

Memo

File: 3090-20/DV 9B 19

DATE: July 10, 2019

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

FROM: Planning and Development Services Branch

RE: Development Variance Permit – 1919 Thurber Road (Barnsley)
Lot 7, District Lot 91, Comox District, Plan 31278, PID 001-163-248

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

An application has been received to consider a Development Variance Permit to reduce the rear yard setback. The 0.27 hectare property currently has a single detached dwelling. In 2017, a variance was granted to reduce the minimum side yard setback (from Lupin Drive) from 7.5 metres to 6.5 metres to accommodate a new carport attached to the existing dwelling. The property is surrounded by Thurber Road to the north, Lupin Drive (unopened road) to the east, and residential properties to the south and west (Figures 1 and 2). The applicants would like to reduce the minimum rear yard setback from 7.5 metres to 5.0 metres to accommodate the secondary dwelling (Figures 3 and 4).

Regional Growth Strategy and Official Community Plan

The subject property is designated Settlement Expansion Area (SEA) 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 SEA has been identified as future growth area for the adjacent urban municipalities. Development in SEA must generally maintain a rural character with on-site servicing and low densities.

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 secondary dwelling limited to 90 square metres in floor area. The applicants have a number of reasons for requesting the variance, which are detailed in Appendix B. The requested setback reduction for the secondary dwelling is detailed below.

Table 1: Variance Summary

Zoning Bylaw	Variance	Required	Proposed	Difference
Section 707 (4)	Rear yard setback	7.5 metres	5.0 metres	2.5 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

