



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, MARCH 19, 2019**

SUBJECT **Development Permit with Variance for Strata Lot 9, Section 16, Otter District, Strata Plan VIS7096 – #16 - 7450 Butler Road**

ISSUE

An application has been made for a development permit with variance in order to construct an industrial building and to reduce the flanking yard setback.

BACKGROUND

The subject property is located in the Sooke Business Park strata development on Butler Road in Otter Point (Appendix 1). Boulevard landscaping was installed as part of Development Permit DP-07-08, issued for the original subdivision and the property is entirely enclosed with black chain-link fencing.

The property is zoned Sooke Business Park Industrial (M-SBP) in the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040. Development Permit DP000276 was issued for an existing industrial building. The single-storey building has a floor area of 543.09 m² and was completed in 2018 (Appendix 2).

The applicant now intends to construct a second 543.05 m² industrial building using the same building plans as the existing building on the lot (Appendix 3). The parcel is large enough to accommodate the size of the proposed structure within the 60% lot coverage permitted in this zone. The applicant is requesting a variance to reduce the flanking yard setback for the proposed building from 6.0 m to 4.8 m.

The property is designated within the Commercial and Industrial Development Permit Area in the Otter Point Official Community Plan, 2014, Bylaw No. 3819, for the form and character of industrial development (Appendix 4). The applicant is requesting a development permit for the proposed building.

ALTERNATIVES

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

1. That Development Permit with Variance DV000064, for Strata Lot 9, Section 16, Otter District, Strata Plan VIS7096 to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 27B.09(c) by reducing the flanking yard setback requirement from 6.0 m CTS to 4.8 m CTS, for the purpose of constructing a 543.05 m² steel building be approved.
2. That Development Permit with Variance DV000064 be denied.
3. That the application be referred back to staff for additional information.

LEGISLATIVE IMPLICATIONS

The Otter Point Official Community Plan, 2014, Bylaw No. 3819, designates development permit areas for the form and character of industrial development. The subject properties are located within a Commercial and Industrial development permit area; therefore, a development permit is required for the proposed construction. CRD Delegation of Development Permit Approval Authority Bylaw, 2009, 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 Juan de Fuca Land Use Bylaw, Bylaw No. 2040, Part 2, Section 27B.09(c) specifies that the flanking yard requirement is 6.0 m therefore, a variance is required in order to permit the building be located within this setback.

PUBLIC CONSULTATION IMPLICATIONS

Pursuant to Section 499 of the *Local Government Act (LGA)*, 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 Development 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 less than 500 m. Any responses received from the public will be presented at the March 19, 2019, Land Use Committee meeting. There is no requirement for public consultation if a local government is considering the issuance of a development permit.

LAND USE IMPLICATIONS

Development Permit:

The owners are using the same building design drawings for the proposed structure as were used for the existing building. The construction must address the form and character development permit guidelines as outlined in Section 6.7.4, Guideline #1, of Bylaw No. 3819 (Appendix 4).

Guideline #2 requires that the proposed building design fit into the natural surroundings. The development is located in a cleared area that was once a log sort facility. In terms of fitting the broader surroundings, the design attempts this by using a grey colour for the building siding as is used for other buildings within the Sooke Business Park and that will serve as a neutral backdrop for the boulevard plantings and reinforce the existing aesthetic and natural advantages of the area, thereby satisfying guideline #3.

To address guidelines #4, #5 and #6, existing boulevard landscaping will be retained in order to screen parking areas, loading facilities and outdoor storage.

Downward facing lights will be installed above all entrances in order to reduce glare into the surrounding environment, pursuant to guideline #7.

Guideline #8 recommends the range of building material be complementary to existing buildings and that front entrances use a combination of exterior surface textures. The proposed design incorporates wood colored trim to define the main entrances and textured corrugated metal siding, similar to other buildings in the Sooke Business Park, is proposed on the exterior walls.

The building is not adjacent to a community trail; therefore guideline #9 is not applicable.

No roof-top equipment is proposed and parking requirements have been addressed, as outlined in guidelines #10 and #11.

A security deposit is not requested as no additional landscaping is recommended, as indicated in guideline #12.

Variance:

The applicant intends to construct a second 543.05 m² industrial building on the lot using the same building plans as the existing building (Appendix 3). The parcel is large enough to accommodate the size of the proposed structure within the 60% lot coverage permitted by the zone; however, the curved shape of the strata road and lot line results in a 1.2 m projection into

the flanking yard setback. Otherwise, the proposed building meets the front, internal side, and rear yard requirements.

The requested variance should have no impact on parking and loading spaces as direct access to those spaces from the strata access is provided. This is in keeping with the existing building and should accommodate commercial vehicles in accordance with Guideline #11. With regards to proximity of the building to the access road, staff note that while the access road is private and does not fall under the jurisdiction of the Ministry of Transportation and Infrastructure, the requested setback would meet the Ministry's setback of 4.5 m from a road right-of-way.

Development Permit with Variance DV000064 is included as Appendix 5 for consideration. Since the proposed design satisfies the development permit guidelines as outlined in Section 6.7.4 of Bylaw No. 3819, and as no significant impacts are anticipated to result from reducing the flanking yard setback for the proposed building from 6.0 m to 4.8 m in this circumstance, staff recommend issuance of development permit with variance DV000064 subject to public notification.

CONCLUSION

The applicant has requested a development permit with variance for the purpose of constructing a single-story industrial building. The proposed variance is to reduce the flanking yard setback of the lot from 6.0 m to 4.8 m. Since the proposed design satisfies the Commercial and Industrial Development Permit Area guidelines of Bylaw No. 3819, and as no significant impacts are anticipated to result from reducing the flanking yard setback, staff recommend approval of the development permit with variance subject to public notification.

RECOMMENDATION

That the Land Use Committee recommends to the Capital Regional District (CRD) Board that Development Permit with Variance DV000064, for Strata Lot 9, Section 16, Otter District, Strata Plan VIS7096 to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 27B.09(c) by reducing the flanking yard setback requirement from 6.0 m CTS to 4.8 m CTS, for the purpose of constructing a 543.05 m² steel building be approved.

Submitted by:	Regina Robinson, Planning Assistant
Concurrence:	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

Attachments:

- Appendix 1: Subject Property Map
- Appendix 2: Plot Plan with Variance
- Appendix 3: Building Design and Elevations
- Appendix 4: Commercial and Industrial Development Permit Guidelines
- Appendix 5: Development Permit with Variance DV000064