

DATE: May 31, 2021**FILE:** 3090-20/DV 3B 21**TO:** Chair and Directors
Electoral Areas Services Committee**FROM:** Russell Dyson
Chief Administrative OfficerSupported by Russell Dyson
Chief Administrative Officer**R. Dyson****RE:** **Development Variance Permit – 1496 Jackson Drive (Richardson)**
Lazo North (Electoral Area B)
Lot 2, District Lot 216, Comox District, Plan 39408, PID 000-647-721**Purpose**

To consider a Development Variance Permit (DVP) (Appendix A) to reduce the minimum rear yard setback and increase the ground floor area in order to convert an existing accessory building to a carriage house.

Recommendation from the Chief Administrative Officer:

THAT the Comox Valley Regional District Board approve the Development Variance Permit DV 3B 21 (Richardson) to facilitate the proposed conversion of an existing accessory building to carriage house by reducing the minimum rear yard setbacks of the building foundation and eaves from 7.5 metres to 5.7 metres, and from 5.5 metres to 5.2 metres, respectively on property described as Lot 2, District Lot 216, Comox District, Plan 39408, PID 000-647-721 (1496 Jackson Drive);

AND FURTHER THAT the Comox Valley Regional District Board approve the Development Variance Permit DV 3B 21 (Richardson) to facilitate the proposed conversion of an existing accessory building to carriage house by increasing the maximum floor area of ground level of the building from 90.0 square metres to 127.5 square metres on property described as Lot 2, District Lot 216, Comox District, Plan 39408, PID 000-647-721 (1496 Jackson Drive);

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

Executive Summary

- The applicants propose to convert an existing accessory building (garage) to a carriage house by adding 90 square metres of residential floor area as a second storey and by removing the attached shed to the accessory building. The shed is to be removed as it was built without the benefit of a permit.
- To facilitate the proposed conversion, a DVP application is required to reduce the minimum rear yard setbacks of the foundation and eaves from 7.5 metres to 5.7 metres, and from 5.5 metres to 5.2 metres, respectively. In addition, the DVP would increase the maximum floor area of the ground level of the building from 90.0 square metres to 127.5 square metres.
- The Advisory Planning Commission (APC) for Electoral Area B supported the application because it would result in a multifamily experience and would not change the neighbourhood. Staff recommends that the permit be issued, as the reduced rear yard setback is unlikely to have visual and noise impact onto the neighbours. The increased accessory floor area of the ground level and the siting of the carriage house will not detract from the overall character of the rural area and is consistent with the intent of the zoning bylaw..

Prepared by:

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Planner

Concurrence:

T. TrieuTon Trieu, RPP, MCIP
Manager of Planning Services

Concurrence:

A. MullalyAlana Mullaly, RPP, MCIP
General Manager of
Planning and Development**Government Partners and Stakeholder Distribution (Upon Agenda Publication)**

Applicants	✓
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The subject property is located at 1496 Jackson Drive in the Lazo North Electoral Area (Electoral Area B) (Figures 1 and 2). The subject property is in the Comox Valley Water Local Service Area, Jackson Drive Sewer Service and Comox Fire Protection District. The property is bound by residential lots to the east and west, and a CVRD water utility lot to the north. The utility lot contains solar panels, utility shed, and underground water lines.

The property is approximately 0.17 hectares in size, and it currently has a single detached dwelling and an accessory building (Figures 3 and 4). The accessory building received its building permit approval on July 3, 1998 (Figure 5). The approval was for the building to have approximately 111.0 square metres of floor area. Since then, the floor area of this accessory building was expanded to 136.9 square metres without a benefit of a permit. According to the applicants, when they purchased the property in November 2019, this building was already enlarged.

The applicants propose to convert the existing accessory building to a carriage house (Figure 4). The conversion will include the following activities:

- Remove the attached shed as shown on the site survey (Figures 4 and 6);
- Apply for a building permit to legalize the additional floor area without permit; and
- Add 90 square metres of residential floor area above the garage portion. The second floor will be accessed with an external staircase facing eastward (Figure 7).

The proposed conversion changes how the Zoning Bylaw regulations are applied. The minimum rear yard setback of the foundation increases from 1.0 metre as an accessory building to 7.5 metres as a carriage house. The minimum rear yard setback of the eaves increases from 0.5 metres as an accessory building to 5.5 metres as a carriage house. Additionally, the maximum floor area of the ground level of a carriage house is limited to 90 square metres. Due to these regulations, the proposed conversion requires a DVP to reduce the rear yard setbacks and increase the floor area of the ground level.

The applicants submitted a written brief (Appendix B) to provide their rationales for converting the existing accessory building into a carriage house.

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 Settlement Expansion Areas. The proposed residential development does not conflict with residential policies in the OCP.

