

## SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

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**TO:** Electoral Area Services Committee – October 17, 2024  
**AUTHOR:** Kevin Jones, Assistant Manager, Planning and Development  
**SUBJECT:** **DEVELOPMENT VARIANCE PERMIT APPLICATION DVP00099 (7531 COVE BEACH ROAD)**

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### RECOMMENDATION(S)

**(1) THAT the report titled Development Variance Permit Application DVP00099 (7531 Cove Beach Road) be received for information.**

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### BACKGROUND

The SCRD Board adopted the following resolutions on October 10, 2024:

**280/24** It was moved and seconded

THAT the following recommendations from the Committee of the Whole meeting of September 26, 2024 be referred to the October 17, 2024 Electoral Area Services Committee meeting for further discussion:

**Recommendation No. 6** *Development Variance Permit Application DVP00099 (7531 Cove Beach Road)*

The Committee of the Whole recommended that the report titled Development Variance Permit Application DVP00099 (7531 Cove Beach Road) be received for information;

AND THAT Development Variance Permit DVP00099 (7531 Cove Beach Road) varying the Zoning Bylaw No. 722 to allow for the construction of an auxiliary dwelling unit and pool on the property be denied, as follows:

(a) Section 5.16.1 (a) to reduce the setback for a structure adjacent to the natural boundary of the ocean from 15 m to 7.5 m.

**Recommendation No. 7** *Development Variance Permit Application DVP00099 (7531 Cove Beach Road)*

THAT Development Variance Permit DVP00099 (7531 Cove Beach Road) varying the Zoning Bylaw No. 722 to allow for the construction of an auxiliary dwelling unit and pool on the property be issued, as follows:

(b) Section 7.9.3 to vary the maximum parcel coverage for a parcel over 3,500 m<sup>2</sup> in the RU1 Zone from 15% to 20.5%.

**281/24** It was moved and seconded

THAT the policy evaluation criteria for Development Variance Permits be included with the referral of the September 26, 2024 Committee of the Whole recommendation Nos. 6 and 7 to the October 17, 2024 Electoral Area Services Committee.

## DISCUSSION

In response to Board resolution 281/24, the following is a reiteration of the information provided in previous staff reports (see Attachment A). Staff have evaluated this application using SCRD Board Policy 13-6410-6 (Development Variance Permits) as criteria as follows:

- 1. The variance should not defeat the intent of the bylaw standard or significantly depart from the planning principle or objective intended by the bylaw.**

Parcel Coverage:

The RU1 zoning allows for parcel coverages of up to 35% for lots up to 3,500 m<sup>2</sup>, with lots over that size being restricted to 15%. Though this is a requirement in the Zoning Bylaw to ensure larger lots in general have lower parcel coverages, it is noted that, for example a 2,500 m<sup>2</sup> lot would allow for a parcel coverage of 875 m<sup>2</sup>, whereas the subject lot of 4,050 m<sup>2</sup> (550 m<sup>2</sup> over the 3,500 m<sup>2</sup> cutoff), is limited to 607.5 m<sup>2</sup>. In this case the applicant proposes parcel coverage of 830.25 m<sup>2</sup>.

Given the size of the lot, being 550 m<sup>2</sup> over the size at which parcel coverage decreases to 15%, staff feel the requested variance is reasonable.

It is noted that outside of this specific application this element of the Zoning Bylaw may require further consideration as part of a review of parcel coverage requirements within zones. For lots over 3,500m<sup>2</sup> it is considered reasonable to look at a more tiered or sliding-scale approach to parcel coverage restrictions to reasonably accommodate uses permitted within the zone.

Setback:

The proposed setback variance from 15 m to 7.5 m is for the construction of the swimming pool. There is a plaza being constructed in the area where the pool is proposed, which was included as part of the Building Permit plans for the single-unit dwelling. The Building Permit was approved under Zoning Bylaw 310, which only required a 7.5 m setback. As the pool was not part of the original Building Permit issuance (although planned for at the time), it is now subject to Zoning Bylaw 722, which requires a 15 m setback resulting in the request for a variance.

It is further noted that the alternative to a pool of a hardscaped plaza with retaining walls, as proposed at the time of building permit issuance, would be permitted within the setback area. The location of a swimming pool has no further tangible impact or encroachment than the construction of the plaza would, and therefore the overall intent of the permitted built form envisioned in the bylaw is maintained in the

proposed variance. It is the fact that the swimming pool is considered a structure under that triggers a Building Permit and the requested variance.

**2. The variance should not negatively affect adjacent or nearby properties or public lands.**

Parcel Coverage:

Topographic challenges of site, including steep slopes, bedrock and high-water mark and flood construction levels, governed the design and layout of the under-construction single-unit dwelling. Rather than designing within a three-storey stacked floor plan, which would have a greater massing and visual impact, the dwelling has been designed such that it is tiered with the natural topography of the site, which limits the visual impact both from the shore and neighbouring properties, which is seen as a positive element. This tiered design has resulted in a higher lot coverage for the single-unit dwelling in comparison to a more traditional three-storey stacked floor plan.

Setback:

As referred to under Criteria 1, the form of the area of the plaza, approved as part of an earlier Building Permit, will not change materially with the construction of a swimming pool in this space.

**3. The variance should not be considered a precedent, but should be considered as a unique solution to a unique situation or set of circumstances.**

Parcel Coverage:

As referred to in criteria 2 above, the topography of the site has resulted in a design approach that seeks to tier the single-unit dwelling with the topography of the site, which results in a larger site coverage.

The architectural design includes significant overhangs, which for the single-unit dwelling and ADU total 7% of the parcel coverage. Though this is an architectural choice, such overhangs are in excess of that seen on typical buildings and do not contribute to the livable indoor floor area proposed. Larger overhangs can also provide benefits in terms of cooling for dwellings during summer months.

The swimming pool is counted as part the parcel coverage as it is considered a structure and contributes 2.45% (99.46 m<sup>2</sup>) towards the proposed parcel coverage. The pool is proposed in place of a plaza on the site, which would not count as parcel coverage. From a massing impact perspective it is considered that there is no tangible difference whether this portion of the site has a swimming pool located in this space or a plaza and the inclusion of the pool may also include in some positive components when compared to a plaza (i.e. fire suppression or storm/ wave-breaker, as noted by the applicant).

Setback:

The adoption of Zoning Bylaw 722 and introduction of the 15m setback in this area has resulted in this multi-year project being subject to changing Zoning Bylaw requirements, something that will not apply moving forward for new projects that would proceed under Zoning Bylaw 722 only.

**4. The proposed variance represents the best solution for the proposed development after all other options have been considered.**

In relation to parcel coverage in particular there would have been site design options available to the property owner prior to the design and construction commencement of the 510 m<sup>2</sup> single-unit dwelling that would have allowed for a lesser parcel coverage, though it is noted that such options may have also resulted in taller building heights with larger massing.

It is noted that the design of the single-unit dwelling under construction, tiers up the hillside and blends with the topography and the construction of the pool within the plaza area has no further tangible visual impact on the site, particular from the seaward viewpoints. Additionally, if the swimming pool had been part of the original Building Permit, approved under Bylaw 310 it would not have needed a setback variance.

**5. The variance should not negatively affect the natural site characteristics or environmental qualities of the property.**

Parcel Coverage and Setback (Pool):

Both the parcel coverage and setback variance for the pool has no more impact on the natural site characteristics or environmental qualities of the site than the hardscape plaza would and may actually have some positive impacts, as noted above under criteria number three.

Parcel Coverage (Auxiliary Dwelling Unit)

The auxiliary dwelling unit at 2.45% parcel coverage (99.46 m<sup>2</sup>) represents a relatively small impact from a total parcel coverage perspective.

