

To: Electoral Area Services Committee
From: Melissa Geddert, Planning Technician

Date: 2018-02-15
File No: 3090-20-2017-27

Subject: Development Variance Permit to reduce the interior side lot line setback for a detached garage at 47883 Hansom Road, Electoral Area "E".

RECOMMENDATION

THAT the Fraser Valley Regional District Board refuse Development Variance Permit 2017-27 to vary the interior side lot line setback from 7.6 metres to 1 metre, clear to sky, to permit the construction of a detached garage at 47883 Hansom Road, Electoral Area "E" .

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FOR INFORMATION

Appendix A: Site Plan

BACKGROUND

The owner of 47883 Hansom Road has submitted a Development Variance Permit (DVP) application to reduce the required setback from an interior lot line from 7.6 metres to 1 metre, clear to sky, in order to permit the construction of a detached garage for the purpose of parking a single vehicle. The construction of the detached garage has commenced without a permit resulting in bylaw contravention. The relevant property details are illustrated in the following table:

Address: 47883 Hansom Road			
<p style="text-align: center;">Location 47883 Hansom Road</p>	Owner	Clendenning	
	Agent	C. Mallory	
	EA	E	
	Zoning	Rural (R)	
	OCP	Suburban Residential (SR)	
	DPA	DPA 3-E and DPA 5-E	
	ALR	N/A	
	Size	0.5 acres	
	Comments:	Required interior lot line setback is 7.6 metres. Proposed setback is 1 metre clear to sky.	

Neighbouring Lands		
<p>West: Single Family Dwelling</p>	<p>North : Crown Land</p> <p>South: Hansom Road</p>	<p>East: Single Family Dwelling</p> <p>Potential Impacts:</p> <p>The constructed detached garage encroaches into the interior lot line setback 6.7 meters, and would be in relatively close proximity to the house to the west.</p>

DISCUSSION

The property owner initiated construction of a detached garage for the purpose of parking a single vehicle. The construction commenced without the issuance of a building permit and has been built within the interior side lot line setback, resulting in bylaw contravention. In order to remediate the contravention, the owner has requested a Development Variance Permit (DVP 2017-27) to authorize a reduction in the interior side lot line setback. The subject property is zoned Rural according to Electoral Area E Zoning Bylaw No. 66, this zoning requires the following setbacks:

Rural Zone Setbacks	
Highway	4.6 m to the right-of-way boundary of a road allowance or flanking street
Side	7.6 metres to any side lot line
Rear	7.6 metres to any rear lot line
Kennel not enclosed	53.3 metres to any interior lot line.
Kennel – fully enclosed	6 metres to any interior lot line (notwithstanding highway, side and rear)

The DVP application proposes to reduce the interior side lot line setback from 7.6 metres to 1 metre, clear to sky. This is a substantial reduction which decreases the setback requirement by 85%. No drawings of the proposed construction have been submitted. The application did not include a surveyed site plan; as such, one would be required to confirm the exact location of the proposed structure, including any roof overhang, if the variance is approved.

The subject property is 0.5 acres. The applicant was issued a Building Permit (BP013660) in July, 2016 for an extension of an attached garage, which provides parking for approximately 8 vehicles (5 cars, 1 truck and 2 motorcycles as observed on a staff attended site visit December 11, 2017).

During the site visit staff noted there may be potential to re-site the proposed detached garage in a location that complies with the zoning requirements.



Photo 1: Construction of detached garage in relation to property line

Bylaw Contravention

As mentioned previously and illustrated in the photos above, the construction of the detached garage was initiated without a building permit and is within the interior side setback. This has resulted in a bylaw infraction as the siting does not comply with the zoning setbacks established by *Zoning Bylaw for Electoral Area "E", 1976 of the Regional District of Fraser-Cheam* (Zoning Bylaw No. 66). The size of the structure is less than 20 metres squared and is therefore exempt from the requirement of obtaining a building permit; however the construction must still comply with the zoning bylaw and BC Building Code, including fire separation requirements.

