

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

Date: 2020-10-15
File No: DVP 2020-10

Subject: Application for Development Variance Permit 2020-10 to reduce required setbacks for the existing patio and proposed addition to the Sasquatch Inn at 46001 Lougheed Highway, Area C

RECOMMENDATION

THAT the Fraser Valley Regional District Board issue Development Variance Permit 2020-10 to reduce highway and rear setbacks for the property located at 46001 Lougheed Highway, Area C, subject to consideration of any comments or concerns raised by the public.

STRATEGIC AREA(S) OF FOCUS

Foster a Strong & Diverse Economy
Provide Responsive & Effective Public Services

BACKGROUND

The property owner of 46001 Lougheed Highway has applied for a Development Variance Permit to reduce two setbacks for the Sasquatch Inn (Appendix A: Site Plan):

1. To reduce the rear lot line setback from 6.0 metres (19.7 feet) to 1.84 metres (6.05 feet) to facilitate construction of a proposed addition to the Sasquatch Inn; and
2. To reduce the setback from Lougheed Highway and the rear lot line from 7.6 metres (24.9 feet) and 6.0 metres (19.7 feet) to 0.0 metres (0.0 feet) to permit the existing elevated patio.

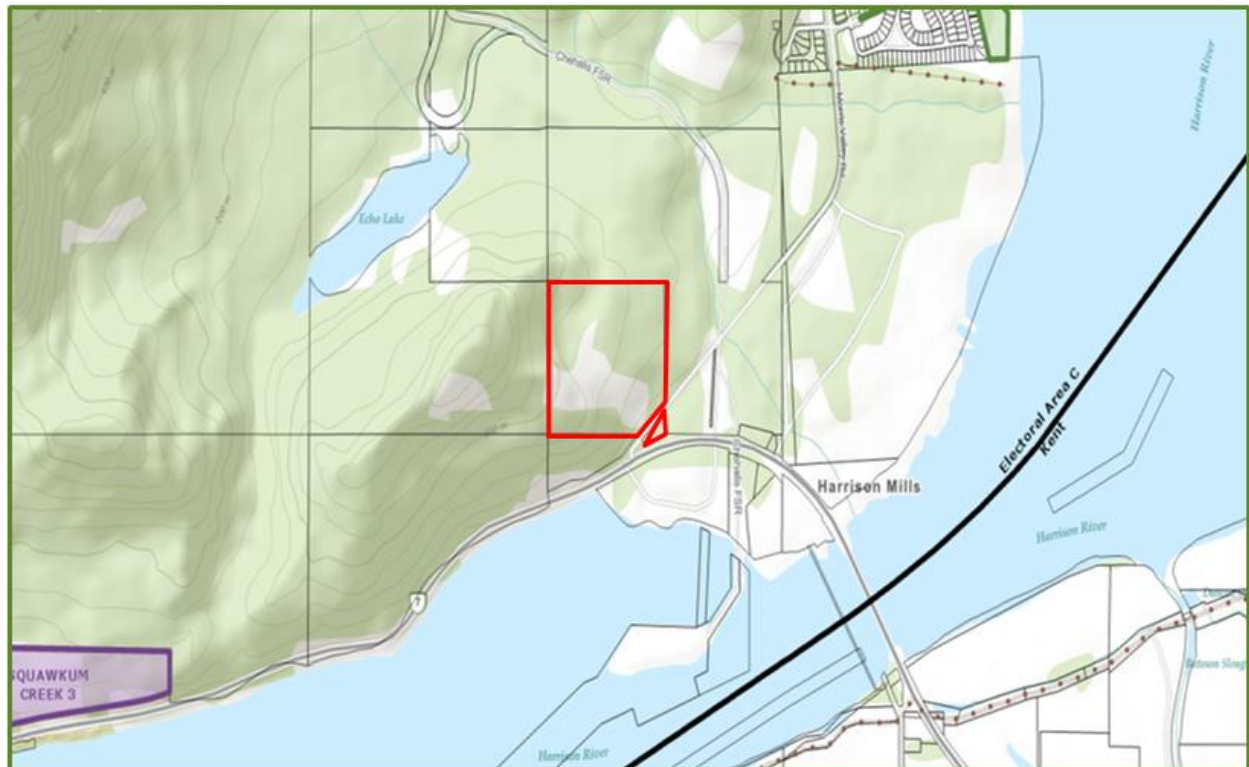
Under Development Permit 2002-11, the rear lot line setback for the Sasquatch Inn was reduced from 6.0 metres (19.7 feet) to 0.75 metres (2.46 feet). This variance has since expired and a new variance is required for the proposed addition. The proposed addition is to accommodate larger and more accessible washrooms and expand the kitchen, office, and cooler area. The applicant states that the addition does not increase seating capacity. The applicant has submitted a building permit application (BP014909) for the addition.

The requested variance for the existing patio is required to obtain a building permit for the structure. The patio was constructed without a building permit. As part of the proposed addition, the applicant must obtain a building permit for the existing patio, which requires a setback of 0.0 metres.

PROPERTY DETAILS			
Electoral Area	C		
Address	46001 Lougheed Hwy		
PID	018-643-710		
Folio	776.06725.000		
Lot Size	40.524 acres		
Owner	Sasquatch Inn Ltd (Bruce MacLean)	Agent	Lacey Developments (Samantha Eddy)
Current Zoning	Rural (R); Highway Commercial (C-2)	Proposed Zoning	No change
Current OCP	Highway Commercial (HC); Limited Use (L); Rural (R)	Proposed OCP	No change
Current Use	Commercial	Proposed Use	No change
Development Permit Areas	1-C – Geological Hazard; 2-C – Environmentally Sensitive Habitat Resources; 3-C – Riparian Areas		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES		
North	^	Limited Use (LU); Forest
East	>	Limited Use (LU); Forest, Morris Valley Rd
West	<	Limited Use (LU); Forest
South	v	Rural (R); Forest, Lougheed Hwy

NEIGHBOURHOOD MAP



PROPERTY MAP



DISCUSSION

To evaluate the requested variance, staff considered the variance rationale, neighbourhood impact, position of the Ministry of Transportation and Infrastructure, development requirements, and internal referrals. The requested variance is significant. It would result in a 70% setback reduction for the addition and no setback for the elevated patio. However, staff recommend the variance be issued for the following reasons:

- The requested variance is appropriate for constructing an addition to the Sasquatch Inn and required to obtain a building permit for the existing patio. The property shape means a setback variance would be required for any such addition;
- The Sasquatch Inn is an existing building that provides significant community benefits and was permitted under a greater variance in 2002;
- The requested variance is not expected to negatively impact neighbouring properties or the Lougheed Highway right-of-way;
- The Ministry of Transportation and Infrastructure has issued a Highway Setback Permit for the existing patio;
- Staff will ensure all development requirements are met during the development permit and building permit review process; and
- The FVRD departments of Building and Bylaw Enforcement stated that the existing patio requires a building permit, which in turn requires the requested variance.

Given these considerations, staff recommend the Fraser Valley Regional District Board issue Development Variance 2020-10.

Variance Rationale

The applicant states that the requested rear lot line variance will facilitate removal of a dated portion of the Sasquatch Inn and replacement with a contemporary addition. The addition will allow for larger and more accessible washrooms and expand the kitchen, office, and cooler area. The applicant advises that the addition will increase business potential and modernize the kitchen, cooler, and washrooms to current standards. The addition does not increase seating capacity. The applicant is requesting a rear lot line setback of 1.84 metres (6.05 feet) for the proposed addition and Development Permit 2002-11 previously reduced this setback to 0.75 metres (2.46 feet), which has since expired. The property shape means a setback variance would be required for any such addition to the Inn.

The applicant has also requested a highway and rear setback of 0.0 metres for the existing elevated patio. The patio was constructed without a building permit. The applicant is required to obtain a building permit for the elevated patio before the proposed addition can be permitted. The requested variance is required to permit the existing patio structure.

Neighbourhood Impact

The requested variance is not expected to negatively impact neighbouring properties.

The proposed addition adjoins a vacant forested property and requires a smaller variance than was previously issued for the property in 2002.

The existing patio adjoins the same vacant forested property. Though the patio is 0.0 metres from the Lougheed Highway right-of-way, this portion of the right-of-way is dedicated to parking. The patio is approximately 15 metres (49 feet) from the highway travel lanes. No bylaw enforcement complaints have been received for the existing patio.

The applicant has submitted three letters of support from neighbouring property owners for the requested variance.

Ministry of Transportation and Infrastructure

The existing patio is within 4.5 metres of the Lougheed Highway right-of-way and therefore requires a Highway Setback Permit from the Ministry of Transportation and Infrastructure. The Ministry of Transportation and Infrastructure issued a Highway Setback Permit for the existing patio on September 10, 2020. The Highway Setback Permit allows the existing patio to be located within 4.5 metres of the Lougheed Highway right-of-way. The Ministry of Transportation and Infrastructure is satisfied with the location of the patio in relation to Lougheed Highway.

The parking area for Sasquatch Inn is entirely within the Lougheed Highway right-of-way but separated from the travel lanes by a concrete barrier. Ministry of Transportation and Infrastructure staff confirmed this but expressed no issue with the parking lot and stated that Sasquatch Inn is responsible for maintaining the barrier and this portion of the right-of-way (Appendix B: Ministry of Transportation and Infrastructure Correspondence).

Development Requirements

The proposed addition and existing patio must meet all legislated development requirements. These include development permit and floodplain management requirements. The proposed addition and existing patio require a Development Permit under the *Fraser Valley Regional District Official Community Plan for Portions of Electoral Area "C", Morris Valley, Harrison Mills and Lake Errock, Bylaw No. 0020, 1998* to ensure geological hazards are mitigated.

The proposed addition also involves expansion of washrooms at the Sasquatch Inn. Staff will ensure all necessary septic approvals from the Fraser Health Authority are obtained during the building permit review process.

Internal Referrals

As part of the variance review process, the application was shared with FVRD departments of Building, Bylaw Enforcement, Emergency Services, and Engineering for comment. No comments or concerns were received from Emergency Services or Engineering.

The Bylaw Compliance & Enforcement Officer stated that the unpermitted existing patio should be addressed by the requested variance and building permit process.

The Manager of Inspection Services stated that the existing patio requires a building permit and noted that the proposed addition must meet BC Building Code requirements. No building permit will be issued for the proposed addition unless the existing patio is also permitted.

COST

The application fee of \$1,300 has been received.

CONCLUSION

The requested variance is required to permit the existing patio and proposed addition to the Sasquatch Inn. The requested variance is not expected to negatively impact neighbouring properties, the Ministry of Transportation and Infrastructure has issued a Highway Setback Permit to facilitate the variance, and staff will ensure all development and legislative requirements are met during the building permit and development permit processes. The requested variance for the proposed addition is less significant than the variance previously issued for the property. For these reasons staff recommend the Fraser Valley Regional District Board issue Development Variance Permit 2020-10.

If the variance were not issued, the proposed addition could not be constructed as designed. The property owner would be unable to obtain a building permit for the existing patio.

Options

Option 1 – Issue (Staff Recommendation)

Staff recommend that the Fraser Valley Regional District Board issue Development Variance Permit 2020-10 to reduce highway and rear setbacks for the property located at 46001 Lougheed Highway, Area C, subject to 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 2020-10.

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 2020-10 to staff.

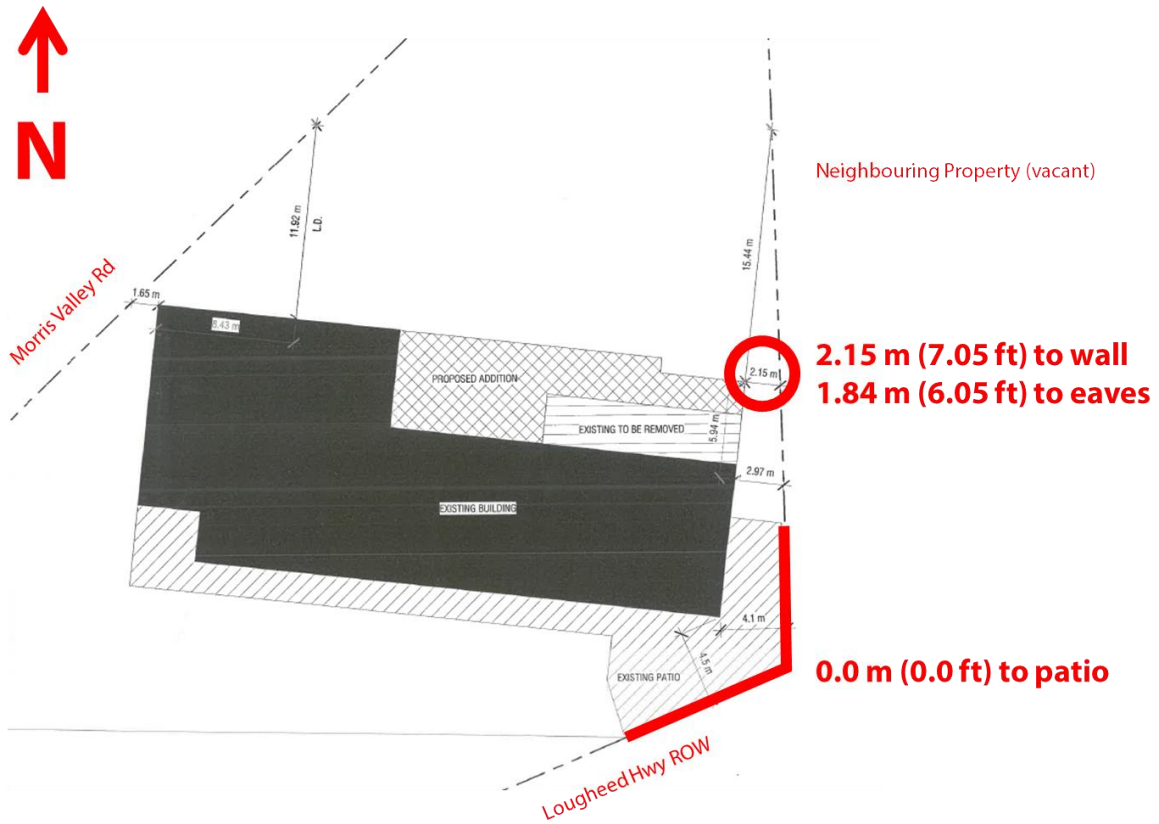
COMMENTS BY:

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

Kelly Lownsbrough, Chief Financial Officer/ Dir. of Financial Services: Reviewed & supported.

Jennifer Kinneman, Chief Administrative Officer: Reviewed and supported.

APPENDIX A: SITE PLAN



APPENDIX B: MINISTRY OF TRANSPORTATION AND INFRASTRUCTURE CORRESPONDENCE



Thu 2020-07-23 10:14 AM

McGowan, Kevin TRAN:EX

RE: 46001 Lougheed Highway (Sasquatch Inn) Highway Setback/Encroachment

To: Gavin Luymes

You forwarded this message on 2020-07-23 10:35 AM.

[Bing Maps](#)

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Hi Gavin –

It doesn't appear that we have ever issued a setback permit for the existing patio but they should apply and I can issue one.

I spoke with the Area Manager, Neal Moulton, and we don't believe there has ever been any formalized agreement for the parking area, other than we don't maintain it and it has been the responsibility of Sasquatch Inn to maintain (including the barrier at that location).

Regards,

Kevin McGowan

Development Officer

Ministry of Transportation and Infrastructure

45890 Victoria Avenue, Chilliwack, BC V2P 2T1