

To: CAO for the Electoral Area Services Committee

Date: 2019-07-09

From: Julie Mundy, Planning Technician

File No: 3090-20 2019-18

**Subject: Application for Development Variance Permit 2019-18 to reduce the setbacks from a highway for a single family residence at 20910 Snowflake Place, Electoral Area C**

## RECOMMENDATION

**THAT** the Fraser Valley Regional District issue Development Variance Permit 2019-18 to reduce the highway setback requirement from 6 metres to 4.5 metres on the west side of the lot, and from 6 metres to 3 metres on the south side of the lot, to facilitate the construction of a single family dwelling at 20910 Snowflake Place, subject to consideration of any comments or concerns raised by the public.

## STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

## BACKGROUND

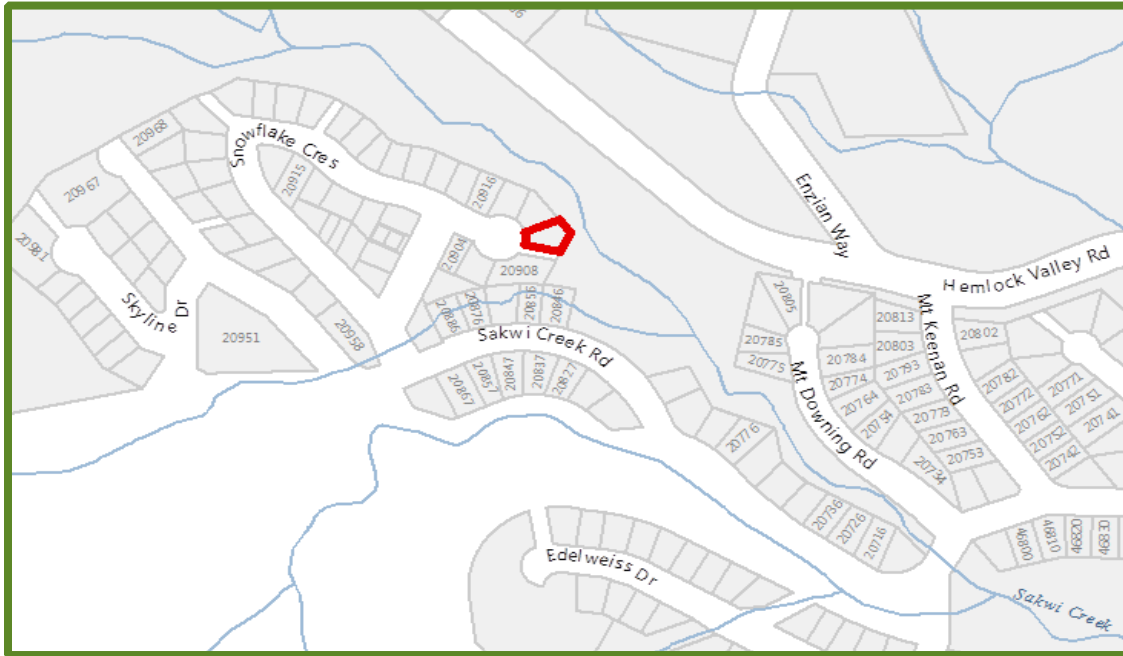
The property owner has made a Development Variance Permit (DVP) application to vary the required setbacks from a highway for the west and the south sides of the lot as outlined in *Fraser Valley Regional District Zoning Bylaw 100, Morris Valley-Harrison Mills, portion Area "C"*.

PROPERTY DETAILS			
<b>Electoral Area</b>	C		
<b>Address</b>	20910 Snowflake Place		
<b>PID</b>	003-038-912		
<b>Folio</b>	776.01430.130		
<b>Lot Size</b>	6372 ft <sup>2</sup>		
<b>Owner</b>	Energia Supply Ltd. (Jason Dunkley)	<b>Agent</b>	n/a
<b>Current Zoning</b>	Resort Residential 2 (RST-2)	<b>Proposed Zoning</b>	No change
<b>Current OCP</b>	Cottage Residential (CR)	<b>Proposed OCP</b>	No change
<b>Current Use</b>	Vacant Land	<b>Proposed Use</b>	Residential
<b>Development Permit Areas</b>	DPA 1-HV (Geotechnical Hazard Assessment Area)		
<b>Hazards</b>	Flood Protection, 10m setback to top of steep slopes		
<b>Agricultural Land Reserve</b>	No		

