

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

Date: 2020-10-15  
File No: DVP 2020-18

**Subject: Application for Development Variance Permit 2020-18 to vary the maximum height for an accessory building at 45713 Elizabeth Drive, Electoral Area H**

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## RECOMMENDATION

**THAT** the Fraser Valley Regional District Board issue Development Variance Permit 2020-18 to vary the maximum height for an accessory building from 5.0 metres to 6.4 metres at 45713 Elizabeth Drive, Electoral Area H, subject to consideration of any comments or concerns raised by the public.

## STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

## BACKGROUND

The property owners have applied for a Development Variance Permit to vary the maximum height requirement for an accessory building under *Zoning Bylaw for Electoral Area "E", 1976 of the Regional District of Fraser-Cheam*. The property owners have supplied preliminary plans but have not submitted a building permit application.

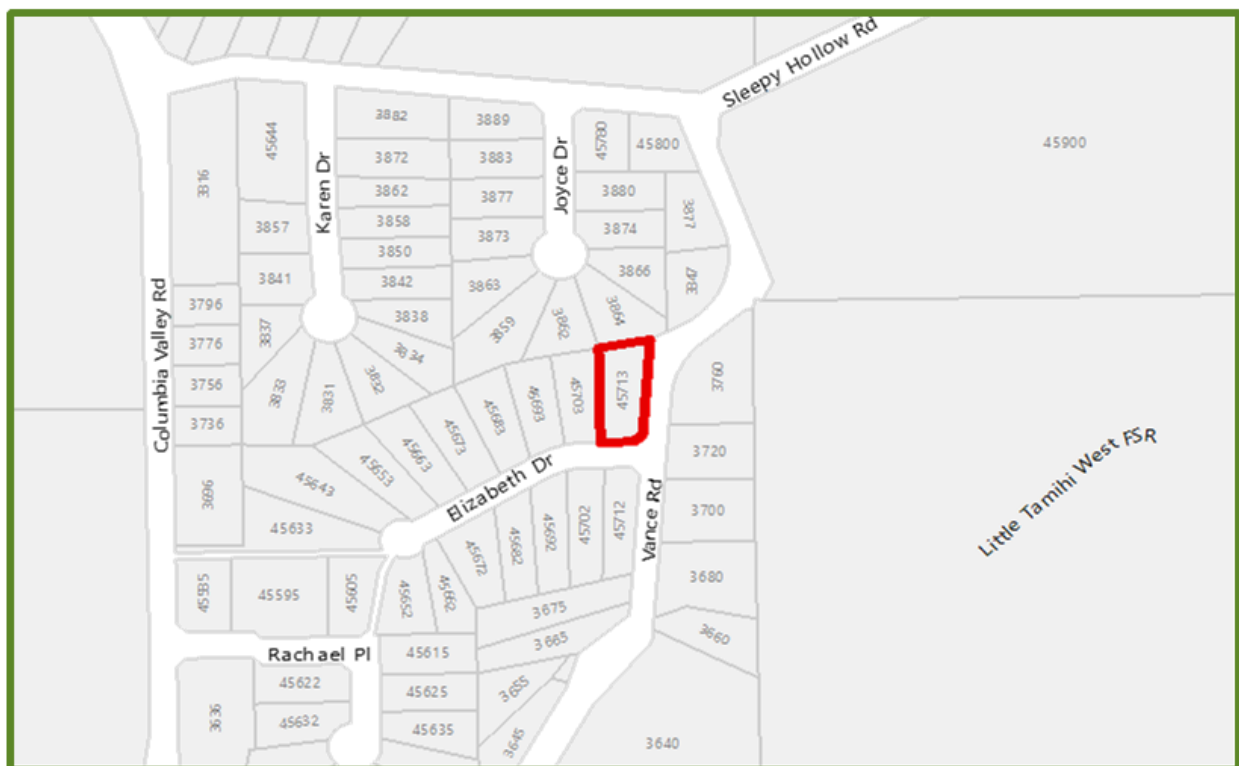
PROPERTY DETAILS			
<b>Electoral Area</b>	H		
<b>Address</b>	45713 Elizabeth Dr		
<b>PID</b>	003-198-847		
<b>Folio</b>	733.03802.100		
<b>Lot Size</b>	0.58 acres		
<b>Owner</b>	Jill and Sheilan Laing	<b>Agent</b>	Roy Vander Wyk (Cheam Building & Design)
<b>Current Zoning</b>	Urban Residential (RS-1)	<b>Proposed Zoning</b>	No change

