

DATE: March 28, 2019**FILE:** 3090-20 / DV 3A 19**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 - 7927 Park Road (Urquhart / Clayson)
Baynes Sounds - Denman/Hornby Islands (Electoral Area A)
Lot 30, District Lot 26, Newcastle District, Plan 18550, PID 000-412-392****Purpose**

To consider a Development Variance Permit (DVP) to allow the floor area of the ground level of a carriage house to exceed the floor area of the second storey (Appendix A).

Recommendation from the Chief Administrative Officer:

THAT the board approve the Development Variance Permit DV 3A 19 (Urquhart/Clayson) to allow the floor area of the ground level of a carriage house to exceed the floor area of the second storey for property described as Lot 30, District Lot 26, Newcastle District, Plan 18550, PID 000-412-392 (7927 Park Road);

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

Executive Summary

- The oceanfront property is 0.2 hectares in size and is located in Ships Point in Electoral Area A.
- An accessory building was converted into a carriage house without the benefit of a building permit. When applying for the building permit retroactively, the owners were informed a variance was required as the Zoning Bylaw does not allow the floor area of the ground level of a carriage house to exceed the second storey.
- The proposed carriage house is 76 square metres on the ground level and 46 square metres on the second storey (residential component).
- As part of the ongoing Zoning Bylaw review, staff are reviewing options to enable more flexibility in carriage house design. The configuration of the carriage house is not expected to have any impact on adjacent property owners and allows the owners to utilize an existing building. For these reasons, staff supports the issuance of the DVP.

Prepared by:

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Planner

Concurrence:

T. Trieu_____
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Manager of Planning Services

Concurrence:

S. Smith_____
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Branch

Stakeholder Distribution (Upon Agenda Publication)

Applicants	✓
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Background/Current Situation

An application has been received for a DVP to allow the floor area of the ground level of a carriage house to exceed the floor area of the second storey. The 0.2 hectare property is surrounded by residential properties to the northwest and southeast, Park Road to the northeast and Georgia Strait to the southwest (Figures 1 and 2). The property contains a single detached dwelling and an accessory building that was converted into a carriage house without the benefit of a building permit (Figures 3 and 4). In order to apply for a building permit, a variance is required.

Planning AnalysisOfficial Community Plan Analysis

The subject property is designated Rural Settlement Area in the Official Community Plan (OCP), being the “Rural Comox Valley Official Community Plan Bylaw, No. 337, 2014”. The proposed variance does not conflict with residential policies in the OCP.

Zoning Bylaw Analysis

The property is zoned Residential Rural (R-RU) in Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005” (Appendix B). The R-RU zone permits a principal dwelling and a carriage house. The application seeks relief from the following Zoning Bylaw provision in order to allow the ground level of the carriage house to exceed the floor area of the second storey.

Section 313 (6)

- vi) *“The floor area of the ground level of the structure must not exceed the floor area of the second storey”*

The total floor area occupied by the residential use must not exceed 90 square metres, which the proposed carriage house meets. The proposed carriage house is 76 square metres on the ground floor and 46 square metres on the second storey.

As part of the ongoing zoning bylaw review, staff is reviewing options to enable more flexibility in carriage house design. The design of the carriage house meets all other provisions of the Zoning Bylaw, the configuration is not expected to have any impacts on adjacent neighbours and allow the owners to utilize an existing accessory building. As such, staff recommend approval of the variance.

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 approval.

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 subject property is designated Rural Settlement Area in the Regional Growth Strategy (RGS), being the "Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010". The proposed variance does not conflict with residential policies in the RGS.

Intergovernmental Factors

There are no intergovernmental implications.

Interdepartmental Involvement

This DVP application was referred to relevant internal departments. No concerns were identified.

Citizen/Public Relations

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 Electoral Areas Services Committee (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.