Zoning Bylaw Analysis

The subject property is zoned Country Residential One (CR-1). Table 1 summarizes the proposed variance:

Table 1: DVP Application

Bylaw No. 520	Minimum Rear Yard Setback Requirement	Proposed Setback	Difference
Section 703(5): Minimum Rear Yard Setback of the Foundation of Carriage House	7.5 metres	5.7 metres	1.8 metres
Section 403(1) Minimum Rear Yard Setback of the Eaves of Carriage House	5.5 metres	5.2 metres	0.3 metres
	Maximum Floor Area	Proposed Floor Area	Difference
Section 315(2)(vii) Maximum Floor Area of Ground Level of a Carriage House	90.0 square metres	127.5 square metres	37.5 square metres

As mentioned, the applicants will remove the shed portion to decrease the degree of variance and will submit a building permit to legalize the expansion of the building constructed without a permit. The 127.5 square metres of accessory floor area on the ground level would be within the maximum 200.0 square metres of combined floor area of all accessory uses on the property.

The intent of minimum rear yard setbacks is to provide adequate distance between neighbours for noise and privacy, and to ensure sufficient space to repair the structure. A 5.5 metre setback will meet this intent.

The intent of the maximum floor area for the ground level of a carriage house is to maintain the relative building scale between the single detached dwelling and carriage house. Firstly, the proposed carriage house is two storeys with a total floor area of 217.5 square metres, which is smaller than the existing single storey single detached dwelling of approximately 237 square metres. Secondly, the accessory ground level of a carriage house should be relative in size to the residential use on its second floor with each level having a maximum floor area of 90 square metres. The ground level floor area, while larger than the proposed residential floor area, is still in keeping with the overall massing of the building. The visual impact of the proposed carriage house from the road is mitigated by the shielding effect from the single detached dwelling area. Overall, the proposed carriage house is in keeping with the intent of the Zoning Bylaw. Based on these factors, planning staff supports the issuance of the DVP subject to the removal of the attached shed at the building permit stage.

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. Based on the analysis above, staff recommends the variance be approved.

Financial Factors

Applicable fees have been collected for this application under the “Comox Valley Regional District Planning Procedures and Fees Bylaw, Bylaw No. 328, 2014.”

Legal Factors

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

Regional Growth Strategy Implications

Bylaw No. 120, being the “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010” (RGS) designates the subject property within Settlement Expansion Areas. The proposed conversion of an existing accessory building to a carriage house does not conflict with residential policies in the RGS.

Intergovernmental Factors

There are no intergovernmental factors associated with this DVP application.

Interdepartmental Involvement

A referral was circulated to internal departments for review and comment. Water services states that the adjacent property to the north is currently used for Comox Valley Water Local Service Area. Currently the property has a solar panel farm to provide power for this service. Building services confirms that the enlargement of the addition may require a structural engineer to legalize the works without the benefit of a permit.

Citizen/Public Relations

The APC B reviewed this application on May 18, 2021. The commission supported the application because the proposal would not change the neighbourhood character, it would offer a multifamily experience, and it would be a good, logical use of the property.

Notice of the requested variance was mailed to adjacent property owners within 100 metres of the subject properties 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 lands that are 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.

Attachments: Appendix A – Development Variance permit – DV 3B 21
Appendix B – Applicants’ Written Brief

