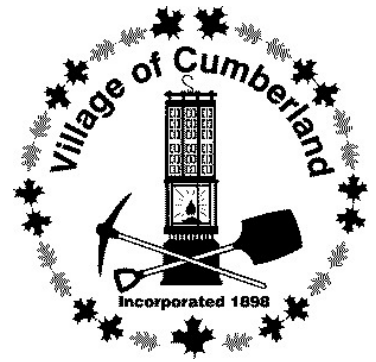


ADVISORY PLANNING COMMISSION AGENDA



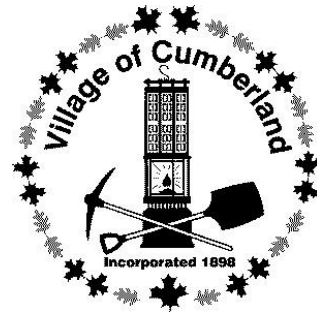
**The Corporation of the Village of Cumberland
Advisory Planning Commission Meeting
Thursday, July 21, 2022 at 4:00 p.m.
Council Chambers, 2675 Dunsmuir Avenue**

*We are honoured to gather on the unceded traditional territory
of the K'ómoks First Nation.*

- 1. Approval of the Agenda**
- 2. Minutes**
None
- 3. Unfinished Business**
- 4. New Business**
 - 4.1 Request for Comment on Development Variance Permit – 2688 Penrith Ave
 - 4.2 Request for Comment on Development Variance Permit – 4640 Cumberland Rd
 - 4.3 Request for Comment on Development Permit & Variance Permit – 3284 Second St
- 5. Next Meeting**
The next meeting of the Advisory Planning Commission will be held on Thursday, August 11, 2022 at 4:00 p.m.
- 6. Adjournment**

MEMO

ADVISORY PLANNING COMMISSION



REPORT DATE: 6/29/2022
MEETING DATE: 7/14/2022

File No. 2021-22-DV

TO: Advisory Planning Commission
FROM: Meleana Searle, Planner
SUBJECT: Request for Comment on Development Variance Permit – 2688 Penrith Avenue

Council has referred an application for a development variance permit to vary the minimum required parking spaces for a daycare use in the Public Assembly/Institutional Zone (PA-1).

The applicant is proposing to provide one on-site parking space at the rear of the property and has requested the parking requirement be reduced from five to one space. The attached staff report to Council includes detailed background and analysis of the application.

Pursuant to Advisory Planning Commission Bylaw No. 999, the Commission is requested to provide a recommendation to Council stating the following:

- approval, or;
- approval subject to various conditions, with conditions stated, or;
- denial with stated reasons.

Following are possible resolutions for convenience:

- i. That the Advisory Planning Commission recommend (*approval/denial*) of the development variance permit (2021-22-DV).
- ii. That the Advisory Planning Commission recommend approval of the development variance permit (2021-22-DV) with the following (*conditions/changes to the draft permit 2021-22-DV*): _____

ATTACHMENTS

1. June 27th, 2022 Council Report

Respectfully submitted,

Meleana Searle
Planner

COUNCIL REPORT



REPORT DATE: 6/7/2022
MEETING DATE: 6/27/2022

File No. 2022-21-DV

TO: Mayor and Councillors
FROM: Meleana Searle, Planner
SUBJECT: Development Variance Permit Application 2688 Penrith Avenue

RECOMMENDATION

- i. THAT Council receive the “Development Variance Permit – 2688 Penrith Avenue” report.
- ii. THAT Council refer the development variance permit to vary the required number of parking spaces from five to one, on the property described as Lot 1, Block 4, District Lot 21, Nelson District, Plan 522 (2688 Penrith Avenue), to the Advisory Planning Commission.



PURPOSE

The Village has received an application for a development variance permit to vary the minimum required parking spaces for daycare use in the Public Assembly/Institutional Zone (PA-1). The purpose of this report is to request a referral to the next meeting of the Advisory Planning Commission.

BACKGROUND

Proposed Development

The applicant currently runs a provincially licenced, outdoor, group childcare program that uses the Cumberland United Church/Weird Church at 2688 Penrith Avenue as a drop-off and pick-up location. The outdoor daycare accommodates twenty children aged 2.5 years to 5 years old and employs four daycare workers. The applicant would like to transition to using space within the existing building to allow for indoor daycare in addition to the outdoor program. To comply with the Zoning Bylaw the applicant needs to meet the parking requirements for the intended use or pay cash-in-lieu at a cost of \$3,800 per required parking space. The applicant is required to provide five on-site parking spaces. One parking space is proposed on site, and the applicant is requesting that the remaining four be varied.

Official Community Plan

The subject property is designated Institutional. This designation includes non-profit or semi-public use or institutions such as a fire hall, church, library, public or private school or health care facilities within the Village. It is not located within a Development Permit Area.

Zoning Bylaw

The subject property is located in the PA-1 - Public Assembly/Institutional Zone which permits community care facilities, institutional uses and recreational facilities. Parking requirements in PA-1 are based on the proposed use. Daycare facilities require a minimum of 0.75 spaces per employee and 0.075 spaces per child. With twenty children and four employees, the applicant is required to provide five on-site parking spaces and three bicycle stalls.

Village of Cumberland Strategic Priorities

The Village of Cumberland Strategic Priorities guide the Village's corporate management and decision-making. The primary purpose of the Strategic Priorities is to communicate the priorities of Council and the community and to focus and coordinate the resources of the Village of Cumberland Council and staff. The Village of Cumberland seeks to create and improve the social, environmental, and economic assets that support the health and well-being of residents. Creating childcare spaces is one of the healthy community objectives.

ANALYSIS

Land use justification

Best practices for evaluating development variance permit applications typically look for an acceptable land use justification such as:

- i. the ability to use or develop the property is unreasonably constrained or hindered by having to comply with the bylaw requirement;*
- ii. there is a net benefit to the community or immediate area that would be achieved through the variance approval; or,*
- iii. the proposed variance would allow for more efficient and effective use and development of the subject property.*

The applicant has proposed to provide one on-site parking space at the rear of the property and has requested to vary four spaces (Attachment 1 – Draft Development Variance Permit). Varying the required minimum number of on-site parking spaces from five to one would allow for the applicant to offer indoor daycare spaces. A payment of \$3,800.00 per parking space would total \$15,200.00, which is cost prohibitive for the daycare.

The proposed daycare is located in the Cumberland United Church which was built in 1895. The church was not designed to accommodate parking and the heritage nature of the site makes it challenging to provide the required parking spaces.

Additionally, the Community Care and Assisted Living Act requires a daycare licensee to provide at least 6.0m² (64.5ft²) of outdoor play area for each child. The entire outdoor play area must be enclosed in a manner that is suitable for the age and development of the children and will ensure that the children are free of harm. The siting of the existing building and requirement for outdoor play area hinders the applicant's ability to construct more than one on-site parking space.

Varying the required number of on-site parking spaces could be considered a benefit to the community as it allows for additional childcare spaces.

Impacts of the Variance

Where a land use justification for a proposed variance has been demonstrated, the application should then be evaluated based upon the impact(s) (positive or negative) of the variance.

Impact(s) may be classified into the following three general categories:

- i. Aesthetic impact. This includes the impact of the proposed variance on the streetscape, the views from adjacent properties, compatibility with neighbourhood design standards, etc.*
- ii. Functional impact. This includes the impact of the proposed variance on the function of the property for the permitted uses and the potential impact of the variance on the function of adjacent properties, or road right-of-ways.*
- iii. Environmental impact. This includes the impact of the proposed variance on the long-term sustainability of the natural environment or the direct impact on a specific feature of the natural environment.*

Staff do not identify any aesthetic or environmental impacts from the proposed variance. A potential functional impact is traffic congestion at pick-up and drop-off times. The daycare operates Monday-Friday, 7:30am to 5:30pm. As the United Church mainly operates on weekends and evenings there is no conflict for parking spaces.

PUBLIC NOTIFICATION AND CONSULTATION

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

1. The Applicant has placed the required signage on site.
2. Village staff prepared a notice of Council consideration of a Development Variance Permit which was mailed to owners and occupants of properties within 75.0 metres on June 2, 2022, meeting the Bylaw minimum of 10 days before Council considers the application.

At the time of this report, staff have not received any correspondence from the public regarding this application.

ALTERNATIVES

1. THAT Council approve the development variance permit to vary the required number of parking spaces from five to one, on the property described as Lot 1, Block 4, District Lot 21, Nelson District, Plan 522 (2688 Penrith Avenue).
2. THAT Council deny the development variance permit to vary the required number of parking spaces from five to one, on the property described as Lot 1, Block 4, District Lot 21, Nelson District, Plan 522 (2688 Penrith Avenue).
3. THAT Council request more information before making a decision.

STRATEGIC OBJECTIVE

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

FINANCIAL IMPLICATIONS

None.

OPERATIONAL IMPLICATIONS

The review of development variance permit applications is part of the services provided by Development Services.

CLIMATE CHANGE IMPLICATIONS

The proposed variance does not have an easily quantifiable impact on factors contributing to climate change.

ATTACHMENTS

1. Draft Development Variance Permit 2021-22-DV

CONCURRENCE

Courtney Simpson, Manager of Development Services **CS**

Respectfully submitted,

M. Searle

Meleana Searle
Planner

M. Mason

Michelle Mason
Acting Chief Administrative Officer



TO: BC Conference Property Development Council United Church of Canada

OF: 2688 Penrith Avenue, Cumberland, BC, V0R 1S0

This Development Variance Permit (2021-21-DV) is issued subject to compliance with all of the bylaws of the Village of Cumberland applicable thereto, except as specifically varied or supplemented by this Permit for the purposes of operating a licensed childcare facility with twenty children aged 2.5 years to 5 years old and four daycare workers. The requirement of 5 onsite parking spaces for this daycare use is reduced by this development variance permit.

1. This Development Variance Permit applies to and only to those lands within the Village of Cumberland described below, and any and all buildings, structures and other development thereon:

Legal Description: LOT 1, BLOCK 4, DISTRICT LOT 21, NELSON DISTRICT, PLAN 522

Folio: 516 00031.000 **PID:** 008-970-513

Civic Address: 2688 Penrith Avenue

2. The land described herein shall be developed strictly in accordance with the following terms and conditions and provisions of this Permit: The Zoning Bylaw No.1076, 2016 is varied as follows:

Part 6 The Parking requirements are reduced to one space for the daycare use at 2688 Penrith Avenue as indicated on Schedule A to this permit.

3. **Security**

None.

4. **Expiry**

Subject to the terms of the Permit, if the Applicant of this Development Variance 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**

1. Schedule A – Site Plan

7. **Contaminated Sites Regulation**

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

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 _____, 2022.

