

DATE: February 20, 2024

TO: Chair and Directors
Electoral Areas Services Committee

FROM: Marc Rutten
Acting Chief Administrative Officer

FILE: 3090-20/DV 6B 23

Supported by Marc Rutten
A/ Chief Administrative Officer

M. Rutten

RE: Development Variance Permit – 1891 Vera Drive (Kneeland/Dunsmore)

Purpose

To consider a Development Variance Permit (DVP) application to reduce the required minimum side yard setback for an existing single detached dwelling from 3.5 metres to 2.88 metres with a roof overhang of 2.24 metres from the lot line. (Appendix A).

Recommendation from the Acting Chief Administrative Officer:

THAT Development Variance Permit DV 6B 23 (Kneeland/Dunsmore) be approved to reduce the minimum side yard setback from 3.5 metres to 2.88 metres for an existing single detached dwelling on property described as Lot 1, Block 29, Comox District, Plan VIP78018, PID 026-127-725 (1891 Vera Drive);

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

Executive Summary

- A Development Variance Permit (DVP) application has been received to legalize the siting of an existing single detached dwelling. The DVP application is to consider the reduction of the required minimum side yard setback for an existing single detached dwelling from 3.5 metres to 2.88 metres with a roof overhang of 2.24 metres from the lot line.
- The Advisory Planning Commission (APC) for Electoral Area B considered this application at their November 20, 2023, meeting and voted to support the variance request. Staff sent mail notification of the variance request to adjacent property owners within 100.0 metres of the subject property to solicit feedback.
- Staff are recommending that the variance be approved as the proposed building is consistent with the form and character of the neighbourhood, and is not likely to generate any privacy concerns or issues for building maintenance.

Prepared by:

Concurrence:

Concurrence:

S. Pawluk

T. Trieu

A. Mullaly

Stephanie Pawluk
Planner II

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Manager of
Planning Services

Alana Mullaly
General Manager of Planning
and Development Services

Government and Community Interests Distribution (Upon Agenda Publication)

Applicant	✓
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Background/Current Situation

An application has been received to consider a DVP to legalize the siting of an existing single detached dwelling. The subject property, located at 1891 Vera Drive, is 1.0 hectare, is zoned Country Residential One (CR-1) and is in a Rural Settlement Area (Figures 1 and 2). The dwelling unit located on the subject property was constructed by the previous owner around 2007 and subsequent additions as recent as 2016 without the benefits of permits. The applicants are aware that all buildings on the subject property require building permits, and are seeking to bring everything into compliance. As the setback for the single detached dwelling is non-compliant, a DVP would first need to be granted and then a subsequent building permit application made.

The applicants wish to retain the existing building at the existing location next to the side lot line (Figures 3- 5), by reducing the required minimum side yard setback for a single detached dwelling from 3.5 metres to 2.88 metres with a roof overhang of 2.24 metres from the lot line.

Zoning Bylaw Analysis

The Zoning Bylaw, being the “Rural Comox Valley Zoning Bylaw No. 520, 2019,” prescribes the CR-1 zone to the subject property. Dwellings within the CR-1 zone are required to have a minimum setback in the side yard of 3.5 metres (Section 703(5)(i)). The application is accompanied by confirmation from a surveyor of the 2.88 metre setback of the existing house (Figure 3).

Section 403 of the Zoning Bylaw addresses projections into the setback. Eaves, gutters and sunlight controls are permitted to project beyond the face of a building up to 0.76 metres, or up to half of the required setback distance, up to 2.0 metres. The applicant has confirmed that the overhang, with the gutter, projects 0.64 metres beyond the face of the building. Therefore, the setback from the eave to the property line is 2.24 metres. The projection is less than half of the required setback of 3.5 metres and is also less than the permitted 0.76 metres. This

complies with Section 403 of the Zoning Bylaw. The variance will further reference the setback with the overhang of 2.24 metres.

Recommendation and Rationale

Staff are recommending that the DVP application be approved as it is proposed. The purpose of minimum lot line setbacks is to have sufficient spatial separation from adjacent lots and their buildings. The value of lot line setbacks include:

- Increased privacy, and reduced noise and shadowing impact;
- Improved safety between buildings;
- Future building and site maintenance; and
- Improved access within the site.

The proposal is not anticipated to generate any negative privacy issues to or from neighbouring properties, make the structure more difficult to maintain, or alter the form and character of the neighbourhood. Form and character refers to both the look of the development as well as its overall size and scope, with an emphasis on fitting into a rural landscape.

Options

The options are to either approve, refer back to staff, or deny the DVP application. Based on the rationale above, staff recommend that the variance be approved.

