

DATE: November 27, 2019**FILE:** 3090-20 / DV 7C 19**TO:** Chair and Director
Electoral Areas Services Committee**FROM:** Russell Dyson
Chief Administrative OfficerSupported by Russell Dyson
Chief Administrative Officer*R. Dyson***RE: Development Variance Permit
60 Salsbury Road (deBalinhard/Lessard)
Electoral Area C (Puntledge – Black Creek)
Lot 43, District Lot 160, Comox District, Plan 30194, PID 000-548-154****Purpose**

To consider amending a previously issued Development Variance Permit (DVP) with an additional variance regarding the setback of the carport (Appendix A).

Recommendation from the Chief Administrative Officer:

THAT the Comox Valley Regional District Board approve Development Variance Permit DV 7C 19 (deBalinhard/Lessard) amended to reduce the minimum setback that applies to the carport from 7.5 metres to 1.19 metres, and the setback applicable to its eaves from 5.5 metres to 0.74 metres, for property described as Lot 43, District Lot 160, Comox District, Plan 30194, PID 000-548-154 (60 Salsbury Road), with the condition that screening or fencing be provided and maintained between the carport and lot line;

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

Executive Summary

- DVP 7C 19 was issued in October 2019 for a carriage house that was constructed within a setback area. The application included a request to also legalize the setback for a previously constructed carport but the Electoral Areas Services Committee (EASC) requested additional information be provided regarding the carport's impact on rainwater management prior to including this variance into the permit.
- The applicant provided a Stormwater Review Report prepared by Wedler Engineering that concludes that a French drain installed parallel with the driveway suitably accommodates the rainwater (Appendix B).
- Staff recommends amending the DVP to include the carport with a condition that screening or fencing remain between the carport and lot line for the life of the carport.

Prepared by:

J. MacLean

Jodi MacLean, RPP, MCIP
Rural Planner

Concurrence:

T. Trieu

Ton Trieu, RPP, MCIP
Manager of Planning Services

Concurrence:

S. Smith

Scott Smith, RPP, MCIP
General Manager of Planning
and Development Services
Branch

Stakeholder Distribution (Upon Agenda Publication)

Applicants	✓
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Background/Current Situation

At the meeting of October 7, 2019, the Electoral Area Services Committee considered a DVP addressing setbacks of an existing carriage house and carport that the property owner is seeking to legalize on the 0.15 hectare subject property (Figures 1 and 2). The EASC supported the reduced setback to the carriage house but not its external staircase (Figure 3). The EASC requested additional information regarding the carport’s impact on rainwater management and deferred the decision on that setback variance to a later meeting.

In response, the applicants have provided a Stormwater Review Report prepared by Greg Honeysett, P.Eng., and Andrew Gower, P.Eng., of Wedler Engineering LLP. The report found that the carport and paved driveway are shedding water directly into a drain rock trench (i.e. French drain) that runs parallel with the driveway. The report concludes *“It is determined that the French drain installed by the owner adequately reduces & controls runoff towards the MOTI ditch line and provides flood protection, to both properties, meeting recommended minimum standards and accepted engineering practices.”* (Appendix B).

Planning Analysis

The property is zoned Country Residential One (CR-1) in Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019”. As the carport is attached to the dwelling, it must meet the setbacks applicable to principal buildings. The following variances are requested:

Carport Attached to Principal Dwelling			
	Zoning Regulation	Proposed	Difference
Rear Yard Setback	7.5 metres	1.19 metres	6.31 metres
Setback to Eaves	5.5 metres	0.74 metres	4.76 metres

The remaining setback area between the carport and the property line is currently occupied by a hedge (Figure 4). This provides screening and inhibits trespass despite the proximity of the structure to the property line. If the variance is approved, a means of screening or fencing should remain in place as a condition of the setback for the life of the carport.

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 Comox Valley Regional District (CVRD) Board could either approve or refuse the requested variance. Staff recommends approving the setback variance on condition that screening or fencing be provided.

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 recommendation contained herein are in compliance with the LGA and the CVRD bylaws. DVPs are permitted in certain circumstances under Section 498 of the LGA.

Regional Growth Strategy Implications

The subject property is designated Settlement Expansion Area (SEA) in the Regional Growth Strategy, being the “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010”. The SEA designation permits residential uses that will not impact future annexation into municipal areas.

Intergovernmental Factors

No intergovernmental factors.

Interdepartmental Involvement

This DVP application was circulated to relevant departments within the CVRD for comment. The building department expressed concerns that the proposed carriage house but there were no concerns regarding the carport.

Citizen/Public Relations

The Advisory Planning Commission (APC) reviewed the application at its September 19, 2019 meeting. The APC was in support of the application.

