

DATE: October 23, 2019**FILE:** 3090-20/DV 6A 19**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
4696 Montrose Drive (Adams, Wells and Nanayakkara)
Lot 19, District Lot 28, Nelson District, Plan 31464, PID 001-147-382**

Purpose

To consider a Development Variance Permit (DVP) (Appendix A) for the conversion of an existing accessory building to a secondary dwelling.

Recommendation from the Chief Administrative Officer:

THAT the board approve the Development Variance Permit DV 6A 19 (Adams, Wells and Nanayakkara) to reduce the following lot line setbacks in order to permit the conversion of the accessory building to a secondary dwelling:

- To reduce the left side yard setback from 3.5 metres to 2.7 metres; and
- To reduce the rear yard setback from 7.5 metres to 4.4 metres for the foundation, and from 5.5 metres to 4.0 metres for the eaves;

on property described as Lot 19, District Lot 28, Nelson District, Plan 31464, PID 001-147-382 (4696 Montrose Drive);

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

Executive Summary

- The subject property is located at 4696 Montrose Drive and is approximately 0.23 hectares in area.
- Currently, the property has a single detached dwelling and several accessory buildings.
- The current owners recently purchased the property and would like to convert an accessory building to a secondary dwelling.
- The proposed conversion would require a DVP, as there are greater setback requirements for a dwelling than for an accessory building.
- Therefore, the applicants are requesting to reduce the left side yard setback from 3.5 metres to 2.7 metres, and to reduce the rear yard setback from 7.5 metres to 4.4 metres for its foundation and from 5.5 metres to 4.0 metres for its eaves.
- The subject building has been in existence for 17 years, and the only proposed change is its use and not its size. Further, existing windows are facing away from adjacent owners to the left and rear, and there is a solid fence to provide some screening and privacy. Given these factors, the proposed conversion is not anticipated to result in visual, privacy and noise impact to adjacent owners.
- Planning staff recommend that a DVP be issued for the proposed conversion of the subject building from an accessory building to a secondary dwelling.

Prepared by:

Concurrence:

Concurrence:

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

Applicants	✓
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Background/Current Situation

The subject property is located at 4696 Montrose Drive in the Baynes Sound – Denman/Hornby Islands Electoral Area (Electoral Area A) (Figures 1 and 2). The property is approximately 0.23 hectares in size. The property is bound by Montrose Drive to the southwest and residential lots in all other directions. Currently, the property has a single detached dwelling and several accessory buildings: existing garage, shed, gazebo and “accessory building on concrete foundation” (Figures 3 and 4). The “accessory building on concrete foundation” (subject building) received a DVP in 2002 to reduce the left side yard setback to 1.0 metre and to reduce the rear yard setback to 3.05 metres.

The applicants recently purchased the subject property and would like to convert the subject building from an accessory building to a secondary dwelling (Figure 5). This proposed conversion would require a DVP, as there are greater setback requirements for a dwelling than for an accessory building. Therefore, the proposed conversion would require the following variances:

- To reduce the left side yard setback of the foundation from 3.5 metres to 2.7 metres.
- To reduce the rear yard setback from 7.5 metres to 4.4 metres for its foundation and from 5.5 metres to 4.0 metres for its eaves.

According to the applicants, the proposed secondary dwelling would enable a senior to live there and be looked after by family (Appendix B).

Official Community Plan Analysis

Bylaw No. 337, being the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014” (OCP), designates the subject property within Rural Settlement Areas (RSAs). The OCP is supportive of secondary dwellings in the RSAs (Section 29(1)).

Zoning Bylaw Analysis

The subject property is zoned Country Residential One (CR-1). This zone permits a secondary dwelling limited to the floor area of 90.0 square metres. The subject building is approximately 86 square metres in floor area. The conversion from an accessory building to a dwelling changes the minimum lot line setback requirements, and therefore, requires a DVP.

The requested variances are as follows:

Zoning Bylaw No. 520	Minimum Setbacks for Principal Structure	Requested Setbacks	Difference
Section 703(5)	Left Side Yard if Frontage > 31 metres: 3.5 metres	2.7 metres	0.8 metres
Section 703(5)	Rear Yard: 7.5 metres	4.4 metres	3.1 metres
Section 403(1)	Rear Yard for Eaves: 5.5 metres	4.0 metres	1.5 metres

In the Zoning Bylaw, the intent of minimum side and rear yard setbacks is to ensure sufficient space between the property boundary and building for maintenance, rainwater runoff, ease of access, landscaping, light infiltration and privacy between neighbours. Further, dwellings require larger setbacks, as there will be occupants inside the building for longer periods of time than accessory buildings.

