

DATE: March 26, 2020**FILE:** 3090-20 / DV 1A 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, 3414 Kentwood Road (Rowan)
Baynes Sound – Denman / Hornby Islands (Electoral Area A)
Lot 2, Section 30, Township 11, Nelson District, Plan 29374, PID 001-392-891****Purpose**

To consider a Development Variance Permit (DVP) (Appendix A) for the reduction of the front yard setback as it pertains to an addition to the front of a single detached dwelling unit.

Recommendation from the Chief Administrative Officer:

THAT the Board approve the Development Variance Permit DV 1A 20 (Rowan) to reduce the minimum front yard setback from 7.5 metres to 4.88 metres (and from 5.5 metres to 4.68 metres for the eaves), for the purposes of constructing a mudroom/entryway on the property described as Lot 2, Section 30, Township 11, Nelson District, Plan 29374, PID 001-392-891;

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

Executive Summary

- The subject property is located at 3414 Kentwood Road in Royston and is approximately 0.14 hectares in size (Figures 1 and 2).
- Currently, the property has a single detached dwelling and an accessory building (shed).
- To accommodate the addition to the front of the existing dwelling unit (Figures 3 and 4), the applicant is requesting to reduce the minimum front yard setback from 7.5 metres to 4.88 metres (5.5 metres to 4.68 metres for the eaves).
- A reduced front yard setback leaves sufficient space for access and maintenance, and will not impinge upon the privacy of the surrounding properties.
- Planning staff recommend that a DVP be issued for the variance requested.

Prepared by:

D. Thiessen

Dylan Thiessen, MA
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

Stakeholder Distribution (Upon Agenda Publication)

Applicant	✓
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Background/Current Situation

The subject property for the DVP in question is located at 3414 Kentwood Road – in the Baynes Sound – Denman/Hornby Islands Electoral Area (Electoral Area A) (Figures 1 and 2). The property is approximately 0.14 hectares in size, and is bound by Kentwood Road to the west and residential properties in all other directions. Currently, the property has a single detached dwelling unit and one accessory building (shed).

The applicant would like to construct a small addition to the front of the dwelling to act as a mudroom and entryway, as the front door currently opens directly to the living room. To accommodate the addition attached to the front of the dwelling, they are requesting to reduce the front yard setback.

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 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 Analysis

Bylaw No. 337, being the “Rural Comox Valley Official Community Plan Bylaw No. 337, 2014” (OCP), designates the subject property as being within a Rural Settlement Area (RSA). The RSAs include the greatest diversity of land use within the Comox Valley Regional District (CVRD), and this application is not in contradiction with any of the policies listed therein.

Zoning Bylaw Analysis

The subject property is zoned Country Residential One (CR-1) within the Zoning Bylaw, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019.” This zone permits a dwelling unit sited at least 7.5 metres from the front lot line. Currently, the dwelling has a setback of 7.88 metres from the front lot line. The proposed addition will move the structure 3 metres closer and the two variances being requested are summarized in the table below.

Table 1: Variance Summary

Zoning Bylaw	Variance	Zoning	Proposed	Difference
Section 703 (5)	Front yard setback	7.5 metres	4.88 metres	2.62 metres
Section 403 (1)	Siting exemptions	5.5 metres	4.68 metres	0.82 metres

The first variance is in respect to the distance from the front lot line to the foundation of the nearest point of the dwelling unit. The second setback requirement, found within Section 403(1) of the Zoning Bylaw, pertains to features that protrude without adding square footage (such as bay windows or, in this case, eaves). Because the eaves will protrude from the addition a maximum of 0.2 metres, and because the proposed setback (4.68 metres) is closer than the already-shorter default setback for the eaves (5.5 metres), this too must be done through a variance.

Staff are in support of this application because the new setback of 4.88 metres still leaves sufficient space for access and maintenance. Further, the fact that the addition is small relative to the front side of the dwelling unit means that this smaller setback will not look out of place in the neighbourhood, and it will not invade the privacy of the neighbouring properties.

Options

The Electoral Areas Services Committee (EASC) 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 the “Comox Valley Regional District Planning Procedures and Fees 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

Bylaw No. 120, being the “Comox Valley Regional District Regional Growth Strategy No. 120, 2010” (RGS) designates the subject property as being within an RSA. The proposed variance to allow the construction of an entryway addition does not conflict with the residential policies of the RGS.

Intergovernmental Factors

There are no intergovernmental factors with this DVP application.

Interdepartmental Involvement

This DVP application was referred to building services and engineering services staff. Neither department has concerns with the application as presented.

