



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, JANUARY 20, 2015**

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-03-14) for the purpose of relaxing the front yard setback requirement for accessory buildings from 15 m to 7.5 m for the purpose of completing construction of a garage.

BACKGROUND

The 0.4 ha property is located at 2697 Seaside Drive in Shirley and is zoned Rural Residential Two (RR-2) in the Juan de Fuca Land Use Bylaw, 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. Although the property is not designated within a steep slope development permit area, the topography slopes upward from Seaside Drive over bedrock outcroppings with few level areas for building. 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 received a variance (VAR-01-14) in July 2014 to relax the front yard setback for the purpose of constructing a 42.5 m² detached garage 8.7 m from the front property line. The location for the garage is at the base of the slope on a level portion of the property. Due to a siting error that resulted in the garage being constructed 7.5 m from the front property line, the applicants are now requesting this variance to legalize the siting in order to complete their building permit.

ALTERNATIVES

1. Recommend to the Capital Regional District (CRD) Board that Development Variance Permit VAR-03-14 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 7.5 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.
2. Recommend to the CRD Board that the development variance permit be denied and require the structure comply with the 8.7 m front yard setback approved by VAR-01-14.
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 (VAR-01-14) was issued to allow the proposed detached garage to be located 8.7 m from the front lot line; however, due to a siting error the garage was constructed 7.5 m from the front line and the applicants are now requesting a variance to legalize the siting.

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 January 20, 2015 Land Use Committee meeting.

LAND USE IMPLICATIONS

The CRD Board approved a development variance permit in July 2014 for an 8.7 m setback for the proposed construction of a detached garage at 2697 Seaside Drive (VAR-01-14). The proposed building location was identified on a sketch plan prepared by the applicants. However, it was not until the foundation was poured and framing complete that a survey was conducted showing the actual setback from the front property line is 7.5 m.

While a survey plan is not an application requirement, staff do recommend that early verification be done to avoid siting errors. In this instance, the anticipated location of the building was not changed, but the survey resulted in an accurate verification of the actual setback distance. As the impact of this building on the residential character of the neighbourhood was anticipated to be minimal and approved by VAR-01-14 and it would be a hardship for the building to now be relocated, staff recommend approval of the variance subject to public notification and consideration of comments from residents.

CONCLUSION

The applicant has requested a variance to relax the front yard setback requirement for accessory buildings from 15 m to 7.5 m for the purpose of completing construction of a detached garage. Staff recommends approval of the variance request subject to public notification.

RECOMMENDATION

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

That Development Variance Permit VAR-03-14 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 7.5 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****

