

May 3, 2018
Attention: Brianne Labute

Re: File #3090-20 DV 1B 18

Dear Ms. Labute:

In their March 27, 2018 CVRD Staff Report document issued by Chief Administration Officer Russell Dyson, the CVRD planners made the following recommendation:

“THAT the board deny the Development Variance Permit DV 1B 18 (Tomlinson/Snow-Tomlinson) to decrease the minimum front yard setback from 4.5 metres to 1.5 metres for the construction of an accessory building on a property described as Lot B, District Lot 172, Comox District, Plan 32341, PID 000-103-489 (1758 Astra Road).”

Before this recommendation could be addressed by the board, the applicant submitted an amended variance application. The amendment reads as follows: *to reduce the minimum front lot line setback from 4.5 metres to 3.0 metres for an accessory building.*

Compelling reasons and concerns were stated in the March 27, 2018 CVRD Staff Report document for recommending that the board deny the initial Variance Permit DV 1B 18 (Tomlinson/Snow-Tomlinson). These include:

- concerns that the application does not meet the intent of the front yard setback;
- greater potential for encroachment onto the public road;
- the need to control development so it does not impact the future potential of the area including building density, impact, intensity of use of land, and future coordination with nearby municipal bylaws should the areas amalgamate;
- not increasing the impermeable area near the road which could exacerbate existing drainage issues in the area;
- the proposed building contains a garage door on Astra Road which could rely on using the public road right-of-way and impact traffic congestion and safety;
- and concerns about how this building could be used by this owner or future owners of this property.

None of these concerns are resolved by the amended variance application to reduce the setback from 4.5 to 3.0 meters. Any reduction in setback erodes the intention of existing zoning bylaws.

Zoning bylaws are vital to maintain the safety and character of neighbourhoods. A variance should only be granted to solve an unexpected problem or to resolve an event such as land erosion. Neither of these circumstances applies to this application.

Further to the reasons and concerns stated in the March 27, 2018 CVRD Staff Report, several neighbours wrote letters of opposition and spoke at the April 9th 2018 hearing regarding the initial application. These views still hold true in light of the amended application.

For your reference, what follows is a summary of the reasons and concerns stated by CVRD staff and neighbours.

Best regards,
Teresa Cosco
1774 Astra Road, Comox, BC V9M 4B6

Summary of Reasons and Concerns
for denying Development Variance Permit DV 1B 18 (Tomlinson/Snow-Tomlinson) at 1758 Astra Road, Comox

Part 1: The following reasons and concerns were included in the March 27, 2018 CVRD Staff Report document issued by Chief Administration Officer Russell Dyson for recommending denying the initial variance application. These still apply to the amended application:

- As the proposal does not meet the intent of the front yard setback, it is recommended that the board deny the application.
- Planning staff have concerns with the proposed building and its proximity to the road right-of-way.
- There is greater potential for vehicle encroachment onto the public road.
- The property is within the Settlement Expansion Area (which is an area identified as a future growth area for adjacent urban municipalities) and may be annexed into the Town of Comox in the future. Significant change to the existing land use that increases the density, impact or intensity of use of land is not envisioned until these areas have been amalgamated with the adjacent municipality. In the interim, development should only occur in a controlled manner that would not impact the future potential of the area.
- Development in the Settlement Expansion Area designation must generally maintain a rural character and must not detract from future municipal compact growth until such time as the adjacent municipal area has obtained an approved boundary expansion.
- A building in such close proximity to the road right-of-way could impact future activities within the road right-of-way (e.g. installation of municipal services).

- Increasing the impermeable area near the road could exacerbate existing drainage issues in the area. (Photo below: Drainage problems further along Astra Road)



- The building elevation drawings (Figure 4 in the Staff Report) indicate there will be a garage door on the southwest side of the accessory building, which leaves limited space to navigate in front of the building without relying on the use of the public road right-of-way.
- The Bylaw Compliance department noted there could be concerns with the reduction relative to the future use of the building (e.g. home occupation) as the setback may not be sufficient for these uses.

Part 2: The following reasons and concerns were stated by neighbours for opposing the original variance application, further to the March 27, 2018 CVRD Staff Report reasons and concerns. These reasons are primarily taken from letters of opposition submitted for the April 9th 2018 hearing and opposition presented at the meeting and still apply to the amended application:

- This application is not minor. Reducing a frontage allotment is a major change that sets a significant neighbourhood changing precedent.
- The safety of foot traffic to the resident and visitors to our neighbourhood (walkers, children playing, bicycles) will be impacted, especially with the possibility of cars backed out of the proposed building onto the street. Traffic has already increased due to carriage house rentals, and we already have numerous cars parked on the shoulders along the street and this will add further to the traffic



concerns.

- This variance application seeks to fix a problem that was completely avoidable. Above is a Google photo of the property in 2016. Since purchasing the property, the current owner has cleared all the trees, leaving what was until recently a completely empty front yard 19.8 x 32 meters, (or 65 feet by 105 feet) in size.

