



MEMO

FILE: 3360-20/RZ 2D 24

Date: April 18, 2024
To: Advisory Planning Commission
Electoral Area 'D' (Oyster Bay-Buttle Lake)
From: John Neill, Planner
Re: Rezoning Application RZ 2D 24 – Lojewski
Lot 3, Section 34, Township 4, Comox District, Plan 44139

The attached development proposal is for commission members' review and comment.

An application has been received to consider rezoning a 2.3-ha. (5.7 ac.) parcel of land situated at Paul Road, in Electoral Area D from Country Residential Four (CR-4) to Country Residential Three (CR-3). The subject property, as indicated on the location plan, is bounded by Country Residential properties on all sides except the east, where an Upland Resource property is found.

The proposal would facilitate a subdivision of the parcel into two lots of 1.0 and 1.3 hectares, separated by a ditch which is potentially fish-bearing as defined by the *Riparian Areas Protection Regulation*. As both proposed lots will be impacted by the Riparian Areas Protection Regulation, an Environmentally Sensitive Areas Development Permit will be required prior to subdivision approval. Both proposed lots have an access onto their respective streets and are intended to be serviced by Island Health-approved septic fields and connected to the northern Area D water supply system.

The proposal is not out of character with other parcel sizes in the area and is consistent with the official community plan in that it retains the Country Residential designation and its policies. The proposal also adheres to the requirements of other Provincial legislation.

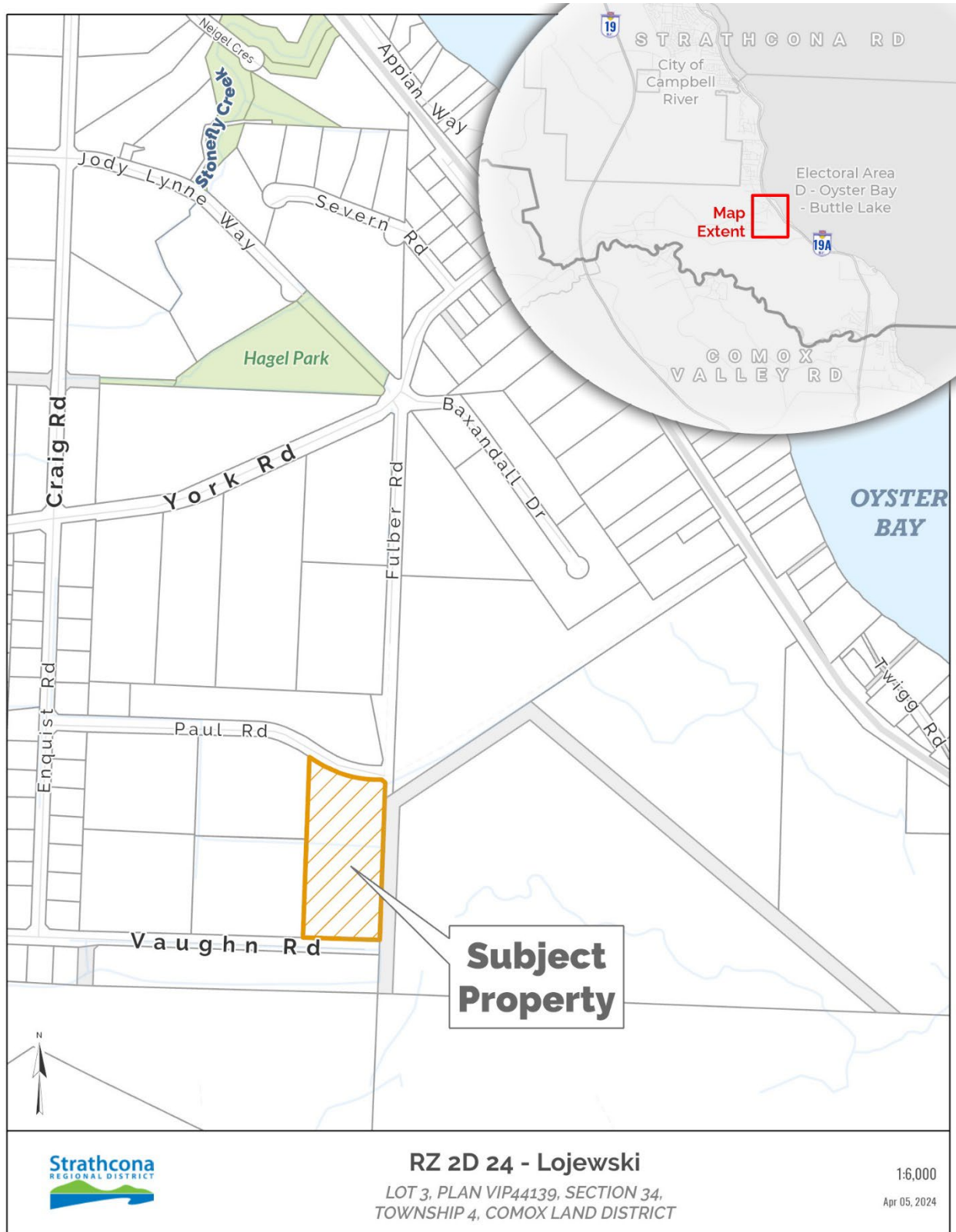
The APC's advice pertaining to this application is restricted to consideration of the rezoning request. Comments regarding other aspects of the property cannot be considered.

