

Notice of meeting of the  
**Baynes Sound – Denman/Hornby Islands (Area A)**  
**Advisory Planning Commission**

Monday, April 30, 2018

To be held in the Comox Valley Regional District boardroom

Located at 550B Comox Road, Courtenay, BC

Commencing at 7:00 pm

**PAGE**

1. Call to order and recognition of traditional territories
- 2 2. Receipt of the minutes of the Monday, March 26, 2018, Baynes Sound – Denman/Hornby Islands (Electoral Area A) Advisory Planning Commission meeting
- 4 3. Memorandum dated April 11, 2018, regarding 3090-20/DV 3A 18 – Development Variance Permit – 6832 Buckley Bay Frontage Road (Halliday)
4. PowerPoint Presentation – Update on the Comprehensive Zoning Bylaw Review and Proposed Changes
5. Status update on APC recommendations – Verbal update regarding Electoral Area Services Committee and board decisions related to APC recommendations
6. Next meeting date: Scheduled for Monday, May 28, 2018

***Distribution:***

Area A APC members  
Area Director  
Alternate Area Director  
Chief Administrative Officer  
General Manager of Planning & Development  
Manager of Planning Services  
Corporate Legislative Officer  
Manager of Legislative Services  
Planners  
CVRD website  
File copy  
Reception notice board (cover page)

Minutes of the meeting of the Electoral Area A (Baynes Sound – Denman/Hornby Islands) Advisory Planning Commission of the Comox Valley Regional District held on Monday, March 26, 2018 in the Comox Valley Regional District boardroom, 550B Comox Road, Courtenay BC, commencing at 7:00 pm

**PRESENT:** Chair Rodney Jones  
Members Margaret McKenzie  
Karen Fouracre  
Bill Trussler  
Bruce Livesey  
Janet Thomas  
Pieter Rutgers

**ABSENT:** David Stapley  
Members Karen Fouracre

**ALSO PRESENT:** Electoral Area Director Bruce Jolliffe  
Alternate Director Jim Argue  
Assistant Manager of Planning Services Ton Trieu  
Proponent for DV 2A 18 Mr. Gardner  
Proponent for DP 7A 18/DV 4A 18 Mr. B. Brandis  
Mr. A. Greasley

### Agenda Items

#### **Call to Order and Recognition of Traditional Territories**

The Chair called the meeting to order and the Area A Electoral Area Director acknowledged that the meeting was being held on the unceded traditional territory of the K'ómoks First Nation.

#### **Minutes of Advisory Planning Commission Meeting**

RUTGERS/ MCKENZIE: THAT the minutes of the Electoral Area A (Baynes Sound – Denman/Hornby Islands) Advisory Planning Commission meeting held on Monday, January 22, 2018 be received.

CARRIED

#### **Memorandum dated March 9, 2018, regarding 3090-20/DV 2A 18 – Development Variance Permit – 344 Bray Road (Gardner/Watts)**

RUTGERS/ THOMAS: THAT the Area A Advisory Planning Commission support the Development Variance Application DV 2A 18 - 344 Bray Road (Gardner/Watts) as requested by the applicants and outlined in the Memo dated March 9, 2018.

CARRIED

#### **Memorandum dated March 13, 2018, regarding 3060-20/DP 7A 18 and 3090-20/DV 4A 18 – Commercial and Industrial Development Permit and Development Variance Permit - 4324 & 4330 Island Highway South (Kingfisher Oceanside Resort & Spa Ltd.)**

THOMAS / LIVESEY: THAT the Area A Advisory Planning Commission support the Commercial and Industrial Development Permit and Development Variance Permit - 4324 & 4330 Island Highway South (Kingfisher Oceanside Resort & Spa Ltd.) as requested by the applicants and outlined in the Memo dated March 13, 2018.

CARRIED

**PowerPoint Presentation – Update on the Comprehensive Zoning Bylaw Review and Proposed Changes**

Ton Trieu, Assistant Manager of Planning Services, presented an update on the comprehensive zoning bylaw review and proposed changes.

**Status update on APC recommendations**

Ton Trieu, Assistant Manager of Planning Services, provided an update regarding Electoral Area Services Committee and board decisions related to APC recommendations.

