



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, JULY 17, 2012**

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**SUBJECT**     **DEVELOPMENT VARIANCE PERMIT FOR LOT 1, SECTION 75, RENFREW DISTRICT, PLAN 33475**

**ISSUE**

A request has been made for a development variance to the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 1, Section 4.20(g) for the purpose of permitting a detached accessory suite in an existing two storey accessory building.

**BACKGROUND**

The 0.6 ha property is located at 10925 West Coast Road within the Shirley/Jordan River Official Community Plan area and is zoned Rural (A) (Appendix 1). The property is bound by West Coast Road to the north, the Strait of Juan de Fuca to the south, a Rural (A) zoned property to the west and the Packham Road allowance to the east.

There is one single family dwelling with associated accessory structures on the property (Appendix 2). A development permit with variance (DP-01-08) was issued May 14, 2009 to address the building siting and to increase the total building floor area. As well, a development variance permit (VAR-07-09) was issued to relax the accessory height from 4 m to 4.5 m and the accessory coverage from 100 m<sup>2</sup> to 189.36 m<sup>2</sup> for an accessory building and deck. A development variance permit (VAR-06-11) was issued to relax the accessory height from 4 m to 6.1 m.

Section 4.20(g) states:

- (g) The maximum height of an accessory building used for a detached accessory suite shall be 7 m to the peak of the roof of a one storey detached building.

The applicant wishes to use a portion of the 161.07 m<sup>2</sup> accessory building as a detached accessory suite, however the existing building is a two storey structure. Section 4.20(g) permits a detached accessory suite in a one storey building therefore as the suite is to be located in a two story building a variance is required (Appendix 3).

**ALTERNATIVES**

1. Approve the development variance permit to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 1, Section 4.20 (g) for the purpose of permitting a detached accessory suite in an existing two storey accessory building.
2. Deny the development variance permit to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 1, Section 4.20 (g) for the purpose of permitting a detached accessory suite in an existing two storey accessory building.
3. Refer the application back to staff for more information.

**LAND USE IMPLICATIONS**

The applicant has commented that the suite will be used by the site caretaker as the owner lives abroad. The suite would occupy the main floor level which is approximately 80 m<sup>2</sup> (Appendix 3). As this is an existing structure and the height conforms to the 7 m height requirement for detached accessory suite buildings, and the suite will be located on the ground floor, this variance should have limited impact on the adjacent neighbours. It should be noted that the restriction on height and the reference to one storey building, for buildings containing detached accessory suites was a key concern when the provision to permit detached accessory suites was added. However, the community supported the ability for applicants to bring forward

requests for variances to permit accessory suites in larger buildings on a case by case basis subject to neighbourhood notification. Given the above, staff recommend approval of the requested variance, subject to public notification.

### **LEGISLATIVE IMPLICATIONS**

Juan de Fuca Land Use Bylaw, Bylaw No. 2040, specifies that a detached accessory suite should be located in a one storey accessory building. As the applicant wishes to locate the suite in an existing two storey accessory building a development variance permit is required. If the variance is approved a Change of Occupancy Permit will be required from Building Inspection.

### **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. Capital Regional District 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 and tenants within a distance of not more than 500 metres. Any responses received from the public will be presented at the July 17, 2012 Land Use Committee meeting.

### **CONCLUSION**

As this is an existing structure and the height conforms to the 7 m height requirement for detached accessory suite buildings, and the suite will be located on the ground floor, this variance should have limited impact on the adjacent neighbours. Given the above, staff recommend approval of the requested variance, subject to public notification.

### **RECOMMENDATION**

That the Land Use Committee recommends to the Capital Regional District Board:

1. That Development Variance Permit VAR-02-12 for Lot 1, Section 75, Renfrew District, Plan 33475 to vary Juan de Fuca Land Use Bylaw 1992, Bylaw No. 2040, Part 1, Section 4.20 (g) to permit a detached accessory suite in an existing two storey accessory building, be approved.

