



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

SUBJECT **Development Variance Permit for Lot A, Section 55, Renfrew District, Plan VIP61088**

ISSUE

A request has been made for a development variance permit to reduce the interior side yard setback requirement for principal buildings in the Community Facility Zone (P-2) for the purpose of constructing an addition to the fire hall.

BACKGROUND

The 0.4 hectare (ha) property is located at 2795 Sheringham Point Road in Shirley and is the location of Shirley Pioneer Park, the Shirley Community Hall and Shirley Fire Hall (Appendix A). The parcel is zoned Community Facility (P-2) in the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, and is bound to the north by West Coast Road, to the west by Sheringham Point Road, and to the south and east by a parcel zoned Rural (A).

The community hall was constructed in 1937 and is legal non-conforming as to siting. The fire hall was constructed in 1990 and an addition received approval from the Board of Variance for siting in 2002 (BVJ-13-02). A water storage tank for fire protection received approval from the Board of Variance for siting in 2015 (BOV-04-14). The CRD has a lease over the subject property in the location of the existing fire hall (REP201200465).

The Shirley Fire Department is now proposing to construct an addition to the existing fire hall to accommodate an additional bay for a new fire truck within the 6 m side yard setback of the P-2 zone (Appendix B). The applicants are requesting a variance to reduce the interior side yard requirement from 6 m to 0.5 m clear-to-sky (CTS) for the purpose of constructing the addition to the fire hall.

ALTERNATIVES

That the Land Use Committee recommends to the CRD Board:

1. That Development Variance Permit VA000138 for Lot A, Section 55, Renfrew District, Plan VIP61088 to vary the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, Schedule "A", Part II, Section 31.07(b) by reducing the interior side yard requirement from 6 m to 0.5 m clear-to-sky as shown in the Plot Plan prepared by West Coast Design & Development Services Ltd., dated September 15, 2015 (Appendix B) for the purpose of constructing an addition to the fire hall, be approved.
2. That the development variance permit be denied and require that the proposed addition comply with the Community Facility Zone (P-2) 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 II, Section 31.07(b) specifies that the side yard requirement shall be a minimum of 6 m for principal uses in the Community Facility (P-2) Zone. A development variance permit is required to reduce the side yard requirement from 6 m to 0.5 m CTS in order to allow the proposed addition.

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 Facility (P-2) in the Juan de Fuca Land Use Bylaw, Bylaw No. 2040. The P-2 zone permits civic uses, churches, assembly uses, community care facilities, theatres, cemeteries and a country market as accessory to permitted civic uses. The existing community hall, fire hall, park and market are consistent with the land use and density provisions of the zone. No development permit areas have been designated on the subject property in the Shirley/Jordan River Official Community Plan, Bylaw No. 3717.

The applicants now wish to construct a new addition to the fire hall to allow a third bay for a new fire truck and are requesting a variance to reduce the side yard requirement from 6 m to 0.5 m CTS (Appendix B). The proposed design will allow trucks to travel through the building from the adjacent parcel to the south. A statutory right-of-way (CA4303238) is registered in favour of the CRD over the adjacent parcel for purposes associated with the provision of fire protection and for access to the leasehold premises where the fire hall is situated.

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 applicants are requesting a reduction of the side yard requirement from 6 m to 0.5 m CTS for the purpose of constructing an addition to the Shirley Fire Hall. 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 VA000138 for Lot A, Section 55, Renfrew District, Plan VIP61088 to vary the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, Schedule "A", Part II, Section 31.07(b) by reducing the interior side yard requirement from 6 m to 0.5 m clear-to-sky as shown in the Plot Plan prepared by West Coast Design & Development Services Ltd., dated September 15, 2015 (Appendix B) for the purpose of constructing an addition to the fire hall, 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

ET:wm

Appendices:

- A. Subject Property Map
- B. Plot Plan, West Coast Design & Development Services Ltd., September 15, 2015

Appendix A: Subject Property Map



