

DATE: August 27, 2020**FILE:** 3090-20/DV 3B 20**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, 107 Gage Road (Silcox)
Lazo North (Electoral Area B)
Lot 2, District Lot 140, Comox District, Plan 41961, PID 001-037-978****Purpose**

To consider a Development Variance Permit (DVP) (Appendix A) to reduce the minimum required road frontage to enable a parcel line realignment.

Recommendation from the Chief Administrative Officer:

THAT the Board approve the Development Variance Permit DV 3B 20 (Silcox) to reduce the required road frontage for the purposes of subdivision from 10 per cent to 0.78 per cent on property described as Lot 1, District Lot 140, Comox District, Plan 41961, PID 001-037-978 (107 Gage Road);

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

Executive Summary

- The subject property was created through subdivision in 1982 with adequate road frontage, but a subdivision in 1983 closed part of Gage Road and created the panhandle access, leaving the lot with a road frontage of 1.03 per cent.
- The applicant is now pursuing a lot line adjustment for the purposes of view preservation, and the added size in property reduces the road frontage to 0.78 percent.
- Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019”, stipulates a minimum road frontage of 10 per cent when subdividing, thus necessitating a variance since none was obtained during the 1983 subdivision process.
- The application will be heading to Area B’s Advisory Planning Commission (APC) meeting on September 22, 2020, but comments will be provided prior to approval at the Board meeting.
- Planning staff recommend the DVP be issued for the variance requested as there is already enough room for vehicular access, and MOTI did not require additional road dedication.

Prepared by:

Concurrence:

Concurrence:

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General Manager of Planning
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Branch

Government Partners and Stakeholder Distribution (Upon Agenda Publication)

Applicant	✓
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Background/Current Situation

An application has been received to consider a DVP for the purposes of reducing the required minimum road frontage. This DVP is a condition of approval attached to Subdivision File 03100 B 20. The subject property, located at 107 Gage Road, is zoned Country Residential One (CR-1) and is designated as being within the Settlement Expansion Area. It is approximately 0.6 hectares in size, and is located at the end of the Gage Road cul-de-sac – accessed through a panhandle connection – and surrounded by other residential lots (Figures 1 and 2).

The applicant is proposing a lot line adjustment subdivision which would see a triangular piece of land added to the southeast corner of the property for the purposes of view preservation (Figure 3), and a condition of approval for the subdivision is a variance to request a smaller road frontage.

Policy Analysis

Section 498 of the *Local Government Act* (RSBC, 2015, c.1) (LGA) authorizes a local government to consider the 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 in a designated floodplain area, or the development is not part of a phased development agreement.

Official Community Plan and Regional Growth Strategy Analysis

Bylaw No. 337 and Bylaw No. 120, being the “Rural Comox Valley Official Community Plan, Bylaw No. 337, 2014” and the “Comox Valley Regional District Regional Growth Strategy, Bylaw No. 120, 2010” respectively, both designate the subject property as within the Settlement Expansion Area. These are identified lands near the border of a member municipality that will, in some point in the future, be considered for incorporation into said member municipality. This proposal does not conflict with any of the residential principles or objectives outlined within Bylaw Nos. 337 or 120.

Zoning Bylaw Analysis

Bylaw No. 520 outlines certain conditions which have to be met for a subdivision to be considered, one of which has to do with road frontage. Road frontage is calculated by dividing the length of the lot line(s) adjacent to a roadway by the total length of all lot lines, so while the lot line adjustment does not alter the road frontage itself, it lessens the frontage by increasing the length of the perimeter of the lot. The minimum road frontage for subdivision is 10 percent, per Section 501(1)(iii) of the Zoning Bylaw (Appendix A).

The subject property was originally created through subdivision in 1982 with adequate road frontage, but a subdivision in 1983 closed the southern part of Gage Road, creating a cul-de-sac with panhandle access to the subject property and leaving the property with a road frontage of 1.03 percent. The triangular addition shown in Figure 3 reduces the frontage to 0.78 percent.

