



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

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**SUBJECT**      **Development Variance Permit for Lot A, Section 1, Township 11, Renfrew District, Plan VIP85252**

**ISSUE**

A request has been made for a development variance permit to reduce the exterior side yard setback for principal buildings in the Community Residential One (CR-1) zone for the purpose of constructing a single-family dwelling.

**BACKGROUND**

The 0.1 ha property is located at Klannanith Street and Harris Cove Road in Port Renfrew (Appendix A). The vacant parcel is zoned Community Residential One (CR-1) in the Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109, and is bound to the north by Harris Cove Road, to the south by parcels zoned CR-1, to the west by Klannanith Street and to the east by Pacheedaht First Nation land.

The property was created as part of a three-lot subdivision in 2008 (S-20-07). The previous owners received a variance to reduce the exterior side yard setback from 4.6 m to 3.05 m for construction of a dwelling and to increase the height of an accessory building from 4.8 m to 6.0 m (VAR-06-10); however, this construction did not commence and the permit lapsed.

The current owners recently acquired the property and are proposing construction of a single-family dwelling with attached carport. The existing access is off Klannanith Street along the southern property boundary. The proposed dwelling will encroach within the 4.6 m exterior side yard setback towards Harris Cove Road (Appendix B). The applicants are now requesting a variance to reduce the exterior side yard setback from 4.6 m to 3.0 m for the purpose of constructing a dwelling as shown in Appendix C.

**ALTERNATIVES**

That the Land Use Committee recommends to the CRD Board:

1. That Development Variance Permit VA000137 for Lot A, Section 1, Township 11, Renfrew District, Plan VIP85252 to vary the Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109, Schedule "B", Part IV, Section 22, Item 2(g)(iii) by reducing the setback for the exterior side parcel line from 4.6 m to 3.0 m, as shown in the G.T. Burdge Designs Site Plan, dated September 2015 (Appendix B), for the purpose of constructing a single-family dwelling with attached carport as shown in the attached Building Plans (Appendix C), be approved.
2. That the development variance permit be denied and require the proposed building comply with the Community Residential One (CR-1) zoning requirements.
3. That the application be referred back to staff for more information.

**LEGISLATIVE IMPLICATIONS**

The Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109, Schedule "B", Part IV, Section 22, Item 2(g)(iii), specifies that the required setback from the exterior side parcel line is 4.6 m in the Community Residential one (CR-1) Zone. A development variance permit is required to reduce the exterior side parcel line setback from 4.6 m to 3.0 m in order to allow the proposed dwelling.

**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 October 20, 2015 Land Use Committee meeting.

**LAND USE IMPLICATIONS**

The property is zoned Community Residential One (CR-1) in the Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109. The CR-1 zone permits a dwelling unit, religious centres, bed and breakfasts, home-based business and retail establishments and accessory buildings or structures including one cottage. The maximum permitted parcel area coverage is 40% or 408 m<sup>2</sup> of the 0.102 ha subject property. The proposed 100 m<sup>2</sup> dwelling with attached carport complies with the land use and density provisions of Bylaw No. 3109.

The proposed location of the dwelling on the parcel does not comply with the siting requirements of the CR-1 zone. The required setbacks include: 6 m of a front parcel line; 1.5 m of an interior side parcel line, 4.6 m of an exterior side parcel line, and 6 m of a rear parcel line. The application of these setbacks and the narrow width of the lot create a limited building envelope. The owners are requesting a variance to construct a dwelling that encroaches 1.6 m into the 4.6 m exterior side parcel line setback.

The Ministry of Transportation and Infrastructure (MOTI) establishes permit requirements for structures within 4.5 m of a highway right-of-way to ensure safe and efficient operation of traffic. The owner has also made application to MOTI for a setback permit as the proposed dwelling will be within 4.5 m of Harris Cove Road. MOTI reviews the permit application for safety concerns, planned road improvements and transportation objectives. The permit from MOTI will be a condition of building permit.

The Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109, does not designate development permit areas, and no known site constraints have been identified for the subject property. The topography of the site is relatively level; however, the property is elevated above Harris Cove Road towards the east preventing construction of a suitable alternative access there. No significant environmental features or hazard areas were identified on the property as part of the subdivision process in 2007 and there are no encumbrances registered on the certificate of title. The proposed dwelling will be connected to the Port Renfrew Community Water and Community Sewer services. Therefore, there are no additional site constraints affecting the proposed building site.