With respect to possible impacts, the subject building has been located at that location for 17 years, and the only proposed change is its use and not its size. Further, existing windows are facing away from adjacent owners to the left and rear, and there is a solid fence to provide some screening and privacy. Given these factors, the proposed conversion is not anticipated to result in visual, privacy and noise impact to adjacent owners.

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. Based on the analysis above, staff recommends 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” (RGS) designates the subject property within RSAs. The proposed conversion of the accessory building to a secondary dwelling does not conflict with the residential policies of the RGS.

Intergovernmental Factors

There are no intergovernmental factors with this DVP application.

Interdepartmental Involvement

This DVP application was referred to internal departments. The outcome of this application will determine next steps in the building permit process.

Citizen/Public Relations

The Advisory Planning Commission met on October 8, 2019, to review this application. The Commission supported the variance request because the building has been in existence for years, and the proposed change of use will not alter the physical presence. There is adequate fencing and screening among neighbours, and the building height is lower than other structures on adjacent lots. Finally, there should be more secondary dwellings in the area for aging in place.

Notice of the requested variance was mailed to adjacent property owners within 100 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.

Attachments: Appendix A – “Development Variance Permit – DV 6A 19”
Appendix B – “Written Submission from the Applicants”

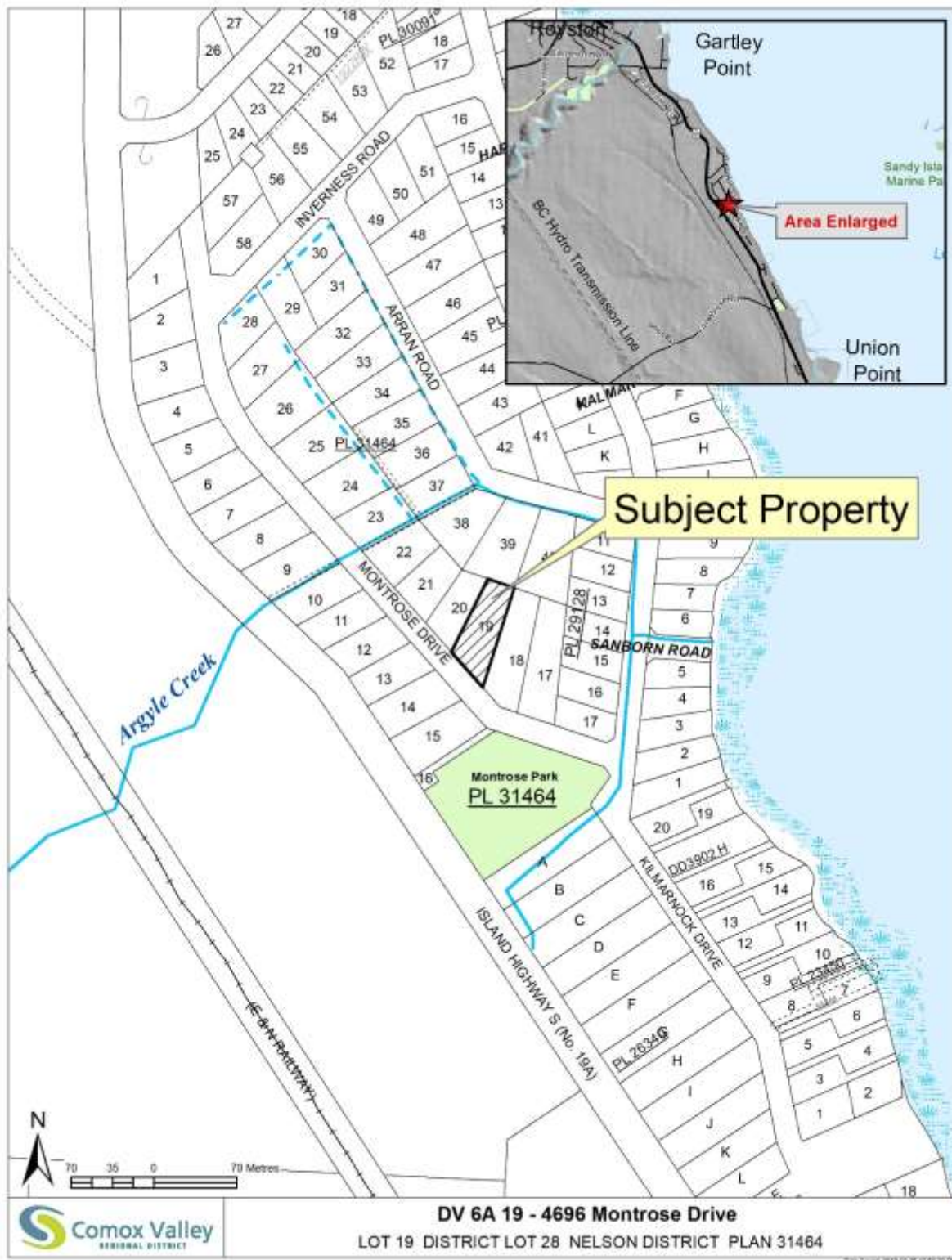


Figure 1: Subject Property Map



Figure 2: Air Photo

CIVIC ADDRESS:

4696 MONTROSE DRIVE, ROYSTON, B.C.

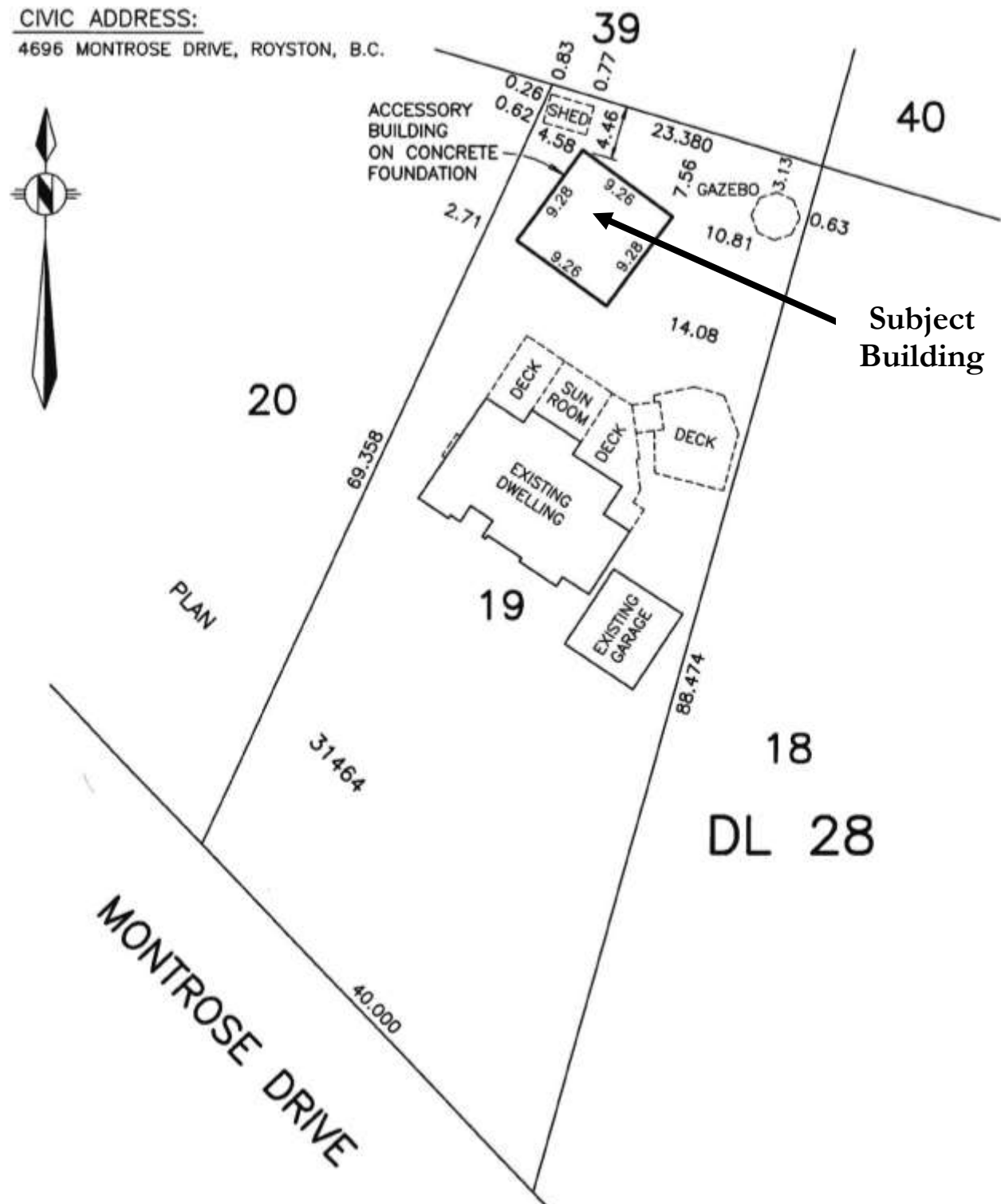


Figure 3: Site Plan

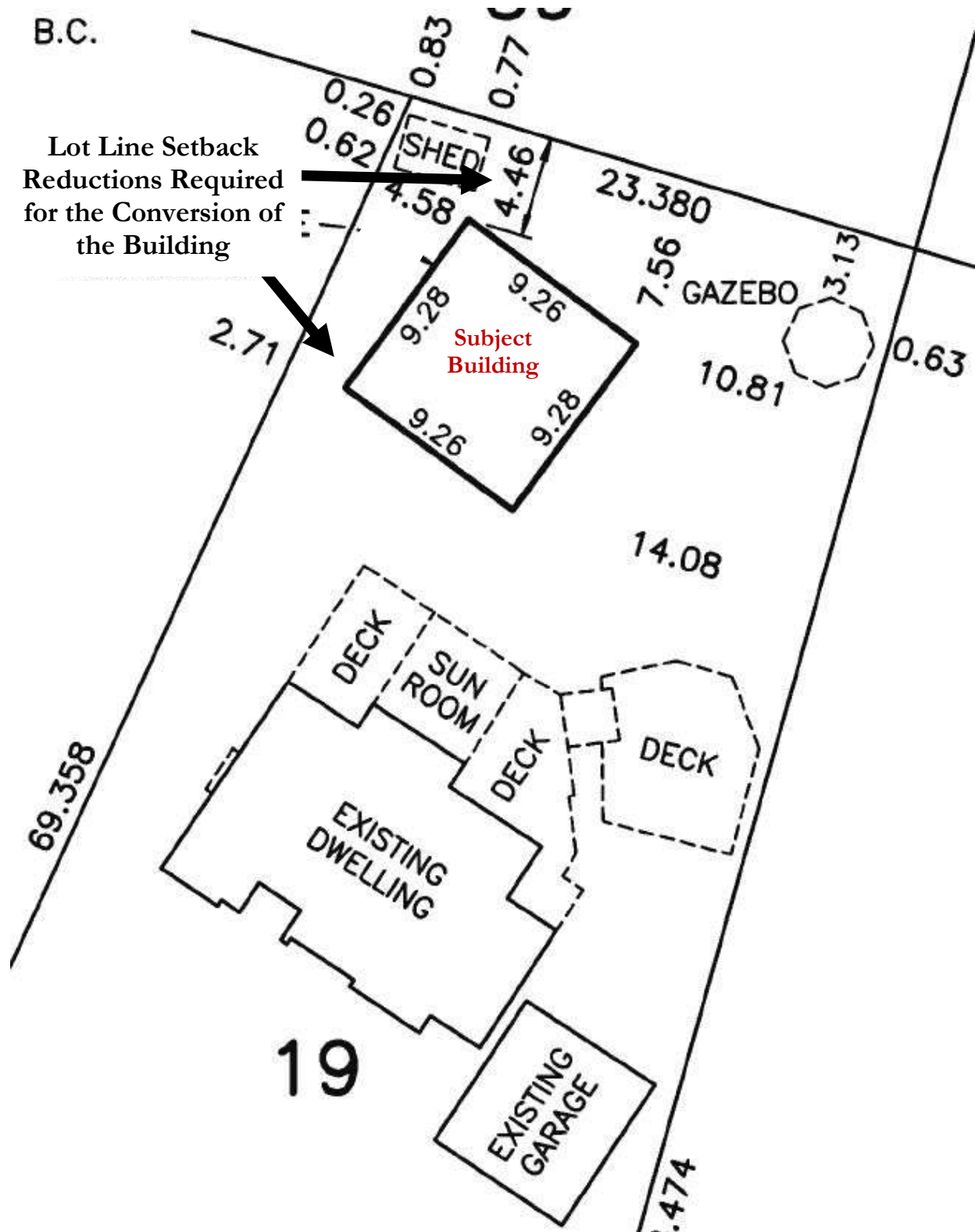


Figure 4: Site Plan Enlarged to Show Details



Figure 5: Subject Building Proposed to be Converted from an Accessory Building to a Secondary Dwelling

DV 6A 19**TO: Linda Rae Adams, Julia Rae Wells and Seth Alec Nanayakkara**

1. This Development Variance Permit (DV 6A 19) 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: Lot 19, District Lot 28, Nelson District, Plan 31464
Parcel Identifier (PID): 001-147-382 **Folio:** 771 10601.336
Civic Address: 4696 Montrose Drive
3. The land described herein shall be developed in accordance with the following term and provision 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.
