



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, JANUARY 15, 2013**

SUBJECT **DEVELOPMENT VARIANCE PERMIT FOR LOT 55, SECTION 2, RENFREW DISTRICT, PLAN VIP83894**

ISSUE

A request has been made for a development variance to increase the maximum height of an accessory building used for a detached accessory suite from one storey to two storeys for the purpose of locating a detached accessory suite in the second storey of an existing garage/shop.

BACKGROUND

The 0.952 ha property is located at 3632 Petrel Drive in Jordan River and is zoned Rural Residential 2A (RR-2A) in the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040 (Appendix 1). The property fronts onto Petrel Drive to the east, vacant RR-2A zoned properties to the north and south, and Juan de Fuca Provincial Park to the west.

The applicant has a current building permit application to construct a garage/shop. As part of the building's original design, an option was made available to build a suite above the garage/shop. Since the floor joists of what would become the second floor have not yet been covered, the building is presently considered to have only one-storey. If the requested variance is not approved, the floor joists will remain open and the building will remain one storey in height. Staff note that the building otherwise complies with the maximum height specified for accessory buildings, as well as with the setbacks specified by the RR-2A zone.

ALTERNATIVES

1. Approve the development variance permit to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 1, Section 4.20(g), to increase the maximum height of an accessory building used for a detached accessory suite from one storey to two storeys for the purpose of constructing a detached accessory suite above a garage/shop.
2. Deny the development variance permit to increase the maximum height of an accessory building used for a detached accessory suite from one storey to two storeys, and require the structure to comply with zoning requirements.
3. Refer the application back to staff for more information.

LEGISLATIVE IMPLICATIONS

Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, specifies that 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. A development variance permit is required in order to allow the proposed increase to two storeys.

PUBLIC CONSULTATION IMPLICATIONS

Pursuant to the *Local Government Act (LGA)*, 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 January 15, 2013 Land Use Committee meeting.

LAND USE IMPLICATIONS

The applicant has a current building permit application to construct a garage/shop in an accessory building. As part of the building's original design, an option was made available to build a suite above the garage/shop. Since the floor joists of what would become the second floor have not yet been covered, the building is presently considered to have only one-storey and complies with Bylaw No. 2040. During a recent inspection, a CRD Building Inspector confirmed that the building height, as measured to the peak of the roof, is 6.63 m; therefore, the building otherwise complies with the maximum height specified for accessory buildings used for a detached accessory suite. Staff note that the building also complies with the yard requirements specified by the RR-2A zone.

The neighbouring properties to the north and south are currently vacant, so the impact on their future use and enjoyment cannot be fully assessed at this time. However, given that the building complies with all other requirements of Bylaw No. 2040, the impact is anticipated to be minimal. Therefore, staff recommend approval of the requested variance, subject to public notification.

CONCLUSION

The applicant is requesting a variance to increase the maximum height of an accessory building used for a detached accessory suite from one storey to two storeys in order to permit the construction of a detached accessory suite above a garage/shop. The neighbouring properties to the north and south are currently vacant, so the impact of the development on their future use and enjoyment cannot be fully assessed at this time. Since the building otherwise complies with the maximum height of a detached accessory suite, as well as with the setback requirements of the RR-2A zone, staff recommend 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-07-12 for Lot 55, Section 2, Renfrew District, Plan VIP83894 to vary Juan de Fuca Land Use Bylaw 1992, Bylaw No. 2040, Part 1, Section 4.20(g), by increasing the maximum height of an accessory used for a detached accessory suite from one storey to two storeys, 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

