

Memo

File: 3090-20 / DV 7B 19

DATE: July 8, 2019

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

FROM: Planning and Development Services Branch

RE: Development Variance Permit – 5956 Aldergrove Drive (Clarke)
Lot 20, Block 29, Comox District, Plan 11986, PID 001-293-052

This development proposal is for commission members' review and comment.

An application has been received to consider a Development Variance permit. The oceanfront property is 0.17 hectares in size and is surrounded by a residential property to the northwest, Strait of Georgia to the northeast, Eel Road (closed road allowance) to the southeast and Aldergrove Road to the southwest (Figures 1 and 2). The applicants would like to remove the existing dwelling, construct a single detached dwelling and accessory building (Figure 3 and 4). Three variances are requested. To accommodate a covered deck attached to the dwelling, they are requesting to reduce the minimum side yard setback (from Eel Road). To accommodate a standard length garage and have a roof pitch architecturally consistent with the dwelling, they are requesting to reduce the minimum front yard setback and side yard setback (north). The building envelope is limited due to the steep slope on the property.

Regional Growth Strategy and Official Community Plan

The subject property is designated Rural Settlement Area (RSA) in both the Regional Growth Strategy, being the "Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010" and the Official Community Plan, being the "Rural Comox Valley Official Community Plan Bylaw, No. 337, 2014". The RSA policies include minimizing the impact of new development on existing neighbourhoods and ensuring the rural character of the neighbourhood is maintained.

Zoning Bylaw

The property is zoned Country Residential One (CR-1) in Bylaw No. 2781, being the "Comox Valley Zoning Bylaw, 2005" (Appendix A). The CR-1 zone permits a dwelling and accessory building. The requested variances are detailed below. The applicants are working on obtaining a setback permit from the Ministry of Transportation and Infrastructure to reduce the Eel Road setback. The applicants' rationale for the proposed variances can be found in Appendix B.

Dwelling			
	Zoning Regulation	Proposed	Difference
Side yard setback (from Eel Road)	4.5 metres	2.75 metres	1.75 metres
Setback to Eaves	2.5 metres	2.15 metres	0.35 metres

Accessory Building			
	Zoning Regulation	Proposed	Difference
Front Yard Setback	7.5 metres	6.0 metres	1.5 metres
Setback to Eaves	5.5 metres	5.37 metres	0.13 metres
Side Yard Setback (north)	1.75 metres	1.3 metres	0.45 metres
Setback to Eaves	0.88 metres	0.63 metres	0.25 metres

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

/bl

Attachments: Appendix A - “Copy of CR-1 Zone”
 Appendix B – “Applicants’ Rationale Letter”



