

STAFF REPORT

DATE: November 16, 2023 **FILE:** 0550-04 Board

TO: Chair and Directors,
Regional Board

FROM: Dave Leitch
Chief Administrative Officer

RE: **BYLAW NO. 529 – REZONING APPLICATION (FEDOSENKO)**

PURPOSE/PROBLEM

To consider first 2 readings and a public hearing for Bylaw No. 529 which proposes to rezone a 1.6-hectare parcel of land located at 2338 Glenmore Road in Electoral Area D from Country Residential Four (CR-4) to Country Residential Two (CR-2) to facilitate a subdivision of the parcel into two equal lots of 8000 square metres each.

EXECUTIVE SUMMARY

The attached report was considered at the November 8, 2023 meeting of the Electoral Areas Services Committee at which time the following resolutions were passed:

Rice/Mawhinney: EASC 323/23

THAT the Committee recommend that Bylaw No. 529 (Fedosenko) be forwarded to the Board for first and second readings.

Rice/Vonesch: EASC 324/23

THAT the Committee recommend the Board authorize a public hearing to consider Bylaw No. 529 (Fedosenko), and

THAT the public hearing be held at a date and time to be determined.

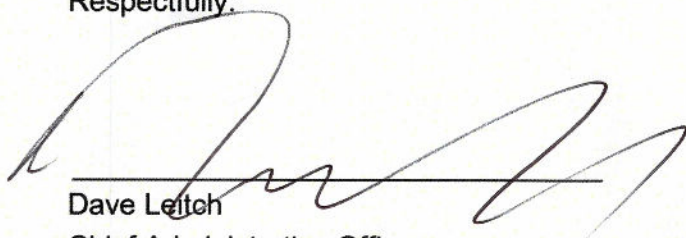
The actions below are offered in support of the Committee's recommendations.

RECOMMENDATIONS

1. THAT the report from the Chief Administrative Officer be received.
2. THAT Bylaw No. 529, being a bylaw to amend the zoning regulations applicable to Electoral Area D, be now introduced and read a first time.
3. THAT Bylaw No. 529 be given second reading.
4. THAT a public hearing to consider Bylaw No. 529 be authorized to be held at 6:30 p.m. on Wednesday, December 6, 2023 at the Oyster Bay Resort Banquet Hall located at 4357 South Island Highway, Campbell River, B.C., and

THAT the holding of the public hearing be delegated to the Electoral Area D director.

Respectfully:

A handwritten signature in dark ink, appearing to read 'Dave Leitch', is written over a horizontal line.

Dave Leitch

Chief Administrative Officer

Prepared by: E. Watson, Manager, Corporate Operations

Attachments: Bylaw No. 529
Copy of October 30, 2023 report to the Electoral Areas Services Committee



BYLAW NO. 529

A BYLAW TO AMEND THE ZONING REGULATIONS APPLICABLE TO ELECTORAL AREA D

WHEREAS the former Comox-Strathcona Regional District has, by Bylaw No. 1404, adopted zoning regulations for Electoral Area 'D' pursuant to Part 14 of the *Local Government Act*;

AND WHEREAS a bylaw of the former Comox-Strathcona Regional District that regulates the use or development of land within the area comprising the Strathcona Regional District remains in force until amended or repealed;

AND WHEREAS the Regional Board wishes to amend the aforesaid Bylaw No. 1404 having due regard to the requirements of the *Local Government Act*;

NOW THEREFORE the Board of Directors of the Strathcona Regional District, in open meeting assembled, enacts as follows:

Amendments

1. Bylaw No. 1404 being the Campbell River Area Zoning Bylaw 1991, is hereby amended as set out in Schedule 'A', attached to and forming part of this bylaw.

Citation

2. This bylaw may be cited for all purposes as Bylaw No. 529, being Campbell River Area Zoning Bylaw 1991, Amendment No. 65.