**STRATEGIC PLAN AND RELATED POLICIES**

The proposed variance was reviewed and evaluated for conformance with the SCRD Board policy 13-6410-6 (Development Variance Permits) criteria.

**CONCLUSION**

At the October 10, 2024 Regular Board meeting, the Board directed that Committee of the Whole recommendation Nos. 6 and 7 regarding DVP00099 be referred to the Electoral Area Services Committee meeting along with the evaluation criteria from Board Policy 13-

6410-6 (Development Variance Permits) for further discussion. The previous staff report has been included in Attachment A and an evaluation of the application in accordance with the Board's policy has also been provided for the Committee's consideration.

#### **ATTACHMENTS**

Attachment A – Staff Report to Committee of the Whole dated September 26, 2024

Attachment B - Board Policy 13-6410-6 Development Variance Permits

Reviewed by:			
Manager		Finance	
GM	X – I. Hall	Legislative	X- S. Reid
CAO/CFO	X – T. Perreault	Other	

## SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT

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**TO:** Committee of the Whole – September 26, 2024

**AUTHOR:** Nick Copes, Planner II

**SUBJECT:** DEVELOPMENT VARIANCE PERMIT APPLICATION DVP00099 (7531 COVE BEACH ROAD)

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### RECOMMENDATIONS

- (1) THAT the report titled Development Variance Permit Application DVP00099 (7531 Cove Beach Road) be received for information;
  - (2) AND THAT Development Variance Permit Application DVP00099 (7531 Cove Beach Road) to vary Zoning Bylaw No. 722 to allow for the construction of an auxiliary dwelling unit and pool on the property be issued, as follows:
    - (a) Section 5.16.1 (a) to reduce the setback for a structure adjacent to the natural boundary of the ocean from 15 m to 7.5 m;
    - (b) Section 7.9.3 to vary the maximum parcel coverage for a parcel over 3,500 m<sup>2</sup> in the RU1 Zone from 15% to 20.5%.
- 

### BACKGROUND

The Sunshine Coast Regional District (SCRD) has received a Development Variance Permit application for 7531 Cove Beach Road in Electoral Area B that requests relaxations to Zoning Bylaw No. 722 to allow for the proposed construction of a swimming pool and an auxiliary dwelling unit. The intent of the application is to decrease the setback from the natural boundary of the ocean from 15 m to 7.5 m for the pool structure and increase the maximum allowable parcel coverage from 15% to 20.5% to allow for the pool and auxiliary dwelling unit.

A report in relation to this application was brought forward to the June 20, 2024, Electoral Area Services Committee (Attachment 1), resulting in the following resolution being passed at the June 27, 2024, SCRD Board meeting:

191/24      **Recommendation No. 2** *Development Variance Permit DVP00099 (7531 Cove Beach Road)*

THAT the report titled Development Variance Permit DVP00099 (7531 Cove Beach Road) - Electoral Area B be received for information;

AND THAT Development Variance Permit DVP00099 (7531 Cove Beach Road) be referred to the Electoral Area B Advisory Planning Commission.

The Area B Advisory Planning Commission (APC) reviewed the application at the July 23, 2024, APC meeting. The APC was not able to reach a consensus on the application with discussion including:

For the swimming pool:

- The pool, as it is considered a structure, will count towards parcel coverage beyond that which is allowed by current zoning.
- Construction of a plaza in the space is already permitted.
- Questions around the stated benefit the pool may provide as a heat sink for summer cooling, the possibility of warm water being released into the ocean, and the need for this to be assessed by an appropriate agency.
- Questions around the pool and fence (per artist's drawings available on the architect's website) and potential concern that they may not in keeping with Official Community Plan (OCP) guidelines.

In relation to parcel coverage:

- That SCRD bylaws allow up to 35% parcel coverage on smaller parcels.
- The large eaves of the house, which count towards parcel coverage do not cover living space, and in fact protect it from summer heating. They provide beneficial cooling effects, which are becoming essential during our increasingly hot summers.
- The increase to the maximum parcel coverage exceeds both the previous (Zoning Bylaw No. 310) and the current (Zoning Bylaw No. 722) bylaws applicable to the current zoning of this property. Concern was also expressed that increased parcel coverage may also contradict OCP principles.

The minutes from the July 23, 2024, APC meeting are provided as Attachment 2. Based on discussion at the APC meeting, the applicant has provided additional information highlighting the extent of the overhangs, which is included with the current report as Attachment 3.

## **DISCUSSION**

Following APC review of the application staff remain broadly supportive of the application, based on the reasoning set out in the June 20, 2024, Electoral Area Services Committee report (Attachment 1) and recommend issuing the Development Variance Permit. A Development Permit has been applied for which will address matters associated with the Development Permit Areas present on the site and which will ensure that the proposed development (site plan) is safe for intended use. If approved, the applicant would then be able to proceed to the Building Permit stage for the construction of the swimming pool and auxiliary dwelling unit.

### *Options / Staff Recommendation*

Possible options to consider:

#### **Option 1: Issue the permit (staff recommendation)**

This would permit the proposed construction of the pool and auxiliary dwelling unit on the property to proceed.

**Option 2: Issue the permit for aspects of the proposed variance**

This may include support for the setback variance or parcel coverage variance, (or for certain aspects of the proposed parcel coverage variance).

**Option 3: Deny the permit**

The Zoning Bylaw regulation would continue to apply, and the construction of the structures would not be permitted as proposed.

**STRATEGIC PLAN AND RELATED POLICIES**

The Governance Excellence Lens within the SCRD's Strategic Plan supports effective, efficient and informed decision-making. The proposed variance was reviewed and evaluated for conformance with the SCRD Board policy 13-6410-6 (Development Variance Permits) criteria.

**CONCLUSION**

The proposed development variance permit to vary the setback and parcel coverage would facilitate the construction of a swimming pool and an auxiliary dwelling unit. As set out above, staff are broadly supportive of the application and recommend issuing the development variance permit.

**ATTACHMENTS**

Attachment 1 – June 20, 2024, EAS Staff Report - Development Variance Permit DVP00099 (7531 Cove Beach Road)

Attachment 2 – July 23, 2024, APC Minutes

Attachment 3 – Overhang Site Plan

Reviewed by:			
Manager (Acting)	X – K. Jones	Finance	
GM	X – I. Hall	Legislative	X – S. Reid
CAO	X – T. Perreault	Risk/Purchasing	



**SUNSHINE COAST REGIONAL DISTRICT STAFF REPORT**

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**TO:** Electoral Area Services Committee – June 20, 2024

**AUTHOR:** Nick Copes, Planner II

**SUBJECT:** Development Variance Permit DVP00099 (7531 Cove Beach Road) - Electoral Area B

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**RECOMMENDATION**

- (1) **THAT the report titled Development Variance Permit DVP00099 (7531 Cove Beach Road) - Electoral Area B be received;**
  - (2) **AND THAT Development Variance Permit DVP00099 (7531 Cove Beach Road) to vary Zoning Bylaw No. 722 to allow for the construction of an auxiliary dwelling unit and pool on the property be issued, as follows:**
    - (a) Section 5.16.1 (a) to reduce the setback for a structure adjacent to the natural boundary of the ocean from 15 m to 7.5 m.**
    - (b) Section 7.9.3 to vary the maximum parcel coverage for a parcel over 3500 m<sup>2</sup> in the RU1 Zone from 15% to 20.5%.**
- 

**BACKGROUND**

The SCRD has received a development variance permit application for 7531 Cove Beach Road in Electoral Area B that requests relaxations to Zoning Bylaw No. 722 to allow for the proposed construction of a swimming pool and an auxiliary dwelling unit. The intent of the application is to decrease the setback from the natural boundary of the ocean from 15 m to 7.5 m for the pool structure and increase the maximum allowable parcel coverage from 15% to 20.5% to allow for the pool and auxiliary dwelling unit.