Original Signed

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June Klassen, MCIP  
Manager, Local Area Planning  
Services

Original Signed

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Robert Lapham, MCIP  
General Manager, Planning and Protective

Original Signed

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Kelly Daniels  
Chief Administrative Officer  
Concurrence

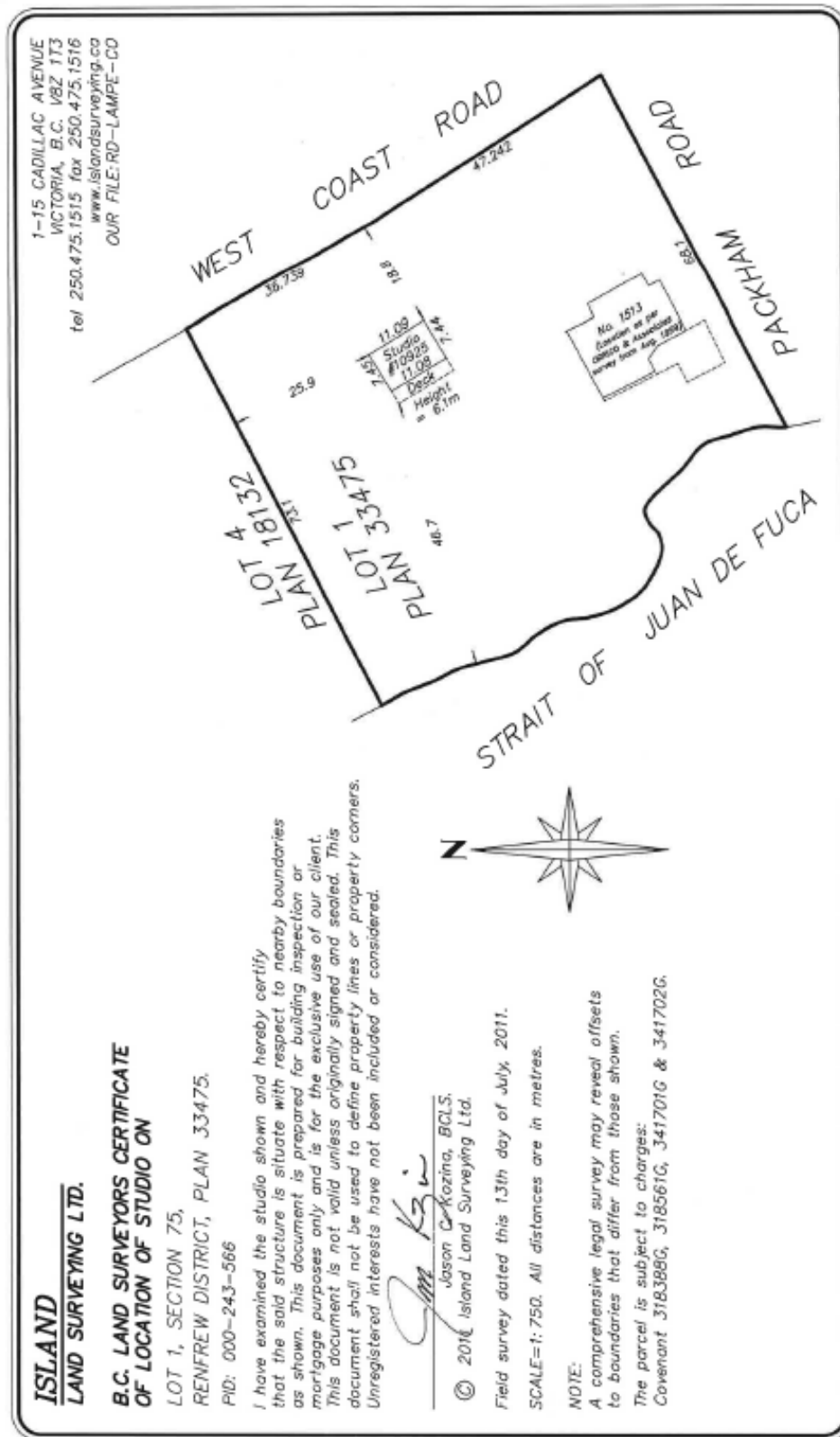
Appendices:

1. Subject Property Map
2. Survey Certificate
3. Building Elevation Drawings

Appendix 1: Subject Property Map



Appendix 2: Survey Certificate



Appendix 3: Building Elevation Drawings