Citizen/Public Relations

The Advisory Planning Commission (APC) met on March 10, 2020 to review this application. The APC supported the variance request for the following reasons:

- The addition appears to be an improvement to the home and neighbourhood;
- The addition will help conserve energy given that the door will then be set out from the main part of the house;
- The porch provides weather protection.

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 these 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 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 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 1A 20”

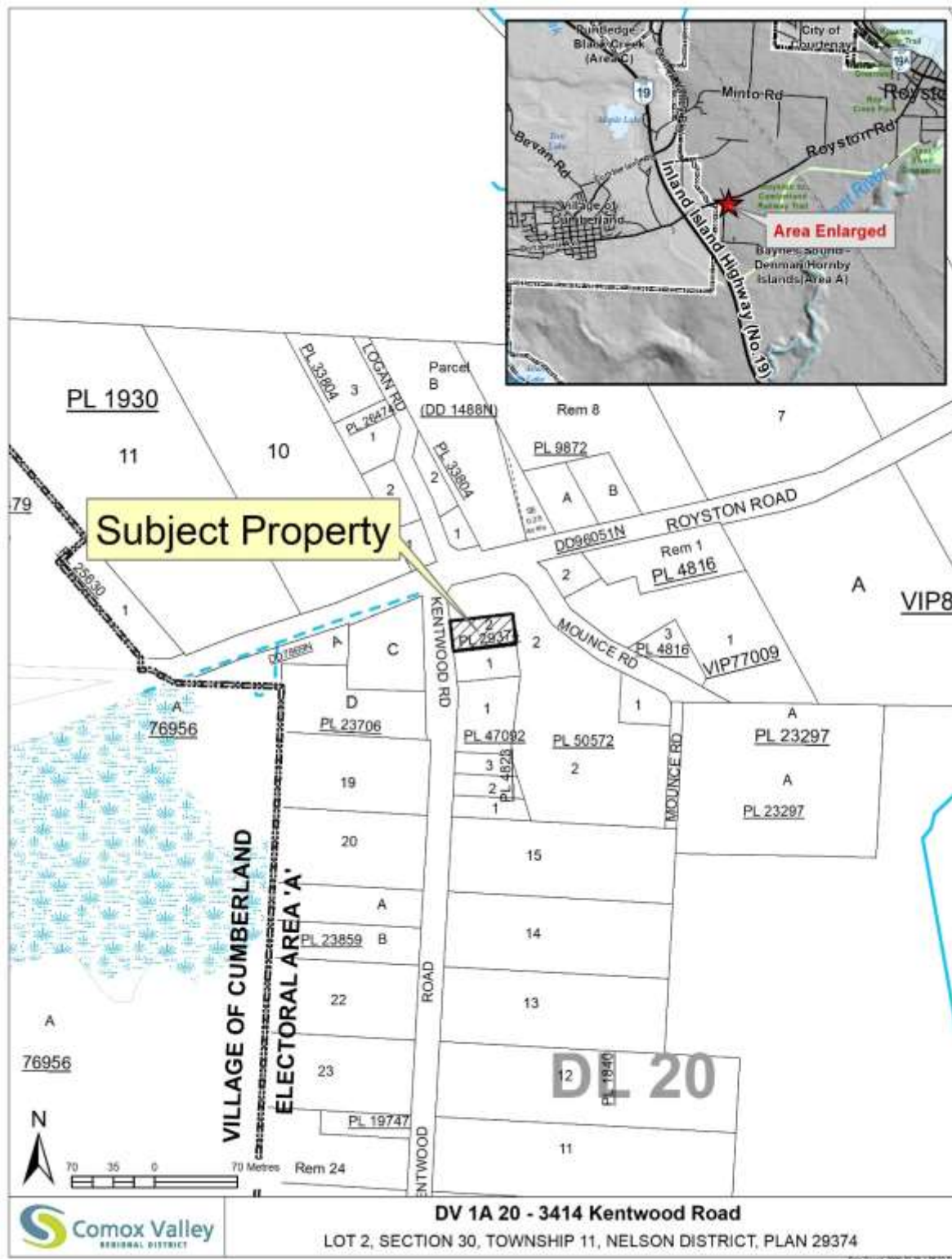
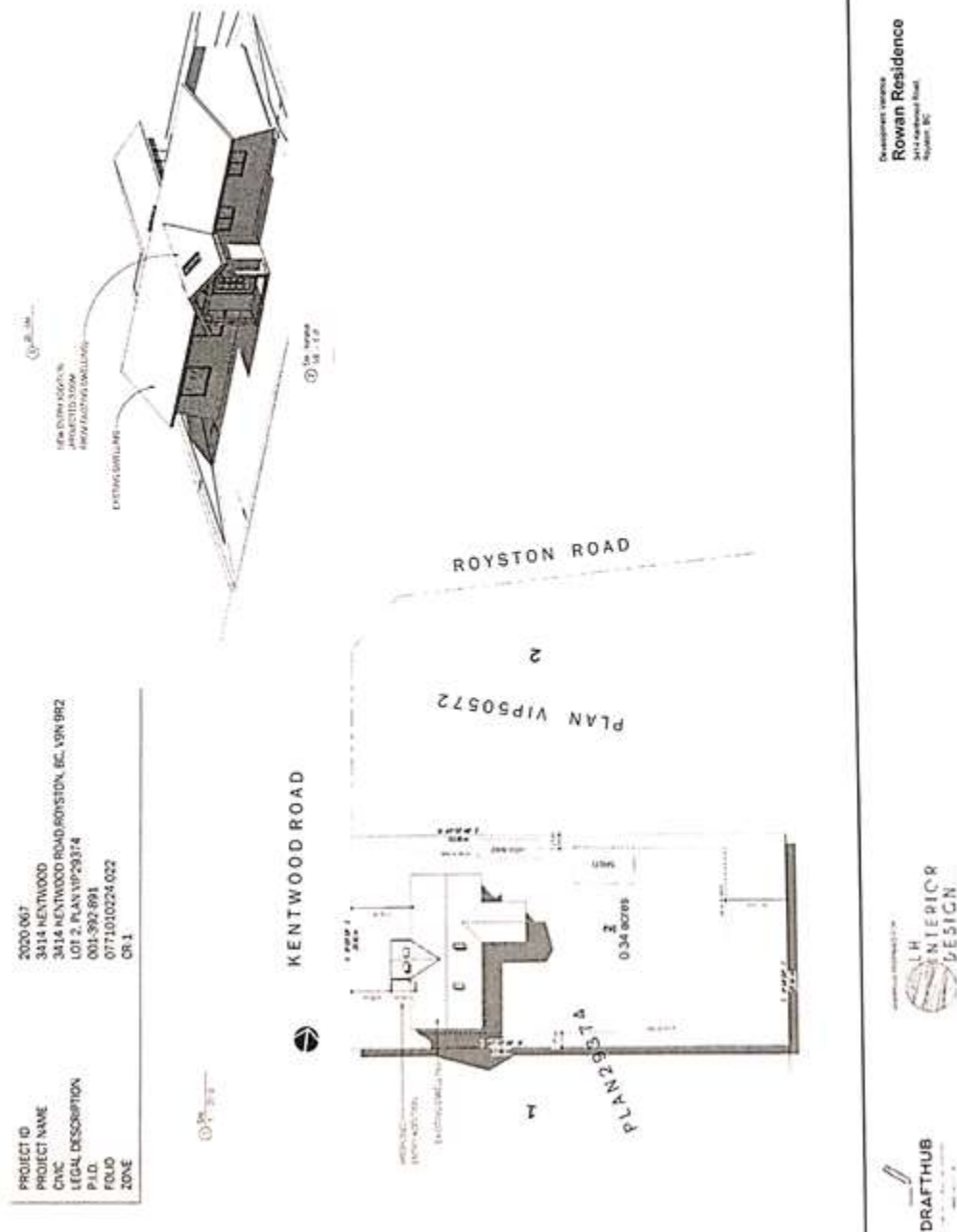
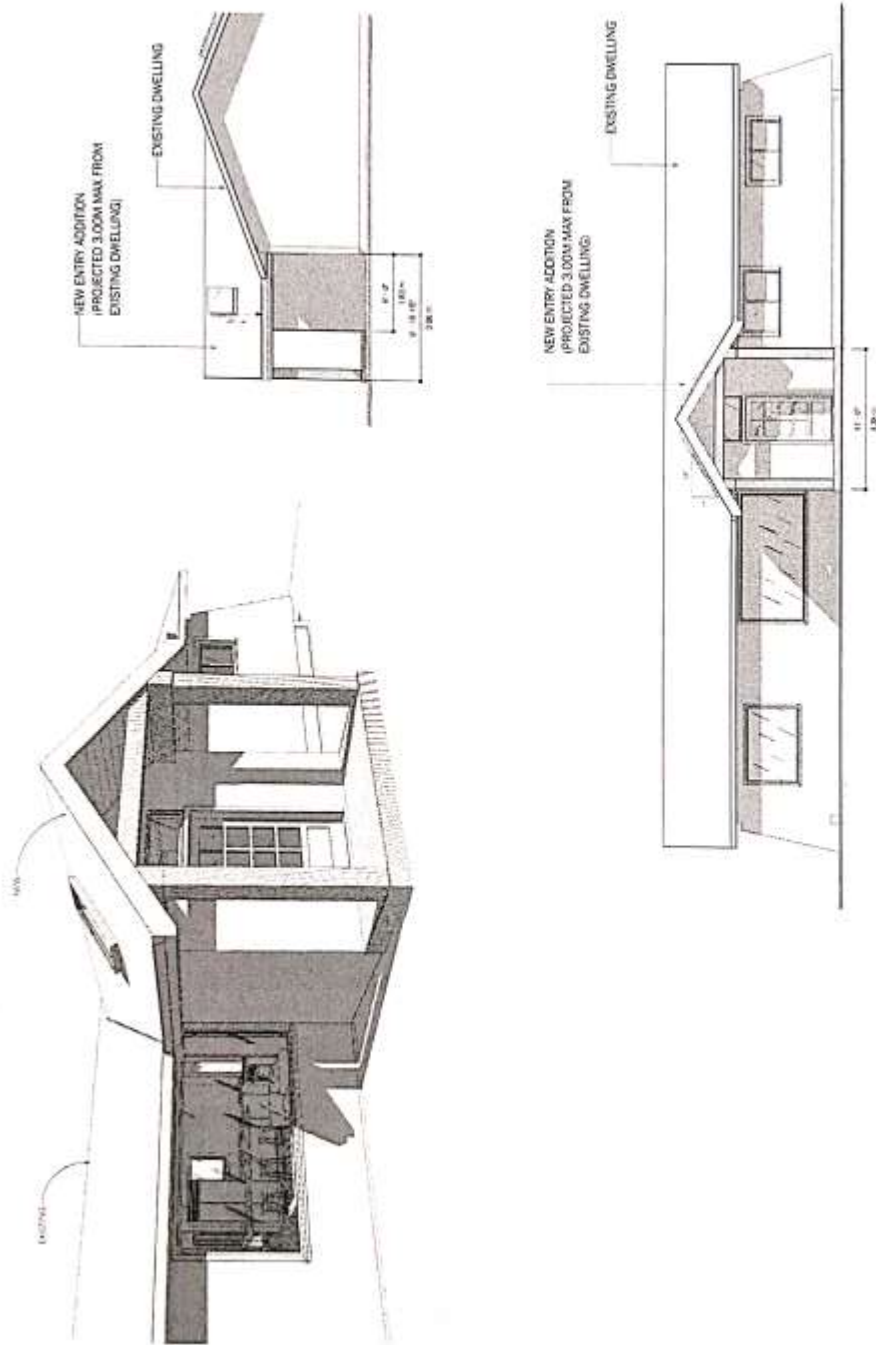


