



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, OCTOBER 16, 2012**

SUBJECT **DEVELOPMENT VARIANCE PERMIT FOR LOT 10, SECTION 10, OTTER DISTRICT, PLAN VIS5070**

ISSUE

A request has been made for a development variance to reduce the side yard setback for a detached accessory suite from 6 m to 4.83 m for the purpose of siting a detached accessory suite inside an existing accessory building.

BACKGROUND

The 0.727 ha property is located at 8153 Taylor Place in Otter Point and is zoned Rural Residential 2 (RR-2) in the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040 (Appendix 1). The property fronts onto Taylor Place via a panhandle access to the northwest and lies adjacent to rural residential properties to the west, south, and east. The adjacent parcels are also zoned RR-2.

The building permit application to locate an 81 m² detached accessory suite (Appendix 2) in an existing accessory building was initially reviewed by JDF Planning on September 23, 2011. At that time, it was noted that the proposed site plan indicated that the building was located 6 m from the side lot line. Planning requested that a survey be submitted to confirm that the setback met the requirements of the bylaw. A surveyed site plan was submitted by the applicant on July 5, 2012 (Appendix 3). The survey indicated that the detached accessory suite was located 4.83 m from the side lot line. This being the case, a development variance permit is required in order that the building may be used as a detached accessory suite.

ALTERNATIVES

1. Approve the development variance permit to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 6.07(b), by reducing the side yard setback from 6 m to 4.83 m, as shown on the attached site plan, signed by Colin Cocking, AScT, dated June 29, 2012, for the purpose of siting a detached accessory suite in an existing accessory building;
2. Deny the development variance permit to reduce the side yard setback from 6 m to 4.83 m, and require the structure to comply with zoning requirements.
3. Refer the application back to staff for more information.

LAND USE IMPLICATIONS

The applicant has removed a secondary suite from the principal building and proposes to re-locate the suite inside an existing accessory building. Access to the suite would be located on the west side of the building, which is the side most distant from the property line in question. The detached accessory suite building is situated 29.2 m from the rear parcel line and 41.7 m from the western side parcel line. Based on the siting and layout of the suite, staff believes that the impact on neighbouring properties will be minimal. In light of the above, staff recommend approval of the requested variance, subject to public notification.

LEGISLATIVE IMPLICATIONS

Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 1, Section 4.20(h), specifies that detached accessory suites must be located within the same front, side and rear yard setbacks as the principal dwelling. Part 2, Section 6.07(b) of Bylaw No. 2040 specifies a minimum 6 m side yard setback in the RR-2 zone.

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 within a distance of not more than 500 metres. Any responses received from the public will be presented at the October 16, 2012 Land Use Committee meeting.

CONCLUSION

The applicant has requested a variance to reduce the side yard setback specified by the RR-2 zone from 6 m to 4.83 m in order to relocate a suite from the principal dwelling to an existing accessory building. Since the siting and layout of the suite is anticipated to result in minimal impact on the neighbouring properties, and since this represents an existing and permitted use inside an existing building, staff recommends approval of the variance request subject to public notification.

RECOMMENDATION

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

1. That Development Variance Permit VAR-04-12 for Lot 10, Section 10, Otter District, Plan VIS5070 to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 6.07(b), by reducing the side yard setback from 6 m to 4.83 m for the purpose of siting a detached accessory suite in an existing accessory building, as shown on the attached site plan, dated June 29, 2012 (Appendix 3), be approved.

Original Signed _____
Iain Lawrence
Planner

Original Signed _____
June Klassen, MCIP
Manager, Local Area Planning
Concurrence

