

# Memo

**File:** 3090-20/DV 2B 20

**DATE:** July 30, 2020

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

**FROM:** Planning and Development Services Branch

**RE:** Development Variance Permit – 1904 Mariner Road (Racine)  
Lot 5, District Lot 128, Comox District, Plan 25907, PID 002-700-557

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

## **Application Description**

An application has been received to consider a Development Variance Permit in order to reduce the rear yard setback for the purpose of converting an accessory building into a secondary dwelling. The subject property is 0.17 hectares in size and is bounded by Mariner Road to the south and other similarly-sized residential lots to the west, north, and east (Figures 1 and 2). It features a primary dwelling unit toward the front of the property and an accessory building at the rear of the property (Figures 3-7). The main setback sought is for the foundation of the building and is a reduction of 4.5 metres, from 7.5 metres (required if the accessory building is used for residential purposes) to 3.0 metres. A secondary variance is required as the setback pertains to the eaves of the building. The setback reduction sought here is 2.8 metres, from 5.5 metres to 2.7 metres.

Minimum setback requirements are prescribed by Bylaw No. 520, being the "Rural Comox Valley Zoning Bylaw No. 520, 2019," for numerous reasons, including preventing the encroachment of buildings and structures toward road rights-of-way, maintaining sightlines for pedestrian and vehicle safety, and maintaining a certain degree of privacy from and toward adjacent neighbours, among others.

## **Official Community Plan and Regional Growth Strategy Analysis**

The property is designated as a Rural Settlement Area in both the Regional Growth Strategy and the Official Community Plan, being the "Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010" and the "Rural Comox Valley Official Community Plan Bylaw No. 337, 2104" respectively. According to both documents, Rural Settlement Areas are designated as such in order to preserve a rural character and way of life through generally larger lot sizes and patterns of low density development.

## **Zoning Bylaw Analysis**

The applicants have an accessory building which they have been using for non-residential purposes. Given this use, it meets the CR-1 zoning rear yard setback of 1.0 metre as outlined in Bylaw No. 520 (Appendix A). However, the applicants want to convert this accessory building into a secondary

dwelling and Section 315(3)(i) of the Zoning Bylaw stipulates that the “*siting of a secondary dwelling unit shall be in accordance with the principal structure setbacks.*” (Appendix B). Given this stipulation, the necessary setback for any structure used as a dwelling is 7.5 metres from the front and rear yard lot lines, and a variance is now required to convert the accessory building into a secondary structure. The variance requested is summarized in Table 1.

**Table 1: Variance Summary**

<b>Zoning Bylaw</b>	<b>Variance</b>	<b>Zoning</b>	<b>Proposed</b>	<b>Difference</b>
Section 703 (5)	Rear yard setback	7.5 metres	3.0 metres	4.5 metres
Section 403 (1)	Siting exemptions	5.5 metres	2.7 metres	2.8 metres

Sincerely,

**A. Mullaly** for

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

/dt

Attachments Appendix A – “Section 703 (CR-1) of Bylaw No. 520”  
 Appendix B – “Section 315 of Bylaw No. 520”

