

Memo

File: 3090-20/DV 2C 20

DATE: August 13, 2020

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

FROM: Planning and Development Services Branch

RE: Development Variance Permit – 4218 Forbidden Plateau Road (Nichol)
Lot B, Section 16, Township 9, Comox District, Plan 40985, PID 000-409-499

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

Application Summary

An application has been received to consider a Development Variance Permit for a property located at 4218 Forbidden Plateau Road. The subject property is approximately 2.42 hectares in size, zoned Rural Eight (RU-8), and designated as being within a Rural Settlement Area (Figures 1 and 2). The property is relatively flat and mostly forested, and is bounded by Johnson Road to the north, Forbidden Plateau Road to the east, other rural residential properties to the south, and a resource-zoned property to the west.

The variance proposal is to increase the maximum allowable floor area for accessory buildings, from 300 square metres to 345 square metres. The Zoning Bylaw, being the "Rural Comox Valley Zoning Bylaw No. 520, 2019," places a maximum on accessory building floor area in order to maintain a rural character among developments throughout the regional district. The applicant has a three-sided shed and is in the process of constructing a tall accessory building that they will use as a garage and workshop (Figures 3 and 4), which will bring them close to the 300 square metre maximum once completed. If the variance is approved, a second floor would be added to this building, as well as a smaller 15 square metre accessory building.

Regional Growth Strategy and Official Community Plan

Both Bylaw No. 337 and Bylaw No. 120, being the "Rural Comox Valley Official Community Plan, Bylaw No. 337, 2014" and the "Comox Valley Regional District Regional Growth Strategy, Bylaw No. 120, 2010" respectively, designate the property as being within a Rural Settlement Area (RSA). The RSA designation is intended to preserve a rural way of life, largely by limiting development and maintaining a rural character. This proposal does not conflict with the residential policies outlined in either bylaw.

Zoning Bylaw

As referenced above, the Zoning Bylaw limits the floor area of all accessory buildings on properties zoned RU-8 to 300 square metres (Appendix A). The applicants are planning on building an accessory building that puts them just under this maximum, and they would like to build a second

floor to the building in addition to a smaller 15 square metre accessory building, which would bring the total amount of floor area among all accessory buildings to 345 square metres. As such, the maximum floor area for accessory buildings is the subject of this variance.

Sincerely,

T. Trieu

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

/dt

Attachments Appendix A – “Section 801 of Bylaw No. 520.”

