

DATE: February 23, 2018

FILE: 3090-20/DV 2C 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 – 542 and 544 Williams Beach Road
(Mavronicolas / Barbera)
Puntledge – Black Creek (Electoral Area C)
Fractional East 1/2 of the North East 1/4 of Section 34, Township 6, Comox
District, Plan 552-E, Except Part in Plans 24264, 27876 and 45386,
PID 007-991-908**

Purpose

To consider a Development Variance Permit (DVP) to increase the maximum height for an accessory building from 6.0 metres to 6.8 metres.

Recommendation from the Chief Administrative Officer:

THAT the board approve the Development Variance Permit DV 2C 18 (Mavronicolas / Barbera) to increase the height for an accessory building from 6.0 metres to 6.8 metres for a property described as Fractional East 1/2 of the North East 1/4 of Section 34, Township 6, Comox District, Plan 552-E, Except Part in Plans 24264, 27876 and 45386, PID 007-991-908 (542 and 544 Williams Beach Road);

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

Executive Summary

- There is an active building permit for a second dwelling on the subject property.
- Due to financial reasons, the applicants are unable to finish the construction and finalize the remaining building permit requirements as a dwelling.
- In order to resolve the unfinished building permit and to give the next property owner a choice regarding the building's use, the applicants wish to reclassify this dwelling to an accessory building. Later, a future owner can lawfully convert the accessory building to a dwelling.
- However, as an accessory building, the building height is higher than the 6.0 metre limit.
- The DVP is to increase the maximum building height of this reclassified accessory building to 6.8 metres.
- As the variance keeps the intent of the height regulations of relative building scale and the rural character of the neighbourhood, it is recommended that the DVP be issued.

Prepared by:

B. Chow

Brian Chow, MCIP, RPP
Rural Planner

Concurrence:

A. Mullaly

Alana Mullaly, M.Pl., RPP, MCIP
Manager of Planning Services

Concurrence:

A. MacDonald

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

Stakeholder Distribution (Upon Agenda Publication)

Applicant	✓
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Background/Current Situation

The subject property, located at 542 and 544 Williams Beach Road, is bound by Agricultural Land Reserve land to the west, Williams Beach Road to the north and east, and a rural lot to the south (Figure 1). The size of the property is approximately 3.7 hectares, and the property currently has a single detached dwelling and an accessory building (Figures 2 and 3). There is a second dwelling under construction (Figure 4). Due to financial reasons, the applicants are unable to finish its construction and to fulfill the remaining building permit requirements as a dwelling. The applicants wish to sell the subject property. In order to resolve the unfinished building permit and give the next owner a choice regarding the building’s use, the applicants wish to reclassify the unfinished building into an accessory building. Later, a future owner can lawfully convert the accessory building to a dwelling. However, as an accessory building, the building height is higher than the maximum permitted limit of 6.0 metres. The height of the subject building is surveyed to be 6.8 metres (Appendix A). Therefore, the variance is to increase the maximum permitted building height by 0.8 metres.

Official Community Plan Analysis

The Rural Comox Valley Official Community Plan designates the subject property within Rural Settlement Areas. The proposed conversion is consistent with this land use designation.

Zoning Bylaw Analysis

The subject property is zoned Rural Twenty (RU-20). The zone permits two single detached dwellings for properties 1.0 hectare or greater. The proposed conversion of an unfinished dwelling into an accessory building meets all zoning regulations except for the maximum building height limit. As mentioned earlier, the proposed conversion will require a 0.8 metre variance.

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

The Comox Valley Regional Growth Strategy designates the subject property within the Rural Settlement Areas. The intent of this designation is to maintain the rural form and character. The proposed conversion to an accessory building is consistent with this land use designation.

Intergovernmental Factors

There are no intergovernmental factors.

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

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 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.

