

DATE: February 15, 2018

FILE: 3090-20 / DV 1C 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
2422 and 2424 Catherwood Road (Walker/Bruton)
Puntledge – Black Creek (Electoral Area C)
Lot 1, Block 29, Comox District, Plan 25378, PID 002-913-623**

Purpose

To consider a Development Variance Permit (DVP) to decrease the minimum front yard setback from 7.5 metres to 7.0 metres for a partially constructed single detached dwelling (Appendix A).

Recommendation from the Chief Administrative Officer:

THAT the board approve the Development Variance Permit DV 1C 18 (Walker/Bruton) to decrease the minimum front yard setback from 7.5 metres to 7.0 metres for a partially constructed single detached dwelling on a property described as Lot 1, Block 29, Comox District, Plan 25378, PID 002-913-623 (2422 and 2424 Catherwood 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 (front lot line is along Oakes Road) from 7.5 metres to 7.0 metres for a partially built single detached dwelling.
- The property is 0.35 hectares in size and has frontage onto Oakes and Catherwood Road.
- The applicants are requesting the variance to rectify a siting error that occurred when moving the house onto the property.
- A majority of the front yard setback is met, with the exception of a projected feature on the northwest corner of the dwelling. A front yard setback of 7.0 metres is appropriate for this particular property as the setback request is minor and Oakes Road is a quiet, no thru road.

Prepared by:

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Planner

Concurrence:

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Manager of Planning Services

Concurrence:

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Ann MacDonald, RPP, MCIP
General Manager of
Planning and Development
Services Branch

Stakeholder Distribution (Upon Agenda Publication)

Owners	✓
Agent	✓

Background/Current Situation

An application has been received to consider a DVP for a 0.35 hectare property located in the Puntledge – Black Creek area (Electoral Area C). The property has frontage onto Oakes and Catherwood Road and is surrounded by residential properties (Figure 1 and 2).

The property contains a principal dwelling (subject to this application) and a secondary dwelling that is less than 90m² (Figure 3). The applicant advises that the construction company made an error when moving the principal dwelling onto the property triggering the need for a variance. The required minimum front yard setback is 7.5 metres and the principal dwelling is setback 7.0 metres (Figure 4). All other setback requirements are met.

Official Community Plan Analysis

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

Zoning Bylaw Analysis

The property is zoned Country Residential One (CR-1) in Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005” (Appendix B). The CR-1 zone permits a principal dwelling and secondary dwelling. The requested variance is detailed in Table 1 below.

Table 1: Variance Summary

Zoning Bylaw	Variance	Existing	Proposed	Difference
Section 707 (4)	Front yard setback	7.5 metres	7.0 metres	0.5 metres

A majority of the front yard setback is met, with the exception of a projected feature on the northwest corner of the dwelling. A front yard setback of 7.0 metres is appropriate for this particular property as the setback request is minor and Oakes Road is a quiet, no thru road. (Figure 4).

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 Settlement Node in the Regional Growth Strategy (RGS), being the “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010”. The proposed variance does not conflict with residential 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 February 21, 2018. 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 50.0 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 1C 18”
Appendix B – “Copy of CR-1 Zone”