READ A FIRST TIME ON THE ____ DAY OF _____, 2023

READ A SECOND TIME ON THE ____ DAY OF _____, 2023

PUBLIC HEARING HELD ON THE ____ DAY OF _____, 2023

READ A THIRD TIME ON THE ____ DAY OF _____, 2023

RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE ____ DAY OF _____, 2023

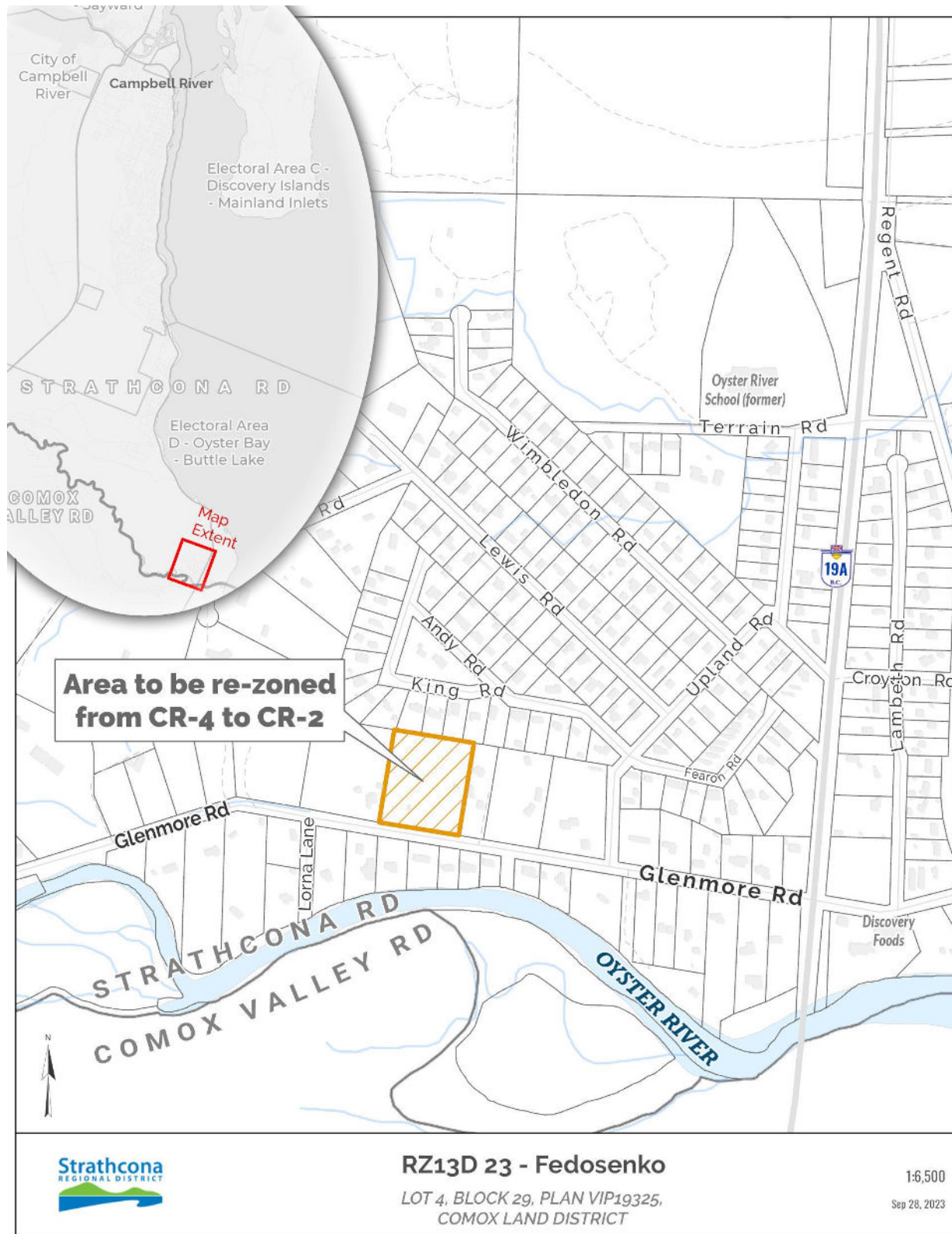
Chair

Corporate Officer

SCHEDULE 'A'