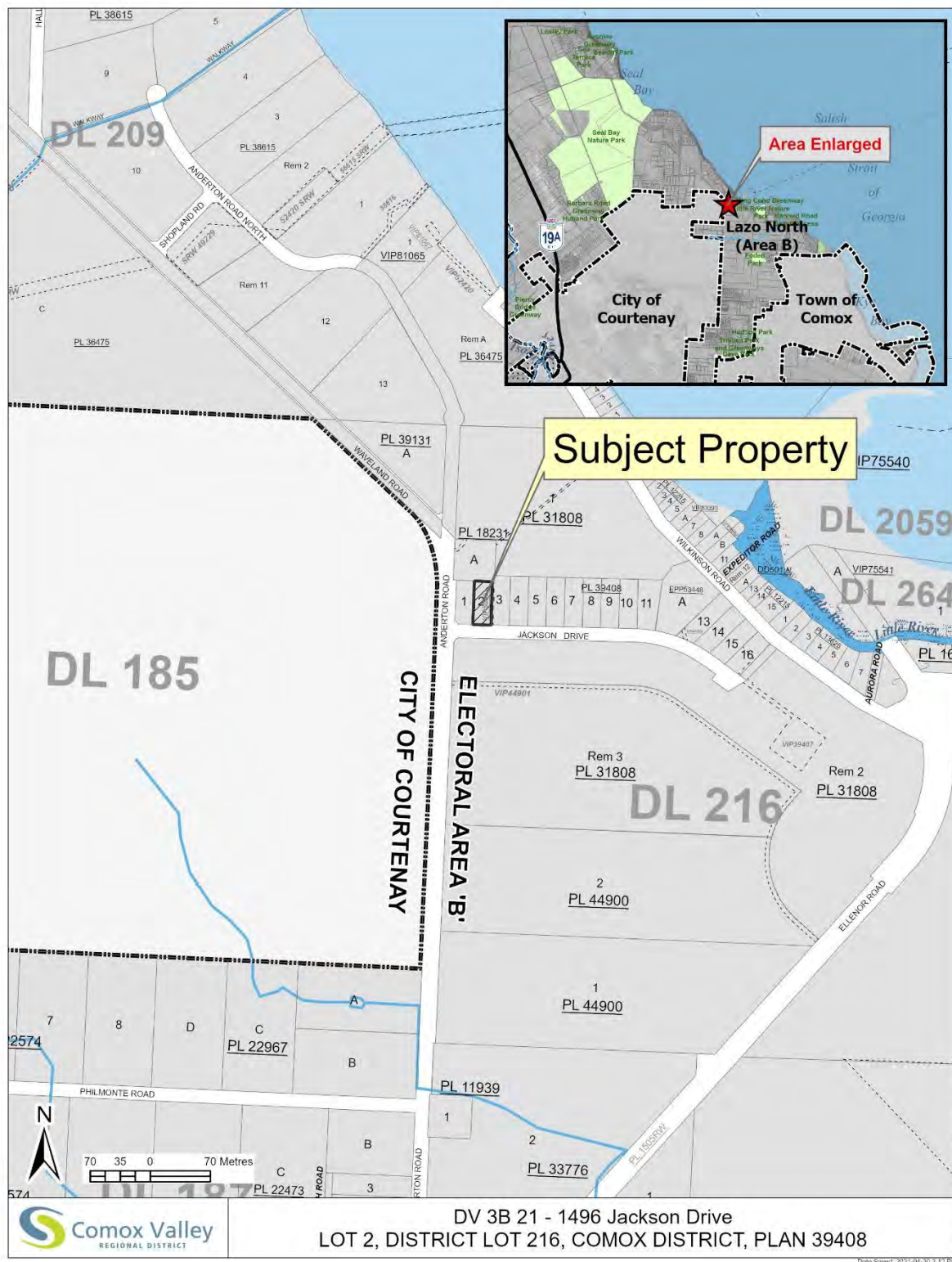


Figure 1: Subject Property Map



Figure 2: Air Photo

BRITISH COLUMBIA LAND SURVEYOR'S CERTIFICATE OF LOCATION
FOR LOT 2, D.L. 216, COMOX DISTRICT, PLAN 39408.

149B JACKSON DR., COMOX
SCALE 1 : 350 (METRIC)

NOTES:

OFFSETS SHOWN ARE NOT TO BE USED FOR DEFINING LOT BOUNDARIES.
LOT DIMENSIONS AND OFFSET DISTANCES SHOWN WOULD HAVE
BEEN A COMPLETE RESURVEY OF THE SUBJECT PROPERTY.
BUILDING TIES MADE TO EXISTING CONCRETE OR WOOD CORNER MARKS.