The purpose of this report is to present this application to the Electoral Area Services Committee for consideration and decision.

**DISCUSSION***Analysis*

Zoning Bylaw No. 722 contains the following regulations which the application proposes to vary:

- 5.16.1 No, building or structure or any part thereof, except a boathouse located within an inter-tidal zone or within the I13 Zone, shall be constructed, reconstructed, moved, located or extended within:
- a) 15 m of the natural boundary of the ocean;

## 7.9.3 Parcel Coverage

PARCEL AREA	MAXIMUM PARCEL COVERAGE
≤3500 m <sup>2</sup>	35%
>3500 m <sup>2</sup>	15%

The proposed pool is considered a structure and in order to be constructed at the proposed location, a variance is required to the natural boundary setback from 15 m to 7.5 m.

The subject property is 4,050 m<sup>2</sup>, and therefore subject to a maximum 15% parcel coverage. The proposed construction of the pool and auxiliary dwelling unit are counted towards parcel coverage, bringing the proposed requested total parcel coverage to 20.5%, which necessitates the request for a second variance. For parcel coverage, the single-unit dwelling, currently under construction on the property, contributes 603.41 m<sup>2</sup> or 14.92% of lot coverage, with the proposed auxiliary dwelling unit and swimming pool contributing 2.45% (99.46 m<sup>2</sup>) and 2.5% (101.34 m<sup>2</sup>) of additional lot coverage respectively. In total this results in 20.3% of proposed parcel coverage, or 804.21 m<sup>2</sup>. The requested variance is for 20.5% parcel coverage, or an increase of 5.5% and seeks to provide a 0.2% buffer (about 8 square metres) to ensure that if the variance is approved that the constructed buildings and structures will have flexibility for small margins of error or on-site changes.

The superstructure of single-unit dwelling under construction is in place and accounts for all but 0.08% of the permitted parcel coverage. Given the balance of parcel coverage remaining, it is unlikely that construction of the auxiliary dwelling unit or the pool would be possible without a variance to parcel coverage.

The proposed development plans are included in Attachment A.

Table 1 – Application Summary

<b>Applicant:</b>	Eric Pettit, Open Space Architecture
<b>Legal Description:</b>	STRATA LOT 1 DISTRICT LOT 1582 STRATA PLAN EPS5814
<b>PID:</b>	031-056-814
<b>Electoral Area:</b>	Area B
<b>Civic Address:</b>	7531 Cove Beach Road
<b>Property Size:</b>	4,050.80 m <sup>2</sup>
<b>Zoning:</b>	RU1 (Rural Residential 1)
<b>OCP Land Use:</b>	Residential B
<b>Proposed Use:</b>	To vary the setback to the natural boundary of the ocean and the maximum permitted parcel coverage to allow for the construction of a swimming pool and auxiliary dwelling unit.



Figure 1 - Location Map

It is noted that in the Halfmoon Bay OCP, a 'Future Waterfront Park Opportunity' is flagged within this general area, though this potential goal was not pursued at the time of the original subdivision.

#### *Consultation*

The development variance permit application has been referred to the following agencies for comment:

Referral Agency	Comments
shísháhlh Nation	Comments not received.
Protective Services/HMB Fire	Comments not received.
SCRD Building Division	No concerns with the proposed variance from a BC Building Code perspective.
Neighbouring Property Owners/Occupiers	Notifications were mailed on May 22, 2024, to owners and occupiers of properties within a 100 m radius of the subject property. Comments received prior to the report review deadline are attached for EAS consideration.

Notifications to surrounding properties were completed in accordance with Section 499 of the *Local Government Act* and the Sunshine Coast Regional District Bylaw No. 522. Comments received prior to the report review deadline are attached. Those who consider their interests affected may also attend the Committee of the Whole meeting and speak at the call of the Chair.

#### *Applicant's Rationale & Planning Analysis*

Staff have evaluated this application using SCRD Board Policy 13-6410-6 (Development Variance Permits) as criteria as follows:

1. The variance should not defeat the intent of the bylaw standard or significantly depart from the planning principle or objective intended by the bylaw;
2. The variance should not negatively affect adjacent or nearby properties or public lands;
3. The variance should not be considered a precedent, but should be considered as a unique solution to a unique situation or set of circumstances;
4. The proposed variance represents the best solution for the proposed development after all other options have been considered; and
5. The variance should not negatively affect the natural site characteristics or environmental qualities of the property.

The applicant's response to these criteria and staff analysis are provided below.

#### *Applicant Rationale*

##### Parcel Coverage

- Other residential lots allow for 35% parcel coverage, including the R2 zoning, when the lot is under 3,500m<sup>2</sup>,
- While the parent parcel was rezoned to allow for subdivision, the RU1 zoning was not changed (which would allow greater parcel coverage).
- The parcel coverage increase is needed due to large overhangs as part of the architecture. If excluding the overhangs, parcel coverage for the dwelling under construction and proposed ADU is 11% and counting the pool is 13.5%.
- The pool counts towards parcel coverage, but is in place of a plaza, which would not count as parcel coverage.

##### Setback

- An existing hard surfaced plaza is allowed at the 7.5 m setback, adding the pool would not encroach further into the natural boundary setback than the plaza.
- The auxiliary dwelling unit and pool would not have any impact on the neighbouring properties. The ADU is in the middle of the property and the pool would soften the visual impact of the existing plaza.
- The 7.5 m setback was in place under Zoning Bylaw 310, in place at the time of initial discussions for the development of the site, including the proposed swimming pool.

##### General Rationale

- The architecture and layout of the buildings respects natural site characteristics and attempts to blend into the topography (bedrock areas).
- The pool is critical to the functioning of the site, to the following extent:
  - it is part of a geo-thermal ocean loop to provide energy efficient heating and cooling solution for the home and this requires the pool to be close to the ocean to operate the Ocean Thermal Loop.

- it would act as a backup fire suppression system, which would be supplied by an onsite well (not SCRD water). The wildfire suppression system provides benefits and wider protection to the neighbourhood.
  - it would act as a wave break to reduce flooding impact on the home.
- Confusion around application timing and bylaw changes.

*Staff Comment*

Staff provide the following comments on the proposed variances and applicant's rationale:

Parcel coverage

In the review of the proposed variance of the parcel coverage from 15% to 20.5% it is noted that the applicant has a valid Building Permit for a single-unit dwelling, which is currently under construction, with the superstructure in-place at the time of writing this report. This dwelling, which has a total livable floor area of approximately 510 m<sup>2</sup>, was proposed with a parcel coverage of 603.41 m<sup>2</sup> or 14.92%,

Though there were site design options available to the property owner prior to the design and construction commencement of the 510 m<sup>2</sup> single-unit dwelling that would have allowed for a lesser parcel coverage, staff are cautiously supportive of the proposed variance to lot coverage based on the unique situational context as outlined below:

- Topographic challenges of site, including steep slopes, bedrock and high-water mark and flood construction levels, which governed the design and layout of the under-construction single-unit dwelling. Rather than designing within a three-storey stacked floor plan, which would have a greater massing and visual impact, the dwelling has been designed such that it is tiered to blend with the natural topography of the site, meaning that it has limited visual impact both from the shore and neighbouring properties, which is seen as a positive element (see page 4 of Attachment A). It would be fair to say that this tiered design has resulted in a higher lot coverage for the single-unit dwelling in comparison to a more traditional three-storey stacked floor plan.
- The architectural design includes significant overhangs, which for the single-unit dwelling and ADU total 7% of the parcel coverage. Though this is an architectural choice, such overhangs are in excess of that seen on typical buildings and do not contribute to the livable indoor floor area proposed. Larger overhangs can also provide benefits in terms of cooling for dwellings during summer months.
- The swimming pool is counted as part the parcel coverage as it is considered a structure and contributes 2.45% (99.46 m<sup>2</sup>) towards the proposed parcel coverage. The pool is proposed in place of a plaza on the site, which would not count as parcel coverage. From a massing impact perspective it is considered that there is no tangible difference whether this portion of the site has a swimming pool located in this space or a plaza and the inclusion of the pool includes some positive components, as noted in the applicant's rationale.
- The RU1 zoning allows for parcel coverages of up to 35% for lots up to 3,500 m<sup>2</sup>, with lots over that size being restricted to 15%. Though this is a requirement in the Zoning Bylaw to ensure larger lots in general have lower lot coverages, it is noted that, for example a 2,500 m<sup>2</sup> lot would allow for a parcel coverage of 875 m<sup>2</sup>, whereas the subject lot of 4,050 m<sup>2</sup> (550 m<sup>2</sup> over the 3,500 m<sup>2</sup> cutoff), is limited to 607.5 m<sup>2</sup>. In this case the applicant proposes parcel coverage of 830.25 m<sup>2</sup>. Given the size of the lot,

being 550 m<sup>2</sup> over the size at which parcel coverage decreases to 15%, staff feel the requested variance is reasonable. It is noted that outside of this specific application this element of the Zoning Bylaw may require further consideration as part of a review of parcel coverage requirements within zones.

#### Setback

The proposed setback variance from 15 m to 7.5 m is for the construction of the swimming pool. There is a plaza being constructed in the area where the pool is proposed, which was included as part of the Building Permit plans for the single-unit dwelling. The Building Permit was approved under Zoning Bylaw 310, which only required a 7.5 m setback. As the pool was not part of the original Building Permit, it is now subject to Zoning Bylaw 722, which requires a 15 m setback resulting in the request for a variance. As noted, in relation to the parcel coverage above, the location of a swimming pool has no further tangible impact or encroachment than the construction of a plaza would, so staff are supportive of the proposed variance given this context.

#### Summary

Staff are broadly supportive of the variance application as proposed. The proposal has also garnered support from the Cove Beach neighbourhood as noted in the attached comments.

A development permit has been applied for which will address matters associated with the Development Permit Areas present on the site and which will ensure that the proposed development (site plan) is safe for intended use.

#### Options / Staff Recommendation

Possible options to consider:

**Option 1: Issue the permit (staff recommendation)**

This would permit the proposed construction of the pool and auxiliary dwelling unit on the property to proceed.

**Option 2: Refer the application to the Area B APC**

The APC would discuss the proposed variance in consideration of the Board's DVP policy and provide a recommendation to the EAS. Further notification is not required with this option.

**Option 3: Issue the permit for aspects of the proposed variance**

This may include support for the setback variance or parcel coverage variance, (or for certain aspects of the proposed parcel coverage variance).

**Option 4: Deny the permit**

The zoning bylaw regulation would continue to apply, and the construction of the structures would not be permitted as proposed.

## **STRATEGIC PLAN AND RELATED POLICIES**

The Governance Excellence Lens within the SCRD's Strategic Plan supports effective, efficient and informed decision-making.

The proposed variance was reviewed and evaluated for conformance with the SCRD Board policy 13-6410-6 (Development Variance Permits) criteria.

## **CONCLUSION**

The proposed development variance permit to vary the setback and parcel coverage would facilitate the construction of a swimming pool and an auxiliary dwelling unit. As set out above, staff are broadly supportive of the application and recommend issuing the development variance permit. If approved, the applicant would be able to proceed to the building permit stage.

## **ATTACHMENTS**

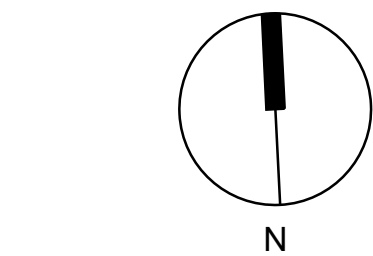
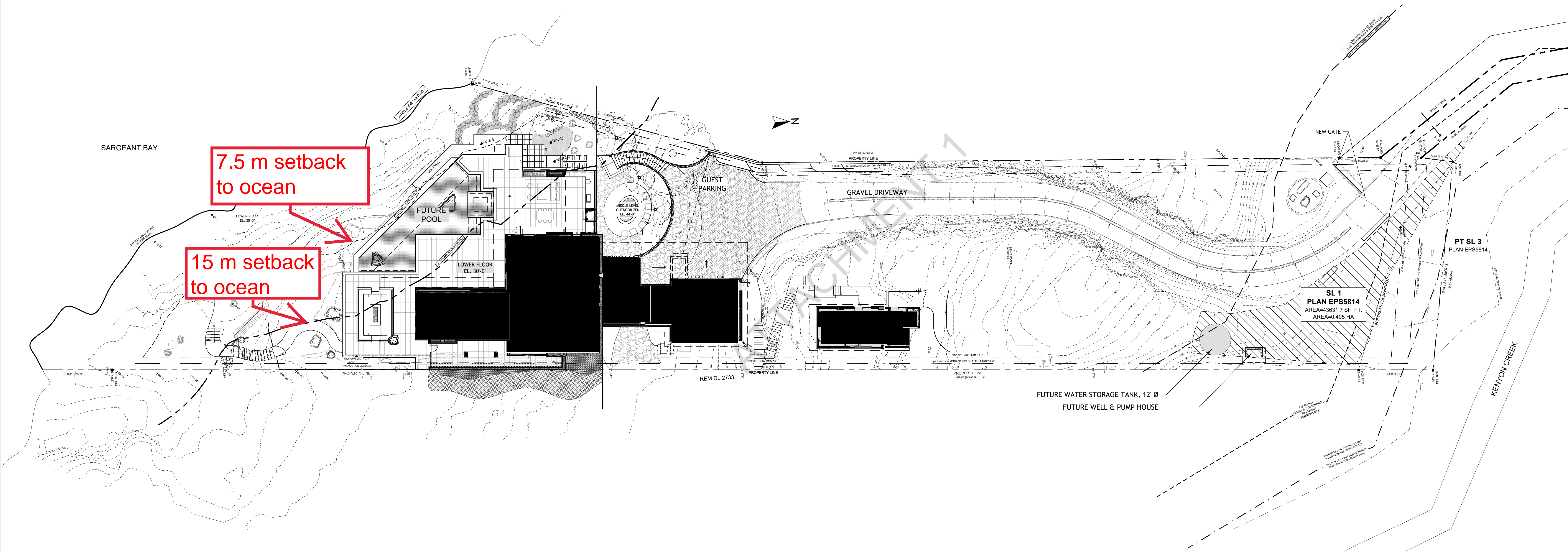
Attachment A – Site Plans and Renderings

Attachment B – Comments Received

Reviewed by:			
Manager	X – J. Jackson	Finance	
GM	X - I. Hall	Legislative	X – S. Reid
A/CAO	X – T. Perreault	Assistant Manager	X – K. Jones



DATE	ISSUED FOR
08 OCT 2021	DEVELOPMENT PERMIT
21 JAN 2022	BUILDING PERMIT
21 MAR 2022	BP ADDITIONAL ITEMS
16 OCT 2023	DEVELOPMENT PERMIT



THE BUILDER IS RESPONSIBLE FOR CHECKING ALL DIMENSIONS AND SHALL NOTIFY OPENSOURCE ARCHITECTURE OF ANY DISCREPANCIES PRIOR TO CONSTRUCTION. DRAWINGS NOT TO BE SCALED FOR DIMENSIONS. ALL WINDOW AND DOOR SIZES ARE APPROXIMATE AND THE MANUFACTURER AND BUILDER SHALL CO-ORDINATE ACTUAL ROUGH OPENING DIMENSIONS. ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF OPENSOURCE ARCHITECTURE AND MAY NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF THESE PARTIES.