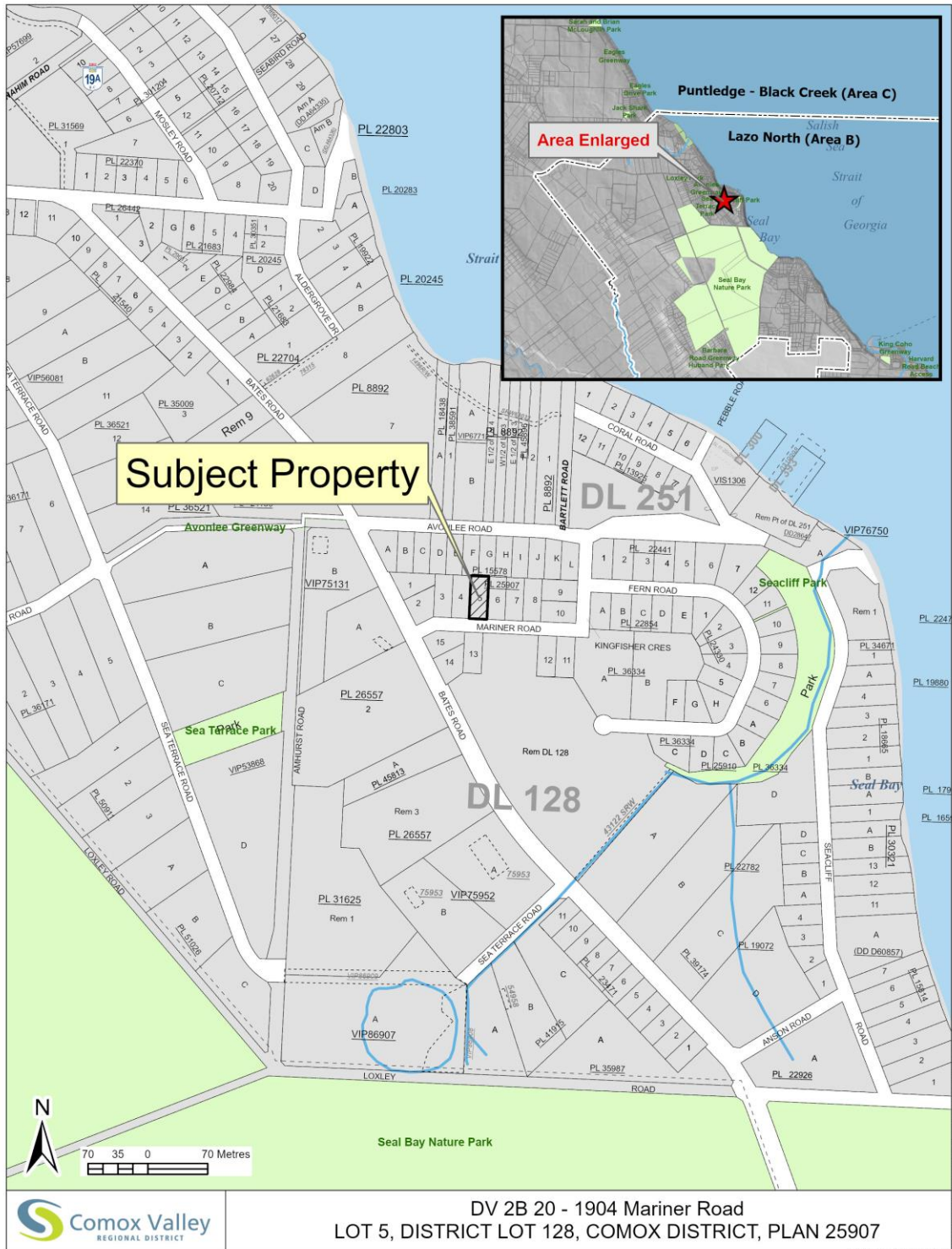


Figure 1: Subject Property Map





Figure 2: Air Photo

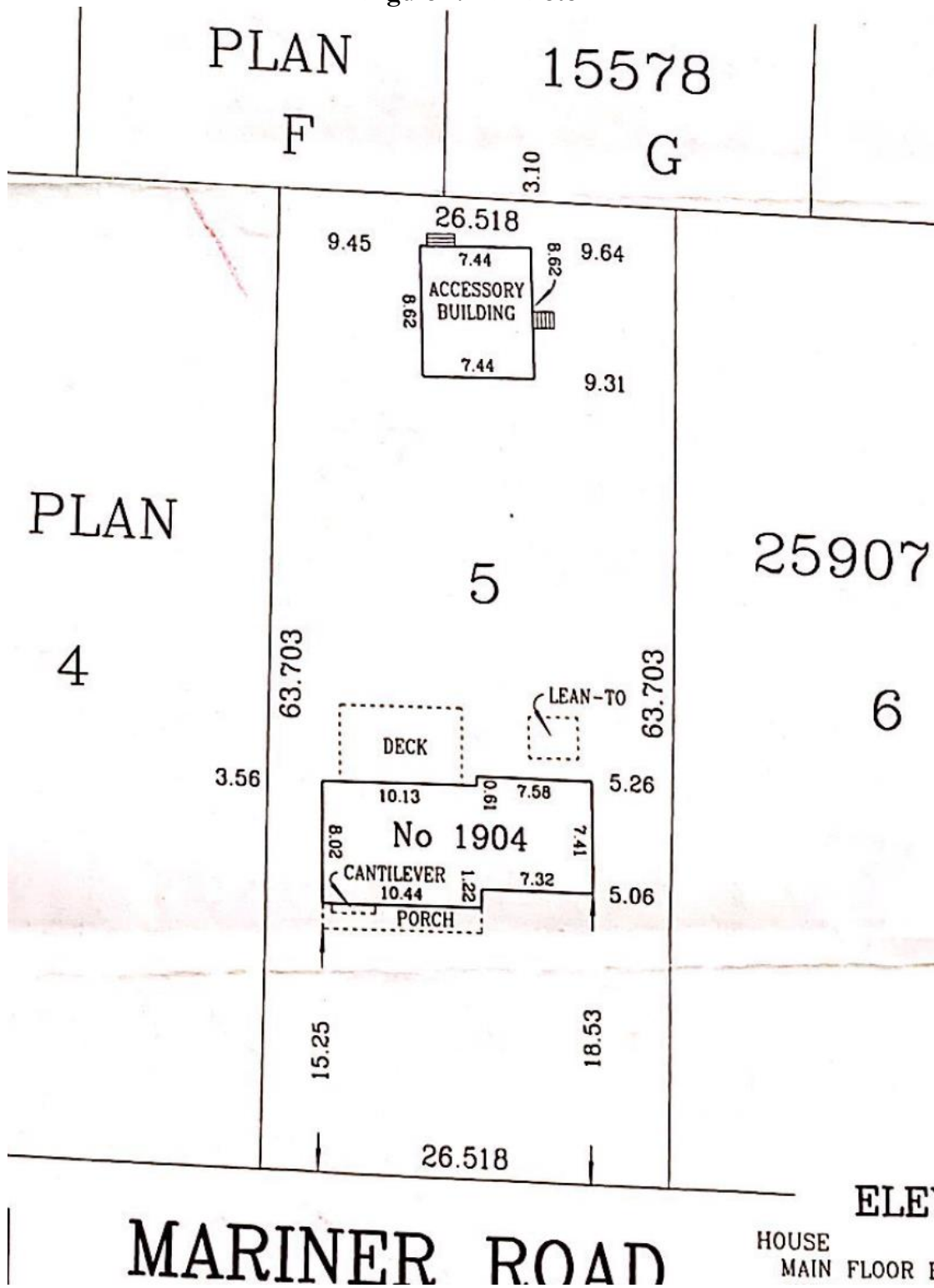


Figure 3: Site Plan





**Figure 4: View of Front of Accessory Building**



**Figure 5: Accessory Building & Side Lot Line**



**Figure 6: Rear of Accessory Building**



**Figure 7: Western Side of Building**

**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.