

**FRASER VALLEY REGIONAL DISTRICT
BOARD OF VARIANCE
OPEN MEETING MINUTES**

Thursday, April 5, 2018
1:00 pm
FVRD Boardroom, 45950 Cheam Avenue, Chilliwack, BC

Members Present: Philip Craven, Chair
Wilfred Kilgren, Vice Chair
Bronwyn Punch

Staff Present: Jaime Schween, Secretary to Board of Variance
Graham Daneluz, Deputy Director of Planning & Development
Johannes Bendle, Planner I
Amanda Molloy, Executive Assistant
Chris Lee, Recording Secretary

Also Present: Bob Haffner, Agent to Applicant
Gary Fedyk, Applicant

1. CALL TO ORDER

Chair Craven called the meeting to order at 1:02 p.m.

2. APPROVAL OF AGENDA, ADDENDA AND LATE ITEMS

Moved by: PUNCH
Seconded by KILGREN

THAT the Agenda, Addenda and Late Items for the Board of Variance Hearing of April 5, 2018 be approved;

AND THAT all correspondence and other information set to the Agenda be received for information.

CARRIED

3. COMMENTS BY SECRETARY AND STAFF TO THE BOARD OF VARIANCE

Jaime Schween, Secretary to the Board of Variance noted that pursuant to Section 540 of the *Local Government Act* (LGA), the Board of Variance (BOV) will hear an application for a structural alteration or addition to a non-conforming structure with respect to the property located at #26-8985 Shook Road in Electoral Area G. She

reported that staff have received response letters to the application from the public and these have been included in the agenda package.

Ms. Schween introduced Graham Daneluz, Deputy Director of Planning and Development and Johannes Bendle, Planner I.

Johannes Bendle provided a brief overview of the application by way of a PowerPoint presentation. He noted the following in his presentation:

- Applicant has applied to BOV under Section 540(c) of the LGA for an exemption from Section 531(1) of the LGA;
- Property is legally non-conforming “grandfathered”;
- Structural alteration or addition must not be made to a non-conforming use unless permitted by BOV (Section 531 LGA);
- Proposal by applicant is to renovate and add to one story 511.5 sq.ft house;
- Construct two story house with 1,500 sq. ft. footprint (one bedroom and den on the top floor and garage and shop on the bottom floor);
- Applicant is also asking BOV to consider:
 - Replacing pier blocks with cement foundation to the existing house walls
 - Removing existing wood floor and replacing with concrete floor to match new addition/renovation
- BOV must consider if the prohibition of structural alteration and addition would cause the applicant hardship;
- Applicant in their proposal has provided the following reasons for the renovation/addition to the existing home:
 - Bring house to current safety standards
 - Very difficult with current house
 - Proposed renovation/addition will provide safe house
- If the BOV finds undue hardship, they must state the exact nature of the hardship for the hearing’s record;

Mr. Bendle reported that the BOV must also consider that the variance will not:

- Result in inappropriate development of the site;
- Adversely affect the natural environment;
- Substantially affect the use and enjoyment of adjacent land;
- Vary permitted uses and densities under the applicable bylaw;
- Defeat the intent of the bylaw

Mr. Bendle noted that to date he has not received any written opposition to the variance from adjacent property owners.

4. DELIBERATION BY BOARD OF VARIANCE

Bob Haffner, agent for the applicant noted the following:

- It is impossible to bring the building to current building standards without raising the structure;

- The fact that the current zoning bylaw does not permit any renovation or addition is in itself a hardship;
- There are properties in the area that have undergone huge renovations of up to 300% larger in footprint in the last few years. Photographs of these structures were provided;
- People will be forced to move if they are not allowed to renovate/rebuild their homes or live in dilapidated homes.

Gary Fedyk, applicant noted that:

- His aging father-in-law who needs care intends to move in with him and his wife,;
- The Regional District have been providing guidance with his application;
- There are houses in his neighbourhood which have increased their footprint by 300% while he is only requesting for a 193% increase;
- He is willing to work with the Regional District to ensure compliance;
- Concerns have been raised with regards to water in the well and he has brought along with him a current report from Fraser Health;
- There are no issues with the septic tank;
- Reported that the last flood that took place in his area was in 1948;
- Property was developed in 1957;
- Wants to improve the area just like what the other neighbours have done.

Graham Daneluz, Deputy Director of Planning and Development provided a brief overview on why a Board of Variance application is required from the proponents. He reported that in 1972 the Dewdney-Alouette Regional District was formed to apply land use controls to this area where there no zoning bylaws. He noted that the Dewdney-Alouette Regional District and the Province noted inappropriate development in some locations, like Hatzic Island with urban style small lots with no sanitary system or community water system in place and that these lots were served with wells and septic fields. He stated that provincial laws do not allow structural alterations or additions to these 'grandfathered' dwellings. However, the Act provides property owners the opportunity to come forward before a Board of Variance to present their case, explain their situation, develop a reasonable proposal and get approval to make improvements to extend the life of the building. Mr. Daneluz also noted that the challenge for the Regional District is the solution of community water and sewer system and also noted that there are 26 owners in this one parcel.

Deliberation ensued and Board members discussed the application and the concerns expressed by the applicant and staff. It was proposed that the applicant hire a civil engineer to attend the site to look at the sewer system and provide the Regional District with a report to give the assurance that the sewage disposal system in the long term will not result in contamination or have any effects on ground water.

5. DECISION OF THE BOARD OF VARIANCE

The Board was in agreement that the applicant would experience hardship without the proposed alterations and addition to the dwelling. In taking its decision, the Board of

Variance concurred that there are concerns with regards to community water and sewer system. The hardship noted is that the applicant needs to have room to accommodate an aging relative with a medical condition, and needs to have a safe home where the applicant can live.

Moved by KILGREN
Seconded by CRAVEN

THAT the Board of Variance grant approval under Section 504(c) of the *Local Government Act (the Act)* for an exemption from Section 531(1) of *the Act* to permit a structural alternation and addition to an existing legally non-conforming single family dwelling to accommodate a renovation and addition to the family home located at #26-8985 Shook Road, Electoral Area G, subject to the applicant providing an engineer's report certifying that onsite sewage disposal will have no impacts to ground water or water supplies over the long term.

6. ADJOURNMENT

Moved by KILGREN
Seconded by PUNCH

THAT the Board of Variance Hearing of April 5, 2018 be adjourned.

CARRIED

The Board of Variance Hearing adjourned at 2:25 p.m.

MINUTES CERTIFIED CORRECT:

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Philip Craven, Chair