



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, SEPTEMBER 15, 2015**

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**SUBJECT**      **Development Variance Permit for Lot 2, Section 90, Renfrew District, Plan 7887**

**ISSUE**

A request has been made for a development variance permit to increase the maximum total floor area requirement for accessory buildings for the purpose of constructing a 350 m<sup>2</sup> workshop.

**BACKGROUND**

The 1.94 ha property is located at 9227 Invermuir Road in Shirley (Appendix A). The parcel is zoned Rural A (A) in the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, and is bound to the east and west by parcels zoned Rural A (A), to the northeast by parcels zoned Forestry (AF) and to the south by the Strait of Juan de Fuca.

The property was created by subdivision in 1950 and a dwelling was constructed in 1986. A permit to construct a shed was completed in 1993; a woodshed, greenhouse and a carport were completed in 1994. The owners are proposing to demolish the 80 m<sup>2</sup> carport and shed but retain the 42 m<sup>2</sup> greenhouse and 14.5 m<sup>2</sup> woodshed. The owners also wish to construct a new 350 m<sup>2</sup> workshop and storage building. The total combined floor area of accessory buildings would be 406.5 m<sup>2</sup>.

The applicants are now requesting a variance to increase the requirement that the combined total floor area of all accessory buildings and structures on a lot shall not exceed 250 m<sup>2</sup> for lots 5,000 m<sup>2</sup> or greater pursuant to Part 1, Section 4.01 (2)(c) of Bylaw No. 2040 for the purpose of constructing a 350 m<sup>2</sup> workshop as shown in Appendix B.

**ALTERNATIVES**

That the Land Use Committee recommends to the CRD Board:

1. That Development Variance Permit VA000136 for Lot 2, Section 90, Renfrew District, Plan 7887 to vary the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, Schedule "A", Part 1, Section 4.01 item (2)(c) by increasing the maximum combined total floor area for accessory buildings from 250 m<sup>2</sup> to 406.5 m<sup>2</sup> for the purpose of constructing a 350 m<sup>2</sup> workshop as shown in the attached building plans (Appendix C) and retaining a 14.5 m<sup>2</sup> woodshed and 42 m<sup>2</sup> greenhouse as shown in the attached site plan (Appendix B), be approved.
2. That the development variance permit be denied and require the total floor area for accessory buildings to comply with zoning requirements.
3. That the application be referred back to staff for more information.

**LEGISLATIVE IMPLICATIONS**

The Juan de Fuca Land Use Bylaw, Bylaw No. 2040, Schedule "A", Part 1, Section 4.01 (2)(c) specifies that in Rural Zones, the combined total floor area of all accessory buildings and structures on a lot shall not exceed either the lot coverage permitted in the zone or, for lots 5,000 m<sup>2</sup> or greater, the maximum combined total floor area for all accessory buildings shall be 250 m<sup>2</sup>. A development variance permit is required to increase the total floor area of accessory buildings from 250 m<sup>2</sup> to 406.5 m<sup>2</sup> in order to allow the proposed 350 m<sup>2</sup> workshop.

**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 September 15, 2015 Land Use Committee meeting.

**LAND USE IMPLICATIONS**

A portion of the property is designated within the Steep Slopes and Foreshore Development Permit Areas (DPA) in the Shirley/Jordan River Official Community Plan, Bylaw No. 3717. As the proposed construction of the accessory building will occur outside these areas, a development permit is not required pursuant to 4.4.3 11].

The property is within the Settlement Area established by Bylaw No. 3717 which supports rural residential uses. The Rural A (A) zone permits multiple dwellings with associated accessory structures and a maximum lot coverage of 15% or 2,910 m<sup>2</sup> for the 1.94 ha property. The existing house and four accessory buildings on the property comply with the use and density provisions of the Juan de Fuca Land Use Bylaw No. 2040.

The applicants wish to demolish the existing carport and shed and replace them with a 350 m<sup>2</sup> workshop primarily to be used for a workshop and storage area. They also wish to retain the existing greenhouse and woodshed. General regulations for accessory buildings and structures are outlined in Part 1, Section 4.01 of Bylaw No. 2040. The proposed structure will comply with all provisions of the AF zone and with the requirements of Section 4.01 including the 6 m height limit and the 1 m setback from side property lines. However, the proposed workshop will exceed the requirement outlined in Section 4.01 (2)(c) that maximum combined total floor area of all accessory buildings on a lot 5,000 m<sup>2</sup> or greater shall be 250 m<sup>2</sup>. Therefore, a variance is requested to increase the total floor area for accessory buildings from 250 m<sup>2</sup> to 406.5 m<sup>2</sup>.

