

DATE: February 4, 2019**FILE:** 3090-20/DV 1C 19**TO:** Chair and Directors
Electoral Areas Service Committee**FROM:** Russell Dyson
Chief Administrative OfficerSupported by Russell Dyson
Chief Administrative Officer**R. Dyson****RE: Development Variance Permit
2441 Oakes Road (Di Fruscia)
Puntledge – Black Creek (Electoral Area C)
Lot 18, Block, 29, Comox District, Plan 26260, PID 002-740-281****Purpose**

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

Recommendation from the Chief Administrative Officer:

THAT the board approve the Development Variance Permit DV 1C 19 (Di Fruscia) to increase the maximum building height from 6.0 metres to 7.0 metres for a proposed accessory building at property described as Lot 18, Block, 29, Comox District, Plan 26260, PID 002-740-281 (2441 Oakes Road);

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

Executive Summary

- The subject property is located at 2441 Oakes Road in the Puntledge – Black Creek Electoral Area (Electoral Area C). The property is zoned Country Residential One (CR-1).
- The applicant would like to increase the building height of a proposed accessory building from 6.0 metres to 7.0 metres. The applicant would like additional height for storage.
- The increased height is not expected to impact adjacent property owners as the proposed building will be shielded from the neighbours by trees and vegetation. The proposed siting of the building is located at the rear of the property.
- 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 the recommend change.
- The requested variance meets the intent of the maximum building height regulations for an accessory building, staff recommends the issuance of the DVP.

Prepared by:

Concurrence:

Concurrence:

B. Chow**T. Trieu****S. Smith**Brian Chow, MCIP, RPP
Rural PlannerTon Trieu, MCIP, RPP
Manager of Planning ServicesScott Smith, MCIP, RPP
General Manager of Planning and
Development Services Branch

Stakeholder Distribution (Upon Agenda Publication)

Applicant	✓
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Background/Current Situation

The subject property is located at 2441 Oakes Road in the Puntledge – Black Creek Electoral Area (Electoral Area C) (Figures 1 and 2). There is currently a single detached dwelling and two accessory buildings (i.e., sheds), and the applicant proposes to construct an accessory building (“New Shop” in Figure 3). The applicant would like to increase the maximum building height limit from 6.0 metres to 7.0 metres for more storage space (Figure 4).

Official Community Plan Analysis

Bylaw No. 337, being the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014” (OCP), designates the subject property within the Saratoga Settlement Node. Each of the three settlement nodes has a Local Area Plan (LAP) to establish goals and objectives for land uses including a range of residential types and densities (Section 33(1)). The proposed accessory building does not conflict with the residential policies of the OCP.

Zoning Bylaw Analysis

The subject property is zoned Country Residential One (CR-1) in Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005”. This zone permits accessory buildings as accessory uses. The requested variances are as follows:

Zoning Bylaw No. 2781	Zoning Bylaw Regulation	Request	Difference
Section 309(3) and 707(4)	Maximum Building Height of Accessory Building: 6.0 metres	7.0 metres	1.0 metre

The intent of the maximum building height limit is to provide a relative scale between principal buildings, such as single detached dwellings at 10.0 metres, and accessory buildings at 6.0 metres. The intent also provides consistent form and character of the community, maintains privacy and minimizes the impacts of shadows onto adjacent lots.

The location of the proposed accessory building is behind the existing single detached dwelling and is surrounded by trees and vegetation from the other three sides (Figures 5 to 7). Therefore, this proposed building would not be visible from the road, and there should be sufficient visual screening from neighbours’ existing buildings. As such, the proposed building is unlikely to affect the form and character of the community and cause shadows onto adjacent lots.

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 the recommend change, and therefore, the proposed accessory building is unlikely to result in any potential nonconformity in the future. Given these reasons, staff supports 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 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

Bylaw No. 120, being “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010” (RGS) designates the subject property within the Saratoga Settlement Node. Settlement nodes shall accommodate growth through a balance of new development, intensification and improvements to public infrastructure (MG Policy 1B-1). The proposed accessory building does not conflict with the residential policies of the RGS.