<b>Current OCP</b>	Suburban Residential (SR)	<b>Proposed OCP</b>	No change
<b>Current Use</b>	Residential	<b>Proposed Use</b>	No change
<b>Development Permit Areas</b>	5-E Riparian Areas		
<b>Agricultural Land Reserve</b>	No		

#### ADJACENT ZONING & LAND USES

<b>North</b>	^	Urban Residential (RS-1); Single Family Dwelling
<b>East</b>	>	Urban Residential (RS-1); Single Family Dwelling, Vance Road
<b>West</b>	<	Urban Residential (RS-1); Single Family Dwelling
<b>South</b>	v	Urban Residential (RS-1); Single Family Dwelling, Elizabeth Drive

#### NEIGHBOURHOOD MAP



## PROPERTY MAP



## DISCUSSION

The property owners have applied to increase the permitted height from 5.0 metres to 6.4 metres for a proposed accessory building at 45713 Elizabeth Drive (Appendix A: Preliminary Plans). The building footprint is 1020 square feet (95 square metres). The requested height variance is intended to accommodate a storage building with a peaked roof and upper loft. The upper loft is approximately 241 square feet in area (22.3 square metres). The following height variance is requested:

Permitted Height	Requested Height	Variance
5.0 metres (16.4 feet)	6.4 metres (21.0 feet)	1.4 metres (4.6 feet)

Though variances do not create precedent, the Board has granted three similar variances over the past six years on nearby properties, including an identical variance for the neighbouring property. The requested variance of 1.4 metres is within the range of previous variances:

Address	Variance Request	Status
45652 Elizabeth Drive	0.6-metre increase in height	Approved (Sept. 30, 2014)
3833 Karen Drive	1.8-metre increase in height	Approved (Jun. 28, 2016)
45703 Elizabeth Drive	1.4-metre increase in height	Approved (Feb. 26, 2019)

To evaluate the requested variance, staff assessed the proposed use and impact on surrounding properties. Staff are satisfied that the requested variance itself does not create a non-permitted use and neighbouring properties are not anticipated to be negatively impacted. For these reasons, staff recommend the variance be issued subject to consideration of comments or concerns from the public.

### **Proposed Use**

The applicants state that the proposed building will be for permitted garage, storage, and home office use. Staff are confident in this statement. However, there is potential that the proposed building could be converted to a non-permitted accessory residential or temporary tourist accommodation use in the future for the following reasons:

- The Cultus Lake area is a popular destination for tourism and short-term rentals;
- The requested variance could facilitate a two-storey building with either one or both floors dedicated to residential use;
- The property is not large enough to accommodate a secondary dwelling under the 2019 *Secondary Dwellings Policy*;
- The proposed building contains an enclosed space marked “office” and bathroom; and
- The building will have separate access from Vance Road whereas the existing dwelling is accessed from Elizabeth Drive.

Based on these factors, staff evaluated whether the requested variance would itself create a non-permitted secondary dwelling or temporary tourist accommodation use. Despite the above considerations, staff are satisfied that the requested variance itself does not create a non-permitted residential or temporary tourist accommodation use for the following reasons:

- The property owners have confirmed in writing that the building is not for residential use or going to be used to generate any sort of profit (Appendix B: Confirmation of Use);
- The upper loft can only be accessed from inside the proposed building. If the upper loft were accessible from outside the proposed building, the space could more easily become a self-contained suite;
- The upper loft is relatively small (241 square feet) and open entirely to the garage below. The loft is not an enclosed or self-contained space;
- The size and design of doors and windows is not consistent with accessory residential or tourist accommodation use;
- The proposed accessory building could be converted to unlawful residential or temporary tourist accommodation use regardless of the requested variance; and
- The Development Variance Permit will state that no residential use, temporary tourist accommodation use, or cooking facilities are permitted in the proposed building.

While it is possible the proposed building could be unlawfully converted to a non-conforming use in the future, based on the submitted plans, staff are satisfied that the requested variance would not create a building with an increased risk of conversion to non-conforming uses in the future.

