

To: Electoral Area Services Committee

Date: 2020-06-09

From: Andrea Antifaeff, Planner I

File No: 3090-20-2020-05

Subject: Application for Development Variance Permit 2020-05 to waive the statutory minimum parcel frontage requirement for proposed Lot '1' to facilitate a two lot subdivision at 4498 Bench Road, Electoral Area E

RECOMMENDATION

THAT the Fraser Valley Regional District Board issue Development Variance Permit 2020-05 to waive the statutory minimum parcel frontage requirement for proposed Lot '1' at 4498 Bench Road, Area E, subject to the consideration of any comments or concerns raised by the public;

AND THAT that the Fraser Valley Regional District Board exempt proposed Lot '1' at 4498 Bench Road from the minimum parcel frontage requirement pursuant to Section 512(2) of the Local Government Act;

AND FURTHER THAT the Fraser Valley Regional District Board authorize its signatories to execute all legal instruments associated with Subdivision File No. 3320-20-2020-00310.

STRATEGIC AREA(S) OF FOCUS

PRIORITIES

Provide Responsive & Effective Public Services

BACKGROUND

The owners of the property at 4498 Bench Road, Area E, have applied to the Provincial Approving Officer (Ministry of Transportation and Infrastructure) to subdivide the parcel into two lots. To facilitate the two lot subdivision, the property owners have applied to the FVRD Board for a Development Variance Permit (DVP) to waive the statutory minimum parcel frontage requirement for proposed Lot '1'. The property owners propose to facilitate access to proposed Lot '1' via an access easement through proposed Lot '2',

The subject property is a 40 acres (16.187 hectare) with one single family dwelling. It is split zoned:

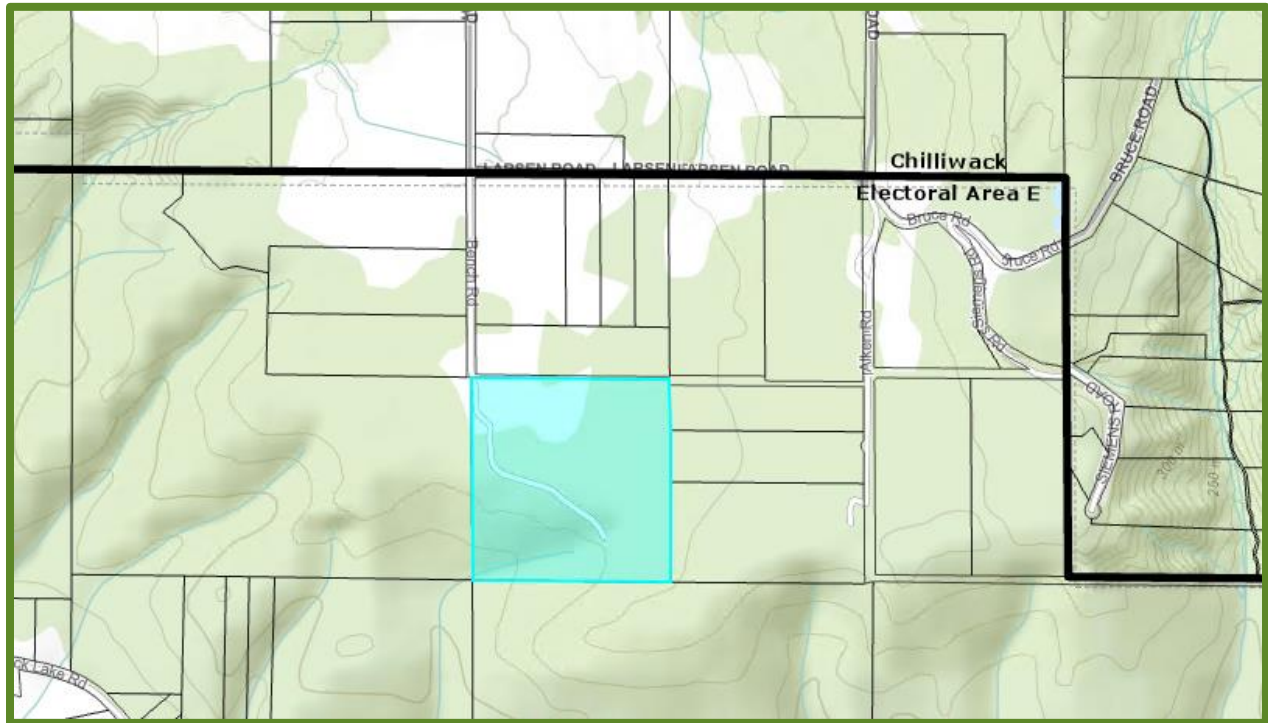
- Proposed Lot 1 – Limited Use (L-1) – 8 hectares
- Proposed Lot 2 – Rural (R) – 7.915 hectares