Notice of the requested variance was mailed on September 26, 2019, and a second notice will be mailed at least 10 days prior to the December EASC meeting to adjacent property owners within 100 metres of the subject property. To date, one written correspondence, from a neighbour along Houlgrave Road in support of the proposal, was received by the EASC with the following resolution:

THAT the correspondence dated October 4, 2019 from Melia Whyte, 3160 Houlgrave Road, regarding DV 7C 19 - 60 Salisbury Road (deBalinhard/Lessard) be received.

Attachments: Appendix A – “Amended Development Variance Permit – DV 7C 19”
Appendix B – “Stormwater Review Report by Wedler Engineering LLP”

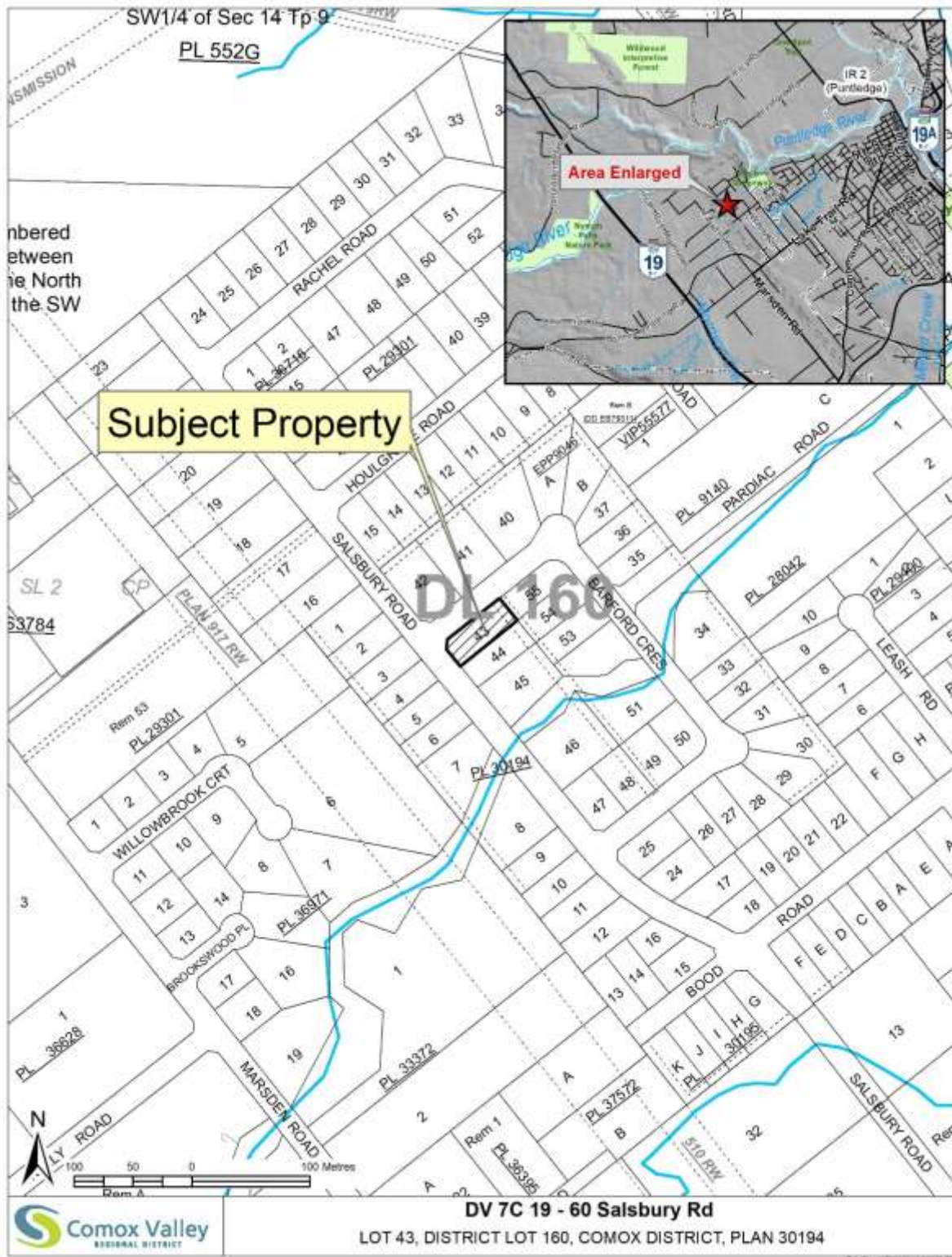


Figure 1: Subject Property Map



Figure 2: Aerial Photo

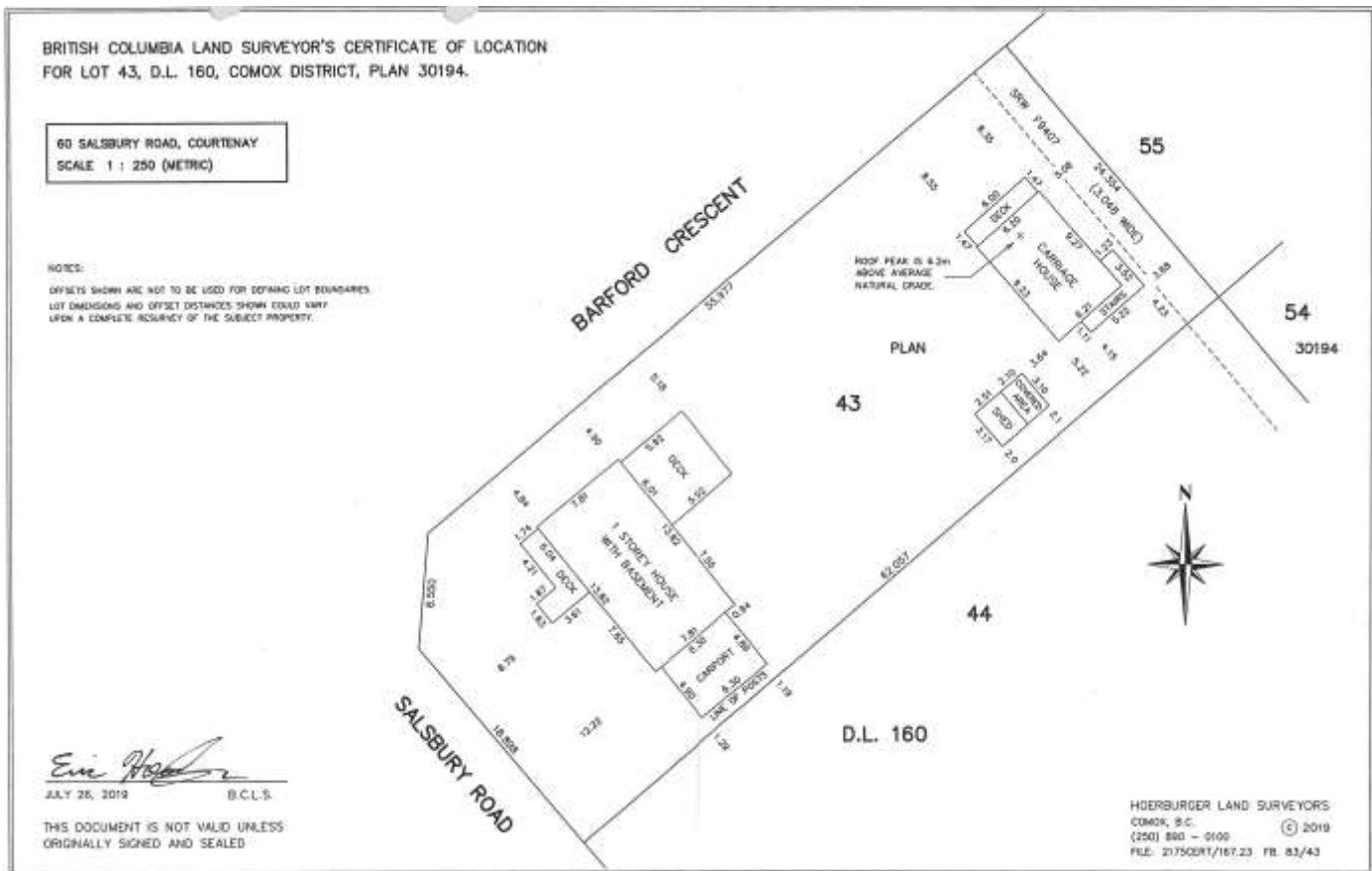


Figure 3: Site Survey



Figure 4: Carport Attached to Dwelling Encroaching Into Side Yard Setback

DV 7C 19

TO: John deBalinhard and Janel Lessard

1. This Development Variance Permit (DV 7C 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 43, District Lot 160, Comox District, Plan 30194
Parcel Identifier (PID): 000-548-154 Folio: 771 02588.374
Civic Address: 60 Salisbury 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;
4. This Development Variance Permit (DV 7C 19) 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.
5. 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 Map and Site Survey”

Schedule A

File: DV 7C 19

Applicants: John deBalinhard and Janel Lessard

Legal Description: Lot 43, District Lot 160, Comox District, Plan 30194, PID 000-548-154

Specifications:

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

WHEREAS pursuant to Section 315 (2)(i) of Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019,” the siting of carriage houses shall be in accordance with principal structure setbacks;

WHEREAS pursuant to Section 403(1) of Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019,” the setback of the eaves and gutters of a structure can be reduced by not more than 50 per cent of the minimum setback, up to a maximum of two metres;

AND WHEREAS the applicants, John deBalinhard and Janel Lessard, wish to reduce the minimum rear yard setback applicable to a carriage house to 4.91 metres and its eaves and gutters to 4.47 metres, and wish to reduce the minimum rear yard setback applicable to a carport to 1.19 metres and its eaves and gutters to 0.74 metres, as shown on Schedule B;

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

- 703(5) The minimum rear yard setback applicable to the carport as shown sited in Schedule B is 1.19 metres where there is screening or fencing at least one metre in height between the carport and lot line, and the minimum rear yard setback applicable to the carriage house as shown sited in Schedule B is 4.91 metres.
- 403 (1) The minimum rear yard setback of the eaves and gutters is 4.47 metres for the carriage house and 0.74 metres for the carport as shown sited in Schedule B.

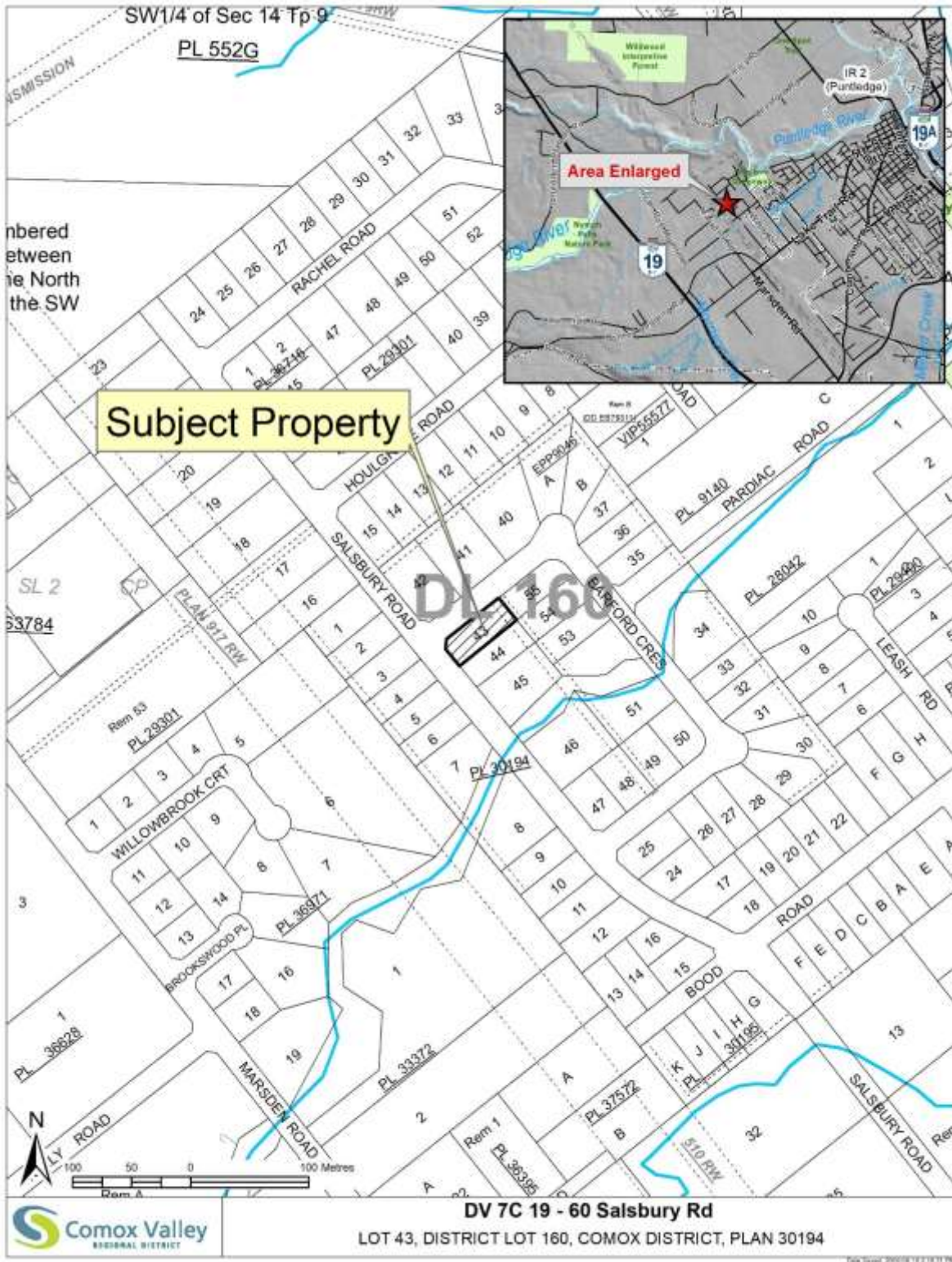
I HEREBY CERTIFY this copy to be a true
and correct copy of Schedule A being the
terms and conditions of Development
Variance Permit File DV 7C 19.

