

**DATE:** January 22, 2018

**FILE:** 3090-20 / DV 1A 18

**TO:** Chair and Directors  
Electoral Areas Services Committee

**FROM:** Russell Dyson  
Chief Administrative Officer

Supported by Russell Dyson  
Chief Administrative Officer

*R. Dyson*

**RE:** **Development Variance Permit – 7668 Ships Point Road (Gardave)  
Baynes Sound – Hornby/Denman Islands (Electoral Area A)  
Lot 17, District Lot 26, Newcastle District, Plan 17305, PID 000-092-243**

**Purpose**

To consider a Development Variance Permit (DVP) to decrease the minimum front yard setback from 7.5 metres to 5.9 metres to allow for the construction of an accessory building (Appendix A).

**Recommendation from the Chief Administrative Officer:**

THAT the board approve the Development Variance Permit DV 1A 18 (Gardave) to decrease the minimum front yard setback from 7.5 metres to 5.9 metres to allow for the construction of an accessory building on a property described as Lot 17, District Lot 26, Newcastle District, Plan 17305, PID 000-092-243 (7668 Ships Point Road);

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

**Executive Summary**

- An application has been received to decrease the minimum front yard setback from 7.5 metres to 5.9 metres to allow for the construction of an accessory building.
- The waterfront property is 0.22 hectares and is located in the Ships Point area.
- The applicants are requesting the variance to utilize an existing asphalt footprint from the previous garage.
- A front yard setback of 5.9 metres is appropriate for this particular property as Ships Point Road is a quiet, no-thru road. In addition, utilizing the existing footprint will minimize the addition of impervious surfaces to the property.

Prepared by:

Concurrence:

Concurrence:

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Branch

**Stakeholder Distribution (Upon Agenda Publication)**

Applicant	✓
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### Background/Current Situation

An application has been received to consider a DVP for a 0.22 hectare property located in the Ships Point area. The oceanfront property is surrounded by residential properties to the northwest and the southeast (Figures 1 & 2).

The property contains a single detached dwelling and existing asphalt footprint from a previous garage near the front of the lot. The owner would like to reduce the front yard setback from 7.5 metres to 5.9 metres to build an approximately 60m<sup>2</sup> garage. The original garage was setback 5.2 metres from the front lot line (Figure 3). The owner is proposing to re-orient the proposed garage slightly to achieve a setback of 5.9 metres while still utilizing the existing asphalted area (Figure 4 & 5).

### Official Community Plan Analysis

The subject property is designated Rural Settlement Area in the Official Community Plan (OCP), being the “Rural Comox Valley Official Community Plan Bylaw, No. 337, 2014”. The proposed accessory building does not conflict with the residential policies established in the OCP.

### Zoning Bylaw Analysis

The property is zoned Residential Rural (R-RU) in Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005”. The R-RU zone permits an accessory building. The requested variance is detailed in Table 1 below.

**Table 1: Variance Summary**

Zoning Bylaw	Variance	Existing	Proposed	Difference
Section 706 (4)	Front yard setback	7.5 metres	5.9 metres	1.6 metres

A front yard setback of 5.9 metres is appropriate for this particular property as Ships Point Road is a quiet, no-thru road. In addition, utilizing the existing footprint will minimize the addition of impervious surfaces to the property.

### 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.

### 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. DVP’s are permitted in certain circumstances under Section 498 of the LGA.

**Regional Growth Strategy Implications**

The subject property is designated Rural Settlement Area in the Regional Growth Strategy (RGS), being the “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010”. The proposed accessory building does not conflict with the growth management policies established in the RGS.

**Intergovernmental Factors**

There are no intergovernmental factors.

**Interdepartmental Involvement**

This DVP application was circulated to relevant departments within the CVRD for comment. No concerns were identified.

**Citizen/Public Relations**

The Advisory Planning Commission will review this application at their meeting scheduled for January 24, 2017. The minutes from the meeting will be forwarded to the Electoral Areas Services Committee (EASC).

