



STAFF REPORT

TO: CHIEF ADMINISTRATIVE OFFICER
FROM: BRIGID REYNOLDS, CONSULTING TOWN PLANNER
SUBJECT: DVP2025-09 – 38 PROSPECT AVE
MEETING DATE: APRIL 28, 2026
SUBJECT PROPERTY: LOT 1, DISTRICT LOT 12, COWICHAN LAKE DISTRICT, PLAN 7213 (PID 005-760-518)

PURPOSE

The purpose of this report is to seek Council's consideration on a previously reviewed development variance permit application to reduce the front yard setback for an accessory building (garage) and to update Council regarding the siting of an existing storage container or seacan on the property.

BACKGROUND/DISCUSSION

The subject property is 1,052 m² (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).

Council received this application at its December 16, 2025, regular meeting and passed the following motions:

R.0167/25 that Council require the property owner to remove the storage container off Lot 1, District Lot 12, Cowichan Lake Land District, Plan 7213 (PID: 005-760 518).

R.0168/25 that staff be directed to work with the property owner of Lot 1, District Lot 12, Cowichan Lake Land District, Plan 7213 (PID: 005-760-518) to update the application for consideration.

The applicant has indicated that he will remove the storage container (See Attachment 3). But it can't be removed until he has finished building the accessory building because it was originally built with the storage container forming an integral part of the building's structure.

To allow the construction of the accessory building to continue and the storage container removed, a variance to the front yard setback is still required. At its closest point, the proposed accessory building is located 1.3 m from the front lot line. Zoning Bylaw Section 5.1.6.f. i. – requires a 6.1 m front yard setback for an accessory building.

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.

Moving the accessory building back closer to the River would require an assessment pursuant to the Riparian Area Protection Regulation (see Attachment 1).

IMPLICATIONS

a. Financial:

Application fees are collected to cover the cost of processing the application.

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 original 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. Only one response was received from a neighbour indicating they do not have any concerns with the proposed variance. Because the variance request remains the same, no notice was sent out.

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 submit a bond to secure the removal of the storage container.
- 2) Deny the development variance permit for this application and require the accessory building to be moved back to meet the setbacks.

Recommendation

The contract planner recommends approval of 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 for the property located at 38 Prospect Ave, on the lot legally described as Lot 1, District Lot 12, Cowichan Lake District, Plan 7213 (PID 005-760-518) subject to the following conditions:

- a. prior to the issuance of the building permit submit a refundable bond to remove the storage container in the amount of \$1,500 and
- b. remove the storage container.

Signed:

Brigid Reynolds

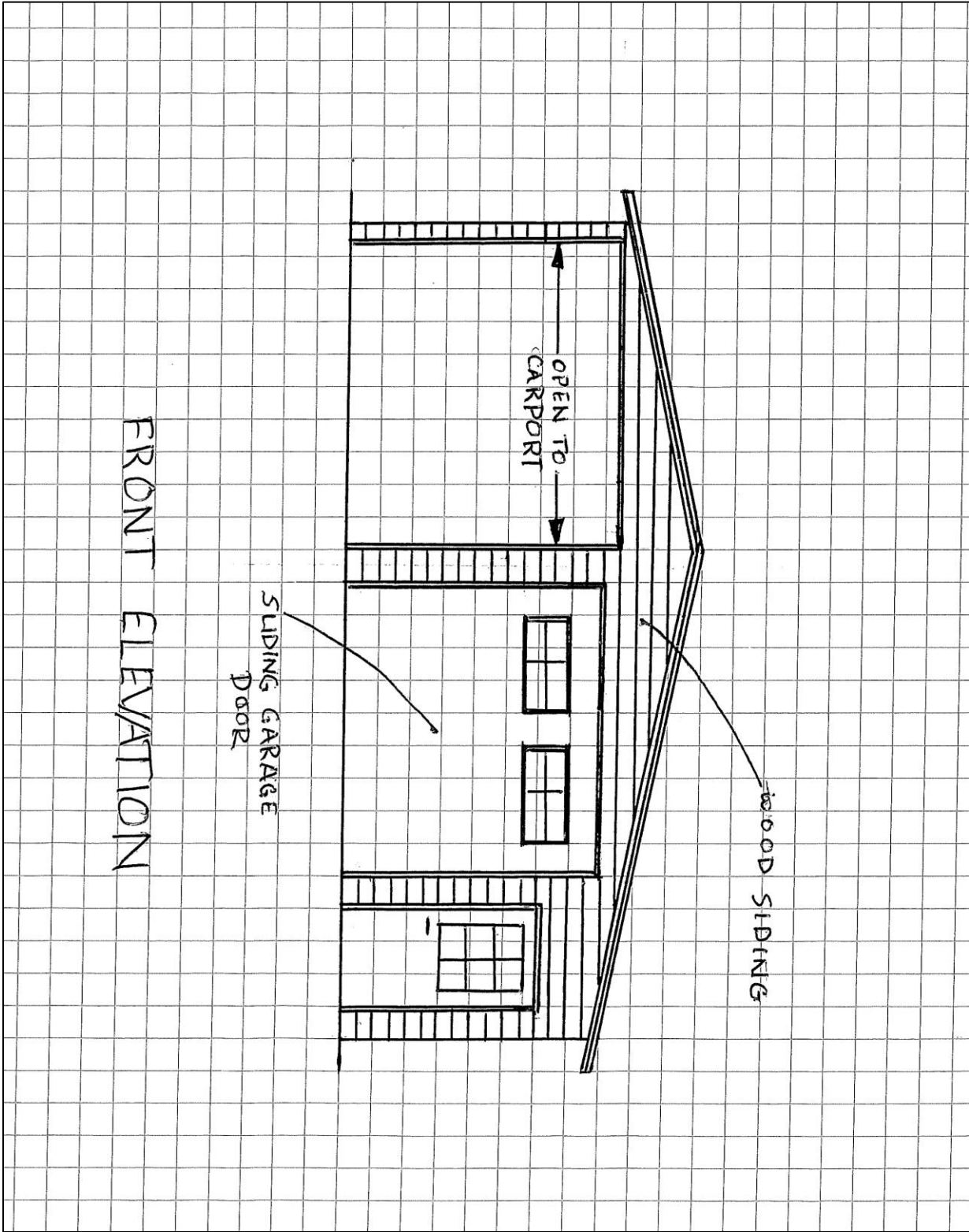
Brigid Reynolds RPP MCIP
Contract Planner

Concurrence:

John T

John Thomas
Chief Administrative Officer

ATTACHMENT 2
Building Elevation



ATTACHMENT 3
Applicant's Letter

March 18, 2026

To Town of Lake Cowichan, Building Permit Department

Re Cowichan Building Permits Application Process at 38 Prospect Ave, Lake Cowichan

This letter is to address the issue of the Sea Can located at the aforementioned address.

I want to formally advise the Council and other concerned parties that I intend to eliminate it as part of my garage structure. However, I need a permit for the few adjustments required to make the garage stand alone as the first step to pull the Sea Can out. Without the permit it cannot be removed.

I hope this letter will help to move the process along. I am anxious to resolve this issue and close my garage to protect my possessions. Once I can put shelves up, I can then move my motorcycles into the garage clearing the boulevard.

Thank You,

Steve Evans
