



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, JUNE 17, 2014**

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**SUBJECT**     **DEVELOPMENT VARIANCE PERMIT FOR LOT 28, SECTION 81, RENFREW DISTRICT, PLAN 24939**

**ISSUE**

A request has been made for a development variance permit (VAR-01-14) for the purpose of relaxing the front yard setback requirement for accessory buildings from 15 m to 8.7 m for the purpose of constructing a garage.

**BACKGROUND**

The 0.4 ha property is located at 2697 Seaside Drive in Shirley and is zoned Rural Residential 2 (RR-2) in the Juan de Fuca Land Use Bylaw No. 2040 (Appendix 1). The property fronts onto Seaside Road to the west, RR-2 properties to the north and south, and Rural (A) properties to the east. The property slopes upward away from Seaside Drive and there is a small drainage-course running through the property. A permit to construct a one-family dwelling on the property was issued in 1990 and completed in 1994. One small accessory building is located in the middle of the property.

The applicants are now proposing to construct a 42.5 m<sup>2</sup> detached garage at the base of the slope on a level portion of the property and are requesting a development variance permit to relax the front yard setback from 15 m to 8.7 m.

**ALTERNATIVES**

1. Recommend to the CRD Board that the development variance permit to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 1, Section 4.01 (d) to relax the front yard setback for accessory buildings from 15 m to 8.7 m for the purpose of constructing a detached garage be approved;
2. Recommend to the CRD Board that the development variance permit be denied 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 that no accessory building shall be located closer to the front lot line than the principal building, except that where the distance between the principal building and the front lot line is greater than 15 m, the accessory building shall be not less than 15 m from the front lot line. A development variance permit is required in order to allow the proposed detached garage to be located 8.7 m from the front lot line.

**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 June 17, 2014 Land Use Committee meeting.

**LAND USE IMPLICATIONS**

The proposed construction of a detached garage is in keeping with the residential use of the property and otherwise meets the requirements of Bylaw No. 2040, including the 6 m height requirement and the total floor area requirement for accessory buildings.

Due to the sloping topography of the property, the applicants feel it is a hardship to site the structure according to the regulations. They have identified this relatively level site as the most suitable for the proposed garage. The two adjacent properties to the north and south are currently vacant and the adjacent property to the east is accessed via a driveway further down Seaside Drive. The proposed structure will be visible from the road; however, the impact of this building on the residential character of the neighbourhood is anticipated to be minimal. Staff recommends approval of the variance subject to public notification and consideration of comments from neighbouring residents.

**CONCLUSION**

The applicant has requested a variance to relax the front yard setback requirement for accessory buildings from 15 m to 8.7 m for the purpose of constructing a detached garage. As the site conditions pose a hardship to meet the 15 m setback requirements, 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-01-14 for Lot 28, Section 81, Renfrew District, Plan 24939 to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 1, Section 4.01(d), by relaxing the front yard setback for accessory buildings from 15 m to 8.7 m for the purpose of constructing a detached garage as shown on the attached site plan and building plans (Appendices 2 and 3), be approved.

**\*\*ORIGINAL SIGNED\*\***

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Emma Taylor, MA  
Planner

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June Klassen, MCIP, RPP  
Manager, Local Area Planning

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Kevin Lorette, P.Eng., MBA  
General Manager,  
Planning & Protective Services

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Robert Lapham, MCIP, RPP  
Chief Administrative Officer  
Concurrence

Appendices:

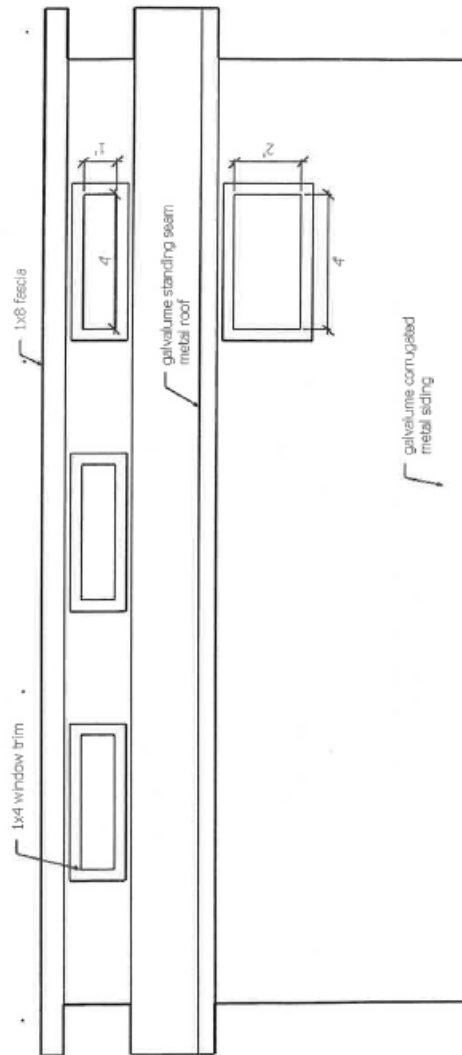
1. Subject Property Map
2. Site Plan
3. Building Drawings