Figure 1: Subject Property Map



Figure 2: Property Aerial Photo





A0.1
Proposed Addition
Scale: 1/4" = 1'-0"
3/10/2024 10:10:10 AM

Developed: Varunad
Rowan Residence
3414 Redwood Road
Raleigh, NC



Figure 4: 3D Model of Proposed Addition, continued

DV 1A 20

TO: Mr. Marc Rowan

1. This Development Variance Permit (DV 1A 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, Section 30, Township 11, Nelson District, Plan 29374
Parcel Identifier (PID): 001-392-891 **Folio:** 10224.022
Civic Address: 3414 Kentwood Road, Courtenay
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 1A 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 _____, 2020.

James Warren
Corporate Legislative Officer

Certified on _____

Attachments: Schedule A – “Resolution”
Schedule B – “Subject Property Map, Aerial Photo, and 3D Model and Site Plan”

Schedule A

File: DV 1A 20

Applicants: Marc Rowan

Legal Description: Lot 2, Section 30, Township 11, Nelson District, Plan 29374

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 principal dwellings on this property is 7.5 metres;

AND WHEREAS pursuant to Section 403(1) of Bylaw No. 520, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019,” the minimum front yard setback for features of construction that protrude toward the lot line without incorporating floor area is 5.5 metres;

AND WHEREAS the applicant, Marc Rowan, wishes to construct an addition onto the façade of the existing detached dwelling unit shown on Schedule B, and the new addition will create the following lot line setbacks:

- Front lot line setback of 4.88 metres as it pertains to the foundation of the addition
- Front lot line setback of 4.68 metres as it pertains to the eaves of the addition

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

703(5) “The minimum front yard setback of the single detached dwelling shown on Schedule B is 4.88 metres for the foundation.”

