

Memo

File: 3090-20/DV 4C 20

DATE: July 21, 2020

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

FROM: Planning and Development Services Branch

RE: Development Variance Permit – 6488 Eagles Drive (Pastershank/Sawatzky)
Strata Lot 9, Section 24, Township 6, Comox District Strata Plan VIS5611 Together
with an Interest in the Common Property in Proportion to the Unit Entitlement of
the Strata Lot as shown on Form V, PID 026-055-457

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

Application Description

An application has been received to consider a Development Variance Permit for a property located at 6488 Eagles Drive in the Merville area. The property is one hectare in size, is zoned Country Residential One (CR-1), is designated as a Rural Settlement Area, and has two front lot lines – one along Eagles Drive and one along Lamb Road (Figures 1 and 2). The application is to reduce the front yard setback, pertaining to Lamb Road on the north side of the property, from 7.5 metres to 4.5 metres (and from 5.5 metres to 3.5 metres for the eaves of the roof) (Figure 3). To clarify, both the lot line adjacent to Eagles Drive (access road) and Lamb Road (an unopened Ministry of Transportation and Infrastructure right-of-way) are considered front yard lot lines. This variance is only to change the setbacks for the front lot line adjacent to Lamb Road.

Minimum setback requirements are prescribed by Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw, Bylaw No. 520, 2019,” for numerous reasons, including preventing the encroachment of buildings and structures toward road rights-of-way, maintaining sightlines for pedestrian and vehicle safety, and maintaining a certain degree of privacy from and toward adjacent neighbours, among others.

Official Community Plan and Regional Growth Strategy Analysis

The property is designated as Rural Settlement Area within both Bylaw No. 120 and Bylaw No. 337, being the “Comox Valley Regional District Regional Growth Strategy, Bylaw No. 120, 2010” and the “Rural Comox Valley Official Community Plan, Bylaw No. 337, 2014” respectively. Rural Settlement Areas are intended to be low density areas that encourage and maintain a rural character and way of life.

Zoning Bylaw Analysis

Bylaw No. 520 stipulates a minimum 7.5 metre setback from the front yard lot line with respect to a residential dwelling unit. Further, Bylaw No. 520 classifies any lot line adjacent to any road as a front

yard lot line, giving the subject property two front yard lot lines – one adjacent to Eagles Drive and one adjacent to Lamb Road. In order to accommodate the proposal, two variances are sought, summarized in the table below. Section 703(5) refers to the setbacks for the foundation of the dwelling unit (Appendix A), and Section 403(1) refers to the setbacks for the eaves of the roof (Appendix B), which protrude out toward the lot line.

Table 1: Variance Summary

Zoning Bylaw	Variance	Zoning	Proposed	Difference
Section 703 (5)	Front yard setback	7.5 metres	4.0 metres	3.5 metres
Section 403 (1)	Siting exemptions	5.5 metres	3.0 metres	2.5 metres

Sincerely,

T. Trieu

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

/dt

Attachments Appendix A – “Section 703 of Bylaw No. 520”
 Appendix B – “Section 403 of Bylaw No. 520”