James Warren
Corporate Legislative Officer

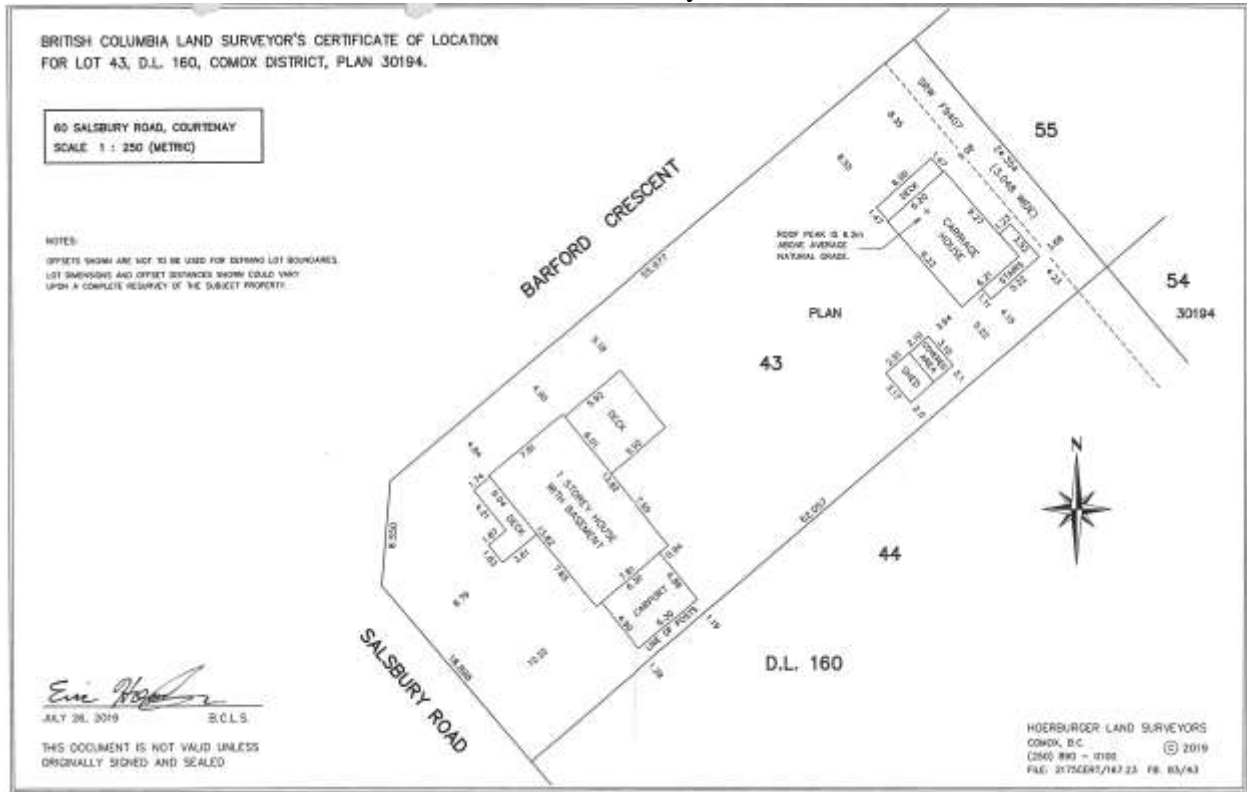
Certified on

Draft

Schedule B Subject Property Map



Schedule B Site Survey



Wedler Engineering LLP
211-2459 Cousins Avenue
Courtenay, BC V9N 3N6



WEDLER
ENGINEERING

Nov 15, 2019

File Ref: V20-0412/A

Janel Debalinhard
60 Salisbury Road
Courtenay, BC V9N 9L6

Attention: Janel Debalinhard

**Reference: Civil Engineering Services
Stormwater Review Report – 60 Salisbury Road, CVRD, BC**

This report has been prepared in response to the client, Janel Debalinhard, requesting a Development Variance Permit (DVP) from the Comox Valley Regional District (CVRD), for an open-walled carport that does not meet the side yard setback requirements, and was built without the benefit of a building permit. In addition, concerns have been raised regarding rainfall runoff from the impervious surface of the carport roof and the new asphalt surfacing of the driveway.

