

DATE: January 22, 2018

FILE: 3090-20 / DV 4C 17

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 – 1422 Seaview Road (Oldale)
Puntledge – Black Creek (Electoral Area C)
Lot K, Section 9, Township 5, Comox District, Plan 11119, PID 000-011-649**

Purpose

To consider a Development Variance Permit (DVP) to allow a carriage house to have access via an internal staircase, internal access to the accessory use below and to increase the maximum height from 7.0 metres to 7.5 metres (Appendix A).

Recommendation from the Chief Administrative Officer:

THAT the board approve the Development Variance Permit DV 4C 17 (Oldale) to allow a carriage house to have access via an internal staircase, internal access to the accessory use below and to increase the maximum height from 7.0 metres to 7.5 metres for a property described as Lot K, Section 9, Township 5, Comox District, Plan 11119, PID 000-011-649 (1422 Seaview Road);

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

Executive Summary

- The applicants plan to build a carriage house on a 0.2 hectare waterfront property that contains a single detached dwelling and a boat shed.
- The applicants would like to vary the zoning bylaw to allow a carriage house to have access via an internal staircase, internal access to the accessory use below and to increase the maximum height from 7.0 metres to 7.5 metres.
- As part of the ongoing zoning bylaw review, staff are reviewing options to enable more flexibility in carriage house design. Allowing internal access for a carriage house can reduce hazardous conditions, create additional privacy from neighbours and provide an alternative aesthetic option. The zoning bylaw limits the residential component to the secondary storey and allowing internal access to the accessory use below does not infer that residential uses are permitted on the ground level. The interior entryway, landing or similar space will be limited to 2.8 m² in area. The height increase is considered minor and not expected to negatively affect the neighbours' viewscape. For these reasons, staff supports the issuance of the DVP.

Prepared by:

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Stakeholder Distribution (Upon Agenda Publication)

Applicants	✓
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Background/Current Situation

An application has been received to consider a DVP (Appendix A) to allow a carriage house to have access via an internal staircase, internal access to the accessory use below and to increase the maximum height from 7.0 metres to 7.5 metres. The 0.2 hectare waterfront property is bound by residential properties to the northwest and southeast, Seaview Road to the southwest and Georgia Strait to the northeast (Figures 1 & 2). The property contains a single detached dwelling, garage and boat shed. The applicants plan to remove the existing garage and build a carriage house (Figures 3). The existing garage is within the Aquatic and Riparian Habitat Development Permit Area (DPA) and a development permit (DP 16C 17) permitted its removal. The carriage house will be built outside of the DPA.

Official Community Plan Analysis

The subject property is designated Rural Settlement Area in the Official Community Plan being the “Rural Comox Valley Official Community Plan No. 337, 2014”. The proposed carriage house does not conflict with residential policies established in this document.

Zoning Bylaw Analysis

The property is zoned Residential Rural (R-RU) in Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005” (Appendix B). The R-RU zone permits a principal dwelling and a carriage house. The application seeks relief from the following zoning bylaw requirements in order to have access to the carriage house by means of an internal staircase, internal access to the accessory use below and an increased height of 7.5 metres:

Section 309 (3):

“The maximum height of all accessory buildings is 6.0 metres (19.7 feet) except for structures containing residential use, such as carriage houses, which have a maximum permitted height of 7.0 metres”

Section 313 (6):

iii) “The second storey floor area occupied by the residential use must have no interior access to any part of the accessory use below.

iv) The means of access and egress to the second storey residential use must be external to the structure and must not be enclosed by walls”

The rationale for supporting internal access for a carriage house is it can reduce hazardous conditions (e.g. ice on an outdoor staircase), create additional privacy from neighbours and provide an alternative aesthetic option. Staff have no concerns with allowing internal access to the accessory use below provided building code requirements are met. Allowing internal access does not infer that the ground level of a carriage house can be used for residential use. The zoning bylaw clearly states that the residential use is limited to the second storey. The interior entryway, landing or similar space will be limited to 2.8 m² in area to prevent the ground level from being used for residential uses. As for the height increase, the increase is minimal and not expected to affect the neighbouring property’s views. For these reasons, staff supports the issuance of the DVP.

Floodplain Bylaw Analysis

According to Bylaw No. 2780, being the “Floodplain Management Bylaw, No. 2780, 2005” the subject property is within the floodplain. The Bylaw requires the underside of the habitable area to meet the flood construction level of 1.5 metres above the present natural boundary of the Georgia Strait. The accessory use portion (bottom floor) can be below the flood construction level provided

it does not contain goods damageable by floodwaters. The carriage house will be sited outside of the required 15 metre floodplain setback.

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 Regional Growth Strategy, being the “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010” designates the subject property within Rural Settlement Area. The proposed variance for a carriage house does not conflict with the policies of this designation.

