

**DATE:** May 27, 2019**FILE:** 3090-20 / DV 5B 19**TO:** Chair and Directors  
Electoral Area Services Committee**FROM:** Russell Dyson  
Chief Administrative OfficerSupported by Russell Dyson  
Chief Administrative Officer**R. Dyson****RE:** **Development Variance Permit  
1719 Cloudcroft Road (Lawrence)  
Electoral Area B (Lazo North)  
Lot 29, Block 1 of Block 71, Comox District, Plan 9815, PID 001-009-737****Purpose**

To consider a Development Variance Permit (DVP) to increase the maximum height for an accessory building from 6.0 metres to 7.0 metres (Appendix A).

**Recommendation from the Chief Administrative Officer:**

THAT the Comox Valley Regional District Board approve the Development Variance Permit DV 5B 19 (Lawrence) to increase the maximum permitted height for an accessory building from 6.0 metres to 7.0 metres for property described as Lot 29, Block 1 of Block 71, Comox District, Plan 9815, PID 001-009-737 (1719 Cloudcroft Road);

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

**Executive Summary**

- The oceanfront property is 0.4 hectares in size and contains a single detached dwelling.
- The applicants would like to construct a 94 square metre accessory building with a maximum height of 7.0 metres.
- As part of the ongoing zoning bylaw review, staff are recommending the maximum height of an accessory building is increased to 7.0 metres. The proposal is consistent with this recommended change. The proposed accessory building will be near the neighbour's existing accessory building, which is much taller. The neighbour's view is not expected to be negatively affected. For these reasons, staff support the issuance of the DVP.

Prepared by:

Concurrence:

Concurrence:

**B. Labute****T. Trieu****S. Smith**\_\_\_\_\_  
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Planner\_\_\_\_\_  
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Manager of Planning Services\_\_\_\_\_  
Scott Smith, MCIP, RPP  
General Manager of Planning  
and Development Services  
Branch**Stakeholder Distribution (Upon Agenda Publication)**

Applicants	✓
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## Background/Current Situation

An application has been received to consider a DVP to increase the maximum height for an accessory building from 6.0 metres to 7.0 metres. The oceanfront property is 0.4 hectares in size and is bound by a residential property to the northwest, Strait of Georgia to the northeast, Cloudcroft Road to the southeast and Seabank Road to the southwest (Figures 1 and 2). The owner would like to build a 94 square metre accessory building up to 7.0 metres in height to accommodate a workshop, car hoist and personal storage (Figure 3).

## Planning Analysis

### Official Community Plan Analysis

The subject property is designated Settlement Expansion Area in the Official Community Plan (OCP), being the “Rural Comox Valley Official Community Plan Bylaw, No. 337, 2014”. The proposed increase in height for an accessory building does not conflict with the residential policies established in the OCP.

### Zoning Bylaw Analysis

The property is zoned Residential Rural (R-RU) in Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005” (Appendix A). The R-RU zone permits an accessory building up to 6.0 metres in height. The variance would provide relief from Section 309 (3) and 706 (4) allowing the accessory building to be a maximum of 7.0 metres in height. The requested variance is detailed in Table 1 below.

**Table 1: Variance Summary**

Zoning Bylaw	Variance	Existing	Proposed	Difference
Section 309 (3) and 706 (4)	Accessory building height	6.0 metres	7.0 metres	1.0 metre

As part of the ongoing zoning bylaw review, staff are recommending the maximum height of an accessory building is increased from 6.0 metres to 7.0 metres. The proposal is consistent with this recommended change. The proposed accessory building will be sited near an existing accessory building on the neighbouring property. The neighbours accessory building was built before the zoning bylaw came into effect and is much higher than the proposed accessory building (Figure 3). As a result, the impact of the height increase on the neighbouring property is expected to be minimal. For these reasons outlined above, staff support the issuance of the DVP.

## 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 deny the requested variance. Based on the analysis above, staff recommend approving 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 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**

As the property is within the SEA, a referral was sent to the City of Courtenay and the Town of Comox. The City of Courtenay has no concerns. At the time of writing this report, no response had been received from the Town of Comox. Should any concerns arise, they will be presented at the Electoral Areas Services Committee (EASC) meeting.

**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 (APC) reviewed the application at its May 21, 2019 meeting. The APC was in support of the application. The minutes from the meeting will be forwarded to the EASC.