As part of the approval process for the DVP, the CVRD is requiring a stormwater review of these installations. This assessment considers whether the measures implemented (rock trench and perforated pipe) can mitigate any flooding to the adjacent property and will not increase the flows of water into the downstream MOTI ditch drainage system.

Review of Existing Conditions

A site inspection was conducted on October 31, 2019, when the weather was overcast with no rain, and the lot was dry. The subject property is a relatively flat corner lot with a gentle slope. The property is bordered by Salisbury Road to the southwest and Barford Crescent to the northwest (see Figure 1), with the Ministry of Transportation and Infrastructure (MOTI) ditch running from the edge of driveway down Salisbury Road, and then down Barford Crescent.

Figure 1 shows the catchment area used in the stormwater analysis, which consists of the paved driveway, carport roof, and adjacent property's lawn. All stormwater from the catchment is flowing into a drain rock trench, commonly known as a French drain, which runs along the property edge parallel with the driveway and carport roof. The French drain dimensions are roughly trapezoidal with a 0.3 m wide base, 0.6 m depth, and varies between 1 m and 1.2 m wide along the top, with a 100 mm perforated pipe running through the middle of the trench at 0.3 m down in depth, and a total length of 25 m.

Prior to the carport being built the catchment area was a gravel driveway, with the same area of lawn on the adjacent property, and no French drain.

