



STAFF REPORT

DATE: August 29, 2023 **FILE:** 0550-04 Board

TO: Chair and Directors,
Regional Board

FROM: David Leitch
Chief Administrative Officer

RE: DEVELOPMENT VARIANCE PERMIT APPLICATION – DV 4D 23 (BERLINGHOF)

PURPOSE/PROBLEM

To consider an application for a development variance permit to vary the required rear yard setback of a pre-existing accessory building located at 222 Crawford Road in Electoral Area D.

EXECUTIVE SUMMARY

The attached report concerning an application for a development variance permit was reviewed at the August 16, 2023 meeting of the Electoral Areas Services Committee at which time the following resolution was passed:

Rice/Vonesch: EASC 206/23

THAT the Committee recommend that development variance permit DV 4D 23 (Berlinghof), as presented in the staff report dated August 16, 2023 be approved.

The actions outlined below are offered in support of the Committee's recommendation.

RECOMMENDATIONS

1. THAT the report from the Chief Administrative Officer be received.
2. THAT development variance permit DV 4D 23 (Berlinghof) as presented in the staff report dated August 16, 2023 be approved, and

THAT the Corporate Officer be authorized to issue the permit.

Respectfully:



David Leitch
Chief Administrative Officer

Prepared by: E. Watson, Manager, Corporate Operations
Attachment: August 16, 2023 report to Electoral Areas Services Committee



STAFF REPORT

DATE: August 16, 2023

FILE: 0540-04 EASC

TO: Chair and Directors
Electoral Areas Services Committee

FROM: Dave Leitch
Chief Administrative Officer

RE: DEVELOPMENT VARIANCE PERMIT APPLICATION

PLANNING FILE NO.	3090-20/ DV 4D 23 (Berlinghof)		
FOLIO NO.:	772 02881.000	PID No.:	003-558-291
APPLICANTS:	Chris Berlinghof and Marlyssa Forbister		
LEGAL DESCRIPTION:	Lot 4, District Lot 90, Comox District, Plan VIP28090		
CIVIC ADDRESS:	222 Crawford Road, Campbell River BC		
ZONING BYLAW:	Bylaw 1404, "Campbell River Area Zoning Bylaw, 1991"		
ZONE:	Country Residential Four (CR-4)		

PURPOSE

To consider a development variance permit application to vary the required rear yard setback of a pre-existing accessory building.

POLICY ANALYSIS

The *Local Government Act* (LGA) grants authority to local governments under Section 498 (Development Variance Permits) of Part 14 "Planning and Land Use Management" to issue a development variance permit that varies, in respect of the land covered in the permit, the provisions of a bylaw, provided the use or density of the land, a floodplain specification, or a phased development agreement under Section 516 is not varied.

EXECUTIVE SUMMARY

An application has been received to bring an existing 5.8-metre high accessory building, situated 1.65 metres from the rear lot line, into compliance with the zoning bylaw. The parcel is zoned Country Residential Four (CR-4), is 1000 square metres in area and is bounded by country residential properties to the north, south and west, and Crawford Road to the east. Currently the property is developed with a house and an outbuilding. The building foundation was established by the previous property owner without the benefit of a site survey and the current owner wishes to bring the structure into compliance and receive a final to close out the building permit issued for the structure. Apart from the rear yard setback, all other zoning setback and lot coverage requirements on the property have been observed. The property backs onto a large (35-hectare) forested undeveloped lot and the impact of the proposed variance on adjacent properties should be minimal. Given that the structure is relatively unintrusive in nature given its overall size and height, as the degree of the setback variance is limited to 0.35 metres and as the adjacent lands are well vegetated, support for the variance is warranted.

RECOMMENDATIONS

1. THAT the report from the Chief Administrative Officer be received.
2. THAT the Committee recommend that development variance permit DV 4D 23 (Berlinghof), as presented in the staff report dated August 16, 2023 be approved.

Respectfully:



Dave Leitch
Chief Administrative Officer

BACKGROUND

The property is developed with a single family dwelling and a building foundation was established by the previous property owner without the benefit of a site survey and the current owner wishes to bring the structure into compliance and receive his building permit. Apart from the rear yard setback, all other zoning setback and lot coverage requirements on the property have been observed.

