

Memo

File: 3090-20/DV 1C 21

DATE: April 27, 2021

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

FROM: Planning and Development Services

RE: **Development Variance Permit – 6329 Eagles Drive (Parkin)
Lot 29, Block 29, Comox District, Plan 22661, PID 003-284-841**

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

An application has been received to consider a Development Variance Permit to allow the construction of an addition to an existing dwelling. The variance request is for 2.0 metre setback reduction for the foundation of the addition, from 7.5 metres to 5.5 metres, pertaining to the rear yard lot line. The subject property is located at 6329 Eagles Drive, is zoned Country Residential One (CR-1) and is designated as a Rural Settlement Area (RSA) (Figures 1 and 2). Existing development consists of a single detached dwelling, accessory building, septic field and driveway (Figures 3 and 4). Aside from a small number of large trees, the property is cleared with grassy lawn and is mostly flat.

The purpose of minimum setback distances are multifold. While safety issues pertaining to sightlines do not generally come into question for rear yard lot lines, they still help increase and maintain privacy between adjacent properties and ensure that there is adequate spacing to allow for the maintenance and repair of a building.

Regional Growth Strategy and Official Community Plan 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 337, 2014," both designate the property within the RSA land use designation. The RSA land use designation is designed to preserve a rural form and character and rural way of life by ensuring that development is relatively small-scale in nature. The proposed development does not conflict with the residential goals, policies, and objectives outlined for the RSA.

Zoning Bylaw Analysis

Per Zoning Bylaw No. 520, being the "Rural Comox Valley Zoning Bylaw No. 520, 2019," the subject property is zoned CR-1 (Appendix A), which stipulates a minimum 7.5 metre rear yard setback for a dwelling unit. The existing dwelling does meet this minimum setback, but the proposed addition will encroach upon the minimum setback. The variance request is for a reduction of 2.0 metres, from 7.5 metres to 5.5 metres. Additionally, because Section 403(1) of Bylaw No. 520 (Appendix B) provides provisions for more lenient setbacks for features such as eaves, this too must be varied. The minimum setback for eaves is 5.5 metres, the setback distance can be reduced by 50

per cent or by up to 2.0 metres, whichever is lesser. The variance request for the eaves is 1.0 metre, from 5.5 metres to 4.5 metres, and both variances are summarized in the table below.

Zoning Bylaw	Variance	Zoning Requirement	Proposed	Difference
Section 703(5)	Front yard setback	7.5 metres	5.5 metres	2.0 metres
Section 403(1)	Siting exemptions	5.5 metres	4.5 metres	1.0 metre

