

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

Date: 2018-03-13  
File No: 3090-20-2018-09

**Subject: Application for Development Variance Permit 2018-09 to vary the front lot line setback requirement for a Single Family Dwelling at 50912 Winona Road, Electoral Area E.**

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## RECOMMENDATION

THAT the Fraser Valley Regional District Board issue Development Variance Permit 2018-09 to vary the front lot line setback requirement from 4.6 meters to 2.16 metres, including eaves, to allow for a covered entry roof overhang, subject to consideration of any comments or concerns raised by the public.

## STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

## LIST OF ATTACHMENTS:

- Appendix A: Site Plan
- Appendix B: Floor Plan
- Appendix C: Elevation Drawings
- Appendix D: Ministry of Transportation and Infrastructure permit to reduce setback less than 4.5 metres from the property line fronting a provincial public highway (road).

## BACKGROUND

The owner of 50912 Winona Road has submitted a Development Variance Permit (DVP) application for *Bylaw No. 66, Zoning Bylaw for Electoral Area "E" of Fraser-Cheam Regional District, 1976* in order to decrease the front lot line setback requirement to a Single Family Dwelling. Details of the subject property are as follows.

Address: 8511 Thompson Road		
	<b>Owner</b>	Gerardus and Wouterdina Zijnen
	<b>Agent</b>	N/A
	<b>EA</b>	E
	<b>Zoning</b>	Multi-Use Residential (RS-2)
	<b>OCP</b>	Residential/Limited Use (R/L)
	<b>DPA</b>	Slope Hazard DPA 3-E – DP issued RAR DPA 5-E – Not Applicable
<b>ALR</b>	No	

Neighbouring Lands	
<p><b>North : Winona Road and Single Family Dwelling</b></p>	
<p><b>West: Single Family Dwelling</b></p>	<p><b>East : Winona and O'Byrne Road</b></p>
<p><b>South: Steep Slope and O'Byrne Road</b></p>	

## DISCUSSION

The property owners of 50902 Winona Road have submitted a Development Variance Permit application to vary the front lot line setback to permit a covered entry and roof overhang on a single family dwelling. Area "E" Zoning Bylaw 66 permits a siting exemption of 1.2 metres (4 feet) into the front lot line for roof overhangs and eaves. The owners have applied to increase this exemption to permit the roof to encroach 2.44 metres (8 feet) into the front lot line setback, thus reducing the required setback to 2.16 metres, including eaves. The dimensions of the roof are 20 feet 6 inches wide by 8 feet deep, as illustrated in the diagram below.

Building Dimensions for Single Family Dwelling	
	Front Line Setback (clear to sky)
<b>Required</b>	4.6 m to the foundation and 3.4 m clear to sky for a roof overhang
<b>Proposed</b>	4.6 m to the foundation and 2.16 m clear to sky for a roof overhang
<b>Variance</b>	2.44 m (64 % reduction)



Figure 1 Proposed covered entry and roof overhang

A building permit application has been made under Building Permit No. 013239. The building permit has been issued and construction has commenced. The roof overhang for the covered entry was not clearly indicated on the construction drawings or illustrated on the submitted site plan (Appendix A). As such, during the initial plan check of the building permit application, the roof overhang for the covered entry was not reviewed to ensure it conformed with the siting requirements of the zoning bylaw. A floor plan of the single family dwelling and elevation drawings are attached as Appendix B and C.

During framing inspection it was documented by the Building Inspector that the roof overhang encroached into the front lot line setback. In order to resolve the deficiency the owner has requested a variance. Furthermore, the overhang also encroaches into the Ministry of Transportation and Infrastructure (MOTI) 4.5 metre setback requirement. The owners have obtained a permit from MOTI to reduce the setback less than 4.5 metres from the property line fronting a road. The MOTI permit is attached as Appendix D.

In addition to the roof overhang, the owners have installed a retaining wall within the front lot line setback. The retaining wall is a requirement of Development Permit 2014-13, essential for bank protection. The siting of the retaining wall has been approved by MOTI as well.

