

ON-TABLE
ITEM 9.3 - DVP 2018-10
EAs VOTING ONLY

From: Kelly Mendonca
Sent: Friday, March 23, 2018 8:42 PM
To: Johannes Bendle
Subject: 45642 Rachael place resident

Address: [1-3655 Vance Rd](#)

We do not support the following variance request for many reasons including privacy and noise;
Variance Request:. To vary the rear setback from 6.0 metres to 3 metres for a single family dwelling.

Kind Regards,
Kelly Mendonca

Date: March 26, 2018
To: Fraser Valley Regional District
From: Dennis Townsend – 45645 Rachael Place, Cultus Lake BC
Re: Your Corporate Report Dated 2018-03-13 File No: 3090-20 2018-10
From: Johannes Bendle, Planner 1
Subject: Development Variance Permit 2018-10 to vary the rear lot line setback for a proposed single family dwelling at 1-3655 Vance Road, Electoral Area H.

UNDER RECOMMENDATION:

That the Fraser Valley Regional District Board issue Development Variance Permit 2018-10 to vary the rear setback from 6 metres to 3 metres for a single family dwelling, subject to consideration of comments or concerns raised by the public.

This statement sounds more like a "Fait Accompli". **(It should read as follows):** After listening to and reading comments from property owners adjacent and within a 90 metre distance from this variance application at that time or shortly thereafter a mindful consideration will be considered.

NOTE! That the Fraser Valley Regional District Board issue Development Variance Permit 2018-10 to vary the rear setback from 6 metres to 3 metres for a single family dwelling. This statement, sounds to me, like it's a go ahead but there is a formality that we must entertain.

UNDER PROPOSAL:

It states the property slopes steeply downward from Vance Road and it goes on to say in order to accommodate the proposed house with a deck and stairs while meeting the front yard setback, a variance to the rear setback is required.

MY COMMENT TO THIS:

So the house just isn't going to be large enough unless the three neighbouring properties that will be most affected get rolled over by the Variance Board and the owners are then allowed to come closer to our very steep incline which is made up of mostly shale and could cause a destabilizing factor to a very steep slope. To add to this fact the subject drawing does not show what a 3 metre setback would look like. Because the property has not been legally subdivided as yet, **why then does it NOT show a 3 metre line on the northern easterly portion?** So in my opinion, if you give a 3 metre setback by stating that your house will be too small and you want a deck for a better view looking down on our properties. **In all good conscience how would you like this burden put on you?**

NEIGHBOURHOOD NOTIFICATION AND INPUT

Under this section, FVRD Staff encourage the applicant to advise neighbouring property owners and residents of the requested variance in advance of the mail-out notification. **This owner has never made any attempt to give us adjacent neighbours a heads up right from the get-go.** It's interesting when I first found out the property was sold I came to the 2nd floor of the Fraser Valley Regional District office and there was a large sign on the wall stating "If you plan to do any kind of development you should advice neighbouring properties".

Cont'd

The other day I noticed that it was not there? Also to my amazement **the last line in the neighbourhood notification and input section states to date no letters of support or opposition have been submitted.** Of course not... the date stamp on my envelope with your variance information was stamped March 16th. March 16th was a Friday and I didn't get mine until Tuesday, March 20th. By the way, 1 weeks notice for a variance hearing is very unusual, especially during a two week spring break..... so that also becomes suspicious!

CONCLUSION

The wording in this section should have read as follows:

After hearing concerns from local residents and adjacent property owners that will be mostly affected by this rear yard setback from 6 metres to 3 metres, staff after consideration of all facts may or may not recommend said variance.

NOT... Staff recommend that the Development Variance Permit **IS ISSUED!** Another "Fait Accompli".

UNDER COMMENTS BY:

I contacted Paul Gipps, Chief Administrative Officer, and asked him if he has viewed the property and he said YES. I asked if there was any Geotech information on the property and he wasn't sure and he told me he would talk to Graham Daneluz, Deputy Director of Planning and Development. Unfortunately, I guess Graham personally did not want to talk to me so he had Johannes Bindle, Planner 1 call me. Paul Gipps and Graham Daneluz both are down for reviewed and supported. So.... are they supporting the Variance Application OR before what the neighbours have to say?

