

# Memo

**File:** 3090-20/DV 3C 21

**DATE:** December 16, 2021

**TO:** Advisory Planning Commission  
Baynes Sound-Denman/Hornby Islands (Electoral Area A)

**FROM:** Planning and Development Services

**RE:** **Development Variance Permit – 8838 Olund Road (Braun)  
Lot 2, Block 29, Comox District, Plan VIP81047, PID 026-682-311**

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

## **Background Information**

An application has been received to consider a Development Variance Permit application to increase the maximum height of an accessory building from 7.0 metres to 7.3 metres for property at 8838 Olund Road (Appendix A). The subject property is approximately 2.67 hectares in size, is zoned Country Residential One (CR-1), and is designated as being within a Settlement Node. The property is currently undeveloped (Figures 1 and 2). Proposed development involves a single detached dwelling, a secondary dwelling, and a combined storage garage/workshop, the latter of which has the lowest permitted height at 7.0 metres (Figures 3 and 4).

The purpose of regulating building height is multifold. It can help maintain privacy from and between adjacent neighbours; will ensure that building designs are relatively consistent and that new builds fit within the character and scope of the existing development; and, can help preserve views. View preservation is particularly important when the view that would be blocked is publicly accessible.

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

Bylaw No. 120, being the "Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010," and Bylaw No. 337, being the "Rural Comox Valley Official Community Plan Bylaw No. 337, 2014," both designate the property as being within a Settlement Node. The Settlement Nodes are where higher density residential and commercial developments should be concentrated. The proposed development does not conflict with any of the residential goals, policies, or objectives contained in either bylaw for the Settlement Node areas.

## **Zoning Bylaw Analysis**

Bylaw No. 520, being the "Rural Comox Valley Zoning Bylaw No. 520, 2019," regulates how a property can be used and developed. The bylaw zones the property as CR-1, and the CR-1 zone has a 7.0 metre height maximum for all accessory buildings, per Section 703(5). The proposed height of 7.3 metres for the accessory building is above the regulated maximum so can only be built with a Development Variance Permit to alter that portion of the Zoning Bylaw.