Corporate Officer

DRAFT

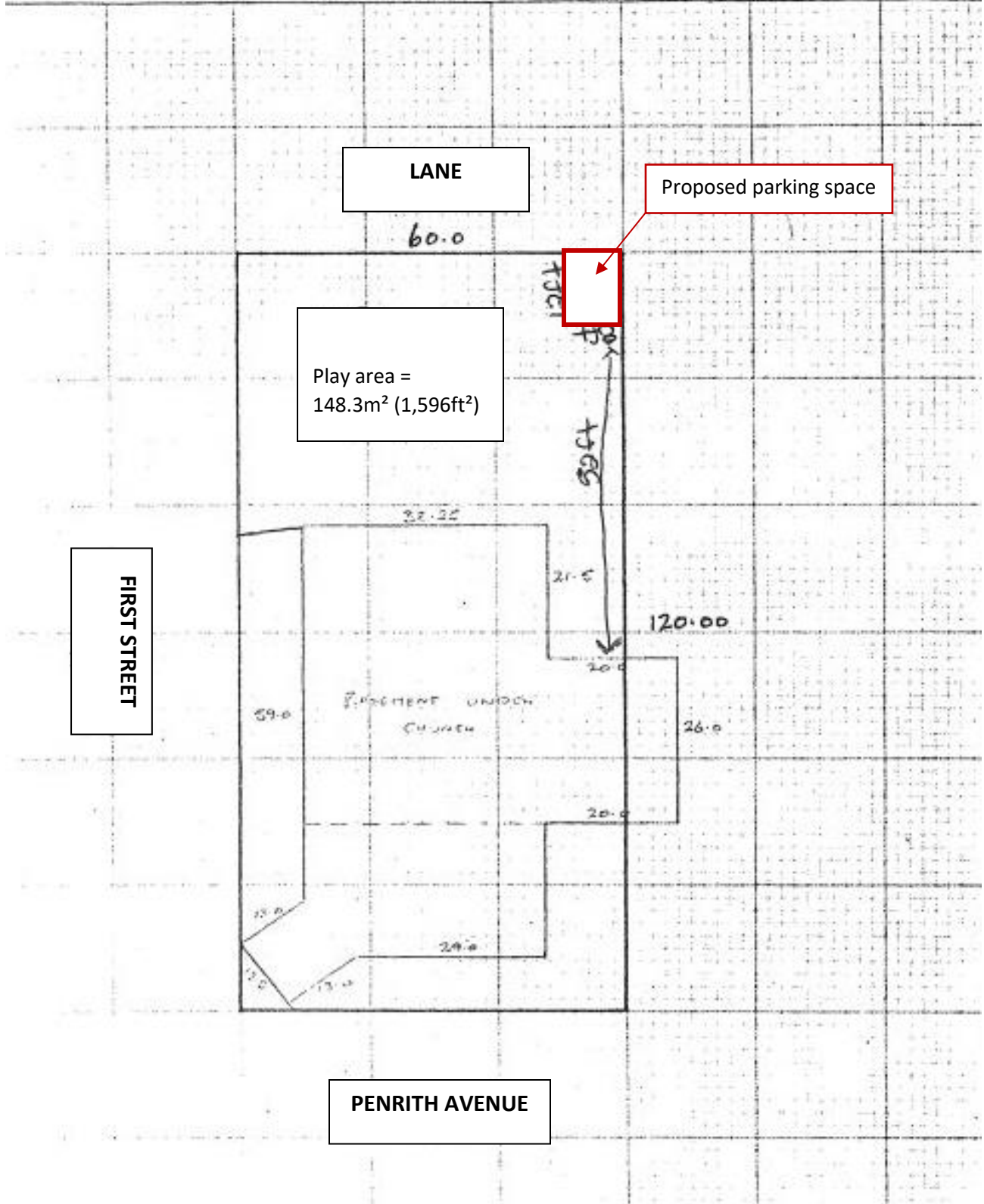
Schedule A – Site Plan

B.C. ASSESSMENT AUTHORITY

SHEET 1 OF 1

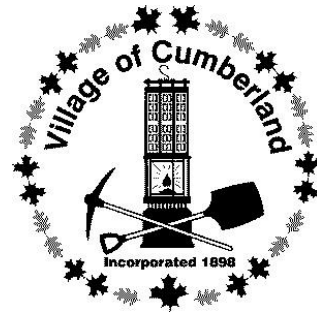
COMMERCIAL INDUSTRIAL & APARTMENT BUILDINGS

ROLL NO. 00031-000



MEMO

ADVISORY PLANNING COMMISSION



REPORT DATE: 6/29/2022
MEETING DATE: 7/14/2022

File No. 2022-05-DV

TO: Advisory Planning Commission
FROM: Meleana Searle, Planner
SUBJECT: Request for Comment on Development Variance Permit – 4640 Cumberland Rd

Council has referred an application for a development variance permit to vary the side setback on the north-east side of the property from 7.5m (24.6ft) to 3.0m (9.8ft) to accommodate on-site parking and driveway access for a new industrial warehouse building.

The applicant is proposing to build a second industrial warehouse across from the existing warehouse to be occupied by Forbidden Bike Co. To accommodate parking and maintain a single driveway access for vehicular movement, the applicant is proposing to reduce the east side-setback.

Pursuant to Advisory Planning Commission Bylaw No. 999, the Commission is requested to provide a recommendation to Council stating the following:

- approval, or;
- approval subject to various conditions, with conditions stated, or;
- denial with stated reasons.

Following are possible resolutions for convenience:

- i. That the Advisory Planning Commission recommend (*approval/denial*) of the development variance permit (2022-05-DV).
- ii. That the Advisory Planning Commission recommend approval of the development variance permit (2022-05-DV) with the following (*conditions/changes to the draft permit 2022-05-DV*): _____

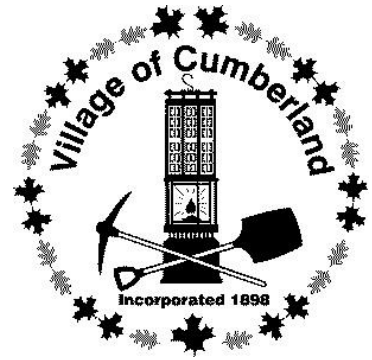
ATTACHMENTS

1. June 27th, 2022 Council Report

Respectfully submitted,

Meleana Searle
Planner

COUNCIL REPORT



REPORT DATE: 6/14/2022
MEETING DATE: 6/27/2022

File No. 2022-05-DV

TO: Mayor and Councillors
FROM: Meleana Searle, Planner
SUBJECT: Development Variance Permit Application 4640 Cumberland Road

RECOMMENDATION

- i. THAT Council receive the “Development Variance Permit– 4640 Cumberland Road” report.
- ii. THAT Council refer the development variance permit to reduce the east side-setback from 7.5m (24.6ft) to 3.0m (9.8ft) on the property described Lot 1, Section 25, Township 10, Comox District, Plan 35738 (4640 Cumberland Road) to the Advisory Planning Commission.



Subject Property

PURPOSE

The Village has received an application for a development variance permit at 4640 Cumberland Road. The applicant is proposing to vary the side setback on the north-east side of the property from 7.5m (24.6ft) to 3.0m (9.8ft) to accommodate on-site parking and driveway access for a new industrial warehouse building. This application is for a development variance permit only, and a development permit would also be required prior to issuance of a building permit.

PREVIOUS COUNCIL DIRECTION

Date	Resolution
December 9, 2016	THAT Council grant the amendment to the Development Permit (File 2013-01-DP) for property legally described as Lot 1, Section 25, Township 10, Comox District, Plan 35738 (4640 Cumberland Road) granted on June 10, 2013 for the purposes of reducing the development setback to the wetland as recommended by Warren Fleenor, R.P.Bio, in his report dated November 14, 2013 which is shown on the replacement Appendix D to the Development Permit, attached to this report as Schedule C.
June 10, 2013	THAT Council grant the Development Permit (File 2013-01-DP) for property legally described as Lot 1, Section 25, Township 10, Comox District, Plan

	35738 (4640 Cumberland Road) for the purposes of construction of a building containing 6 light industrial rental units and a handicap accessible washroom addition to the existing ATCO trailer. The development will be substantially in the form of the Development Permit with the addition of the words 'of an electrical room' after the words 'additional design' in section 3(a)ii)(2).
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BACKGROUND

Proposed Development

The subject property currently has a 6-unit light industrial warehouse, a building with decks, and outdoor storage. A dance and fitness studio currently operates out of the existing warehouse, and a bike shop out of the building at the front of the lot. The applicant is proposing to build a second industrial warehouse across from the existing warehouse to be occupied by Forbidden Bike Co. To accommodate parking and maintain a single driveway access for vehicular movement, the applicant is proposing to reduce the east side-setback.

Official Community Plan

Pursuant to the Official Community Plan (OCP), the proposed development on the property at 4640 Cumberland Road is subject to two development permit areas (DPAs): DPA #1 - Environmental Protection and DPA #5 – Industrial.

The applicant was granted an Industrial and Environmental Development Permit under the previous OCP (Bylaw No. 786, 2004) in 2013 for the first phase of development. Prior to applying for a building permit for the next phase, the property owner will be required to obtain a new development permit under the current OCP (Bylaw No. 990, 2014).

Zoning Bylaw

The subject property is zoned I-1 – Light Industrial Zone, which permits a variety of light industrial and accessory uses.

ANALYSIS

Land use justification

Best practices for evaluating development variance permit applications typically look for an acceptable land use justification such as:

- i. the ability to use or develop the property is unreasonably constrained or hindered by having to comply with the bylaw requirement;
- ii. there is a net benefit to the community or immediate area that would be achieved through the variance approval; or,
- iii. the proposed variance would allow for more efficient and effective use and development of the subject property.

Reducing the side setback from 7.5m (24.6ft) to 3.0m (9.8ft) allows for more effective use of the property. Creating a central parking area and a single vehicular travel lane between the two buildings simplifies vehicular travel onsite and allows businesses on both sides to share parking. Additionally, mirroring the two buildings emphasizes a 'public realm' by keeping site activity, both

pedestrian and vehicular, central on the property resulting in more opportunity for social interaction

Siting the proposed building to face the centre of the property will allow for building entrances to be prominent and visible from the common access driveway as required in the Industrial Development Permit guidelines.

Impacts of the Variance

Where a land use justification for a proposed variance has been demonstrated, the application should then be evaluated based upon the impact(s) (positive or negative) of the variance.

Impact(s) may be classified into the following three general categories:

- i. Aesthetic impact. This includes the impact of the proposed variance on the streetscape, the views from adjacent properties, compatibility with neighbourhood design standards, etc.
- ii. Functional impact. This includes the impact of the proposed variance on the function of the property for the permitted uses and the potential impact of the variance on the function of adjacent properties, or road right-of-ways.
- iii. Environmental impact. This includes the impact of the proposed variance on the long term sustainability of the natural environment or the direct impact on a specific feature of the natural environment.

Aesthetic impacts would be minimal on the streetscape and adjacent property. The proposed building is set back from Cumberland Road and the adjacent property to the east is zoned I-2 – Heavy Industrial and is used for the storage and sale of landscape supplies such as rock, soil and gravel.

Reducing the side-setback would increase the functionality of the subject property and would not impact the function of adjacent properties or road right-of-ways.

Staff do not identify an environmental impact.

PUBLIC NOTIFICATION AND REFERRALS

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

1. The Applicant has placed the required signage on site.
2. Village staff prepared a notice of Council consideration of a Development Variance Permit which was mailed to owners and occupants of properties within 75.0 metres on May 26, 2022, meeting the Bylaw minimum of 10 days before Council considers the application.

At the time of this report, staff have spoken to a couple of residents regarding issues that are not related to the proposed variance but are related to the site or past permits. Staff received one comment via email related to the proposed variance (Attachment 2 – Public Feedback) and a letter of support from Forbidden Bike Company (Attachment 3 – Letter of Support).

ALTERNATIVES

1. THAT Council approve the development variance permit to reduce the east side-setback from 7.5m (24.6ft) to 3.0m (9.8ft) on the property described Lot 1, Section 25, Township 10, Comox District, Plan 35738 (4640 Cumberland Road).

2. THAT Council deny the development variance permit to reduce the east side-setback from 7.5m (24.6ft) to 3.0m (9.8ft) on the property described Lot 1, Section 25, Township 10, Comox District, Plan 35738 (4640 Cumberland Road).

STRATEGIC OBJECTIVE

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

FINANCIAL IMPLICATIONS

None.

OPERATIONAL IMPLICATIONS

The review of development variance permit applications is part of the services provided by Development Services.

CLIMATE CHANGE IMPLICATIONS

The proposed subdivision is within an existing industrial node and along an existing corridor. Future climate conditions and their expected impacts shall always be considered in the planning, design, and construction of any new development on the subject property.

ATTACHMENTS

1. 2022-05-DV DRAFT
2. Public Feedback
3. Letter of Support

CONCURRENCE

Courtney Simpson, Manager of Development Services **CS**

Respectfully submitted,

M. Searle

Meleana Searle
Planner

M. Mason

Michelle Mason
Interim Chief Administrative Officer



TO: 0967098 B.C. LTD.

