

Memo

File: 3090-20/DV 3C 20

DATE: July 16, 2020

TO: Advisory Planning Commission
Puntledge – Black Creek (Electoral Area C)

FROM: Planning and Development Services Branch

RE: Development Variance Permit Application – 4040 Marsden Road
(Holbrook and Vorster)
Lot 1, District Lot 234, Comox District, Plan 27683, PID 002-165-261

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

The subject property is located at 4040 Marsden Road in the Puntledge – Black Creek Electoral Area (Electoral Area C) (Figures 1 and 2). The property is approximately 0.4 hectares in size, and it currently has a mobile home and four accessory buildings: one carport, two wood sheds and one accessory building (Figures 3 and 4). The applicants would like to move the existing mobile home to the southern portion of the lot, and then construct a new single detached dwelling at the former location of the mobile home (Figure 4). The mobile home will then become a secondary dwelling. Note that as part of the move of the mobile home, the existing front porch (Figure 5) will be part of the move, but the solarium and back deck will be removed (Figure 3).

The applicants want to minimize the removal of trees, so they proposed a location for the mobile home that does not meet the minimum side yard setback. The applicants submitted a Development Variance Permit application to reduce the minimum side yard setbacks from 3.5 metres to 1.25 metres for the foundation, and from 1.75 metres to 1.1 metres for the gutters.

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 south side yard setbacks:

Table 1: South Side Yard Setback Reductions

Bylaw No. 520	Minimum Setback Requirement	Proposed Setback	Difference
Section 703 (5)(i)	3.5 metres (foundation)	1.25 metres	2.25 metres
Section 403 (1)	1.75 metres (gutters)	1.1 metres	0.65 metres

According to the applicants, the proposed location of the mobile home is selected due to the property layout, existing driveway, old and new septic fields, well, trees and other accessory buildings (Figure 4). There is sufficient vegetation to provide visual screening year round between the mobile home and the neighbour and between the mobile home and road (Figure 6). They consulted with the building services department, and would be prepared to make the necessary changes to the side wall facing the neighbour to meet fire separation requirements. The proposed 1.25 metre setback would still provide sufficient room for future maintenance of the building. 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.

The proposal meets all other CR-1 zone requirements, such as the maximum lot coverage of 35 per cent.

