

Memo

File: 3090-20/DV 6B 20

DATE: November 9, 2020

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

FROM: Planning and Development Services Branch

RE: Development Variance Permit Application – 1565 Ryan Road East (Joseph)
Lot 9, District Lot 114, Comox District, Plan 30373, PID 001-252-992

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

The subject property is located at 1565 Ryan Road East in the Lazo North Electoral Area (Electoral Area B) (Figures 1 and 2). The property is approximately 0.08 hectares in size, and it currently has a single detached dwelling (Figures 3 and 4). The applicants propose to construct an addition to the eastern side of the single detached dwelling (Figure 3). The proposed addition will have a building footprint of 78 square metres in area, with a garage on the ground floor and a secondary suite on the second storey (Figures 5 to 7). The secondary suite will be accessed by an external staircase.

Due to the location of the existing single detached dwelling, limited lot size and septic field, the proposed addition requires reductions of the minimum front yard (Ryan Road East) and east side yard setbacks.

Regional Growth Strategy Analysis

Bylaw No. 120, being the "Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010" (RGS) designates the subject property within Settlement Expansion Areas (SEAs). The proposed residential development does not conflict with residential policies in the RGS.

Official Community Plan Analysis

Bylaw No. 337, being the "Rural Comox Valley Official Community Plan Bylaw No. 337, 2014" (OCP) designates the subject property within SEAs. Similar to the RGS, the proposed residential development does not conflict with residential policies in the OCP.

Zoning Bylaw Analysis

The subject property is zoned Country Residential One (CR-1) by Bylaw No. 520, being the "Rural Comox Valley Zoning Bylaw No. 520, 2019" (Zoning Bylaw) (Appendix A). Table 1 summarizes the proposed reductions of the front and side yard setbacks:

Table 1: Front and Side Yard Setback Reductions

Bylaw No. 520	Minimum Setback Requirement	Proposed Setback	Difference
Front Yard			
Section 703 (5)(i) Foundation	7.5 metres	3.7 metres	3.8 metres
Section 403 (1) Eaves	5.5 metres	3.2 metres	2.3 metres
East Side Yard			
Section 703 (5)(i) Foundation	3.5 metres	1.5 metre	2.0 metres

As the proposed setback from Ryan Road East is less than 4.5 metres from the road, the applicants submitted a separate variance application with Ministry of Transportation and Infrastructure. In addition, the applicants received approval from this Ministry for a private driveway access from Ryan Road East.

The proposed building height of the addition is 8.35 metres, which is less than the maximum permitted building height of 10.0 metres and the maximum permitted height of 9.0 metres under the *Aeronautics Act* notation on the land title of the subject property. The proposal meets all other CR-1 zone requirements, such as the maximum lot coverage of 35 per cent.

According to the applicants, the single detached dwelling was built in 1938, and they would like to expand the current building footprint and maintain the same style of the single detached dwelling. The proposed addition enables them to operate a home occupation and to provide a secondary suite as a housing option. In addition, they contacted the neighbour to the east and obtained written support from this neighbour. To provide some privacy screening for this neighbour, the applicants are willing to install a solid fence along the portion of this lot line (Figure 8). Planning staff proposes to include this solid screening as condition of the development variance permit.

With respect to the proposed 1.5 metre side yard setback, the applicants consulted their builder and confirmed that as this setback is for the upper deck and landing for the entrance of the secondary suite, there would be sufficient room for future repair and maintenance of the proposed addition. Overall, they feel that the proposed location will not impact the form and character of their neighbourhood. Please refer to Appendix B for the applicants' written brief for additional reasons.

Please be advised that all adjacent properties within 100.0 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, RPP, MCIP
Manager of Planning Services
Planning and Development Services Branch

/bc

Attachments Appendix A – “CR-1 Zone”
 Appendix B – “Applicants’ Written Brief”