OF: P.O. Box 336, Lazo, BC V0R 2K0

This Development Variance Permit (2022-05-DV) is issued subject to compliance with all of the bylaws of the Village of Cumberland applicable thereto, except as specifically varied or supplemented by this Permit for the purposes of developing a new industrial warehouse.

1. This Development Variance Permit applies to and only to those lands within the Village of Cumberland described below, and any and all buildings, structures and other development thereon:

Legal Description: Lot 1, Section 25, Township 10, Comox District, Plan 35738

Folio: 516 00820.005 **PID:** 000-351-440

Civic Address: 4640 Cumberland Road

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

Section 10.1, 6). The east side-setback is varied to as close as 3.0 metres as shown on the site plan attached to this permit as Schedule A.

3. **Security**

None.

4. **Expiry**

Subject to the terms of the Permit, if the Applicant of this Development Variance 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**

1. Schedule A – Site Plan

7. **Contaminated Sites Regulation** (choose one of the following as applicable)

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

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 June 27, 2022.

Corporate Officer

DRAFT

**VARIANCE APPLICATION SKETCH FOR:
LOT 1 SECTION 25 TOWNSHIP 10 COMOX DISTRICT
PLAN 35738**

DATE: MAY 16th, 2022.

NOTES:

LOT DIMENSIONS AND BEARINGS (IF SHOWN) ARE DERIVED FROM PLAN VIP35738

THIS PLAN WAS PREPARED FOR ARCHITECTURAL DESIGN AND SITE SERVING PURPOSES, AND IS FOR THE EXCLUSIVE USE OF OUR CLIENT. THE SIGNATORY ACCEPTS NO RESPONSIBILITY OR LIABILITY FOR ANY DAMAGES THAT MAY BE SUFFERED BY A THIRD PARTY AS A RESULT OF REPRODUCTION, TRANSMISSION OR ALTERATION TO THIS DOCUMENT WITHOUT CONSENT OF THE SIGNATORY

OFFSET MEASUREMENTS ARE TO THE SIDING OF BUILDING AND ARE PERPENDICULAR TO PROPERTY LINE

BUILDING OFFSETS SHOWN ON THIS PLAN ARE NOT TO BE USED TO RE-ESTABLISH PROPERTY LINES OR CORNERS



ZONING SETBACKS

PROPOSED BUILDING			
MINIMUM BUILDING SETBACKS			
P/L	EXISTING	PROPOSED	ZONING
FRONT	7.50 M	7.50 M.	ROAD
REAR	7.50 M	7.50 M.	PA-2
SIDE(W)	7.50 M	7.50 M	R-3
SIDE(E)	7.50 M	3.00 M	I-1

NUMBERS IN BLUE INDICATES REQUIRED VARIANCE

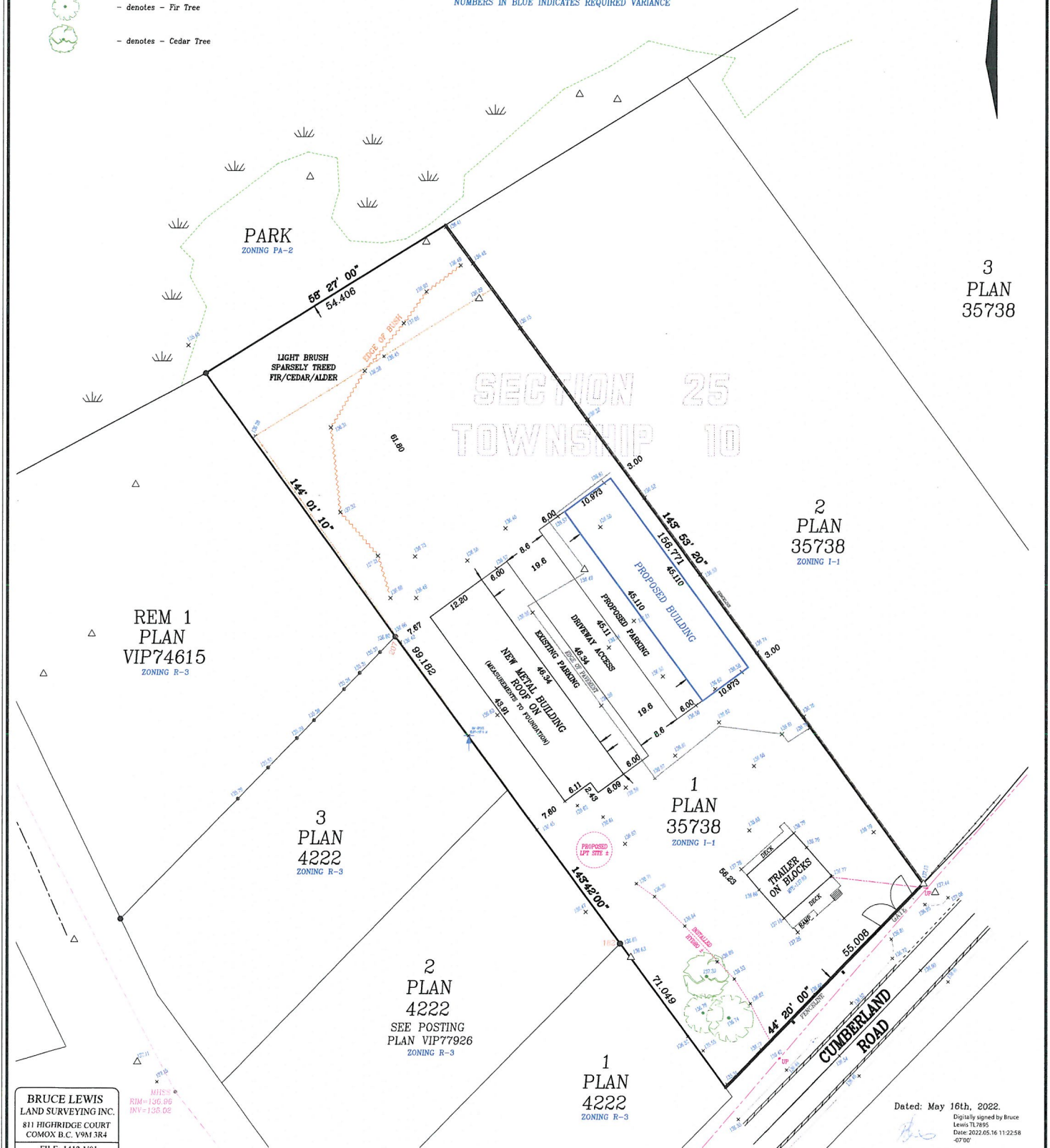
SCALE = 1 : 500



All distances are in metres and decimals thereof unless otherwise stated

LEGEND:

- △ TH - denotes - Traverse Hub
- - denotes - Iron Post found
- - denotes - Spot elevation
- - denotes - Wires
- (with wavy lines) - denotes - Fir Tree
- (with pointed leaves) - denotes - Cedar Tree



3
PLAN
35738

2
PLAN
35738
ZONING I-1

REM 1
PLAN
VIP74615
ZONING R-3

3
PLAN
4222
ZONING R-3

2
PLAN
4222
SEE POSTING
PLAN VIP77926
ZONING R-3

1
PLAN
35738
ZONING I-1

1
PLAN
4222
ZONING R-3

BRUCE LEWIS
LAND SURVEYING INC.
811 HIGHRIDGE COURT
COMOX B.C. V9M13R4
FILE: 1412-V01

Dated: May 16th, 2022.
Digitally signed by Bruce
Lewis TL7895
Date: 2022.05.16 11:22:58
-07'00'

Bruce V. Lewis, BCLS #705

Meleana Searle

From: [REDACTED]
Sent: June 7, 2022 12:29 PM
To: Planning
Subject: Development variance permit for 4640 cumberland rd.

To Village of Cumberland

In regards to the proposed variance changing set back from 7.5m to 3m on property adjacent to 4634; the 4640 property proposed building will need access for fire trucks and maintenance vehicle ect. if downspouts are to be installed and other fixtures, accessories ect... it will shrink the set back even further.

3.75m or 12.3 ft would be accessible for our neighbour and acceptable to us. Considering that the existing building has a set back of 7.5m or (24.6 ft) a 50% reduction is a reasonable compromise while still maintaining safety for an industrial building.

I would also like information on the following items. Where is the form and character of the proposed building? Why is the building at cumberland road not drawn with all the extensions?

Thanks for your consideration in this matter. I look forward to receiving answers to my questions...

[REDACTED]
For Sunny Mountain Enterprises Inc.



March 14, 2022

To whom it may concern,

We are pleased to support [REDACTED]/0967098 BC LTD application for a variance at 4640 Cumberland Road in Cumberland BC. We are currently commercial tenants at this property and require more space to continue our operations.

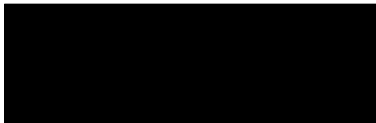
Started in 2018, Forbidden Bike Company is a global mountain bike brand designing and selling bikes that was founded and is currently based in Cumberland. The founder of the company chose this community due to its proximity to the incredible mountain bike trail network and the livability of the area. Since then, we have grown extremely quickly from a company with 3 staff in total, to a team of 10 staff who live and work locally in the Comox Valley and we project to continue to add several more jobs in 2022 alone.

Our operational space requirements have also grown exponentially, and we now require a much larger facility to allow us to bring the bicycle assembly function of our business in-house, as we plan to do the work here. We also plan to grow our local community presence by continuing to offer more bicycle demos, host community events and collaborate regularly with other local businesses to support our neighbors.

We have a strong preference to keep our business based in Cumberland – however, time is of the essence considering our quick growth, and the lack of available commercial lease options is forcing us to consider a move to elsewhere in the Comox Valley. We therefore are hopeful that the application from [REDACTED]/0967098 BC LTD for this variance will be reviewed and approved in a timely manner so that we can work with him to develop a larger space on the property this year.

If you would like further information about our business and vision for how we can grow and be a part of the community fabric of Cumberland, please do not hesitate to reach out. Thank you for your time and energy in considering this application!

Best regards,

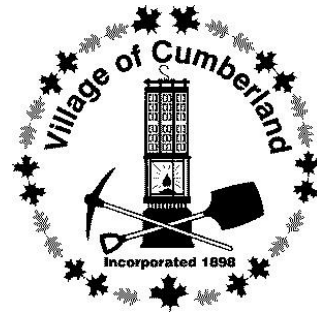


[REDACTED]
General Manager
Forbidden Bike Company



MEMO

ADVISORY PLANNING COMMISSION



REPORT DATE: 6/29/2022
MEETING DATE: 7/14/2022

File No. 2022-01-DP & 2022-03-DV

TO: Advisory Planning Commission
FROM: Meleana Searle, Planner
SUBJECT: Request for Comment on Development Permit & Development Variance Permit
– 3284 Second Street

Council has referred an application for a development permit and development variance permit to bring several pre-existing renovations without building permits into conformity. As well, the applicants are seeking a parking variance so they do not have pay the full amount of cash-in lieu that would be required. The attached staff report to Council includes detailed background and analysis of the application.

Pursuant to Advisory Planning Commission Bylaw No. 999, the Commission is requested to provide a recommendation to Council stating the following:

- approval, or;
- approval subject to various conditions, with conditions stated, or;
- denial with stated reasons.

