

DATE: April 2, 2020

FILE: 3090-20 / DV 12B 19

TO: Chair and Directors
Electoral Areas Services Committee

FROM: Russell Dyson
Chief Administrative Officer

Supported by Russell Dyson
Chief Administrative Officer

R. Dyson

RE: **Development Variance Permit - 1561 McDonald Road (Swan)
Lazo North (Electoral Area B)
Parcel A (DD 389220I) of Lot F, Section 5, Comox District, Plan 10028,
PID 005-486-556**

Purpose

To consider a Development Variance Permit (DVP) to increase the maximum lot coverage applicable to a rural-zoned lot (Appendix A).

Recommendation from the Chief Administrative Officer:

THAT the Board approve Development Variance Permit DV 12B 19 (Swan) to increase the maximum lot coverage from 15 per cent to 21 per cent for the property described as Parcel A (DD 389220I) of Lot F, Section 5, Comox District, Plan 10028, PID 005-486-556 (1561 McDonald Road) ;

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

Executive Summary

- The owners of a 0.14 hectare rural lot are seeking to convert an accessory building into a carriage house by adding a second floor.
- However, the existing buildings currently exceed the regulated lot coverage and, therefore, a variance is required to proceed with alterations or additions.
- The Area B Advisory Planning Commission (APC) supported the lot coverage increase.
- Staff supports issuance of the permit as the additional lot coverage will not affect the use or development of the neighbouring properties.

Prepared by:

J. MacLean

Jodi MacLean, RPP, MCIP
Rural 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

The subject property is a 0.14 hectare lot along McDonald Road adjacent to the Town of Comox (Figure 1). The property is developed with a house and accessory building (Figures 2 and 3). The property owner is seeking to convert the existing accessory building to a carriage house by adding a second storey to the building (Appendix B).

To enable this, the property owner obtained a Development Variance Permit (File DV 4B 18) addressing the building setbacks. While it met the setbacks as an accessory building, when the building is to include a residential use the Zoning Bylaw requires larger setbacks. In this case, the DVP allowed for a rear and side setback of 3.1 metres from the lot lines. Afterwards, upon review of the building design, it was found that the building exceeds the regulated lot coverage and a variance is required to address this.

Official Community Plan Analysis

Bylaw No. 337, being the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014” designates the subject property within the Settlement Expansion Areas. It is the objective of this designation that development “*must generally maintain a rural character with on-site servicing and low densities.*” The proposal does not conflict with the objectives of this designation.

Zoning Bylaw Analysis

Bylaw No. 520 being the “Rural Comox Valley Zoning Bylaw No. 520, 2019”, zones the property Rural Eight (RU-8). This zone limits lot coverage of all buildings and structures to no more than 15 per cent. The existing buildings amount to 287 square metres or 21 per cent of the lot.

Table 1. Variance Summary

Zoning Bylaw No. 520	Variance	Required (max)	Proposed	Difference
Section 801(7)	Lot Coverage	15%	21%	6%

Lot coverage measures the total area covered by all buildings, including attached decks and porches, and structures with a roof. While setbacks create a building envelope, a lot coverage regulation states how much of that envelope may be covered. Combined with a height regulation, it creates a potential building bulk that may be developed on the lot. This could affect the rural character of a neighbourhood by directing how much open space is available on residential lots to parking, personal storage, gardening/landscaping, natural areas and outdoor activities. This is an area of transition from urban densities within the town where the maximum permitted lot coverage is 35 per cent (exclusive of decks) to the rural and agricultural areas where the lot coverages are less than 15 per cent. Whereas the carriage house is a permitted use and that lot coverage does not affect height, the proposed 21 per cent lot coverage, consisting of the house, deck and carriage house will not impact the neighbouring properties and would be consistent with the rural character of the neighbourhood.

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 to approve the variance.

Financial Factors

Applicable fees have been collected for this application under Bylaw No. 328 being 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. DVPs are permitted in certain circumstances under Section 498 of the LGA.

Regional Growth Strategy Implications

Bylaw No. 120, being “Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010” designates the subject property within Settlement Expansion Areas. The proposed lot coverage increase does not conflict with the designation’s policies.

Intergovernmental Factors

As the lot is adjacent to the boundary with the Town of Comox, a referral was sent to the Town of Comox on December 17, 2019. As of the date of this report, no response was received.