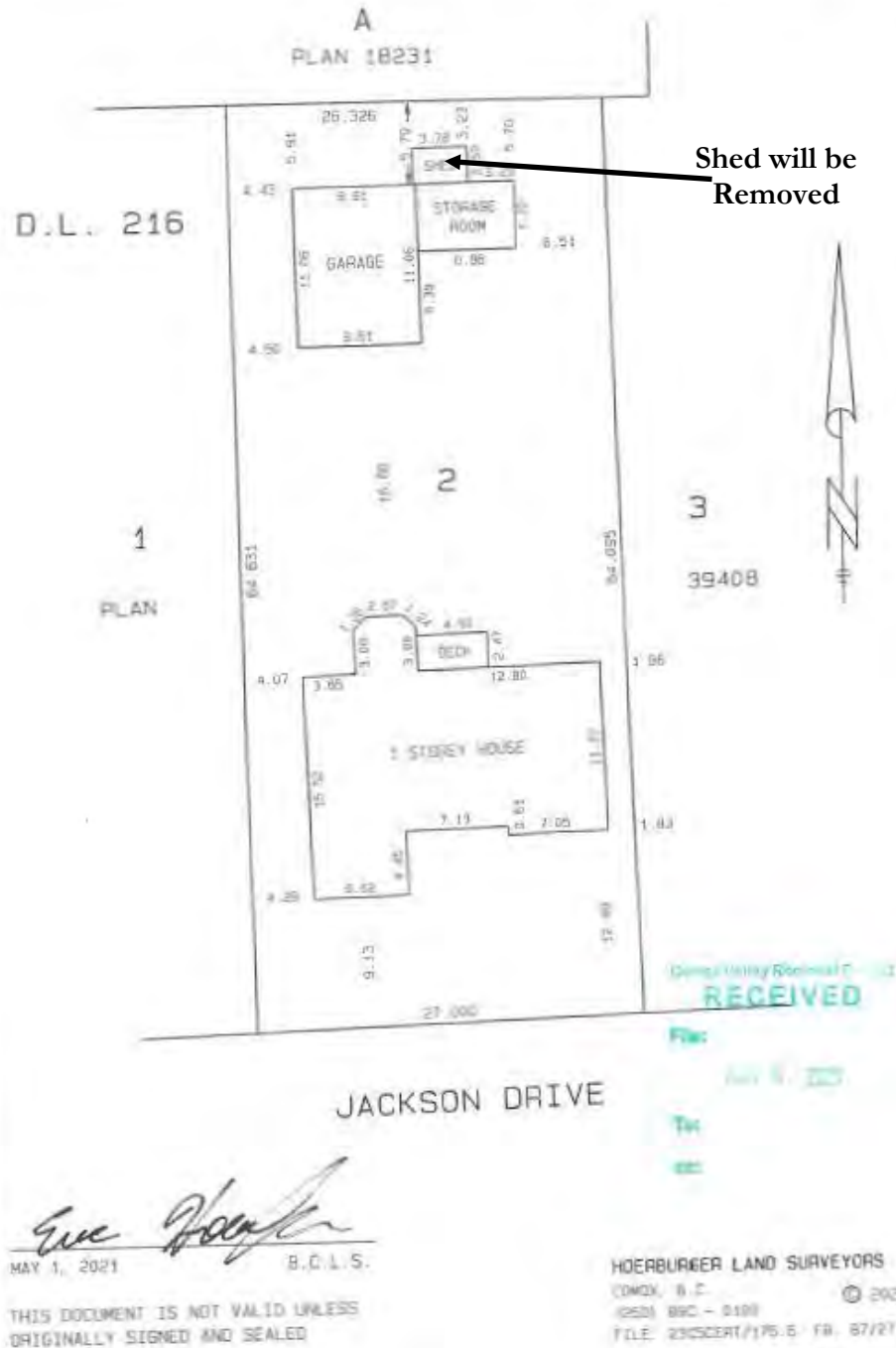


Figure 3: Site Survey

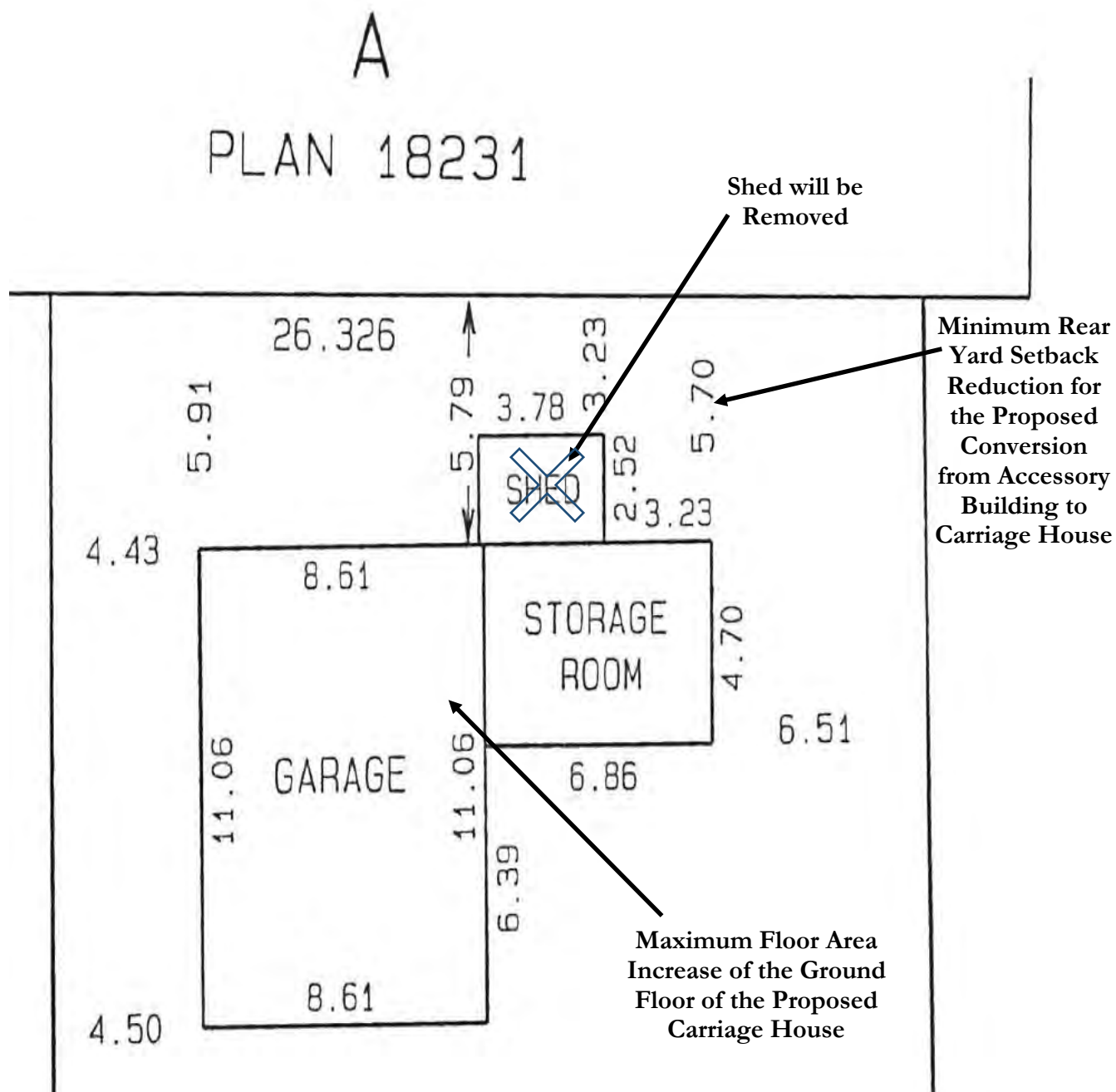


Figure 4: Site Survey Enlarged to Show Accessory Building



Figure 5: View of the Front of the Accessory Building



Figure 6: View of the Rear of Accessory Building

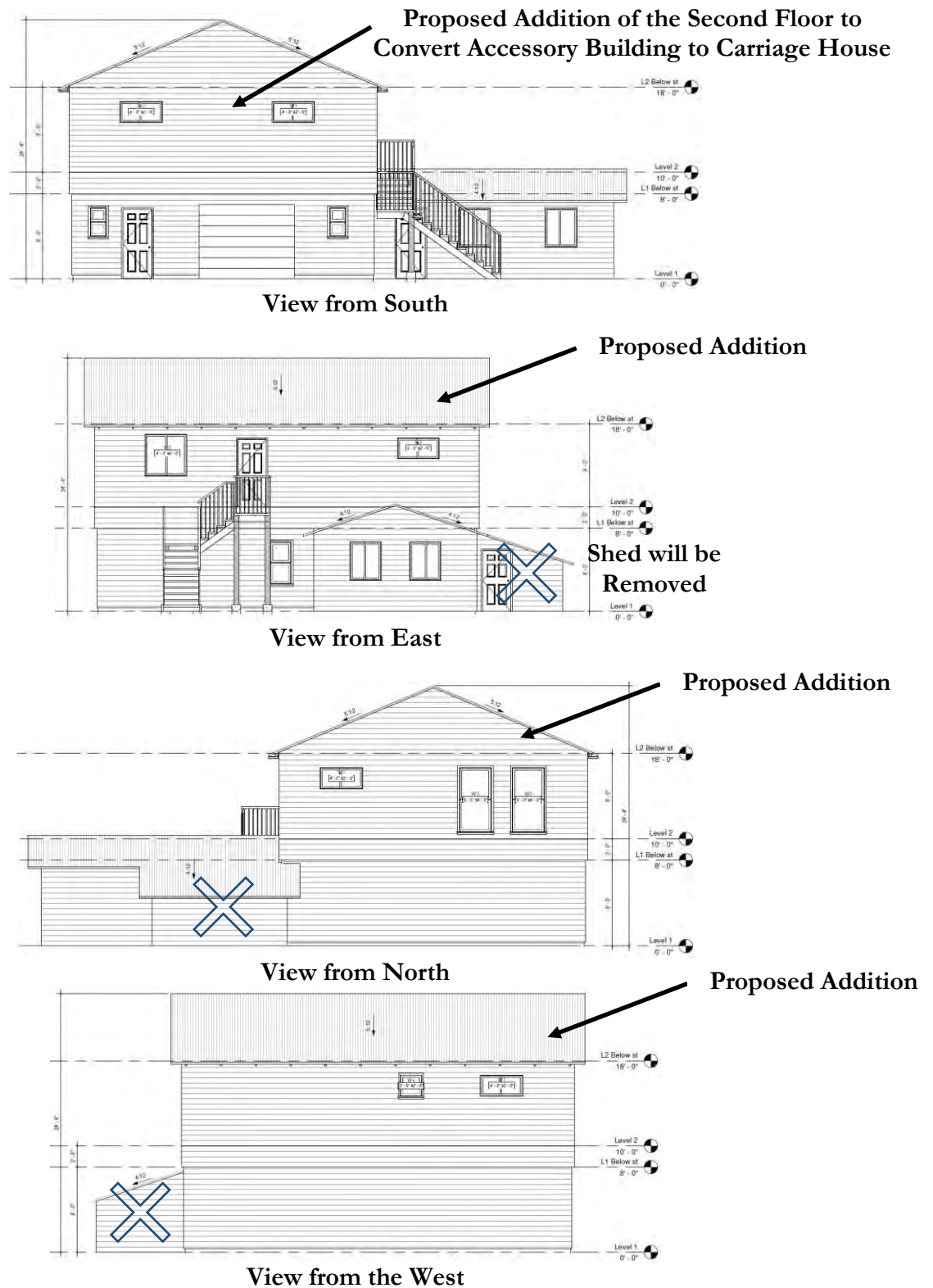


Figure 7: Elevation Drawings of Proposed Carriage House

DV 3B 21**TO: Timothy Allen Richardson and Rhoda Lee Richardson**

1. This Development Variance Permit (DV 3B 21) 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 2, District Lot 216, Comox District, Plan 39408
Parcel Identifier (PID): 000-647-721 **Folio:** 03420.055
Civic Address: 1496 Jackson Drive
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; and
 - ii. THAT the shed portion of the accessory building, as identified on Schedule B, be removed from the building prior to the issuance of the building permit for the proposed conversion of the building into a carriage house.
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 3B 21) 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 _____, 2021.