**ADJACENT ZONING & LAND USES**

<b>North</b>	^	Resort Residential 2 (RST-2), Single Family Home
<b>East</b>	>	Park (P-1), Crown Land - Sakwi Creek
<b>West</b>	<	Resort Residential 2 (RST-2), Single Family Homes
<b>South</b>	v	Resort Residential 2 (RST-2), Single Family Homes

**NEIGHBOURHOOD MAP**



**PROPERTY MAP**



## DISCUSSION

The property owner is planning to construct a cabin with a footprint of approximately 480 square feet (24 feet by 20 feet) at 20910 Snowflake Place. The lot is currently bare land and is located at the base of Sasquatch Mountain Resort. The property backs onto Crown land and has an unconstructed Ministry of Transportation and Infrastructure road right of way along the south property line.

### Property Description

The property has a small building envelope due to 1) a steep bank at the rear (east side) of the property, and 2) the required setback from Sakwi Creek which runs along the rear of the property.

The property is within Development Permit Area 1-HV for Geotechnical Hazards in the Official Community Plan for Hemlock Valley (Bylaw 0030, 2000). The Development Permit Area requires all construction on the property to be setback 10 metres from the tops of steep slopes. The *Fraser Valley Regional District Floodplain Management Bylaw 0681, 2005* also requires all construction to be setback 30.0 metres from the natural boundary of Sakwi Creek. Both setbacks are shown in Appendix A – Site Plan.

### Variance Request

The applicant wishes to reduce the highway setback requirement for the west and south property lines. The applicant is seeking a 1.5 metre (4.9 foot) relaxation from the required front (west) lot line setback, which reduces the setback from 6.0 metres (19.7 feet) to 4.5 metres (14.8 feet).

Front (West) Lot Line Setback	
Required (zoning)	6.0 metres (19.7 feet)
Proposed	4.5 metres (14.8 feet)
<b>Requested Variance</b>	<b>1.5 metres (4.9 feet)</b>

The applicant is seeking a 3.0 metre (9.8 foot) relaxation from the required setback on the south property line, along the MOTI unconstructed right-of-way. This will reduce the setback from 6.0 metres (19.7 feet) to 3.0 metres (9.8 feet).

South Lot Line Setback	
Required (zoning)	6.0 metres (19.7 feet)
Proposed	3.0 metres (9.8 feet)
<b>Requested Variance</b>	<b>3.0 metres (9.8 feet)</b>

The applicant advises the variance will enable the construction of a small cabin on a lot with a very small building envelope. The proposed building is sited to meet existing geotechnical and creek setback

requirements. If the variance is not granted, the property owner would have to reduce the building footprint to less than 480 square feet.

#### Ministry of Transportation & Infrastructure Requirements

All construction within 4.5 metres of a road right of way requires approval from the BC Ministry of Transportation and Infrastructure (MOTI). MOTI has issued a Highway Setback permit to allow construction within 3.0 metres of the unconstructed road right of way on the southern property line. The permit is attached as Appendix B, and all MOTI requirements have been met.

#### Snow Shedding Impacts

Buildings in Hemlock are prone to accumulating large amounts of snow which results in snow shedding from roofs. Setback requirements within the zoning bylaw are designed to account for snow accumulation and aim to accommodate snow shedding. The relaxation of the front property line is not anticipated to increase snow shedding impacts to adjacent properties provided the roof is angled towards interior property lines. The proposed setback for the south property line is consistent with the requirements for an interior property line setback, and is not anticipated to adversely impact neighbouring properties.

#### **Neighbourhood Notification and Input**

All property owners within 30 metres of the property will be notified by FVRD of the Development Variance Permit application and will be given the opportunity to provide written comments or attend the Board meeting to state their comments. FVRD staff encourage the applicant to advise neighbouring property owners and residents of the requested variance in advance of the mail-out notification. To date, no letters of support or objection have been received.

#### **COST**

The application fee of \$350 has been paid by the applicant.

#### **CONCLUSION**

Staff recommend that the FVRD Board issue Development Variance Permit 2019-18 to reduce the setback requirements from a highway for the construction of a cabin at 20910 Snowflake Place. The property owners are siting their building in a manner that complies with geotechnical hazard requirements and with the floodplain management bylaw. The proposal has received the necessary approvals from MOTI and is not anticipated to negatively impact the surrounding properties.

