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## STAFF REPORT

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**TO:** CHIEF ADMINISTRATIVE OFFICER  
**FROM:** BRIGID REYNOLDS, CONSULTING TOWN PLANNER  
**SUBJECT:** DVP2025-09 – 63 PROSPECT AVE  
**MEETING DATE:** DECEMBER 15, 2025  
**SUBJECT PROPERTY:** LOT 1, DISTRICT LOT 12, COWICHAN LAKE DISTRICT, PLAN 7213 (PID 005-760-518)

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### PURPOSE

The purpose of this report is to provide direction regarding the siting of an existing storage container or seacan on the property and to consider a variance application to reduce the front yard setback for an accessory building (garage).

### BACKGROUND/DISCUSSION

The subject property is 1,052 m<sup>2</sup> (0.26 ac) in size and is zoned Traditional Urban R-3. There is an existing dwelling on the property. The lot is adjacent to the Cowichan River but the proposed development is located outside of the Watercourse & Streamside Protection Development Permit Area (DPA 1).

There was an accessory building on the property, but it was removed and portions of the foundation remain. The property owner started construction of a new accessory building located on portions of the old foundation. No permit was obtained. The accessory building is also being built over a container. The location is closer to the front property line than what is permitted in the Zoning Bylaw because the owner would like to use the portions of foundation for his new accessory building. Staff became aware of this matter because of an internal complaint and issued a stop work order.

At its closest point, the proposed accessory building would be located 1.3 m from the front lot line. Zoning Bylaw Section 5.1.6.f. i. - front yard setback for an accessory building is 6.1 m. While the

accessory building is quite close to the road the contract planner has confirmed with Public Works that this location is not problematic from their perspective because this is a dead-end road and widening the road is unlikely. Additionally, the proposal is to use the existing foundation which results in less ground disturbance.

The property owner has a storage container on the property that is being used for storage. The new accessory building is proposed to be built over the container. However, the Zoning Bylaw does not permit storage containers.

- Section 4.3.17 Restricted Uses – d) storage containers
- Section 4.3.6 e. - A storage container, where expressly permitted, shall be entirely enclosed, or wholly screened.

The only zone that permits a storage container is on a site-specific basis on a Public Use (P-1) zoned property - Lot B, Section 6, Renfrew District (situated in Cowichan Lake Land District), Plan VIP61171. This is the Palsson School located at 30 Grosskleg Way. The bylaw also states that it must be properly screened.

Despite the Zoning Bylaw prohibiting containers, there are many located around Town on private and public property. As Council is aware, it's Council policy that bylaw enforcement is complaint driven. Council could direct staff to review the numbers of containers located around the community and direct staff to undertake a comprehensive bylaw enforcement project. Alternatively, Council could direct staff to add the use of containers as part of a larger Zoning Bylaw review that is anticipated later in 2026. In the meantime, as the applicant would like to proceed with building the accessory building. Staff recommend that the property owner be directed to remove the storage container. Additionally, the applicant could apply for a site-specific zoning amendment to permit the use on their property.

## **IMPLICATIONS**

**a. Financial:**

Application fees are collected to cover the cost of processing the application. Should council direct further enforcement action, there will be additional financial cost to the municipality by way of staff wages and cost incidental to the actions directed – which will need to be researched.

**b. Policy/Legislation:**

N/A

**c. Strategic Priority:**

N/A.

**d. Sustainability:**

N/A

**e. Communication:**

As required by the Development Approval Procedures Bylaw No. 1109, notice of the application was sent to neighbours within 50 m of the subject property a minimum of 10 days prior to Council's consideration of the request. The notice was mailed out on December 4, 2025 and at the time of preparing the staff report no comments have been received.

**f. Staffing Implication:**

Processing this application is part of the Planning Department's regular duties.

**Options**

- 1) Approve the development variance permit and require the property owner to remove the storage container.
- 2) Direct the property owner to apply for a site-specific zoning amendment to permit the container.
- 3) Approve the development variance permit for this application and begin enforcement action regarding the container.
- 4) Deny the development permit for this application and begin enforcement action regarding the container.
- 5) Direct the Planning Department to include a review of the use of containers as part of a larger Zoning Bylaw review.