SEAL

PROJECT  
**ECHO BEACH**  
MAIN HOUSE  
7531 COVE BEACH ROAD  
HALFMOON BAY, BC  
V0N 1Y0 CANADA

SHEET TITLE  
**PROPOSED SITE  
PLAN**

PROJECT NUMBER  
20-07  
SCALE  
1/16" = 1'-0"  
SHEET NUMBER  
ARCH E1

**A-1.02**

CIVIC ADDRESS:  
**7531 COVE BEACH ROAD**  
**HALFMOON BAY, BC V0N 1Y0**

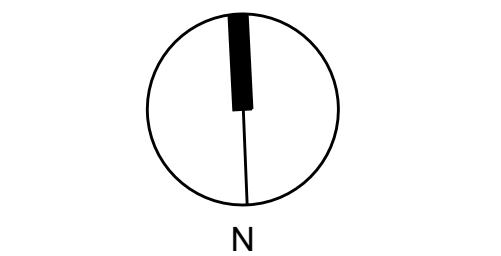
LEGAL DESCRIPTION:  
**P.I.D. 031-056-814**  
**LOT 1**  
**PLAN EPS5814**  
**DISTRICT LOT 1582**

CODE EDITION: **BCBC 2018 (PART 9)**  
CLASSIFICATION: **GROUP C RESIDENTIAL**  
ZONING: **RU1 (SUBDIVISION D), W1**  
DEVELOPMENT PERMIT AREAS:  
**DPA 1A COASTAL FLOODING**  
**DPA 2A CREEK/RIVER CORRIDOR**  
**DPA 1B COASTAL SLOPES**

1 | PROPOSED SITE PLAN  
SCALE: 1/16" = 1'-0"

ISSUED FOR DEVELOPMENT PERMIT - 16 OCTOBER, 2023





THE BUILDER IS RESPONSIBLE FOR CHECKING ALL DIMENSIONS AND SHALL NOTIFY OPENSOURCE ARCHITECTURE OF ANY DISCREPANCIES PRIOR TO CONSTRUCTION. DRAWINGS NOT TO BE SCALED FOR DIMENSIONS. ALL WINDOW AND DOOR SIZES ARE APPROXIMATE AND THE MANUFACTURER AND BUILDER SHALL CO-ORDINATE ACTUAL ROUGH OPENING DIMENSIONS. ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF OPENSOURCE ARCHITECTURE AND MAY NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF THESE PARTIES.

SEAL

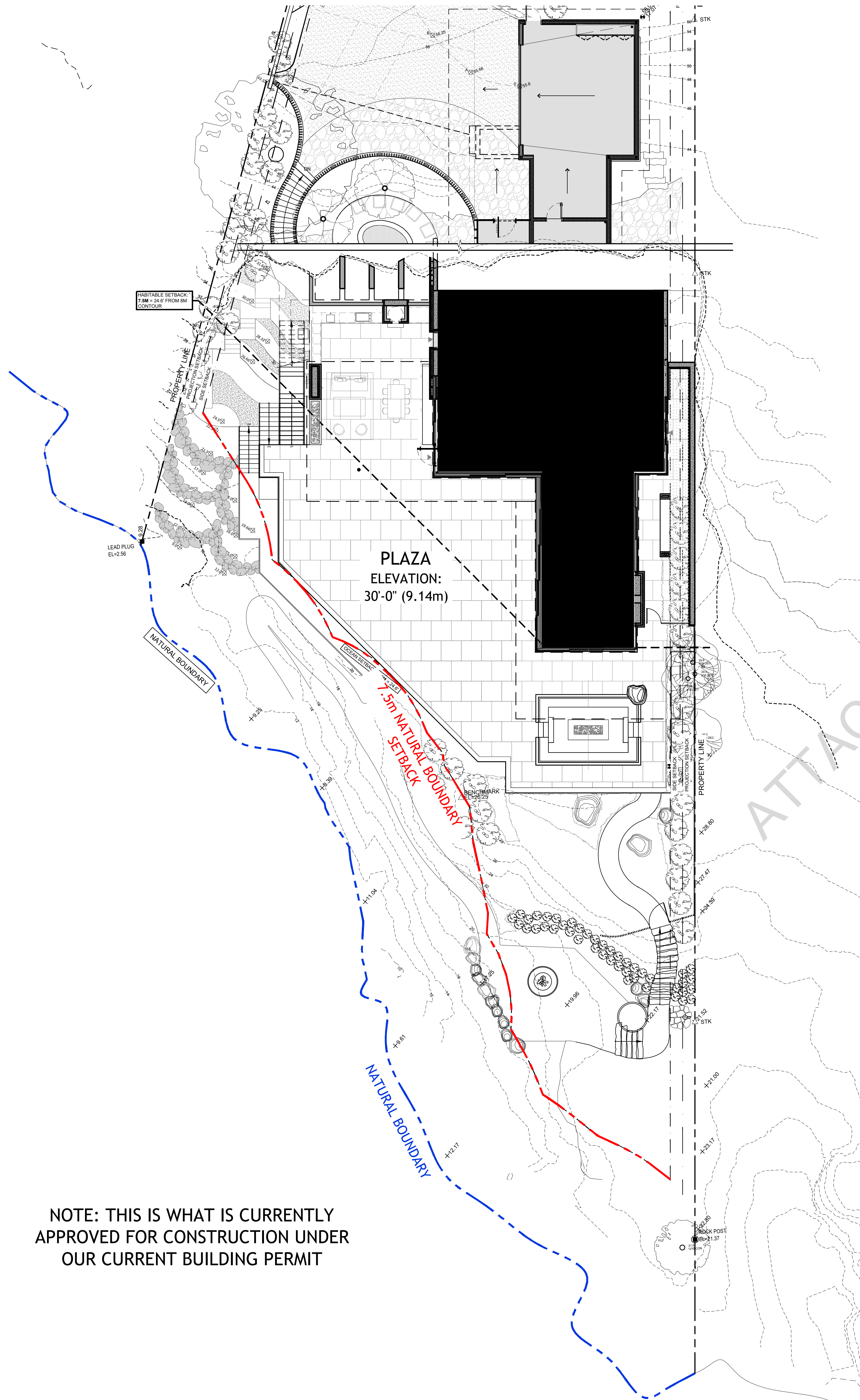
PROJECT  
**ECHO BEACH**  
MAIN HOUSE  
7531 COVE BEACH ROAD  
HALFMOON BAY, BC  
V0N 1Y0 CANADA

