

To: Electoral Area Services Committee  
From: Tracey Heron, Planning Technician

Date: 2024-03-14  
File No: 3060-20 2024-01

**Subject: Development Variance Permit 2024-01 to increase the maximum size for an accessory structure at 52655 Yale Road, Area D**

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### RECOMMENDATION

**THAT** the Fraser Valley Regional District Board issue Development Variance Permit 2024-01 for 52655 Yale Road, Area D, to increase the maximum gross floor area of a residential accessory structure from 45 square metres to 73.6 square metres, measured clear to sky, subject to consideration of comments or concerns raised by the public.

### BACKGROUND

The owners of the property at 52655 Yale Road have applied for a development variance permit (DVP) to increase the maximum permitted gross floor area of a residential accessory structure. The purpose of the accessory structure is to extend recreational and hobby capacity on the property, and to also provide an area for additional storage.

The subject property lies within the Suburban 3 (SBR-3) zone under *Zoning Bylaw No. 1638, 2021* which allows a maximum gross floor area of 45.0 m<sup>2</sup> for residential accessory structures.

Property details are as follows:

PROPERTY DETAILS			
Address	52655 Yale Road	Area	D
PID	007-420-285	Owner	Glen and Lora Thompson
Folio	733.06645.050	Agent	n/a
Lot Size	0.245 hectares (0.606 acres)		
Current Zoning	Suburban Residential 3 (SBR-3)	Proposed Zoning	No change
Current OCP	Suburban Residential (SR)	Proposed OCP	No change
Current Use	Residential	Proposed Use	Residential
Development Permit Areas	5-D Riparian Areas		