Sincerely,

T. Trieu

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

/dt

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

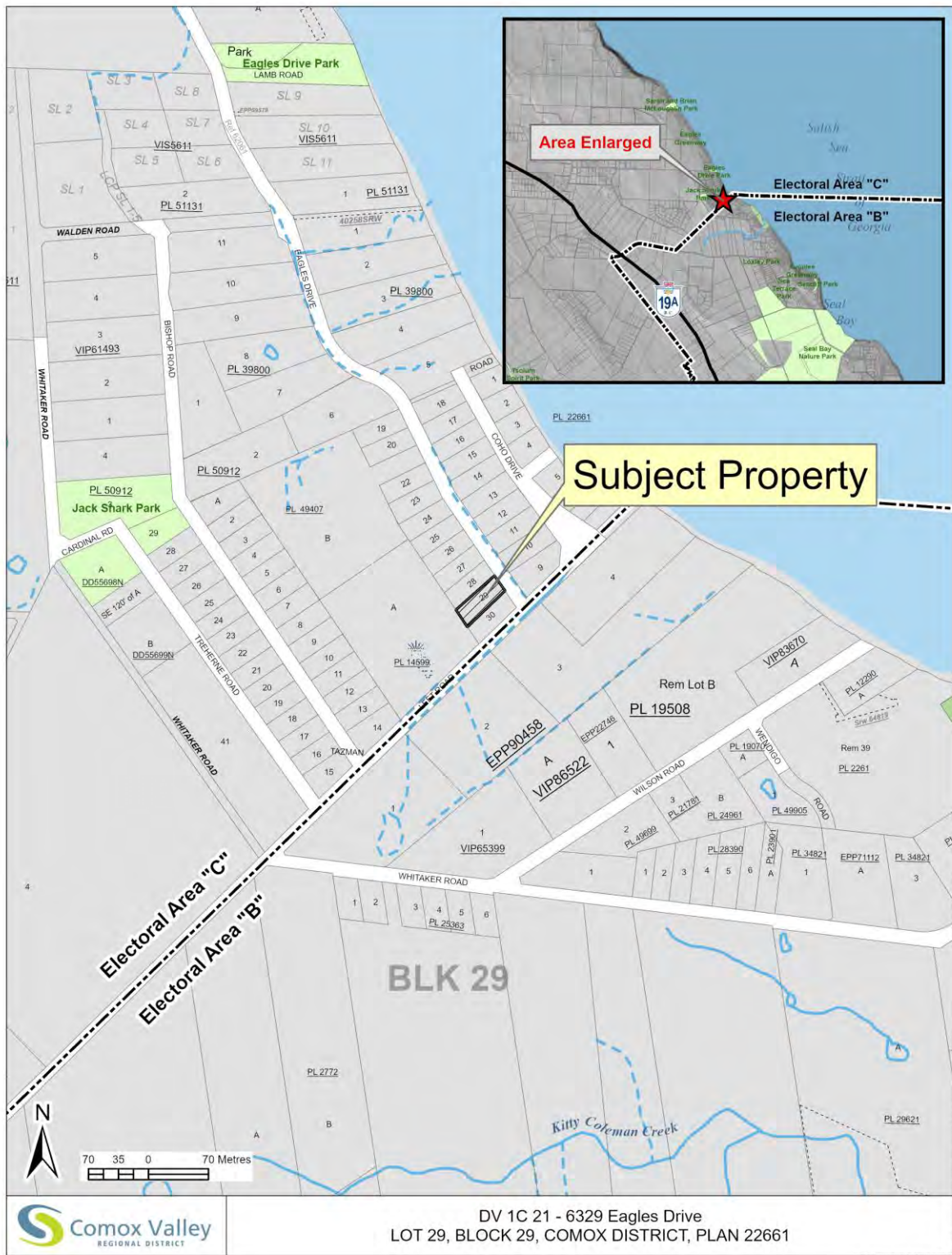


Figure 1: Subject Property Map