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,” including the application fee of \$500.00.

Strategic Considerations - Strategic Drivers						
Fiscal Responsibility		Climate Crisis and Environmental Stewardship and Protection	Community Partnerships		Indigenous Relations	Accessibility, Diversity, Equity and Inclusion

The board’s strategic drivers are not directly relevant to the subject application.

Strategic Considerations - Regional Growth Strategy Goals						
Housing		Ecosystems, Natural Areas and Parks		Local economic development		Transportation
Infrastructure		Food Systems		Public Health and Safety		Climate Change

The application does not have any implications for the Regional Growth Strategy’s (RGS) eight goals, outlined in Bylaw No. 120, being the “Comox Valley Regional

District Regional Growth Strategy Bylaw No. 120, 2010". The RGS designates the property as being within a Rural Settlement Area. The proposed development does not conflict with any of the residential goals, policies, or objectives for the Rural Settlement Area.

Intergovernmental Factors

There are no intergovernmental factors with this application.

Interdepartmental Involvement

A referral was sent to staff in the bylaw enforcement, fire services, building services, and engineering services departments. Fire services flagged a concern regarding the trees being so close to the high-combustible siding, and noted that this dwelling is outside of the 10 minute response window. Building noted that the area of window openings permitted may be impacted by the proximity of the building to the property line (in which case, modifications may be required).

Citizen/Public Relations

The APC for Electoral Area C considered this at their November 20, 2023, meeting and voted unanimously to support the variance application for the development as proposed. The rationale provided for their support was that it is minor in nature and the applicant is following the right process before proceeding.

Additionally, notice of the variance was mailed to adjacent property owners and tenants within 100.0 metres of the subject property at least 10 days prior to the Electoral Areas Services Committee (EASC) meeting. This notice informs the owners and/ or occupants as to the purpose of the application and permit, the land that is the subject of the permit, and that further information on the proposed permit is available at the CVRD office. It also provided the date and time of the EASC meeting where the permit will be considered. Consultation with these property owners and tenants is through their written comments received prior to the EASC meeting. Any comments received after the publication of the Committee agenda will be presented to the Directors in the oral presentation of this report.