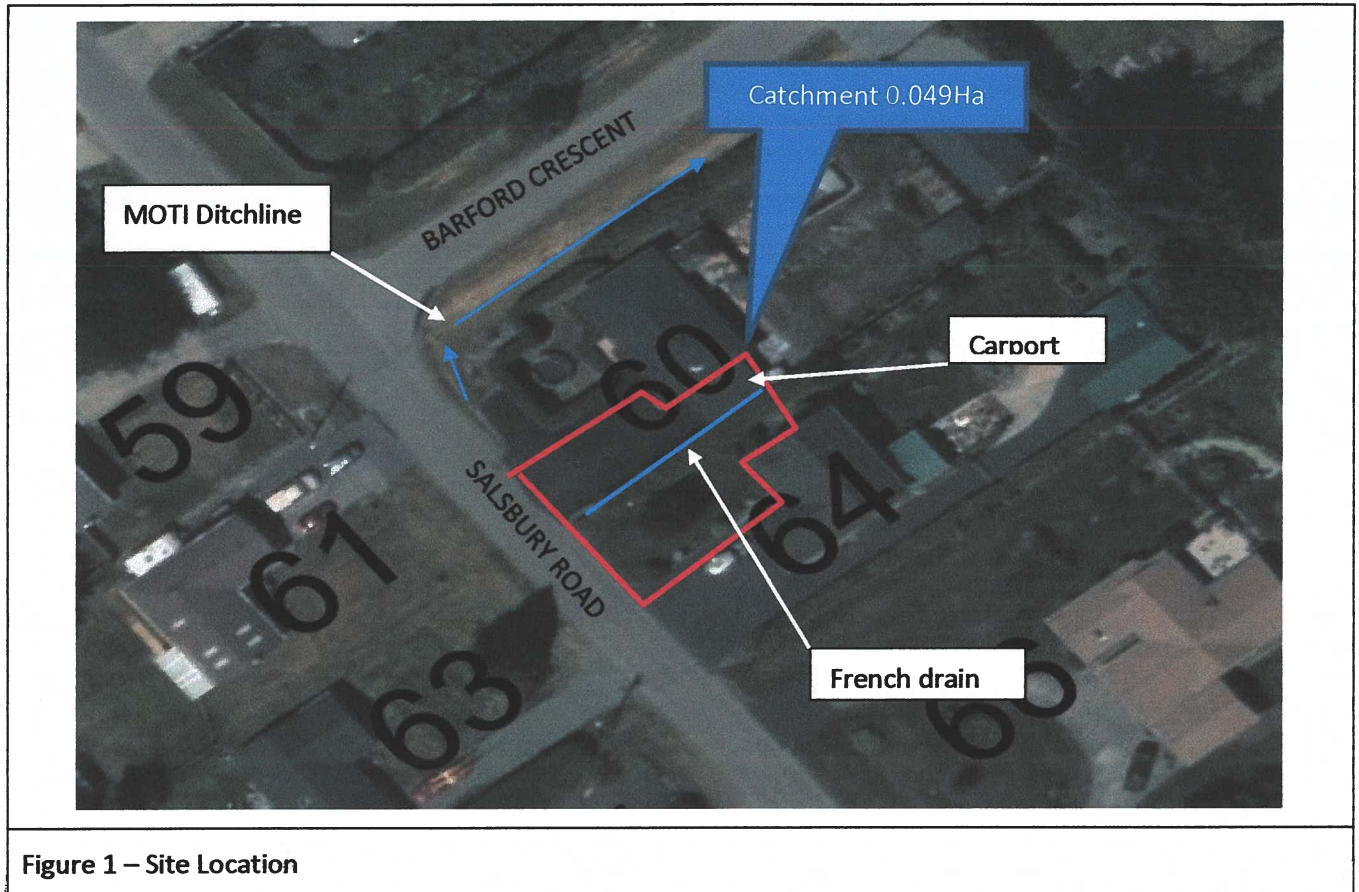


Figure 1 – Site Location

A small drain is located in front of carport on the southeast side; it sits in the pavement and empties into the perforated pipe in the French drain. The drain also connects back to the perimeter drain of the house. A portion of the stormwater from the driveway is being directed into the drain, and the remainder is being directed into the French drain.

As seen in Figure 2 the carport roof is shedding water directly onto the French drain.

The front corner of the house on the adjacent property sits 5.8 m from the French drain, and a portion of yard in front of the neighbour's house is shedding rainwater in the direction of the French drain, with the remainder of the adjacent lot shedding water in a north east direction.

Elevation measurements were taken, and confirm the paved driveway, carport roof, and portion of the neighbor's yard are shedding rain water into the French drain.

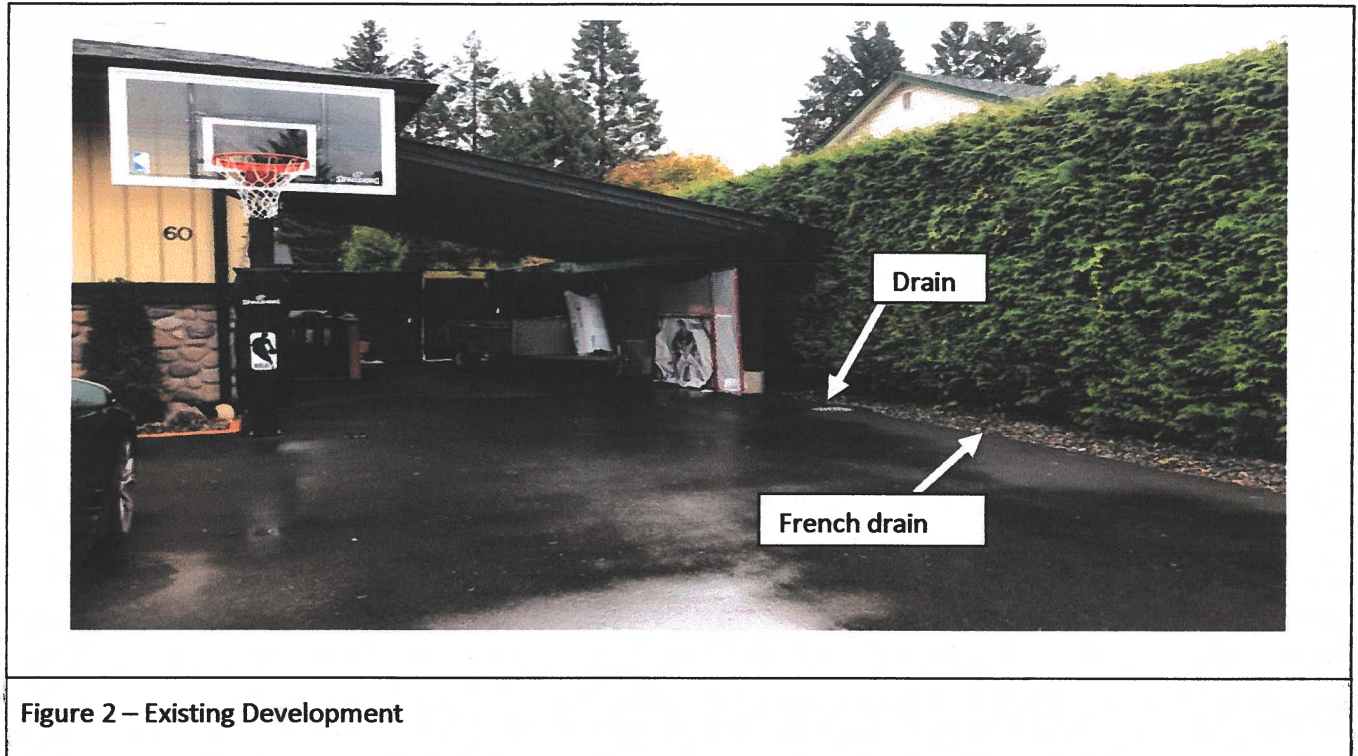


Figure 2 – Existing Development

Estimated Pre- and Post-Development Flows

A comparison of stormwater flow estimates was made (See Table 1 and 2). Flow rates were calculated using the Rational Method, with rainfall intensities derived from the Puntledge IDF curve, and the C factor calculated as a weighted average of different permeable surface areas measured on site, and using values based on the MMCD Design Guideline and standard engineering practice.

