

DATE: June 28, 2017

FILE: 3090-20/DV 2A 17

TO: Chair and Directors
Electoral Areas Services Committee

FROM: Russell Dyson
Chief Administrative Officer

RE: Development Variance Permit – 7741 Ships Point Road (Dolan)
Baynes Sound – Denman/Hornby Islands (Electoral Area A)
Lot 48, District Lot 26, Newcastle District, Plan 17305, PID 000-532-631

Purpose

To consider a Development Variance Permit (DVP) to decrease the minimum rear yard setback from 7.5 metres to 7.0 metres to allow the construction of an addition to the principal dwelling.

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.

Executive Summary

The property is currently developed with a single detached dwelling and an accessory building (garage). The existing dwelling received final inspection in 1976. A site survey was not required. A recent survey shows the rear yard setback as 7.01 metres (Figure 3). In 1976, the property was zoned Residential Two (R-2) where the rear lot line setback was 25 feet (7.6 metres). Hence, the “as constructed” dwelling did not meet the rear yard setback in force at the time, being the “Electoral Area “A’ Baynes Sound – Islands Interim Zoning Bylaw, 1973”. The applicants wish to build an addition to the existing dwelling in line with the rear wall of the dwelling. This application proposes to address the 7.01 metre setback to the existing foundation which will also enable siting of the proposed addition at a 7.25 metre setback. This requires a variance to reduce the rear yard setback from 7.5 metres to 7.0 metres.

Recommendation from the Chief Administrative Officer:

THAT the Board approve the Development Variance Permit DV 2A 17 (Dolan) to decrease the minimum rear yard setback from 7.5 metres to 7.0 metres to recognize the existing rear yard setback and to allow the construction of an addition to the existing principal dwelling on a property described as Lot 48, District Lot 26, Newcastle District, Plan 17305, PID 000-532-631 (7741 Ships Point Road);

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

Respectfully:

R. Dyson

Russell Dyson
Chief Administrative Officer

Background/Current Situation

An application has been received to consider a DVP (Appendix A) for a 0.16 hectare property located in Baynes Sound – Denman/Hornby Islands (Electoral Area A) (Figures 1 and 2). The property is zoned Residential Rural (R-RU). It is bounded by Ships Point Road to the northeast and R-RU zoned properties on the other three sides. The water is provided by the Ships Point Improvement District for Water. There is no sewer service. Fire service is delivered by the Ships Point Improvement District.

The property is currently developed with a single detached dwelling and an accessory building (garage). The existing dwelling received final inspection in 1976. A site survey was not required. A recent site plan shows the rear yard setback as 7.01 metres (Figure 3). In 1976, the property was zoned Residential Two (R-2) where the rear lot line setback was 25 feet (7.6 metres). Hence, the “as constructed” dwelling did not meet the rear yard setback in force at the time, being the “Electoral Area ‘A’ Baynes Sound – Islands Interim Zoning Bylaw, 1973”. The applicant wishes to build an addition to the existing dwelling in line with the rear wall of the dwelling. This application proposes to address the 7.01 metre setback to the existing foundation. This application is to reduce the rear yard setback from 7.5 metres to 7.0 metres.

Regional Growth Strategy

The Regional Growth Strategy (RGS) Bylaw No. 120, being the “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010”, designates the subject property within Rural Settlement Areas. Policies in this designation focus on managing growth through land use changes. The proposed addition to an existing dwelling does not change the residential land use of the subject property. Therefore, the proposed variance is not in conflict with the RGS.

Official Community Plan

The subject property is designated Rural Settlement Area in the Official Community Plan, Bylaw No. 337, being the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014”. The requested decrease to the rear yard setback does not conflict with residential policies established in this bylaw.

Zoning Bylaw

The R-RU zone in the Zoning Bylaw, Bylaw No. 2781 being the “Comox Valley Zoning Bylaw, 2005” establishes minimum setbacks, maximum height, maximum lot coverage and maximum combined floor area for all buildings and structures on the property. Specifically it sets the rear yard setback to 7.5 metres.

The variance requested is to reduce the rear yard setback to allow the construction of an addition to the existing dwelling built too close to the rear yard lot line. The request does not significantly impact the intent of minimum setbacks which in part is to provide spatial separation between buildings on properties and maintain functional open spaces.

Options

The Board could either approve or deny the requested variance. Based on the analysis contained within this report, planning staff supports the approval of this variance application.

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

This 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.

Intergovernmental Factors

There are no intergovernmental factors.