Attachments: Appendix A – Development Variance Permit DV 6B 23

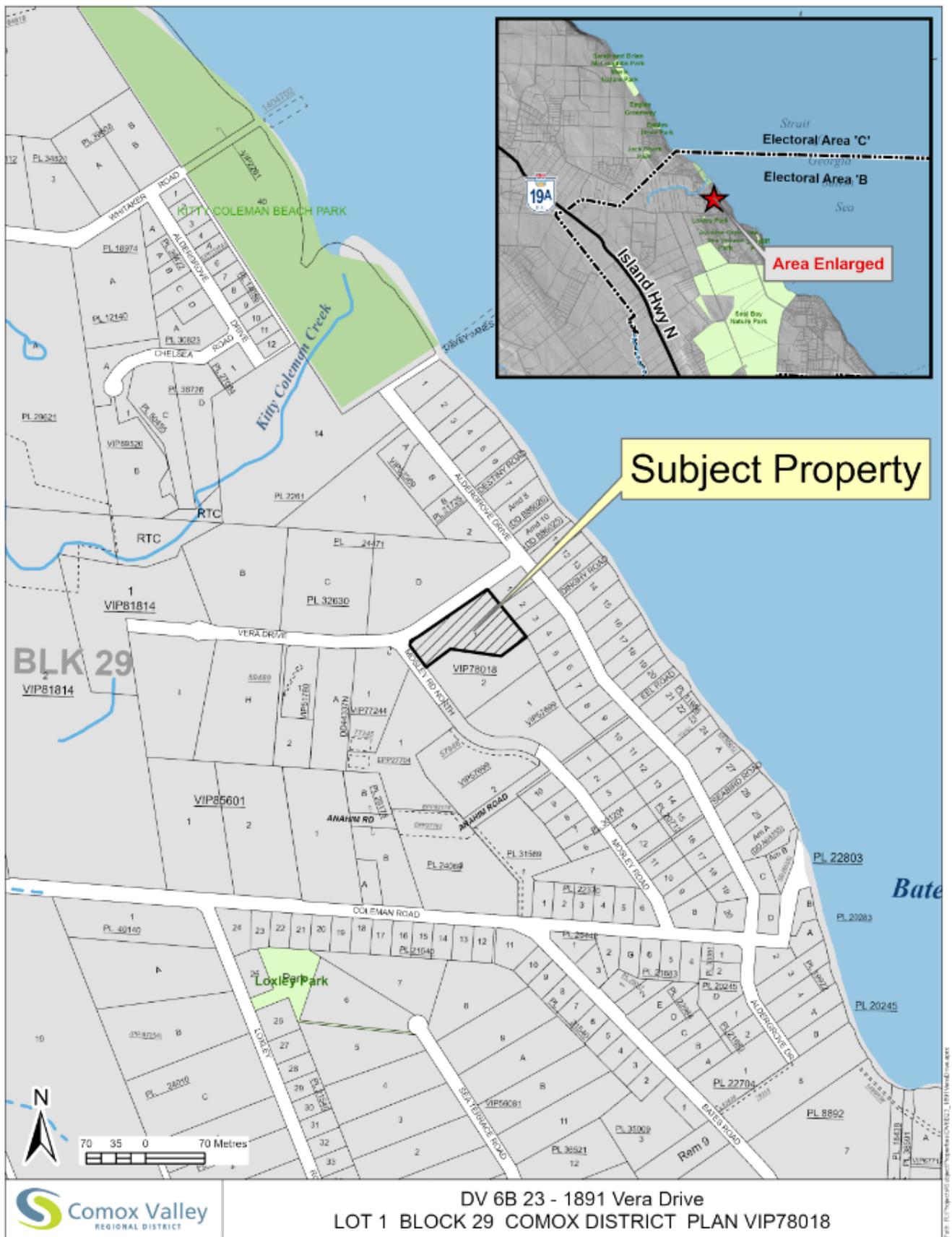


Figure 1: Subject Property Map

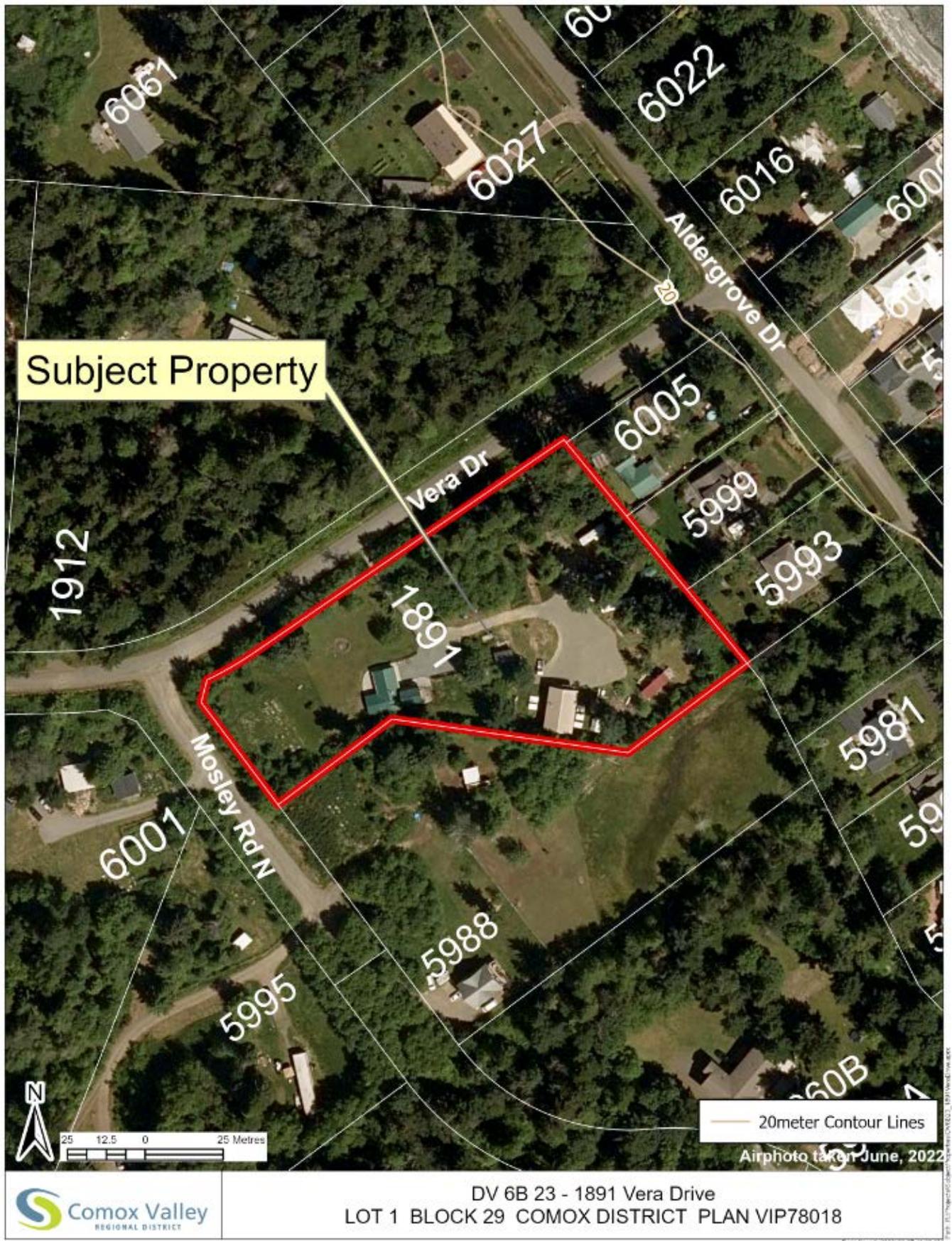


Figure 2: Air Photo

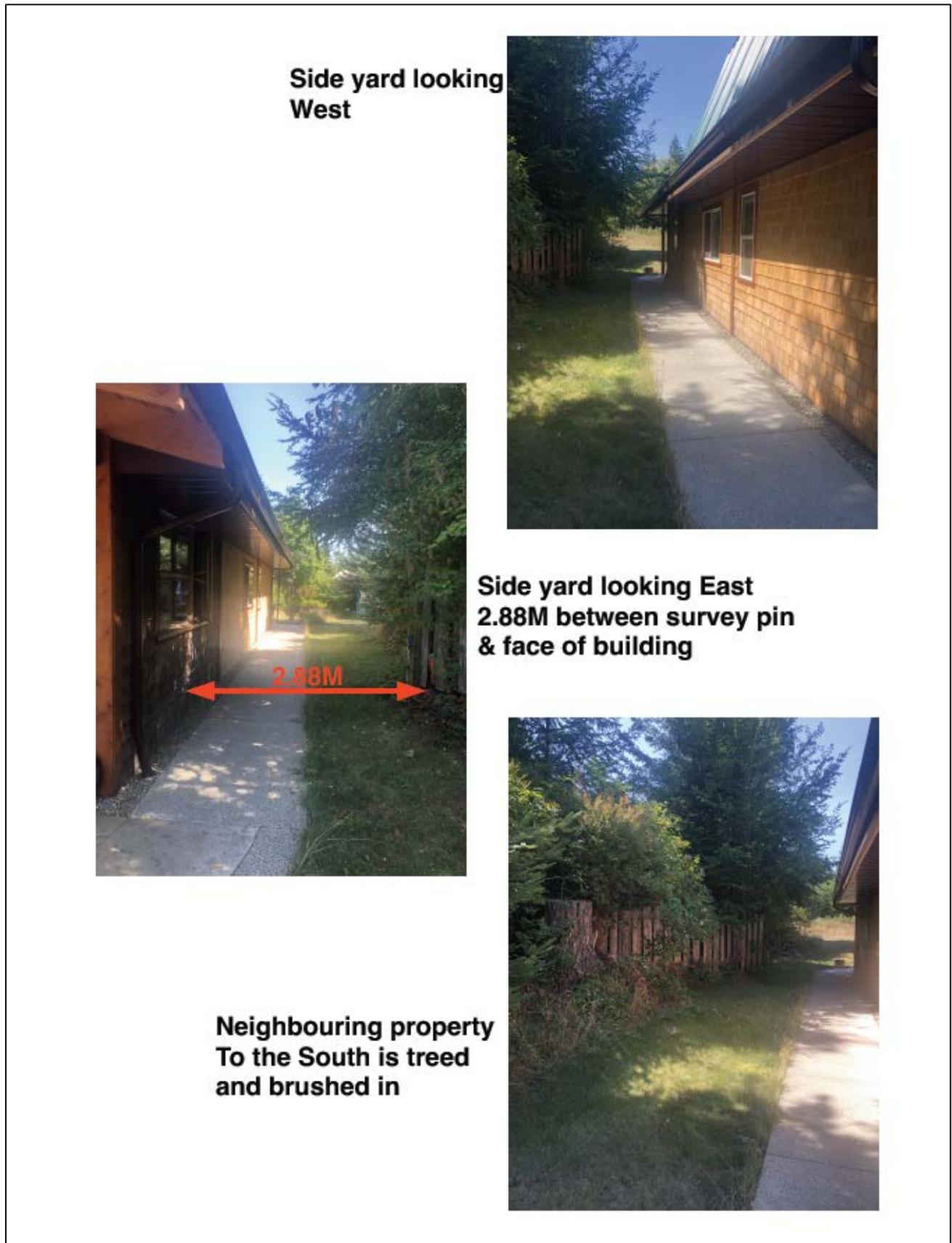


Figure 4: Site photos showing side of building subject to the variance

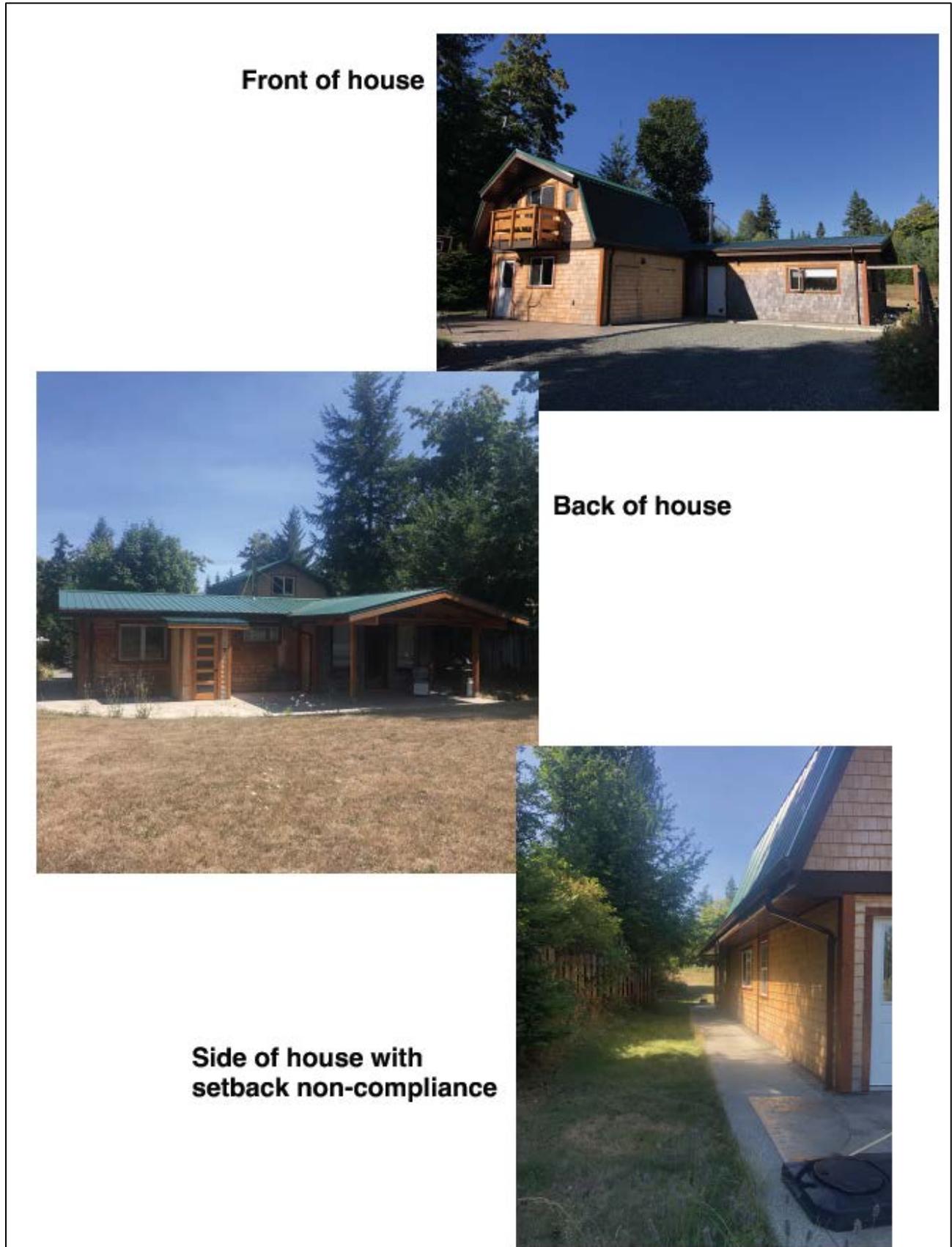


Figure 5: Site Photo Showing Front of Subject Building and neighbouring property

DV 6B 23

TO: Nathan Kai Kneeland & Bryony Dunsmore

1. This Development Variance Permit (DV 6B 23) 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 1, Block 29, Comox District, Plan VIP78018
Parcel Identifier (PID): 026-127-725 Folio: 04897.400
Civic Address: 1891 Vera Drive
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 6B 23) 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 **Date.**

Jake Martens
Deputy Corporate Legislative Officer

Certified on _____

Attachments: Schedule A – “Resolution”
 Schedule B – “Subject Property Maps, Air Photos, and Site Plans”

Draft

Schedule A

File: DV 6B 23

Applicants: Nathan Kai Kneeland & Bryony Dunsmore

Legal Lot 1, Block 29, Comox District, Plan VIP78018

Description:

Specifications:

THAT WHEREAS pursuant to Section 703(5)(i) of Bylaw No. 500, being the "Rural Comox Valley Zoning Bylaw No. 520, 2019," the minimum side yard setback for a principal structure is 3.5 metres;

AND WHEREAS the applicant(s), Nathan Kai Kneeland and Bryony Dunsmore, wish to reduce the required minimum side yard setback for an existing single detached dwelling from 3.5 metres to 2.88 metres with a roof overhang of 2.24 metres from the lot line;

THEREFORE BY A RESOLUTION of the board of the Comox Valley Regional District on **date of board approval**, 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:

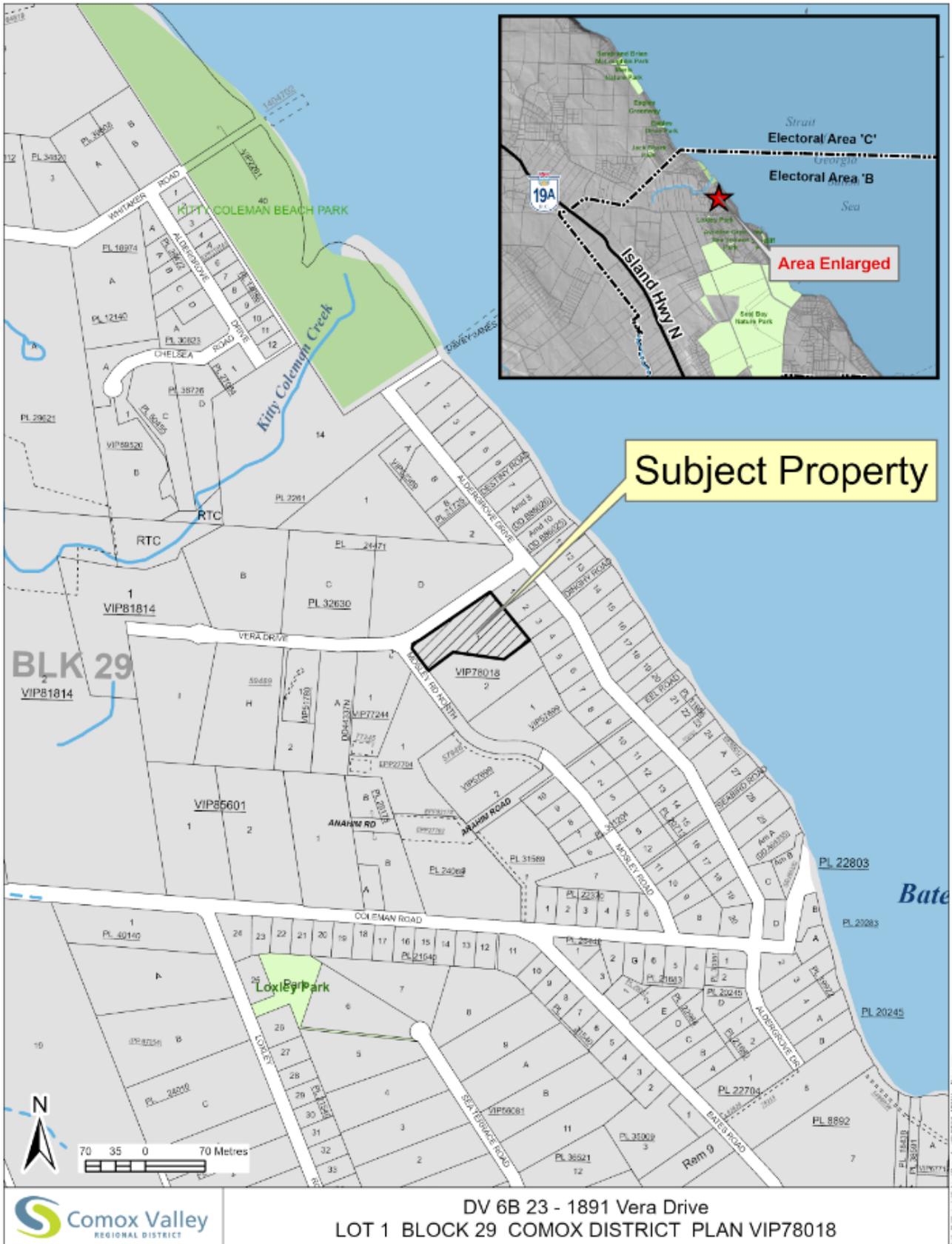
703(5)(i) The side yard setback of the single detached dwelling is 2.88 metres.

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 6B 23.

