

DATE: January 21, 2019**FILE:** 3090-20/DV 9C 18**TO:** Chair and Directors
Electoral Areas Services Committee**FROM:** Russell Dyson
Chief Administrative OfficerSupported by Russell Dyson
Chief Administrative Officer***R. Dyson*****RE: Development Variance Permit
1176 Alexandra Avenue (McGeehan)
Puntledge – Black Creek (Electoral Area C)
Strata Lot 61, Block 1450, Comox District, Strata Plan 799 (Phase 1), Together
with an Interest in the Common Property in Proportion to the Unit
Entitlement of the Strata Lot as Shown on Form 1, PID 000-761-630****Purpose**

To consider a Development Variance Permit (DVP) to increase the maximum building height from 10.0 metres to 11.9 metres for a proposed single detached dwelling on Mount Washington (Appendix A).

Recommendation from the Chief Administrative Officer:

THAT the board approve the Development Variance Permit DV 9C 18 (McGeehan) to increase the maximum building height from 10.0 metres to 11.9 metres for a proposed single detached dwelling for a property described as Strata Lot 61, Block 1450, Comox District, Strata Plan 799 (Phase 1), Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1, PID 000-761-630 (1176 Alexandra Avenue);

AND THAT the Corporate Legislative Officer be authorized to execute the permit.

Executive Summary

- The subject property is located at 1176 Alexandra Avenue on Mount Washington. The property is zoned Mount Washington Comprehensive Development (MTW-CD) zone and is in the Resort Accommodation One (RA-1) sub-district.
- The applicant would like to increase the building height of a proposed single detached dwelling from 10.0 metres to 11.9 metres.
- The subject property contains an existing foundation, which was constructed in 2004 by a previous owner. The proposed single detached dwelling was unfinished, and the associated building permit lapsed.
- The applicant would like the extra building height to accommodate a three-storey building with an 8/12 pitch roof. In order to meet the 10.0 metre height limit, a 4/12 pitch would reduce the effectiveness of the roof to shed snow and require a more expensive structural design.
- As the requested variance meets the intent of the maximum building height regulations for a single detached dwelling, staff recommends the issuance of the DVP.

Prepared by:

Concurrence:

Concurrence:

B. Chow***T. Trieu******S. Smith***Brian Chow, MCIP, RPP
Rural PlannerTon Trieu, MCIP, RPP
Manager of Planning ServicesScott Smith, MCIP, RPP
General Manager of Planning and
Development Services Branch**Stakeholder Distribution (Upon Agenda Publication)**

Applicant	✓
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Background/Current Situation

The subject property is located at 1176 Alexandra Avenue on Mount Washington (Figures 1 and 2). According to the applicant, the subject property has an existing foundation, which was constructed in 2004 by a previous owner. The previous owner intended to have this proposed dwelling at 14.5 metres in height. The single detached dwelling was unfinished, and the associated building permit lapsed. The applicant would like to build a three-storey single detached dwelling on this property (Figure 3). For this proposed dwelling, they would like to increase the maximum building height limit from 10.0 metres to 11.9 metres due to the recommended 8/12 roof pitch by engineers. A flatter roof, at 4/12, would meet the maximum building height of 10.0 metres, but would require a much more substantial and expensive roof structure to handle snow.

Official Community Plan Analysis

Bylaw No. 337, being the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014,” designates the subject property within a Settlement Node. Each of the three settlement nodes has a Local Area Plan to establish goals and objectives for land uses including a range of residential types and densities (Section 33(1)). The subject property is not within a Steep Slopes Development Permit Area, and the proposed development as a single detached dwelling is exempted from Mount Washington Mixed Use Development Permit Area guidelines.

Mount Washington Integrated Resort Community Plan Analysis

The subject property is designated within “Mixed Used Residential” by the Mount Washington Integrated Resort Community Plan. The proposed single detached dwelling is consistent with policy to make residential accommodation more available.

Zoning Bylaw Analysis

The subject property is zoned MTW-CD and is in the RA-1 sub-district (Figure 4). The zone permits residential use as a principal use. This zone exempts the strata development of this proposed single detached dwelling from minimum lot line setbacks. The RA-1 sub-district is the only sub-district that has a maximum building height limit. The maximum building height for a single detached dwelling is 10.0 metres. The following table outlines the requested variance.