Sincerely,

***T. Trieu***

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

/dt

Attachments Appendix A – Request for Variance and Rationale

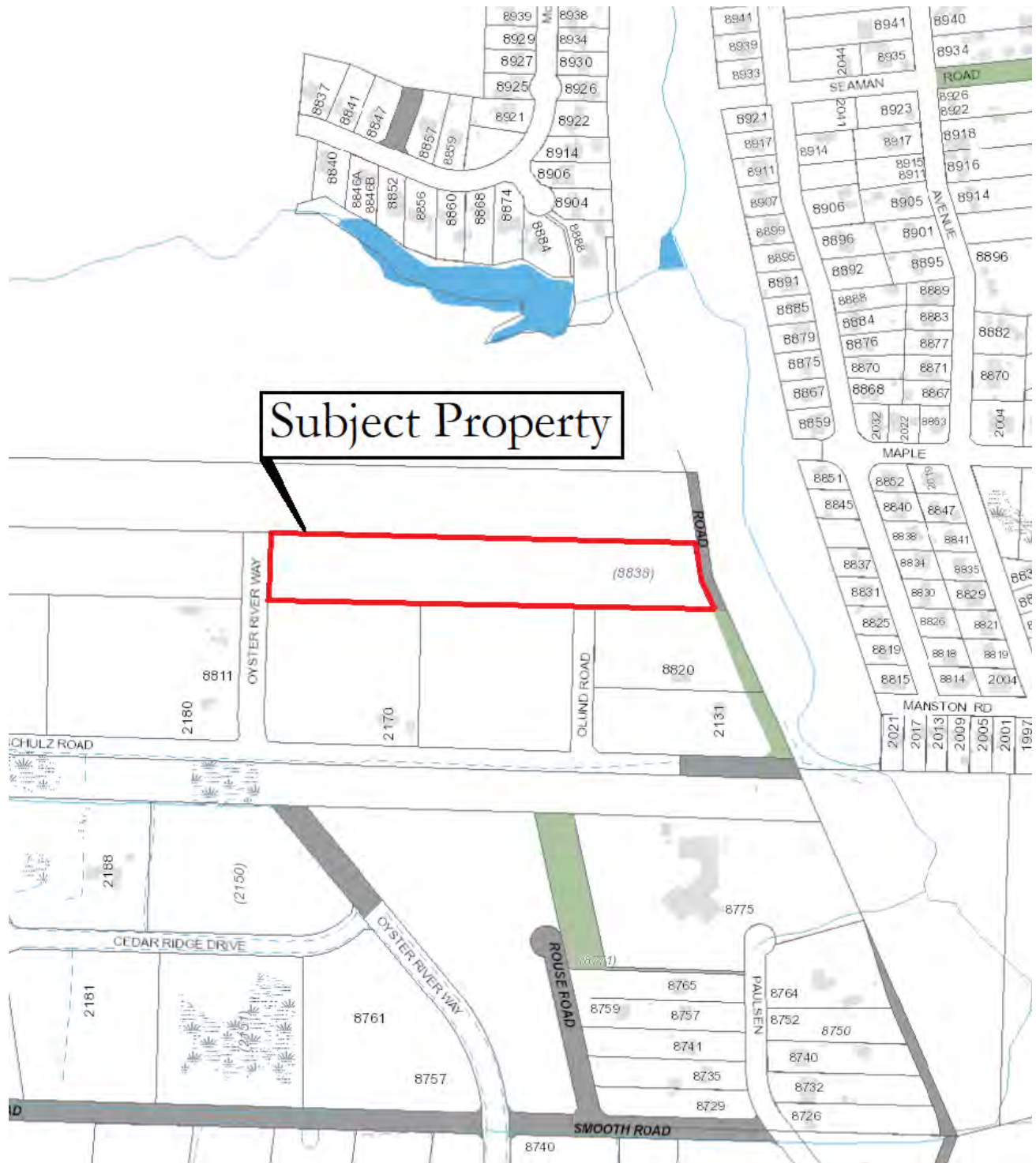


Figure 1: Subject Property Map



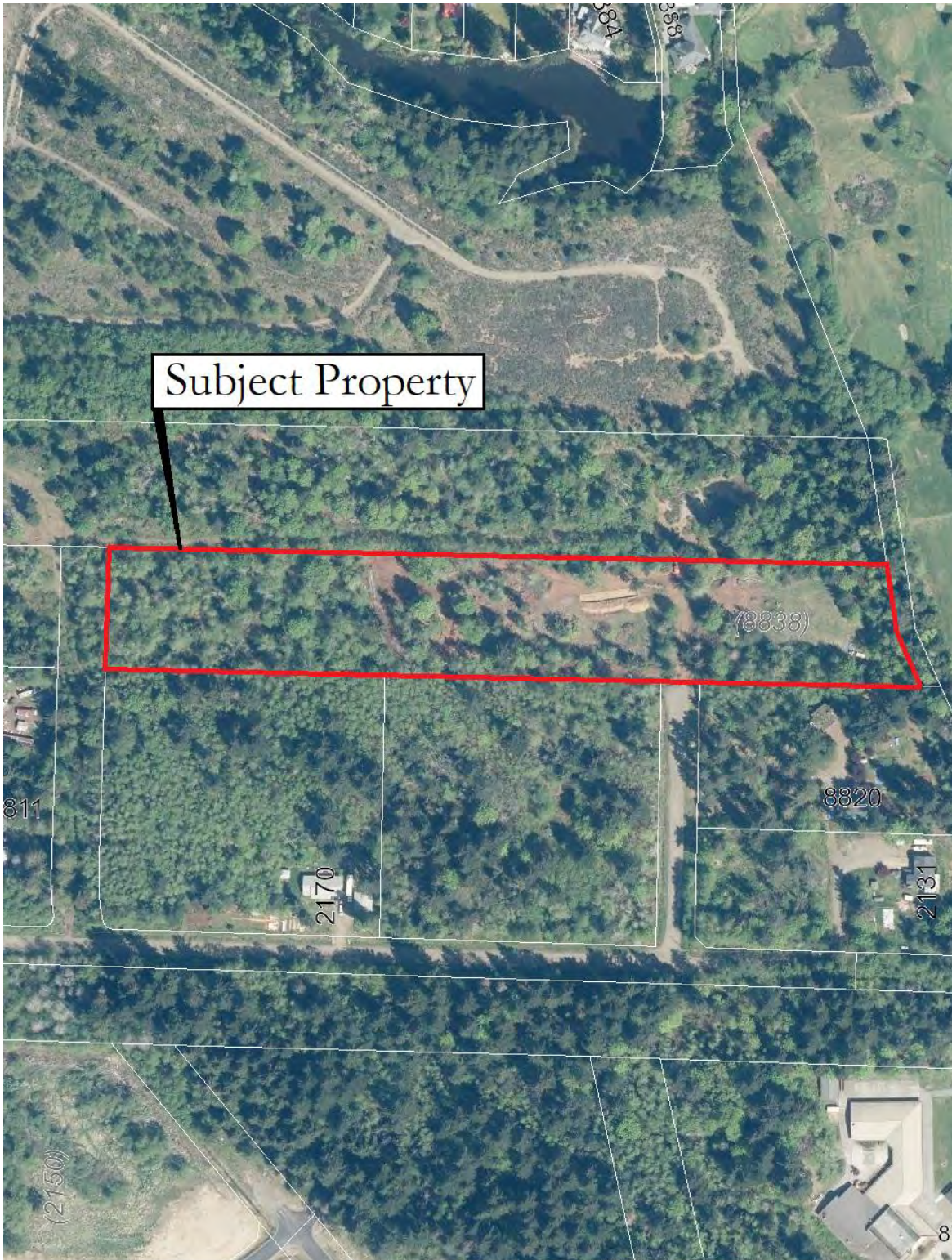


Figure 2: Air Photo

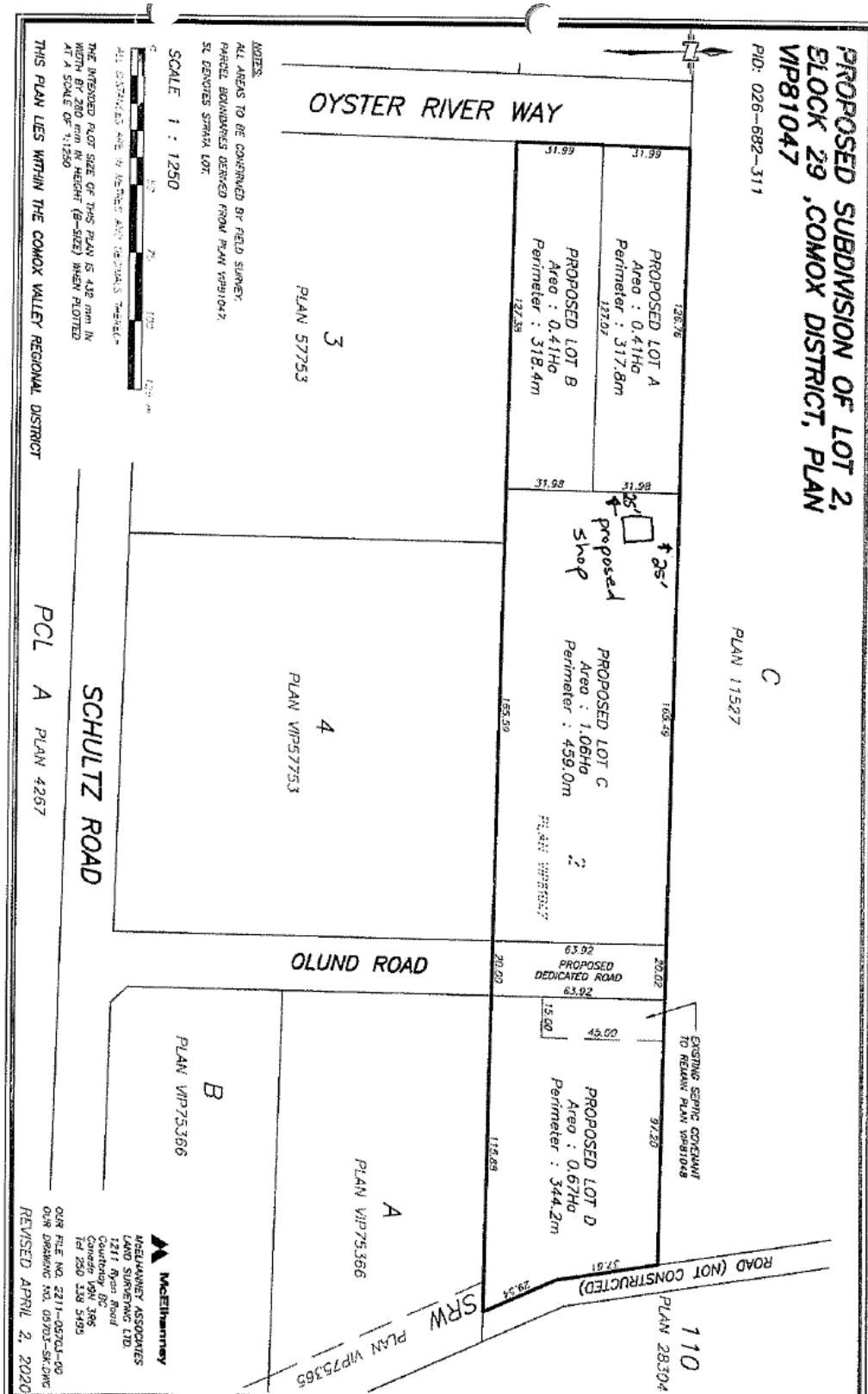


Figure 3: Site Plan

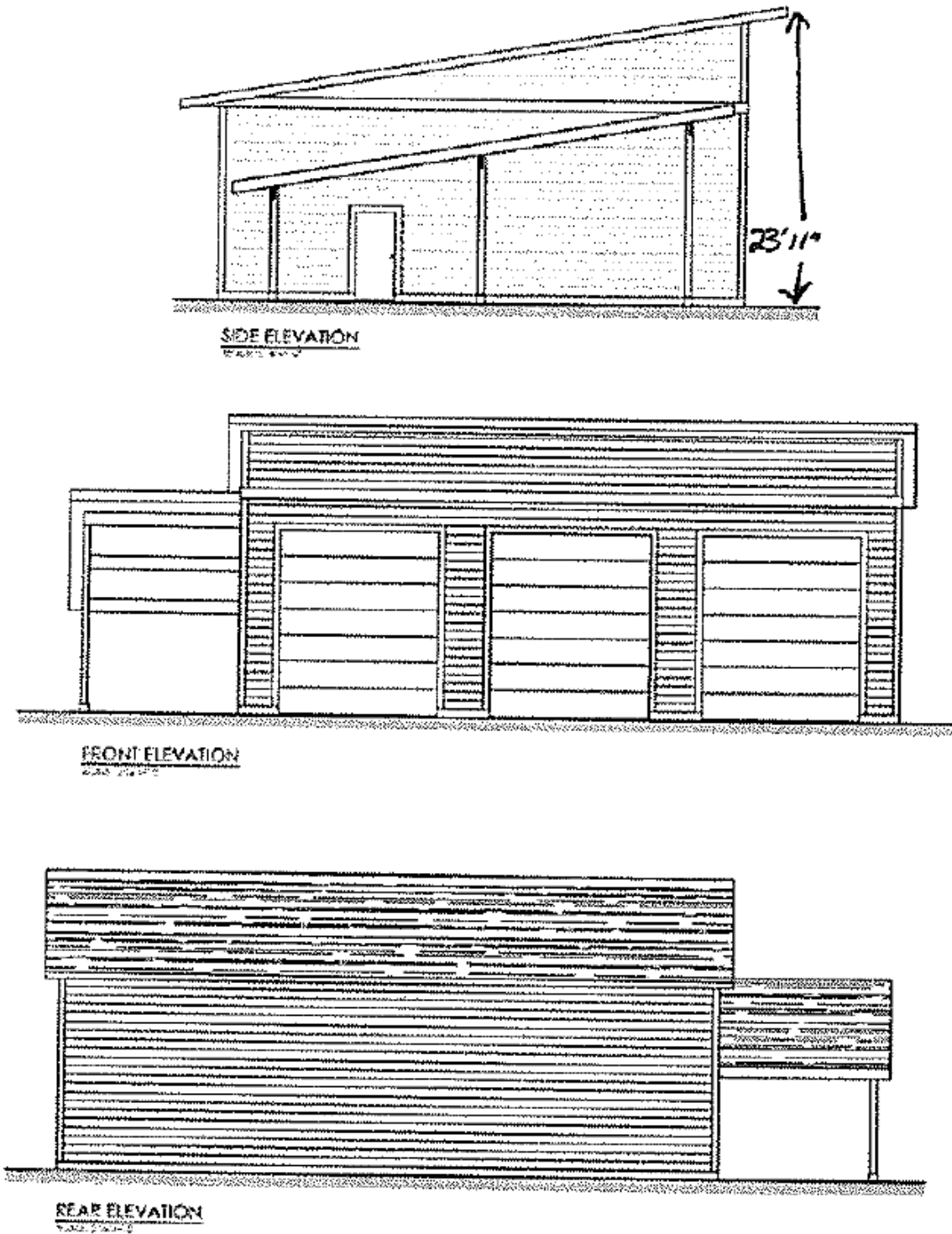


Figure 4: Elevation Drawings

We respectfully submit the following for consideration of variance.

Currently, the lot is raw land and well treed with mature fir and maple trees which obscures all sight lines to any neighbouring buildings. The nearest neighbouring building is 200 metres away. We are planning for a home, secondary home and a shop which will be storage for RV and boats, as well as a place for working on projects and a possible mezzanine for storage/office. All of our buildings are planned to have a single low slope (2/12) in a west coast contemporary style. I have worked with three truss designers to minimize the overall height of the truss as much as possible. In order to accommodate the planned overhead door height and to maximize usable interior space the wall height required would be 16' 3" with a truss height of 7' 7" to the tip of the overhang for a total height of 23' 10". This would require a variance of 10" from the bylaw. Attached is a site plan as well as elevation drawings for the proposed shop.

Thank you for your consideration in this matter.



## 703

## Country Residential One (CR-1)

### 1. Principal Use

- i) **On any lot:**
  - a) Single detached dwelling
- i) **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
  - f) Domestic agriculture
- ii) **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 identified as “Properties subject to a minimum lot size of 4 hectares for subdivision” in Schedule B 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.