforming siting. However, that non-conforming siting only applies to that building as it existed when the siting regulations came into force, that is, as a single storey accessory building. As the construction of a second storey involves the addition of floor area, it must be setback 7.5 metres or have a variance granted to allow for it to also be within the setback area. The applicant's proposal to have the second storey floor area match the first storey floor area at the 3.19 metre setback requires a DVP. Additionally, the variance permit would include eaves that would project an additional 0.91 metres from the face of the building towards the front property line.

Secondly, the building is proposed to have a total height of 7.62 metres. The Zoning Bylaw currently allows accessory buildings to have a maximum height of 6 metres. The height would be comprised of an approximately 2.4 metre tall first floor, a 2.7 metre tall second floor, and a 2.1 metre high roof (12:5 pitch), as well as the space between floors. To achieve these heights, a development variance permit is required.

	<b>Zoning Regulation</b>	<b>Requested Variance</b>	<b>Difference</b>
<b>Front Yard Setback</b>	7.5 metres (min)	3.19 metres	4.31 metres
<b>Eaves</b>	5.5 metres (min)	2.28 metres	0.75 metres
<b>Height</b>	6.0 metres (max)	7.62 metres	1.62 metres

### Accessory Building

The applicant submitted a conceptual design for the accessory building (Figure 5). It was designed as a carriage house with matching 64 square metre floor areas on both floors, an external means of access and egress to the second floor, and no interior access between floors. These design features may also exist in an accessory building. The zone allows up to 200 square metres of total accessory building floor area on the property and 35 per cent lot coverage. If approved and constructed as proposed, there would be 151 square metres of total accessory building floor area and 31 per cent lot coverage (includes decks). An accessory building may include plumbing, heating and electricity. To renovate an accessory building for residential use a building permit is required to ensure plumbing, heating and electricity and other features are present and to an acceptable standard.

### Accessory Building and Carriage House

The distinguishing feature between an accessory building, as presented, and a carriage house is the inclusion of cooking facilities. If the building were to be constructed with cooking facilities or with an electrical outlet suitable for a stove, then it must be constructed to the carriage house standards of the Zoning Bylaw (e.g. 90 square metres floor area limit, 1.75 metre side yard setback, etc.) and the residential standards of the Building Code. The Building Code would require residential occupancy to include a heating system (furnace), hot water tank, ventilation, insulation, windows, smoke detectors, electrical wiring, among other items – these may be included in an accessory building but are not mandatory.

Should variances be approved and future property owners opt to convert the accessory building to a carriage house, a new DVP will be required. In addition to the above noted variances which are specific to accessory buildings, a carriage house variance permit would also require a variance to the side yard setback regulation. Residential use here requires a minimum 1.75 metre side yard, whereas the building is at 1.58 metres. Accessory buildings require a 1.0 metre side yard.