UNDER SCHEDULE A-4 PERMIT APPLICATION:
FILE # 3090-20-2018-10
OWNERS CALEB JARVIS AND THERESA JARVIS

UNDER PROPOSED VARIANCE/SUPPLEMENT

For a proposed deck and some supporting elements within the 3.0 M of rear yard property line. In their hand written statement it states to vary the rear setback to allow for a deck and stairs (uncovered) posts to be at 3.0 M from the property line. In my mind there is more to this deck than as stated. This may end up being an overhang Yes with posts to enable the house footprint to become larger. Either way, I'm totally and unequivocally **AGAINST ANY SETBACK.**

NOW UNDER REASONS IN SUPPORT OF APPLICATION:

Due the restraints of my property shape and undulation and in order to meet the front setback, a variance is required.

NOTE: The property in question in my mind isn't suitable for basically anything to be built on it. I find it reckless that someone would want to ask for adjacent neighbours to give up their privacy so they can make a pig-in-a-poke happen. This is nothing more than greed.

NOTE: I had an Engineer come out this Saturday, March 24th and she viewed the situation and just shook her head.

Cont'd

UNDER RIPARIAN AREAS REGULATION:

There will need to be vegetation removal and alteration.

There will be soil disturbance.

There may be construction of buildings and possible structures.

There will be creation of impervious or semi-impervious surfaces.

NOTE:

This hillside is mainly shale saturated at that. Large trees have fallen over, (see picture attached). At present my hillside is being held together by vegetation. Trees, ground cover etc. A building and driveway then becomes an impervious area which means no more absorption in that area. So no more trees etc. to absorb the rain water. As water goes downhill this may make my adjacent hillside unstable.

NOTE:

There are questions on the above section. It basically asked is there a ditch within 30 metres of the high water mark of any water body? They answered **NO**....however there is a ditch across the street.

UNDER REQUIRED INFORMATION:

This is where it gets interesting.... When providing Application Forms to the Applicant, Regional District staff shall indicate which of the following attachments are required for this Application.

Why has this not been filled out? It makes no sense not to have most of these filled out! I have attached a copy with highlighted sections. **SO WHY WAS THIS NOT FILLED OUT?**

I find it interesting that under AUTHORITY TO ISSUE.....

1. This Development Variance Permit **IS ISSUED** under Part 14 – Division 9 of the Local Government Act.
2. Under Bylaws supplemented or Varied.... Zoning Bylaw for Electoral Area E 19766 of the Regional District of Fraser-Cheam **IS VARIED** as follows:
Section 8.3 siting size and dimensions regulations
.1 Setbacks
c) i) From 6 metres to 3 metres

UNDER GENERAL TERMS AND CONDITIONS:

1. This Development Variance Permit **IS ISSUED** Pursuant to Part 14-Division 9 of the Local Government Act.

Once again sounds like an **OK before the hearing**. Shouldn't the wording be... **IF PASSED, MAY BE ISSUED PURSUANT** to Part 14 – Division 9 of the Local Government Act.

Cont'd....

LAST BUT NOT LEAST:

The last paragraph on Page 2 is very interesting.... **It states authorizing resolution passed by the Board of Directors of the Fraser Valley Regional District on the 27th day of March 2018. "A FAIT ACCOMPLI"!**

I BELIEVE THIS STATEMENT IS NOT ONLY IMMORAL BUT ILLEGAL AND THEREFORE YOU MAY HAVE A LEGAL CHALLENGE ON YOUR HANDS.

I would like information on when the road was widened at the exact spot the Applicants future driveway is shown. When and who authorized this widening of Vance Road and at what cost to the taxpayer.

I will be looking forward to a written response to this letter shortly.