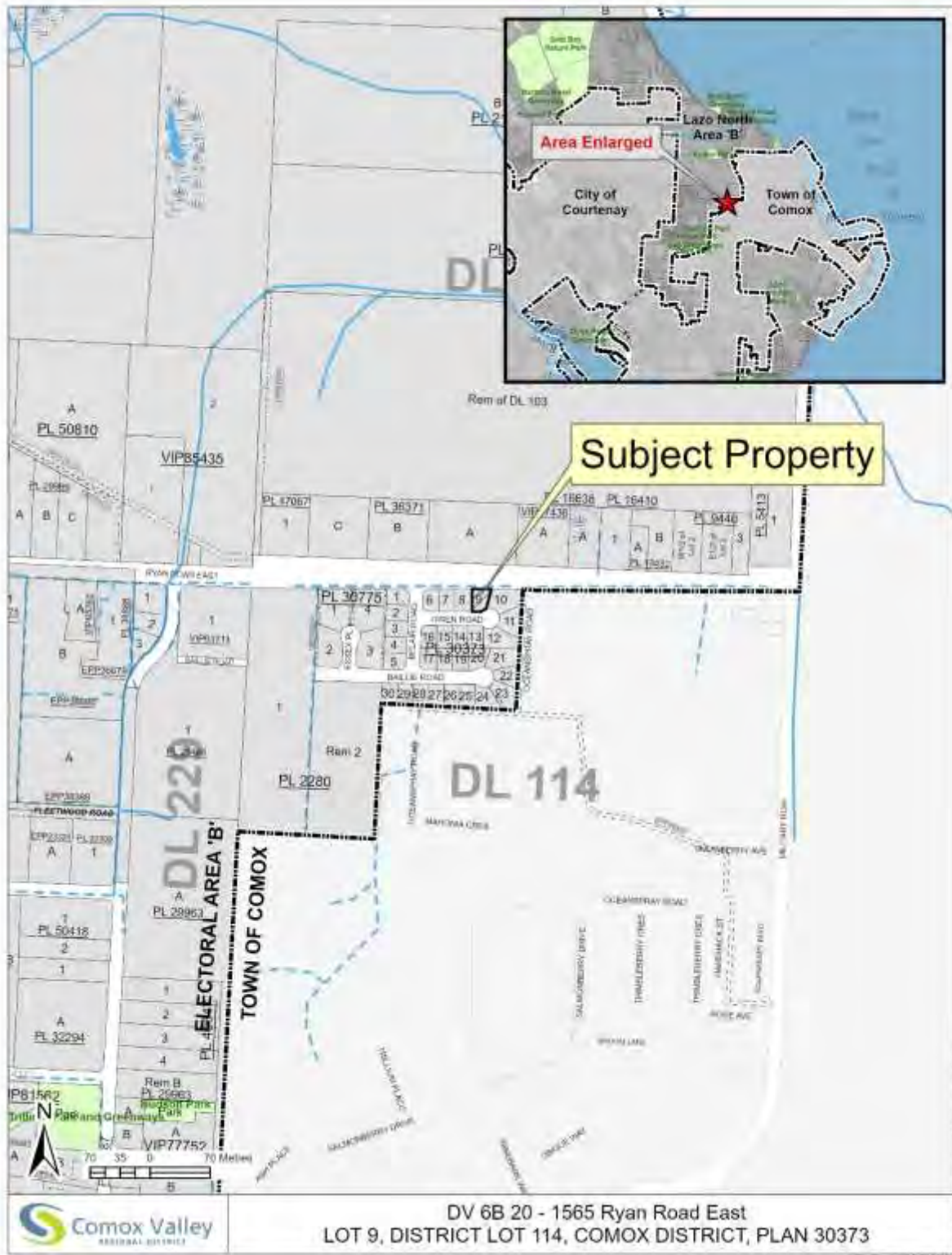
