

DATE: August 23, 2017

FILE: 3090-20/DV 6B 17

TO: Chair and Directors
Electoral Areas Services Committee

FROM: Ann MacDonald, MCIP, RPP
Acting Chief Administrative Officer

RE: Development Variance Permit – 2120 Lannan Road (Barrow)
Lazo North (Electoral Area B)
Lot A, District Lot 206, Comox District, Plan 40190, PID 000-097-179

Purpose

To consider a Development Variance Permit (DVP) to increase the maximum height for a carriage house from 7.0 metres to 7.82 metres.

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 applicants wish to construct a carriage house with a 3.05 metre ceiling height for the garage/workshop, a 2.74 metre ceiling height for the residential unit, and a 2.03 metre height for the roof, for a total height of 7.82 metres. This would be an increase of 0.82 metres from the current zoning requirement of 7.0 metres height for a carriage house. The increased height for the garage/workshop space will improve ventilation and storage space. The increased height for the roof will allow a 4-12 pitch roof similar to other roofs in the neighbourhood. Staff support this application because the proposed location of 30.8 metres from the front lot line, 35.8 metres from the rear lot line and 8.2 metres from the east side lot line will minimize the view impact of the increased height from the road and neighbouring properties.

Recommendation from the Chief Administrative Officer:

THAT the board approve the Development Variance Permit DV 6B 17 (Barrow) to increase the height for a carriage house from 7.0 metres to 7.82 metres for a property described as Lot A, District Lot 206, Comox District, Plan 40190, PID 000-097-179 (2120 Lannan Road);

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

Respectfully:

A. MacDonald

Ann MacDonald, MCIP, RPP
Acting Chief Administrative Officer

Background/Current Situation

An application has been received to consider a DVP (Appendix A) for a 0.94 hectare property located in Lazo North (Electoral Area B) (Figures 1 and 2). The property is zoned Country Residential One (CR-1). It is bounded by Lannan Road to the south, CR-1 zoned property to the east, and the City of Courtenay to the north and west. It is currently developed with a single detached dwelling (Figure 3).

The application is to vary height of a carriage house from 7.0 metres to 7.82 metres. The proposed design of the carriage house provides for 3.05 metre height for the garage, 2.74 metre height for the residential unit and 2.03 metre for the roof pitch (Figure 4). The residential unit is 89.9 square metres. The increased height for the garage/workshop space will improve ventilation and storage space. The increased height for the roof will allow a 4-12 pitch in keeping with other roofs in the neighbourhood.

Planning Analysis

Official Community Plan

The 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 requested variance for increasing the maximum height of a carriage house does not conflict with the residential policies established in this bylaw.

Development Permit

There is a watercourse located along the west and south lot lines. The proposed development is located outside the 30 metre of the natural boundary of a watercourse, the proposal does not require an aquatic and riparian habitat development permit.

Zoning Bylaw

The CR-1 zone establishes minimum setbacks, maximum heights, maximum lot coverage and maximum floor area. In addition, the Zoning Bylaw establishes requirements for carriage houses. Specifically, the maximum height for a carriage house is 7.0 metres. See table 1 for a summary of the variance request.

Table 1: Variance Summary

Zoning Bylaw No. 2781	Variance	Zoning	Proposed	Difference
Section 309(3)	Height – Carriage House	7.0 metres	7.82 metres	0.82 metres

The proposed design for the carriage house will meet the provisions provided for in the Zoning Bylaw for setbacks, maximum size, exterior staircase, and parking. The proposed setback of 30.8 metres from the front lot line, 35.8 metres from the rear lot line, and 8.2 metres from the east side lot line are greater than the minimum setbacks required in the Zoning Bylaw, thus will lessen the view impact of increased height from the road and the adjacent properties (Figure 5). The variance complies with the general intent and purpose of the maximum height limit for a carriage house which are secondary in appearance and presence relative to the principle dwelling.

Options

The board could either approve or deny the requested variance. Based on the analysis contained within this report, planning staff support 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

The 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.

Regional Growth Strategy Implications

The property is designated Settlement Expansion Area in the Regional Growth Strategy (RGS), being the “Comox Valley Regional District Regional Growth Strategy, Bylaw No. 120, 2010”. The proposed carriage house and requested height increase do not conflict with the growth management policies of the RGS.