Following are possible resolutions for convenience:

- i. That the Advisory Planning Commission recommend (*approval/denial*) of the development permit (2022-01-DP).
 - ii. That the Advisory Planning Commission recommend approval of the development permit (2022-01-DP) with the following (*conditions/changes to the draft permit 2022-01-DP*):
 - iii. That the Advisory Planning Commission recommend (*approval/denial*) of the development variance permit (2022-03-DV).
 - iv. That the Advisory Planning Commission recommend approval of the development permit (2022-05-DV) with the following (*conditions/changes to the draft permit 2022-05-DV*):
-

ATTACHMENTS

1. May 30th, 2022 Council Report

Respectfully submitted,

Meleana Searle
Planner

COUNCIL REPORT



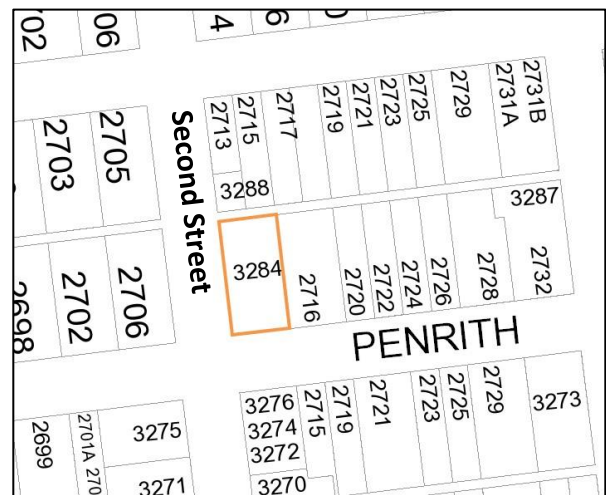
REPORT DATE: 5/27/2022
MEETING DATE: 6/13/2022

File No. 2022-03-DV & 2022-01-DP

TO: Mayor and Councillors
FROM: Meleana Searle, Planner
SUBJECT: Development Permit & Development Variance Permit – 3284 Second Street – Referral to APC

RECOMMENDATION

- i. THAT Council receive the “Development Permit & Development Variance Permit – 3284 – Referral to APC” report.
- ii. THAT Council refer the application for a development permit and development variance permit (2022-01-DP & 2022-03-DV) for the property described as Lot 1, Block 5, District Lot 21, Nelson District, Plan 522 (3284 Second Street) to the Advisory Planning Commission for a recommendation.



PURPOSE

The purpose of this report is to request a referral to the Advisory Planning Commission for a recommendation. The subject property operates as the Cumberland Guest House providing vacation rental accommodation. The application is for a development permit and development variance permit to bring several pre-existing renovations without building permits into conformity. As well, the applicants are seeking a parking variance so they do not have pay the full amount of cash-in lieu that would be required.

BACKGROUND

Proposed Development

A vacation rental business has operated on the property since approximately 2008. The current owners applied for a business license for the vacation rental in February 2020, shortly after they took ownership; when property ownership changes, a new business license application is required. The construction without building permits must be addressed and parking must be provided (or cash in lieu paid) before a business license can be issued.

Currently on the property there is:

- A two-storey single family dwelling:
 - Upstairs (2 bedrooms)
 - Downstairs – secondary suite (3 bedrooms) – converted to suite without building permit
- A two-storey addition connected by a deck:
 - Upstairs (2 bedrooms) – kitchen installed without building permit
 - Downstairs (2 bedrooms with ensuite) – converted from garage without building permit
- A shipping container used for bicycle storage – not permitted in zone, in setback area
- No parking spaces

The development permit application is to convert the existing addition to an ADU. The addition is connected to the primary dwelling by an upper-level deck and currently has a non-compliant kitchen. Converting the addition to an ADU will allow the kitchen.

The requested variances to Zoning Bylaw No. 1027, 2016 (Zoning Bylaw) are as follows:

- Increase the maximum permitted gross floor area (GFA) for an ADU from 90.0m² (968.8ft²) to 133.8m² (1,440.0ft²) to accommodate conversion of the ground floor garage to living space. A garage is not included in the GFA of an ADU above, but if the garage is converted to living space it becomes part of the GFA of the ADU.
- Increase the maximum permitted height of a two storey ADU from 7.5m (24.6ft) to 7.6m (25.0ft) as the structure is existing.
- Allow a breezeway connecting the primary dwelling to the proposed ADU. As per the Zoning Bylaw, an ADU must be fully detached from (and with no breezeway to) any single-family dwelling on the subject lot.
- Increase the maximum permitted GFA of a secondary suite from 90.0m² (968.8ft²) to 100.8m² (1,085.0ft²) so the existing suite can be legalized.
- Increase the maximum permitted percentage distribution of a secondary suite from 40% of the GFA of the residence to 50% so the existing suite can be legalized.
- Allow a shipping container on the lot. Zoning Bylaw section 4.11, Storage - prohibits the use of shipping/cargo containers as an accessory storage building in any zone other than prescribed in the Bylaw.
 - If approved: Vary the minimum rear setback from 1.5m (4.9ft) to 0.6m (1.9ft) and the exterior side setback from 3.0m (9.8ft) to 0.3m (0.9ft).
- Reduce the required number of required vehicular parking stalls from 7 to 4.

Official Community Plan

The subject property is within 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.

A development permit is required to convert the existing addition into an ADU.

Zoning Bylaw

The subject property is zoned R-1A – Residential Infill which permits single family dwellings as the principal use. One secondary suite and one ADU are permitted as accessory uses. The use of a principal dwelling unit and accessory dwelling units are permitted to operate as vacation rental instead of the principal residential use.

Vacation Rentals

The property is currently being operated as a vacation rental. On May 9th, 2022, Council gave direction to staff to amend the current Vacation Rental regulations and withholding issuance of business licenses for short term vacation rentals while amendments to the regulations are being prepared. This is in place for a period of up to 90 days. All applications received prior to May 10th will be processed and issued under the requirements of the current Zoning Bylaw and are not subject to the 90-day period.

ANALYSIS

Best practices for evaluating development variance permit applications typically look for an acceptable land use justification. Where a land use justification for a proposed variance has been demonstrated, the application should then be evaluated based upon the impact(s) (positive or negative) of the variance. See Attachment 3 – Best Practices for Evaluating Development Variance Applications.

Accessory Dwelling Unit & Breezeway

The purpose of converting the existing addition to an ADU is to retain the kitchen. The structure was approved as an addition to the primary dwelling in 2012, was built to comply with the zoning regulations at the time and did not originally include a kitchen.

If the addition becomes an ADU, it is 0.1m (0.33ft) over height. The property was previously zoned R-1 (Zoning Bylaw No. 717, 1997) which allowed a maximum building height of 9.0m (29.5ft). The addition is 7.6m (25.0ft) in height. The current Zoning Bylaw permits two storey ADUs to be a maximum of 7.5m (24.6ft). Staff consider this variance to be minor.

If the addition becomes an ADU, the upstairs living space that has a valid occupancy permit (excepting the kitchen) complies with the maximum GFA of an ADU. However, the variance application includes increasing the permitted GFA so that the building permits can be issued for the ground floor conversion from garage to two bedrooms with ensuites. ADU's are permitted to have a maximum GFA of 90.0m² (968.8ft²) and must be less than 75% of the GFA of the single-family dwelling. The existing addition has a total GFA of 133.8m² (1,440.0ft²) including both stories, and the primary dwelling has a GFA of 201.6m² (2,170ft²) which is 66% of the primary dwelling.

The application and supporting documents meet the Residential Infill Development Permit Guidelines and Zoning Bylaw 1027, 2016 requirements except for the maximum permitted GFA percentage, maximum height for a two-story ADU and the required on-site parking. The applicant would be required to install an EV charger accessible to an on-site parking space at building permit. The existing landscaping is established and does not require any additional plantings or hardscaping (Attachment 1 – Schedule B – Landscape Plan & Photos of Existing Landscaping). The exterior of the proposed ADU matches the primary dwelling and is clad in hardi-plank with cedar

shingles in the gables and below the upper storey windows (Attachment 1 – Schedule C - Images of Proposed ADU).

Breezeway

To be considered an addition, the structure needed to be connected to the primary dwelling unit when built in 2012. This was achieved through the construction of a deck that connects the two structures. The addition cannot be converted to an ADU without either removing the deck, as an ADU must be fully detached from a single-family dwelling or obtaining a variance to keep it. The deck provides an outdoor amenity area for upper floor tenants/guests.

Secondary Suite

The requested variances to increase the permitted GFA of a secondary suite and to increase the percentage distribution compared to the primary dwelling are consistent with recent revisions to the Building Code related to secondary suites (Attachment 4 – Changes to BC Building Code – Comparison Chart). Larger suites may allow for more livable space, increasing the potential for the unit to be rented by a family or group. This could be considered a benefit to the tourism industry by supporting the development of a diversity of quality tourist accommodations. Should the suite not be rented as a vacation rental it would be large enough to accommodate a family or roommates.

The introduction of the new requirements for the design and construction of secondary suites in the BC Building Code does not supersede existing land use bylaw regulations that limit the size of a secondary suite. Local governments are encouraged consider amending their bylaws to remove any previous code references and this change is planned to be proposed to Council through the Development Approval Process Modernization project currently underway.

Staff do not identify any aesthetic, functional or environmental impacts of the variance and consider this variance to be minor.

Parking

Two onsite parking spaces are required for the secondary suite and ADU conversion (one each). The spaces must be provided, or cash in lieu paid, at the time of building permit. Seven parking spaces (an additional 5) are required for the vacation rental use at one per bedroom. To obtain a business license, the spaces need to be provided or cash in lieu paid. There are currently no parking spaces on the property and tenants and guests currently park perpendicular or angled on the boulevards along Second Street and Penrith Avenue.

The vacation rental was originally operated within the primary dwelling as a bed and breakfast under Zoning Bylaw No.717, 1997. The business licence application from 2008 shows that three required parking spaces were provided on-site. Air photos show this parking was located from a driveway off Second Street and that sometime between 2014 and 2016 a shipping container was added to the property resulting in a loss of these parking spaces. Subsequent business license renewals were issued as a desktop exercise without site visits to confirm required parking, as was standard practice.

The variance application is to reduce the required onsite parking from 7 spaces to 4 spaces. The applicant proposes to provide one space on a new driveway off Penrith Avenue and pay cash in lieu for the other three. The applicant proposes that paying cash in lieu for more spaces should

not be required as there is ample on-street parking. At \$3,800 per space, cash in lieu for 6 spaces would be \$22,800 and cash in lieu for 3 spaces would be \$11,000.

Although there appears to be ample on-street parking now, it is informal and uses much of the boulevard, as there is no curb or defined parking spaces. Should street parking be formalized in the future through improvements such as curb and sidewalk, fewer vehicles would be accommodated. With the current boulevard parking, at times there are concerns with vehicles parked too close to the intersection at Second Street and Penrith Avenue affecting vision clearance, and with larger vehicles with bike racks extending into the road right of way. As per the Streets and Traffic Bylaw No. 951, 2017, vehicles are not permitted to park within 6.0m (19.6ft) of a stop sign or within 6.0 (19.6ft) of the lateral line of an intersecting roadway.

Shipping Container

The shipping container was placed on-site sometime between 2014-2016, around the time that the garage was converted into two bedrooms. Shipping containers were prohibited from residential zones in the 2016 Zoning Bylaw update; however, it is not clear if the shipping container was placed prior to this. Regardless, setbacks for accessory buildings were not followed and the structure is non-compliant.

The applicants are seeking a variance to retain the shipping/cargo container and further, to allow it to remain within the setback area. The rear setback would be reduced from 1.5m (4.9ft) to 0.6m (1.9ft) and the exterior side setback from 3.0m (9.8ft) to 0.3m (0.9ft).

The rationale for keeping the storage container is bike storage for the vacation rental (Attachment 5 – Photos of Shipping Container Bike Storage). The previous owners of the property originally added the shipping container as a bike storage unit and the applicants are continuing to do the same. The shipping container offers secure storage for guest's bikes and provides a storage space for patio furniture in the winter. The applicants feel that removing the shipping container and building a new accessory building to meet the required setbacks would be less aesthetically pleasing to the neighbours as they would need multiple buildings and it would be less secure for guest's bikes. The applicants feel that the secure bike storage is an attractant to guests and a loss of this amenity could result in lost revenue.

Staff suggested turning one of the suites on the main floor of the proposed ADU into bicycle storage, however, the applicants were concerned about the loss of revenue after investing into updating the suites. Removal of the shipping container would also allow for two or three on-site parking spaces.

