



The Corporation of the City of Courtenay

Staff Report

To: Council

File No.: 3090-20-2405 / DVP00055

From: Director of Development Services

Date: June 26th, 2024

Subject: Development Variance Permit No. 2405 – 2599 Copperfield Road

PURPOSE:

For Council to consider approval of a Development Variance Permit No. 2405 to allow for a variance to the side yard setback from 3.5 m to 2.5 m in order to permit a proposed addition with external stairs to an existing single residential dwelling located at 2599 Copperfield Road (**LOT 8, DISTRICT LOT 95, COMOX DISTRICT, PLAN 30178**). As per Development Procedure Bylaw No. 3106, 2023, variances that exceed 25% must be approved by Council.

BACKGROUND:

The subject property is located at 2599 Copperfield Road (See Figure 1 and 2), which contains a single residential dwelling that currently encroaches into the side yard setback. The applicant is proposing an addition to the rear of the residential dwelling that will have stairs to the addition, this proposed addition requires a variance to both the east and west side yard setbacks.

The subject property was brought into the City from the Comox Valley Regional District (CVRD) in 2002. The City's Zoning Bylaw No. 2500 was adopted in 2007 and the property was zoned R-1A. This resulted in the residential dwelling unit becoming legal non-conforming in its siting. Presently, the property is designated Urban Residential in the OCP, and is located at the current terminus of Copperfield Road. It is located in a primarily residential area comprised of larger residential lots and abuts rural Electoral Area C lands on its rear and side lot lines.

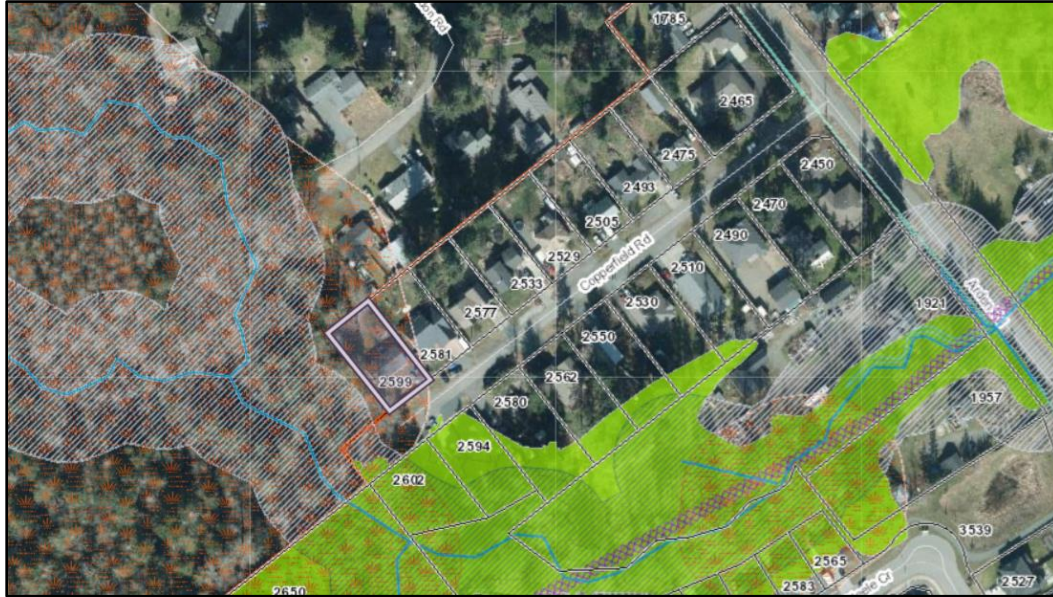
In order to construct the addition and bring the dwelling unit siting into conformance, a variance is required to vary Section 8.1.15 (3) (side yard setback) of *Zoning Bylaw No. 2500, 2007* from 3.5 m to 2.5 m.

Figure 1. Existing Single Residential Dwelling.



In preparation for applying for the variance, the owner of the subject property acquired an Environmental Impact Assessment due to the property’s proximity to Piercy Creek – Tributary 11 (See *Figure 2*). The Assessment, conducted on January 2nd of 2024, confirmed that no Environmentally Sensitive Areas (ESAs) will be affected by the development proposal, and that no previously identified ESAs have been modified or destroyed. An Environmental Development Permit is not required for the proposed addition to the residential dwelling.

Figure 2. Site Location with Environmental Features



DISCUSSION:

The proposed variance is listed below in Table 1, and illustrated in Figure 3. The draft Development Variance Permit No. 2405 is Attachment 1 to this report. Both side yard setbacks are proposed to be varied from 3.5m to 2.5m. The side facing the neighbouring residential development is proposed to include external stairs. The side of the proposed addition faces property containing environmentally sensitive areas (ESA) and does not impact the ESA land. The variances would also formalize an existing legally non-conforming structure within the same side yard setback. The existing chimney does not require a variance as it is permitted to project 0.6m beyond the face of a building as per Section 6.6.1 of Zoning Bylaw 2500, 2007. All other zoning requirements on the property are met.

Table 1. Comparison Table

Regulation	Proposed	Variance
Section 8.1.15 (3) The <i>side yard setbacks</i> shall be 3.5 m except where a <i>side yard</i> flanks a <i>street</i> , in which case, the minimum distance shall be 4.5 m.	The side yard setbacks shall be 2.5 m .	1.0 m (3.28 ft.) – Reduction in required side yard setbacks.

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

PUBLIC ENGAGEMENT:

In accordance with Part 14 of the *Local Government Act*, public notification was provided to six (6) properties (owners and occupants) within a 30-metre radius of the subject property on June 11th, 2024.

There are no public comments received at the time of writing this report, and any comments received by 1:00 p.m. on June 26th, 2024, will be presented to Council at the regular council meeting.

OPTIONS:

1. THAT Council vary Section 8.1.15 (3) of Zoning Bylaw No. 2500, 2007 *“The side yard setbacks shall be 3.5m to 2.5 m”*; AND
THAT Council approve Development Variance Permit No. 2405 (2599 Copperfield Road); AND
THAT Council direct the Director of Development Services to issue Development Variance Permit No. 2405 (2599 Copperfield Road).
2. THAT Council defer and request additional information from staff for “Development Variance Permit No. 2405” (2599 Copperfield Road) through resolution.
3. THAT Council, deny the application for “Development Variance Permit No. 2405” (2599 Copperfield Road).

ATTACHMENTS:

1. Draft Development Variance Permit No. 2405
2. Public Notification Mailout

Prepared by: Corey Cooper, Planning Technician

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