

Memo

File: 3090-20/DV 3B 20

DATE: September 11, 2020

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

FROM: Planning and Development Services Branch

RE: Development Variance Permit – 107 Gage Road (Silcox)
Lot 2, District Lot 140, Comox District, Plan 41961, PID 001-037-978

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

Application Description

An application has been received to consider a Development Variance Permit (DVP) for the purposes of reducing the required road frontage for a subdivision. This DVP is a condition of approval attached to Subdivision File 03100 B 20. The subject property, located at 107 Gage Road, is zoned Country Residential One (CR-1) and is designated as being within the Settlement Expansion Area. It is approximately 0.6 hectares in size, and is located at the end of the Gage Road cul-de-sac, accessed through a panhandle connection, and surrounded by other residential lots (Figures 1 and 2). The applicant is proposing a lot line adjustment subdivision which would see a triangular piece of land added to the southeast corner of the property for the purposes of view preservation (Figure 3). Minimum road frontage requirements are stipulated within subdivision requirements in order to ensure that smaller and newly-created lots all have adequate road frontage to ensure a reasonable amount of space for access

Official Community Plan and Regional Growth Strategy Analysis

Bylaw No. 337 and Bylaw No. 120, being the "Rural Comox Valley Official Community Plan, Bylaw No. 337, 2014" and the "Comox Valley Regional District Regional Growth Strategy, Bylaw No. 120, 2010" respectively, both designate the subject property as within the Settlement Expansion Area. These are identified lands near the border of a member municipality that will, in some point in the future, be considered for incorporation into said member municipality. This proposal does not conflict with any of the residential principles or objectives outlined within Bylaws 337 or 120.

Zoning Bylaw Analysis

Bylaw No. 520, being the "Rural Comox Valley Zoning Bylaw, Bylaw No. 520, 2019," outlines certain conditions which have to be met for a subdivision to be considered, one of which has to do with road frontage. Road frontage is calculated by dividing the length of the lot line(s) adjacent to a roadway by the total length of all lot lines, so while the lot line adjustment does not alter the road frontage itself, it lessens the frontage by increasing the length of the perimeter of the lot. The minimum road frontage for subdivision is 10 percent, per Section 501(1)(iii) of the Zoning Bylaw (Appendix A).

The subject property was originally created through subdivision in 1982 with adequate road frontage, but a subdivision in 1983 closed the southern part of Gage Road, creating a cul-de-sac and a panhandle access to the subject property and leaving the property with a road frontage of 1.03 percent. The triangular addition shown in Figure 3 reduces the frontage to 0.78 percent.

Sincerely,

T. Trieu

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

/dt

Attachments: Appendix A - “Section 501 of Bylaw No. 520”

