



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, JULY 16, 2013**

SUBJECT **DEVELOPMENT VARIANCE PERMIT FOR LOT B, SECTION 135A, SOOKE DISTRICT, PLAN VIP79979**

ISSUE

A request has been made for a development variance to reduce the minimum rear yard setback from 11 m to 8.74 m for the purpose of legalizing the siting of a single-family dwelling currently under construction.

BACKGROUND

The 4.15 ha property is located at 1689 Cole Road in East Sooke and is zoned Rural A under Juan de Fuca Land Use Bylaw, 1992, No. 2040 (Appendix 1). The property fronts onto Cole Road to the south, Rural A zoned properties to the east and west, and Rural Residential 3 (RR-3) zoned properties to the north.

The applicant has a building permit to construct four single-family dwellings on the subject property in accordance with the provisions of the Rural A zone. During the building permit approval process, a site plan, prepared by a BC Land Surveyor, was submitted that indicated that each of the four proposed single-family dwellings would be sited in conformance with the bylaw. As a requirement of the framing inspection, the applicant submitted an updated survey (Attachment 2) that indicates that the building identified as “SL 4” is located within the rear yard setback specified by the Rural A zone. The applicant has requested a development variance to legalize the encroachment.

ALTERNATIVES

1. Approve the development variance permit to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 2.07(d), by reducing the minimum required rear yard setback of residential buildings from 11 m to 8.74 m for the purpose of allowing the siting of a single-family dwelling currently under construction;
2. Deny the development variance permit 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, Bylaw No. 2040, specifies a minimum rear yard setback for residential buildings in the Rural A zone of 11 m. Since the dwelling identified as SL 4 is located 8.74 m from the rear lot line, a development variance permit is required.

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. CRD 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 July 16, 2013 Land Use Committee meeting.

LAND USE IMPLICATIONS

The applicant has received building permits to construct four single-family dwellings on the subject property. The submitted tentative strata plan indicates that the building identified as “SL 4” is located 8.74 m from the rear parcel line. Staff advises that the subject property is designated Settlement Area in the East Sooke Official Community Plan, Bylaw No. 3718, and is zoned Rural A under Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040. The zone allows for the construction of four dwelling units on parcels greater than 4.0 ha. With the exception of the requested setback variance, the current development complies with all provisions of the Land Use bylaw.

The most proximate neighbouring dwelling is setback 34 m from the common parcel line on the adjacent property to the east, and is separated from the subject property by natural forest cover. Given the distance and nature of the spatial separation, the impact on neighbouring properties is anticipated to be minimal. Therefore, staff recommends approval of the requested variance, subject to public notification.

CONCLUSION

The applicant is requesting a variance to reduce the minimum required rear yard setback from 11 m to 8.74 m in order to permit the siting of a single-family dwelling currently under construction.

Since the closest adjacent dwelling is located 34 m from the subject property and is buffered by natural forest cover, the impact on neighbouring properties is anticipated to be minimal. Therefore, staff recommends 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-07-13 for Lot B, Section 135A, Sooke District, Plan VIP79979 to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 2.07(d), by reducing the minimum rear yard setback from 11 m to 8.74 m, as shown, on the attached tentative strata plan (Attachment 2), be approved.

