

**REPORT TO JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, NOVEMBER 13, 2007**

SUBJECT

**DEVELOPMENT VARIANCE PERMIT FOR LOT 1, SECTION 36, RENFREW DISTRICT, PLAN 50819
(DVP-20-07)**

PURPOSE/ISSUE

To consider a development variance permit application to vary Section 25 (2)(c)(i) of Bylaw 3109, to relax the front yard setback of 6m (20 ft) of a front parcel line. The development variance permit would reduce the front yard setback from 6m (20 ft) to 0.0 m for the purposes of legalizing an addition of a canopy to the Port Renfrew Recreation Centre.

HISTORY/BACKGROUND

The subject property is the Port Renfrew Recreation Centre on Deering Road. The property is 0.16 ha (0.39 acres), and is zoned as Community Use (CU) in Bylaw 3109, the Official Community Plan and Land Use Bylaw for Port Renfrew. A canopy has been constructed on the front of the recreation centre, and it encroaches onto the Deering Road right-of-way. The canopy under construction will require a relaxation from the required 6m (20 ft) front yard setback to 0m. Approval will also be required from the Ministry of Transportation, for the encroachment of the recreation centre onto the road right of way.

The construction of the canopy has been undertaken without the benefit of a building permit. The building division had notified the applicant of the required permit, and had found that construction had occurred over the property line. Bylaw 3109 does permit canopies to be located within the setback area, but only up to a maximum of 1.5m (4.92 ft) into the setback area. The existing canopy exceeds the maximum setback for canopies by 4.5m (14.8 ft).

The canopy extends 6.0 m from the front of the recreation centre, and has a total area of 7.5m² (80.7 ft²). The canopy encroaches 2.17m (7.11 ft) into the road right-of-way, and has an area of encroachment of 5.66 m² (60.9 ft²). An application has been made to the Ministry of Transportation to allow the encroachment to remain. The applicant confirms verbally that the Ministry of Transportation approval has been granted, yet at the time of this report no written confirmation has been received. The constructed/paved portion of Deering Road is 10.75m (35.3 ft) from the canopy construction.

ALTERNATIVES

1. Approve the proposal, granting a relaxation in the setbacks from 6.0 m (20 ft) to 0.0 m for the purposes of a canopy for the Port Renfrew Recreation Centre
2. Not approve the development variance permit application for the relaxation of the setback.

INTERDEPARTMENTAL IMPLICATIONS

Should the variance be approved the applicants will be required to obtain a building permit and the building division will ensure that the canopy meets the requirements of the permit.

PUBLIC CONSULTATION IMPLICATIONS

Pursuant to the *Local Government Act* Section 922(4) if a local government is proposing to pass a resolution to issue a development variance permit it must give notice to each resident/tenant within a given distance as specified by bylaw. The CRD's Bylaw No. 3110, Fees and Procedures Bylaw, states that the Board at any time may refer an application to an agency or organization for their comment. In addition it states that a notice of intent must be mailed to adjacent property owners within a distance of not more than 500 metres. This notice of intent outlining the variance request was sent on November 1, 2007. Any responses received from the public will be presented at the November 13, 2007 Land Use Committee meeting.

SUMMARY/CONCLUSIONS

The development variance permit application is to vary the setbacks for structures, under Bylaw 3109. The applicant has constructed a canopy, as an addition, to the Port Renfrew Recreation Centre, that encroaches into the road right-of-way. The applicant requires a development variance permit to vary the setbacks from 6.0m (20 ft) to 0.0m and the permission from the Ministry of Transportation for the encroachment onto the right-of-way to legalize the structure.

The structure crosses the front lot line and projects 2.17m (7.11 ft) onto the right-of-way for Deering Road. The structure is 10.75m (35.3 ft) from the paved road way. Staff recommend the variance for the structure to the property line be approved.

RECOMMENDATION(S)

That the Juan de Fuca Land Use Committee recommend to the Regional Board:

1. That Development Variance Permit application DVP-20-07 be approved for Lot 1, Section 36, Renfrew District, Plan 50819, to relax the setbacks of the front lot line from 6.0m (19.7 ft) to 0.0m.

