



STAFF REPORT

To: Electoral Area Services Committee
From: Hayley Katan, Planning Technician

Date: 2025-07-10
File No: 3090 2025-06

Subject: Development Variance Permit 2025-06 to increase building height from 7.75m to 9.32m for 4490 Estate Drive, Electoral Area E

Reviewed by: Katelyn Hipwell, Manager of Planning
Graham Daneluz, Director of Planning & Development
Jennifer Kinneman, Chief Administrative Officer

RECOMMENDATION

THAT the Fraser Valley Regional District Board refuse Development Variance Permit 2025-06 for 4490 Estate Drive, Electoral Area E.

BACKGROUND

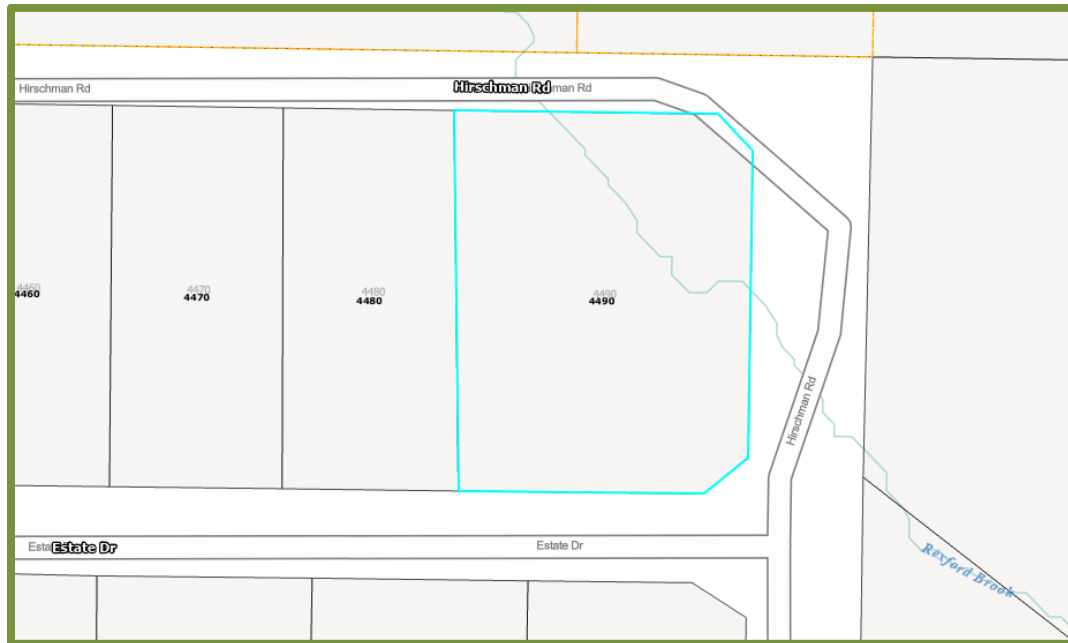
The property owners of 4490 Estate Drive have applied for a Development Variance Permit (DVP) to increase the maximum permitted height of the primary residential building.

The property is zoned Urban Residential 1 (UR-1) under the *FVRD Zoning Bylaw No. 1638, 2021* (Consolidated Zoning Bylaw). The application is to increase the maximum allowable height from 7.75 meters to 9.32 meters. That is an increase of 1.57 meters.

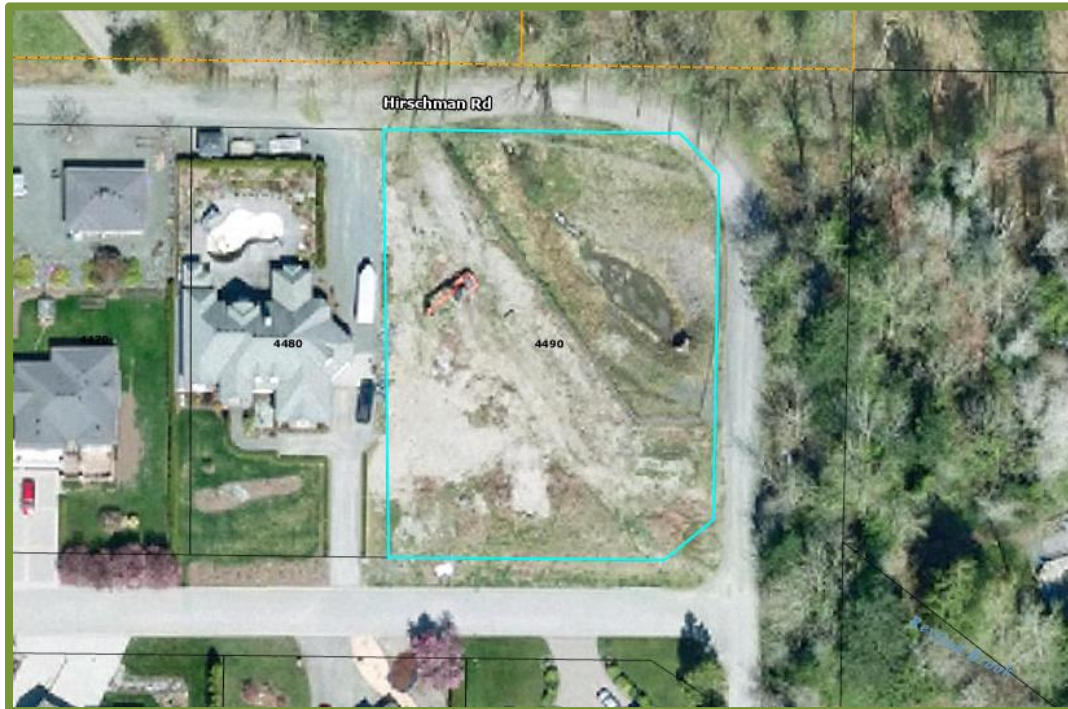
PROPERTY DETAILS			
Address	4490 Estate Dr	Area	E
PID	024-785-547	Owner	Richard & Kathleen Tschritter
Folio	733.01314.235	Agent	Ryan Hoxie
Lot Size	0.32 hectares		
Current Zoning	Urban Residential 1 (UR-1)	Proposed Zoning	No change.
Current OCP	Suburban Residential (SR)	Proposed OCP	No change.
Current Use	Vacant	Proposed Use	Residential
Development Permit Areas	5-E Riparian Areas		
Agricultural Land Reserve	No		
ADJACENT ZONING & LAND USES			
North	^	Rural Resource (RR); Crown land	
East	>	Rural 3 (R-3); Residential	