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

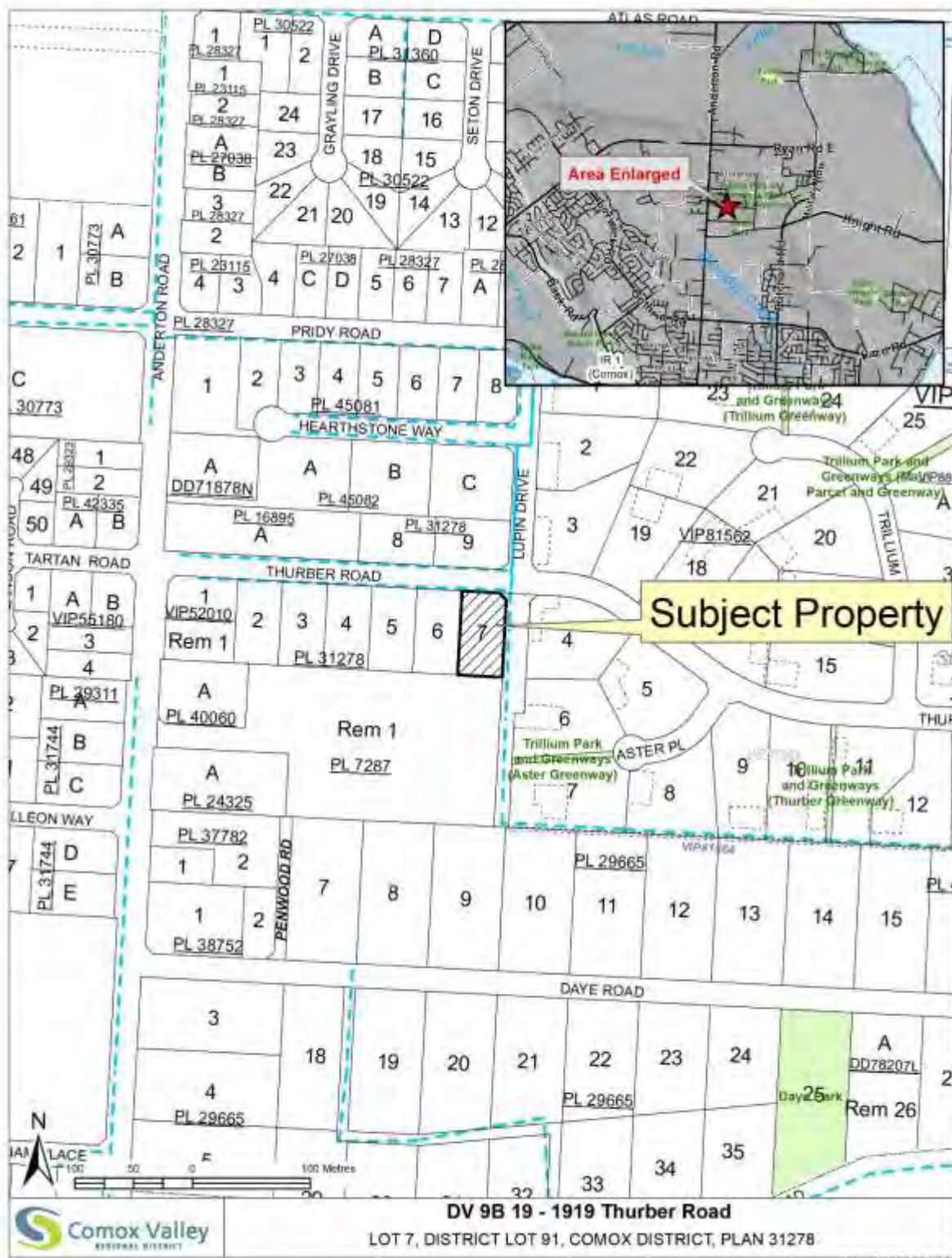


Figure 1: Subject Property Map



Figure 2: Aerial Photo

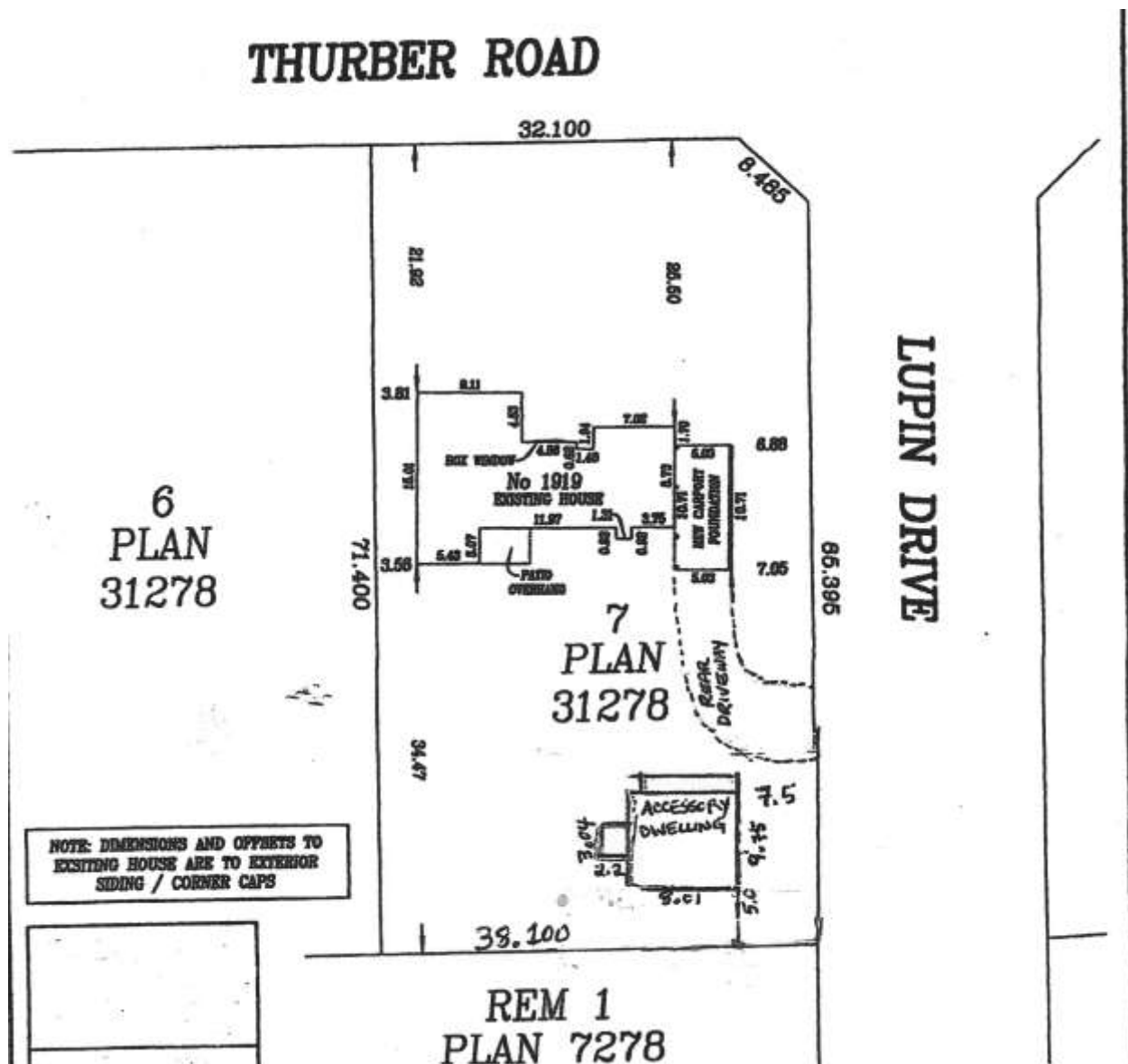


Figure 3: Site Plan



Figure 4: Building Drawings

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

Development Proposal

We are applying for our rear property line setback to be reduced from 7.5m to 5m to allow the siting of a secondary dwelling on our smaller Country Residential 1 lot. This variance would allow us to situate a cottage of approx. 853 sq ft in the rear corner of our lot, with minimal impact to our neighbours and our existing home.

- We are a corner lot, and thus have larger setbacks on three sides of our property. The rear corner where we propose siting the secondary dwelling, borders on the undeveloped, dead-end section of Lupin Dr. All property owners adjacent access their properties from other roads: two from Aster Place, one from Thurber Rd, and one from Anderton Rd. The impact of our placing a secondary dwelling within a reduced setback would be minimal. All adjacent properties have been developed, with the exception of the six-acre lot directly behind our rear property line, which has a driveway and access off Anderton Rd. The other two properties adjacent, have houses well over 150' distant from our proposed location.
- At .66 acre, we are one of the smallest sized lots for our zoning of Country Residential 1, which we understand was intended for lots of 2-5 acres. In all other Zones, lots of our size require rear setbacks of only 4.5 m.
