

To: CAO for the Electoral Area Services Committee

Date: 2019-09-10

From: Julie Mundy, Planning Technician

File No: 3090-20 2019-25

**Subject: Application for Development Variance Permit 2019-25 to reduce the lot line setbacks at
PID: 002-404-290, Maple Falls Road, Electoral Area H**

RECOMMENDATION

THAT the FVRD District Board issue Development Variance Permit 2019-25 for PID 002-404-290 Maple Falls Road, Electoral Area H, to reduce all property line setbacks from 7.62 metres (25 feet) to 4.5 metres (14.76 feet), clear to sky, to facilitate the construction of a residence, 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 owners have applied for a Development Variance Permit to reduce the front, rear, and side lot line setbacks to facilitate the construction of a single family residence. The property is zoned Rural-Agricultural (R-Ag) under *Zoning Bylaw for Electoral Area 'E', 1976 of the Regional District of Fraser-Cheam* and construction is required to be setback 7.62m (25 feet) from all property lines.

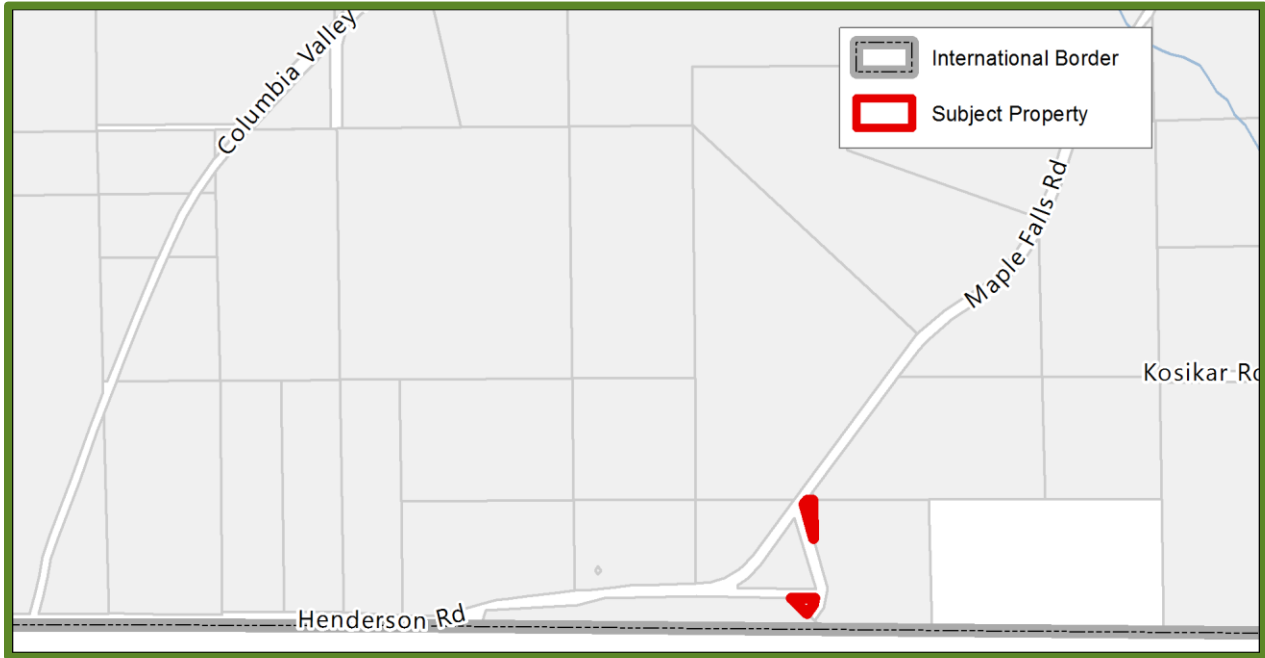
PROPERTY DETAILS

| | | | |
|----------------------------------|---------------------------|------------------------|-----------|
| Electoral Area | H | | |
| Address | Maple Falls Rd | | |
| PID | 002-404-290 | | |
| Folio | 733.02913.010 | | |
| Lot Size | 0.264 acres | | |
| Owner | Fred & Brigitte Mackenzie | Agent | n/a |
| Current Zoning | Rural Agriculture (R-Ag) | Proposed Zoning | No change |
| Current OCP | Agriculture (Ag) | Proposed OCP | No change |
| Current Use | Bare Land | Proposed Use | No change |
| Development Permit Areas | 5-BC Riparian Area | | |
| Hazards | --- | | |
| Agricultural Land Reserve | Yes | | |