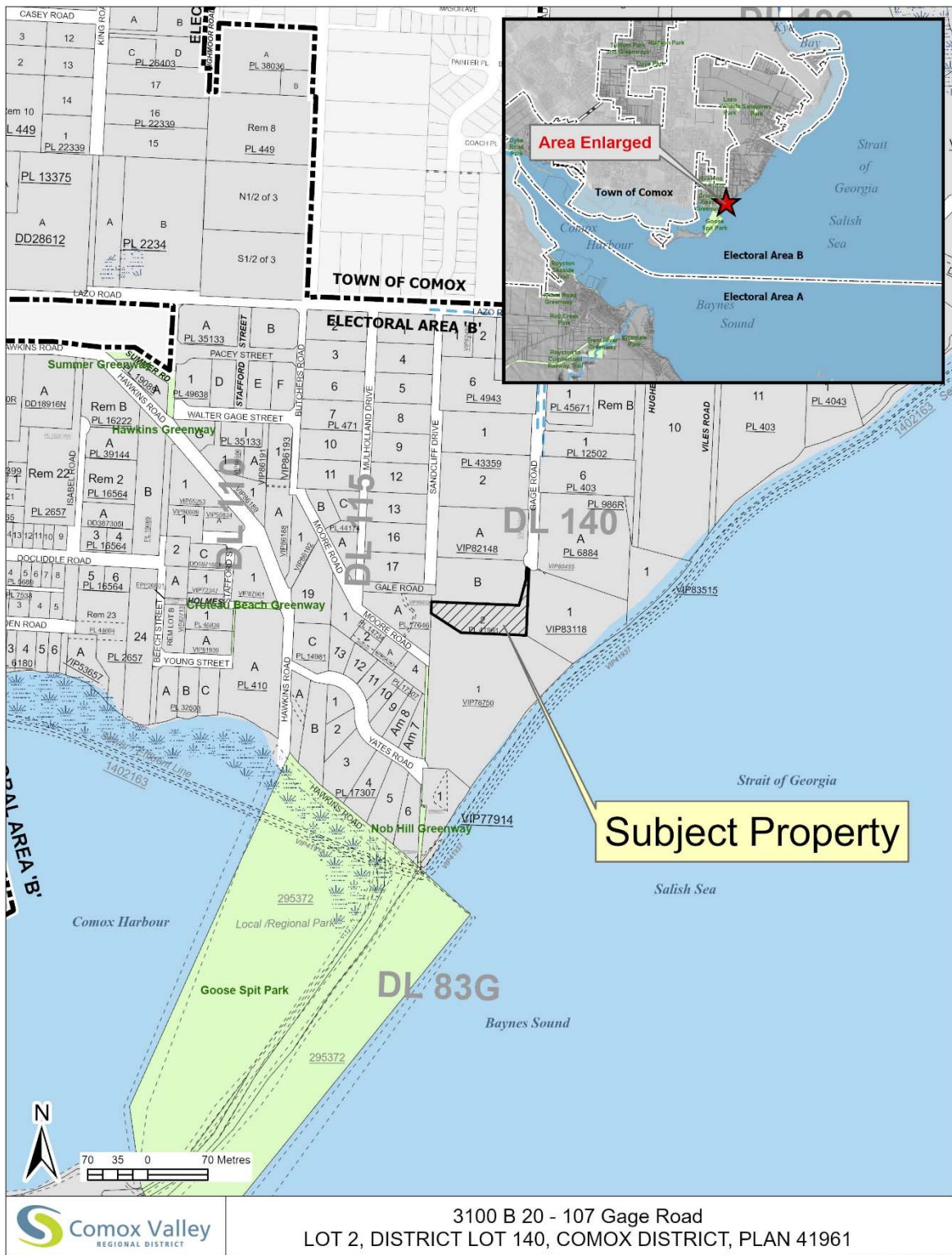


Figure 1: Subject Property Map



Part 500**Subdivision Regulations****501 Subdivision Standards****1. Area and Frontage Requirements**

- i) The minimum lot area requirements for subdivision within each zone shall be as specified in Parts 700, 800, 900, 1000 and 1100 of this bylaw except that where minimum lot areas are described as minimum average lot areas, lots smaller than otherwise required may be created subject to the following:
 - a) The number of lots created by a plan of subdivision shall not exceed the number of lots that could be otherwise created at the required minimum lot area; and
 - b) The owner of the land to be subdivided has first caused to be registered in the Land Title Office a covenant under Section 219 of the *Land Title Act* in favour of the Regional District, prohibiting the further subdivision of any lot having an area greater than twice the minimum lot area.
- ii) The minimum lot area requirements for subdivision specified in Parts 700, 800, 900, 1000 and 1100 of this bylaw apply to any building strata plan that creates a strata lot for an entire building.
- iii) The minimum frontage of a lot created by subdivision shall be 10 per cent of the perimeter of the lot unless specified otherwise elsewhere in this bylaw. For this purpose, the water boundary of any lot that abuts a water body or the sea is deemed to be frontage.
- iv) Lots that abut a water body or the sea must have a frontage to depth ratio of at least 1:3 in the case of rectangular lots and an average width to average depth ratio of at least 1:3 in the case of irregularly shaped lots.

2. Lot Area Exemption

- i) The minimum lot area requirement shall not apply to a subdivision:
 - a) Where lot lines are relocated or removed to facilitate an existing development or improve a subdivision pattern provided:
 - 1) No additional lots are created;
 - 2) The lots are contiguous;
 - 3) No parcel shall be enlarged to a size permitting further subdivision unless each parcel included in the boundary revision is of an area large enough to satisfy the size requirements applied to the subject lands.
 - b) Where a Crown lease is granted.
 - c) Lots which consist of two (2) or more parts physically separated by the following:
 - 1) A highway, which was dedicated prior to the adoption of this bylaw;
 - 2) A railway under the jurisdiction of the *Railway Act* and amendments thereto may be subdivided along the dividing highway or the railway in

spite of the fact that the newly created lots fail to meet the minimum lot area requirements of this bylaw. All newly created lots shall be required to meet the requirements of other authorities having jurisdiction with respect to the provision of water, method of sewage disposal and access. Areas marked “Return to Crown” as indicated on a registered plan shall not be exempt from this provision.

- ii) The minimum lot area requirement shall not apply to building strata subdivisions created under the *Strata Property Act* within the following zones, where higher density is permitted: C-1, C-1A, TC-1 and TC-2 zones only. This provision is subject to the parent lot meeting the required minimum lot area as stated within the applicable lot area requirement section of the zone prior to strata subdivision.
- iii) A lot being created to be used for utility, park or trail use or for the installation of equipment necessary for the operation of community water, sewer or drainage systems.

3. Subdivision to Provide Residence for a Relative

- i) No subdivision is permitted under Section 514 of the *Local Government Act*, on lands not within the Agricultural Land Reserve, unless the lot being subdivided is at least two times the minimum lot area specified for the applicable zone.

4. Works and Services

- i) Where the proposed subdivision is situated within a Service Area, the Regional District, as a condition of subdivision, shall require the applicant or owner of the proposed subdivision:
 - a) To submit a plan of subdivision to the Regional District for approval respecting a waterworks system and/or sewer system.
 - b) To retain at their expense, a Professional Engineer who will design the required services, prepare specifications covering installation of the work, carry out all necessary surveys in connection with design and installation of services and upon completion of the design and specification, shall submit drawings to the Regional District Engineer or such person as designated. All aspects of this work shall be carried out in accordance with good engineering practices, and to the water supply standards and/or sewer standards, as set by the Regional District. No work shall commence until all plans and specifications are approved by the Regional District Engineer or such person as designated, and a Certificate of Approval has been received from the Ministry of Health or appropriate government agency.
 - c) To install at their own expense and at no cost to the Regional District, upon approval of the Regional District Engineer or such person as designated and under the supervision of the applicant’s consulting Engineer, all water mains, fire hydrants, meters, and other fittings and appurtenances deemed necessary by the Regional District to provide an adequate supply of water for domestic and commercial use and fire protection for the future growth or expansion of said subdivision and shall pay for all engineering costs. The said water mains,

hydrants, meters, fittings and appurtenances shall become the property of the Regional District.

- d) To comply with the requirements of the Service Area in regard to payment of development cost charges as set out by separate bylaw.
- ii) The subdivision plan will not be given final approval until the design of works and services has been approved and the works and services installed and tested.
- iii) A notice of acceptance shall not relieve the applicant or owners of responsibility for faulty materials or defective workmanship. The applicant or owner guarantees to maintain the work against any defects arising from faulty installation, faulty materials supplied or faulty workmanship which may appear within one year of the date of acceptance.