Figure 1: Subject Property Map



Figure 2: Aerial Photo

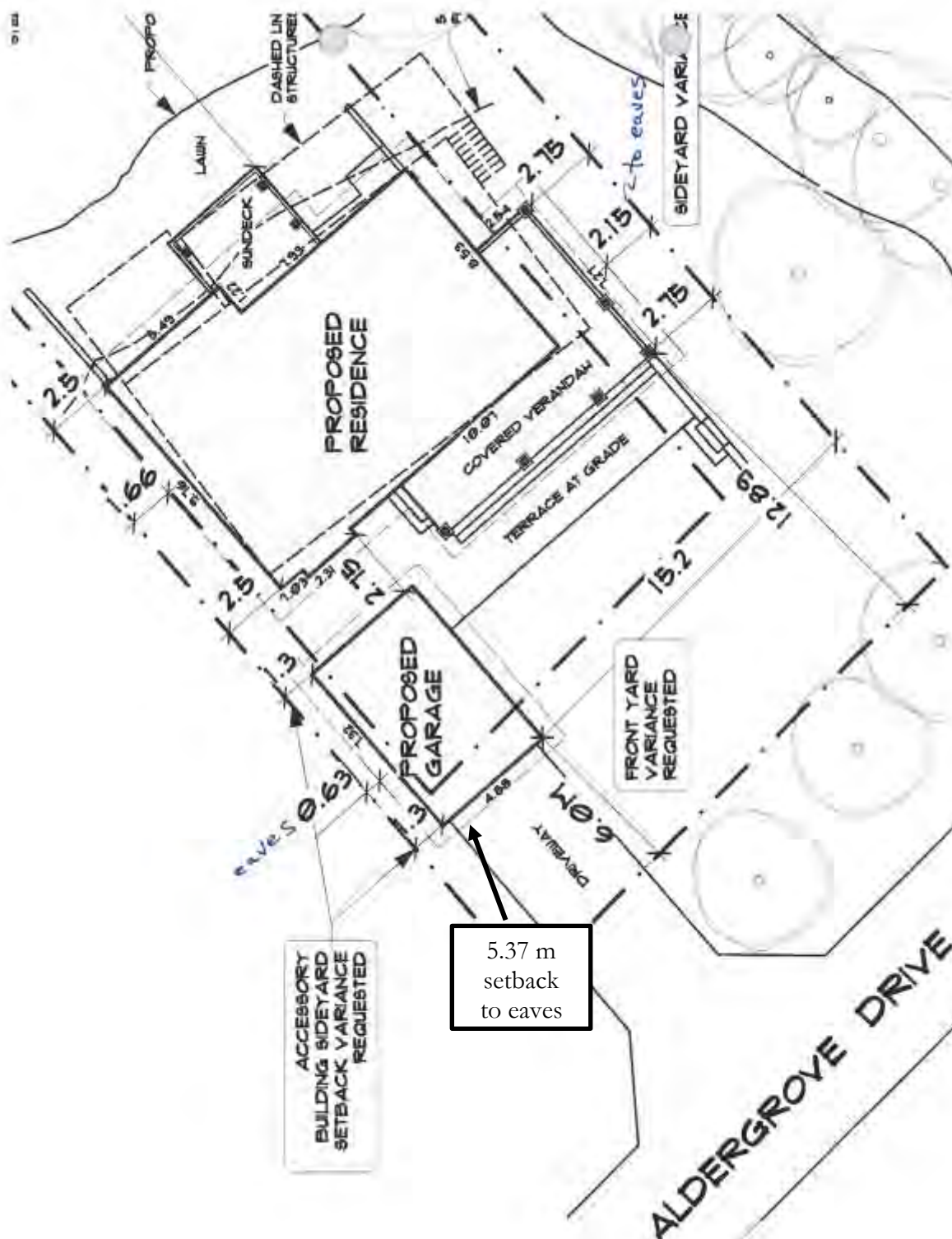


Figure 3: Site Plan





Figure 4: Building Drawings

Comox Valley Regional District

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

- i) **On any lot:**
 - a) Residential use.
- ii) **On any lot over 4000 metres² (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 metres² (968.8 feet²).
- ii) **On any lot 1.0 hectare (2.5 acres) and over:** Two single detached dwellings.

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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. 1836 being the “Floodplain Management Bylaw, 1997” 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 metres² (2152.9 feet²).

7. SUBDIVISION REQUIREMENTS

- 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.

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- 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”:

- a) Section 503 Subdivision Standards 1. AREA AND FRONTAGE REQUIREMENTS i);
- 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.

End • CR-1

June 24, 2019

File:

JUN 24 2019

To: Brian Chow
Rural Planner
Planning and Development Services Branch, Comox Valley Regional District

To:

cc:

Development Variance Application – 5956 Aldergrove Drive (Electoral Area B)

Please accept this application in support of three development variances required for 5956 Aldergrove Drive in Electoral Area B.

The three variances requested are to:

- Relax the south side yard setback against Eel Road from 4.5 metres to 2.75 metres to accommodate a covered deck attached to the house.
- Relax the front setback from 7.5 metres to 6.0 metres to accommodate a standard length garage
- Relax the north side yard setback from 1.75 metres to 1.3 metres to accommodate an architecturally consistent roof pitch to the garage and maintenance access to the side and back of the house.

The proposed development will involve the removal and relocation (to new property) of the existing single detached dwelling and the construction of a new replacement single detached dwelling and a new single detached garage. These variance requirements are all associated with the upper portion of the property above the steep slope and are driven primarily by the limited building space caused by the steep slope and the acute angle of the street relative to the side property lines.