SECTION ONE MAP AMENDMENT

1. Land legally described as Lot 4, Block 29, Township 4, Comox District, Plan 19325 as shown on the attached Appendix '1', is rezoned from Country Residential Four (CR-4) to Country Residential Two (CR-2):



Appendix '1'

Part of Schedule 'A' to Bylaw No. 529, being Campbell River Area Zoning Bylaw 1991, Amendment No. 65.

Amends 'Map 1' of Bylaw No. 1404, being Campbell River Area Zoning Bylaw 1991.



STAFF REPORT

DATE: October 30, 2023

FILE: 0540-04 EASC

TO: Chair and Directors
Electoral Areas Services Committee

FROM: Dave Leitch
Chief Administrative Officer

RE: **REZONING APPLICATION RZ 13D 23 (FEDOSENKO)**

ROLL No.: 772 04658.000

PID No.: 003-700-771

APPLICANTS: Fred and Abigail Fedosenko

LAND DESCRIPTION: Lot 4, Block 29, Township 4, Comox District, Plan 19325

LOCATION: Glenmore Road, Campbell River BC

OCP: Bylaw No. 1857 "Oyster Bay – Buttle Lake Official Community Plan Bylaw, 1996"

EXISTING DESIGNATION: Country Residential

ZONING BYLAW: Bylaw No. 1404 "Campbell River Area Zoning Bylaw, 1991"

EXISTING ZONE Country Residential Four (CR-4)

PROPOSED ZONE: Country Residential Two (CR-2)

PURPOSE

To consider a zoning bylaw amendment from Country Residential Four (CR-4) to Country Residential Two (CR-2) to facilitate subdivision of the parcel and its existing two dwellings into two equal separate fee simple lots.

POLICY ANALYSIS

Part 14 "Planning and Land Use Management" of the *Local Government Act (LGA)* addresses local governments' roles regarding Official Community Plans and zoning bylaws, namely s.474 (Official Community Plans), s.479 (Zoning Bylaws) and ss. 464 - 465 (Public Hearings on Bylaws).

EXECUTIVE SUMMARY

An application has been received to rezone a 1.6-ha. (4 ac.) parcel of land situated at 2338 Glenmore Road, in Electoral Area D from Country Residential Four (CR-4) to Country Residential Two (CR-2) to facilitate a subdivision of the parcel into two equal lots of 8000 square metres each, thus providing separate title for each of two existing residences on the property. Both residences are serviced by Island Health-approved individual septic fields; a separate well will be provided for the proposed new lot, prior to final registration of subdivision.

The proposal is consistent with the overall intent of the OCP and not out of character with respect to existing lot sizes and densities of other parcels within the area. The proposed CR-2 parcels are an extension of other country residential properties along Glenmore Road and other similar sized lots in the Oyster River subdivision. The proposal is in close proximity to amenities and services within Electoral Area D.

The proposal offers the opportunity for additional residential density in the future within an already developed country residential neighbourhood should new regulatory be introduced in the future. Further, this would help support the Electoral Area D Housing Accelerator Fund (HAF) application and its accompanying Housing Action Plan, by setting the lands up for future responsible increased density, promoting missing middle housing and accessory dwelling units (ADUs), encouraging infill development to realize a sustainable increase in housing units and streamlining development applications. This development may potentially have the ability to assist Electoral Area D in reaching its target housing growth of approximately 1.3 percent over three years and increase the likelihood of it receiving the full incentive funding from the HAF should the application be successful and subsequent bylaw amendments enabling additional densities be introduced.