Interdepartmental Involvement

The proposed DVP has been circulated to staff in the following internal departments.

- Bylaw Services
- Fire Services
- Building Services

These departments did not have any concerns regarding this proposal.

Advisory Planning Commission

The Advisory Planning Commission (APC) will review this application at their meeting scheduled for June 26, 2017. At this meeting, the APC resolved to support this application. The minutes from the meeting will be forwarded to the Electoral Areas Services Committee (EASC).

Citizen/Public Relations

Notice of the requested variance will be mailed to adjacent property owners at least 10 days prior to the Electoral Areas Services Committee (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.

Prepared by:

C. Halbert

Connie Halbert, MCIP, RPP
Rural Planner

Concurrence:

A. Mullaly

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

Concurrence:

A. MacDonald

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

Attachments: Appendix A – “Development Variance Permit DV 2A 17”

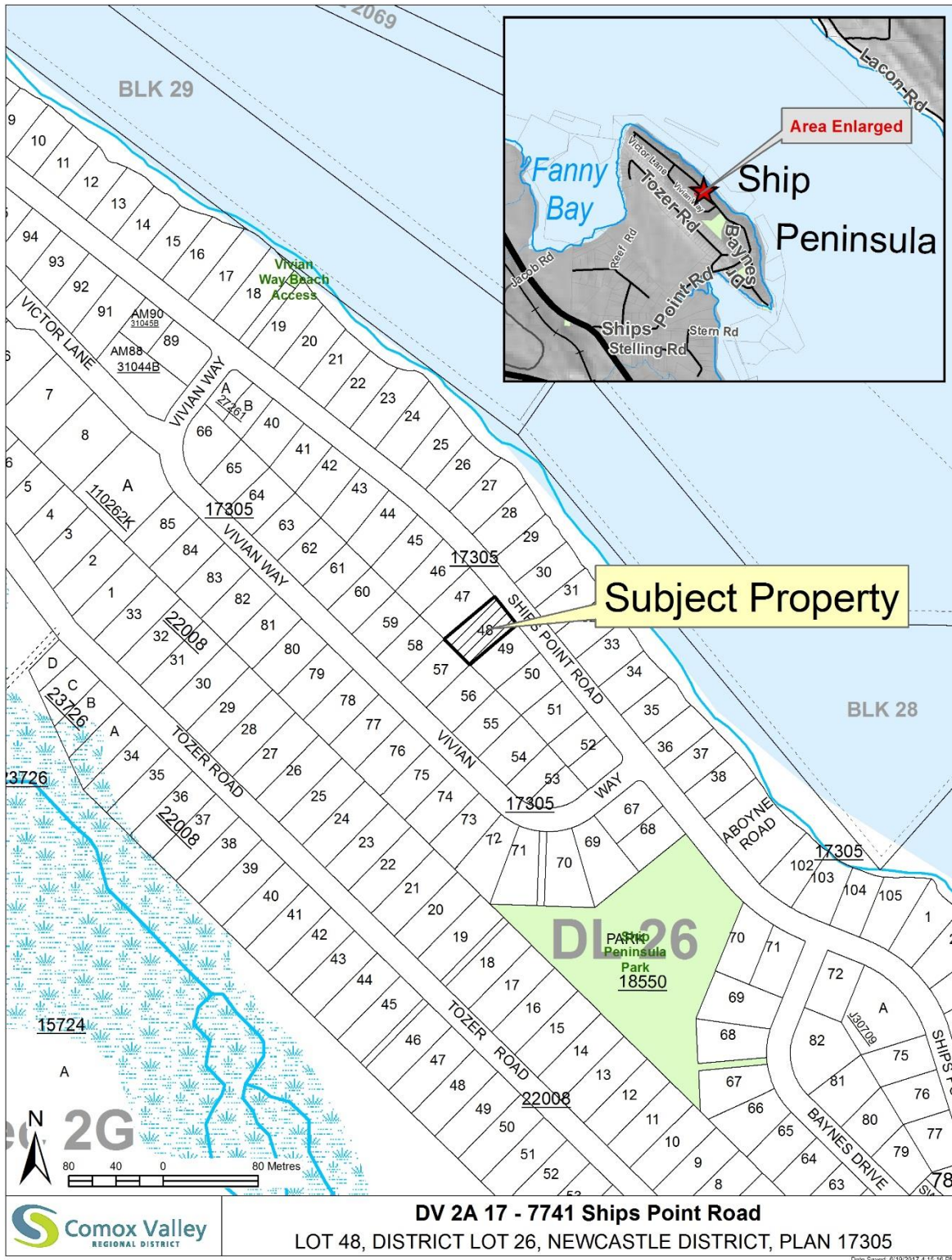


Figure 1: Subject Property Map

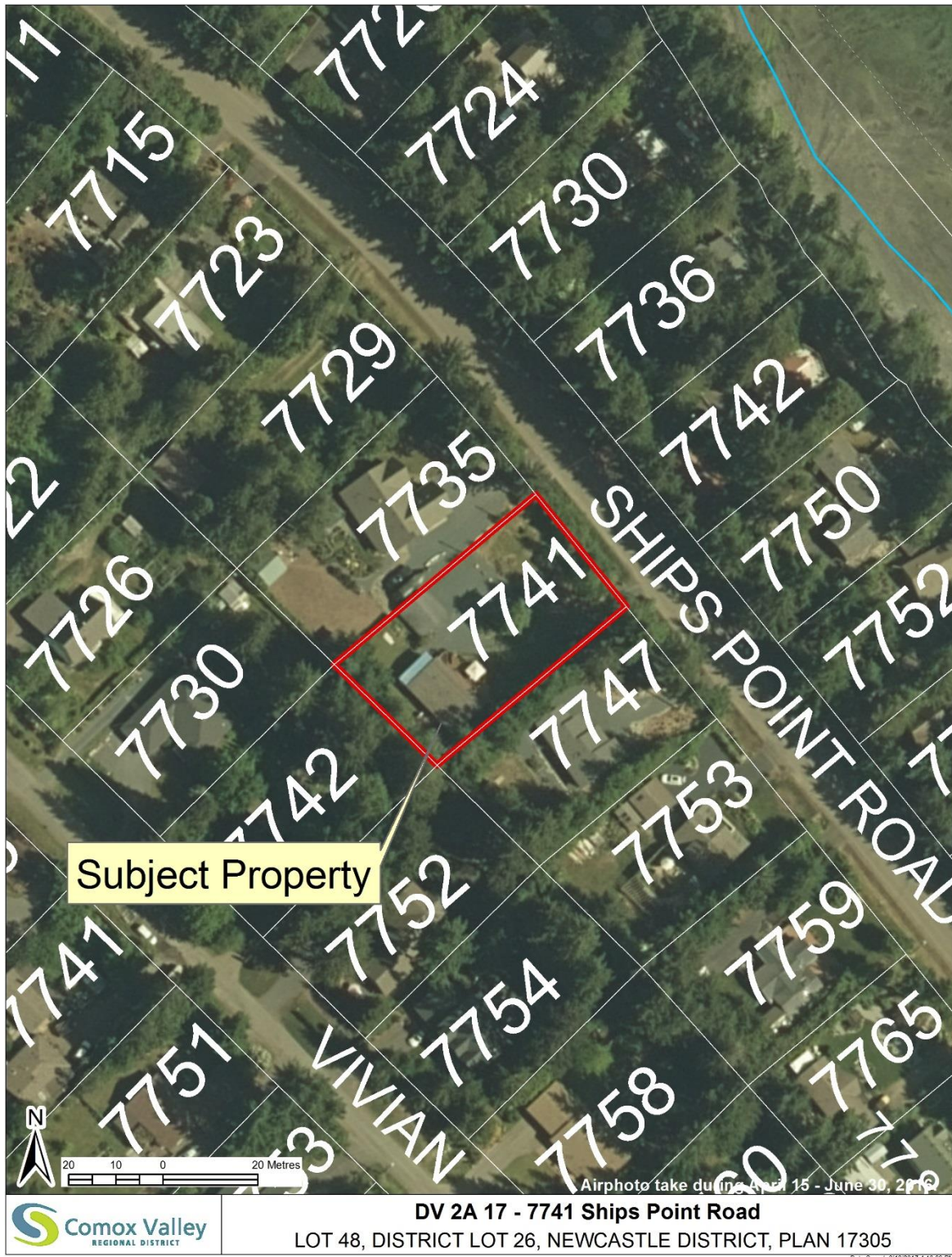


Figure 2: Air Photo Map

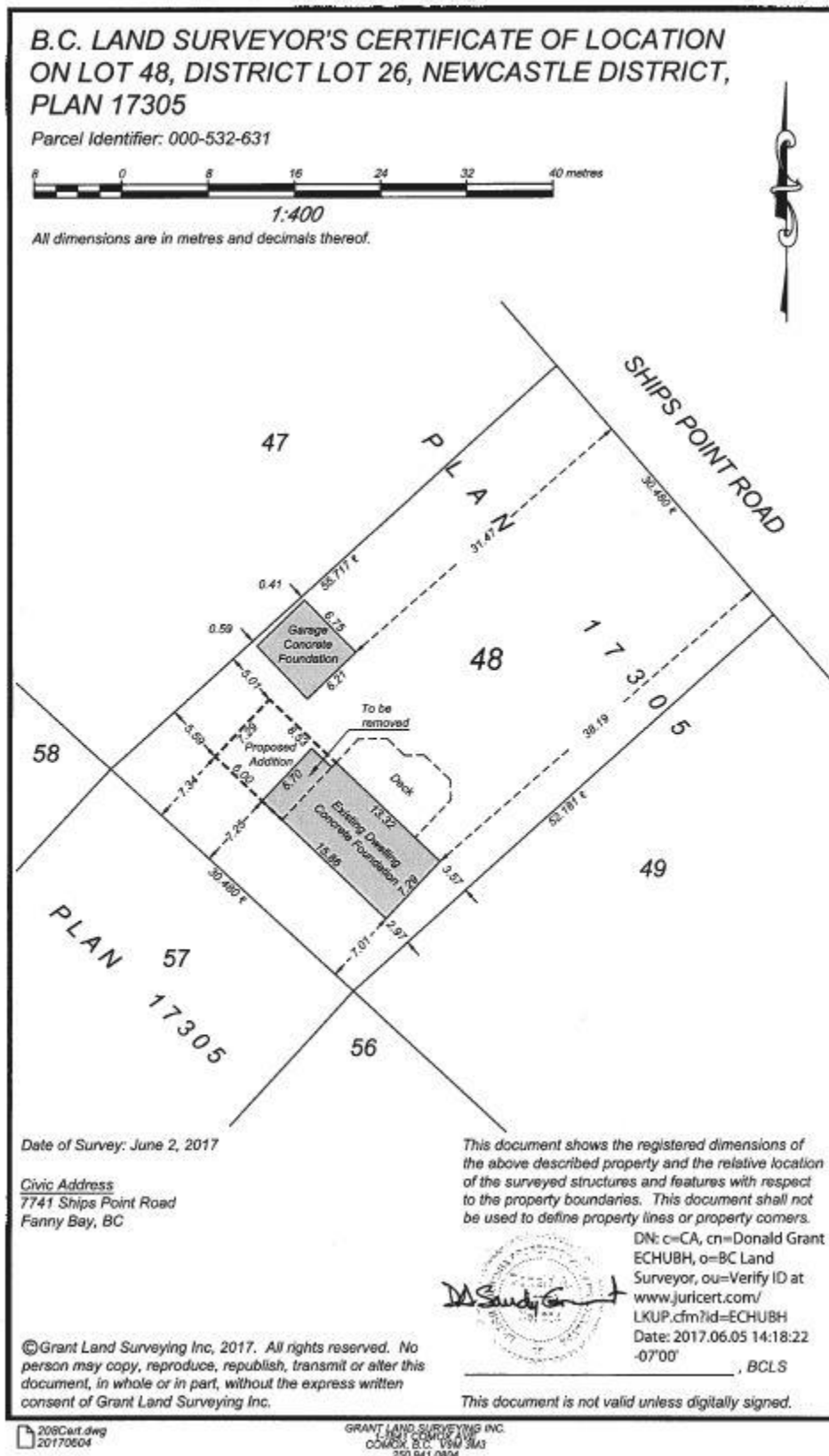


Figure 3: Site Plan

DV 2A 17

TO: Vincent Dolan

OF: 7741 Ships Point Road, Fanny Bay BC V0R 1W0

1. This Development Variance Permit (DV 2A 17) is issued subject to compliance with all of the bylaws of the 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 regional district described below:
Legal description: Lot 48, District Lot 26, Newcastle District, Plan 17305
Parcel identifier (PID): 000-532-631 Folio: 771 11832.000
Civic address: 7741 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.
5. This Development Variance Permit (DV 2A 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 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 July xx, 2017.

