



MEMORANDUM

TO: CHIEF ADMINISTRATIVE OFFICER
FROM: BRIGID REYNOLDS, CONSULTING TOWN PLANNER
SUBJECT: DVP2025-03 AND DP2025-01– 232 JOHEL RD
MEETING DATE: MAY 27, 2025
SUBJECT PROPERTY: LOT 20, DISTRICT LOT 48, COWICHAN LAKE DISTRICT, PLAN 34628

Purpose

The purpose of this application is to vary Zoning Bylaw Section 5.1.6 Standards to reduce the minimum setback of the garage face to the front face of the single family dwelling unit from 1.5m to 0m and to approve a development permit for construction within the Watercourse & Streamside Protection Development Permit Area (DPA 1) adjacent to Grant's Lake and within the Natural Hazard Development Permit Area (DPA 2) for Interface Fire Hazard.

Background

The subject property is located on an approximately 3.5 ac level parcel located at the east end of Johel Road between Kwassin Lake and Grant's Lake. The property is zoned Traditional Urban (R3). The OCP designates the property as within DPA 1 due to proximity to the lakes and connected ditches and within DPA 2 as is the whole of the Town of Lake Cowichan.

In the fall of 2024 APC reviewed and at its regular meeting on November 24, 2024 Council approved Zoning Amendment Bylaw 1110, 2024 to increase density on single family zone districts by permitting duplexes in the Urban R-2 zone district and permitting triplex and quadplex type dwellings in the Traditional Urban R-3 zone district. The zoning amendment also included changes to regulations for minimum lot size, maximum height, maximum lot coverage, front, rear and side yard setbacks. The purpose of these amendments was to implement Bill 44 Housing Statutes (Residential Development) Amendment Act, 2023.

The building and development community has recently expressed concern about this new regulation. They are specifically concerned with the following:

Section 5.1.6 f. i) minimum front lot line setbacks for principal and accessory buildings or structures:

a) For single detached, duplex, triplex, and quadplex dwellings:

- 6.1 to garage face;
- 4.5 to front face of dwelling;
- the garage face shall in all cases be set back a minimum of 1.5 metres further than the dwelling front face.

Prior to the adoption of Bylaw 1110, 2024, section 5.1.6 c. Minimum setbacks for principal and accessory buildings or structures i. front lot lint 7.5 m

Staff and Council members have received correspondence from frustrated builders, realtors and developers about this recent bylaw amendment as they were unaware of bylaw changes. Some didn't learn of the amendments until they recently submitted building permit applications.

Watercourse Protection DPA

The purpose of the Watercourse Protection DPA is to establish the streamside protection and enhancement area (SPEA) and provide recommendations to minimize negative impacts to the SPEA and where possible enhance the area.

In support of the Development Permit application, the applicant has provided a report prepared by Bob Crandall of Swordfern Environmental, dated April 2, 2025. Confirmation has been received from the Ministry of Environment.

The property is undeveloped but some clearing has occurred in the past. No trees are proposed to be removed.

The house is proposed to be located on the north side of Grant Lake. The SPEA adjacent to Grant's Lake is 15.0 m and the SPEA adjacent to the drainage ditch is 5.0 m. The house will be located outside of the SPEA. And no development activity is proposed within the SPEA.

The property elevation is 173 m which is 4.17 m above the flood construction elevation as required in Section 4.3.13 of the Zoning Bylaw. The house will be built on a slab and will not have a basement.

Natural Hazard DPA

The purpose of the Natural Hazard DPA is to mitigate the potential risk associated with building in a high interface fire risk area.

The applicant submitted a report prepared by Strathcona Forestry Consulting, dated September 13, 2021.

The report concludes that that wildfire threat at the subject property is moderate to high. Under the provincial Wildfire Threat Rating system, ratings must be moderate or less to be considered acceptable.

