

**DATE:** October 2, 2017

**FILE:** 3090-20 / DV 3A 17

**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 – 3541 Cameron Road (Cahoon)  
Baynes Sound – Denman/Hornby Island (Electoral Area A)  
Lot 11, Section 28, Township 11, Nelson District, Plan VIP81228, PID 026-732-564

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### **Purpose**

To consider a Development Variance Permit (DVP) to allow access to a carriage house via an internal staircase and to allow internal access to the accessory use below.

### **Recommendation from the Chief Administrative Officer**

THAT the board approve the Development Variance Permit DV 3A 17 (Cahoon) to allow access to the carriage house via an internal staircase and to allow internal access to the accessory use below for a property described as Lot 11, Section 28, Township 11, Nelson District, Plan VIP81228, PID 026-732-564 (3541 Cameron Road);

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

### **Executive Summary**

- The applicants plan to build a single detached dwelling and a carriage house on a 1.1 hectare property that is 'hooked' over the E & N railway.
- The applicants would like to vary the zoning bylaw to allow access to the carriage via an internal staircase and to allow internal access to the accessory use below. The applicants cite easier maintenance and safety as a rationale for the variance.
- As part of the ongoing zoning bylaw review, staff is reviewing options to enable more flexibility in carriage house design. Allowing internal access for a carriage house can reduce hazardous conditions (e.g ice on an outdoor staircase), create additional privacy from neighbours and provide an alternative aesthetic option. Allowing internal access to the accessory use below does not infer that residential uses are permitted on the main floor. The zoning bylaw clearly states that the residential component of the carriage house is limited to the second storey. For these reasons, staff supports the issuance of the DVP.

Prepared by:

*B. Labute*

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Brianne Labute  
Planner

Concurrence:

*A. Mullaly*

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Alana Mullaly, RPP, MCIP  
Manager of Planning  
Services

Concurrence:

*A. MacDonald*

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Ann MacDonald, RPP, MCIP  
General Manager of Planning  
and Development Services

**Stakeholder Distribution (Upon Agenda Publication)**

Applicants	✓
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**Background/Current Situation**

An application has been received to consider a DVP (Appendix A) to allow access to a carriage house via an internal staircase and to allow internal access to the accessory use below. The 1.1 hectare property is ‘hooked’ over the E & N railway. There is a residential property to the southwest, Cameron Road to the northwest and parklands to the southeast (Figures 1 and 2). The property is within the Royston Water Local Service Area and has no sewer service. The applicants plan to build a single family dwelling and a carriage house (Figures 3 and 4). On the application form, the applicants cite easier maintenance and less chance of injury as the rationale for the variance.

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 internal staircase and access between floors for the carriage house does not conflict with residential policies established in the OCP.

Zoning Bylaw Analysis

The property is zoned Residential One B (R-1B) in Bylaw No. 2781, being the “Comox Valley Zoning Bylaw No. 2781, 2005” (Appendix B). The R-1B zone permits a principal dwelling and a carriage house. The application seeks relief from Section 313 (6) *iii.* and *iv.* of the zoning bylaw (below) in order to have access to a carriage house via an internal staircase and to allow internal access to the accessory use below.

## 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 main floor 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. 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.

**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, being the “Comox Valley Regional Growth Strategy Bylaw No. 120, 2010” designates the subject property within Settlement Expansion Areas. The intent of this designation is to manage growth in a phased and orderly manner. As such, the policies are focused on new or changing land uses and development. The proposed single detached dwelling and carriage house do not conflict with the policies of this designation.

**Intergovernmental Factors**

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

**Interdepartmental Involvement**

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

**Citizen/Public Relations**

The Advisory Planning Commission will review this application at their meeting scheduled for September 25, 2017. The minutes from the meeting will be forwarded to the Electoral Areas Services Committee (EASC).

