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**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, APRIL 19, 2022**

**SUBJECT Development Variance Permit for Lot 1, Section 89, Sooke District,
Plan 26576, except part in Plan 35281 – 1381 Pike Road**

ISSUE SUMMARY

A request has been made for a development variance permit to reduce the requirement that ten percent of the perimeter of the lot front onto a public highway in order to authorize a three-lot subdivision.

BACKGROUND

The 4.29 hectare (ha) property is zoned Rural Residential 6 (RR-6) under the Juan de Fuca Land Use Bylaw, Bylaw No. 2040, and located at the intersection of Pike Road and East Sooke Road in East Sooke (Appendix A). The subject property is adjacent to other RR-6 zoned parcels to the north and south and to a Rural (A) zoned parcel to the east. Portions of the proposed parcels are designated as Steep Slope development permit areas.

The owners have submitted subdivision and development permit applications (SU000684/DP000252) to create two 0.5 ha lots and a 3.29 ha remainder parcel. The proposed plan of subdivision initially indicated that minimum frontage requirements would be met (Appendix B); however, the Ministry of Transportation and Infrastructure (MoTI) requested that driveway accesses be constructed for the two new parcels, rather than using a shared access. As a result of topography and in order to achieve usable grades for the driveway on Lot 2, the proposed subdivision plan configuration was altered resulting in a substantial reduction in the road frontage provided for proposed Lot 1 (Appendix C).

Ten percent of the perimeter of proposed Lot 1 is approximately 34.3 m; however, given the configuration of the parcel, the frontage is only 3% (10.51 m). Therefore, the applicants have requested a variance to reduce the requirement in Part 1, Section 3.10(4)(a) of Bylaw No. 2040 that one tenth of the perimeter of the lot front a public highway.

ALTERNATIVES

Alternative 1:

The Land Use Committee recommends to the CRD Board:
That Development Variance Permit VA000156 for Lot 1, Section 89, Sooke District, Plan 26576, except part in Plan 35281 to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Schedule A, Part 1, Section 3.10(4)(a) by reducing the minimum frontage requirement for proposed Lot 1 from 10% of the lot perimeter (34.3 m) to 3% of the lot perimeter (10.51 m) for the purpose of permitting a three-lot subdivision, be approved.

Alternative 2:

The Land Use Committee recommends to the CRD Board:
That the development variance permit be denied and require that the subdivision comply with zoning requirements.

IMPLICATIONS

Legislative Implications

The Juan de Fuca Land Use Bylaw, Bylaw No. 2040, Schedule “A”, Part 1, Section 3.10(4) specifies that where a lot being created by a subdivision fronts on a highway, the minimum frontage on the highway shall be the greater of: (a) one tenth of the perimeter of the lot that fronts on the highway; or (b) the minimum frontage specified in this Bylaw for the lot. As no other frontage requirement is specified for the zone, the proposed lots must be one tenth the perimeter of the lot. A development variance permit is required in order to allow proposed Lot 1 to have a frontage of 10.51 m or approximately 3%.

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 distance specified by bylaw. Capital Regional District Bylaw No. 3885, Juan de Fuca Application 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 April 19, 2022, Land Use Committee meeting.

Land Use Implications

The parent property is designated as Settlement Area in the East Sooke Official Community Plan, Bylaw No. 4000. The Settlement Area designation supports an average parcel size of one hectare with a minimum parcel size of 0.4 hectares for residential development. The proposed plan is consistent with the Settlement Area designation. The proposed subdivision is also consistent with the RR-6 average minimum lot size requirement of 1 ha with no lot being smaller than 0.5 ha.

In evaluating whether a frontage exemption is justified, the following technical criteria are normally considered:

- How does it relate to the topography of the area?
- Does it create any environmental impacts?
- Will reducing the frontage produce an awkward lot configuration?
- Will reducing the frontage eliminate future subdivision potential of the lot and of lots beyond?
- Does the proposed reduction disturb existing residences?
- Will the exemption reduce road network and access options?

The land that is the subject of this application is designated as a Steep Slope Development Permit Area by the East Sooke OCP and required a Development Permit. DP000252 has already been issued to authorize the 3-lot subdivision.

Part 1, Section 3.10(7) of Bylaw No. 2040 requires that side lot lines to be substantially at right angles or radial to street lines unless the Approving Officer is satisfied that it is impractical to comply. The plan amendment was required by the Approving Officer to provide safer driveway accesses from East Sooke Road; the angle of the side lot lines between proposed Lot 1 and 2 are largely unchanged from the original proposal aside from the adjustment required to accommodate the new driveway configuration. Proposed Lot 1 will not be capable of further subdivision under the current zone.

Through the public notification process, any residences that may be affected by the proposed frontage reduction will have an opportunity to come forward with their concerns. The MoTI's review of the subdivision will involve final consideration of road network and access options. Staff

recommends Alternative 1 subject to public notification and consideration of comments from neighbouring residents.

CONCLUSION

The applicant has submitted a three-lot subdivision application and is requesting a reduction of the minimum frontage requirement for proposed Lot 1 from 10% of the lot perimeter (34.3 m) to 3% of the lot perimeter (10.51 m). Staff recommend approval of development variance permit VA000156 (Appendix D), subject to public notification.

RECOMMENDATION

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

That Development Variance Permit VA000156 for Lot 1, Section 89, Sooke District, Plan 26576, except part in Plan 35281 to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Schedule A, Part 1, Section 3.10(4)(a) by reducing the minimum frontage requirement for proposed Lot 1 from 10% of the lot perimeter (34.3 m) to 3 % of the lot perimeter (10.51 m) for the purpose of permitting a three-lot subdivision, be approved.

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

ATTACHMENTS

- Appendix A: Subject Property Map
- Appendix B: Subdivision Plan from DP000252
- Appendix C: Updated Subdivision Plan, J. E. Anderson and Associates, November 18, 2021
- Appendix D: Permit VA000156