West	<	Urban Residential 1 (UR-1); Residential
South	v	Urban Residential 1 (UR-1); Residential

NEIGHBOURHOOD MAP



PROPERTY MAP



The property owners are seeking a larger single-family dwelling ‘building **envelope**’ than the covenant BP117263 allows and a taller height than the zoning bylaw would allow.

What this means is that the following items need to happen for the current housing design to receive final approval on a building permit:

- 1) Discharge of Covenant BP117263: This covenant establishes restrictions for 4490 Estate Drive (Lot B) regarding the building envelope, driveway access, and septic design.

The original signatories of this covenant include: the Fraser Valley Health Region (now Fraser Health) and the Ministry of Transportation and Highways (now the Ministry of Transportation and Transit). Both Fraser Health and MoTT have expressed comfort in supporting the release of the covenant. The applicant's notary is to work with both signatories to have this covenant discharged.

Both Fraser Health and MoTT have no interest in establishing a new septic covenant.

- 2) Establishment of a Geohazard Covenant: An FVRD Building Inspector has requested that a Section 56 geohazard covenant be registered on title due to the known Rexford Brook Alluvial Fan hazard.

The geohazard report recommends the construction of a deflection wall, angled toward the retention pond, to mitigate potential mountain stream erosion, avulsion, debris flows, or debris torrents. This deflection wall is intended to be addressed at the building permit stage. The report also advises that future homeowners regularly maintain and clear the ingress side of the culvert during the heavy rain season.

- 3) Riparian Development Permit (DP): The applicant has received provincial approval for a Riparian Areas Assessment Report. A Development Permit (DP) is required, as they are proposing to build within 30 metres of a watercourse.
- 4) Height Development Variance Permit (Subject of this Staff Report): The applicant is requesting a height variance from the zoning maximum of 7.75 metres to 9.32 metres, representing an increase of 1.57 metres.
- 5) Building Permit: The applicant has applied for a building permit, however, the permit is currently on hold until the above planning requirements are further advanced and there is confirmation that the septic covenant will be removed from the title, as the project is dependent on its removal.

DISCUSSION

Applicant Proposal

The applicant is requesting a building height variance of 1.57 metres (5.15 feet), representing a 20.3% increase over the maximum permitted height. The proposed development is a one-storey, rancher-style dwelling with a bonus room above the garage and a basement garage designed to accommodate and conceal an RV. The applicant notes that, because the lower garage is hidden and the building maintains a rancher-style appearance, the proposed home would “fit nicely” within the neighbourhood.

PROPOSED HEIGHT VARIANCE



Zoning History and Subdivision Building Height Context

Development variance permits are discretionary approvals considered by the Regional Board on a case-by-case basis. It is important to note that property owners do not have a right to a variance, and approval is not guaranteed. Each application is assessed on its individual merits in the context of applicable bylaws, site conditions, and community impacts.

The applicant is requesting a variance to the maximum permitted building height under *Zoning Bylaw No. 1638, 2021*, to allow for a modest increase in height to accommodate a bonus room within the proposed home. The current zoning permits a maximum height of 7.75 metres measured from average grade. The proposed dwelling exceeds this limit by 1.57 meters and requires Board approval through a DVP.

The applicant was informed in 2023 that their proposed building design would not comply with the 7.75-metre height regulation and that a variance would be required should they proceed with the proposed design.