Appendix 1: Subject Property Map

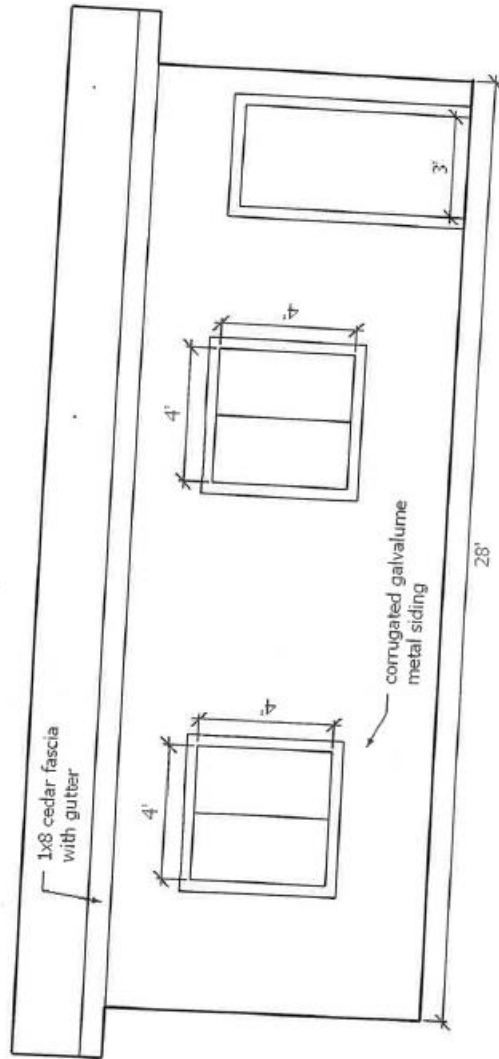




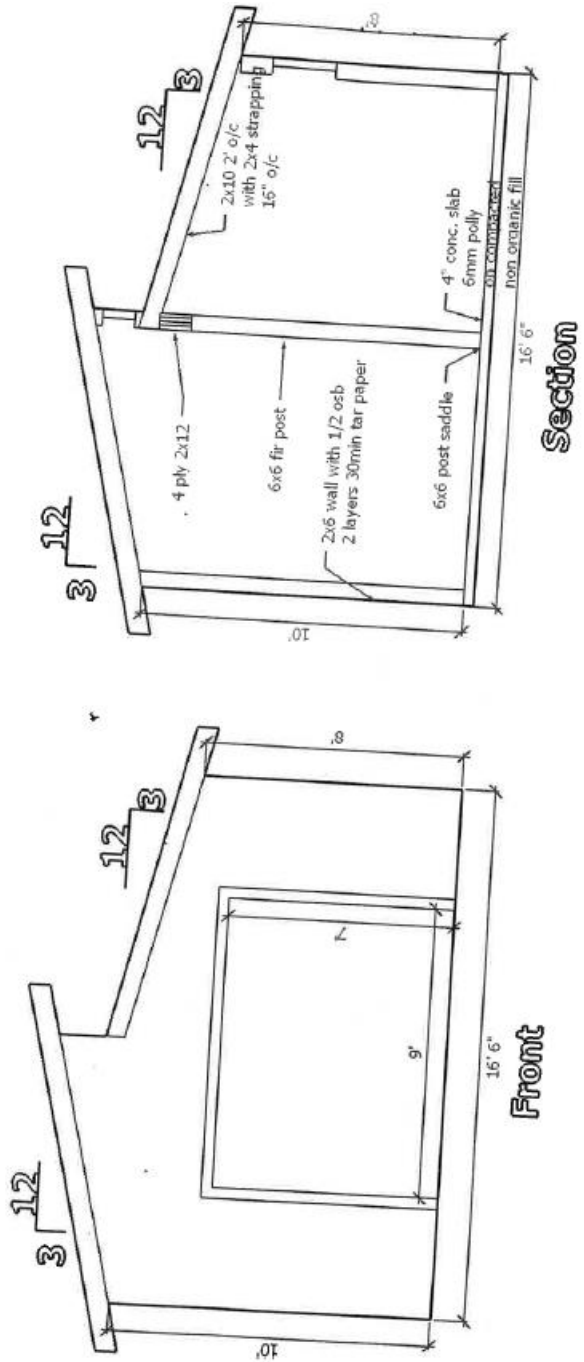
Appendix 3: Building Drawings



*GARAGE  
2697 SEASIDE DR*



GARAGE  
2697 BEASIDE DR.



GARAGE  
2697 SEASIDE DR.