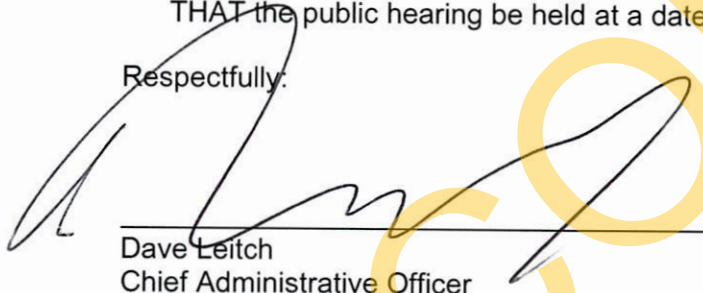
Given the aforementioned information, Bylaw No. 529 has been prepared for the Committee's consideration with a recommendation of first and second readings and the holding of a subsequent public hearing.

RECOMMENDATIONS

1. THAT the report from the Chief Administrative Officer be received; and
2. THAT the Committee recommend that Bylaw No. 529 (Fedosenko) be forwarded to the Board for first and second readings.
3. THAT the Committee recommend the Board authorize a public hearing to consider Bylaw No. 529 (Fedosenko), and

THAT the public hearing be held at a date and time to be determined.

Respectfully:



Dave Leitch
Chief Administrative Officer

BACKGROUND

An application has been received to rezone a 1.6-ha. (4 ac.) parcel of land situated at 2338 Glenmore Road, in Electoral Area D from Country Residential Four (CR-4) to Country Residential Two (CR-2) to facilitate a subdivision of the parcel into two equal lots of 8000 square metres each, thus providing separate title for each of two existing residences on the property. The majority of parcels in this area are less than half the size of the subject property and the proposed subdivision will accord with the objective of encouraging appropriate infill in established country residential areas. Both residences are serviced by Island Health-approved individual septic fields; a separate well will be provided for the proposed new lot, prior to final registration of subdivision.

AGENCY REFERRALS

The application was referred to a selection of First Nations and government agencies for their consideration, based on the location and nature of the application. No concerns were raised by these agencies or First Nations that would not be considered at subdivision stage.

PLANNING ANALYSIS

The subject property is located within a country residential area of the Oyster Bay-Buttle Lake Electoral Area (Area 'D') and is bounded on all sides by country residential properties. The 1.6-hectare parcel is currently designated Country Residential and is zoned Country Residential Four (CR-4) which requires a minimum parcel size of 2 hectares. The applicants wish to rezone the property to Country Residential Two (CR-2) to permit subdivision into two equal lots. The

proposed lots are currently serviced by an individual well and two septic fields, designed and installed as per Island Health standards.

FINANCIAL IMPLICATIONS

Fees for the rezoning application process have been applied in accordance with the Regional District's Planning Procedures and Fees Bylaw (Bylaw No. 5).

LEGAL IMPLICATIONS

This report and the recommendations contained herein follow the *Local Government Act* (LGA) and Regional District bylaws. This includes the zoning of land, which includes the surface of the water, set out in s.479 of the LGA.

CITIZEN/PUBLIC RELATIONS IMPLICATIONS

Should a recommendation of support be made for Bylaw No. 529 to proceed forward, public consultation will occur in compliance with the requirements of ss.464 - 465 'Public Hearings' of the LGA, as required prior to final adoption of any proposed bylaw amendment.

INTERDEPARTMENTAL INVOLVEMENT/IMPLICATIONS

The planning department will be responsible for all aspects of the bylaw amendment process. Additionally, corporate services staff resources will be required during the finalization of the adoption of the bylaw.