per Zoning Bylaw for Electoral Area E, 1976 of the Regional District of Fraser-Cheam. The minimum parcel size in the L-1 zone is 20 acres (8 hectares) and the minimum parcel size in the R zone is 10 acres (4 hectares). The proposed subdivision complies with zoning regulations.

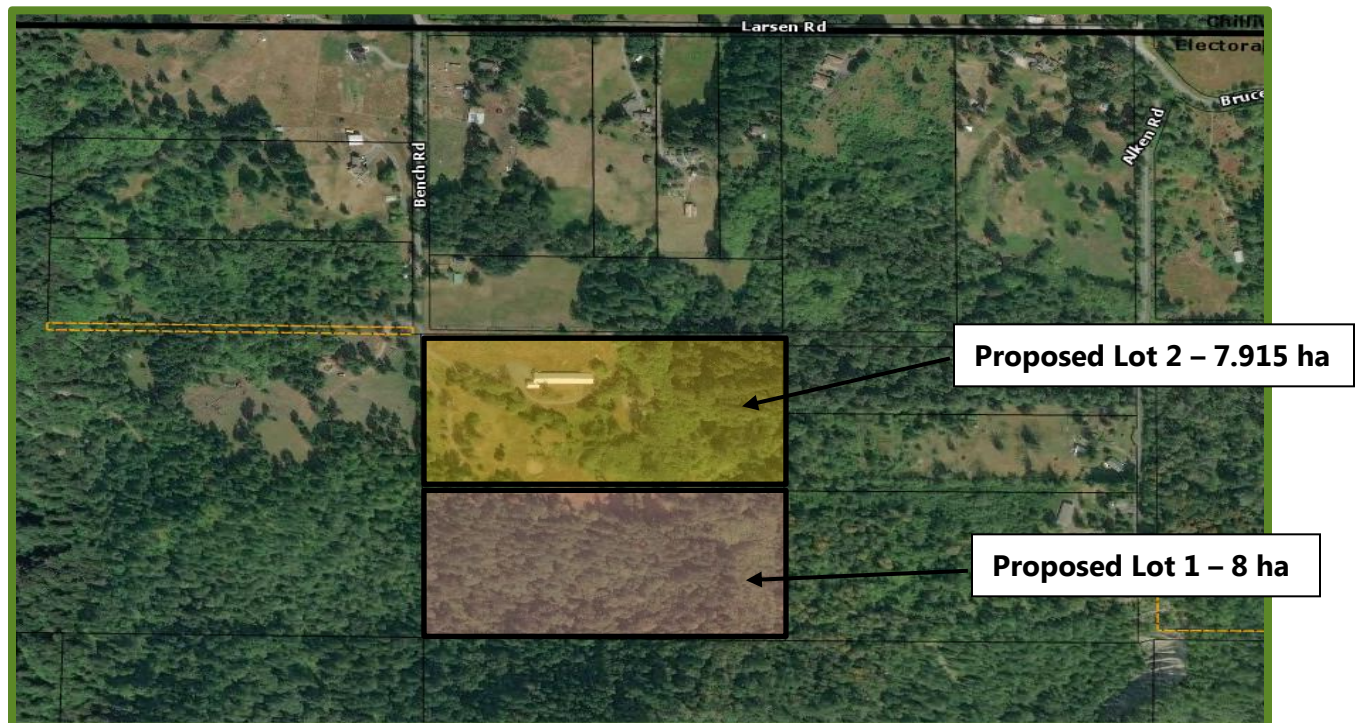
PROPERTY DETAILS			
Electoral Area	E		
Address	4498 Bench Road		
PID	002-465-582		
Folio	733.01291.000		
Lot Size	40 acres		
Owner	Jared & Emma Les	Agent	OTG Developments Ltd. (Dylan Anderson)
Current Zoning	Rural (R) & Limited Use (L-1)	Proposed Zoning	No change
Current OCP	Agricultural (AG) & Limited Use (LU)	Proposed OCP	No change
Current Use	Agricultural & Single Family Residential	Proposed Use	Agricultural & Single Family Residential
Development Permit Areas	3-E (Slope Related Hazards) & 5-E (Riparian Areas)		
Agricultural Land Reserve	Yes (Proposed Lot 2)		

