

Notice of meeting of the
Puntledge-Black Creek (Area 'C')
Advisory Planning Commission

Wednesday, February 22, 2017

To be held in the Comox Valley Regional District boardroom

Located at 550B Comox Road, Courtenay, BC

Commencing at 7:00 p.m.

PAGE

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| 2 | 1. Receipt of the minutes of the Wednesday, January 25, 2017, Puntledge-Black Creek (Electoral Area 'C') advisory planning commission meeting. |
| 4 | 2. Memorandum dated February 8, 2017 regarding 3090-20/ DV 1C 17 – Development variance permit application – Lot 7, Seaview Road – Lot 7, Section 9, Township 5, Comox District, Plan 9182 (Wilkie) |
| | 3. Next meeting date: Tentatively scheduled for Wednesday, March 29, 2017 |

Distribution:

Area 'C' APC members
Area director
Alternate area director
Chief administrative officer
General manager of property services branch
Manager of planning services
Manager of legislative services
Corporate legislative officer
Planners
CVRD website
File copy

Reception notice board (cover page)

Minutes of the meeting of the Electoral Area 'C' (Puntledge-Black Creek) advisory planning commission of the Comox Valley Regional District held on Wednesday, January 25, 2017 in the Comox Valley Regional District boardroom, located at 550B Comox Road, Courtenay, BC, commencing at 7:00 p.m.

PRESENT:	Chair	Pearl McKenzie
	Members	Jim Langridge
		Grant Gordon
		George Trousdell
		John Milne
		Dan Thran
ABSENT:	Members	James Derry
		David Pacholuk
		Brad Chappell
ALSO PRESENT:	Electoral Area Director	Edwin Grieve
	Manager of Planning Services	Alana Mullaly
	Planner	Connie Halbert
	Proponents for TUP 2C 15	Terry Kerton
		Noel Chaney
		Wayne White
		Gail Eggiman
	Proponents for DP 1C 17	Bryan Russwurm
	Proponents for DV 3C 16	Ashleigh Lewis
		Garth O'Neill

Agenda Items

Minutes of Advisory Planning Commission Meeting

MILNE/ GORDON: THAT the minutes of the Electoral Area 'C' (Puntledge-Black Creek) advisory planning commission meeting held on Wednesday, November 23, 2016 be received.

CARRIED

3120-20/ TUP 2C 15 - Temporary use permit amendment application - 3780 & 3786 Colake Road (Courtenay and District Fish and Game Protective Association)

MILNE/GRANT: THAT the Area 'C' advisory planning commission support the temporary use permit amendment application TUP 2C 15 for 3780 & 3786 Colake Road – Lot 1, Section 33, Township 10, Comox District, Plan VIP78343; and Lot 1, Section 32 and 33, Township 10, Comox District, Plan EPP56506 (Courtenay and District Fish and Game Protective Association) as proposed.

CARRIED

3060-20/DP 1C 17 – Farm land protection development permit application - 3668 Piercy Road (Claveau)

THRAN/TROUSDELL: THAT the Area 'C' advisory planning commission support the farm land protection development variance permit application DP 1C 17 - 3668 Piercy Road – Parcel A, DD 390209I of Lot A, Section 14, Township 9, Comox District, Plan 14524 (Claveau) as proposed subject to a solid wood fence or vegetative barrier being established along the northern boundary of the subject property.

3090-20/DV 3C 16 – Development variance permit application - Lot 1 Timberlane Road (O'Neill)

TROUSDELL/GORDON: THAT the Area 'C' advisory planning commission support the development variance permit application DV 3C 16 - Lot 1 Timberlane Road (O'Neill) as proposed.

Next Meeting Date

The next Electoral Area 'C' (Puntledge-Black Creek) advisory planning commission meeting is scheduled for Wednesday, February 22, 2017 in the Comox Valley Regional District boardroom, located at 550B Comox Road, Courtenay, BC, commencing at 7:00 p.m.

Termination

GORDON/TROUSDELL: THAT the meeting terminate.

CARRIED

Time 8:25 p.m.