5. This Development Variance Permit (DV 6A 19) 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, Site Plan and Elevation Drawings”

Schedule A

File: DV 6A 19

Applicants: Linda Rae Adams, Julia Rae Wells and Seth Alec Nanayakkara

Legal Description: Lot 19, District Lot 28, Nelson District, Plan 31464, PID 001-147-382

Specifications:

THAT WHEREAS pursuant to Section 703(5) of Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw, No. 520, 2019,” the minimum side yard setback for principal buildings on a property with lot frontage greater than 31 metres is 3.5 metres;

FURTHER THAT WHEREAS pursuant to Sections 703(5) of Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw, No. 520, 2019,” the minimum rear yard setback for the foundations of principal buildings is 7.5 metres;

AND FURTHER THAT WHEREAS pursuant to Sections 403(1) of Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw, No. 520, 2019,” the minimum rear yard setback for the eaves of principal buildings is 5.5 metres;

AND WHEREAS the applicants, Linda Rae Adams, Julia Rae Wells and Seth Alec Nanayakkara, wish to convert an existing accessory building shown on Schedule B to a secondary dwelling, and the existing accessory building has the following lot line setbacks:

- Left side yard setback at 2.7 metres; and
- Rear yard setback at 4.4 metres for the foundation and at 4.0 metres for the eaves;

THEREFORE BY A RESOLUTION of the board of the Comox Valley Regional District on _____, the provision of Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw, No. 520, 2019,” as they apply to the above-noted property is to be varied as illustrated in Schedule B and as follows:

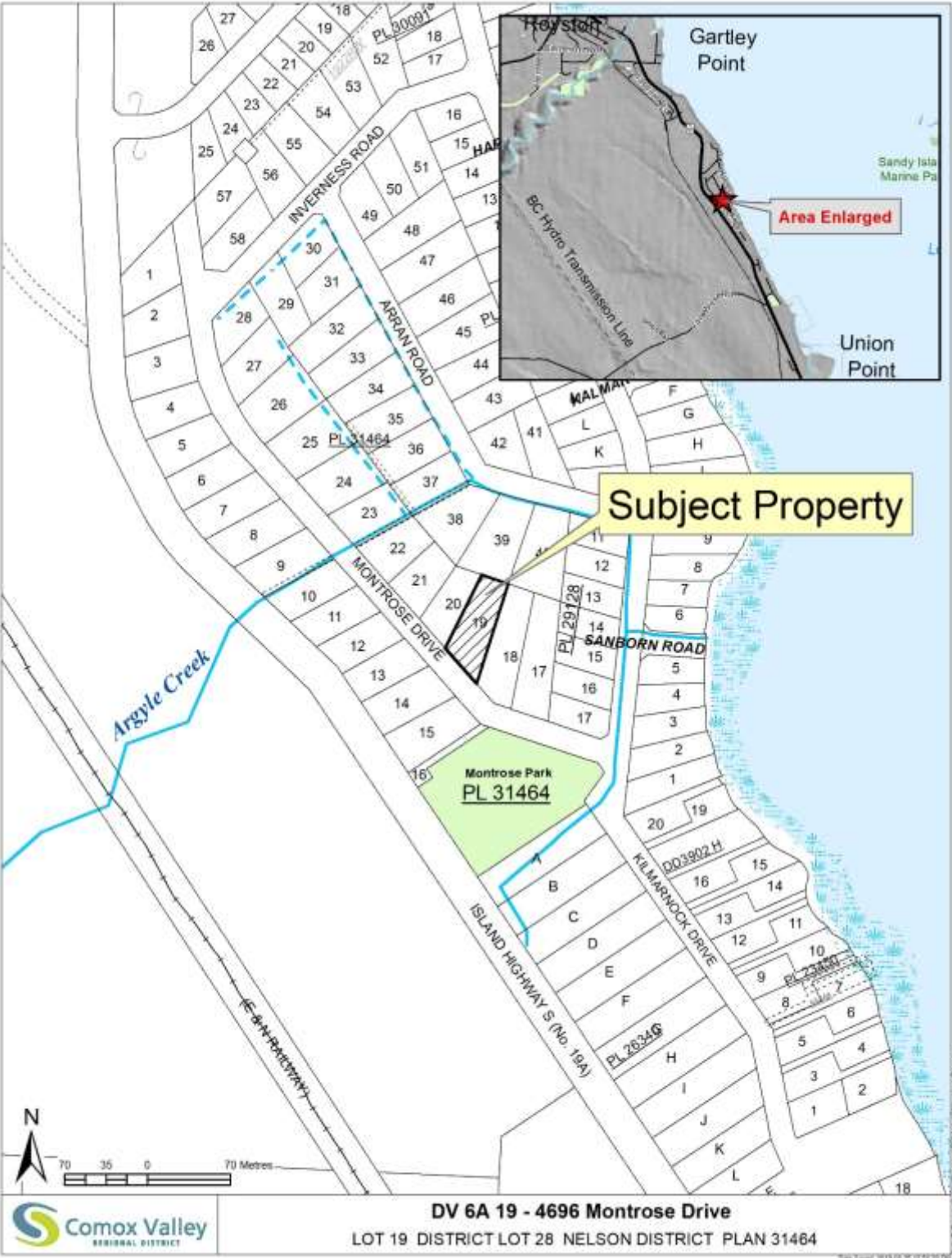
- | | |
|--------|--|
| 703(5) | “The minimum left side yard setback of proposed secondary dwelling shown on Schedule B is 2.7 metres.” |
| 703(5) | “The minimum rear yard setback of the proposed secondary dwelling shown on Schedule B is 4.4 metres for the foundation.” |
| 403(1) | “The minimum rear yard setback of the proposed secondary dwelling shown on Schedule B is 4.0 metres for the eaves.” |

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 6A 19.

James Warren
Corporate Legislative Officer

Certified on _____

Schedule B
Subject Property



Site Survey

BRITISH COLUMBIA LAND SURVEYOR'S
BUILDING LOCATION CERTIFICATE FOR
ACCESSORY BUILDING ON:LOT 19, DISTRICT LOT 28,
NELSON DISTRICT,
PLAN 31464

