

To: Electoral Area Services Committee  
From: Gavin Luymes, Planning Technician

Date: 2020-09-09  
File No: 3090-20 2020-14

**Subject: Application for Development Variance Permit 2020-14 to vary the requirements of Accessory Family Residential Use for the property located at 35990 Hyde Buker Road, Electoral Area G**

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## RECOMMENDATION

**THAT** the Fraser Valley Regional District Board issue Development Variance Permit 2020-14 to vary the requirements regarding the relationship between the property owner and occupant of an Accessory Family Residential Use to allow the daughter of a property owner to occupy the proposed accessory family residence at 35990 Hyde Buker Road, Electoral Area G, subject to consideration of any comments or concerns raised by the public;

**AND THAT** the Fraser Valley Regional District Board authorize its signatories to execute all legal instruments associated with this application.

## STRATEGIC AREA(S) OF FOCUS

Support Healthy & Sustainable Community  
Provide Responsive & Effective Public Services

## BACKGROUND

The owners of 35990 Hyde Buker Road have applied for a Development Variance Permit to vary the definition of Accessory Family Residential Use as outlined in the *Dewdney-Alouette Regional District Land Use and Subdivision Regulation Bylaw No. 559-1992*. The owners wish to vary the definition so that their daughter can occupy the Accessory Family Residential Use. The owners have applied for a Building Permit (BPo14897) and Development Permit for the proposal.

