



# STAFF REPORT TO COMMITTEE

**DATE OF REPORT** April 11, 2024

**MEETING TYPE & DATE** Electoral Area Services Committee Meeting of May 1, 2024

**FROM:** Development Services Division  
Land Use Services Department

**SUBJECT:** Application No. DVP24G02 (11193 Chemainus Road/PID: 000-284-041)

**FILE:** DVP24G02

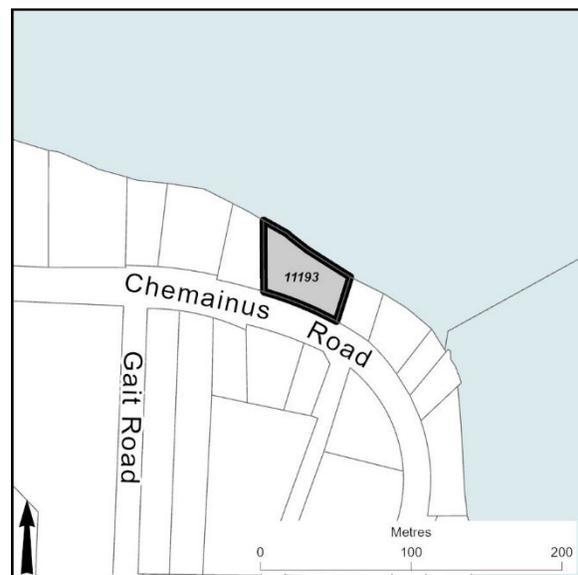
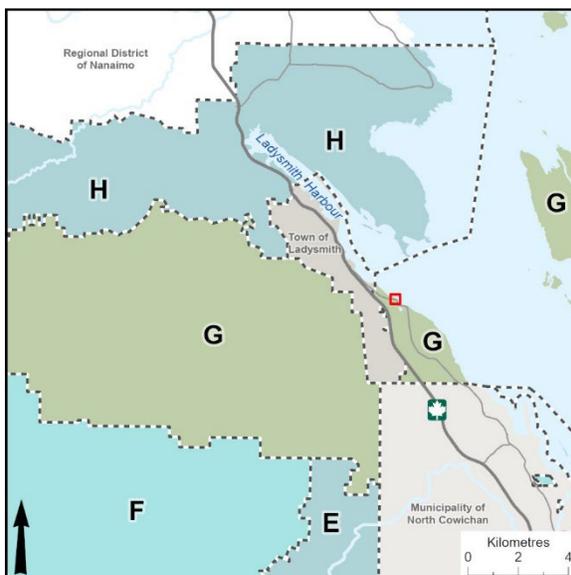
## PURPOSE/INTRODUCTION

The purpose of this report is to consider a Development Variance Permit (DVP) application to vary Section 5.4.4 of the Electoral Area G – Saltair/Gulf Islands Zoning Bylaw No. 2524 to reduce the front parcel line setback from 7.5 m to 4.67 m for the siting of an accessory building (free-standing carport).

## RECOMMENDED RESOLUTION

That it be recommended to the Board that Development Variance Permit No. DVP24G02 (11193 Chemainus Road, PID: 000-284-041), to reduce the front parcel line setback for the construction of an accessory building, be issued.

## LOCATION MAP



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## **BACKGROUND**

The subject property is located at 11193 Chemainus Road, approximately 250 m northwest of Davis Lagoon. The 2,350 m<sup>2</sup> property is relatively narrow, being 45 m at its widest point, and is surrounded by residentially zoned lots of similar sizes. An existing single-family dwelling and detached garage, both built under building permits in 1991 and 1996 respectively, are sited on the south portion of the property. A Board of Variance application, 19-G-96BV, was approved for the construction of the garage in 1996. In addition, a small shed is located to the northeast of the garage. The developed portion of the property consists of generally flat topography, however, the property slopes downwards steeply on the north (ocean) side of the existing structures.

For more information, please see:

- Attachment A – Background Table
- Attachment B – Site Photos
- Attachment C – Rationale
- Attachment D – Draft Development Variance Permit

## **OFFICIAL COMMUNITY PLAN / POLICY CONSIDERATIONS**

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

The subject property is [regionally designated](#) Residential with a [local area plan designation](#) of General Residential in the Area G Saltair Local Area Plan. The regional Residential designation is an overarching designation intended to provide a wide range of housing and lifestyle options and to direct density to serviced areas. More specific to Electoral Area G, the General Residential designation is intended for new urban residential development while retaining the rural buffer area between Ladysmith and North Cowichan.

The property is not within a growth containment boundary, but is within Development Permit Area (DPA) 1 – Riparian Protection, DPA 3 – Marine Uplands & Foreshore Protection, DPA 4 – Aquifer Protection and DPA 7 – Landslide Hazard. The applicant has indicated that the proposed accessory building is not within 30 m of any Riparian Areas Protection Regulation (RAPR) applicable watercourse and, therefore, does not trigger DPA 1. Single-unit dwellings and accessory structures are exempt from DPA 4.