**Next Meeting Date**

The next Electoral Area A (Baynes Sound – Denman/Hornby Islands) Advisory Planning Commission meeting is scheduled for Monday, April 30, 2018 in the Bill Wood Room of the Union Bay Hall, located at 5401 South Island Hwy, Union Bay, BC, commencing at 7:00 pm.

**Termination**

The meeting terminated at approximately 8:50 pm.

CARRIED

<b>Recording Secretary:</b>
Jim Argue

<b>Chair:</b>
Rodney Jones

Received by the Electoral Areas Services Committee on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

# Memo

**File:** 3090-20/DV 3A 18

**DATE:** April 11, 2018

**TO:** Advisory Planning Commission  
Baynes Sound – Denman/Hornby Islands (Electoral Area A)

**FROM:** Planning and Development Services Branch

**RE:** Development Variance Permit – 6832 Buckley Bay Frontage Road (Halliday)  
Lot 4, Section 2 of Section 2-A, Nelson District, Plan VIP29657, PID 001-366-904

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The attached development proposal is for commission members' review and comment.

An application has been received to consider a Development Variance Permit that would reduce both side yard setbacks on a 35.7 metre wide (0.14 hectare) residential lot located along Buckley Bay Frontage Road (Figure 1 and 2). The property is located within the Union Bay Improvement District which provides drinking water and fire protection. The property is partially cleared and currently has an accessory building on it (it had been used in the past in conjunction with the neighbouring lot).

According to the application, the property owner intends to re-develop the lot with one single detached dwelling and one secondary dwelling. To increase the building envelope of the lot, with the objective of maximizing the views of the water, the applicant is requesting (Appendix A) the interior side yard setback be reduced from 3.5 metres to 1.75 metres and the exterior side yard (abutting Ackroyd Road) setback be reduced from 7.5 metres to 1.75 metres (Figures 3 and 4).

## Zoning

The property is zoned Country Residential One (CR-1) in Bylaw No. 2781, being the "Comox Valley Zoning Bylaw, 2005" (Appendix B). On this property, the CR-1 zone allows for a residential density of one single detached dwelling plus one of either a secondary dwelling limited to 90 square metres in area or a carriage house or a secondary suite.

## Building Envelope

For this particular property, the building envelope is established by the zoning bylaw and the floodplain management bylaw:

- Front yard setback: 7.5 metres (CR-1 zone)
- Rear yard setback: 15 metres (floodplain setback)
- Interior side yard setback: 3.5 metres (CR-1 zone)
- Exterior side yard setback: 7.5 metres (Section 402(2)(ii) setback to local roads)

Within the building envelope, development is further regulated by the CR-1 zone's maximum total lot coverage of 35 per cent for buildings and structures, maximum floor areas of 90 square metres for a secondary dwelling and 200 square metres for accessory buildings, and maximum building heights.

Other factors that could influence development potential also include parking requirements, sizing and locating a septic systems, and development permit conditions related to protection of the natural environment (as recommended by qualified professionals in the form of a biophysical assessment and drainage report). The Ministry of Transportation and Infrastructure has placed a condition on approval that a minimum of 4 parking spaces be established onsite; the applicant stated he intends to build two double-wide driveways in order to meet this condition; Section 317(1)(vii) of the zoning bylaw states that no parking shall be permitted within 1.5 metres of any property line.

Please be advised that all adjacent properties within 100 metres of the subject parcel will be notified via mail of the variance request and be given the opportunity to comment prior to the application going forwarded to the Electoral Areas Services Committee for consideration.

Sincerely,

***A. Mullaly***

Alana Mullaly, MCIP, RPP  
Manager of Planning Services  
Planning and Development Services Branch

/jm

Attachments Appendix A – “Country Residential One Zone and Section 402(2)(ii) of the zoning bylaw”  
Appendix B – “Site plan, as submitted by applicant, dated March 1, 2018”

