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REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE MEETING OF TUESDAY JULY 20, 2021

SUBJECT **Development Permit with Variance for Lot 3, Sections 45-A and 46-A,
Highland District, Plan 22641 – 6606 Mark Lane**

ISSUE SUMMARY

A request has been made for a development permit with variance to address the Steep Slope development permit (DP) guidelines and to vary the front yard setback requirement for the purpose of constructing an accessory building in the Community Residential - One (CR-1) zone.

BACKGROUND

The subject property is located at 6606 Mark Lane in Willis Point (Appendix A) and is within the Steep Slope development permit areas designated by the Comprehensive Community Plan for Willis Point, Bylaw No. 3027. The parcel is split into two separate parts by Mark Lane, with that part of the subject property on which the dwelling is situated being on the west side of the right-of-way. The parcel is located adjacent to CR-1 zoned land to the north and south, Mark Lane to the east, and Gowlland Tod Provincial Park to the west.

Variance VA000143 was approved to reduce the minimum front yard setback requirement from 6.0 m to 5.0 m, and the rear yard setback from 6.0 m to 0.91 m, for the purpose of allowing the existing non-confirming siting of the single-family dwelling and construction of a deck.

The applicant now wishes to construct a carport adjacent to Mark Lane (Appendix B). A report has been provided from Ryzuk Geotechnical to address the Steep Slope DP guidelines. The Comprehensive Community Plan for Willis Point, Bylaw No. 3027, requires that all buildings and structures located in the CR-1 zone be a minimum of 6.0 m from the front parcel line. Since the southern-most corner of the structure is located 1.5 m from the front parcel line, a variance is also required (Appendix C). Development Permit with Variance DV000077 is included as Appendix D for consideration.

ALTERNATIVES

Alternative 1:

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

That Development Permit with Variance DV000077, for Lot 3, Sections 45-A and 46-A, Highland District, Plan 22641, to authorize construction in a Steep Slope Development Permit Area, and to vary the Comprehensive Community Plan for Willis Point, Bylaw No. 3027, Schedule B, Part III, Section 22(2)(d)(i) by reducing the front setback from 6 m to 1.5 m for construction of a carport be approved.

Alternative 2:

That Development Permit with Variance DV000077 be denied.

Alternative 3:

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

IMPLICATIONS

Legislative Implications

The Comprehensive Community Plan for Willis Point, Bylaw No. 3027, Schedule A, designates development permit areas (DPAs) and outlines development permit guidelines. The property is located within the Steep Slopes DPA and a development permit is required prior to alteration of land. CRD Delegation of Development Permit Approval Authority 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 Comprehensive Community Plan for Willis Point, Bylaw No. 3027, Schedule B, Part III, Section 22, specifies setback requirements for the CR-1 zone. The proposed construction does not meet these requirements; therefore, a variance is being requested.

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 20, 2021, Land Use Committee meeting. There is no requirement for public consultation if a local government is considering a development permit.

Land Use Implications:

Development Permit:

The entire property is designated within the Steep Slope DPA in Bylaw No. 3027. The applicant has submitted a geotechnical report prepared by Ryzuk Geotechnical to address the Steep Slope DP guidelines.

The geotechnical report describes the parcel as transected by Mark Lane, with the western portion of site sloping steeply westwards towards the foreshore. A benched area is occupied by the existing driveway and residence. The proposed site of the carport is located over bedrock controlled slope and considered stable. Evidence of previous rockfall is noted on the undeveloped upland portion of the parcel; however, no potential risk for slope instability or erosion is noted at the proposed development site.

The construction will generally be limited to the eastern portion of the property. The work will require local excavation such that new foundations for the roof of the carport extend to bedrock. The proposal is feasible from a geotechnical perspective and considered safe for the use intended. No alteration of drainage or sloped areas are to occur. All foundations and retaining wall preparations will require further geotechnical review through the building permit process.

Variance:

The Community Residential - One (CR-1) zone regulations specify that the front yard setback shall be a minimum of 6 m. The applicant is requesting consideration of a variance in order to construct a carport located 1.5 m from the eastern parcel boundary adjacent to Mark Lane. The proposal otherwise meets requirements for the zone. Structure permit #2020-03511 from the Ministry of Transportation and Infrastructure has been issued for works in proximity to the highway.

Development Permit with Variance DV000077 has been prepared for consideration to authorize the construction of a carport located within a Steep Slope Development Permit Area, and to vary the siting by reducing the front yard setback from 6 m to 1.5 m (Appendix D). Any residents that may be affected by the proposal will have an opportunity to come forward with their comments through the public notification process. Staff recommend approval of the development permit with variance subject to public notification.

CONCLUSION

The applicant has requested a Steep Slopes development permit with a variance to reduce the front yard setback requirement for the proposed construction of a carport at 6606 Mark Lane in Willis Point. Since there will be minimal impact to the Steep Slope development permit area, 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

The Land Use Committee recommends to the Capital Regional District (CRD) Board:
That Development Permit with Variance DV000077, for Lot 3, Sections 45-A and 46-A, Highland District, Plan 22641, to authorize construction in a Steep Slope Development Permit Area, and to vary the Comprehensive Community Plan for Willis Point, Bylaw No. 3027, Schedule B, Part III, Section 22(2)(d)(i) by reducing the front setback from 6 m to 1.5 m for construction of a carport 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:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

Attachments:

Appendix A: Subject Property Map
Appendix B: Site Plan
Appendix C: Variance Request
Appendix D: Permit DV000077