



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, APRIL 19, 2016**

SUBJECT **Development Variance Permit for Strata Lot 18, District Lot 17, Renfrew District, Strata Plan VIS7065, Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V**

ISSUE

A request has been made for a development variance permit to vary the Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109, Schedule B, Part II, Section 10(1), by reducing the minimum distance that an accessory building or structure may be located from a principal building on the same parcel from 3 m to 0.13 m, and to vary Schedule B, Part IV, Section 23.2(h)(iii), by reducing the exterior side parcel line setback from 4.6 m to 1.02 m, for the purpose of allowing the siting of a storage shed.

BACKGROUND

The strata property is located at 9 – 6574 Baird Road in Port Renfrew and is zoned Tourist Commercial 1 (TC-1) under the Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109 (Appendix 1). The strata unit fronts onto Parkinson Road to the south and is located adjacent to similar tourist commercial vacation cabins and accessory structures to the north, east and west.

The applicant is in the process of resolving outstanding building permit issues related to the construction of the storage shed. The shed was constructed without a building permit in a location that does not comply with Bylaw No. 3109.

The Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109, requires no accessory buildings or structures be located within 3 m of any principal building on the same parcel and that all buildings and structures located in the TC-1 zone not be closer than 4.6 m of an exterior side parcel line. For Strata VIS7065, the exterior side parcel line runs along Parkinson Road, beside the applicant's cabin and storage shed. It is noted that an earlier variance (VAR-17-10) was granted to allow the siting of the cabin within 3.6 m of the exterior side parcel line.

Since the applicant has constructed the shed within 0.13 m of a principal building and 1.02 m of the exterior side parcel line (Appendix 2), a development variance permit is required.

ALTERNATIVES

That the Land Use Committee recommends to the CRD Board:

1. That Development Variance Permit VA000140, as specified in Appendix 3, for Strata Lot 18, District Lot 17, Renfrew District, Strata Plan VIS7065, Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V, for the purpose of allowing the siting of a storage shed, be approved.
2. That the development variance permit be denied and require the structure to comply with 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 II, Section 10(1) specifies that no accessory building or accessory structure shall be located within 3 m of any principal building on the same parcel.

The Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109, Schedule B, Part IV, Section 23.2(h)(iii) specifies that no building or structure shall be located within 4.6 m of an exterior side parcel line.

The applicant requires a development variance permit to reduce the required minimum distance that an accessory building or structure may be located from a principal building from 3 m to 0.13 m and to reduce the minimum setback from an exterior parcel line from 4.6 m to 1.02 m in order to allow the siting of a storage shed.

PUBLIC CONSULTATION IMPLICATIONS

Pursuant to Section 499 of the *Local Government Act*, 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 April 19, 2016 Land Use Committee meeting.

LAND USE IMPLICATIONS

The applicant is in the process of resolving outstanding building permit issues related to the construction of a storage shed. The applicant's cabin and shed are part of a 40-unit strata development that consists of similar cabins and accessory buildings.

The Comprehensive Community Development Plan for Port Renfrew requires that no accessory building or accessory structure shall be located within 3 m of any principal building on the same parcel. The TC-1 zone allows for tourist cabins and accessory buildings and specifies the maximum height, the required setbacks and parcel coverage for principal and accessory uses. With the exception of these regulations, the shed that is the subject of this application otherwise complies with all other requirements of Bylaw No. 3109.

In order to complete the building permit, the applicant has requested a development variance permit to reduce the minimum distance that an accessory building may be located from a principal building from 3 m to 0.13 m, and to reduce the required external side yard setback for buildings and structures from 4.6 m to 1.02 m.

It is not anticipated that the requested variances will present a hardship for the adjacent neighbours within the strata development and the applicant has provided a letter of authorization from the strata council for Strata VIS7065 to obtain the necessary approvals for the construction and siting of the shed. In addition, the Ministry of Transportation and Infrastructure (MoTI) has issued the applicant a setback permit to locate the building with 4.5 m of a public highway. Safety concerns, such as fire separation, that are related to the proximity of the shed to the cabin can be addressed through the applicant's building permit and the *BC Building Code*.

Since the structure otherwise meets the requirements of Bylaw No. 3109, the applicant has received strata council approval and the MoTI has issued a permit to construct within 4.5 m the road right-of-way, staff recommend that the requested variance be approved, subject to public notification.

CONCLUSION

The applicant has requested a reduction to the required exterior side yard setback from 4.6 m to 1.02 m in order to permit the siting of a storage shed. The use complies with Bylaw No. 3109 in all other respects and the MoTI has approved of the siting through the issuance of a permit to construct within 4.5 m of a public highway. Therefore, staff recommend Alternative 1, subject to public notification.

RECOMMENDATION

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

That Development Variance Permit VA000140, as specified in Appendix 3, for Strata Lot 18, District Lot 17, Renfrew District, Strata Plan VIS7065, Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V, for the purpose of allowing the siting of a storage shed, be approved.