ADJACENT ZONING & LAND USES		
North	^	Rural (R); Agriculture
East	>	Rural (R); Agriculture & Single-family Residence
West	<	Limited Use (L-1); Agriculture
South	v	Limited Use (L-1); Crown Land

NEIGHBOURHOOD MAP



PROPERTY MAP



DISCUSSION

The subject property is proposed to be subdivided as shown on Appendix A. Proposed Lot '2' will be accessed via Bench Road and proposed Lot '1' will be accessed via an access easement through proposed Lot '2'.

Section 512(1) of the *Local Government Act* requires that the minimum frontage for new parcels be at least 10% of the parcel perimeter. However, section 512(2) of the *Local Government Act*, allows a local government to exempt a parcel from the statutory minimum parcel frontage requirement.

The Approving Officer at the Ministry of Transportation and Infrastructure is supportive of the proposed access by easement for proposed Lot '1'. The access easement will include wording to allow utilities and care will be taken in establishing the easement as the current access is not directly linear and typical utility pole lines follow a linear path. If a separate easement for utilities is required an application to the Agricultural Land Commission will likely be required.

Agricultural Land Reserve (ALR)

The proposed access easement will be located within proposed Lot '2' which is located within the ALR. Staff have consulted with staff at the Agricultural Land Commission (ALC) and have received confirmation that the registration of an access easement does not require approval from the ALC. However, if the property owners intend to do any construction/land alteration within that easement area (placement of fill, etc.) they will be required to consult with the ALC to determine if an application and approval is required.

The property owners have advised that they will be utilizing the existing driveway (not paved) for the easement and do not intend to do any alterations to the driveway (access) within the easement area.

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 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.

COST

The application fee of \$1,300.00 has been paid by the applicant.

CONCLUSION

The property owners have applied for a Development Variance Permit to vary the statutory minimum parcel frontage requirement for proposed Lot '1' to be created by subdivision. Staff recommend that the FVRD Board issue the permit because the variance is not anticipated to negatively affect surrounding properties.

OPTIONS

Option 1 – Issue (Staff Recommendation)

Staff recommend that the FVRD Board issue Development Variance Permit 2020-05 to waive the statutory minimum parcel frontage requirement for Proposed Lot '1' at 4498 Bench Road, 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 2020-05.

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 2020-05 to FVRD staff.

COMMENTS BY:

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

Kristy Hodson, Acting Director of Financial Services: Reviewed and supported.

Jennifer Kinneman, Chief Administrative Officer: Reviewed and supported.

Appendix A

Proposed Subdivision Layout