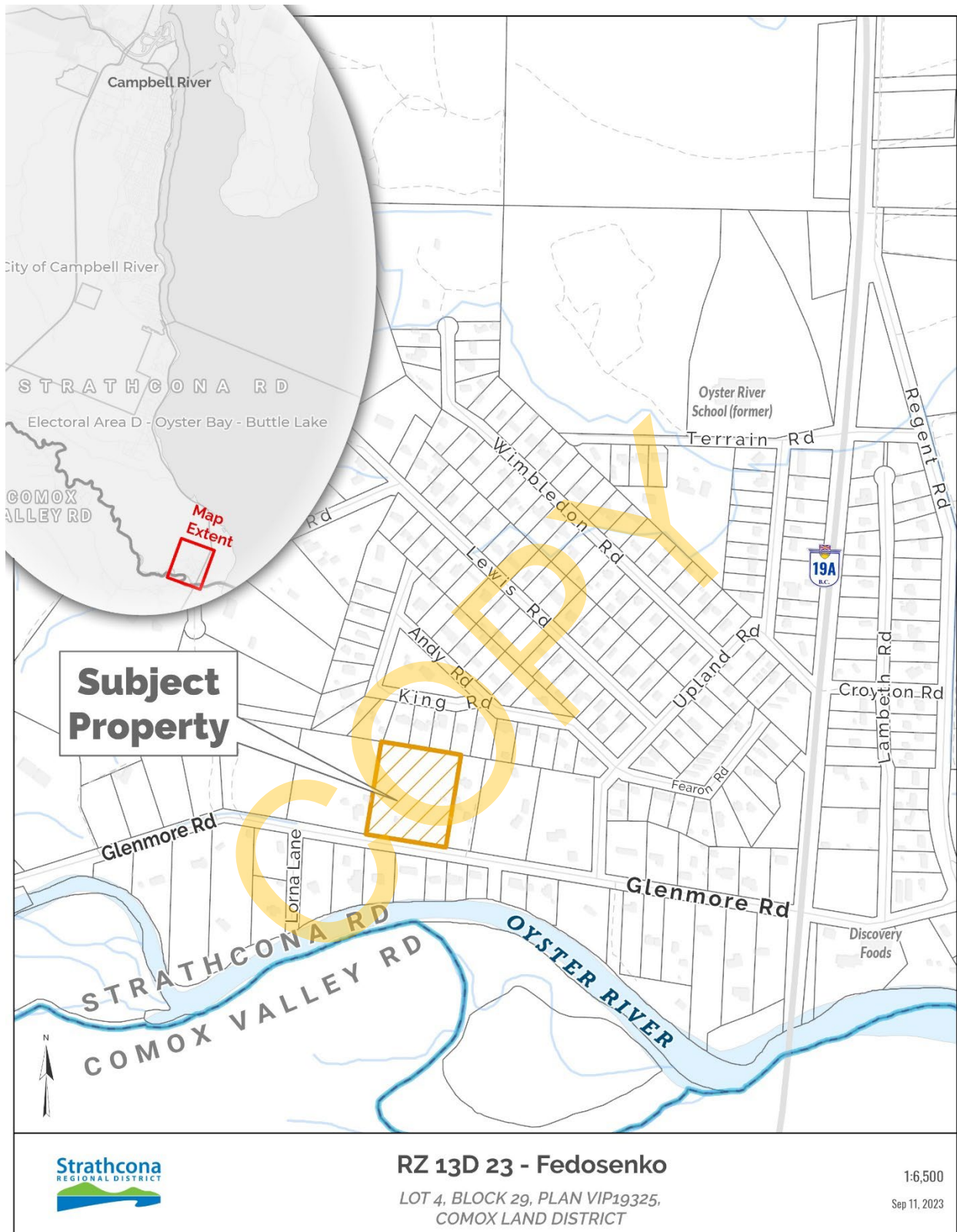
Submitted by:



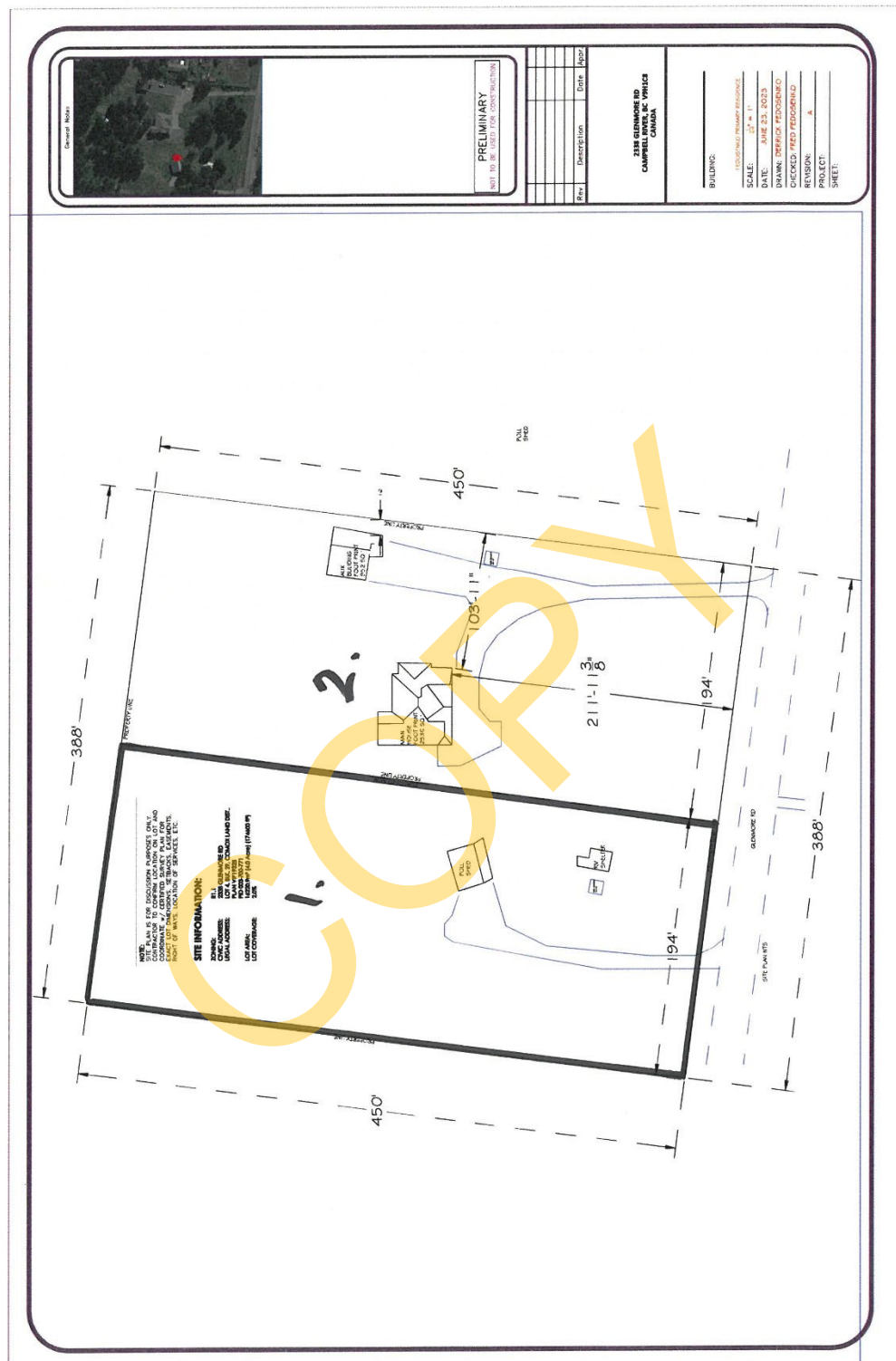
Aniko Nelson
Senior Manager, Community Services

Prepared by: J. Neill, Planner

Attachment: Bylaw No. 529



Location Map



Site Plan

Application to Amend Zoning Bylaw

Lot 4, block 29, Plan VIP 19325, Comox Land District

PID: 003-700-771 Folio: 772004658.000

Existing use of 2338 Glenmore road, Campbell River, BC V9H1C8 which is currently zone CR04

This level 4 acre property currently has a newly built home (2023 final), a newly built shop (completed 2020), an electrical out building (2021), a pump shed (2019). The site of the proposed 2 acre development has an electrical building, a pole shed and a travel trailer under a roof (that is used for occasional visitors). There are 2 separate VIHA approved septic fields on the property, one on the 2 acre site and the other servicing the newly built home. The property is partially treed, some landscaping and some natural vegetation.