**Recommendation**

The contract planner recommends Options 1 and 5 to approve DVP 2025-09 to vary section 5.1.6.f. i. of the Zoning Bylaw to reduce the front yard setback from 6.1 m to 1.3 m for an accessory building and require the property owner to remove the storage container. And direct the Planning Department to include the use of storage containers as part of a larger Zoning Bylaw review.

Signed:

***Brigid Reynolds***

Brigid Reynolds RPP MCIP  
Contract Planner

Concurrence:

***John T***

John Thomas

Chief Administrative Officer

# ATTACHMENT 1 Site Plan

## BRITISH COLUMBIA LAND SURVEYOR'S BUILDING LOCATION CERTIFICATE ON PART OF LOT 1, DISTRICT LOT 12, COWICHAN LAKE DISTRICT, PLAN 7213 PID 005-760-518

Site address: 39 Prospect Avenue, Lake Cowichan, BC



The intended plot size of this plan is 432mm in width by 280mm in height (B-size) when plotted at a scale of 1:250.

All distances are in metres and decimals thereof, unless otherwise noted.

Setbacks are derived from field survey completed on September 2, 2025, and are measured from unfinished siding.

The following non-financial charges are shown on the current Certificate of Title and may affect the property:

M76300 - Exceptions and Reservations

Parcel dimensions shown hereon are derived from Plans 7213 and EPP15256

This plan was prepared for the exclusive use of Kimberley Maxine Kolaniko and Steven Alan Evans.

Additional buildings or structures not shown on this plan are located on the property.

Based on the Land Title & Survey Authority Records and Field Survey: Unregistered interests have not been included or considered. This building location certificate has been prepared in accordance with the Professional Reference Manual and is certified correct as of the 2nd day of September, 2025.

Digitally signed by  
Douglas Pearson  
Date: 2025.09.08  
11:05:05-07'00'

Douglas Pearson, BCLS 7092  
This document is not valid unless digitally signed.

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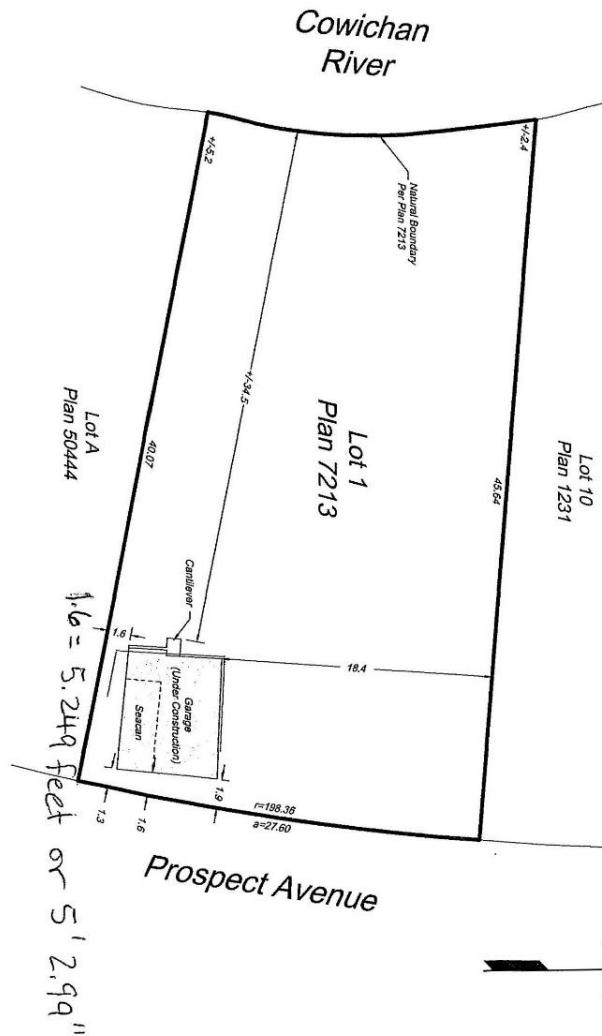
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### LEGEND

..... denotes approximate location of old foundation



This document shows the relative location of the surveyed buildings and features with respect to the boundaries of the parcel described hereon. This document shall not be used to define property lines or property corners.

Feature labels are descriptive. The user is encouraged to refer to the appropriate land use bylaw for specific feature definitions.

Polaris Land Surveying 2024 Inc. accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.

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Date: 2025-09-08  
File: 4579-001  
Drawing: 4579-001\_CSD.dwg  
Layout: B-Landscape

ATTACHMENT 2  
Building Elevation

