



## FRASER VALLEY REGIONAL DISTRICT DEVELOPMENT VARIANCE PERMIT

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**Permit No.** Development Variance Permit2018-09      **Folio No.** 733.06605.067

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**Issued to:** Gerardus and Wouterdina Zinjen

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**Address:**

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**Applicant:** Gerardus and Wouterdina Zinjen

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**Site Address:** 50912 Winona Road, Area D

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The lands affected by and subject to this permit are shown on Schedule "A", Location Map, attached hereto, which forms an integral part of this permit, and are legally described as:

LOT 72, SECTION 33, TOWNSHIP 1, RANGE 29, WEST OF THE 6<sup>TH</sup> MERIDIAN, NEW WESTMINSTER  
DISTRICT PLAN27885.

Parel Identifier: 008-923-671

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### LIST OF ATTACHMENTS

Schedule "A": Location Map

Schedule "B": Site Plan

Schedule "C": Ministry of Transportation and Infrastructure permit to reduce setback less than 4.5 metres from the property line fronting a provincial public highway.

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### AUTHORITY TO ISSUE

1. This Development Variance Permit is issued under Part 14 – Division 9 of the *Local Government Act*.

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### BYLAWS SUPPLEMENTED OR VARIED

Zoning Bylaw for Electoral Area "E", 1976 of the Regional District of Fraser-Cheam 1976 is **varied** as follows:

Section 9.3 (a) the Highway setback requirement is reduced from 4.6 meters to 2.16 metres, clear to sky, to allow for a covered entry roof overhang

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### SPECIAL TERMS AND CONDITIONS

1. No variances other than those specifically set out in this permit are implied or to be construed.
2. If the holder of this permit does not commence the construction with respect to which the Permit was issued within two (2) years after the date of the permit, this permit shall lapse.

3. Development of the site shall be undertaken in accordance with the Site Plan attached hereto as Schedule "B".
4. All new construction shall be generally in compliance with Building Permit No. BP013239

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#### GENERAL TERMS AND CONDITIONS

1. This Development Variance Permit is issued Pursuant to Part 14 – Division 9 of the *Local Government Act*.
2. This Development Variance Permit shall not vary the permitted uses or densities of land use in the applicable zoning bylaw nor a flood plain specification designated under Section 524 of the *Local Government Act*.
3. Nothing in this permit shall in any way relieve the developer's obligation to ensure that the development proposal complies in every way with the statutes, regulations, requirements, covenants and licences applicable to the undertaking.
4. Nothing in this permit shall in any way relieve the developers obligation to comply with all setback regulations for construction of structures or provision of on-site services pursuant to the *Public Health Act*, the *Fire Services Act*, the *Safety Standards Act*, and any other provincial statutes.

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#### SECURITY DEPOSIT

As a condition of the issuance of this Permit, and pursuant to Section 502 of the *Local Government Act*, the Regional Board is holding the security set out below to ensure that development is carried out in accordance with the terms and conditions of this Permit

Should the holder of this permit:

- a. fail to complete the works required to satisfy the landscaping conditions contained herein,
- b. contravene a condition of the permit in such a way as to create an unsafe condition,

The Regional Board may undertake and complete the works required to satisfy the landscaping conditions, or carry out any construction required to correct an unsafe condition at the cost of the holder of the permit and may apply the security in payment of the costs of the works, with any excess to be returned to the holder of the permit.

Security Posted:       (a)     an irrevocable letter of credit in the amount of: \$ <N/A> .  
                                 (b)     the deposit of the following specified security: \$ <N/A> .

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Note: The Regional District shall file a notice of this permit in the Land Title Office stating that the land described in the notice is subject to Development Variance Permit Number 2018-09. The notice shall take the form of Appendix I attached hereto.

