

Memo

File: 3090-20 / DV 7C 19

DATE: September 9, 2019

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

FROM: Planning and Development Services Branch

RE: Development Variance Permit – 60 Salsbury Road (deBalinhard/Lessard)
Lot 43, District Lot 160, Comox District, Plan 30194, PID 000-548-154

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

An application has been received to consider a Development Variance Permit (DVP) to reduce the minimum rear yard setback for a carriage house and the minimum side yard setback for a carport attached to the principal dwelling. Both were constructed without a building permit. The subject property is a corner lot surrounded by residential properties to the northeast and southeast, Salsbury Road to the southwest and Barford Crescent to the northwest (Figures 1 and 2). The property contains a single detached dwelling, carriage house and a small shed (Figures 3 and 4). The applicants have applied for a DVP as the first step to try and come into compliance. If the DVP is successful, building permits will be required to ensure the BC Building Code is met.

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 No. 337, 2014" designate the subject property as Settlement Expansion Area (SEA). The SEA has been identified as a future growth area for adjacent municipalities. Until such time that the municipal boundary is expanded, development in the SEA must generally maintain a rural character and must not detract from future municipal compact growth.

Zoning Bylaw Analysis

The property is zoned Country Residential One (CR-1) in Bylaw No. 2781, being the "Comox Valley Zoning Bylaw, 2005" (Appendix A). The CR-1 zone permits a principal dwelling and a carriage house. The following variances are requested:

Carport Attached to Principal Dwelling			
	Zoning Regulation	Proposed	Difference
Side Yard Setback	1.75 metres	1.19 metres	0.56 metres
Setback to Eaves	0.875 metres	0.74 metres	0.14 metres

Carriage House			
	Zoning Regulation	Proposed	Difference
Rear Yard Setback (to stairs)	7.5 metres	3.68 metres	3.82 metres
Setback to Eaves	5.5 metres	4.47 metres	1.03 metres

The applicants' rationale letter can be found in Appendix B.

Sincerely,

T. Trieu

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

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Attachments Appendix A – “CR-1 Zone”
 Appendix B – “Applicants’ Rationale Letter”

