

DATE: March 28, 2019**FILE:** 3090-20 / DV 3C 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 – 1325 Carron Road (Waldman)
Puntledge – Black Creek (Electoral Area C)
Lot 4, Block F, District Lot 95, Comox District, Plan 13540, PID 004-571-461**

Purpose

To consider a Development Variance Permit (DVP) to allow a carriage house to have access via an internal staircase, internal access to the accessory use below and to increase the maximum height from 7.0 metres to 8.0 metres (Appendix A).

Recommendation from the Chief Administrative Officer:

THAT the board approve the Development Variance Permit DV 3C 19 (Waldman) to allow a carriage house to have access via an internal staircase, internal access to the accessory use below and to increase the maximum height from 7.0 metres to 8.0 metres for a property described as Lot 4, Block F, District Lot 95, Comox District, Plan 13540, PID 004-571-461 (1325 Carron Road);

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

Executive Summary

- The applicants plan to build a carriage house on a 0.1 hectare property that contains a single detached dwelling.
- The applicants would like to vary the Zoning Bylaw to allow a carriage house to have access via an internal staircase, internal access to the accessory use below and to increase the maximum height from 7.0 metres to 8.0 metres.
- As part of the ongoing Zoning Bylaw review, staff are reviewing options to enable more flexibility in carriage house design. Allowing internal access for a carriage house can reduce hazardous conditions, create additional privacy from neighbours and provide an alternative aesthetic option. The Zoning Bylaw limits the residential component to the secondary storey and allowing internal access to the accessory use below does not infer that residential uses are permitted on the ground level. The interior entryway, landing or similar space will be limited to 2.8 square metres in area. The height increase is considered minor and not expected to negatively affect the neighbours' viewscape due the higher elevation of the neighbouring property. For these reasons, staff supports the issuance of the DVP.

Prepared by:

Concurrence:

Concurrence:

B. Labute**T. Trieu****S. Smith**

 Brianne Labute
 Planner

 Ton Trieu, MCIP, RPP
 Manager of Planning Services

 Scott Smith, MCIP, RPP
 General Manager of Planning
 and Development Services
 Branch
Stakeholder Distribution (Upon Agenda Publication)

Applicants	✓
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Background/Current Situation

An application has been received requesting to vary three Zoning Bylaw provisions related to the construction of a carriage house: 1) to allow access via an internal staircase, 2) to allow internal access to the accessory use below and 3) to increase the maximum height from 7.0 metres to 8.0 metres. The 0.1 hectare property is surrounded by small residential lots to the northwest and southeast, a large vacant parcel to the southwest and Carron Road to the northeast (Figures 1 and 2). The property is within the Comox Valley Water Local Service Area and has no sewer service. The property contains a single detached dwelling and the applicants would like to construct a carriage house (Figures 3 and 4). On the application form, the applicants cite safety as the rationale for an internal staircase. Also, that the increased height will allow them to build a hipped roof to match the existing house (Appendix B).

Official Community Plan Analysis

The subject property is designated Settlement Expansion Area in the Official Community Plan (OCP), being the “Rural Comox Valley Official Community Plan Bylaw, No. 337, 2014”. The proposed carriage house 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 C). The R-RU zone permits a principal dwelling and a carriage house. The application seeks relief from the following Zoning Bylaw requirements in order to have access to the carriage house by means of an internal staircase, internal access to the accessory use below and an increased height of 8.0 metres:

Section 309 (3)

“The maximum height of all accessory buildings is 6.0 metres except for structures containing residential use, such as carriage houses, which have a maximum permitted height of 7.0 metres.”

