

Memo

File: 3090-20/DV 5C 19

DATE: July 5, 2019

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

FROM: Planning and Development Services Branch

RE: Development Variance Application – 8575 Lory Road (Lockett & Holehouse)
Lot 7, Block 29, Comox District, Plan 28903, PID 001-453-793

An application has been received to consider a Development Variance Permit (DVP) to increase the maximum height of a partially constructed accessory building from 6.0 metres to 6.91 metres. The subject property, located at 8575 Lory Road, is approximately 2.4 hectares in area (Figures 1 and 2). The property is within the Agricultural Land Reserve (ALR) and is zoned Rural ALR (RU-ALR) (Appendix A). Currently, there is a single detached dwelling and accessory buildings (Figure 3). The owners were constructing a building without the benefit of a permit, and they would like to bring this building into compliance.

This building is a two car garage with a workspace and storage area above (Figure 4). This building meets the minimum lot line setbacks of the RU-ALR zone. However, a building height confirmation from a BCLS Surveyor indicates that the building height, as measured from the average natural grade to the highest point of the building, is 6.91 metres (Appendix B). Therefore, a DVP is required to allow the additional 0.91 metres of building height. Appendix C is the owners' written brief with reasons that this variance should be supported (Appendix C).

It should be noted that as part of the comprehensive zoning bylaw review, the draft maximum building height for accessory buildings in the RU-ALR zone is 8.0 metres.

Please be advised that all adjacent properties within 500 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, MCIP, RPP
Manager of Planning Services
Planning and Development Services Branch

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Attachments Appendix A – “RU-ALR Zone”
 Appendix B – “BCLS Surveyor Building Height Confirmation”
 Appendix C – “Owners’ Written Brief”