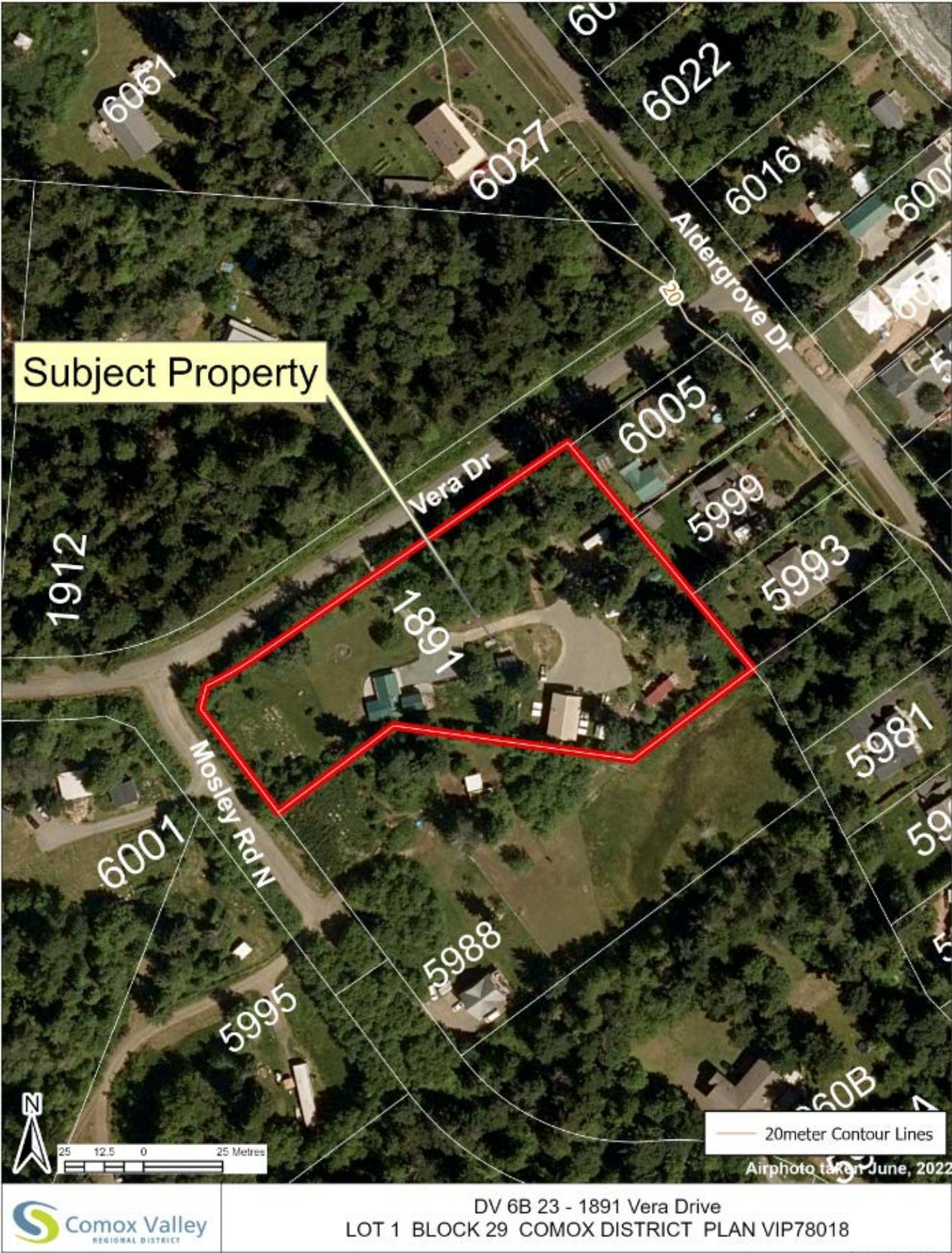
Jake Martens
Deputy Corporate Legislative Officer