The existing 1961 house with its attached deck are skewed to the side property lines and already encroach into the south side setback area against Eel Road. The new house with its covered deck will be in a similar location but will be built square to the property lines and actually infringe less on the setback than the existing structure. Renovation of the existing house was considered, but new greenfield construction allows for moisture issues in the existing basement to be rectified and will allow the most cost-effective means of achieving modern energy efficiencies. In addition, the new home will be designed for rainwater harvest, RWH, from the roof areas. This feature reduces demand on groundwater supplies and makes the new home more resilient. Given rainfall patterns in the Comox Valley however, sound RWH design principles require a sizeable cistern volume and that all practical means of maximizing roof area be incorporated in order to fill it by the end of the wet winter season.

We therefore ask for consideration of the requests and supply the following expanded reasoning:

The south side set back reduction against Eel Road from 4.5 metres to 2.75 metres (eaves from 2.5 metres to 2.15 metres):

- Is currently being approved by the Ministry of Transportation (permit to be provided)

- Is adjacent to a road allowance that is unlikely to ever contain an actual road due to the steep slope.
- Is consistent with other setback variances approved on other similar road allowances along the street.
- Still allows room for maintenance on the side and back of the house via the owner's property
- Infringes less into the setback than the existing 1961 single family dwelling and deck.
- Allows a practical and valuable means of maximizing roof area for rainwater harvest.
- Does not negatively impact on any neighbour's sight lines and improves the visual character of the neighbourhood.

The front set back reduction from 7.5 metres to 6.0 metres:

- Is driven by the limited building area between the street and the steep slope below
- Retains adequate distance for traffic safety as it remains greater than the 4.5 metres required by the Ministry of Transportation and Infrastructure. No MOTI approval is required.
- Retains room for parking for a full size vehicle on the driveway between the property line and the garage front.
- Is kept to a minimum by scaling the garage down to accommodate only one vehicle
- Aligns with the front of the neighbour's garage and therefore causes no adverse visual impact to the character of the neighbourhood.
- Allows for a standard length garage and thus helps maximize roof area for rainwater harvest.
- Allows access between the house and the garage for maintenance and access along the side and back of the property.

The north side setback reduction from 1.75 metres to 1.3 metres (eaves from 0.875 metres to 0.63 metres):

- Is necessary to maintain access between the house and garage for maintenance and access to the side and back of the property.
- Is influenced by an architectural desire to make the roof pitch match that of the house, improving the visual character of the property and therefore the neighbourhood and by the desire for a steep roof pitch for rainwater harvest (a steep pitch improves cleaning and harvest efficiencies).
- It is also notable that the intended garage design:
 - Keeps the overall scale of the accessory building structure scale to a minimum by building to accommodate only one vehicle
 - Keeps a peak height significantly lower than the peak height of the neighbouring house and garage.
 - Does not negatively impact views or site lines for any neighbours.
 - Keeps the roof peak of the garage lower than the proposed house.

Please feel free to contact us with any questions or concerns at 250-331-9121 or at clarkedt@hotmail.com.

Regards,



Dean and Deborah Clarke (home owners)
5956 Aldergrove Drive

John Gower, President
Gower Design Group
Courtenay, BC



Photo 1. This photo of the south side of the property illustrating the rear corner and deck of the existing 1961 house extending into the setback area against Eel Road. The new house will be kept out to the setback area and the new deck/veranda will extend into the 4.5m setback space by only 1.75m, less than the current deck.

