

From: "Roger Burrows" <[REDACTED]>
Date: September 8, 2019 at 12:55:28 PM PDT
To: "Bill Dickey, FVRD Area D Director" <bdickey@fvr.ca>
Cc: "Taryn Dixon, FVRD Area H Director" <tdixon@fvr.ca>
Subject: EASC Meeting - Burrows Variance

Email to: Bill Dickey, Director, Electoral Area D, EASC chair, FVRD
with cc to: Taryn Dixon, Director, Electoral Area H

First, please accept our apology if this email is not appropriate.

We see that the agenda package for our upcoming EASC variance application includes a submission from CLPB commissioner Darcy Bauer, which is now part of the public record. Because this submission includes errors, we would like the opportunity to respond to it at the EASC meeting, generally as outlined below.

We will bring copies of our response for distribution to Electoral Area members at the EASC meeting, again only if considered appropriate.

Thanks for your consideration.

Roger and Rosemary Burrows
226 First Avenue, Cultus Lake
[REDACTED] [REDACTED]

Darcy Bauer emails included as an EASC submission:
with comments made by Roger and Rosemary Burrows shown in italics

From: Darcy Bauer <darcy.bauer@cultuslake.bc.ca>
Date: September 3, 2019 at 8:00:58 AM PDT
To: Taryn Dixon <tdixon@fvr.ca>
Cc: Joe Lamb <joe.lamb@cultuslake.bc.ca>, Bill Dickey <bdickey@fvr.ca>
Subject: Re: Variance

Hi Taryn no the CLPB has not met any further on this matter however Joe, David and myself feel that the concerns I am bringing forward should be considered by the EA directors before granting this variance. When we met last time Joe and I did express that there would not be consensus on this matter whether the vote was 3-2 in favour or against. I don't believe all the factors were considered carefully enough by certain APC members especially if when they are

friends and neighbors of the applicants. On July 16 Graham's stated that the EA directors place a great deal of importance on the recommendations of the APC and there will be instances where the FVRD Board will make decisions that aren't consistent with the recommendations of the APC. I believe this is one of those instances. It looks like you will also be absent for the next EASC meeting where this variance will be considered. If possible could we then meet with you Bill some time Thursday or Friday. Thanks Darcy

Sent from my iPhone

On Sep 2, 2019, at 7:22 PM, Darcy Bauer
<darcy.bauer@cultuslake.bc.ca<<mailto:darcy.bauer@cultuslake.bc.ca>>> wrote:

Hi Taryn and Bill, Joe and I would like to meet with you either Thursday or Friday this week to go over some concerns with the Variance being proposed on 19 Lakeshore drive and a few other matters coming forward over the next few months. I will be sending this letter to the FVRD board for consideration

Sent from my iPhone

Begin forwarded message:

From: DarcyBauer
Date: September 1, 2019 at 12:33:47 PM PDT
To: Darcy Bauer
Subject: Fwd: Variance

The FVRD and the CLPB have gone through an extensive collaborative, consultative process to develop the current bylaws. It now appears that some of these bylaws need to be modified. As an interim solution, and prior to rewriting bylaws, the CLPB has agreed to develop a policy around parking requirements along First avenue. We have also requested the FVRD provide information on similar size lots elsewhere in the Park to help develop this policy. This information is still forthcoming.

Yes, the FVRD and CLPB went through an extensive process to develop the current bylaws. But, bylaw 1375-2016, was mostly hijacked by the contentious "green space" issue and resident input on other bylaw content was minimal.

The bylaw was finally adopted on February 27, 2018. But, almost immediately, concerns were raised about parking at waterfront lots.

Over one year ago, FVRD's then-CAO Paul Gipps reportedly asked the CLPB and FVRD to deal with the waterfront parking issue. To our knowledge, no material work has occurred. At the June APC meeting, chair Lamb asked Graham Daneluz regarding progress and the response was that no work had been started and that it was not in the budget.

Granting of variances along Lakeshore Drive for reduced parking area requirements is premature until the policy has been adopted for the following reasons:

1) Lakeshore Drives properties, and in particular Lot 19, are larger in size - 25ft x 70 ft vs 25ft x 60 ft on First Avenue.

This is inaccurate. It is correct that many lower Lakeshore Drive properties are 25 feet by 70 feet. It is not correct that First Avenue properties are 25 by 60 feet. In fact, almost 70 First Avenue properties are 25 by 65 feet, and only four are 60 feet. [summary available, based on BC Assesment data]

2) Lot 19 accommodates the ability to build three floors above ground, totalling up to 3000 sq ft of living space.

R-3 "Waterfront Residential" permits two stories plus a basement. Our plans, after allowing for parking as described in our variance application, show only 794 square feet on the Main Floor, 964 sf on the Upper Floor and 1088 in the Basement, much of which is dark (windowless) storage. The total square footage is calculated at 2846 sf.