### **Development Requirements**

Preliminary plans submitted by the applicants appear to meet all setback requirements. Staff will ensure all other requirements are met during the building permit review process, including those of the Zoning Bylaw, BC Building Code, Official Community Plan, and Floodplain Management Bylaw.

### **Impact on Neighbouring Properties**

The requested variance is not expected to significantly impact neighbouring properties. The proposed building is approximately 14 metres (46 feet) from neighbouring properties to the north (3864 Joyce Drive) and west (45703 Elizabeth Drive). Large clusters of trees screen the proposed building from properties to the north. Staff consider these setbacks sufficient to mitigate the requested 1.4 metres of additional height.

### **Internal Referrals**

The variance application and preliminary plans were forwarded to the FVRD departments of Building, Bylaw Enforcement, Emergency Services, and Engineering for comment and consideration. No issues or objections were raised regarding the variance or preliminary plans.

### **Neighbourhood Notification and Input**

All property owners within 30 metres (100 feet) of the property will be notified by FVRD of the variance application and given the opportunity to provide written comments or attend the Board meeting to state their comments. Staff have encouraged the applicant to advise neighbouring property owners and residents of the requested variance in advance of the mail out application. To date no letters of support or objection have been received.

### **COST**

The application fee of \$1,300 has been paid by the applicants.

### **CONCLUSION**

Staff are satisfied that the requested height variance of 1.4 metres will not create a non-permitted use or negatively impact surrounding properties. For these reasons staff recommend the Fraser Valley Regional District Board issue Development Variance Permit 2020-18 to vary the maximum height from 5.0 metres to 6.4 metres for the proposed accessory building at 45713 Elizabeth Drive, Electoral Area H, subject to consideration of any comments or concerns raised by the public.

## **Options**

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

Staff recommend that the Fraser Valley Regional District Board issue Development Variance Permit 2020-18 to vary the maximum height from 5.0 metres to 6.4 metres for the proposed accessory building at 45713 Elizabeth Drive, Electoral Area H, 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 2020-18 for the proposed accessory building at 45713 Elizabeth Drive, Electoral Area H.

### **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 to staff the application for Development Variance Permit 2020-18 for the proposed accessory building at 45713 Elizabeth Drive, Electoral Area H.

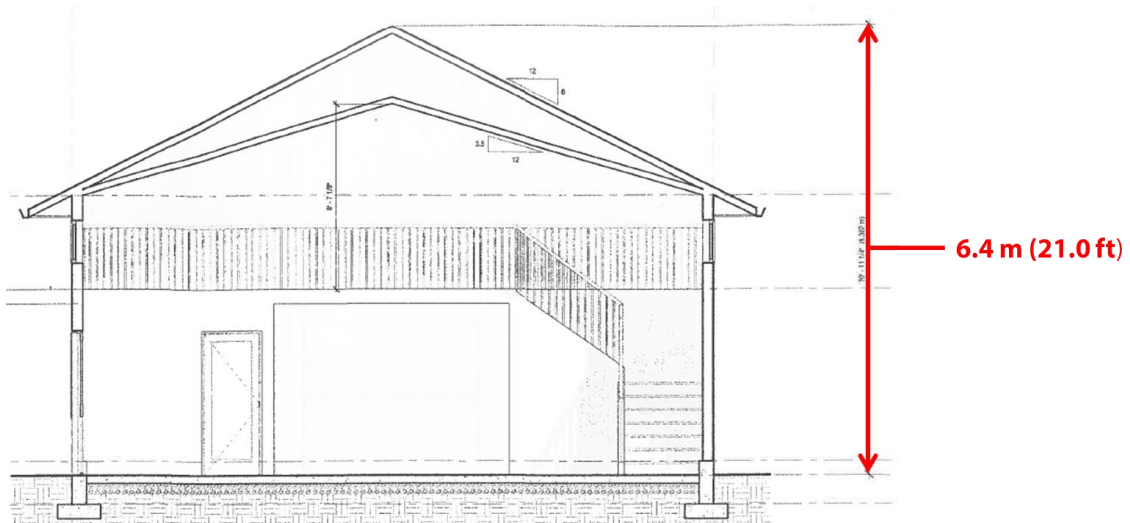
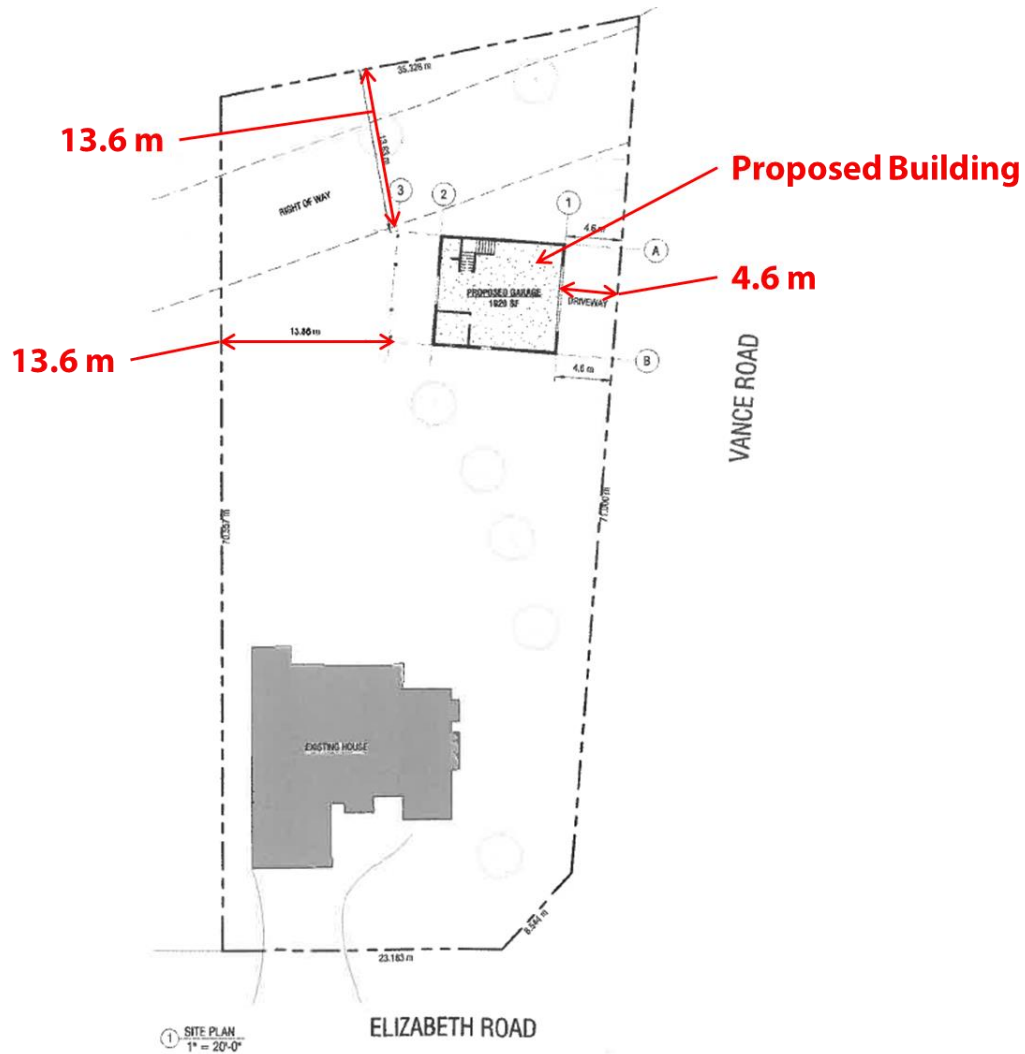
## **COMMENTS BY:**

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

**Kelly Lownsbrough, Chief Financial Officer/ Dir. Financial Services:** Reviewed and supported

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

## APPENDIX A: PRELIMINARY PLANS



## APPENDIX B: CONFIRMATION OF USE



Fri 2020-09-25 8:09 AM

Laing, Jill

RE: Your Development Variance Permit Application

To Gavin Luymes

Cc 'Sheilan Laing'

Hi Gavin,

Yes, we're hoping to have a small office in there for my husband to work out of, should he need to. The building is not for residential use or going to be used to generate any sort of profit.

**Jill Laing**