Aside from the contravention relating to this DVP application, there is active bylaw contravention for operations of an animal kennel outside the parameters set out in Zoning Bylaw 66 and bylaw contravention for unsightly and unwholesome matter related to improper management of animal wastes, causing strong odours and potential for contamination. The animals have recently been removed from the property by the SPCA and unless the animals return, this resolves the immediate nuisance issues with the kennel operation and unwholesome matter. Additionally, follow-up is underway regarding the burying of animal wastes on the adjacent crown land located north of the subject property.

Building Code Requirements

As noted previously, any new single storey detached accessory building or structure which is not intended to be used for any "residential occupancy" and which has a floor area not exceeding 20 square metres (215 square feet) is exempt from requiring a building permit. However, all new buildings or structures within the FVRD, regardless of whether a building permit is required or not, is obligated to conform to BC Building Code. It was observed during the site visit by staff that the construction may not conform to BC Building Code. Also, there is a necessity to meet the fire separation requirements to the adjacent property line which is fenced and treed. If the DVP is approved, alterations to the structure to address any building code deficiencies will be required.

Zoning

The purpose of the rural zone is to identify predominantly large parcels of land best suited for agriculture, forest, outdoor recreation or other low density rural uses; and lands with geotechnical constraints. Considering the purpose of the rural zone, the setback requirements are larger than setbacks designated for an Urban Residential or Multi-use Residential Zones. The subject property is 0.5 acres, this parcel size is more consistent with the Urban Residential (RS-1) and Multi-use Residential zone (RS-2). Properties within relatively close proximity to the subject property are zoned RS-1 and RS-2 (figure 1). The interior lot line setback requirements for the RS-1 and RS-2 zone are one metre for an accessory building. The owner has requested to reduce the interior lot line setback for a detached garage to 1 metre; yet, this request has not been confirmed by a legal survey to ensure the building setback and roof overhang. This measurement reflects the permitted interior lot line setbacks for parcels of similar size but within a different zone.

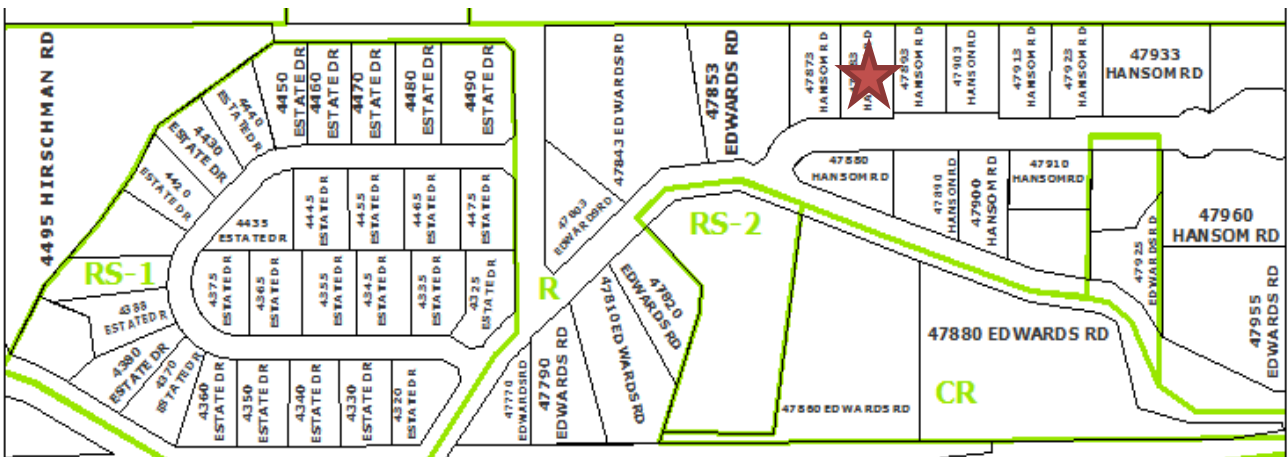
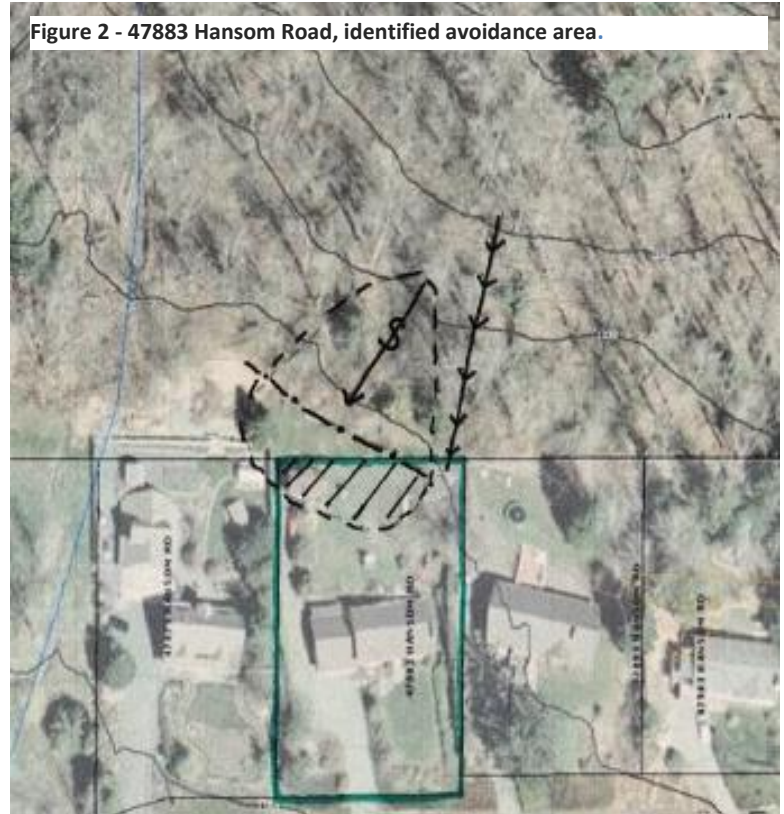


