

To: Electoral Area Services Committee

Date: 2020-07-14

From: Julie Mundy, Planner 1

File No: 3090-20 2020-07

**Subject: Development Variance Permit 2020-03 to vary the height regulation in the Waterfront Residential (R-3) zone at 29 Lakeshore Drive, Cultus Lake, Electoral Area H**

## RECOMMENDATION

**THAT** the Fraser Valley Regional District Board issue Development Variance Permit 2020-03 for 29 Lakeshore Drive, Cultus Lake Park, to vary the height regulation from maximum two (2) stories plus basement or crawlspace and roof to maximum three (3) stories plus basement and roof to facilitate the construction of a single-family dwelling, subject to consideration of comments or concerns raised by the public.

## STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

## BACKGROUND

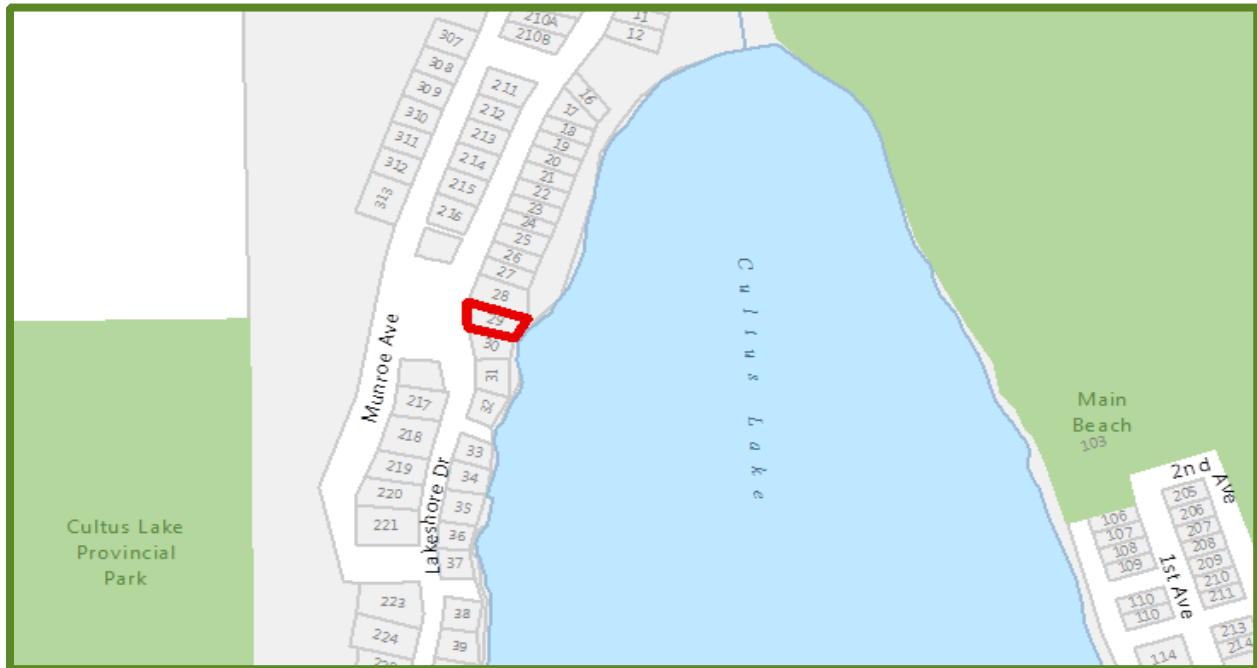
The leaseholders of 29 Lakeshore Drive (Mr. and Mrs. Mendonca) are planning to construct a new residence. The lot has a steep grade, which presents a challenge for the leaseholders to construct their desired house and to adhere to *Cultus Lake Park Zoning Bylaw No. 1375, 2016* height regulations. The leaseholders have applied for a Development Variance Permit to vary the height regulation in the Waterfront Residential (R-3) zone. The proposal would see an additional storey permitted. The maximum allowable building height will not be increased.

PROPERTY DETAILS			
Electoral Area	H		
Address	29 Lakeshore Drive		
PID	n/a		
Folio	733.07000.029		
Lot Size	3250 square feet		
Owner	Kelly & Shelby Mendonca	Agent	n/a
Current Zoning	Waterfront Residential (R-3)	Proposed Zoning	No change
Current Use	Residential	Proposed Use	No change

### ADJACENT ZONING & LAND USES

North	^	Waterfront Residential (R-3); Single-family Residences
East	>	Local Park & Recreation (P-1); Cultus Lake
West	<	Local Park & Recreation (P-1); Park area
South	v	Waterfront Residential (R-3); Single-family Residences

### NEIGHBOURHOOD AND PROPERTY MAPS



## DISCUSSION

### Requested Variance 2020-03

The applicants have applied to increase the number of stories permitted in the Waterfront Residential (R-3) zone in Cultus Lake Park. The request is to vary the height regulation from two (2) stories plus basement or crawlspace and roof; to three (3) stories plus basement and roof. The variance will allow for a varied configuration of internal space by permitting an additional storey. The applicants are not requesting a change to the maximum building height.