James Warren
Corporate Legislative Officer

Certified on _____

Attachments: Schedule A – “Resolution”
Schedule B – “Site Plan of 7741 Ships Point Road”

Schedule A

File: DV 2A 17

APPLICANTS: Vincent Dolan

LEGAL DESCRIPTION: Lot 48, District Lot 26, Newcastle District, Plan 17305

SPECIFICATIONS:

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

AND WHEREAS the applicant, Vincent Dolan, wishes to reduce the rear yard setback to 7.0 metres to allow the construction of an addition to the principal dwelling;

THEREFORE BY A RESOLUTION of the Board of the Comox Valley Regional District on July xx, 2017, 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:

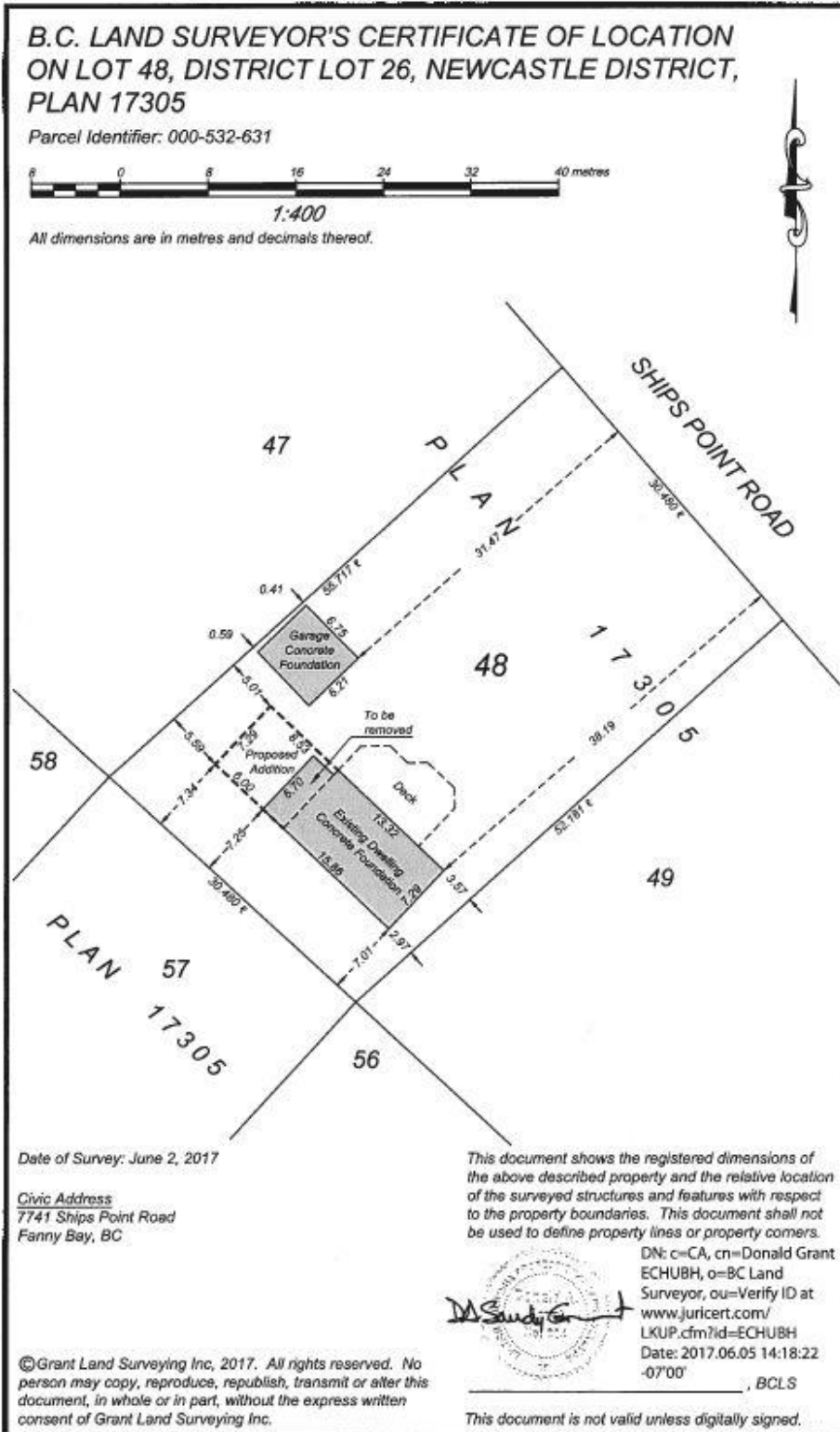
706(4) The rear yard setback of a single detached dwelling is 7.0 metres.

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 2A 17.

James Warren
Corporate Legislative Officer

Certified on _____

Schedule B Site Survey of 7741 Ships Point Road



209Cert.dwg
20170604

GRANT LAND SURVEYING INC.
COMOX, B.C. V9M 3A3
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