Jake Martens
Deputy Corporate Legislative Officer

Certified on _____

Attachments: Schedule A – “Resolution”
Schedule B – “Subject Property Map and Site Plans”

Draft

Schedule A

File: DV 3B 21

Applicants: Timothy Allen Richardson and Rhoda Lee Richardson
Legal Description: Lot 2, District Lot 216, Comox District, Plan 39408, PID 000-647-721

Specifications:

THAT WHEREAS pursuant to Section 315(2)(vii) of Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019,” the total floor area of the ground level of a carriage house must not exceed 90 square metres;

WHEREAS pursuant to Section 403(1) of Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019,” the minimum rear yard setback for eaves is 5.5 metres for a carriage house in the Country Residential One (CR-1) zone;

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

AND WHEREAS the applicants, Timothy Allen Richardson and Rhoda Lee Richardson, wish to convert the existing accessory building to a carriage house by varying the following regulations:

- Increase the total floor area of the ground level to 127.5 square metres;
- Reduce the rear yard setback for the eaves to 5.2 metres; and
- Reduce the rear yard setback for the foundation to 5.7 metres.

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:

- | | |
|-------------|--|
| 315(2)(vii) | The total floor area of the ground level of the proposed carriage house must not exceed 127.5 square metres. |
| 403(1) | The minimum rear yard setback of the eaves of the proposed carriage house is 5.2 metres. |
| 703(5) | The minimum rear yard setback of the foundation of the proposed carriage house is 5.7 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 3B 21.

Jake Martens
Deputy Corporate Legislative Officer

Certified on _____

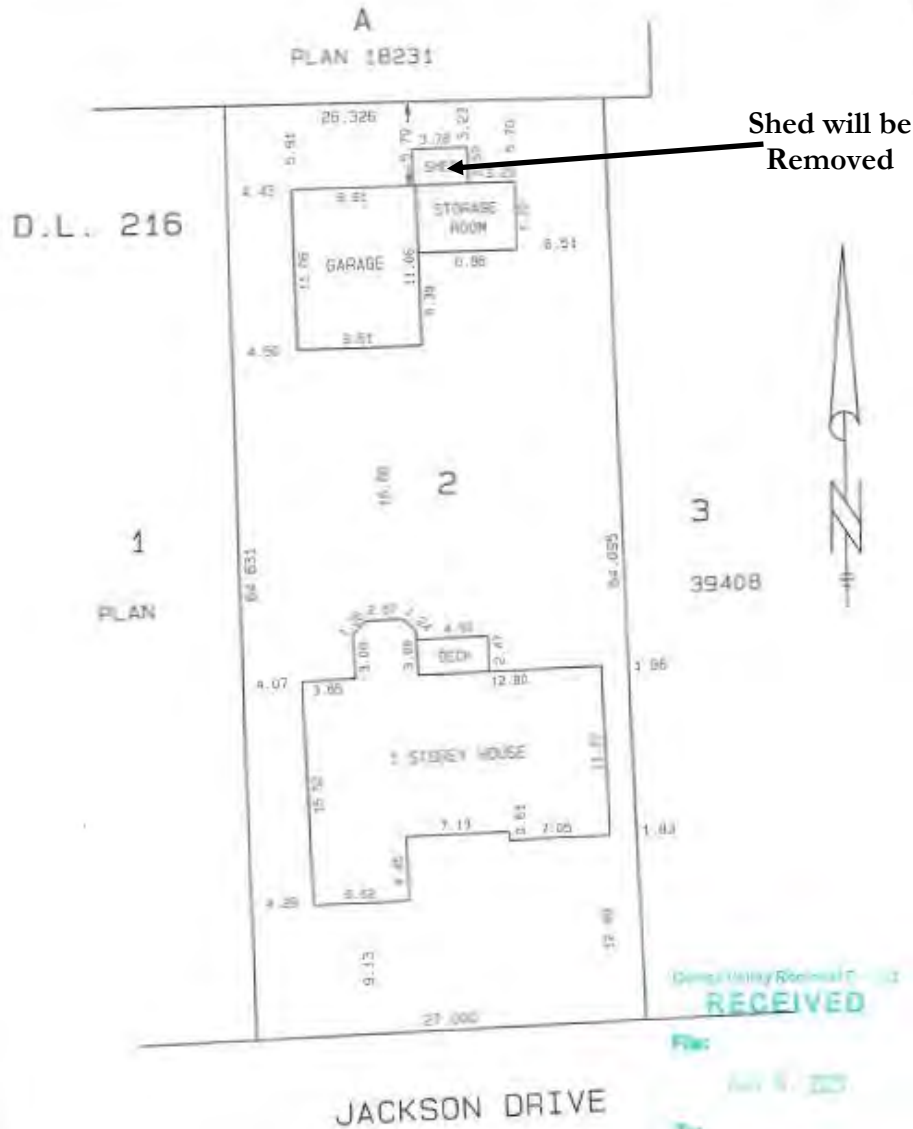
Site Plan

BRITISH COLUMBIA LAND SURVEYOR'S CERTIFICATE OF LOCATION
FOR LOT 2, D.L. 216, COMOX DISTRICT, PLAN 39408.