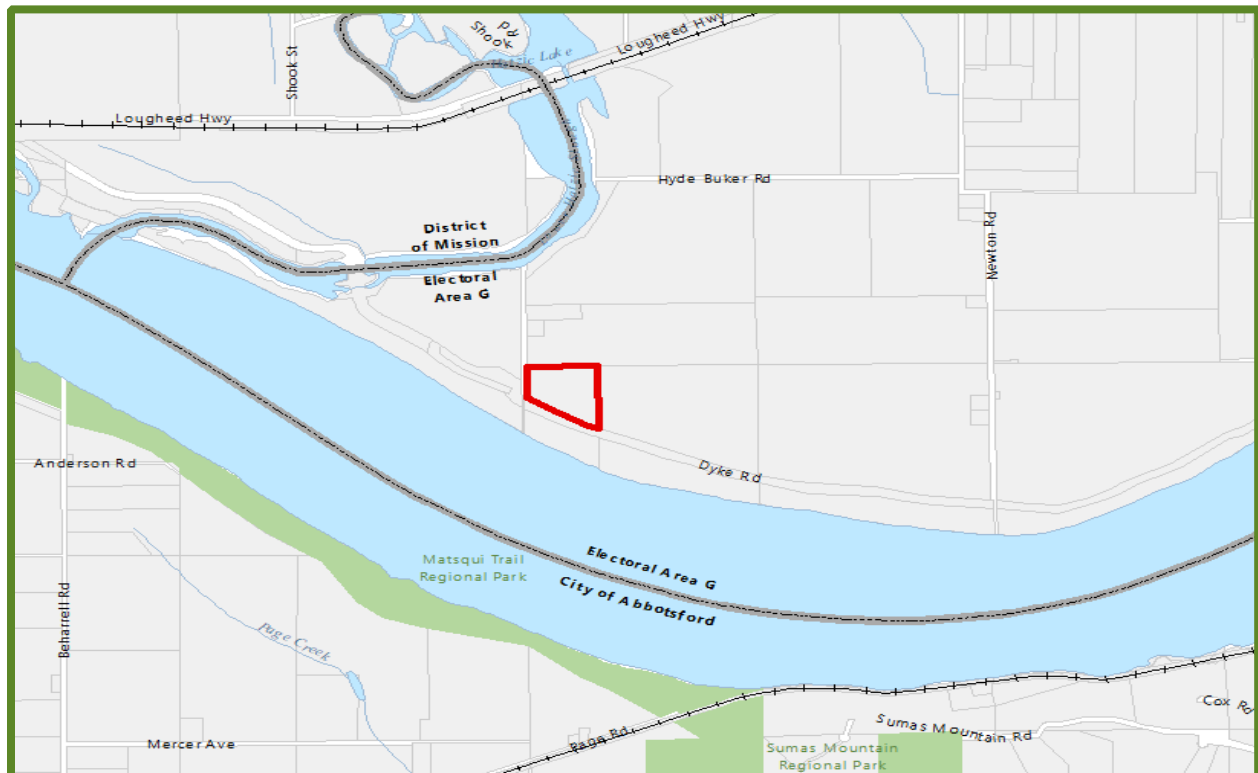
### PROPERTY DETAILS

|                                  |                              |                        |           |
|----------------------------------|------------------------------|------------------------|-----------|
| <b>Electoral Area</b>            | G                            |                        |           |
| <b>Address</b>                   | 35990 Hyde Buker Road        |                        |           |
| <b>PID</b>                       | 013-398-814                  |                        |           |
| <b>Folio</b>                     | 775.02448.000                |                        |           |
| <b>Lot Size</b>                  | 12.33 Acres                  |                        |           |
| <b>Owner</b>                     | Donald & Nancy Scarrow       | <b>Agent</b>           | N/A       |
| <b>Current Zoning</b>            | Floodplain Agriculture (A-2) | <b>Proposed Zoning</b> | No change |
| <b>Current OCP</b>               | Agricultural (AG)            | <b>Proposed OCP</b>    | No change |
| <b>Current Use</b>               | Farm/Grain & Forage          | <b>Proposed Use</b>    | No change |
| <b>Development Permit Areas</b>  | Riparian 2-G                 |                        |           |
| <b>Agricultural Land Reserve</b> | Yes                          |                        |           |

