



**FRASER VALLEY REGIONAL DISTRICT
BOARD OF VARIANCE
OPEN MEETING MINUTES**

Tuesday, July 16, 2019
10:30 am
FVRD Boardroom, 45950 Cheam Avenue, Chilliwack, BC

Present: Bronwyn Punch, Chair
Philip Craven, Vice Chair
John De Jong, Board Member

Staff Present: Graham Daneluz, Deputy Director of Planning and Development
Jaime Reilly, Secretary to the Board of Variance
Andrea Antifaeff, Planner I
Chris Lee, Executive Assistant (Recording Secretary)

Also Present: Peter Martens (Applicant)
3 members of the public

1. CALL TO ORDER

Chair Punch called the meeting to order at 10:30 a.m. and introduced the members of the Board of Variance and staff.

2. APPROVAL OF AGENDA, ADDENDA AND LATE ITEMS

Moved By CRAVEN
Seconded By DE JONG

THAT the Agenda, Addenda and Late Items for the Board of Variance Hearing of July 16, 2019 be approved;

AND THAT all correspondence and other information set to the Agenda be received for information.

CARRIED

3. COMMENTS BY SECRETARY TO BOARD OF VARIANCE AND STAFF

Jaime Reilly, Secretary to the Board of Variance stated that the Hearing was with respect to an application brought forward pursuant to Sections 540 and 531 of the *Local Government Act* requesting the Board to permit a structural alteration to a non-

conforming structure (replacement of existing deck and repairs to existing mobile home) located at #6-50801 O'Byrne Road in Electoral Area E.

Andrea Antifaeff, Planner I provided a PowerPoint presentation, outlining the following:

- The application is to make structural alterations and addition of a deck to the existing mobile home;
- The application is a result of a bylaw enforcement, for construction without a building permit;
- A recent site inspection of the property indicated that a shed has also been constructed on the site. This shed was not included in the applicant's Board of Variance application;
- Shed setback does not meet BC Building Code; the Mobile Home Park Bylaw sets out separation distances between these types of structures, however the Mobile Park Bylaw does not apply as the Mobile Home Park is lawfully non-conforming;
- Applicant has provided the following reasons for hardship:
 - Mobile home purchased was unlivable at the time
 - Roof was leaking and there was mold, rot and mice living in the walls
 - Applicant has been paying for electricity, gas and rent for almost a year without being able to live in the mobile home
- Meets zoning bylaw siting regulations;
- The mobile home location is not changing and the deck and mobile home are located within the user site;
- Increase in size of legally non-confirming use (deck);
- Intent of the bylaw is that non-confirming uses will cease at the end of the natural life cycle of the mobile home.

Peter Martens, the applicant reported that when he first purchased the mobile home he thought that he could make some repairs to the roof and be able to live in the mobile home but discovered concerns. He advised that the shed was already there when he purchased the house and that he only tried to improve it. He also noted that the existing deck posed a safety hazard.

Gary Fillinger, spoke in favour of the application, and noted that he assessed the mobile home when Mr. Martens first bought the mobile home and discovered several defects.

Al Gilbert, spoke in favour of the application, and noted that the contractor hired to do the repairs to the mobile home proposed a structure that resulted in the building permit issue. Also over the winter season, the home deteriorated more and Mr. Martens has been making repairs to the mobile home, and that he has not added to the footprint other than reduce the size of the mobile home by tearing off the rotten addition.

4. DELIBERATION BY BOARD OF VARIANCE - #6-50801 O'Byrne Road, Chilliwack, Electoral Area "E"

The Board of Variance members deliberated on the matter and agreed that the applicant has not made any structural changes to the mobile home, and is working to make it livable.

In response to the question with respect to the building permit issue for the shed, staff reported that the applicant previously applied for a ramada structure in his original building permit application. Subsequently, building inspection staff made a site inspection and noted that structural alterations were occurring on the property. It was reported that the applicant has been working to revise the building permit application but this cannot occur until the Hearing has occurred.

It was noted that the recent discovery of the shed by bylaw enforcement staff is not part of the Board of Variance application in consideration and thus the issue of the shed should not be considered at the Hearing. Staff reported that this issue came to their attention just last week and posed a concern as the shed is in addition to a lawfully non-conforming use. Although the size of the shed may not require a building permit, the concern is that it is placed between two mobile homes and will not meet adequate fire separation between the two homes.

Brian Barber, Manager of the Mobile Park reported that efforts were made to have the shed removed from the property. He advised that Mr. Martens has made repairs to the mobile home to improve it.

5. PUBLIC QUESTION PERIOD FOR ITEMS RELEVANT TO THE AGENDA

None.

6. DECISION OF BOARD OF VARIANCE

The Board of Variance agreed that without the structural changes made to the mobile home, it would cause hardship to the applicant as the home is currently not livable, resulting in financial hardship, as he has continued to make payments for the mobile home while residing elsewhere. It was further noted that the existing deck poses a safety hazard, and it would create a hardship without the required structural changes.

Moved by CRAVEN
Seconded by DE JONG

THAT the Board of Variance grant approval under Section 540(c) of the *Local Government Act* to approve the application for an exemption from Section 531(1) of the *Act* to permit structural alterations to the mobile home and replacement of the existing deck for the property located at #6-50801 O'Byrne Road, Electoral Area E.

CARRIED

7. ADJOURNMENT

Moved By DE JONG
Seconded By CRAVEN

THAT the Board of Variance Hearing of July 16, 2019 be adjourned.

CARRIED

The Board of Variance Hearing adjourned at 10:55 a.m.

MINUTES CERTIFIED CORRECT:

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Bronwyn Punch, Chair

DRAFT