



STAFF REPORT TO COMMITTEE

DATE OF REPORT April 25, 2024
MEETING TYPE & DATE Electoral Area Services Committee Meeting of May 15, 2024
FROM: Development Services Division
Land Use Services Department
SUBJECT: Application No. DVP24H01 (12272 Chandler Road/PID: 026-222-205)
FILE: DVP24H01

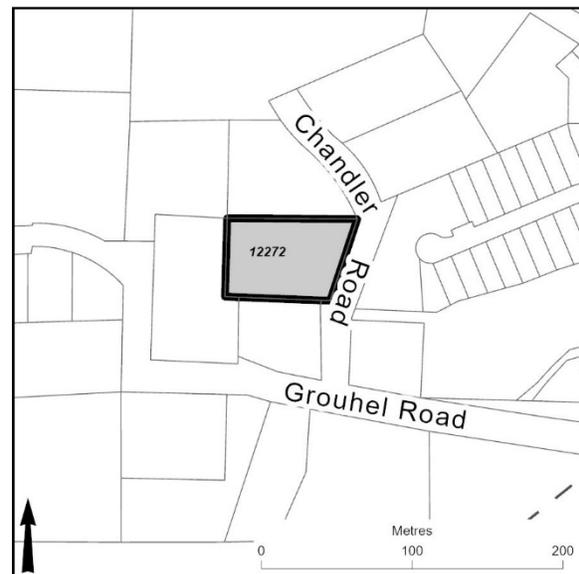
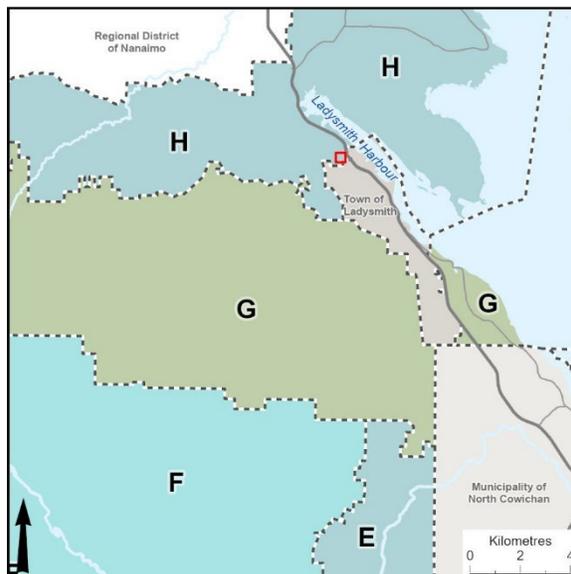
PURPOSE/INTRODUCTION

The purpose of this report is to introduce Development Variance Permit Application No. DVP24H01 (12272 Chandler Road). The application proposes to increase the size of a separate suite from 60 m² to 90.2 m².

RECOMMENDED RESOLUTION

That it be recommended to the Board that Development Variance Permit No. DVP24H01 (12272 Chandler Road/PID: 026-222-205), be issued.

LOCATION MAP



BACKGROUND

The subject property is a 0.42 ha (1.05 acre) parcel within Electoral Area H. The property is accessed from Chandler Road. The subject property is in the Diamond Improvement District (community water).

A DVP was issued for the subject property on January 25, 2017, (Board Resolution No. 17-26.8). This variance allowed for the construction of a separate suite at a 4.1 m rear yard setback (4.5 m was required).

A 30.2 m² area was included in the original building plans and approved on the basis that the area would be separate from the suite (so that the suite is part of a residential accessory building) and completely separated from the living area of the suite, accessible only by an outside staircase, with fire rated walls and ceiling/floors. While the total floor area is 90.2 m², the suite is self-contained and not larger than 60 m². This is permitted as the CVRD's Zoning Bylaw allows for a separate suite to be freestanding, or attached to a residential accessory building.

The property owners now wish to increase the floor area of the separate suite and ask that the Board consider a variance to allow the 30.2 m² area to be converted into living space within the suite.

OFFICIAL COMMUNITY PLAN / POLICY CONSIDERATIONS

Electoral Area H – North Oyster/Diamond Zoning Bylaw No. 1020:

The subject property is zoned Suburban Residential ([R-2](#)) in Bylaw No. 1020. An accessory dwelling unit (e.g. separate suite) is permitted in the zone. The existing R-2 Zone does not permit a second single detached dwelling or mobile home

Section [5.20](#) of the bylaw requires that a separate suite be no larger than 60 m². A covenant for a suite is also required under Section 5.22 of the bylaw, and was registered when the suite was constructed.

The CVRD has consistently interpreted Section 5.20(c) of the zoning bylaw to mean that a small suite cannot have interior connections within an attached residential accessory building (*e.g. a 60 m² small suite attached to a 25 m² workshop/studio is considered to be one 85 m² small suite if interior connections are present. If there are no interior connections and the residential accessory building is separated from the small suite, both structures are permitted without variances*).