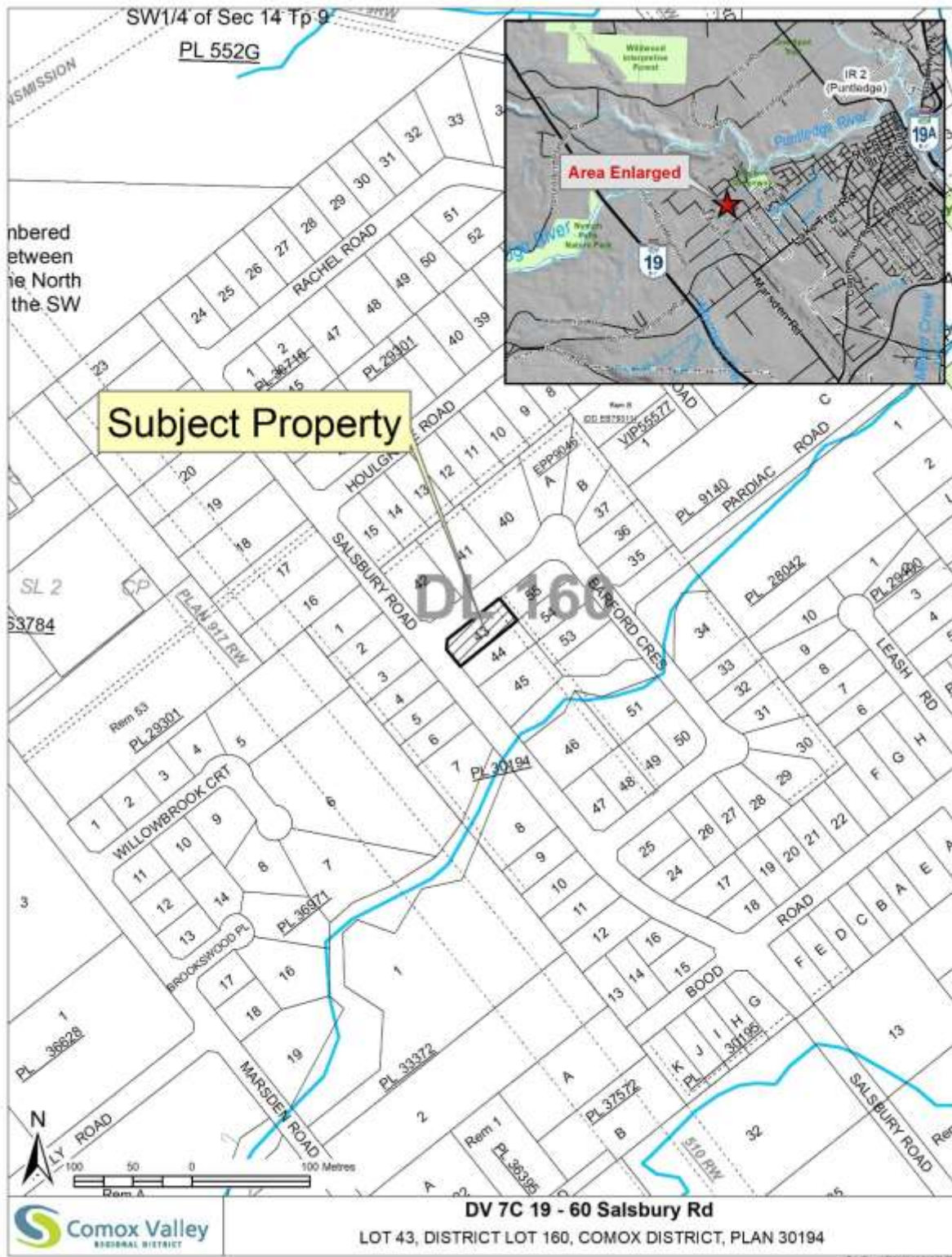


Figure 1: Subject Property Map



Figure 2: Aerial Photo

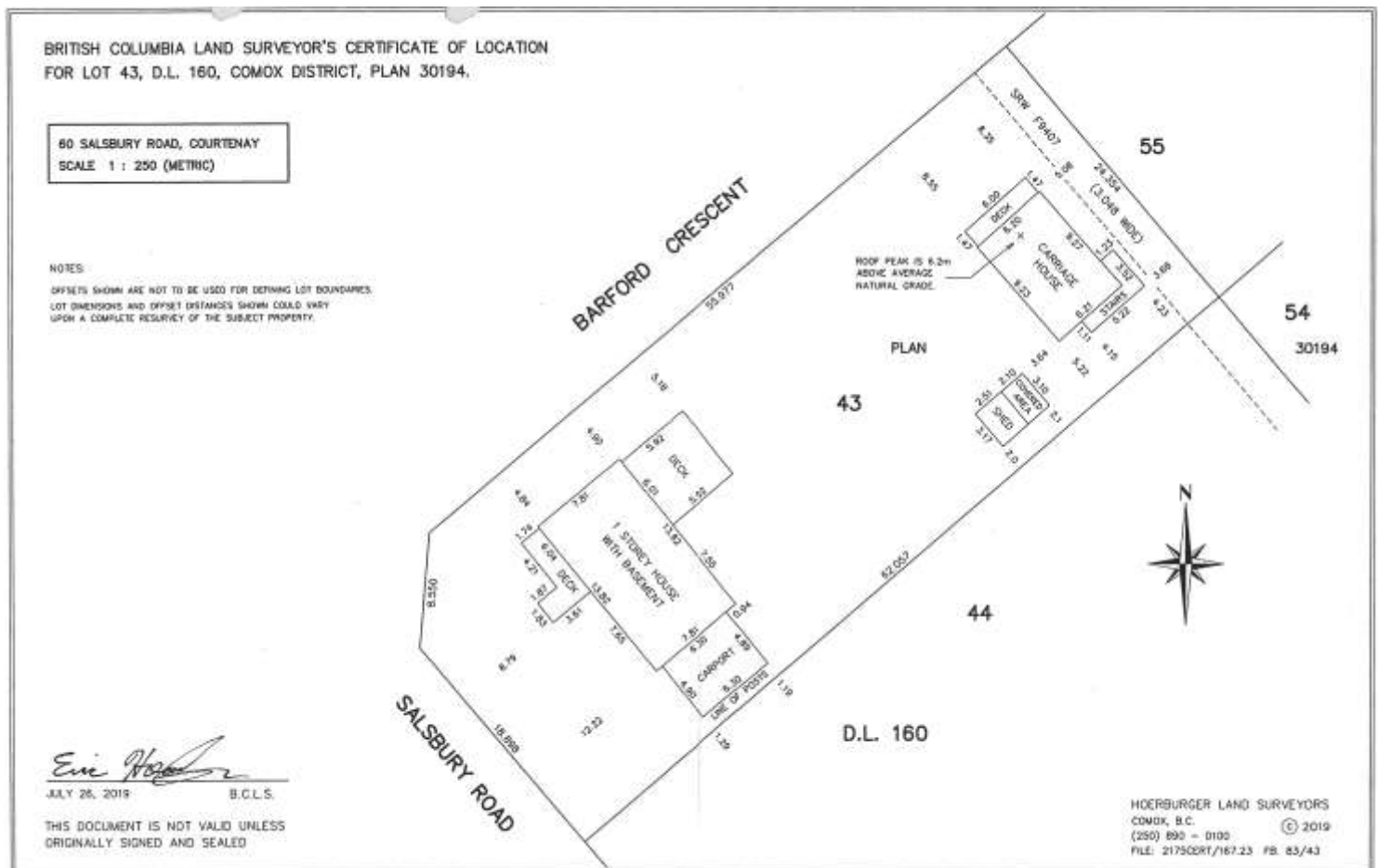


Figure 3: Site Survey



Carport attached to dwelling encroaching into side yard setback



Carriage house encroaching into rear yard setback

Figure 4: Site Visit Photos

707**Country Residential One (CR-1)****1. PRINCIPAL USE**

- i) **On any lot:**
 - a) Residential use.
- ii) **On any lot over 4000 metres² (1.0 acre):**
 - a) Agricultural use.