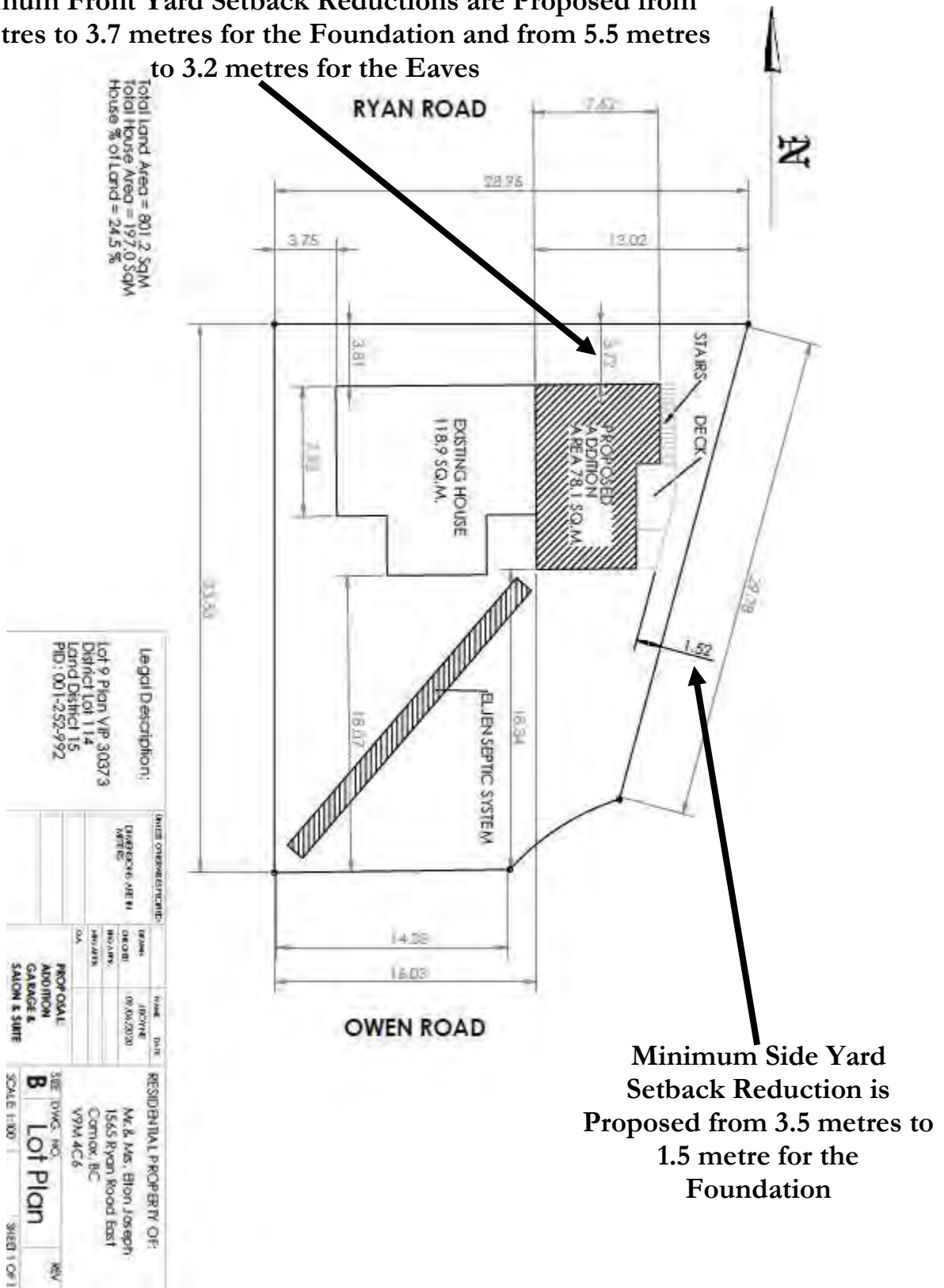