3) The road width along Lakeshore Dr is less than the MOTI legal standard regulations of 28 ft, and as a result, restricts the ability for vehicles to pass, requiring them to back up to allow passage. This creates safety issues for pedestrians, and access problems for emergency, maintenance, waste management and residential vehicles. When new construction occurs, it affords the opportunity to increase the street width in this area on Park property.

We agree, the road width along Lakeshore Drive is less than the current Moti regulations. But, it has been that way for decades. The travelled portion between the yellow lines has been, and continues to be, acceptable for the passage of emergency vehicles, garbage trucks, etc.

The existing travelled portion is compromised much more by uphill retaining walls which encroach on park property (up to 10 to 15 feet), than by downhill homes. If the travelled portion of Lakeshore is to be widened, surely it should be equitable. For example, additional uphill parking was recently made using lock-block retaining walls just to the north.

New construction may afford the opportunity to increase the street width, but this is unlikely to occur in volume anytime soon. Of the 24 Lakeshore 25 foot waterfront homes between #1 and #27, 9 (38%) were built in the 2000s, 4 (17%) in the 1990s, 3 (12%) in the 1980s, 2 (8%) in the 1970s and 6 are older. That's almost 75% which are sizable dwellings of "modern" construction. [Based on BC Assessment data.]

4) By granting the requested variance for Lot 19, the FVRD will cause an encroachment to occur on Park Lands if any vehicle other than a small car is parked in that location. The current bylaw already addresses the minimum standard of 18 ft to accommodate two vehicles. By changing the minimum standard to 15 ft you will be shifting 3 ft of that area onto Park Land. Do we want to start granting future variance's based on the length of a vehicle an applicant is currently driving?

If the FVRD were to grant this type of variance, the CLPB would then become responsible to address such an encroachment. As a result the CLPB now needs time to develop a policy around such an encroachment before a variance can be approved, as this will set a precedent for any other new builds in this area.

Encroachment, if that's the proper word, occurs for parking at almost every Cultus Lake home. Whether it is to the yellow lines as permitted on First or Lakeshore, or parking on the street in front of homes as on the tree streets, encroachment occurs, just as it does in most other municipalities.

5) For any variance to occur the applicant should be required to demonstrate hardship. All that has been provided to date, is a diagram of the main floor dimensions, which fails to confirm hardship. A complete plan of all three floors should be provided before any decision can be reached.

We have already accepted a substantially reduced main floor area in working with FVRD planning. At only 794 square feet, the main floor includes only a small living and dining area, kitchen, small pantry, powder room and a utility room. As ageing seniors who use the main floor a lot, this is already verging on being too small.

6) The applicants are claiming hardship because they have purchased a lot that only allows for 60% lot coverage and they have to allow for parking within this area. Maximum 60% lot coverage has always been the requirement for the lots with this zoning and the set backs are no different than any other lot. Prior to recently purchasing Lot 19, the applicant should have been well aware of the current zoning bylaws.

Hardship was not claimed due to the 60% lot coverage. The point made was that 25 foot lots up to 65 feet in length do not have a coverage limit. Lots over 65 feet have a 60% coverage limit. A 65 foot lot with bylaw setbacks permits a dwelling size of 1029 square feet, while a 70 foot lot with setbacks and a 60% coverage permits a dwelling size of 1050 sf, that's only 21 more square feet, hardly enough to park a car.

The applicants were well aware of the current zoning bylaws. The current FVRD bylaw requires the parking of two vehicles "using parallel parking spaces [which] may use a portion of the road width, however, the vehicle must be able to park entirely outside the travel lane delineated by the yellow lines". Because this would "trap" one vehicle, requiring the other to be moved before any use, we applied for a variance to park vehicles at 90 degrees, within the exact same bylaw space. At the first APC meeting, we were blind-sided by the emphasis on the road width. At no time prior was road width ever raised as a public issue.

7) Many homes along this stretch of Lakeshore Dr already conformed to the new Bylaw even before it was introduced.

By our reckoning, only three of the 24 Lakeshore waterfront homes on 25 foot lots currently conform to the new bylaw. One has an unused one-car garage (#4), one has two-car garage (#21), and one has a two-car carport (#26). The remaining 21 homes park their vehicles parallel to or at an angle within the yellow lines. None of these 21 homes are able to park two vehicles using parallel parking spaces as required by the bylaw.

8) The CLPB is in the process of making recommendations to improve the issues along Lakeshore Dr for the long term. The FVRD and the CLPB have an opportunity at this juncture to start the process that the bylaw was intended for, and this variance should be either denied or deferred until such a plan is implemented.

The CLPB may now be in the process of reviewing issues, but it has been well over 1.5 years with the current bylaw in force. It is grossly unfair to residents to deny or defer for another indeterminate period.

The applicants have, as requested by the Electoral Area committee in July, worked with FVRD staff to find a compromise that would work for both. Our variance is based upon a proposal made by FVRD planning staff.

The APC meeting carried the recommendation that the variance be approved, and FVRD staff are recommending approval at this EASC meeting. Further delay would be an unfair hardship.