Certified on _____

Schedule B



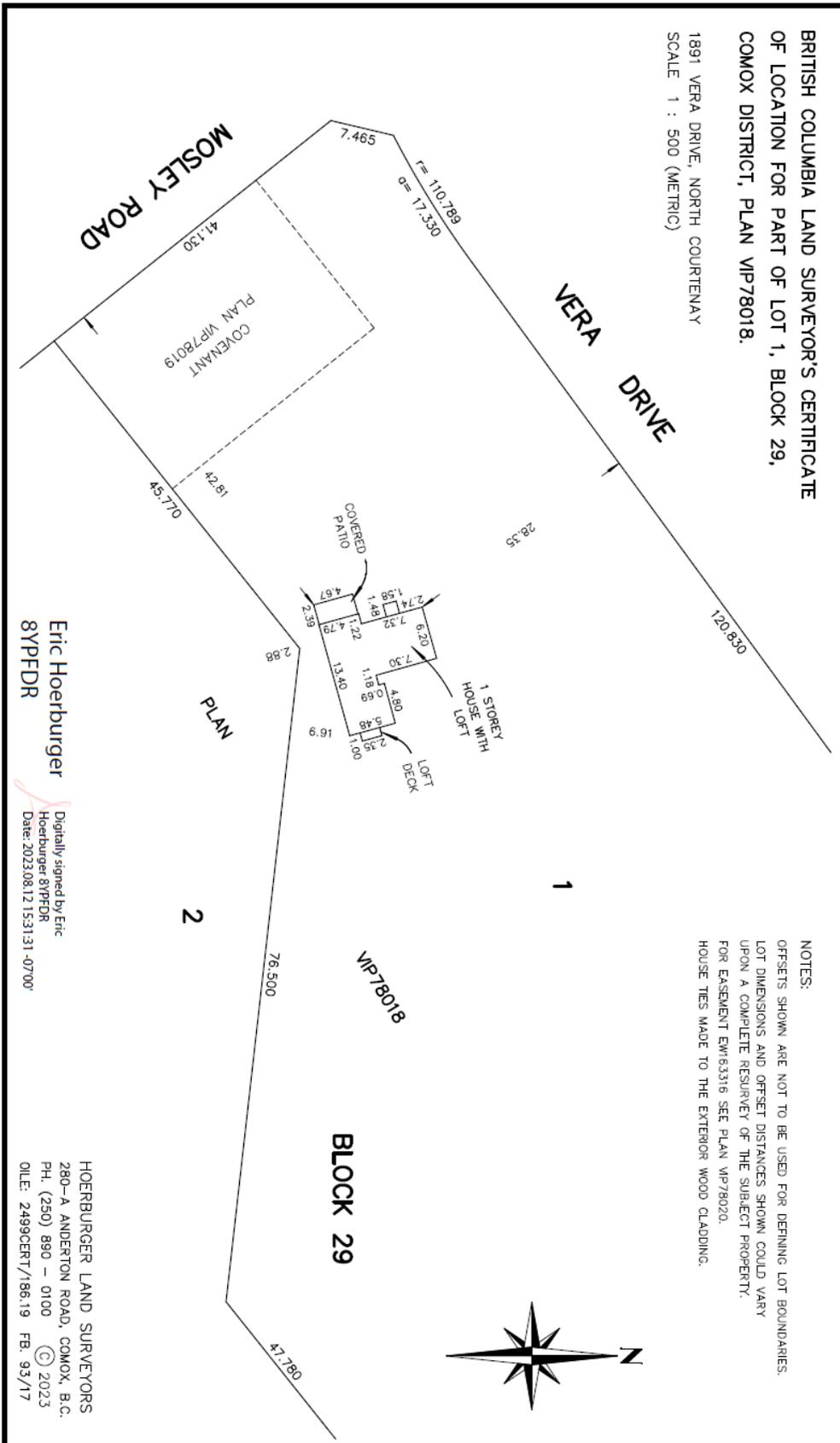
Subject Property Map



Air Photo

**BRITISH COLUMBIA LAND SURVEYOR'S CERTIFICATE
OF LOCATION FOR PART OF LOT 1, BLOCK 29,
COMOX DISTRICT, PLAN VP78018.**

1891 VERA DRIVE, NORTH COURTENAY
SCALE 1 : 500 (METRIC)



NOTES:
OFFSETS SHOWN ARE NOT TO BE USED FOR DENING LOT BOUNDARIES.
LOT DIMENSIONS AND OFFSET DISTANCES SHOWN COULD VARY
UPON A COMPLETE RESURVEY OF THE SUBJECT PROPERTY.
FOR EASEMENT EMI65316 SEE PLAN VP78020.
HOUSE TIES MADE TO THE EXTERIOR WOOD CLADDING.

Eric Hoerbuerger
8YPFDR
Digitally signed by Eric
Hoerbuerger 8YPFDR
Date: 2023.08.12 15:31:31 -07'00'

HOERBURGER LAND SURVEYORS
280-A ANDERTON ROAD, COMOX, B.C.
PH: (250) 890 - 0100
© 2023
OILE: 2499CERT/186.19 FB: 93/17

Site Plan

Side yard looking West



**Side yard looking East
2.88M between survey pin
& face of building**

**Neighbouring property
To the South is treed
and brushed in**



Site photos showing side of building subject to the variance

Front of house



Back of house



Side of house with setback non-compliance



Site Photo Showing Front of Subject Building and neighbouring property