It is acknowledged that several neighbouring homes are taller than what is currently permitted under the zoning bylaw. However, 17 of the 30 properties were constructed under *Zoning Bylaw No. 66 for Electoral Area "E", 1976*, which permitted a maximum height of 10.7 meters (35 feet) measured from the greatest vertical distance.

In June 1994, *Zoning Bylaw Amendment No. 1071, 1992* was adopted, which reduced the permitted building height and introduced new measurement standards. The updated height regulations under Section 705 of that bylaw are as follows:

- a) *The maximum height of principal buildings and structures shall not exceed 7.75 m (25.43 feet) or 2 storeys, whichever is lesser.*
- b) *Notwithstanding section 705 (a), any building site having a natural grade of 25% or greater, or proposing to have habitable floor area below grade, shall not exceed a height of 10.0m (32.8 feet).*
- c) *The maximum height of accessory buildings and structures shall not exceed 5.0 meters (16.4 feet).*

This bylaw also changed the method of measuring building height from the greatest vertical distance to being measured from the average grade. Under *Zoning Bylaw No. 1071, 1992*, 12 additional homes were constructed, with the most recent receiving final inspection in 2008 (17 years ago). None of the properties within the Williamsburg Estate subdivision has received a development variance permit for a primary dwelling.

Currently, the subject property is the remaining undeveloped lot within this subdivision. This property is subject to the current *Consolidated Zoning Bylaw No. 1638, 2021*, which maintains the 7.75-meter height restriction measured from average grade.

Aside from the maximum height, the proposal complies with all other zoning requirements. The current zoning does not prohibit the construction of a safe and livable two-storey single-family dwelling. The proposed ceiling height of 10 to 15 feet on the main floor, 9 feet in the bonus room, and 15 feet in the great room is all within the permitted zoning height of 25.4 feet (7.75 m). The variance is being requested to allow for a taller roof. Staff recognize that the requested roof peak height is a feature that is desirable but not required for functionality or safety of the home.

In summary, the requested variance stems from a design choice rather than a unique hardship or site constraint. The proposed design exceeds the height limit to include a taller roof peak. However, through the years that this subdivision has been built out, relatively taller homes have been built due to past zoning height allowances. As such, the proposed modest height of this dwelling would be consistent with the established built form in the neighbourhood and is not expected to appear out of place.

Neighbourhood Notification and Input

All property owners within 30 meters of the property will be notified of the application and will be given the opportunity to provide written comments or to attend the Board meeting to state their comments. There are 8 addresses within the 30 m buffer.

Variance Approvals

Approving variances without a clear and defensible rationale may undermine the intent and integrity of the zoning bylaw. If variances are routinely granted based solely on personal preference or the payment of a fee, it risks eroding public confidence in the **bylaw's purpose and enforceability**. Under

the Local Government Act, each variance must be assessed on its own merits and demonstrate a legitimate need that cannot reasonably be addressed through compliance with existing regulations.

To support this, staff should follow a consistent and transparent process for recommending Development Variance Permits (DVPs), ensuring there is a clear rationale for why the variance is necessary and confirming that there are no reasonable alternatives. The DVP should represent the most appropriate and practical solution given the site-specific circumstances. This often applies to properties with topographic constraints, natural hazards, or other physical limitations that create siting or design challenges related to health, safety, or reasonable use of the land. The goal is to ensure property owners are not unfairly penalized for owning difficult or constrained lots, provided development remains consistent with the broader objectives of the zoning bylaw and community planning policies.

COST

The development variance permit fee of \$1,650.00 has been paid by the applicant.

CONCLUSION

In this case, the applicant has not provided a strong rationale for increasing the maximum permitted building height to accommodate the roof peak.

The property was originally subject to a building envelope restriction through Covenant BP117263, registered at the time of subdivision in 2000. Since the lot was created, no home has been constructed. The applicant is currently working with the covenant signatories to remove the restriction. However, the current proposal also exceeds the maximum height permitted by zoning.

The proposed building's low profile does not appear to obstruct neighbouring views or create additional shading. However, staff believe continuing to approve variances without a strong rationale discourages property owners from identifying building designs within the property that would better conform to the zoning regulations. Staff also take into account the perception of public confidence in zoning regulations. Granting variances to legitimize structures that would otherwise not adhere to zoning regulations might contribute to a decline in this perception of confidence.

Due to this reluctance and the lack of a compelling rationale for this variance, staff are recommending refusal to DVP 2025-06.

OPTIONS

Option 1: REFUSE (Staff Recommendation)

THAT the Fraser Valley Regional District Board **refuse** Development Variance Permit 2025-06 for 4490 Estate Drive, Area E.

Option 2: ISSUE

THAT the Fraser Valley Regional District Board **issue** Development Variance Permit 2025-06 for 4490 Estate Drive, Area E, to increase the maximum height of a principal dwelling from 7.75 meters to 9.32 meters, subject to consideration of comments or concerns raised by the public.

Option 3: REFER TO STAFF

THAT the Fraser Valley Regional District Board **refer** Development Variance Permit 2025-06 for 4490 Estate Drive, Area E back to staff.