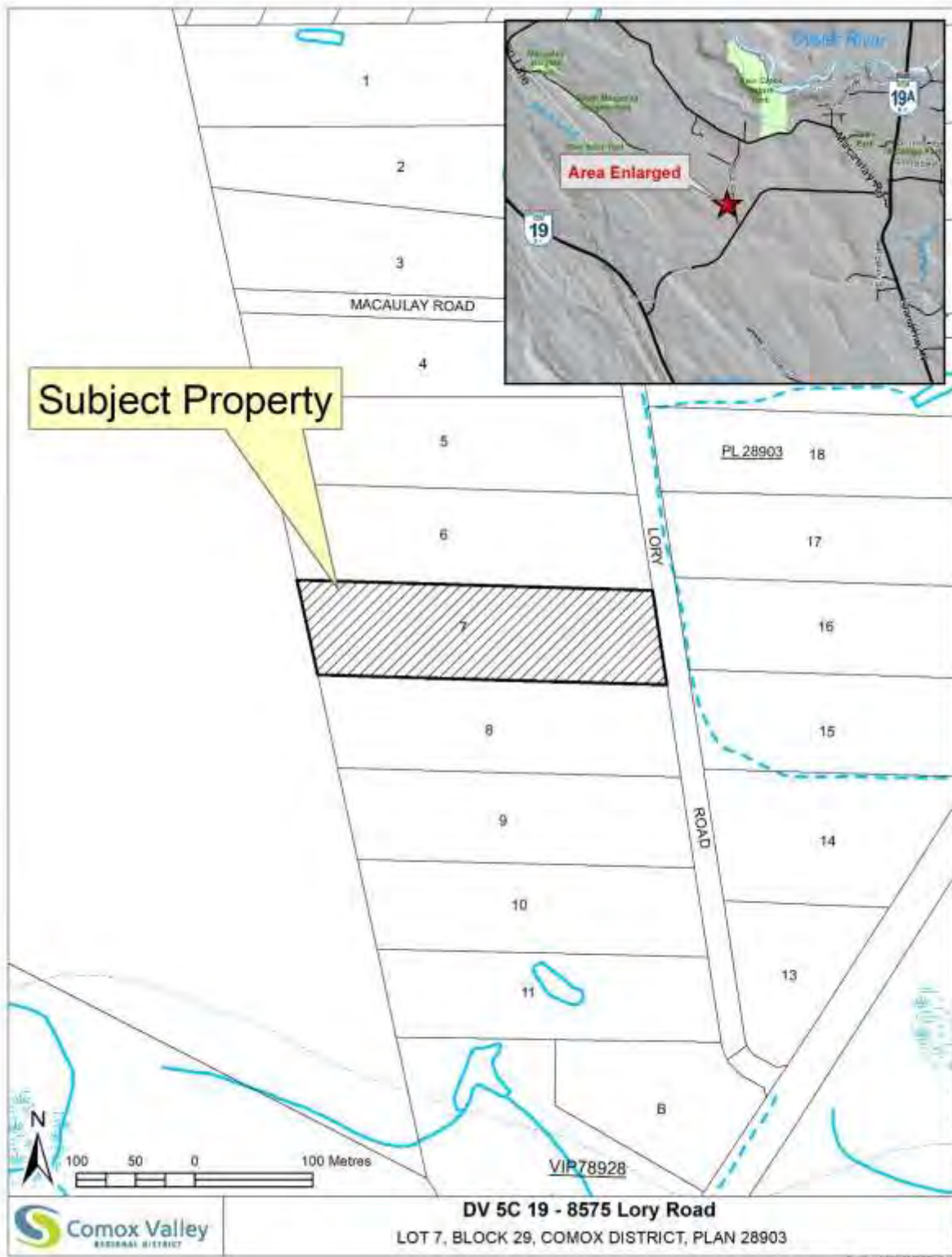


Figure 1: Subject Property Map

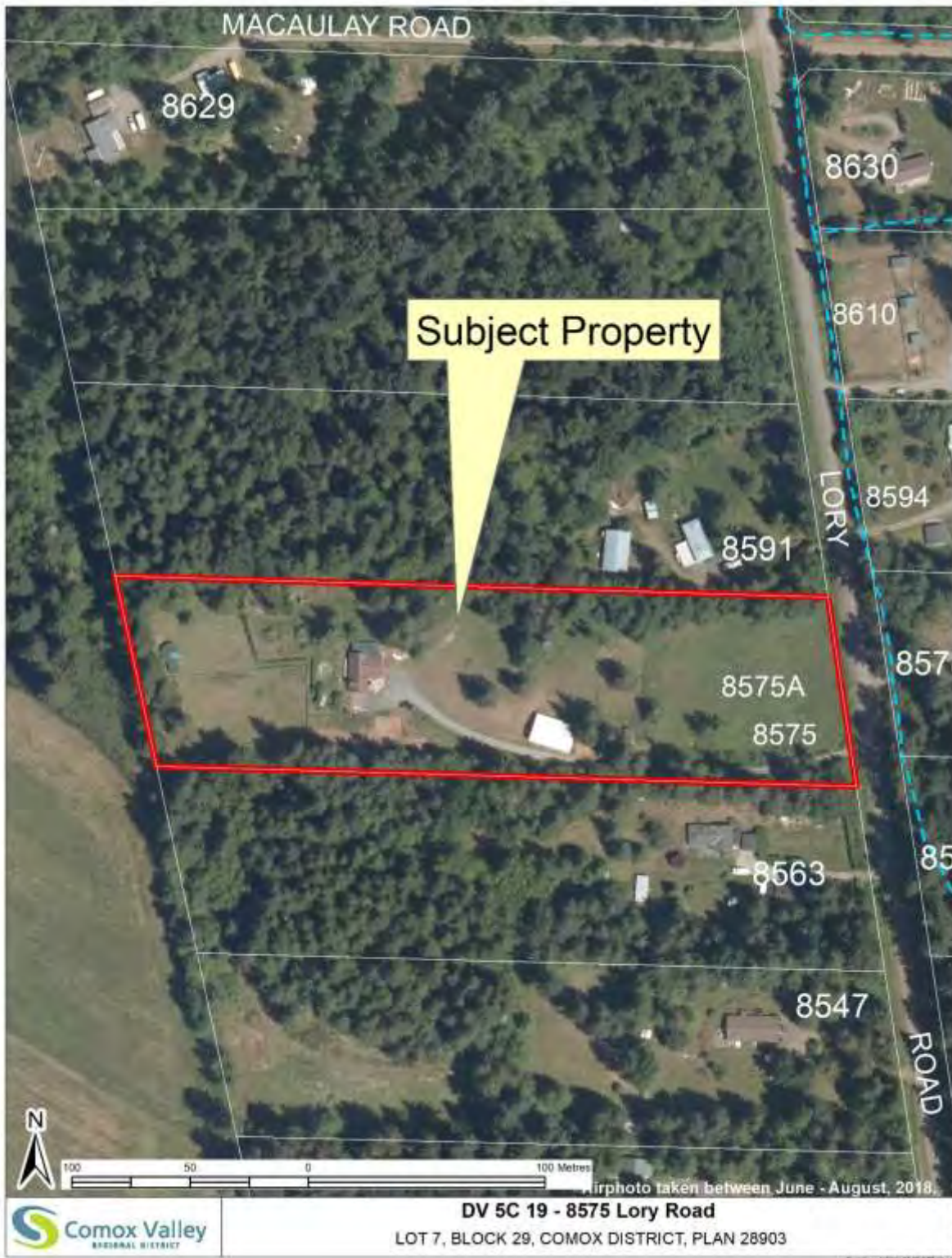


Figure 2: Air Photo

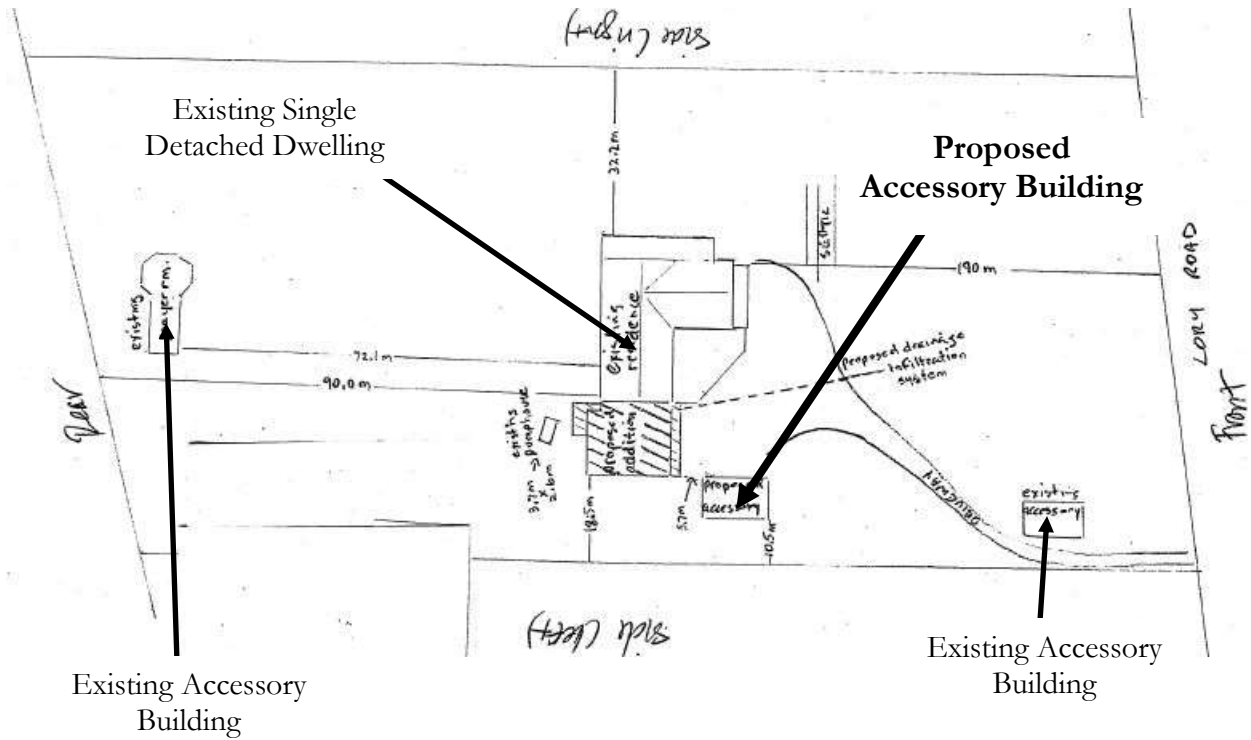
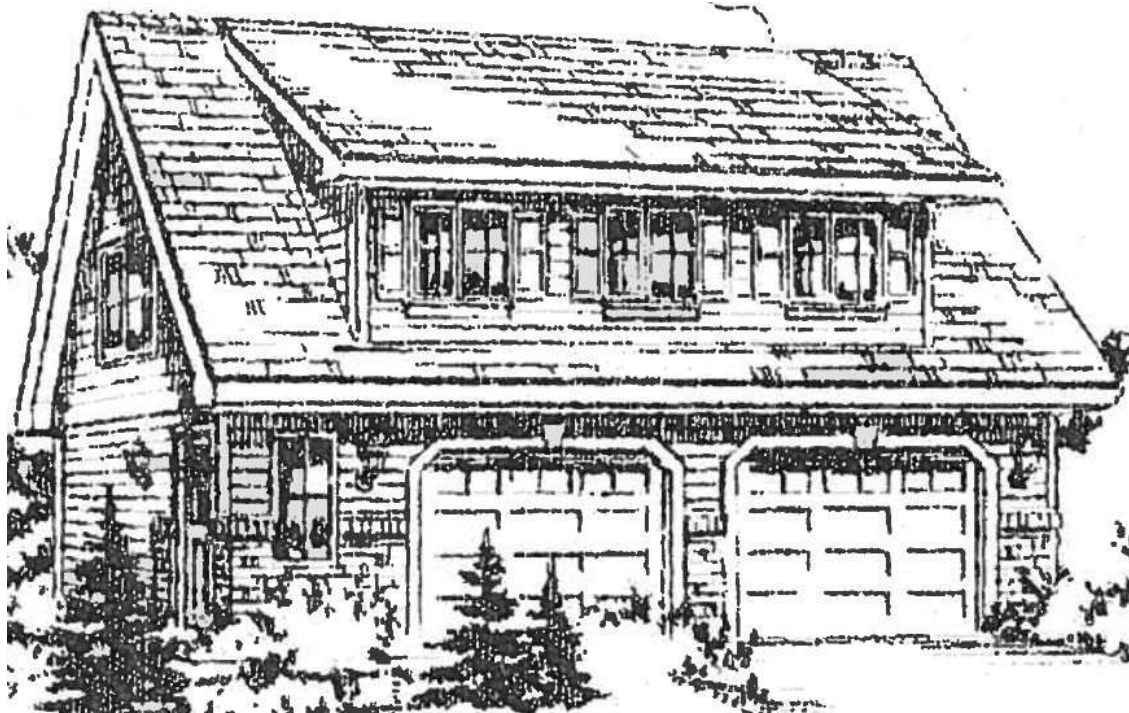


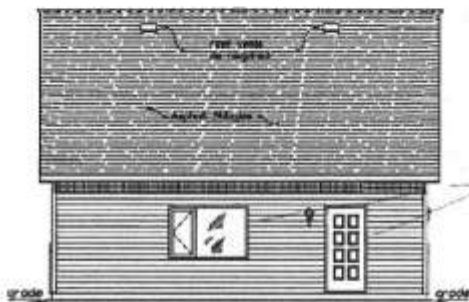
Figure 3: Site Plan



LEFT ELEVATION scale = 1/4" = 1' 0"



FRONT ELEVATION scale = 1/4" = 1' 0"



REAR ELEVATION scale = 1/4" = 1' 0"



RIGHT ELEVATION scale = 1/4" = 1' 0"

Figure 4: Elevation Drawings of the Accessory Building

803**Rural ALR (RU-ALR)****1. PRINCIPAL USE****On any lot:**

- i) Residential use;
- ii) Agricultural use;
- iii) On any lot in the Agriculture Land Reserve any other use specifically permitted by the Provincial Land Reserve Commission under the *Agricultural Land Reserve Act*, regulations and orders.

