



STAFF REPORT

DATE: January 8, 2025

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 3D 24 (Baracco)		
FOLIO No.:	772 02062.150	PID No.:	002-978-342
APPLICANT:	Maurizio Baracco		
LEGAL DESCRIPTION:	Lot 1, District Lot 125, Comox District, Plan 24147		
CIVIC ADDRESS:	61 McGimpsey Road, Campbell River BC V9H 1K8		
ZONING BYLAW:	Bylaw 1404, "Campbell River Area Zoning Bylaw, 1991"		
ZONE:	Residential Three (R-3)		

PURPOSE

To consider a development variance permit application to vary the size of a proposed accessory building located at 61 McGimpsey Road in Electoral Area D.

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 vary the size of a proposed accessory building from the allowable 50 square meters to 103.67 square meters, which is 53.67 square meters greater than that permitted by Bylaw No. 1404. The parcel is zoned Residential Three (R-3), is 0.84 acres in area, and is currently developed with a 39.66 square meter shop that is in poor condition. The property is bounded by Residential Three zoned parcels to the north, east, south and west, with one Commercial Two zoned property at the corner of McGimpsey Rd and the Island Highway.

The proposed structure will replace the existing shop and is to be situated 13.92 meters from the south property line, which adjoins to the applicant's principal residence at Wavecrest Rd, and 5.55 meters from the adjoining neighbouring property line to the west. The Campbell River Area Zoning Bylaw specifies that an accessory building may be situated on a parcel where no principal residential building exists, provided that the building is no greater than 50 square meters (538.2 sq. ft) and is used for the storage of goods and materials owned by the property owner. The size variance is being requested to allow the proponent additional room to store goods and materials

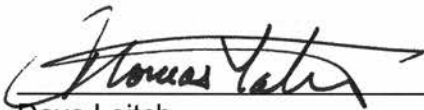
while providing shelter from the elements and to assist with maintenance of the subject property in conjunction with the principal residential use on the adjoining property.

As the applicant resides at the adjoining parcel to the south, the subject property is used as an extension of the adjacent principal residential use. The siting of the proposed accessory building is nearly 30 meters away from the southeast corner of the neighbour's principal residence to the west and further separated by trees and vegetation. The application has been supported by the Electoral Area D APC and no opposition has been received from neighbouring properties at the time of this report. Further, the applicant has also confirmed receipt of verbal support by the owner of the adjacent property to the west regarding the proposal. Given the aforementioned, the requested variance is supportable.

RECOMMENDATIONS

1. THAT the report from the Chief Administrative Officer be received.
2. THAT the Committee recommend that development variance permit DV 3D 24 (Baracco), as presented in the staff report dated January 8, 2025 be approved.

Respectfully:



Dave Leitch
Chief Administrative Officer

BACKGROUND

The parcel located in Electoral Area D is zoned Residential Three (R-3), is 0.84 acres in area and is bounded by Residential Three zoned properties to the north, east, south and west, with one Commercial Two zoned property at the corner of McGimpsey Rd and the Island Highway. Currently the property is developed with a 39.66 square meter shop. The applicant is proposing to demolish the existing shop that is in poor condition and replace it with a 103.67 square meter accessory building to allow for greater storage in conjunction with the proponent's residential use of the adjoining parcel, and to assist with maintenance of the property in question. As the applicant's principal residential use is on the adjoining property to the south, and the proposed accessory building size on the subject property is greater than the allowable 50 square meters, a development variance permit is required. Apart from the size, all other zoning setback and lot coverage requirements on the property have been observed.

PLANNING ANALYSIS

All zones within the Campbell River Area Zoning Bylaw allow for buildings and structures accessory to the permitted use of a parcel, provided that either the principal use is being performed on the parcel, a building has been constructed on the parcel for the purpose of the principal use, or a building is in the process of being constructed for the principal use. Section 4.5.(1)(c) of Bylaw 1404 further specifies that the siting of an accessory building on a parcel where no principle residential building exists is also permitted, provided the building is no greater than 50 square meters (538.2 square feet) and is used for the storage of goods and materials owned by the property owner. As such, the variance application is requested to allow the construction of a 103.67 square meter accessory building, which will have the effect of increasing the allowable 50 square meter size by 53.67 square meters.