1496 JACKSON DR., COMOX
SCALE 1 : 350 (METRIC)

NOTES:

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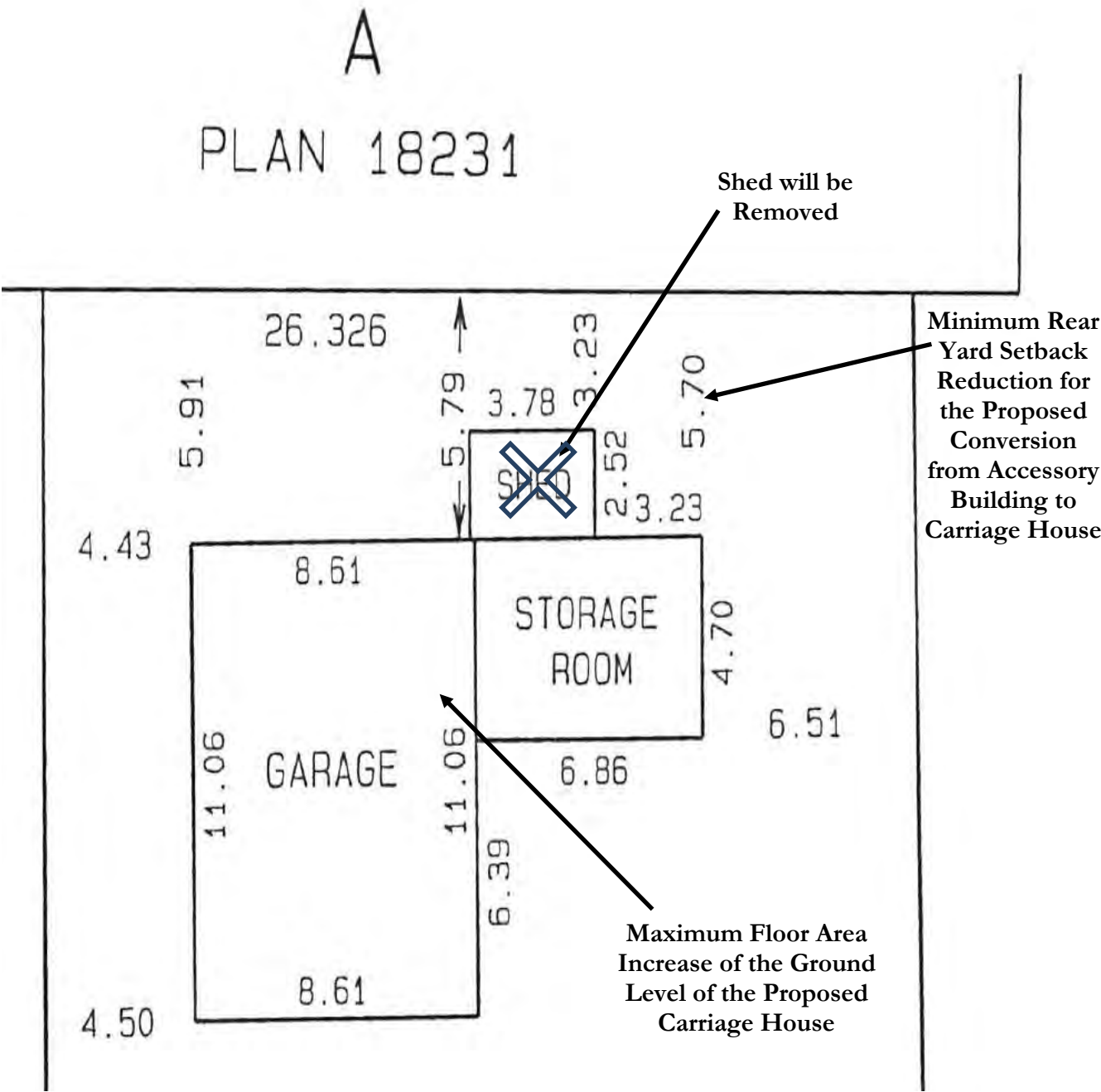


Eve Hooper
MAY 1, 2021 B.C.L.S.

