

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

Date: 2018-04-10
File No: 3090-20-2018-14

Subject: Development Variance Permit 2018-14 to vary the setback requirement from a highway and height requirement for a proposed duplex at 20917 Snowflake Crescent.

RECOMMENDATION

THAT the Fraser Valley Regional District Board issue Development Variance Permit 2018-14 to vary the highway setback requirement from 6 metres to 2.1 metres on the north side of the lot and 6 metres to 3.74 metres on the west side of the lot; and to vary the maximum height from 12 metres to 14 metres to permit the construction of a duplex, subject to consideration of any comments raised by the public.

AND THAT Development Variance Permit 2018-14 replace and supersede Development Variance Permit 2017-14 and that Development Variance Permit 2017-14 be cancelled.

FOR INFORMATION

Appendix "A": Site Plan

Appendix "B": Ministry of Transportation and Infrastructure Permit to Reduce Building Setback Less than 4.5 Metres from the Property Line.

Appendix "C": Neighbourhood feedback

Appendix "D": Development Variance Permit 2017-14

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

BACKGROUND

The owners of the property have made an application for a Development Variance Permit (DVP) in order to:

- a) decrease the setback requirement from a highway for the north and west side of the lot; and
- b) increase the maximum permitted height of a duplex,

as outlined in *Fraser Valley Regional District Zoning Bylaw No. 100 Morris Valley-Harrison Mills, portion Area "C"*.

PROPERTY DETAILS			
Electoral Area	C – Hemlock Valley		
Address	20917 Snowflake Crescent		
PID	005-625-602		
Folio	775.01430.031		
Lot Size	0.16 Acres		
Owner	Michael Bogdanovich and Dragan Keseric	Agent	N/A
Current Zoning	Resort Residential (RST-3)	Proposed Zoning	No change
Current OCP	Cottage Residential	Proposed OCP	No change
Current Use	Vacant land	Proposed Use	Duplex
Building Permit	BP013917		
Development Permit Areas	5-HV for RAR		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES			
North	^	Resort Residential 2 (RST-2), Single Family Homes	
East	>	Resort Residential 2 (RST-2), Single Family Homes	
West	<	Resort Residential 3 (RST -3), Single Family Homes	
South	v	Resort Residential 3(RST-3), Duplex	

NEIGHBOURHOOD MAP



DISCUSSION

The owners of the subject property are proposing to construct a 13.1 metre by 14.6 metre duplex at 20917 Snowflake Crescent. The lot is bare land and is located in Hemlock Valley near Sasquatch Mountain Resort. Appendix A illustrates the proposed site plan for the development.

History of Issued Variance – DVP 2017-14

At the FVRD Board meeting on July 25, 2017 the board issued Development Variance Permit 2017-14, reducing the setback from a highway from 6.0 metres to 2.1 metres and increasing the maximum permitted height from 12 metres to 13.35 metres. The lot line setback reduction applies to the front portion on the northeast side of the lot and was issued to accommodate covered stairs leading up to the duplex. The height variance was issued to permit three storeys and a maximum height of 13.35 metres.

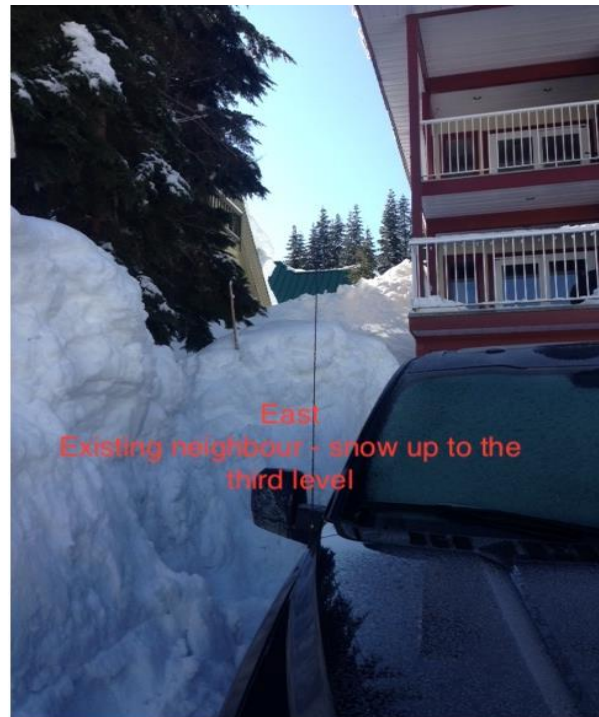
Variance Request – DVP 2018-14

The owners are seeking a 2.1 metre relaxation to flanking street on the west property line, reducing the setback requirement from 6.0 metres to 3.74 metres clear to sky. The 3.74 metre setback accounts for the roof overhang; the setback to the foundation wall is 4.5 metres. The subject property is uniquely shaped where 65% of the lot is road frontage; furthermore, the lot is relatively small measuring 647.5 metres squared (0.16 acres), resulting in a more restrictive buildable area.