SHEET TITLE  
**PROPOSED SITE  
PLAN-POOL  
DESIGN**

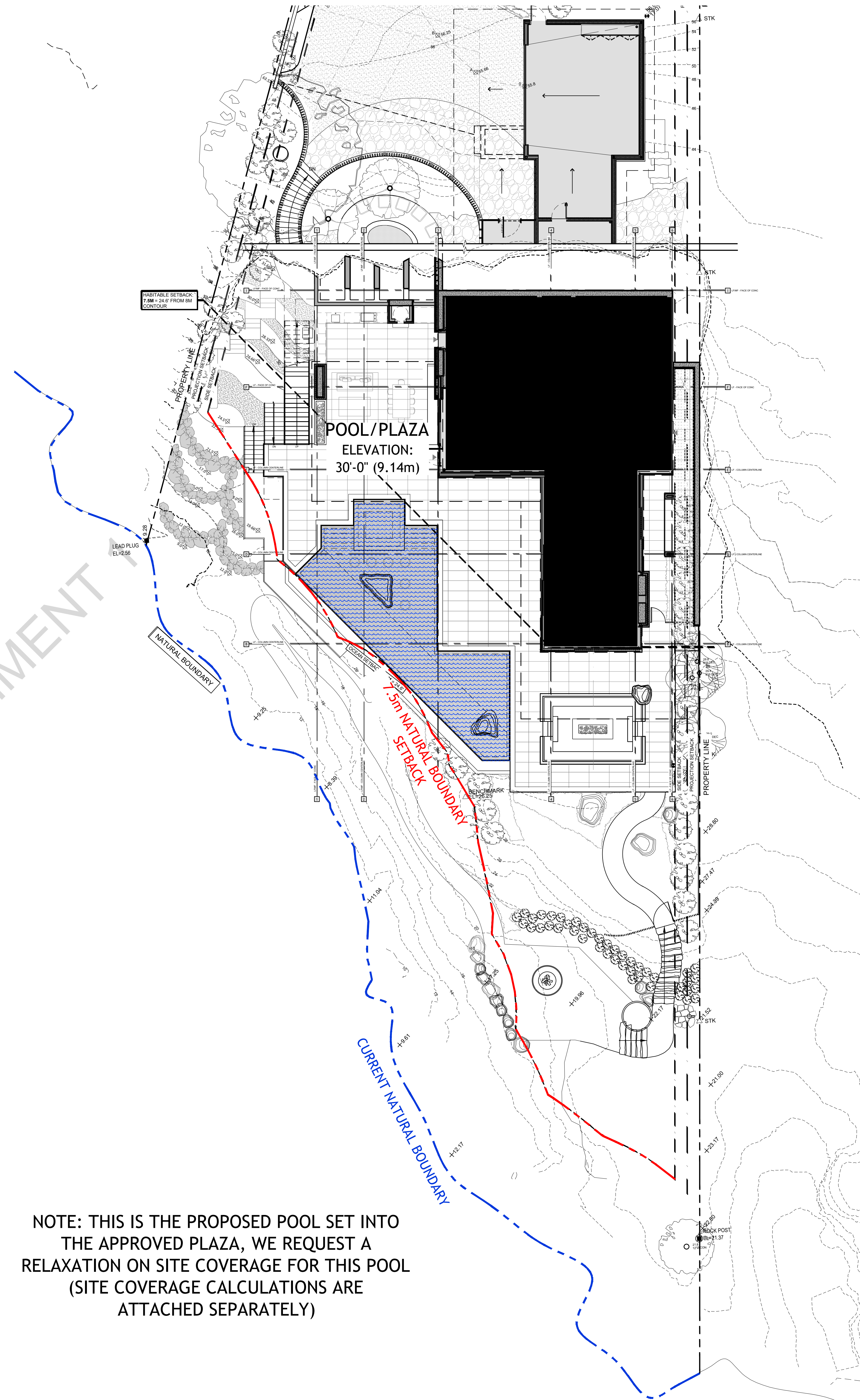
PROJECT NUMBER  
20-07  
SCALE  
1:125  
SHEET SIZE  
ARCH E1  
SHEET NUMBER

**A-1.02.1**

ISSUED FOR DEVELOPMENT PERMIT - 16 OCTOBER, 2023



1 | APPROVED BP DESIGN (NO POOL)  
SCALE: 1:125



2 | PROPOSED PLAZA DESIGN (WITH POOL)  
SCALE: 1:125





1 | SOUTH WEST CORNER



2 | SOUTH EAST CORNER



3 | NORTH WEST CORNER

Date	Issue / Revisions
14 FEB 2024	ISSUED FOR DVP

THE BUILDER IS RESPONSIBLE FOR CHECKING ALL DIMENSIONS AND SHALL NOTIFY OPENSOURCE ARCHITECTURE OF ANY DISCREPANCIES PRIOR TO CONSTRUCTION. DRAWINGS NOT TO BE SCALED FOR DIMENSIONS. ALL WINDOW AND DOOR SIZES ARE APPROXIMATE AND THE MANUFACTURER AND BUILDER SHALL CO-ORDINATE ACTUAL ROUGH OPENING DIMENSIONS. ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF OPENSOURCE ARCHITECTURE AND MAY NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF THESE PARTIES.

Seal

Project

**ECHO BEACH  
ACCESSORY  
DWELLING UNIT**  
7531 COVE BEACH ROAD  
HALFMOON BAY, BC  
V0N 1Y0 CANADA

Sheet Title  
IMAGES

Project Number  
20-07

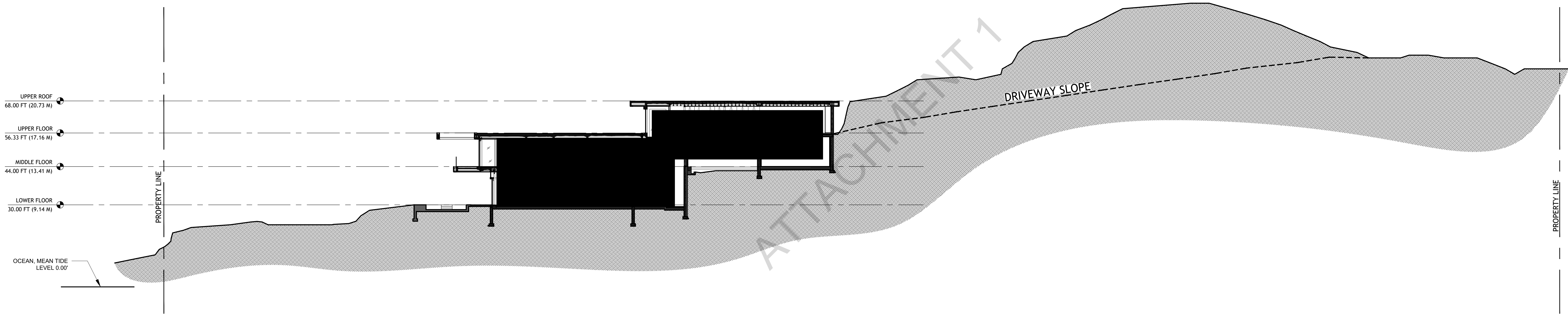
Scale (Sheet Size Arch C)  
N/A

Sheet Number

A0.04



DATE	ISSUED FOR
08 OCT 2021	DEVELOPMENT PERMIT
21 JAN 2022	BUILDING PERMIT



1 | SITE SECTION  
SCALE: 1/16" = 1'-0"

THE BUILDER IS RESPONSIBLE FOR CHECKING ALL DIMENSIONS AND SHALL NOTIFY OPENSOURCE ARCHITECTURE OF ANY DISCREPANCIES PRIOR TO CONSTRUCTION. DRAWINGS NOT TO BE SCALED FOR DIMENSIONS. ALL WINDOW AND DOOR SIZES ARE APPROXIMATE AND THE MANUFACTURER AND BUILDER SHALL CO-ORDINATE ACTUAL ROUGH OPENING DIMENSIONS. ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF OPENSOURCE ARCHITECTURE AND MAY NOT BE REPRODUCED IN WHOLE OR IN PART WITHOUT THE WRITTEN PERMISSION OF THESE PARTIES.

SEAL

PROJECT  
**ECHO BEACH**  
MAIN HOUSE  
7531 COVE BEACH ROAD  
HALFMOON BAY, BC  
V0N 1Y0 CANADA

SHEET TITLE  
**SITE SECTION**

PROJECT NUMBER  
20-07  
SCALE  
1/16" = 1'-0"  
SHEET NUMBER

SHEET SIZE  
ARCH E1

**A-1.03**

## Comments for DVP00099

1.

I am writing this letter of support for 7531 Cove Beach Road and their Development Variance Permit application DVP000999 to vary Zoning Bylaw No. 722. I live in the same Cove Beach subdivision, at [REDACTED] Cove Beach Road (Strata Lot [REDACTED]), nearby this property (Strata Lot 1).

These requested variances do not present any material adverse conditions for us at [REDACTED] Cove Road and the construction is otherwise very orderly, tidy, and the house is of high quality and will be a nice addition to the Sunshine Coast and our neighbourhood.

Sincerely,

Michael Ward

2.