The shipping container is highly visible from the street which impacts the aesthetic of the streetscape. Shipping containers are prohibited from residential areas as they are industrial in nature and not compatible with the neighbourhood design standards.

PUBLIC NOTIFICATION AND CONSULTATION

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

1. The applicant has placed the required sign on site.
2. Village staff prepared a notice of Council consideration of a Development Variance Permit which was mailed to owners and occupants of properties within 75.0 metres on June 1, 2022, meeting the Bylaw minimum of 10 days before Council considers the application.

3. Council may require that the applicant hold a neighbourhood public meeting, which includes:
 - a) Advertising once in a local paper, at least 10 days prior to the meeting
 - b) Sending an invitation to adjacent neighbours (within 75metres) at least 10 days prior to the meeting; and
 - c) Provide a summary of the meeting, how many attended, if any comments were received.

Staff recommends that Council does not require a neighbourhood public meeting. Although the *Village of Cumberland Procedures and Fees Bylaw No. 1073, 2018* states that Council may require that the applicant hold a neighbourhood public meeting, because Council has limited discretion when approving development permits, public meetings for development permit applications are generally not recommended.

At the time of this report, staff have received one public comment, see Attachment 8 - Public Feedback.

ALTERNATIVES

1. THAT Council request further information about or changes to the proposed ADU conversion related to the development permit area guidelines.

Council may request further information or clarification, or request the applicant make changes to the plans. If changes are requested, specific direction about the type of alterations and which guidelines they relate to will assist the applicant.

2. THAT Council deny the application for a development variance permit (2022-03-DV) for the property described as Lot 1, Block 5, District Lot 21, Nelson District, Plan 522 (3284 Second Street).

STRATEGIC OBJECTIVE

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

FINANCIAL IMPLICATIONS

None.

OPERATIONAL IMPLICATIONS

The review of development permit and development variance applications is part of the services provided by the Development Services Department.

CLIMATE CHANGE IMPLICATIONS

The proposed ADU meets the objective of the Village to encourage new development that incorporates energy and water conservation principles as well as designs that work towards reducing greenhouse gas emissions.

This infill development is an example of compact growth in an existing residential node. Compact growth enables residents and visitors to safely and easily walk, cycle, carpool or travel by bus as well as by automobile.

ATTACHMENTS

1. 2022-01-DP DRAFT
 - a. Site Plan
 - b. Landscape plan & Photos of Existing Landscaping
 - c. Images of Proposed ADU
 - d. Stormwater Management Plan, March 22, 2022
2. 2022-03-DV DRAFT
 - a. Site Plan
3. Best Practices for Evaluating Development Variance Applications
4. Changes to BC Building Code – Comparison Chart
5. Image of Shipping Container Bike Storage
6. Letter from Applicant – Rationale for Parking and Shipping Container
7. Letter from Applicant – Application Purpose
8. Public Feedback

CONCURRENCE

Courtney Simpson, Manager of Development Services **CS**

Respectfully submitted,

M. Searle

Meleana Searle
Planner

M. Mason

Michelle Mason
Interim Chief Administrative Officer



Corporation of the Village of Cumberland

DEVELOPMENT PERMIT

TO: Mario Fehrenberg & Sabrina Lloyd

OF: Box 569, Cumberland, BC V0R 1S0

This Development Permit (2022-01-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 addition 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 1, Block 5, District Lot 21, Nelson District, Plan 522
Folio: 516 00041.000 **PID:** 000-854-018
Civic Address: 3284 Second Street

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

a) Site Design

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

b) Landscaping

- i) The landscape plan shall be implemented substantially in conformance with the attached Schedule A.

c) Building Form and Character

- i) Civic addressing shall be visible from the street frontage on Second Street.

d) Lighting

- i) All site lighting installations shall be fully shielded (full cutoff).
- ii) Security and other lighting should be placed so as not to shine directly into residential properties or to reduce the separation effectiveness of any landscaped buffer.

e) Access, Parking, & Amenity Areas

- i) Parking area should be surfaced with a paving treatment (including: pervious paving, cellular paving and concrete unit pavers).

f) Energy Conservation & Reduction of Greenhouse Gas Emissions

- i) A 240 electric vehicle plug-in, on-site, shall be required.

h) Stormwater

- i) A Stormwater Management Plan prepared by Wedler Engineering dated March 22, 2022 is attached as Schedule C and forms part of this permit.
- ii) A rock-pit per the details in the Stormwater Management Plan is to be constructed

3. Security

- a) A security 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 two 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

- a) Schedule A - Site & Landscape Plan
- b) Schedule B – Images of Existing Building
- c) Schedule C - 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.

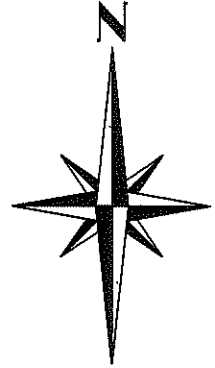
8. This Permit is **not** a Building Permit.

CERTIFIED as the **DEVELOPMENT PERMIT** granted and issued by resolution of the Council of the Corporation of the Village of Cumberland on June 13, 2022.

Corporate Officer

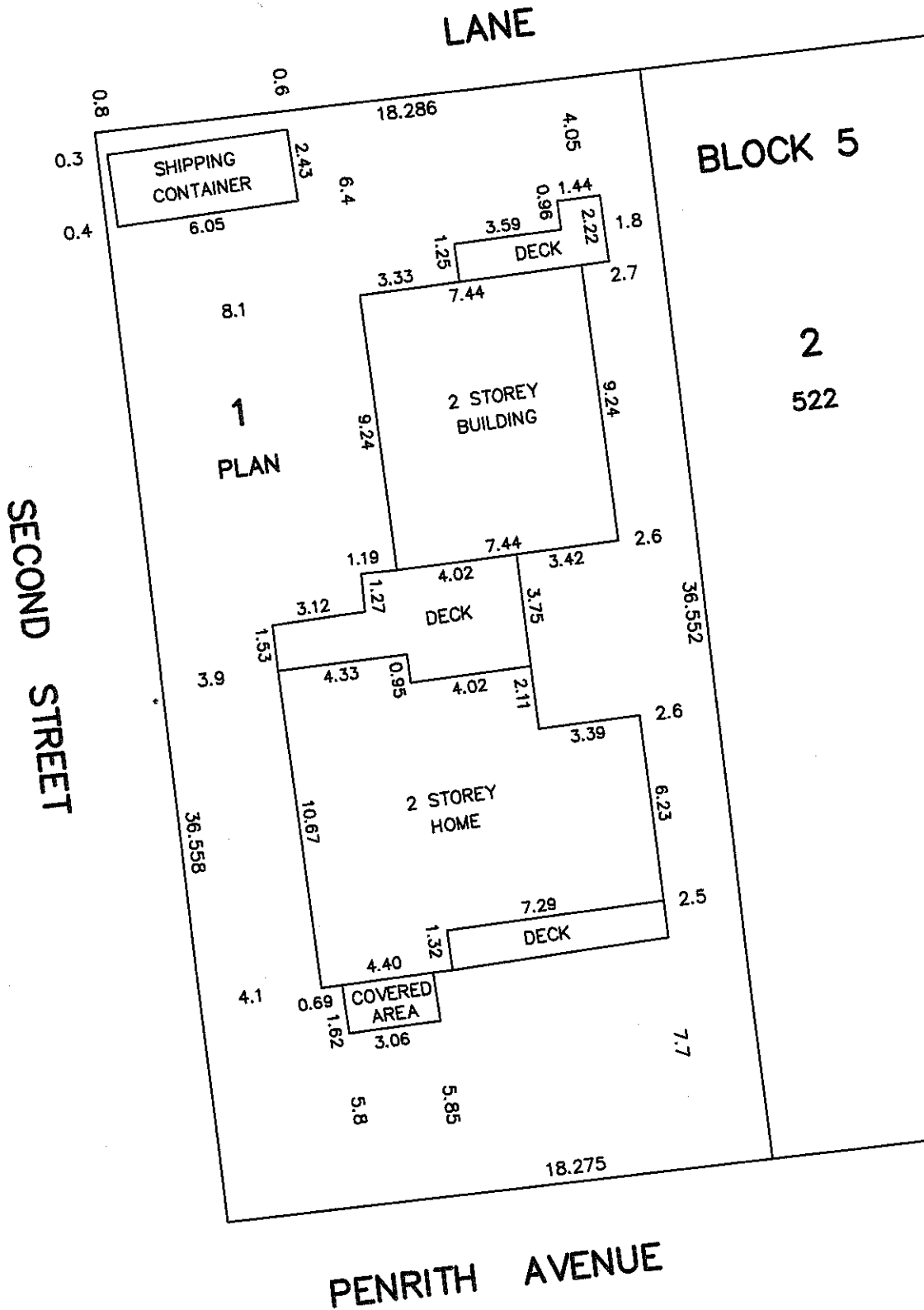
BRITISH COLUMBIA LAND SURVEYOR'S CERTIFICATE OF LOCATION FOR
LOT 1, BLOCK 5, DISTRICT LOT 21, NELSON DISTRICT, PLAN 522.


3284 SECOND STREET, CUMBERLAND
SCALE 1 : 200 (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.
LOT COVERAGE IS 34.3%.

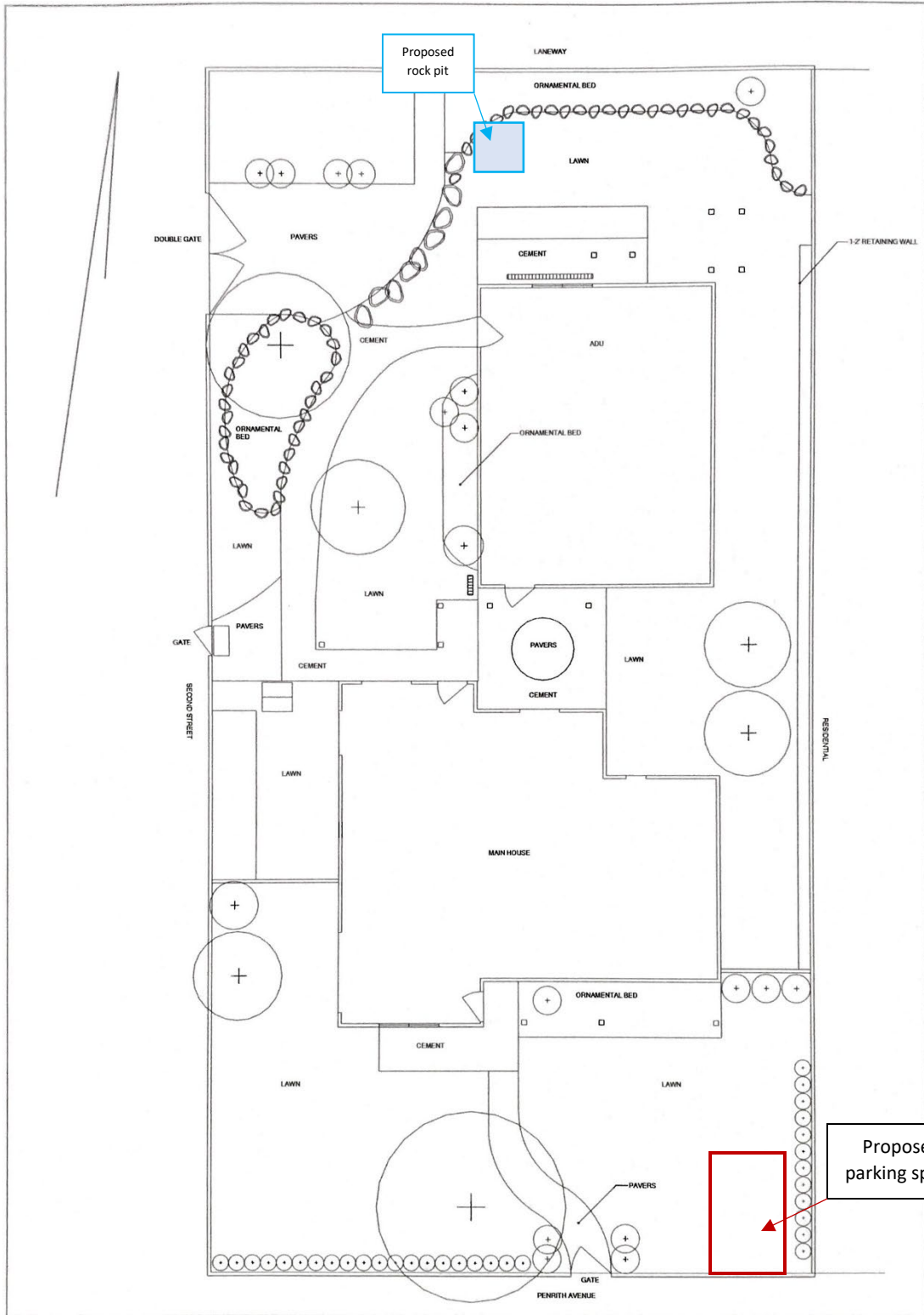



FEBRUARY 22, 2022 B.C.L.S.