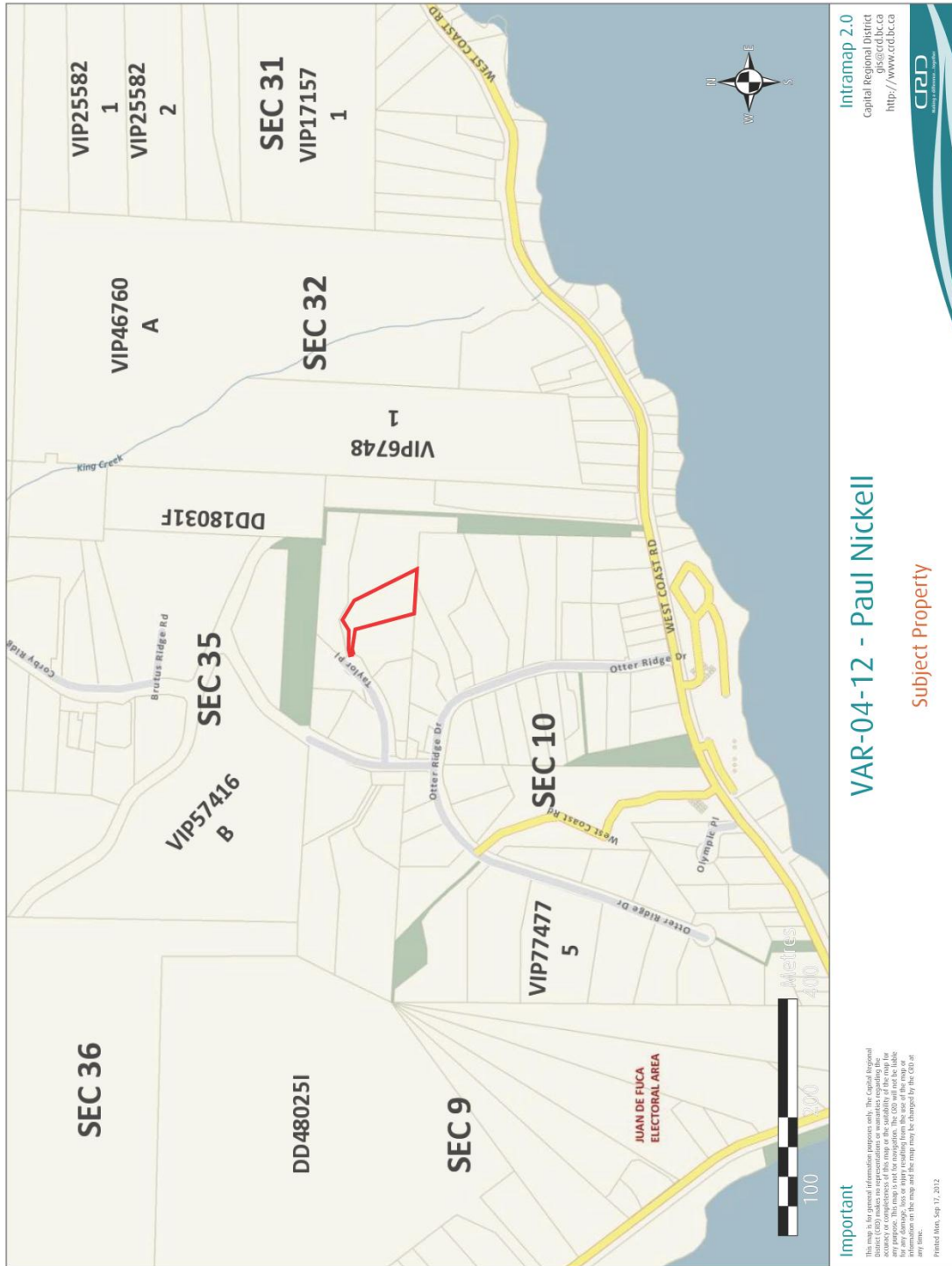
Original Signed _____
Robert Lapham, MCIP
General Manager Planning & Protective Services
Concurrence

Original Signed _____
Kelly Daniels
Chief Administrative Officer
Concurrence

Appendices:

1. Subject Property Map
2. Building Floor Plan
3. Site Plan of Building Location signed by Colin Cocking, AScT, dated June 29, 2012

