



The Corporation of the City of Courtenay

Staff Report

To: Council

File No.: 3090-20-2402

From: Director of Development Services

Date: July 17th, 2024

Subject: Development Variance Permit No. 2402 – 558 England Avenue

PURPOSE:

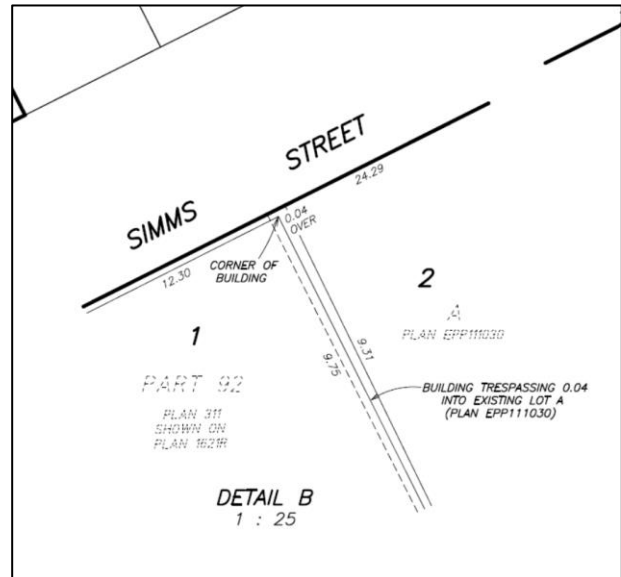
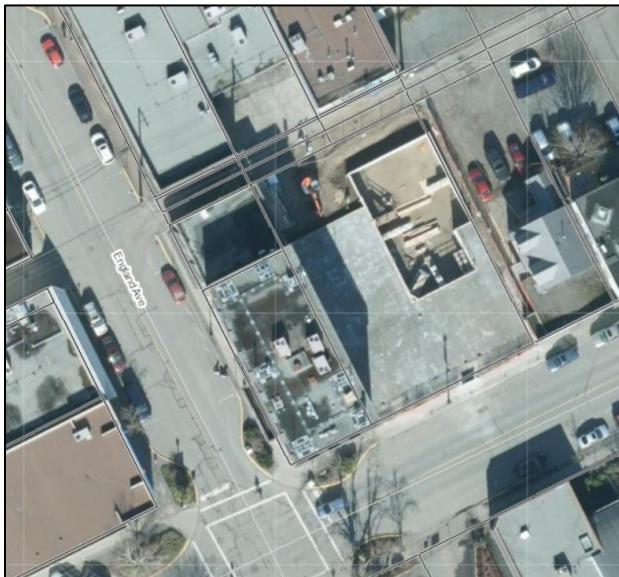
For Council to consider approval of Development Variance Permit No. 2402 to vary Section 8.18.2 of Zoning Bylaw No. 2500, 2007 minimum lot size “from 500 m² to 118 m²” to accommodate a lot line adjustment that will place the existing building on Proposed Lot 1 at 558 England Avenue (**THAT PART OF LOT 92, SECTION 61, COMOX DISTRICT, PLAN 311 SHOWN OUTLINED IN RED ON PLAN 1621R**).

BACKGROUND:

The applicant is proposing a variance to the minimum lot size permitted for the subject property in order to facilitate a lot line adjustment to keep the existing building on the proposed lot 1 (*See Figure No. 1*).

The current condition is that the existing building occupies a portion of land on Lot 2 and the applicant wishes to adjust the lot line to have proposed lot 1 contain the existing building, in order to accommodate this lot line adjustment a variance is require to the Zoning Bylaw No. 2500, 2007 Section 8.18.2.