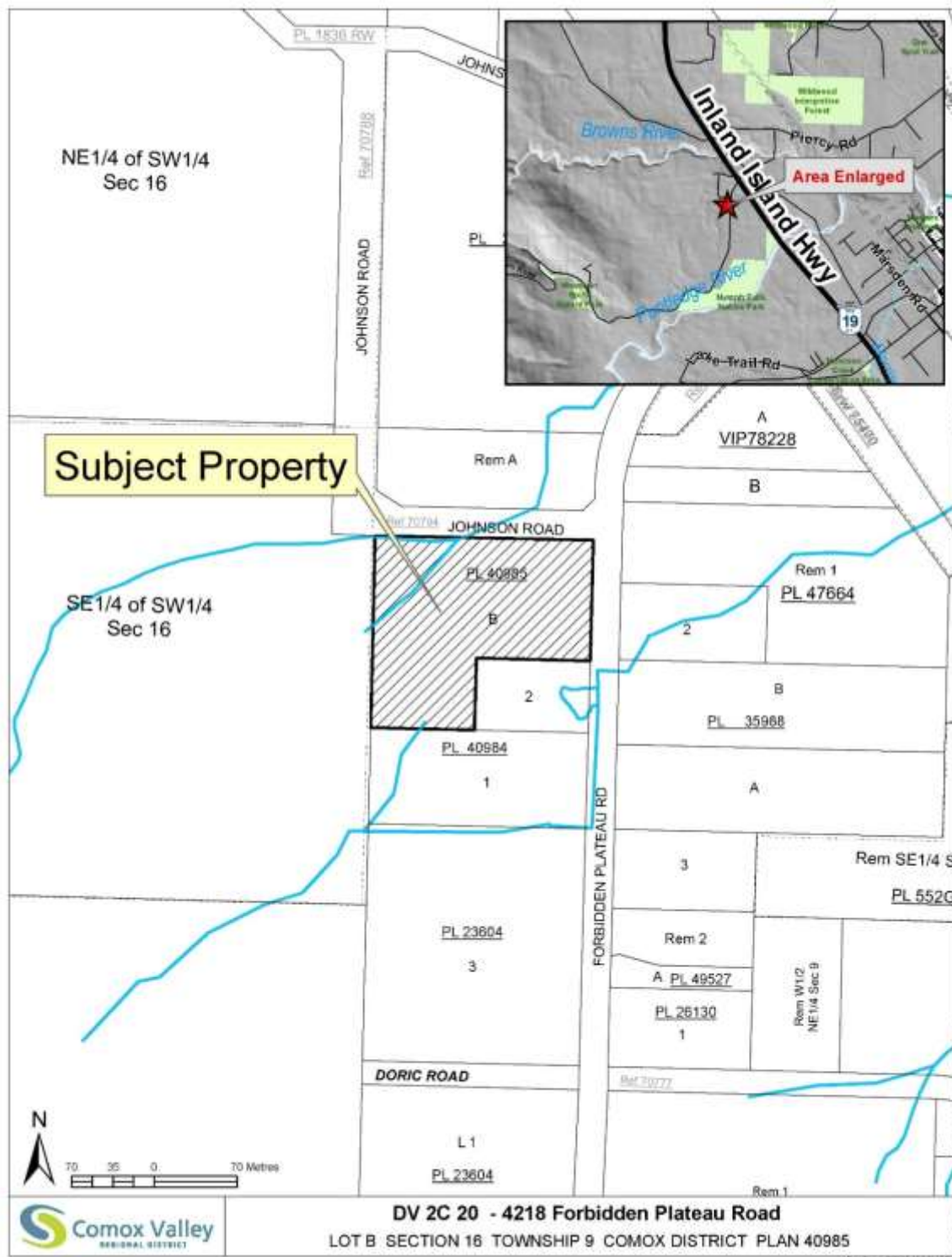


Figure 1: Subject Property Map