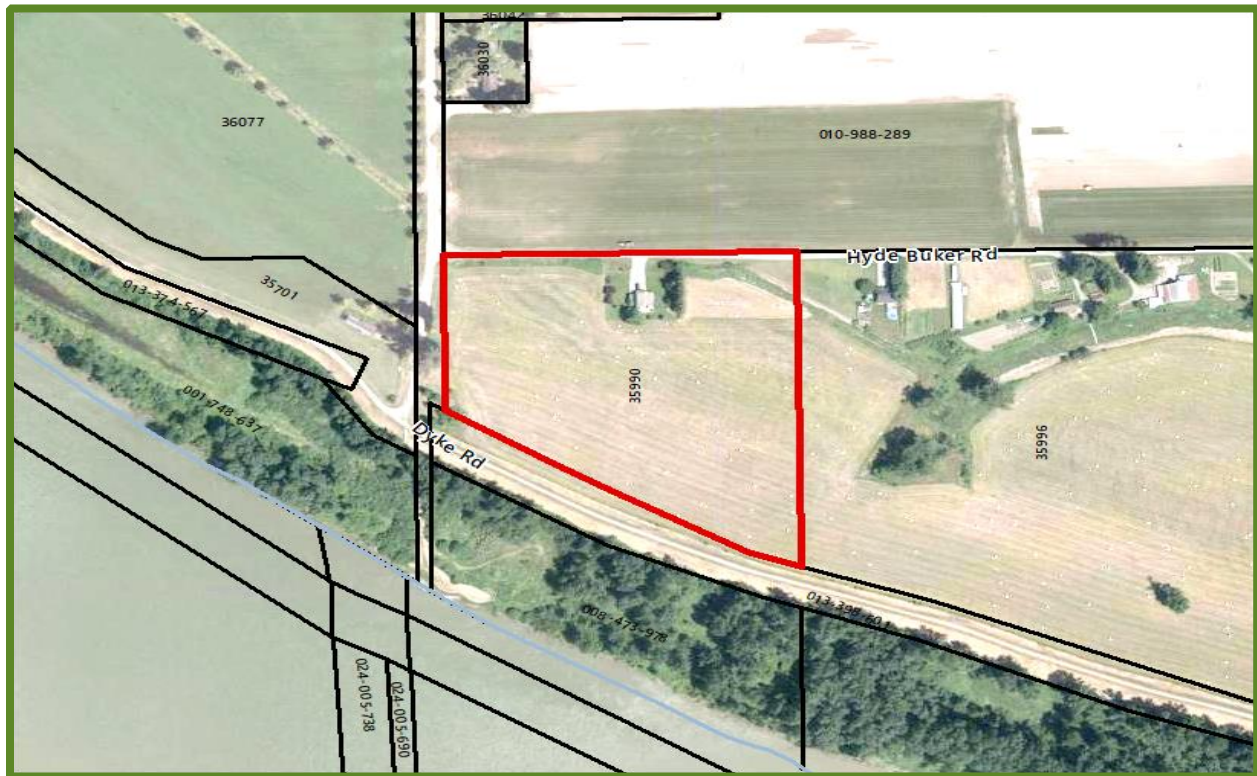
### ADJACENT ZONING & LAND USES

|              |   |  |
|--------------|---|--|
| <b>North</b> | ^ | Floodplain Agriculture (A-2); Other/Farm Use       |
| <b>East</b>  | > | Floodplain Agriculture (A-2); Farm/Grain & Forage  |
| <b>West</b>  | < | Floodplain Agriculture (A-2); Farm/Dairy           |
| <b>South</b> | v | Floodplain Agriculture (A-2); Dyke Road/Vacant Lot |

### NEIGHBOURHOOD MAP



## PROPERTY MAP



## DISCUSSION

The applicants wish to vary the requirements of Accessory Family Residential Use so that their daughter can occupy a proposed accessory family residence (Appendix A: Site Plan) at 35990 Hyde Buker Road for reasons of personal care. The proposal will not vary siting requirements or increase density beyond what zoning currently allows. The proposed use is permitted in the Agricultural Land Reserve (ALR) and the applicants are working with staff to ensure all provincial and FVRD requirements are met. For these reasons staff recommend the requested variance be granted. If the variance were denied the daughter of the applicants could not occupy the accessory family residence.

### Variance Request

The applicants have applied to vary the definition of Accessory Family Residential Use to allow their daughter to occupy the accessory family residence:

#### Current Definition

ACCESSORY FAMILY RESIDENTIAL USE means the use of a single-width manufactured home as a dwelling unit for the accommodation of the father, mother, father-in-law, mother-in-law or

#### Proposed Definition

ACCESSORY FAMILY RESIDENTIAL USE means the use of a single-width manufactured home as a dwelling unit for the accommodation of the father, mother, father-in-law, mother-in-law,

grandparent of an owner of the parcel.

grandparent **or child** of an owner of the parcel.

The applicants have explained the rationale for their request in their development variance permit application. The applicants have also provided documentation to staff regarding the need for personal care. Staff are confident that the need for care is legitimate. To protect privacy, staff are not providing further detail or documentation on the circumstances but the Area G Director is aware of them.

The applicants further state that the neighbours in their general vicinity are aware of their plans to place an accessory family residence on the property. According to the applicants, the neighbours are aware and supportive of their plan.



Figure 1: View of the subject property from Hyde Buker Road (Google Streetview).

## Zoning

The subject property is zoned Floodplain Agriculture (A-2). Accessory Family Residential Use is permitted on the property under A-2 zoning. The need for a variance arises because the definition of Accessory Family Residential Use requires that the accessory family residence be occupied by the father, mother, father-in-law, mother-in-law, or grandparent of a property owner. The applicants wish to have their daughter occupy the accessory family residence. Since Accessory Family Residential Use is already permitted on the property, varying this definition to include children of the property owner would not increase density beyond what zoning currently allows.

The Accessory Family Residential Use contains further requirements that ensure the use is for family members and can be discontinued when required. These include that:

- The property owners execute a covenant in favour of the Regional District restricting the Accessory Family Residential Use to all provisions under zoning and agree to remove the dwelling within 90 days should it no longer meet these provisions;
- The applicants provide the Regional District a security bond in the amount of \$1,000.00 to be held until such time as the accessory family residence is removed and the covenant discharged; and
- The Accessory Family Residential Use be located in a single-wide mobile home that is not placed on a permanent foundation but supported by blocking on a concrete slab.

The applicants are willing and able to meet these requirements. This will ensure the additional dwelling is temporary and for the accommodation of their family member.