Notice of the requested variance will be mailed to adjacent property owners within 100.0 metres of the subject property at least 10 days prior to the 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 17”  
Appendix B – “Copy of R-1B Zone”

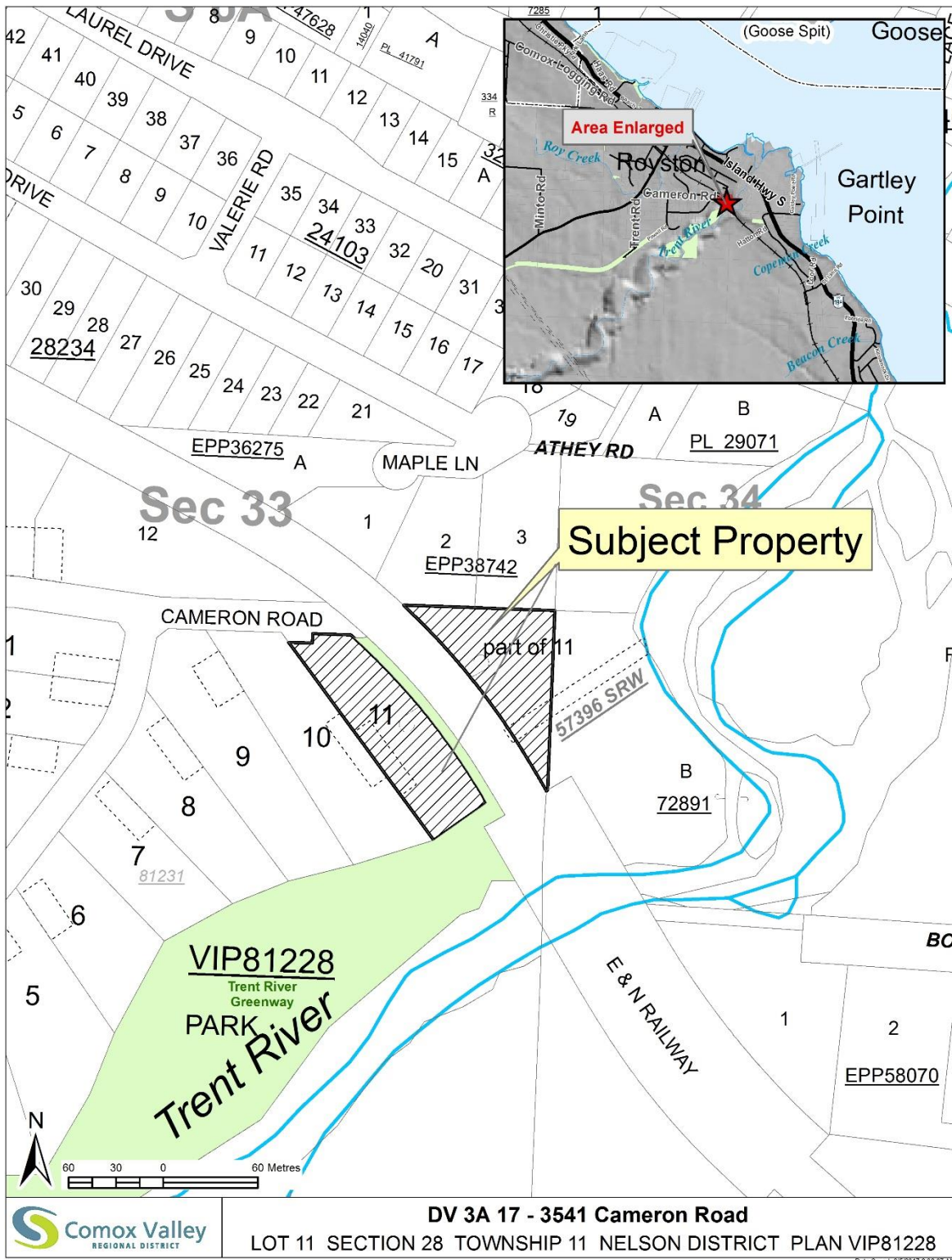


Figure 1: Subject Property Map