*Comox Valley Regional District*

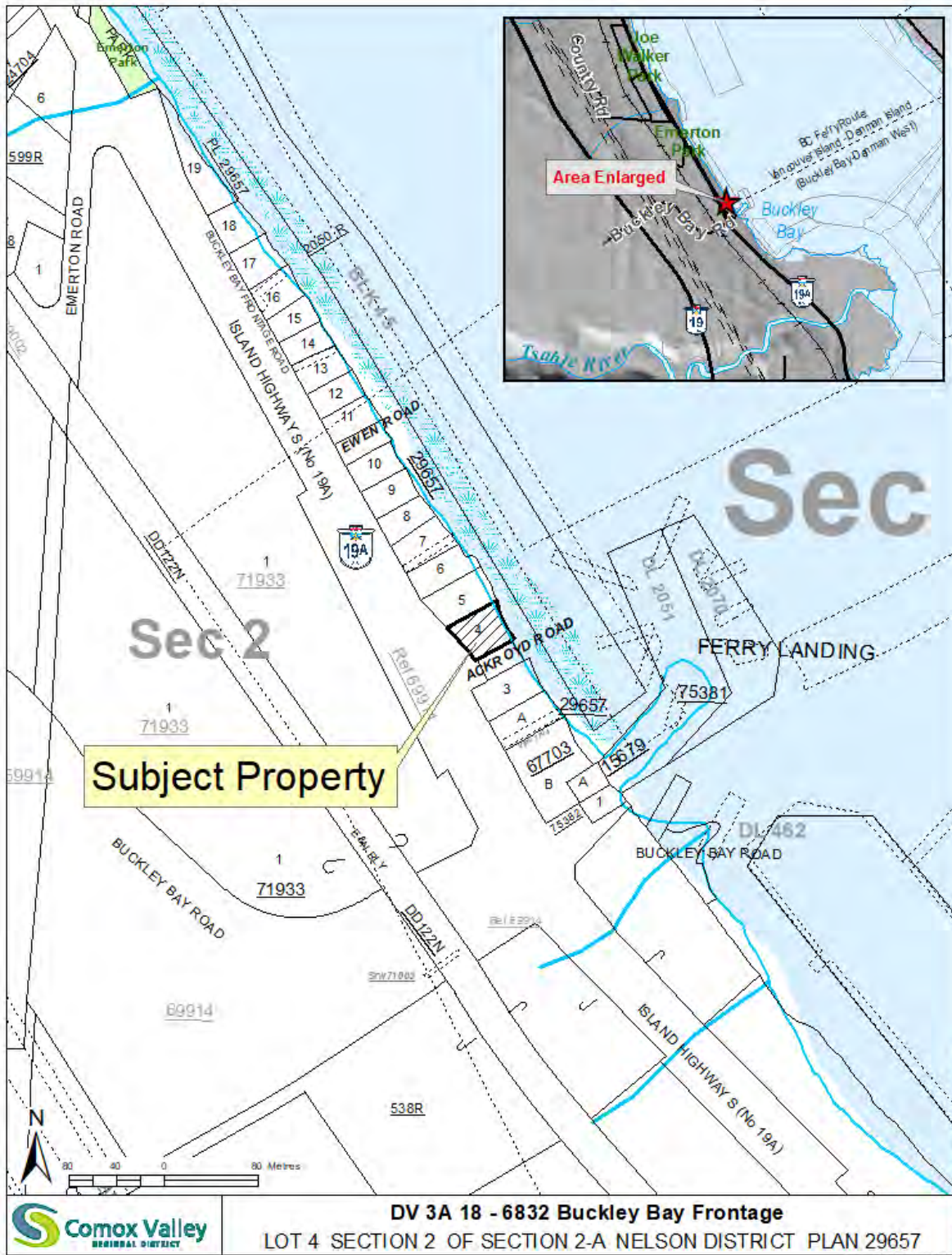


Figure 1: Subject Property

