

**DATE:** September 3, 2020**FILE:** 3090-20/DV 4B 20**TO:** Chair and Members  
Electoral Areas Services Committee**FROM:** Russell Dyson  
Chief Administrative OfficerSupported by Russell Dyson  
Chief Administrative Officer**R. Dyson****RE: Development Variance Permit - 72 Beech Street (Long)  
Lazo North (Electoral Area B)  
Lot B, District Lot 110, Comox District, Plan VIP82713, Except Part in Plan  
EPP26601, PID 026-997-363****Purpose**

To consider a Development Variance Permit (DVP) (Appendix A) to reduce the minimum front yard setback as it pertains to Holmes Street from 7.5 metres to 1.0 metre for the construction of a detached garage.

**Recommendation from the Chief Administrative Officer:**

THAT the Board approve the Development Variance Permit DV 4B 20 (Long) to reduce the front yard setback pertaining to Holmes Street from 7.5 metres to 1.0 metre on property described as Lot B, District Lot 110, Comox District, Plan VIP82713, Except Part in Plan EPP26601, PID 026-997-363 (72 Beech Street;

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

**Executive Summary**

- A DVP application has been received to reduce the front yard setback as it pertains to Holmes Street from 7.5 metres to 1.0 metre for the purpose of constructing a detached garage.
- The subject property is approximately 0.24 hectares in size, zoned Country Residential One (CR-1), and is designated as being within a Settlement Expansion Area.
- Holmes Street is an unopened Ministry of Transportation and Infrastructure (MoTI) right-of-way, and the applicant will be required to obtain a MoTI permit prior to the commencement of site works.
- The intent of having sufficient setbacks from roads is to provide traffic safety, to ensure a uniform streetscape and to offer enough room for building maintenance.
- This application will be reviewed by the Area B Advisory Planning Commission (APC) on September 22, 2020, and their comments and feedback will be included in time for consideration by the Board at the September 29, 2020 Comox Valley Regional District (CVRD) Board meeting.
- Staff are recommending that the variance be supported as the front yard lot line is adjacent to an unopened right-of-way and is unlikely to be used as a road in the future, there is still sufficient space for access and maintenance, and is unlikely to affect the rural character of the neighbourhood.

Prepared by:

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Planner

Concurrence:

***T. Trieu***Ton Trieu, RPP, MCIP  
Manager of Planning Services

Concurrence:

***S. Smith***Scott Smith, RPP, MCIP  
General Manager of Planning  
and Development Services  
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 to reduce the front yard setback pertaining to Holmes Street from 7.5 metres to 1.0 metre for the purposes of constructing a detached garage. The subject property, located at 72 Beech Street, is zoned Country Residential One (CR-1), is designated as being within the Settlement Expansion Area, and is approximately 0.24 hectares in size (Figures 1 and 2). The property is bounded by Beech Street to the west, Holmes Street to the north (an unopened MOTI right-of-way), Young Street to the south, and two other CR-1 zoned properties to the east.

The property currently has an existing dwelling unit and small shed, and the applicant is proposing the construction of a detached garage that would have a 1.0 metre setback from Holmes Street (Figure 3). The façade of the proposed garage is completely flat and there are no protruding eaves (Figure 4), so the front yard variance for the structure is the only variance being considered.

**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, being the “Rural Comox Valley Zoning Bylaw, No. 520, 2019,” defines a front yard lot line as “*the lot line which is common to the lot and a highway ...[and]...where two or more lot lines are common to a lot and a highway, they shall be deemed to be the front lot line.*” As such, Young Street, Beech Street, and Holmes Street are all considered to be front yard lot lines, each of which require a 7.5 metre setback for all buildings and structures. This variance application would reduce the front yard setback from 7.5 metres to 1.0 metre only as it pertains to Holmes Street, the unopened MOTI right-of-way.

**Table 1: Variance Summary**

<b>Zoning Bylaw</b>	<b>Variance</b>	<b>Zoning</b>	<b>Proposed</b>	<b>Difference</b>
Section 703 (5)	Front yard setback	7.5 metres	1.0 metre	6.5 metres

**Recommendation and Rationale**

Staff are in support of the application and are recommending that the Committee support the application for the following reasons:

1. Minimum setback requirements are primarily put in place to increase vehicular and pedestrian visibility and safety, and increase privacy for and from adjacent properties. The unopened road is unlikely to be opened as a road in the future.
2. The 1.0 metre setback requested still leaves sufficient space for access and maintenance of the building.
3. The applicant will require approval from MOTI to build within 4.5 metres of the road right-of-way.
4. It is unlikely that the proposal will alter rural character of the neighbourhood.