Attachments: Appendix A – "Development Variance Permit – DV 3A 19"
Appendix B – "Copy of R-RU zone"

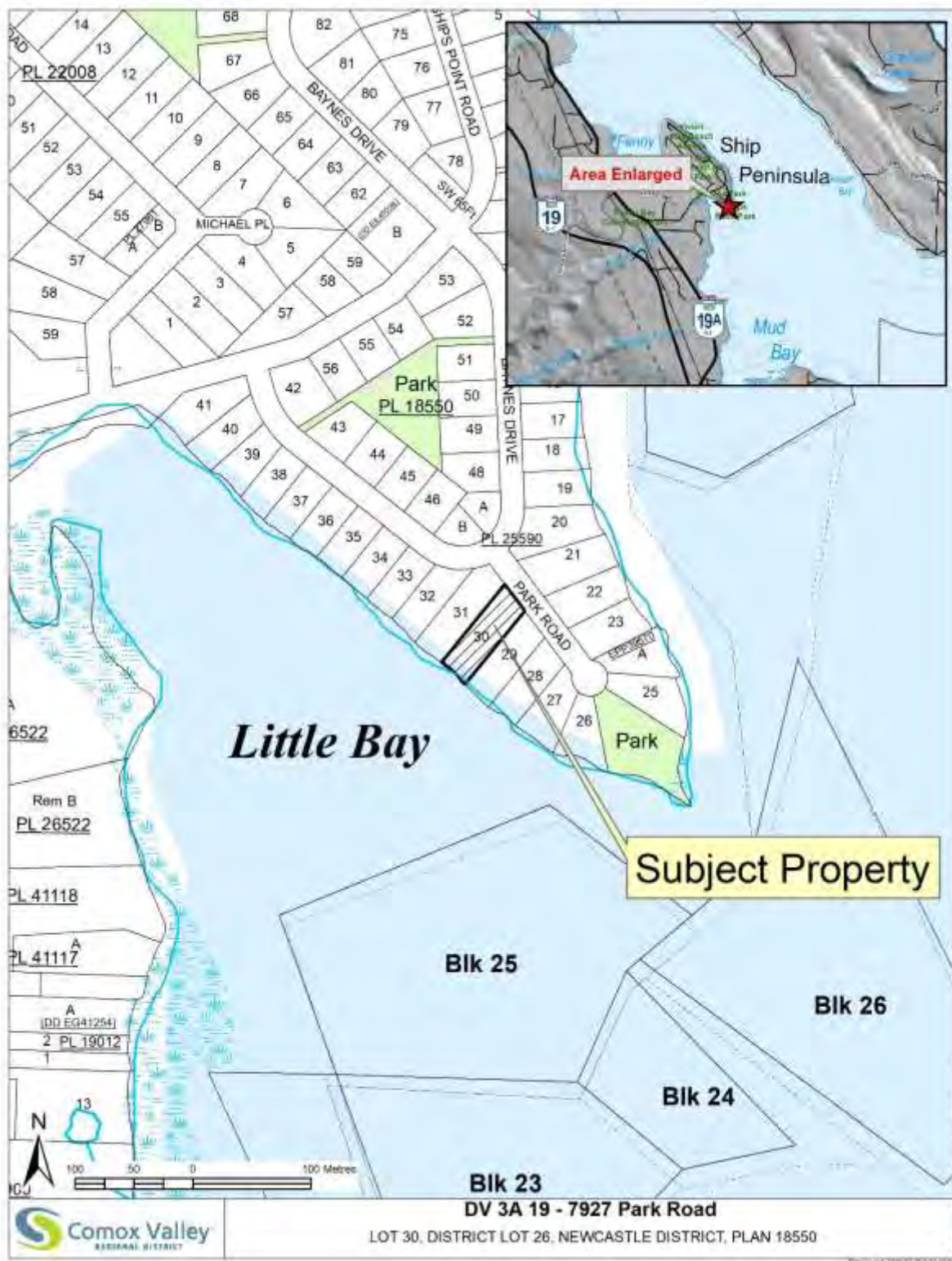


Figure 1: Subject Property Map



Figure 2: Aerial Photo

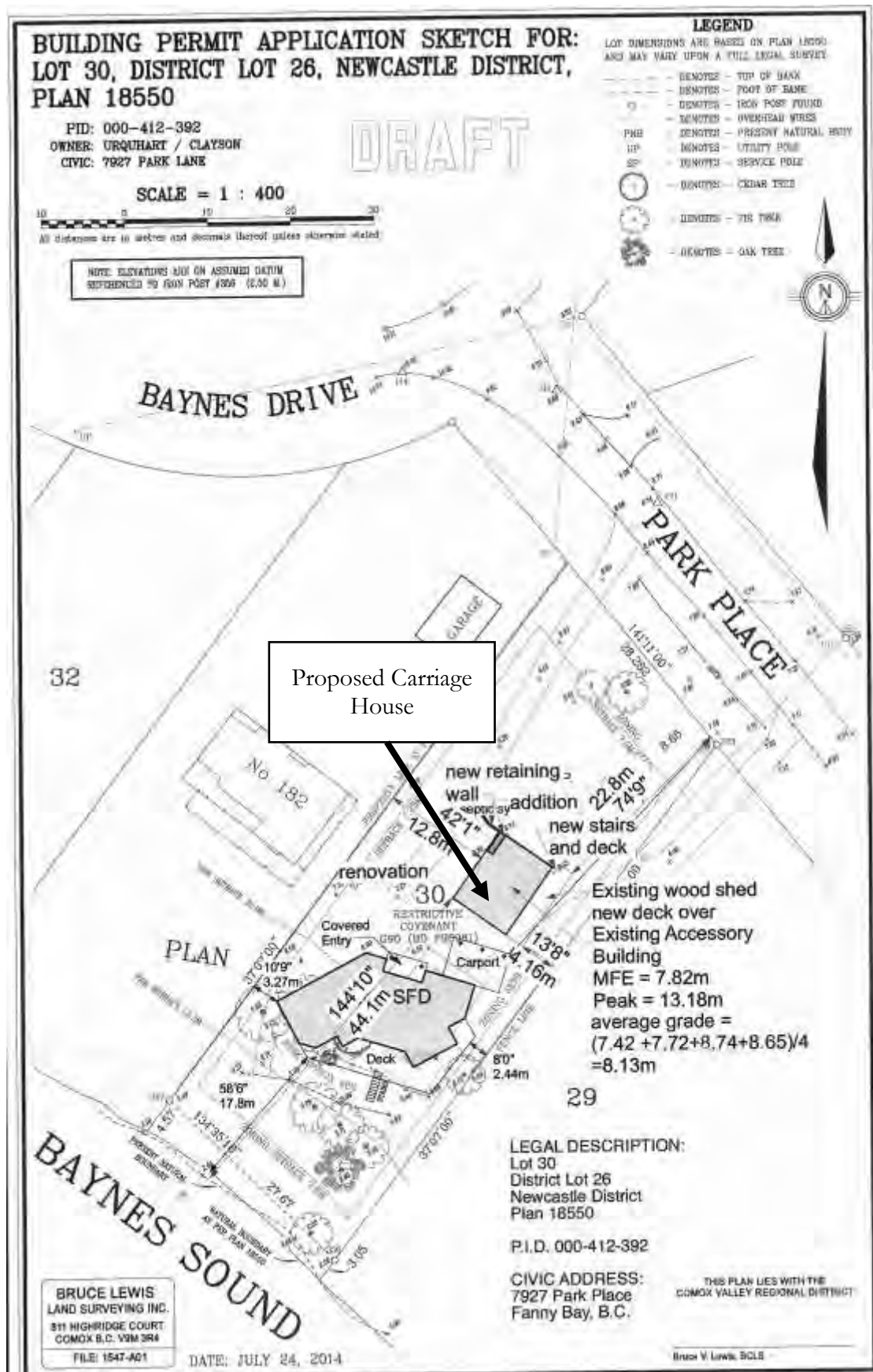


Figure 3: Site Plan

