

Notice of meeting of the
Baynes Sound – Denman/Hornby Islands (Area ‘A’)
Advisory Planning Commission
Monday, January 23, 2017
To be held in the Bill Wood Room
Located at the Union Bay Hall, 5401 South Island Highway, Union Bay, BC
Commencing at 7:00 p.m.

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| 2 | 1. Receipt of the minutes of the Monday, November 28, 2016 Baynes Sound – Denman/Hornby Islands (Electoral Area ‘A’) advisory planning commission meeting. |
| 3 | 2. Memorandum dated January 5, 2017, regarding 3090-20/ DV 6A 16 – development variance permit application – 385 Bates Drive – Lot 24, District Lot 30, Newcastle District, Plan 23165 (Haigh/Barnes) |
| | 3. Next meeting date: Tentatively scheduled for Monday, February 27, 2017. |

Distribution:

Area ‘A’ APC members
Area director
Alternate area director
Chief administrative officer
General manager of property services branch
Manager of planning services
Corporate legislative officer
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Planners
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Minutes of the meeting of the Electoral Area 'A' (Baynes Sound – Denman/Hornby Islands) advisory planning commission of the Comox Valley Regional District held on Monday, November 28, 2016 in the Bill Wood Room of the Union Bay Hall, located at 5401 South Island Hwy, Union Bay, BC, commencing at 7:00 p.m.

| | | |
|----------------------|--|---|
| PRESENT: | Chair | Rodney Jones |
| | Members | David Stapley Bill Trussler Bruce Livesey Janet Thomas Pieter Rutgers |
| ABSENT: | Members | Margaret McKenzie Karen Fouracre |
| ALSO PRESENT: | Electoral Area Director Alternate Director Planner Applicants | Bruce Jolliffe Jim Argue Connie Halbert Wade and Linda Friel |

Agenda Items

Minutes of Advisory Planning Commission Meeting

RUTGERS / TRUSSLER: THAT the minutes of the Electoral Area 'A' (Baynes Sound – Denman/Hornby Islands) advisory planning commission meeting held on Monday, October 24, 2016 be received.

CARRIED

3090-20 /DV 4A 16 – Development variance permit – 5598 Sixth Street (Friel) Lot 4, Block 3, District Lot 7, Nelson District, Plan 438

The Area 'A' advisory planning commission did not reach agreement whether to support/not support the development variance permit application DV 4A 16 for 5598 Sixth Street (Friel).

Next Meeting Date

The next Electoral Area 'A' (Baynes Sound – Denman/Hornby Islands) advisory planning commission meeting is to be determined.

Termination

RUTGERS/THOMAS: THAT the meeting terminate.

CARRIED

Time: 8:06 p.m.

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|-----------------------------|
| Recording Secretary: |
| Jim Argue |

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| Chair: |
| Rodney Jones |

Memo

File: 3090-20 / DV 6A 16

DATE: January 5, 2017

TO: Advisory planning commission
Electoral Area 'A' Baynes Sound – Denman/Hornby Islands

FROM: Planning and development services branch

RE: Development variance permit application – 385 Bates Drive (Haigh/Barnes)
Lot 24, District Lot 30, Newcastle District, Plan 23165

The attached development proposal is for commission members' review and comment.

An application has been received to consider a development variance permit for a 0.73 hectare property located in Baynes Sound – Denman/Hornby Islands, Electoral Area 'A' (Figures 1 and 2). The property is zoned country residential one (CR-1) (Appendix A). It is bounded by Bates Drive to the north, CR-1 zoned properties to the east and south and rural – ALR (RU-ALR) zoned properties to the west. There is no water or sewer service in the area.

The property is currently developed with a principal residence and a barn (Figure 3). The house was constructed in 1990 but never received its final inspection or occupancy permit. In 2002, an application was made to renew the 1990 building and plumbing permits and complete the outstanding items left unfinished from 1990. At that time, a site plan was submitted showing the actual location of the house and a woodshed. The site plan completed in 2002 showed both buildings as non-conforming as both buildings encroached into the setback areas. Since then, the woodshed was removed and a barn built. There was no further action regarding the building and plumbing permits for the principal residence.