Interdepartmental Involvement

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

Citizen/Public Relations

The Area B APC reviewed the application at its January 14, 2020 meeting. The APC adopted a resolution to support a lot coverage increase from 15 per cent to 21 per cent and to oppose a proposal to increase to the carriage house’s ground level floor area from 90 square metres to 107 square metres. Since that meeting, the applicant revised the designs to eliminate the need for a variance to the ground level floor area.

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 informed 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 12B 19”
Appendix B – “Development Proposal – DV 12B 19”

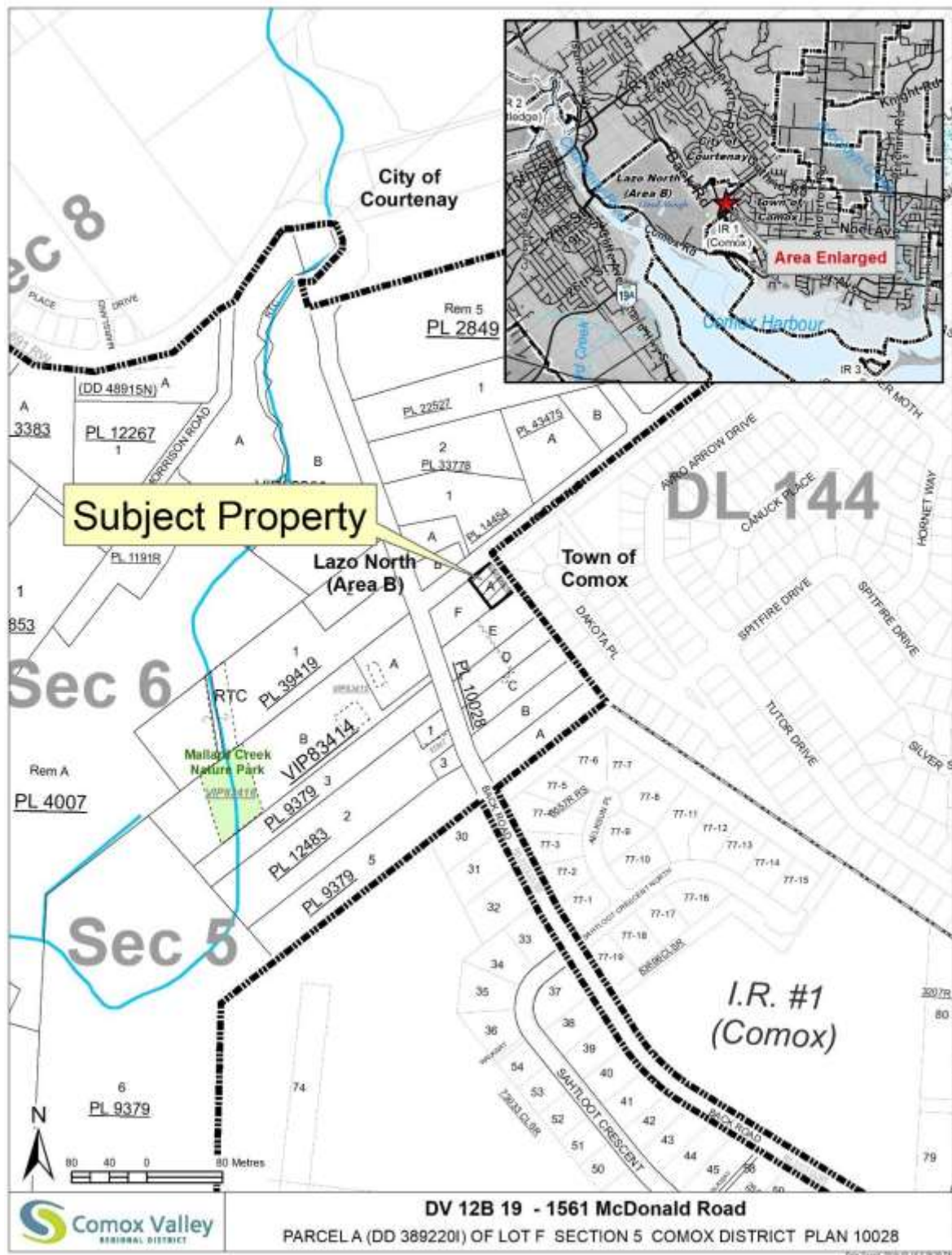


Figure 1: Subject Property



Figure 2: Air Photo



Figure 3: Photo from Backyard

DV 12B 19

TO: Daryl and Michelle Swan

1. This Development Variance Permit (DV 12B 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: Parcel A (DD 389220I) of Lot F, Section 5, Comox District, Plan 10028

Parcel Identifier (PID): 005-486-556 **Folio:** 771 0016.000

Civic Address: 1561 McDonald 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 (DV 12B 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.