**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 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 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 4B 20”



### Figure 1: Subject Property Map





Figure 2: Air Photo

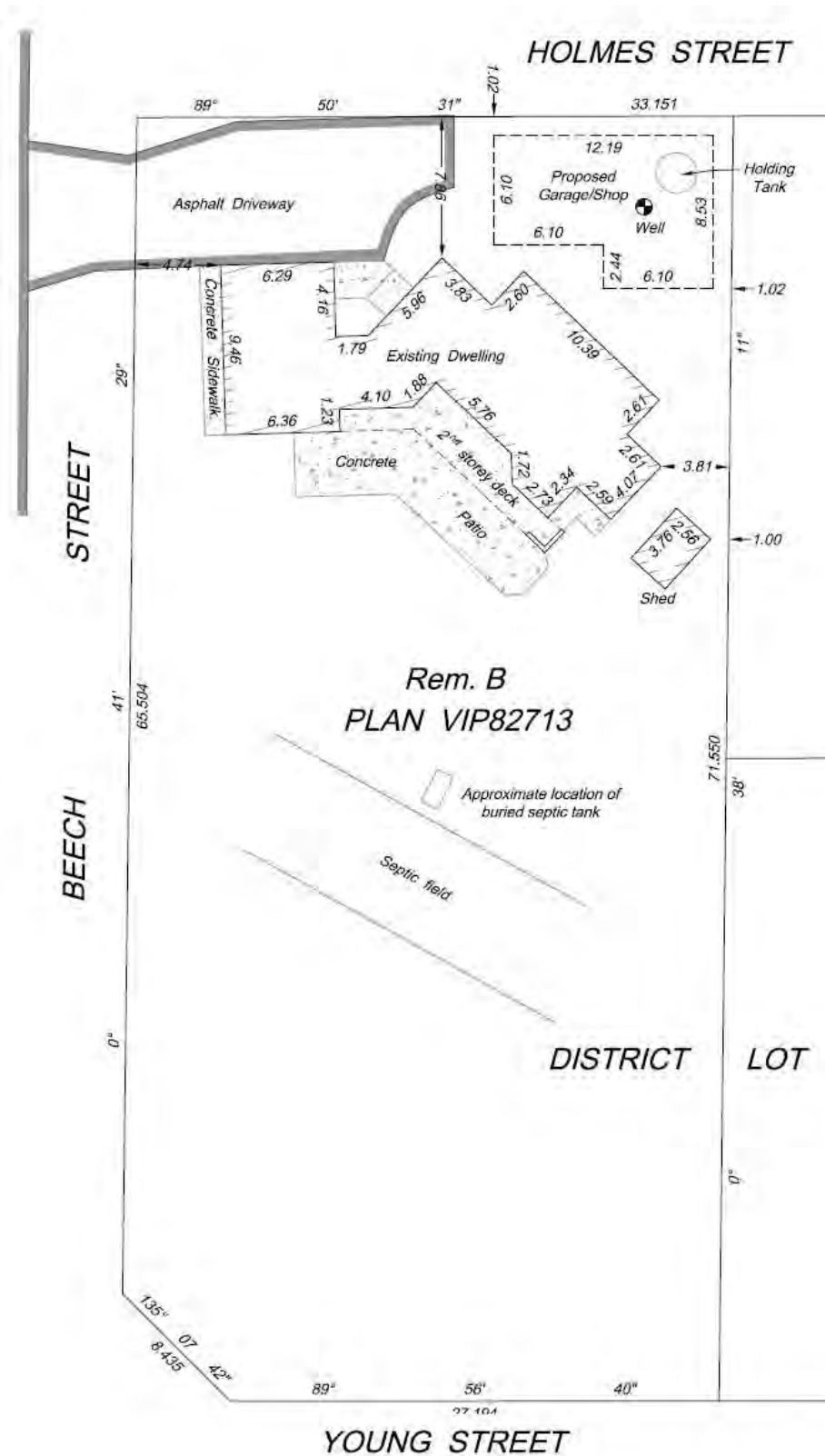


Figure 3: Site Plan

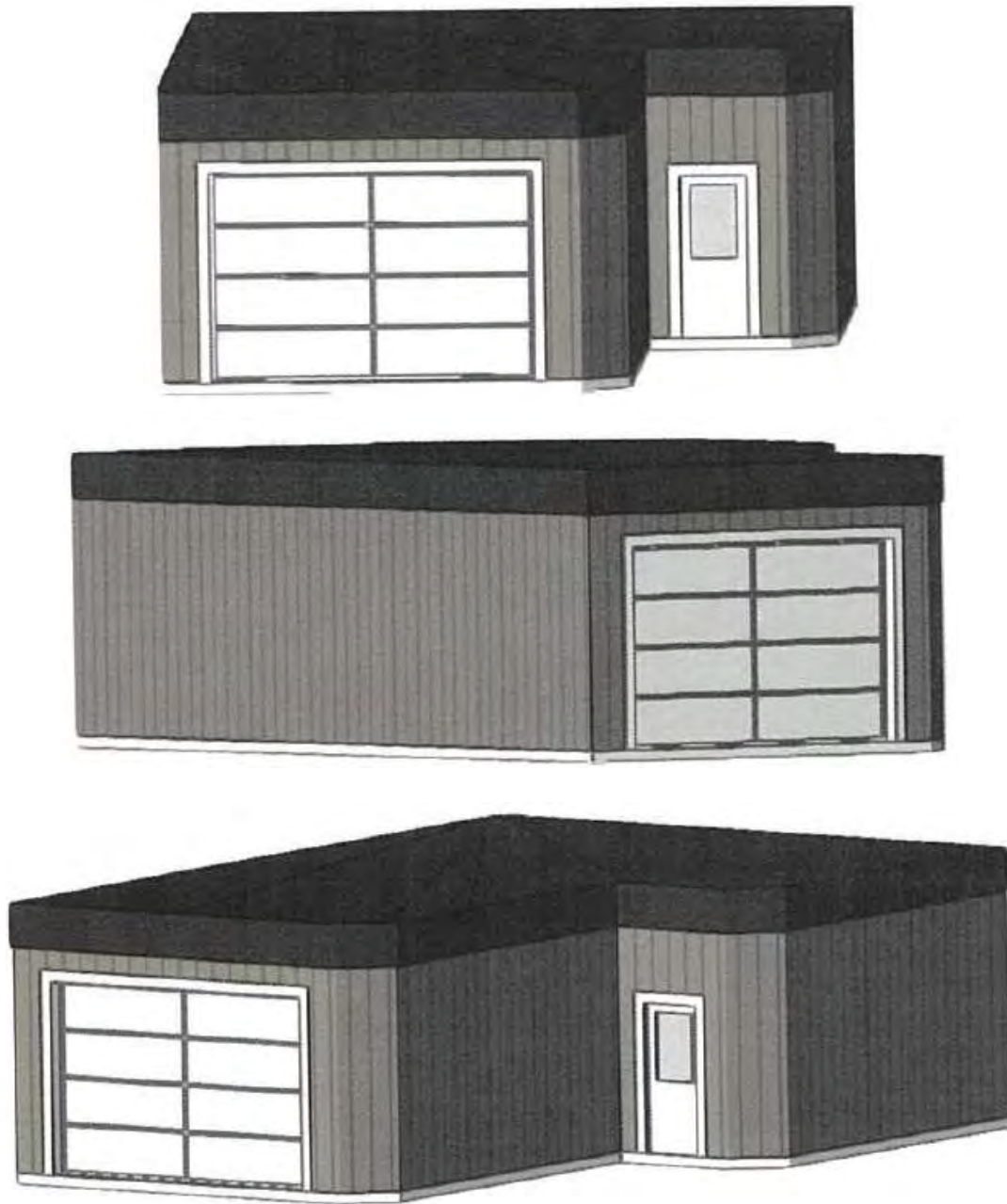


Figure 4: Elevation Drawings



**DV 4B 20****TO: Robert and Sherry Long**

1. This Development Variance Permit (DV 4B 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 B, District Lot 110, Comox District, Plan VIP82713, Except Part in Plan EPP26601  
**Parcel Identifier (PID):** 026-997-363 **Folio:** 01947.380  
**Civic Address:** 72 Beech Street
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 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 4B 20) 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 \_\_\_\_\_.

\_\_\_\_\_  
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 4B 20**

**Applicants: Robert and Sherry Long**

**Legal Description: Lot B, District Lot 110, Comox District, Plan VIP82713,  
Except Part in Plan EPP26601**

### Specifications:

THAT WHEREAS pursuant to Section 703(5)(i) of Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019,” the minimum front yard setback for all front yard lot lines is 7.5 metres;

AND WHEREAS the applicants, Robert and Shelly Long, wish to construct a detached garage within 1.0 metre of the front yard lot line as it pertains to Holmes Street;

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:

703(5)(i) The minimum front yard setback for the accessory building shown on Schedule B and pertaining to Holmes Street is 1.0 metre.