Intergovernmental Factors

There are no intergovernmental factors involved with this DVP application.

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

As of the preparation of this staff report, an Advisory Planning Commission has not been formed for Electoral Area C.

Notice of the requested variance will be mailed to adjacent property owners within 50 metres of the subject property 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.

Attachment: Appendix A – “Development Variance Permit – DV 1C 19”

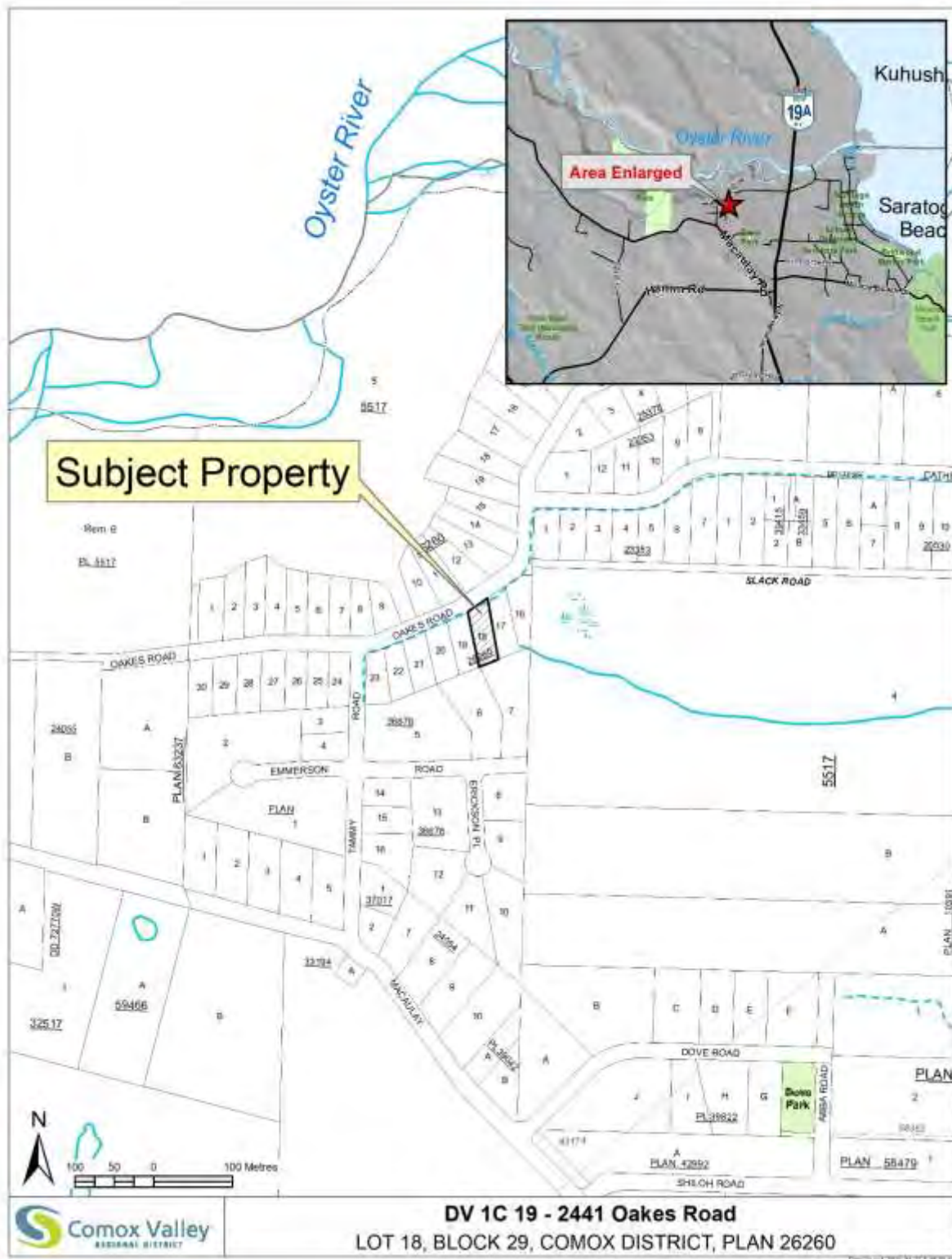


Figure 1: Subject Property Map



Figure 2: Air Photo

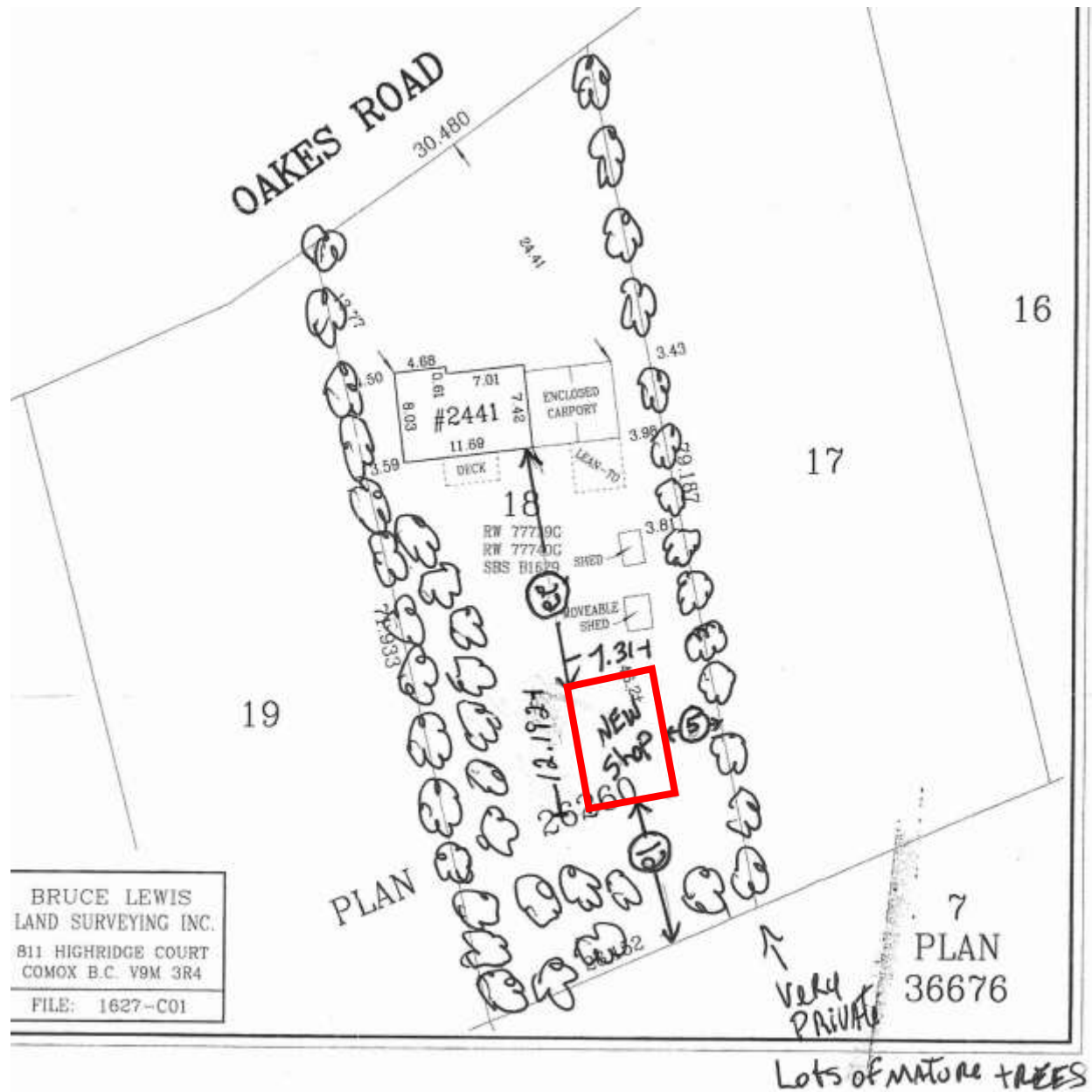


Figure 3: Site Plan

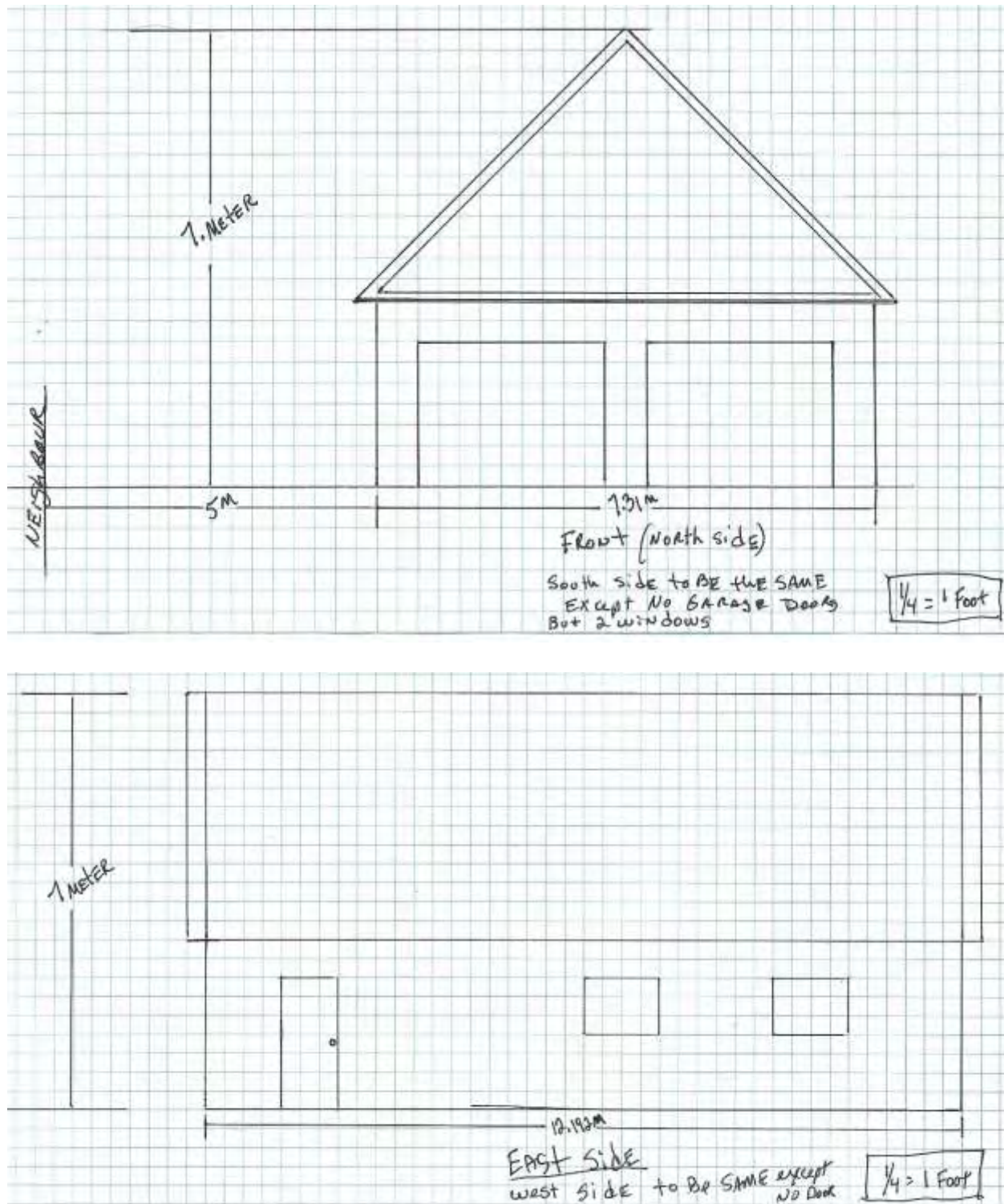


Figure 4: Elevation Drawings of the Proposed Accessory Building



Figure 5: View towards the Rear Yard



Figure 6: View towards the Right Side



Figure 7: View towards the Left Side

DV 1C 19**TO: Johnny Di Fruscia**

1. This Development Variance Permit (DV 1C 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 18, Block, 29, Comox District, Plan 26260
Parcel Identifier (PID): 002-740-281 Folio: 771 04885.084
3. The land described herein shall be developed 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 meet zoning requirements.
5. This Development Variance Permit (DV 1C 19) shall lapse if development 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 Variance 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 _____.

James Warren
Corporate Legislative Officer

Certified on _____

Attachments: Schedule A – “Resolution”
Schedule B – “Subject Property, Site Plan and Elevation Drawings”

Schedule A

File: DV 1C 19

Applicant: Johnny Di Fruscia

**Legal Description: Lot 18, Block, 29, Comox District, Plan 26260,
PID 002-740-281**

Specifications:

THAT WHEREAS pursuant to Sections 309(3) and 707(4) of Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005,” the height of accessory buildings shall not exceed 6.0 metres;

AND WHEREAS the applicant, Johnny Di Fruscia, wishes to increase the building height of a proposed accessory building 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 is to be varied as illustrated in Schedule B and as follows:

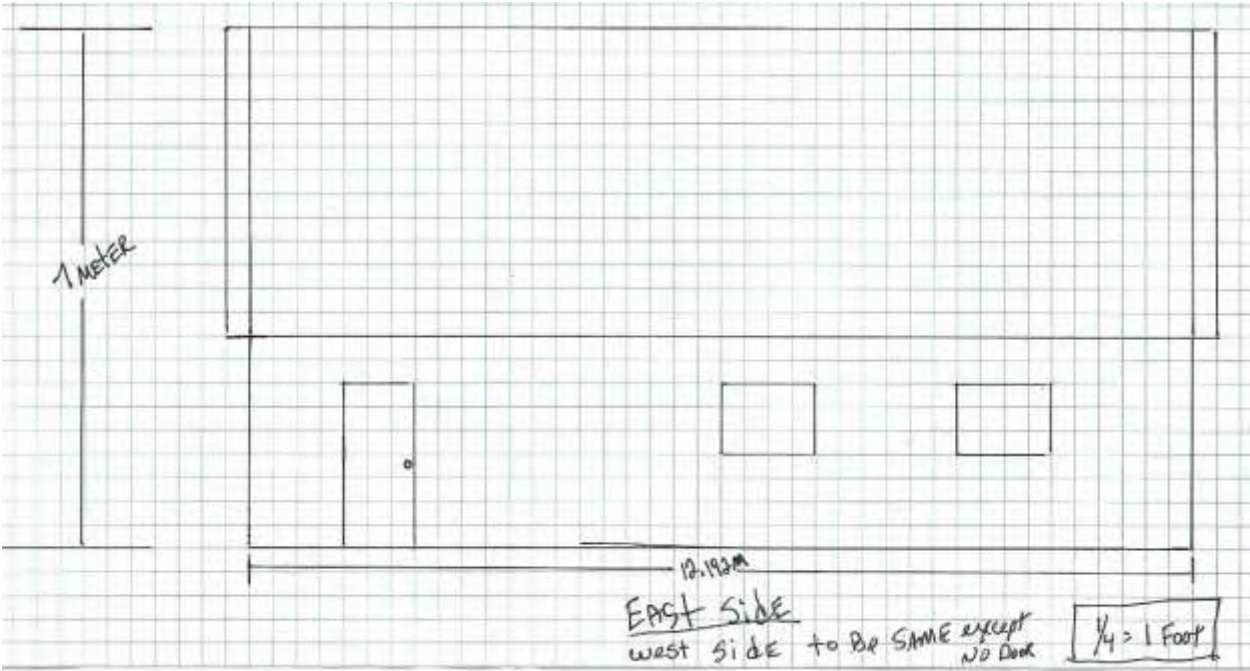
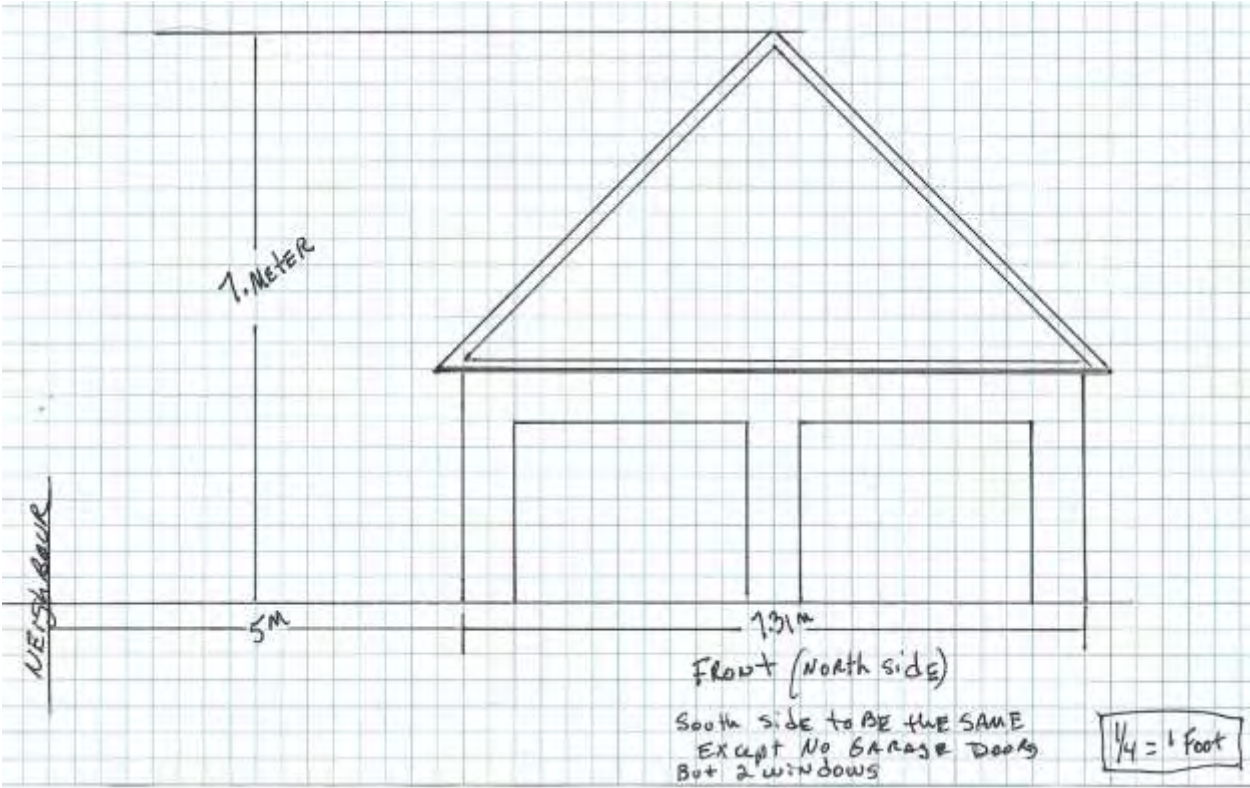
309(3) “The maximum height of all accessory buildings is 7.0 metres.”

707(4) “The maximum height of all accessory buildings 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 19.

James Warren
Corporate Legislative Officer

Certified on _____



Elevation Drawings of the Proposed Accessory Building