Section 313 (6)

- iii) *“The second storey floor area occupied by the residential use must have no interior access to any part of the accessory use below.*
- iv) *The means of access and egress to the second storey residential use must be external to the structure and must not be enclosed by walls”*

The rationale for supporting internal access for a carriage house is it can reduce hazardous conditions (e.g. ice on an outdoor staircase), create additional privacy from neighbours and provide an alternative aesthetic option. Staff have no concerns with allowing internal access to the accessory use below provided building code requirements are met. Allowing internal access does not infer that the ground level of a carriage house can be used for residential use. The Zoning Bylaw clearly states that the residential use is limited to the second storey. The interior entryway, landing or similar space will be limited to 2.8 square metres in area to prevent the ground level from being used for

residential uses. The height increase is considered minor and not expected to negatively affect the neighbours' viewscape due the higher elevation of the neighbouring property. For these reasons, staff supports the issuance of the DVP.

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 Regional Growth Strategy (RGS), being the "Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010" designates the subject property as Settlement Expansion Area. The proposed variance for a carriage house does not conflict with the policies of this designation.

Intergovernmental Factors

As the property is within the Settlement Expansion Area, a referral was sent to the City of Courtenay. The City of Courtenay has no concerns.

Interdepartmental Involvement

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

Citizen/Public Relations

Notice of the requested variance will be 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 3C 19"
Appendix B – "Applicants' rationale letter"
Appendix C – "Copy of the R-RU zone"