The report states that the risk of wildfire can be reduced to an acceptable level by completing the recommended mitigations in the report. These also form conditions of approval of DP2025-01. The report also notes that the property owners have been vigilant about removing surface and ladder fuels in forested areas of the subject proposal.

The Fire Chief recommends that because the report was prepared in 2021 prior to the issuance of a building permit a follow-up report be prepared to confirm that the recommendations have been undertaken.

Zoning Analysis

The purpose of these amendments was to implement Bill 44 to allow additional housing units on lots and reducing setbacks is one 'lever' that can be used to achieve this goal.

The *Provincial Policy Manual & Site Standards* prepared to support local governments to implement the SSMUH legislation noted the following.

"To create a favourable development environment that encourages landowners to add additional housing units on their lots, local governments may adopt modest lot line setbacks in Restricted Zones. This will help ensure the viability of SSMUH housing forms and provide flexibility for the development of new units through multiple configurations."

"Local governments may also consider reducing their front yard setbacks to bring buildings closer to the sidewalk, which will have the effect of creating more vibrant streets through the 'eyes on the street' effect and increasing the likelihood of social interactions." Reducing front yard setbacks, however, reduces driveway length and potentially reduces or eliminates on-site parking spaces. Therefore the setback of 6.1 m to the garage front was established to ensure parking spaces are long enough to avoid vehicles encroaching into the sidewalk or street.

The applicant is requesting a variance to the provisions to locate the front face of the dwelling and the garage along the same plane to remove front face differential setback. The applicant has stated this is a hardship situation because building plans have been prepared and revisions to these plans will be expensive for the homeowner.

Advisory Planning Commission

At its regular meeting on April 24, 2025 the APC heard from a delegation about the Zoning Bylaw changes, discussed it and made the following recommendation:

that the Commission recommend to Council that individuals be required to make application for a Development Variance Permit for their specific circumstances.

Public Notification

Development Approval Procedures and Notification Bylaw No. 1109-2024 and the Local Government Act Section 499 require notice a minimum of 10 days prior to Council's consideration of the request. The notice was mailed out on May 17, 2025 and at the time of preparing the staff report no comments have been received.

Options

- 1) Grant the variance request and development permits for this application.
- 2) Deny the variance request for this application.
- 3) Direct the contract planner to prepare a report to consider amendments to the Zoning Bylaw.

Recommendation

The contract planner recommends granting the variance request and development permit for the property located at the end of Johel Road, legally described as Lot 20, District Lot 48, Cowichan Lake District, Plan 34628 as follows:

1. To vary the Zoning Bylaw subsections b) i) of Section 5.1.6 Standards for Traditional Urban R-3 Zone as follows:
 - a) Reduce the minimum setback between the garage face and front face of the dwelling from 1.5 m to 0 m.
2. All development shall be in accordance with the Riparian Area Assessment Report prepared by Bob Crandall of Swordfern Environmental, dated April 2, 2025 and the Wildfire Assessment prepared by Strathcona Forestry Consulting, dated September 13, 2021. (Attachment 2 and 3)
 - a. Prior to issuance of the building permit submit a report prepared by a professional with experience in wildfire assessments confirming the recommendations in the Wildfire Assessment have been incorporated into the development of the property.

Signed:



Brigid Reynolds RPP MCIP
Contract Planner

Concurrence:

Mark Brown
Chief Administrative Officer

ATTACHMENT 1

COWICHAN LAKE DISTRICT, PLAN 34628,
EXCEPT PART IN PLAN VIP57555.