Height Requirements (R-3 zone, Cultus Lake Park)		
Permitted (zoning)	6.7 metres (22 feet)	2 stories, basement or crawlspace, roof
Proposed	6.7 metres (22 feet)	3 stories, basement, roof
<b>Requested Variance</b>	<b>0 metres</b>	<b><u>1 storey</u></b>

The applicant provides the following rationale for the variance:

1. The property is unique in that it has a steep grade which warrants special consideration
2. The proposed house will adhere to existing maximum height requirements
3. The house will appear consistent with adjacent properties and recent construction
4. The proposed house design includes two onsite parking spaces to help alleviate parking congestion on the road

The proposed house design includes a two-car garage. The applicant advises that the consequence of designing a house with a garage on a steep lot is that the house is pushed further over the steep grade. Other homeowners have been able to keep their house tight to the bank, which reduces the drop in grade, by omitting the garage.

The difference in elevation from Lakeshore Drive to the proposed basement floor is approximately 21 feet. The height regulation currently allows for a basement (with a maximum height of 9 feet) OR a crawlspace. With the steep grade, maximum basement floor height, and no crawlspace permitted, an additional solution is needed to close the gap between the elevation difference between the front and rear portion of the lot.

Alternative solutions could include:

- Allowing for a basement AND a crawlspace. This option on its own is insufficient to close the elevation gap with proposed house design
- Reducing the mass of the house to minimize the elevation difference. This would require significantly reducing the house footprint
- Keeping the house close to the road with only a single storey above Lakeshore Drive. The leaseholders feel that this option would require the removal of the onsite parking, which is currently in the prime living space at the elevation of Lakeshore Drive.

If the variance is not granted, the leaseholders would need to explore options to redesign their house with a significantly smaller floor area.

#### Related Variance 2018-30 for 309 Munroe Ave

In October 2018, a height regulation DVP was approved for 309 Munroe Ave. DVP 2018-30 altered the height regulation in the Hillside Residential (R-4) zone from two (2) stories plus basement or crawlspace and roof; to two (2) stories plus basement, parking level garage, and roof.

A consideration in the variance approval was the steep onsite terrain.

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

The DVP application was referred to CLP for input on applicable CLP bylaws, policies, and technical concerns. The referral was on the agenda of the April 15, 2020, Cultus Lake Park Board meeting. The Park Board provided a recommendation supporting the variance application for 29 Lakeshore Drive, with no additional comments.

#### Engineering Requirements

There is an FVRD managed sewer line crossing the rear of the property. The FVRD Engineering department has concerns about allowing construction over a sewer line. The Mendoncas and the FVRD Engineering Department engaged in detailed discussion on how to resolve this matter. An agreement was reached to allow the residence to cantilever over the septic line provided the following requirements are met:

- 3.5m overhead clearance between the ground and the cantilevered structure
- 1.5m setback from the foundation to the concrete encasing of the sewer main
- The structures footings are at the same depth or deeper the sewer main inverts
- A sleeve is to be installed parallel to the existing sewer main
- Two posts may be used on cantilevered (lakeside) portion of the building, with established pre and post-construction monitoring

#### Building Permit

Preliminary construction drawings have been submitted to FVRD for review. All setbacks and rezoning requirements, aside from height regulations, appear to be met. Once a building permit application has been submitted, FVRD will undertake a thorough review of zoning, engineering, and building requirements.

#### **Neighbourhood Notification and Input**

All property owners 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 on the

proposal. 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, two letters of opposition from a single leaseholder have been submitted.

## **COST**

The application fee of \$1300.00 has been paid by the applicant.

## **CONCLUSION**

Staff recommend the FVRD Board issue DVP 2020-03 to vary the height regulations for 29 Lakeshore Drive. The proposed construction

- conforms to the maximum height requirement in the Zoning Bylaw,
- is consistent with new construction in the area, and
- will meet all required engineering setbacks.