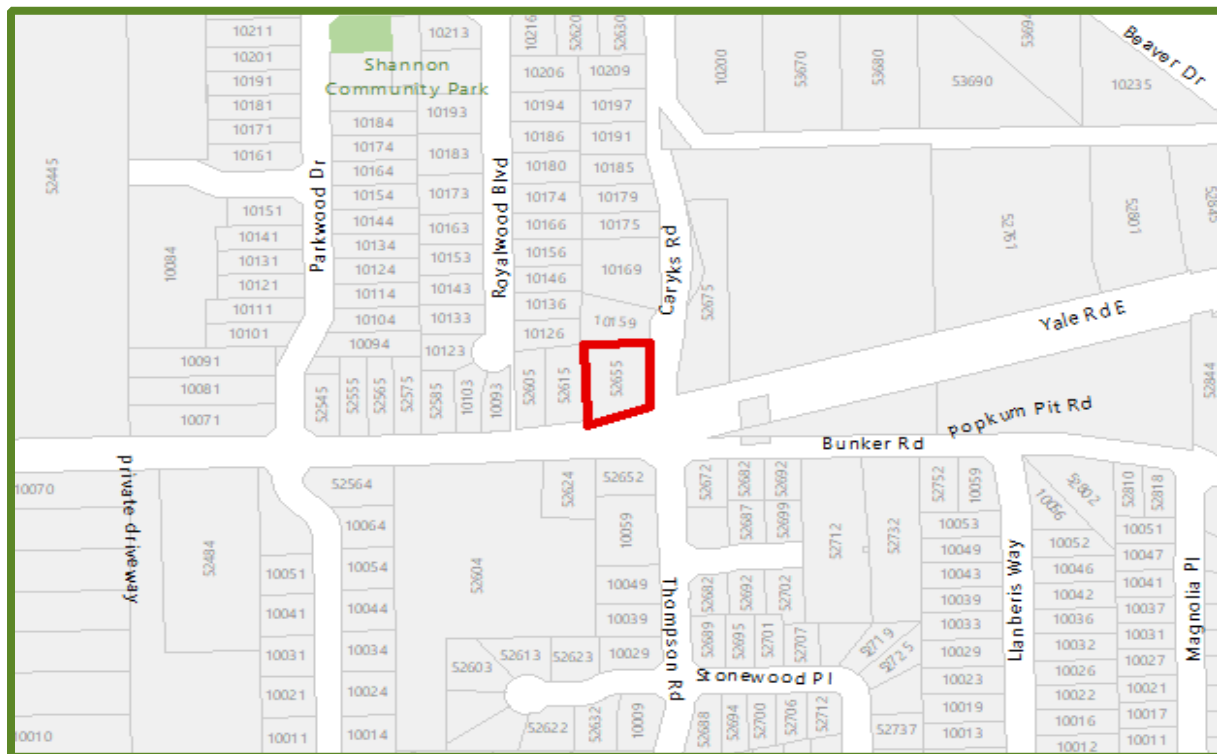
Agricultural Land Reserve

No

### ADJACENT ZONING & LAND USES

North	^	Suburban Residential 3 (SBR-3); Single-family dwelling
East	>	Rural Residential 1 (RR-1); Single-family dwelling
West	<	Suburban Residential 2 (SBR-2); Single-family dwelling
South	v	Suburban Residential 2 (SBR-2); Yale Road East, single-family dwelling

### NEIGHBOURHOOD MAP



### PROPERTY MAP



## DISCUSSION

### Property Description and Existing Structures

Constructed in 1976, the single-storey dwelling at 52655 Yale Road is situated on a corner lot at the junction of Yale Road East and Caryks Road in Popkum, Electoral Area D. This large 0.245 ha (0.606 acre) parcel currently has the following structures located on it:

Structure Type	Size	Use
Single-storey dwelling	1,516 ft <sup>2</sup> (140.9 m <sup>2</sup> )	Residential Dwelling
Storage shed 1	169 ft <sup>2</sup> (15.75 m <sup>2</sup> )	Recycling, small garden tools
Storage shed 2 (shown on site plan)	190ft <sup>2</sup> (17.7 m <sup>2</sup> )	Storage of lawn tractor
Metal sea-can	80 ft <sup>2</sup> (7.4 m <sup>2</sup> )	Storage of miscellaneous items

The two constructed small accessory structures will remain on the property, while the owners are wishing to remove the metal sea-can storage unit off the property if the variance application is approved and more storage is then available.

The site plan in Schedule A shows only Storage Shed 2 on the property as this site plan was drawn to just show the placement of the proposed structure in relation to immediate surrounding features. Storage Shed 1 is located just north of the dwelling.

### Variance Request

The property owners are looking to increase the allowable gross floor area of a proposed residential accessory structure. The shed is proposed to be 10.97 m by 6.7 m (36 ft by 22 ft), or 73.6 m<sup>2</sup> (792.2 ft<sup>2</sup>) with an additional lean-to on the side. The height of the structure is well within the allowable 5.0 m (16.4 ft) height for accessory structures as the proposed height is 3.8 m (12.47 ft).

Maximum Gross Floor Area for Accessory Buildings	
Permitted (SBR-3 zoning)	45.0 m <sup>2</sup> (484.4 ft <sup>2</sup> )
Proposed	73.6 m <sup>2</sup> (792.2 ft <sup>2</sup> )
Requested Variance	Increase of 28.6 m <sup>2</sup> (307.8 ft <sup>2</sup> )
Percent Increase	63.5%

Additional Zoning Requirements in SBR-3 Zone	
Required	Proposed
Height for accessory structures– 5.0m (16.4 ft)	3.8 m (12.47 ft)
Lot Coverage – 40%	13%

The additional lean-to attached to the proposed kit shed runs the full length of the structure and is proposed to be 10.97 m by 3.0 m (36 ft by 10 ft) in size, or 33.4 m<sup>2</sup> (360 ft<sup>2</sup>), and will have a gravel base. It is not included in the gross floor area calculations for a residential accessory structure as it does not have exterior walls, but is calculated in the lot coverage. The site map on Schedule A only shows the area of the structure without the attached lean-to.

