



Corporation of the
Village of Cumberland

*Advisory
Planning
Commission*

Agenda

A meeting of the APC will be held via video conference, on Zoom, on Thursday, April 8, 2021 commencing at 4:00pm.*

CALL TO ORDER:

1. APPROVAL OF AGENDA

2. APPROVAL OF THE MINUTES

- a) APC meeting minutes of March 11, 2021

3. BUSINESS ARISING FROM THE MINUTES

None.

4. REFERRAL FROM COUNCIL

- a) Camp Road Statement of Significance and Zoning Bylaw Setbacks
b) Development Permit & Development Variance Permit – 2781 Maryport Avenue

5. NEW BUSINESS

None.

6. NEXT REGULAR MEETING

Thursday, May 13th at 4:00pm.

7. ADJOURNMENT

Time:

*This meeting is held through electronic facilities as authorized under Order M192 of the Ministry of Public Safety and Solicitor General during the declaration of a state of emergency made March 18, 2020 in order to conduct business in accordance with public health advisories related to the COVID-19 pandemic. Members of the public who wish to view the meeting can email planning@cumberland.ca to receive a link to the on-line meeting.



Village of Cumberland

Advisory Planning Commission

Minutes

The meeting of the APC was held on Thursday March 11, 2021 by video conference (due to Covid-19), commencing at 4:01pm.¹

PRESENT:	Roger Kishi, Chair	Dan Griffin
	Janet Bonaguro, Secretary	Neil Borecky
	Jaye Mathieu	
	Shannon Levett	
ABSENT:	Nick Ward	
GUESTS \ STAFF:	Meleana Searle, Planner	
	Courtney Simpson, Manager of Development Services	
	Sam Harrison, owner – Item 4a - 2720 Derwent Property Owner	
	Brad Fraser, agent – Item 4b - 2522 Dunsmuir	
	Ray Henderson, owner Nelson Roofing, Phillipa Atwood, architect Item 4c – 3132 Grant Road	
	Jacob Burnley, VIU Student	
OBSERVERS:	Nathalie Claveau – Member of the public	
	Vickey Brown- Councillor	

1. CALL TO ORDER

2. APPROVAL OF AGENDA

Bonaguro / Mathieu: THAT the agenda be approved as presented.

CARRIED UNANIMOUSLY

3. APPROVAL OF MINUTES

Mathieu / Levett: THAT the minutes of the meeting held December 10, 2020 be approved as presented.

CARRIED

¹ This meeting was held through electronic facilities as authorized under Order M192 of the Ministry of Public Safety and Solicitor General during the declaration of a state of emergency made March 18, 2020 in order to conduct business in accordance with public health advisories related to the COVID-19 pandemic.

4. REFERRALS FROM COUNCIL

(a) Development Variance Permit – 2720 Derwent Avenue

Bonaguro / Mathieu: THAT the Advisory Planning Commission receive 'Development Variance Permit, 2720 Derwent Avenue – report dated January 5, 2020.

CARRIED

DISCUSSION

- Staff provided an overview of the application
 - House built (1893) before zoning bylaw setback rules put in place.
 - Had discussions with the Fire Chief and the Manager of Operations who confirmed that primary emergency access is from the main road, and Village Operations doesn't priority clear the lanes or clear at all.
 - Staff noted that commercial and residential zonings have different access requirements for firefighting purposes. All new mixed-use residential/commercial buildings are required to be sprinklered but residential buildings are not.
 - Staff mentioned that operations would like to upgrade lanes when the budget allows.
 - Alley is not designated as a road.
 - The APC value is in providing community context to the applications before us.
- The applicant provided an overview of the context around the application
 - Fair number of laneway access building already on the lane.
 - A number of alley access dwellings behind Dunsmuir as commercial buildings not able to have a side setback (0.9m and 3.5 feet) requirements through the lobby/common area to access dwellings behind the commercial building.
 - The zoning bylaw does not account for laneway management strategies in place – this particular alley is given the highest quality of laneway in the village.
 - Limited enforcement under fire protection bylaw to ensure that the 1.5m space beside a principal dwelling, no enforcement on keeping the space clear.
 - Applicant argued that doesn't seem reasonable to not use the laneways for firefighting.
 - Unclear why the Village wants to densify the downtown core, having already zoned the area as R1-A but can't approve an application requesting this.
 - Applicant noted that this may not be a precedent setting action as there are other factors including the distance from Second Street (3 lots in from Second Street).
 - His house is centered on the lot whereas neighbouring properties are up against the lot line.

- Without the ADU being legal the Village won't obtain any tax revenue from it.
- APC comments:
 - Chair clarified that the APC mandate is to address the application in front of the APC and so for example the APC is not able to address some of the applicant's points such as bylaw enforcement.
 - APC notes the discordant between what seems practical/possible and what is stated in bylaw.
 - APC notes the frustration of the applicant and the challenges surrounding this application.
 - APC is bound by the scope of the current bylaws.
 - APC cannot make a recommendation to change a bylaw without the bylaw being referred to the APC for recommendation.
 - Per DPA Guidelines, a walkway of 1.2m in width is required from the front of the property to the ADU. The required side setback in the Zoning Bylaw is 1.5 metres. The emergency access from the front yard to the rear, as per the Zoning Bylaw is 1.5 m.
 - The two structures on the property were already existing, setbacks should have been checked/approved before moving forward, including obtaining a Stormwater Management Plan. This scenario may inform that change is required to the current process to allow issues to be raised and addressed before going through the variance process.
 - ADU should be able to be accessed by the street address (i.e. off Derwent)
 - Have not explored an easement yet would be willing to explore this with the neighbouring property owner(s) if this might be amenable to the Village/Council.
 - Practically it makes sense that any fire in the ADU would be accessed through the alley.
 - APC acknowledges staff's recent conversations with Operations and the Fire Chief that reiterate the challenges with the lane.

Bonaguro / Mathieu: THAT the Advisory Planning Commission recommend denying the application for a Development Variance Permit (2020-10-DV) for 2720 Derwent Avenue for the property legally described as Lot 3, Block 7, District Lot 21, Plan VIP522, with discussion attached.

DEFEATED (3 opposed)

Griffin / Borecky: THAT the Advisory Planning Commission recommend approving the application for a Development Variance Permit (2020-10-DV) for 2720 Derwent Avenue for the property legally described as Lot 3, Block 7, District Lot 21, Plan VIP522, per discussion attached.

CARRIED (2 opposed)

(b) Development Permit – 2522 Dunsmuir Avenue

Borecky / Mathieu: THAT the Advisory Planning Commission receive “Development Permit – 2522 Dunsmuir Avenue” report dated March 5, 2021.

CARRIED

DISCUSSION

- Staff provided an overview of the application and the community meeting comments
 - Statement of Significance for the Camp Road neighbourhood does not impact the Development Permit Area Guidelines at this time.
 - A geotechnical report will be required at Building Permit stage.
- Applicant present to address questions
- APC
 - Noted increase in traffic on this area of Dunsmuir and noted parking on the application.
 - Noted potential future impact of additional ADU development in this section of Dunsmuir for density and firefighting purposes.
 - Have seen in other municipalities where there have been issues of slope movement that have created financial liabilities to those municipalities.

