



## Memo

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**DATE:** February 5, 2025 **FILE:** 3090-20/DV 1D 25

**TO:** Advisory Planning Commission  
Electoral Area D (Oyster Bay- Buttle Lake)

**FROM:** Keltie Chamberlain, Development Planner II

**RE:** Development Variance Permit Application

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<b>PLANNING FILE NO.</b>	3090-20/ DV 1D 25		
<b>FOLIO NO.:</b>	772 04455.000	<b>PID No.:</b>	004-978-978
<b>APPLICANT:</b>	Keith and Sharon Fraboni		
<b>LEGAL DESCRIPTION:</b>	Lot 10, Block 1, Of Block 29 And District Lot 221, Comox District, Plan 12174 Except Part in Plan 1600RW.		
<b>CIVIC ADDRESS:</b>	4851 Lambeth Road, Campbell River BC		
<b>ZONING BYLAW:</b>	Bylaw 1404, "Campbell River Area Zoning Bylaw, 1991"		
<b>ZONE:</b>	Country Residential Four (CR-4)		

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A development variance permit application (DV 1D 25) for an increase to the permitted fence height at 4851 Lambeth Road is for Advisory Planning Commission members' review and comment.

An application has been received from the property owner to vary the maximum fence height permitted in the Area D, Bylaw No. 1404 Campbell River Area Zoning Bylaw, 1991. The applicant is requesting a variance to the General Regulations Section 4.5 2) b) as follows:

**To increase the maximum permitted fence height**

- 1. on the west property line from 2.0 metres (6.6 ft) to 2.74 metres (9 ft);**
- 2. on the south property line from 2.0 metres to 2.4 metres (8 ft).**

The property is located between Lambeth Road and the South Island Highway and is addressed and fronts on Lambeth Road. The property abuts a residential lot on the north and a vacant commercial lot to the south. The subject property is zoned for residential use and within the Country Residential Four (CR-4) zone. The vacant lot to the south is zoned Commercial Three (C-3).

The property owners indicate that their existing farm fence needs replacement, and they have concerns about the noise from the west on South Island Hwy increasing and the future commercial use of the vacant property to the south. They are proposing a replacement fence greater in height than permitted to address these concerns; a 2.74 metre fence on the west that addresses the highway noise, and 2.4 metre fence on the south side of their property to address screening from the commercial property.

The highway is at a higher elevation than the subject property, and the 2.74 metre fence is more effective for noise attenuation and privacy. In the future, when the C-3 zoned commercial property

is developed, a minimum landscape screen of not less than 2.0 metres in height is required in the side yard (or a solid fence of 2.0 m).

The APC's advice pertaining to this application is restricted to consideration of the development variance permit only. Comments regarding other aspects of the property cannot be considered. Please see the following pages for more information.

Regards,

A handwritten signature in blue ink, appearing to read "Keltie Chamberlain".

