



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

SUBJECT **DEVELOPMENT VARIANCE PERMIT FOR LOT 9, SECTION 76, RENFREW DISTRICT, PLAN VIS4766**

ISSUE

A request has been made for a development variance permit (VAR-04-14) for the purpose of relaxing the side yard setback requirement for a principal building from 15 m to 6 m for the purpose of constructing a dwelling.

BACKGROUND

The 1.01 ha property is located in Shirley and is zoned Forestry (AF) in the Juan de Fuca Land Use Bylaw, Bylaw No. 2040 (Appendix 1). The property fronts onto Fishboat Bay Road to the north, AF properties to the east and west, and the Strait of Juan de Fuca to the south. The property was created through bareland strata with lot averaging. Therefore, although the AF zone has a minimum parcel size of 4 ha for subdivision, the subject property is 1.01 ha in size and is very narrow. The parcel frontage is 51.7 m along Fishboat Bay Road and 63.74 m along a diagonal line between the iron posts south of the proposed dwelling.

The property is subject to a Foreshore and Marine Shoreline Development Permit Area; however, all development is outside the 15 m development permit area boundary.

The applicant is proposing to construct a dwelling and detached garage as noted on the site plan and building plans (Appendices 2 and 3) and is requesting a development variance permit to relax the side yard setback from 15 m to 6 m.

ALTERNATIVES

1. Recommend to the Capital Regional District Board (CRD) that Development Variance Permit VAR-04-14 for Lot 9, Section 76, Renfrew District, Plan VIS4766 to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 3.07, to relax the side yard setback for a principal building from 15 m to 6 m for the purpose of constructing a dwelling 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 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, in Section 3.07 specifies the front, side, rear and flanking yard requirements for all principal structures be a minimum of 15 m. A development variance permit is required in order to allow the proposed dwelling to be located 6 m from the side 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. 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 January 20, 2015 Land Use Committee meeting.

LAND USE IMPLICATIONS

The proposed dwelling is under the maximum size for a residential building and conforms to the height requirements and to the front, rear and east side yard requirements of the AF zone.

The proposed dwelling is located towards the rear of the parcel near the widest portion of the parcel. However, even at this location, the proposed building design cannot be accommodated without a

reduction in the side yard requirements. The proposed siting follows the contours and allows for a walk out basement. The proposed dwelling is located over 15 m from the east lot line which maintains the side yard separation from an existing dwelling on Lot 10. The west side yard is proposed to be 6 m; however, Lot 8 is vacant. Both Lot 8 and 9 appear heavily treed in this area and, depending upon the siting of a dwelling on Lot 8, the trees may provide for additional privacy to offset the reduced side yard. It should be noted that a 6 m setback would meet the residential building setback requirements of any other zone in Bylaw No. 2040.

Due to the slope and tree cover present on the subject property, the proposed structure will not be visible from the road. Also, the 15 m setback to the eastern parcel line will be maintained and the adjacent property to the west is currently vacant. Therefore, the impact of the proposed building on the rural 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 side yard setback requirement for a dwelling from 15 m to 6 m. As the proposed dwelling should have minimal impact on the neighbourhood, 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-04-14 for Lot 9, Section 76, Renfrew District, Plan VIS4766 to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 3.07, to relax the side yard setback for a principal building from 15 m to 6 m for the purpose of constructing a dwelling as shown on the attached site plan and building plans (Appendices 2 and 3) be approved.

****ORIGINAL SIGNED****

June Klassen, MCIP, RPP
Manager, Local Area Planning

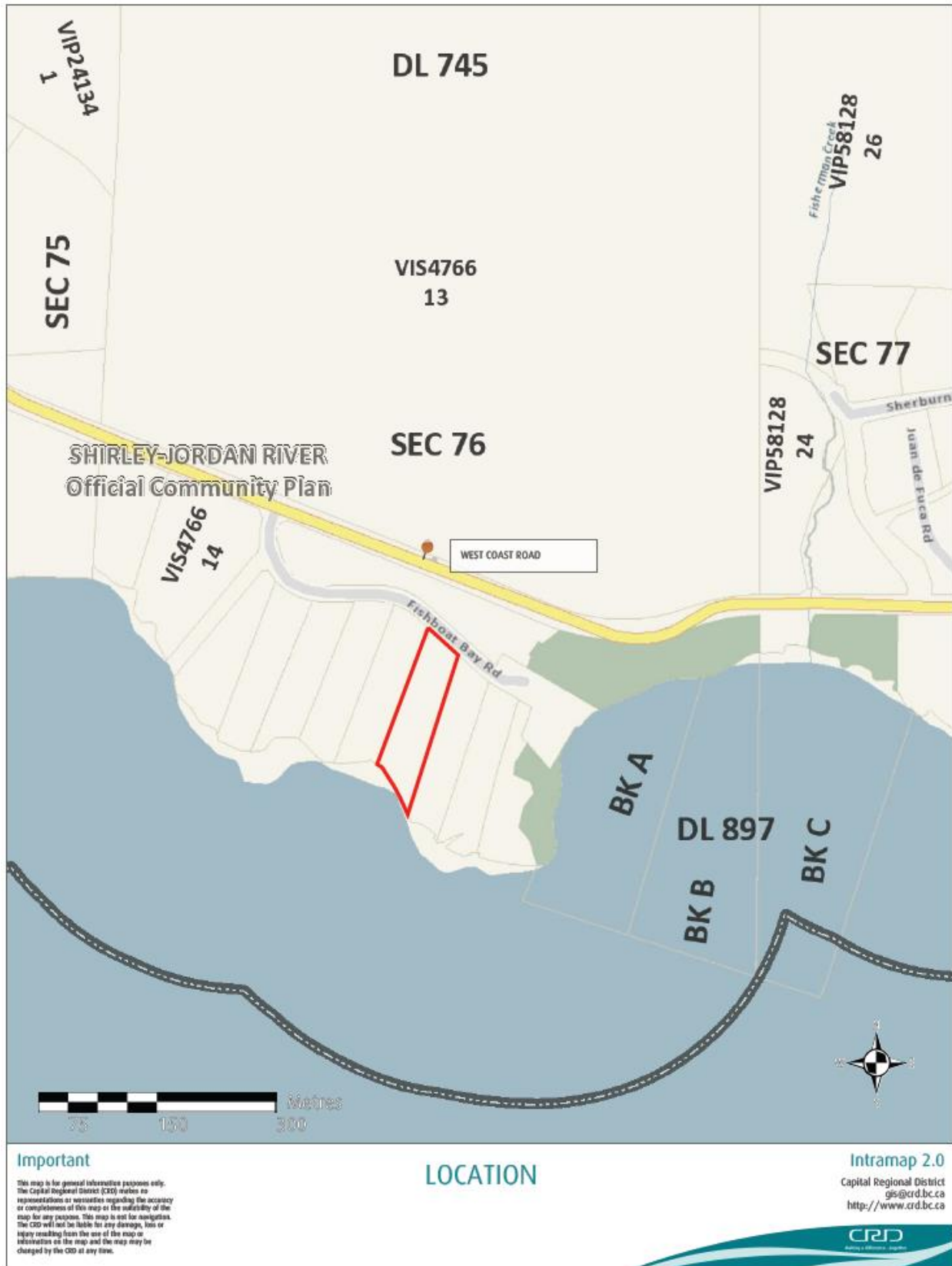
Kevin Lorette, P.Eng., MBA
General Manager Planning and Protective Services
Concurrence

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 3: Building Drawings