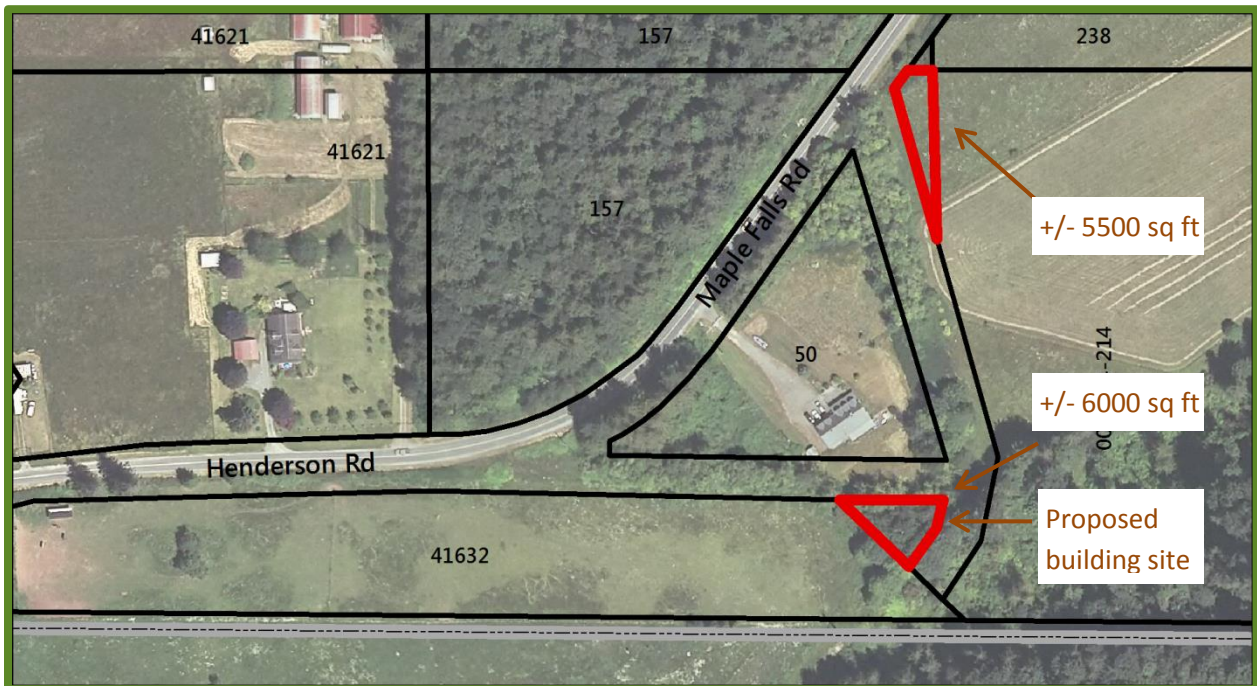
ADJACENT ZONING & LAND USES

| | | |
|--------------|---|---|
| North | ^ | Rural Agriculture (R-Ag); Single-family residence |
| East | > | Rural Agriculture (R-Ag); Unconstructed road, forested hillside |
| West | < | Rural Agriculture (R-Ag); Agriculture |
| South | v | Rural Agriculture (R-Ag); International border |

NEIGHBOURHOOD MAP



PROPERTY MAP



The property is within the Agricultural Land Reserve and is comprised of two small pieces separated by a road right of way (see map above). The undedicated road served as a border crossing from the early 1920's until the 1940's. In 1974, the former crossing was officially dedicated as "road", which resulted in the creation of the subject property. The right of way is now overgrown and is no longer recognisable as a former road.

FVRD records indicate the current property owner has owned the subject lot since at least 1987. FVRD does not have clear ownership records for this area prior to 1987.

