



The Corporation of the City of Courtenay

Staff Report

To: Council

File No.: 3090-20-2501/DVP00062

From: Director of Development Services

Date: May 21, 2025

Subject: Development Variance Permit Application No. 2501: 2-2230 Cliffe Avenue

PURPOSE:

For Council to consider approval of Development Variance Permit No. 2501 to vary Zoning Bylaw section 8.19.5 (1) Commercial use - from “fifty percent (50%)” to “fifty-two percent (52%)” of total area of the lot; vary section 8.19.6 (1) Front Yard - from “7.5 m” minimum front yard building setback to “0.5 m”; and very section 8.19.11 (2) Landscaping and Screening - removing the requirement “To separate parking, internal roads, services or storage areas from adjacent properties, a landscaped buffer area of at least 2.0 m in width and 2.0 m in height shall be provided along the inside of all property lines” in order to permit an approximately 168m² addition to an existing commercial building on the property. legal described as Strata Lot 2 Section 66 Comox District Strata Plan VIS 5580 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot as Shown on Form V.

BACKGROUND:

The property owners of 2-2230 Cliffe Avenue (Midland Tools) are seeking variances to lot coverage, front yard building setback and landscape and screening requirements of the Commercial Two (C-2) zone within Zoning Bylaw No. 2500, 2007 in order to permit a 168m² addition to an existing commercial building. Figures 1 (Site Location and Context) below show legal parcel and site context. Figure 2 shows the site plan.

The subject property is Strata Lot 2 (SL 2), one of three strata lots within the overall bare land strata. The subject strata contains an existing 700m² commercial building operating as Midland Tools. The other two strata lots consist of commercial businesses including a realtor office in Strata Lot 1 and two fast food restaurants and a vape shop in Strata Lot 3. The three Strata lots also share common property consisting of its internal road/ driveway off Cliffe Avenue and its parking lot, which contains 88 stalls and meets the Zoning Bylaw’s parking requirements for all of the businesses on-site.

Figure 1: Site Location and Context

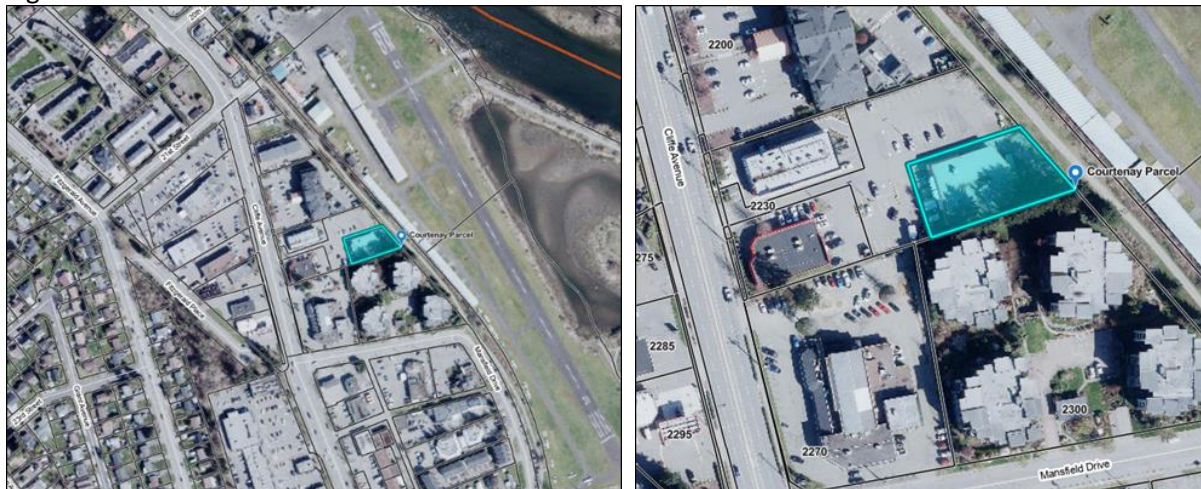
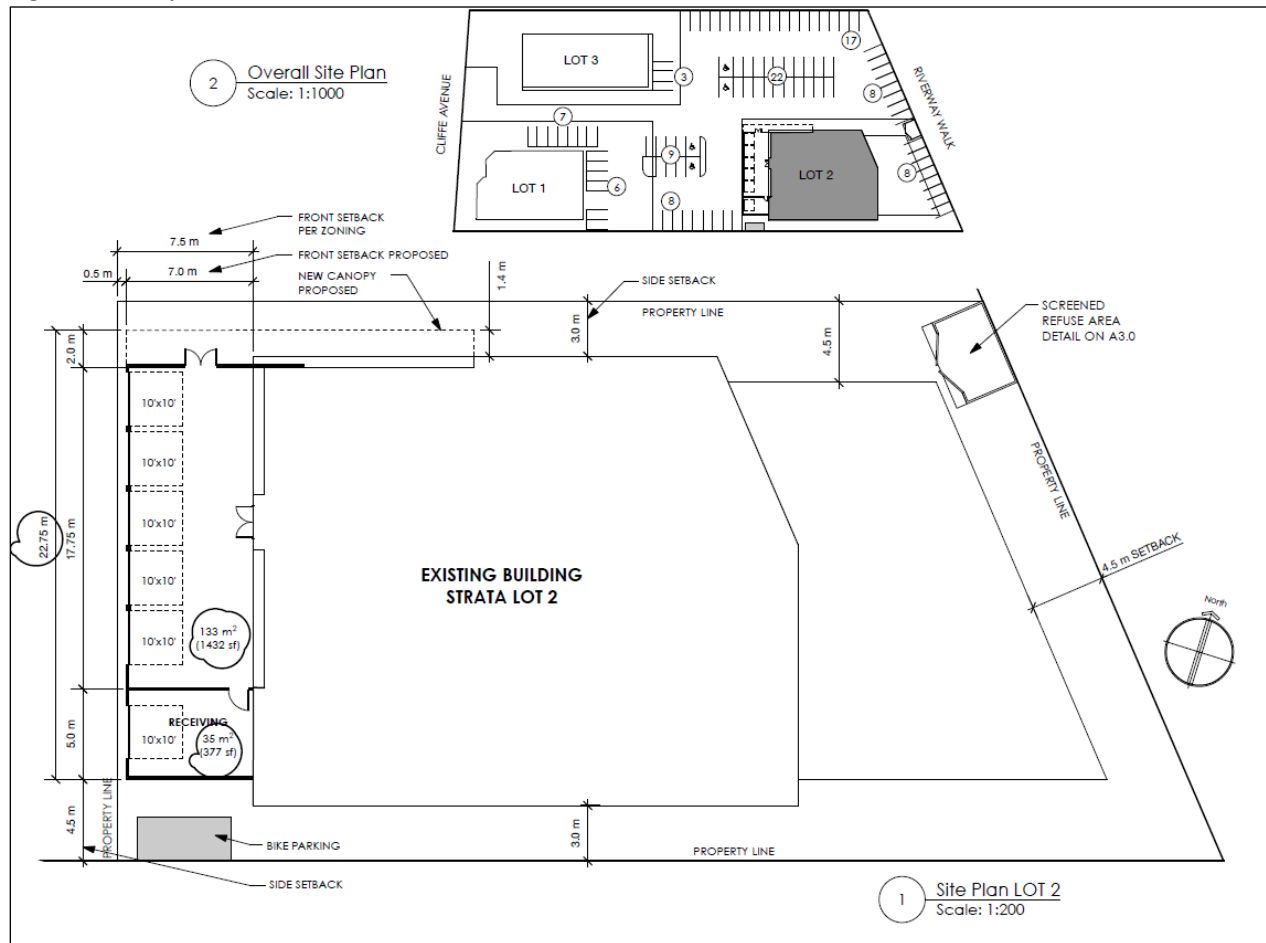