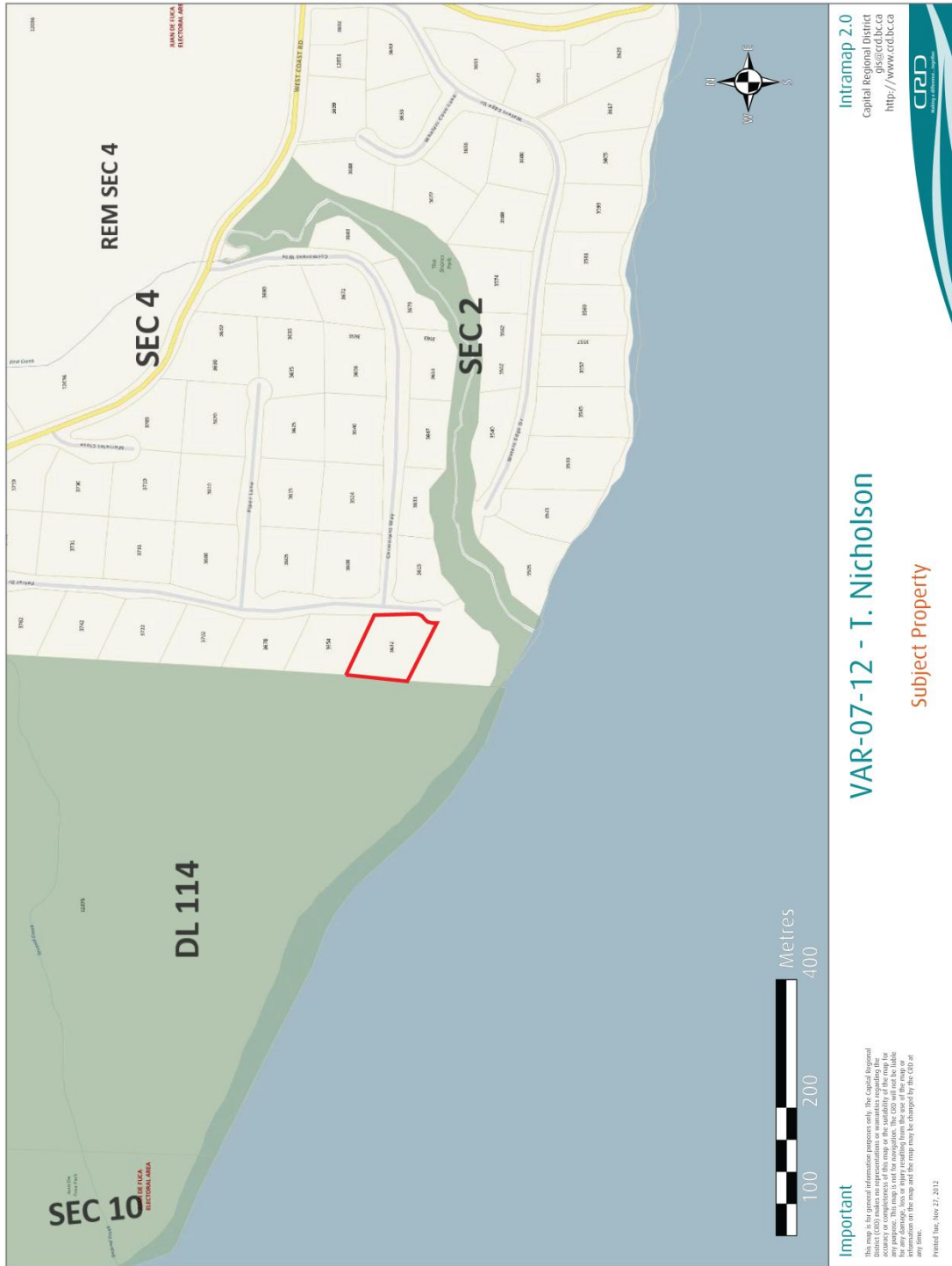
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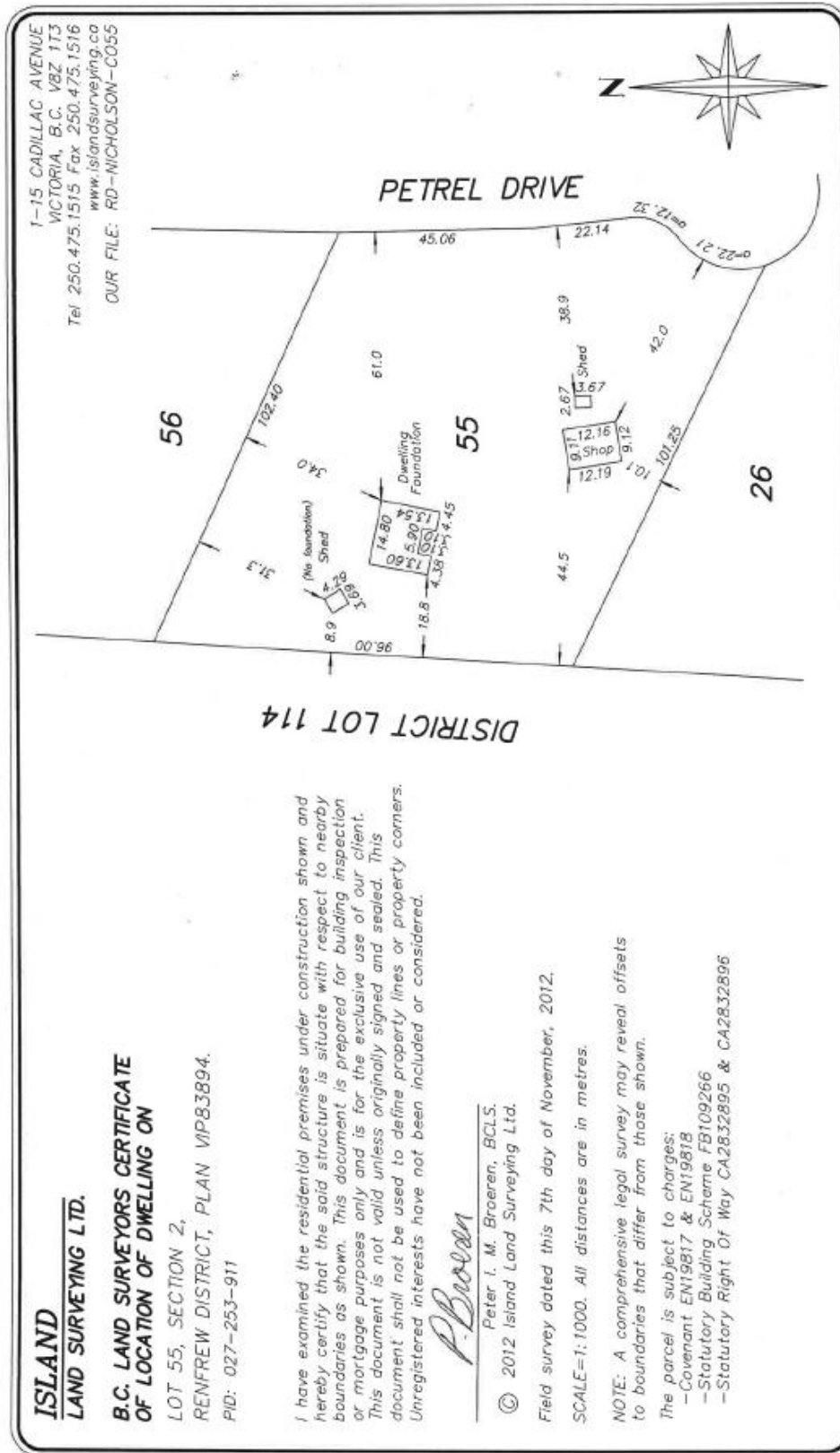
Kelly Daniels
Chief Administrative Officer
Concurrence

Appendices:

1. Subject Property Map
2. Site Plan
3. Building Elevation Drawings

Appendix 1: Subject Property Map





Appendix 3: Building Elevation and Floor Plan Drawings