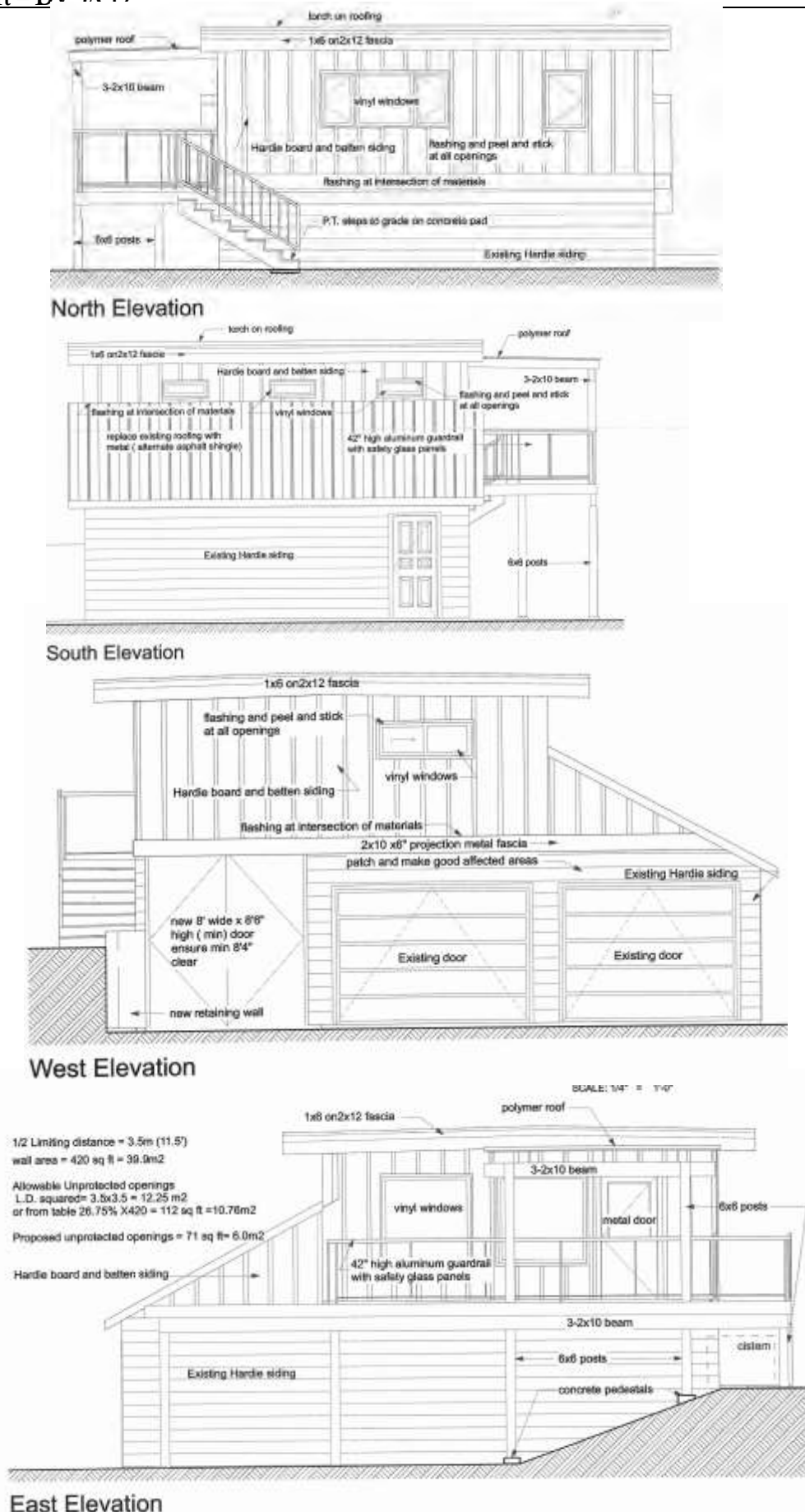


Figure 4: Building Elevations

DV 3A 19**TO: Marjorie Urquhart and Ann Clayson**

1. This Development Variance Permit (DV 3A 19) 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 30, District Lot 26, Newcastle District, Plan 18550
Parcel Identifier (PID): 000-412-392 **Folio:** 771 11919.000
Civic Address: 7927 Park 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 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 3A 19) 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 _____.