Recording Secretary:
Jim Langridge

Chair:
Pearl McKenzie

Memo

File: 3090-20/DV 1C 17

DATE: February 8, 2017

TO: Advisory planning commission
Electoral Area 'C' (Puntledge – Black Creek)

FROM: Planning and development services branch

RE: Development variance permit – Lot 7, Seaview Road (Wilkie)
Lot 7, Section 9, Township 5, Comox District, Plan 9182

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

An application has been received to consider a development variance permit for a 0.2 hectare property located in Puntledge – Black Creek, Electoral Area "C" (Figures 1 and 2). The property is zoned residential-rural (R-RU). It is bounded by Seaview Road to the south, Mahaffey Road to the east, the Strait of Georgia to the north and an R-RU zoned property to the west. It is in the Black Creek/Oyster Bay water local service area. There is no sewer service. The property is currently undeveloped (Figure 3).

The application is to vary the size of the second storey of a carriage house in relation to the ground level. The applicants propose to build a carriage house with a ground level space for a garage and workshop and a second storey for residential use plus a deck (Figure 4). Their preferred design for a carriage house has a floor area of 76.55 square metres for the second storey residential use, less than the floor area of 87.2 square metres for ground level garage/workshop. See appendix A for the applicants' explanation for their variance request.

Regional growth strategy / official community plan

The 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 variance for reducing the floor area for an accessory building does not conflict with the residential policies established in these bylaws.

Zoning bylaw

The R-RU zone (Appendix B) establishes minimum setbacks, maximum heights, maximum lot coverage and maximum floor area. In addition, the zoning bylaw establishes requirements for carriage houses (Appendix C). Specifically, the floor area for a carriage house is limited to a maximum of 90 square metres and must be the same size as the ground level floor area. See table 1 for a summary of the variance request.

Table 1: Variance summary

Zoning Bylaw No. 2781	Zoning	Proposed	Difference
Section 313(6)(vi)	Ground level floor area must not exceed second storey floor area	Ground level: 87.2 square metres Second storey: 76.55 square metres	20 square metres

The proposed design (Figure 5) will meet the provisions for a carriage house in the zoning bylaw for setback, minimum size, height, exterior staircase, and parking (Figures 6 and 7).

Please be advised that all adjacent properties within 100 metres of the subject parcel will be informed via mail of the variance request and be given the opportunity to comment prior to the application going forward to the electoral areas services committee for consideration.

Please refer to the attached referral package for more information.

Sincerely,

A. Mullaly

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

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Attachments Appendix A - “Applicants’ variance explanation”
 Appendix B - “R-RU zone, Bylaw No. 2781”
 Appendix C – “Section 313, Bylaw No. 2781”