5. 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”

Schedule A

File: DV 12B 19

Applicants: Daryl and Michelle Swan

Legal Description: Parcel A (DD 389220I) of Lot F, Section 5, Comox District, Plan 10028, PID 005-486-556

Specifications:

THAT WHEREAS pursuant to Section 801(7) of Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019,” lot coverage of all buildings and structures shall not exceed 15 per cent;

AND WHEREAS the applicants, Daryl and Michelle Swan, wish to increase the maximum lot coverage to 21 per cent;

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:

801(7) The lot coverage of all buildings and structures shall not exceed 21 per cent.

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 12B 19.

James Warren
Corporate Legislative Officer

Certified on _____

Schedule B



The zoning for our property, 1561 McDonald Rd, is RU-8 which allows for a principal dwelling and a carriage house. Currently we have a detached garage/shop located next to our house with a large multi-level yard. The shop at the rear was built in 1969 with the garage added in 1991.

Our lot coverage, including all covered decks and a carport, is currently at 21.4%. We plan to remove our existing carport and add exterior covered stairs to access the proposed suite. Our proposed lot coverage, including all covered decks and the covered stairs, would be 20.8%. While it is a decrease from our current lot coverage, it still exceeds the allowable lot coverage of 15%. We are seeking a variance of the existing bylaw as our proposed project will see our lot coverage exceed the allowable amount by 5.8%.

As mentioned, we were granted variances for the side, rear and eve setbacks as well as a "wedding cake" design in our previous application last year.

Since our last application, the bylaws have been amended and the wording has changed regarding total floor area (315.2vii). The new wording states that "The total floor area of the ground level of the building must not exceed 90 sq m." Our existing structure's total ground level floor area is 106 sq m. We wish to build above the existing structure without altering the foundation and footings; therefore, we are seeking a variance of 16 sq m.

We are located on 1/3 of an acre and are surrounded by larger acreages on 3 sides and next to Dakota Place on the 4th side. We are separated from Dakota Pl and the new construction that has been built there, by a Statutory Right of Way and a small orchard (designated green space) on one end. We have a solid fence between our property and the properties on Dakota Pl. As well, evergreen trees have been planted on the Statutory Right of Way along our fence line which will provide additional privacy and sound barrier as they mature.

We have limited the windows of our proposed suite to just one, obscured glass, bathroom window on the Dakota Pl side of the structure for added privacy.

Our property has many elevation differences as the entire property slopes predominately from the northeast to the southwest. The properties along McDonald Rd change elevations quickly. Subsequently, the new construction of residences on Dakota Place sit at a significantly higher elevation than our property. The proposed roofline would be well below the maximum allowable height limit for a carriage house (which is 8 m). The addition of a suite above our garage/shop would be less than 2 m. above our current house roofline and, as such, we believe it would not have a negative impact on the neighboring properties.

Note, the mature trees that currently grow on neighboring properties to the west are much taller than our home (and proposed structure) and obscure the view that might have been possible were they not there.

There is no house to the rear of our property as the houses on the adjacent acreages behind us are situated about midway between their front and back property lines. The treed area on adjoining properties extends for at least 120m to the rear of our property.

Our BC Hydro power lines are overhead from the street directly to our primary residence with an underground feed to the current garage/shop. It would be our intention to upgrade the existing power supply to the garage/shop to accommodate the additional needs of the proposed suite.

We have a very large paved driveway which allows plenty of parking and open sight lines for entering onto McDonald Road safely. There is a nice space between the fence and the garage that could be dedicated to suite parking. We would also make the flower bed on the side of the driveway smaller to allow straighter access. Currently there is a carport on the side of the garage built up to the fence. As previously stated, we would remove this carport.

