

To: CAO for the Electoral Area Services Committee

Date: 2019-05-08

From: Andrea Antifaeff, Planner I

File No: 3090-20-2018-28

**Subject: Application for Development Variance Permit 2018-28 to reduce the rear setback to facilitate the construction of an accessory structure (shed) at #129-14500 Morris Valley Road, Electoral Area C**

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## RECOMMENDATION

**THAT** the Fraser Valley Regional District Board refuse Development Variance Permit 2018-28 for the property located at #129-14500 Morris Valley Road, Electoral Area C to reduce the rear lot line setback from 7.6 metres (24.9 feet) to 5.0 metres (16.4 feet), clear to sky to facilitate the construction of an accessory structure (shed) ;

**AND THAT** the Fraser Valley Regional District Board direct staff to consider zoning regulations related to accessory structures (sheds) in the Private Resort Development (PRD-1) zone at the time that staff are reviewing the consolidated zoning bylaw;

**AND FURTHER THAT** the Fraser Valley Regional District Board direct staff to take no further bylaw enforcement actions at #129-14500 Morris Valley Road with respect to the shed, provided that the accessory structure (shed) is moved to the proposed location in the application for Development Variance Permit 2018-28 and pending resolution of the PRD-1 accessory structure (shed) zoning regulations in the consolidated zoning bylaw.

## STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

## BACKGROUND

The owners of the property made an application for a Development Variance Permit (DVP) in order to reduce the rear lot line setback for an accessory structure (shed) as outlined in *Zoning By-law for Electoral Area "F", 1978, of the Regional District of Fraser-Cheam*.

PROPERTY DETAILS			
Electoral Area	C		
Address	#129-14500 Morris Valley Road		
PID	026-412-063		
Folio	776.06731.429		
Lot Size	0.172 acres		
Owner	Karen Sidhu & Matt Thomas	Agent	n/a
Current Zoning	Private Resort Residential (PRD-1)	Proposed Zoning	No change
Current OCP	Resort Residential (RR)	Proposed OCP	No change
Current Use	Residential	Proposed Use	Accessory Residential
Development Permit Areas	DPA 1-C and 2-C		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES		
North	^	Private Resort Residential (PRD-1), Residential
East	>	Private Resort Residential (PRD-1), Residential
West	<	Private Resort Residential (PRD-1), Residential
South	v	Private Resort Residential (PRD-1), Residential

### NEIGHBOURHOOD MAP



## PROPERTY MAP



## DISCUSSION

The owners of the property made an application in August 2018 to allow an accessory structure (shed) at #129-14500 Morris Valley Road to be sited on the property. The subject property is located in the Eagle Point Estates residential development in Morris Valley, Electoral Area C.

### Variance Requested

The owners are seeking a 2.6 metre (8.52 foot) relaxation to the required rear lot line setback, reducing the setback requirement from 7.6 metres (24.9 feet) to 5.0 metres (16.4 feet).

### Bylaw Enforcement

In January 2018, the FVRD received a complaint of an accessory structure (shed) sited in contravention of the Zoning Bylaw. At a subsequent inspection of the property an FVRD bylaw enforcement officer confirmed the presence of an accessory structure (shed) sited in contravention of the Zoning Bylaw (exterior side and rear setbacks and the overhang of the shed roof encroached over the fence and onto the strata road property). The applicant proposed to move the location of the shed which would require a variance (reduction) to only the required rear lot line setback. Obtaining a Development Variance Permit and relocating the accessory structure (shed) would rectify the bylaw enforcement.



Figure 1. Existing shed location

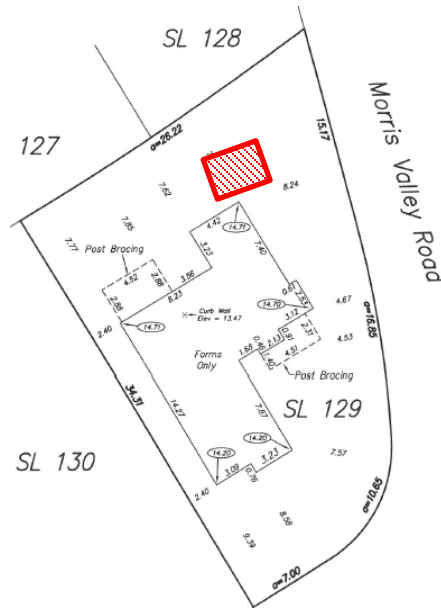


Figure 2. Proposed shed location

Since the application for Development Variance Permit 2018-28 was received there have been numerous complaints regarding the placement of accessory structures (sheds) on additional properties located within Eagle Point Estates (16 complaints) and Rivers Reach Estates (14 complaints)

#### EASC Meeting September 5, 2018

Development Variance Permit 2018-28 was considered at the September 5, 2018 meeting of the Electoral Area Service Committee. The Electoral Area Directors made a motion to postpone the consideration of Development Variance Permit 2018-28.