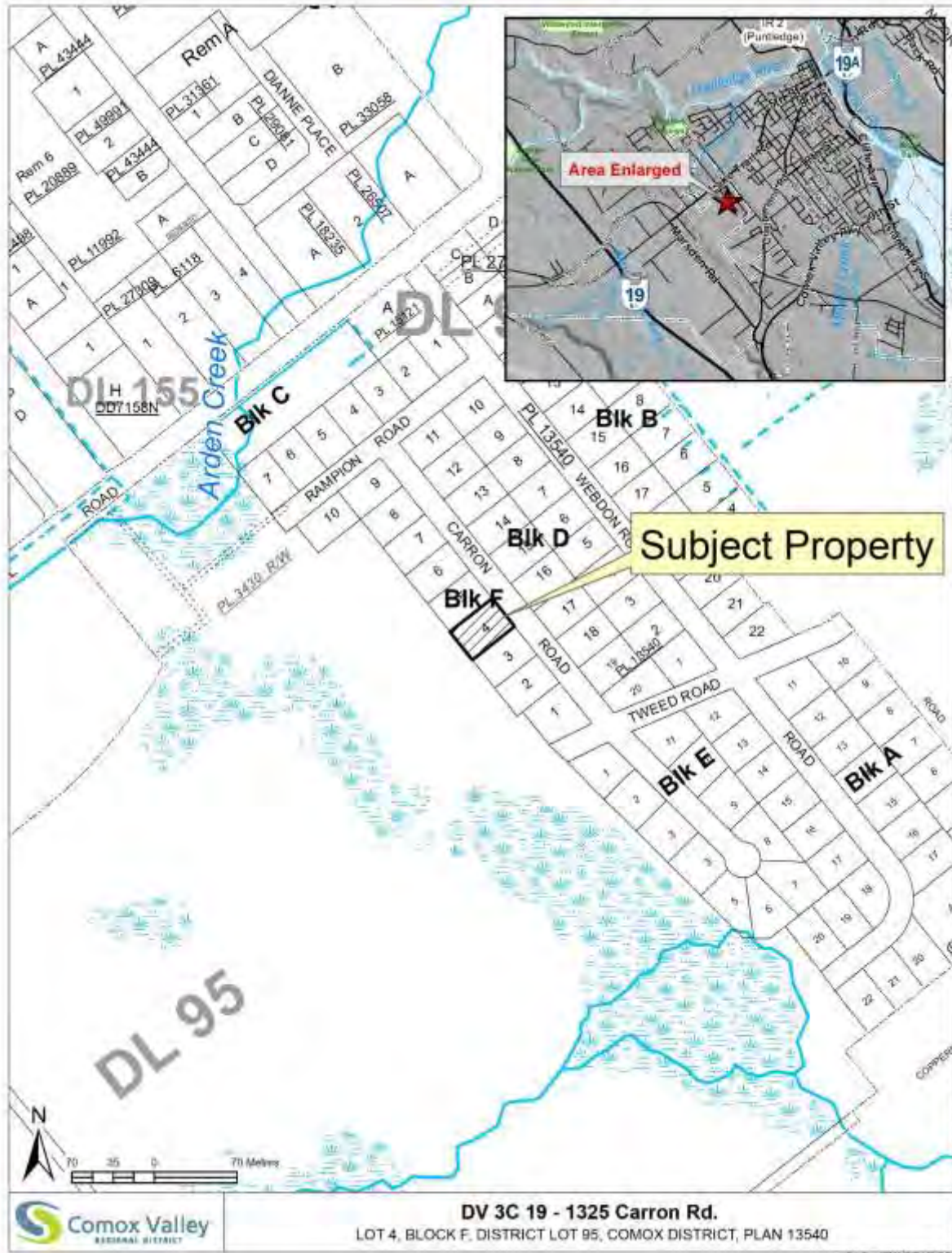


Figure 1: Subject Property Map



Figure 2: Aerial Photo

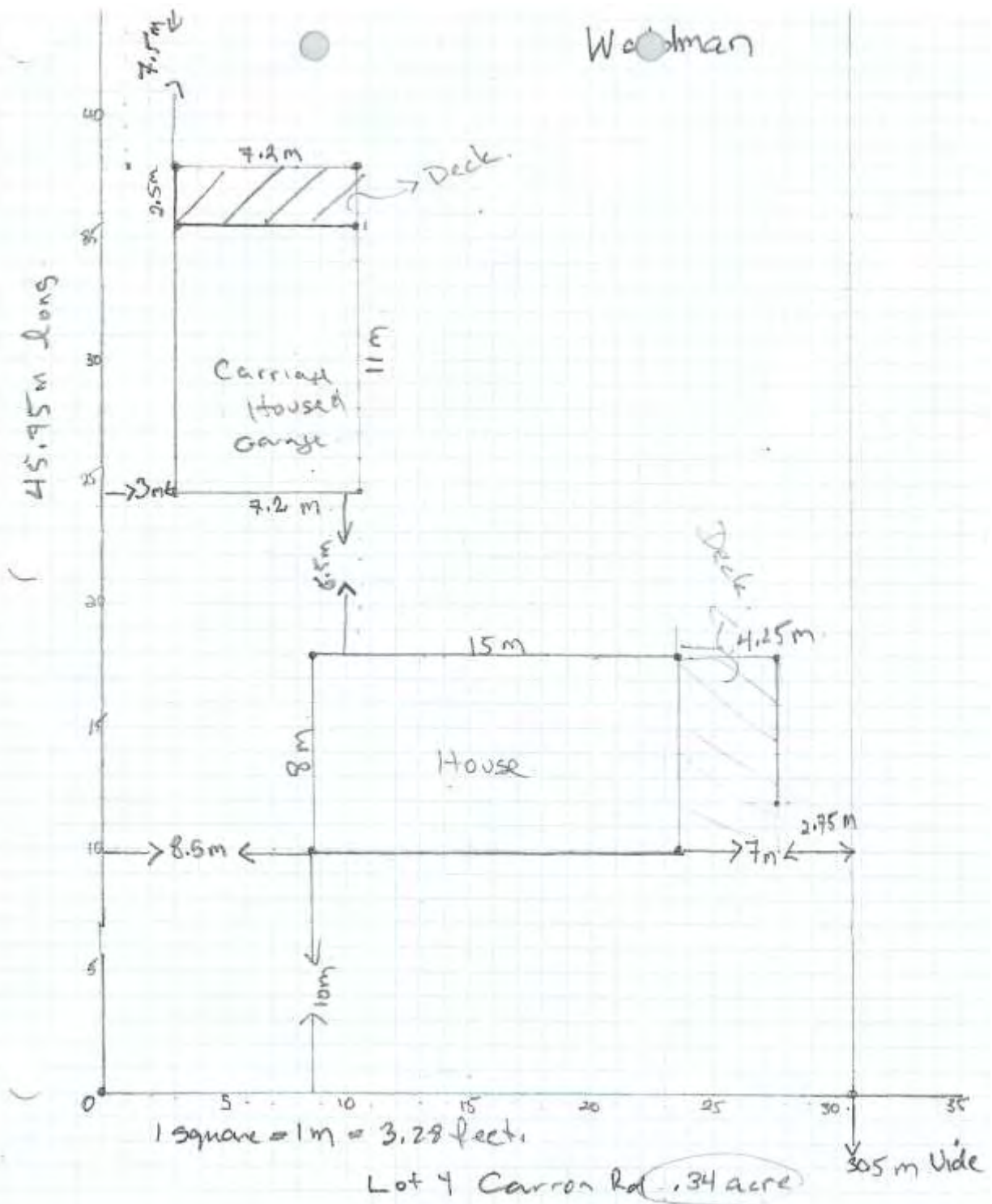


Figure 3: Site Plan



Figure 4: Conceptual Drawings

DV 3C 19**TO: Aaron and Katja Waldman**

1. This Development Variance Permit (DV 3C 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 4, Block F, District Lot 95, Comox District, Plan 13540
Parcel Identifier (PID): 004-571-461 **Folio:** 771 01555.000
Civic Address: 1325 Carron 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 3C 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 – “Subject Property Map and Site Plan”

Schedule A

File: DV 3C 19

Applicants: Aaron and Katja Waldman

Legal Description: Lot 4, Block F, District Lot 95, Comox District, Plan 13540,
PID 004-571-461

Specifications:

THAT WHEREAS pursuant to Section 309 (3) of Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005,” the maximum height of all accessory buildings is 6.0 metres except for structures containing a residential use, such as carriage houses, which have a maximum permitted height of 7.0 metres;

AND WHEREAS pursuant to Section 313 (6) iii. of Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005,” the second storey floor area occupied by the residential use must have no interior access to any part of the accessory use below;

AND WHEREAS pursuant to Section 313 (6) iv. of Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005,” the means of access and egress to the second storey residential use must be external to the structure and must not be enclosed by walls;

AND WHEREAS the owners, Aaron and Katja Waldman, wish to have access to the carriage house by means of an internal staircase, to allow internal access to the accessory use below and to increase the maximum height of a carriage house to 8.0 metres;

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:

- 309(3) The maximum height of all accessory buildings is 6.0 metres except for structures containing a residential use, such as carriage houses, which have a maximum permitted height of 8.0 metres.
- 313(6) iii. The second storey floor area occupied by the residential use can contain interior access to any part of the accessory use below. The interior entryway, landing or similar space must not exceed 2.8 square metres in area.
- 313 (6) iv. The means of access and egress to the second storey residential use may be internal to the structure.