Emma Taylor, MCIP, RPP
Planner

June Klassen, MCIP, RPP
Manager, Local Area Planning
Concurrence

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

Robert Lapham, MCIP, RPP
Chief Administrative Officer
Concurrence

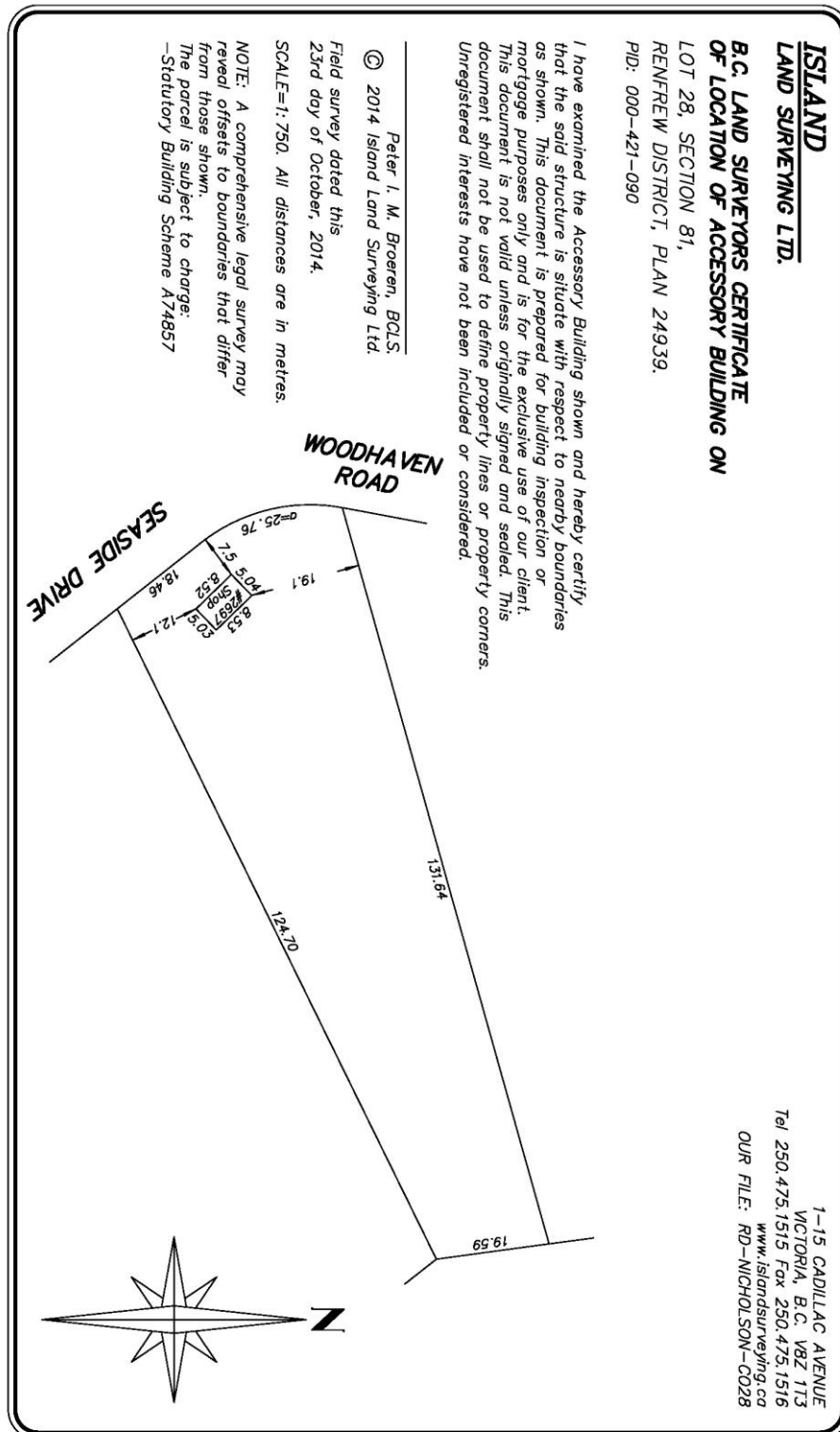
Appendices:

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

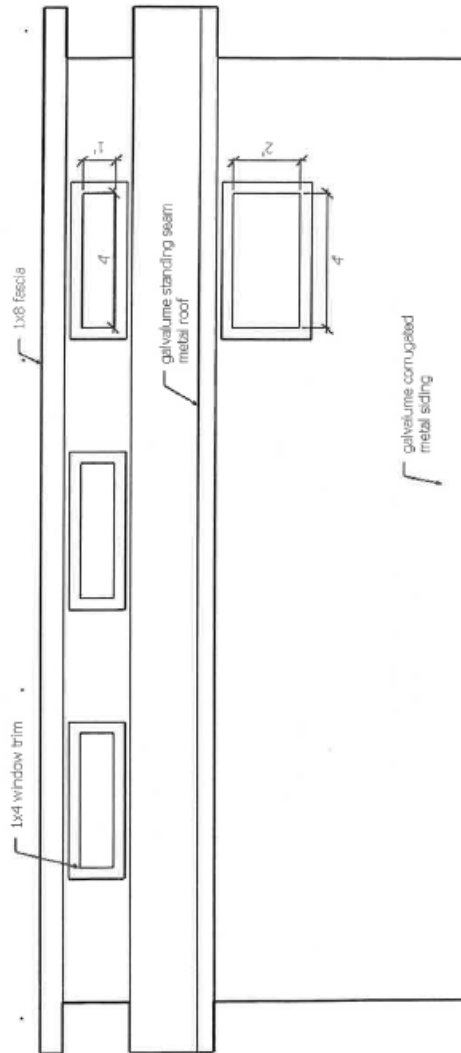
Appendix 1: Subject Property Map



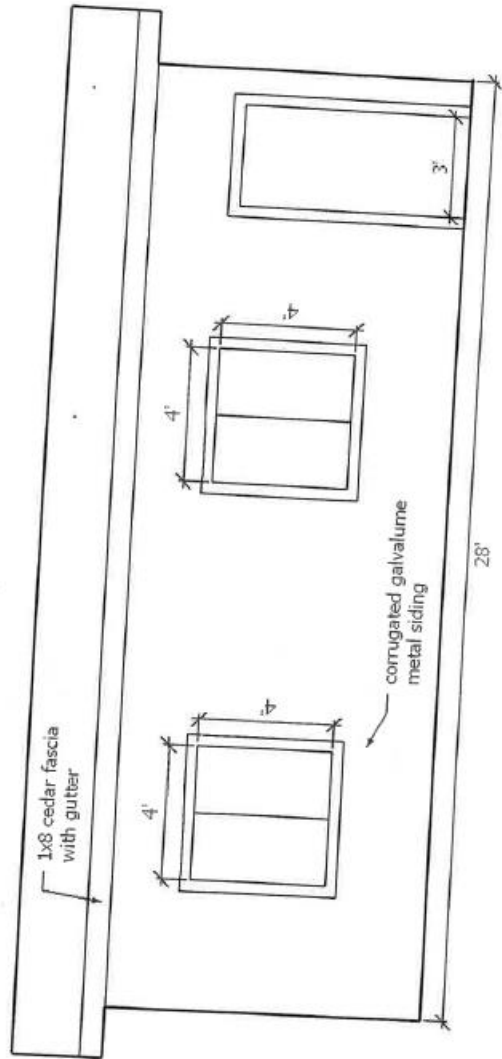
Appendix 2: Site Plan



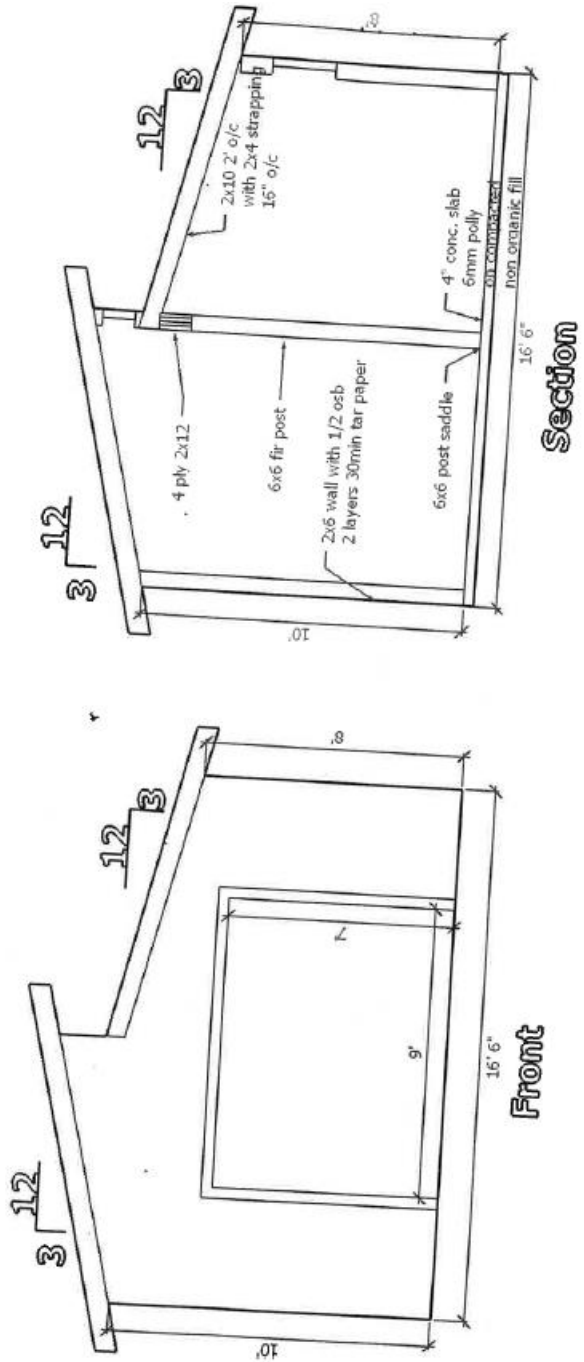
Appendix 3: Building Drawings



*GARAGE
2697 SEASIDE DR*



GARAGE
2697 BEASIDE DR.



GARAGE
2697 SEA SIDE DR.