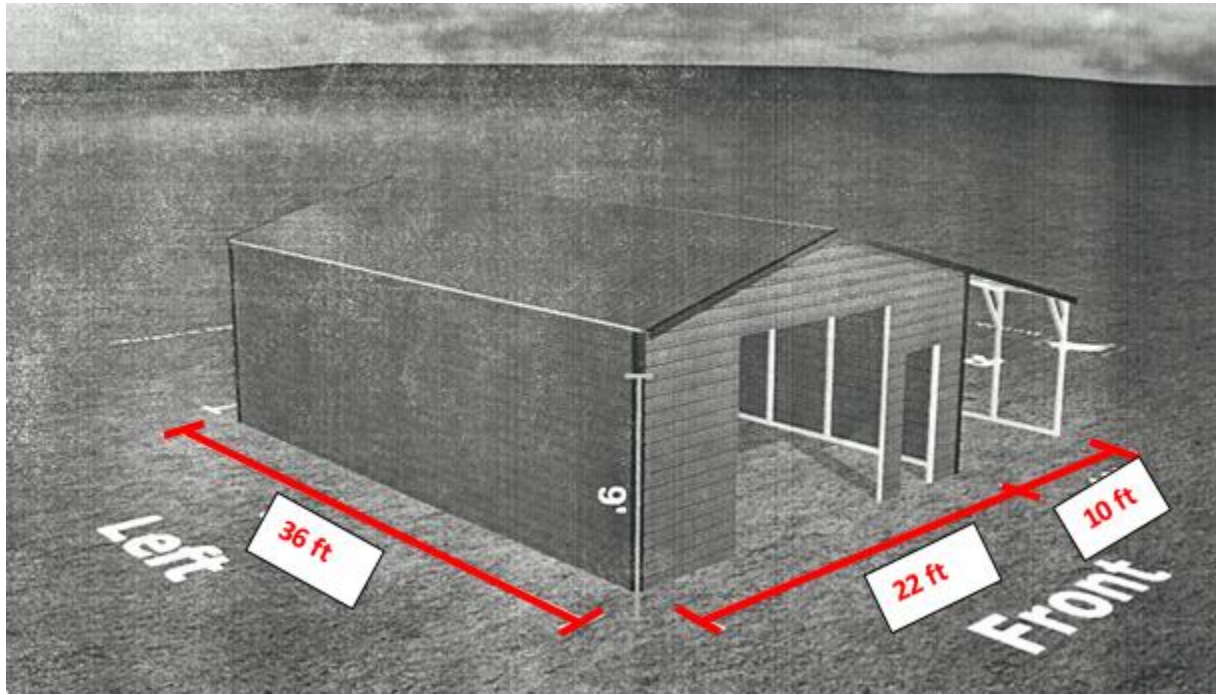
Due to the larger size of the property, if the variance is not granted, the property owners could construct two accessory structures which would both meet the maximum allowable gross floor area. While this option is feasible, it would be at a greater cost and may not meet the intended use for the property owners.

#### Applicant rationale

The property owners recently purchased the property at 52655 Yale Road, downsizing from a larger dwelling. Thus, they state the following:

- More liveable space is desirable as the main floor of the existing dwelling is 92 m<sup>2</sup> (992 ft<sup>2</sup>) and the partial basement area is 48.9 m<sup>2</sup> (526 ft<sup>2</sup>);
- The additional space will be used as a recreational room and hobby area;
- More permanent storage is required on site so they can take their belongings out of a temporarily placed sea-can and have it removed from the property.

-An open-sided lean-to off the side of the proposed accessory structure is intended to keep a personal truck out of the elements. The lean-to will be facing east towards the house and will have a gravel base.



#### Staff Comments

Staff are not opposed to the variance primarily for the following reasons:

- The lot coverage, with the proposed accessory structure, will be approximately 13%. This is considerably less than the permitted 40% lot coverage in the SBR-3 zone; and
- The proposed accessory structure will exceed the minimum setback and height requirements of the zone.
- The parcel is fairly large (0.245 ha or 0.6 acres) for the zone and can accommodate a larger accessory building.

