

To: Electoral Area Services Committee

Date: 2020-07-14

From: Andrea Antifaeff, Planner 1

File No: 3090-20-2020-08

Subject: Application for Development Variance Permit 2020-08 to reduce the interior side lot line setbacks at 43830 & 43836 Loch Road, Electoral Area C

RECOMMENDATION

THAT the Fraser Valley Regional District Board refuse Development Variance Permit application 2020-08 to reduce the interior side lot line setbacks from 1.5 metres to 0 metres to facilitate the construction of a second storey breezeway to connect two dwelling units on separate parcels at 43830 & 43836 Loch Road, Area C.

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

BACKGROUND

The properties located at 43830 Loch Road (Lot A) & 43836 Loch Road (Lot B), Area C are owned by the same owners. The property owners have made an application for a Development Variance Permit (DVP) to vary the interior side lot line setbacks on each property from 1.5 metres to 0 metres to connect two dwellings units on separate parcels via a breezeway.

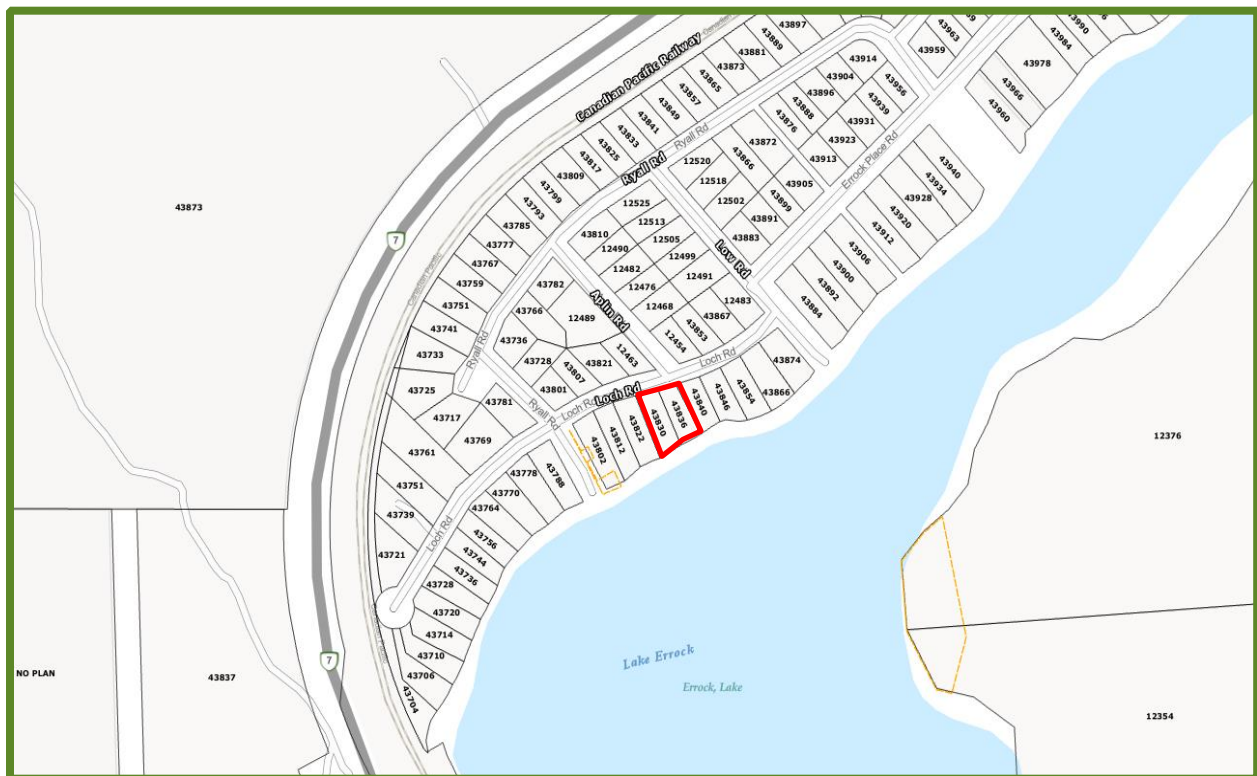
PROPERTY DETAILS			
Electoral Area	C		
Address	43830 & 43836 Loch Rd		
PID	006-667-759 & 006-668-054		
Folio	775.03727.355 & 775.03727.353		
Lot Size	0.19 acres & 0.18 acres		
Owner	Jeffrey & Denise Rempel	Agent	Lacey Developments (Claire Seymour)
Current Zoning	Rural Residential (RS-1)	Proposed Zoning	No change
Current OCP	Resort Residential (RR)	Proposed OCP	No change

Current Use	Residential	Proposed Use	No change
Development Permit Areas	2-C- Environmentally Sensitive Habitat Resources 3-C Riparian Areas		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES

North	^	Rural Residential (RS-1); Single-family Residential
East	>	Rural Residential (RS-1); Single-family Residential
West	<	Rural Residential (RS-1); Single-family Residential
South	v	Rural 4 (R-4); Lake Errock

NEIGHBOURHOOD MAP



PROPERTY MAP



DISCUSSION

The property owners completed construction of a single-family dwelling on Lot A in September 2014 and in October 2019 applied for a building permit to construct a single-family dwelling at the neighbouring property Lot B (which they purchased in 2015). The building permit for the dwelling on Lot B was issued in February 2020 and presented a single-family dwelling unit, which included two bedrooms and a gym area on the upper floor and a garage space on the ground floor.

In June 2020, the property owners applied for a development variance permit to facilitate the construction of a second storey breezeway to connect the two dwelling units located on separate parcels. The proposed breezeway includes four windows, is 14 feet (4.27 metres) long, approximately 5 feet (1.5 meters) wide, 11 feet (3.37 metre) high and the underside of the floor is located at 2.87 metres (9.4 feet) above grade. The proposed breezeway would be located crossing over the interior property line located between Lot A and B.

Upon receipt of the DVP application, staff reviewed the proposal and informed the agent for the application that staff felt the application was un-approvable as a result of BC Building Code requirements and, as a result, staff would not be supportive of the application. Staff advised the agent that their concerns regarding the application should be discussed with the property owners and noted

that the application could be withdrawn. At a later date, the agent advised that the property owners still wished to proceed with the DVP application.

BC Building Code

The FVRD Building Department has reviewed the construction drawings submitted with the DVP application in relation to the BC Building Code. The BC Building Code requires that two dwelling units connected at a property line be separated by a party wall having a fire-resistance rating of not less than 1 hour, additionally, the separation must provide continuous protection from the top of the footing to the underside of the roof deck.

The required separation must be constructed as a load-bearing structural wall from the foundation up to the roof and can not be located in a breezeway. These requirements are fundamentally incompatible with the proposed construction.

Zoning Bylaw

The intent of the zoning bylaw is to allow one detached dwelling unit on each parcel. The proposal to join separate dwelling units on adjacent parcels is not consistent with the intent of the zoning bylaw.

Application Rationale

The applicant has provided the following rationale for their variance request:

- The hallway egress from one dwelling unit will be increased by 100% and the emergency egress from the upper floor of the second dwelling unit will be increased by 100%;
- The property owners elderly parents will be at less risk of falling due to a reduced amount of stairs, doors and exterior elements to contend with while making their way between the dining room and their bedrooms;
- One of the property owners is in remission from cancer after two years of chemo treatments which have severely weakened her. The hope is with easy access to the new gym, she will be able to re-strengthen herself and enjoy her senior years; and,
- In addition after three hip replacements and five hip surgeries, not climbing that many stairs would give her a welcomed relief.

Alternative Solutions

In order to achieve the goals of the applicant's objectives for the variance, staff feel there are alternatives for the applicant's consideration that would achieve similar benefits:

- The two parcels (Lot A and Lot B) could be consolidated into one parcel. Both parcels are located on the same legal plan (NWP31743) and consolidation could be done by a BC Land Surveyor and filed to LTSA without any subdivision process and involvement from the FVRD or MOTI. The second dwelling at 43836 Loch Road would need to have the cooking facility removed in order to be in compliance with zoning regulations;

- Reconfiguration of the floorplans for the dwelling located on Lot B which is still under construction to provide living space on the first floor;
- An elevator or lifts could be installed in the dwelling that is under construction for easy access to the second storey; and,
- A walkway at grade could be constructed to protect residents from outdoor elements (depending on the construction this may not require a building permit).

Neighbourhood Notification and Input

Should the application be forwarded to the FVRD Board for consideration, 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. To date, six letters of support have been received (Appendix C).

COST

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

CONCLUSION

The property owners have applied for a variance to reduce the interior side lot line setbacks to facilitate the construction of a second storey breezeway to connect two dwelling units on separate parcels. Staff recommend refusal of DVP application 2020-08 as the proposal does not meet BC Building Code requirements and there are alternative approaches to the proposed breezeway that would likely have the same benefits and would be in compliance with the BC Building Code and zoning regulations.

OPTIONS

Option 1 – Refuse (Staff Recommendation)

Staff recommend that the Fraser Valley Regional District Board refuse Development Variance Permit application 2020-08 to reduce the interior side lot line setbacks from 1.5 metres to 0 metres to facilitate the construction of a second storey breezeway to connect two dwelling units on separate parcels at 43830 & 43836 Loch Road, Area C

Option 2 – Refer to Staff

If the Board wishes to refer the application back to staff to work with the applicants to revise the proposal, the following motion would be appropriate:

MOTION: THAT the Fraser Valley Regional District Board refer the application for Development Variance Permit 2020-08 to FVRD staff.

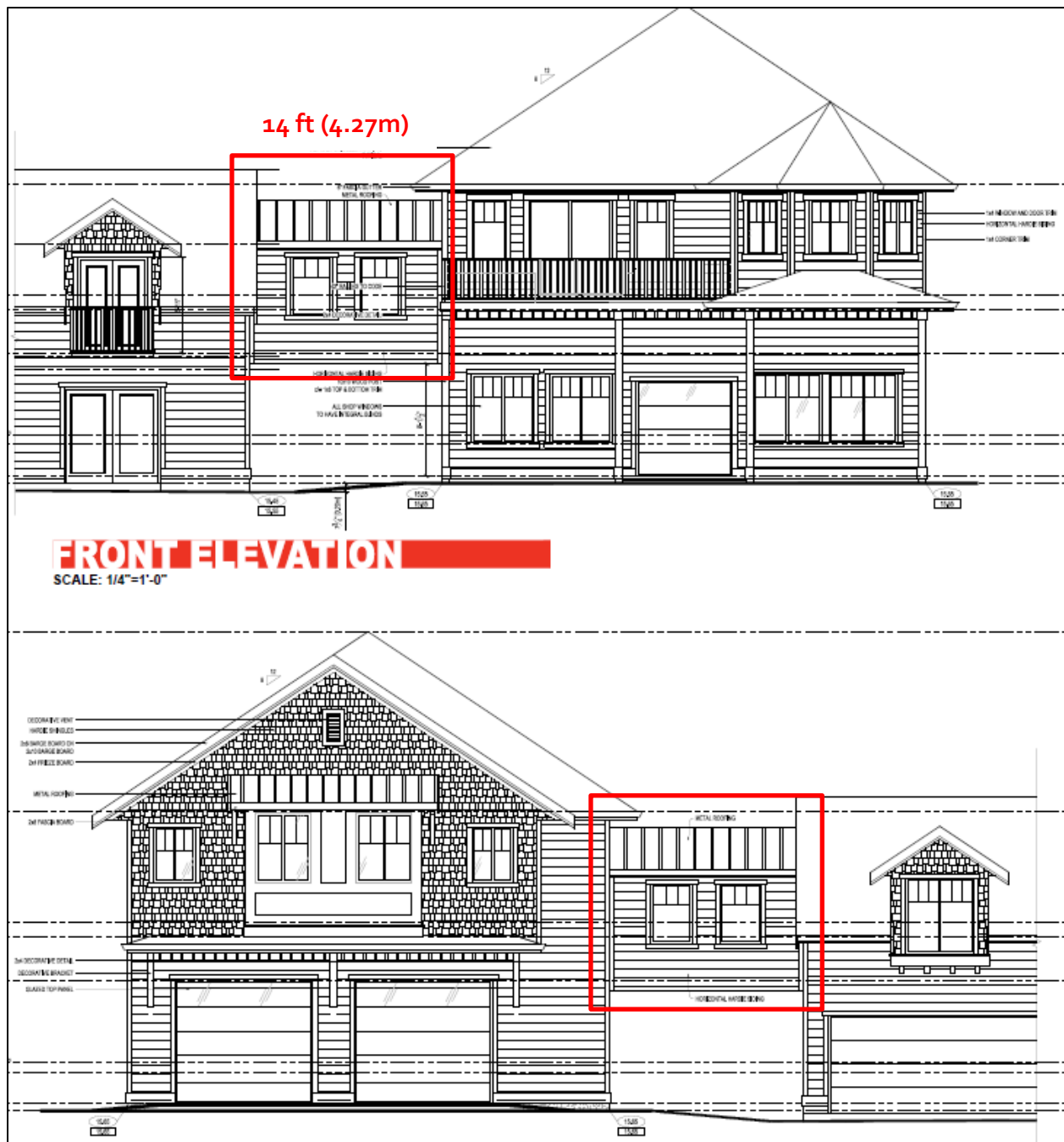
COMMENTS BY:

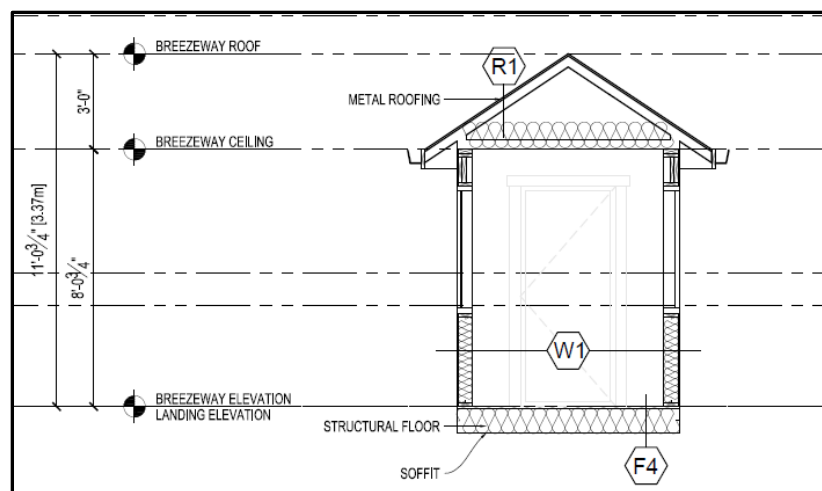
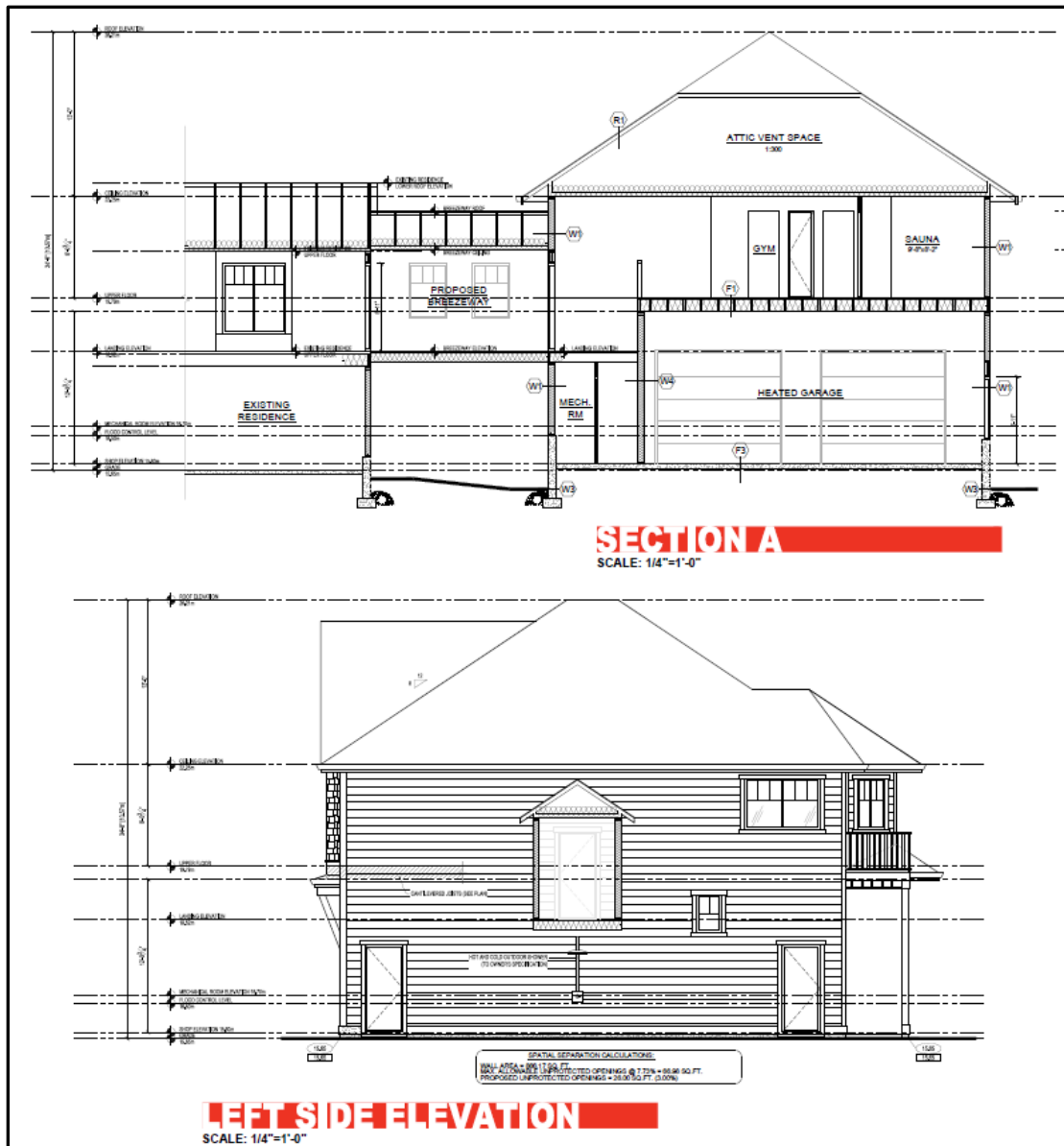
Graham Daneluz, Director of Planning & Development: Reviewed and supported.

Kelly Lownsbrough, Chief Financial Officer/Director of Finance: Reviewed and supported.

Jennifer Kinneman, Chief Administrative Officer: Reviewed and supported.

Construction Drawings





Appendix C

Letters of Support

Claire Seymour

From: Denise
Sent: May-23-20 4:30 PM
To: Claire Seymour; Lesa Lacey
Subject: Fwd: Breezeway

Email from neighbor at 43820 (2 houses West)
Denise
Sent from my iPad

Begin forwarded message:

From: Cora-Lynn McNeilage
Date: May 23, 2020 at 12:21:48 PM PDT
To:
Subject: Breezeway

Hi Jeff and Denise,

Your new house under construction looks great! We have no concerns with you constructing a breezeway to join your two homes.

Take care,

Cora-Lynn McNeilage
43812 Loch Rd, Lake Errock

Claire Seymour

From: KEITH HEUCHERT
Sent: May-22-20 4:29 PM
To: Claire Seymour
Subject: Breezeway for Jeff and Denise Rempel

To: FVRD Board of Variance
May 22, 2020

This is to confirm that we are in support of the Rempels' intention to construct a breezeway between their existing home and the second building now under construction. Their home and the second building are tastefully designed. The exterior and the property are always immaculate. We are certain that this will be the same for a breezeway. For those reasons we have no hesitation in supporting the Rempels' request for approval of a breezeway.

Yours truly,
Barb and Keith Heuchert
43822 Loch Road

Claire Seymour

From: Denise
Sent: May-23-20 4:31 PM
To: Claire Seymour; Lesa Lacey
Subject: Fwd: Breezeway

Tom (2houses West) see email

Denise
Sent from my iPad

Begin forwarded message:

From: Tom McNeilage
Date: May 22, 2020 at 7:27:20
Subject: Breezeway

Hi Denise and Jeff,

Thanks for reaching out to solicit my opinion on the joining of your two buildings with a breezeway. I think it would be a pleasant architectural touch and we have no issue with it.

Regards,

Tom McNeilage
12463 Apiin Rd, Lake Errock..

Claire Seymour

From: Cathy Elbert
Sent: May-24-20 2:14 PM
To: Lesa Lacey; Claire Seymour
Subject: REMPEL CONSTRUCTION/LAKE ERROCK

Please accept this letter as our approval of the addition of a breezeway between the main home of Jeff and Denise Rempel, and the new building adjacent with their gym and reading room etc. Not only will it be aesthetically pleasing and add to the beauty of their property, it will be a sheltered and safe access for all seasons.

Cathy Eberts and Dennis Heth
Lake Errock BC

Sent from my iPad

Claire Seymour

From: Denise
Sent: May-25-20 6:00 AM
To: Claire Seymour; Lesa Lacey
Subject: From Judy

From: Judy Edward
Date: May 24, 202
To: Denise
Subject: Hi

To Whom It May Concern I, Judith M Edward owner of property at 43840 Loch Road, Lake Errock, B.C. V0M 1N0 have no problem with the breezeway at 43836-38 Loch Road, property owned by Denise Rempel and Jeff Rempel. This would make the two houses look good together.

Judith M. Edward

May 29, 2020

To whom it may concern,

Re: Rempel Breezeway

We are neighbors with the Rempel family. We have no concerns with the breezeway planned to connect the main house to the new building. The breezeway will support the family's need for accessibility and, if constructed with windows, may retain the community's ability to enjoy the lake view.

A handwritten signature in black ink, consisting of a large, stylized 'R' followed by a series of loops and a final flourish.

Reist Family
43807 Loch Rd.
Lake Errock BC. V0M 1N0