The owners have requested the setback relaxation to permit a greater separation between the proposed duplex and the single family dwelling located on the neighbouring property. As shown on the images in photo 1 and 2, snow accumulation in Hemlock Valley is quite substantial. The images below were provided by the neighbouring property owner (20915 Snowflake Crescent) who has submitted a letter of support for the application (Appendix "C"). The single family dwelling on the neighbouring parcel is relatively close to the interior lot line (approximately 1 metre). Increasing the separation between the two structures would allow for adequate separation for snow shedding, and prevent damage to the structures caused by snow shedding.

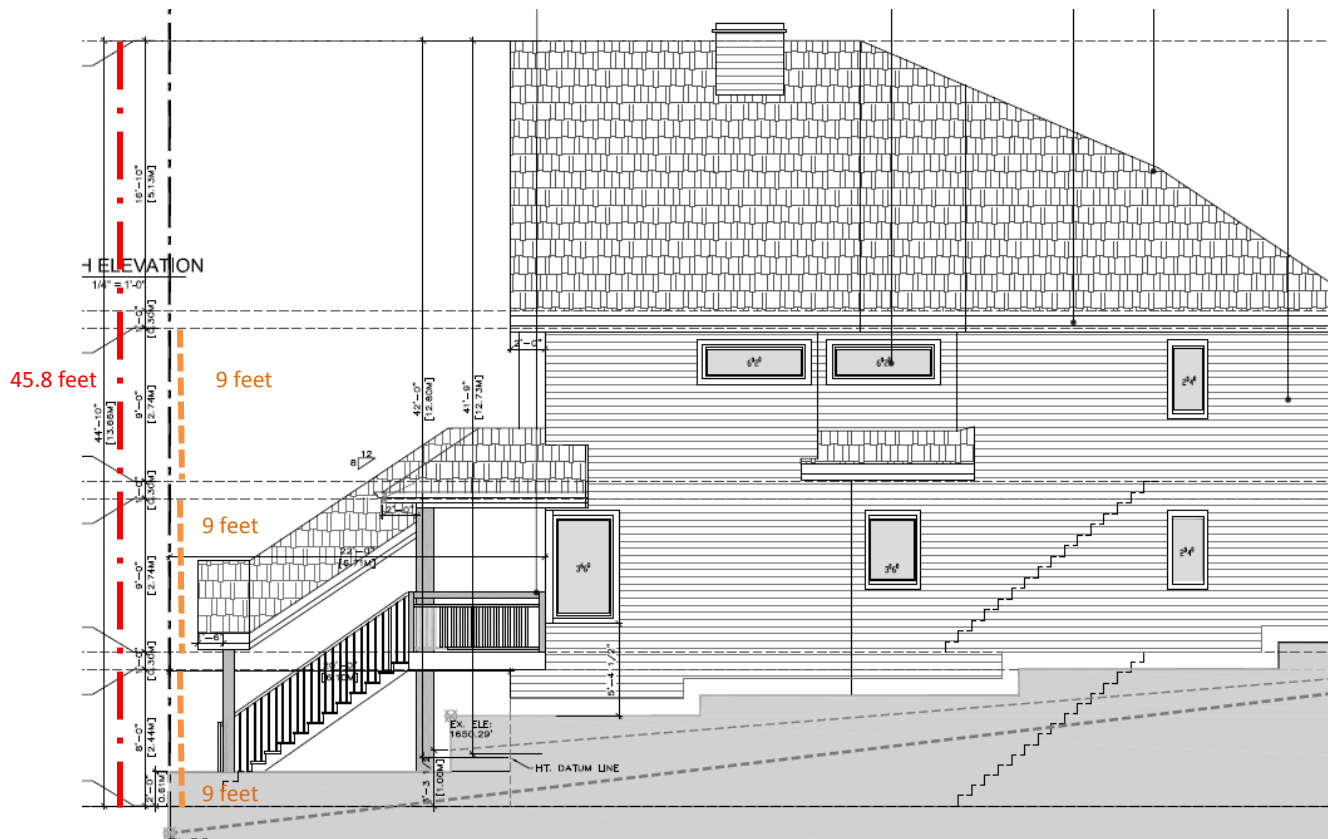
DVP 2018-14 would replace and supersede DVP 2017-14. The setback relaxation issued in DVP 2017-14 would be permitted in DVP 2018-14, reducing the required 6 metre setback from a highway right of way to 2.1 metres to permit the covered stairs adjacent to the north property line.

