

Report

Date March 15, 2023

File: 3080-20 22.01

Subject Development Variance Permit Application No. DVP00078 at 9061 Chemainus Road

PURPOSE

To consider an application to vary Section 56 (7) (b) of Zoning Bylaw No. 2950, 1997, to increase the maximum permitted accessory building height from 5.0 metres (16.4 ft) to 6.75 metres (22.1 ft) at 9061 Chemainus Road.

BACKGROUND

The subject property (PID: 005-843-529) at 9061 Chemainus Road is 8,366 m² (2.1 acres) in size. It is located within the Residential Rural (R1) Zone (Attachments 1 & 2), within the 'Rural Residential' land use designation of the Official Community Plan, and outside the Urban Containment Boundary (Attachment 3).

The subject property's predominant land use is residential, consisting mostly of single-family dwellings on larger lots.

Proposal

The property owner is requesting Council's authorization to construct an accessory building that exceeds the maximum accessory building height to facilitate the construction of an accessory building intended for recreation vehicle and boat storage and hobby mechanical repairs.

The site plan showing the location of the proposal is provided in Attachment 4.

Elevations of the proposed over-height accessory building are provided in Attachment 5.

The applicant's Letter of Rationale is provided in Attachment 6.

DISCUSSION

The proposed 157 m² (1,690 ft²) over-height accessory building is intended to be a single-storey structure (Attachments 5 & 6). The site plan and elevation drawings indicate compliance with accessory building setback, maximum allowable floor area ratio, and lot coverage requirements of the R1 Zone.

The property owner states that the building will be for recreation vehicle and boat storage and will include some hobby repair use. Should home-based business use of the accessory building be considered in the future, all uses and provisions related to home-based businesses as set out in the Zoning Bylaw (sec. 12 Definitions, sec. 30 Home-Based Businesses) would need to be met before a business license is issued.

The Building Department has no concerns with the accessory structure as proposed. No development permit areas apply to the proposed building.

Land Use Impacts

The south property boundary along which the proposed accessory structure is located is also adjacent to the closest neighbour. The accessory structure is proposed to be located approximately 30 metres from the closest adjacent dwelling and is currently partially buffered by mature trees.

In the opinion of staff, the variance requested to permit an increase to the accessory building height by 1.75 metres (from 5.0 to 6.75 m) at the proposed location on the subject property, while a substantial increase, does not present a significant land use impact for the most adjacent neighbour because the structure is located:

- Within the required accessory structure side yard setback of 3.0 metres; and,
- Approximately 30 metres from the closest adjacent dwelling.

Moreover, the requested 1.75 metres accessory building height increase does not have any identified impact on the views from surrounding neighbouring properties.

Site photos of the future location of the proposed structure (at the same location as an existing accessory structure) are provided in Attachment 7.

The draft permit is provided in Attachment 8.

Pursuant to section 499 of the *Local Government Act*, notice has been issued to neighbouring property owners (Attachment 9).

OPTIONS

1. **(Recommended Option)** THAT Council authorize the issuance of Development Variance Permit DVP00078 and grant the variance to section 56 (7) (b) of Zoning Bylaw No. 2950, 1997, to increase the maximum permitted accessory building height from 5.0 metres (16.4 ft) to 6.75 metres (22.1 ft) for an accessory structure at 9061 Chemainus Road.
2. THAT Council deny Development Variance Permit Application DVP00078 to increase the maximum permitted accessory building height from 5.0 metres (16.4 ft) to 6.75 metres (22.1 ft) for an accessory structure at 9061 Chemainus Road.

IMPLICATIONS

Should the application be denied by Council, the proposed accessory structure would be required to comply with the maximum accessory building height of 5.0 metres (16.4 ft) of the R1 (Residential Rural) zone as well as all other applicable provisions of Zoning Bylaw No. 2950, 1997.

RECOMMENDATION

THAT Council authorize the issuance of Development Variance Permit DVP00078 and grant the variance to section 56 (7) (b) of Zoning Bylaw No. 2950, 1997, to increase the maximum permitted accessory building height from 5.0 metres (16.4 ft) to 6.75 metres (22.1 ft) for an accessory structure at 9061 Chemainus Road.

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Attachments:

- (1) Location Map
- (2) Orthophoto
- (3) Zoning Map
- (4) Site Plan
- (5) Elevations
- (6) Letter of Rationale
- (7) Site Photos
- (8) Draft Development Variance Permit
- (9) Notice