Recommendation and Rationale

Staff are in support of the application for the following reasons:

1. A road frontage reduction of over 90 per cent, from 10 per cent to 0.78 percent, sounds extreme, but the property has been left with a road frontage of just 1.03 per cent since the closure of the southern part of Gage Road and the creation of a panhandle access in 1983.
2. Road frontage requirements are stipulated in Bylaw No. 520 in order to ensure adequate access and maintenance space for new lots created from a single lot through subdivision, but this lot line adjustment, while a subdivision, is not creating any new or additional lots.

3. Adequate room for vehicular access already exists, and MOTI is not requiring any additional road dedication.

Options

The Electoral Areas Services Committee (EASC) could either approve or deny the requested variance. Based on the analysis above, staff recommends approving the frontage variance.

Financial Factors

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

Legal Factors

The report and the recommendations contained herein are in compliance with the LGA and applicable Comox Valley Regional District (CVRD) bylaws. DVPs are permitted in certain circumstances under Section 498 of the LGA.

Regional Growth Strategy Implications

This application does not have any implications for the Regional Growth Strategy, as the variance requested does not conflict with any of the residential policies, principles, or objectives outlined within Bylaw No. 120.

Intergovernmental Factors

There are no intergovernmental factors with this DVP application.

Interdepartmental Involvement

This DVP application was referred to staff within the bylaw enforcement, fire services, and engineering departments in order for them to provide comments and/or feedback. No issues or concerns were raised during this process.

Citizen/Public Relations

The APC for Electoral Area B will meet on September 22, 2020 to discuss this variance application. Their comments and recommendations will be forwarded to the CVRD Board of Directors for consideration prior to Board’s adoption of the EASC minutes.

Further, notice of the requested variance was mailed to adjacent property owners within 100 metres of the subject property at least 10 days prior to the EASC meeting. This notice informs those property owners and/or tenants as to the purpose of the permit, the land that is the subject of the permit, and that further information on the proposed permit is available at the CVRD office. It also provided the date and time of the EASC meeting where the permit will be considered. Consultation with these property owners and/or 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 3B 20”