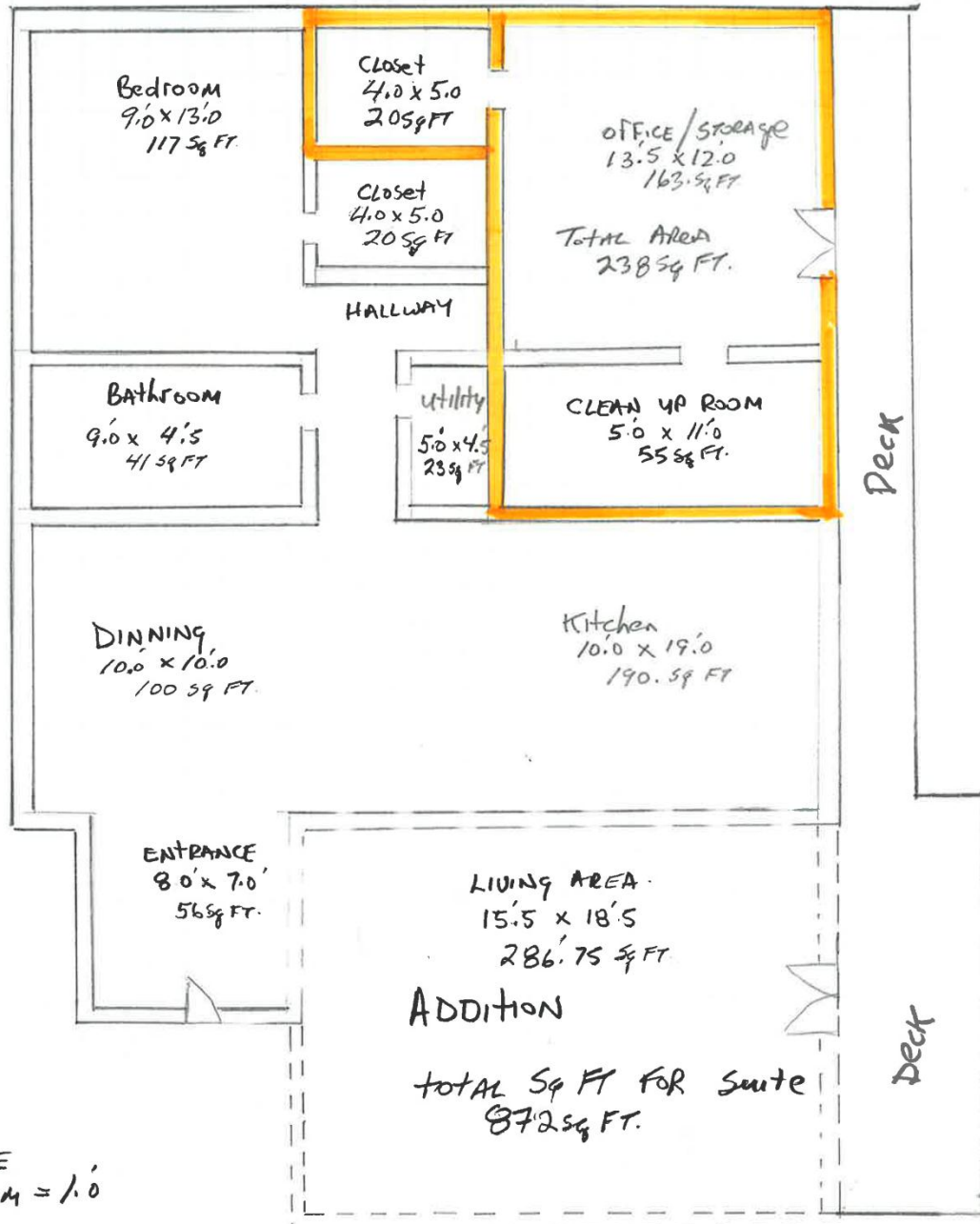
Appendix 1: Subject Property Map



Appendix 2: Building Floor Plan

8153 TAYLOR PLACE
Accessory BUILDING with suite
(suite 872 sq FT.)

JD11-133
RCD 9/05/12
STORAGE/OFFICE
(238 Sq FT.)



Total Sq FT of Accessory BUILDING
1110.0 Sq FT. | 103.1 m²

Appendix 3: Site Plan of Building Location