James Warren
Corporate Legislative Officer

Certified on _____

Attachments: Schedule A – “Resolution”
Schedule B – “Site Plan and Building Elevations”

Schedule A

File: DV 3A 19

Applicants: Marjorie Urquhart and Ann Clayson

Legal Description: Lot 30, District Lot 26, Newcastle District, Plan 18550

Specifications:

THAT WHEREAS pursuant to Section 313 (6) of Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005,” where permitted in this bylaw, carriage houses must meet the following criteria: vi) the floor area of the ground level of the structure must not exceed the floor area of the second storey.

AND WHEREAS the applicants, Marjorie Urquhart and Ann Clayson, wish to allow the floor area of the ground level to exceed the floor area of the second storey as shown on Schedule B;

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

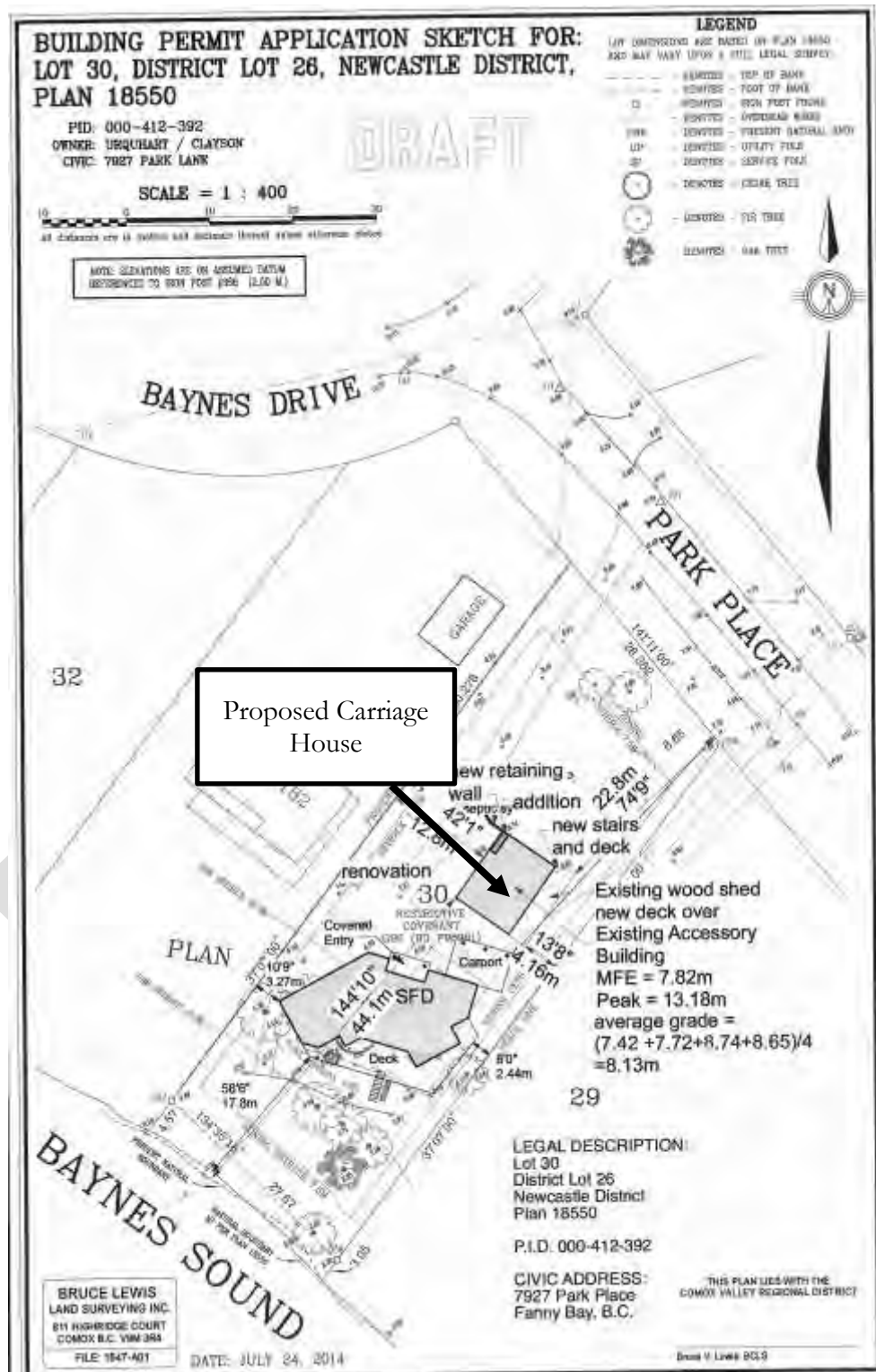
313 (6) vi) The floor area of the ground level of the structure of the carriage house as shown on Schedule B can exceed the floor area of the second storey.