Photo 1 and 2 - Demonstrated snow accumulation - 20915 and 20917 Snowflake Crescent.



The roof overhang encroaches into the Ministry of Transportation and Infrastructure (MOTI) 4.5 metre setback requirement; however the foundation of the structure does not encroach into the MOTI setback. The owners have obtained approval from MOTI for the setback reduction; the approval is attached as Appendix "B".

By re-siting the structure closer to the northwest side of the lot, the owners have requested an increase in permitted height from 12 metres (39.4 ft) to 14 metres (45.8 ft) to account for the change in grade. The owners also seek the height increase to permit a nine foot ceiling for the proposed garage. The RST-3 zoning designation allows a maximum height of 12 metres. A height variance was issued under DVP 2017-14, increasing the maximum permitted height to 13.35 metres. If issued, DVP 2018-14 would increase the height another 0.65 metres (2.1 ft), 16% higher than what is permitted in the zoning bylaw (12 metres to 14 metres). However, if the garage height was not increased, the rise in total height would be 12% (13.66 metres) and only 0.31 metres higher than what was approved in DVP 2017-14. Figure 1 demonstrates the proposed total height measured from the lowest point on the lot.



Snow Shedding Impacts

Buildings in Hemlock Valley are prone to the accumulation of large amounts of snow on roofs resulting in snow shedding. Setback requirements within the zoning account for the accumulation of snow and aim to accommodate snow shedding. The siting of the property is such that it borders a public road on three sides and a residential property on one side. In order to mitigate snow shedding impacts, the owners are proposing to site the duplex closer to the flanking street on the northwest side of the property. The increase in height should not increase snow shedding impacts on to adjacent properties.

Neighbourhood Notification and Input

All property owners within 30 metres of the property 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. FVRD staff encouraged the applicant to advise neighbouring property owners and residents of the requested variance in advance of the mail-out notification. To date one letters of support has been submitted and is attached as Appendix "C".

COST

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

CONCLUSION

The property owners have applied for a variance to increase the maximum height of a duplex and decrease the highway setback requirement. Considering Ministry of Transportation and Infrastructure approval and the attempt to mitigate snow shedding impacts, staff recommend Development Variance Permit 2018-14 be issued, subject to any concerns raised as a result of neighbour notification.

OPTIONS

Option 1 – Staff Recommendation - Issue

Staff recommend that the Fraser Valley Regional District Board issue Development Variance Permit 2018-14 to vary the highway setback requirement from 6 metres to 2.1metres on the north side of the lot and 6 metres to 3.74 metres on the west side of the lot; and to vary the maximum height from 12 metres to 14 metres to permit the construction of a duplex, subject to consideration of any comments 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 District Board refuse Development Variance Permit 2018-09

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 2018-09 to FVRD Staff

COMMENTS BY:

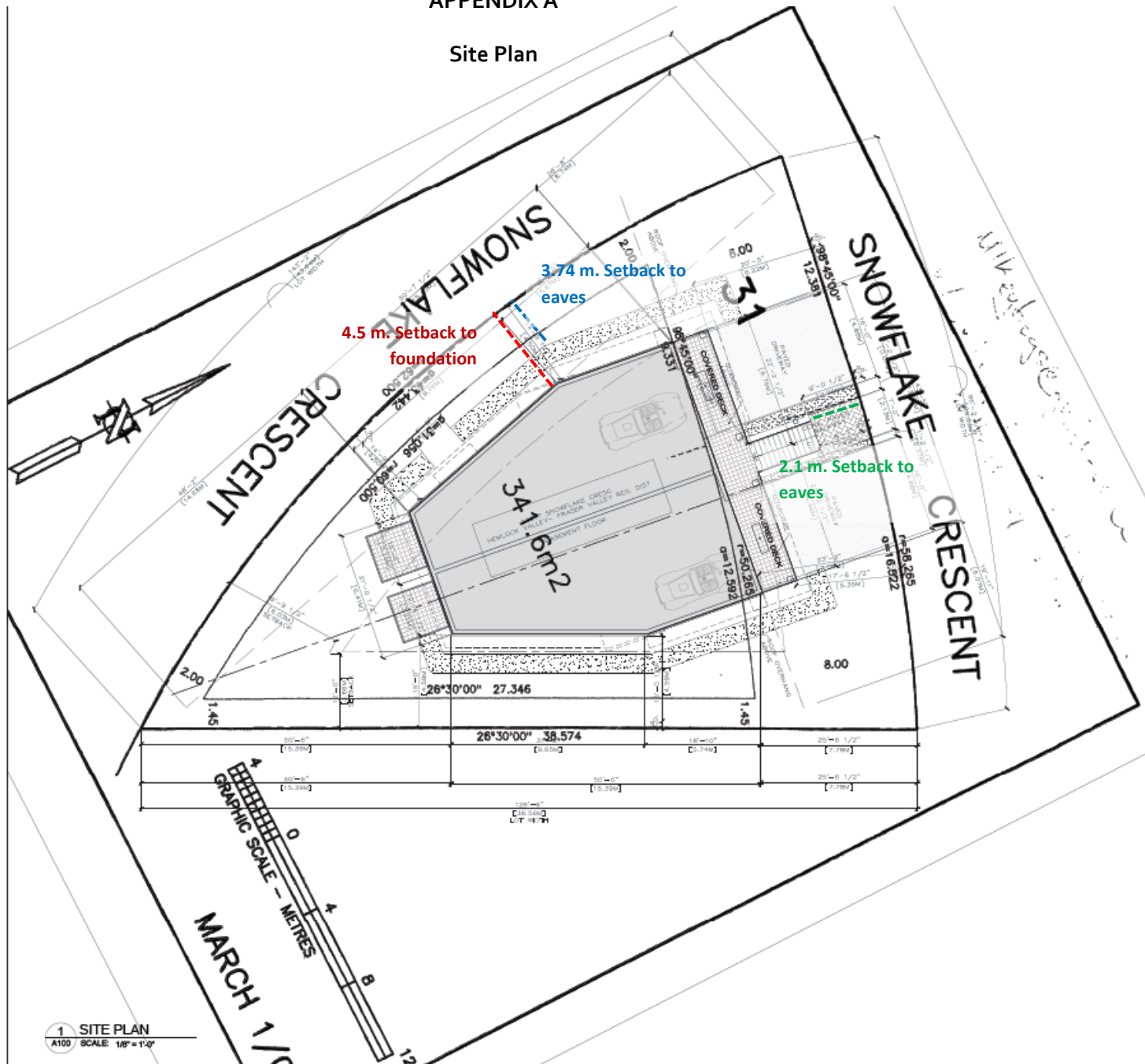
Graham Daneluz, Deputy Director of Planning & Development	Reviewed and Supported.
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Margaret Thornton, Director of Planning & Development	Reviewed and Supported.
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Mike Veenbaas, Director of Financial Services	No further financial comment.
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Paul Gipps, Chief Administrative Officer	Reviewed and supported
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Site Plan



Appendix "B"

Ministry of Transportation and Infrastructure Permit to Reduce Building Setback Less than 4.5 Metres from the Property Line.



BRITISH
COLUMBIA

Ministry of Transportation
and Infrastructure

DEVELOPMENT APPROVALS GENERAL COMMUNICATION

Your File #:
eDAS File #: 2018-01089
Date: Mar/14/2018

c/o
Michael B Bogdanovich
1225 Greystone Drive
Burnaby, British Columbia V5A 4W5
Canada

Attention: Michael B Bogdanovich

**Re: Proposed Structure: Setback Permit Application for:
Lot 31 Plan NWP57905 District Lot 3850 Land District 1 Land District 36
20917 Snowflake Crescent, Hemlock Valley**

The Ministry of Transportation has no concerns with the proposed building plan.

If you have any questions please feel free to call Jennifer Powers at (604) 795-8210.

Best Regards,

Jennifer Powers
Area Development And Operations Technician

Attachment:

Local District Address

Chilliwack Area Office
45890 Victoria Avenue
Chilliwack, BC V2P 2T1
Canada
Phone: (604) 795-8211 Fax: (604) 795-8214



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:

Michael Bogdanovich
1225 Greystone Drive
Burnaby, British Columbia V5A 4W5
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 a structure (covered staircase) within the 4.5m setback from Snowflake Crescent, as shown on submitted sketch plan (May 22nd, 2017)
- 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.



BRITISH
COLUMBIA

Ministry of Transportation
and Infrastructure

Permit/File Number: 2017-03311

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 29 day of May, 2017

On Behalf of the Minister

Appendix "C":
Neighbourhood feedback

----- Forwarded message -----

From: "Viola Nick" <>
Date: Mar 15, 2018 9:38 AM
Subject: Hemlock Snow
To: <>
Cc:

Please accept this as a letter in support of the proposed variance submitted by Mike Bogdanovich to reduce his setback from 6.0 meters to 4.5 meters from the property line allowing him to move his proposed residence away from ours located at 20915 Snowflake Cr.