### **Zoning Bylaw Review**

Staff are currently reviewing and consolidating the zoning bylaws of all Electoral Areas. This review includes analysis of the Accessory Family Residential Use. Under the *Local Government Act*, zoning is a tool to regulate the use of land and not the type of user. Staff are therefore analyzing the terms and conditions of Accessory Family Residential Use to determine if revised zoning provisions are required that do not discriminate based on relationship to the property owner.

### **Agricultural Land Reserve**

The subject property is within the ALR. The proposed Accessory Family Residential Use is permitted in the ALR under Section 32(3) of the *Agricultural Land Reserve Use Regulation* subject to the following conditions:

- The residence is located in a manufactured home of 9 metres or less in width;
- The residence is used by the property owner or their family members including children;
- All authorizations to place the manufactured home are granted by December 31, 2020.

The applicants can meet these requirements. The proposed Accessory Family Residential Use is permitted in the ALR. Since children of the property owner are permitted to occupy the additional residence, the requested variance would align zoning with ALR legislation for the property.

### **Development Permit Areas**

The subject property is within Riparian Areas Development Permit Area 2-G under the *Fraser Valley Regional District Official Community Plan for Electoral Area "G" Bylaw No. 0866, 2008*. Since the proposed accessory family residence is within 30 metres of a stream defined by the provincial *Riparian Areas Protection Regulation*, a site-specific riparian assessment and development permit are required. The applicants have submitted a development permit application and contracted a Qualified Environmental Professional (QEP) to complete the assessment. Staff will work with the applicants to ensure provincial and FVRD regulations are met.



## **Flood Hazard**

The subject property is within the Fraser River Floodplain and must achieve Flood Construction Level (FCL) of 9.3 metres GSC under the *Fraser Valley Regional District Floodplain Management Bylaw 0681, 2005*. The applicants cannot meet this requirement but are willing to raise the habitable area of their accessory family residence 2.5 metres above grade under covenant with the FVRD. This will satisfy minimum FCL requirements of the Fraser River Floodplain. The applicants will also maintain the required 15-metre setback from any watercourse as defined by the *Fraser Valley Regional District Floodplain Management Bylaw 0681, 2005*.

## **Neighbourhood Notification and Input**

All property owners within 30 metres of the property will be notified by the FVRD of the variance application and be given the opportunity to provide written comments or attend the Board meeting to state their comments. Staff encourage the applicants 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 opposition have been received.

## **COST**

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

## **CONCLUSION**

The requested variance will expand the definition of Accessory Family Residential Use to include children of a property owner but is not expected to negatively impact the surrounding neighbourhood. The proposal will not vary siting requirements or increase the density permitted under zoning. The proposed use is permitted in the ALR and the applicants are working with staff to meet development permit and floodplain management requirements. Staff recommend that the FVRD Board issue Development Variance Permit 2020-14 to include children of a property owner in the definition of Accessory Family Residential Use.

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

Staff recommend that the Fraser Valley Regional District Board issue Development Variance Permit 2020-14 to vary the requirements regarding the relationship between the property owner and occupant of an Accessory Family Residential Use to allow the daughter of a property owner to occupy the proposed accessory family residence at 35990 Hyde Buker Road, Electoral Area G, subject to the consideration of any comments or concerns raised by the public.

Staff further recommend that the Fraser Valley Regional District Board authorize its signatories to execute all legal instruments associated with this application.

**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 2020-14 for the property at 35990 Hyde Buker Road, Electoral Area G.

**Option 3: Refer to Staff**

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

MOTION: THAT the Fraser Valley Regional District Board refer Development Variance Permit 2020-14 for the property at 35990 Hyde Buker Road, Electoral Area G to FVRD staff.

**COMMENTS BY:**

**Graham Daneluz, Director of Planning & Development:**

Reviewed and supported

**Kelly Lownsbrough, Chief Financial Officer/ Director of Finance:**

Reviewed and supported

**Jennifer Kinneman, Chief Administrative Officer:**

Reviewed and supported.

APPENDIX A: SITE PLAN