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 3A 19.

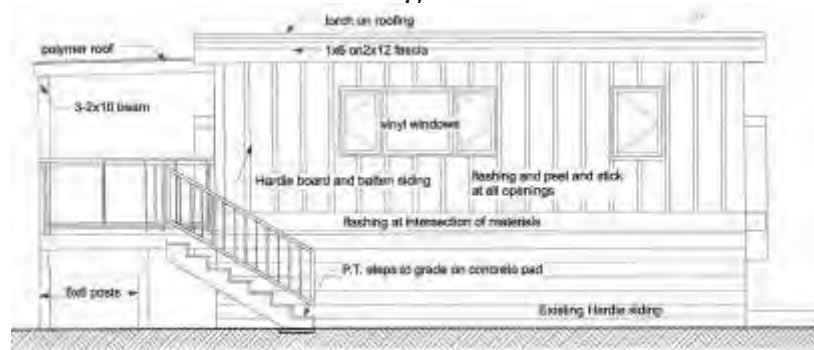
James Warren
Corporate Legislative Officer

Certified on _____

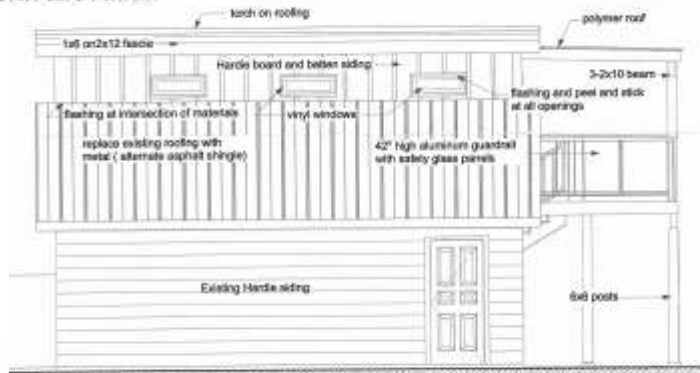
Schedule B Site Plan



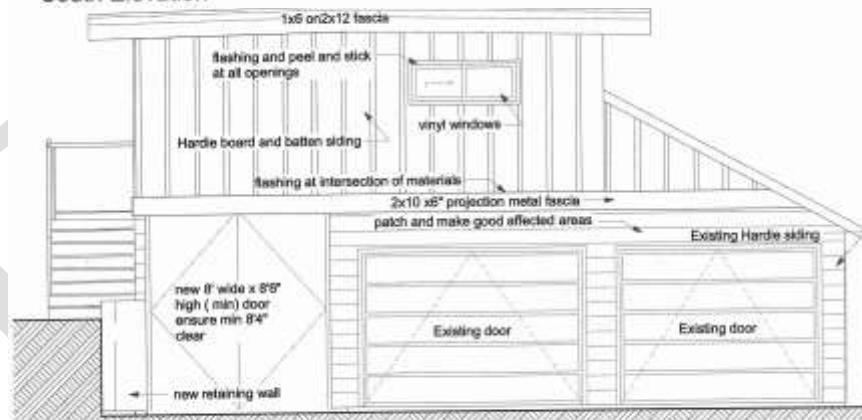
Building Elevations



North Elevation



South Elevation



West Elevation

1/2 Limiting distance = 3.5m (11.5')
wall area = 420 sq ft = 39.9m²

Allowable Unprotected openings
I.D. squared = 3.5x3.5 = 12.25 m²
or from table 26.75% x 420 = 112 sq ft = 10.78m²

Proposed unprotected openings = 71 sq ft = 6.6m²

Hardie board and batten siding



East Elevation

706**Residential-Rural (R-RU)****1. PRINCIPAL USE**

- i) **On any lot:**
 - a) Residential use.
- ii) **On any lot over 4000 metres² (1.0 acre):**
 - a) Agricultural use.

2. ACCESSORY USES**On any lot:**

- i) Secondary suite;
- ii) Home occupation use;
- iii) Accessory buildings;
- iv) Bed and Breakfast.

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3. DENSITY**Residential use is limited to:**

- i) **On any lot:** One single detached dwelling and secondary suite, or one single detached dwelling and one carriage house, or one single detached dwelling and one secondary dwelling limited in area to 90.0 metres² (968.8 feet²).

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4. SITING AND HEIGHT OF BUILDINGS AND STRUCTURES

The setbacks required for buildings and structures within the Residential Rural zone shall be as set out in the table below.

Type of Structure	Height	Required Setback			
		Front yard	Rear yard	Side yard	
				Frontage <31m	Frontage >31m
Principal	10.0m (32.8 ft)	7.5m (24.6ft)	7.5m (24.6ft)	1.75m (5.8ft)	3.5m (11.5ft)
Accessory	4.5m-or less (14.8ft)	7.5m (24.6ft)	1.0m (3.3ft)	1.0m (3.3ft)	1.0m (3.3ft)