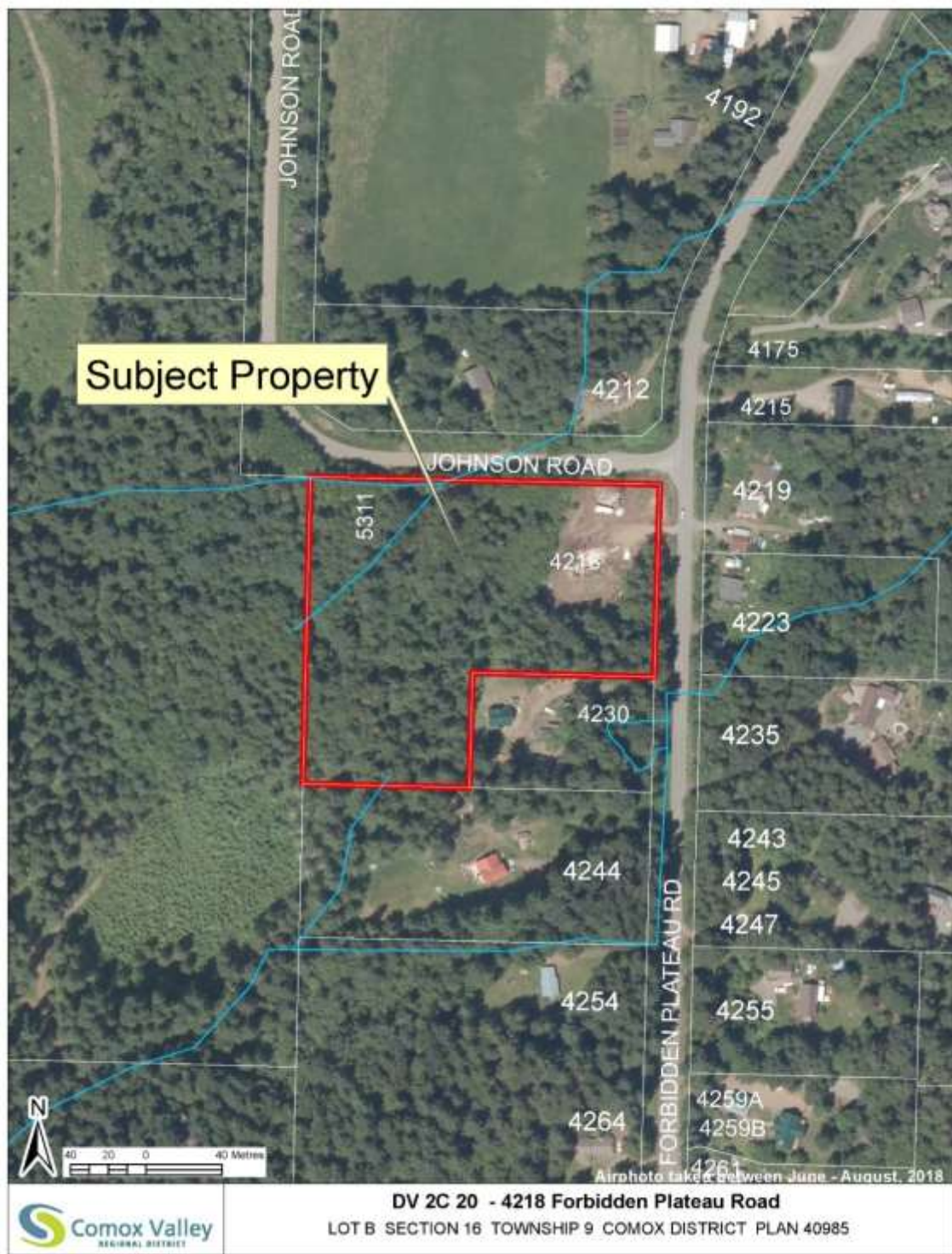


Figure 2: Air Photo

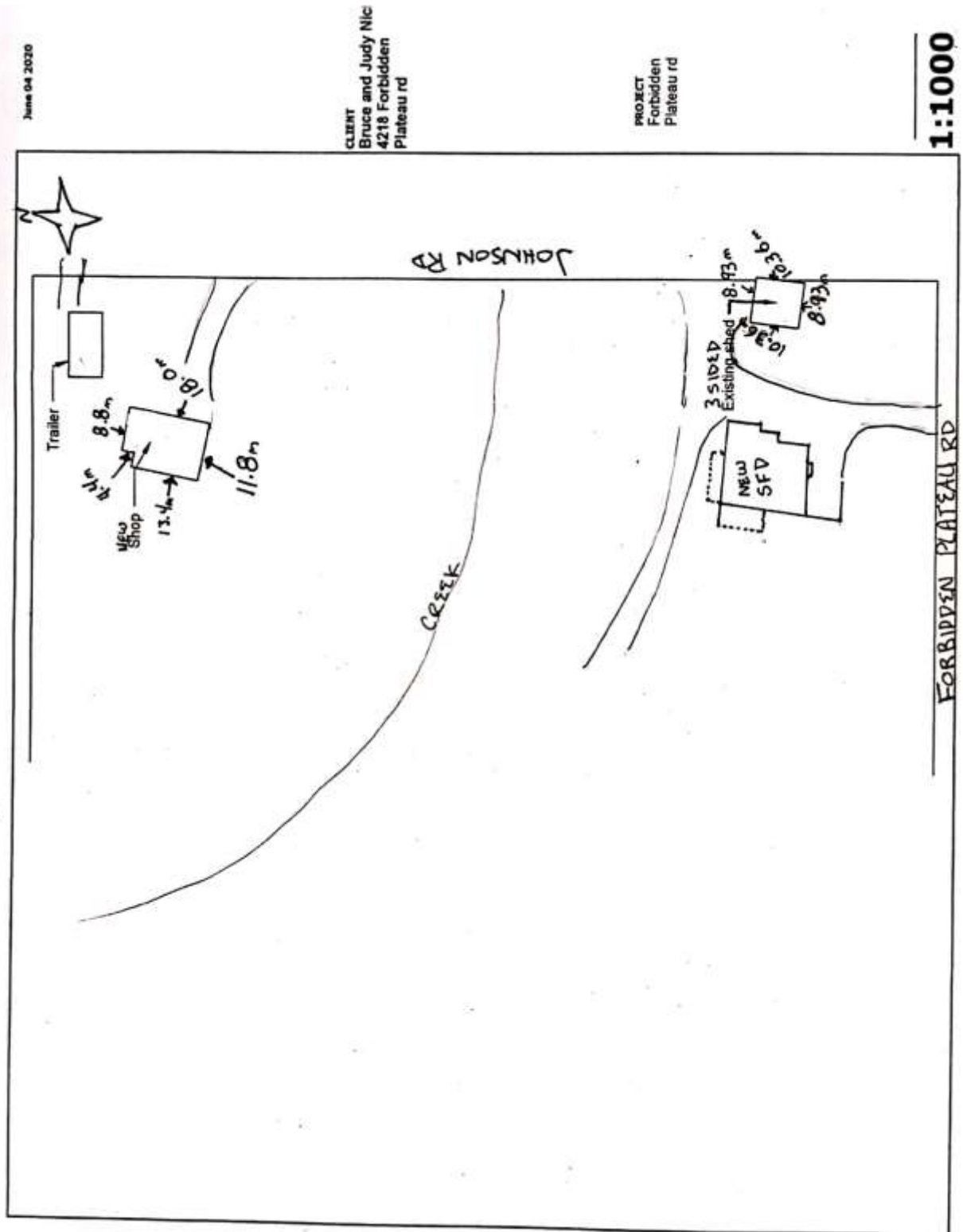