Mathieu / Borecky: THAT the Advisory Planning Commission recommend to Council to approve the application (2021-01-DP) for a Development Permit on property described as Lot 6, DL 24, Plan VIP13640 (2522 Dunsmuir Avenue.)

CARRIED

(c) Development Permit – 3132 Grant Road

Bonaguro / Mathieu: THAT the Advisory Planning Commission receive the “Development Permit Application Nelson Roofing – 3132 Grant Road” report, dated March 4, 2021.

CARRIED

DISCUSSION

- Staff provided an overview of the application
- Applicants Ray and Phillipa present
- APC Comments
 - Addition to the industrial tax base
 - Exciting project for Cumberland

Borecky / Griffin: THAT the Advisory Planning Commission recommend that Council approve the Development Permit application (2020-12-DP) for the property legally described as Lot C, Section 30, Plan VIP69479 (3132 Grant Road), substantially in compliance with the draft permit dated March 4, 2021.

CARRIED

5. OLD BUSINESS

None

6. NEW BUSINESS

Bonaguro / Mathieu: THAT the Advisory Planning Commission receive a presentation from Jacob Burnley, VIU Master of Community Planning program student on Density Bonussing/Community Amenity Contributions in the VCMU-1 zone.

Presentation notes:

- Presenter comments:
 - Potential benefits of density bonusing include:
 - Increased supply of affordable housing units
 - Mixed use neighbourhoods: promoting sustainable living and increased walkability
 - Potential source of funds for heritage protection
 - Harder in smaller communities and heritage areas, if set up incorrectly then can lead to premature development.
 - Work with land economist to understand what this might be worth to the municipality.
 - Next steps will be to understand the tradeoffs and optimal density bonusing
 - Preference in his research is for affordable housing to be provided on-site rather than as a contribution to a fund.
- APC comments:
 - Who defines affordability? CMHC definition is less than 30% of an individual's income. Usually negotiated by the municipality.
 - Affordable rent is often based on percentage below market.
 - Consider the ability of the Village to waive Development Cost Charges (DCCs). If waive DCCs then actually asking the rest of the village to cover the lifecycle costs of the infrastructure assets (essentially asking the residents to subsidize development).
 - Affordable housing is an issue but so is market housing, even incentivizing density bonusing for rental units could help with housing supply.
 - As this would be bylaw based this could be easily implemented.

- Campbell River has seen some success with social housing.
- Courtenay has had some success with market rental housing.
- There are other potential developments that might be able to bring more benefits /amenities into the Village.
- There may be different terms (lengths of time) for how long the “affordability” needs to last.

7. NEXT REGULAR MEETING

Thursday April 8, 2021 at 4:00pm (pending any referrals from Council).

8. TERMINATION:

Griffin: THAT the meeting terminate.

Time: 5:48pm

<p>Certified Correct:</p> <hr/> <p style="text-align: right;">Chair</p>	<p>Confirmed:</p> <hr/> <p style="text-align: right;">Deputy Corporate Officer</p>
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ADVISORY PLANNING COMMISSION



REPORT DATE: 4/1/2021
MEETING DATE: 4/6/2021

File No. 6800

TO: Advisory Planning Commission members
FROM: Karin Albert, Senior Planner
SUBJECT: Camp Road Statement of Significance and Zoning Bylaw Setbacks

RECOMMENDATIONS

- i. THAT the “Camp Road Statement of Significance and Zoning Bylaw Setbacks” report, dated April 1, 2021 be received.
- ii. THAT the Advisory Planning Commission recommend that Council consult with residents of the Camp Road neighbourhood about reducing the front yard setback along their section of Dunsmuir Road.
- iii. THAT the Advisory Planning Commission recommend that a possible Heritage Conservation Area for the Camp Road neighbourhood, and possibly for other historic neighbourhoods in the Village, be explored with Cumberland residents as part of the next Official Community Plan update.

PURPOSE

This report discusses how the Village’s Zoning Bylaw could be amended to better support the protection of the character defining elements of the Camp Road neighbourhood, in particular the location of houses and porches close to the road.

This topic was initially presented in a report to the Committee of the Whole on April 27, 2020 to inform the Council Strategic Planning session. At their February 22, 2021 meeting, Council referred the report to the Heritage Committee, Homelessness and Affordable Housing Committee and the Advisory Planning Commission for comment.

PREVIOUS COMMITTEE OF THE WHOLE AND COUNCIL DIRECTION

Date	Resolution
Feb. 22, 2021	THAT Council refer the “Camp Road Statement of Significance and Zoning Bylaw Setbacks” report, dated February 22, 2021, to the Heritage Committee, the Affordable Housing Committee, and the Advisory Planning Commission for comment.

Date	Resolution
Apr. 27, 2020	THAT the Committee of the Whole recommend to Council to provide direction to staff on the implementation of actions identified in the “Camp Road Heritage Character and Parking Requirements” report, dated April 17, 2020 as part of the upcoming Council strategic priorities planning session in order to allow for an assessment of the impact on staff resources and the targeted allocation of those resources to achieve strategic priorities.
Jan. 13, 2020	THAT Council direct staff to report on suggestions on how to reconcile the Zoning Bylaw with the heritage statement of significance for Camp Road.
Sep. 9, 2019	THAT Council authorize staff to add the following three features, each documented with Statements of Significance, to the Cumberland Community Heritage Register: a. Camp Road Neighbourhood b. Ilo Ilo theatre c. Saito House and notify the owners and the Minister responsible for the Heritage Conservation Act;

BACKGROUND

Camp Road Planning Context

The houses on the portion of Dunsmuir Avenue west of Sutton Road, locally known as Camp Road, were constructed for workers in the historic Union Colliery in the late 19th century. When first constructed, all homes were on a single property owned by the Union Coal Mining Company and later by Robert Dunsmuir’s Canadian Collieries Dunsmuir Ltd. The property was subdivided in 1959 to create a separate lot for each of the homes and to add the Dunsmuir Avenue road right-of-way. The overlay of a subdivision on an existing settlement resulted in small setbacks from the road for most of the homes and, in a number of instances, homes or their porches encroaching into the road right-of-way.

The Village’s first zoning bylaw on record dates to 1969. That bylaw stipulated setbacks from the road of 20 feet (6.1metres). The current Zoning Bylaw No. 1027, 2016 requires setbacks of 3metres from the road for principal and accessory buildings. Existing homes that intrude into this setback are legal non-conforming (see sidebar). Table 1 provides a summary of existing setbacks from the road. Fifty out of 60 homes do not meet current setback requirements and are legal non-conforming. Twenty-one homes encroach into the road right-of-way by up to 2 metres. All of the encroachments are on the south side of the road. Only ten homes meet the 3 metre

Legal Non-Conforming

At the time a new zoning bylaw is adopted, if an existing use of land or a building is lawful but does not conform to the bylaw, then it may continue as a legal non-conforming use unless:

- The use is discontinued for a period of six months
- More than 75% of the value of the building or structure above its foundation is damaged or destroyed.