### 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 – “CR-1 Zone”

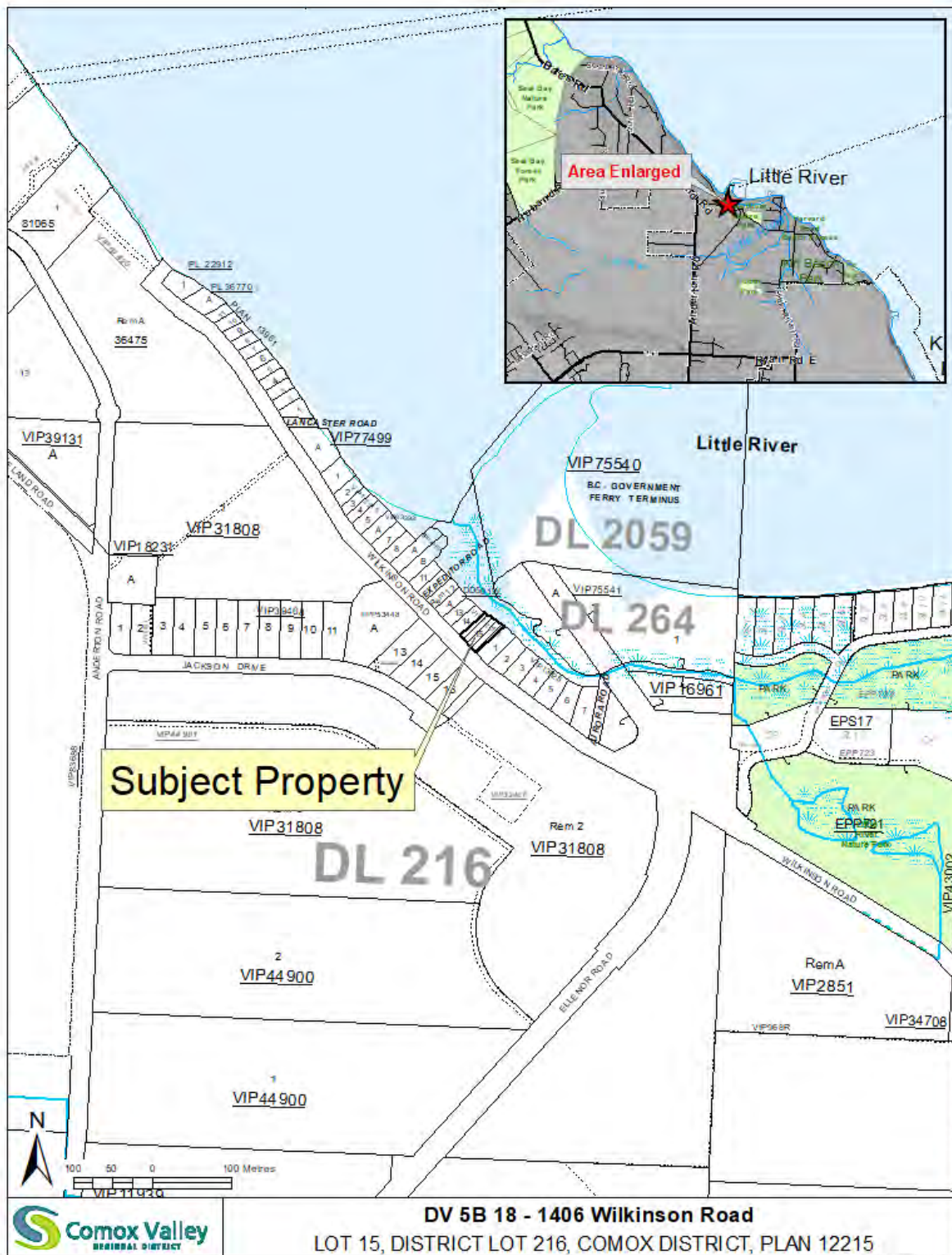
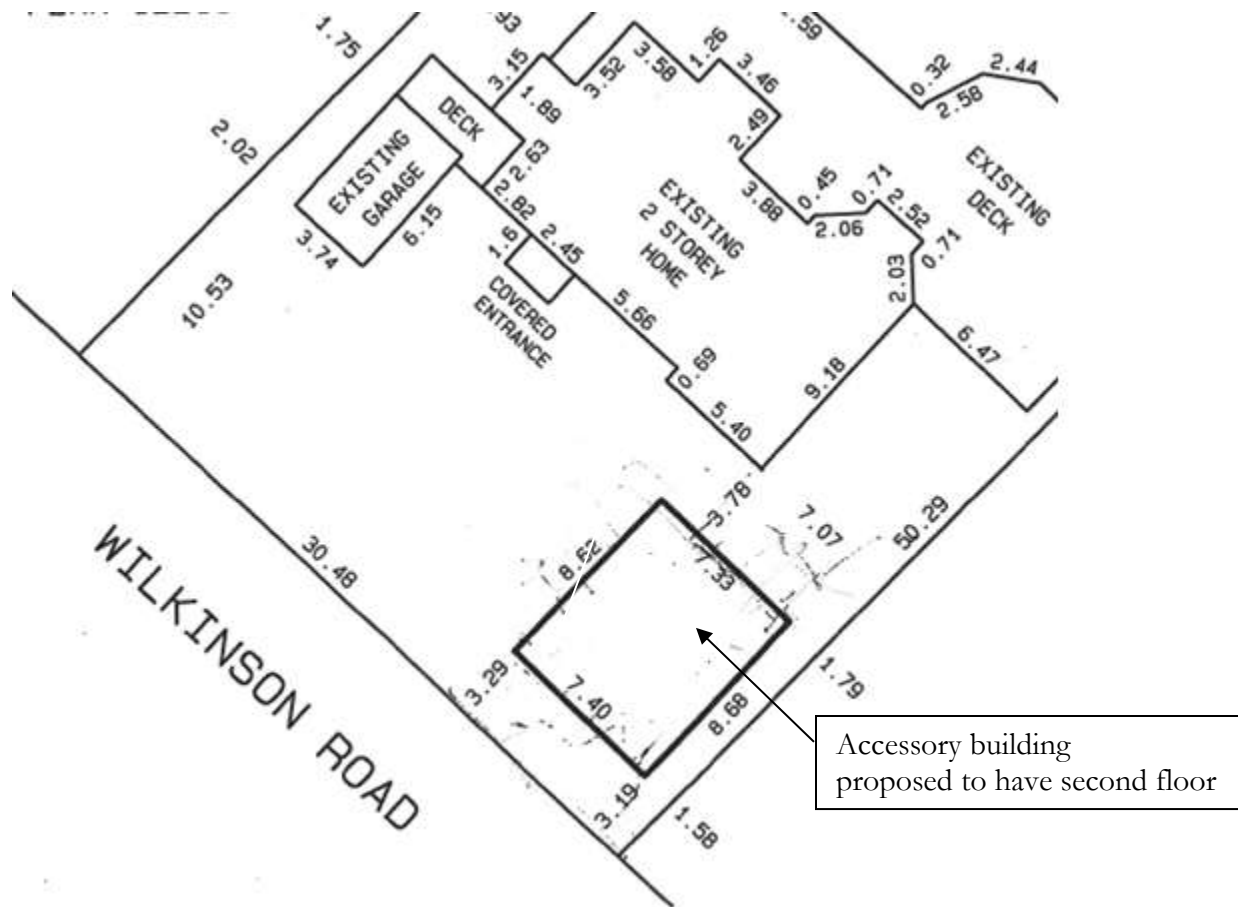