Attachment: Appendix A – “Development Variance Permit – DV 2C 18”

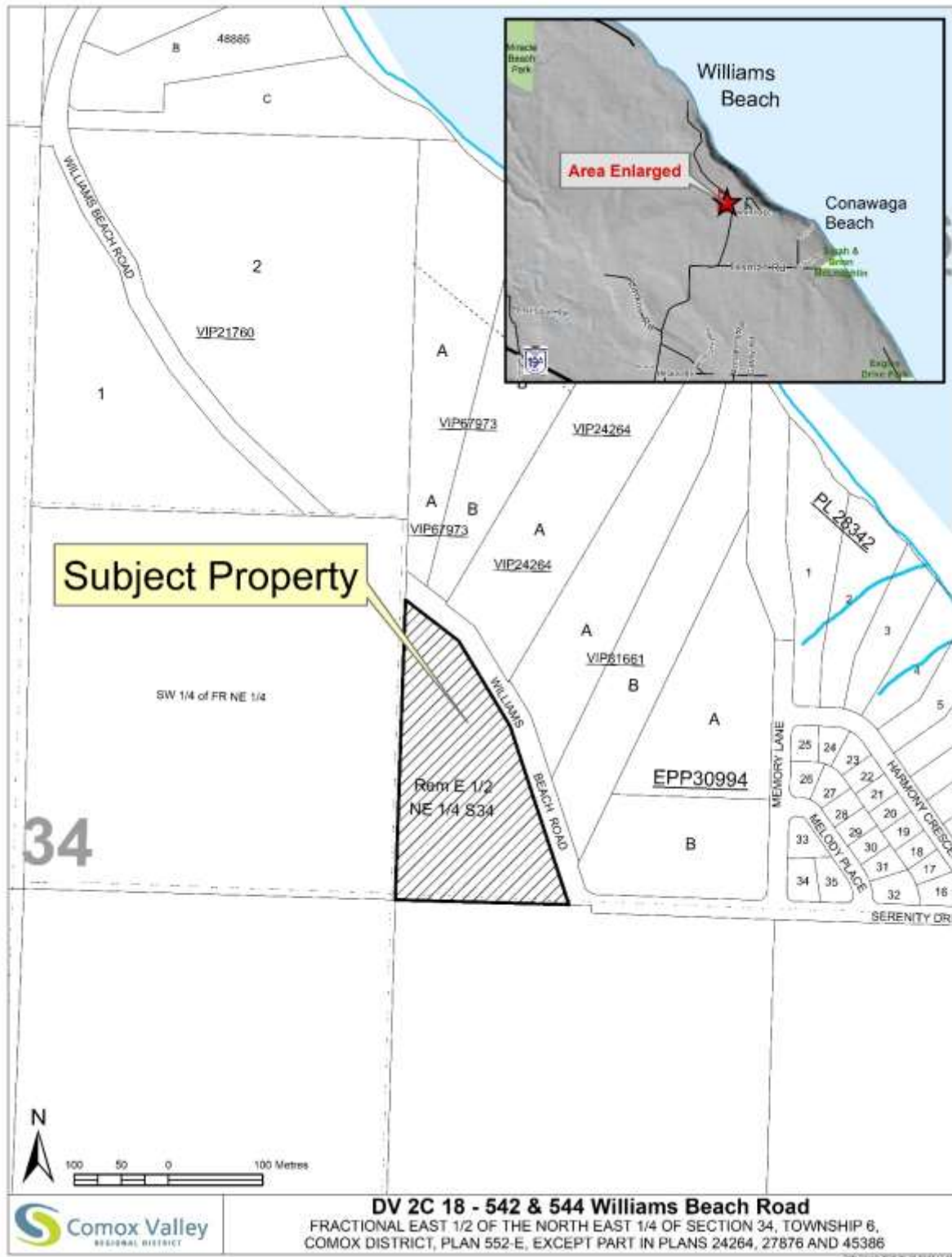


Figure 1: Subject Property Map



Figure 2: Air Photo

