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REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, JULY 20, 2021

SUBJECT **Development Permit with Variance for Lot 1, District Lot 155, Renfrew District, Plan 18813, Except that Part in Plans 31230 and VIP59413 – 6402, 6410, and 6340 Cerantes Road**

ISSUE SUMMARY

A request has been made for a development permit with variance to address the Shoreline Protection development permit (DP) guidelines, to vary the maximum height of an accessory building, and to address the minimum required exterior side yard setback for the purpose of authorizing a two lot subdivision and construction of a garage.

BACKGROUND

The subject property is located on Cerantes Road in Port Renfrew (Appendix A) and is within the Shoreline Protection development permit area as designated under the Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109. The western portion of the subject property contains a recreational vehicle (RV) park (6340 Cerantes Road), while the eastern portion of the parcel contains two dwellings (6402 and 6410 Cerantes Road). The parcel is located adjacent to an undeveloped road right of way to the east, Cerantes Road to the south, Juan de Fuca Provincial Park to the west, and Port San Juan to the north.

The applicant has submitted an application for a two lot subdivision (SU000702) to separate the RV and residential uses on the parcel (Appendix B). Issuance of a Development Permit is required to authorize subdivision when there are designated DPAs on proposed parcels. The Environmental Assessment report provided with the application addresses the creation of proposed Lot A relative to the Shoreline Protection DP guidelines.

In addition to subdivision, the applicant wishes to construct a garage for boat storage that would be located to the west of the two dwellings on proposed Lot A (Appendix C). The applicant has also requested a variance to increase the maximum height of an accessory building as the TC-1 zone outlines a maximum height of 4.8 m for accessory buildings and the proposed height of the structure is 5.6 m (Appendix D).

The deck stairs for the dwelling located at 6402 Cerantes Road encroaches into the exterior side yard setback. Any non-conforming setback should be addressed prior to subdivision approval. The Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109, requires that all buildings and structures located in the TC-1 zone be a minimum of 4.6 m from the exterior side parcel line. Since the stairs on the south-eastern corner of the deck are located 0.9 m from the exterior side parcel line (Appendix E), an additional variance is required.

ALTERNATIVES

Alternative 1:

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

That Development Permit with Variance DV000079, for Lot 1, District Lot 155, Renfrew District, Plan 18813, Except that Part in Plans 31230 and VIP59413, to authorize a two lot subdivision and the construction of a garage within a Shoreline Protection Development Permit Area, and to vary the Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109 as follows:

- a) Part IV, Section 22(2)(f) be varied by increasing the maximum height of an accessory building from 4.8 m to 5.6 m in accordance with the Garage Design Drawings; and
- b) Part IV, Section 22(2)(g)(iii) be varied by reducing the exterior side setback requirement from 4.6 m (4.1 m) to 0.9 m for the siting of the existing deck in accordance with the Dwelling and Deck Site Plan;

be approved.

Alternative 2:

The Land Use Committee recommends to the Capital Regional District Board.

That Development Permit with Variance DV000079 be denied.

Alternative 3:

That the application be referred back to staff for more information.

IMPLICATIONS

Legislative Implications

The Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109, Schedule A, designates development permit areas (DPAs) and outlines development permit guidelines. The property is located within the Shoreline Protection DPA and a development permit is required prior to construction or the alteration of land. CRD Delegation of Development Permit Approval Authority Bylaw No. 3462, gives the General Manager, Planning and Protective Services, the power to issue a development permit; however, the delegated authority does not include development permits that require a variance, as stated in Section 5(a) of the bylaw.

The Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109, Part IV, Section 22(2)(f), specifies the maximum height for an accessory building, and Part IV, Section 22(2)(g)(iii), specifies the exterior side yard setback required for the TC-1 zone. The proposed garage construction and existing deck stairs do not meet these requirements; therefore, variances are requested.

Public Consultation Implications

Pursuant to Section 499 of the *Local Government Act*, if a local government proposes 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. Juan de Fuca Development Fees and Procedures Bylaw No. 3885, 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 m. Any responses received from the public will be presented at the July 20, 2021, Land Use Committee meeting. There is no requirement for public consultation if a local government is considering a development permit.

Land Use Implications

Development Permit:

Any land located within 15 m from the natural boundary of the sea is designated within the Shoreline Protection Development Permit (DP) area in Bylaw No. 3109. The applicant has submitted an Environmental Assessment report to address the DP guidelines.

The Report described the shoreline noting it consists of rocky outcrops leading up to a steeply sloped forested foreshore area along the eastern portion of the property. Sections of the foreshore in this area are steep cliffs of approximately 20-50 m. The parcel is roughly transected by two streams. The western portion of site has been developed as an RV park and the eastern portion of the parcel contains two single family dwellings. A subdivision is proposed to separate the uses, and an accessory building is to be constructed near the dwellings and within 15 m of the shoreline.

The biologist recommended erosion and sediment control measures, the eradication of invasive species, and replanting of native vegetation to minimize any impacts of the proposed development. Since no further works are required for subdivision, and due to the current setback distance of the proposed garage, the biologist noted the marine environment will be protected.

Variances:

The Tourism Commercial - One (TC-1) zone regulations specify that the maximum height for accessory buildings shall be 4.8 m, and that the exterior side yard setback for any structure shall be a minimum of 4.6 m. The applicant has requested consideration of a variance in order to construct a garage 5.6 m in height, and to address the siting of a set of existing deck stairs built 0.9 m from the southern parcel boundary, adjacent to Cerantes Road, in contravention of the requirements of the TC-1 zone. Setback permit #2020-02320 has been issued by the Ministry of Transportation and Infrastructure to allow the stairs to be located within 4.5 m of a public highway right-of-way. The proposal otherwise meets specifications of the zone.

Development Permit with Variance DV000079 (Appendix F) has been prepared for consideration to authorize the construction of a garage located within a Shoreline Protection DPA, to vary the maximum height of an accessory building from 4.8 m to 5.6 m, and to reduce the exterior side yard setback from 4.6 m to 0.9 m for the existing deck stairs. Any residents that may be affected by the proposal will have an opportunity to come forward with their comments through the public notification process. Staff recommend approval of the development permit with variance subject to public notification.

CONCLUSION

The applicant has requested a Shoreline Protection development permit with a variance to increase the maximum height of an accessory building for the proposed construction of a garage, and to reduce the exterior side yard setback requirement for a set of deck stairs. Since there will be minimal impact to the Shoreline Protection development permit area, staff recommend approval of the development permit with variance subject to public notification. If the Permit is approved by the Board, the Corporate Officer will proceed to issue the Permit and register a Notice of Permit on Title.

RECOMMENDATION

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

That Development Permit with Variance DV000079, for Lot 1, District Lot 155, Renfrew District, Plan 18813, Except that Part in Plans 31230 and VIP59413, to authorize a two lot subdivision and the construction of a garage within a Shoreline Protection Development Permit Area, and to vary the Comprehensive Community Development Plan for Port Renfrew, Bylaw No. 3109 as follows:

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be approved.

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

Attachments:

- Appendix A: Subject Property Map
- Appendix B: Proposed Subdivision Plan
- Appendix C: Garage Site Plan
- Appendix D: Garage Design Drawings
- Appendix E: Dwelling and Deck Site Plan
- Appendix F: Permit DV000079