PLANNING ANALYSIS

The parcel is zoned Country Residential Four (CR-4), is 1000 square metres in area and is bounded by country residential properties to the north, south and west, and Crawford Road to the east. Currently the property is developed with a house and outbuilding. The 18 percent rear yard variance is being requested to bring an existing accessory building, situated 1.65 metres from the rear lot line, into compliance with the zoning bylaw. The variance application is requested to bring an existing 5.8-metre high accessory building, situated 1.65 metres from the rear lot line, into compliance with the zoning bylaw. Section 4.6.7(V)(b) of Bylaw 1404 specifies that accessory buildings between 4.5 metres and 7.0 metres in height shall be situated no closer than 2.0 metres from a rear lot line. The requested variance is outlined in 'Table 1' as follows:

TABLE 1

Minimum rear yard setback for accessory buildings		
Required	Requested	Variation
2.0 metres	1.65 metres	0.35 metres

Planning staff has considered the degree of impact the proposed variance may have on adjacent properties and the surrounding neighbourhood. As there will be no change in the location of the building with respect to the rear lot line, and that the building faces a large (35-hectare) undeveloped forested lot, the impact on the adjoining residences and wider neighbourhood should be minimal.

FINANCIAL IMPLICATIONS

Applicable fees have been collected for this application under the Planning Procedures and Fees Bylaw No. 5.

LEGAL IMPLICATIONS

This report and the recommendations contained herein are in compliance with the *Local Government Act* and Regional District Bylaws.

INTERGOVERNMENTAL/REGIONAL IMPLICATIONS

There are no intergovernmental/regional implications associated with this application as all works are proposed within the property boundaries.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

Adjacent property owners within 50.0 metres of the subject property have been notified of the requested height variance as per the requirements of the *Local Government Act* and Planning Procedures and Fees Bylaw No. 5. Any adjacent owners' correspondence received will be provided to the Committee at the August 16, 2023 EASC meeting.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

Interdepartmental involvement is limited; however, if approved, the processing of the DVP will require planning and legislative staff resources.

Submitted by:

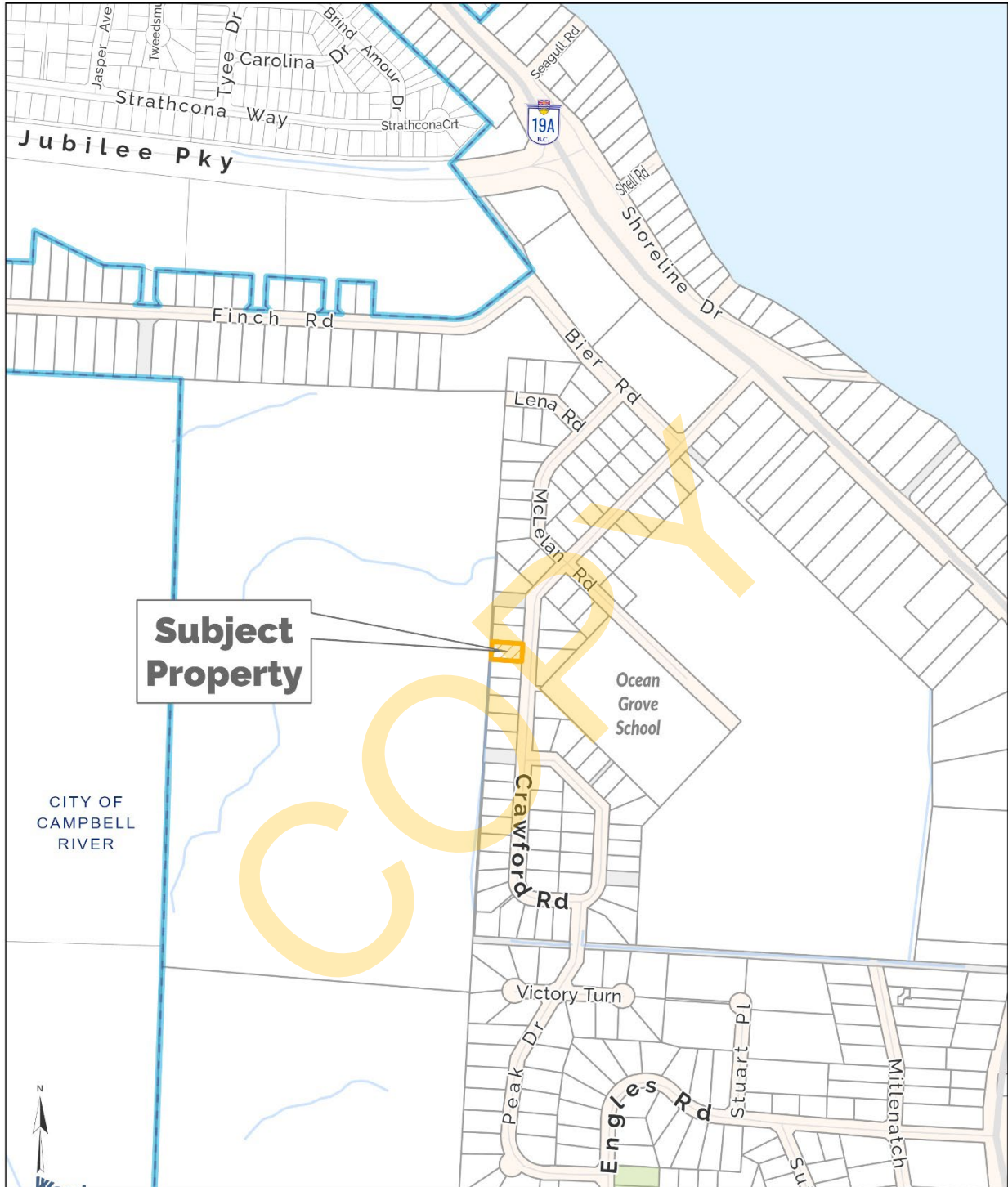


Aniko Nelson
Senior Manager, Community Services

Prepared by: J. Neill, Planner

Attachment: Permit (DV 4D 23)

COPY



 **DV 4D 23 - Berlinghof** 1:6,500
Lot 4, Plan VIP28090, District Lot 90, Comox Land District Aug 01, 2023

GIS: U:\proj\EA_D\SubjectProperties\EA_D_SubjProp.aprx

Location Map

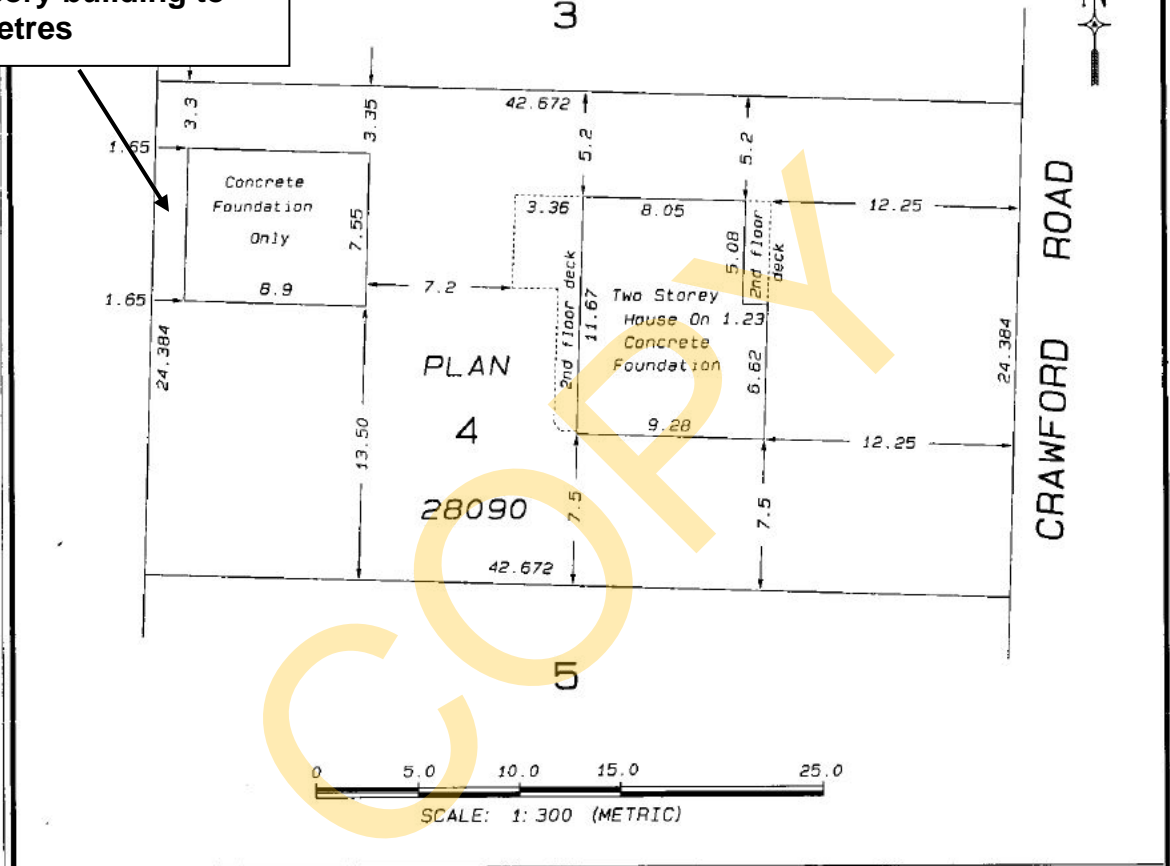
B.C. LAND SURVEYOR'S BUILDING LOCATION CERTIFICATE FOR :

