

**DATE:** May 16, 2018

**FILE:** 3090-20 / DV 5A 18

**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 – Goodridge & Turriff  
Baynes Sound – Denman/Hornby Islands (Electoral Area A)  
Lot 50, Section 2, Newcastle District, Plan 22008, PID 000-176-982**

### Purpose

To consider a Development Variance Permit (DVP) to increase the maximum permitted height for an accessory building from 6.0 metres to 6.5 metres (Appendix A).

### Recommendation from the Chief Administrative Officer

THAT the board approve the Development Variance Permit DV 5A 18 (Goodridge & Turriff) to increase the maximum permitted height for an accessory building from 6.0 metres to 6.5 metres for property described as Lot 50, Section 2, Newcastle District, Plan 22008, PID 000-176-982;

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

### Executive Summary

- The subject property is 0.2 hectares in size and contains a partially constructed accessory building. The proposed accessory building includes a carport to store a recreational vehicle (RV).
- After the walls of the accessory building were erected, but prior to the roof trusses being placed, the owners obtained a height survey. The height of the walls is 4.8 metres. The owners wish to have a high ceiling to accommodate the RV.
- According to the owners, once the roof trusses are placed, the building height would be 6.0 metres. However, with additional building materials on top of the roof, the final building height would be more than 6.0 metres. Therefore, they applied for a DVP to increase the maximum height to 6.5 metres for some flexibility.
- The slope of the property would reduce the visual impact of the additional height, and the additional height would still maintain the relative scale between the accessory building and the future single detached dwelling on the property. Further, it is not expected to negatively affect use of the abutting properties. Staff supports the issuance of the DVP.

Prepared by:

Concurrence:

***B. Chow***

***A. Mullaly***

Brian Chow, MCIP, RPP  
Rural Planner

Alana Mullaly, M.Pl., MCIP, RPP  
Acting 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 to consider a DVP to increase the maximum height of an accessory building from 6.0 metres to 6.5 metres. The residential property is 0.2 hectares and bound by residential properties to the northwest and southeast, Tozer Road to the northeast and Fanny Bay Conservation Area to the southwest (Figures 1 and 2). The owners obtained a building permit to build an accessory building with a carport (Figures 3 to 5). According to the owners, their building plans were approved with all relevant building and lot slope heights, but their contractor requested to flip the building design, so that the carport is at the rear of the building instead of the front. However, they neglected to contour and plateau the lot, so that the building would remain within the maximum height limit.

After the walls were erected, but prior to the roof trusses being placed, the owners obtained a height survey. The height of the framed walls is 4.8 metres, and once the roof trusses are placed, the building height would be 6.0 metres. The owners wish for a high ceiling to accommodate the RV. However, with additional building materials on top of the roof, the final building height would be more than 6.0 metres. Therefore, they applied for a development variance permit to increase the maximum height to 6.5 metres to provide some room and flexibility.

**Official Community Plan Analysis**

The subject property is designated Rural Settlement Area in the Official Community Plan, being the “Rural Comox Valley Official Community Plan Bylaw, No. 337, 2014”. The Rural Settlement Area designation provides for a range of low density rural residential uses.

**Zoning Bylaw Analysis**

The property is zoned Residential Rural (R-RU) in Bylaw No. 2781, being the “Comox Valley Zoning Bylaw, 2005”. The R-RU zone permits an accessory building up to 6.0 metres in building height. In the zoning bylaw, building height is defined as, “*the vertical distance from the average natural grade level of the building footprint to the highest part of the roof surface.*” According to the owners, their challenge is the topography of the property that slopes from Tozer Road towards the rear. As the accessory building is located in the lower portion of the lot, the slope would reduce the visual appearance of the additional height. The owners are requesting a maximum height of 6.5 metres for flexibility. All other zoning requirements are met.

The regulation on the maximum building height of an accessory building is intended to provide a visual differentiation between single detached dwellings and accessory buildings to maintain the rural neighbourhood character. The proposed variance would maintain the relative scale between the subject accessory building and the future single detached dwelling, and would not impact the rural character of the neighbourhood. For these reasons, staff support the issuance of the DVP.

Please note that Section 309 of the Zoning Bylaw permits an accessory building of up to 90.0 square metres when there is not a principal use being carried out. The size of the subject accessory building is 89.2 square metres. The owners intend to build a single detached dwelling closer to Tozer Road in the future.

**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. DVPs 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 Rural Settlement Area designation permits residential uses that support a rural lifestyle.

**Intergovernmental Factors**

There are no intergovernmental factors.

**Interdepartmental Involvement**

This DVP application was circulated to relevant departments within the CVRD for comment. No concerns were identified.

**Citizen/Public Relations**

The Advisory Planning Commission will review this application at their meeting scheduled for May 28, 2018. 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 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.