This year to date the community of Hemlock Valley has received 39 feet of snowfall. This is not such an unusual year. The snow that sheds from the roof between the two buildings can not be accessed for removal and does build up to a considerable level each season.

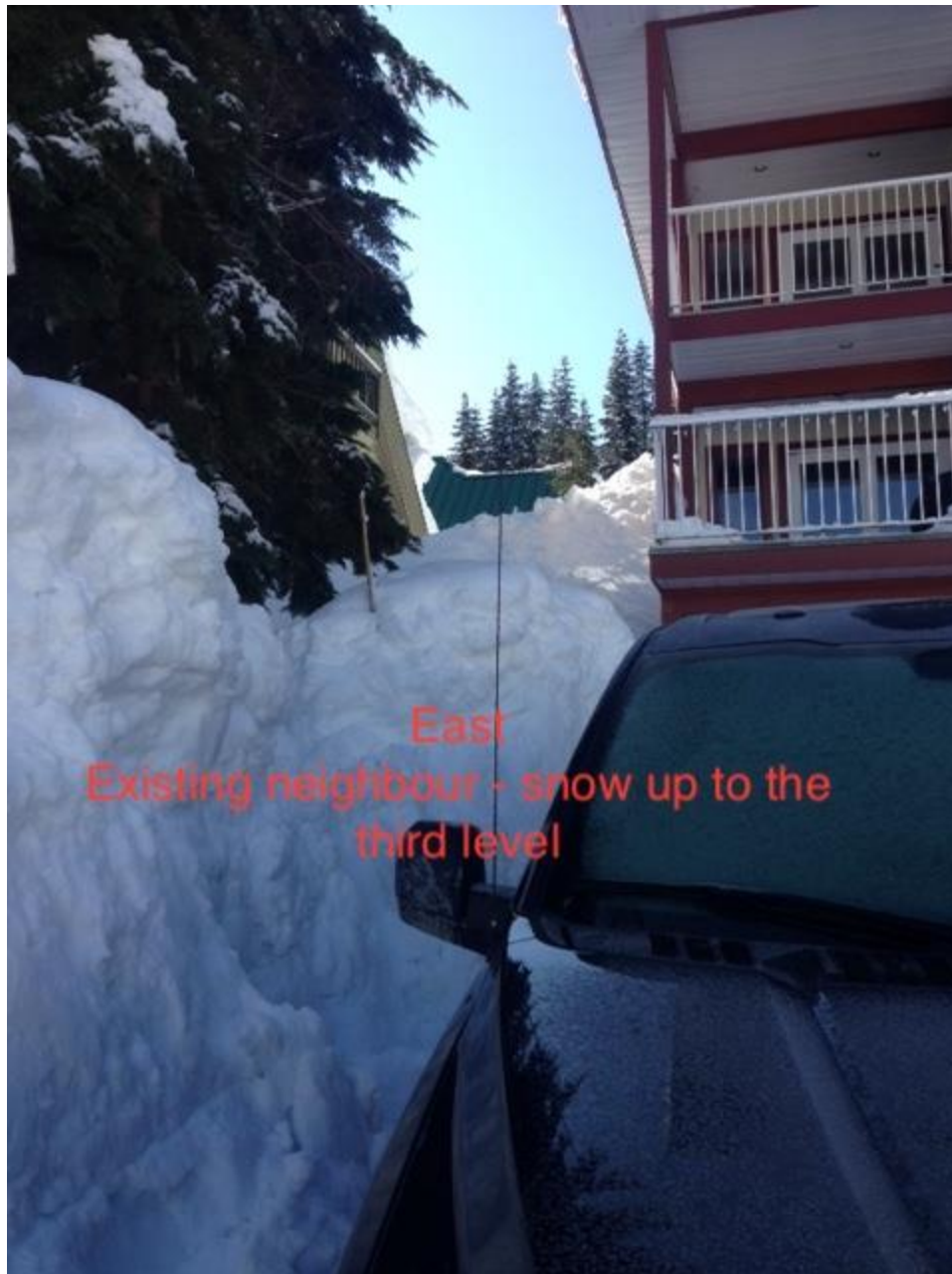
The resulting build up between us and our existing neighbour on the east puts pressure on side walls, covers windows and is problematic for both residences. See attached photos.

Approving this variance for new neighbours on the west (increasing the space between the two buildings) would provide relief from the combined build-up.

Respectfully - Dave and Viola Nick



West - proposed new residence



East
Existing neighbour - snow up to the
third level

Appendix "D"

Development Variance Permit 2017-14