We wish to build upon the existing structure to minimize environmental impact and well as for simplicity.

To reiterate, we are seeking the following variances:

1. A variance for the lot coverage of 5.8% beyond the allowable 15%
2. A variance for the total floor area of the ground level of the building of 16 sq. meters beyond the allowable 90 sq. meters.

Building a carriage house above our current garage/shop structure is the ideal solution to housing my parents and meeting their needs be closer to family and assistance while still maintaining their independence.

We feel that the conversion of our accessory building into a Carriage House will not only accommodate the needs of our family, but will also add value to the neighborhood.

Respectfully submitted for your consideration,

Daryl and Michelle Swan

1561 McDonald Rd, Courtenay

PROJECT DATA

LEGAL ADDRESS : PARCEL A (DD R106788) OF LOT F, SECTION 5, COMOX DISTRICT, PLAN10028

CIVIC ADDRESS : 1561 McDONALD ROAD COURTENAY, B.C.

ZONING : RURAL EIGHT (RU-8)

LOT AREA : 15,091 SQ.FT (0.35 ACRES)

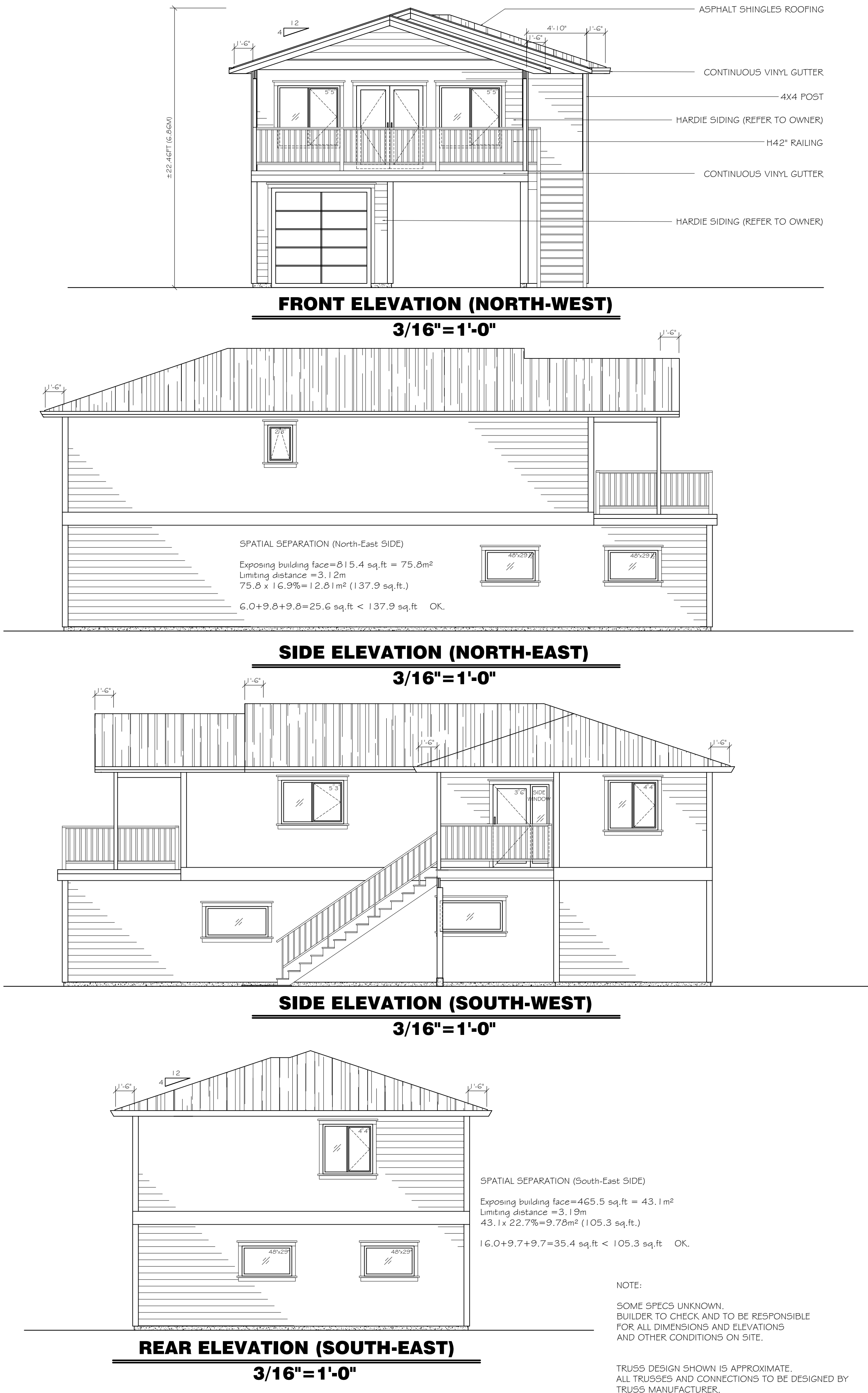
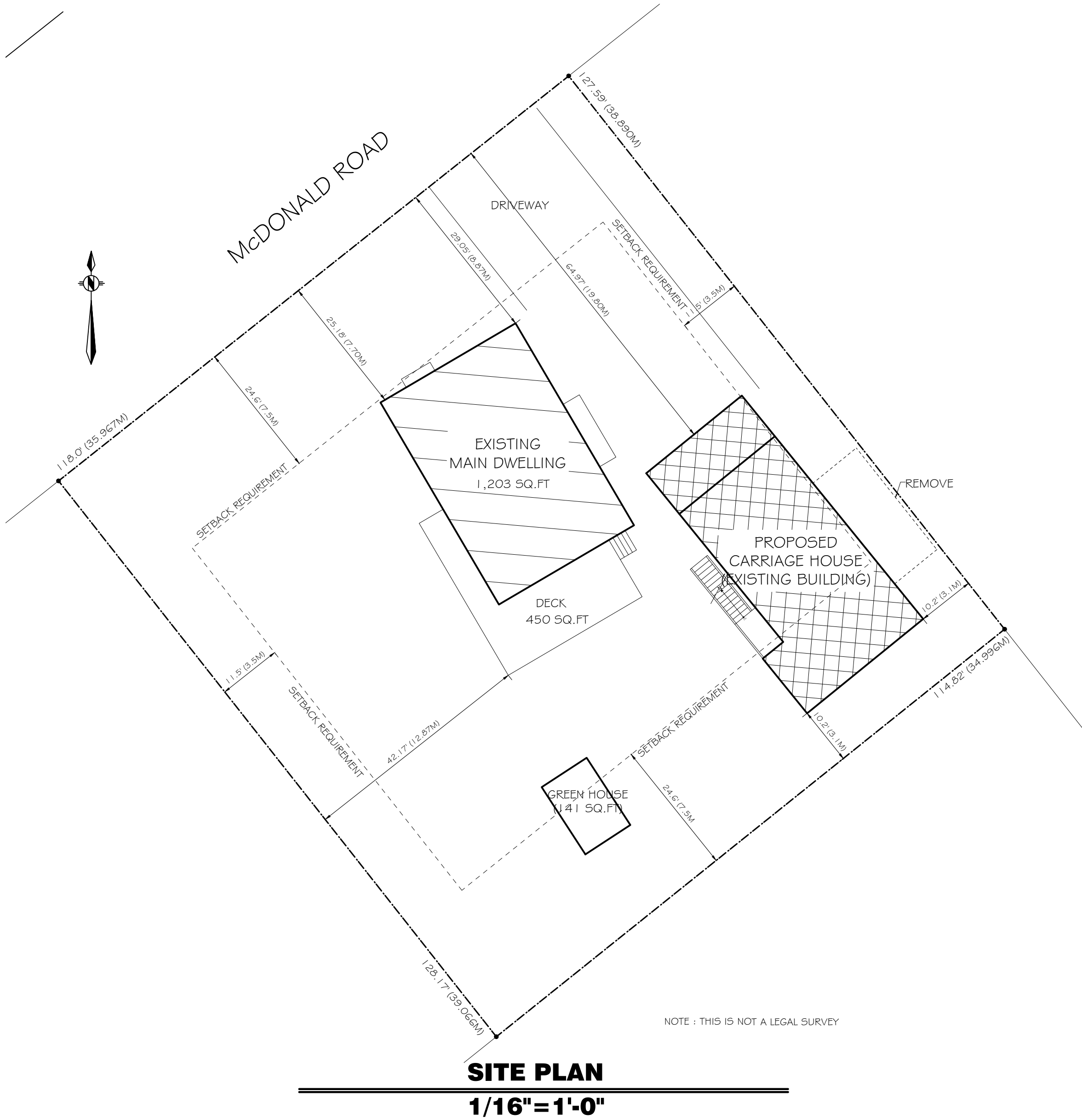
LOT COVERAGE : EXISTING MAIN DWELLING (INCLUDING DECK) ≈ 1,653 SQ.FT
PROPOSED CARRIAGE HOUSE (EXISTING BUILDING) ≈ 1,294 SQ.FT.
EXISTING GREEN HOUSE ≈ 141 SQ.FT.
TOTAL ≈ 3,088 SQ.FT
3,088 / 15,091 = 0.20 > 0.15 (15%)
APPLY FOR A VARIANCE