Attachment: Appendix A – “DVP – DV 5A 18”

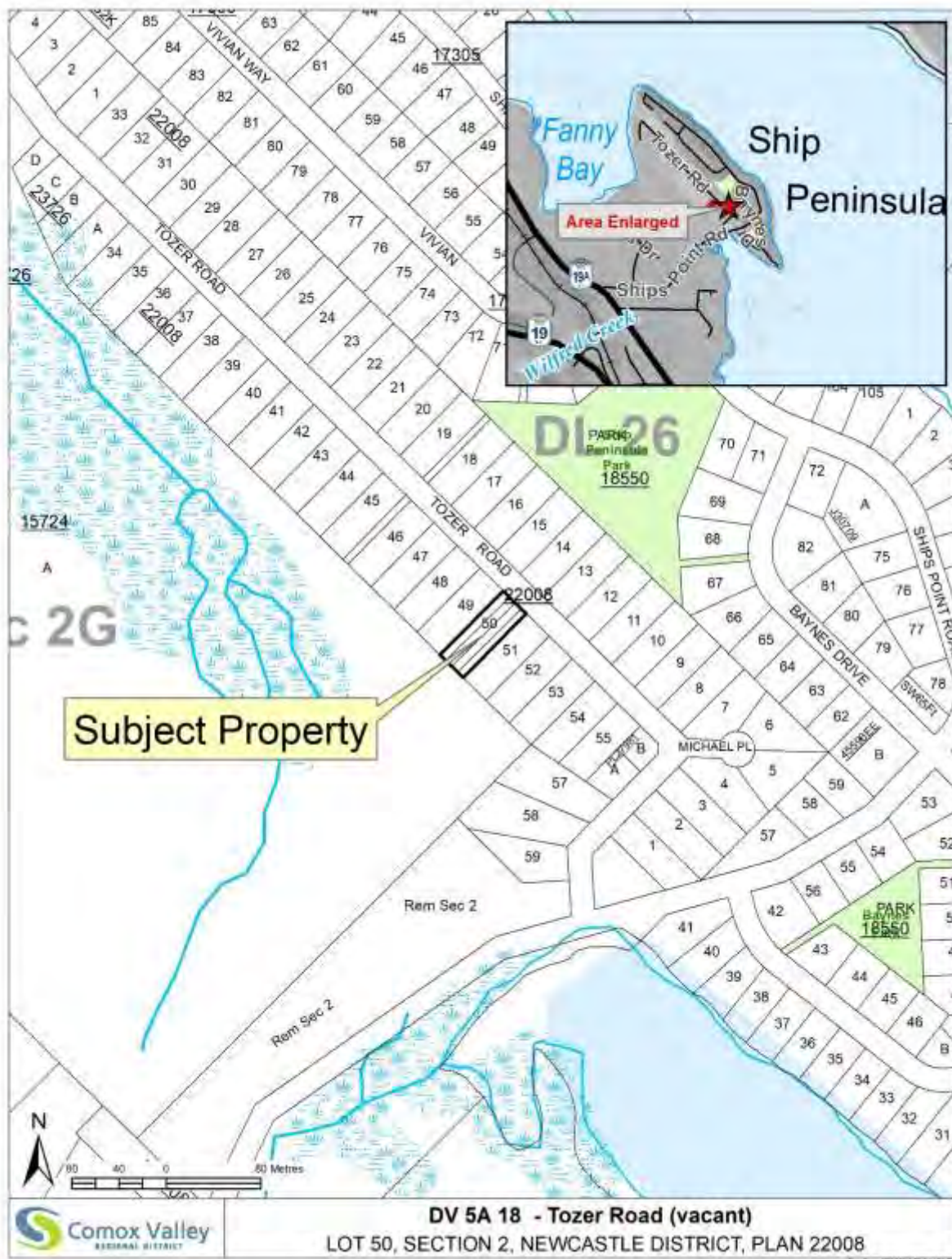


Figure 1: Subject Property Map





Figure 2: Aerial Photo

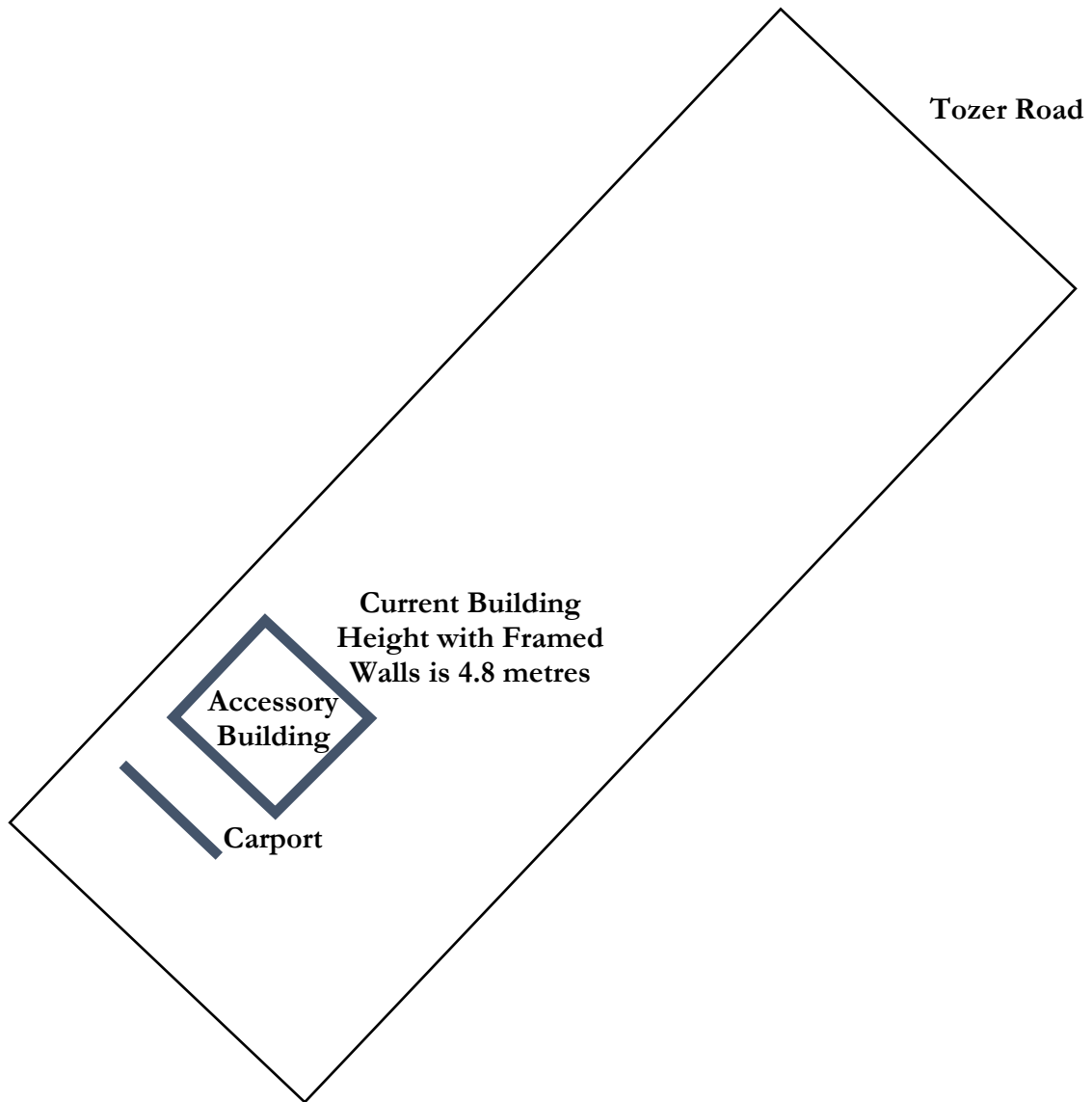


Figure 3: Site Plan



Figure 4: Accessory Building



Figure 5: Accessory Building with Carport



**DV 5A 18****TO: William Goodridge and Kristin Turriff**

1. This Development Variance Permit (DV 5A 18) 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 50, Section 2, Newcastle District, Plan 22008**  
**Parcel Identifier (PID): 000-176-982 Folio: 771 11005.490**  
**Civic Address: Lot 50, Plan 22008, Tozer Rd**
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. 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 5A 18) 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 B
6. oard, in order to proceed.
7. 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 Survey Showing Building Height of the Accessory Building”  
Schedule C – “Photos of the Accessory Building”

Draft

## Schedule A

**File: DV 5A 18**

**Applicants:** William Goodridge and Kristin Turriff  
**Legal Description:** Lot 50, Section 2, Newcastle District, Plan 22008,  
PID 000-176-982

### Specifications:

THAT WHEREAS pursuant to Section 706(4) of Bylaw No. 2781, being the Comox Valley Zoning Bylaw, 2005, the maximum height of all accessory buildings is 6.0 metres;

AND WHEREAS the applicants, William Goodridge and Kristin Turriff, wish to increase the maximum height of an accessory building to 6.5 metres as shown on Schedules B and C;

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:

706(4) The maximum height of the accessory building shown on Schedules B and C is 6.5 metres.

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 5A 18.

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

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



**Schedule C**  
**Photos of the Accessory Building**



**View of the Accessory Building from the Front Yard**



**Carport Section of the Accessory Building**