Please see the attached referral package for more information.

Sincerely,

A handwritten signature in black ink that reads "John Neill".

John W. Neill MCIP MRTPI
Planner



GIS: U:\proj\EA_D\SubjectProperties\EA_D_SubjProp.aprx

Location Map



Proposed Lot Layout

EXISTING USE

The property is roughly a rectangle bordering Paul Road and Vaughn Road on the far sides, divided by a ditch in its centre declared "a potentially fish bearing creek". This created a barrier between the two halves that completely prohibits communiting between the two parts, making it in fact two properties.

Currently there is a small 4' x 8' shed near Paul Road.

PROPOSED USE

Divide the property along the ditch into two lots that in fact already exist. Build an access road to the Vaughn Road part.

Applicants' Statement

*"Oyster Bay – Buttle Lake Official Community Plan Bylaw, 2023"**Schedule "A" Page 46*

- a. one single detached dwelling and either one secondary suite, one carriage house or one accessory dwelling unit.

2. Country Residential

1. Estate properties of various sizes serviced by septic systems and either community or well water.
2. Intended to provide estate sized residential use with the potential for small scale food production.
3. Upgrading of water system to be pursued to expand the local service area and to permit limited growth.
4. Lot size requirements will be regulated through the zoning bylaw; as a general guideline, new lots serviced by onsite septic disposal should maintain an appropriately sized lot consistent with estate property neighbourhoods [encouraging averages of 4000m² (0.99 ac) to 2.0 ha (4.9 ac)].

Policies

1. The provision of a community water service will continue to be a priority for areas designated 'Country Residential'.
2. The provision of a community sewer service will continue to be pursued for areas designated 'Country Residential' to meet the needs of existing residents and protect public health and natural environment where private onsite systems are insufficient.
3. Extensions of the areas designated 'Country Residential' may be considered if the following conditions are met:
 - a. opportunities for development in the existing 'Country Residential' areas have been exhausted or denied.
 - b. new development areas are logical extensions of the existing settlement areas, and the long-term adequacy of on-site or community water supply and sewage treatment and stormwater management systems is demonstrated.
 - c. a strategy for the development, staging, and financing of any needed infrastructure and community facilities for the extension is adopted.
 - d. rural and recreational characteristics are defined and protected.
 - e. the cumulative impacts of development on rural and recreational characteristics and on natural features and functions are assessed and are found to be minimal and acceptable.
 - f. within developments of 10 lots or more, opportunities to use renewable energy supplies or energy conservation devices have been included.
 - g. the proposed development will have a compact or clustered form with densities and uses appropriate to the services available or proposed.
4. Designation of new areas as 'Country Residential' may be considered and dependent upon demand and proximity to established areas.