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

MOTION: THAT the FVRD Board issue Development Variance Permit 2020-03 for 29 Lakeshore Drive, Cultus Lake, Area H to vary the height regulation from maximum two (2) stories plus basement or crawlspace and roof, to maximum three (3) stories plus basement and roof to facilitate the construction of a single-family dwelling, subject to consideration of comments or concerns raised by the public.

### **Option 2 – Refuse**

MOTION: THAT the Fraser Valley Regional District Board refuse Development Variance Permit 2020-03 for 29 Lakeshore Drive, Cultus Lake, Area H

### **Option 3 – Refer to Staff**

MOTION: THAT the Fraser Valley Regional District Board refer Development Variance Permit 2020-03 for 29 Lakeshore Drive, Cultus Lake, Area H to staff.

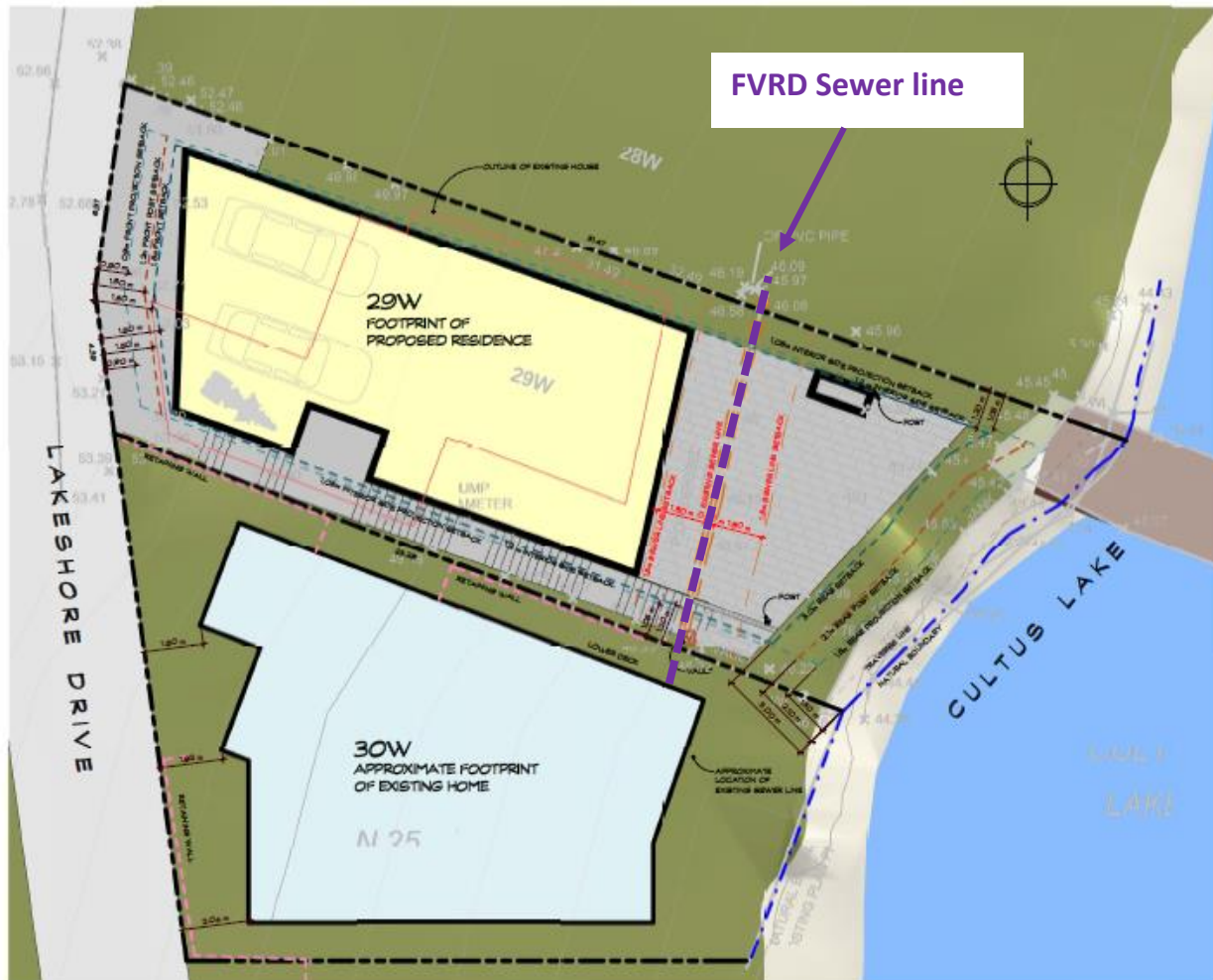
## **COMMENTS BY:**

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

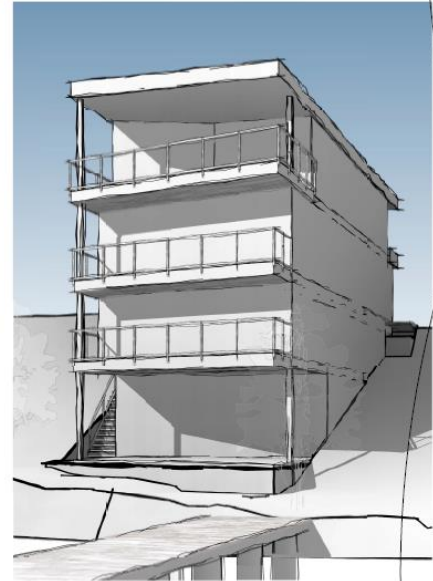
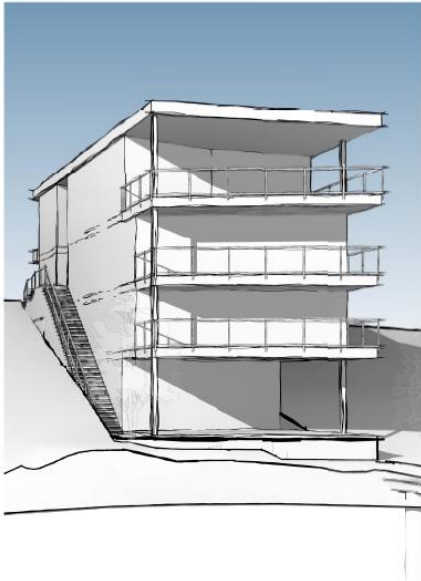
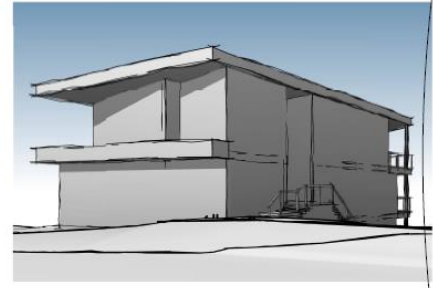
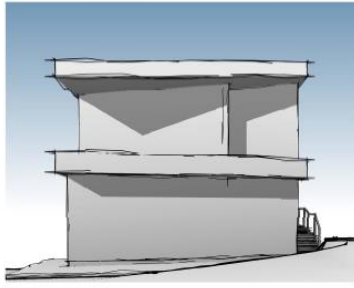
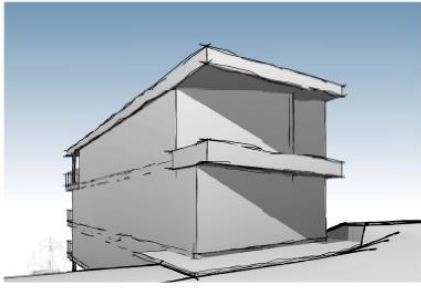
**Kelly Lownsbrough, CFO/ Director of Financial Services:** Reviewed and supported.

**Jennifer Kinneman, Chief Administrative Officer:** Reviewed and supported.

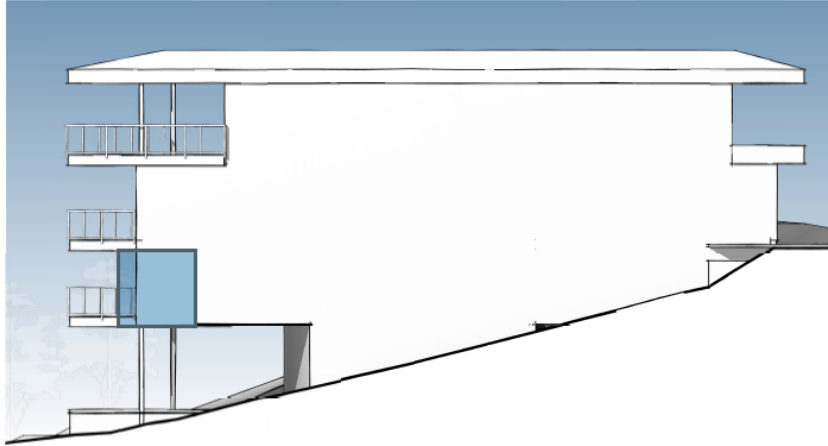
## Appendix A – Site Plan



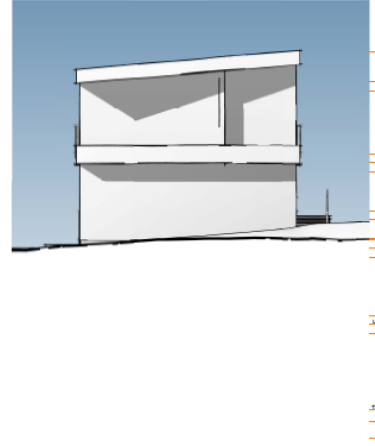
## Appendix B – Conceptual Elevation Plans