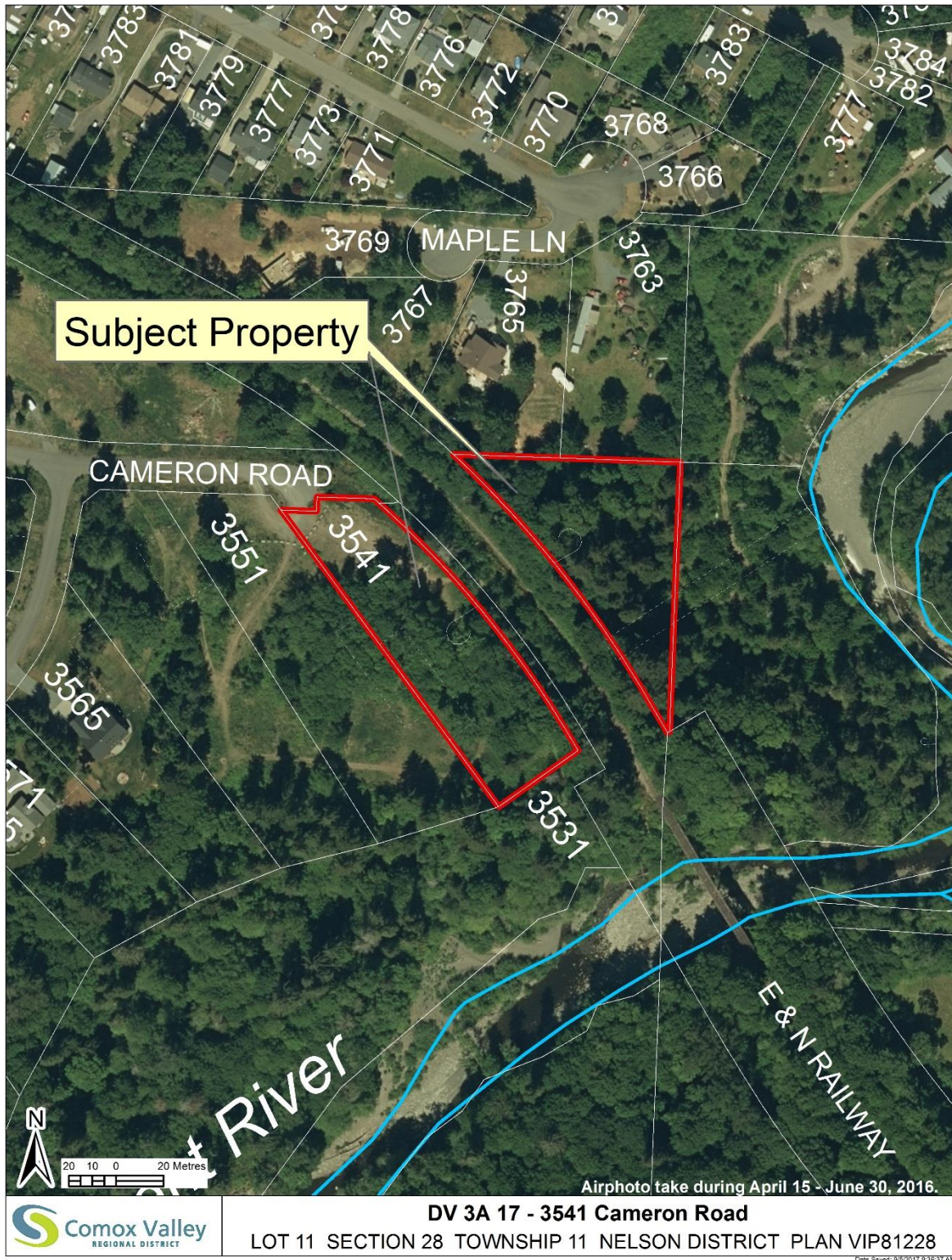


Figure 2: Aerial Photo

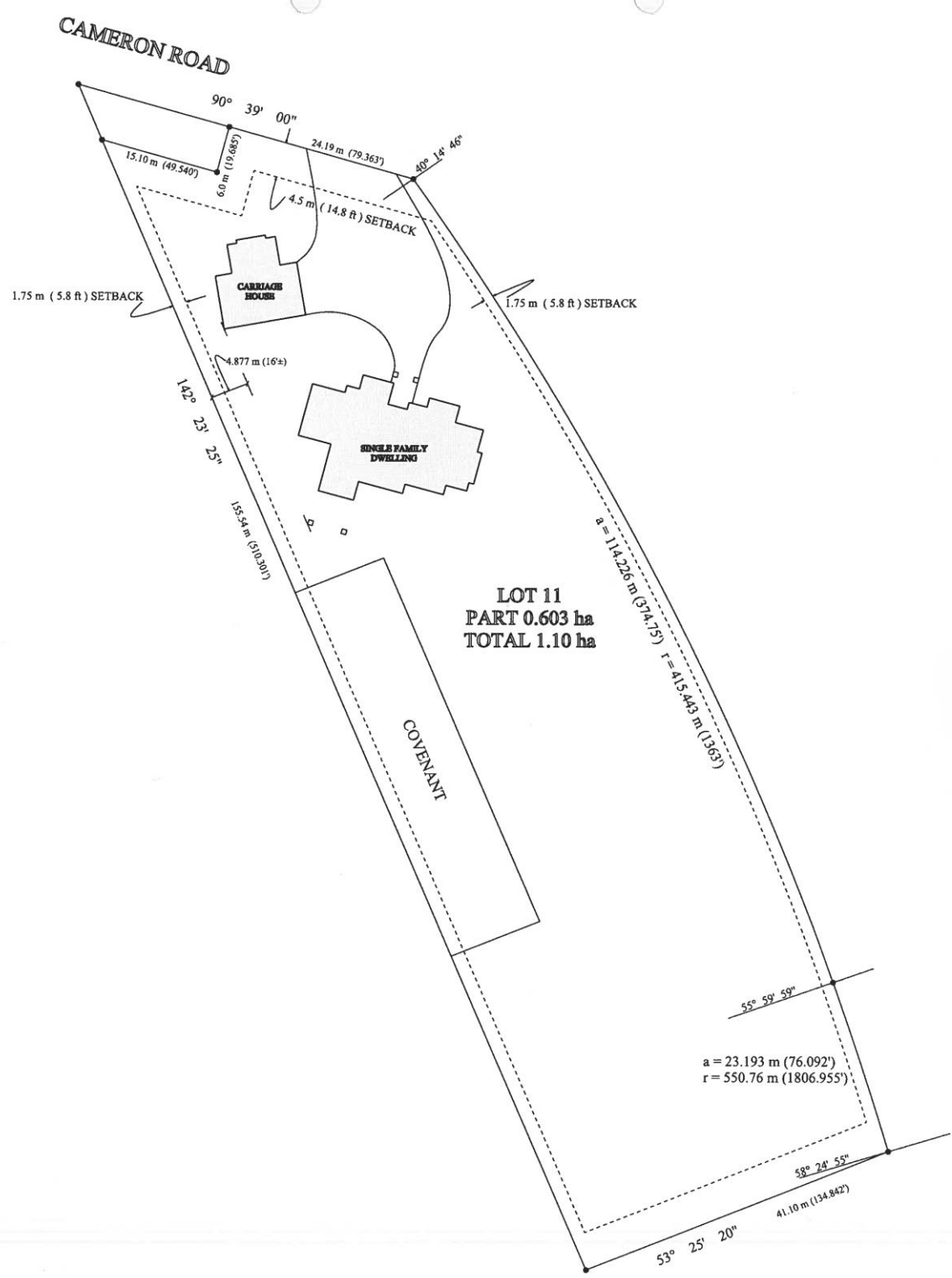
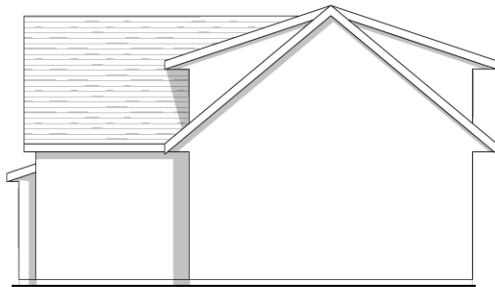