In most cases, a legal non-conforming use cannot be expanded; however, it can be maintained.

If the use and density of an existing building conforms to the new zoning bylaw, but the building’s siting, size or dimensions do not, the building may be maintained, extended or altered as long as it does not result in further contravention of the bylaw.

setback requirement, eight of those are on the north side of the road.

Table 1 – Setbacks to Dunsmuir Avenue Right-of-Way

Setbacks	Encroach by 0.7 – 2 m	0 m	0.5 – 2 m	2 – 5 m	5 – 10 m	10 – 13 m	13 – 19 m
North Side	0	14	7	0	5	0	3
South Side	21	6	2	0	2	0	0
Total	21	20	9	0	7	0	3
Meet Setback					7		3



Figure 1 – Aerial View of Camp Road with Property Lines

As part of the 2016 update of the Village’s Zoning Bylaw, the historic residential part of the Village, including the Camp Road neighbourhood, was zoned R1A – Residential Infill. This zone permits homeowners to add an accessory dwelling unit (ADU) on their lot. Secondary suites have been permitted since 1999.

Village building permit records show that since 1999, six secondary suites were added, and since 2016, when ADUs were permitted, two ADU’s have been built. In 2019, one of the owners who added a secondary suite moved the home back at the same time as adding the suite, meeting the required 3 metre setback.

Because of limited lot sizes and topography, Camp Road residents may choose to lift their home and add a secondary suite on the ground floor instead of adding to the back or side of the home. When a building is already in the process of being lifted, it may be reasonably economical for the homeowner to also move the building back to meet setback requirements and avoid having to apply and pay for a development variance to vary the front yard setback. Moving the home back can also create space for parking in front of the house and would allow the homeowner to avoid having to pay cash-in-lieu for parking spaces that cannot be provided on the property.

It is difficult to predict how many homeowners on Camp Road wish to add a secondary suite and would also be compelled to move their home back when doing so. Nonetheless, one can expect that, over a long period of time, additional homes on Camp Road will be lifted to add secondary suites and may be moved back from the road at the same time to avoid a variance application or parking cash-in-lieu payment.

Camp Road Statement of Significance

The Camp Road neighbourhood was one of five places recommended in the Village's 2016 Heritage Management Plan to be added to the Village's Heritage Register. The neighbourhood was added to the Register by resolution of Council in September 2019.

A Statement of Significance is required for each place or feature that is added to the Community Heritage Register. The Statement of Significance for Camp Road was completed in 2018. The minimal setbacks of buildings to the road is one of the features identified as having heritage value in the Statement of Significance:

*Camp Road is significant as an existing collection of mine-related residential development and related structures, part of the up to 100 buildings that comprised the original settlement of Union. The physical and functional connections between the houses and structures, the narrow roadway without sidewalks, the location of the former Wellington Colliery Railway, and the sloped grade of the landscape are important elements of Camp Road. Together, these features illustrate the original pattern of development, the tight spacing of the structures, **the minimal front yard setbacks of the houses relative to the roadway and building adaptation to the sloping grade, all of which are the result of the need to house the work force for the No. 4 Mine [bold font added by the writer of this staff report].***

Heritage Register

A Community Heritage Register is a planning tool that allows local governments to formally identify historic features and places that have heritage value or character so that they may be integrated into land use planning processes. By maintaining a Community Heritage Register, the Village documents the significance of community historic places that it wishes to preserve.

Placing properties on a Register is also the first step of stronger heritage protection tools available to local governments.

Further, three of the character-defining elements of Camp Road identified in the Statement of Significance are:

- *Pattern of housing in two rows set close to the road along Dunsmuir Avenue*
- *Adaptation of housing and landscape to existing grades*
- *Surviving road width with no sidewalks*

Moving homes back from the road to meet zoning bylaw setbacks is in conflict with heritage value and character defining elements of the Camp Road neighbourhood.

Possible actions to preserve the historic set-back of homes relative to the road

Staff have identified four possible responses to the potential loss of the historic character of Camp Road.

1. Do not make any amendments to existing bylaws.
2. Amend the Official Community Plan and the Zoning Bylaw to take away secondary suite as a permitted use along Camp Road.

3. Amend the Zoning Bylaw to establish a minimum and a maximum set-back from the road in the Camp Road neighbourhood.
4. Amend the Official Community Plan to establish a Heritage Conservation Area over the Camp Road neighbourhood.

Further exploration of the above actions should include consultations with Camp Road residents to better understand possible impacts and, in the case of an OCP amendment, consultations with the larger community.

Each of the above approaches is discussed below.

1. Do not make any amendments to existing bylaws.

It is difficult to predict the rate of change along Camp Road. Not all homeowners will want to lift their homes to add a secondary suite below and fewer yet will want to move it back at the same time. To date, only one owner has done so (in 2019).

However, Cumberland has become a very desirable place to live and is attracting both new residents as well as investors who want to maximize the value of their property. Even if a handful of homes are moved back to increase the front yard setback, this would change the character of Camp Road. The intent, and usually the effect, of zoning bylaws is that, over time, buildings and structures conform to the regulations in the bylaw. The same can be expected for Camp Road.

Further, doing nothing means the disconnect between the Zoning Bylaw and the Statement of Significance would continue. If the community values the preservation of heritage and heritage character, the preservation of heritage should be supported by zoning regulations.

2. Amend the Official Community Plan and the Zoning Bylaw to remove secondary suite as a permitted use along Camp Road.

Since the issue discussed in this report has at least partially arisen as a result of the possibility to lift a home to add secondary suites below, the Village could amend the Official Community Plan and the Zoning Bylaw to take away that use. However, it should be noted that owners along Camp Road may also lift their home to increase the size of the living space, without adding a suite.

This action is not consistent with policies in the Official Community Plan which include:

Goal 2-Growth Management

The Village will follow Smart Growth principles by directing growth and development in and around the Village Centre, and areas already serviced by existing infrastructure. Encourage complete communities, infill, mixed use, and more compact built form that is applied to the Village as a whole (p. 22).

Residential Infill

This land use is intended to accommodate ground orientated medium density housing within a 10 - minute walk of the Historic Village Commercial Core.

The area is envisioned as primarily single and two-family dwellings in a more compact arrangement with densities ranging from 25 to 37 units per hectare (10 to 15 units per acre).

The renovation of heritage homes to include multiple rental suites is also envisioned within this area. Typical ground oriented medium density development includes the following densification scenarios:

- *Narrow lot single family dwellings*
- *Single Family with an accessory dwelling unit (garage apartment, coach house, laneway house)*
- *Duplex dwelling units*
- *Townhouse dwelling units*
- *Rowhouse dwelling units*

This designation aims to double the existing population within low-density neighbourhoods in close proximity to the Village core. Adding density within existing service areas optimizes the use of neighbourhood infrastructure and provides opportunities for development funded upgrades to existing civic infrastructure. (p. 29-30).

At the same time, the OCP also includes the following goal and objectives.