### Development Permit and Geotechnical Hazards

The subject property is within Development Permit Area 3 –E for slope hazards. The property owners submitted an acceptable geotechnical hazard assessment and were issued a Development Permit in April of 2015 (DP 2014-13). The hazard assessment identifies a safe building envelope for which the

foundation of the single family dwelling is sited within. The buildable area on the lot is quite limited due to topographical features. The footprint of the dwelling is maximized within the safe building envelope. The owners are unable to re-site the dwelling to accommodate the covered entry and still conform to the siting of the safe building envelope. However, the depth of the roof could be reduced to minimize encroachment into the setback while still protecting the entry from the elements.

### **Neighbourhood Notification**

The FVRD encourages development variance permit applicants to communicate with and notify their neighbours of their development plans. To date no letters of support or opposition have been received. All property owners within 30 metres of the property will be notified and given the opportunity to provide written comments or attend the Board meeting to state their comments.

### **COST**

The application fee of \$350 has been paid by the applicant.

### **CONCLUSION**

The property owners have applied for a variance to reduce the front lot line setback to permit a covered entry and roof overhang. Considering MOTI approval and geotechnical constraints of the lot, staff recommends Development Variance Permit 2018-09 be issued, subject to any concerns raised as a result of neighbour notification.

### **COMMENTS BY:**

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

**Margaret Thornton, Director of Planning & Development** - Reviewed and supported

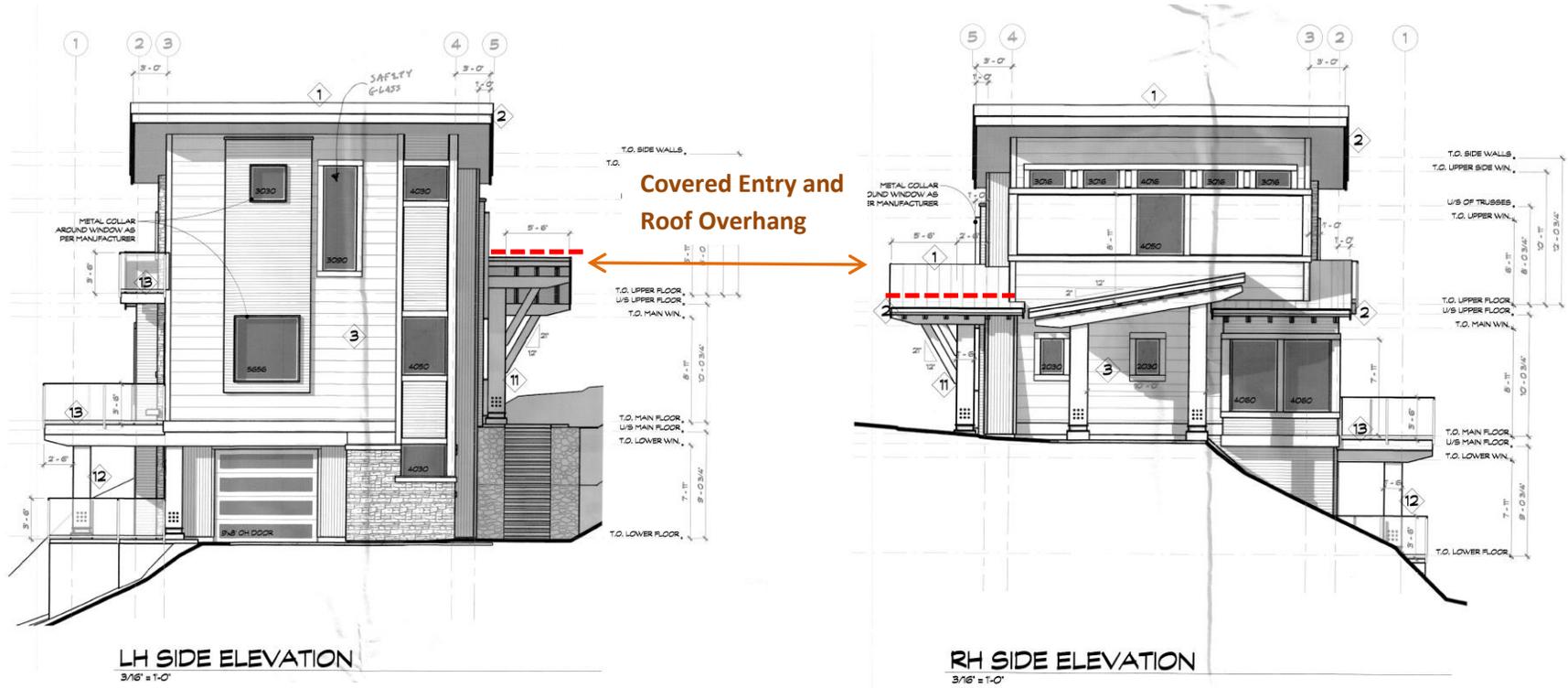
**Mike Veenbaas, Director of Financial Services** – Not available for comment