THIS DOCUMENT IS NOT VALID UNLESS
ORIGINALLY SIGNED AND SEALED

HOERBURGER LAND SURVEYORS
COMOX, B.C. © 2022
(250) 890-0100
FILE: 2382CT1/181.9 FB. 88/82

Attachment 1 – Schedule B – Landscape Plan & Photos of Existing Landscaping



B 20	Property Overview 3284 Second St Cumberland, BC Scale: 1/4" = 1'-0" (1:48)	 Designer: Nancy Silvestri	REVISIONS																	
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North-west corner of the property. In front of proposed ADU. (off Second Street)



North-east corner of the property. Adjacent to ADU. (off lane)



View from north-east corner of the property towards Second Street



Yard in front of primary dwelling and secondary suite off Penrith Ave

Attachment 1 - Schedule C – Images of Proposed ADU



Wedler Engineering LLP
211-2459 Cousins Avenue
Courtenay, BC V9N 3N6



WEDLER
ENGINEERING

March 22, 2022

File Ref: V20-0425/A

Mario Fehrenberg
3208 Fifth Street
Cumberland, BC
V0R 1S0
Via email: mfehrenberg@hotmail.com

Attention: Mario Fehrenberg

Reference: 3284 Second Street Cumberland - Stormwater Management Plan

This report has been prepared in response to the requirement from the Village of Cumberland to conduct a stormwater management plan (SWMP) for the property at 3284 Second Street Cumberland, so the owner can obtain a business license. The SWMP must keep post-development flows equal to pre-development conditions for an accessory dwelling unit (ADU) that was built on site 10 years previous and was not approved under a development permit or building permit.

This report will review the following with respect to the proposed lot redevelopment:

- Pre- and post-development conditions
- Estimated pre- and post-development flows
- Proposed flow mitigation strategies and recommended best management practices
- Conclusions

Pre- and Post-Development conditions

The subject property is located on the corner of Second Street and Penrith Avenue in Cumberland, BC. The lot is relatively flat but does slope to the southeast and during storm events runoff drains towards Penrith Avenue. Existing infrastructure on site includes a city storm line that runs along Second St., with catch basins located at the northwest and southwest corners of the lot which capture all upstream stormwater.

Pre-development conditions (prior to the ADU development) include 102 m² impervious area or rooftop, and 570 m² pervious area or grass, for a total catchment area of 670 m².

The post-development conditions include the addition of the ADU, with 67 m² of rooftop and 48 m² of gravel driveway, and the addition of a small container, adding 14.7 m² of roof area. This increases the impervious area of the lot over the same total catchment of 670 m².

Estimated pre-development and post-development flows

In order to accurately analyze the site's stormwater characteristics, an appropriate runoff coefficient (C factor) is required. The C factor has been calculated based on the site plan and using guidance based on the Master Municipal Construction Documents (MMCD) Design Guideline values, and standard

engineering practices. Considering the length of time the site has been developed, the storm runoff flow paths are considered to have adapted to the current developed state. The C value was determined by using a weighted average between surfaces on the lot, according to pre-and post-development conditions, and calculated values are as follows:

- C = 0.39 for 1:5yr, and 1:100yr (pre-development – as the lot existed over the past 100 years)
- C = 0.50 for 1:5yr, and 1:100yr (post-development)

Flow rates were calculated using existing flow routes to arrive at a time of concentration, and the Intensity Duration Frequency Curves – Courtenay Puntledge.

Time of concentration is calculated by the time it takes for runoff to travel along the overland flow portion of the drainage route from the furthest point of the catchment. Given the size of the site, the gentle slope and lack of defined flow paths, all flows onsite are assumed to sheetflow from the northwest corner of the lot out to Penrith Avenue. Tables 1 and 2 show a summary of storm flows pre- and post-development condition for the 5- and 100-year storm events.

Table 1: Pre-Development Storm Runoff

Pre-Development				Tc = 18.4 minutes
Storm Recurrence	C	i (mm/hr)	A (hectares)	Q (m ³ /second)
5 year	0.39	33.0	0.067	0.0024
100 year	0.39	67.0	0.067	0.005

Table 2: Post-Development Run-off

Post-Development				Tc = 15.6 minutes
Storm Recurrence	C	i (mm/hr)	A (hectares)	Q (m ³ /second)
5 year	0.50	35.0	0.067	0.0034
100 year	0.50	70.0	0.067	0.007

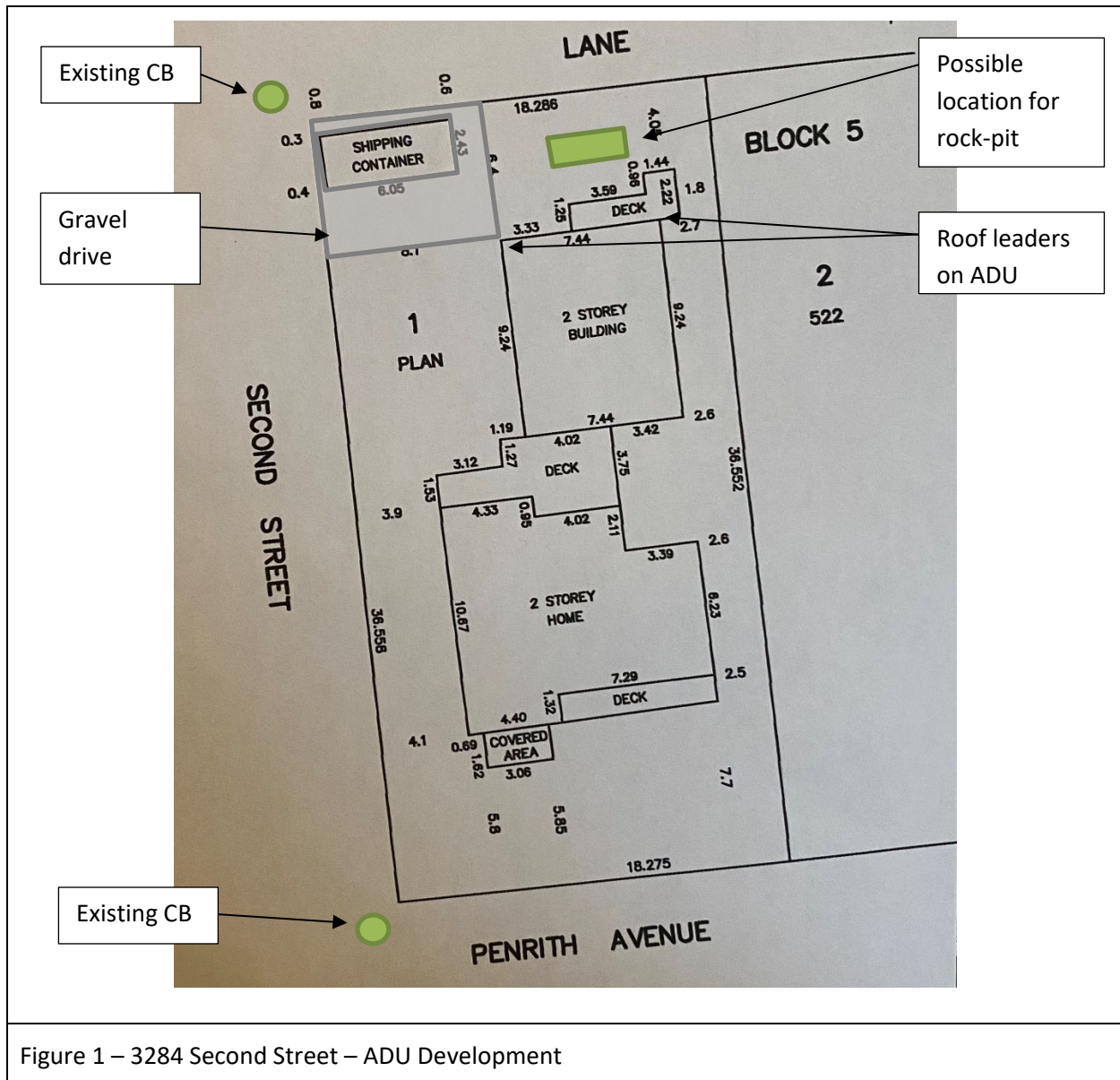
Proposed flow mitigation strategies and recommended best management practices

As per the MMCD stormwater management guidelines, under Section 4.3, the best management practices are to design, capture, convey, treat, and modify flows, up to and including the 1 in 5- or 1 in 10-year storm events for the minor system, and the 1 in 100-year storm events for the major system. Furthermore, the Village of Cumberland is requiring that all new developments must keep stormwater peak flows to pre-existing conditions. In this case, the addition of an ADU and gravel parking area has increased the



impervious area onsite, raising peak storm flows, which requires onsite detention. This analysis considers 1 in 5-year return storm event to determine onsite detention volume required.

The modified rational method is an appropriate design methodology for determining the volume of detention required to maintain pre-development flow rates. With the increase in impervious area on site, 0.99m³ of onsite detention will be required in a 1 in 5-year storm event.



The proposed stormwater plan is to continue to allow overland stormflows to sheetflow towards Penrith Avenue. In order to maintain flows to the pre-development state, a rockpit must be installed. Figure 2 shows the proposed details. Rock pit dimensions are to be 1.5m by 2m by 1m. If grass and growing medium are to be placed over the rockpit, the pit will need to be dug deeper to accommodate these layers. The existing ADU roof leaders must be connected to the law basin. In addition, the runoff from the gravel

driveway needs to either be directed overland towards the lawn basin or collected and piped into it. Final location and details of the rockpit and lawn basin should be determined in the field, with the following requirements maintained:

- A minimum of 1.5m of undisturbed native soil retained between the rockpit and the foundation. This separation will provide sufficient limitation to rockpit influence on the perimeter drain.
- 0.3m vertical separation between the floor slab and the lawn basin rim / overflow. This will not result in increased risk of surcharging if the storm service is connected per the BC Plumbing Code.
- Outside the dripline of any trees.
- Ensure that the building perimeter drains do not get connected to soak-away(s).

All onsite facilities should be designed with a suitable overflow and site grading that will convey excess flows safely offsite without causing property damage or other unwanted effects.

