

To: Electoral Area Services Committee

Date: 2020-04-16

From: Julie Mundy, Planner 1

File No: 3090-20 2019-36

**Subject: Development Variance Permit to reduce the interior lot line setback for a single family dwelling at 216C Lakeshore Drive, Cultus Lake Park, Electoral Area H**

## RECOMMENDATION

**THAT** the Fraser Valley Regional District issue Development Variance Permit 2019-36 to reduce the interior lot line setback from 1.2 metres to 0.6 metres for the exterior wall, from 1.2 metres to 0 metres for the deck, and from 1.05 metres to 0 metres for the eaves/ gutters of a single family dwelling, subject to consideration of comments or concerns raised by the public or by Cultus Lake Park.

## STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

Support Healthy & Sustainable Community

## BACKGROUND

The residential lease lot at 216C Lakeshore drive is currently bare land. The lot has an area of approximately 2300 square feet, and is steeply sloped between Munroe Ave and Lakeshore Drive. The property is zoned Hillside Residential (R-4) under *Cultus Lake Zoning Bylaw No. 1375, 2016*.

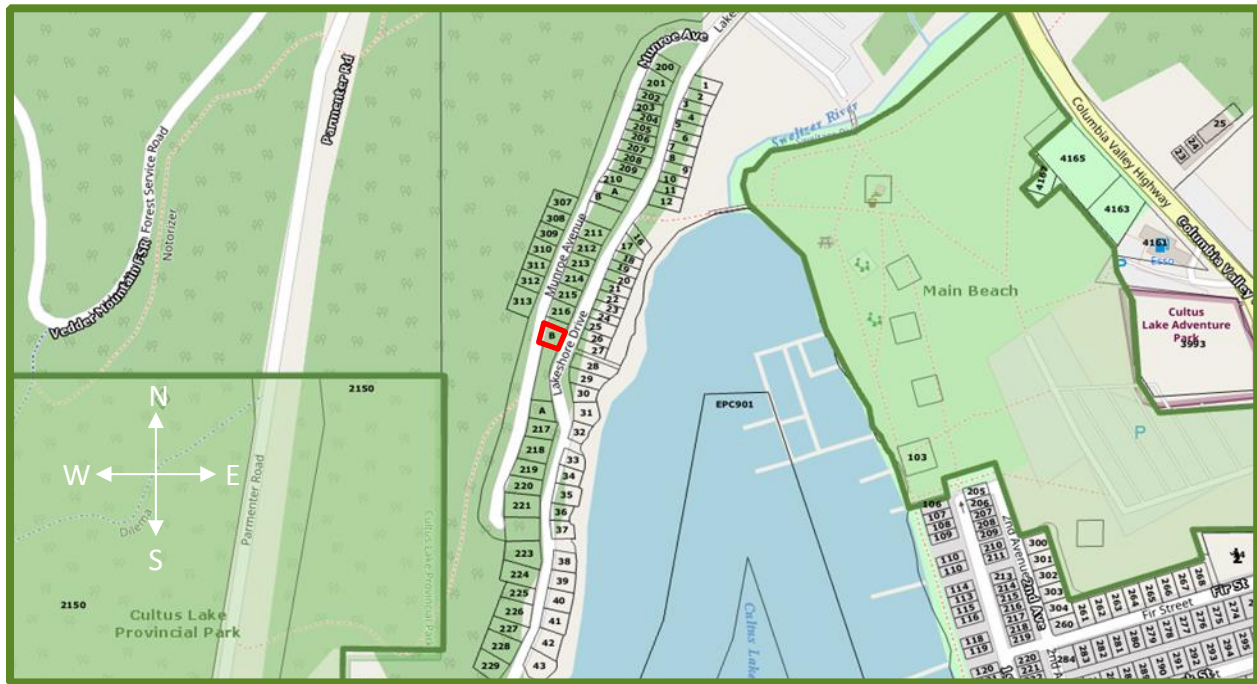
The lease holder of 216C Lakeshore Drive (Mr. Williams) is planning to construct a single family residence on the lot. Mr. Williams has applied for a Development Variance Permit to reduce the interior lot line setbacks for the house walls, deck, and eaves/ gutters.

PROPERTY DETAILS			
<b>Electoral Area</b>	H		
<b>Address</b>	216C Lakeshore Drive		
<b>PID</b>	n/a		
<b>Folio</b>	733.07000.350		
<b>Lot Size</b>	213 m <sup>2</sup> (2299 sq. ft.)		
<b>Owner</b>	Graham Williams	<b>Agent</b>	Graham Williams
<b>Current Zoning</b>	Hillside Residential (R-4)	<b>Proposed Zoning</b>	No change
<b>Current Use</b>	Empty Lot	<b>Proposed Use</b>	Residential
<b>Agricultural Land Reserve</b>	No		

### ADJACENT LAND USES

<b>North</b>	^	Single-family Residence
<b>East</b>	>	Lakeshore Drive; Single-family Residence
<b>West</b>	<	Munroe Ave; Forest
<b>South</b>	v	Bare land, Zoned Local Park & Recreation, (owned by CLP)

### NEIGHBOURHOOD & PROPERTY MAPS



## DISCUSSION

The lease holder of 216C Lakeshore Drive is planning on constructing a single family residence on a currently vacant lot. The lot is bounded by Munroe Ave to the west, Cultus Lake Park land to the south, and Lakeshore Drive to the east. The property has road frontage on both Munroe Ave and Lakeshore Drive; however, the roadway in front of the lease lot on Lakeshore Drive is currently used for community parking spaces.

### Property History

The lease lot was created in 2016 by the Cultus Lake Park Board (CLPB). The understanding of the time was that vehicle access and egress to the lot would be from Munroe Ave to retain the community parking on Lakeshore Drive. CLPB also issued a variance to reduce the required lot line setback from Munroe Ave, to help accommodate vehicle parking for the subject property.

Since then, FVRD has assumed authority for land use within Cultus Lake Park, and has adopted *Cultus Lake Zoning Bylaw No. 1375, 2016* which includes on-site parking requirements. Subsequently, the previously issued variance is no longer valid as it was issued under a bylaw which no longer exists.

### Variance Rationale

In order to comply with FVRD setback and parking requirements, the applicant has explored several house design options. One design involved accessing the lot from Lakeshore Drive. This option is permitted under *Cultus Lake Zoning Bylaw No. 1375, 2016*, and would not require a variance. It was however, deemed undesirable by CLP as it would result in the loss of critical on-street parking spaces.

In light of this, the applicant is designing the home to be accessed from Munroe Ave. Mr. Williams provides the following reasons in support of the variance application:

- 1) The proposal will support on-site parking and retain the street parking on Lakeshore Drive which currently prevents access to the property
- 2) The variance will facilitate the desired house design

The applicant feels that accessing the lot from Munroe Ave rather than from Lakeshore Drive will result in a reduction of the usable floor area within the proposed dwelling, and that the variance is needed to accommodate parking and the preferred house design. On-site parking accessed from Lakeshore Drive would impact the basement level of the house, while on-site parking accessed from Munroe Ave would impact the prime floor area on the level closest to the grade of Munroe Ave.

### Variance Request

In *Cultus Lake Zoning Bylaw No. 1375, 2016* each component of a structure has a specified setback. The applicant has requested to reduce the interior lot line setback from the house exterior wall from 1.2 metres (4 feet) to 0.6 metres (2 feet), and to reduce the setback from the deck, and the eaves / gutters to 0.0 metres from the property line. See the following table.

Interior (South) Lot Line Setbacks			
	Exterior Wall	Deck	Eaves / Gutters
Required (zoning)	1.2 metres (4 feet)	1.2 metres (4 feet)	1.05 metres (3.4 feet)
Requested Variance	0.6 metres (2 feet)	1.2 metres (4 feet)	1.05 metres (3.4 feet)
<b>Proposed</b>	<b>0.6 metres (2 feet)</b>	<b>0.0 metres (0 feet)</b>	<b>0 metres (0 feet)</b>

The variance will allow for a house with a footprint of approximately 1250 sq. ft., including a one car garage. Two additional on-site parking spaces will also be provided. If the variance is not granted, the applicant could construct a smaller, or differently designed house.

#### BC Building Code Implications

The proposed setbacks have BC Building Code implications for construction on adjacent park land. Cultus Lake Park advises that there is no intention to build on the park land. Written assurance of this intention will be provided to FVRD prior to the issuance of a building permit, so that building openings (doors and windows) can be permitted on the south side of the building.

#### Referral to Cultus Lake Park (CLP)

The variance application was referred to CLP as the proposal will impact the adjacent park lands. In addition to building limitations, the lease holder may need to access the neighbouring CLP lands for house maintenance such as gutter cleaning. The variance referral is an agenda item on the April 15, 2020 CLPB meeting. The motion being consideration is that the CLPB support the issuance of the Development Variance Permit for 216C Lakeshore Drive. Formal comments from CLPB will be provided prior to the April FVRD Board meeting.

CLPB has advised the applicant is working with them to purchase an additional 8 feet of park land. The applicant has indicated this extra land is required to accommodate on-site parking, and to construct the desired house design. FVRD is not involved in these negotiations, and the outcome does not significantly impact consideration of the proposed variance. The variance should be considered independently of any future lot line adjustment.

#### Neighbourhood Notification

All lease holders 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. 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, three letters of support have been submitted to Cultus Lake Park and shared with FVRD.

#### **COST**

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

## CONCLUSION

216C Lakeshore Drive has a number of attributes that together make for unique circumstances:

- The lot has a steep slope, which limits building options
- The community parking on Lakeshore Drive prevents access to lot from that frontage and there is a strong public interest in maintaining the parking
- The subject lot line borders park land that will not be developed
- Cultus Lake Park has indicated acceptance of the impacts to park land. Formal comments from the parks board will be provided prior to the April FVRD Board meeting.

The proposed variance provides a way for the lease holder to provide ample on-site parking, retain the Lakeshore Drive parking spaces, and to achieve the desired house design. Although the mail out notification has not yet been completed, three letters of support have been shared with FVRD.

Staff recommend that the FVRD Board issue Development Variance Permit 2019-36 to reduce the setback requirements for a single family dwelling at 216C Lakeshore Drive.

## OPTIONS

### Option 1 – Issue (Staff recommendation)

MOTION: THAT the Fraser Valley Regional District issue Development Variance Permit 2019-36 to reduce the interior lot line setback from 1.2 metres to 0.6 metres for the exterior wall, from 1.2m to 0.0m for the deck, and from 1.05 metres to 0 metres for the eaves/ gutters of a single family dwelling, subject to consideration of comment or concerns raised by the public or by Cultus Lake Park Board.

### Option 2 – Refuse

MOTION: THAT the Fraser Valley Regional District Board refuse Development Variance Permit 2019-36 for at 216C Lakeshore Drive, Cultus Lake Park.

### Option 3 – Refer to Staff

MOTION: THAT the Fraser Valley Regional District Board refer the application for Development Variance Permit 2019-36 for the property at 216C Lakeshore Drive, Cultus Lake Park to FVRD Staff.

## COMMENTS BY:

Graham Daneluz, Director of Planning & Development:	Reviewed & supported.
Kristy Hodson, Acting Director of Financial Services/Acting CFO:	Reviewed and supported.
Jennifer Kinneman, Chief Administrative Officer:	Reviewed and supported.

Appendix A –  
Site Plan