The applicants are recent purchasers and wish to bring their property into compliance with regional district bylaws. The residence encroaches by 0.64 metres into the front yard setback of 7.5 metres, thus requires a variance to reduce the front yard setback to 6.86 metres.

Regional growth strategy and official community plan

The subject property is designated "rural settlement area" in both the regional growth strategy, Bylaw No. 120, being the "Comox Valley Regional District Regional Growth Strategy Bylaw No. 120, 2010" and the official community plan, Bylaw No. 337, being the "Rural Comox Valley Official Community Plan Bylaw No. 337, 2014". The requested decrease of the front yard setback does not conflict with residential policies established in either of these bylaws.

Zoning bylaw analysis

The CR-1 zone in the zoning bylaw, Bylaw No. 2781, being the "Comox Valley Zoning Bylaw, 2005" (Appendix A) establishes maximum height, minimum setbacks, maximum lot coverage and

maximum combined floor area for all buildings and structures on the property. Specifically it sets the front yard setback at 7.5 metres. See Table 1 for a summary of the variance request.

Table 1: Variance summary

| Zoning Bylaw No. 2781 | Variance | Existing | Proposed | Difference |
|------------------------------|--------------------|-----------------|-----------------|-------------------|
| Section 707(4) | Front yard setback | 7.5 metres | 6.86 metres | 0.64 metres |

Figure 3 shows the location of the principal residence in relation to the property lines. Note that the front property line angles from east to west. The north-east corner of the residence is 8.94 metres from the property line, well outside the front yard setback of 7.5 metres. The north-west corner of the residence, however, is 6.86 metres from the property line, encroaching into the front yard setback area. In order to bring the entire residence into compliance, the front yard setback must be reduced to 6.86 metres.

Please be advised that all adjacent properties within 100 metres of the subject parcel will be notified via mail of the variance request and be given the opportunity to comment either in writing prior to the application going forward to the electoral areas service committee for consideration or at the meeting.

Sincerely,

A. Mullaly

Alana Mullaly, MCIP, RPP
 Manager of Planning Services
 Planning and Development Services Branch

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Attachment Appendix A – “CR-1 zone, Zoning Bylaw No. 2781”