Proposed Use: CR-02

We propose to build a rancher on the 2 acres of property that we are hoping to have subdivided. We will also be having a well drilled and a pump shed to house that well service.

Applicants' Statement

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

- 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. #1458

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. |

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. #2423

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

4.6.5**COUNTRY RESIDENTIAL TWO
(CR—2)****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:**

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

iii) CONDITIONS OF USE

- 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.

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 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**;
- 2) 3.5 metres (11.48 feet) of a **side lot line**;
- 3) 7.5 metres (24.6 feet) of a **rear lot line**;
- 4) 3.5 metres (11.48 feet) of an **accessory building**.

b) No accessory building shall be located in any required front or side yard and shall be:

- RD
1510
- 1) A minimum of 1.00 metres (3.28 feet) from the **side and rear** property lines when the accessory building is located completely within the **rear yard** and is less than 3.0 metres (9.8 feet) in height with a **floor area** no greater than 25 square metres (269.11 square feet).

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 Section 4.5.4(a)(i-iii) and 4.5.4(b).
- 4) For any exceptions to siting, refer to Section 4.5.6.
- 5) Where **siting** is proposed adjacent to a stream refer to Section 4.5.5 "Stream Setbacks".

vi) LOT COVERAGE

The maximum lot coverage of all buildings and structures shall not exceed 25% of the lot area.

vii) **SUBDIVISION REQUIREMENTS**

- a) **Minimum lot area:** 4000 square metres (0.99 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.

End • CR-2



BYLAW NO. 529

A BYLAW TO AMEND THE ZONING REGULATIONS APPLICABLE TO ELECTORAL AREA 'D'

WHEREAS the former Comox-Strathcona Regional District has, by Bylaw No. 1404, adopted zoning regulations for Electoral Area 'D' pursuant to Part 14 of the *Local Government Act*;

AND WHEREAS a bylaw of the former Comox-Strathcona Regional District that regulates the use or development of land within the area comprising the Strathcona Regional District remains in force until amended or repealed;

AND WHEREAS the Regional Board wishes to amend the aforesaid Bylaw No. 1404 having due regard to the requirements of the *Local Government Act*;

NOW THEREFORE the Board of Directors of the Strathcona Regional District, in open meeting assembled, enacts as follows:

Amendments

1. Bylaw No. 1404 being the Campbell River Area Zoning Bylaw 1991, is hereby amended as set out in Schedule 'A', attached to and forming part of this bylaw.

Citation

2. This bylaw may be cited for all purposes as Bylaw No. 529, being the Campbell River Area Zoning Bylaw 1991, Amendment No. 65.

