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REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY, MAY 20, 2025

SUBJECT **Development Variance Permit for the Northerly 50 Feet of Lot 111, Malahat District – Wellswood Road/Trans Canada Highway**

ISSUE SUMMARY

A request has been made for a development variance permit to reduce the required side yard setbacks from 3 m to 1.5 m for the purpose of constructing a single-family dwelling (SFD) in the Greenbelt 2 (Gb2) zone.

BACKGROUND

The 0.85 ha waterfront property is located in the Malahat and is split-zoned Greenbelt 2 (Gb2) and Greenbelt 3 (Gb3) under the Malahat Land Use Bylaw 1981, Bylaw No. 980 (Appendix A). The vacant parcel is surrounded by other Greenbelt zoned parcels and has an existing driveway access that originates from the Trans-Canada Highway and traverses two parcels to the south via an easement known as Wellswood Road (Appendix B).

The subject property is approximately 15 m wide and partially designated as Steep Slopes and Foreshore and Marine Shoreline development permit areas. Apart from the steeper slopes located adjacent to the Trans-Canada Highway to the west and Saanich Inlet to the east, the property has a gradual slope that descends approximately 70 m over a distance of 560 m.

The applicant has requested a variance to reduce the required side yard setback in the Gb2 zone to provide an adequate building footprint. The site plan submitted in support of the application indicates that a proposed SFD would be sited a distance of 1.5 m from both side yards (Appendices C and D).

ALTERNATIVES

Alternative 1

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

That Development Variance Permit VA000166 for the Northerly 50 Feet of Lot 111, Malahat District, to vary Malahat Use Bylaw, 1981, Bylaw No. 980, Section 3.2.04(2), by reducing the side yard setback requirement from 3 m to 1.5 m for the purpose of constructing a single-family dwelling, be approved.

Alternative 2

That the development variance permit be denied.

IMPLICATIONS

Legislative Implications

The Malahat Land Use Bylaw 1981, Bylaw No. 980, Section 3.2.04(2) specifies that side yards shall be provided of not less than 3 m in width. A variance is required in order to permit the single-family dwelling to be located within this setback requirement.

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. 3885, 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 m. Any responses received from the public will be presented at the May 20, 2025, Land Use Committee meeting.

Land Use Implications

The Malahat Land Use Bylaw specifies that in the Greenbelt 2 zone, side yards shall be provided of not less than 3 m in width. Since the dwelling is proposed to be located 1.5 m from each of the side yards, a variance is required. Although the Gb2 zone specifies a minimum parcel size for subdivision of 12 ha, the subject property was created prior to adoption of the bylaw and is only 0.85 ha in size, being approximately 15 m wide and 560 m long.

The applicant submitted a desired building design concept drawing since they wish to have the variance request considered prior to finalizing plans for a building permit application (Appendix E). Upon referral of the variance request to CRD Building Inspection, the Building Inspector confirmed that there were no siting concerns with the proposal.

Staff are of the opinion that the proposal shown on the site plan and desired building design concept drawing, is considered appropriate for the site and otherwise complies with the regulations of the Gb2 zone. The development is not expected to adversely affect the natural environment and, as proposed, is located on a flatter area outside the Steep Slopes and Foreshore and Marine Shoreline development permit areas. Should the variance be approved, the extent of all proposed works will be reviewed during the building permit referral process by JdF Planning staff to confirm compliance with the requirements of the zone and other applicable land use regulations. The variance is not anticipated to substantially alter the use and enjoyment of adjacent land. Staff recommend approval of VA000166 subject to public notification (Appendix F).

CONCLUSION

The applicant has requested a development variance permit for the purpose of constructing a single-family dwelling. As proposed, the dwelling will encroach into both of the 3 m side yard setback requirements of the Greenbelt 2 (Gb2) zone. Since no significant impacts are anticipated to result from reducing the setback, staff recommend approval of the development variance permit 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 Variance Permit VA000166 for the Northerly 50 Feet of Lot 111, Malahat District, to vary Malahat Use Bylaw, 1981, Bylaw No. 980, Section 3.2.04(2), by reducing the side yard setback requirement from 3 m to 1.5 m for the purpose of constructing a single-family dwelling, be approved.

Submitted by:	Iain Lawrence, RPP, MCIP, Senior Manager, Juan de Fuca Local Area Services
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Housing, Planning & Protective Services
Concurrence:	Ted Robbins, B. Sc., C. Tech., Chief Administrative Officer

ATTACHMENTS

Appendix A: Subject Property Map
Appendix B: Driveway Access – Wellswood Road
Appendix C: Site Plan
Appendix D: Requested Variance
Appendix E: Building Design Concept Drawing
Appendix F: Permit VA000166