Bylaw No. 2781	Maximum Permitted Building Height for Principal Buildings	Requested Building Height	Difference
Section 1101 (5.)(iii)	10.0 metres	11.9 metres	+1.9 metres

The intent of the maximum building height limit is to provide consistent form and character of the community, to maintain privacy and to minimize the impacts of shadows onto adjacent lots. Given that the subject property is located on Mount Washington, where the topography varies greatly and that some of the existing single detached dwellings could be up to 15.0 metres in building height, the

additional height would not be out of character of the surrounding chalets. The request for a three-storey dwelling is consistent with other chalets on the mountain.

In addition, the air photo (Figure 2) shows that there are coniferous trees surrounding the subject property and the adjacent lots are at least 18 metres away. These two factors would provide some visual buffers between the single detached dwellings. Given these reasons, staff supports the issuance of the DVP.

Policy Analysis

Section 498 of the *Local Government Act* (RSBC, 2015, c.1) (LGA) authorizes a local government to consider issuance of a DVP that varies the provision of a bylaw, provided that the use or density of the land is not being varied, the land is not designated floodplain, or the development is not part of a phased development agreement.

Options

The board could either approve or deny the requested variance. The board is recommended to approve the variance.

Financial Factors

Applicable fees have been collected for this application under the “Comox Valley Regional District Planning Procedures and Fees Bylaw No. 328, 2014.”

Legal Factors

The report and recommendations contained herein are in compliance with the LGA and the Comox Valley Regional District (CVRD) bylaws. DVPs are permitted in certain circumstances under Section 498 of the LGA.

Regional Growth Strategy Implications

Bylaw No. 120, being “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010,” designates the subject property within Mount Washington Settlement Node. Settlement Nodes shall accommodate growth through a balance of new development, intensification and improvements to public infrastructure (MG Policy 1B-1). The proposed single detached dwelling is consistent with the growth oriented policies of this designation.

Intergovernmental Factors

There are no intergovernmental factors involved with this DVP application.

Interdepartmental Involvement

This DVP application was referred to relevant internal departments. No concerns were identified. The outcome of this application will determine next steps in the building permit process.

Citizen/Public Relations

As of the preparation of this staff report, an Advisory Planning Commission has not been formed for Electoral Area C.

Notice of the requested variance will be mailed to adjacent property owners within 50 metres of the subject property at least 10 days prior to the Electoral Areas Services Committee (EASC) meeting. The notice informs these property owners/tenants as to the purpose of the permit, the land that is the subject of the permit and that further information of the proposed permit is available at the CVRD office. It also provides the date and time of the EASC meeting where the permit will be

considered. Consultation with these property owners/tenants is through their written comments received prior to the EASC meeting or their attendance at the EASC meeting.

Attachment: Appendix A – “Development Variance Permit – DV 9C 18”