403(1) “The minimum front yard setback of the single detached dwelling shown on Schedule B is 4.68 metres for the eaves.”

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 1A 20.

James Warren
Corporate Legislative Officer

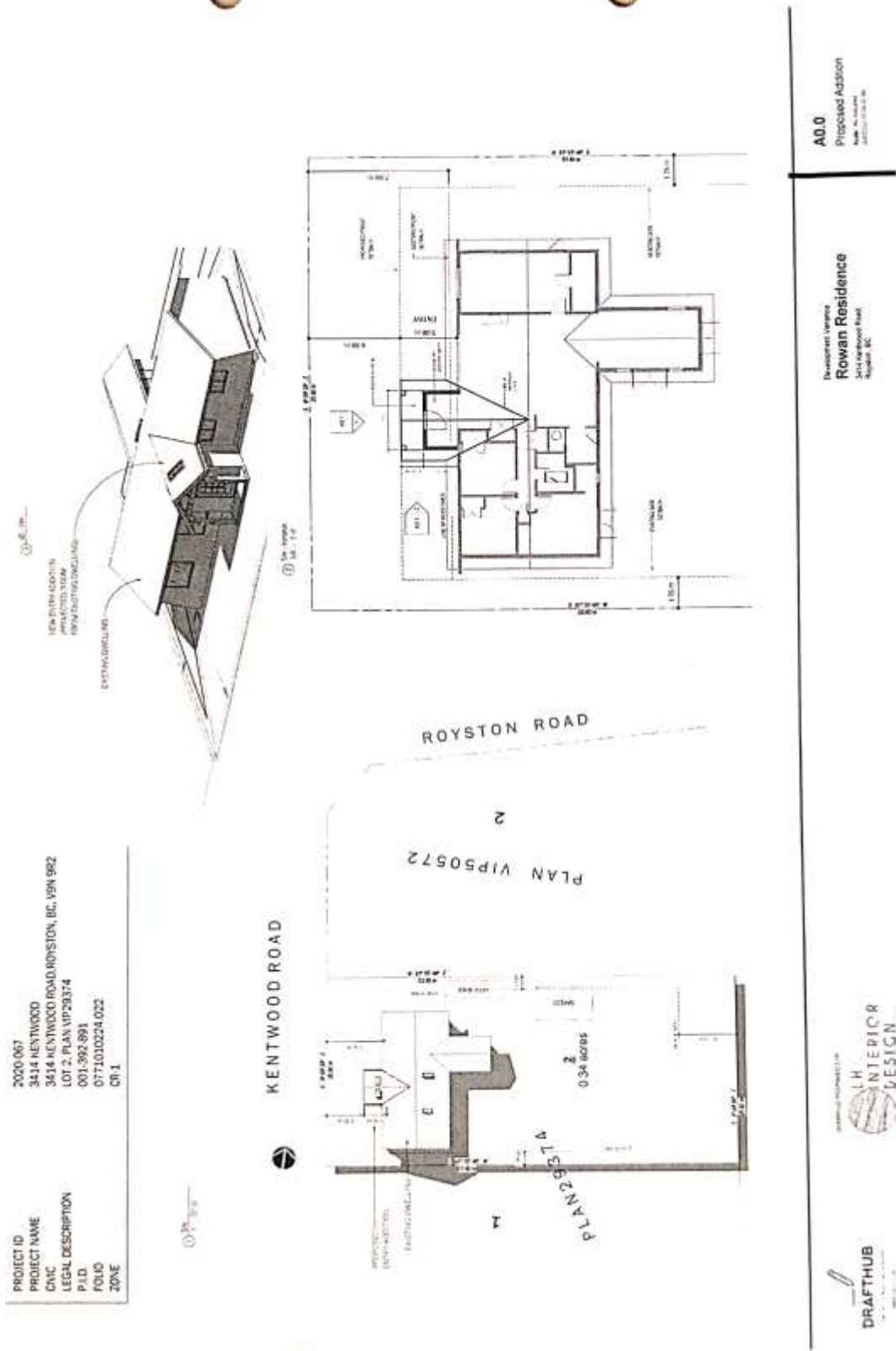
Certified on _____

Comox Valley Regional District

Aerial Photo



3D Model and Site Plan of Proposed Addition



3D Model and Site Plan of Proposed Addition, continued