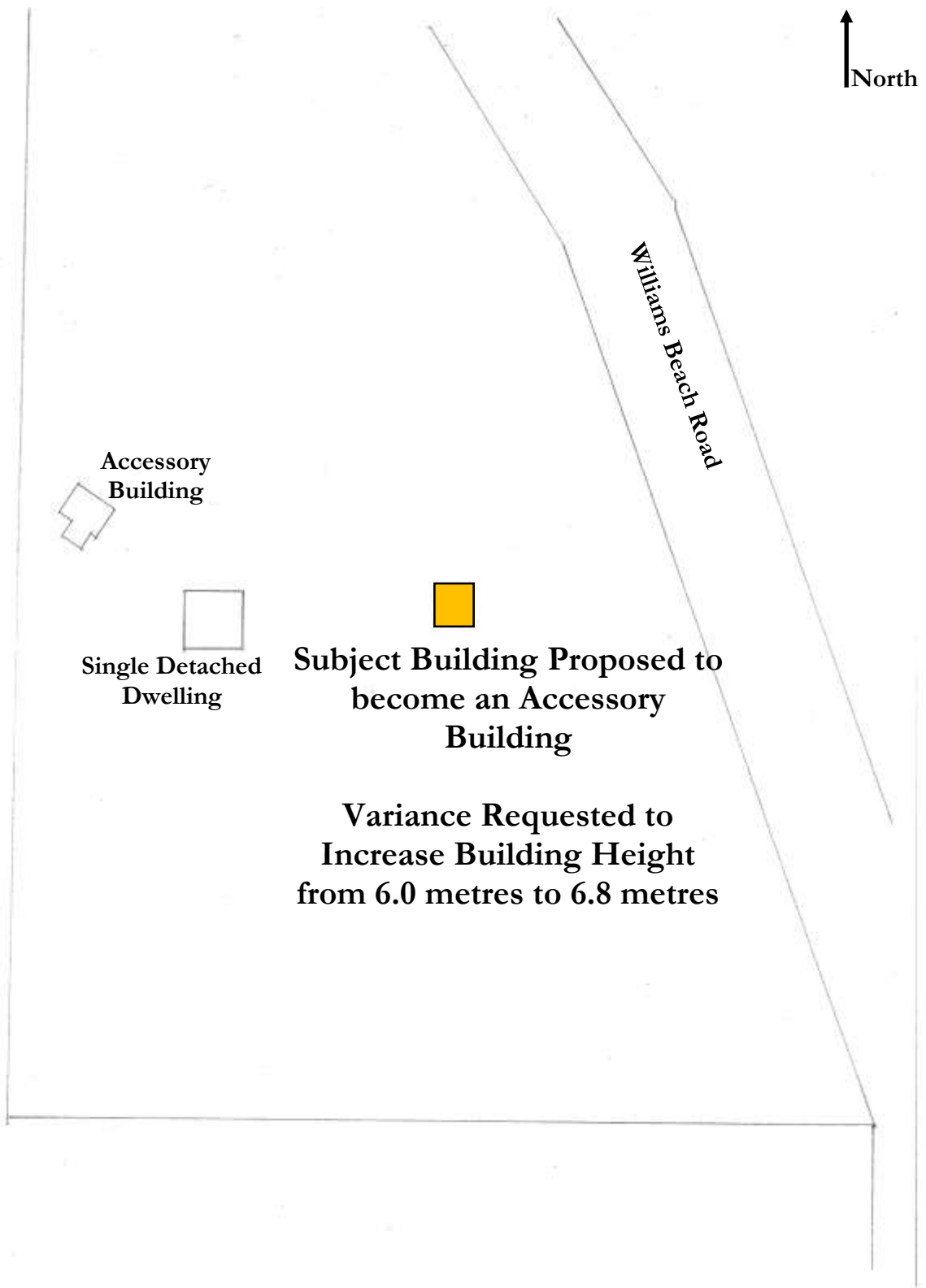


Figure 3: Site Plan



Figure 4: Subject Building to be Reclassified from a Second Dwelling to an Accessory Building