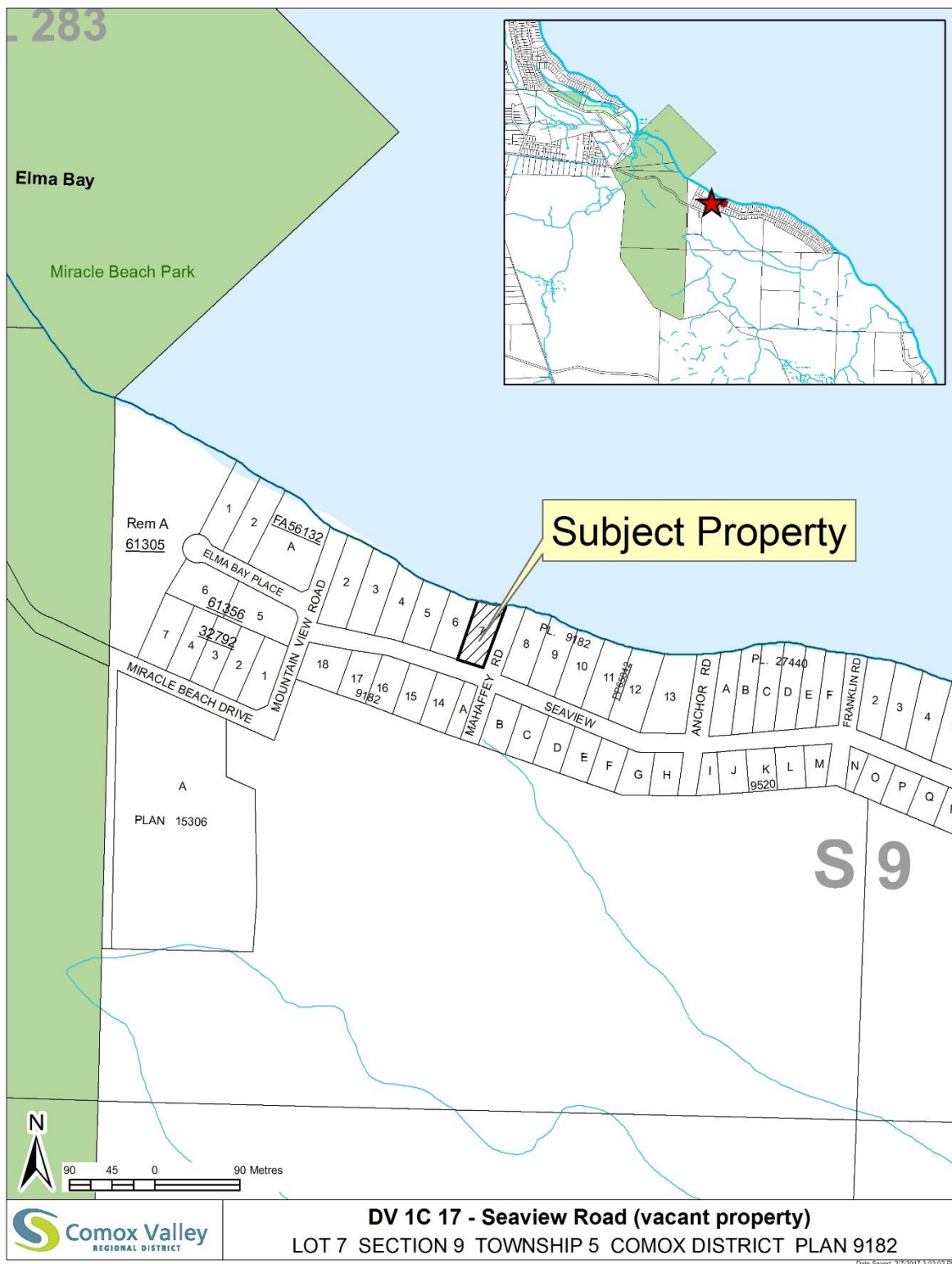


Figure 1: Subject property map

Comox Valley Regional District

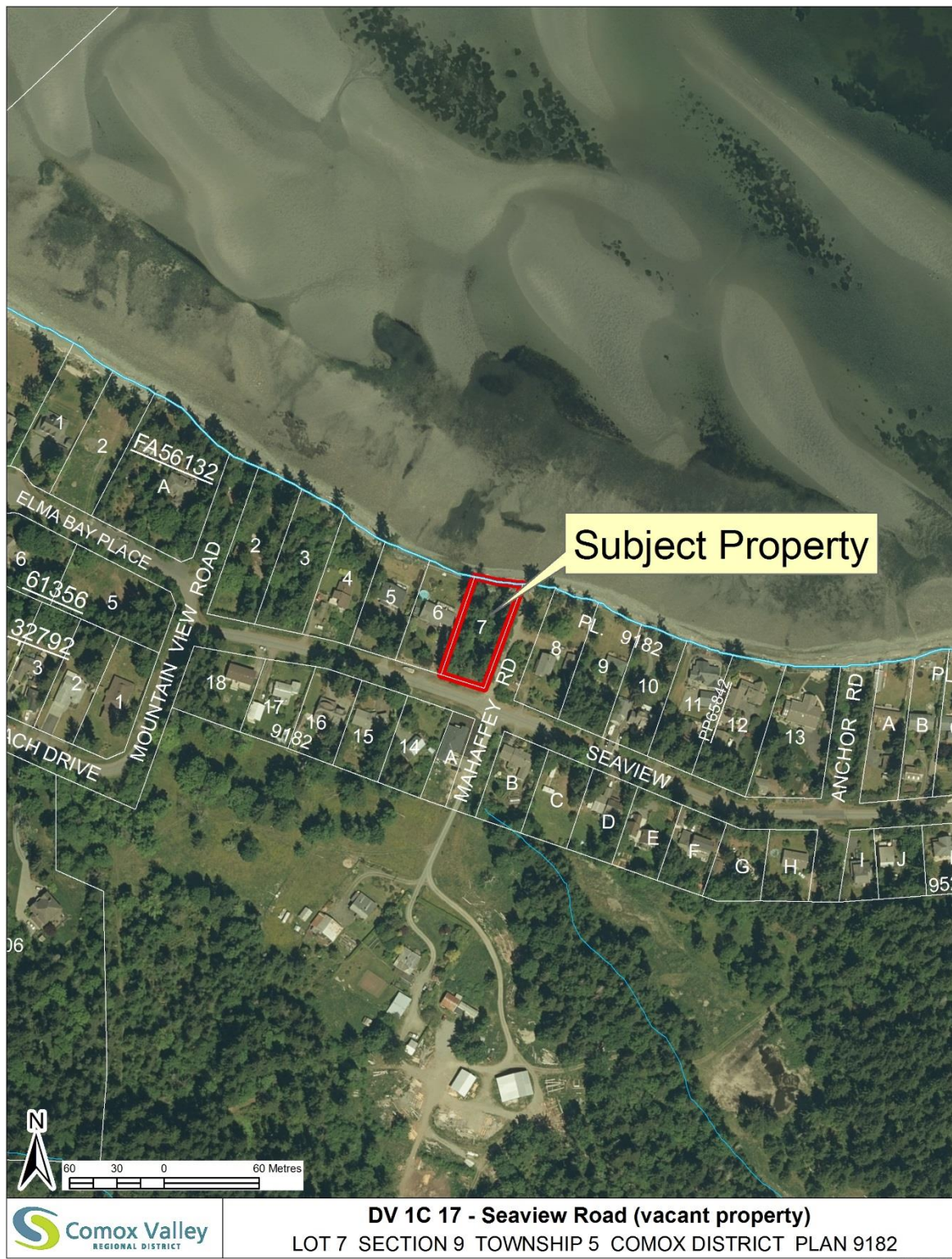


Figure 2: Air photo map

Comox Valley Regional District

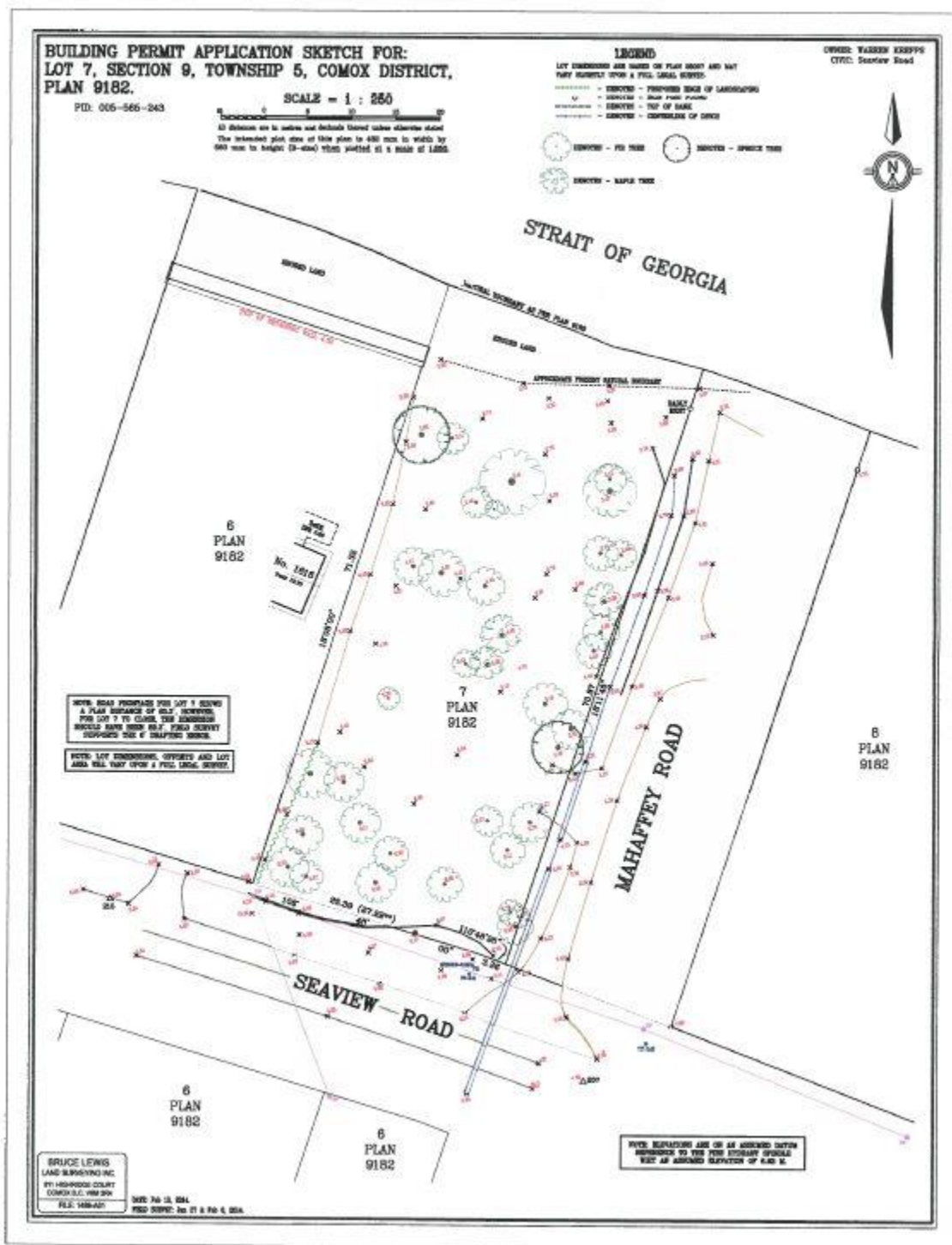


Figure 3: Site plan – existing

Comox Valley Regional District

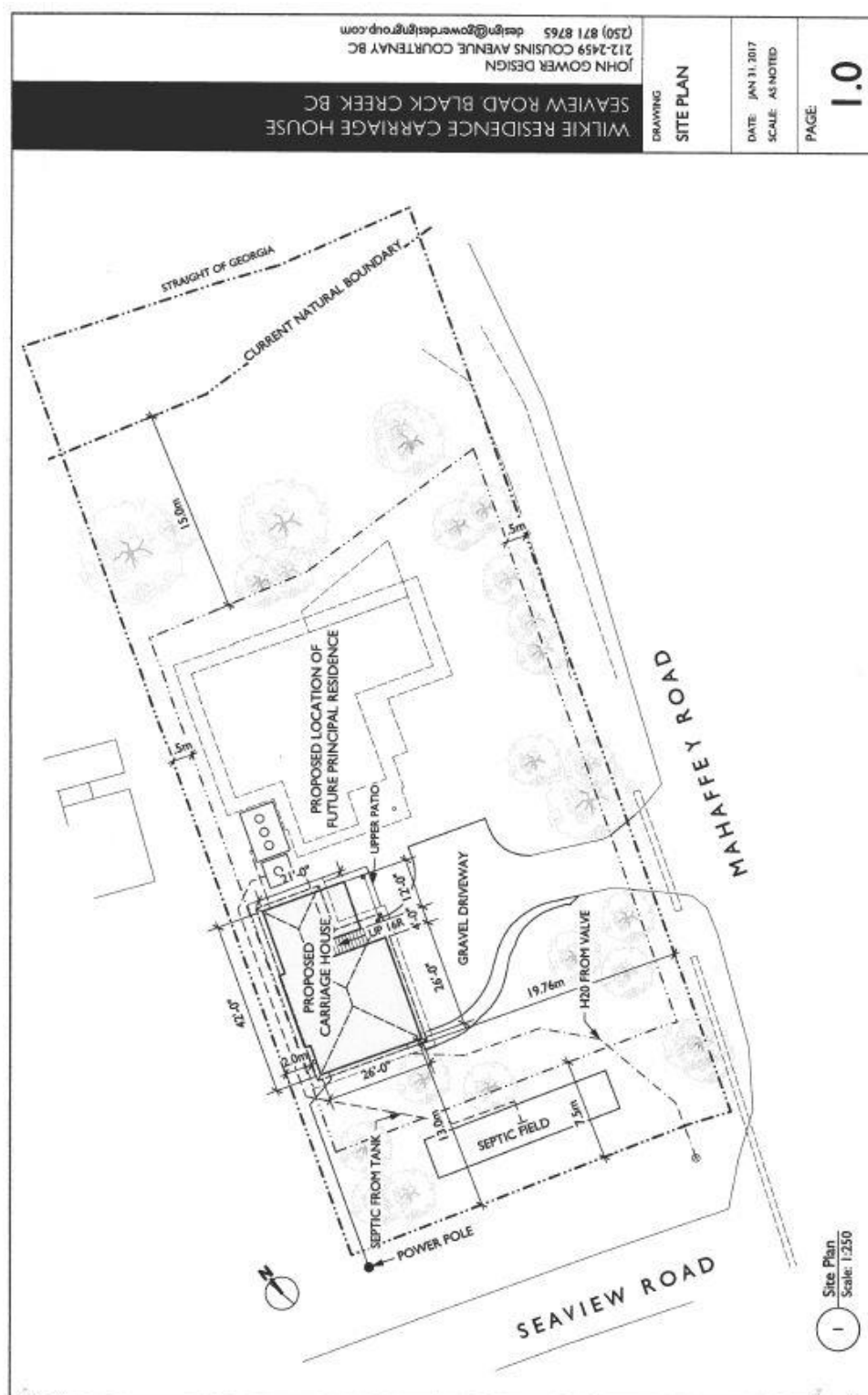


Figure 4: Site plan – proposed

Comox Valley Regional District



Figure 5: Front elevation

Comox Valley Regional District

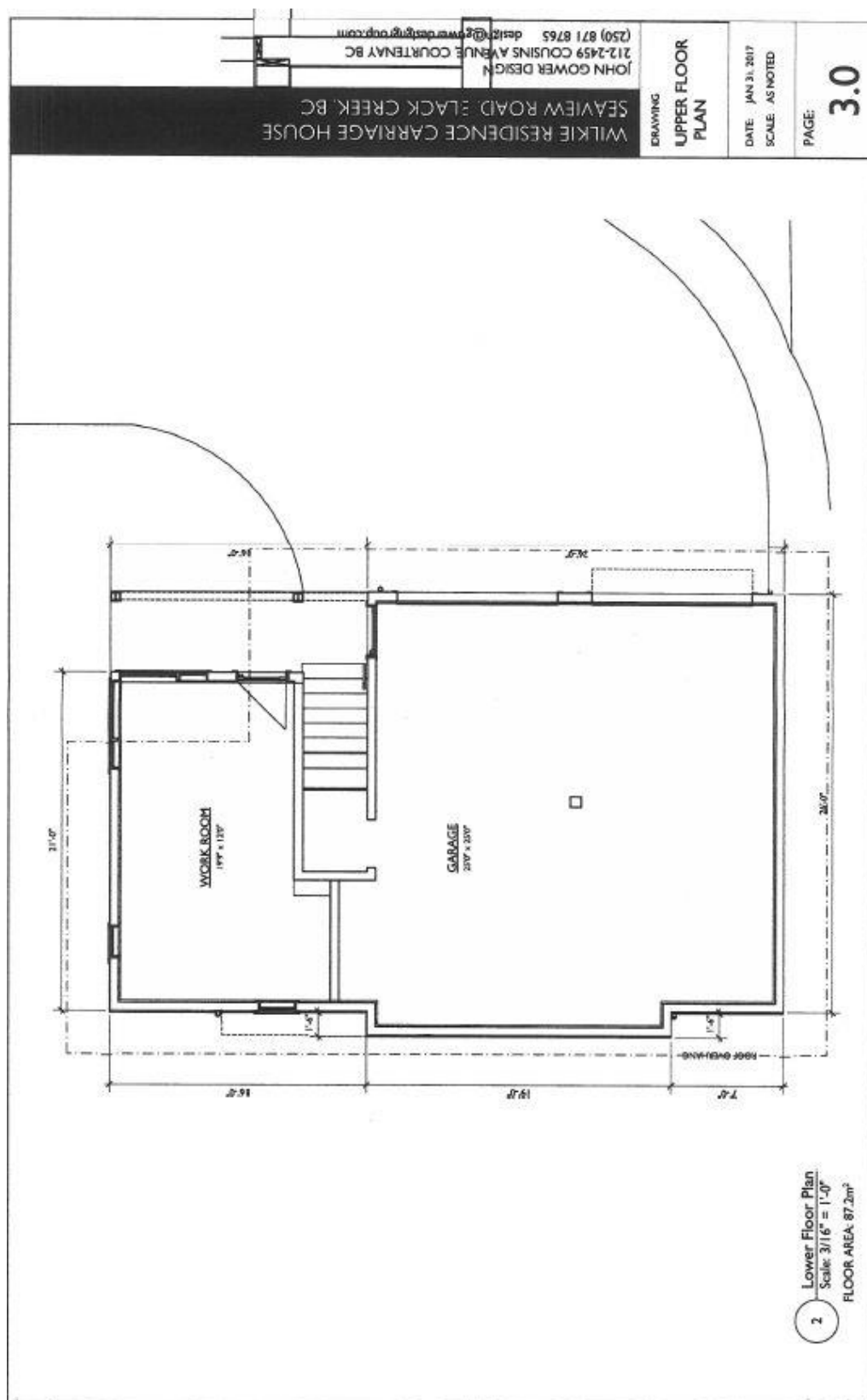


Figure 6: Ground level design

Comox Valley Regional District

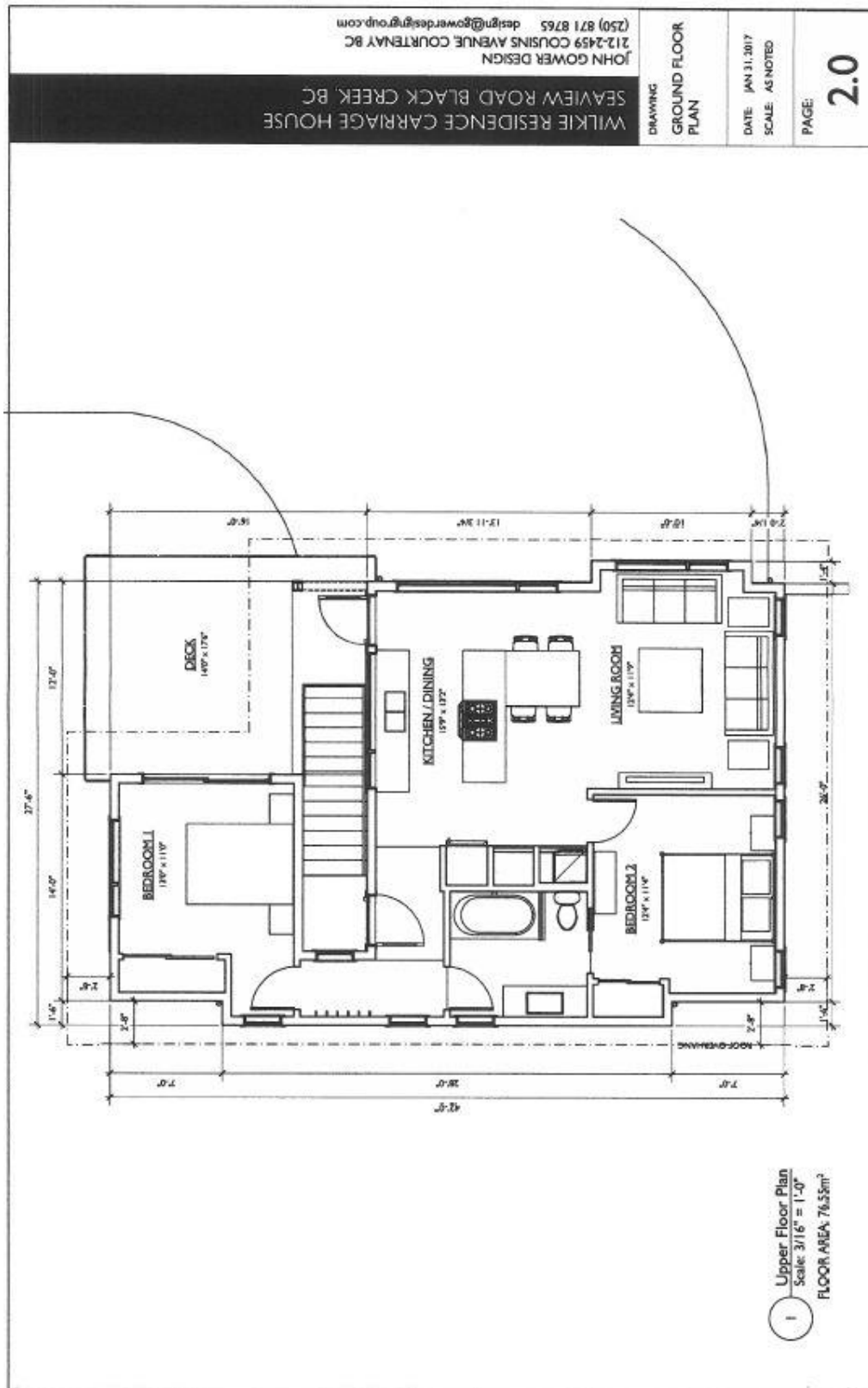


Figure 7: Second storey design

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Please outline in as much detail as possible, the reasons for the appeal for variance.