Figure 2: Air Photo

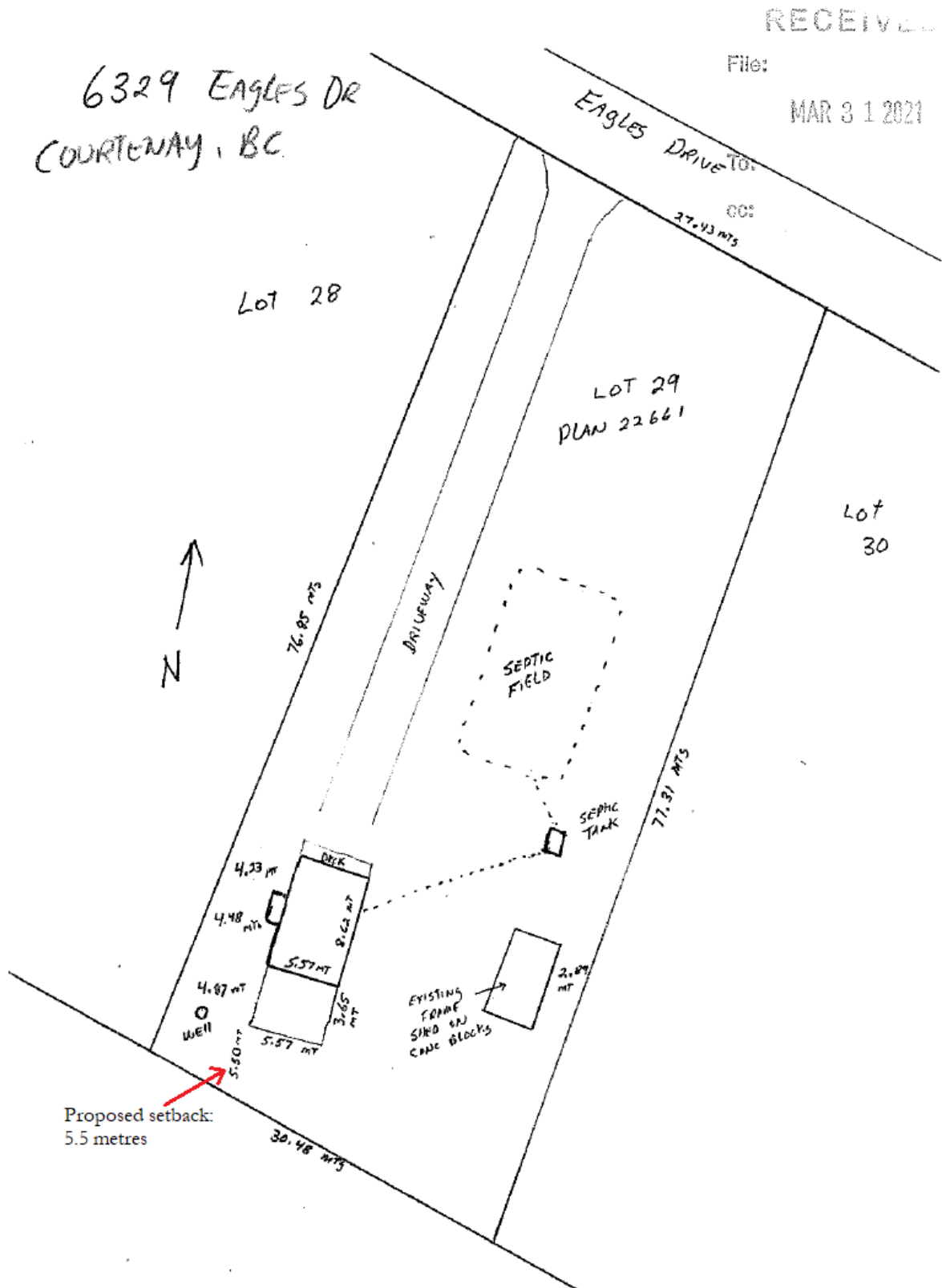


Figure 3: Site Plan

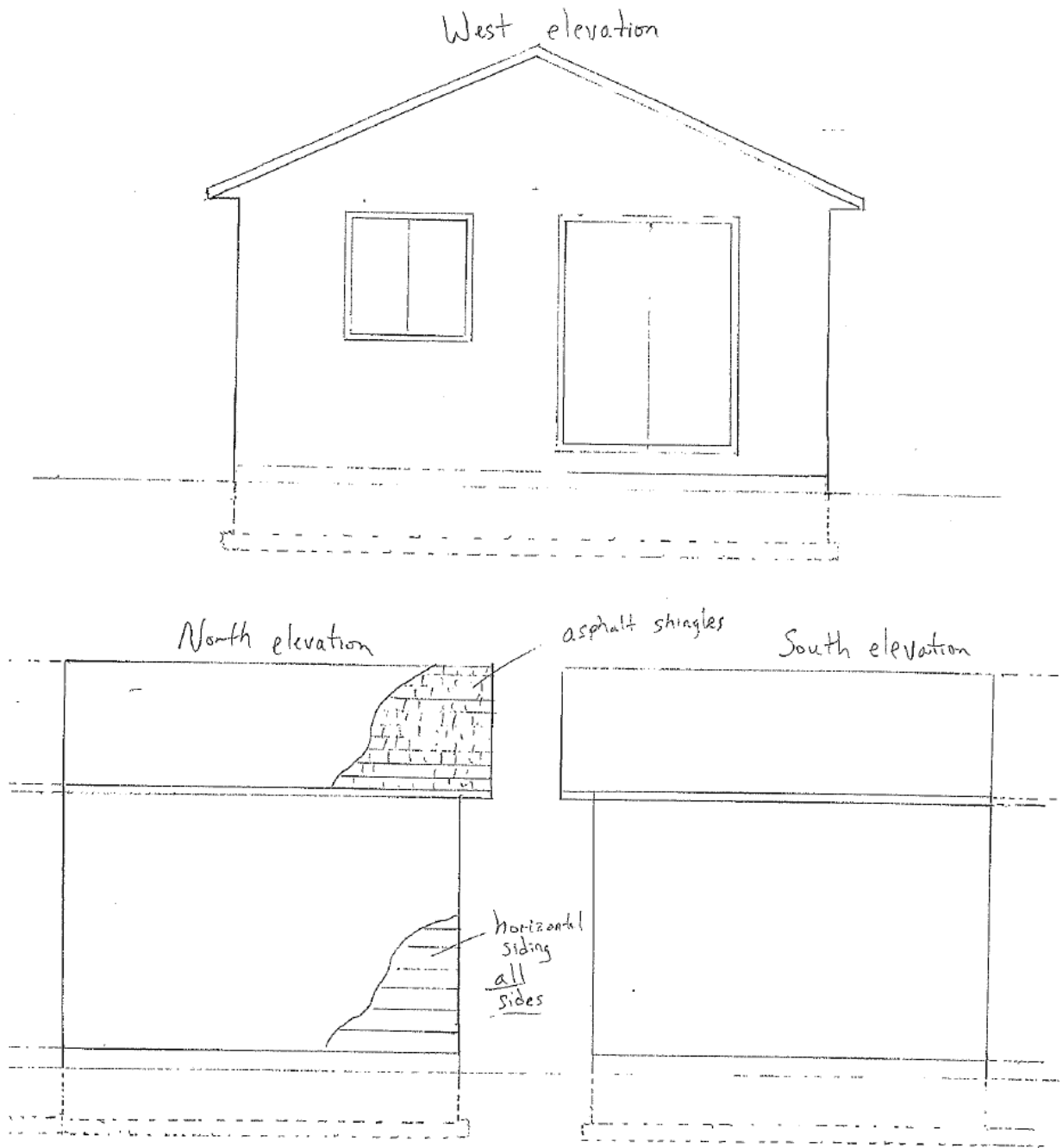


Figure 4: Elevation Drawings

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.