Accessory	6.0m-4.6m (19.7ft)	7.5m (24.6ft)	7.5m (24.6ft)	1.75m (5.8ft)	3.5m (11.5ft)

Except where otherwise specified in this bylaw, no building or structure shall be located in any required front and side yard setback areas. [Part 400, Siting Exceptions, of this bylaw and Bylaw No. 1836 being the “Floodplain Management Bylaw, 1997” may affect the siting of structures adjacent to major roads and the natural boundaries of watercourses and the sea, respectively.]

5. LOT COVERAGE

- i) The maximum lot coverage of all buildings and structures shall not exceed 35% of the total lot area.

6. FLOOR AREA REQUIREMENTS

- i) The maximum combined gross floor area of all accessory buildings shall not exceed 200.0 metres² (2152.9 feet²).

7. SUBDIVISION REQUIREMENTS

- i) Despite any other provision of this bylaw, the minimum permitted lot area within areas designated as “settlement expansion areas” under “Comox Valley Regional Growth Strategy Bylaw No. 120, 2010” is 4.0 hectares.

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- ii) Despite any other provision of this bylaw, for the purpose of subdivision, the following sections of this bylaw do not apply to lots within areas designated as “settlement expansion areas” under “Comox Valley Regional Growth Strategy Bylaw No. 120, 2010”:

- a) Section 503 Subdivision Standards 1. AREA AND FRONTAGE REQUIREMENTS i);
- b) Section 503 Subdivision Standards 2. LOT SIZE EXCEPTIONS i) a); and
- c) Section 503 Subdivision Standards 2. LOT SIZE EXCEPTIONS iii).

- iii) **Lot Area**

The minimum lot area permitted shall be 0.8 hectares (2.0 acres)

Despite (iii), a subdivision with lots smaller than identified above may be created by subdivision provided that the average lot area within the subdivision is equal to the minimum lot area permitted.

End • R-RU