Notice of the requested variance will be mailed to adjacent property owners within 100.0 metres of the subject property at least 10 days prior to the 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 1A 18”  
Appendix B – “Copy of R-RU Zone”

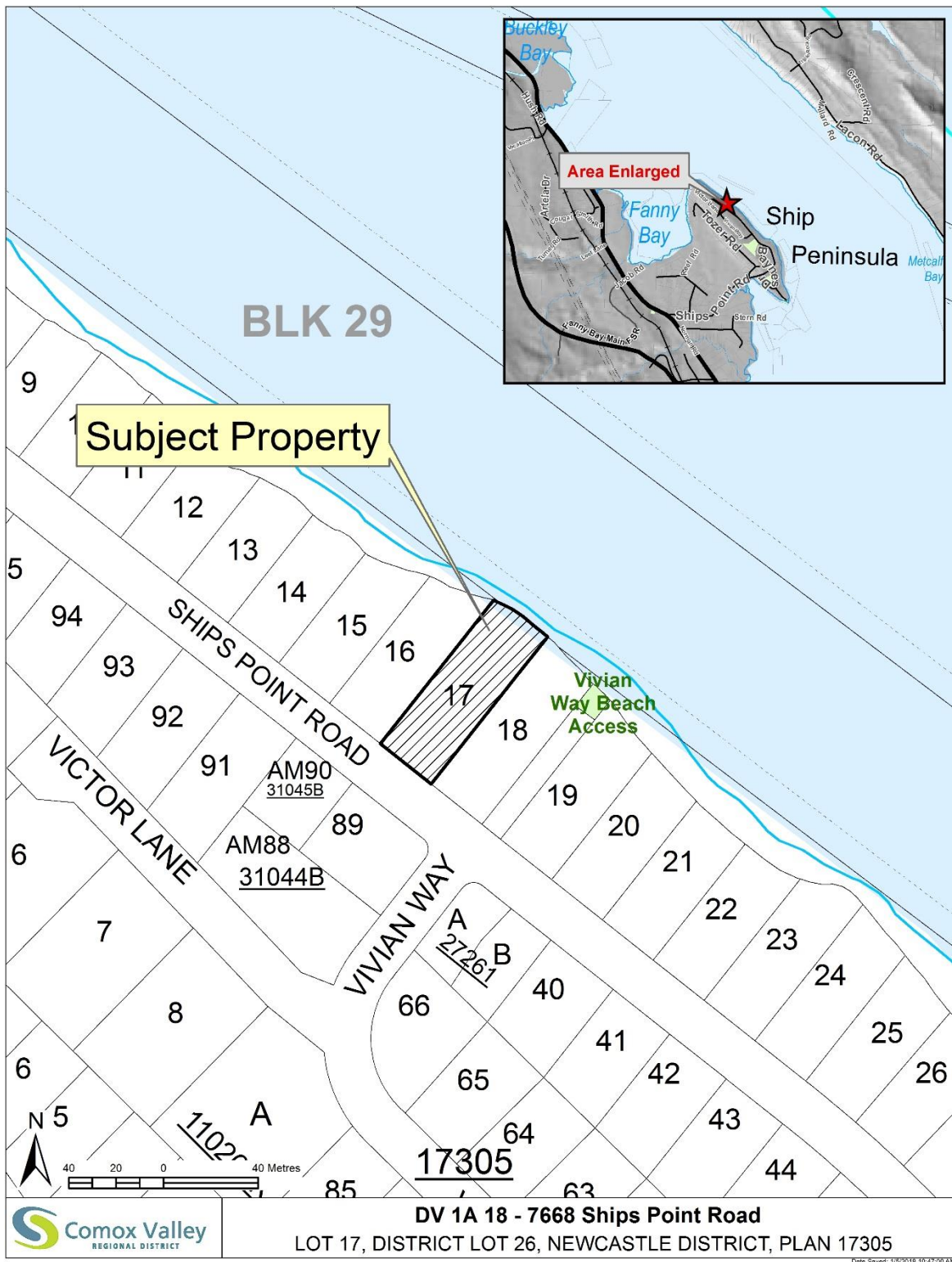
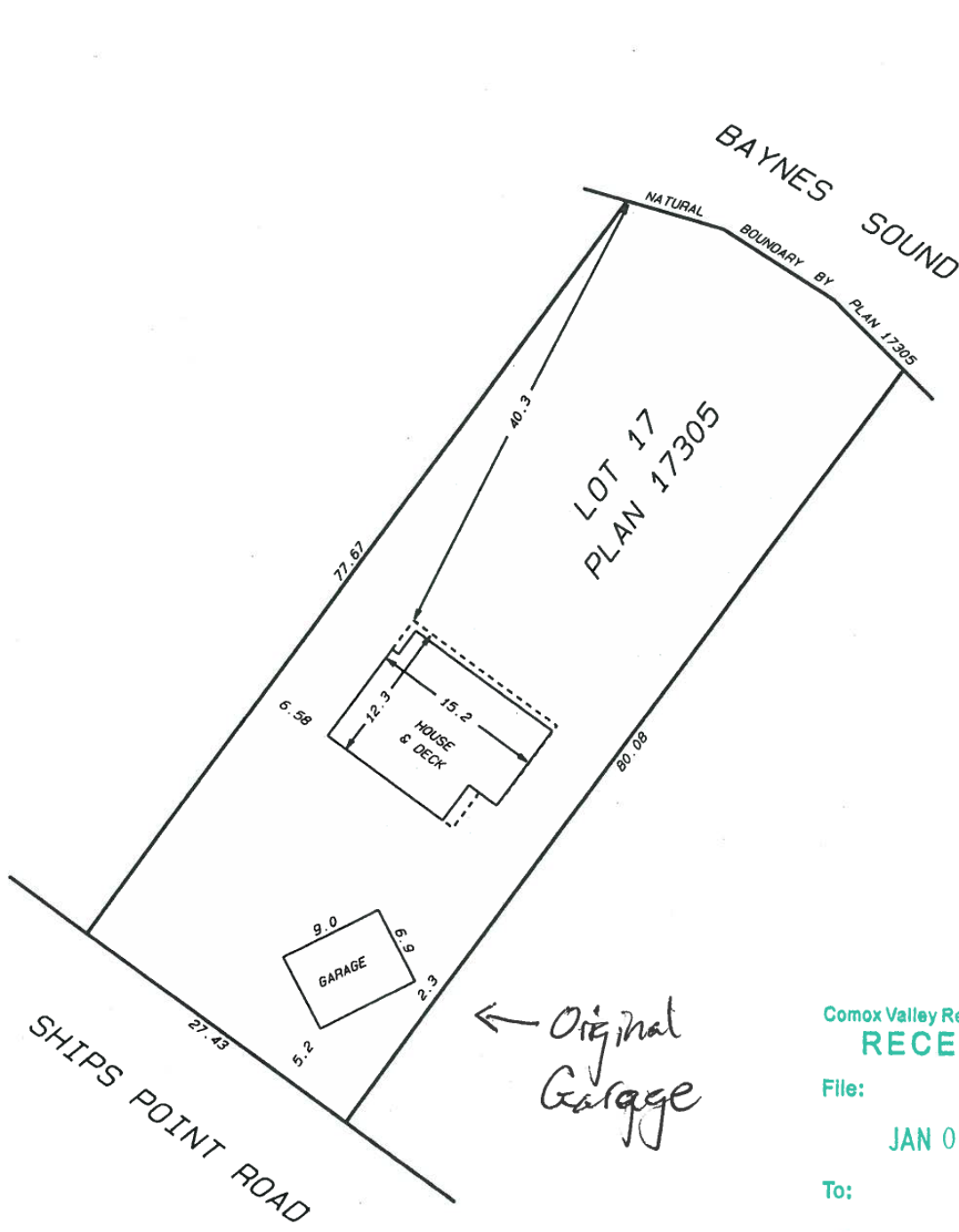