READ A FIRST TIME ON THE ____ DAY OF _____, 2023

READ A SECOND TIME ON THE ____ DAY OF _____, 2023

PUBLIC HEARING HELD ON THE ____ DAY OF _____, 2023

READ A THIRD TIME ON THE ____ DAY OF _____, 2023

RECONSIDERED, FINALLY PASSED AND ADOPTED ON THE ____ DAY OF _____, 2023

Chair

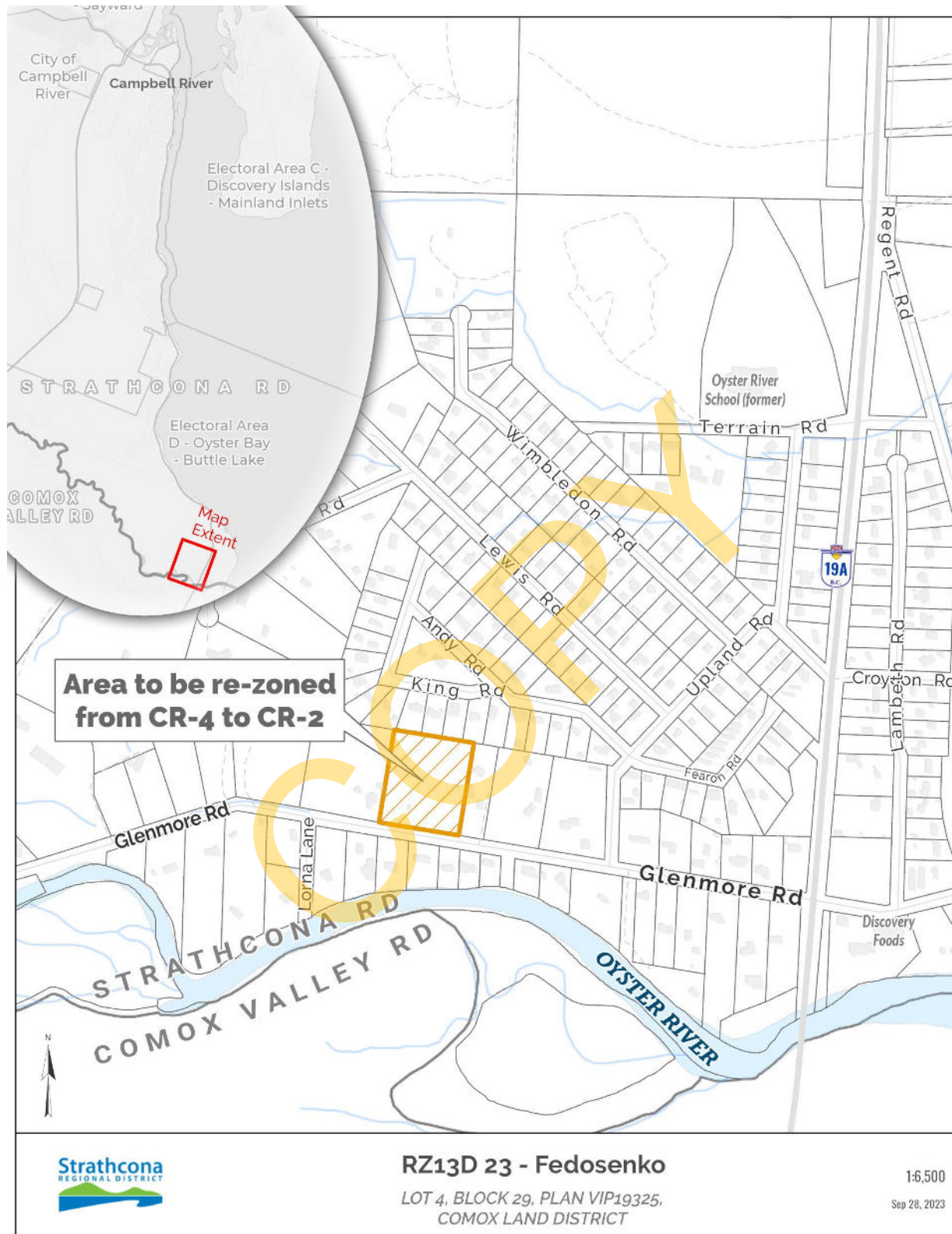
Corporate Officer

SCHEDULE 'A'

SECTION ONE MAP AMENDMENT

1. Land legally described as Lot 4, Block 29, Township 4, Comox District, Plan 19325 as shown on the attached Appendix '1', is rezoned from Country Residential Four (CR-4) to Country Residential Two (CR-2):

COPY



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

Appendix '1'

Part of Schedule 'A' to Bylaw No. 529, being Campbell River Area Zoning Bylaw 1991, Amendment No. 65.

Amends 'Map 1' of Bylaw No. 1404, being Campbell River Area Zoning Bylaw 1991.