2. ACCESSORY USES**On any lot:**

- i) Accessory buildings.

3. CONDITIONS OF USE

- i) Any conditions imposed on applications made to the Provincial Land Reserve Commission under the *Agricultural Land Reserve Act*.
- ii) Any conditions or limitations imposed elsewhere in this bylaw (See Section 303).

4. DENSITY**Residential Use is limited to:**

- i) **On any lot:** One single detached dwelling plus additional dwelling units (attached or detached) where the additional dwelling units are required by full time farm employees working on farm operations or are specifically permitted by the Provincial Land Reserve Commission under the *Agricultural Land Reserve Act*.

5. SITING OF BUILDINGS AND STRUCTURES

The setbacks required for buildings and structures within the Rural ALR zone shall be as set out in the table below.

Type of Structure	Heights	Required Setback				
		Front yard	Rear yard	Side yard		Side yard abutting road
				Frontage <31m	Frontage >31m	
Principal	10.0m (32.8ft)	7.5m (24.6 ft)	7.5m (24.6ft)	1.75m (5.8ft)	3.5m (11.5ft)	7.5m (24.6ft)
Accessory	4.5m-or less (14.8ft)	7.5m (24.6 ft)	1.0m (3.3ft)	1.0m (3.3ft)	1.0m (3.3ft)	7.5m (24.6ft)
Accessory	6.0m- 4.6m (19.7ft)	7.5m (24.6 ft)	7.5m (24.6ft)	1.75m (5.8ft)	3.5m (11.5ft)	7.5m (24.6ft)

Except where otherwise specified in this bylaw, no building or structure shall be located in any required front and side yard setback areas. [Note: Part 400, Siting Exceptions, of this bylaw and Bylaw No. 2782 being the "Floodplain Management Bylaw, 2005" may affect the siting of structures adjacent to major roads and the natural boundaries of watercourses and the sea, respectively.]

6. LOT COVERAGE

- i) The maximum lot coverage of all buildings and structures shall not exceed 15% (excluding greenhouses).

7. SUBDIVISION REQUIREMENTS

- i) Minimum lot area: 8.0 hectares (19.8 acres)
- ii) Minimum lot frontage: 10% of the perimeter of the lot.

June 18, 2019

Our File: 2211-05710-00

NHA: s1695-HT

Comox Valley Regional District
600 Comox Road
Courtenay, BC
V9N 1Y4

Attention: Building Inspector

Dear Sir,

**ACCESSORY BUILDING HEIGHT ON LOT 7, BLOCK 29, COMOX DISTRICT,
PLAN 28903 – 8575 LORY ROAD**

This letter is to confirm that McElhanney Associates Land Surveying Ltd completed a field survey on June 7, 2019, to determine the roof peak height of the accessory building under construction on the parcel noted above, with respect to the average natural grade. The average natural grade elevation has been interpolated from the nearest available original ground in the vicinity of the building.

The height of the accessory building was established to be 6.91 metres above the average natural grade.

Please do not hesitate to call if you have any questions.

Yours truly,

McELHANNEY ASSOCIATES LAND SURVEYING LTD



Michael .J. Hansen, B.C.L.S.

MJH:tm

June 27/19

To whom it may concern,

We are requesting a variance permit, as we started construction on an accessory building without a permit. We are currently working with the CVRD to bring the building to compliance.

The building is a two (2) car garage with a workspace/storage ~~area~~ above.

The plan that we followed for construction was chosen to match the existing residential roof slope and roof line. Unfortunately, at a later date, we realized that it was over the allowed height for an accessory building, as per the zoning guidelines.

In regards to the impact on adjacent owners we outline why we ask that our request be supported. Firstly, our property is over five (5) acres in size and is heavily treed on either side, making it a very private setting. Secondly, the main residence and accessory building are towards the back of the property, with no view of the neighbours' residences in sight. It is therefore important to state that there is no impact on neighbours' privacy due to the height of the building. This goes for neighbours on either side, and across the road.

Please see the attached letter from the surveyor regarding exact height of the building.

Thank you for your time and consideration,

Rosanna Holehouse + David Lockett
A. Holehouse