PARCEL IDENTIFIER: 001-147-382

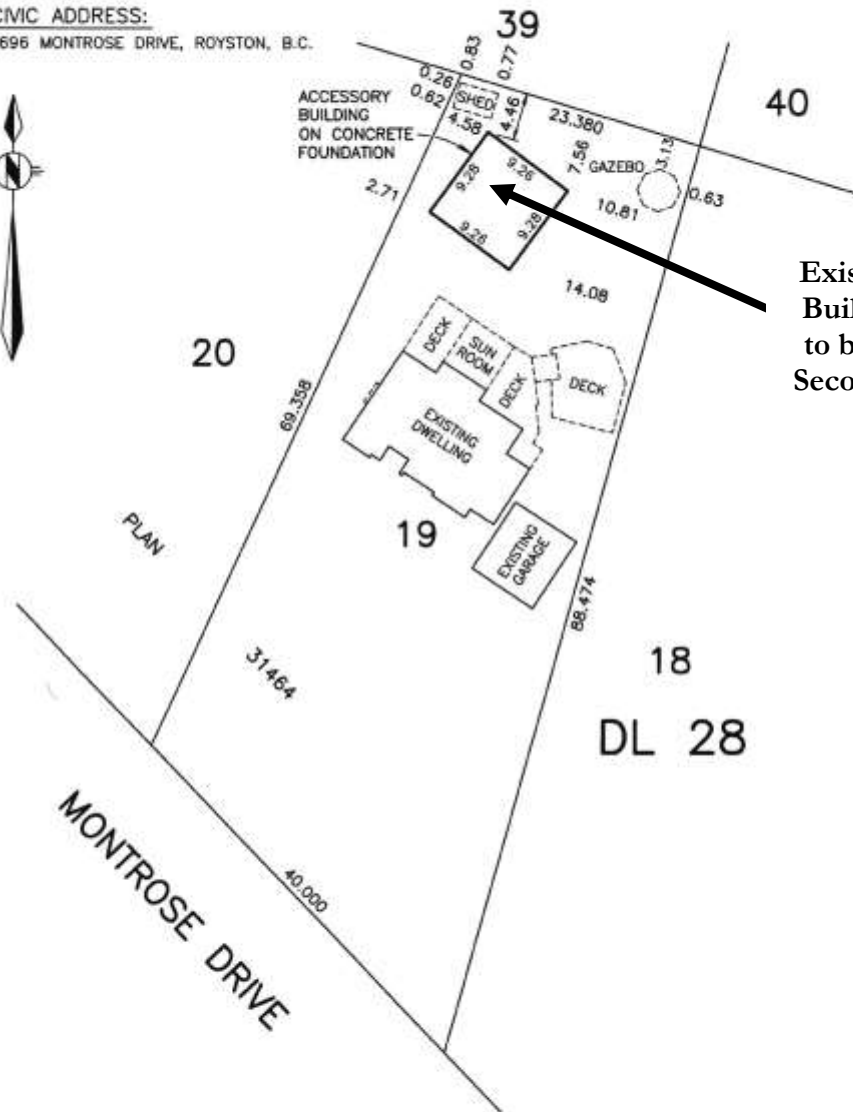
CIVIC ADDRESS:


4696 MONTROSE DRIVE, ROYSTON, B.C.

THIS DOCUMENT SHOWS THE RELATIVE LOCATION OF
THE SURVEYED STRUCTURES AND FEATURES WITH
RESPECT TO THE BOUNDARIES OF THE PARCEL
DESCRIBED. THIS DOCUMENT SHALL NOT BE USED
TO DEFINE PROPERTY LINES OR PROPERTY CORNERSPARCEL BOUNDARIES SHOWN HAVE BEEN DERIVED
FROM PLANS 31464 AND WPB2952.

SCALE: 1:500

ALL DISTANCES ARE IN METRES.


Existing Accessory
Building Proposed
to be Converted to
Secondary DwellingTHIS CERTIFICATE HAS BEEN PREPARED FOR
BUILDING LOCATION PURPOSES AND IS FOR THE
EXCLUSIVE USE OF OUR CLIENT, CERTIFIED
CORRECT THIS 14th DAY OF AUGUST, 2019.

