

To: Electoral Area Services Committee

Date: 2018-02-15

From: Johannes Bendle, Planner I

File No: 3090-20 2018-06

**Subject: Development Variance Permit to Decrease the Side and Rear Lot Setback for 121-14500 Morris Valley Road, Electoral Area C**

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### RECOMMENDATION

**THAT** the Fraser Valley Regional District Board considers Development Variance Permit 2018-06 to reduce the side and rear lot setback for a shed at 121-14500 Morris Valley Road, Electoral Area " C " after neighbourhood notification and consideration of any comments or concerns raised by the public.

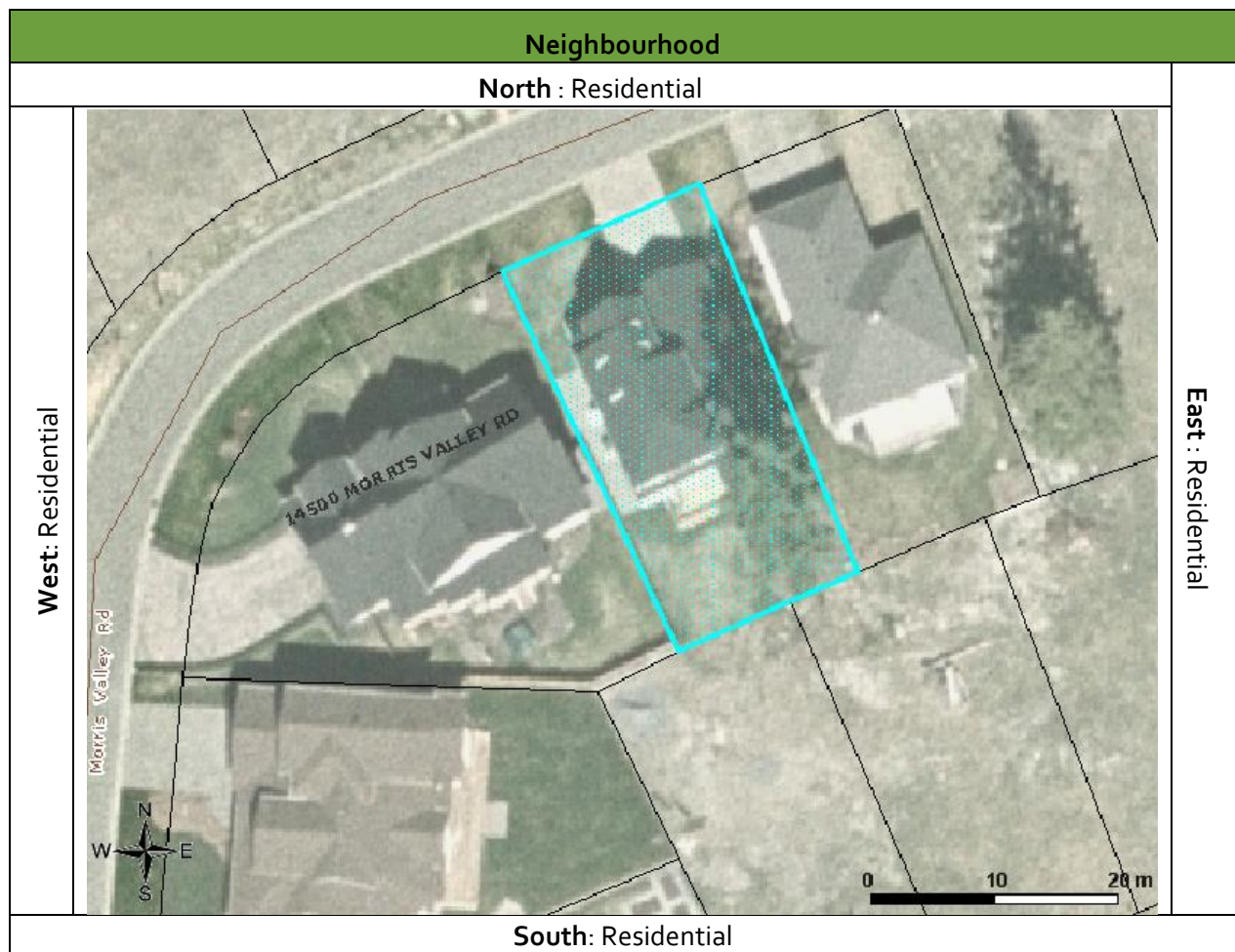
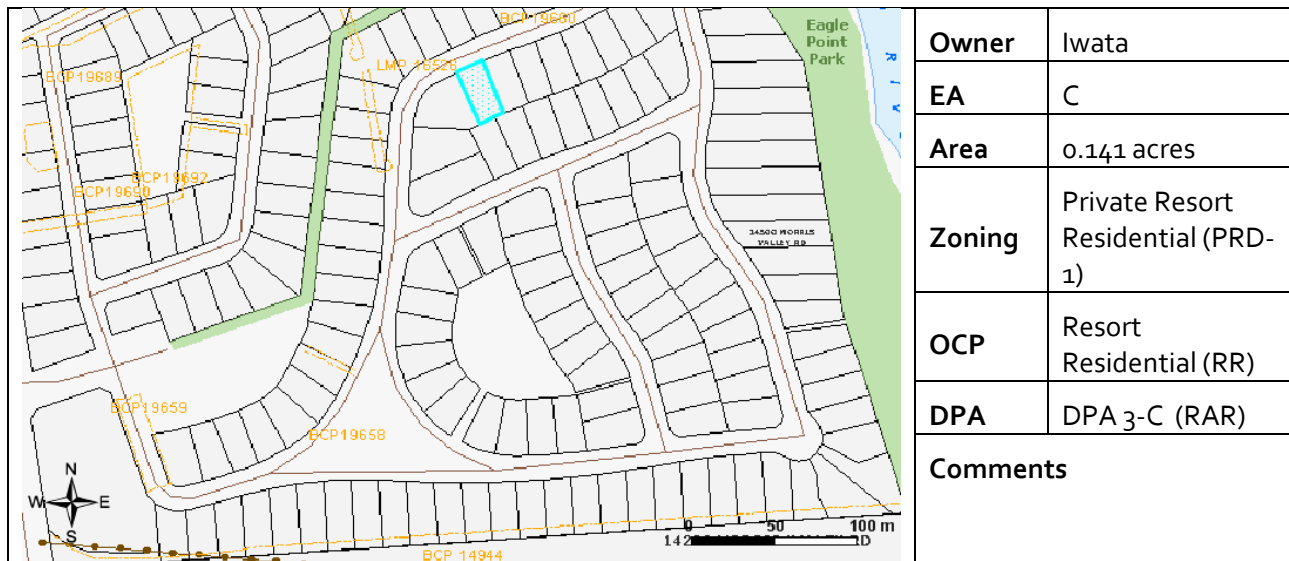
### STRATEGIC AREA(S) OF FOCUS