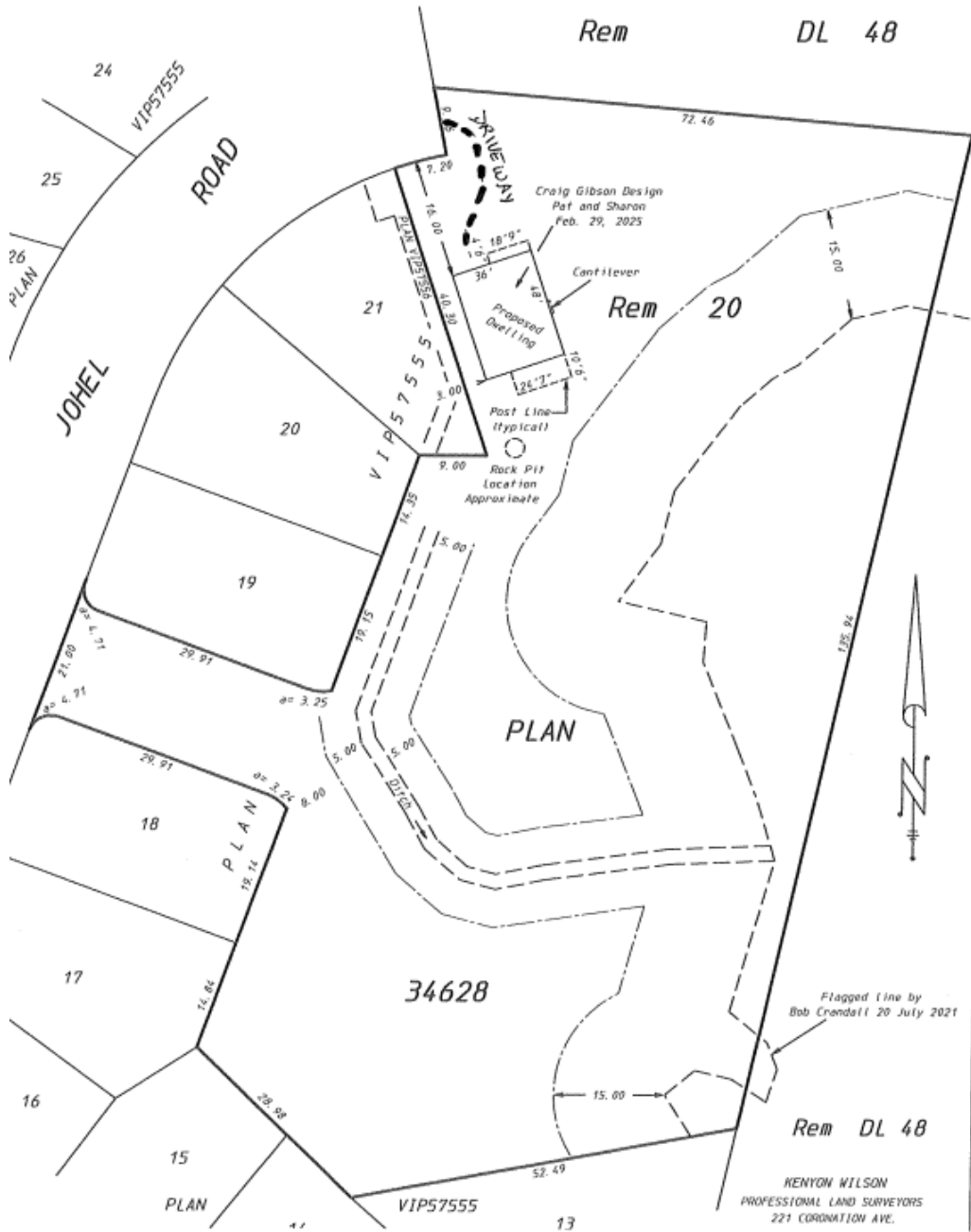
Side (Exterior) 3.0 m
Rear 4.5 m
Garage face 6.1 m

Note: The garage face shall in all cases be set back a minimum of 1.5 m further than the dwelling front face.

SCALE 1 : 500



All distances are in metres unless otherwise noted.



Attachment 2

Riparian Area Assessment Report prepared by Bob Crandall of Swordfern Environmental, dated
April 2, 2025

Attachment 3

Wildfire Assessment prepared by Strathcona Forestry Consulting, dated September 13, 2021