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
- Engineering Services

These departments did not have any concerns regarding this proposal. A building permit is required for the proposed carriage house.

Advisory Planning Commission

The Advisory Planning Commission will review this application at their meeting scheduled for August 31, 2017. 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 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:

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Attachments: Appendix A – “Development Variance Permit DV 6B 17”

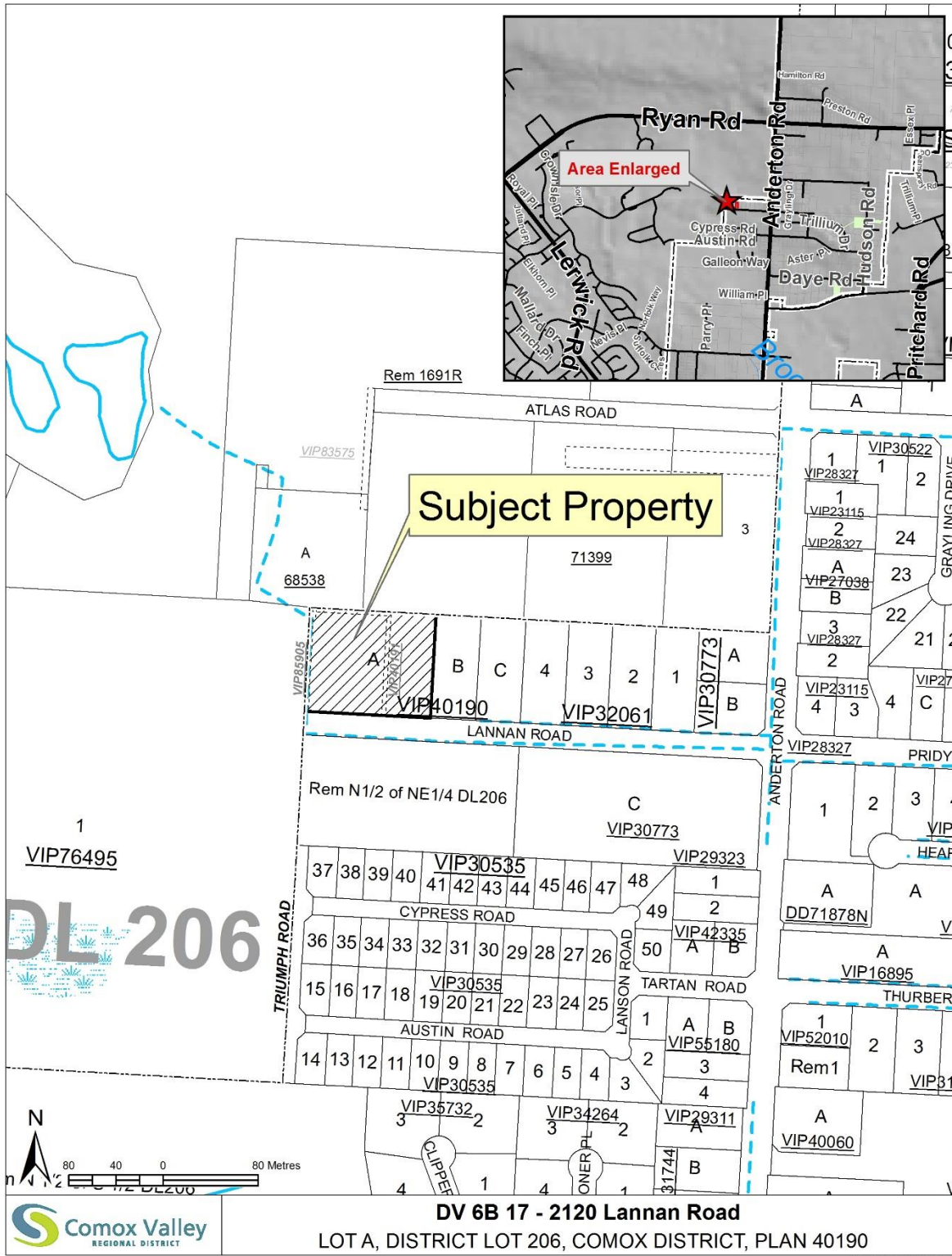


Figure 1: Subject Property Map



Figure 2: Air Photo Map

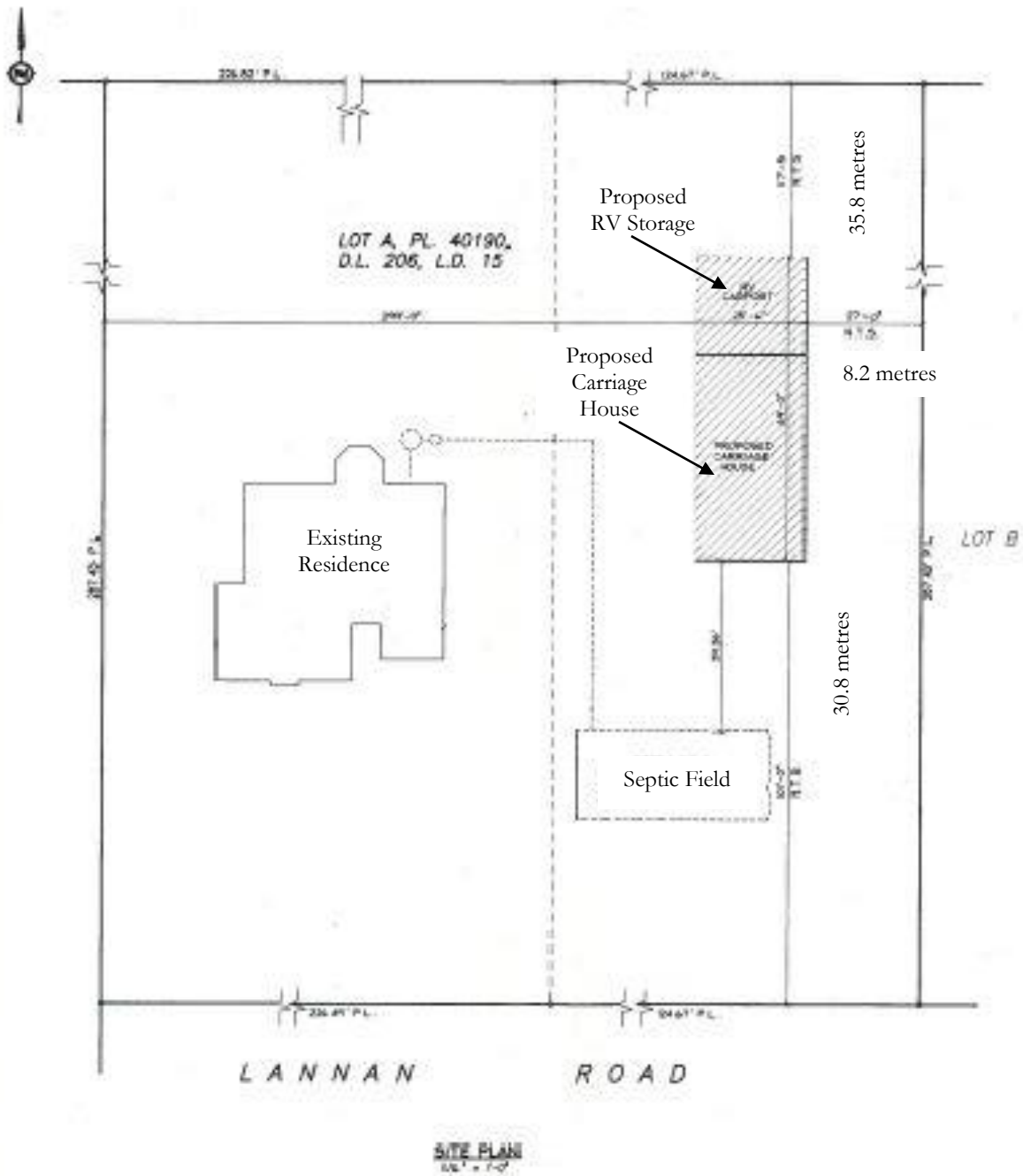


Figure 3: Site Plan

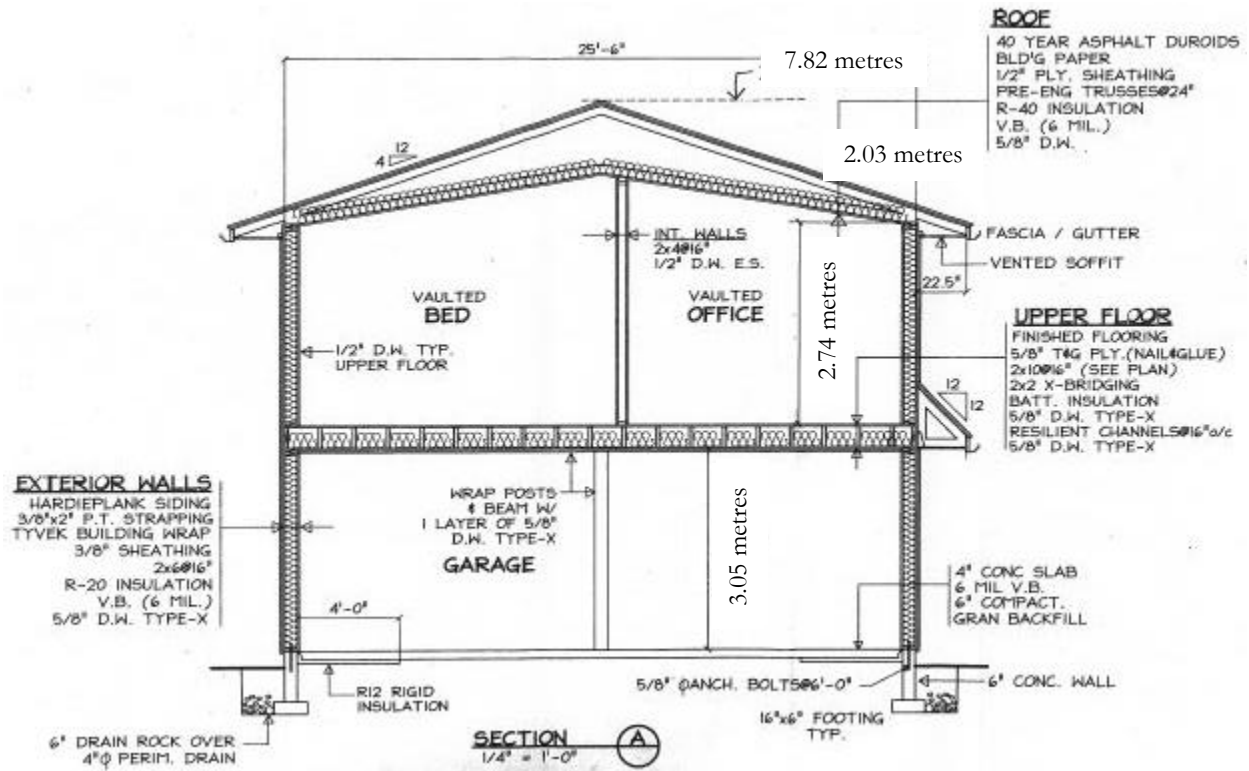