The owners propose to convert a 90.2 m² building that contains a 60 m² separate suite into a 90.2 m² separate suite. An internal connection between the suite and 30.2 m² storage area is proposed.

Official Community Plan for the Electoral Areas Bylaw No. 4270 (OCP):

The subject property is designated Residential by the OCP and Suburban Residential in the applicable Local Area Plan. The Suburban Residential designation is intended to accommodate a wide range of housing and lifestyle options, primarily single-family dwellings.

Relevant OCP policies include:

- 4.10.2.1** *Encourages innovative housing and subdivision designs such as clustered residential developments, particularly for sloped upland areas; the Regional District will provide flexibility in regulatory bylaws.*

Development Permit Areas (DPA):

There are three DPAs on the subject property: DPA 1 Riparian Protection, DPA 4 Aquifer Protection, and DPA 5 Wildfire Hazard. It appears that exemptions will be applicable for the DPAs.

Public Notice

In accordance with [CVRD Bylaw No. 4483](#) – Development Application Procedures Bylaw, applicants for DVPs are required to post a sign on the parcel subject of the application a minimum of 10 days prior to a Board meeting at which issuance of a development variance permit will be considered, and notices are required to be mailed or hand delivered to owners and occupants of parcels located within 100 m of the subject property.

The *Local Government Act* requires that Notice must be mailed or otherwise delivered at least 10 days before adoption of the resolution to issue the permit.

The applicant submitted photos on April 22, 2024, that show that the sign has been posted.

COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS

The application was referred to internal divisions, and preliminary comments have been received (Attachment C).

Referral comments were received from the Building Inspection and Community Planning Divisions. Community Planning indicates that a systematic review of suites standards would be the best approach to ensure consistency across Electoral Areas, and a 90.2 m² suite is acceptable. Building Inspections advises that they do not object to the variance.

External Agency Referrals:

Should the Board wish additional feedback, external referrals to the following agencies may be considered:

- BC Hydro
- Island Health (VIHA)
- Shawnigan Lake Fire Department
- Ministry of Transportation & Infrastructure

Advisory Commission Referral:

The application was not referred to the Advisory Planning Commission. Per the Development Application Referrals Policy, this application is considered to be minor and may proceed directly to the Electoral Area Services Committee (EASC).

The Board may forward the application to the Area H – North Oyster/Diamond Advisory Planning Commission (APC) for feedback. The APC has the responsibility of providing recommendations to the Board and acting as the citizens' voice in the planning process. Although the APC has no particular decision-making powers of its own, it may provide advisory comments and/or feedback for the CVRD Board to consider.

PLANNING ANALYSIS

The agent proposes to vary the size limits for a separate suite to allow a 91 m² suite. This is 31 m² larger than the bylaw permits; however, this is consistent with the suite regulations established for Electoral Area F and Area E.

Staff note that the CVRD has initiated a [Comprehensive Land Use Bylaw and Marine Zoning Bylaw](#) modernization project. As the CVRD moves towards consolidating all of its zoning bylaws into a region-wide Comprehensive Zoning Bylaw (CZB), it is likely that terminology and

regulations for detached suites will be standardized. At present, the largest suite size permitted in any of the electoral areas is 95 m².

Small Suite Standards Per Electoral Area:

Electoral Area	Maximum Size
Area A	85 m ²
Area B	85 m ²
Area C	85 m ²
Area D	90 m ² for parcels 0.4 ha+ 74 m ² for parcels under 0.4 ha
Area E	90 m ²
Area F	95 m ²
Area G	85 m ²
Area H	74 m ² for parcels 0.8 ha+ 60 m ² for parcels under 0.8 ha
Area I	74 m ²

Staff discourage variances over 95 m² as the key difference between a “a separate suite” and an “additional single-detached dwelling” is gross floor area.

OPTIONS

Option 1 (Approve the Variance as Requested):

That it be recommended to the Board that Development Variance Permit No. DVP24H01 (12272 Chandler Road/PID: 026-222-205), be issued.

Option 2 (Request Additional Information):

That it be recommended to the Board that Development Variance Permit No. DVP24H01 (12272 Chandler Road/PID: 026-222-205) be referred back to staff for the following information, prior to further consideration:

- a. *[requested information to be provided]*

Option 3 (Deny):

That it be recommended to the Board that Development Variance Permit No. DVP24H01 (12272 Chandler Road/PID: 026-222-205) be denied *[specific reasons to be identified by the Board]*.

Prepared by:



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Planner III

Reviewed by:



Michelle Pressman, RPP, MCIP, MPlan
Manager



Ann Kjerulf, MCP, RPP, MCIP
General Manager

Reviewed for form and content and approved for submission to the Committee:

Resolution:

Corporate Officer

Financial Considerations:

Chief Financial Officer

ATTACHMENTS:

Attachment A – Draft Permit

Attachment B – Rationale

Attachment C – Referral Comments