 B.C.L.S.
 THIS DOCUMENT IS NOT VALID UNLESS ORIGINALLY
 SIGNED AND SEALED

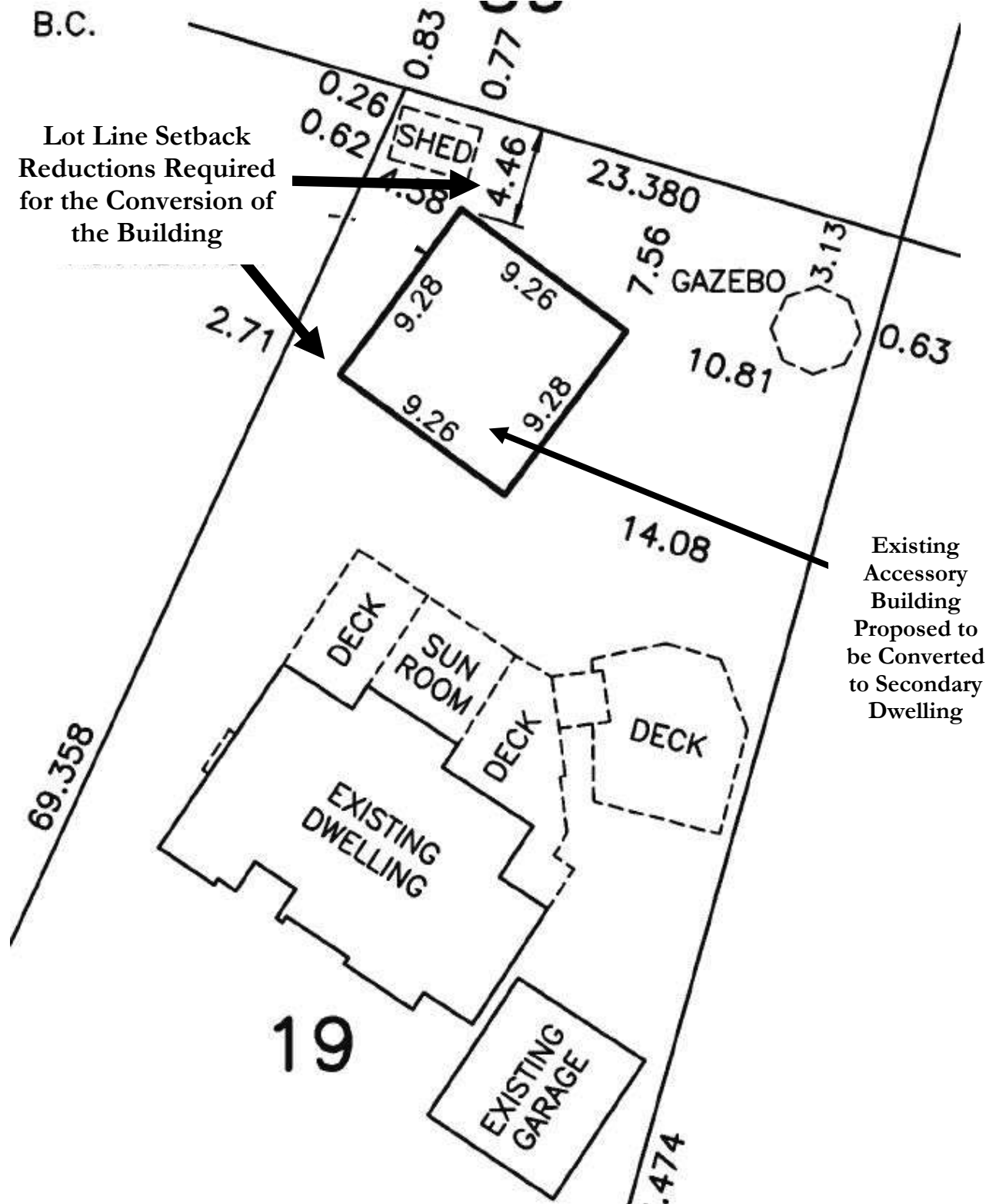
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NOTES:

BUILDING DIMENSIONS AND OFFSETS TO PROPERTY
LINES ARE SHOWN TO EXTERIOR OF BUILDING WALLS.THE LOCATION OF IMPROVEMENTS ON THIS PARCEL MAY
BE AFFECTED BY PERMIT ET90639, AND STATUTORY
BUILDING SCHEME G25121.


McEhenney Associates
 Professional Land Surveyors
 1211 Ryan Road
 Courtenay, B.C. V9N 3R6
 Ph : 250-338-5495
 Fax : 05710 S-1717-C2

Site Survey Enlarged to Show Details



Jodi MacLean

From: Linda Adams
Sent: August 26, 2019 2:35 PM
To: Jodi MacLean
Subject: 4696 Montrose Drive, Royston

>
> Attention: Regional Board
>
> As per the application for variance that we submitted today I would like to take this opportunity to provide you with additional information.
>
> I purchased this property with my daughter, Julia Wells and her husband, Seth Nanayakkara. One of the main reasons we purchased the property was because it housed a 900 sq ft secondary building which we would like to convert into a residence for me.
>
> I am a single senior with limited mobility due to arthritis & am currently living with my daughter & her family while we wait for your approval.
>
> With all due respect.
> Linda Adams
>