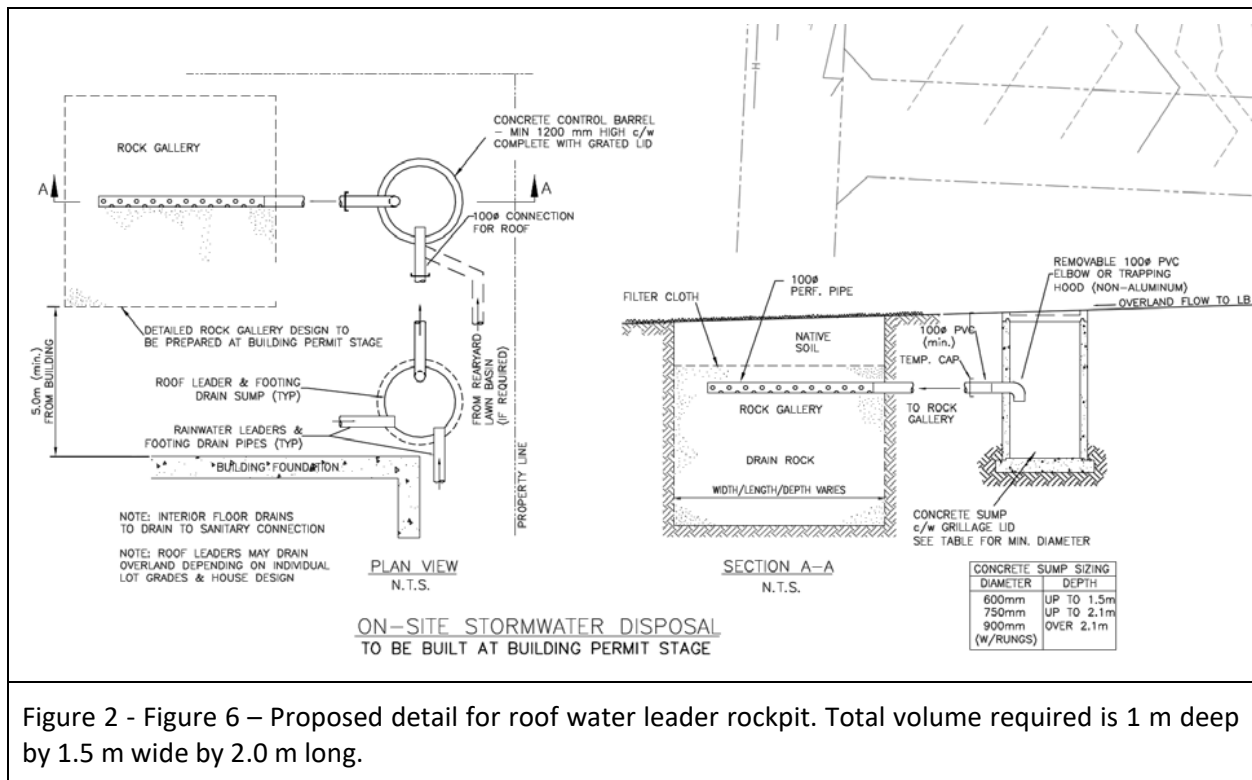


Figure 2 - Figure 6 – Proposed detail for roof water leader rockpit. Total volume required is 1 m deep by 1.5 m wide by 2.0 m long.

Conclusion

The construction of a rockpit, per the details in this report, will store increased storm flows for the 1 in 5-year storm event. As such, most impacts on water quality and quantity as a result of the existing carriage house on the subject property can be mitigated.

Yours truly,
Wedler Engineering LLP
Per:

EGBC permit to practice # 1000196
Andrew Gower, FEC, P.Eng., PE, CCA
Partner *

* Wedler Engineering LLP is a partnership of corporations.

#211-2459 Cousins Avenue
Courtenay BC V9N 9K3
agower@wedler.com
p. 250-334-3263 f. 250-338-2296





Corporation of the Village of Cumberland

DEVELOPMENT VARIANCE PERMIT

TO: Mario Fehrenberg & Sabrina Lloyd

OF: Box 569, Cumberland, BC V0R 1S0

This Development Variance Permit (2022-03-DV) is issued subject to compliance with all of the bylaws of the Village of Cumberland applicable thereto, except as specifically varied or supplemented by this Permit for the purposes of converting an existing addition into an accessory dwelling unit.

1. This Development Variance Permit applies to and only to those lands within the Village of Cumberland described below, and any and all buildings, structures and other development thereon:

Legal Description: Lot 1, Block 5, District Lot 21, Nelson District, Plan 522

Folio: 516 00041.000 **PID:** 000-854-018

Civic Address: 3284 Second Street

2. The land described herein shall be developed strictly in accordance with the following terms and conditions and provisions of this Permit: The Zoning Bylaw No.1076, 2016 is varied as follows:

Section 4.2, a) iii) The gross floor area of the accessory dwelling unit is varied to a maximum of 133.8m² (1,440.00ft²).

Section 4.2, a) ii) The ADU is varied to allow for a deck that connects the dwelling unit to the primary dwelling unit.

Section 4.2, b) ii) The height of the accessory dwelling unit is varied to a maximum of 7.6m (25.0ft).

Section 4.10, d) The gross floor area of the secondary suite is varied to a maximum of 100.8m² (1,085.0ft²).

Section 4.10, e) The gross floor area as a percentage of the residence is varied to 50%.

Section 4.11, c) iii) The placement of a shipping/cargo container is varied to be permitted in the R-1A Zone

Attachment 2 – 2022-03-DV DRAFT

- | | |
|-----------------|---|
| Part 6 | The number of parking spaces required for a vacation rental in the R-1A Zone is reduced to four spaces. |
| Section 7.2, 7) | The rear setback for an accessory building is varied to as close as 0.6m (1.9ft) |
| Section 7.2, 7) | The side, exterior setback is varied to as close as 0.3m (0.9ft). |

3. **Security**

None.

4. **Expiry**

Subject to the terms of the Permit, if the Applicant of this Development Variance 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**

1. Schedule A – Site Plan

7. **Contaminated Sites Regulation** (choose one of the following as applicable)

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

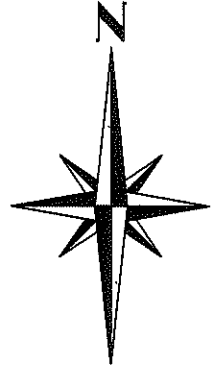
8. This Permit is **not** a Building Permit.

CERTIFIED as the DEVELOPMENT VARIANCE PERMIT approved and issued by resolution of the Council of the Corporation of the Village of Cumberland on June 13, 2022.

Corporate Officer

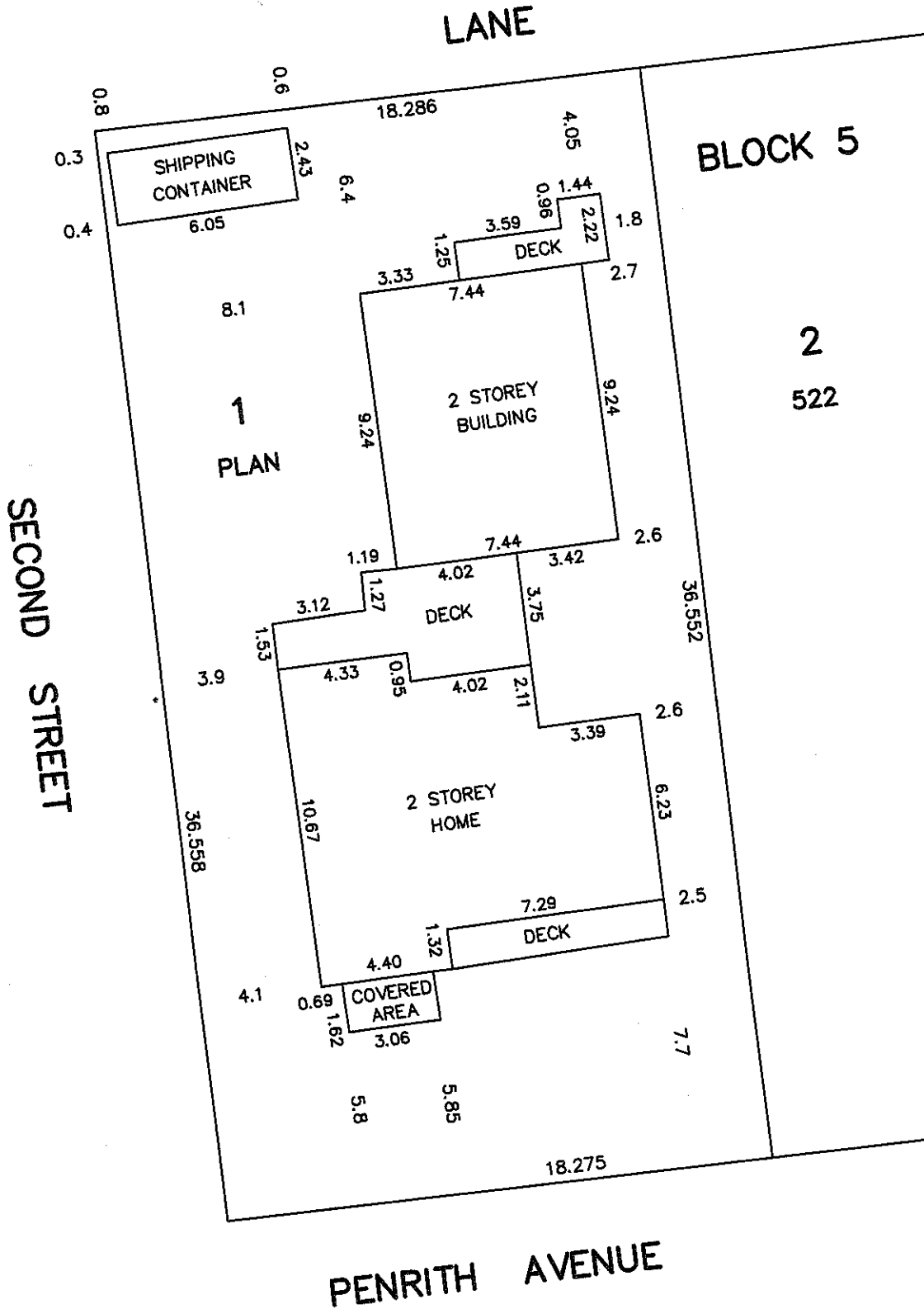
BRITISH COLUMBIA LAND SURVEYOR'S CERTIFICATE OF LOCATION FOR
LOT 1, BLOCK 5, DISTRICT LOT 21, NELSON DISTRICT, PLAN 522.

3284 SECOND STREET, CUMBERLAND
SCALE 1 : 200 (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.
LOT COVERAGE IS 34.3%.



[Handwritten Signature]
FEBRUARY 22, 2022 B.C.L.S.

THIS DOCUMENT IS NOT VALID UNLESS
ORIGINALLY SIGNED AND SEALED

HOERBURGER LAND SURVEYORS
COMOX, B.C. © 2022
(250) 890-0100
FILE: 2382CT1/181.9 FB. 88/82

Attachment 3 – Best Practices for Evaluating Development Variance Applications

Land use justification

Best practices for evaluating development variance permit applications typically look for an acceptable land use justification such as:

- i. the ability to use or develop the property is unreasonably constrained or hindered by having to comply with the bylaw requirement;*
- ii. there is a net benefit to the community or immediate area that would be achieved through the variance approval; or,*
- iii. the proposed variance would allow for more efficient and effective use and development of the subject property.*

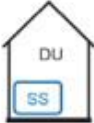
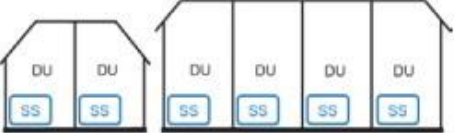
Impacts of the Variance

Where a land use justification for a proposed variance has been demonstrated, the application should then be evaluated based upon the impact(s) (positive or negative) of the variance. Impact(s) may be classified into the following three general categories:

- i. Aesthetic impact. This includes the impact of the proposed variance on the streetscape, the views from adjacent properties, compatibility with neighbourhood design standards, etc.*
- ii. Functional impact. This includes the impact of the proposed variance on the function of the property for the permitted uses and the potential impact of the variance on the function of adjacent properties, or road right-of-ways.*
- iii. Environmental impact. This includes the impact of the proposed variance on the long-term sustainability of the natural environment or the direct impact on a specific feature of the natural environment.*

Attachment 4 - Changes to the BC Building Code 2018 – Comparison Chart

Comparison of Changes

Provision	Previous BC Code 2018	BC Code 2018 Revision 2 Change
Total floor area of the secondary suite	A secondary suite shall have a total floor space of not more than 90 m ² in area.	No limit to floor space of a secondary suite.
Percentage distribution of the floor space of the secondary suite to the habitable space of the building	A secondary suite shall have a floor space less than 40% of the habitable space of the building.	No limit to the percentage distribution of the secondary suite to the habitable space of the building.
Building type where secondary suites are permitted	A secondary suite shall be located within a building of residential occupancy containing only one other dwelling unit. 	The building may contain other dwelling units or occupancies that are horizontally adjacent; they may not be located above or below each other. 
Real estate entity	A secondary suite shall be located in, and part of, a building which is a single real estate entity.	No change: the secondary suite and the other dwelling unit in the house constitute a single real estate entity; the secondary suite may not be separately strata-titled or otherwise subdivided from the other dwelling unit.