Planning staff has considered the degree of impact the proposed variance may have on adjacent properties and the surrounding neighbourhood. The applicant resides at the adjoining parcel to the south, and the siting of the proposed accessory building is nearly 30 meters away from the southeast corner of the adjacent property owner's principal residence to the west, separated by trees and vegetation. The applicant has also confirmed receipt of verbal support by the owner of the adjacent property to the west regarding the proposal. Therefore, the degree of impact will be minimal, and the requested variance is supportable.

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 comply 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 accessory building size 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 January 8, 2025 EASC meeting. The proposal was also considered by the Electoral Area D Advisory Planning Commission, which has recommended approval.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

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

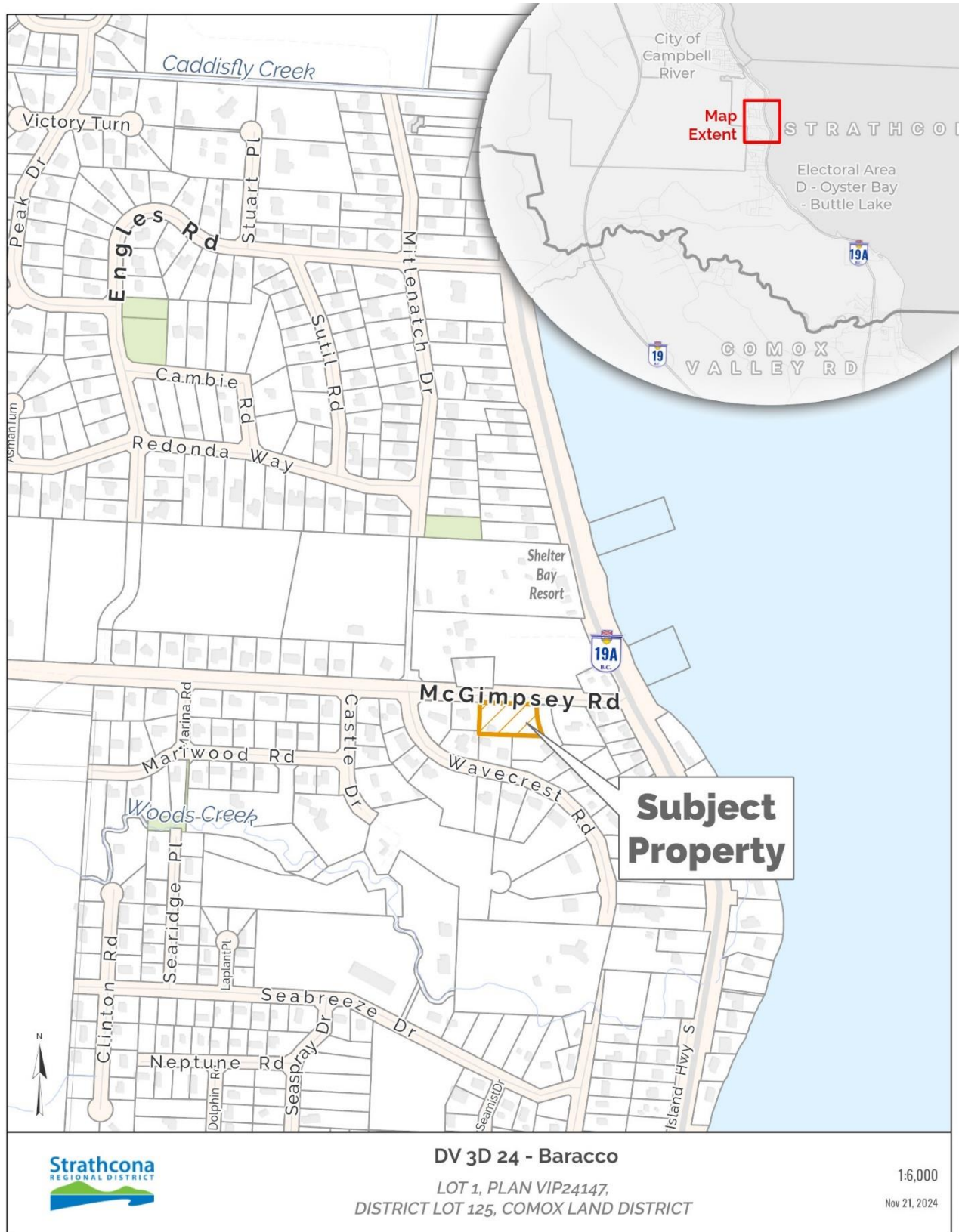
Submitted by:



Aniko Nelson
Senior Manager, Community Services

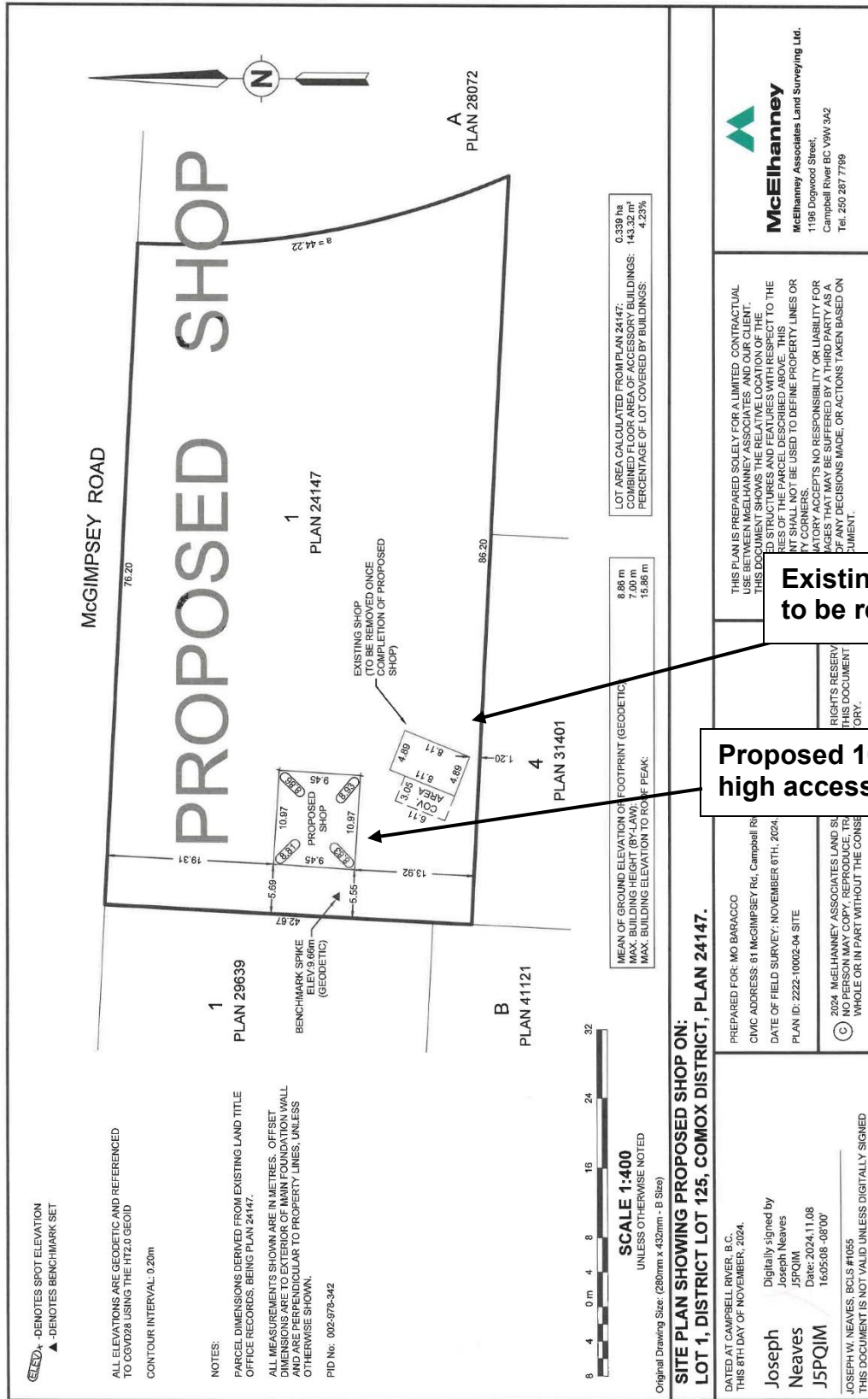
Prepared by: L. Hougham, Development Planner I