Figure 3: Site Plan, as Submitted by Applicants



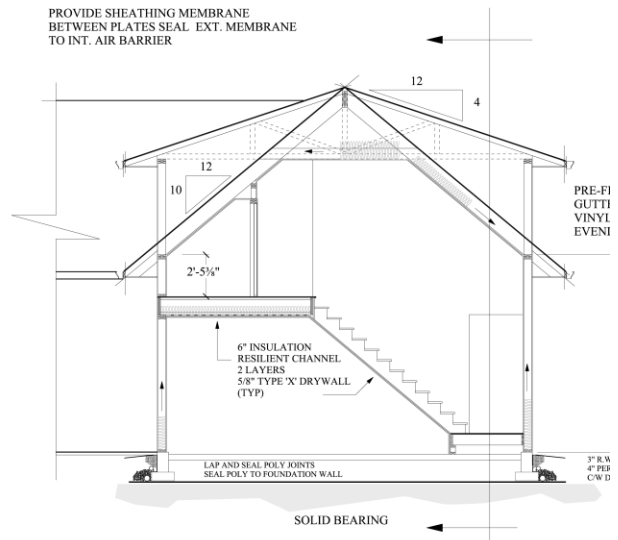
**1**  
102  
**FRONT ELEVATION**  
SCALE 3/16" = 1'-0"



**2**  
102  
**REAR ELEVATION**  
SCALE 3/16" = 1'-0"

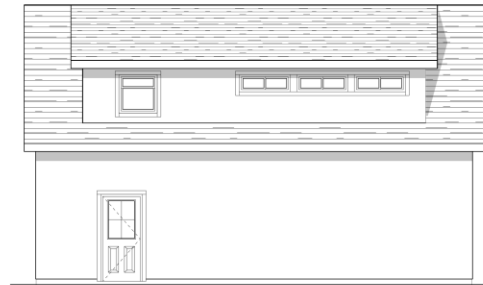


**3**  
102  
**RIGHT ELEVATION**  
SCALE 3/16" = 1'-0"



**A**  
102  
**BUILDING SECTION A-A**  
SCALE 1/4" = 1'-0"

TYPICAL EX  
FINISH CLAI  
CAPILLARY  
VAPOUR PE  
MEMBRANE  
1/2" PLY SHE  
2" X 6" @ 2 16" O  
R-20 INSULA  
1/2" DRYWAI



**4**  
102  
**LEFT ELEVATION**  
SCALE 3/16" = 1'-0"

**Figure 4: Building Plans**

DV 3A 17

**TO:** Nicole and Carl Cahoon

**OF:** 1036 Arrowsmith Avenue, Courtenay BC, V9N 8M2

1. This development variance permit (DV 3A 17) 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 11, Section 28, Township 11, Nelson District, Plan VIP81228  
**Parcel Identifier (PID):** 026-732-564      **Folio:** 771 10860.100  
**Civic Address:** 3541 Cameron 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, B and C;
  - ii. AND THAT all other buildings and structures must meet zoning requirements.
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 17) 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 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 of 3541 Cameron Road”  
Schedule C – “Building Plans”

DRAFT

**Schedule A**

**File: DV 3A 17**

**Applicants:** Nicole and Carl Cahoon

**Legal Description:** Lot 11, Section 28, Township 11, Nelson District, Plan VIP81228

**Specifications:**

THAT 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 applicants, Nicole and Carl Cahoon, wish to have access to the carriage house by means of an internal staircase and to allow internal access to the accessory use below;

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:

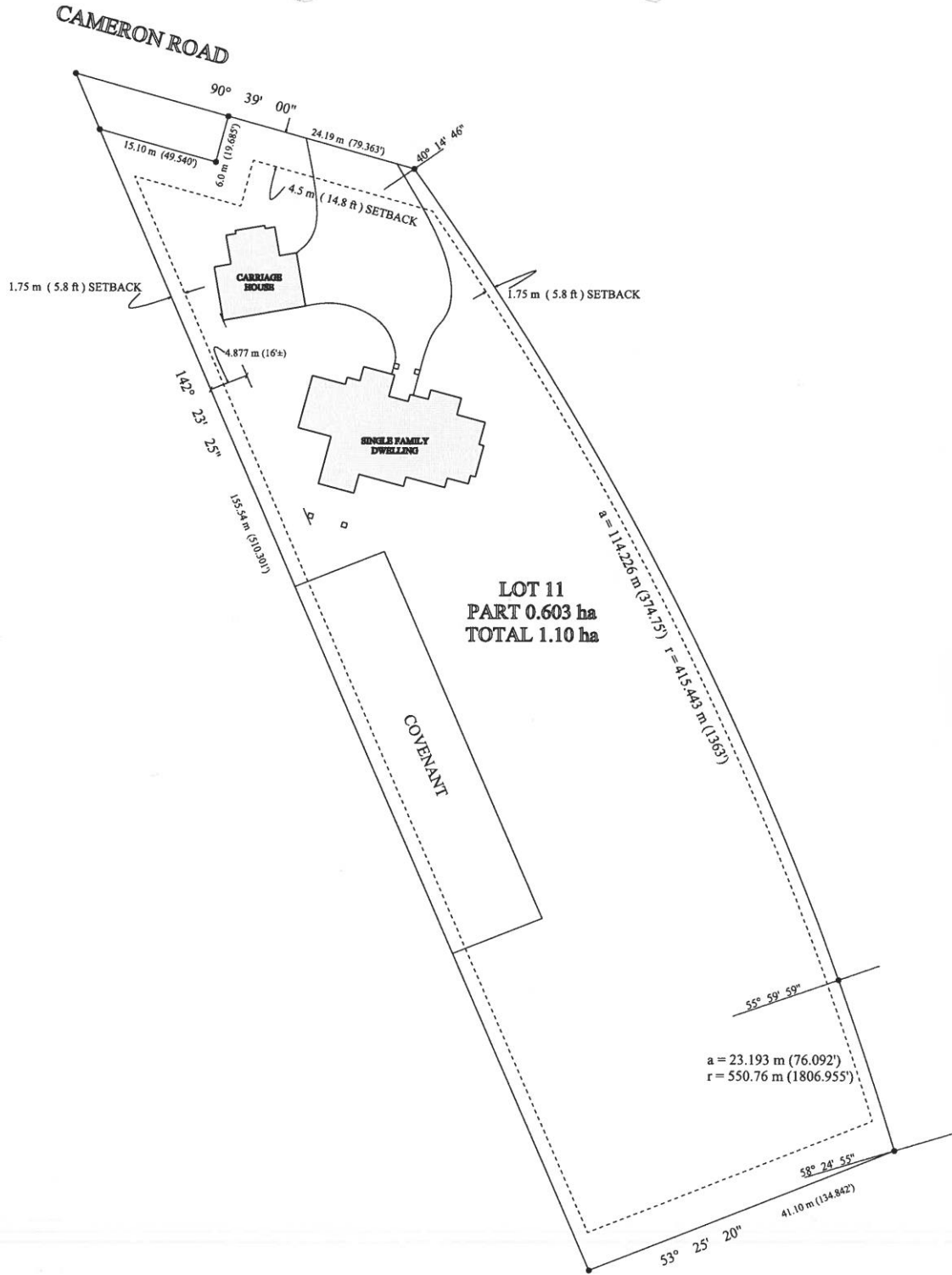
- 313(6) iii. The second storey floor area occupied by the residential use may have interior access to any part of the accessory use below.
- 313 (6) iv. The means of access and egress to the second storey residential use may be internal to the structure.