Figure 2: Site plan



The property is designated Urban Corridor in the Official Community Plan, and is zoned Commercial Two (C-2). The subject property is relatively flat with a gentle slope from Cliffe Avenue down toward its rear property line. The property is surrounded to the north first by the strata's shared property parking lot and then the Bayview Hotel further north of the parking lot. To the east is the Courtenay Riverway Trail and Airpark. To the south is Trumpeters Landing, a 4-storey residential condominium complex and a two-storey commercial building that has a zoning bylaw amendment and development permit applications in process to redevelop the site into a mixed use commercial and residential building. To the west is additional shared strata parking, followed by the other strata units abutting Cliffe Avenue.

The proposed addition to the existing building is classified as a commercial development and is subject to DPA-1: Commercial Form and Character Development Permit Area, and issuance of a Development Permit. If Council approves the requested variances, the Director of Development Services will be able to proceed with consideration of the applicant's concurrent Development Permit application.

No mature trees exist on the property, although a stand of Douglas Firs falls just outside its southern property line on the Trumpeters Landing site, providing good screening and buffering between the two uses. The property falls within a registered archaeological site (DkSf-1) and within K'ómoks First Nation's (KFN) Area of High Archaeological Potential (AOP). The applicant has been in communication with KFN about how they are proceeding with the development with regard to the archaeological sensitivities. The tree and archaeological considerations are managed in greater detail through the applicant's Development Permit application.

DISCUSSION:

The variances being considered are to support the proposal for a commercial addition primarily designed for greater storage space for goods. The addition looks to enhance the functionality, safety and security for both the business and its customers. The proposed addition to the existing building will also provide a façade refresh along front of the building will the addition will be built and along small portions of the side of the building (Figure 3). The new space will allow for a dedicated receiving and storage area and provide weather protection for the goods and materials that currently have to sit outside for periods of time. The applicant has provided letters of support from the property owners of both of the other strata lots (**Attachment 3**).

The C-2 zone calculates density based on a formula that involves both lot coverage and building height. For commercial buildings, the maximum lot coverage allowed is 50% of the total lot area, and the maximum height is 9.5 meters. With the proposed building height set at 5.9 meters and a lot coverage of 51.6%, the density only reaches about 64% of the allowable limit. Therefore, the need for a variance arises solely from the lot coverage exceeding the maximum permitted, not from the density, which remains compliant

Table 1: Zoning analysis - Requested variances in bold text.