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 2: Air Photo

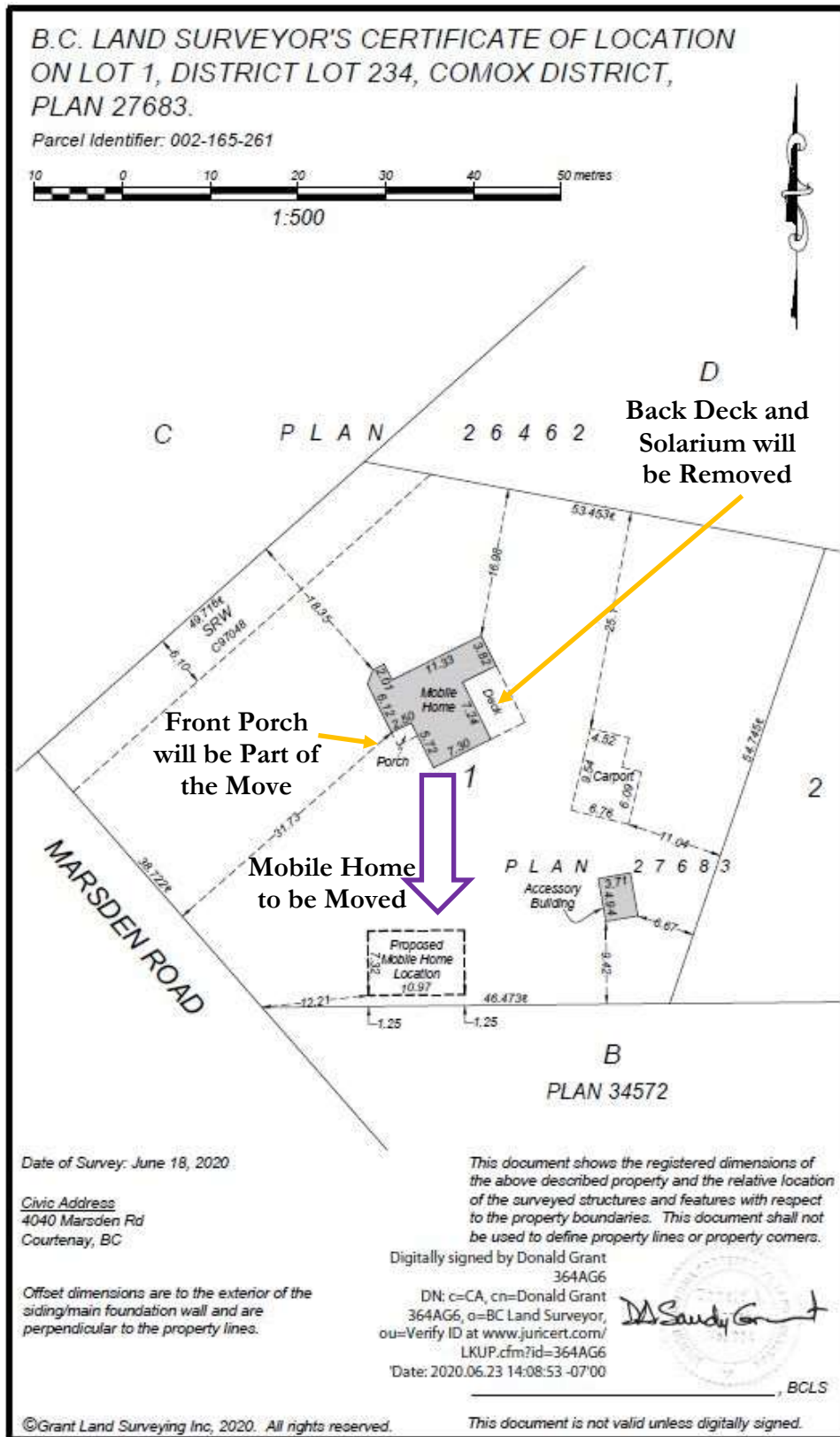


Figure 3: Site Survey



Figure 4: Site Plan by Applicants



Figure 5: Subject Mobile Home with Front Porch
(Front Porch will be Moved along with the Mobile Home
Back Deck and Solarium will be Removed)



Figure 6: Views of the Proposed Location of the Mobile Home

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

June 16th, 2020

To The Comox Valley Regional District Planning Department and Referral Agencies,

RE: Variance Request - reduce side yard setback from 3.5 meters to 1.25 meters (2.25 meter difference) and eave setback from 1.75 to 1.10 meters (0.65 meter difference)

We are relocating the mobile home on our property at 4040 Marsden Road to a new location on our property in order to build a house in the current location. Due to the layout of our property, the location of our refinished existing driveway, new and old septic fields, well, trees and other accessory buildings, there are few areas on the property that will accommodate this. The most optimal position for the mobile is 1.25 meters from our side yard property line. The gutters on the building extend beyond the mobile by 0.15 meters which means they will be 1.10 meters from the side yard property line. Therefore, we are applying for a side yard setback reduction of 2.25 meters and a side yard eave setback reduction of 0.65 meters. Once our new home is built the mobile will be used to house our mother-in-law and then as an office.

- We have talked to our neighbours on the adjoining property and they said that the location will not impact them. We had an RV parked in that location for a few months and the neighbours said they did not see or hear people in or around the RV.
- There is sufficient tree and shrub growth to form a year-round sight barrier between the bordering neighbor's property and the mobile as well as between the mobile and the road.
- We are prepared to side the outer wall facing the property line with metal siding and remove the sliding glass door, double french doors and the one small window (0.66 m x 0.77 m) on that side to conform to fire regulations.
- The remaining outer walls are sided with cedar shingles so that they will blend in with the surrounding natural environment.
- The 1.25 meter strip between the property line and the mobile is flat and free of plant growth which will allow us to perform any maintenance necessary on that side.
- The side yard setback for accessory buildings on properties in our area is one meter which is a smaller setback then we are requesting.
- Other neighboring properties have accessory buildings located a meter from their property lines.
- Once our mother-in-law moves on, the building will be used as an office and be categorized as an accessory building for which the setback is one meter.
- We feel that moving the mobile to the proposed location will impact the character of our property/neighbourhood less than removing trees to create a new space.

Thank you for your time and energy dealing with our request.

Sincerely,

Caila Holbrook and Pieter Vorster