Comox Valley Regional District

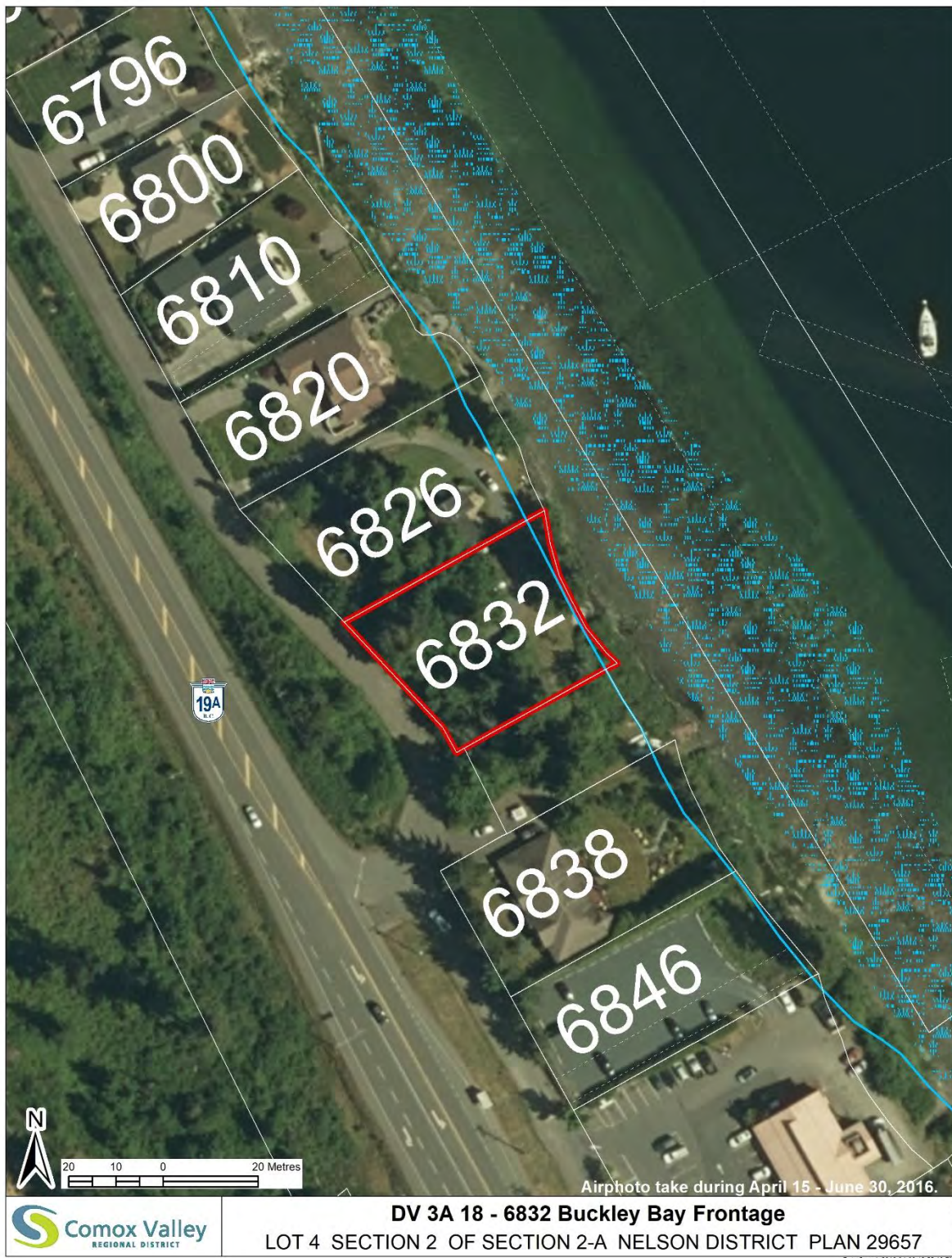


Figure 2: Air Photo (2016)