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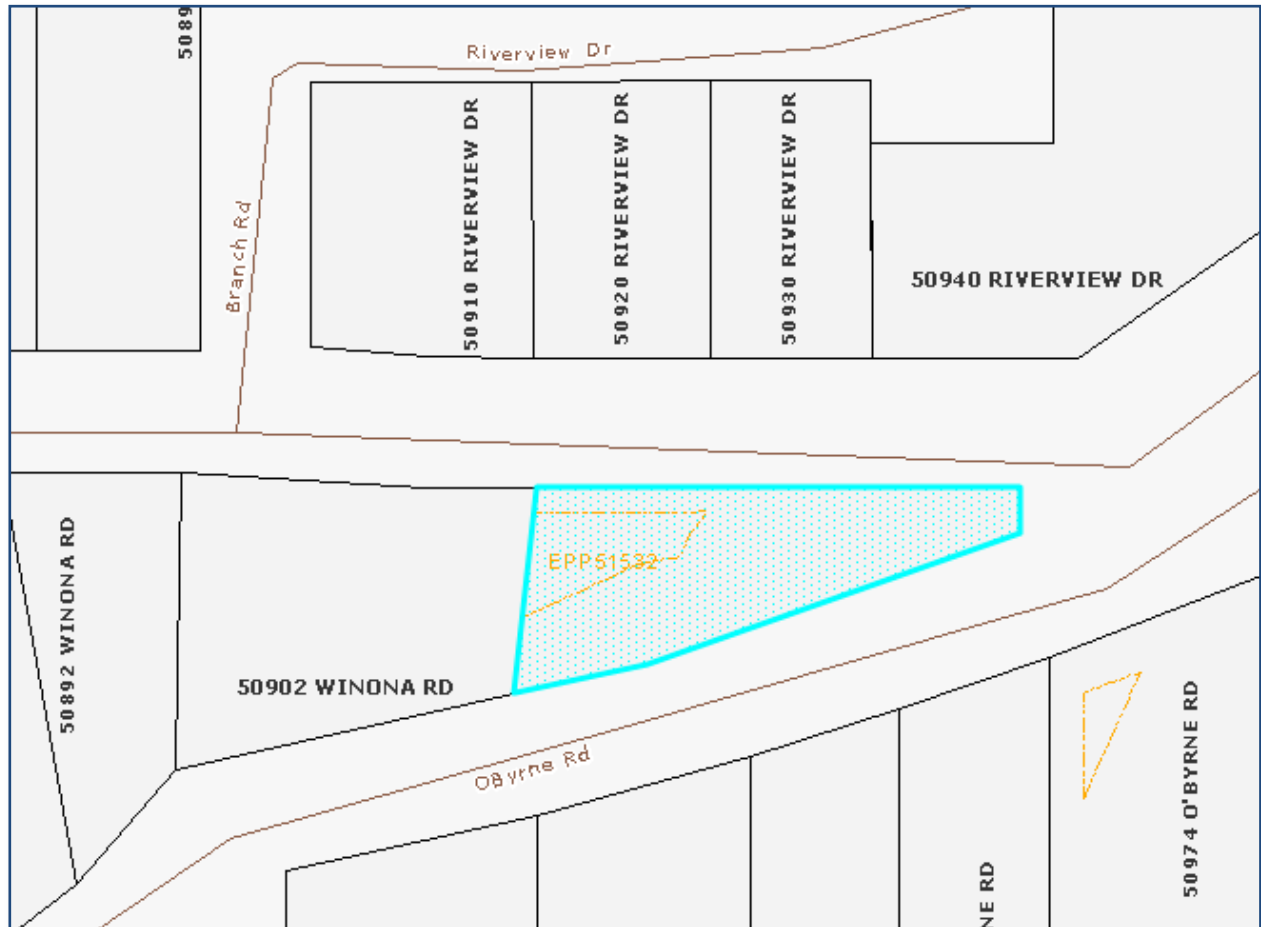
AUTHORIZING RESOLUTION PASSED BY THE BOARD OF DIRECTORS OF THE FRASER VALLEY REGIONAL DISTRICT ON THE <DAY> DAY OF <MONTH>, <YEAR>

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Chief Administrative Officer / Deputy