DISCUSSION

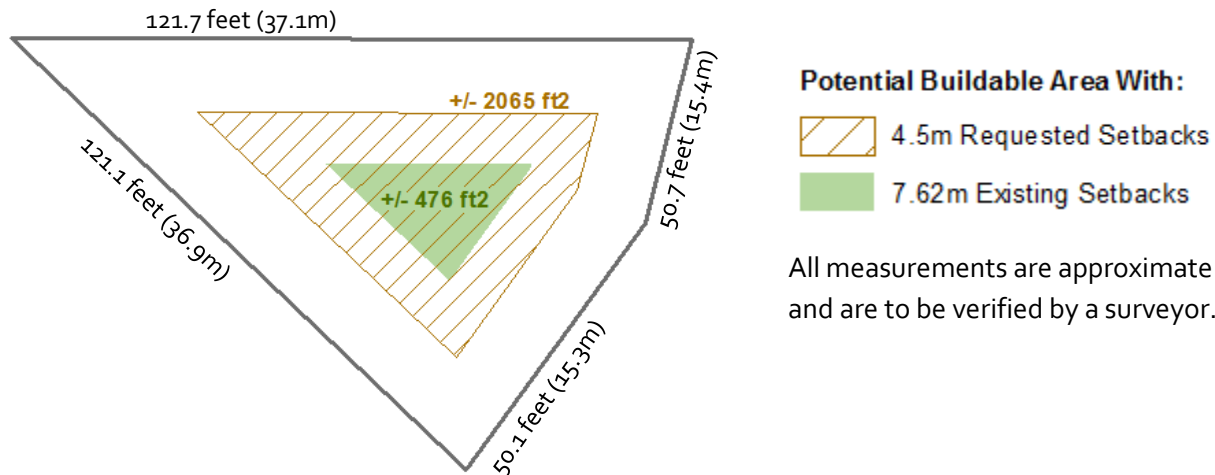
Variance Request

The applicant is seeking a 3.12 metres (10.24 feet) relaxation from the required front, rear and side lot line setbacks. This will reduce the setbacks from 7.62 metres (25 feet) to 4.5 metres (14.76 feet).

| Front, Rear, and Side Lot Line Setbacks | |
|---|---------------------------------|
| Required (zoning) | 7.62 metres (25 feet) |
| Proposed | 4.5 metres (14.76 feet) |
| Requested Variance | 3.12 metres (10.24 feet) |

The applicant advises the reason for the variance is to create a building envelope for a single family dwelling on the property. The applicant states the building envelope is too small for a residence without the variance.

The required setbacks leave a potential building area of approximately 476 square feet, while the requested setbacks result in a potential building area of approximately 2065 square feet.



If the variance is not granted, the applicant could construct a small cabin, but would be restricted to a building area of 476 square feet. The buildable area is triangular in shape which increases the challenges of building efficiently, and will likely reduce the actual buildable area. The buildable area is likely to be further constrained by the placement of a well and septic system.

Septic & Well Servicing Requirements

No water or sewer services are available in this area, and the property is required to have an on-site well and septic disposal field.

The provincial *Health Hazards Regulation* requires wells to be placed at least 30 metres from any probable source of contamination. Examples of contamination sources include septic systems, agricultural fields (fertilizer runoff), and roads (salt runoff). Staff anticipate there will be challenges with siting a well and septic field on a property of this size and directed the property owner to consult an engineer. A preliminary opinion from a Professional Engineer has been provided saying that design of a well and septic field with appropriate setbacks should be achievable. This opinion has not yet been validated by thorough detailed design work.

A Professional Engineer will be required to design the well and septic field, and to certify both have been properly installed. The engineer will also be required to provide a report certifying the well is safe for use and that the placement of well and septic field will not result in environmental contamination on the subject property or on the adjacent properties.

The *Fraser Valley Regional District Subdivision and Development Servicing Bylaw No 1319, 2015* includes specifications for servicing requirements on new parcels, including:

- Parcels less than 1 ha (2.47 acres) are required to connect to a community water system, and
- Parcels less than 0.225 ha (0.55 acres) are required to connect to a community sewer system.

The subject property is not required to adhere to the Subdivision and Servicing Bylaw specifications as it is an existing lot, however, servicing requirements provide useful context on minimum standards. The building site is approximately 0.14 acres (6000 square feet). If the building site were a new parcel, FVRD would require connections to both community water and sewer systems.

The Building Department will ensure septic and well requirements are met through the issuance of a building permit.

Ministry of Transportation and Infrastructure (MOTI)

The subject property is accessed via an unconstructed provincial road right of way. A Works Permit from MOTI will be required for the property owner to build a driveway within the right of way. MOTI has indicated this permit will be granted upon application with a satisfactory driveway design.