DV 2C 18

TO: Shaun Mavronicolas and Vita Barbera

1. This Development Variance Permit (DV 2C 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: Fractional East 1/2 of the North East 1/4 of Section 34, Township 6, Comox District, Plan 552-E, Except Part in Plans 24264, 27876 and 45386
Parcel Identifier (PID): 007-991-908 Folio: 771 05676.000
Civic Address: 542 and 544 Williams Beach 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 to C;
 - 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 2C 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 – “Subject Property and Site Plan”
Schedule C – “Building Height Survey Confirmation”

Draft

Schedule A

File: DV 2C 18

Applicants: Shaun Mavronicolas and Vita Barbera
Legal Description: Fractional East 1/2 of the North East 1/4 of Section 34, Township 6, Comox District, Plan 552-E, Except Part in Plans 24264, 27876 and 45386, PID 007-991-908

Specifications:

THAT WHEREAS pursuant to Section 802(5) of Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005,” the maximum building height of an accessory buildings is 6.0 metres;

AND WHEREAS the applicant(s), Shaun Mavronicolas and Vita Barbera, wish to increase the maximum building height as shown on Schedule B to 6.8 metres;

THEREFORE BY A RESOLUTION of the board of the Comox Valley Regional District on March 27, 2018, 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:

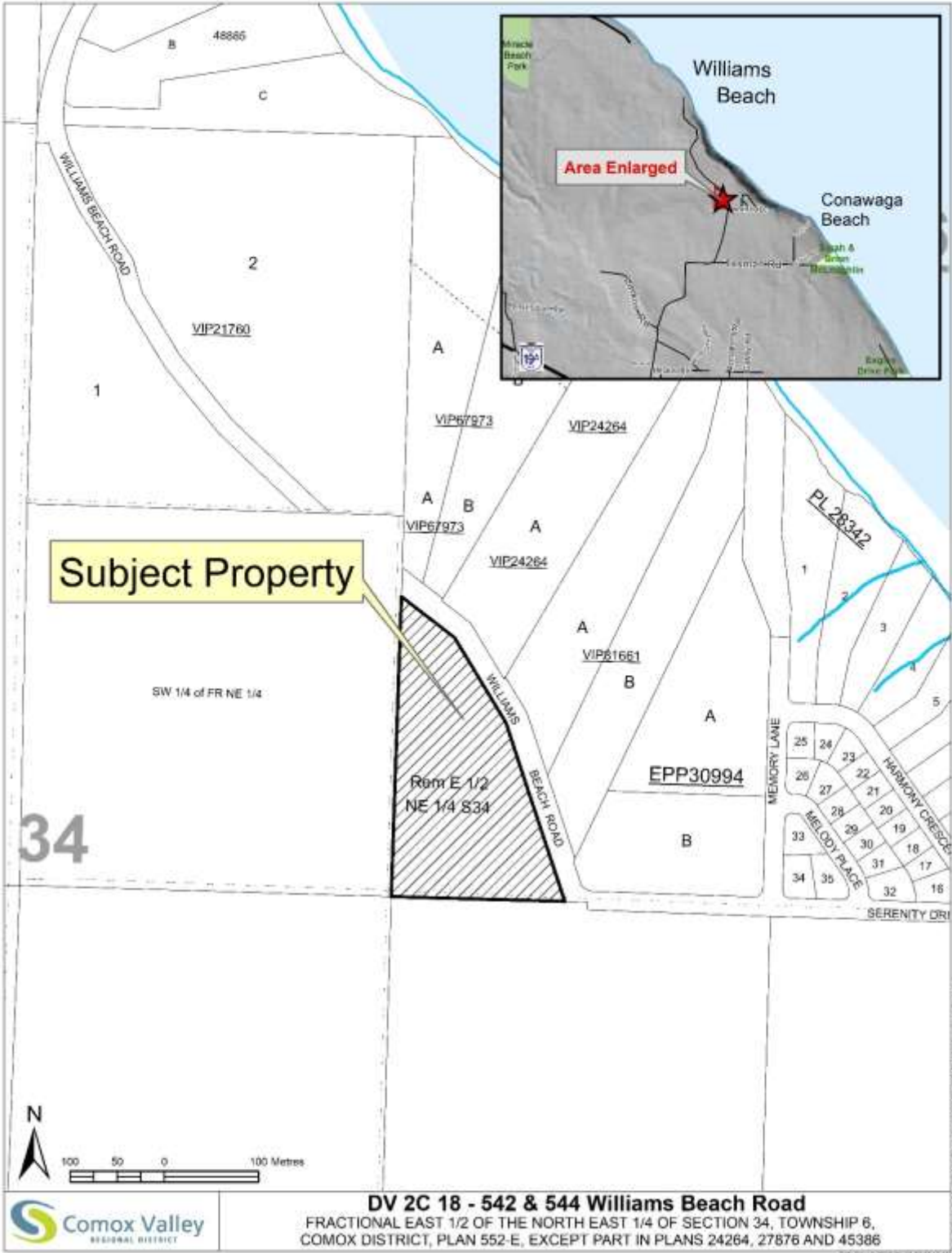
802(5) The maximum building height of an accessory building as shown on Schedule B is 6.8 metres.