Goal 3—Heritage Preservation

The Village will protect the heritage resources and heritage values of the community (p. 22)

5.4 Heritage Preservation

To maintain and support the cultural heritage of the community and assist in the revitalization of the downtown area, a Heritage Conservation Area has been established for the Historic Village Commercial Core and is described in Section 11. This, however, does not preclude future preservation of the diverse heritage residential building stock located throughout the Village, which will be considered a major asset and necessary part of the Village's character (p. 43)

5.4.2 Heritage Preservation Objectives

- 2) *Preserve the Village's built heritage, artifacts, structures, and landscapes.*
- 3) *Identify and promote incentives to assist in the conservation of heritage buildings structures, sites, and significant trees (p. 43).*

In summary, removing 'secondary suite' as a permitted use would require both an amendment to Zoning Bylaw No. 1027, 2016 and the Official Community Plan Bylaw No. 990, 2014.

In accordance with section 475 of the *Local Government Act*, as part of the amendment of an official community plan, the Village must provide one or more opportunities for consultation with affected persons, in this case, Camp Road residents.

If removing secondary suites as permitted use on Camp Road is the option preferred by Council, staff recommend exploring this as part of the next Official Community Plan update.

3. Amend the Zoning Bylaw to establish different set-backs from the road in the Camp Road neighbourhood.

The Village could establish a maximum setback from the road to prevent homes from being moved back to a point where it impacts the streetscape. As per Table 1, the current front yard setback varies from 0 metres to about 19 metres. Of a total of 60 homes, 21 homes are encroaching into the road right-of-way by 0.5 to 2 metres. Twenty homes have either their entrance, front porch, or living space right on the front property line, i.e. a 0 metre setback.

In order to preserve the historic minimal front yard setbacks of the houses relative to the roadway, the Zoning Bylaw could be amended to permit a minimum setback of 0 metres and a maximum setback of 2 metres. There is currently one zone in the Village, the VCMU-1 Village Core Commercial Mixed Use zone, which has a minimum setback of 0 metres. The VCMU-1 also has a maximum front setback of 1.0 metres.

Establishing a 0.0 metre minimum and a 2.0 metre maximum setback, would make 29 properties of the currently legal non-conforming properties conform to the bylaw. It would make the ten properties with large setbacks, legal non-conforming.

Property owners who wish to have a larger setback than the maximum would have to apply for a variance if they wish to tear down the existing home and rebuild with a setback greater than 2 metres from the front.

This is a fairly simple and likely effective response to the issue but should be informed by consultation with Camp Road residents to provide an opportunity to residents to identify possible impacts.

4. Amend the Official Community Plan to establish a Heritage Conservation Area over the Camp Road neighbourhood.

This approach would allow the Village to ensure development along Camp Road is not only sensitive to the street scape but also to other character defining elements identified in the Statement of Significance. Homeowners would have to apply for a heritage alteration permit rather than a development permit when adding an accessory dwelling unit and, in addition, would also have to apply for a permit when making other alterations to the building. The Heritage Alteration Permit guidelines would identify the specific heritage characteristics of Camp Road and require that any alterations or new buildings share those characteristics.

The downtown core is currently designated a Heritage Conservation Area. Camp Road would be within a separate Heritage Conservation Area with guidelines that apply specifically to that neighbourhood. The required heritage alteration permit would replace the currently required Development Permit#6 – Residential Infill. The cost and time to process a heritage alteration permit are similar to a development permit.

Properties located within a Heritage Conservation Area require a heritage alteration permit to do any of the following:

- Subdivide land;
- Start the construction of a building or structure or an addition to an existing building or structure;
- Alter a building or structure;
- Alter a feature that is protected heritage property;
- Demolition of a building.

This is broader than the requirements of the Residential Infill development permit which only applies if an Accessory Dwelling Unit is added. A heritage alteration permit would include requirements for supporting the heritage character of the neighbourhood. The requirements could be developed in consultation with the neighbourhood to ensure they are not unreasonably onerous and only apply to major renovations or rebuilds, exempting the replacement of existing features in similar styles, painting, repairs and general maintenance.

Short and long term strategy

In order to deal with the concern about a loss of heritage character due to homes being moved back from the road and retain the historic streetscape, staff recommends that the Village consult with the neighbourhood about establishing a minimum setback of 0.0 metres and adding a maximum set-back of 2.0 metres as part of the next Zoning Bylaw update.

The option of a Heritage Conservation Area for Camp Road, and possibly for other historic neighbourhoods, can be explored with Cumberland residents as part of the next Official Community Plan update.

FINANCIAL IMPLICATIONS

If a Heritage Conservation Area is established for the Camp Road neighbourhood in the future, specified types of alterations, in addition to new accessory dwelling units, would require a permit. This would increase revenue from development applications but also increase staff resources required to process the applications.

OPERATIONAL IMPLICATIONS

The development of policy and bylaw updates and the processing of development permits and heritage alteration permits are part of the services provided by Development Services.

STRATEGIC OBJECTIVE

- Healthy Community
- Quality Infrastructure Planning and Development
- Comprehensive Community Planning
- Economic Development

ALTERNATIVES

1. THAT the Advisory Planning Commission recommend that Council direct staff to pursue option ___ presented in the “Camp Road Statement of Significance and Zoning Bylaw Setbacks” report, dated April 1, 2021, to Council.
2. THAT the Advisory Planning Commission recommend that Council direct staff to pursue an alternate option (*identify*) to reconciling the Zoning Bylaw and the Statement of Significance for the Camp Road neighbourhood.
3. THAT the Advisory Planning Commission recommend that Council not take any action at this time.

Respectfully submitted,

Karin Albert
Senior Planner

ADVISORY PLANNING COMMISSION REPORT



REPORT DATE: 3/30/2021
MEETING DATE: 4/8/2021

TO: Chair and members
FROM: Meleana Searle, Planner
SUBJECT: Development Permit & Development Variance Permit, 2781 Maryport Avenue

FILE NO.:	3020-Maryport Avenue 2781, 2021-02-DV, 2021-02-DP		
AGENT:	None		
PID:	008-964-360	Folio No.:	516 00210.000
LEGAL DESCRIPTION:	Lot 9, Block 12, DL 21, Plan VIP522A		
CIVIC ADDRESSES:	2781 Maryport Avenue		
OCP DESIGNATION:	DPA 6 - Residential Infill		
ZONE:	R1-A Infill Residential Zone		
	Zoning Regulation	Requested Variance	
REAR SETBACK :	Min. 1.5metres (4.9feet)	0.76metres (2.5feet)	

RECOMMENDATION

- i. THAT the Advisory Planning Commission receive "Development Permit & Development Variance Permit, 2781 Maryport Avenue – Referral to APC."
- ii. THAT the Advisory Planning Commission recommend approval for the Development Permit (2021-02-DP) and for Development Variance Permit (2021-02-DV) on the property described as Lot 9, Block 12, DL 21, Plan VIP522A (2781 Maryport Avenue) to Council.

PURPOSE

The Village received an application for a Residential Infill Development Permit and a Development Variance Permit to bring an existing Accessory Dwelling Unit (ADU) at 2781 Maryport Avenue into compliance with Zoning Bylaw 1027, 2016 and the Village of Cumberland Official Community Plan, Bylaw No.990 OCP, 2014. The purpose of this report is to seek comment from the Advisory Planning Commission.