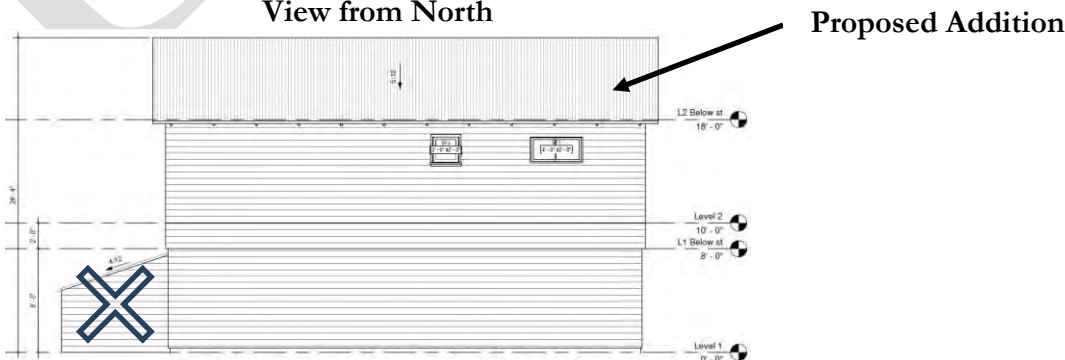
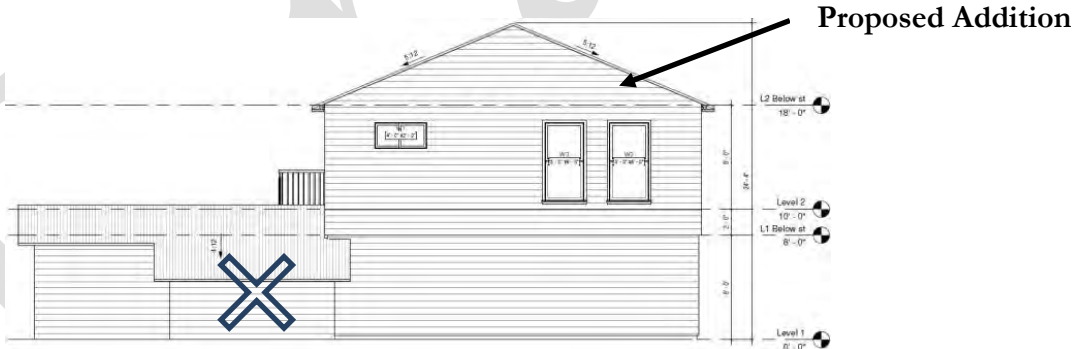
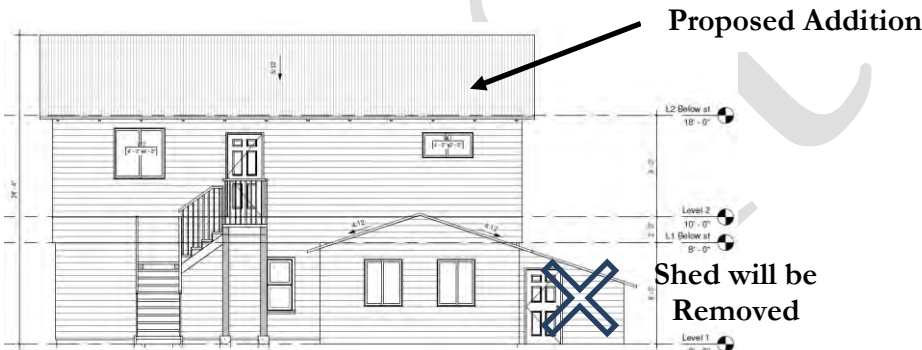
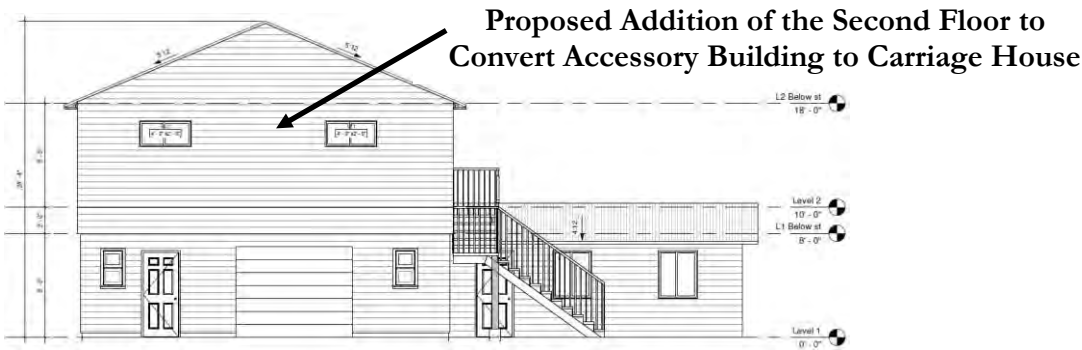
THIS DOCUMENT IS NOT VALID UNLESS
ORIGINALLY SIGNED AND SEALED

HOERBURGER LAND SURVEYORS
COMOX, B.C.
(250) 890-0100 © 2021
FILE: 2305CERT/175.5 FR. 67/27

Site Plan Enlarged



Elevation Drawings of Proposed Carriage House



To whom it may concern,

My name is Tim Richardson, my wife Rhoda and I have applied to get a variance to build a carriage house above our back garage. This letter is to explain our situation and ask for your approval. It is our desire to build this carriage house for our single daughter. With the cost of living in the Comox Valley (and everywhere else in BC) this was how we hope to help her out. This would also be a win win situation in terms of our future. Having a family member on the property would insure that we would have support in our aging years. Personal Information Removed

Personal Information Removed. Those facts have really impacted her chances of finding a place to call home. Times being as they are compounded with the housing and job markets, this carriage house is our greatest opportunity to help our daughter.

We have hired a contractor, licensed builder, engineer and designer to facilitate this build and ensure that all codes and regulations are met. We have also had an updated survey report done on the property.

We are aware that we are over our required setback, for this reason we have been doing everything within our power to comply with the CVRD. The land behind is greenspace owned by the CVRD (that won't be built upon) therefore this proposed carriage house will not encroach upon any neighbours. We have also spoken to our neighbours on either side, both have expressed support for the project and have zero concerns.

We thank you for your consideration and look forward to working together to make this happen.

Sincerely,

Tim and Rhoda Richardson