Figure 1 zoning for Estate Drive, Edwards Road and Hansom Road subdivision

Development Permit Area and Geotechnical Hazards

The property is located within Development Permit Area DPA 3-E for protection of development from hazardous conditions related to slope failure and debris slides. In August 2016, the owner of the property was issued a development permit (BP). In accordance with the DP the property owner submitted a satisfactory Hazards Assessment Report prepared by a Madrone Environmental Professional Geoscientist (P. Geo).

The northwest portion of the property has been identified an avoidance area as shown on figure 2. The proposed location of the detached garage is outside of the identified avoidance area, other suitable locations outside the hazard area may exist. The structure does not exceed 20 square metres and is not intended to be used for any residential occupancy; as such the proposed structure is exempt from requiring a development permit.



Neighbour Notification

Should the application be forwarded to the FVRD board for consideration, all property owners within 30 metres of the subject property will be notified by the FVRD and given the opportunity to provide written comments or attend the Board meeting to state their comments. FVRD staff encourages all applicants to discuss their proposal with the surrounding property owners. To date, no letters of support or objection have been received.

COST

The application fee of \$350.00 has been paid by the applicant.

CONCLUSION

The property owner has applied for a variance to decrease the interior side lot line setback to facilitate the construction of a detached garage used for the parking of a single vehicle. Staff recommend refusal of DVP application 2017-27 for the following reasons:

- scale of the variance request, 7.6 metres down to 1 metre,
- size of the property and potential to site the structure elsewhere,
- lack of compelling rationale for a significant variance request,
- lack of a legal site survey to confirm the variance request, including roof overhang; and
- construction convened without FVRD approvals or consultation.

The Electoral Area Services Committee may wish to consider options other than the staff recommendation regarding the DVP application. Other options for consideration are:

Option	Recommendation	Summary of effect
Option 1	THAT the FVRD Board consider DVP 2017-27, subject to comments or concerns raised by the public.	This option follows the standard process of a typical DVP application, with the recommendation to consider the permit. A mailout notification of 30 metres radius from the subject property will be conducted and neighbours will have the opportunity to submit their comments. These comments will be forwarded to the Regional Board and taken into account with consideration of the DVP. If the DVP is approved, staff will require a legal survey to confirm the setback from the property line.

COMMENTS BY:

Graham Daneluz, Deputy Director of Planning & Development

Reviewed and Supported

Margaret Thornton, Director of Planning & Development

Reviewed and Supported

Mike Veenbaas, Director of Financial Services

No further financial comments.

Paul Gipps, Chief Administrative Officer

Reviewed and supported

Appendix A:

Site Plan for Proposed detached garage