PREVIOUS COUNCIL DIRECTION

Date	Resolution
March 8, 2021	THAT Council refer the application (2021-02-DP) for a Development Permit and (2021-02-DV) for a Development Variance Permit on the property described as Lot 9, Block 12, DL 21, Plan VIP522A (2781 Maryport Avenue) to the Advisory Planning Commission for a recommendation; and THAT Council waive the requirement for a neighbourhood public meeting for the Development Permit.

BACKGROUND

Development Permit

The subject property is within the R1-A Zone and Development Permit Area No. 6 - Residential Infill.

Residential infill development is intended to build density in mature residential areas located within a short walk of the downtown core. The objective of a Residential Infill Development Permit is to guide the integration of new housing into established residential neighbourhoods and to promote quality residential environments that maintain desirable relationships to their surrounding context.

The property owner of 2781 Maryport Avenue would like to legalize an existing ADU located at the rear of the property . The structure was built as a garage in 1984 and was renovated by the previous owner to add a bathroom and office and/or living space. The renovations were done without a building permit or development permit. The gross floor area (GFA) of the proposed ADU is 46.3m² (497.3ft²) which is 35.2% of the GFA of the single-family dwelling 131.2m² (1412.5 ft²). ADU’s are permitted to be up to 75% of the GFA of the principal dwelling to a maximum of 90.0 m² (968.8ft²).

The application and supporting documents meet all of the Development Permit Area Guidelines except for the blank wall facing the lane that should be mitigated through addition of windows/dormers/ bays or landscaping. This will be addressed with the applicant prior to drafting the development permit. The proposed ADU complies with Zoning Bylaw 1027, 2016 requirements with the exception of the required rear-setback. The owner is making a concurrent application for a Development Variance Permit to vary the rear-setback.

Development Variance Permit

The siting of the original structure, built in 1984, is has legally non-conforming status as long as the use does not change. With the proposed change to residential use, the structure must now conform to the required setbacks or be granted a variance. In the R-1A zone the rear setback for ADUs is 1.5m (4.9ft). The applicant seeks to vary this setback to a minimum of 0.76m (2.5ft). The property backs onto a public lane, minimizing the potential impact on any neighbours.

Citizen/Public Consultation

Pursuant to the requirements of the *Village of Cumberland Development Procedures and Fees Bylaw No. 1073, 2018*:

1. The applicant will place the required sign on-site.

2. Village Staff will prepare a notice of Council consideration of a Development Permit and Development Variance Permit which will be mailed to owners of adjacent properties meeting the Bylaw minimum of 10 days before the Council considers the application. The notification was mailed on March 30, 2021.

ALTERNATIVES

1. THAT the Advisory Planning Commission recommend denial for the Development Permit (2021-02-DP) and for Development Variance Permit (2021-02-DV) on the property described as Lot 9, Block 12, DL 21, Plan VIP522A (2781 Maryport Avenue) to Council (must give reasons)
2. THAT the Advisory Planning Commission recommend to Council to request further information before making a decision (provide information requested).

ATTACHMENTS

1. DRAFT Development Permit
2. DRAFT Development Variance Permit

Respectfully submitted,

Meleana Searle
Planner



Corporation of the
Village of Cumberland

DRAFT
DEVELOPMENT PERMIT

TO: Cody Gold

OF: 2781 Maryport Avenue, Cumberland, BC V0R 1S0

This Development Permit (2021-02-DP) is issued subject to compliance with all of the bylaws of the Village of Cumberland applicable thereto, except as supplemented by this Permit for the purposes of converting an existing accessory building into an Accessory Dwelling Unit.

1. This Development Permit applies to and only to those lands within the Village of Cumberland described below:

Legal Description: Lot 9, Block 12, DL 21, Plan VIP522A

Folio: 516 00210.000 **PID:** 008-964-360

Civic Address: 2781 Maryport Avenue

2. The land described herein shall be developed strictly in accordance with the following terms and conditions and provisions of this Permit:

a) Site Design

The siting shall be substantially in conformance with the attached Schedule A.

Required prior to Final Inspection of the Building Permit:

b) Landscaping

The landscape plan shall be implemented substantially in conformance with the attached Schedule B.

c) Accessibility

Accessibility features shall be integrated into the overall design concept and identified on the site plans, such as but not limited to, barrier-free universal design principles and travel routes with a hard, slip-resistant surface with a minimum width per the BC Building Code.

d) Building Form and Character

i) The blank southern wall facing the lane shall be mitigated through the addition of windows/dormers/ bays or landscaping.

ii) Civic addressing shall be visible from the street frontage on Maryport Avenue.

e) Lighting

i) All site lighting installations shall be fully shielded (full cutoff).

f) Access, Parking, & Amenity Areas

- i) One of the parking spaces shown on the attached Schedule A shall be for the exclusive use of the ADU resident. The parking space shall be surfaced with a paving treatment (including: pervious paving, cellular paving and concrete unit pavers).
- ii) Access from the parking space to the ADU shall be a hard travel surface and at least 1.2metres wide, however the clearance shall be maintained for 1.5metres for emergency services.
- iii) The amenity area shall be substantially in conformance with the drawing in Schedule B.

g) Energy Conservation & Reduction of Greenhouse Gas Emissions

- i) The ADU shall be designed and engineered to be solar ready.
- ii) A 240 electric vehicle plug-in shall be required.

h) Water Conservation

The Owner is encouraged to:

- i) Incorporate rainfall capture systems for irrigation where feasible;
- ii) Use native and drought-tolerant plant species suitable for the growing area in landscaping;
- iii) Not use high water use types of turf, sod and lawn.

i) Stormwater

A Stormwater Management Plan prepared by Onsite Engineering Ltd. dated January 20, 2021 is attached as Schedule C and forms part of this Permit.

3. Security

- a) A security in the amount of \$\$\$\$\$\$ which represents 125% of the cost estimate for the approved landscape plan shall be received before the Permit is granted.
- b) When the plan has been completely implemented the Owner shall request an inspection. If found to be compliant, a refund of 75% shall be made.
- c) The remaining 25% will be held back for one year at which time the Owner will request an inspection. If the plantings are to the satisfaction of the Village, the holdback will be returned to the person who paid it. If any of the plants have not survived, they shall be replaced by the Owner per the approved landscape plan, or failing this, the Village may use the holdback to replace the plants. Any amount of the security not used for the purpose it was intended will be returned to person who paid it.

4. Expiry

Subject to the terms of the Permit, if the Owner of this Development Permit does not substantially start any construction with respect to which the Permit was issued within 2 years after the date it is issued, the Permit lapses.

5. Timing and Sequencing of Development

None.

6. List of Reports or Plans attached as Schedules

- Schedule A Site Survey
- Schedule B Landscape Plan
- Schedule C Elevation Drawings
- Schedule D Stormwater Management Plan

7. Contaminated Sites Regulation

This Permit is issued pursuant to the requirements of the *Environmental Management Act*, whereby the Owner has completed a "Site Declaration" for the subject property.