The project is a carriage house, to be constructed as Phase 1 of a 2-phase development, with a main residence to follow in 2-3 years. The building site is oceanfront and is accessed from both Seaview and Mahaffey Roads in Black Creek.

The site of the proposed Carriage house is on the west side of the lot, about 75% of the way to the street from the natural boundary. There is proposed a gravel driveway & turn-around with access from Mahaffey Rd.

The reason for this variance appeal is that the proposed design has a larger ground floor area than upper floor (ground 87.2m² vs upper 76.55m²) and it is thus in contravention of Part 513.6.vi of the Comox Valley Zoning Bylaw 2005. In all other respects this project meets the zoning criteria.

We hope this appeal will be supported because we believe that having a smaller upper floor area is aesthetically preferable, and because it provides for outdoor living area of 20m² for the use of the occupants of the carriage house, on the same level as the suite.

Thank you for your consideration

Comox Valley Regional District

RECEIVED

File:

PV 1617
FEB 01 2017

To:

706**Residential-Rural (R-RU)****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**On any lot:**

- i) Secondary suite;
- ii) Home occupation use;
- iii) Accessory buildings;
- iv) Bed and Breakfast.

#4

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 metres² (968.8 feet²).

#112

4. SITING AND HEIGHT OF BUILDINGS AND STRUCTURES

The setbacks required for buildings and structures within the Residential Rural 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 (32.8 ft)	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. [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.