Figure 3: Site Plan

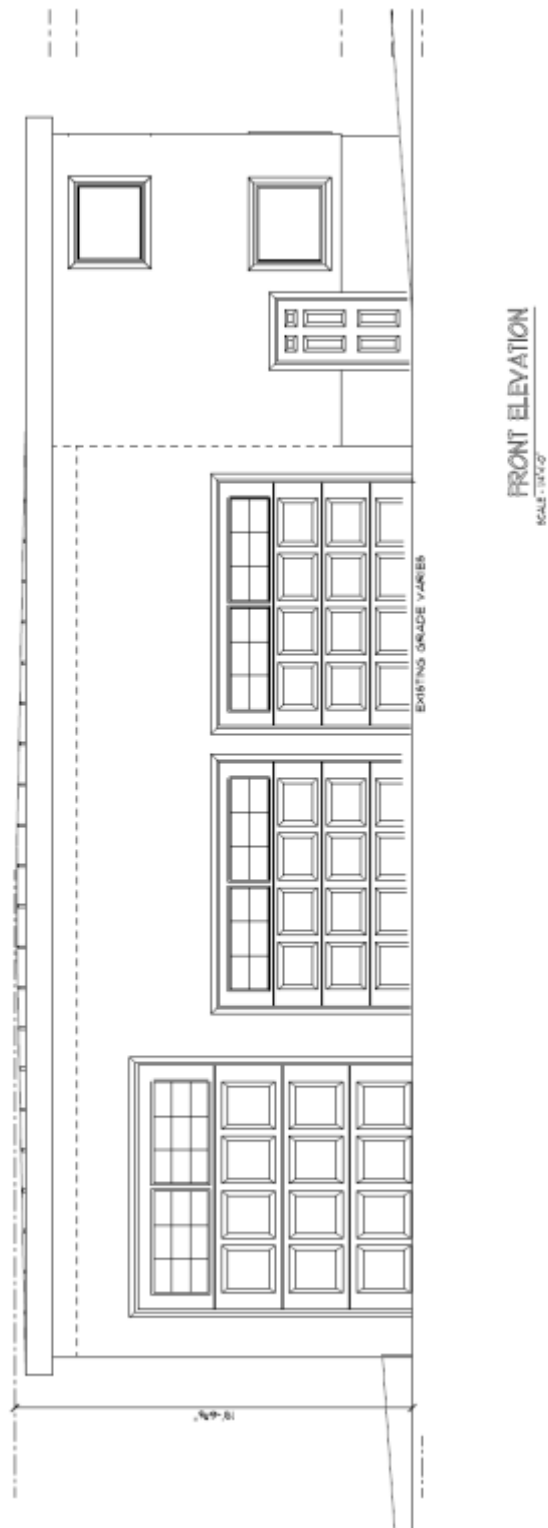


Figure 4: Elevation Drawing (Front)