8. This Permit is not a Building Permit.

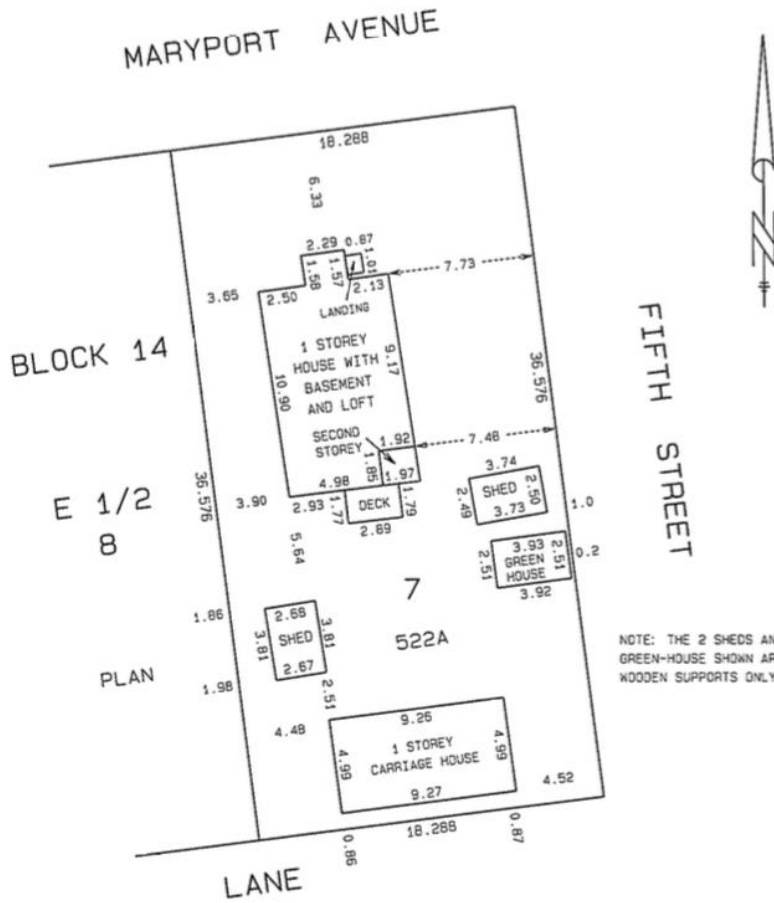
CERTIFIED as the **DEVELOPMENT PERMIT** granted by resolution of the Council of the Corporation of the Village of Cumberland on _____, 2021 and issued on _____, 2021.

Corporate Officer

Schedule A - Site Plan

BRITISH COLUMBIA LAND SURVEYOR'S CERTIFICATE OF LOCATION
FOR LOT 7, BLOCK 14, D.L. 21, NELSON DISTRICT, PLAN 522A.

2781 MARYPORT AVE., CUMBERLAND
SCALE 1 : 250 (METRIC)



NOTES:

OFFSETS SHOWN ARE NOT TO BE USED FOR DEFINING LOT BOUNDARIES.
LOT DIMENSIONS AND OFFSET DISTANCES SHOWN COULD VARY
UPON A COMPLETE RESURVEY OF THE SUBJECT PROPERTY.
THE EXTERIOR BUILDING TIES WERE MADE TO THE WOOD CLADDING.

Eve Hooper
SEPTEMBER 25, 2020 B.C.L.S.

THIS DOCUMENT IS NOT VALID UNLESS
ORIGINALLY SIGNED AND SEALED

HOERBURGER LAND SURVEYORS
COMOX, B.C. © 2020
(250) 890 - 0100
FILE: 2259CERT/172.36 FB. 86/1

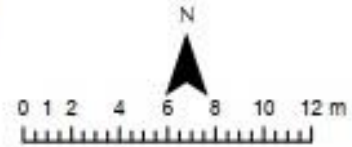
Schedule B - Landscape Plan

Landscape Plan

2781 Maryport Avenue

Village of Cumberland

Date: Oct 15, 2020
 Datum: NAD83
 Projection: BC Albers
 Scale: 1:250
 Applicant: Cody Gold



Common Name	Scientific Name
Eucalyptus	<i>Eucalyptus Camphora</i>
	<i>Eucalyptus Crenulata</i>
	<i>Eucalyptus Ovata</i>
	<i>Eucalyptus Parvula</i>
Grapevine	<i>Vitis</i> spp.
Western red cedar	<i>Thuja plicata</i>
Apple	<i>Malus</i> spp.
Cherry	<i>Prunus</i> spp.
Hazelnut	<i>Corylus</i> spp.
Raspberry	<i>Rubus</i> spp.
Blueberry	<i>Vaccinium</i> spp.
Nasturtium	<i>Tropaeolum</i> spp.

Legend

- Bike
- Compost
- EV-Plug
- Recycling
- Garbage
- Light Fixture
- Sunflower
- Grapevine
- Raspberry
- Blueberry
- Nasturtium
- Apple Tree
- Cedar Tree
- Cherry Tree
- Eucalyptus Tree
- Hazelnut Tree
- Powerpole
- Chair
- Fibre optic conduit
- Power (Buried)
- Fence
- Covered Storage
- Parking
- Structures
- Stairs
- Patio Table
- Garden Bed
- Gravel
- Grass