Figure 1: Subject Property Map





Figure 2: Aerial Photo



Comox Valley Regional District  
**RECEIVED**

File:

JAN 02 2018

To:

cc:

Figure 3: Original Garage Footprint

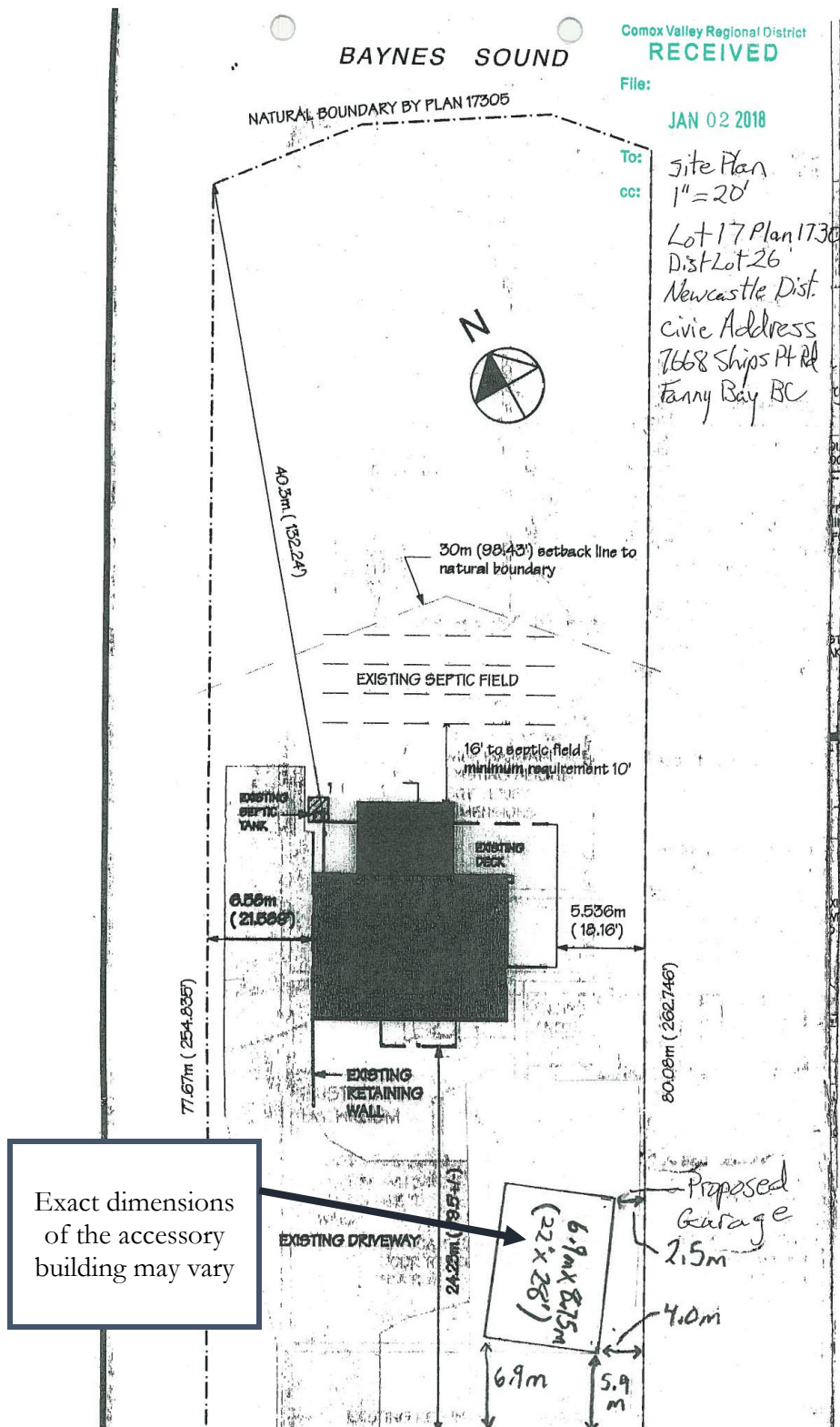


Figure 4: Proposed Garage



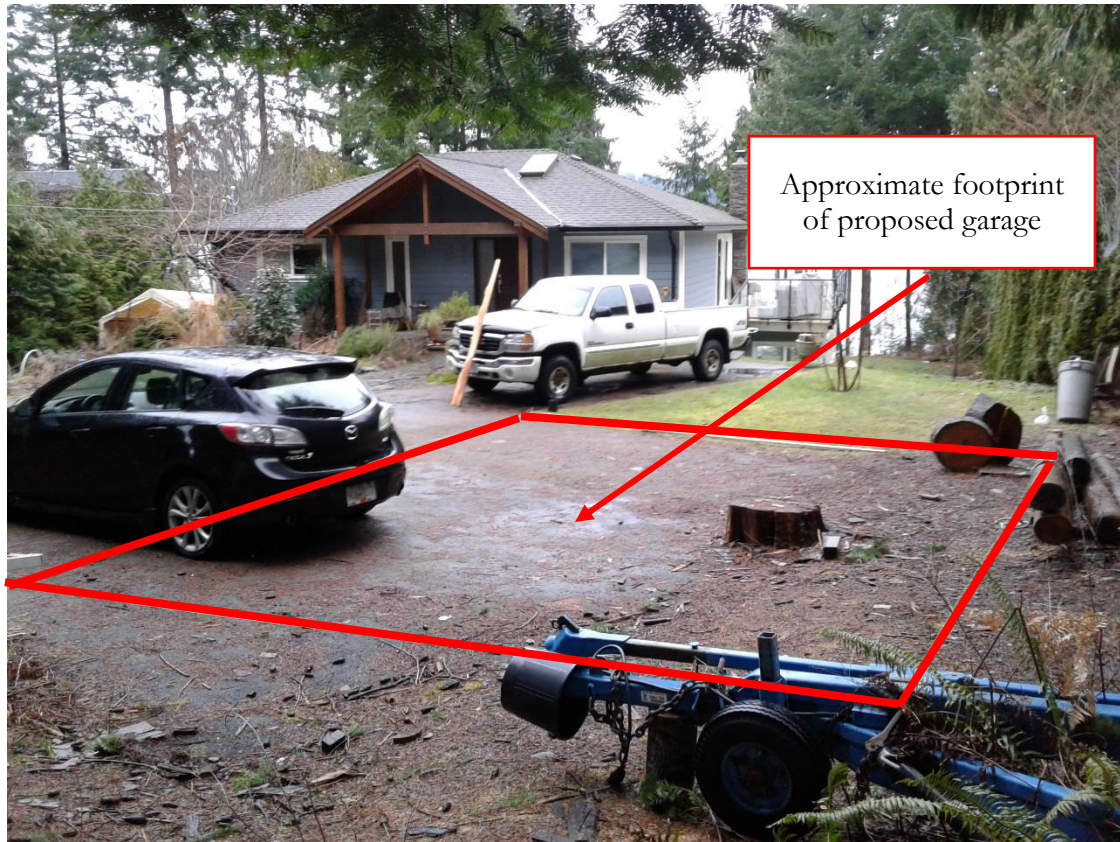


Figure 5: Site Visit Photos



DV 1A 18

**TO: Kevin Gardave**

1. This Development Variance Permit (DV 1A 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: Lot 17, District Lot 26, Newcastle District, Plan 17305**  
**Parcel Identifier (PID): 000-092-243 Folio: 771 11801.000**  
**Civic Address: 7668 Ships Point Road**
3. The land described herein shall be developed strictly 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 must meet zoning requirements.
4. This Development Variance Permit is issued following the receipt of an appropriate site declaration from the property owner.
5. This Development Variance Permit (DV 1A 18) shall lapse if construction 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 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 – “Site Plan”

**Schedule A**

**File: DV 1A 18**

**Applicants: Kevin Gardave**

**Legal Description: Lot 17, District Lot 26, Newcastle District, Plan 17305, PID 001-092-243**

**Specifications:**

THAT WHEREAS pursuant to Section 706 (4) of Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005,” the minimum front yard setback is 7.5 metres;

AND WHEREAS the applicant, Kevin Gardave, wishes to reduce the front yard setback to 5.9 metres to allow for the construction of an accessory building;

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 are to be varied as follows:

706(4) The front yard setback for the accessory building shown on Schedule B is 5.9 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 1A 18