LOT 4, DISTRICT LOT 90, COMOX DISTRICT, PLAN 28090

P.I.D.: 002-276-526

CIVIC ADDRESS : 222 Crawford Road

Rear yard variance for accessory building to 1.65 metres



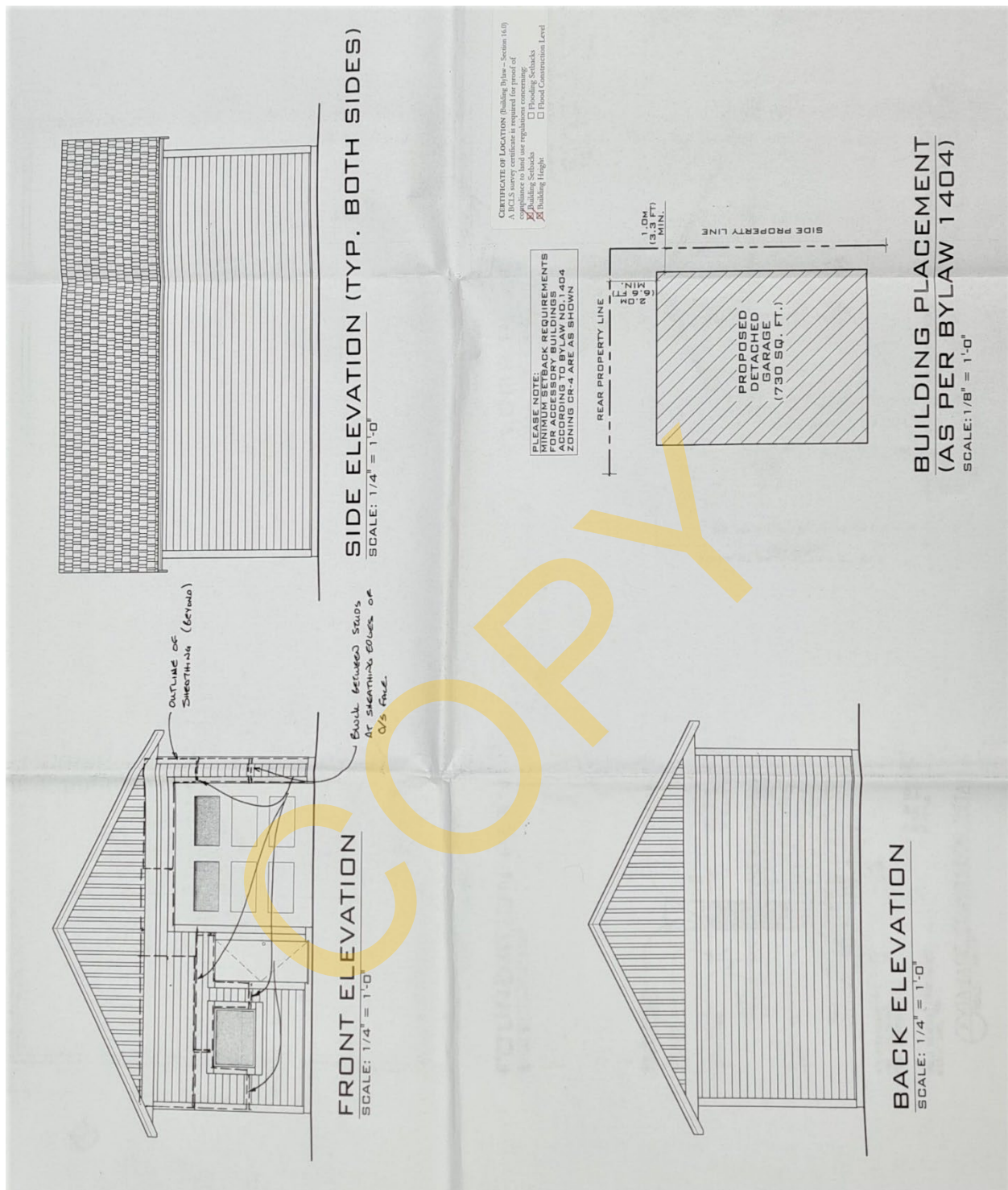
LOT DIMENSIONS HAVE BEEN DERIVED FROM LAND TITLE OFFICE RECORDS AND FIELD SURVEY. THIS DOCUMENT SHOWS THE RELATIVE LOCATION OF THE SURVEYED STRUCTURES AND FEATURES WITH RESPECT TO THE BOUNDARIES OF THE PARCEL DESCRIBED ABOVE. THIS DOCUMENT SHALL NOT BE USED TO DEFINE PROPERTY LINES OR CORNERS.