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 4B 20.

\_\_\_\_\_  
Jake Martens  
Deputy Corporate Legislative Officer

Certified on \_\_\_\_\_



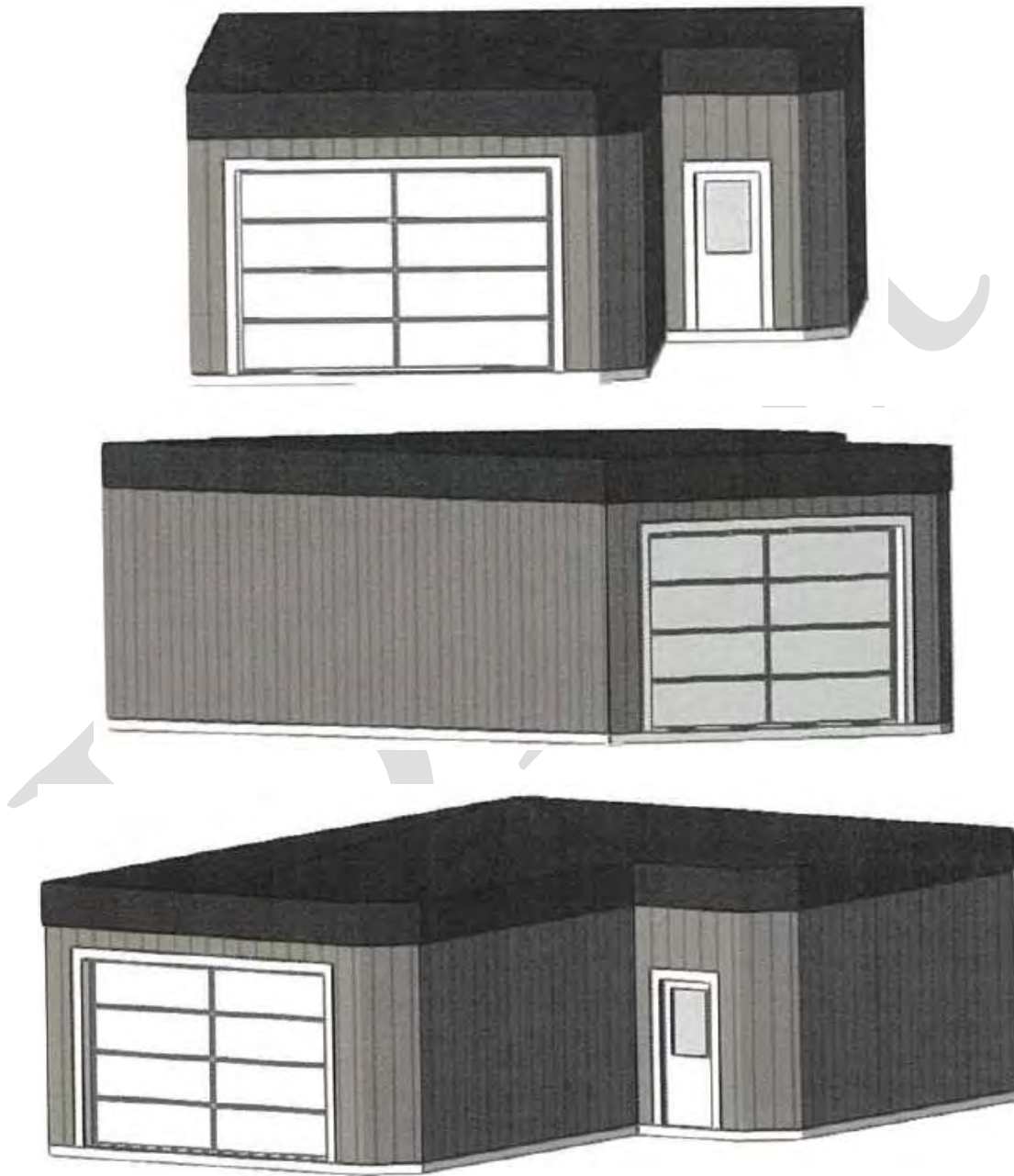


Figure 2: Air Photo









**Figure 4: Elevation Drawings**