\_\_\_\_\_  
James Warren  
Corporate Legislative Officer

Certified on \_\_\_\_\_

### Schedule B

BAYNES SOUND

Comox Valley Regional District  
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File:

JAN 02 2018

To:

Site Plan

cc:

1" = 20'

Lot 17 Plan 17305

Dist Lot 26

Newcastle Dist.

Civic Address

7668 Ships Pt Rd

Fanny Bay BC

NATURAL BOUNDARY BY PLAN 17305



40.3m (132.24')

30m (98.43') setback line to natural boundary

EXISTING SEPTIC FIELD

16' to septic field  
minimum requirement 10'

EXISTING SEPTIC TANK

EXISTING DECK

6.56m (21.52')

5.53m (18.16')

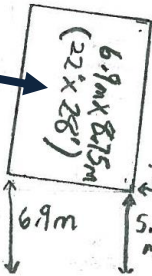
77.67m (254.835')

80.08m (262.746')

EXISTING RETAINING WALL

Exact dimensions of the accessory building may vary

EXISTING DRIVEWAY



Proposed Garage  
2.5m

4.0m



**706 Residential-Rural (R-RU)**

**1. PRINCIPAL USE**

- i) **On any lot:**
  - a) Residential use.
- ii) **On any lot over 4000 metres<sup>2</sup> (1.0 acre):**
  - a) Agricultural use.

**2. ACCESSORY USES**

**On any lot:**

- i) Secondary suite;
- ii) Home occupation use;
- iii) Accessory buildings;
- iv) Bed and Breakfast.

#4

**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 90.0 metres<sup>2</sup> (968.8 feet<sup>2</sup>).

#112

**4. SITING AND HEIGHT OF BUILDINGS AND STRUCTURES**

The setbacks required for buildings and structures within the Residential Rural 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 (32.8 ft)	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. [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 metres<sup>2</sup> (2152.9 feet<sup>2</sup>).

**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. #200
- 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 0.8 hectares (2.0 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 • R-RU*