#### **Option 1 – Issue (Staff Recommendation)**

Staff recommend that the Fraser Valley Regional District Board issue Development Variance Permit 2019-18 to reduce the highway setback requirements from 6 metres to 4.5 metres for the west property line, and from 6 metres to 3 metres for the south property line to facilitate the construction of a single family dwelling at 20910 Snowflake Place, Electoral Area C, subject to consideration of any comments or concerns raised by the public.

**Option 2 – Refuse**

If the Board wishes to refuse the application, the following motion would be appropriate:

MOTION: THAT the Fraser Valley Regional District Board refuse Development Variance Permit 2019-18 for the property at 20910 Snowflake Place, Electoral Area C.

**Option 3 – Refer to Staff**

If the Board wishes to refer the application back to staff to address outstanding issues, the following motion would be appropriate:

MOTION: THAT the Fraser Valley Regional District Board refer the application for Development Variance Permit 2019-18 for the property at 20910 Snowflake Place, Electoral Area C to FVRD Staff.

**COMMENTS BY:**

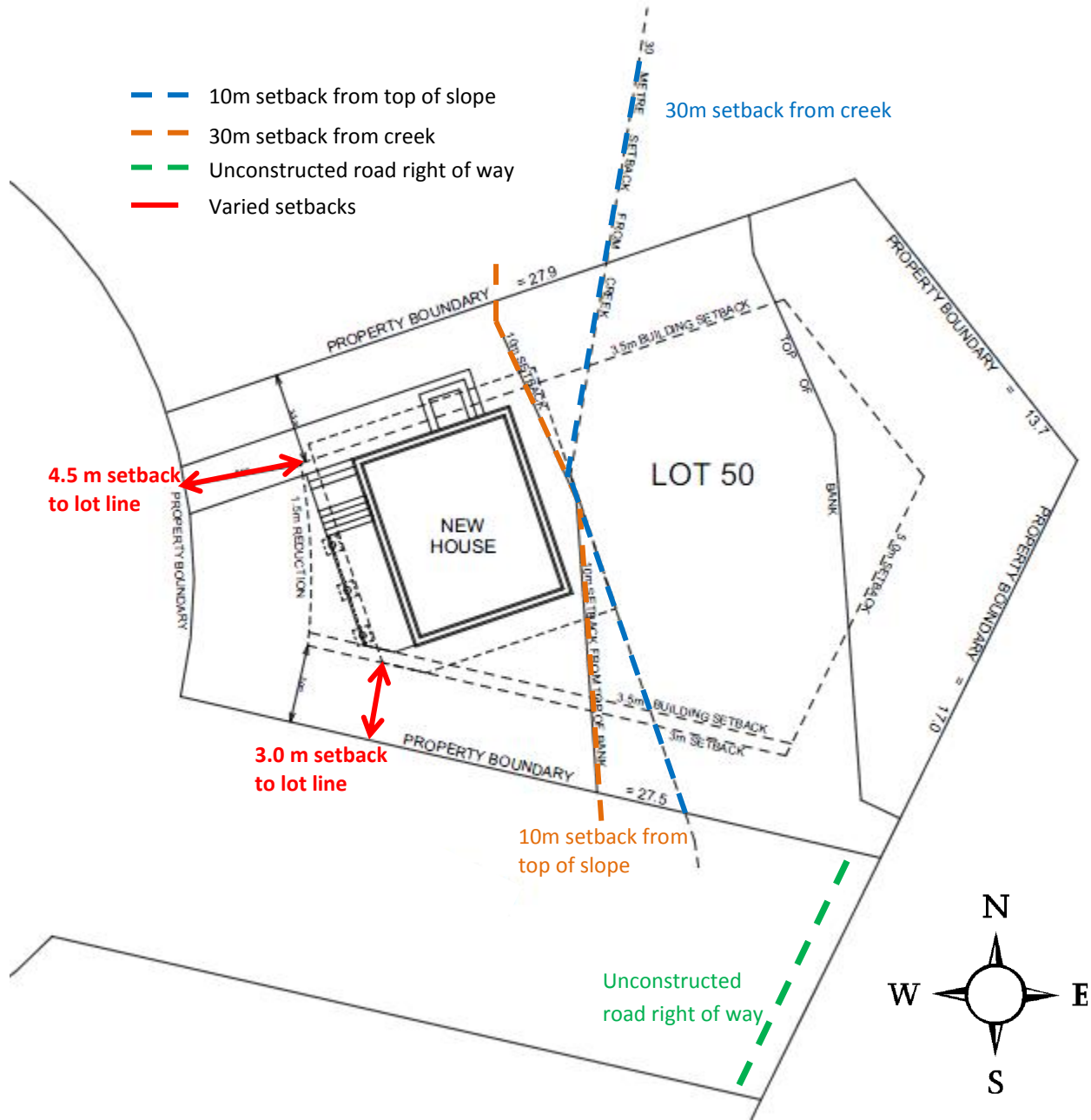
**Graham Daneluz, Deputy Director of Planning & Development:** Reviewed and supported