- After considerable searching we have found a moved-on home/re-purposed home, from Nickel Bros Movers, which we would hope to move onto our lot. We have done all the due diligence, engineer's reports, etc, and are confident after speaking with the CVRD Building and Planning departments that this particular home meets all requirements. It is a lovely heritage home which would be a positive addition to our property and to the neighbourhood. We are committed to recycling an older, well-loved home to save it from the landfill, and creating a beautiful cottage here. We very much appreciate the CVRD's encouragement of recycled homes for all their benefits to sustainability. However, the width of this home is 31'4", which with the standard 7.5 m setback would push it down into the area we use for our rear driveway.
- Allowing us the smaller setback of 5 m would allow us to place this cottage-style home, with its lower roof, rather than having to build a narrower but taller building that would impact our neighbours more.
- As my husband Jaak (Walter John Barnsley) and I are currently 70 and 65 years old, we are hoping to age in place on this property, and this cottage would in future become our home with easy access and no stairs; while our daughter and grandson would occupy the rancher we currently occupy, which will be larger than we need in future and which has stairs inside the building.
- Allowing the smaller setback would also save us from having to relocate existing underground wiring, water line, and irrigation lines.
- It would also allow us to situate the cottage's septic field in the best location, as per advice from ROWP Bruce Nichol.
- It would also prevent the cottage from shading our established strawberry, blueberry, raspberry and vegetable beds.

- We currently have a full fence along the rear property line, and would landscape further with evergreen Nandina bamboo and hedging cedars. With the low roof of approx. 14'6" the visual impact of this cottage would be minimal from every direction.