Kris Nichols, MCIP
Manager, Local Area Planning

Robert Lapham, MCIP
General Manager Planning and Protective Services

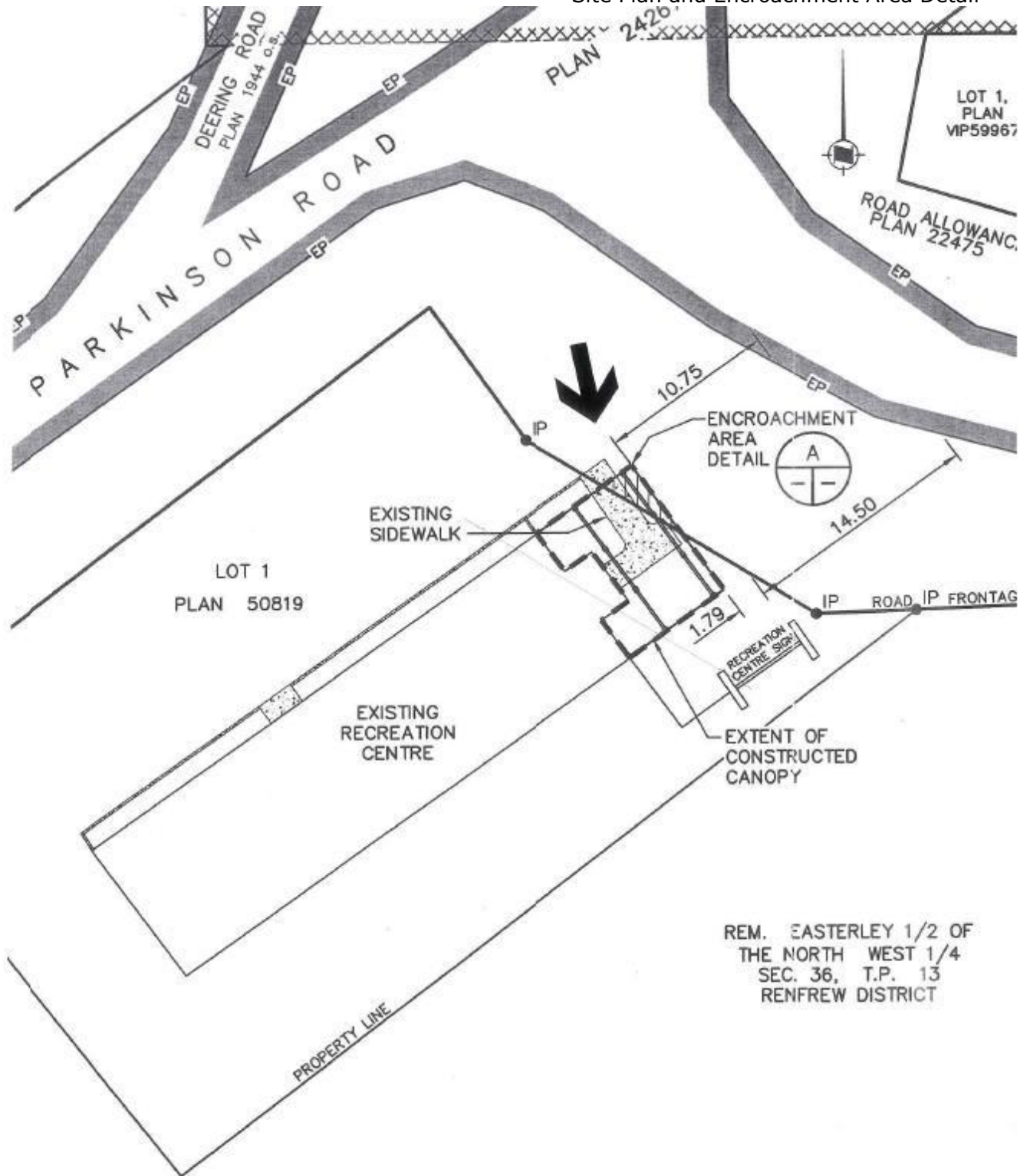
Kelly Daniels
CAO Concurrence

Attachment:

1. Site Plan and Encroachment Area Detail

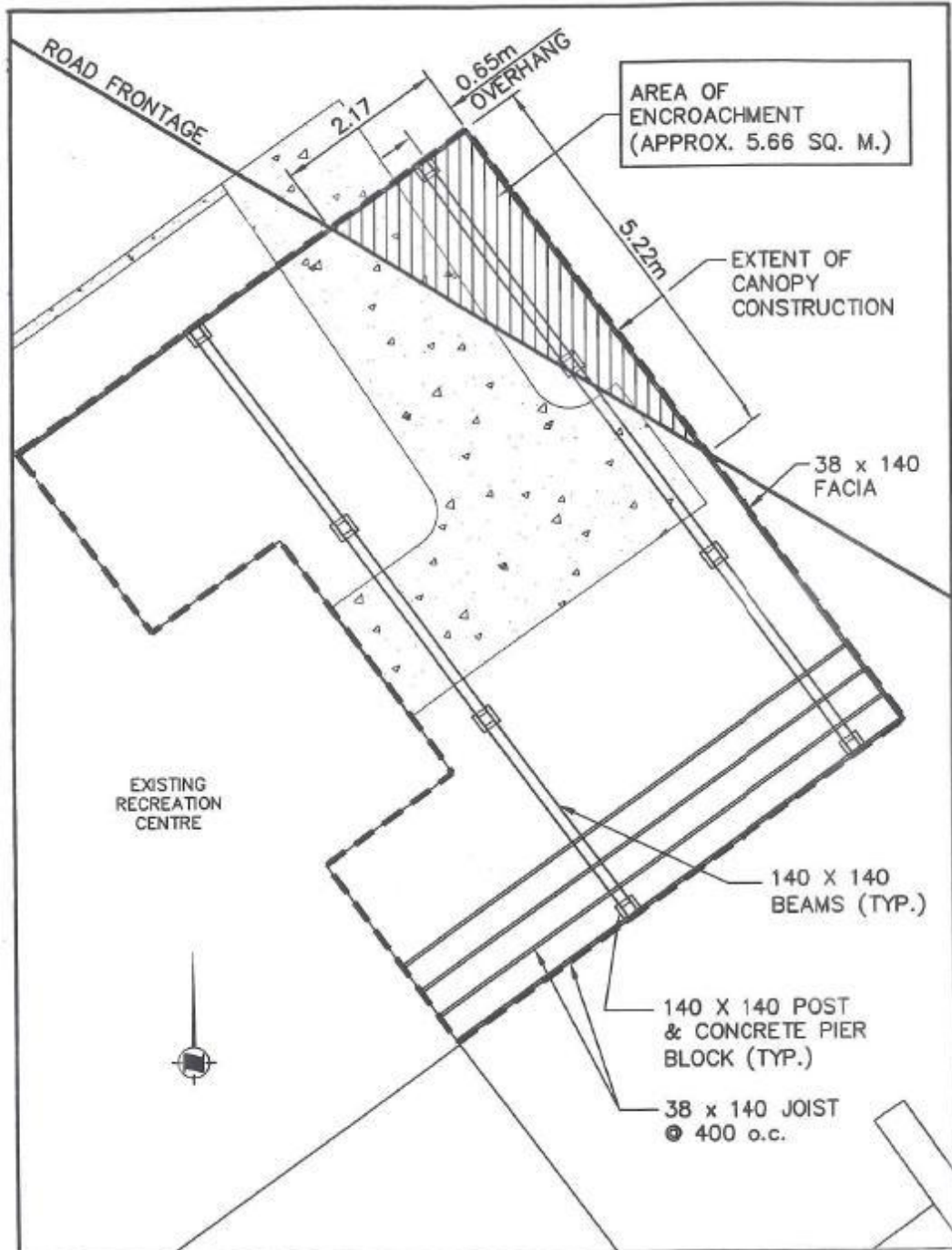
COMMENTS:

Attachment No. 1
Site Plan and Encroachment Area Detail



SITE PLAN
1:300

REM. EASTERLEY 1/2 OF
THE NORTH WEST 1/4
SEC. 36, T.P. 13
RENFREW DISTRICT



ENCROACHMENT AREA DETAIL A
 1:75

CAPITAL REGIONAL DISTRICT Environmental Services		PORT RENFREW RECREATION CENTRE							
		VARIANCE PERMIT APPLICATION ENCROACHMENT PERMIT							
DESIGNED R.H.E.	DRAWN L.N.	SCALE AS SHOWN	CHECKED R.H.E.	APPROVED D.T.	DATE 25/09/07	CONTRACT NO. _____	DWG. NO. 20-B107-1	REV. 1	SHT OF 1