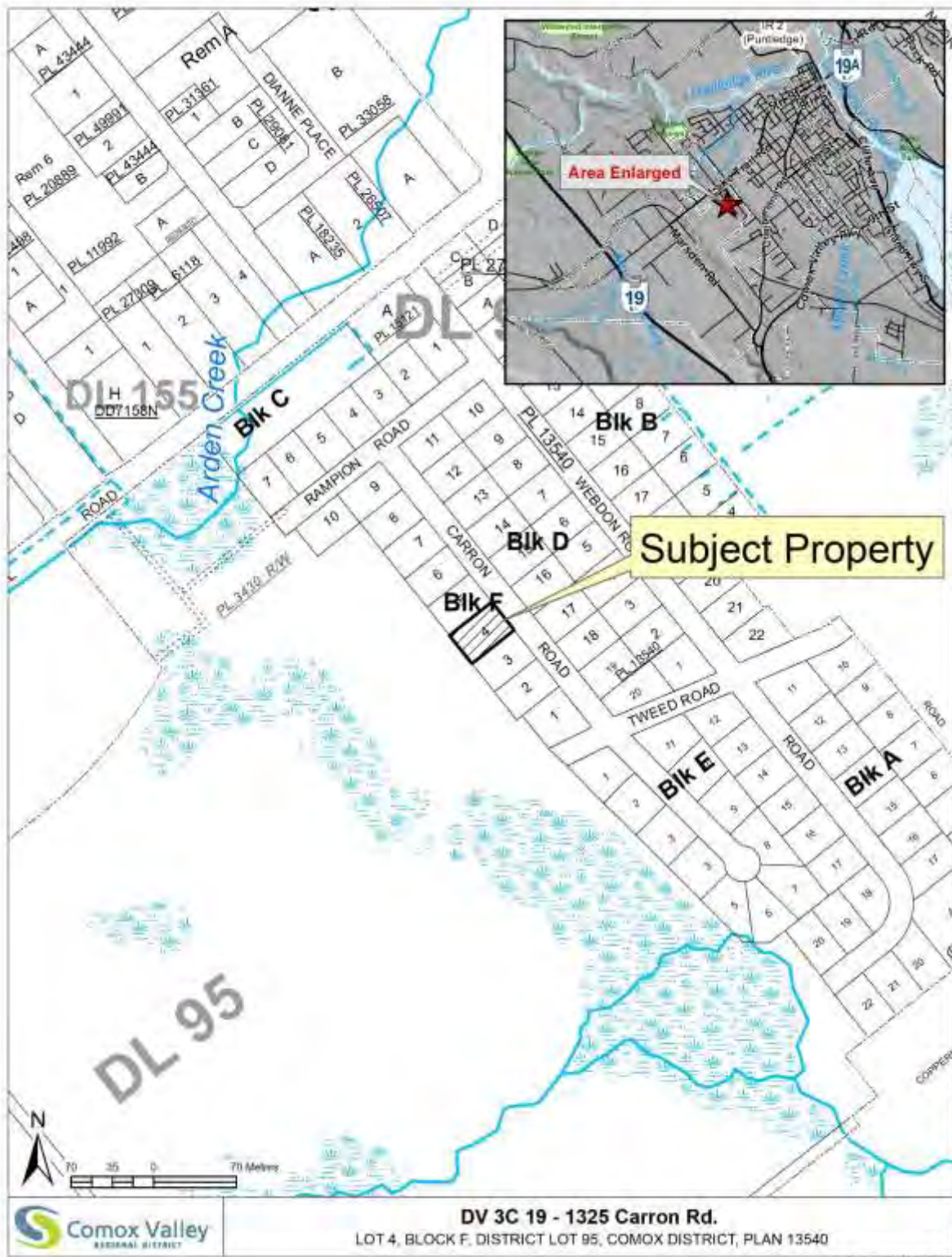
I HEREBY CERTIFY this copy to be a true
and correct copy of Schedule A being the
terms and conditions of Development
Variance Permit File DV 3C 19.