Regulation	Required	Proposed
Permitted Use	Building supply store	Building supply store
Minimum Lot Size	650 m ²	1,682 m ²
Maximum Lot Coverage	50%	52%
Maximum Building Height	9.5 m	5.9 m
Minimum Front Setback	7.5 m	0.5 m
Minimum Side Setback(s)	north side: 0.0 m south side: 4.5m	north side: 1.6m south side: 4.5m (except 3.0m where existing)
Minimum Rear Setback	4.5m	> 4.5m
Landscaping and Screening:	<p>(2) To separate parking, internal roads, services or storage areas from adjacent properties, a landscaped buffer area of at least 2.0 m in width and 2.0 m in height shall be provided along the inside of all property lines.</p> <p>(3) Loading areas, garbage and recycling containers shall be screened and gated to a minimum height of 2 m by a landscaping screen or solid decorative fence or a combination thereof.</p>	<p>Remove this section</p> <p>Garbage will be screened and enclosed by 2m high fencing.</p>
Minimum Parking:	59 spaces (for the whole strata)	88 space provided

POLICY ANALYSIS:

Staff evaluate all three variance requests as supportable for the following reasons:

1. Section 8.19.5 (1) Commercial use - from “fifty percent (50%)” to “fifty-two percent (52%)” of total area of the lot

The increase in coverage (2%) does not impact the look and massing of the proposed development, nor would it have any adverse impacts on adjacent properties. The lot is almost entirely developed with impervious surfaces, including the area where the addition be built, meaning there will not be an increase in run-off or a need for greater on-site stormwater management.

2. Section 8.19.6 (1) Front Yard - from “7.5 m” minimum front yard building setback to “0.5 m”

The variance to the front yard setback is mitigated by the fact that the front yard for the strata lot in question abuts the shared strata parking area, not a public road or another private property. As shown in Figure 3, the exiting front yard for the strata is currently occupied by materials and goods, included a temporary pop up shelter and a small storage container. The effect of approving a building to within 0.5m of the front property line is unlikely to alter how the site has historically operated.

Figure 3: Existing site



3. Section 8.19.11 (2) Landscaping and Screening - removing the requirement “To separate parking, internal roads, services or storage areas from adjacent properties, a landscaped buffer area of at least 2.0 m in width and 2.0 m in height shall be provided along the inside of all property lines.”

In this instance, where three strata properties share the parking area and drive isles for business operations, requiring a landscape buffer would unnecessarily separate the uses and could negatively impact the operation of the business.

FINANCIAL IMPLICATIONS:

There is no direct financial implication related to this Development Variance Permit application.

ADMINISTRATIVE IMPLICATIONS:

Processing Development Variance Permit applications is a statutory component of the corporate work plan and a core duty of the Development Services Department. Work to date has primarily been carried out by Development Services staff, although other departments have provided referral comments.

STRATEGIC PRIORITIES REFERENCE:

This initiative addresses the following strategic priorities:

- Good Governance - Review and streamline development process and set targets for application processing times

PUBLIC ENGAGEMENT:

Per Development Procedures Bylaw No. 2106, 2023, no Community Information Meeting (CIM) is required for this Development Variance Permit Application.

The property owners of both Strata Lot 1 and 3 provided letters in support of the proposed development.

In accordance with Local Government Act Section 499, Staff mailed a public notification to 167 property owners and occupants within a 30-metre area on May 9, 2025 (Attachment No. 2). There were no public comments received at the time of writing this report, and any comments received by 1:00 p.m. on Wednesday, May 21, 2025 will be presented to Council at the regular council meeting.

OPTIONS:

1. THAT Council vary *Zoning Bylaw No. 2500, 2007* as follows:
 - a.) Section 8.19.5 (1) Commercial use - from “fifty percent (50%)” to “fifty-two percent (52%)” of total area of the *lot*;
 - b.) Section 8.19.6 (1) Front Yard - from “7.5 m” minimum front yard building setback to “0.5 m”;
 - c.) Section 8.19.11 (2) Landscaping and Screening - removing the requirement “To separate parking, internal roads, services or storage areas from adjacent properties, a landscaped buffer area of at least 2.0 m in width and 2.0 m in height shall be provided along the inside of all property lines.”; and

THAT Council approve “*Development Variance Permit No. 2501 (2-2230 Cliffe Avenue)*”; and

THAT Council direct the Director of Development Services to issue “*Development Variance Permit No. 2501 (2-2230 Cliffe Avenue)*”.

1. THAT Council defer and request additional information from staff for “*Development Variance Permit No. 2501 (2-2230 Cliffe Avenue)*”.
2. THAT Council deny the application for “*Development Variance Permit No. 2501 (2-2230 Cliffe Avenue)*” and provide a reason for denial.

ATTACHMENTS:

1. Draft Development Variance Permit No. 2501
2. Public Mailout Notice
3. Strata Letters of Support

Prepared by: Jacob Cramer – Planner II, Development Services
Reviewed by: Marianne Wade, RPP MCIP, Director of Development Services
Concurrence: Kate O’Connell, Acting City Manager (CAO)