PART 3 • OBJECTIVES AND POLICIES**Official Community Plan – Country Residential Policies**

**SCHEDULE 'A' of BYLAW NO. 1404
"CAMPBELL RIVER AREA ZONING BYLAW, 1991"**

4.6.7 COUNTRY RESIDENTIAL FOUR (CR-4)

i) PERMITTED PRINCIPAL USES

a) On any lot:

- 1) Residential use; #2483
- 2) Utility use;
- 3) Park use.

b) On any lot over 4000 m² (0.99 acres):

- 1) Agricultural use.

ii) PERMITTED ACCESSORY USES

a) On any lot:

- 1) Home occupations;
- 2) Accessory buildings;
- 3) Bed and Breakfast. #2163

iii) CONDITIONS OF USE

#1458

- a) Nothing shall be permitted which is or can become an annoyance or nuisance to any person who believes their interest in property is affected, including the surrounding residents and general public, by reason of unsightliness, odour emission, dust, noise, smoke, or electrical interference, excluding agricultural uses.
- b) **Residential use is limited to:**

On any lot size:	One single family dwelling.
On any lot over one hectare (2.47 acres):	Two single family dwellings.

#2423

iv) FLOOR AREA REQUIREMENTS

The maximum combined gross floor area of all accessory buildings shall not exceed 5% of the lot area or 200 square metres (2152.85 square feet), whichever is greater.

v) SITING OF BUILDINGS AND STRUCTURES

a) Except where otherwise specified in this by-law no building or structure shall be located within:

- 1) 7.5 metres (24.6 feet) of that portion of a front lot line, or rear lot line;
- 2) 3.5 metres (11.48 feet) of a side lot line or that portion of a front lot line that does not abut a public road right-of-way except where the width of a lot is 31 metres (101.7 feet) or less at the required front yard setback, and where there is no street flanking the side yard in which case this requirement may be reduced to 1.75 metres (5.74 feet);

**SCHEDULE 'A' of BYLAW NO. 1404
"CAMPBELL RIVER AREA ZONING BYLAW, 1991"**

- 3) 3.5 metres (11.48 feet) of an accessory building.
- 4) Minimum separation between dwellings - 15 metres (49.21 feet) on the same lot.

b) Minimum setback requirements for accessory buildings shall be as follows:

	Accessory Building Height	
	4.5 m (14.8 ft) or less	4.5 - 6.0 m (14.8-19.7 ft)
REQUIRED SETBACK		
Front Lot Line	7.5 m (24.6 feet)	7.5 m (24.6 feet)
Side Lot Line	1.0 m (3.3 feet)	1.0 m (3.3 feet)
Rear Lot Line	1.0 m (3.3 feet)	2.0 m (6.6 feet)

#2171

c) Other specifications include:

- 1) If a side lot line abuts a public road right-of-way, refer to Section 4.5.4(e).
- 2) If the lot is located at the intersection of two public road rights-of-way, refer to Section 4.5.4(d) and (e).
- 3) If the lot abuts a river, lake, sea or any other watercourse refer to Bylaw No. 2782 being the "Floodplain Management Bylaw, 2005".
- 4) For any exceptions to siting, refer to Section 4.5.5(a).

#2423

vi) LOT COVERAGE

- a) On any lot less than or equal to 2500 square metres (0.62 acre), the maximum lot coverage of all buildings and structures shall not exceed 20% of the lot area.
- b) On any lot greater than 2500 square metres (0.62 acre), the maximum lot coverage of all buildings and structures shall not exceed 15% of the lot area."

vii) SUBDIVISION REQUIREMENTS

- a) **Minimum lot area:** 2 hectares (4.94 acres).

Existing lots below the minimum lot area within this zone may be used for the permitted uses within this zone, subject to compliance with site area requirements for each use.