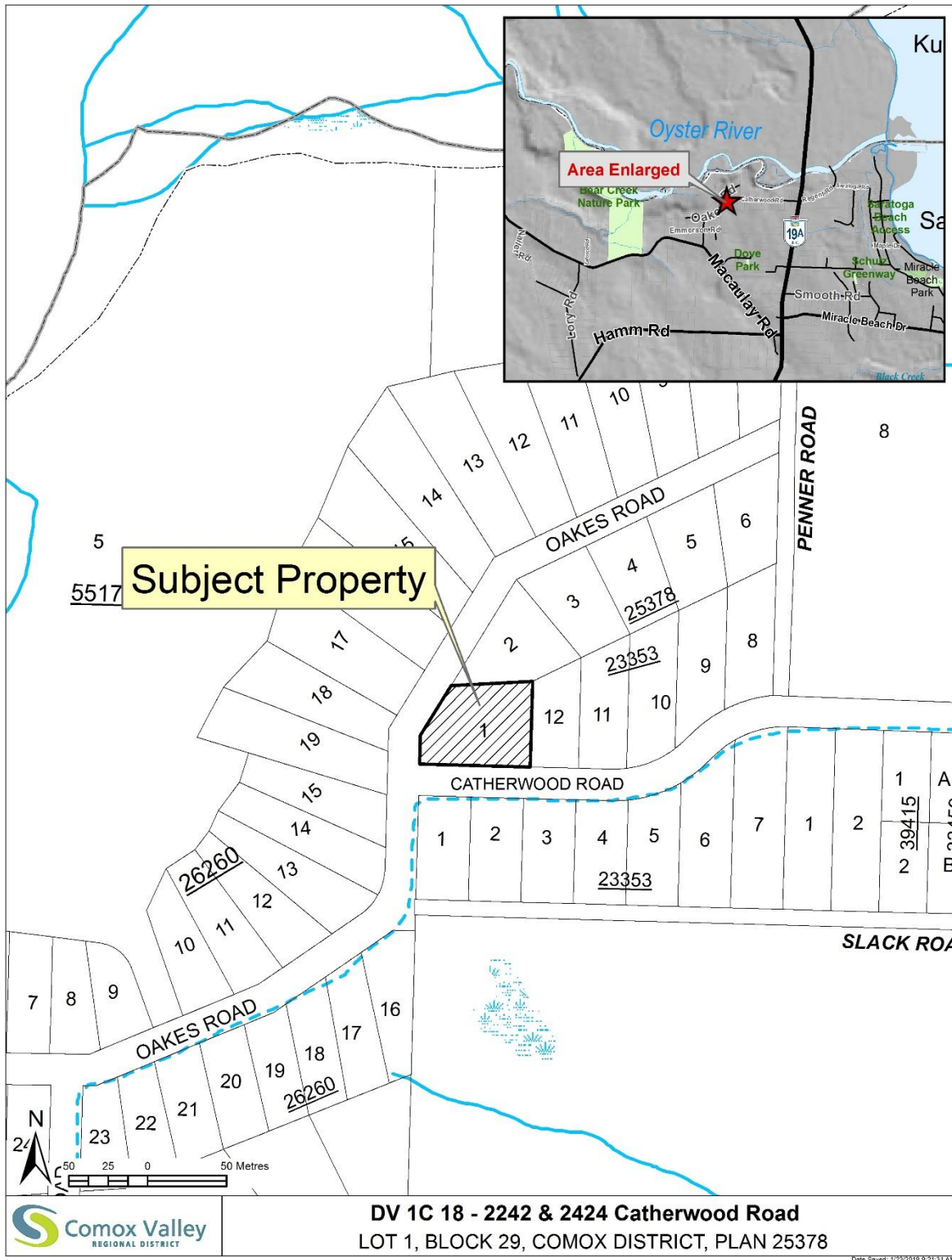


Figure 1: Subject Property Map



Figure 2: Aerial Photo



Figure 3: Moved On House

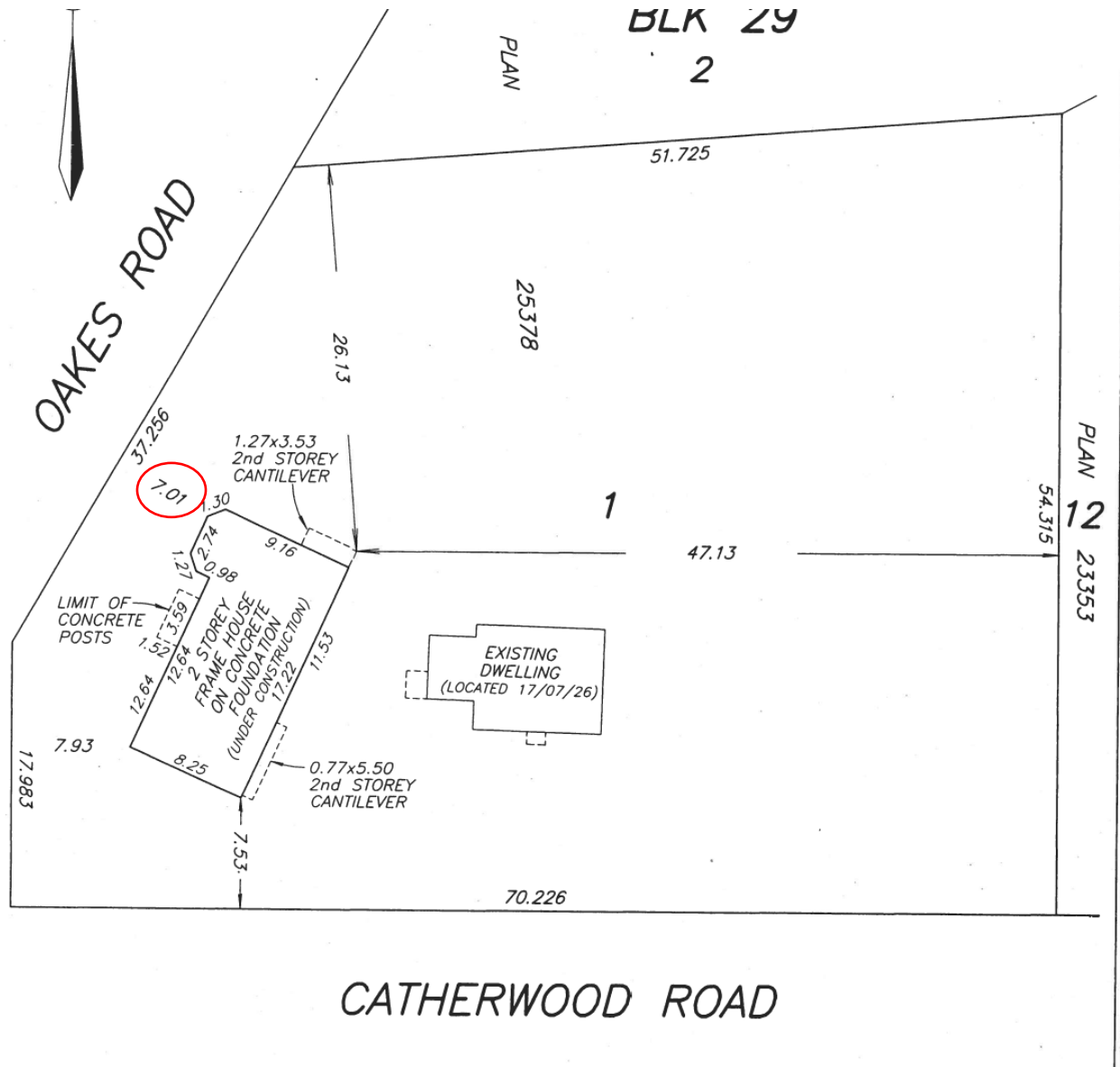


Figure 4: Site Plan, Prepared by BC Land Surveyor

DV 1C 18

TO: Makaila Bruton, Raymond Walker Sr., Raymond Walker Jr., Lynn Walker

1. This Development Variance Permit (DV 1C 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 1, Block 29, Comox District, Plan 25378
Parcel Identifier (PID): 002-913-623 Folio: 771 04874.000
Civic Address: 2422 and 2424 Catherwood 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 1C 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 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 1C 18

Applicants: Makaila Bruton, Raymond Walker Sr., Raymond Walker Jr., Lynn Walker

Legal Description: Lot 1, Block 29, Comox District, Plan 25378, PID 002-913-623

Specifications:

THAT WHEREAS pursuant to Section 707 (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(s), Makaila Bruton, Raymond Walker Sr., Raymond Walker Jr., Lynn Walker, wish to reduce the front yard setback to 7.0 metres for a partially built single detached dwelling;

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:

707(4) The minimum front yard setback for the two storey frame house shown on Schedule B is 7.0 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 1C 18.

