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**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, MARCH 19, 2024**

SUBJECT **Development Variance Permit for Lot 44, Section 4, Renfrew District,
Plan VIP83894 – 3620 Piper Lane**

ISSUE SUMMARY

A request has been made for a development variance permit to reduce the required yard setbacks for an accessory building from 1 m to 0.83 m for a side yard and from 15 m to 0.68 m for the front yard where the distance between the principal building and the front lot line is greater than 15 m.

BACKGROUND

The 1.08 ha property is located at 3620 Piper Lane in Jordan River (Appendix A) and is zoned Rural Residential 2A (RR-2A) under the Juan de Fuca Land Use Bylaw 1992, Bylaw No. 2040. The parcel is surrounded by other RR-2A zoned parcels with access originating from the cul-de-sac to the south. The property has a gradual downward slope from Piper Lane towards the north. There are no development permit areas designated on the subject property.

A site plan and survey provided as part of the building permit application for a new single-family dwelling indicated that a 16.8 m² cottage/shed and a 9.8 m² shed were located on the parcel (Appendices B and C). The owner advised that the 9.8 m² shed was constructed within the front and side yard setback area to house utilities. Bylaw No. 2040 provides an exemption that allows pumphouses to project into the required yard setbacks specified in a zone. Staff consider this provision to also include small sheds to house electrical utilities such as a meter and panel where powerlines transition from overhead to underground; however, it would not extend to buildings that include additional storage space. The shed is located such that a permit to locate a building within 4.5 m of a public highway from the Ministry of Transportation and Infrastructure was also required.

Following notification that the current location of the shed does not meet siting requirements, the landowner has requested a variance to the regulations of the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, which specify a minimum side yard setback of 1 m and the minimum front yard setback of accessory buildings relative to the location of the principal building.

ALTERNATIVES

Alternative 1

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

That Development Variance Permit VA000161 for Lot 44, Section 4, Renfrew District, Plan VIP83894, to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, to authorize the siting of a utility building as follows:

1. Part 1, Section 4.01(1)(d) to reduce the front yard requirement for an accessory building 15 m to 0.68 m; and
2. Part 1, Section 4.01(1)(h)(i) to reduce the side yard requirement for an accessory building from 1 m to 0.83 m

be approved.

Alternative 2

That the development variance permit be denied and the accessory building be required to comply with zoning requirements.

IMPLICATIONS

Legislative Implications

The Juan de Fuca Land Use Bylaw 1992, Bylaw No. 2040, Part 1, Section 4.01(1)(d) specifies that no accessory building shall be located closer to the front lot line than the principal building except that where the principal building is more than 15 m away from the front lot line, the setback for an accessory building is 15 m. The accessory building does not meet this requirement; therefore, a variance is requested.

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 March 19, 2024, Land Use Committee meeting.

Land Use Implications

The general regulations for accessory buildings and structures specifies the location of an accessory building relative to the position of the principal building. Where the distance between the principal building and the front lot line is greater than 15 m, the regulation states that the accessory building shall be not less than 15 m from the front lot line. In addition, accessory buildings are to be located no less than 1 m clear to the sky from side and rear lot lines on Rural Residential parcels. Since the shed is located 0.68 m from the front lot line and 0.83 m from the side lot line, variances are required.

The existing shed houses electrical services and provides additional storage (Appendix D). The landowner obtained a permit from the Ministry of Transportation and Infrastructure on June 21, 2023, authorizing siting of the accessory structure within 4.5 m of highway right-of-way (Appendix E). Upon referral of the variance request to CRD Building Inspection, the Building Inspector confirmed that the floor area of the shed and its occupancy type allow it to be exempt from the requirement for a building permit.

Staff are of the opinion that the proposal, as shown in the building plans, is considered appropriate for the site and complies with the use of the RR-2A zone. The development is not expected to adversely affect the natural environment and no development permit is required for the siting of the utility shed. The variance is not anticipated to substantially alter the use and enjoyment of adjacent land. Staff recommend approval of VA000161 subject to public notification.

CONCLUSION

The applicant has requested a development variance to reduce the required front yard setback for an accessory building from 15 m to 0.68 m where the distance between the principal building and the front lot line is greater than 15 m and reduce the side yard setback requirement from 1 m to 0.83 m as outlined in the accessory building regulations within Bylaw No. 2040. The accessory building has received approval from the Ministry of Transportation regarding the Ministry's required setback from a highway and is sited in a location that is not expected to create hardship on the neighbouring properties. Development variance permit VA000161 is included in Appendix F for consideration. 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

That Development Variance Permit VA000161 for Lot 44, Section 4, Renfrew District, Plan VIP83894, to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, to authorize the siting of a utility building as follows:

1. Part 1, Section 4.01(1)(d) to reduce the front yard requirement for an accessory building 15 m to 0.68 m; and
2. Part 1, Section 4.01(1)(h)(i) to reduce the side yard requirement for an accessory building from 1 m to 0.83 m

be approved.

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

ATTACHMENTS

- Appendix A: Subject Property Map
- Appendix B: Site Plan
- Appendix C: Survey Plan and Requested Variances
- Appendix D: Photos
- Appendix E: Ministry of Transportation permit to reduce building setback less than 4.5 metres.
- Appendix F: Permit VA000161