Foster a Strong & Diverse Economy

Provide Responsive & Effective Public Services

### BACKGROUND

The subject property is located in the Eagle Point Estates residential development. The occupant of the house started construction of a small shed in the backyard in contravention of the Zoning Bylaw siting regulations. The applicant has therefore applied for a Development Variance Permit to rectify the matter.



## DISCUSSION

The occupant of the subject property is seeking a Development Variance Permit for a 12'x12' (144 ft.<sup>2</sup>) shed. The applicant is applying for reduced side lot setback from 2.1m to 15cm (6in) and a reduced rear setback from 7.6m to 2.7m. The shed currently sits between 17ft. (5.2m) and 18ft. (5.5m) from the rear property and the applicant does not intend to move the shed further back unless necessary. The owner of Strata Lot 122, which is the most impacted property by the variance, has signed a letter of support for the Development Variance Permit.

Building staff have reviewed the site plan and there is no Building Code concern regarding the separation distances between the house and the shed. As the bedroom which is adjacent to the shed has a door outside, and therefore another point of egress, there is no Building Code concern with having the shed block part of the window.

### **Bylaw Enforcement**

In December 2017, an inspection of the property by staff confirmed the presence of a partially constructed 12' x 12' shed. Staff sent the property owner a letter outlining the contravention to the Zoning Bylaw. As the shed has a floor area not exceeding 20m<sup>2</sup> (215ft<sup>2</sup>) a Building Permit is not required.



Pictures of shed taken by Bylaw Enforcement staff

### **Neighbourhood Notification**

The FVRD encourages Development Variance Permit applicants to communicate with and notify their neighbours of their development plans. To date a letter with signatures of support has been received.

All property owners within 30 metres of the property, as well as the Eagle Point Strata, will be notified by the FVRD of the Development Variance Permit application and be given the opportunity to provide written comments or attend the Board meeting to state their comments.

## **COST**

Development Variance Permit application fee of \$350.00 has been paid by the applicant.

## **CONCLUSION**

Staff recommend that the Fraser Valley Regional District Board consider the Development Variance Permit after neighbourhood notification.

## **COMMENTS BY:**

### **Graham Daneluz, Deputy Director of Planning & Development**

A setback of 3 feet ( $\approx 1\text{m}$ ) is common for accessory buildings such as sheds and would be appropriate as a minimum side setback in this case.

The proposed setback of 0.5 ft (0.15 m) from a side property line is inadequate to allow construction and maintenance without trespass on the adjacent parcel. Also, roof runoff from the shed may flow on to the adjacent property. Given the relatively small roof area of the shed, the volume of water would be minor but storm water run-off across property lines should be avoided.

The current owner of the adjacent property (Lot 122) has supported the variance; future owners may not. If the Board wishes to approve the variance, to avoid foreseeable future conflicts the Board may wish to: require as conditions of the DVP that: 1) the applicant obtain a suitable easement along the adjacent lot (Lot 122) to provide for future maintenance; and, 2) require that roof drainage be controlled and disposed of on-site.

### **Margaret Thornton, Director of Planning & Development**

Reviewed and supported

### **Mike Veenbaas, Director of Financial Services**

No further financial comments.

### **Paul Gipps, Chief Administrative Officer**

Not available for comment.