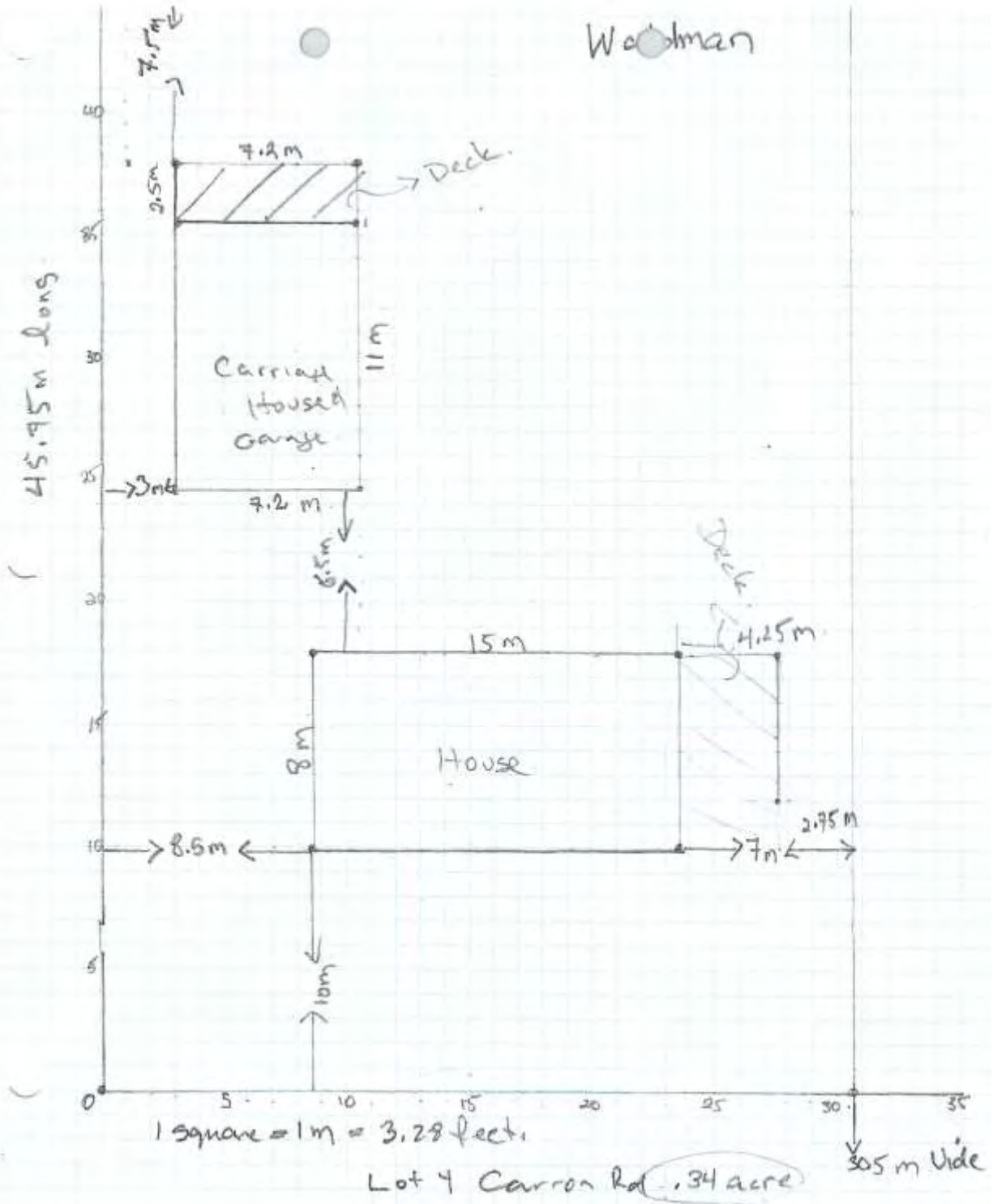
James Warren
Corporate Legislative Officer

Certified on _____

Draft

Schedule B
Subject Property Map and Site Plan





1325 Carron Road "Proposed" Carriage House Information:

Upper Level Living: 864

Main Level Landing: 84.63 (2.8 square meters)

Building Dimensions: 24 Wide by 36 Deep = 864 square feet

Carriage House: Front



Carriage House: Back



Variance Request for the following Parts of the General Regulations in the Consolidated Bylaw No. 2781:

- 313.6.3 and 313.6.4 => Interior Staircase accessed from the main floor with a 2.8 meter (84.63 square foot) landing.
- 309.3 => Height of Carriage House will be 26 feet or 7.93 meters (maximum 8 meters). Please note that the house and property to the left of the carriage house is approximately 3 feet higher than the Carriage House due to fill being brought onto the site. The difference in elevations makes the carriage house increase in height irrelevant to the neighbour's view of the carriage house. The carriage house will be built three meters from the hedge shown on the left side of the photo below.



Maureen Kelly
R. C. Stewart

Rationale for Variance Request:

- 1) Interior Staircase => An enclosed staircase is not exposed to the weather, which makes it safer in the Fall and Winter when there is rain and snow.**
- 2) Additional Height => The additional height will allow us to build a hipped roof to match our existing house on the property. Having the same roof style and siding will make the carriage house look “in place” rather than sticking out in our neighbourhood.**

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