PART 800**RURAL / RESOURCE ZONES****801****Rural Eight (RU-8)****1. Principal Use**

- i) **On any lot:**
 - a) Single detached dwelling
 - b) Agricultural use
 - c) Plant nursery and greenhouse
 - d) Riding academy
 - e) Silviculture
 - f) Aquaculture
 - g) Veterinary establishment
 - h) Fish hatchery (including community based)
- ii) **On any lot 2.0 hectares in area or larger:**
 - a) Animal kennel
- iii) **On any lot 8.0 hectares in area or larger:**
 - a) Wood processing or permanent sawmills occupying an area of not more than 1000.0 square metres including vehicle parking, and log sort and lumber storage areas.
 - b) Crushing and screening of sand and gravel.

2. Accessory Uses

- i) **On any lot:**
 - a) Carriage house
 - b) Secondary suite
 - c) Secondary dwelling
 - d) Home occupation
 - e) Bed and Breakfast
 - f) Domestic industrial use
 - g) Pet crematorium

3. Conditions of Use

- i) **Animal kennel shall be subject to the following conditions:**
 - a) Minimum setback of buildings and structures of 15.0 metres along all lot lines.
 - b) 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 wetland.

- c) No parking, loading or storage areas shall be located in any required setback area.
 - d) Screening shall be provided at not less than 1.5 metres in height.
 - e) 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.
- ii) **All sawmill uses or portable sawmill uses shall be subject to the following conditions:**
 - a) Minimum setback of buildings and structures of 30.0 metres along all lot lines.
 - b) Uses shall be screened and buffered from adjacent properties through maintenance of natural vegetation of not less than 2.0 metres in height.
 - c) All structures and area utilized in association with sawmill uses or potable sawmill uses, shall be sited at least 30.0 metres from the boundary of any lake, sea or watercourse.
 - d) No parking, loading or storage areas shall be located in any required setback area.
 - e) Uses abutting an area zoned under Part 700, Residential Zones, shall be screened and buffered from adjacent properties through the use of fencing, berming or evergreen vegetation being not less than 2.0 metres in height. Solid fencing may be as high as 3.0 metres.
- iii) **All gravel, sand crushing and screening operations shall be subject to the following conditions:**
 - a) Minimum setback of buildings and structures of 30.0 metres along all lot lines.
 - b) Minimum yard clearance of 60.0 metres from any lot where gravel, sand or soil extraction occurs within or abutting an area zoned under Part 700, Residential Zones.
 - c) Minimum setback requirement for stockpiles shall be 15.0 metres along all lot lines.
 - d) No parking, loading or storage areas shall be located in any required setback area.
 - e) Uses shall be screened and buffered from adjacent properties through maintenance of natural vegetation of not less than 2.0 metres in height.
 - f) Uses abutting an area zoned under Part 700, Residential Zones, shall be screened and buffered from adjacent properties through the use of fencing, berming or evergreen vegetation being not less than 2.0 metres in height. Solid fencing may be as high as 3.0 metres.
 - g) All structures and area utilized in association with gravel, sand crushing and screening operation, shall be sited at least 30.0 metres from the boundary of any lake, sea, watercourse or wetland.

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 90.0 square metres are permitted.

- b) **On any lot greater than 1.0 hectare in area:** two single detached dwellings.

5. **Floor Area Requirements**

- i) The combined floor area of all accessory buildings excluding the floor area of any secondary residential use shall not exceed 300.0 square metres.

6. **Siting and Height of Buildings and Structures**

The maximum height of principal buildings is 10.0 metres and the maximum height of accessory buildings is 8.0 metres, or 10.0 metres in the case of an aquaculture building.

- i) The minimum setbacks required for buildings and structures shall be as set out in the table below.

Type of Use	Heights 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	7.5m
Accessory	4.5m or less	7.5m	1.0m	1.0m	1.0m	7.5m
Accessory	8.0m - 4.6m	7.5m	7.5m	1.75m	3.5m	7.5m
Aquaculture	10.0m	7.5m	7.5m	7.5m	7.5m	7.5m

7. **Lot Coverage**

- i) The lot coverage of all buildings and structures shall not exceed 15 per cent.

8. **Subdivision Requirements**

- i) **Minimum lot area:** 8.0 hectares