



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, OCTOBER 17, 2017**

SUBJECT **Development Variance Permit for Lot 3, Sections 45-A and 46-A,
Highland District, Plan VIP22641**

ISSUE

A request has been made for a development variance permit to vary the Comprehensive Community Plan for Willis Point, 2002, Bylaw No. 3027, Schedule B, Part IV, Section 22.1(d)(i), by reducing the minimum front yard setback from 6.0 m to 5.0 m, and to vary Schedule B, Part IV, Section 22.1(d)(iv), by reducing the rear yard setback from 6.0 m to 0.91 m, for the purpose of allowing the siting of an existing single-family dwelling and the construction of a deck.

BACKGROUND

The subject property is located at 6606 Mark Lane in Willis Point (Appendix 1) and is zoned Community Residential - One (CR-1) under the Comprehensive Community Plan for Willis Point, Bylaw No. 3027. The parcel is split into two separate parts by Mark Lane, with that part of the subject property on which the dwelling is situated being on the west side of the right-of-way. The dwelling is located adjacent to CR-1 zoned land to the north and south, Mark Lane to the east, and Gowland Tod Provincial Park to the west.

Building permit records for construction of the dwelling in 1985 include a survey that was provided to confirm that the location of the dwelling met the requirements of the zone. Since that time, a previous owner has increased the size of the deck, with the addition being located closer to the rear parcel line. This work was done without a building permit.

A new survey, obtained by the current owner, indicates that the building dimensions provided in the original survey are not in compliance with the CR-1 zone requirements. The applicant now intends to apply for a building permit in order to expand the livable area within the dwelling and alter the configuration of the deck by adding a set of stairs on the western-most side (Appendices 2, 3 and 4).

The Comprehensive Community Plan for Willis Point, Bylaw No. 3027, requires that all buildings and structures located in the CR-1 zone be a minimum of 6.0 m from both the front and rear parcel lines. Since the southern-most corner of the dwelling is located 5.0 m from the front parcel line and the deck and stairs will be located 0.91 m from the rear parcel line (Appendix 2), a development variance permit is required.

As part of the application, the owner has provided letters of support from neighbouring property owners in the immediate vicinity (Appendix 5).

ALTERNATIVES

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

1. That Development Variance Permit VA000143 for Lot 3, Sections 45-A and 46-A, Highland District, Plan VIP22641, to reduce the required front yard setback from 6.0 m to 5.0 m and to reduce the required rear yard setback from 6 m to 0.91 m, for the purpose of allowing the siting of a single-family dwelling and the construction of a deck, 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 Plan for Willis Point, Bylaw No. 3027, Schedule B, Part IV, Section 22.1(d)(i) and (iv) specify that no building or structure shall be located within 6.0 m of a front parcel line or 6.0 m of a rear parcel line.

The applicant requires a development variance permit in order to reduce the minimum setback from the front parcel line from 6.0 m to 5.0 m, and to reduce the minimum setback from the rear parcel line from 6.0 m to 0.91 m, in order to allow the siting of an existing single-family dwelling and the construction of a deck.

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 m. Any responses received from the public will be presented at the October 17, 2017 Land Use Committee meeting.

LAND USE IMPLICATIONS

The Comprehensive Community Plan for Willis Point requires that no building or structure shall be located within 6.0 m of either a front or rear parcel line; however, the existing home was built in 1985 and a site plan submitted as part of the building permit indicated that the building conformed with the requirements of the zone at that time.

Subsequent to the issuance of an occupancy certificate, a previous home owner increased the size of the deck without a building permit and in contravention of the requirements of the CR-1 zone. The current owner now intends to repair the deck and construct a set of stairs on the west side to provide access to and from the ground floor. The addition of the stairs will increase the current encroachment into the rear yard setback by 1.0 m. The rear parcel line is coincident with the boundary of Gowland Tod Provincial Park; however, the additional encroachment is not anticipated to have a significant impact on the Park property as the stairs will be constructed on an existing concrete patio and no additional land clearing is required.

With regards to the potential impact on other neighbouring properties, staff advise that the applicant has provided letters of support from the owners of eight properties within the immediate vicinity.

Since the location of the original dwelling was approved as part of the building permit process, the location of the deck is not anticipated to have a negative impact on adjacent properties, and the building otherwise meets the requirements of Bylaw No. 3027, staff recommend that the requested variance be approved, subject to public notification.

CONCLUSION

The applicant has requested a reduction to the required front yard setback from 6.0 m to 5.0 m and a reduction to the required rear yard setback from 6.0 m to 0.91 m in order to permit the siting of an existing single-family dwelling and the construction of a deck. The use complies with Bylaw No. 3027 in all other respects. 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 VA000143 for Lot 3, Sections 45-A and 46-A, Highland District, Plan VIP22641, to reduce the required front yard setback from 6.0 m to 5.0 m and to reduce the required rear yard setback from 6 m to 0.91 m, for the purpose of allowing the siting of an existing single-family dwelling and deck, be approved.

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

IL:wm

Appendices:

1. Subject Property Map
2. Site Plan – D.H. Moore, Architect AIBC, September 6, 2017
3. Existing Floor Plans, D.H. Moore, Architect AIBC, September 6, 2017
4. Proposed Floor Plans, D.H. Moore, Architect AIBC, September 6, 2017
5. Letter of Support from Neighbouring Property Owners
6. Development Variance Permit VA000143