Figure 1: Subject Property Map



Figure 2: Air Photo

Minimum Front Yard Setback Reductions are Proposed from 7.5 metres to 3.7 metres for the Foundation and from 5.5 metres to 3.2 metres for the Eaves



Minimum Side Yard Setback Reduction is Proposed from 3.5 metres to 1.5 metre for the Foundation



Figure 4: Existing Single Detached Dwelling

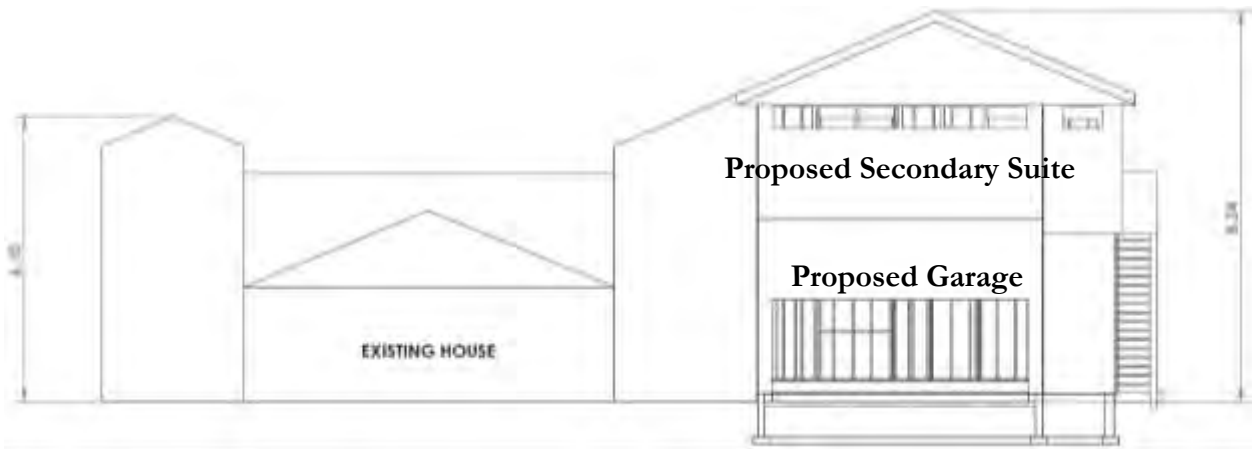


Figure 5: View from Owen Road



Figure 6: View from Ryan Road East

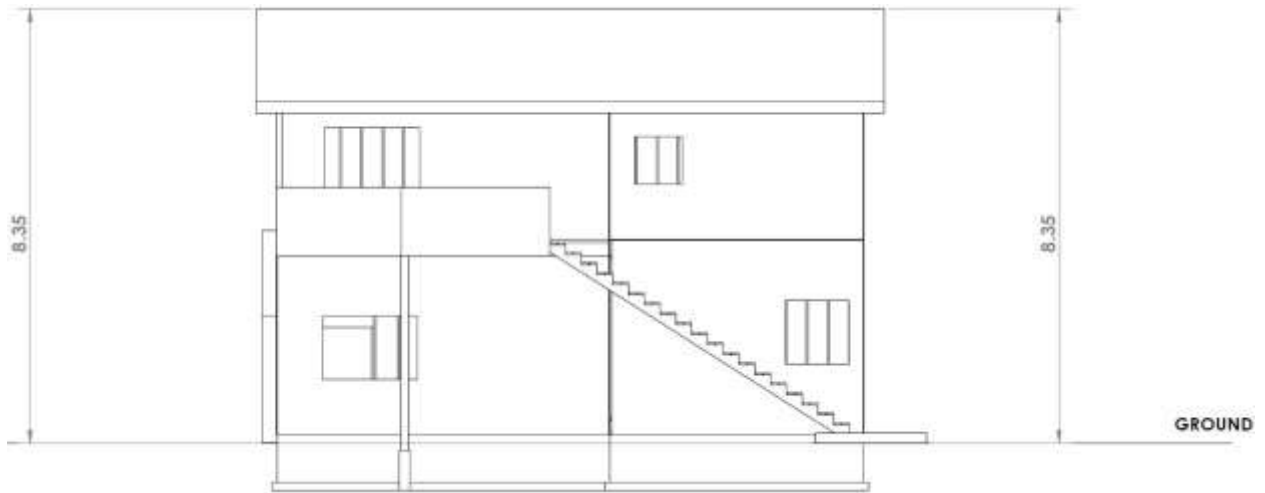


Figure 7: View from the East Side Yard



Figure 8: Current Fencing along the East Side Lot Line

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

Letter of Intent In Support of Request for Setback Variance
1565 Ryan Road East, Comox, BC V9M 4C6

Dear Members of the Planning Staff/(Board) at the Comox Valley Regional District,

We are writing to respectfully request a variance for the front (north), and side (east) setback requirement for our proposed addition. Our intention is to construct an addition to our home, whereby the variance approval would, (1) allow us to maintain the same style and footprint of our home, which was originally built in 1938, (2) provide maximum allowable square footage to create affordable accommodations, (3) provide two safe access points to our lot for emergency and service vehicles.

Upon taking the time to write, verbally inform, and meet with our neighbours, Brian and Elizabeth Cole of 1562 Owen Road, directly on the east side of our lot of the proposed project, they too are in full support of our intentions and have no objections.

Currently we have a 4 bedroom 2 bathroom single family dwelling on .20acres. We would like to build an extension that will provide adequate square footage for a home based business with a garage and a secondary suite .

What we would like the board to consider and is perhaps most relevant here is, (1) with an inclusion of a secondary suite, we would provide much needed affordable housing for the community (2) Our home based business will eliminate the need to commute, decreasing the level of carbon foot print (3) the fact the requested new footprint, with the variance would create no undue burden on our neighbouring residence, but be of benefit to all homes in our neighbourhood, (4) the proposed style and structure of the house is in harmony with the neighbourhood, (5) the proposed project would be an improvement to the neighbourhood, resulting in an overall increase in property value and tax base created by improvement.

We hope you agree that our request will too produce an aesthetically proper addition, an enhancement to our neighbourhood. Should you have any questions, please do not hesitate to contact us.

Thank you for your thoughtful consideration of this request.

Respectfully submitted,

Elton and Heather Joseph

Letter form our neighbour:

Subject: Proposed build

Dear Elton and Heather, thank you for taking the time to show us your site plans and to walk us through the proposed addition. It was so much easier to visualize when we walked it.

As we expressed, our concerns were around parking, and what would be between the edge of the addition, and our shared fence. We were satisfied to learn that all parking for the proposed shop and apartment would be on the Ryan Rd side of the property, and would not impact the cul-de-sac. We were also satisfied that the space in between the building and fence could be maintained easily.

We trust that your plans will all work out.

Sincerely,

Brian and Liz Cole