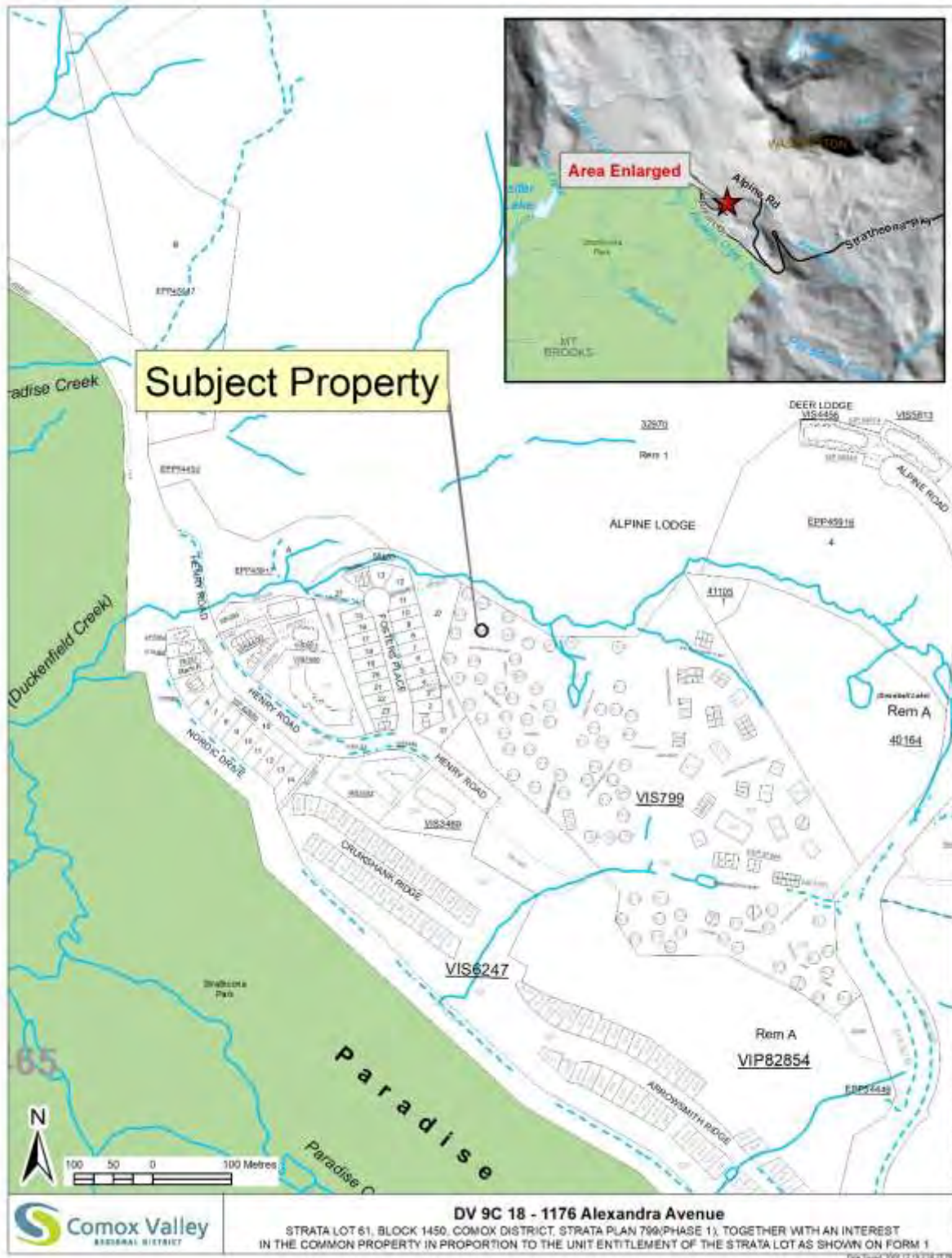


Figure 1: Subject Property Map



Figure 2: Air Photo

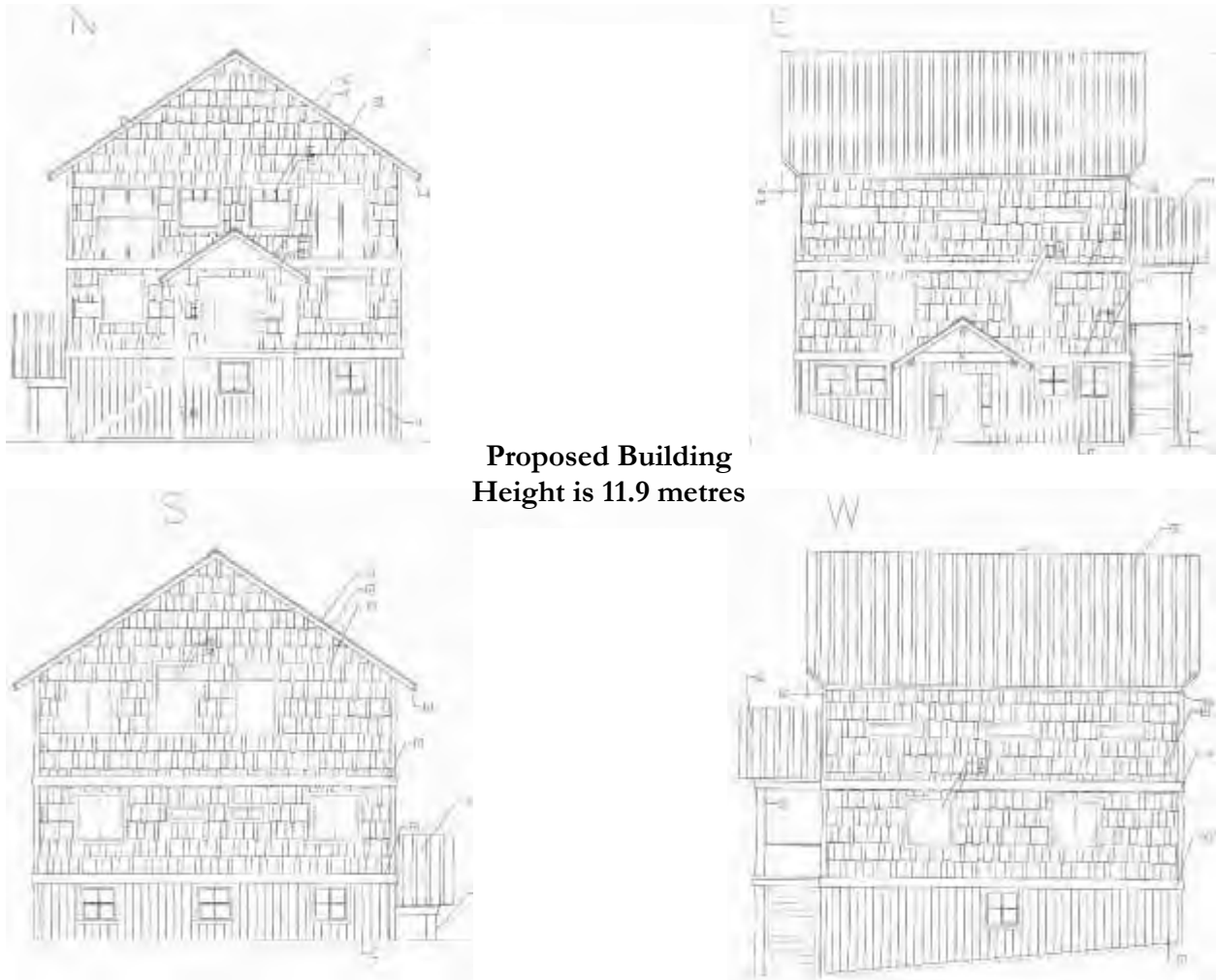


Figure 3: Elevation Drawings

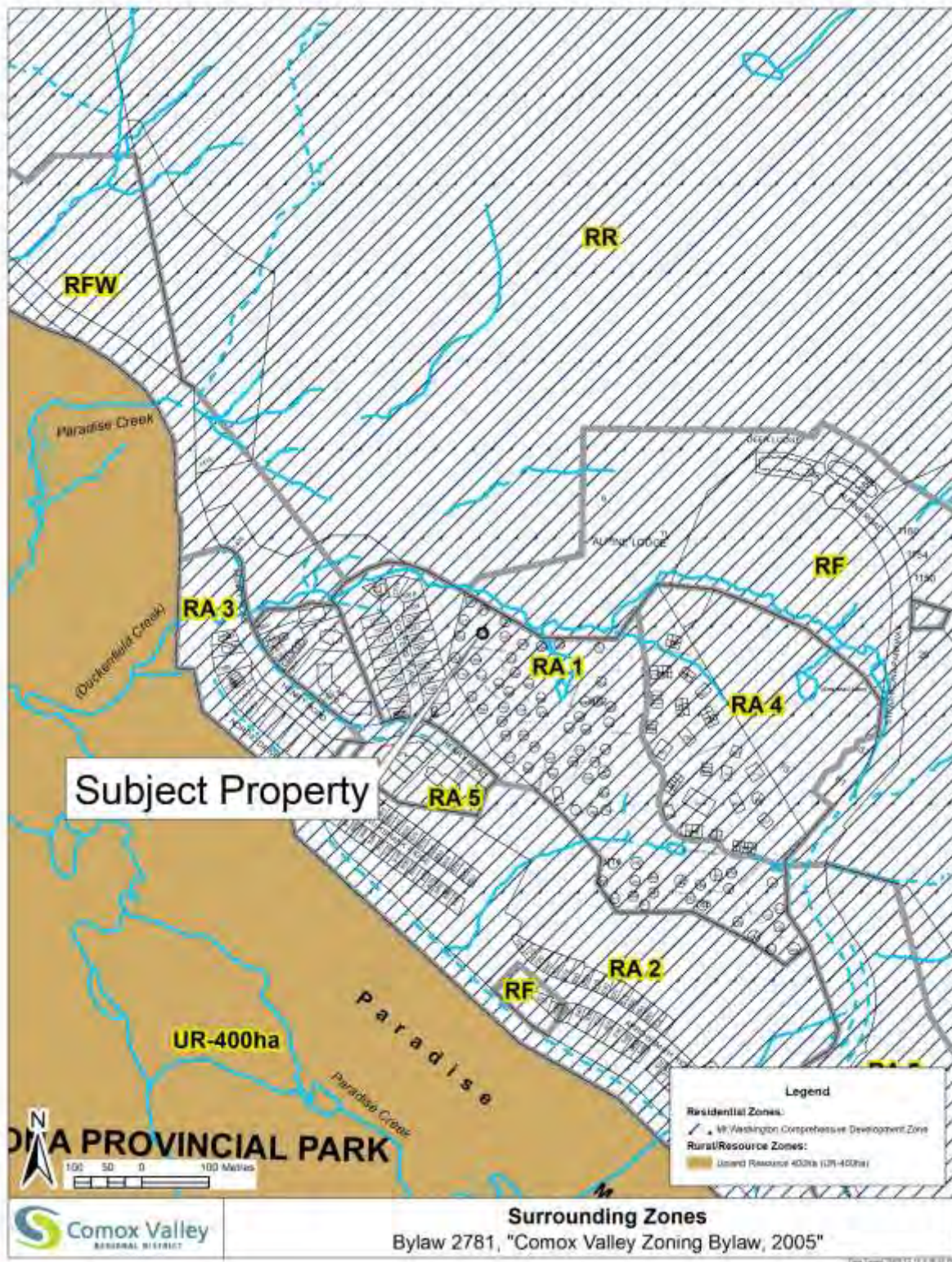


Figure 4: Zoning Map

DV 9C 18**TO: Paul McGeehan**

1. This Development Variance Permit (DV 9C 18) is issued subject to compliance with all of the bylaws of the Comox Valley Regional District applicable thereto, except as specifically varied or supplemented by this permit.
2. This Development Variance Permit applies to and only to those lands within the Comox Valley Regional District described below:
Legal Description: **Strata Lot 61, Block 1450, Comox District, Strata Plan 799 (Phase 1), Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1**
Parcel Identifier (PID): **000-761-630** **Folio: 771 05191.220**
3. The land described herein shall be developed in accordance with the following terms and provisions of this permit:
 - i. THAT the development shall be carried out according to the plans and specifications attached hereto which form a part of this permit as the attached Schedules A and B;
 - ii. THAT all other buildings and structures meet zoning requirements.
5. This Development Variance Permit (DV 9C 18) shall lapse if development is not substantially commenced within two (2) years of the Comox Valley Regional District Board's resolution regarding issuance of the Development Variance Permit (see below). Lapsed permits cannot be renewed; therefore application for a new Development Variance Permit must be made, and permit granted by the Comox Valley Regional District Board, in order to proceed.
6. This Development Variance Permit is **not** a Building Permit.

CERTIFIED as the **DEVELOPMENT VARIANCE PERMIT** issued by resolution of the board of the Comox Valley Regional District on _____.

James Warren
Corporate Legislative Officer

Certified on _____

Attachments: Schedule A – “Resolution”
Schedule B – “Subject Property and Elevation Drawings”

Schedule A

File: DV 9C 18

Applicant: Paul McGeehan

Legal Description: Strata Lot 61, Block 1450, Comox District, Strata Plan 799 (Phase 1), Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form 1, PID 000-761-630

Specifications:

THAT WHEREAS pursuant to Section 1101(5)(iii) of Bylaw No. 2781, being the "Comox Valley Zoning Bylaw, 2005," the height of all principal buildings and structures within Sub-District Resort Accommodation One (RA-1) shall not exceed 10.0 metres;

AND WHEREAS the applicant, Paul McGeehan, wishes to increase the building height of a proposed single detached dwelling to 11.9 metres;

THEREFORE BY A RESOLUTION of the board of the Comox Valley Regional District on _____, the provisions of Bylaw No. 2781, being the "Comox Valley Zoning Bylaw, 2005," as they apply to the above-noted property is to be varied as illustrated in Schedule B and as follows:

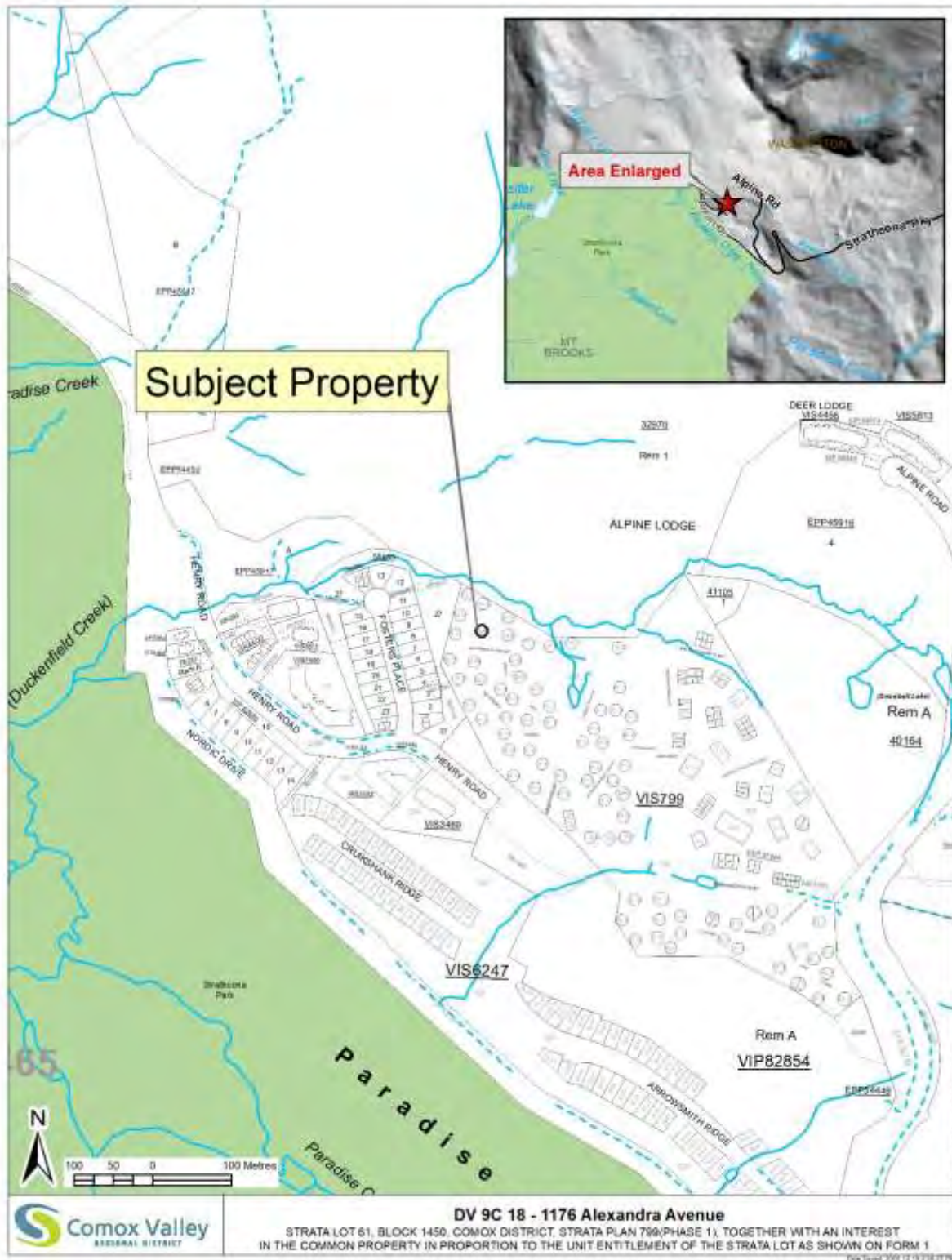
1101(5)(iii) "The height of all principal buildings and structures within Sub-District RA-1 shall not exceed 11.9 metres."

I HEREBY CERTIFY this copy to be a true and correct copy of Schedule A being the terms and conditions of Development Variance Permit File DV 9C 18.

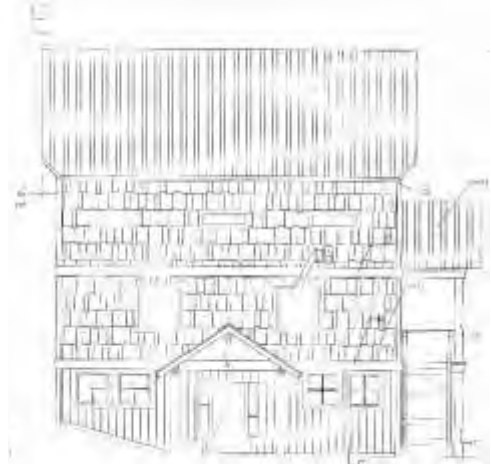
James Warren
Corporate Legislative Officer

Certified on _____

Schedule B Subject Property



Elevation Drawings



**Proposed Building
Height is 11.9 metres**