#### Re-zoning of the Property

The previous property owners of 52655 Yale Road were looking to consolidate the subject property with the adjoining property to the north, and then subdivide them into three separate parcels. A re-zoning of 52655 Yale Road and 10159 Caryks Road occurred simultaneously to change the zoning from Country Residential (CR) to Suburban Residential-3 (SBR-3) zone to allow for smaller lot sizes.



While the re-zoning process was completed in early 2021, the subdivision process was cancelled and the property was subsequently sold. The current owners commented that they have no intention of moving forward with the subdivision process.

The placement of the accessory structure in its proposed location could potentially limit any future subdivision layouts. Staff may be reluctant to support any future variance applications related to subdivision regarding setbacks and lot coverage that arise as a result of the presence of an oversized residential accessory structure.

### Zoning Bylaw Review

The Fraser Valley Regional District Board has seen numerous DVP applications pertaining to the increase in gross floor area and height of residential accessory structures in the Popkum/Bridal Falls area over the years.

The following table summarizes past DVP applications in Electoral Area D (SBR-2 and SBR-3 zones) to vary the zoning bylaw to increase the allowable gross floor area of residential accessory structures. The information in the table is only provided to give context to accessory structure buildout, as each application is considered based on its own merits. Previous DVP approvals/refusals do not set precedence.

Development Variance Permits to Increase Gross Floor Area of Accessory Structures				
Civic Address	Permit Number	Variance Request Bylaw = 45m <sup>2</sup> maximum		Approved/Denied
16-10200 Gray Rd	DVP 2014-17	89.2m <sup>2</sup>	(98% increase)	Approved
52672 Parkrose Wynd	DVP 2016-13	116m <sup>2</sup>	(158% increase)	Denied
52672 Parkrose Wynd	DVP 2016-15	62m <sup>2</sup>	(38% increase)	Denied
10094 Parkwood Dr	DVP 2017-01	53.1m <sup>2</sup>	(18% increase)	Approved
52671 Parkrose Wynd	DVP 2017-09	76m <sup>2</sup>	(69% increase)	Approved
10338 Wildrose Dr	DVP 2017-19	56.4m <sup>2</sup>	(25% increase)	Approved
52725 Parkrose Wynd	DVP 2017-20	53.1m <sup>2</sup>	(18% increase)	Approved
10191 Caryks Rd	DVP 2019-05	53.5m <sup>2</sup>	(19% increase)	Approved
10180 Royalwood Blvd	DVP 2019-07	64m <sup>2</sup>	(42% increase)	Approved
10395 Wildrose Dr	DVP 2019-10	58m <sup>2</sup>	(29% increase)	Approved
10163 Royalwood Blvd	DVP 2019-12	76m <sup>2</sup>	(69% increase)	Approved
10394 Parkwood Dr	DVP 2019-14	107m <sup>2</sup>	(138% increase)	Approved
10394 Parkwood Dr	DVP 2019-14	107m <sup>2</sup>	(138% increase)	Approved
9966 Llanberis Way	DVP 2019-31	57.6m <sup>2</sup>	(28% increase)	Approved
10146 Royalwood Pl	DVP 2020-20	58m <sup>2</sup>	(29% increase)	Approved
10394 Woodrose Pl	DVP 2021-05	58m <sup>2</sup>	(29% increase)	Approved
10325 Caryks Rd	DVP 2021-18	69m <sup>2</sup>	(53.3% increase)	Approved
10427 Woodrose Pl	DVP 2022-01	89m <sup>2</sup>	(98% increase)	Approved

10356 Royalwood Blvd	DVP 2022-03	56 m <sup>2</sup> (24% increase)	Approved
10307 Woodrose Pl	DVP 2022-13	67 m <sup>2</sup> (49% increase)	Approved
103071 Parkwood Dr	DVP 2022-15	107.2m <sup>2</sup> (138% increase)	Approved