Intergovernmental Factors

There are no intergovernmental factors.

Interdepartmental Involvement

This DVP application was referred to relevant internal departments. 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 4C 17”
Appendix B – “Copy of R-RU Zone”

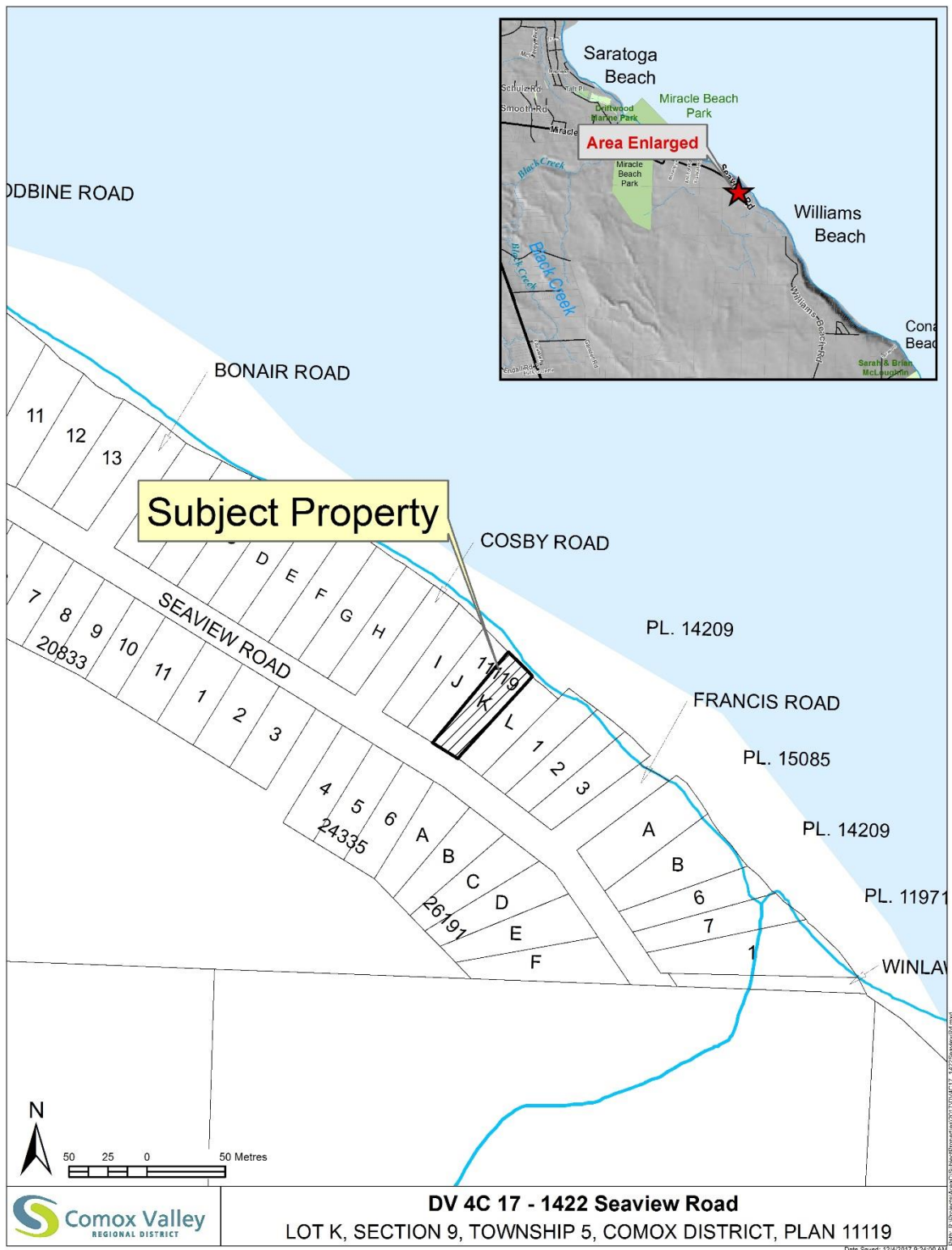


Figure 1: Subject Property Map



Figure 2: Air Photo

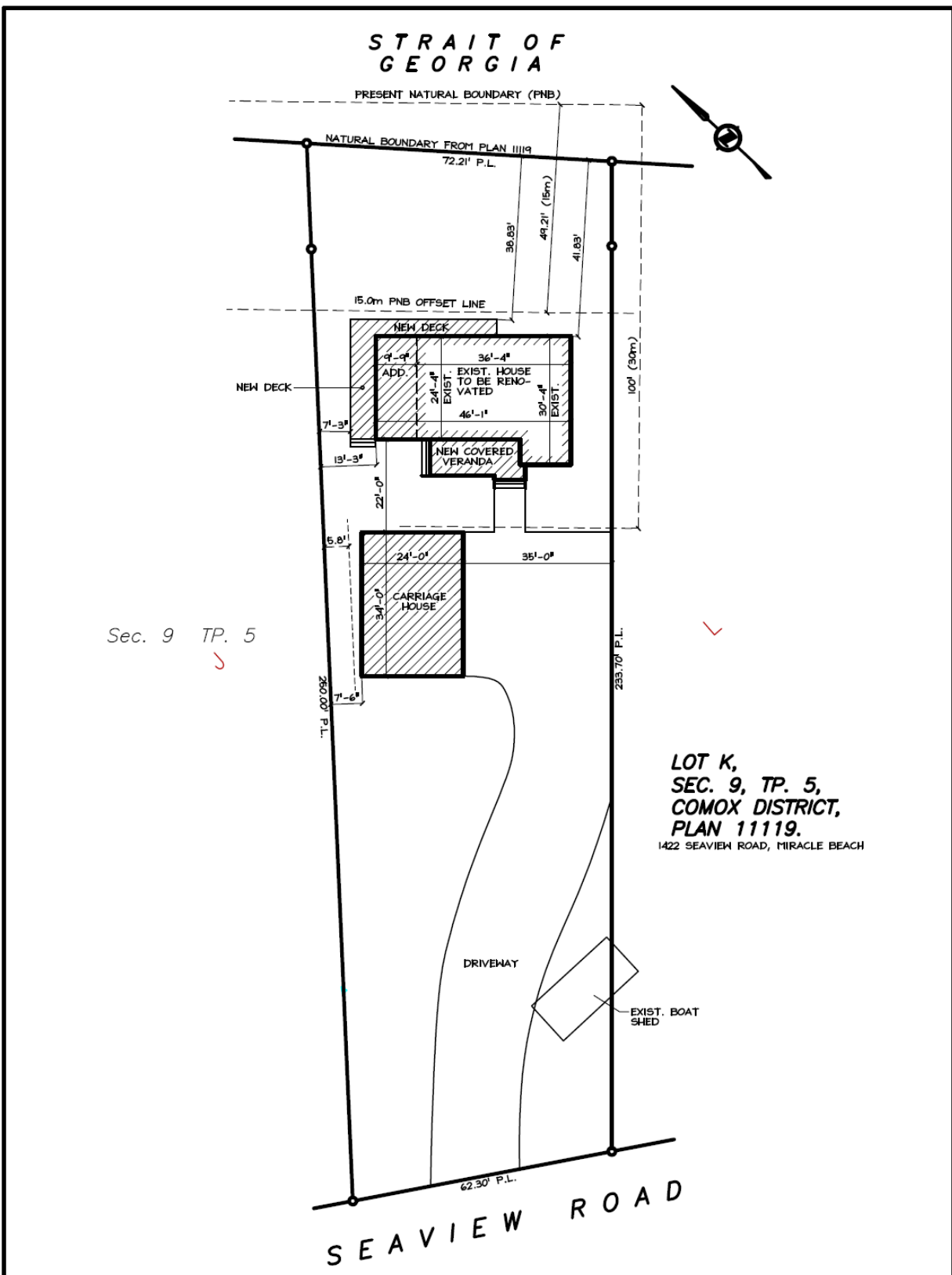


Figure 3: Site Plan

DV 4C 17

TO: Elaine Oldale

1. This Development Variance Permit (DV 4C 17) 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 K, Section 9, Township 5, Comox District, Plan 11119
Parcel Identifier (PID): 000-011-649 Folio: 771 05512.000
Civic Address: 1422 Seaview 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 Schedule 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 4C 17) 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 of 1422 Seaview Road”

Schedule A

File: DV 4C 17

Applicants: Elaine Oldale

Legal Description: Lot K, Section 9, Township 5, Comox District, Plan 11119

Specifications:

THAT WHEREAS pursuant to Section 309 (3) of Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005,” the maximum height of all accessory buildings is 6.0 metres except for structures containing a residential use, such as carriage houses, which have a maximum permitted height of 7.0 metres;

AND WHEREAS pursuant to Section 313 (6) iii. of Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005,” the second storey floor area occupied by the residential use must have no interior access to any part of the accessory use below;

AND WHEREAS pursuant to Section 313 (6) iv. of Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005,” the means of access and egress to the second storey residential use must be external to the structure and must not be enclosed by walls;

AND WHEREAS the owner, Elaine Oldale, wishes to have access to the carriage house by means of an internal staircase, to allow internal access to the accessory use below and to increase the maximum height of a carriage house to 7.5 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 are to be varied as follows:

- 309(3) The maximum height of all accessory buildings is 6.0 metres except for structures containing a residential use, such as carriage houses, which have a maximum permitted height of 7.5 metres.
- 313(6) iii. The second storey floor area occupied by the residential use can contain interior access to any part of the accessory use below. The interior entryway, landing or similar space must not exceed 2.8 square metres in area.
- 313 (6) iv. The means of access and egress to the second storey residential use may be internal to the structure.