Attachment 5 – Images of Shipping Container Bike Storage



Inside of shipping container



Shipping container – view from on the property

Attachment 6 – Letter from Applicant – Rationale for Parking and Shipping Container,

(Received May 27, 2022)

3284 Second St (Cumberland Guesthouse)

Application for Variances for Development Permit (Rationale for Bike Storage and Parking- April 26, 2022)

Rationale for Shipping Container

The shipping container was added to the lot sometime between 2014-2016 before the bylaw was created to not have shipping containers on residential property. The previous owners used it as a bike storage area for their guests and residents and we have continued to do so since we took ownership of the property.

Bike storage is essential for our guests as the majority of them ride mountain bikes and are looking for secure storage for their bikes. We also use it to store patio furniture for the winter.

We understand that shipping containers are not allowed in residential areas since the bylaw came in but we thought that it was allowed under legal non-conforming as it was before the bylaw. It has come to our attention recently that since the set-backs were not met that is not fully “legal”. Financially we would like to keep it as and spruce up its appearance but we are prepared to replace it with a new storage shed if council will approve a variance request to build a new bike storage shed in the same location (ie. approve variance for property line setbacks of current location and similar sized shed).

Our rationale for keeping it in the same location is in line with CPTED principals as the location is visible to all suites so it feels more secure to guests and residents and is more secure to possible theft. We have an amenity area beside it that is our largest amenity area on site (with brick patio) and we get large groups that like to all sit together and this is the best location for this.

If we created multiple smaller outbuildings or moved the bike storage to another area, it would have to be close to property lines as well and would likely be more disturbing to neighbours and more of an eye sore to have multiple outbuildings on site. It would also not be as secure for theft prevention.

If we converted one of the suites into a bike storage area, we would be losing out on revenue. We would lose capacity (one of the unique things about us is that we can accommodate large groups), we also spent a lot of money updating all of the suites that would be lost.

Since we opened we have been dealing with the pandemic rollercoaster (opened 2 weeks before 1st wave, March 1, 2020). We have invested a lot of money into updating the suites, and making them more energy efficient. We are not profitable at this point and it will likely be a few years before we are. We

unfortunately do not have much money to put towards all of the requirements to become fully legal but it is something that we would like to achieve.

Rationale for Parking spaces

Based on the number of bedrooms currently we would require 7 parking spaces. We have been tracking parking for our guests and 95% of the time there is only 1 vehicle per suite. Since we do not have full occupancy at all times, there is not always parking required as much as when there are permanent residents. We also know that the village is considering requiring one space per vacation rental suite in the new bylaws.

We are requesting to vary the number of required spaces to 4 spaces, we can provide one parking space on site, and pay cash in lieu for the extra 3 spaces. We hope that council feels that this is fair as the previous owners operated for 11 years without paying for parking as well as other accommodation providers in Cumberland are not paying for parking. We also feel that by adding parking spaces on our lot, it is actually taking away street parking locations as there would be a driveway in place of street parking. In exploring areas for parking we are concerned about where we could put parking that will not ruin the aesthetics of the yard, amenity areas, and bike storage area. We also currently have a fully fenced yard (CPTED) with only 2 access points (gates), which helps with crime prevention, noise control, privacy, and safety for our families with small children. By opening up the lot to parking spaces we lose this fully fenced safety and privacy.

As mentioned above if we moved the bike storage, we would lose out on security and esthetics of our yard as well as an amenity area. This area is also on a raised area and if we had parking we would likely have to change the slope which would be inviting more water into our yard (that already runs into our yard from the street).

We feel that the best location for one parking space on site would be on the Penrith Side on the East side of our property line. Again we would be taking away street parking by having a driveway but one space could work without imposing on our yard/amenity area in that location.

Thank you for your consideration.

Sabrina and Mario

Village of Cumberland Development and Variance permits:

3284 Second Street (Cumberland Guesthouse)

Background:

We purchased the property of 3284 Second St, Cumberland in March 2020. The property was being run as a vacation rental under the name Stansbury's Guest House. The guesthouse was run by the previous owners for 12 years and established a good reputation in the community. We hope to continue running it as a guesthouse and keep or exceed the previous owners reputation. When the previous owners ran the guesthouse, their business license was only for 1-2 suites and this was never renewed/changed as they gradually opened more suites. They built another building in (2011) and followed the codes and expectations at that time for an addition. We are now applying for variances and a development permit to change the existing building from an addition to an ADU.

Business Plan:

- We strive to be a quality accommodation provider for visitors of Cumberland and the Comox Valley. Tourism is one of the largest economic bases in Cumberland, there is often a shortage of short term accommodation available and thus, tourists are forced to stay outside of our community and the village businesses miss out on the revenue that would be spent in our community if they were staying here. Not only do we provide short term "vacation" rentals, but we also offer longer term stays up to 6 months for people that are transitioning to the community, which helps take some pressure off the shortage of living spaces and temporary residents.
- We have a full-time caretaker that lives in one of the suites. This helps mitigate any noise or nuisance complaints, to avoid disturbing other guests or neighbours. Additionally we have a quiet time from 10pm-8am as one of our House Rules for guests.
- We provide employment for locals- such as cleaners, landscapers, and other contract workers.
- We are working towards becoming a sustainable certified tourism operator and are aligned with the United Nations Sustainable Development Goals.
- We are members of the Cumberland Business Association. We hope to help support and create partnerships with other businesses in the community.

We are applying for the following variances:

- a) The size of the lower suite in the main house to remain as it is (GFA). This three bedroom suite is one of our most sought after suites, as there are not many other 3 bedroom suites available in Cumberland. This is a fantastic option for families, groups,

or people that just want their own bedroom and space. This unit has been run like this for (12 of years) and was actually the original suite in the Stansbury's Guesthouse.

- b) Shipping Container-setbacks. We are requesting to leave the shipping container (legal non-conforming) in its current location where it has been for a number of years. It is an asset to our business, as secure bike storage is essential for the majority of our clientele. We are also willing to spruce it up to make it more visually appealing.

- c) Parking spots- The yard is already landscaped to provide privacy and amenity areas for each individual suite, by adding in parking we will be taking away from the serenity that the yard and gardens provide our visitors. The business is on a corner lot, has been running with the current street parking for the past 12 years, and most of our guests only bring one vehicle per suite. We have 5 suites on the property, with one being a caretaker suite. We believe that would bring required parking spaces to 8 based on bedrooms. We have been recording data of the number of vehicles that our guests are bringing per stay and it is about 95% one or less vehicle per suite. We would like to request to vary the required number of spaces to 4. In terms of cash in lieu, we are a small business that is yet to be profitable and we humbly request to waive the cash in lieu to 2 spaces.

We are requesting a Development Permit so that we can operate with 3 legal kitchens. Having a kitchen/cooking area is another asset for our guests and we would like to have a kitchen to keep a full-time live on site caretaker.

Thank you for your consideration,

Sabrina Lloyd and Mario Fehrenberg

Meleana Searle

From: [REDACTED]
Sent: June 7, 2022 7:49 AM
To: Planning
Subject: 3284 Second Street DP and DVP

Hi,
I'm writing to provide my comments on the DP and DVP for 3284 Second Street.

Although the letter was dated May 25, 2022, I just received the letter today, June 7th.

Just to be clear, this is for an ADU conversion of an existing structure? i.e. there is no new construction taking place, but the existing building/adu/shipping container is being legalized?

I'd imagine this is being done to legalize the business that operates out of that site, which has been utilizing street parking for years, instead of providing on-site parking for guests.

With that in mind, my comments are in relation to the parking variance and location of the shipping container.

I see that they are requesting a variance from nine to four and are looking to provide one space on site. I think they should be required to pay for at least four on-street parking spots, as that reflects the reality of how that space is used - it's very doubtful that any on-site parking will be utilized, and I'm surprised they've been able to operate a business for this long without having to provide parking/parking in lieu.

For the shipping container, it would be better to have it moved, as it's not the appropriate zone. A shed or storage building could be utilized instead that better reflects the residential neighbourhood.

Thanks for the opportunity to provide comment.

Thanks,

[REDACTED]

Meleana Searle

From: [REDACTED]
Sent: June 9, 2022 10:24 AM
To: Planning
Cc: [REDACTED]
Subject: 3284 Second Street proposed development variance

Hi I have questions:

As there are 2 studio units, 2 two bedroom units and 1 three bedroom unit so which suite is considered to be the secondary suite?

The OCP states a secondary suite it doesn't mention five.

The definition of an ADU is a secondary dwelling unit again it doesn't state multiple units.

The "existing building" used to be a garage were permits and inspections done for the conversion and addition of another floor? BC Assessment shows the property as a single family dwelling with five bedrooms, two baths and a garage. The website shows five bathrooms, five kitchen areas and larger units have in suite laundry.

Does this property pay extra for utilities? Does it not fall under the definition of apartment building? Isn't it deemed a commercial use. Doesn't it need a business licence? Does it have one?

Has there been inspections for fire separation between the different suites?

The site plan doesn't show any parking spots. Let alone one that they are requesting.

The shipping container is illegal and the variance being requested is not the correct variance —should be requesting variance for side and rear setbacks. I do not think any shipping containers should be allowed in residential. It wasn't that long ago that a number were removed. Don't need to start again.

I look forward to a response.

Meleana Searle

From: [REDACTED]
Sent: June 9, 2022 9:21 AM
To: Planning
Subject: DP & Variance 3284 Second St

Hello Meleana Searle

Thank you for sending a notice for neighbours within 75 metres. Our address [REDACTED] has an interest in ADU development and our DP is approved but the BP is in progress. Still I would like to give comments on the proposed development permits for 3284 Second Street.

First because the variances are asking to grandfather existing non-compliance, I would like to thank the applicant for taking steps to come into compliance.

I suggest that the non-compliant sea can (shipping/cargo container) is best just removed. We have storage companies that can provide that service in Cumberland and elsewhere in the valley. Requiring that the sea can be removed sets a good precedent to prevent others from dis-regarding Bylaw 1027 section 4.11.

Variances to legalize almost 600 square feet of rental space seem like a lot! But cash-in-lieu for parking will be expensive, and the precedent concern is partly addressed by that cost. Please consider allowing a variance from 9 to 5 (or 6), instead of asking for less than half of the needed parking. The neighbourhood parking situation is already a problem.

Thank you again for taking this input

Sincerely
[REDACTED]

Meleana Searle

From: [REDACTED]
Sent: June 9, 2022 10:47 AM
To: Planning
Subject: re: variance application for 3284 2nd street - Cumberland Guesthouse

Hello,

I am writing to you today in support of the development variance permit application. We are neighbours and live about 1 block away from this address. We have never had any issues with parking, noise or anything else that has occurred here. We are also very much in favour of this application because we have had friends and family stay at the Guesthouse and we believe the Guesthouse as it has existed and currently exists very much fits with Cumberland and should be approved.

Specifically, the residence and outbuildings look fine and are not negative. The property is very well maintained. Parking seems very well contained and does not disrupt us. The shipping container storage for bikes is a great idea and I am surprised it has not been adopted more widely.

The Guesthouse has served Cumberland well over the years as one of the only official short-term accommodation businesses. So for all of the reasons stated, I fully support this application and hope that Mayor and Council will support it also.

Sincerely,

[REDACTED]
[REDACTED] Penrith Avenue