

**JUAN DE FUCA LAND USE COMMITTEE**

Notice of Meeting on Tuesday, **January 20, 2015 at 7:00 p.m.**

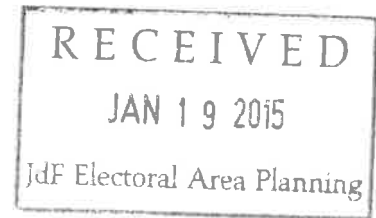
Juan de Fuca Local Area Services Building, #3 – 7450 Butler Road, Otter Point, BC

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**SUPPLEMENTARY AGENDA**

1. Correspondence received to be dealt with under the following agenda item:
  - a) Agenda Item 9 a) Development Variance Permit Application  
VAR-03-14 - Lot 28, Section 81, Renfrew District, Plan 24939 (2697 Seaside Drive – Harrison)
    - Robert Kreiss, Shirley
  - b) Agenda Item 9 b) Development Variance Permit Application  
VAR-04-14 - Lot 9, Section 76, Renfrew District, Plan VIS4766 (Fishboat Bay Road – Norring)
    - WestCoast Design – Revised Site Plan
    - Neva Hilliard, Shirley
    - Edward and Catherine Carlson, Shirley
  - c) Agenda Item 10 c) Bylaw No. 3973, “Juan De Fuca Land Use Bylaw, 1992, Amendment Bylaw No. 122, 2014”
    - Heather Phillips, Otter Point

Robert Kreiss  
Shirley, BC



January 13, 2015

CRD, Juan de Fuca Electoral Area Planning  
3-7450 Butler Road  
Sooke, BC V9Z 1N1

Re: Development Variance Permit Application  
Lot 28, Section 81, Renfrew District, Plan 24939 - 2697 Seaside Dr

Dear Land Use committee:

I am a home-owner within 500 meters of the subject site. I am opposed to the Variance Permit Application and ask that you vote against it.

The applicant asks for a variance to relax the front yard setback for accessory buildings from 15 m to 7.5 m.

All of the properties in this area are subject to the 15 m front yard setback for accessory buildings. The purchaser of the 2697 Seaside should have been aware of this setback at the time of purchase.

The purpose of setbacks such as the one here is to ensure that all accessory buildings in this area are uniformly set back at least 15 m from the road. This uniformity for our area is important – that is the whole point of having such a regulation. Granting a variance in this instance would undermine that uniformity.

What is the point of having a setback requirement if it can be set aside upon the request of an applicant? The answer is that there would be no point and the requirement would have been an exercise in futility. This should not be allowed to happen.

Please help our area maintain its uniform appearance in terms of setbacks by rejecting this application.

Sincerely yours,

A handwritten signature in black ink, appearing to read "Robert Kreiss".

Robert Kreiss



## Wendy Miller

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**From:** Wendy Miller  
**Sent:** Thursday, January 15, 2015 10:49 AM  
**To:** Wendy Miller  
**Subject:** variance  
**Attachments:** compromise on variance.14.01.15.pdf

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**From:**  
**Sent:** Wednesday, January 14, 2015 6:08 PM  
**To:** June Klassen  
**Cc:**  
**Subject:** Re: variance

Hello June

As per our telephone discussion today Mr. Randy Clarkston sent me a copy of the revised proposed variance which he has submitted to you for consideration (see attached). My husband and I have reviewed this revised variance proposal and consider it more reasonable and acceptable.

Thank you for your attention in this matter.

Regards

Neva B. Hilliard, MD, MHSc, FRCPC

## Wendy Miller

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**From:** June Klassen  
**Sent:** Monday, January 19, 2015 11:08 AM  
**To:** Ted Carlson  
**Cc:** Wendy Miller  
**Subject:** RE: Variance Lot 9 StrataVIS4766

Thanks I will include in supplementary agenda

June Klassen, Manager Local Area Planning Planning and Protective Services | JDF Electoral Area | 250.642.8101 Capital Regional District | 3-7540 Butler Road, Sooke BC V9Z 1N1

-----Original Message-----

**From:** Ted Carlson  
**Sent:** Monday, January 19, 2015 10:57 AM  
**To:** June Klassen  
**Subject:** Variance Lot 9 StrataVIS4766

Hi June

We are the owners of StrataVis4766 Lot 10. Please be advised we do not object to the proposed variance request for Lot 9 that shows a requested sideyard setback to 13 meters on our side of Lot 9.