- 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”:

#200

- 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 0.8 hectares (2.0 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 • R-RU

312 Residential Use

1. A secondary dwelling, carriage house nor secondary suite carry with them the privilege of separate ownership in fee simple and further, permission for the above forms of residential units is not to be construed in any way as a justification for future subdivision or change in land use designation. All subdivision requirements and land use designations are applicable

313 Secondary Residential Use

Where permitted in this bylaw, secondary suites must meet the following criteria:

1. They shall be located within a building of residential occupancy containing only one other dwelling unit and shall have a total floor space of not more than 90.0 metres² (968.8 feet²) in finished living area. (This area does not include the areas used for common storage, common laundry facilities or common areas used for access).
2. They shall have a floor space less than 40% of the habitable floor space of the building. (Floor area for the purposes of this calculation does not include attached storage garages).
3. The secondary suite use must be located within the same real estate entity as the principal residential use.
4. One off-street parking space shall be provided for the exclusive use of the secondary suite.
5. The proposal has the approval of the local Health Authority.
6. Where permitted in this bylaw, carriage houses must meet the following criteria:
 - i) The siting of carriage houses shall be in accordance with principal structure setbacks.
 - ii) The residential use of carriage houses must be located within the second storey of a building accessory to an existing residential use on the subject property.
 - 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.
 - v) The total floor area occupied by the residential use must not exceed 90.0 metres² (968.8 feet²).
 - vi) The floor area of the ground level of the structure must not exceed the floor area of the second storey.
 - vii) The carriage house cannot be subdivided from the building it is part of under the *Strata Property Act*.
 - viii) One off-street parking space shall be provided for the exclusive use of the carriage house.
 - ix) The proposal has the approval of the local Health Authority.