

# Report

Date June 19, 2024

File: 3060-20 24.04

Subject Development Permit with Variance Application No. DP000360 for 1935 Maple Bay Road

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## **PURPOSE**

To consider development permit application DP000360, which seeks a variance to Section 56 (7) (b) of Zoning Bylaw No. 2950, 1997, to increase the maximum permitted accessory building height from 5.0 metres to 7.0 metres for an accessory building containing a garage and additional dwelling unit at 1935 Maple Bay Road.

## **BACKGROUND**

The subject property is 0.46 hectares and located at 1935 Maple Bay Road (Attachments 1 & 2). It is zoned Residential Rural Zone (R1) in the Zoning Bylaw (Attachment 3) and is outside of the Urban Containment Boundary. The property is adjacent to Quamichan Lake and near drainage channels, thus subject to Development Permit Area 3 (DPA-3).

### Proposal

The applicant proposes constructing an accessory building (combined garage with accessory dwelling unit (ADU)). The proposed building plans can be seen in Attachment 4. A zoning amendment bylaw was adopted by Council on March 20, 2024, to allow an ADU to be constructed on the property. To provide adequate usable space in the garage and ADU, the proposed structure requires a relaxation of Section 56 (7) (b) of Zoning Bylaw No. 2950 to increase the permitted height for an accessory building from 5.0 metres to 7.0 metres. The applicant has provided a letter of rationale (Attachment 5).

The siting of the proposed structure triggers DPA-3 due to the proximity of a drainage course (Attachment 6). The applicable DPA-3 guidelines have been addressed through a Riparian Area Protection Regulation (RAPR) assessment report completed by Qualified Environmental Professional (QEP) Patrick Lucey on December 15, 2022 (Attachment 7). The RAPR report has received the necessary approval from the Province of British Columbia. This report assesses the siting of the proposed structure and outlines how the riparian area will be protected during and after construction.

## **DISCUSSION**

### Height variance

The variance has been requested to permit an increase to the accessory building height limitation set out in the zone by 2.0 metres (from 5.0 to 7.0 metres). In the opinion of staff, the intended building location does not present a negative land use impact for the adjacent neighbours. Approval of this permit and associated height variance is recommended. The draft development permit can be viewed in Attachment 8. The public notice can be found in Attachment 9.

**OPTIONS**

- 1. **(Recommended Option)** THAT Council:
  - (1) Grant the variance to Section 56 (7) (b) of Zoning Bylaw 1997, No. 2950, to increase the maximum permitted accessory building height from 5 metres to 7 metres; and,
  - (2) authorize the issuance of Development Permit with Variance DP000360 to Len Thew to facilitate an accessory building containing a garage and additional dwelling unit at 1935 Maple Bay Road.
  
- 2. THAT Council deny Development Permit with Variance Application DP000360.

**IMPLICATIONS**

Should Council deny this variance request, the proposed accessory dwelling would be required to comply with the maximum accessory building height limitation of 5.0 metres within the Residential Rural (R1) Zone, and other applicable provisions of Zoning Bylaw No. 2950, 1997.

**RECOMMENDATION**

THAT Council:

- (1) Grant the variance to Section 56 (7) (b) of Zoning Bylaw 1997, No. 2950, to increase the maximum permitted accessory building height from 5 metres to 7 metres; and,
- (2) authorize the issuance of development permit with variance DP000360 to Len Thew to facilitate an accessory building containing a garage and additional dwelling unit at 1935 Maple Bay Road.

Report prepared by:

*Sarah Foulkes-Watson*

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Development Planner

Report reviewed by:



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Amanda J. Young, RPP, MCIP  
Director, Planning and Building

**Approved to be forwarded to Council:**



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Ted Swabey  
Chief Administrative Officer

Attachments:

- (1) Location Map
- (2) Orthophoto Map
- (3) Zoning Map
- (4) Building plans
- (5) Letter of Rationale
- (6) Site Plan
- (7) RAPR report
- (8) Draft Development Permit