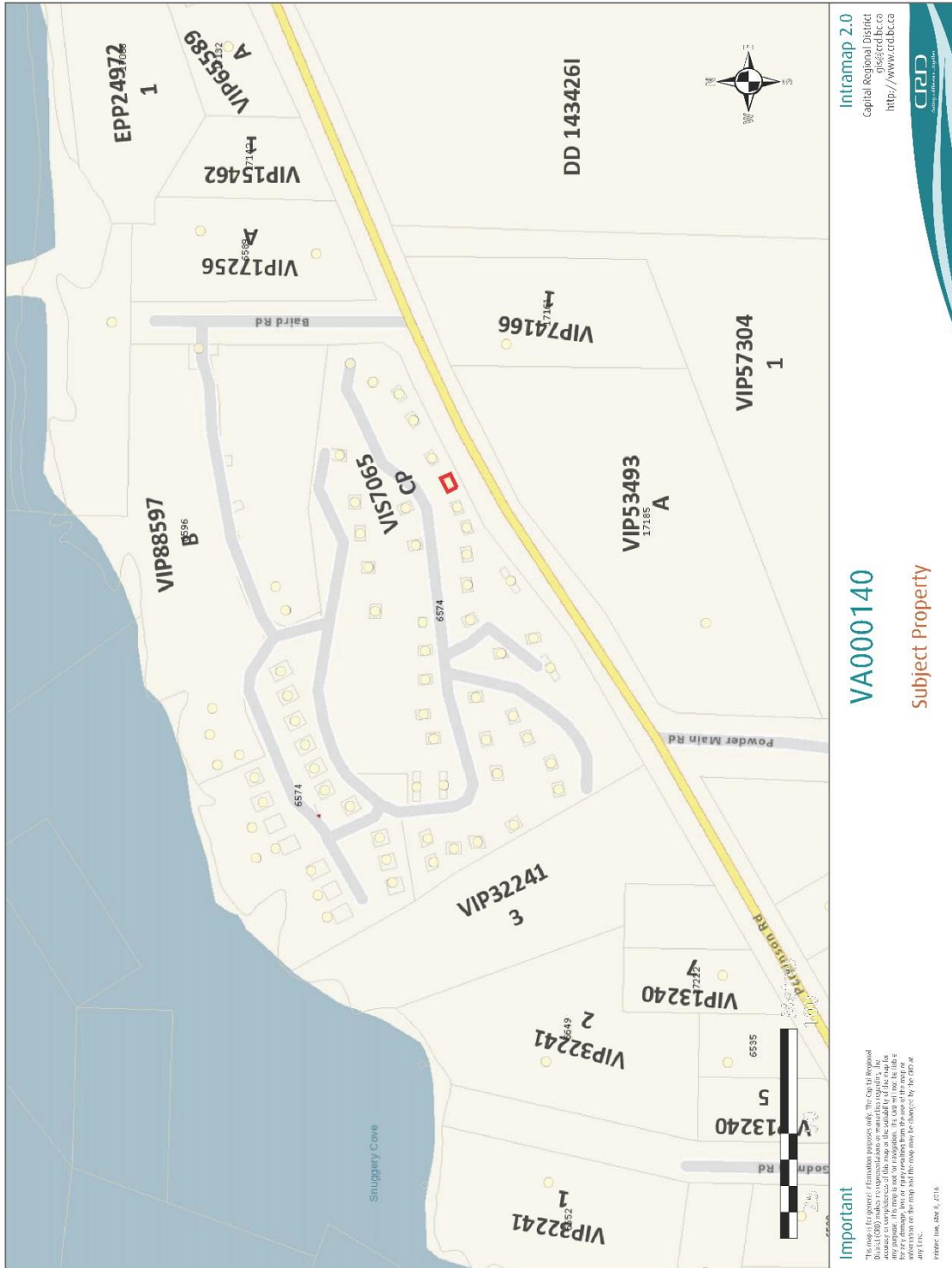
Submitted by:	Iain Lawrence, Planning Supervisor
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