This document is not valid unless originally signed and sealed

Chicalo - Burrige Land Surveying and Geomatics Ltd.
1250 E Cedar Street
Campbell River, B.C. V9W 2W5
ph. (250) 287-4865 fax 287-9502
Our File: LC15-002 DRWG: 15002MC.dat

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Certified correct,
This 15th day of January, 2015.
[Signature]
B.C. Land Surveyor

Site Plan



Building Elevations



Development Variance Permit

FILE: 3090-20 / DV 4D 23

TO: Chris Berlinghof and Marlyssa Forbister (the "Applicants")

OF: 222 Crawford Road, Campbell River BC V9H 1K2

1. This development variance permit (DV 4D 23) is issued subject to compliance with all of the bylaws of the regional district applicable thereto, except as specifically varied or supplemented by this permit.

2. This development variance permit applies to and only to those lands within the regional district described below:

Legal Description: Lot 4, District Lot 90, Comox District, Plan VIP28090

Parcel Identifier (PID): 002-276-526 **Folio:** 772 01349.184

Civic Address: 222 Crawford Road, Campbell River BC

3. The land described herein shall be developed strictly in accordance with the following terms and provisions of this permit:

- i. That the development shall be carried out in accordance with the plans and specifications attached hereto as Schedules "A" and "B".
- ii. That all other buildings and structures must meet zoning requirements.
- iii. That all construction activities occur during the timing windows regulated by Bylaw No. 2382, being the "Electoral Area 'D' Noise Control Regulation, 2001." Specifically, Schedule 'B', Item 2, of Bylaw No. 2382 states that:

"Works or activity associated with and necessarily incidental to:

- (a) constructing, erecting, reconstructing, altering, repairing or demolishing of buildings, structures or things;
 - (b) excavating, grading or filling land, rock drilling and blasting";
- are permitted "between 7:00 a.m. and 7:00 p.m. on any day except Sunday, and statutory holidays".

4. The property owner has completed a site declaration in accordance with the *Environmental Management Act* indicating that the owner is not aware of Schedule 2 activities having taken place on the site.

5. This development variance permit (DV 4D 23) shall lapse if construction is not substantially commenced within **two (2)** years of the issue date of this permit (see below). Lapsed permits cannot be renewed; therefore, application for a new development variance permit must be made, and the permit must be granted by the Strathcona Regional District Board, in order to proceed.

6. This permit is **not** a building permit.

CERTIFIED as the **DEVELOPMENT VARIANCE PERMIT** approved by resolution of the Board of the Strathcona Regional District on _____.

Corporate Officer

Certified on _____

COPY



Development Variance Permit

SCHEDULE "A"

File: 3090-20 / DV 4D 23

APPLICANTS: Chris Berlinghof and Marlyssa Forbister

LEGAL DESCRIPTION: Lot 4, District Lot 90, Comox District, Plan VIP28090

SPECIFICATIONS:

THAT WHEREAS pursuant to Part 4.6.7(V)(b) of Bylaw No. 1404, being the "Campbell River Area Zoning Bylaw, 1991", the minimum rear lot line setback requirement shall be 2.0 metres for accessory buildings between 4.5 metres and 7.0 metres in height;

AND WHEREAS the applicant wishes to permit the siting of a 5.8 metre high accessory building within 1.65 metres of the rear lot line;

THEREFORE BY A RESOLUTION of the Board of the Strathcona Regional District on _____ the provisions of Bylaw No. 1404 being the "Campbell River Area Zoning Bylaw, 1991", as they apply to the above-noted property are to be varied as follows:

4.6.7(V)(b) the minimum rear lot line setback requirement shall be 2.0 metres for accessory buildings between 4.5 metres and 7.0 metres in height, with the exception of the ***accessory building indicated on Schedule "B" of this permit which is permitted a setback as close as 1.65 metres to the a rear lot line.***

SCHEDULE "B"