Schedule C - Architectural Elevations



Figure 5: Front / Northern Face

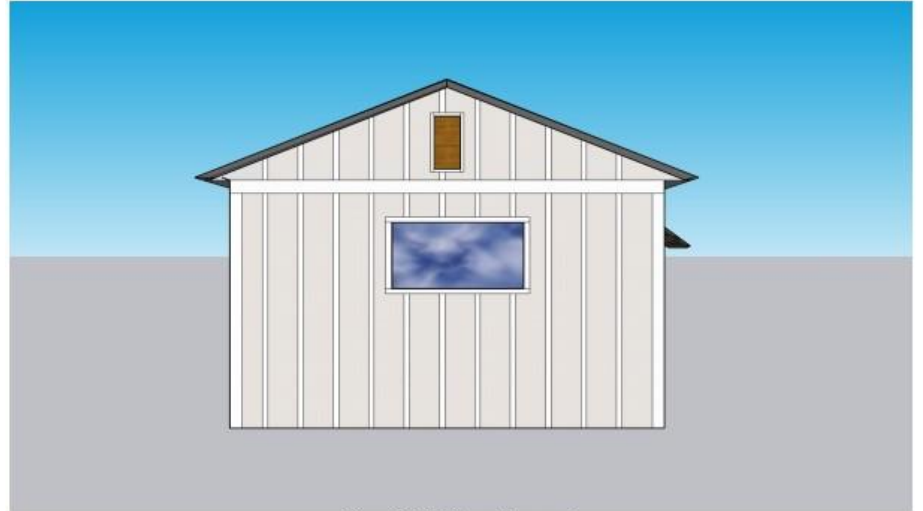


Figure 6: Fifth Street / Eastern Face

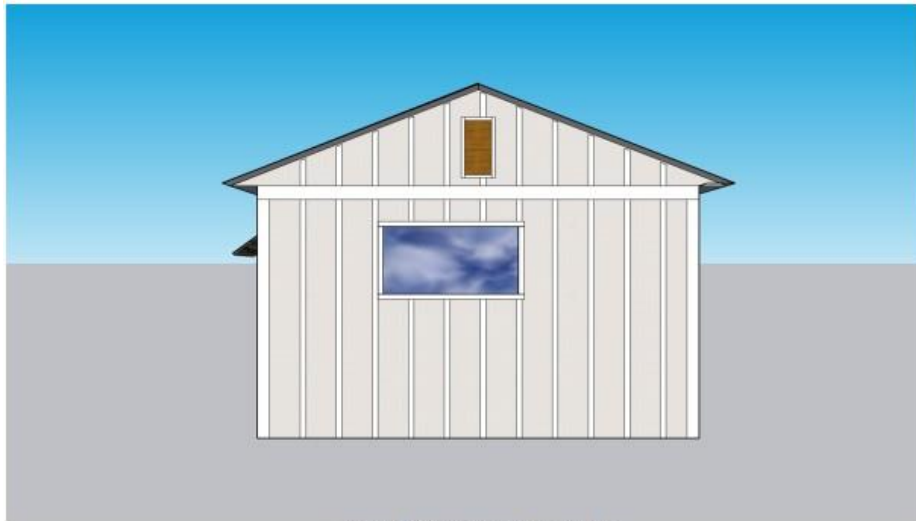


Figure 8: Amenity Area / Western Face

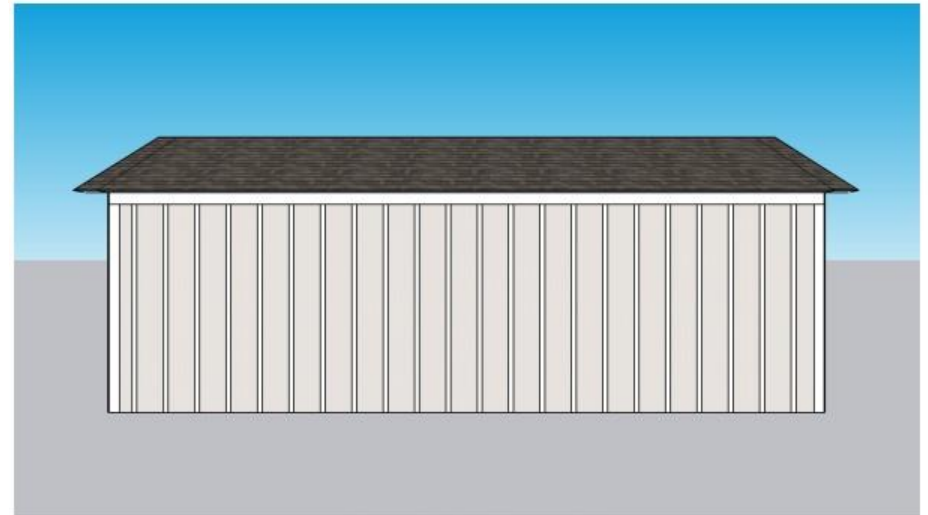


Figure 7: Laneway / Southern Face

Schedule D – Stormwater Management Plan

ONSITE Engineering Ltd.

January 20, 2021

Cody Gold
Box 244
Cumberland, BC

Re: Residential Geotechnical Assessment and Stormwater Management Plan – 2781 Maryport Avenue, Cumberland, BC

Introduction:

Onsite Engineering Ltd (OEL) has undertaken a geotechnical assessment of an existing Slab-on-Grade foundation at the request of Mr. Cody Gold (the client). The Slab-on-Grade foundation supports an existing detached garage that the client intends to develop into a habitable dwelling. This assessment is part of a residential permitting application for the garage and includes a determination of the allowable bearing capacity of the soils and drainage conditions of the existing foundation as per the requirements of the Village of Cumberland.

OEL's scope of work is limited to the geotechnical soil investigation only. The structural condition or integrity of the existing Slab-on-Grade foundation is not part of this scope and will require a structural engineer.

A site inspection was conducted by Mr. Kevin Leopold, P.Eng., of OEL on January 12, 2020. Weather during the assessment was cool and wet with light drizzle. The site had experienced continuous rainfall for approximately 14 days at the time of survey.

Site Details:

The study site is located at 2781 Maryport Avenue in Cumberland, BC. The town of Cumberland is located on the central, east coast of Vancouver Island within the Comox Valley. Surficial materials throughout the Comox Valley are primarily glacial in origin; including glacial-fluvial, glacial-marine, and glacial till deposits.

The residential property contains two structures; a detached house, and a detached garage. According to the client, the garage was built 30 to 40 years ago. The garages foundation consists of a 6" thick concrete Slab-on-Grade foundation with a cinder block frost wall. The existing structure is surrounded by a perimeter drain which, according to the client, was installed sometime in the last few years and connects to the main house perimeter drain.

Investigation:

Two test pits were excavated adjacent to the garage using a 303 mini excavator by Eveready Bobcat, Excavating, and Landscaping (Eveready). Tests pits were excavated until the bucket met refusal at a depth of 1.12 m and 1.13 m, respectively. Table 1 and 2 contain a summary of the test pits.

Interior Operations
PO Box 2012
Salmon Arm, BC V1E 4R1
Tel: 250-833-5643
Fax: 1-888-235-6943

Coastal Operations
1040 Cedar Street
Campbell River, BC
V9W 7E2
Tel: 250-287-9174

Northern Operations
3661 15th Avenue
Prince George, BC V2N 1A3
Tel: 250-562-2252
Fax: 1-866-235-6943

Courtenay
102-307 5th Street
Courtenay, BC V9N 1J9
Tel: 778-647-5643
Fax: 1-866-235-6943

Table 1: Test Pit 1

Depth (m)	Lithology
0.0 to 0.38	Sand and Cobble, subangular to subrounded, well graded, brown, compact, with debris (FILL)
0.38 to 0.49	Gravel (PERIMETER DRAIN)
0.49 to 1.02	Sandy silt, trace organics, subangular to subrounded, well graded, non-plastic, reddish brown, stiff, moist, with slight seepage at 0.99 m (NATIVE SURFICIAL SOIL)
1.02 to 1.13	Clayey silt, poorly graded, low plasticity, tan, stiff, with MINOR seepage on top.

Table 2: Test Pit 2

Depth (m)	Lithology
0 to 0.47	Sand and Cobble, subangular to subrounded, well graded, brown, compact, with metal construction debris (FILL)
0.47 to 0.66	Sandy silt, trace organics, subangular to subrounded, well graded, non plastic, reddish brown, stiff, moist, with slight seepage at 0.99 m (NATIVE SURFICIAL SOIL)
0.66 to 1.11	Silt, poorly graded, low plasticity, tan, stiff, with seepage on top.

The native surficial soil layer, starting at a depth of approximately 0.47 m, currently supports the Slab-on-Grade foundation. No signs of settlement can be seen within the existing foundation.