Comox Valley Regional District



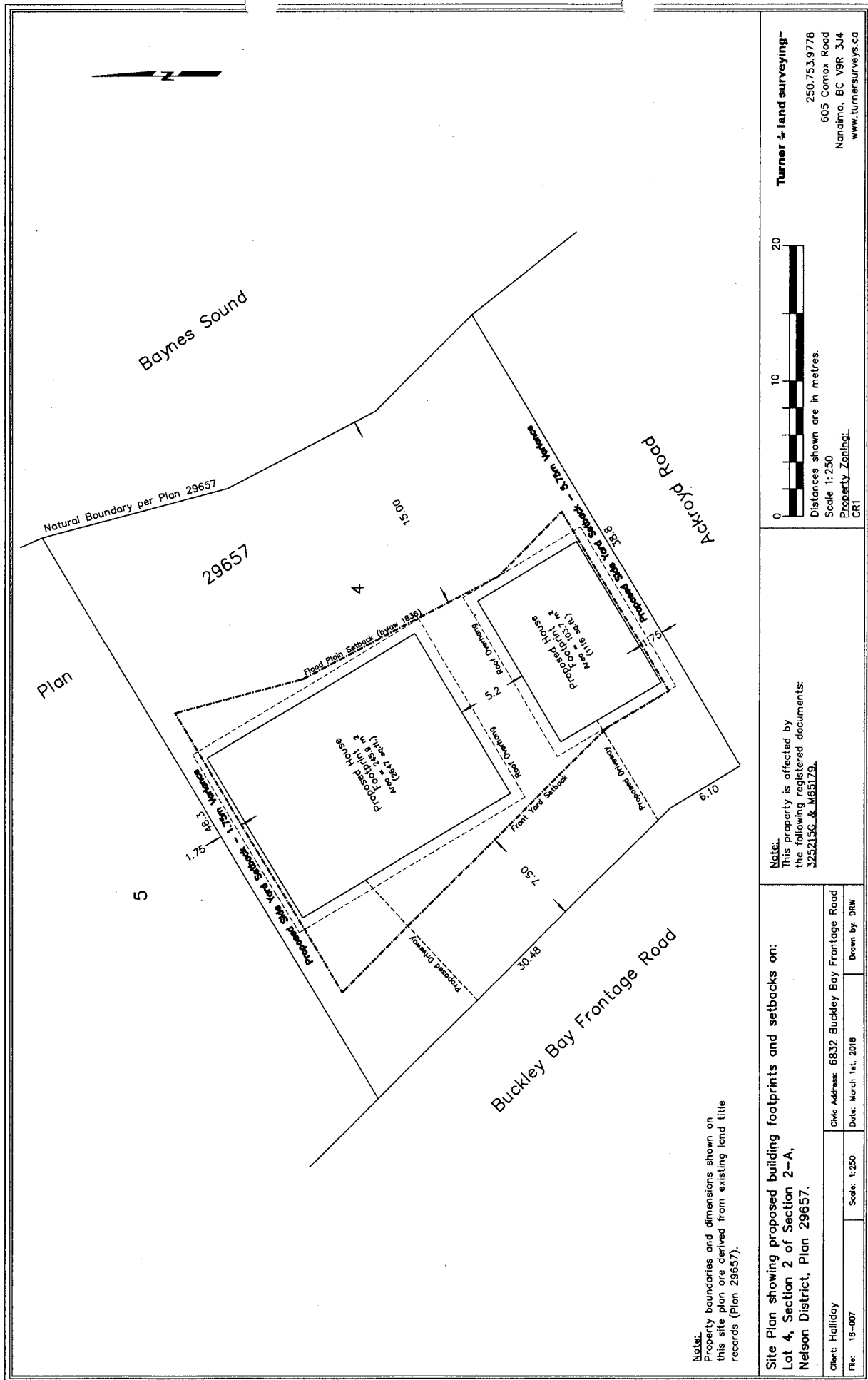
**Figure 3: Subject Property, as Viewed from the Road**



**Figure 4: Ackroyd Road Right-of-Way Perspective of Subject Property**

*Comox Valley Regional District*





707Country Residential One (CR-1)

**1. PRINCIPAL USE**

- i) On any lot:**
  - a) Residential use.
- ii) On any lot over 4000 metres<sup>2</sup> (1.0 acre):**
  - a) Agricultural use.

**2. ACCESSORY USES**

- i) On any lot:**
  - a) Home occupation use;
  - b) Accessory buildings; and
  - c) Bed and Breakfast
- ii) On any lot 2.0 hectares (4.9 acres) or larger:**
  - a) Animal kennels.

**3. DENSITY**

**Residential use is limited to:**

- i) On any lot:** One single detached dwelling and secondary suite, or one single detached dwelling and one carriage house, or one single detached dwelling and one secondary dwelling limited in area to 90 metres<sup>2</sup> (968.8 feet<sup>2</sup>).
- ii) On any lot 1.0 hectare (2.5 acres) and over:** Two single detached dwellings.

#112

**4. SITING AND HEIGHT OF BUILDINGS AND STRUCTURES**

The setbacks required for buildings and structures within the Country Residential One zone shall be as set out in the table below.

