

CEDAR COAST PLANNING CONSULTANTS

- Development Variance Permit Application

A Development Permit (DP) for environmental protection and geotechnical purposes was issued for a proposed seven-lot subdivision for this property (shown below) by the Capital Regional District (CRD) in late-August 2018. As a result of subdivision design, the location of a barn on proposed Lot 6, constructed and approved prior to the subdivision proposal, is now within the permitted side yard setbacks for an agricultural building in the Rural Residential 5 (RR-5) Zone. In the RR-5 zone, the required side yard setbacks are established at 15 m from side lot lines.

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The side yard encroachments are a consequence of the proposed subdivision layout. The yard encroachments and deficiencies are as follows:

- Exterior (west) side yard depth 3.4 m, a deficiency of 11.6 m;
- South side yard 1.43 m, a deficiency of 13.57 m;

All other yard setback requirements are met. This variance application seeks to have the deficiencies rectified by providing for an exterior (west) side yard depth of 3.4 m and a south side yard of depth 1.43 m as indicated on the **Site Map** on the following page.

The reasons to grant the variances applied for include:

1. The owner of the property wishes to retain the structure as a barn for a small herd of llamas currently kept on the property. This use will continue until Lot 6 is sold as the cost of erecting a barn in a new location on Lot 2 is prohibitive at this time. Retaining it in its current location is a short-term solution for the owner's purposes. The structure could continue to be used as a barn for livestock by future owners of Lot 6 based on RR-5 zone conditions. Dealing with and approving the yard deficiencies at this time helps resolves current and potential future concerns.
2. The property to the south of the barn is a Common Property lot that will serve as the in-ground disposal field for the development. It will have no structures, residential or otherwise located on it. The current storage container on the property will likely be relocated to Lot 2 when final subdivision approval is given. As no structures or uses will be located on the Common Property, the application to vary the setback requirement for this yard is reasonable.
3. The proposed variance for the exterior side yard is justified based on the distance separating the barn from the existing dwelling on Lot 2. The distance between the barn and the existing house is 26.84 m and as a result the barn on Lot 6 will have minimal impact on the residential use on Lot 2, but a variance to the exterior side yard is required. The barn use will have minimal impact on the existing residence and other surrounding lots as a result of the distances separating it from future development. It is anticipated that impacts from the keeping of livestock can be properly managed in the future. In addition, property purchasers will be aware that a barn exists nearby and that livestock can be kept in it.

In conclusion, the barn's location in close proximity to adjacent residential and the common property uses will have minimal impact on uses on the properties in the proposed subdivision. The separation distance between the existing residential use on Lot 2 is significant and mitigates any potential impacts created by the proposed reduced setbacks.

The variance requirements result from the subdivision design to achieve efficiency for residential and in-ground disposal purposes and the desire by the owner to retain the barn for

sheltering llamas. The existing yard setbacks can be retained with minimal impact on future residential uses in the proposed subdivision.

The applicant is requesting that the variances applied for be approved as requested and shown on the Site Map below.

Site Map - Lot B, S 97, Sooke District, Plan VIP82392