Sincerely

Edward and Catherine Carlson

January 19, 2015

January 20, 2015

To: JdF LUC and Planning Staff

Re: Proposed Bylaw 3973 1. A – to change the definition of floor area.

I understand that staff are recommending the change to the definitions of floor area because of an interpretation of the intention of Bylaw 2040 that is not supported by the present definition.

I suggest that the problem is more complicated than will be resolved by changing the definitions. I suggest that the various APC members were told if the change was made, it could be reversed when the whole of the land use bylaw is revised.

I am not sure that changing the definitions will help clarify the bylaw or achieve the intention of the bylaw. I think the intention was made more difficult to follow when detached accessory suites were permitted. I am not opposed to detached accessory suites.

I think the bylaw intends to track the number of dwelling units and the total floor area used for “residential use”. At one time, a staff member told me that a detached accessory suite is not a dwelling unit. This misunderstanding could result in misinterpreting the intention of the bylaw in several ways.

The detached suite has introduced a new class of dwelling unit that is not in a residential building. “Residential use” of a building does not create a “residential building” so the detached suite will not count in the calculation of “floor area ratio” in Part 2 of the bylaw. However, any suite is clearly a dwelling unit, and suites must be included in the calculation of number of dwelling units permitted on a lot.

Garages, carports and decks are not included in the calculation of “floor area” in the current definition in the bylaw. Basements and second or third storey areas may be included in the calculation of “floor area ratio”.

The bylaw intends to track overall “lot coverage” as well. Lot coverage is defined as the total horizontal area covered by all buildings on the lot. The “building area” of each building or structure is measured as the ground level foot print of the building and includes garages, car ports, and decks.

One difficulty in interpreting the bylaw is suggested to be resolved by changing the definition of floor area as it is used in Part 1, 4.01 (2) (c). In this section, the “floor area of all floors” is used to limit the size of accessory buildings or structures. The current definition of floor area does not include garages, car ports, or decks. The proposed change in definition would include garages, carports and decks in this calculation. The desired number will describe a fixed area and not a ratio.

The lot coverage in the other column at Part 1, 4.01 (2) (c) is a percentage of the lot and not a fixed number. The current definition of building area used to calculate “lot coverage” does

include garages, carports and decks. The smaller of the two figures determined by calculations for Part 1, 4.01 (2) (c) will limit the size of accessory buildings on the lot.

Complications are that "Floor area" is used in Part 4 of the bylaw where the floor area of those parts of buildings used directly or indirectly for business purposes is used to calculate the dimensions of business signs. Deleting the present definition of "floor area" will delete the interpretation for Part 4 that is in the present definition.

"Floor area" is also used in Part 2 of the bylaw where floor area ratios are described as one "limit" to the size of residential buildings. The permitted floor area for lots of 1ha. or greater is typically 0.45 which is absurd. There needs to be a fixed maximum floor area for residential use as well as a fixed maximum floor area for accessory uses. (See **Appendix**, pages 3 & 4.) This calculation will include the area secondary suites but not the area of detached accessory suites when the floor area for residential buildings is calculated. With the proposed change in definitions, garages or other structures that are included in the principal residential buildings or that are annexed to principal residential buildings by breezeways will still not be included in the floor area calculation for accessory buildings and structures. They will not be included in the calculation for floor area ratio of residential buildings. They will only be included in the calculation of lot coverage.

Planning staff have said that for some time, calculations of accessory floor area have been made as if the proposed definition for "floor area - accessory building or structures" was an existing definition. Therefore, garages, carports and decks have been included in the calculation of floor area for new or updated accessory structures for some time.

Changing the definition of floor area will not be retroactive. Although the properties already subject to this interpretation will not be "non-conforming" if the interpretation is made correct by changing the definitions, at the time permits were applied for, the applications were subject to an incorrect interpretation.