Instead of immediately planning for his largest yard structure - the proposed 8.534 x 8.534 meter (28 x 28 foot accessory building) - he instead filled much of the front yard with a shed, a chicken coop, raised garden beds and a greenhouse. All structures in the front yard have been added by the current owner in the past year, all the while working with builders, receiving zoning advice, and obtaining permits. The owner knew, or should have known, all zoning bylaws before construction began on his property. *(It might also be noted that since submitting the original variance application, several large fence posts at the streetside property line have been installed and a concrete driveway has been poured that surrounds and restricts the proposed building area.)*

- The permit is not necessary. There is no reason for running out of room in a 65 x 100 foot front yard building area (on a 65 x 200 foot lot) unless structures are too numerous or too large, or both. What would one reasonably put onto such a lot? Perhaps a garage, a garden shed, a garden, and a place for cars to park.
- Room for a large accessory building can be created by moving some of the recently constructed structures. Relocation, realignment, or removal of the accessory structures would permit a garage to be constructed in compliance with the zoning standards.
- Many neighbours have expressed concern that allowing this variance will set a precedent that will erode the interests of the neighbourhood as other property owners follow suit.
- Neighbours wonder, should someone be rewarded with a variance after they have filled their lot with structures, then submitted a variance application to allow room for an additional 28x28 foot structure? This also sets a precedent and opens the possibility that more people will use this approach to obtain permits.
- Large structures being built on Astra Road have conformed, and continue to conform, to zoning guidelines. Granting permission for a reduced minimum front lot line setback for the sole purpose of accommodating a large recreational accessory building does not follow any of the current CVRD development guidelines.

- In addition to the front yard structures, there has been a large boat sitting on the property that will presumably be housed on the property. This further adds to the clutter and makes one wonder if part of the proposed 28x28 foot accessory building with its large doors is actually destined to be a boat house. The boat has been seen parked where the proposed accessory building would be located, as seen in this photo submitted at the April 9th public hearing. This raises concerns that maneuvering a large boat in and out of this building directly onto this narrow road will create a traffic hazard and possibly require two driveways to the street. Since the photo below was taken this boat has been removed from the property.



(Photo below: Boat in area of proposed accessory building)

- If this accessory building is in fact for boat storage, there are other affordable options for boat or RV storage nearby. There are three storage locations quite close on Ryan Road, plus three more at Knight and Pritchard.

- The existing zoning setback of 4.5 meters here, and a similar setback in most communities, has many purposes and one important purpose is to maintain a neighbourhood feel with consistency and aesthetic appeal as one passes each yard. Many Astra Road residents have been thoughtful in their choice of landscaping and plantings that enhance their front yards and the beauty of the neighbourhood. An 8.534 meter (28 foot) building wall located closer to the street is not in keeping with this. (The board was invited to view this yard and these structures, and imagine the impact that a building with an additional 84m² - 900 square foot - footprint, closer to the property frontage than existing bylaws allow, would have on both the charm and character of the neighbourhood and on property values.)
- Residents who have lived years on Astra Road and adjacent streets recognize the value of preserving the character of unique areas such as this. Besides being appreciated by the residents, many people who come to the neighbourhood as visitors, walkers, and cyclists comment on this neighbourhood's charm. Over the past few years several properties have changed hands and development has increased. Some properties such as this one have been stripped of trees and vegetation. Multiple outbuildings, such as in this case, have taken up a large amount of land space. We trust that there are bylaws and zoning regulations in place to protect against the destruction of existing neighbourhoods and for the protection of all residents, and not to cater to a single property owner.

Part 3: Neighbour concerns regarding Corey Tomlinson's approach to obtaining this variance:

- The property owner and applicant, Corey Tomlinson, has at times gone about obtaining this variance in a divisive way. For the April 9, 2018 board meeting, to state his case the applicant submitted a large document that will remain in the public CVRD record and on the web (unless the CVRD sees fit to remove it). Pages 32 to 57 of Corey Tomlinson's document contain photos of 20 or more Astra Road properties, with a purpose that violates the privacy and dignity of his neighbours. Each photo has been captioned with critical or sarcastic titles: Erosion of Right of Way; Epidemic!!; Empty Parking Lots; Single Car Parking; Two Stall Parking; Half Full Parking Lots; Full Parking Lots; Overflowing Parking Lots; Parallel Parking; Sheds Not Playing by the Rules; Garage Not Playing by the Rules; Massive Vancouverese Carriage House; and Those Playing by the 4.5m. In an attempt to show his plans more favourably, he has put neighbourhood enhancement such as beautiful streetside gardens in the same category as small garden sheds close to the frontage, weathered structures probably built decades ago when zoning was different, carriage houses he has deemed unsightly, and car parking areas. This type of confrontational lobbying for oneself is not what our neighbourhood or, we believe, what the CVRD wants, and we hope it does not become an acceptable or successful way to obtain permits.

Refer to document "1758 Astra Road" in the website meeting minutes (Also the PDF of his document is attached): http://agendaminutes.comoxvalleyrd.ca/Agenda_minutes/CVRDCommittees/EASC/09-Apr-18/CVRD_Variance_Presentation_Tomlinson.pdf

- In his April 9th submission to the board, Corey Tomlinson also states that "Not one of the neighbours asked why I asked for the variance"; yet he made no effort to inform neighbours of his plans for filling his front yard with structures, changing the site drastically and leaving no room for his largest planned structure, and then - to accommodate this structure - applying for this variance, and then criticizing 20 or more neighbours for their unsightly home frontages. It is difficult to imagine a conversation regarding this variance application to have gone well.

CONCLUSION: Compelling reasons have been given by CVRD staff for their recommendation to deny the initial application (cited on pages 2 and 3 of this letter). Further to these, several neighbours have voiced their opposition with well-reasoned concerns (cited on pages 4 to 7 of this letter). And the applicant has at times used a divisive approach to obtain this variance (cited on page 8 of this letter). These reasons still apply to the amended application for a 3 meter setback and in fact to any frontage zoning variance at 1758 Astra Road.