Attachment: Permit (DV 3D 24)



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

Location Map



Site Plan

BYLAW NO. 1404
 CAMPBELL RIVER AREA ZONING BYLAW, 1991

do not meet the requirements of this bylaw that is adopted after they were constructed or provided, they may be maintained, extended or altered, but only to the extent that the repair, extension or alteration would, when completed, involve no further contravention of the bylaw beyond the contravention that existed at the time that the repair, extension or alteration was commenced.

4.5 General Regulations

SRD
496

1) Accessory Buildings and Structures

- (a) Buildings and structures accessory to the permitted use of a parcel are permitted in each zone unless otherwise specified, provided that:
 - i) the principal use is being performed on the parcel; or,
 - ii) a building for the purpose of the principal use has been constructed on the parcel; or,
 - iii) a building for the purpose of the principal use is in the process of being constructed on the parcel.
- (b) The maximum height of all accessory buildings is 7.0 metres (23.0 ft.), unless otherwise specified in this bylaw.
- (c) Notwithstanding the above, an accessory building may be situated on a parcel where no principal residential building exists provided the building is no greater than 50 square metres (538.2 square feet) and is used only for the storage of goods and materials owned by the owner of the same parcel.

(d) Accessory Building Setback Table:

REQUIRED SETBACK	ACCESSORY BUILDING HEIGHT	
	4.5 metres (14.8 ft.) or less	Between 4.5 and 7.0 metres (14.8 – 23.0 ft.)
Front Lot Line	7.5 metres (24.6 ft.)	7.5 metres (24.6 ft.)
Side Lot Line	1.0 metre (3.3 ft.)	1.0 metre (3.3 ft.)
Rear Lot Line	1.0 metre (3.3 ft.)	2.0 metres (6.6 ft.)

2) Height of Buildings and Structures

RDCS
1510,
2171,
2940,
SRD
496

- a) The maximum height of all buildings and structures shall not exceed 10.0 metres (32.8 feet), except for public utility use and commercial or industrial zoned uses which shall not exceed 15.0 metres (49.21 feet).



Development Variance Permit

FILE: 3090-20 / DV 3D 24

TO: Maurizio Baracco (the "Applicant")

OF: 3880 Wavecrest Rd, Campbell River BC V9H 1L1

1. This development variance permit (DV 3D 24) 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 1, District Lot 125, Comox District, Plan 24147
Parcel Identifier (PID): 002-978-342 **Folio:** 772 02062.150
Civic Address: 61 McGimpsey Rd, Campbell River BC V9H 1K8
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 3D 24) 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 _____



Development Variance Permit

SCHEDULE "A"

File: 3090-20 / DV 3D 24

APPLICANT: Maurizio Baracco

LEGAL DESCRIPTION: Lot 1, District Lot 125, Comox District, Plan 24147

SPECIFICATIONS:

THAT WHEREAS pursuant to Part 4.5.1(c) of Bylaw No. 1404, being the "Campbell River Area Zoning Bylaw, 1991", an accessory building may be situated on a parcel where no principal residential building exists provided the building is no greater than 50 square meters (538.2 square feet) and is used only for the storage of goods and materials owned by the owner of the same parcel;

AND WHEREAS the applicant wishes to construct a proposed 103.67 square meter accessory building;

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:

- 4.6.1(c) an accessory building may be situated on a parcel where no principal residential building exists provided the building is no greater than 50 square meters (538.2 square feet) and is used only for the storage of goods and materials owned by the owner of the same parcel, with the exception of the ***parcel indicated on Schedule "B" of this permit which is permitted a maximum of 103.67 square meters.***

SCHEDULE "B"