The perimeter drain was exposed in three locations around the garage and consists of a 100 mm (4”) perforated PVC pipe within a layer of drain gravel. The perimeter drainage gravel was constructed within the fill layer described above. Geotextile material only covers the top of the pipe and does not wrap around. The drain did not show any outflow of water during investigation suggesting that it does not hold water and is likely functioning properly.

Results:

No concerns were identified throughout the field visit. The existing soil and storm water management structures are considered acceptable for the desired purpose and size of the garage.

Soils

The surficial soil layer described in Tables 1 and 2 consists of stiff sandy silt material. The anticipated allowable soil bearing capacity of the topsoil layer is 100 kPa which meets the maximum allowable bearing pressure defined in Section 9 of the BC Building Code. In addition, after 30 to 40 years the garage shows no signs of settlement which further suggests that the soils are suitable to support the detached structure. The garage is not expected to experience significant future settlement if the structure is updated to a habitable space. **It is our conclusion that the building is safe for the intended use.**

Storm Water Management

The existing storm water management infrastructure is acceptable for the detached garage because the floor plans are not changing. The perimeter drain is considered acceptable for the size and purpose of the garage. The drain is in good condition and was observed functioning well after two weeks of rainfall. It was not possible to confirm that the drain connects to the main house; however, the pipe was visibly sloping in that direction. The equipment operator from Eveready indicated they had installed the perimeter drain several years ago, and though he could not remember the exact connection location he does recall the perimeter drain being installed in the direction the homeowner suggested.

Conversion of the existing garage into a habitable suite is not expected to result in any appreciable change to pre-development storm water flow. **No further work or changes to the stormwater management infrastructure is recommended.**

Conclusion:

We trust this report meets your requirements.

Sincerely,
Onsite Engineering Ltd.



Teague Isbister
Engineering Assistant



JAN 20 2021

Kevin Leopold, P.Eng.
Geotechnical Engineer



Photo 1: Existing garage taken from Fifth Street



Photo 2: Existing Slab-on-Grade foundation with cinder block frost wall.



Photo 3: Test pit 1 on alley side showing perimeter drain.



Photo 4: Test pit 2 on neighbour's side of building



TO: Cody Gold

OF: 2781 Maryport Avenue, Cumberland, BC V0R 1S0

This Development Variance Permit (2021-02-DV) is issued subject to compliance with all of the bylaws of the Village of Cumberland applicable thereto, except as supplemented by this Permit for the purposes of varying the rear setback of the accessory dwelling unit.

3. This Development Permit applies to and only to those lands within the Village of Cumberland described below:

Legal Description: Lot 9, Block 12, DL 21, Plan VIP522A

Folio: 516 00210.000 **PID:** 008-964-360

Civic Address: 2781 Maryport Avenue

2. The land described herein shall be developed substantially in accordance with the following terms and conditions and provisions of this Permit. The Zoning Bylaw No. 1027, 2016 is varied as follows:

Section 7.2.7 **The rear setback for accessory buildings and structures is varied to as close as 0.76 metres (2.5 feet) as shown on the site drawing attached as Schedule A to this Permit.**

3. **Security**

No security.

4. **Expiry**

Subject to the terms of the Permit, if the Owner of this Permit does not substantially start any construction with respect to which the Permit was issued within 2 years after the date it is issued, the Permit lapses.

5. **Timing and Sequencing of Development**

None.

6. **List of Reports or Plans attached as Schedules**

Schedule A – Site plan

8. This Permit is not a Building Permit.

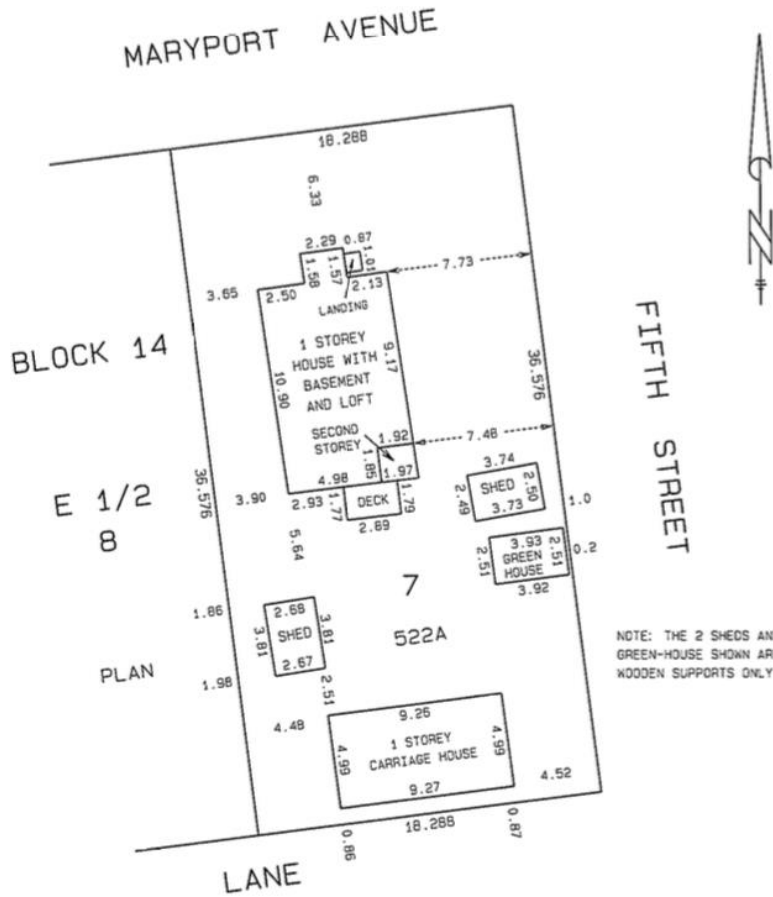
CERTIFIED as the **DEVELOPMENT VARIANCE PERMIT** approved and issued by resolution of the Council of the Corporation of the Village of Cumberland on _____, 2021.

Corporate Officer

Schedule A – Site Plan

BRITISH COLUMBIA LAND SURVEYOR'S CERTIFICATE OF LOCATION
FOR LOT 7, BLOCK 14, D.L. 21, NELSON DISTRICT, PLAN 522A.

2781 MARYPORT AVE., CUMBERLAND
SCALE 1 : 250 (METRIC)



NOTE: THE 2 SHEDS AND GREEN-HOUSE SHOWN ARE ON WOODEN SUPPORTS ONLY.

NOTES:

OFFSETS SHOWN ARE NOT TO BE USED FOR DEFINING LOT BOUNDARIES.
LOT DIMENSIONS AND OFFSET DISTANCES SHOWN COULD VARY UPON A COMPLETE RESURVEY OF THE SUBJECT PROPERTY.
THE EXTERIOR BUILDING TIES WERE MADE TO THE WOOD CLADDING.

Eve Hobson
SEPTEMBER 25, 2020 B.C.L.S.

THIS DOCUMENT IS NOT VALID UNLESS
ORIGINALLY SIGNED AND SEALED

HOERBURGER LAND SURVEYORS
COMOX, B.C. © 2020
(250) 890 - 0100
FILE: 2259CERT/172.36 FB. 86/1