**Paul Gipps, Chief Administrative Officer** Reviewed and supported





# Elevation Drawings



## Appendix D

### Ministry of Transportation and Infrastructure Permit

<p> <b>BRITISH COLUMBIA</b>   Ministry of Transportation and Infrastructure</p> <p>Permit/File Number: <u>2018-00488</u> Office: <u>Chilliwack Area Office</u></p> <p><b>PERMIT TO REDUCE BUILDING SETBACK LESS THAN 4.5 METRES FROM THE PROPERTY LINE FRONTING A PROVINCIAL PUBLIC HIGHWAY</b></p> <p><b>PURSUANT TO TRANSPORTATION ACT AND/OR THE INDUSTRIAL ROADS ACT AND/OR THE MOTOR VEHICLE ACT AND/OR AS DEFINED IN THE NISGA'A FINAL AGREEMENT AND THE NISGA'A FINAL AGREEMENT ACT.</b></p> <p><b>BETWEEN:</b></p> <p style="text-align: center;">The Minister of Transportation and Infrastructure Chilliwack Area Office 45890 Victoria Avenue Chilliwack, BC V2P 2T1 Canada ("The Minister")</p> <p><b>AND:</b></p> <p style="text-align: center;">Ger Zijnen 50902 Winona Road Chilliwack, British Columbia V4Z 1B7 Canada ("The Permittee")</p> <p><b>WHEREAS:</b></p> <p><b>A.</b> The Minister has the authority to grant permits for the auxiliary use of highway right of way, which authority is pursuant to both the Transportation Act and the Industrial Roads Act, the Motor Vehicle Act, as defined in the Nisga'a Final Agreement and the Nisga'a Final Agreement Act.</p> <p><b>B.</b> The Permittee has requested the Minister to issue a permit pursuant to this authority for the following purpose: The construction of a building, the location of which does not conform with British Columbia Regulation 513/04 made pursuant to section 90 of the Transportation Act, S.B.C. 2004, namely: to allow structures (existing house and concrete slabs) within the 4.5m setback from Ministry right of way, as shown on submitted survey by Tunbridge and Tunbridge (January 16<sup>th</sup>, 2018).</p> <p><b>C.</b> The Minister is prepared to issue a permit on certain terms and conditions;</p> <p>ACCORDINGLY, the Minister hereby grants to the Permittee a permit for the Use (as hereinafter defined) of highway right of way on the following terms and conditions:</p> <ol style="list-style-type: none"><li>1. This permit may be terminated at any time at the discretion of the Minister of Transportation and Infrastructure, and that the termination of this permit shall not give rise to any cause of action or claim of any nature whatsoever.</li><li>2. This permit in no way relieves the owner or occupier of the responsibility of adhering to all other legislation, including zoning, and other land use bylaws of a municipality or regional district.</li><li>3. If the structures are to be removed or destroyed for any reason, they must be replaced at 4.5 meters from the legal boundary of all road allowances.</li><li>4. Please be advised that in the event of future road widening, the Ministry of Transportation may ask the applicant to re-locate or remove the permitted structures at the applicant's expense.</li><li>5. The Ministry of Transportation and Infrastructure will not be held responsible for any damage to the structures.</li><li>6. There shall be no further encroachments into the 4.5m setback.</li></ol> <p style="text-align: right;">Page 1 of 2</p>	<p> <b>BRITISH COLUMBIA</b>   Ministry of Transportation and Infrastructure</p> <p>Permit/File Number: <u>2018-00488</u> Office: <u>Chilliwack Area Office</u></p> <p>The rights granted to the Permittee in this permit are to be exercised only for the purpose as defined in Recital B on page 1.</p> <p>Dated at <u>Chilliwack</u>, British Columbia, this <u>26</u> day of <u>January</u>, 2018</p> <p style="text-align: center;"> _____ On Behalf of the Minister</p> <p style="text-align: right;">Page 2 of 2</p>
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