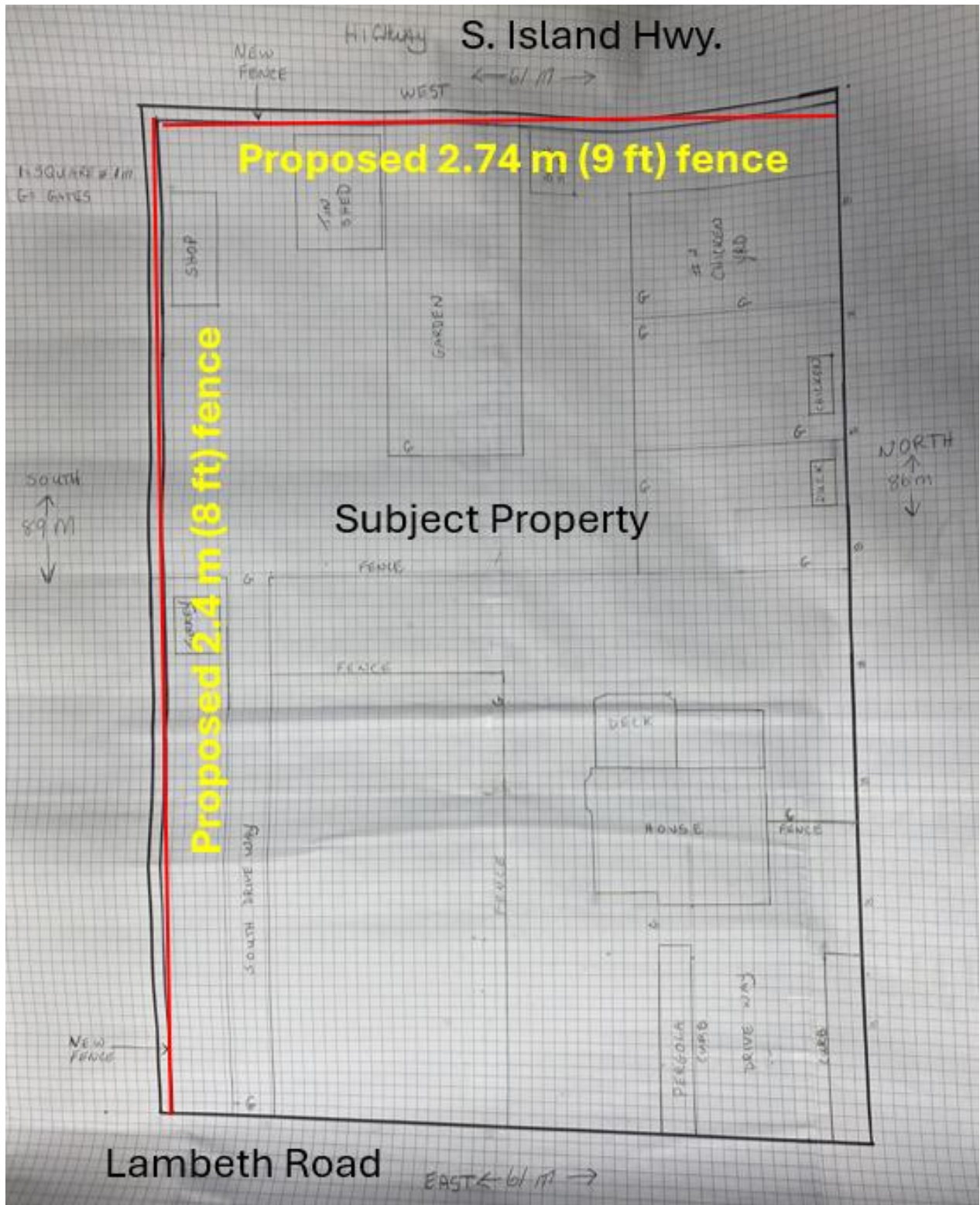
**Keltie Chamberlain, MCP, RPP, MCIP**  
Development Planner II

Encl: Aeria / Location Map  
Proposed Location of Variance  
Rationale / Written Brief  
Country Residential Four Zone (CR-4)

### Aerial / Location Map



### Proposed Location of Variance



**Rationale / Written Brief**

Keith / Sharon Fraboni  
4851 Lambeth Road  
Campbell River B.C.

We are applying for a variance permit for higher fencing on two sides of our property. As of now the farm fencing needs replacing due to age. The south side is a commercial property which we have no idea of the type of business that could eventually be there. The west side of our property is beside the old island highway (19 A) which the noise has more than quadrupled in the 31 years we have lived here. The installation of new fencing will help to buffer the noise from the highway.

## Country Residential Four (CR-4) Zone

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CAMPBELL RIVER AREA ZONING BYLAW, 1991

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### 4.6.7

### COUNTRY RESIDENTIAL FOUR (CR—4)

#### i) PERMITTED PRINCIPAL USES

- a) On any lot:
- 1) Residential use;
  - 2) Public utility use;
  - 3) Park use.
- b) On any lot over 4000 m<sup>2</sup> (0.99 acres):
- 1) Agricultural use.