- b) **Minimum lot frontage:** 10% of the perimeter of the lot.

Existing lots below the minimum frontage for this zone may be used for the permitted uses within this zone.

- c) Notwithstanding the provisions of 4.6.7(vii)(a) one parcel can be created from the Remainder of Lot A, Section 34, Township 4, Comox District, Plan VIP61244 in the size of 0.540 hectares (1.3 acres) in return for the dedication of an additional 0.34 hectares (0.8 acres) of land to "Hagel Park".

#1458

End • CR-4

PART 4 • LAND USE REGULATIONS

Existing Country Residential Four (CR-4) Zone

BYLAW NO. 1404
CAMPBELL RIVER AREA ZONING BYLAW, 1991

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4.6.6

**COUNTRY RESIDENTIAL THREE
(CR—3)**

i) PERMITTED PRINCIPAL USES

a) On any lot:

- 1) Residential use;
- 2) Public utility use;
- 3) Park use.

b) On any lot over 4000 m² (0.99 acres):

- 1) Agricultural use.

ii) PERMITTED ACCESSORY USES

a) On any lot:

- | | |
|--------------|--|
| RDCS
2163 | <ol style="list-style-type: none"> 1) Home occupations; 2) Accessory buildings; and 3) Bed and Breakfast. |
|--------------|--|

iii) CONDITIONS OF USE

- | | |
|--------------|--|
| RDCS
1458 | <p>a) Nothing shall be permitted which is or can become an annoyance or nuisance to any person who believes their interest in property is affected, including the surrounding residents and general public, by reason of unsightliness, odour emission, dust, noise, smoke, or electrical interference, excluding agricultural uses.</p> |
|--------------|--|

b) Residential use is limited to:

- i) On any lot size: One single family dwelling.
- ii) A second dwelling not exceeding 50 square metres in floor area is permitted on any lot 1 ha (2.47 ac) or larger

BYLAW NO. 1404
 CAMPBELL RIVER AREA ZONING BYLAW, 1991

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iv) **FLOOR AREA REQUIREMENTS**

The maximum combined gross floor area of all accessory buildings shall not exceed 200 square metres (2152.8 square feet).

v) **SITING OF STRUCTURES**

a) **Except where otherwise specified in this bylaw, no building or structure shall be located within:**

RDCS
1458

- 1) 7.5 metres (24.6 feet) of that portion of a **front lot line** or **rear lot line**;
- 2) 3.5 metres (11.48 feet) of a **side lot line** or that portion of a front lot line that does not abut a public road right-of-way except where the width of a lot is 31 metres (101.7 feet) or less at the required front yard setback, and where there is no street flanking the side yard in which case this requirement may be reduced to 1.75 metres (5.74 feet); and
- 3) 3.5 metres (11.48 feet) of an accessory building.

b) **Minimum setback requirements for accessory buildings shall be as follows:**

RDCS
1510,
2171

REQUIRED SETBACK	ACCESSORY BUILDING HEIGHT	
	4.5M (14.8 ft) or less	4.5 – 6.0m (14.8919.7 ft)
Front Lot Line	7.5m (24.6 feet)	7.5m (24.6 feet)
Side Lot Line	1.0m (3.3 feet)	1.0m (3.3 feet)
Rear Lot Line	1.0m (3.3 feet)	2.0m (6.6 feet)

c) **Other specifications include:**

- 1) If a side lot line abuts a public right-of-way, refer to Section 4.5.5(f).
- 2) If the lot is located at the intersection of two public road rights-of-way, refer to Section 4.5.5(e)(f).
- 3) If the lot abuts a river, lake, sea or any other watercourse, refer to Section 4.5.5(a)(ii-iii).
- 4) For any exceptions to siting, refer to Section 4.5.6(a).
- 5) Where siting is proposed adjacent to a stream refer to Section 4.5.5(a) "Stream Setbacks".

SRD
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Proposed Country Residential Three (CR-3) Zone