The time of concentration is the time required for runoff to flow from the most remote part of the catchment area under consideration to design node, and is calculated with the Airport Method. From the value given, a rainfall intensity can be derived from the applicable IDF curve. Given the size of the site and the gentle slope, all flows are assumed to sheet flow into the French drain.

The following tables show all values of peak flows calculated with the Rational Method, and a comparison can be shown between pre and post installation flow values Q (m^3/s).

Table 1: Pre-Development Storm Runoff

Pre-Development				T _c = 8.2minutes
Storm Recurrence	*C	i (mm/hr)	A (hectares)	Q (m ³ /second)
2 year	0.47	23	0.049	0.0015
5 year	0.47	48	0.049	0.0031
100 year	0.47	100	0.049	0.0065

*C = 0.47 (pre-development), weighted by area of gravel driveway, and grass on adjacent lot

Table 2: Post-Development Run-off

Post-Development				T _c = 7.5 minutes
Storm Recurrence	*C	i (mm/hr)	A (hectares)	Q (m ³ /second)
2 year	0.52	25	0.049	0.0018
5 year	0.52	50	0.049	0.0035
100 year	0.52	101	0.049	0.0071

*C = 0.52 (post development), weighted by area of paved driveway, carport roof, and grass on adjacent lot

Overview of Recommended Flow Mitigation Strategies and Best Management Practices

In the analysis of the measures implemented for the stormwater management of this property, the following June 2008 publication was consulted to determine strategies and best management practices. This publication, "Beyond the Guidebook: The New Business as Usual – Create Liveable Communities and Protect Stream Health – Rainwater Management: An Introduction to the Guidebook for British Columbia", lists performance targets that are applicable to a site-specific design.

The following measures are recommended in the June 2008 publication:

- *Rainfall Capture - keep rain on site by means of 'rainfall capture' measures such as rain gardens and infiltration soak-aways*
- *Runoff Control - delay overflow runoff by means of detention storage ponds which provide 'runoff control'*
- *Flood Mitigation – reduce flooding by providing sufficient hydraulic capacity to 'contain and convey'*

Assessment of Measures Implemented

The modified rational method is an appropriate design methodology for determining the volume of detention required to maintain pre-development flow rates. Because the impervious area of the existing development is so close to the impervious area prior to the installation of the carport roof and paved driveway, the modified rational method shows that the storage requirement is negligible at the 2- and 5-year storm events. When calculated using the 100-year event, with a carport roof, paved driveway, and adjacent property grass area of 490 m², the total volume to be detained is 2.3 m³.

To sufficiently control this amount of rainfall, the French drain on the property edge has a detention volume of 4.5 m³. This volume was determined from the previously given trench dimensions, and by applying a factor of 0.33 to account void size in the drain rock.

The above measures will provide more than the required detention volume to mitigate the increases in storm water run-off from the site, there will not be an increase in flow directed towards the MOTI ditch line, and no increase in flooding to the adjacent property.

Janel Debalinhard | Stormwater Review Report – 60 Salisbury Road, CVRD, BC
Nov 15, 2019

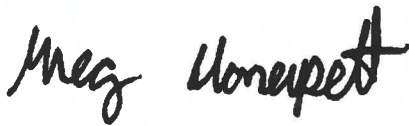
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Conclusion

The analysis performed for the stormwater management discussed in this report is based on the site inspection and measurements, taking into consideration recommended best practices. The French drain is effectively acting as a soak away pit, one of the recommended Best Management practices of “Rainfall Capture”. It is determined that the French drain installed by the owner adequately reduces & controls runoff towards the MOTI ditch line and provides flood protection, to both properties, meeting recommended minimum standards and accepted engineering practices.

Yours truly,
Wedler Engineering LLP

Per:



Greg Honeysett, P.Eng.
Project Manager

#211-2459 Cousins Avenue
Courtenay BC V9N 9K3
GHoneysett@wedler.com
p. 250-334-3263 f. 250-338-2296

Reviewed by:



2019-11-15

Andrew Gower, FEC, P.Eng., PE, CCA
Partner *

* Wedler Engineering LLP is a partnership of corporations.