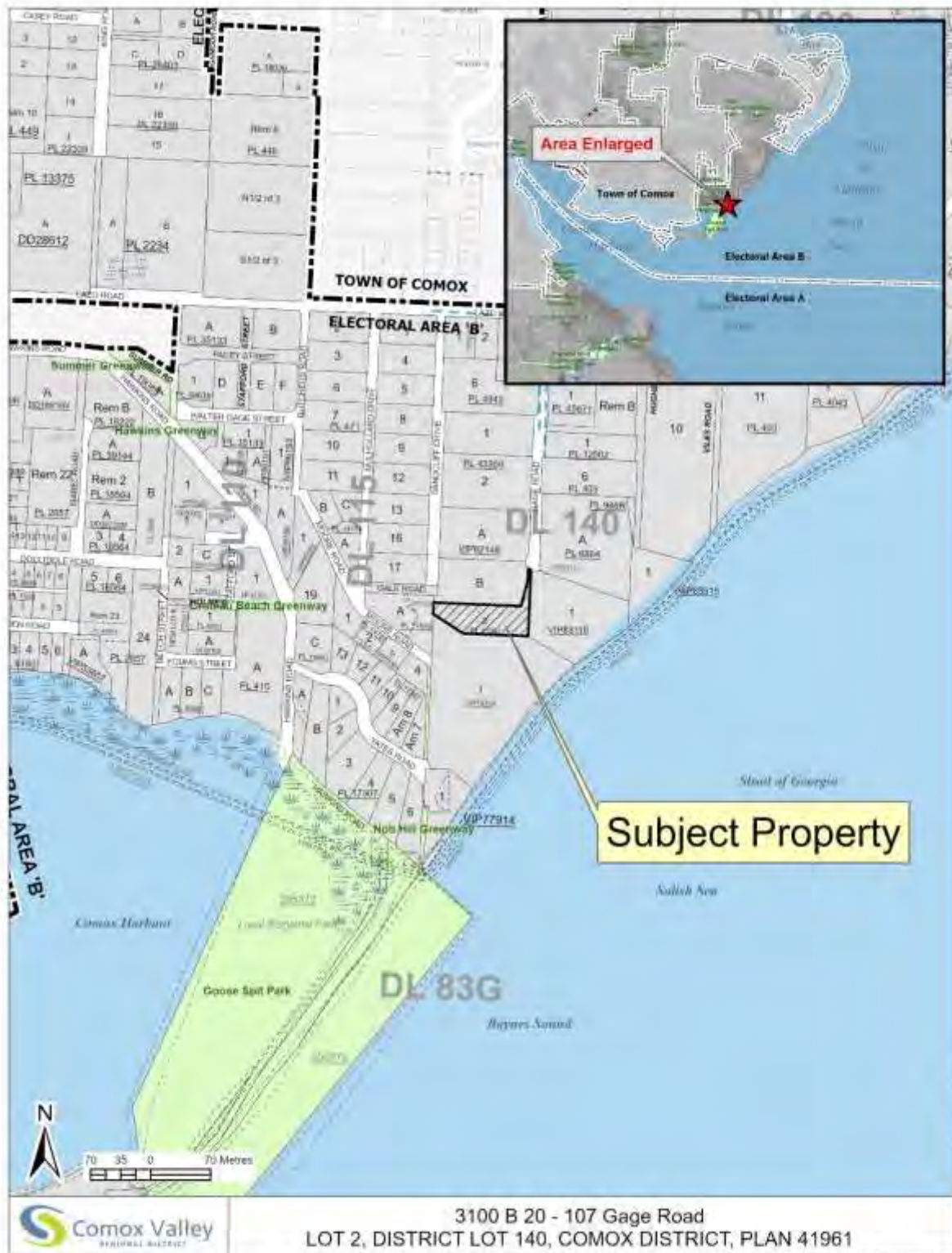


Figure 1: Subject Property Map



Figure 2: Air Photo

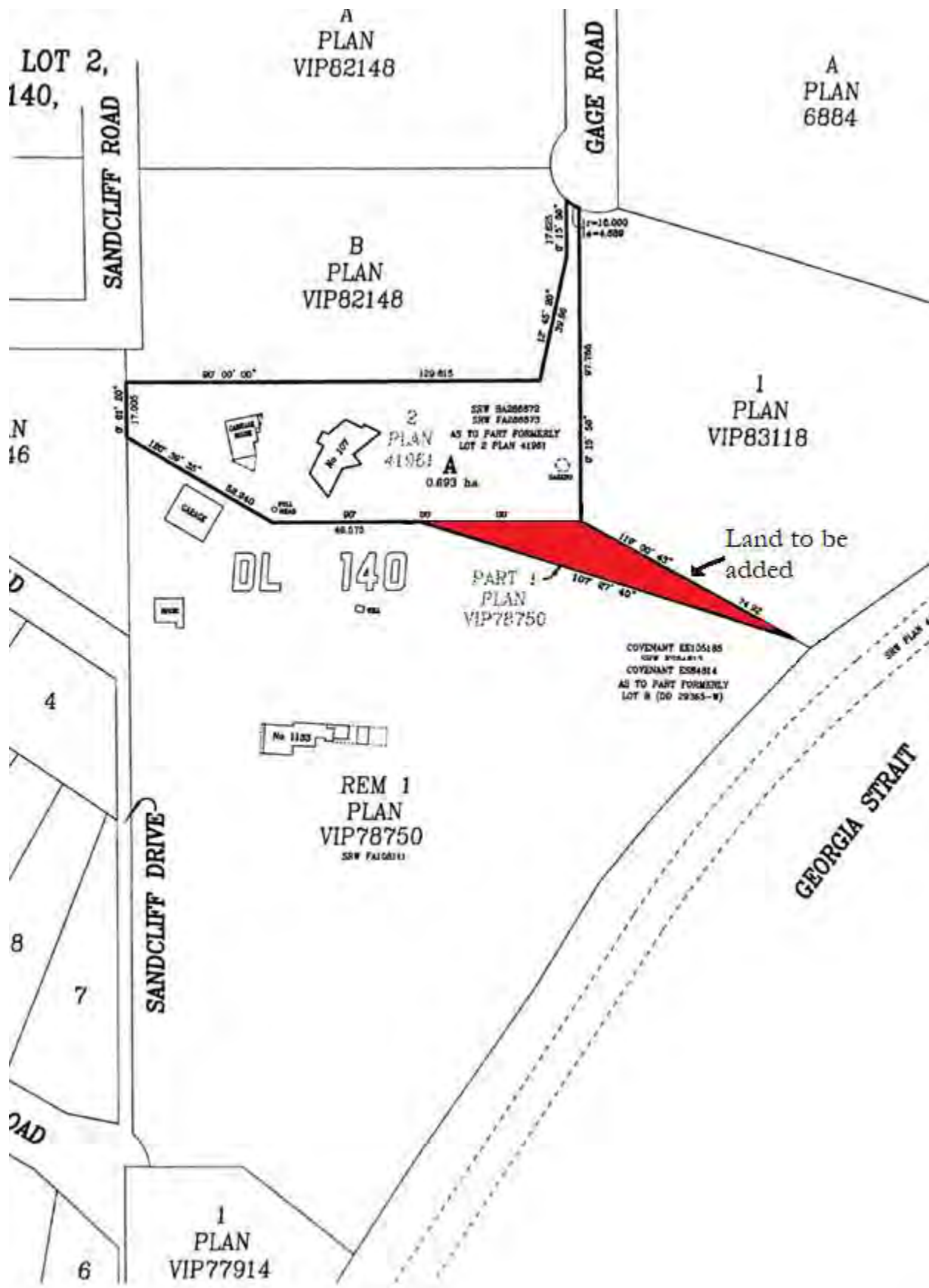


Figure 3: Site Plan

DV 3B 20**TO: Robert Silcox**

1. This Development Variance Permit (DV 3B 20) 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 140, Comox District, Plan 41961
Parcel Identifier (PID): 001-037-978 **Folio:** 02303.020
Civic Address: 107 Gage Road
3. The land described herein (Schedule B) 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 3B 20) shall lapse if construction or 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 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 _____.

Jake Martens
Deputy Corporate Legislative Officer

Certified on _____

Attachments: Schedule A – “Resolution”
Schedule B – “Subject Property Map, Air Photo, and Site Plan”

Schedule A

File: DV 3B 20

Applicants: Robert Silcox

Legal Description: Lot 2, District 140, Comox District, Plan 41961

Specifications:

THAT WHEREAS pursuant to Section 501(1)(iii) of Bylaw No. 520, being the "Rural Comox Valley Zoning Bylaw No. 520, 2019," the minimum frontage of a lot created by subdivision shall be 10 per cent of the perimeter of the lot;

AND WHEREAS the applicant, Robert Silcox, wishes to pursue a lot line adjustment subdivision which would further lessen the property's road frontage from 1.03 per cent to 0.78 per cent;

THEREFORE BY A RESOLUTION of the board of the Comox Valley Regional District on August 25, 2020, 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:

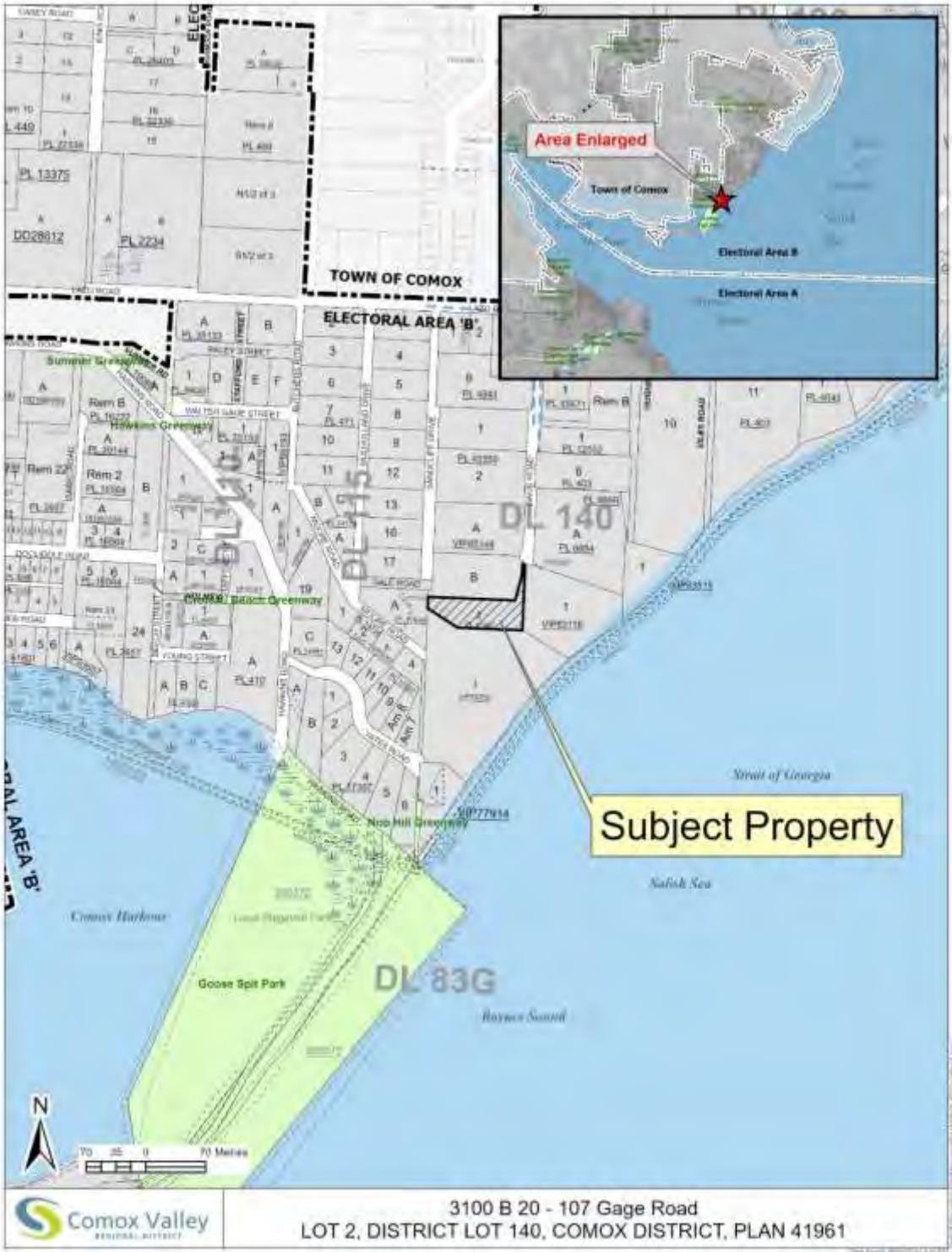
501(1)(iii) "The minimum frontage of a lot created by subdivision shall be 0.78 per cent of the perimeter of the lot."

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 20.