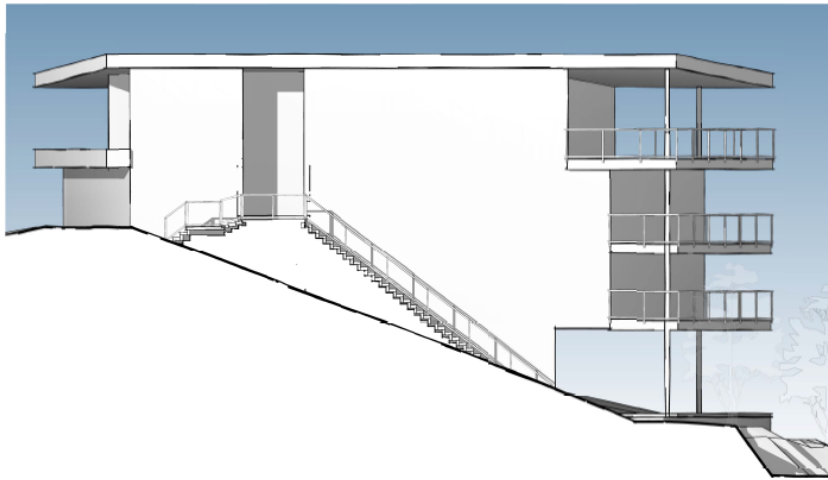




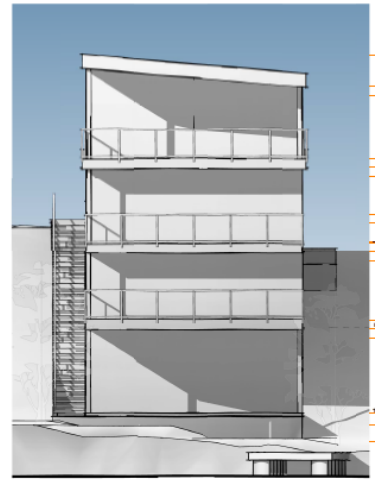
LH SIDE ELEVATION



FRONT ELEVATION



RH SIDE ELEVATION



REAR ELEVATION



## Appendix C – Existing houses



## Appendix D – Letters from the Public

**From:** [John Lee](#)  
**To:** [Planning Info](#)  
**Subject:** 29 Lakeshore  
**Date:** May 12, 2020 11:13:01 AM

---

On May the 2nd I forwarded an email to Fraser Valley Regional District regarding the proposed building at 29 Lakeshore Dr., but did not get a response.

Since then I have learned that in 1994 it was proposed that if a lot exceeded 65 feet in depth, no dwelling shall be extended so that any part thereof is more than 55 feet from rear lot line of lot upon which it is erected. [balconies not included]. This was to prevent exactly what is proposed for the building on lot 29. In the past the Parks Board refused to allow a lease owner to build to the waters edge on this lot.

There is also the numerous problems with the building of a structure over the sewer line.  
It must be kept in mind that this is a park meant for the public as well as the residence and the allowing for the building of a very large home right to the edge of the lake takes away from everyone's enjoyment of the park.

We look forward to a response to this letter.  
John and Rosemary Lee

**From:** [John Lee](#)  
**To:** [Planning Info](#)  
**Cc:**  
**Subject:** 29 Lakeshore Cultus Lake  
**Date:** May 2, 2020 3:29:07 PM

---

We are the owners of 27 Lakeshore Dr., Cultus Lake.

We wish to express our concerns regarding the proposed building at 29 Lakeshore Dr.

We understand a number of years ago, for some unknown reason, the boundaries of lot 28 and 29 were altered so that those property boundaries extended into the lake. The section of land that allowed access to the public dock, which existed at that time, was granted to those owners cutting off public access to the lake front.

We understand that the new owners of 29 Lakeshore want to build up to within 10ft of the front boundary greatly affecting the view of other properties on Lakeshore.

We and other owners on Lakeshore wish to express our objection to the impact this will have not only on our views, but also on our property values.

Thank-you for your attention to our concerns.

John and Rosemary Lee

Sent from my iPhone