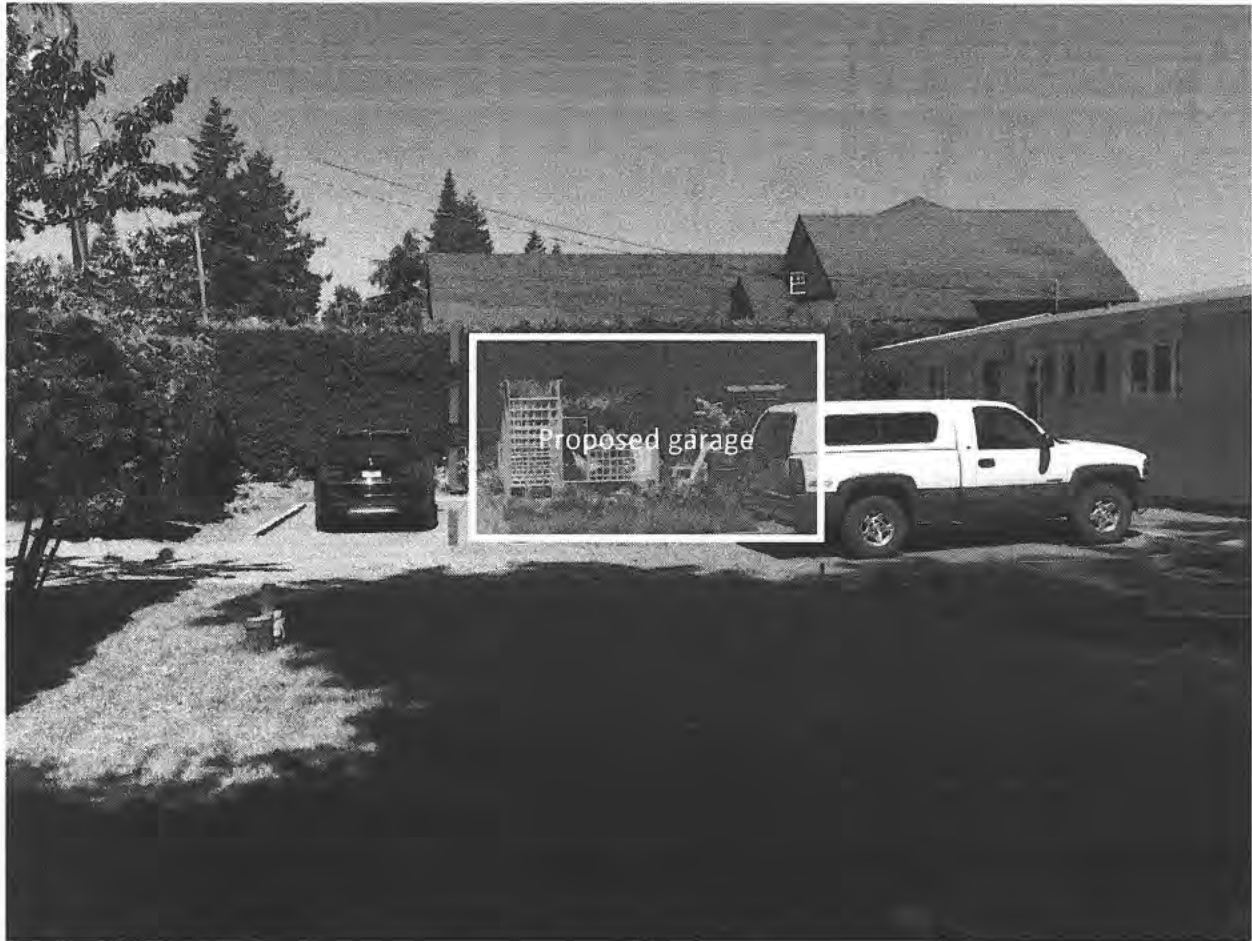


Photo 2. This photo facing north towards the neighbour's house and garage roofline (behind the hedge). The dashed line indicates the proposed position of the front of the garage, 6.0m from the front property line or 1.5 metres into the 7.5m front setback space. Please note that the new garage will be essentially even with the front of the neighbour's garage seen over the hedge, and only encroaches on the setback space because of the angle of the street relative to the side property line. There will remain space for a full size vehicle on the new driveway in front of the garage and inside the front property line. Pulling the garage forward allows for a standard length garage and retains room between the house and garage for maintenance access.



This photo is taken from the neighbour's side of the hedge to illustrate the height of the neighbouring garage and to emphasize that the 5.72 m height of the proposed garage will be several metres shorter than the one next door.