Good morning,

We are the owners of [REDACTED] Cove Beach Road, Halfmoon Bay (Lot [REDACTED]), in the Cove Beach strata development. We have learned that one of our fellow Cove Beach owners (Lot 1) is seeking a variance permit (#DVP00099), which will be reviewed on June 20. We wish to express our support for this variance permit in its entirety. The owners of Lot 1 have proven not only to be conscientious neighbours during their build, but their variance request will also benefit the strata community as a whole given their plans to enable water storage and forest fire fighting capabilities, particularly given the water shortage realities we experience in Halfmoon Bay and in light of the location of our homes surrounded by forests. Further, given the secluded location of their lot compared to the rest of the strata community, in our opinion, increasing their parcel coverage limit will have no negative impact on any of the other homes in the strata (or other neighbouring properties) and will not impede any views.

Best,

Tammy Shoranick and Dayton Turner

[REDACTED] Cove Beach Road, Halfmoon Bay

3.

We are Cove Beach residents living at [REDACTED] Cove Beach Lane.

We support the proposed Development Variance Permit # DVP00099 application.

Sincerely,

Sandra Trujillo

Ross Russell

4.

Dear members of the Variance Board,

This is to express my support of our neighbour's application for their new house at 7531 COVE BEACH RD HALFMOON BAY.

All Cove Beach properties present design challenges due to the land's rugged topography which includes steep cliffs, rock outcrops and difficult access. We are struggling with our own lot where a tall rock face is squeezing our building envelope along a very narrow corridor. Through ongoing consultation with neighbours, Cove Beach owners are creating a stunning community nestled in this difficult terrain.

We agree with the addition of a well and pool at 7531 Cove Beach. As a forest interface neighbourhood adjacent to a vacant lot on the East side of Cove Beach, fire is a big concern for us. We appreciate our neighbours' efforts to protect our small community, essentially building a reservoir as part of a well thought-out site plan.

We also support the site coverage variance requested for 7531 Cove Beach. Our neighbours' rationale for asking for an extra 5.5% site coverage is sound. We also appreciate that they chose to add ground floor area rather than adding the extra space on an upper floor: this gives their home a lower profile.

I am a Cove Beach Resident living at [REDACTED] Cove Beach Rd, Halfmoon Bay and a planning professional. I support the proposed Development Variance Permit #DVP00099 application.

Gaetan Royer, BArch, MPI, MEng

5.

Re: Statutory Notification for Development Variance Permit #DVP00099 (7531 Cove Beach Road)

We are neighbours living adjacent to the Cove Beach Subdivision at [REDACTED] Kenyon Rd, Halfmoon Bay, BC. We support the proposed Development Variance Permit #DVP00099 application to permit the construction of an auxiliary dwelling unit and pool on the subject parcel, located at 7531 Cove Beach Road.

Sincerely, Heather and Bob

Heather and Robert Newman

6.

We are Cove Beach Residents living at [REDACTED] Cove Beach Lane in Halfmoon Bay.

We have received and reviewed the Statutory Notification for Development Variance Permit # DVP00099 issued by the SCRd on May 22, 2024.

Be advised, we are in support of this application.

Joseph and Patricia Finn

7.

I have concerns about both parts of this Variance application and believe they contravene many of the Goals of the Halfmoon Bay "OCP". Since your committee focuses on the zoning by-laws I will try to direct my thoughts there.

The existing By-law setback for a structure adjacent to the natural boundary is intended to reduce visual trespass, increase natural open spaces, provide an adequate buffer zone to the tidal area, free public waterfront access and this Lot is designated in the OCP as a Future Waterfront Park opportunity. Reducing the setback requirement will infringe on these objectives.

Increasing max parcel coverage is problematic in several ways. Strata Lot 1 has minimal soil over slow rain water infiltration granite rock and limited vegetation coverage. This increases potential for environmental contamination from storm water run-off into the ocean. The Cove Beach strata development has a limited community septic system in close proximity to the ocean. Additional coverage may over extend the septic system and will increase demand for the Regional District's fresh water supply.

The By-laws were in place prior to the design of the development of Strata Lot 1 and its owner would have considered them prior to the design of the property. Instead this application, both for parts a) and b) are attempting to end run the By-laws and there is no necessity to provide variances. With Lot 1 being part of a gated strata development, it can not be argued that an auxiliary dwelling unit is even intended for housing intensification.

Tom Phillips

## SUNSHINE COAST REGIONAL DISTRICT

## HALFMOON BAY (AREA B) ADVISORY PLANNING COMMISSION

July 23, 2024

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RECOMMENDATIONS FROM THE HALFMOON BAY (AREA B) ADVISORY PLANNING COMMISSION MEETING HELD ELECTRONICALLY VIA ZOOM

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<b>PRESENT:</b>	Chair	Nicole Huska
	Members	Len Coombes Bob Baziuk Kim Dougherty Suzette Stevenson Alda Grames Barbara Bolding (recorder)
<b>ALSO PRESENT:</b>	Manager, SCRD Planning and Dev. SCRD Planner II DVP00099 Applicant	Jonathan Jackson Nick Copes Eric Pettit
<b>DELEGATION:</b>	Birch Way Representative	Konstantin Vassev
<b>PUBLIC:</b>		5
<b>ABSENT:</b>	Members	Ellie Lenz Kelsey Oxley Justine Gabias (Director, Area B)

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**CALL TO ORDER** 7:16 p.m.

**AGENDA** The agenda was adopted as presented.

**MINUTES**Halfmoon Bay (Area B) Minutes

The Halfmoon Bay (Area B) APC minutes of June 25, 2024 were approved as presented.

Minutes

The following minutes were received for information:

- Egmont/Pender Harbour (Area A) APC Minutes of 26 June, 2024
- Elphinstone (Area E) APC Minutes of 26 June, 2024
- West Howe Sound (Area F) APC Minutes of 25 June, 2024

## REPORTS

### Development Variance Permit DVP00099 (7531 Cove Beach Road) – Electoral Area B

A detailed discussion of issues related to this application occurred. The participation of SCRD staff members was very helpful to our further understanding of many of the circumstances related to it.

The development permit request was considered in 2 parts as outlined in the Staff Report Recommendation.

Regarding Section 5.16.1 (a) to reduce the setback for a structure adjacent to the natural boundary of the ocean from 15 m to 7.5 m, the APC was divided on this request. No members opposed the 7.5 m set back as it has already been approved. However, while a majority of members supported the request for approval of a “structure” (i.e. a pool) in this space, at least 3 members opposed construction of the same.

#### **Reasons:**

Reasons to support a “structure” (i.e. pool) in this space included:

- Construction of a plaza in this space is already approved
- Pool is preferable to a heat reflecting plaza
- Question comes down to a “waterscape” vs. a hardscape

Concerns of those opposed to construction of a pool included:

- If the pool is to be part of a heat sink for summer cooling, the possibility of warm water being released into the ocean needs to be assessed by the appropriate agency.
- Pool will increase parcel coverage beyond that which is allowed by current zoning.
- During the design and permit approval process, the owners and architect became aware of the specific bylaws requirements re: definitions of “structures” and of allowable square footage in this zone, and yet seem to have chosen a plan that would lead to overbuilding.
- Pool and fence (per artist’s drawings available on the architect’s website) is not in keeping with the OCP guidelines

Regarding Section 7.9.3 to vary the maximum parcel coverage for a parcel over 3500 m<sup>2</sup> in the RU1 Zone from 15% to 20.5%:

The Halfmoon Bay APC was about evenly divided on this request. We could not reach agreement and so could not make a recommendation.

#### **Reasons:**

Those in support of the request to increase the maximum parcel coverage considered the unique situation described in this application. Key points included:

- SCRD bylaw anomalies that apparently allow up to 35% parcel coverage on smaller parcels
- Application to reduce lot size will increase staff time and SCRD costs. Approval now may create time and cost savings.



