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**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE
MEETING OF TUESDAY, FEBRUARY 18, 2020**

SUBJECT **Development Permit with Variance for Strata Lot 21, Section 16, Otter District, Strata Plan VIS7096 – Sooke Business Park - 7450 Butler Road**

ISSUE SUMMARY

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

BACKGROUND

The subject property is located in the Sooke Business Park strata development on Butler Road in Otter Point (Appendix A). Boulevard landscaping was installed as part of Development Permit DP-07-08, issued for the original subdivision. 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.

The applicant intends to construct a 490.53 m² industrial building on the lot (Appendix B). 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 two variances for the proposed building: to reduce the front yard setback from 7.5 m to 6.4 m, and to reduce the flanking yard setback from 6.0 m to 4.5 m (Appendix C).

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 D). The applicant is requesting a development permit for the proposed building.

ALTERNATIVES

Alternative 1

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

That Development Permit with Variance DV000070, for Strata Lot 21, 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(a) by reducing the front yard setback requirement from 7.5 m to 6.4 m, and Section 27B.09(c) by reducing the flanking yard setback requirement from 6.0 m to 4.5 m, for the purpose of constructing a 490.53 m² steel building be approved.

Alternative 2

That Development Permit with Variance DV000070 be denied.

Alternative 3

That the application be referred back to staff for additional information.

IMPLICATIONS

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(a) specifies that the front yard requirement is 7.5 m and Section 27B.09(c) specifies that the flanking yard requirement is 6.0 m. A variance is required in order to permit the building to be located within these setbacks.

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 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 500 m. Any responses received from the public will be presented at the February 18, 2020, 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 have submitted plans by West Coast Design and Development Services for the proposed structure. 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 B).

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 broader surroundings, the design attempts this by using a grey colour for the building siding that will serve as a neutral backdrop for the boulevard plantings and reinforce the existing aesthetic and natural advantages of the area, thereby also 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.

Ground-oriented 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.

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 490.53 m² industrial building on the lot. The parcel is large enough to accommodate the size of the proposed structure within the 60% lot coverage permitted in this zone, but the curved shape of the road and lot line results in a variance reduction of 1.1 m for the front yard setback and 1.5 m for the flanking yard setback.

The proposed building will meet the internal side and rear yard requirements of the lot. Parking, loading are provided in accordance with Bylaw No. 2040 and are accessed directly from the strata road to the south and west of the property.

Development Permit with Variance DV000070 is included as Appendix E 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 front and flanking yard setbacks for the proposed building in this circumstance, staff recommend issuance of the development permit with variance 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 front yard setback of the lot from 7.5 m to 6.4 m and to reduce the flanking yard setback of the lot from 6.0 m to 4.5 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 setbacks, staff recommend approval of the development permit with variance subject to public notification. If the Permit is approved by the Board, the Corporate Officer will proceed to issue the Permit and register a Notice of Permit on Title.

RECOMMENDATION

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

That Development Permit with Variance DV000070, for Strata Lot 21, 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(a) by reducing the front yard setback requirement from 7.5 m to 6.4 m, and Section 27B.09(c) by reducing the flanking yard setback requirement from 6.0 m to 4.5 m, for the purpose of constructing a 490.53 m² steel building be approved.

Submitted by:	Iain Lawrence, MCIP, RPP, Manager, Juan de Fuca Community Planning
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: Building Plans and Elevation Drawings

Appendix C: Site Plan with Variances

Appendix D: Commercial and Industrial Development Permit Guidelines

Appendix E: Development Permit with Variance DV000070