Figure 1: Subject Property Map



Figure 2: Air Photo

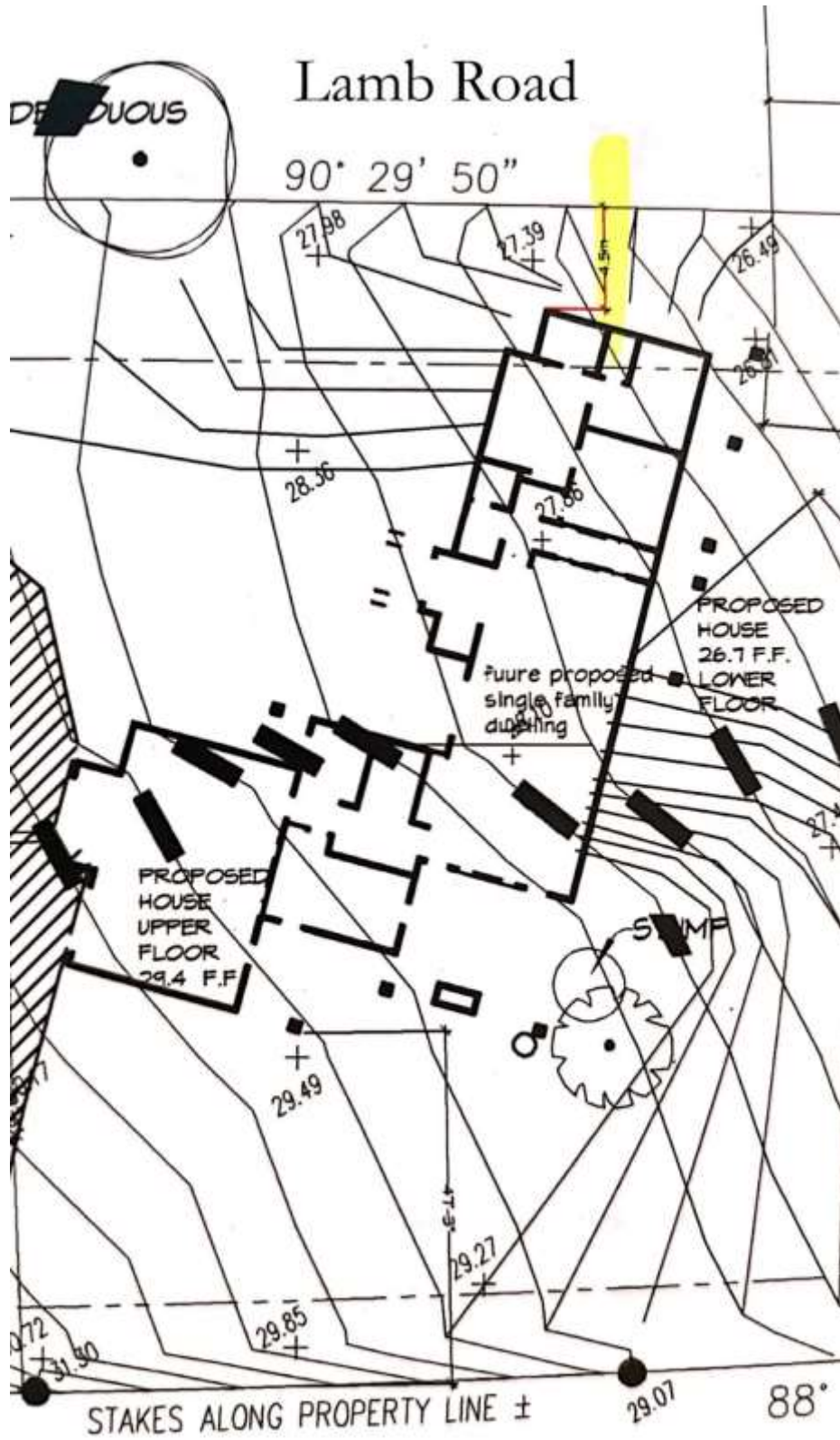


Figure 3: Site Plan

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

Part 400**Siting Specifications****401 Sight Triangles**

1. No person, being the owner, occupier or lessee of any land at the intersection of two highways shall place or permit to be placed or grow any tree, shrub, plant, fence or other structure with any horizontal dimension exceeding 0.6 metres within the sight triangle above an elevation such that an eye 0.9 metres above the surface of one highway cannot see an object 0.9 metres above the surface of the other highway.
2. All buildings and structures shall be setback a minimum of 4.5 metres from the sight triangle.

402 Road Setbacks**1. Island Highway No. 19A**

- i) No part of any building or structure shall be located within 22.5 metres of the centre line of the Island Highway except that in Electoral Area A on the ocean side of the Island Highway a minimum setback of 19.5 metres from the centre line of the highway is required.
- ii) An additional 7.5 metres setback for frontage road purposes will be required where specified by the Ministry of Transportation and Infrastructure. Unless otherwise required by this Ministry, the road right-of-way for this highway is 30.0 metres.

2. Local Roads

- i) No part of any building or structure shall be located within 4.5 metres of a property line that abuts a highway.

3. Exceptions

- i) Where the siting requirements of any zone specify a larger setback than is provided for in this section, the most restrictive applies.

403 Siting Exemptions

The setback requirements of this Bylaw shall not apply with respect to the following features only:

1. Bay windows, eaves and gutters, cornices, rainwater leaders, ornamental features including pilasters, service station canopies, sills, stairs, sunlight control projections including sunshades, and other similar features not incorporating floor area, provided that such projections does not exceed 0.6 metres measured horizontally into the setback area or 0.76 metres in the case of eaves and gutters. Where eaves and gutters and sunlight controls project beyond the face of a building, the minimum distance to an abutting front, rear and side lot line required elsewhere in this bylaw may be reduced by not more than 50 per cent of such distance up to a maximum of 2.0 metres, provided that such reduction shall apply only to the projecting feature.
2. Open terraces, decks or patios without a roof structure, not exceeding 0.6 metres above the finished grade.

3. Free standing light poles, warning devices, antennas, utility poles, wires required for a public utility use, flagpoles, shoreline protection devices and retaining walls less than 2.0 metres in height.
4. Uncovered swimming pools provided that the pool is at a least 3.0 metres to any lot lines unless the pool is constructed with its surface at finished grade, in which case, the swimming pool shall be at least 1.5 metres from any lot line.