FLOOR AREA : BOTTOM FLOOR (GARAGE) = 917 SQ.FT
TOP FLOOR (SECONDARY SUITE) = 927 SQ.FT

SETBACK REQUIREMENT (CARRIAGE HOUSE)

FRONT YARD SETBACK : REQUIRED 7.5 M (24.6 FT)
PROPOSAL 19.8 M (65.0 FT)
REAR YARD SETBACK : REQUIRED 7.5M (24.6 FT)
PROPOSAL 3.1M (10.2 FT) VARIANCE (DV 4B 18)
SIDE YARD SETBACK : REQUIRED 3.5 M (11.5 FT)
(NORTH-EAST) PROPOSAL 3.1 M (10.2 FT) VARIANCE (DV 4B 18)

MAXIMUM HEIGHT OF BUILDING : 7.0M (22.96 FT)
PROPOSAL 6.9M (22.46 FT)



REVISIONS:		
NO.	DATE	DESCRIPTION
1	OCT 24/19	ISSUED FOR D.P
2	MAR 4/20	REVISED

CONTRACTOR TO VERIFY ALL LINES, LEVELS, SURVEYS, DIMENSIONS, LOCATION OF BUILDING ON SITE AND LOCATION OF ALL SERVICES PRIOR TO CONSTRUCTION. ALL WORK TO BE DONE IN ACCORDANCE WITH THE B.C. BUILDING CODE, CURRENT EDITION AND ALL LOCAL BUILDING BYLAWS.

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REVISED

PROJECT:
CARRIAGE HOUSE
1561 McDONALD RD COURTENAY, B.C.

SCALE: AS NOTED	FILE: 19-8
CREATED: MAR 4/20	EDITED BY: KY

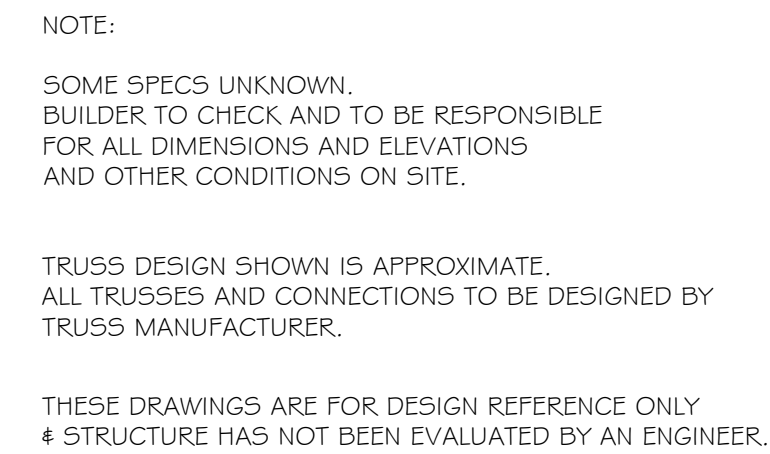
DRAWING NAME:
SITE PLAN
ELEVATIONS

DRAWING NUMBER:
A-1 OF 3

 **SHIZEN HOME DESIGN**

SHIZEN HOME DESIGN
#18-255 ANDERTON AVE COURTENAY B.C. V9N 2G9
PHONE : (250)336-5510
E-MAIL : SHIZEN@SHAW.CA

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