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 3A 17.

\_\_\_\_\_  
James Warren  
Corporate Legislative Officer

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

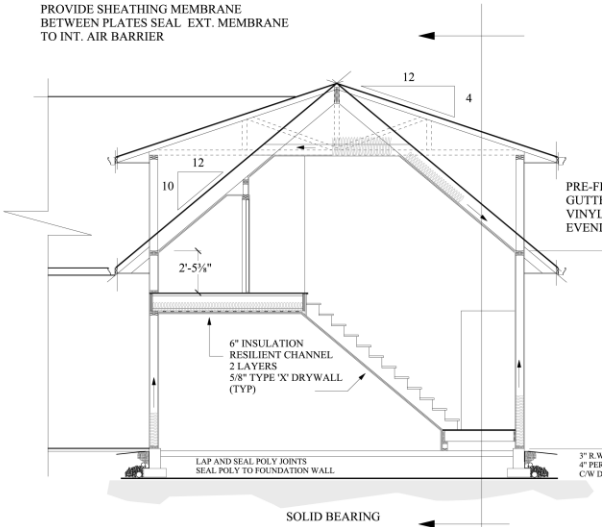
### Schedule B Site Plan



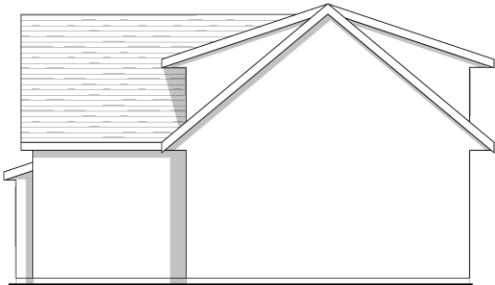
# Schedule C Building Plans



1  
102 **FRONT ELEVATION**  
SCALE 3/16" = 1'-0"



A  
102 **BUILDING SECTION A-A**  
SCALE 1/4" = 1'-0"



2  
102 **REAR ELEVATION**  
SCALE 3/16" = 1'-0"

TYPICAL EX  
FINISH CLAY  
CAPILLARY  
VAPOUR PER  
MEMBRANE  
1/2" PLY SHE  
2" X 6" 2.16" C  
R-20 INSULA  
1/2" DRYWAI



3  
102 **RIGHT ELEVATION**  
SCALE 3/16" = 1'-0"



4  
102 **LEFT ELEVATION**  
SCALE 3/16" = 1'-0"

<b>702</b>	<b>Residential One B (R-1B)</b>
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**1. PRINCIPAL USE**

**On any lot:**

- i) Residential 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 m<sup>2</sup> (968.8 ft<sup>2</sup>)

#112
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**4. SITING AND HEIGHT OF BUILDINGS AND STRUCTURES**

The setbacks required for buildings and structures within the Residential One zone are as set out in the table below.

Type of Structure	Height	Required Setback		
		Front yard	Rear yard	Side yard
Principal	10.0m (32.8ft)	4.5m (14.8ft)	4.5m (14.8ft)	1.75m (5.8ft)
Accessory	4.5m-or less (14.7ft or less)	4.5m (14.8ft)	1.0m (3.3ft)	1.0m (3.3ft)
Accessory	6.0m-4.6m (19.7ft)	4.5m (14.8ft)	4.5m (14.8ft)	1.75m (5.8ft)

Except where otherwise specified in this bylaw, no building or structure shall be located in any required front and side yard setback areas. [Note: 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. 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. #200
- 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:

- a) When connected to either community water or sewer: 4000 m<sup>2</sup> (1.0 acre)
- b) When serviced by well and approved septic system: 1.0 hectare (2.5 acres)

Despite (iii) above, a subdivision with lots smaller than identified in (a) and (b) above may be created by subdivision provided that the average lot area within the subdivision is equal to the minimum lot areas permitted based upon the available servicing.

*End • R-1B*