Type of Structure	Height	Required Setback			
		Front yard	Rear yard	Side yard	
				Frontage <31m	Frontage >31m
Principal	10.0m (32.8ft)	7.5m (24.6ft)	7.5m (24.6ft)	1.75m (5.8ft)	3.5m (11.5ft)
Accessory	4.5m-or less (14.8ft)	7.5m (24.6ft)	1.0m (3.3ft)	1.0m (3.3ft)	1.0m (3.3ft)
Accessory	6.0m-4.6m (19.7ft)	7.5m (24.6ft)	7.5m (24.6ft)	1.75m (5.8ft)	3.5m (11.5ft)

Except where otherwise specified in this bylaw, no building or structure shall be located in any required front and side yard setback areas. [Note: Part 400, Siting Exceptions, of this bylaw and Bylaw No. 1836 being the “Floodplain Management Bylaw, 1997” may affect the siting of structures adjacent to major roads and the natural boundaries of watercourses and the sea, respectively.]

**5. LOT COVERAGE**

- i) The maximum lot coverage of all buildings and structures shall not exceed 35% of the total lot area.

**6. FLOOR AREA REQUIREMENTS**

- i) The maximum combined gross floor area of all accessory buildings shall not exceed 200.0 metres<sup>2</sup> (2152.9 feet<sup>2</sup>).

**7. SUBDIVISION REQUIREMENTS**

- i) Despite any other provision of this bylaw, the minimum permitted lot area within areas designated as “settlement expansion areas” under “Comox Valley Regional Growth Strategy Bylaw No. 120, 2010” is 4.0 hectares. #200
- ii) Despite any other provision of this bylaw, for the purpose of subdivision, the following sections of this bylaw do not apply to lots within areas designated as “settlement expansion areas” under “Comox Valley Regional Growth Strategy Bylaw No. 120, 2010”:
- a) Section 503 Subdivision Standards 1. AREA AND FRONTAGE REQUIREMENTS i);
- b) Section 503 Subdivision Standards 2. LOT SIZE EXCEPTIONS i) a); and
- c) Section 503 Subdivision Standards 2. LOT SIZE EXCEPTIONS iii).

iii) **Lot Area**

The minimum lot area permitted shall be 2.0 hectares (4.9 acres)

Despite (iii), a subdivision with lots smaller than identified above may be created by subdivision provided that the average lot area within the subdivision is equal to the minimum lot area permitted.

*End • CR-1*

## **PART 400**

## **SITING SPECIFICATIONS**

### **401 Sight Triangles**

1. No person, being the owner, occupier or lessee of any land at the intersection of two highways shall place or permit to be placed or grow any tree, shrub, plant, fence or other structure with horizontal dimension exceeding 0.6 metres (2.0 feet) within the sight triangle above an elevation such that an eye 0.9 metres (3.0 feet) above the surface of one highway cannot see an object 0.9 metres (3.0 feet) above the surface of the other highway.
2. All buildings and structures shall be setback a minimum of 4.5 metres (14.8 feet) from the sight triangle.

### **402 Road Setbacks**

#### **1. ISLAND HIGHWAY**

- i) No part of any building or structure shall be located within a minimum of 22.5 metres (73.8 feet) of the centre line of the Island Highway. An exception to this setback requirement will be in Electoral Area 'A' on the ocean side or eastern side only of the Island Highway, in which case a minimum setback of 19.5 metres (64.0 feet) from the centre line of the highway right-of-way is required.
- ii) An additional 7.5 metres (24.6 feet) setback for frontage road purposes will be required where specified by the Ministry of Transportation and Infrastructure. Unless otherwise required by this Ministry, the road right-of-way for this highway is 30.0 metres (98.4 feet).

#### **2. LOCAL ROADS**

- i) No part of any building or structure shall be located within 4.5 metres (14.8 feet) of a highway that abuts a front or rear lot line.
- ii) Where a side lot line abuts a highway, the minimum yard setback shall be as follows:
  - a) Where the width of the lot is 31.0 metres (101.7 feet) or less at the required front yard setback, the minimum side yard abutting the road shall be 4.5 metres (14.8 feet).
  - b) Where the width of the lot is greater than 31.0 metres (101.7 feet) at the required front yard setback, the minimum side yard abutting the road shall be the same as the front yard setback.

#### **3. EXCEPTIONS**

- i) Notwithstanding the requirements of this section where the siting requirements of each applicable zone require a larger setback than is provided for in this section, the provisions of that zone shall prevail.