Over the past 8 years, the Board has considered numerous DVP applications in Popkum that seek to vary the maximum height or gross floor area of accessory structures. In the absence of a framework on which decisions can be based, it is hard to provide recommendations that consider the merit of these requests. As a result, decisions have become somewhat arbitrary over the years. As such, staff are seeing an increased number of similar applications, mainly demonstrating the desire of property owners to construct larger accessory buildings than allowed by the bylaw rather than the presence of siting constraints. Siting constraints may be environmentally significant features or topographical limitations. Staff believe continuing to approve similar variances discourages property owners from identifying building types and locations within the property which would better conform to the zoning regulations.

Accordingly, staff is looking to develop and bring to the Board a DVP application evaluation policy that establishes guidelines for reviewing and assessing these variance applications. A review of the zoning regulations regarding residential accessory buildings in Popkum, Area D, is also recommended.

#### Building Permit

If the DVP application is successful, the applicant will be required to obtain a building permit to construct the proposed residential accessory structure on the property. The proposed accessory structure meets all the required property line setbacks and site coverage requirements as outlined in *Zoning Bylaw No. 1638, 2021*.

#### Ministry of Transportation and Infrastructure

Prior to the recent purchase of the property at 52655 Yale Road by the current owners, a second driveway was put in along the western property boundary off Yale Road East. The main driveway access is off Caryks Road which is a quieter road than the main Yale Road East highway.

The Ministry of Transportation and Infrastructure (MoTI) reviewed this second access driveway and has no operational concerns about the continued use of the driveway off Yale Road.

MoTI will require a driveway permit for this secondary access driveway, and as such, as a condition of the development variance permit, the property owners will be required to obtain a driveway access permit for the additional driveway off Yale Road East from the Ministry of Transportation and Infrastructure (MoTI).

#### **Neighbourhood Notification and Input**

All property owners within 30 metres of the subject property will be notified by FVRD of the DVP application and will be given the opportunity to provide written comments or attend the Board

meeting to state their comments. FVRD staff encourage applicants to advise neighbouring property owners and residents of the requested variance in advance of the mail-out notification. To date, four letters of support have been submitted and are attached to this report.

## **COST**

The DVP application fee of \$1,570.00 has been paid in full by the applicant.

## **CONCLUSION**

The new owners of 52655 Yale Road have applied for a development variance permit to construct a 73.6 m<sup>2</sup> (792.2 ft<sup>2</sup>) residential accessory structure on their property which will be larger than the maximum allowable gross floor area of 45 m<sup>2</sup> (484.4 ft<sup>2</sup>) for the zone. As their dwelling has a total floor area of 140.9 m<sup>2</sup> (1,516 ft<sup>2</sup>), including a partial basement, the owners are looking to increase their storage, recreational and hobby space within this residential accessory structure.

The proposed residential accessory structure is under the maximum height requirement and exceeds the lot line setbacks for the current Suburban Residential-3 (SBR-3) zone. The proposed 13% lot coverage is also well within the maximum 40% lot coverage. As such, staff recommend Development Variance Permit 2024-01 be issued by the Fraser Valley Regional District Board, subject to any comments or concerns raised by the public.

## **OPTIONS**

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

MOTION: THAT the Fraser Valley Regional District Board issue Development Variance Permit 2024-01 for 52655 Yale Road, Area D, to increase the maximum gross floor area of a residential accessory structure from 45 square metres to 73.6 square metres, measured clear to sky, subject to consideration of 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 Board refuse Development Variance Permit 2024-01 for the property located at 52655 Yale Road, Electoral Area D.



### **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 2024-01 for the property located at 52655 Yale Road, Electoral Area D to FVRD staff.

#### **COMMENTS BY:**

**Hasib Nadvi, Manager of Planning:** reviewed and supported

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

**Kelly Lownsbrough, Director of Corporate Services/CFO:** Reviewed and supported.

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

DEVELOPMENT VARIANCE PERMIT 2024-01  
SCHEDULE A