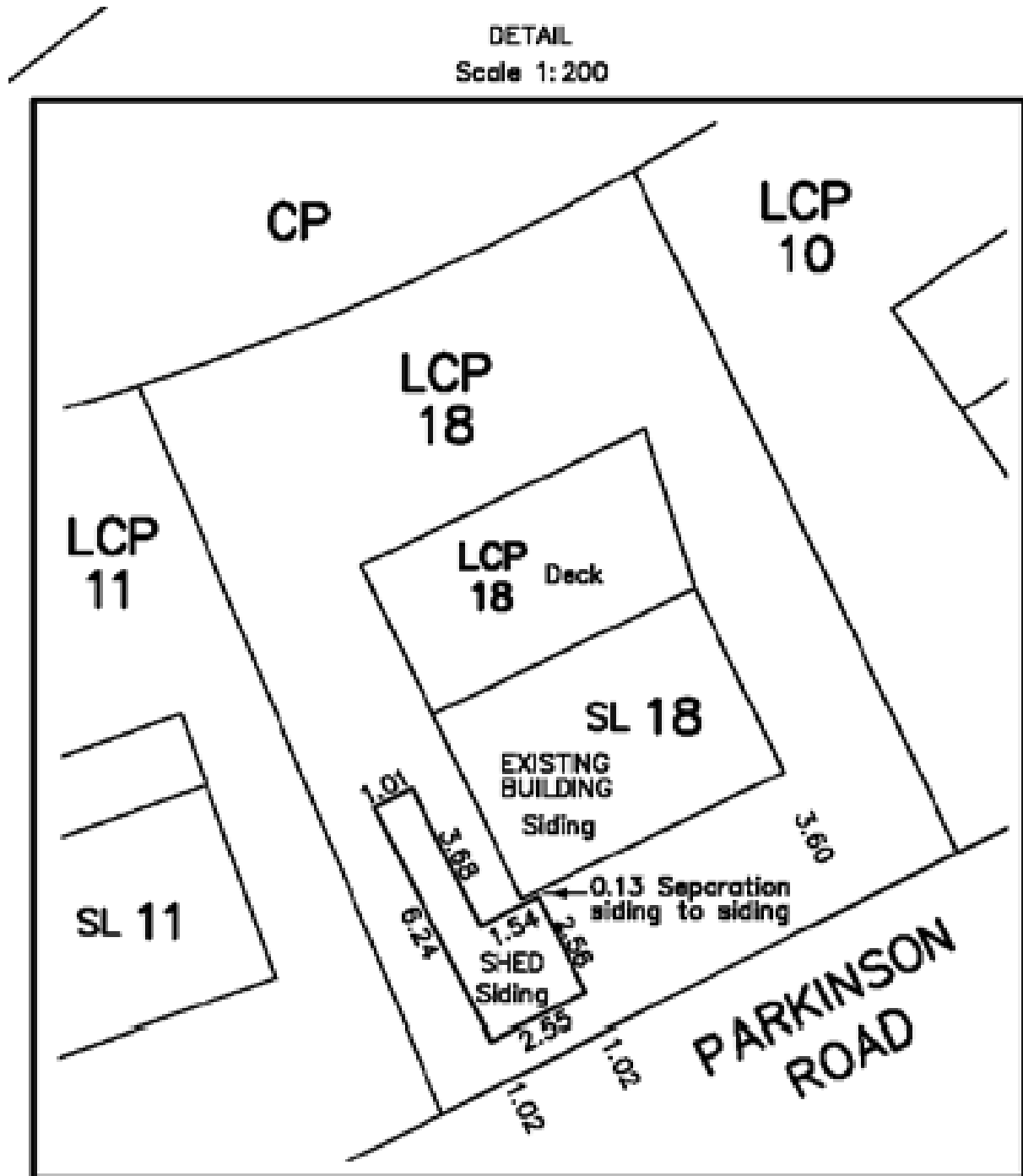
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Appendices:

1. Subject Property Map
2. Site Detail (from BCLS Building Location Certificate, Colin Grover, BCLS, January 25, 2016)
3. Development Variance Permit VA000140

Appendix 1: Subject Property Map





Appendix 3: Development Variance Permit VA000140



CAPITAL REGIONAL DISTRICT
DEVELOPMENT VARIANCE PERMIT NO. VA000140

1. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied by this Permit.
2. This Development Variance Permit applies to and only to those lands within the Regional District described below (legal description), and any and all buildings, structures, and other development thereon:
PID: 028-613-791;
Legal Description: Strata Lot 18, District Lot 17, Renfrew District, Strata Plan VIS7065, Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V
3. Pursuant to Section 498 of the *Local Government Act*, the Capital Regional District's **Comprehensive Community Development Plan for Port Renfrew, 2003, Bylaw No. 3109**, is varied as follows:
 - a) That Schedule B, Part II, Section 10(1) be varied by reducing the minimum distance that an accessory building or structure may be located from a principal building on the same parcel from 3 m to 0.13 m for the purpose of allowing the siting of a storage shed, as shown on the attached BC Land Surveyor's Building Location Certificate (Attachment A).
 - b) That Schedule B, Part IV, Section 23(g)(iii) be varied by reducing the minimum exterior side yard setback from 4.6 m to 1.02 m for the purpose of allowing the siting of a storage shed, as shown on the attached BC Land Surveyor's Building Location Certificate (Attachment A).
4. Notice of this Permit shall be filed in the Land Title Office at Victoria under Section 503 of the *Local Government Act*, and the terms of this Permit (VA000140) or any amendment hereto shall be binding upon all persons who acquire an interest in the land affected by this Permit.
5. If the holder of a permit does not substantially start any construction with respect to which the permit was issued within 2 years after the date it is issued, the permit lapses.
6. The land described herein shall be developed strictly in accordance with the terms and provisions of this Permit, and any plans and specifications attached to this Permit which shall form a part hereof.
7. The following plans and specifications are attached to and form part of this Permit:
 - A. BC Land Surveyor's Building Location Certificate, Colin Grover (BCLS), January 25, 2016.
 - B. Site Detail (from BCLS Building Location Certificate, Colin Grover (BCLS), January 25, 2016)
8. This Permit is NOT a Building Permit.

RESOLUTION PASSED BY THE BOARD, THE ___ day of _____, 2016.

ISSUED this _____ day of _____, 2016

Corporate Officer



VA000140

Attachment B: Site Detail