Through the public notification process, any residences that may be affected by the proposed variance will have an opportunity to come forward with their concerns. Staff recommends Alternative 1 subject to public notification and consideration of comments from neighbouring residents.

**CONCLUSION**

The applicant is requesting an increase of the maximum combined total floor area for accessory buildings for lots 5,000 m<sup>2</sup> or greater from 250 m<sup>2</sup> to 406.5 m<sup>2</sup> for the purpose of constructing a 350 m<sup>2</sup> workshop and retaining two other existing accessory buildings. Staff recommends Alternative 1 subject to public notification.

**RECOMMENDATION**

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

That Development Variance Permit VA000136 for Lot 2, Section 90, Renfrew District, Plan 7887 to vary the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, Schedule "A", Part 1, Section 4.01 item (2)(c) by increasing the maximum combined total floor area for accessory buildings from 250 m<sup>2</sup> to 406.5 m<sup>2</sup> for the purpose of constructing a 350 m<sup>2</sup> workshop as shown in the attached building plans (Appendix C) and retaining a 14.5 m<sup>2</sup> woodshed and 42 m<sup>2</sup> greenhouse as shown in the attached site plan (Appendix B), be approved.

Submitted by:	Emma Taylor, MCIP, RPP, Planner
Concurrence:	June Klassen, MCIP, RPP, Manager Local Area Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Kevin Lorette, P.Eng., MBA, Acting Chief Administrative Officer

ET:wm

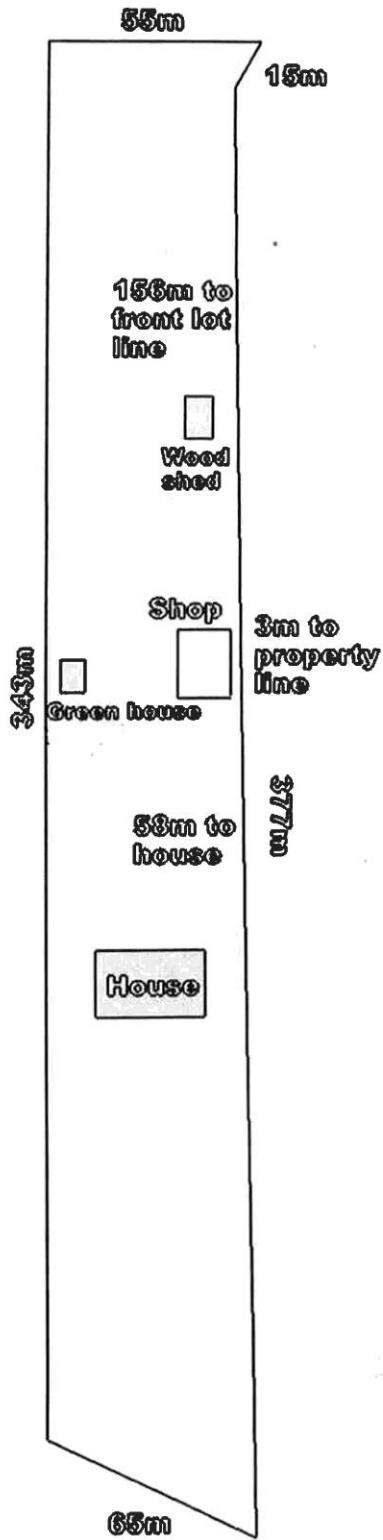
Appendices:

- A. Subject Property Map
- B. Site Plan
- C. Building Plans

Appendix A: Subject Property Map



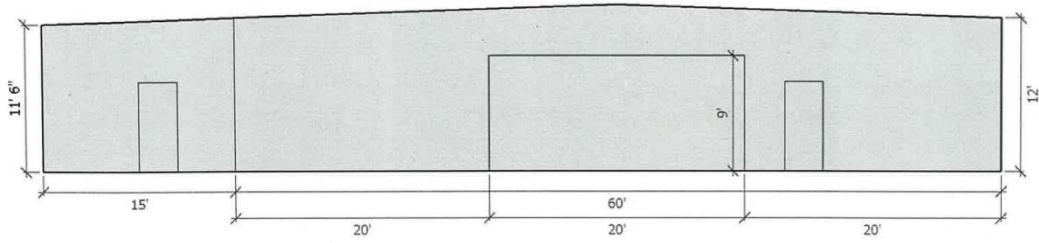
Appendix B: Site Plan



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JdF Electoral Area Planning

Appendix C: Building Plans

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