Notice of the requested variance will be mailed to adjacent property owners within 100 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 5B 19”  
Appendix B – “Copy of R-RU Zone”

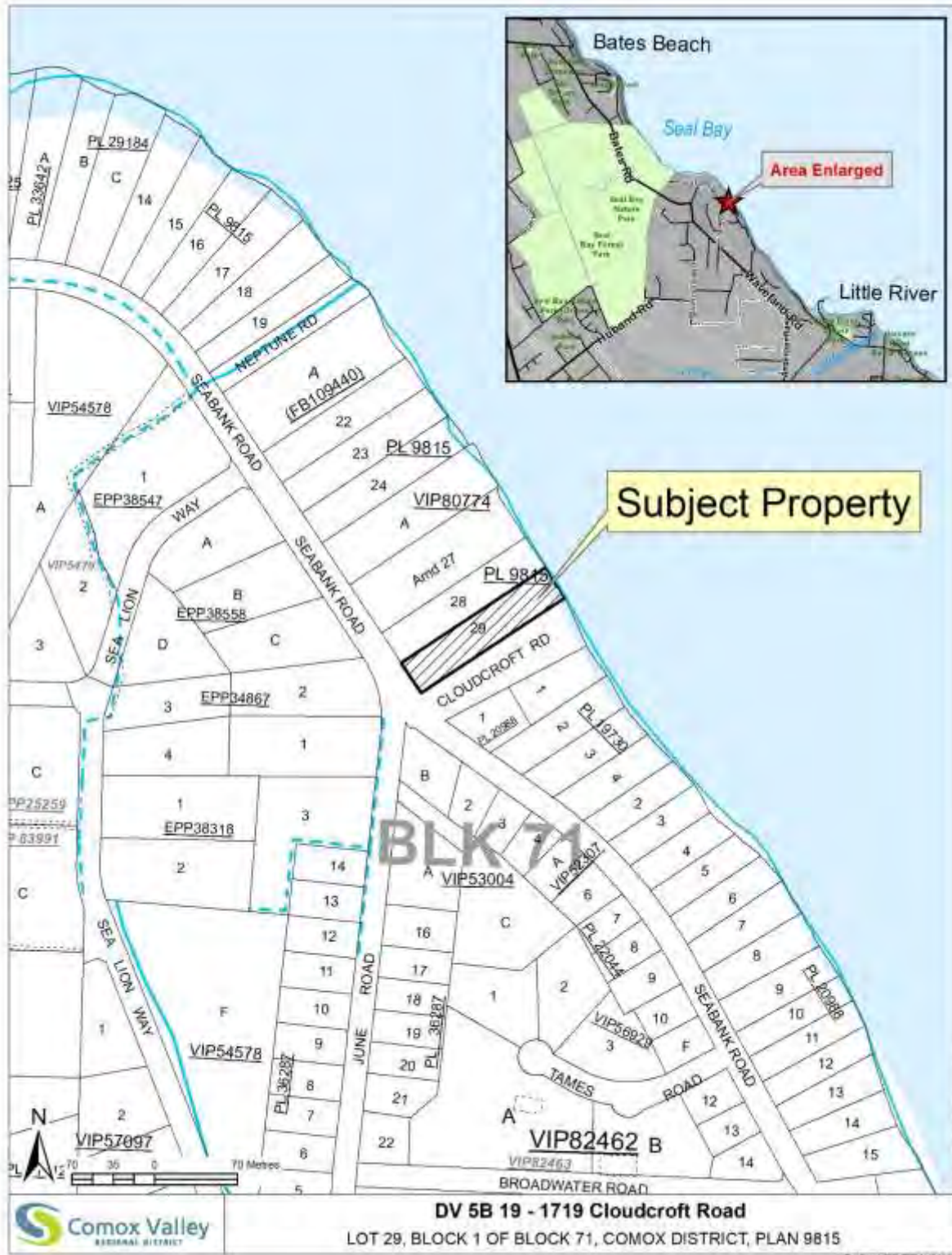


Figure 1: Subject Property Map





Figure 2: Aerial Photo

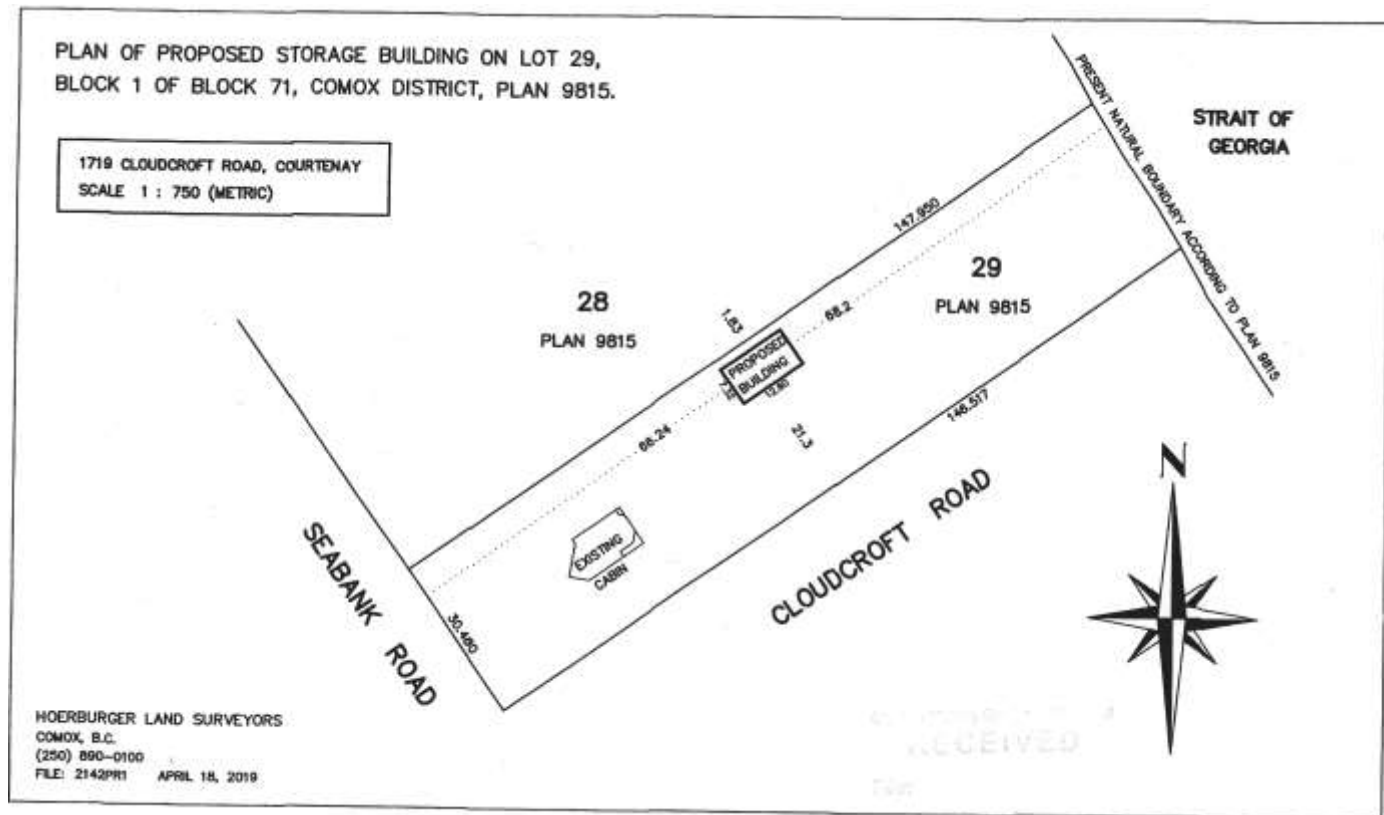


Figure 3: Site Plan and Proposed Building Site

**DV 5B 19****TO: Kevin and Shannon Lawrence**

1. This Development Variance Permit (DV 5B 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 29, Block 1 of Block 71, Comox District, Plan 9815  
**Parcel Identifier (PID):** 001-009-737 **Folio:** 771 04361.000  
**Civic Address:** 1719 Cloudcroft 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 is issued following the receipt of an appropriate site declaration from the property owner.
5. This Development Variance Permit (DV 5B 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.
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 \_\_\_\_\_.

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James Warren  
Corporate Legislative Officer

Certified on \_\_\_\_\_

Attachments: Schedule A – “Resolution”  
Schedule B – “Site Plan”



## Schedule A

**File: DV 5B 19**

**Applicants:** Kevin and Shannon Lawrence

**Legal Description:** Lot 29, Block 1 of Block 71, Comox District, Plan 9815, PID 001-009-737, PID 001-009-737

### Specifications:

THAT WHEREAS pursuant to Section 309 (3) and 706 (4) of Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005,” the maximum height of all accessory buildings is 6.0 metres;

AND WHEREAS the applicants, Kevin and Shannon Lawrence, wish to increase the maximum height for the accessory building shown on Schedule B to 7.0 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) and 706 (4)      The maximum height of the proposed accessory building 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 5B 19.