Figure No. 1 – Existing Building Encroachment

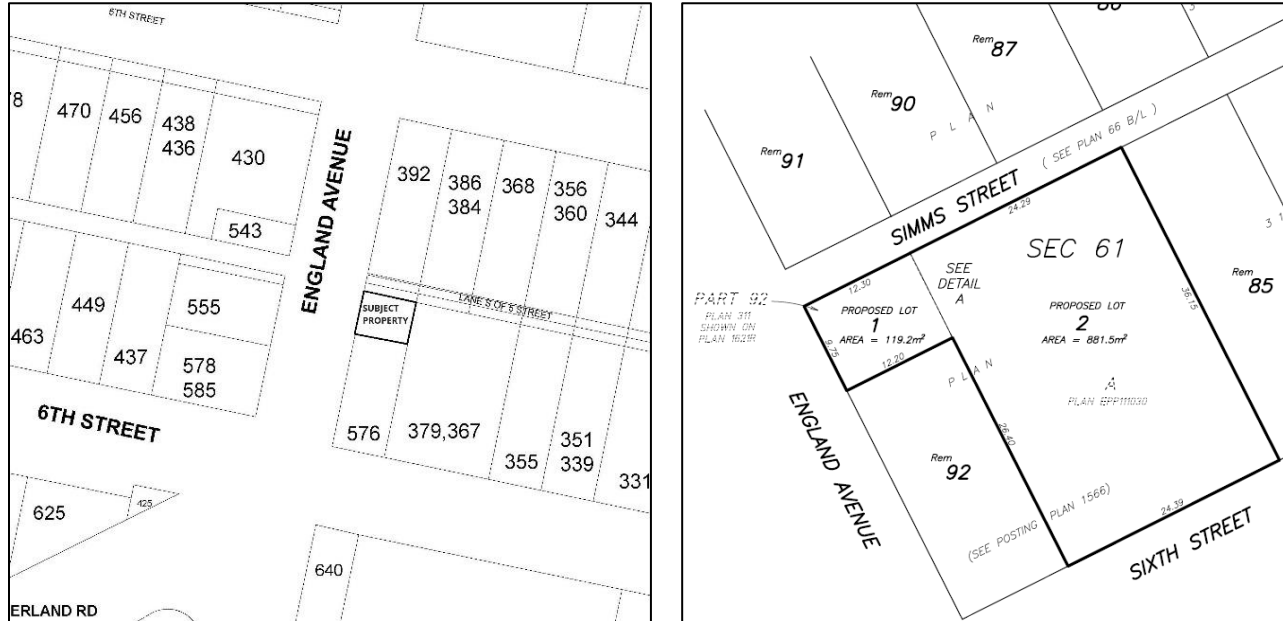


DISCUSSION:

The subject property is designated Downtown in the OCP, zoned Commercial One Zone (C-1) and is located in the Downtown Core. It is located in a primarily Commercial area, with limited residential mixed into the commercial nature of the Downtown area. The existing condition of the two-lot subdivision was prior to the adoption of the current zoning bylaw (2007).

As per Section 8.18.2 *Minimum Lot Size* of Zoning Bylaw No. 2500, 2007. “A lot shall have an area of not less than 500 m².” The applicant is requesting a 381.3m² reduction to the minimum lot size, resulting in a 118.7m² minimum lot size. Staff are proposing a full number of 118m² to ensure consistency with lot sizes in the City (**See Figure No. 2**).

Figure No. 2 – Subject Property and Proposed Lot Areas



FINANCIAL IMPLICATIONS:

There is no direct financial implication related to this application.

ADMINISTRATIVE IMPLICATIONS:

The processing of Development Variance Permit No. 2402 falls within the Planning Division’s statutory work program.

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:

In accordance with Part 14 of the *Local Government Act*, Section 499, public notification was provided to fifty-one (51) properties (owners and occupants) within a 30-metre radius as per Development Procedures Bylaw No. 3106, 2023 of the subject property on July 4th, 2024.

No public comments were received at the time of writing this report, and any comments received by 1:00 p.m. on Wednesday July 17, 2024 will be presented to Council at the regular council meeting.

OPTIONS:

1. THAT Council vary the Section 8.18.2 of Zoning Bylaw No. 2500, 2007 “A lot shall have an area of not less than 500m²”, to “A lot shall have an area of not less than 118m²”; and THAT Council approve Development Variance Permit No. 2402 (558 England Avenue); and THAT Council direct the Director of Development Services to issue Development Variance Permit No. 2402 (558 England Avenue).
2. THAT Council defer and request additional information from staff for “Development Variance Permit No. 2402” (558 England Avenue) through resolution.
3. THAT Council, deny the application for “Development Variance Permit No. 2402” (558 England Avenue).

ATTACHMENTS:

1. Draft Development Variance Permit No. 2402
2. Public Notification Mailout

Prepared by: Corey Cooper, Planning Technician
Reviewed by: Nancy Gothard, RPP, MCIP, Manager of Community and Sustainability Planning
Marianne Wade, RPP, MCIP, Director of Development Services
Concurrence: Geoff Garbutt, M.P.I., MCIP, RPP, City Manager (CAO)