Through the public notification process, any property owner or occupants 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 a reduction of the exterior side parcel line setback from 4.6 m to 3.0 m for the purpose of constructing a dwelling. 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 VA000137 for Lot A, Section 1, Township 11, Renfrew District, Plan VIP85252 to vary the Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109, Schedule “B”, Part IV, Section 22, Item (2)(g)(iii) by reducing the setback for the exterior side parcel line from 4.6 m to 3.0 m, as shown in the G.T. Burdge Designs Site Plan dated September 2015 (Appendix B) for the purpose of constructing a single-family dwelling with attached carport as shown in the attached Building Plans (Appendix C), be approved.

Submitted by:	Emma Taylor, MCIP, RPP
Concurrence:	Iain Lawrence, Supervisor, Local Area Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Bob Lapham, MCIP, RPP, Chief Administrative Officer

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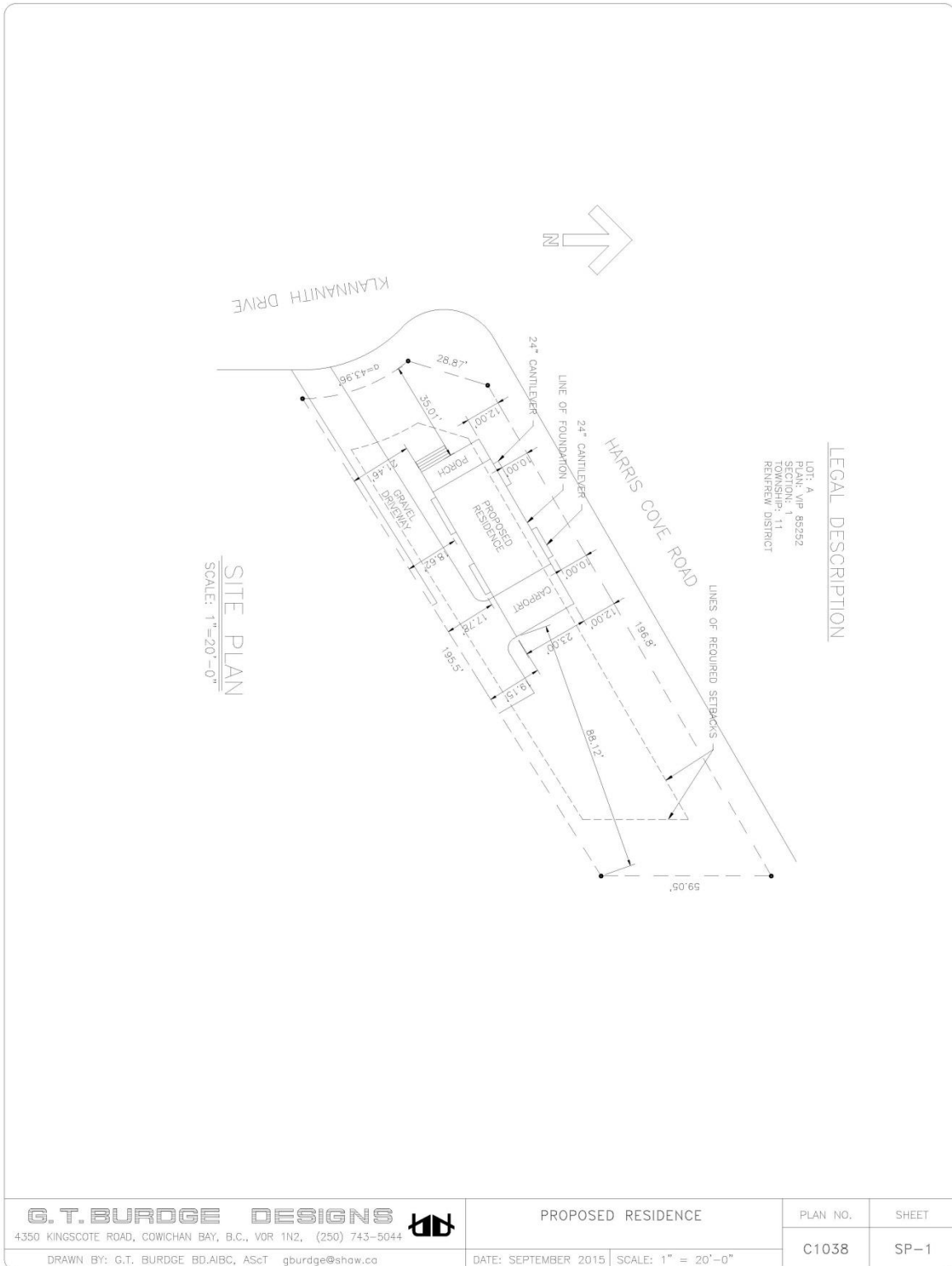
Appendices:

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

Appendix A: Subject Property Map



Appendix B: Site Plan



Appendix C: Building Plans