Figure 4: Elevations



Figure 5: Photo of Proposed Site and Driveway

DV 6B 17

TO: Ron and Destinee Barrow

OF: 2120 Lannan Road, Comox BC V9M 3Z6

1. This development variance permit (DV 6B 17) 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 A, District Lot 206, Comox District, Plan 40190
Parcel Identifier (PID): 000-097-179 Folio: 771 03326.300
Civic Address: 2120 Lannan 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, B, and 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 6B 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 **September xx, 2017.**

James Warren
Corporate Legislative Officer

Certified on _____

Attachments: Schedule A – “Resolution”
Schedule B – “Site Plan of 2120 Lannan Road”
Schedule C – “Proposed carriage house elevations”

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Schedule A

File: DV 6B 17

Applicants: Ron and Destinee Barrow

Legal Description: Lot A, District Lot 206, Comox District, Plan 40190, PID 000-097-197

Specifications:

THAT WHEREAS pursuant to Section 309(3) of Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005,” the maximum height of all accessory buildings is 6.0 metres except for structures containing a residential use such as carriage houses, which have a maximum permitted height of 7.0 metres;

AND WHEREAS the applicant(s), Ron and Destinee Barrow wish to increase the maximum height of their carriage house to 7.82 metres;

THEREFORE BY A RESOLUTION of the board of the Comox Valley Regional District on September 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:

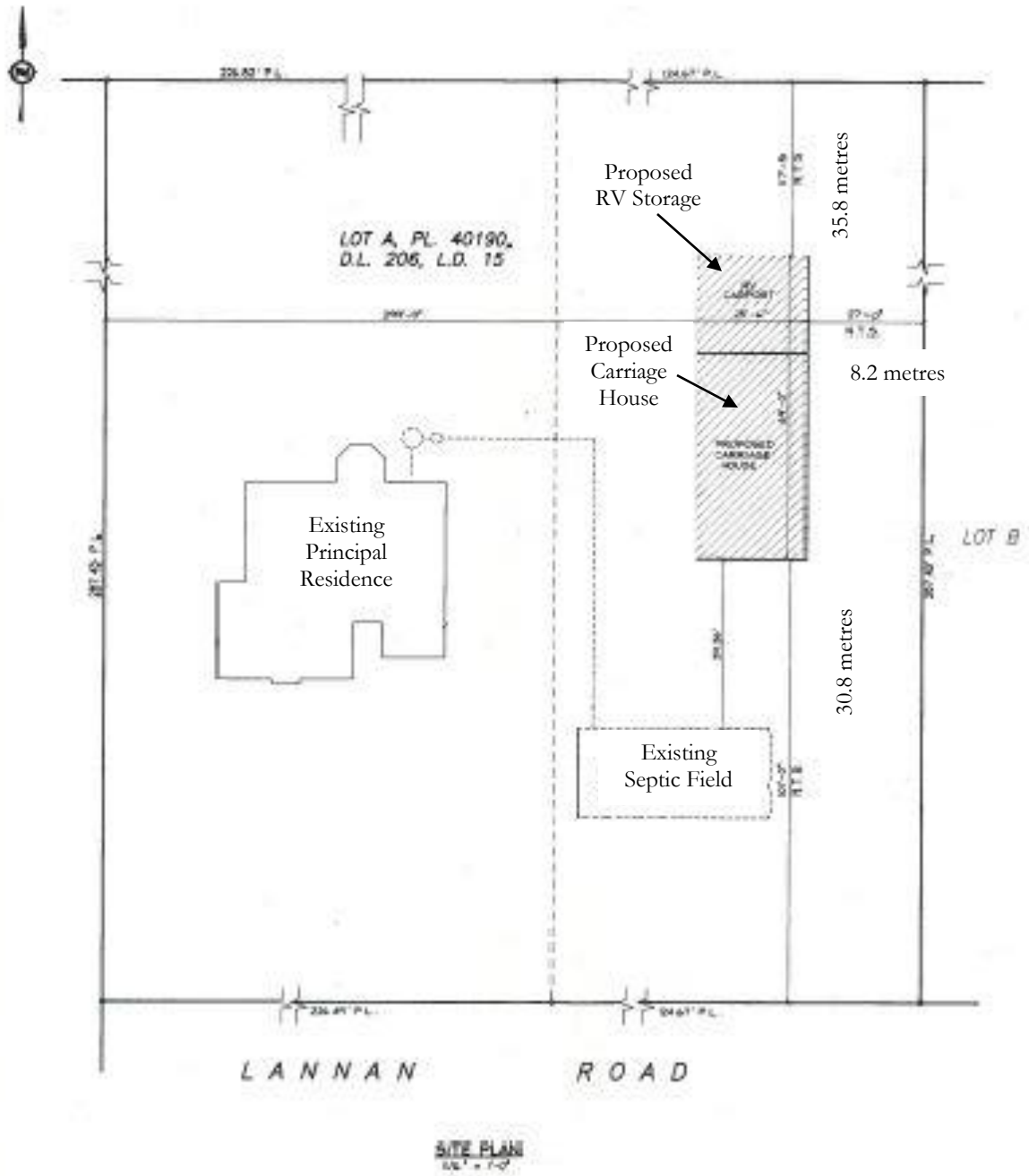
309(3) The maximum height of all accessory buildings is 6.0 metres except for structures containing a residential use such as carriage houses, which have a maximum permitted height of 7.82 metres.

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 6B 17.

James Warren
Corporate Legislative Officer

Certified on _____

Schedule B Site Survey



Schedule C Elevations