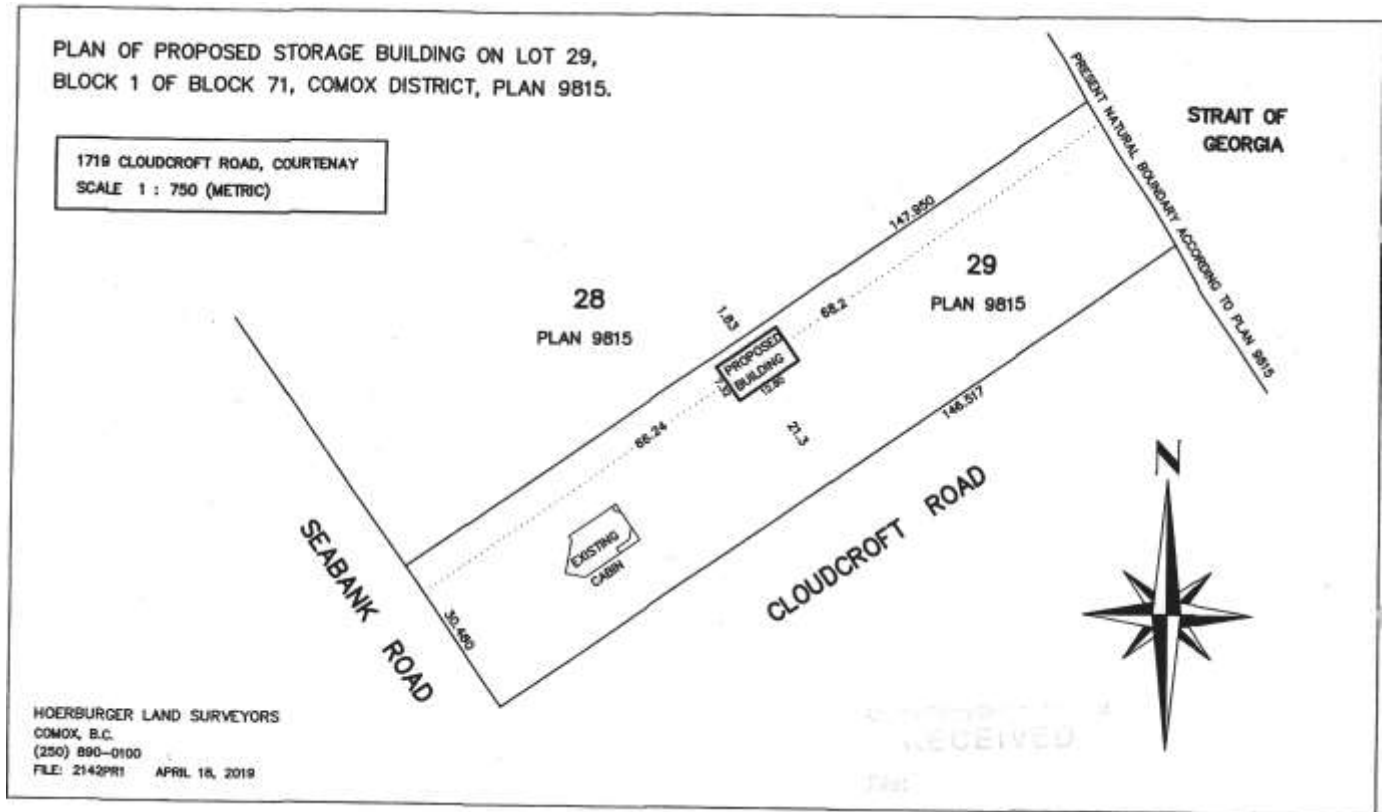
\_\_\_\_\_  
James Warren  
Corporate Legislative Officer

Certified on \_\_\_\_\_



## 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 metres<sup>2</sup> (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 metres<sup>2</sup> (968.8 feet<sup>2</sup>).

#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 metres<sup>2</sup> (2152.9 feet<sup>2</sup>).

**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
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- 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*