- The large eaves of the house do not cover living space, and in fact protect it from summer heating. They provide beneficial cooling effects, which are becoming essential during our increasingly hot summers.

Those opposed to the increase were concerned with the following:

- The increase to the maximum parcel coverage contradicts the previous (310) and the current (722) bylaws applicable to the current zoning of this property. Increased parcel coverage also contradicts OCP principles.
- During the planning and approval process, other designed options were possible but apparently not pursued. The overall site plan was known, but not included with the original permit application. If it had been, adjustments could have been made at the time.
- Both the old and new bylaws (known to any applicant) include overhangs/eaves in area coverage calculations. This may differ other jurisdictions, but it's this region's standard. The calculation method has been, and will continue to be applied to all other permit applicants on the Coast. We need to apply the bylaws consistently.

#### Zoning Amendment Bylaw No. 722.11 for Subdivision of 8000 Birch Way

Discussion touched on water supply, highway/roadway access, and the potential for subdivision of the new lots and covenants. Once again, the presence of SCRD staff was helpful.

#### **Recommendation No. 1**      *Zoning Amendment Bylaw No. 722.11 for Subdivision of 8000 Birch Way*

The Halfmoon Bay APC supports the application for rezoning of 8000 Birch way as outlined in the staff report attached to our meeting agenda.

#### **Reasons:**

- It conforms to the criteria for consideration of a 1 hectare parcel size described in the staff report. Once subdivided, it will still be similar to properties in the neighbourhood.

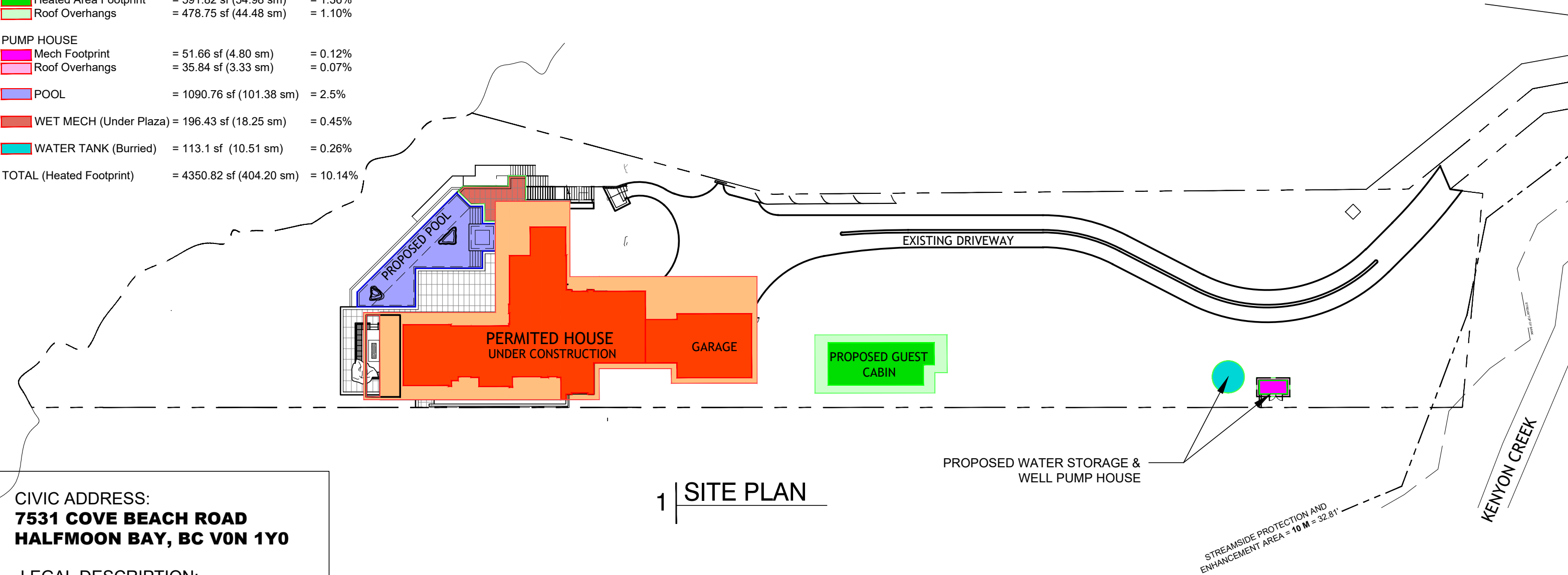
**NEXT MEETING**      September 17, 2024 by Zoom

**ADJOURNMENT**      9:45 p.m.

SITE COVERAGE SUMMARY

SITE AREA		= 43,631.70 sf (4053.52 sm)
15% Coverage		= 6,544.76 sf (608.03 sm)
MAIN HOUSE		
Heated Area Footprint	= 3830.43 sf (355.86 sm)	= 8.78%
Roof Overhangs	= 2449.76 sf (227.59sm)	= 5.61%
GUEST HOUSE		
Heated Area Footprint	= 591.82 sf (54.98 sm)	= 1.36%
Roof Overhangs	= 478.75 sf (44.48 sm)	= 1.10%
PUMP HOUSE		
Mech Footprint	= 51.66 sf (4.80 sm)	= 0.12%
Roof Overhangs	= 35.84 sf (3.33 sm)	= 0.07%
POOL	= 1090.76 sf (101.38 sm)	= 2.5%
WET MECH (Under Plaza)	= 196.43 sf (18.25 sm)	= 0.45%
WATER TANK (Burried)	= 113.1 sf (10.51 sm)	= 0.26%
TOTAL (Heated Footprint)		= 4350.82 sf (404.20 sm) = 10.14%

ATTACHMENT 3



CIVIC ADDRESS:  
**7531 COVE BEACH ROAD**  
**HALFMOON BAY, BC V0N 1Y0**

LEGAL DESCRIPTION:  
**P.I.D. 031-056-814**  
**LOT 1**  
**PLAN EPS5814**  
**DISTRICT LOT 1582**

1 | SITE PLAN

**OPENSOURCE**  
**ARCHITECTURE**

165 East 1st Street, North Vancouver, BC V7L1B2  
T: 604 984.7722  
www.openspacearchitecture.com

ISSUED FOR CONSTRUCTION

Project: <b>COVE BEACH</b>			
Notes:	Sheet Title: <b>7531 COVE BEACH ROAD</b>		Sheet #:
	Project No.: 20-07	Date: AUG 29, 2024	Scale: NTS

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Section:	Planning and Development	BRD-0340-50
Title:	Development Variance Permits	008

**1. PURPOSE**

**1.1** To outline the criteria for approving Development Variance Permit Applications.

**2. SCOPE**

**3. DEFINITIONS**

**4. POLICY**

**4.1** To consider Development Variance Permit applications according to the following criteria.

- a) The variance should not defeat the intent of the bylaw standard or significantly depart from the planning principle or objective intended by the bylaw.
- b) The variance should not negatively affect adjacent or nearby properties or public lands.
- c) The variance should not be considered a precedent but should be considered as a unique solution to a unique situation or set of circumstances.
- d) The proposed variance represents the best solution for the proposed development after all other options have been considered.
- e) The variance should not negatively affect the natural site characteristics or environmental qualities of the property.

**4.2** Applications which meet most, or all, of the preceding criteria will generally be supported.

**5. EXCEPTIONS**

**6. AUTHORITY TO ACT**

**6.1** Retained by the Board.

**7. REFERENCES (Bylaws, Procedures, Guiding documents)**

Approval Date:	March 22, 2001	Resolution No.	173/01 Rec No. 1
Amendment Date:	June 8, 2023	Resolution No.	141/23 Rec. No. 19
Amendment Date:		Resolution No.	
Amendment Date:		Resolution No.	