THIS IS NOT A BUILDING PERMIT

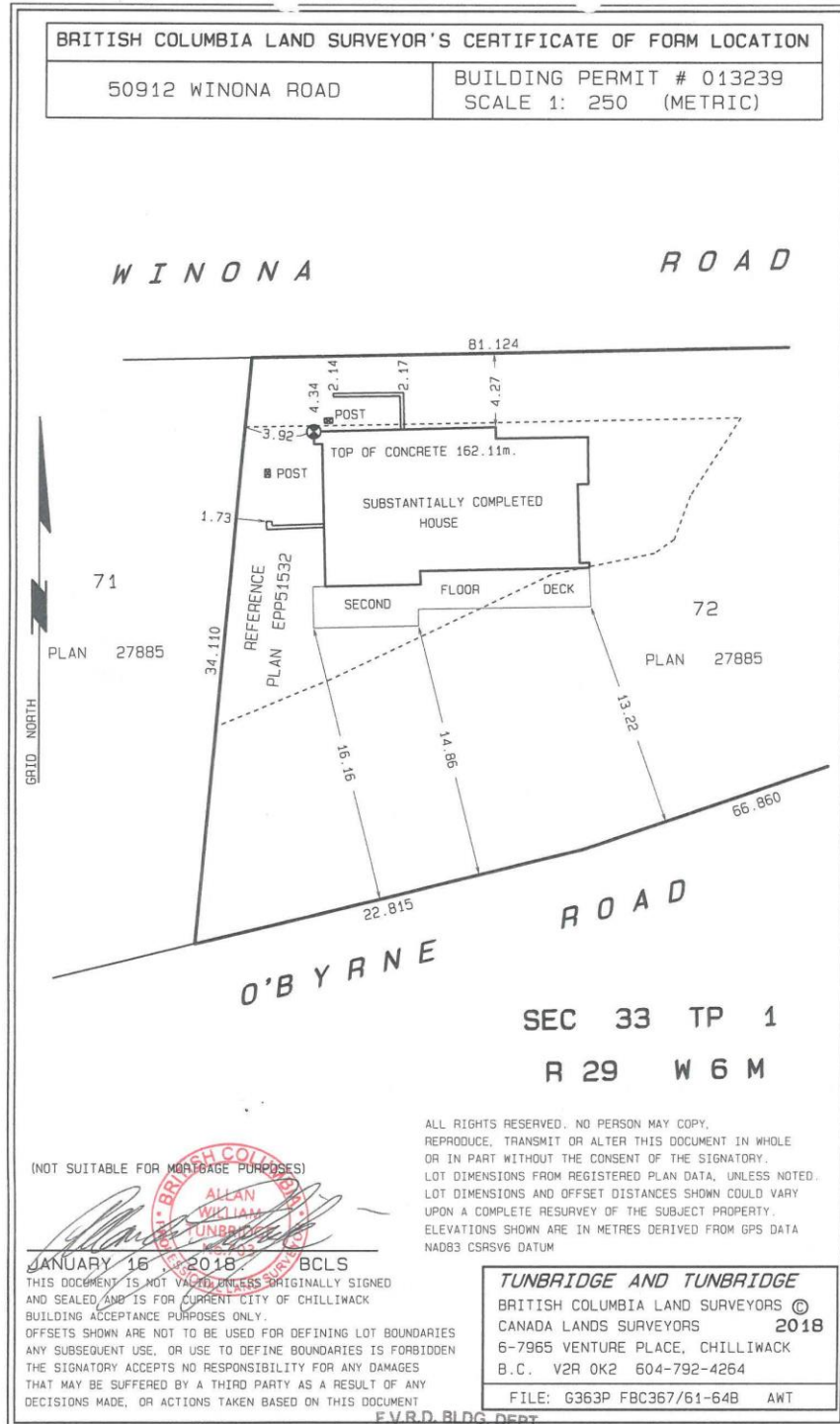
**DEVELOPMENT VARIANCE PERMIT 2018-09**  
**SCHEDULE "A"**  
**Location Map**



# DEVELOPMENT VARIANCE PERMIT

## SCHEDULE "B"

### Site Plan



JAN 17 2018

**DEVELOPMENT VARIANCE PERMIT  
SCHEDULE "C"  
Ministry Of Transportation and Infrastructure Setback Permit**

DRAFT



## PERMIT TO REDUCE BUILDING SETBACK LESS THAN 4.5 METRES FROM THE PROPERTY LINE FRONTING A PROVINCIAL PUBLIC HIGHWAY

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.

**BETWEEN:**

The Minister of Transportation and Infrastructure

Chilliwack Area Office  
45890 Victoria Avenue  
Chilliwack, BC V2P 2T1  
Canada

("The Minister")

**AND:**

Ger Zijnen  
50902 Winona Road  
Chilliwack, British Columbia V4Z 1B7  
Canada

("The Permittee")

**WHEREAS:**

A. 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;

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).

C. The Minister is prepared to issue a permit on certain terms and conditions;

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:

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.
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.
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.
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.
5. The Ministry of Transportation and Infrastructure will not be held responsible for any damage to the structures.
6. There shall be no further encroachments into the 4.5m setback.



BRITISH  
COLUMBIA

Ministry of Transportation  
and Infrastructure

Permit/File Number: 2018-00488

Office: Chilliwack Area Office

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.

Dated at Chilliwack, British Columbia, this 26 day of January, 2018

On Behalf of the Minister