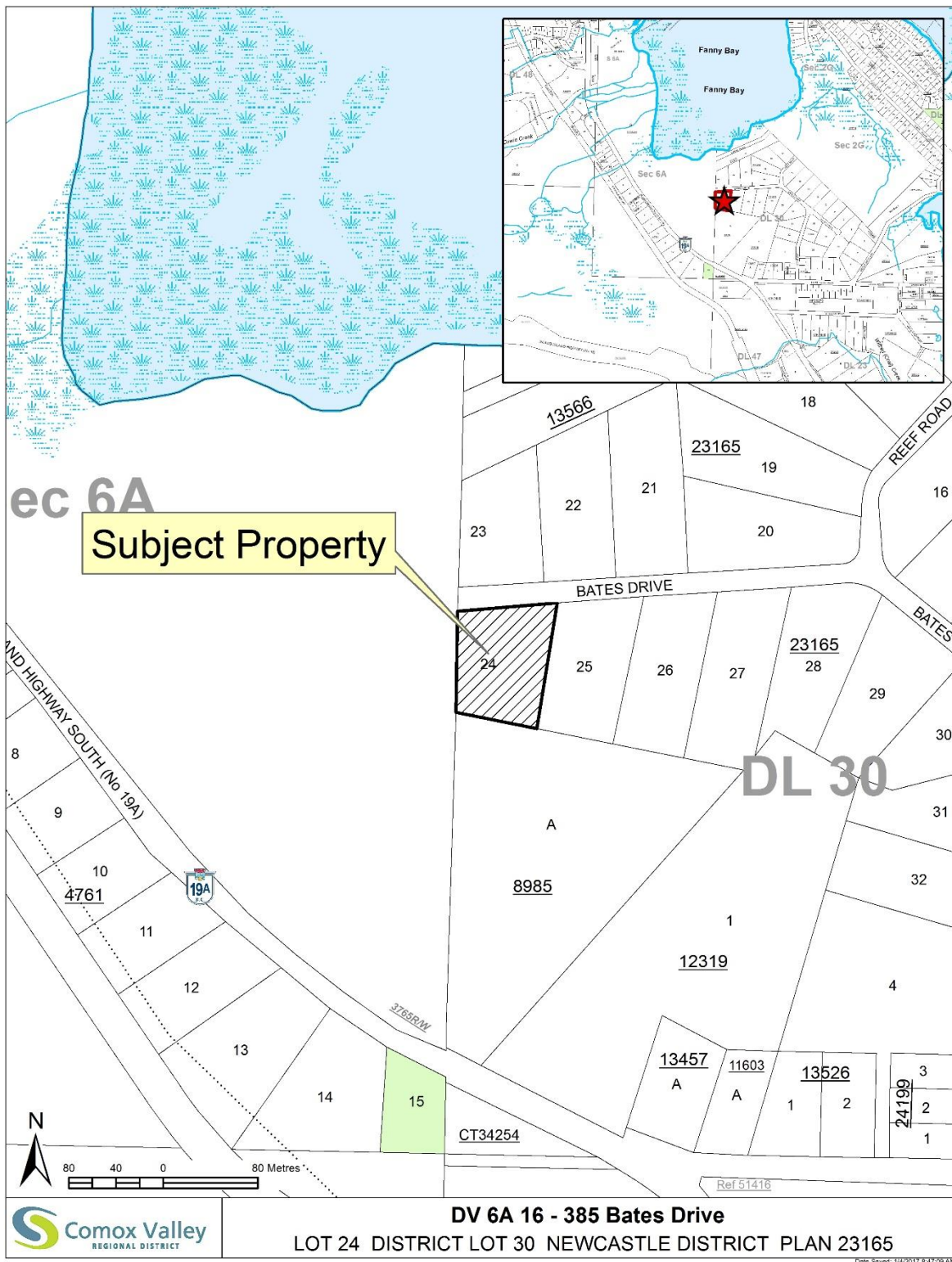


Figure 1: Subject property map

Comox Valley Regional District



Figure 2: Air photo map

Comox Valley Regional District

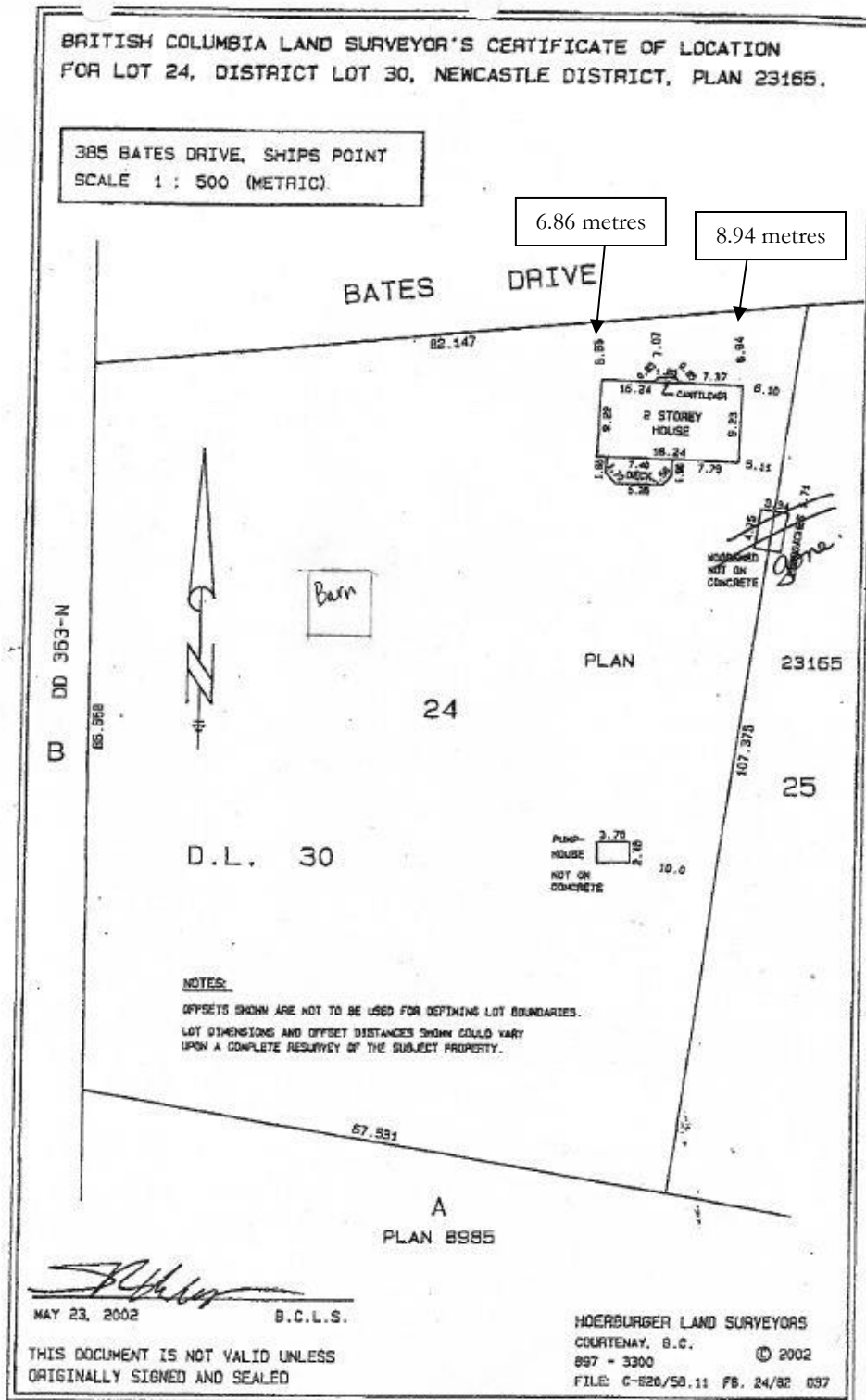


Figure 3: Site plan

707 Country Residential One (CR-1)

1. PRINCIPAL USE

- i) On any lot:**
 - a) Residential use.
- ii) On any lot over 4000 metres² (1.0 acre):**
 - a) Agricultural use.

2. ACCESSORY USES

- i) On any lot:**
 - a) Home occupation use;
 - b) Accessory buildings; and
 - c) Bed and Breakfast
- ii) On any lot 2.0 hectares (4.9 acres) or larger:**
 - a) Animal kennels.

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 metres² (968.8 feet²).
- ii) On any lot 1.0 hectare (2.5 acres) and over:** Two single detached dwellings.

#112

4. SITING AND HEIGHT OF BUILDINGS AND STRUCTURES

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

| Type of Structure | Height | Required Setback | | | |
|-------------------|-----------------------|------------------|---------------|---------------|---------------|
| | | Front yard | Rear yard | Side yard | |
| | | | | Frontage <31m | Frontage >31m |
| Principal | 10.0m (32.8ft) | 7.5m (24.6ft) | 7.5m (24.6ft) | 1.75m (5.8ft) | 3.5m (11.5ft) |
| Accessory | 4.5m-or less (14.8ft) | 7.5m (24.6ft) | 1.0m (3.3ft) | 1.0m (3.3ft) | 1.0m (3.3ft) |
| Accessory | 6.0m-4.6m (19.7ft) | 7.5m (24.6ft) | 7.5m (24.6ft) | 1.75m (5.8ft) | 3.5m (11.5ft) |

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. **FLOOR AREA REQUIREMENTS**

- i) The maximum combined gross floor area of all accessory buildings shall not exceed 200.0 metres² (2152.9 feet²).

7. **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 2.0 hectares (4.9 acres)

Despite (iii), a subdivision with lots smaller than identified above may be created by subdivision provided that the average lot area within the subdivision is equal to the minimum lot area permitted.

End • CR-1