**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 – Site Plan



## Appendix B – MOTI Permit



BRITISH  
COLUMBIA

Ministry of Transportation  
and Infrastructure

Permit/File Number: 2019-03056

Office: Chilliwack Area Office

### PERMIT TO REDUCE BUILDING SETBACK LESS THAN 4.5 METRES FROM THE PROPERTY LINE FRONTING A PROVINCIAL PUBLIC HIGHWAY

PURSUANT TO TRANSPORTATION ACT AND/OR THE INDUSTRIAL ROADS ACT AND/OR THE  
MOTOR VEHICLE ACT AND/OR AS DEFINED IN THE NISGA'A FINAL AGREEMENT AND THE  
NISGA'A FINAL AGREEMENT ACT.

**BETWEEN:**

The Minister of Transportation and Infrastructure

Chilliwack Area Office  
45890 Victoria Avenue  
Chilliwack, BC V2P 2T1  
Canada

("The Minister")

**AND:**

Energia Supply Ltd.  
11882 Sylvester Road  
Mission, B.C. V2V 4J1  
Canada

("The Permittee")

**WHEREAS:**

- A. The Minister has the authority to grant permits for the auxiliary use of highway right of way, which authority is pursuant to both the Transportation Act and the Industrial Roads Act, the Motor Vehicle Act, as defined in the Nisga'a Final Agreement and the Nisga'a Final Agreement Act;
- B. The Permittee has requested the Minister to issue a permit pursuant to this authority for the following purpose:  
A setback reduction from the southern property line within PID 003-038-912 on Lot 50 District Lot 3850 Group 1 New Westminster District Plan 62254, civic address 20910 Snowflake Place, Sasquatch Mountain Resort B.C. to 3 meters to accommodate the construction of a small cabin.
- C. The Minister is prepared to issue a permit on certain terms and conditions;

ACCORDINGLY, the Minister hereby grants to the Permittee a permit for the Use (as hereinafter defined) of highway right of way on the following terms and conditions:

1. This permit may be terminated at any time at the discretion of the Minister of Transportation and Infrastructure, and that the termination of this permit shall not give rise to any cause of action or claim of any nature whatsoever.
2. This permit in no way relieves the owner or occupier of the responsibility of adhering to all other legislation, including zoning, and other land use bylaws of a municipality or regional district.
3. The Permittee shall indemnify and save harmless the Ministry, its agents and employees, from and against all claims, liabilities, demands, losses, damages, costs and expenses, fines, penalties, assessments and levies made against or incurred, suffered or sustained by the Ministry, its agents and employees, or any of them at any time or times, whether before or after the expiration or termination of this permit, where the same or any of them are based upon or arise out of or from anything done or omitted to be done by the Permittee, its employees, agents or Subcontractors, in connection with the permit.
4. Permittee to be responsible for all future drainage problems as they pertain to said works



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COLUMBIA

Ministry of Transportation  
and Infrastructure

Permit/File Number: 2019-03056  
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5. The Ministry of Transportation and Infrastructure and/or the Maintenance Contractor shall not be held accountable for any damage(s) to the said structure, however caused.

The rights granted to the Permittee in this permit are to be exercised only for the purpose as defined in Recital B on page 1.

Dated at Chilliwack, British Columbia, this 10 day of June, 2019

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On Behalf of the Minister