2. ACCESSORY USES

- i) **On any lot:**
 - a) Home occupation use;
 - b) Accessory buildings; and
 - c) Bed and Breakfast
- ii) **On any lot 2.0 hectares (4.9 acres) or larger:**
 - a) Animal kennels.

3. DENSITY**Residential use is limited to:**

- i) **On any lot:** One single detached dwelling and secondary suite, or one single detached dwelling and one carriage house, or one single detached dwelling and one secondary dwelling limited in area to 90 metres² (968.8 feet²).
- ii) **On any lot 1.0 hectare (2.5 acres) and over:** Two single detached dwellings.

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4. SITING AND HEIGHT OF BUILDINGS AND STRUCTURES

The setbacks required for buildings and structures within the Country Residential One zone shall be as set out in the table below.

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

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. 1836 being the “Floodplain Management Bylaw, 1997” may affect the siting of structures adjacent to major roads and the natural boundaries of watercourses and the sea, respectively.]

5. LOT COVERAGE

- i) The maximum lot coverage of all buildings and structures shall not exceed 35% of the total lot area.

6. FLOOR AREA REQUIREMENTS

- i) The maximum combined gross floor area of all accessory buildings shall not exceed 200.0 metres² (2152.9 feet²).

7. SUBDIVISION REQUIREMENTS

- i) Despite any other provision of this bylaw, the minimum permitted lot area within areas designated as “settlement expansion areas” under “Comox Valley Regional Growth Strategy Bylaw No. 120, 2010” is 4.0 hectares.

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- ii) Despite any other provision of this bylaw, for the purpose of subdivision, the following sections of this bylaw do not apply to lots within areas designated as “settlement expansion areas” under “Comox Valley Regional Growth Strategy Bylaw No. 120, 2010”:

- a) Section 503 Subdivision Standards 1. AREA AND FRONTAGE REQUIREMENTS i);
- b) Section 503 Subdivision Standards 2. LOT SIZE EXCEPTIONS i) a); and
- c) Section 503 Subdivision Standards 2. LOT SIZE EXCEPTIONS iii).

- iii) **Lot Area**

The minimum lot area permitted shall be 2.0 hectares (4.9 acres)

Despite (iii), a subdivision with lots smaller than identified above may be created by subdivision provided that the average lot area within the subdivision is equal to the minimum lot area permitted.

End • CR-1

Request for Variance
John & Janel deBalinhard
60 Salisbury rd
Courtenay BC
V9N 9L6

This letter of request is for a variance to the rear yard setback requirements for an existing shop with carriage house and also a request for a variance to the side yard setback requirements of main house for an existing carport.

We bought this home in 2003 and have made many improvements to the appearance and function of the property over the past 16 years. We think it has added curb appeal and value to the property and neighborhood.

In 2008 we added a carport to the side of the house. It gives us covered parking and some dry storage for firewood etc. in the winter months. The proper setback from the side property line is 1.75m and we are at 1.29m. We are asking for a variance of approx. .45m. The carport is a very useful part of the house and it doesn't block any views or interfere with any neighbors.

In 2009 we built the shop with carriage house above it. There was already a driveway off Barford Crescent and a spot to build a shop. The shop was well built and matches the main house. It is 20' wide by 30' long. We use the shop daily for storage of bikes, motorbikes, boat etc. and have done many projects in it over the years. The carriage house has also been a great addition for storage and always having a place for our parents and family to stay when they visit. The proper setback is 7.5m from the rear property line and we are at 3.68m where the stairs are and 5.08m from shop wall. We are asking for a variance of approx. 2.5m or 3.5m from the rear property line. All neighboring lots are similar and have hedges, trees and fencing near the shop so it doesn't block any views or interfere with any neighbors.

We feel that the upgrades that we have done over the years have made this property blend in with the rest of the neighborhood. When we bought it in 2003, it did not. We also understand that we did these upgrades without permits, but at the time we were a lot younger and didn't know what we were getting into. We took advice from someone we shouldn't have. We ask that you please consider this when making your decision.

Thank you for your time and consideration,

John & Janel deBalinhard

Comox Valley Regional District
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File:

AUG 02 2019

To:

cc: