

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

Date: 2020-11-10
File No: 3090-20 2020-19

Subject: Application for Development Variance Permit 2020-19 to vary the maximum height requirement for an accessory building at 532 Park Drive, Area H

RECOMMENDATION

THAT the Fraser Valley Regional District Board issue Development Variance Permit 2020-19 to vary the maximum height of an accessory building from 4.0 metres (13.0 feet) to 4.5 metres (14.8 feet) for the property located at 532 Park Drive, Area H.

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

BACKGROUND

The lessees of 532 Park Drive have applied for a Development Variance Permit to increase the permitted height for an accessory building from 4.0 metres (13.0 feet) to 4.5 metres (14.8 feet).

The requested variance will help the applicants obtain a Building Permit for a prefabricated garage on their property (Appendix A: Building Plans). The structure was placed without a Building Permit. Staff opened a bylaw enforcement file on the property for building without a permit and posted the structure with stop work and no occupancy notices on June 29, 2020. The structure must be removed or permitted for the bylaw enforcement action to be resolved.

The structure exceeds the permitted height for accessory buildings by 0.5 metres (1.8 feet). This variance is therefore required for the structure to obtain a Building Permit.

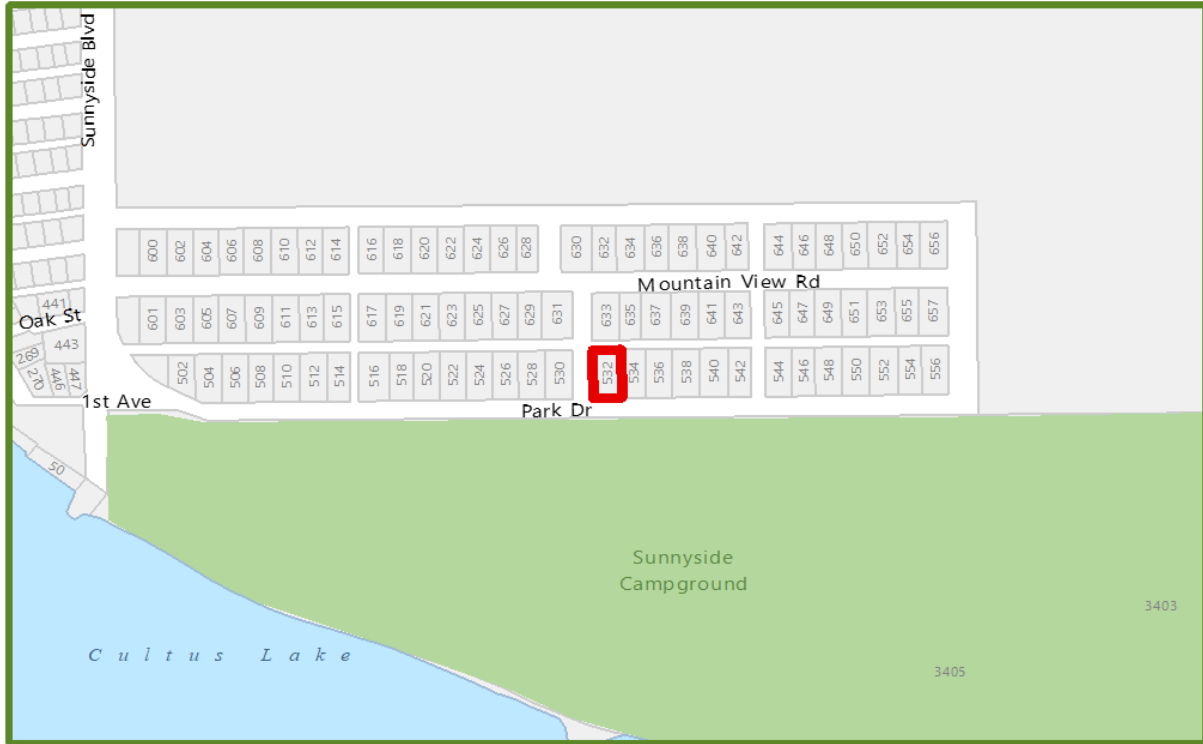
The applicants also requested a variance for 3 square metres (32.3 feet) of additional lot coverage which has since been withdrawn. The garage structure is 51 square metres (549.0 square feet) in area and does not exceed the permitted lot coverage of 60 square metres (645.8 square feet) for accessory buildings.

However, the applicants have a small garden shed of approximately 12 square metres (129.2 square feet). The combined floor area of the garage and garden shed is 63 square metres (678.1 square feet), exceeding the lot coverage requirement for accessory buildings. The applicants understand this but have chosen not to request a lot coverage variance. The garden shed will be removed so that a variance is not required for both height and lot coverage.

PROPERTY DETAILS			
Electoral Area	H		
Address	532 Park Dr		
PID	n/a		
Folio	733.07001.532		
Lot Size	60 ft x 125 ft		
Owner	Kelly and Richard Groeneveld	Agent	n/a
Current Zoning	R-1 – Suburban Residential	Proposed Zoning	No change
Current OCP	n/a	Proposed OCP	No change
Current Use	Residential	Proposed Use	No change
Development Permit Areas	n/a		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES			
North	^	R-1 – Suburban Residential; single family dwelling, lane	
East	>	R-1 – Suburban Residential; single family dwelling	
West	<	R-1 – Suburban Residential; single family dwelling, lane	
South	v	C-4 – Campground; Sunnyside Park Campground, Park Drive	

NEIGHBOURHOOD MAP



PROPERTY MAP



DISCUSSION

To evaluate the requested variance, staff considered the variance rationale, bylaw enforcement file, position of the Cultus Lake Park Board, and implications for future development. Staff also investigated septic servicing on the property and considered that the applicants are willing to compromise on removing their garden shed to ensure the lot coverage requirement is met. Staff note the following:

- The requested height variance of 0.5 metres (1.8 feet) is minimal and not expected to negatively impact neighbouring properties. The additional height allows the applicants to store their boat inside the garage;
- The applicants intend to obtain a Building Permit for the garage and resolve their bylaw enforcement file. The requested variance is necessary for the applicants to obtain a Building Permit. Staff encourage the public to work with FVRD to resolve bylaw enforcement issues;
- The garage structure does not impact septic servicing on the property; and
- The applicants have withdrawn their request for additional lot coverage. Additional lot coverage is difficult to support in Cultus Lake. Staff are satisfied with this compromise and note that only one variance is now required to permit the garage structure.

Staff consider these factors sufficient to justify the requested height variance. The requested height variance is minimal and the applicants are working with staff to resolve bylaw enforcement on their property. However, the Board should consider the following in evaluating this application:

- Staff absolutely discourage building without a permit. Property owners must obtain all necessary approvals before development; and
- Issuing this variance could signal tacit acceptance of seeking development approval after the fact. The Cultus Lake Park Board (CLPB) did not support the requested height variance and expressed concern based on this consideration.

If the Board considers these concerns to outweigh rationale in support of the variance, the requested variance should be refused. However, the requested variance is minimal, should not negatively impact neighbouring properties, and will help staff work with the applicants to resolve their bylaw enforcement file. If this variance is not granted, the applicants will be required to remove or reduce the prefabricated garage structure in height to resolve their bylaw enforcement file.

Variance Rationale

The requested variance will enable the applicants to obtain a Building Permit for the garage on their property. This will resolve the ongoing bylaw enforcement file against their property. However, staff are not aware of any site-specific conditions or other factors for why the variance is required.

The applicants advise that the garage is used for tool, vehicle, and boat storage. Staff understand that boat storage could require additional height. The structure is accessed from a rear lane behind the property. The requested variance of 0.5 metres (1.8 feet) in height is minimal and not expected to

negatively impact surrounding properties. Based on plans provided by the applicants, the structure appears to meet all required setbacks.



Image of the accessory structure (June 29, 2020)

Bylaw Enforcement

Acting on a complaint received June 25, 2020, Staff determined that the garage was placed without a Building Permit and posted the structure with stop work and no occupancy notices on June 29, 2020. Staff advised the lessees to obtain a Building Permit to resolve the bylaw enforcement. Upon reviewing the submitted plans, staff determined that the structure exceeded the maximum height and lot coverage requirements for accessory buildings. Staff informed the applicant that the requested variance would be required to obtain a Building Permit for the structure.

Staff are satisfied that the applicant is working to resolve the bylaw enforcement and bring their structure into compliance. Staff encourage applicants to resolve enforcement issues, including in cases where approvals were not obtained. If the requested variance is not granted, the applicants will be unable to obtain a Building Permit for the garage as it is currently. Bylaw enforcement will continue and the applicant will be required to remove or alter the prefabricated structure.

Due to ongoing bylaw enforcement against the structure, the application fee for this variance is \$1,600.00. Additionally, all fees related to processing of the Building Permit will be doubled.

Lot Coverage

The applicants initially applied for a height variance on their constructed garage. Staff later determined that the combined floor area of the garage and the accessory garden shed on the property is approximately 63 square metres (678.1 square feet). This exceeds the maximum lot coverage requirement of 60 square metres (645.8 square feet). On the advice of staff, the applicant amended their variance request to include 3 square metres (32.3 square feet) of lot coverage. This would allow the applicant to keep both the garage and accessory garden shed.

However, after further review of the requested variances and circumstances under which the application was made, staff found the lot coverage variance difficult to support. Lots in Cultus Lake Park are constrained by size and septic requirements. Staff consider the maximum lot coverage requirement of 60 square metres (678.1 square feet) for accessory buildings to be the absolute limit for allowable footprint in Cultus Lake. Moreover, staff are uncomfortable with recommending the Board issue two discretionary variances for a structure built without a permit and subject to bylaw enforcement. Though staff consider the requested height variance minimal and justified, the requested lot coverage variance is excessive.

After staff explained this position to the applicants, the applicants withdrew their request for additional lot coverage. The applicants are therefore required to remove the garden shed or reduce the garage in size. The requested height variance is more justifiable on the basis of this compromise. Since the garage is 51 square metres (549.0 square feet) in area, no variance is required to permit this structure if the garden shed is removed.

Septic Location

To ensure the structure can receive a Building Permit and does not negatively impact septic servicing in Cultus Lake, staff requested that the applicants provide information on the location of their septic tank and field. The applicants confirmed that the tank and field are not located under or near the garage structure (Appendix B: Septic Tank Location). The septic tank is located under their rear lawn and stone patio. The applicants informed staff that the septic field (seepage bed) extends from the septic tank toward their rear property line and is not impacted by the garage structure.



Image provided by the applicants of the garage (right) and garden shed (left). The applicants advise that the septic field is located under the patio and black fire pit.

According to the applicants, the location of their septic system was determined upon their leasing the property in 2020. Initial plans showed the septic field under the current garage location, but upon excavating this area to maintain their system, the applicants discovered that the septic field was not in this location. Working with two contractors, the applicants excavated portions of their rear yard and found the tank in the present location. The applicants were informed that the seepage bed extends from the tank location to their rear property line.

Cultus Lake Park Board

Since the subject property is within Cultus Lake Park, staff requested that the Cultus Lake Park Board (CLPB) consider the variance request at their Regular Board Meeting on October 20, 2020. CLPB is not a local government and is not responsible for development approvals or bylaw enforcement. However, CLPB is an important community stakeholder and the Board should consider their perspective.

At the Regular Board Meeting of October 20, 2020, CLPB passed a resolution not in support of the requested height variance. CLPB did not provide rationale in their formal response dated October 23, 2020, but members of the Board and the Acting Chief Administrative Officer expressed concern that the structure was built without a permit. CLPB also noted that the required lot coverage was exceeded. The Board does not support building first and seeking approval after the fact.

Staff share these concerns. However, staff note that the requested height variance is relatively minor, should not negatively affect surrounding properties, and will help the applicants obtain a Building Permit for the structure to resolve the bylaw enforcement file. The applicants are not requesting a lot coverage variance and must meet the lot coverage requirement. Based on these reasons, staff recommend the variance be granted. If the Board agrees with CLPB that these do not outweigh the fact that the building was constructed without a permit, the variance should be refused.

Implications for Development

Variance approvals are discretionary and the Board is perfectly able to refuse this request. There is legitimate concern from staff and CLPB that issuing this variance could signal tacit acceptance of seeking development approval after the fact. The Board should refuse the variance if this concern outweighs other rationale in support of the variance. The rationale for support is that the request is relatively minor, should not negatively affect neighbouring properties, and will help the applicant obtain a Building Permit to resolve bylaw enforcement on their property.

Internal Referrals

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

Building outlined the BC Building Code requirements for fire resistance and spatial separation that pertain to the structure. The Manager of Inspection Services stated that the applicant and designer are responsible for ensuring the structure meets BC Building Code requirements. This variance does not relieve the applicants of their responsibility to meet the BC Building Code.

Bylaw Enforcement explained ongoing enforcement actions against the property.

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 \$1,600 has been received.

CONCLUSION

In considering this application, the Board must determine whether the rationale for this variance outweighs the concern that the Board would be issuing discretionary approval to a structure built without a permit. Staff do not support building without a permit. However, the requested variance is relatively minor, is not expected to negatively impact surrounding properties, and enables the applicants to obtain a Building Permit. The garage is not expected to impact septic service on the property according to information provided by the applicants. The applicants are working with staff to resolve their bylaw enforcement file and have compromised on requesting additional lot coverage for their property. For these reasons, staff recommend the requested variance be granted subject to consideration of comments or concerns raised by the public.

If the requested variance is not granted, bylaw enforcement will continue against the property and the applicants will be required to remove, replace, or reduce the structure.

Options

Option 1 – Issue (Staff Recommendation)

Staff recommend that the Fraser Valley Regional District Board issue Development Variance Permit 2020-19 to vary the maximum height of an accessory building from 4.0 metres (13.0 feet) to 4.5 metres (14.8 feet) for the property located at 532 Park Drive, Area H.

Option 2 – Refuse

If the Board wishes to refuse the application, the following motion would be appropriate:

MOTION: THAT the Fraser Valley Regional District refuse Development Variance Permit 2020-19.

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 refer the application for Development Variance Permit 2020-19 to staff.

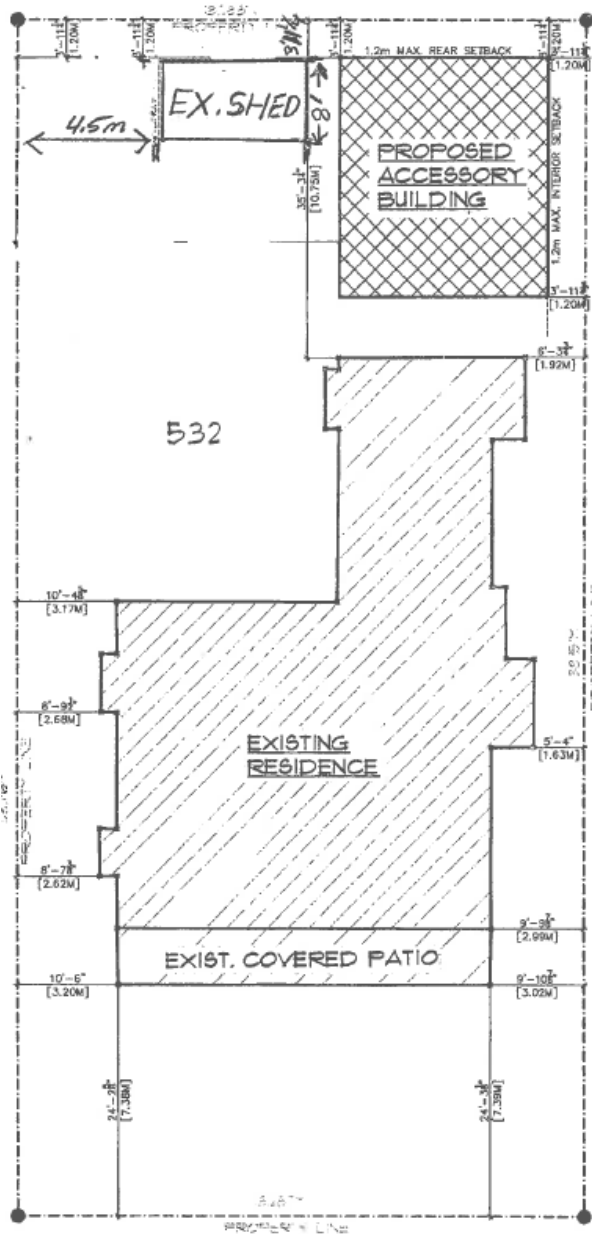
COMMENTS BY:

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: Building Plans



532 - PARK DRIVE - ACCESSORY BUILDING

ZONE=R-1 LOT SIZE = 697.34M2
MAX. LOT COVERAGE = 60M2
EXISTING LOT COVERAGE = 11.89M2
PROPOSED NEW STRUCTURE COVERAGE = 51.09M2
TOTAL COVERAGE = 62.98M2

LEGAL:

LOT 532, NEW WESTMINSTER DISTRICT LEASE
CULTUS LAKE PARK
PID:
FOLIO: 733.07001.532

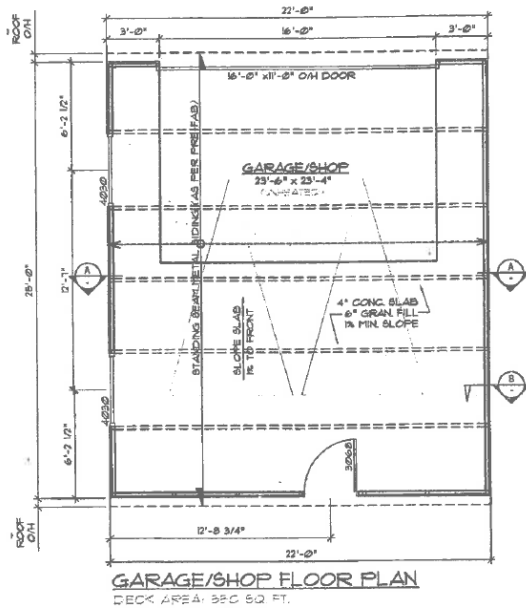
11/09/2020 - ISSUED FOR PERMIT
09/08/2020 - ISSUED FOR CLIENT REVIEW
28/08/2020 - ISSUED FOR CLIENT REVIEW

DRAWN BY:
AUSBRIDGE DESIGN
PHONE NUMBER:
604-798-4344
ADDRESS:
47214 VISTA PLACE
CHILLIWACK, BC
V2R 0R9
EMAIL:
drew@ausbridgedesign.ca



SCALE: 1/4" = 1'-0"
DATE: 28/08/2020

CLIENT:
RICHARD GROENEVELD



NOTES:

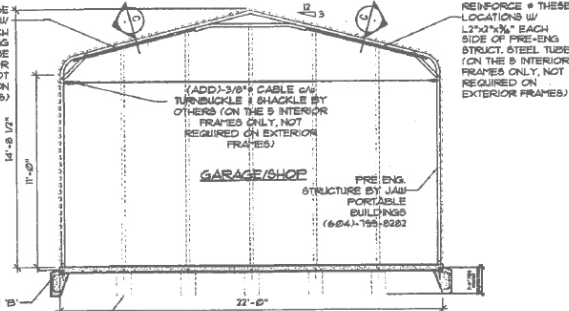
- ALL CONSTRUCTION IS TO COMPLY WITH THE 2010 EDITION OF THE BRITISH COLUMBIA BUILDING CODE AS WELL AS ALL OTHER LOCAL CODES, BYLAWS AND ORDINANCES.
- STRUCTURAL STEEL SHALL HAVE A MINIMUM YIELD STRENGTH OF 33ksi
- CONCRETE SHALL BE AIR ENTRAINED AND HAVE A MINIMUM STRENGTH OF $F_c = 3,000$ psi

DESIGN LOADS:

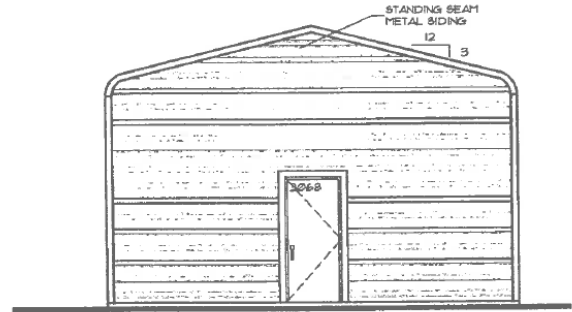
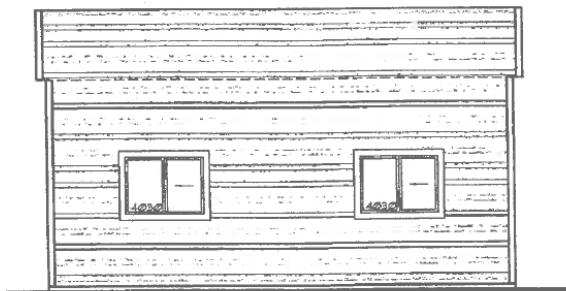
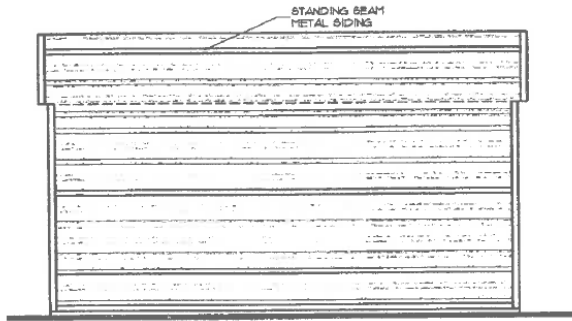
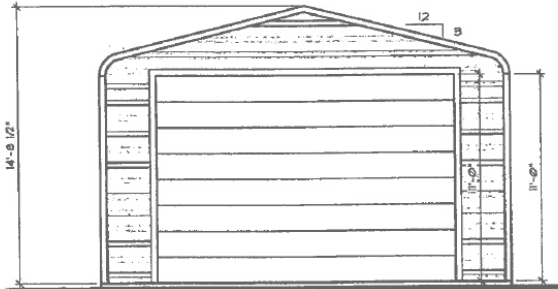
- S_g = 522psf
- S_g = (0.47)psf + 522psf
- S_g = (0.2) + 522psf
- S_g = (0.2) + 522psf
- PGA = 0.242
- SITE CLASS 'B'
- S_g = 6.3psf
- S_g = (10.0) + 0.271
- PGT = 0.341

ENGINEERING PROVIDED BY T & G ENGINEERING INC. -
PHONE NUMBER 604-321-6868

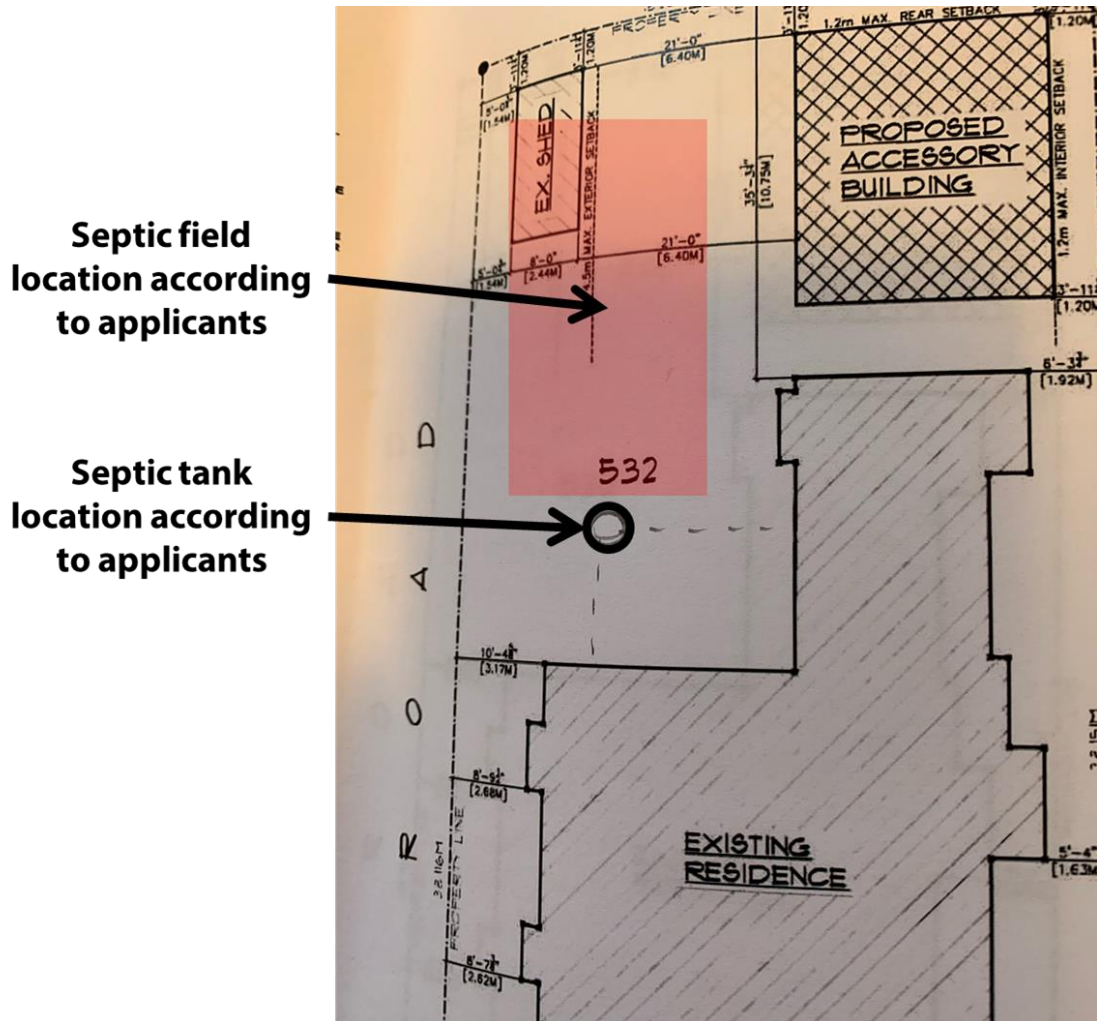
REINFORCE * THESE LOCATIONS W/ 1" x 10" x 1/4" EACH SIDE OF PRE-ENG STRUCT. STEEL TUBE (ON THE S INTERIOR FRAMES ONLY, NOT REQUIRED ON EXTERIOR FRAMES)



16" x 4" CONC. SONOTUBE TO BE INSTALLED ON END WALLS UNDER VERTICAL STRUCT. STEEL TUBE MEMBERS W/ MIN. FROST PROTECTION MAINTAINED - 1/2" x 1/4" THREADED ROD AS PER SECTION 'B' INTO EXISTING SLAB



Appendix B: Septic Tank Location



The applicants advise that their septic tank and field are located in the rear yard beside the garage structure (labelled "Proposed Accessory Building"). According to excavations done by the applicants and their contractors, the seepage bed is directly behind the septic tank and not under the garage slab.