I think I was told that because the interpretation supported by the proposed definitions has been used for some time, no properties will be made legal non-conforming by the change. This seems to suppose that the accessory buildings on all lots have been reviewed somehow prior to this proposed change. I don't think this has happened so I am still concerned that some properties will be made legal non-conforming by the proposed change.

Regards,

Heather Phillips, Otter Point resident.

## **Appendix: More on Floor Area Ratio:**

The floor area ratio for lots at 1ha or over is typically 0.45. It is calculated by dividing the total floor area of residential buildings on the lot by the total area of the lot. Definitions exclude the detached accessory suite from this calculation.

Although the result is expressed as a ratio, the resulting number is also a percent of the total lot area. Expressed as a percentage, the total floor area permitted on lots of 1ha or over is typically 45%.

The lot coverage, which is a percentage calculated for the total building area, does more to limit the size of residential buildings because lot coverage is typically less than 45%, ranging from 10% to 25% in zones where residential use is expected to be the principal use. Setbacks and limits to the height of buildings also help to limit the floor area possible in a residential building.

Some examples:

**Rural Watershed** min. lot size, 4 ha, one dwelling unit, max. height 11 metres , lot coverage 10% and max. floor are ratio, 0.45.

Assume the lot is 4 ha. With a permitted height of 11 metres, two storeys on top of a basement are possible. The maximum lot coverage is 4000m<sup>2</sup>. If the ground level floor is 4000m<sup>2</sup>, the second storey and basement could be have greater floor area. The zone permits a total floor area of 18,000m<sup>2</sup>. With residential lot coverage of 4000m<sup>2</sup>, there would be no lot coverage left for accessory structures. The maximum floor area for accessory structures, including detached accessory suites, would be 250m<sup>2</sup>.

**Rural A:** min. lot size, 4 ha, four dwelling units permitted on 4ha., max. height 11 metres, lot coverage 15%, and max. floor area ratio, 0.45

Assume the lot is greater than 4 ha. Again, each dwelling unit might have a basement and two storeys. The maximum lot coverage is 6000m<sup>2</sup>. The total floor area permitted for all four residential buildings is 18000m<sup>2</sup>. The maximum floor area for accessory structures, including detached accessory suites, would be 250m<sup>2</sup>. *Note that on a Rural A zoned lot greater than 4 ha and less than 16 ha, where there are four principal buildings each encompassing one dwelling unit, no suite is permitted since the lot is limited to four dwelling units.*

**Rural Residential 1:** min. lot size 0.4 ha, two one family dwellings or one two family dwelling, max height 9 metres, lot coverage 25%, total floor area 418m<sup>2</sup> or total floor ratio of 0.45 for on lots 1ha or greater. *Note that a detached accessory suite may be permitted on a lot in this zone where there are two one family dwellings but not on a lot where there is one two family dwelling or where there is already a secondary suite.*

Assume the lot is 0.4 ha. Part 2, 5.06 (i) Total floor area for two dwelling units is 418m<sup>2</sup>. Although the lot coverage allowed in Part 2, 5.05 is 25%, the provision in Part 1, 4.0 (12) (c) only permits an accessory building floor area of 100m<sup>2</sup>. If we assume the dwellings are one storey only, the lot coverage actually permitted on a 0.4 ha lot in this zone is approximately 13%. Decreasing the footprint of the residential buildings would not increase the lot coverage permitted.



**Rural Residential 5:** min. lot size 0.4 ha. One one family dwelling, or one two family dwelling or one one family and one suite, max. height 9 metres, ground floor area 80m<sup>2</sup>/ width 7m; lot coverage 25 %. There is no maximum size or floor area ratio for residential buildings specified for this zone. *Note that a detached accessory suite is permitted on a lot in this zone where there is no two family dwelling on the lot or on a lot where there is no secondary suite.*

Assume the lot is .4 ha. Total floor area for residential buildings is 418m<sup>2</sup>. If a detached accessory suite is counted as an accessory dwelling unit but not as a residential building, the min. ground floor area appears to be 80m<sup>2</sup> because the building will still be in the “dwelling unit” category and there is a minimum ground floor area specified for each dwelling unit. This would leave 20m<sup>2</sup> for other accessory buildings since total floor area permitted for accessory buildings and structures as described in Part 1 is 100m<sup>2</sup>.