Figure 1: Subject Property



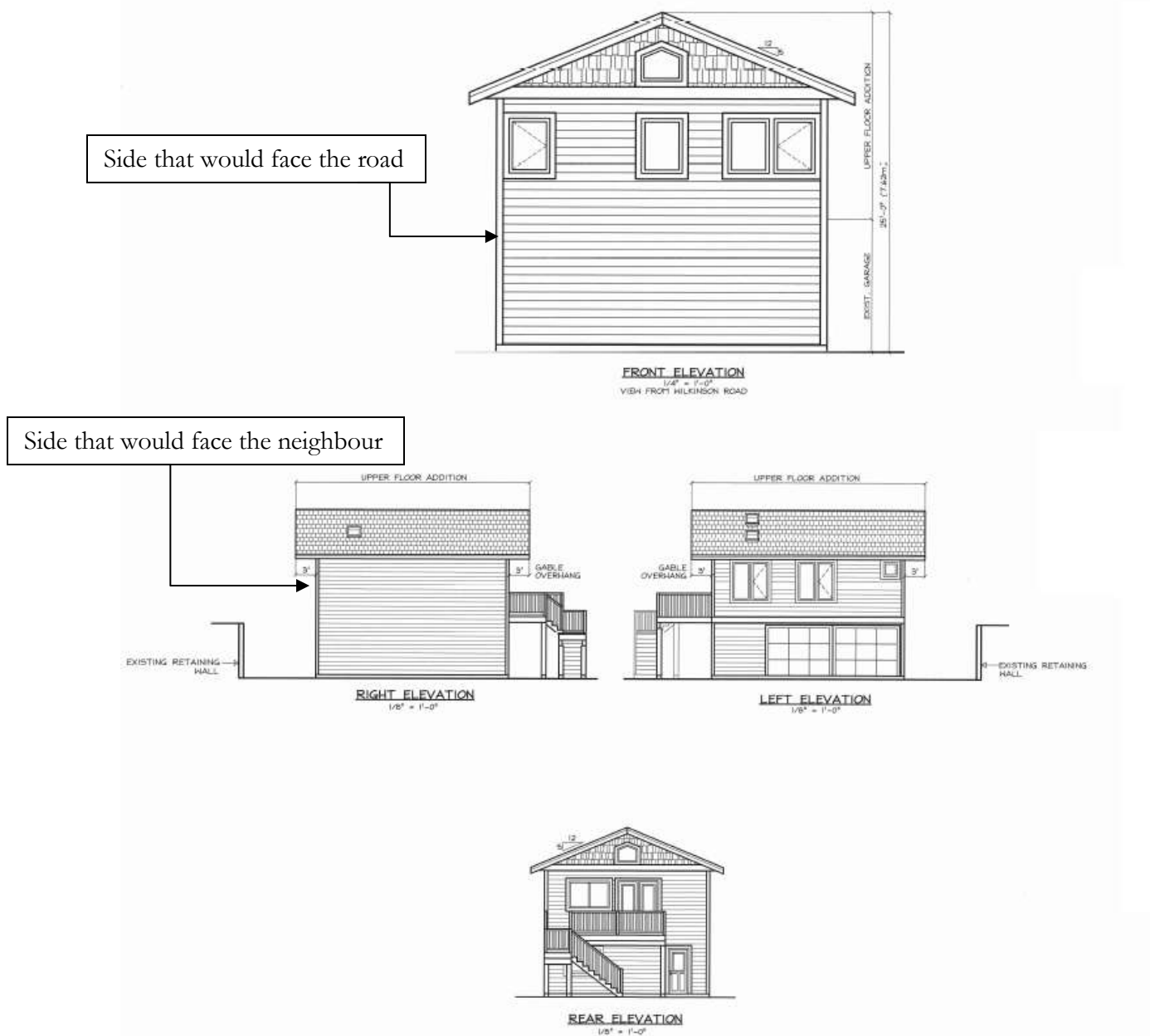
Figure 2: Air Photo



**Figure 3: Site Plan Illustrating Size and Setbacks of the Accessory Building which the Applicants are seeking to add a Second Floor**



**Figure 4: Photo Illustrating Subject Property**



**Figure 5: Conceptual Drawing of Proposed Accessory Building  
Submitted by the Applicant**

**707****Country Residential One (CR-1)****1. PRINCIPAL USE**

- i) **On any lot:**
  - a) Residential use.
- ii) **On any lot over 4000 metres<sup>2</sup> (1.0 acre):**
  - a) Agricultural use.

**2. ACCESSORY USES**

- i) **On any lot:**
  - a) Home occupation use;
  - b) Accessory buildings; and
  - c) Bed and Breakfast
- ii) **On any lot 2.0 hectares (4.9 acres) or larger:**
  - a) Animal kennels.

**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 metres<sup>2</sup> (968.8 feet<sup>2</sup>).
- ii) **On any lot 1.0 hectare (2.5 acres) and over:** Two single detached dwellings.

**4. SITING AND HEIGHT OF BUILDINGS AND STRUCTURES**

The setbacks required for buildings and structures within the Country Residential One 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 (32.8ft)	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. [Note: 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 metres<sup>2</sup> (2152.9 feet<sup>2</sup>).

**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 2.0 hectares (4.9 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.