



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF MONDAY, APRIL 16, 2018**

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**SUBJECT** Development Variance Permit for Lot 105, Section 95, Renfrew District, Plan 26054 – 2845 Woodhaven Road

**ISSUE**

A request has been made for a development variance permit to increase the total floor area of accessory buildings and structures from 100 m<sup>2</sup> to 160.53 m<sup>2</sup>, on a lot with an area of more than 2,000 m<sup>2</sup> and less than 5,000 m<sup>2</sup>, for the purpose of constructing a garage with finished attic space.

**BACKGROUND**

The 0.4 ha property is located at 2845 Woodhaven Road in Shirley and is zoned Rural Residential 2 (RR-2) in the Juan de Fuca Land Use Bylaw, Bylaw No. 2040 (Attachment 1). The property fronts onto Woodhaven Road to the west, and RR-2 zoned properties to the north, east and south.

A dwelling was constructed on the subject property in 1997 in compliance with the RR-2 zone regulations. A subsequent variance was granted for construction of an accessory building within the front yard setback (BVS-23-99) for a potting shed that was subsequently removed in 2014.

The applicant now intends to construct a garage with vaulted finished area on a second floor under the trusses as noted on the site and building plans prepared by William Edward Summers dated February 4, 2019 (Attachment 2 and 3) and has requested a development variance permit (Attachment 4) to increase the permitted floor area of all accessory buildings and structures from 100 m<sup>2</sup> to 160.53 m<sup>2</sup>.

The property is not subject to any Development Permit Area specifications.

**ALTERNATIVES**

That the Land Use Committee recommends to the CRD Board:

1. That Development Variance Permit VA000150 for Lot 105, Section 95, Renfrew District, Plan 26054, to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 1, Section 4.01 (2)(c), by increasing the maximum combined total floor area of all accessory buildings and structures on a lot 2,000 m<sup>2</sup> or greater and less than 5,000 m<sup>2</sup> from 100 m<sup>2</sup> to 160.53 m<sup>2</sup>, for the purpose of constructing a garage with vaulted finished space on a second floor, be approved.
2. That the development variance permit be denied and require that the proposed garage comply with zoning requirements.
3. That the application be referred back to staff for more information.

### **LEGISLATIVE IMPLICATIONS**

Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 1, Section 4.01 (2)(c), specifies that the combined total floor area of all accessory buildings and structures on a lot shall not exceed 100 m<sup>2</sup> on a lot size of 2,000 m<sup>2</sup> or greater and less than 5,000 m<sup>2</sup>. A development variance permit is required in order to allow the proposed 160.53 m<sup>2</sup> garage to be constructed.

### **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, 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 16, 2019, Land Use Committee meeting.

### **LAND USE IMPLICATIONS**

The applicant has requested a variance to increase the maximum permitted floor area of all accessory buildings and structures to construct a 160.53 m<sup>2</sup> detached garage on a lot approximately 4,000 m<sup>2</sup> in size.

The Sheringham Estates neighbourhood, in which the subject property is located, consists of 128 parcels ranging in size from 0.3 ha to 1.8 ha, with the majority of parcels being approximately 0.4 ha. Those parcels less than 0.5 ha are permitted a maximum combined floor area of all accessory buildings of 100 m<sup>2</sup>, while those greater than 0.5 ha are permitted a floor area of 250 m<sup>2</sup>.

Plans for the proposed structure, prepared by William Edward Summers, show a 107.02 m<sup>2</sup> double garage on the main floor, plus a vaulted area of 53.51 m<sup>2</sup> in the space above the garage that would otherwise be unused. The proposed building conforms to the height and yard requirements of the general regulations for accessory buildings, and the combined footprint of all buildings located on the property is less than the 25% lot coverage allowance specified by the RR-2 zone. While the main floor exceeds the maximum allowable floor area for accessory buildings by 7 m<sup>2</sup>, the greater part of the requested variance is a result of the finished second floor space. If the variance is not granted, the space above the garage would remain unfinished and building dimensions would need to be reduced such that the main floor does not exceed 100 m<sup>2</sup>.

Due to existing vegetation and slope on the parcel, the impact of the proposed structure on the rural residential character of the neighbourhood is expected to be minimal. Based on the floor area of the main floor, and overall proposed height of the building, it is anticipated that the character and massing of the garage will be in keeping with other buildings and structures in the neighbourhood. Therefore, staff recommend approval of the variance subject to public notification.

### **CONCLUSION**

The applicant has requested a variance to increase the maximum combined total floor area of all accessory buildings and structures on a lot 2,000 m<sup>2</sup> or greater and less than 5,000 m<sup>2</sup> in size from 100 m<sup>2</sup> to 160.53 m<sup>2</sup> for the purpose of constructing a garage with attic space. The setbacks, and height of the proposed structure meet the general regulations for accessory buildings; however, the finished attic space increases the floor area and necessitates the variance request. Since the proposed addition is anticipated to have minimal impact on the neighbourhood staff recommend approval of the variance request subject to public notification.

## **RECOMMENDATION**

That the Land Use Committee recommends to the CRD Board:

That Development Variance Permit VA000150 for Lot 105, Section 95, Renfrew District, Plan 26054, to vary Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 1, Section 4.01 (2)(c), by increasing the maximum combined total floor area of all accessory buildings and structures on a lot 2,000 m<sup>2</sup> or greater and less than 5,000 m<sup>2</sup> from 100 m<sup>2</sup> to 160.53 m<sup>2</sup>, for the purpose of constructing a garage with vaulted finished space on a second floor, be approved.

Submitted by:	Regina Robinson, Planning Assistant, Local Area Planning
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

RG:wm

### Attachments:

- Appendix 1: Subject Property Map
- Appendix 2: Site and Building Plans
- Appendix 3: Truss Design and Dimensions
- Appendix 4: Development Variance Permit VA00150