The applicant has submitted a Development Permit (DP) application for DPA 3 Marine Uplands & Foreshore Protection and DPA 7 – Landslide Hazard with authority delegated to the General Manager. Upon issuance of this Development Variance Permit, a report considering issuance of a DP will be forwarded to the General Manager for review.

Electoral Area G – Saltair/Gulf Islands Zoning Bylaw No. 2524:

The subject property is zoned [R-3 General Residential](#). The parcel coverage of all buildings and structures shall not exceed 35 percent of parcel area. Setbacks of 7.5 m from the front parcel line fronting on Chemainus Road, 3 m from the interior side parcel lines and 15 m from the high tide mark of the sea must be complied with. The height restriction of accessory buildings and structures is 7.5 m. In addition, properties containing less than 3 dwelling units must provide two off street parking spaces.

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This application seeks to vary the front parcel line setback 7.5 m to 4.67 m for the siting of an accessory building (carport). All other zoning regulations are complied with.

#### **COMMISSION / AGENCY / DEPARTMENTAL CONSIDERATIONS**

##### Adjacent Property Owner Notification:

Letters were mailed out, or hand delivered, to property owners and occupants within 100 m of the subject property. The notification letter described the purpose of the application and how to submit written comments. A notice sign pertaining to the DVP was also posted on the subject property in accordance with Section 36 of the Development Applications Procedures and Fees Bylaw No. 4483.

##### Advisory Planning Commission (APC):

Under the [Development Applications Referrals Policy](#), minor applications will proceed directly to the EASC unless first referred to an APC by the Electoral Area Director. DVP applications are generally considered to minor applications under the Policy.

#### **PLANNING ANALYSIS**

Setbacks for buildings and structures are prescribed in Zoning Bylaws to serve several purposes including: allowing space for public utilities and roads, vegetation/landscaping and natural light; providing privacy between properties; reducing conflicts by ensuring the use of a property does not infringe on the rights of neighbours; maintaining separation for fire protection; and influencing the appearance of neighbourhoods. Specifically, front parcel line setbacks are also intended to ensure adequate space for parking requirements and maintenance of sight lines for safe vehicular and pedestrian travel.

Due to the shape and topography of the parcel, the applicant is requesting a relaxation of Section 5.4.4 of the Electoral Area G – Saltair/Gulf Islands Zoning Bylaw No. 2524 to reduce the front parcel line setback from 7.5 m to 4.67 m for the siting of an accessory building (free-standing carport). Staff visited the site on April 12, 2024, to confirm that a reduction in the front parcel line setback would not cause unnecessary safety hazards, reduce on-site parking below the required number, negatively impact neighbours interests or infringe on space for public utilities or roads. A large hedge screens the majority of the property from the roadway with ample driveway access leading to more than two on-site parking spaces. The proposed free-standing carport will be sited in front of the existing garage and does not impact ingress/egress to the property. The proposed carport will not be visible to neighbouring properties to the east or west. The neighbour to the south will be in view of the carport; however, due to existing mature trees on the subject property, they do not currently have an ocean view that will be impacted. The subject property is consistent with the aesthetic of the neighbourhood and the addition of the carport will not change this.

Construction of the proposed stand-alone carport does not require any ground disturbance or additional footings to be poured as an existing cement retaining wall will be used as the foundation. A Structural Engineer has assessed the cement retaining wall for use as the foundation and has deemed it as "...sufficient to support the gravity loading from the carport..." Additionally, as no earthworks or vegetation removal are required and stormwater will drain into existing roof leaders on the garage, a Qualified Environmental Professional has noted the project poses low risk to the marine upland or foreshore.

The subject property contains a steep slope on the north (ocean) side of the residential structures with a wooden staircase leading down approximately 8-10 m in elevation to the ocean. The slope is covered with natural vegetation and trees, some exposed soils and a stacked rock boulder (riprap) wall. A DP was issued in 2010 for the repair of a section of the riprap wall. A geotechnical assessment was submitted in support of the application which identified the land as safe for the intended use.

Based on the information provided above, it is the opinion of staff that the requested variance will not significantly undermine the intent of the front parcel line setback. It is not expected that this accessory building will pose any significant negative impact to the surrounding character, road safety or neighbouring properties. Staff are thereby recommending issuance of this development variance permit to reduce the front parcel line setback from 7.5 m to 4.67 m for the siting of an accessory building (free-standing carport).

### **OPTIONS**

#### Option 1: (recommended):

That it be recommended to the Board that Development Variance Permit No. DVP24G02 (11193 Chemainus Road, PID: 000-284-041), to reduce the front parcel line setback for the construction of an accessory building, be issued.

#### Option 2:

That it be recommended to the Board that Development Variance Permit No. DVP24G02 (11193 Chemainus Road/PID: 000-284-041), be denied.

### **GENERAL MANAGER COMMENTS**

Prepared by:



Richenda Woods  
Planner I

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 – Background Table

Attachment B – Site Photos

Attachment C – Rationale

Attachment D – Draft Development Variance Permit