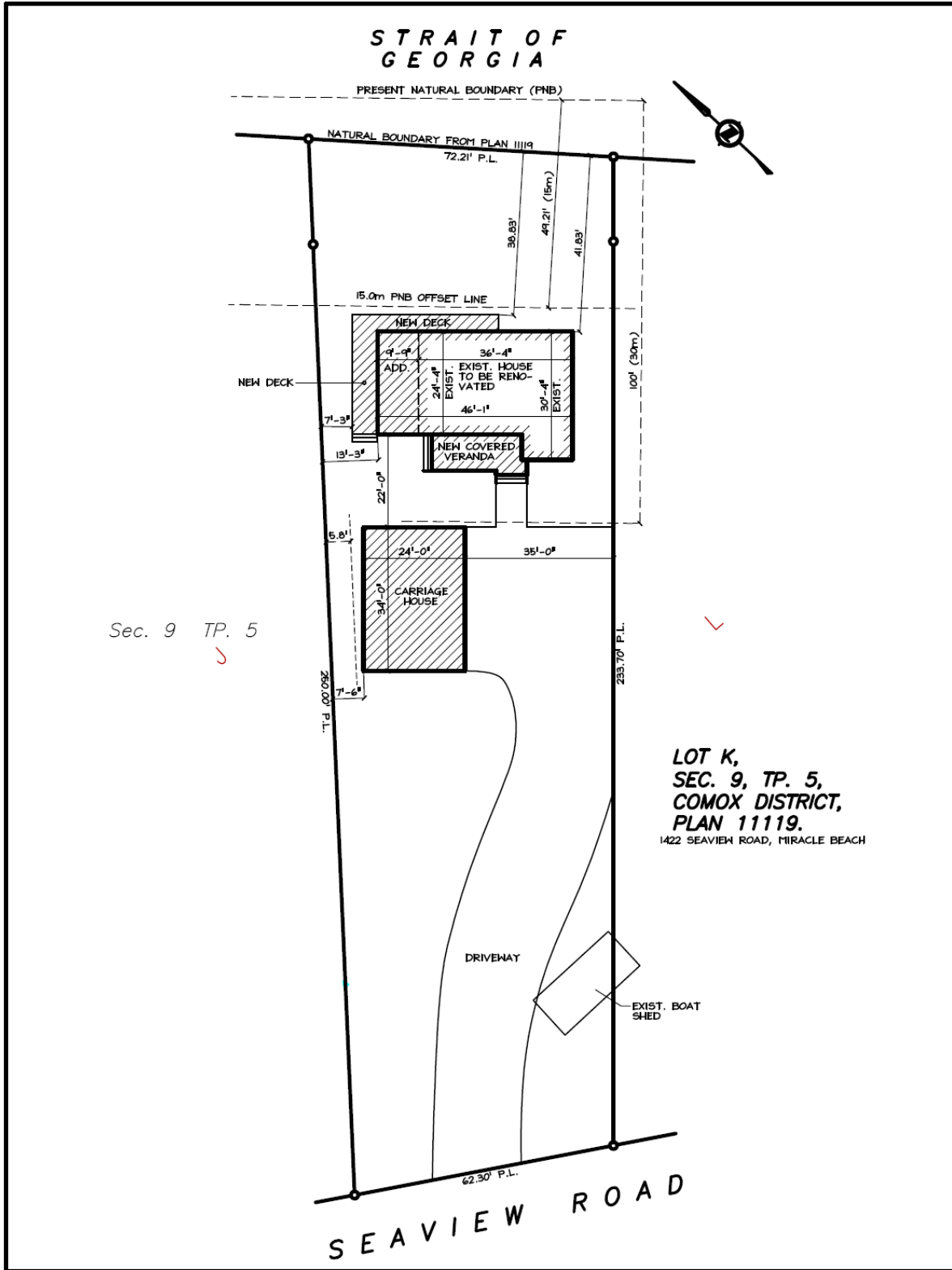
I HEREBY CERTIFY this copy to be a true and correct copy of Schedule A being the terms and conditions of Development Variance Permit File DV 4C 17.

James Warren
Corporate Legislative Officer

Certified on

Draft

Schedule B Site Plan



706 Residential-Rural (R-RU)

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

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 metres² (968.8 feet²).

#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 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. #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