****ORIGINAL SIGNED****

Iain Lawrence
Planner

June Klassen, MCIP
Manager, Local Area Planning
Concurrence

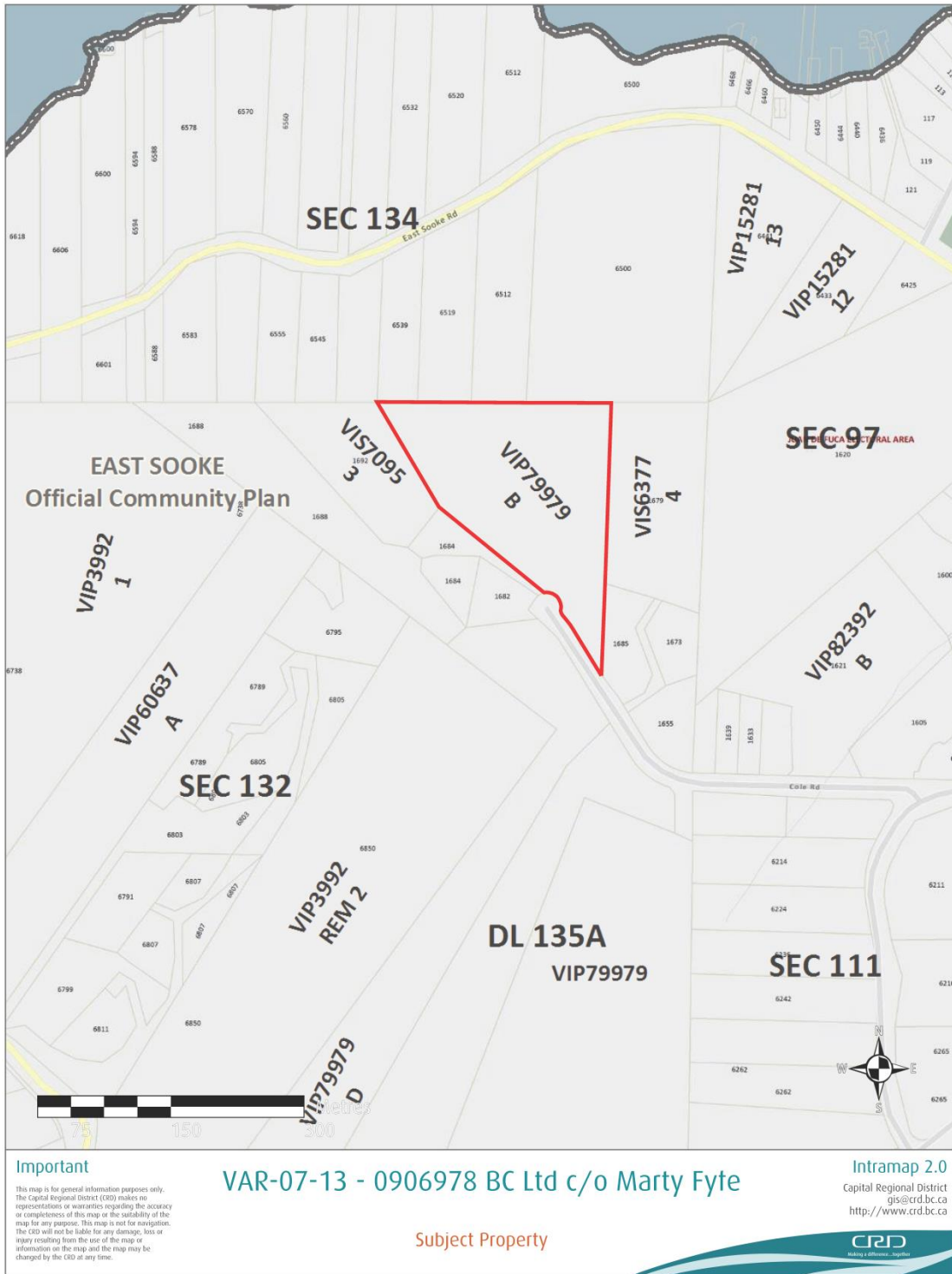
Marg Misek-Evans, MCIP
Acting General Manager
Planning & Protective Services
Concurrence

Robert Lapham, MCIP
Chief Administrative Officer
Concurrence

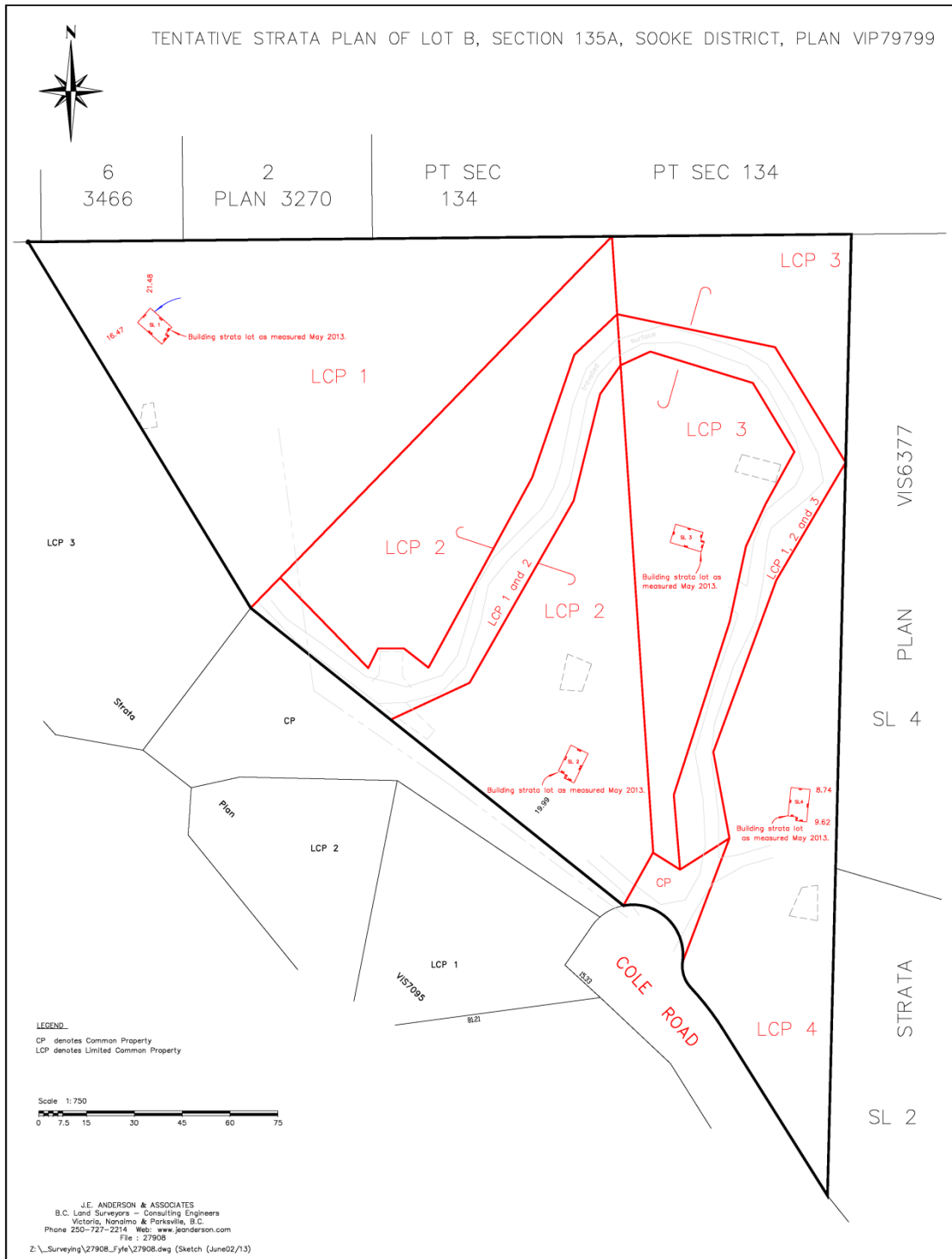
Appendices:

1. Subject Property Map
2. Tentative Strata Plan of Lot B, Section 135A, Sooke District, Plan VIP79979, prepared by JE Anderson & Associates
3. Building Elevation Drawings certified by James Galloway, P.Eng., dated April 9, 2013

Appendix 1: Subject Property Map

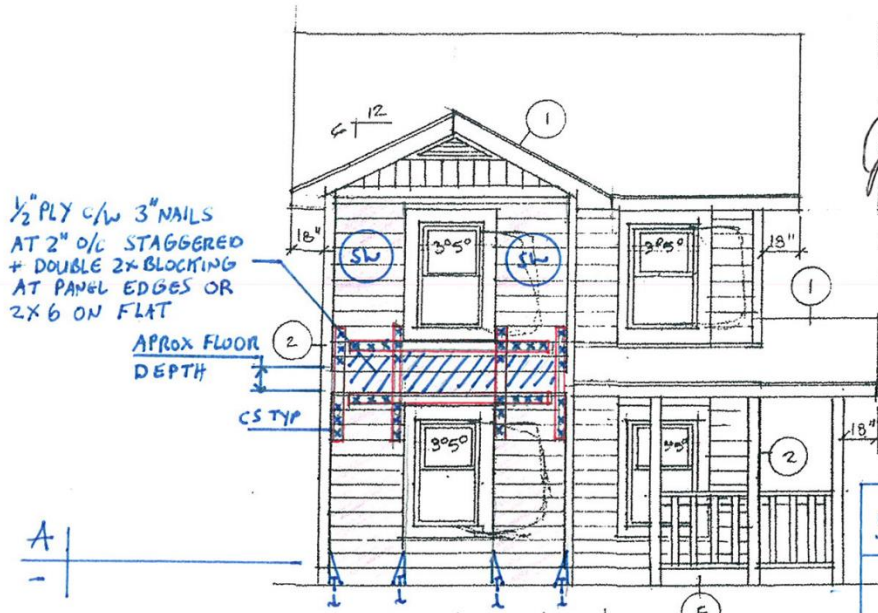
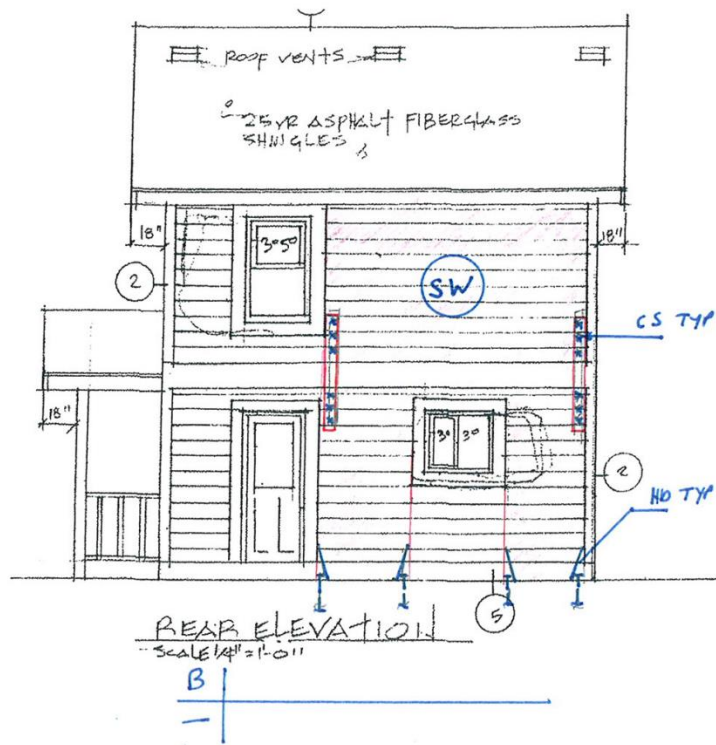


Appendix 2: Tentative Strata Plan



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Appendix 3: Building Elevation Drawings



PROFESSIONAL
 BRITISH COLUMBIA
 ENGINEER
 J. W. GALLOWAY
 April 9/13

S4	ELEVATIONS
	NTS