



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, JULY 16, 2019**

SUBJECT **Development Variance Permit for Lot B, Section 97, Sooke District, Plan VIP82392 – 1617 Cole Road**

ISSUE

An application has been made for a development variance permit to reduce the setback requirements for a barn on proposed Lot 6 of a seven-lot subdivision.

BACKGROUND

The 3.165 ha subject property is located at 1617 Cole Road in East Sooke and is zoned Rural Residential 5 (RR-5) in the Juan de Fuca Land Use Bylaw No. 2040 (Appendix 1). The property is adjacent to other RR-5 zoned properties to the east and west, Cole Road to the south, and a Rural Residential 6A (RR-6A) zoned property to the west. The property is within the CRD Juan de Fuca Water Distribution Area and the East Sooke Fire Protection Service Area.

The property is designated Settlement in the East Sooke Official Community Plan Bylaw No. 4000, which supports 1 ha lot sizes. The property is also designated within the Steep Slopes, Riparian and Sensitive Ecosystem Development Permit (DP) areas in Bylaw No. 4000.

The owners have applied to create a seven-lot bare land strata subdivision (SU000689) based on a 0.4 ha average lot size with a common property access, community septic system, and connection to CRD water (Appendix 2). Development permit DP000287 was issued in 2018 for the proposed subdivision and construction of associated works.

An existing barn on the property (Appendix 3), which is used to house livestock, was constructed in 2011 and is proposed to remain on proposed Lot 6 subject to approval of a variance to reduce the setback requirements for farm buildings in the RR-5 zone (Appendix 4). There is also a house on the property that will be located on proposed Lot 1 of the subdivision and will comply with the yard requirements of the RR-5 zone.

The applicant has submitted a request for a variance and outlined their rationale (Appendix 5). Staff have prepared Development Variance Permit VA000148 for consideration (Appendix 6).

ALTERNATIVES

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

1. That Development Variance Permit VA000148, for Lot B, Section 97, Sooke District, Plan VIP82392 to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 9.10, by reducing the setback requirement for farm buildings from 15 m to 3.4 m on the west parcel boundary and from 15 m to 1.43 m from the south parcel boundary on proposed Lot 6, be approved.
2. That Development Variance Permit VA000148 be denied.
3. That the application be referred back to staff for additional information.

LEGISLATIVE IMPLICATIONS

The Juan de Fuca Land Use Bylaw, Bylaw No. 2040, Part 2, Section 9.10 specifies that farm buildings and structures for agriculture use shall be not less than 30 m from the front lot line and not less than 15 m from any other lot line, excluding greenhouses accessory to residential uses. The existing barn building will become non-conforming with respect to siting when the proposed

subdivision is registered; therefore, a variance is being requested to permit the farm building within the required setbacks.

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. Juan de Fuca Development Fees and Procedures Bylaw No. 3885, 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 July 16, 2019, Land Use Committee meeting. There is no requirement for public consultation if a local government is considering a development permit.

LAND USE IMPLICATIONS

The RR-5 zone specifies a minimum setback for agriculture buildings and uses. The barn was constructed in 2012 in accordance with the setbacks for agricultural uses specified in the RR-5 zone. Agriculture is a permitted use in the RR-5 zone and the keeping of animals is permitted on lots greater than 0.2 ha as outlined in Part 1, Section 4.18 of Bylaw No. 2040. The existing barn is considered a principal building for farming purposes and not an accessory building under the regulations in Bylaw No. 2040. The barn will become the principal building on proposed Lot 6 upon registration of the subdivision.

The barn is currently used to shelter llamas and the owners wish to retain the barn for agricultural use until such time as proposed Lot 6 is sold and the owners relocate the farm operation. Future owners of Lot 6 could continue using the barn for an agricultural use or apply to convert the structure to an accessory building.

Bylaw No. 2040 defines front lot line as “the lot line that divides the lot from the highway, provided that in the case of a lot having more than one lot line abutting a highway, the shortest lot line shall be deemed to be the front lot line.” The proposed plan of subdivision includes a short cul-de-sac on the northwestern boundary of Lot 6, which is deemed to be the front lot line. Therefore, the 30 m setback applies to that lot line and the 15 m setback applies to all other lot boundaries.

The proposed subdivision boundaries situate the barn 3.4 m from the western parcel boundary and the road and 1.43 m from the southern parcel boundary of proposed Lot 6. As proposed Lot 6 is adjacent to common property and a community septic system to the south and there will be no proposed residential uses, there are no anticipated concerns resulting from the reduced setback from the south parcel boundary. The barn is a low-profile, one-storey design that fits the rural residential character of the area and will be visible from the road. Any residents that may be affected by the proposed variance will have an opportunity to come forward with their concerns through the public notification process.

The variance requested is to reduce the setback requirement for farm buildings from 15 m to 3.4 m on the west parcel boundary and from 15 m to 1.43 m from the south parcel boundary on proposed Lot 6. Staff recommend approval of VA000148 subject to public notification.

CONCLUSION

The applicant has requested a development variance permit for the purpose of siting a barn within the 15 m setback requirements for farm buildings in the Rural Residential 5 (RR-5) zone, as part of a seven lot subdivision application.

RECOMMENDATION

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

That Development Variance Permit VA000148, for Lot B, Section 97, Sooke District, Plan VIP82392 to vary the Juan de Fuca Land Use Bylaw, 1992, Bylaw No. 2040, Part 2, Section 9.10, by reducing the setback requirement for farm buildings from 15 m to 3.4 m on the west parcel boundary and from 15 m to 1.43 m from the south parcel boundary on proposed Lot 6, be approved.

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

ET: wm

Attachments:

- Appendix 1. Subject Property Map
- Appendix 2. Plan of Subdivision
- Appendix 3. Farm Building Photo
- Appendix 4. Farm Building Location
- Appendix 5. Summary Report
- Appendix 6. Development Variance Permit VA000148