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 2C 18.

James Warren
Corporate Legislative Officer

Certified on _____

Schedule B Subject Property Map



Site Plan



Williams Beach Road



Accessory Building



Single Detached Dwelling



Subject Building Proposed to become an Accessory Building

Variance Requested to Increase Building Height from 6.0 metres to 6.8 metres

BRUCE LEWIS LAND SURVEYING INC.

811 Highridge Court
Comox, B.C. V9M 3R4
Tel: 250-890-0334
Fax: 250-890-0428

HEIGHT CONFIRMATION

COMOX VALLEY REGIONAL DISTRICT
600 Comox Road
Courtenay, B.C. V9N 3P6

January 23, 2018
File: 1949

Attention: Building Department

Re: Letter of Height Confirmation - Accessory Building (Red Roof A-Frame)
Legal: Fractional East ½ of the North East 1/4 of Section 34, Township 6, Comox District, Plan 552-E, Except Part in Plans 24264, 27876 and 45386
Civic: 544 Williams Beach Road, Courtenay, B.C.

From field observations on January 23, 2018, I found the accessory building under construction to be:

Height Confirmation:

Main Floor Elevation Accessory Building (A-Frame)	30.00 metres
Peak Elevation of Accessory Building	36.53 metres
Average Natural Grade for Accessory Building	29.73 metres ***
Peak Elevation above Average Natural Grade = (36.53-29.73)	6.80 metres

From field observations, the elevation difference between the Peak of the Accessory Building and Average Natural Grade is **6.80 metres**. Elevations are on an assumed datum and are referenced to the Accessory Building's main floor with an elevation of 30.00 metres.

*** Average Natural Grade - grade shots were taken at the nearest undisturbed soils and extrapolated to establish elevations at the four building corners. The four building corner elevations were then averaged to derive Average Natural Grade.

If you require any additional information or have any questions please call, thank you.

Bruce Lewis Land Surveying Inc.
Yours truly,

Bruce Lewis
BQLTHV

Digitally signed by Bruce Lewis
BQLTHV
DN: c=CA, cn=Bruce Lewis BQLTHV,
o=BC Land Surveying, ou=verify, id=
at www.juricert.com/LKUP.cfm?
id=BQLTHV
Date: 2018.01.23 16:20:51 -08'00'

Bruce Lewis, BCLS