James Warren
Corporate Legislative Officer

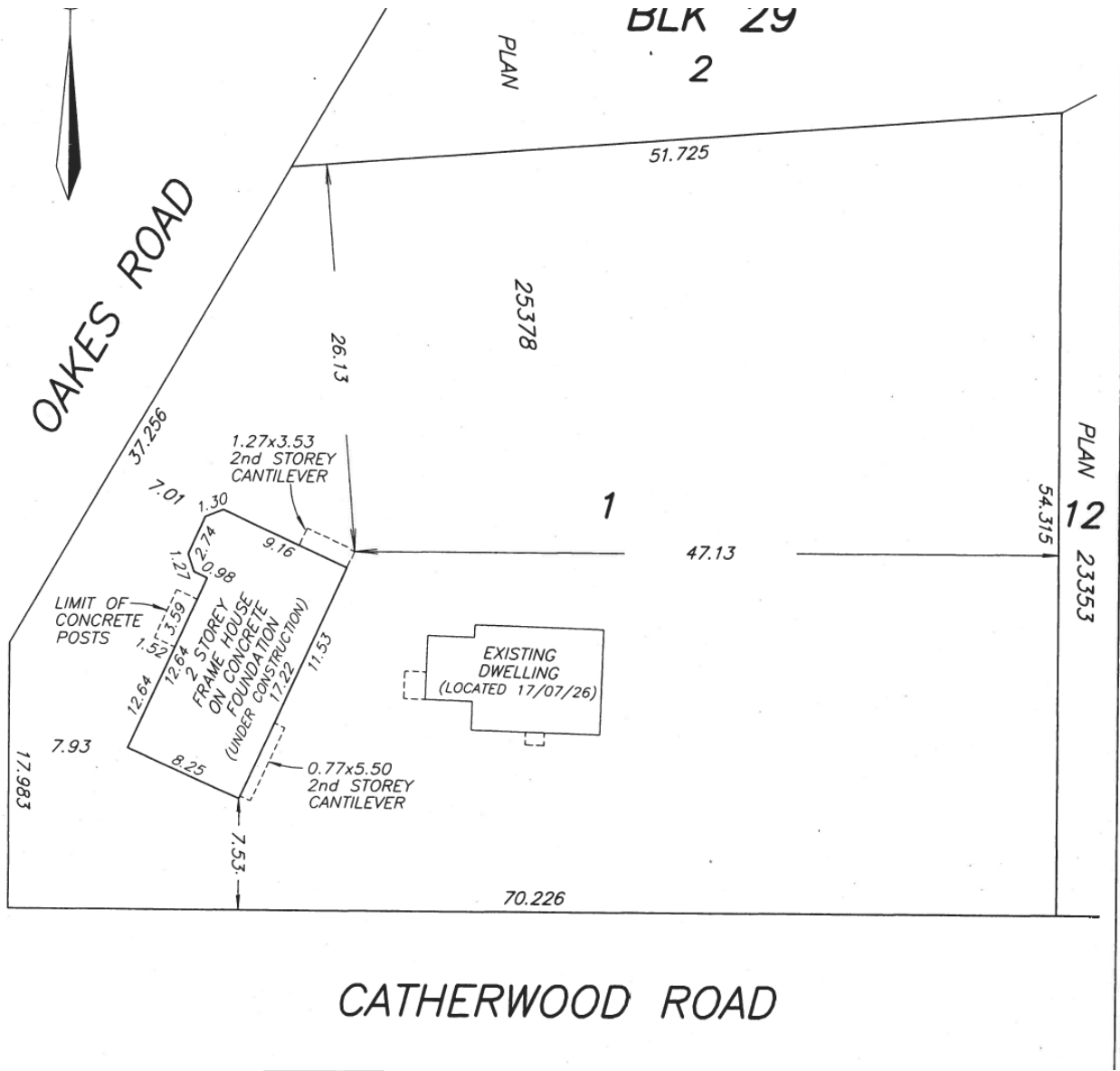
Certified on _____

Schedule B
Site Plan

BLK 29

PLAN

2



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.

#112

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. #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 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