Discussion at the meeting included concern that there is conflict between the strata corporation bylaws and FVRD Zoning Bylaws. At the meeting staff noted that due to current staff and budget constraints, it was not feasible to conduct a study on this issue and coordinate a strategy with the three individual strata councils, at that time and staff proposed that the consideration of the application for Development Variance Permit 2018-28 be postponed until after budget decisions.

#### Zoning Bylaw Setback Requirements

The requirements for siting within the Private Resort Development (PRD-1) zone per *Zoning By-law for Electoral Area "F", 1978, of the Regional District of Fraser-Cheam* are:

##### *Strata Lot Setbacks:*

*No part of any building or structure on a strata lot shall be closer than:*

- *6.0 metres from a front strata lot line*
- *4.5 metres from a flanking road strata lot line*
- *2.1 metres from an interior lot line*
- *7.6 metres from any rear lot line*

Given the strata lot sizes within the lands zoned Private Resort Development (PRD-1) on most lots it would be impossible to place an accessory structure (shed) that is in compliance with the strata lot setbacks noted above.

As the existing zoning essentially prohibits an accessory shed and the development is constructed as a single family subdivision, typically an accessory shed is permitted for the storage of common household goods, such as lawn mower, garden tools, etc.

#### Update May 2019

Staff have re-evaluated Development Variance Permit application 2018-28 and spoken with bylaw enforcement staff. Staff feel it would be best to address the issue of accessory structure (shed) placement/setbacks in coordination with the consolidated zoning bylaw that is currently in progress.

An alternative to the zoning consolidation approach would be to do a site specific text amendment to the Private Resort Residential Development (PRD-1 zone). A text amendment to this zone would affect all properties zoned PRD-1 which includes:

- Harrison Lane subdivision (14505 Morris Valley Road);
- Eagle Point Estates subdivision (14500 Morris Valley Road); and,
- Rivers Reach Estates subdivision (14550 Morris Valley Road).





Staff recommend that the Fraser Valley Regional District Board refuse Development Variance Permit 2018-28 for the property located at #129-14500 Morris Valley Road, Electoral Area C to reduce the rear lot line setback from 7.6 metres (24.9 feet) to 5.0 metres (16.4 feet), clear to sky to facilitate the construction of an accessory structure (shed).

AND THAT the Fraser Valley Regional District Board direct staff to consider zoning regulations related to accessory structures (sheds) in the Private Resort Development (PRD-1) zone at the time that staff are reviewing the consolidated zoning bylaw.

AND FURTHER THAT the Fraser Valley Regional District Board direct staff to take no further bylaw enforcement actions at #129-14500 Morris Valley Road, provided that the accessory structure (shed) is moved to the proposed location in the application for Development Variance Permit 2018-28 and pending resolution of the PRD-1 accessory structure (shed) zoning regulations in the consolidated zoning bylaw.

#### **Option 2 – Site specific text amendment**

If the Board wishes to direct staff to do a text amendment to the Private Resort Development (PRD-1) zone of *Zoning By-law for Electoral Area "F", 1978, of the Regional District of Fraser-Cheam* to allow for the placement of accessory structures (sheds) within achievable setbacks, the following motion would be appropriate:

MOTION: THAT the Fraser Valley Regional District Board direct staff to do a text amendment to the Private Resort Development 1 (PRD-1) zone of *Zoning By-law for Electoral Area "F", 1978, of the Regional District of Fraser-Cheam* to address issues with the placement of accessory structures.

#### **Option 3 – Approve Development Variance Permit 2018-28**

If the Board wishes to approve requested Development Variance Permit 2018-28, the following motion would be appropriate:

MOTION: THAT the Fraser Valley Regional District Board issue Development Variance Permit 2018-28 for the property located at #129-14500 Morris Valley Road, Electoral Area C to reduce the rear lot line setback from 7.6 metres (24.9 feet) to 5.0 metres (16.4 feet), clear to sky, to facilitate the construction of an accessory structure (shed).

**COMMENTS BY:**

**Graham Daneluz, Deputy Director of Planning & Development:** Reviewed and supported.

**Margaret Thornton, Director of Planning & Development:** Reviewed and supported.

**Mike Veenbaas, Director of Financial Services:** No further financial comments.

**Jennifer Kinneman, Acting Chief Administrative Officer:** Reviewed and supported.



## Appendix A

### Proposed Shed Location