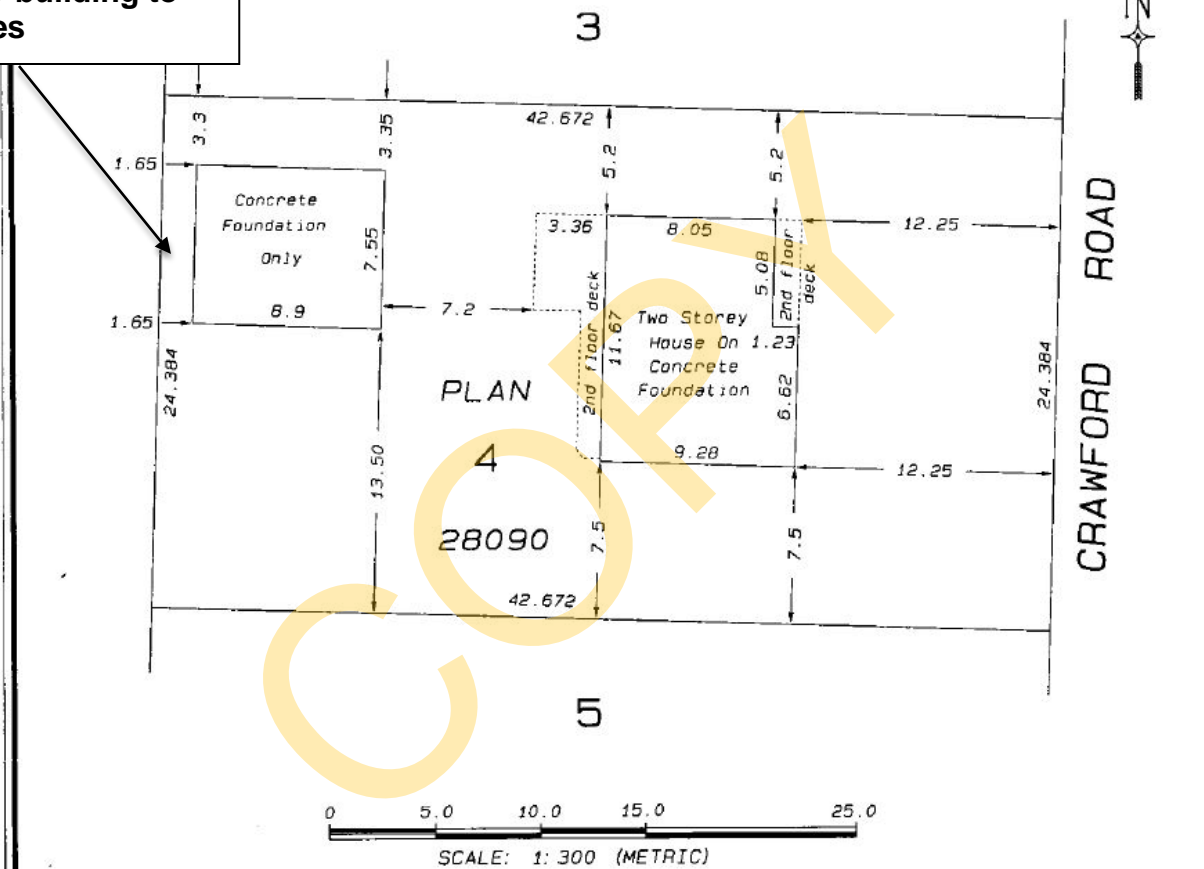
B.C. LAND SURVEYOR'S BUILDING LOCATION CERTIFICATE FOR :

LOT 4, DISTRICT LOT 90, COMOX DISTRICT, PLAN 28090

P.I.D.: 002-276-526

CIVIC ADDRESS : 222 Crawford Road

Rear yard variance for
accessory building to
1.65 metres



LOT DIMENSIONS HAVE BEEN DERIVED FROM LAND TITLE OFFICE RECORDS AND FIELD SURVEY
THIS DOCUMENT SHOWS THE RELATIVE LOCATION OF THE SURVEYED STRUCTURES AND
FEATURES WITH RESPECT TO THE BOUNDARIES OF THE PARCEL DESCRIBED ABOVE.
THIS DOCUMENT SHALL NOT BE USED TO DEFINE PROPERTY LINES OR CORNERS

This document is not valid unless originally signed and sealed

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Our File: LC15-002 DRWG: 15002MC.dat

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Certified correct,
This 15th day of January, 2015.
[Signature]
B.C. Land Surveyor