BC Building Code

The proposed residence is required to adhere to the BC Building Code. The reduction of property line setbacks may impact the percentage of glazed openings (e.g. windows) permitted on each wall. The applicant has been advised to discuss requirements with the Building Department before undertaking any design work. All construction drawings will be reviewed for BC Building Code compliance when a building permit application is submitted.

International Boundary Commission

The property is adjacent to the USA/Canada border. The International Boundary Commission maintains the boundary line between the countries, and prohibits construction, expansion, or excavation within 3 metres (10 feet) of the border without authorization. The property boundary is 20 metres from the boundary at its closest point, and no additional approvals are required from the Commission.

Parcel Size and Neighbouring Land Uses

The subject property is zoned Rural-Agriculture (R-Ag), which generally describes the landscape. The average parcel size in the R-Ag zone in Columbia Valley is 6.1 ha (15.1 acres), which is much larger than the proposed building site. Construction on a lot of 6000 square feet is not typical of the development in Columbia Valley, however, it is permitted if servicing and BC Building Code requirements are met.

To the west of the proposed building site is an agricultural field used for livestock grazing and previously used for hay. To the north of the building site is a vegetated road right of way and a cleared back yard of a neighbouring lot. Input from the adjacent neighbours will be considered important in determining the appropriateness of the proposed variance.

Neighbourhood Notification and Input

All property owners within 30 metres of the property will be notified by the 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 have encouraged 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 \$350 application fee has been paid by the applicant.

CONCLUSION

The property owners are attempting to create a buildable area on a very small lot. There are no concerns with site access, and any health and safety concerns will be addressed through the design of the well and septic field prior to the submission of a building permit.

Reasons to support the variance

- The existing setbacks allow for a very small building area (476 square feet)
- A Professional Engineer has offered a preliminary opinion that a well and septic field servicing can be accommodated on the lot
- MOTI does not have any concerns with access to the proposed building site

Reasons to not support the variance

- Reducing the setbacks in this location may lead to conflict between the neighbouring residential and agricultural uses
- The building site is much smaller than would be permitted for a newly created lot with no community water and no community sewer service.

Option 1 – Issue (Staff Recommendation)

Staff recommend that the Fraser Valley Regional District Board issue Development Variance Permit 2019-25 to reduce the front, rear and side lot line setback from 7.62 metres (25 feet) to 4.5 metres (14.76 feet), clear to sky, to facilitate the construction of a residence on PID 002-404-290, Maple Falls Road, Electoral Area H, subject to the 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 2019-25 for PID 002-404-290, Maple Falls Road, Electoral Area H.

Option 3 – Refer to Staff

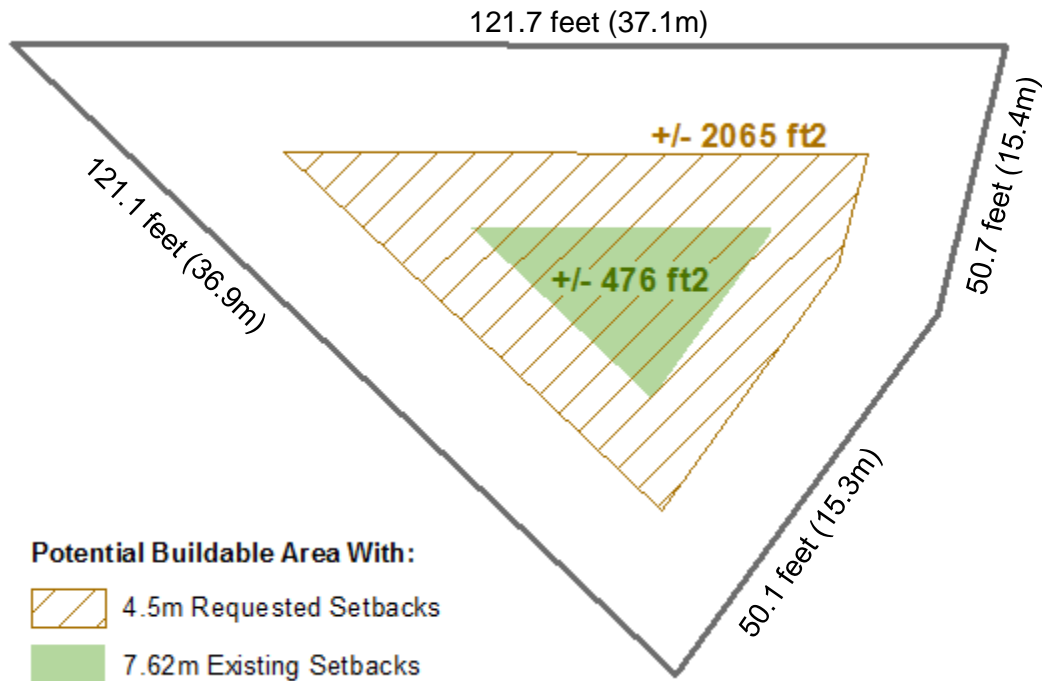
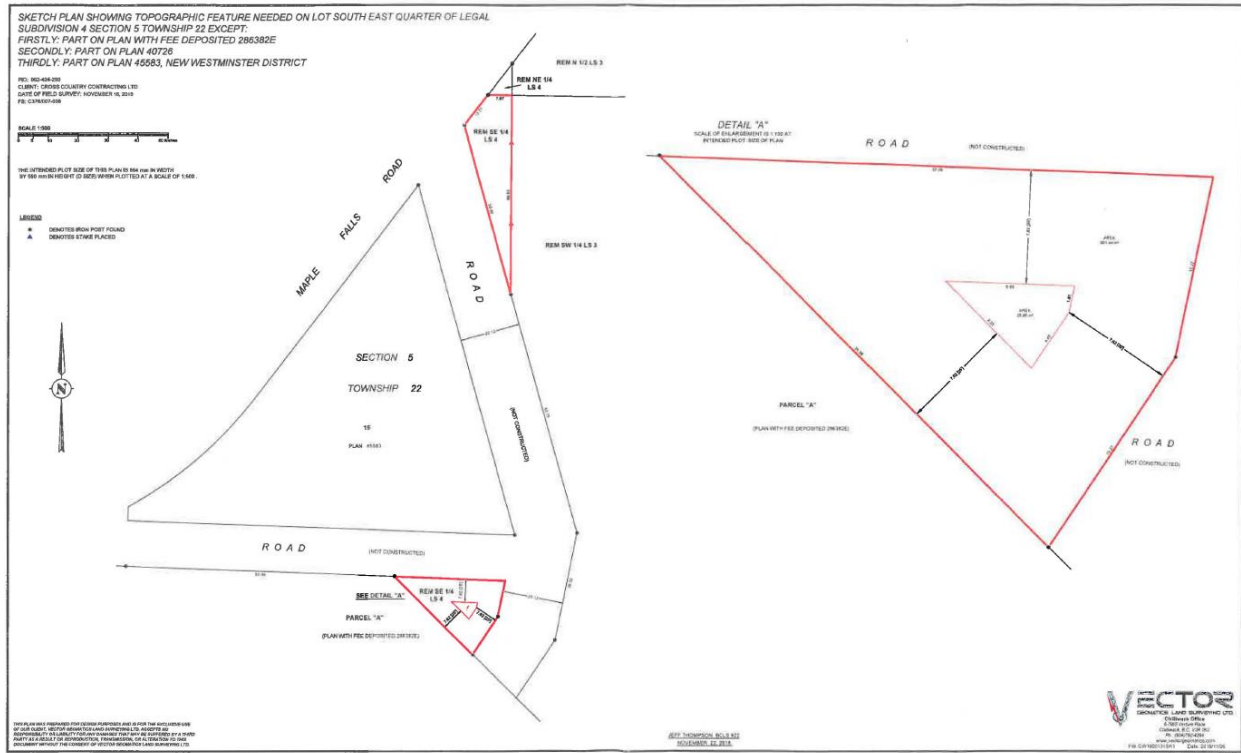
If the Board wishes to refer the application back to staff to address outstanding issues, the following motion would be appropriate:

MOTION: THAT the Fraser Valley Regional District Board refer the application for Development Variance Permit 2019-12 for PID 002-404-290, Maple Falls Road, Electoral Area H 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 comment |
| Jennifer Kinneman, Acting Chief Administrative Officer: | Reviewed and supported. |

Appendix A Site Plan



All measurements are approximate and are to be verified by a surveyor.