#### ii) PERMITTED ACCESSORY USES

- a) On any lot:
- |              |
|--------------|
| RDCS<br>2163 |
|--------------|
- 1) Home occupations;
  - 2) Accessory buildings; and
  - 3) Bed and Breakfast.

#### iii) CONDITIONS OF USE

- a) Nothing shall be permitted which is or can become an annoyance or nuisance to any person who believes their interest in property is affected, including the surrounding residents and general public, by reason of unsightliness, odour emission, dust, noise, smoke, or electrical interference, excluding agricultural uses.
- |              |
|--------------|
| RDCS<br>1458 |
|--------------|

- b) Residential use is limited to:

- |            |
|------------|
| SRD<br>556 |
|------------|
- 1) On any lot size: One (1) Single Family Dwelling and one (1) Secondary Suite or one (1) Duplex; or
  - 2) On any lot over 4000 m<sup>2</sup> (0.99 acres) and serviced by a community water system:
    - a. One (1) Single Family Dwelling and one (1) Secondary Suite and one (1) Accessory Dwelling Unit; or
  - 3) On any lot over 1 hectare (2.47 acres):

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- b. Two (2) Single Family Dwellings and one (1) Secondary Suite per Single Family Dwelling.

#### iv) FLOOR AREA REQUIREMENTS

The maximum combined gross floor area of all accessory buildings shall not exceed 5% of the lot area or 200 square metres (2,152.85 square feet), whichever is greater.

RDCS  
2423

#### v) SITING OF BUILDINGS AND STRUCTURES

- a) Except where otherwise specified in this bylaw no building or structure shall be located within:

RDCS  
1458

- 1) 7.5 metres (24.6 feet) of that portion of a front lot line or rear lot line;
- 2) 3.5 metres (11.48 feet) of a side lot line or that portion of a front lot line that does not abut a public road right-of-way except where the width of a lot is 31 metres (101.7 feet) or less at the required front yard setback, and where there is no street flanking the side yard in which case this requirement may be reduced to 1.75 metres (5.74 feet);
- 3) 3.5 metres (11.48 feet) of an accessory building; and
- 4) Minimum separation between dwellings - 15 metres (49.21 feet) on the same lot.

SRD  
498

- b) [Repealed]

- c) Other specifications include:

- 1) If a side lot line abuts a public right-of-way, refer to Section 4.5.5(f).
- 2) If the lot is located at the intersection of two public road rights-of-way, refer to Section 4.5.5(e)(f).

SRD  
84

- 3) If the lot abuts a river, lake, sea or any other watercourse, refer to Section 4.5.5(a)(ii-iii).
- 4) For any exceptions to siting, refer to Section 4.5.6(a).
- 5) Where siting is proposed adjacent to a stream refer to Section 4.5.5(a) "Stream Setbacks".

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vi) **LOT COVERAGE**

a) On any lot less than or equal to 2,500 square metres (0.62 acre), the maximum lot coverage of all buildings and structures shall not exceed 20% of the lot area.

RDCS 2423
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 b) On any lot greater than 2,500 square metres (0.62 acre), the maximum lot coverage of all buildings and structures shall not exceed 15% of the lot area.

vii) **SUBDIVISION REQUIREMENTS**

a) **Minimum lot area:** 2 hectares (4.94 acres).

Existing lots below the minimum lot area within this zone may be used for the permitted uses within this zone, subject to compliance with site area requirements for each use.

b) **Minimum lot frontage:** 10% of the perimeter of the lot.

Existing lots below the minimum frontage for this zone may be used for the permitted uses within this zone.

c) Notwithstanding the provisions of 4.6.7(vii)(a), one parcel can be created from the Remainder of Lot A, Plan VIP61244, Section 34, Township 4, Comox District, in the size of 0.540 hectares (1.3 acres) in return for the dedication of an additional 0.34 hectares (0.8 acres) of land to "Hagel Park".

RCS  
1772

End • CR-4