Jake Martens
Deputy Corporate Legislative Officer

Certified on _____

Schedule B



Subject Property Map



Air Photo

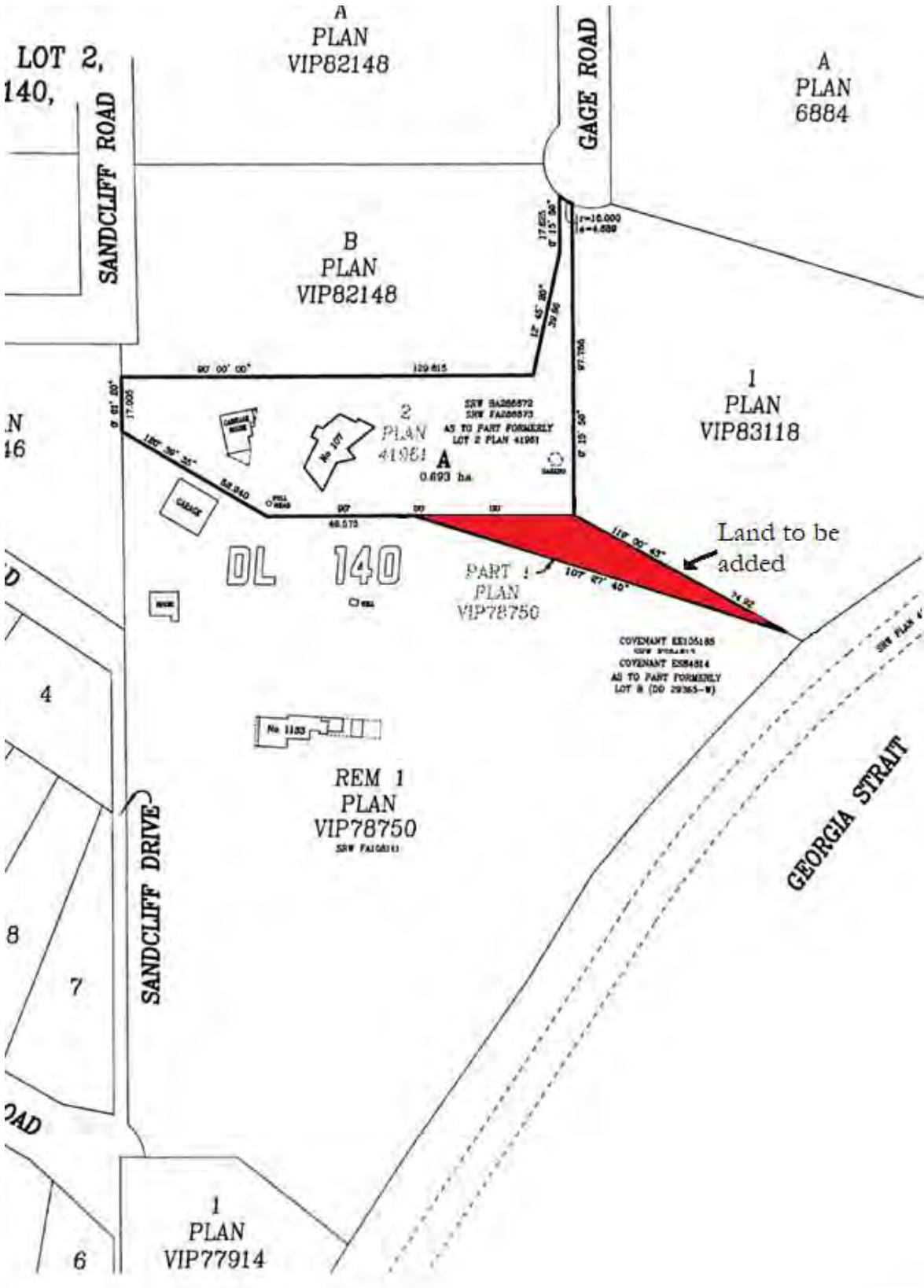


Figure 3: Site Plan