Dennis Townsend
45645 Rachael Place
Cultus Lake, BC



Required Information

WHY NOT REQUIRED

When providing Application Forms to the applicant, Regional District staff shall indicate which of the following attachments are required for this application. **Additional information may also be required at a later date.**

| | Required | Received | Details |
|-------------------------|----------|----------|-------------------------------------------------------------------------------------------------------------------------|
| Location Map | | | Showing the parcel (s) to which this application pertains and uses on adjacent parcels |
| Site Plan | | | Reduced sets of metric plans |
| At a scale of: | | | North arrow and scale |
| 1: 500 | | | Dimensions of property lines, rights-of-ways, easements |
| | | | Location and dimensions of existing buildings & setbacks to lot lines, rights-of-ways, easements |
| | | | Location and dimensions of proposed buildings & setbacks to lot lines, rights-of-ways, easements |
| | | | Location of all water features, including streams, wetlands, ponds, ditches, lakes on or adjacent to the property |
| | | | Location of all existing & proposed water lines, wells, septic fields, sanitary sewer & storm drain, including sizes |
| | | | Location, numbering & dimensions of all vehicle and bicycle parking, disabled persons' parking, vehicle stops & loading |
| | | | Natural & finished grades of site, at buildings & retaining walls |
| | | | Location of existing & proposed access, pathways |
| | | | Above ground services, equipment and exterior lighting details |
| | | | Location & dimensions of free-standing signs |
| | | | Storm water management infrastructure and impermeable surfaces |
| | | | Other: |
| Floor Plans | | | Uses of spaces & building dimensions |
| | | | Other: |
| Landscape Plan | | | Location, quantity, size & species of existing & proposed plants, trees & turf |
| Same scale as site plan | | | Contour information (_____ metre contour intervals) - |
| | | | Major topographical features (water course, rocks, etc.) |
| | | | All screening, paving, retaining walls & other details |
| | | | Traffic circulation (pedestrian, automobile, etc.) |
| | | | Other: |
| Reports | | | Geotechnical Report |
| | | | Environmental Assessment |
| | | | Archaeological Assessment |
| | | | Other: |

The personal information on this form is being collected in accordance with Section 26 of the *Freedom of Information and Protection of Privacy Act, RSBC 1996 Ch. 165* and the *Local Government Act, RSBC 2015 Ch. 1*. It will only be collected, used and disclosed for the purpose of administering matters with respect to planning, land use management and related services delivered, or proposed to be delivered, by the FVRD. Questions about the use of personal information and the protection of privacy may be directed to the FVRD Privacy Officer at 45950 Cheam Avenue, Chilliwack, BC V2P 1N6, Tel: 1-800-528-0061 FQI@fvrd.ca.





WARNING: Serious geotechnical issues with this building site!!! See below.....

Variance Request File No. 3090-20 2018-10

Subject Property: 1-3655 Vance Rd - PID 023-975-032

Purpose of Permit:

To vary the rear setback from 6.0 metres to 3 metres for a single-family dwelling.

Jeremy Rabel

45635 Rachael Pl
Cultus Lake, BC V2R 5R3
(604) 819-9111
[REDACTED]

**ON-TABLE
ITEM 9.3 - DVP 2018-10
EAs VOTING**

March 26th, 2018

FVRD

Planning & Development
45950 Cheam Ave
Chilliwack, BC V2P 1N6

To whom it may concern,

I Jeremy Rabel am **OPPOSED** to the rear setback variance requested for the subject property above.

I oppose this variance request for the following reasons:

1. The building site, indicated on the site plan draft, has many geotechnical hazards. Firstly, due to the fact that the site is adjacent to a logging road, people have been illegally dumping green waste, garbage and even appliances on that site for more than 30 years. In addition to this contributing to soil instability, as well as a potential health hazard, it is also an environmental hazard. Just the other day, I saw a truck back up and push their truck bed contents over the side onto the potential building site on the subject property. Dumping is still happening on a regular basis. The other hazard is the soil. It's mostly gravel, sand and shale. Large trees have uprooted and fallen recently on the property due to the poor ground conditions. To make matters worse, the potential site sits precariously on the edge of two steep hillsides on the North and West sides. These are tough to physically climb due to the amount of loose rock and shale and steepness of incline. Any disturbance above causes small slides to occur below. **FVRD staff informed me that they were NOT aware of any geotechnical assessment that had been performed on this property . Given the potential hazards of the site itself, with no geotechnical assessment, it would be foolhardy to approve a setback variance allowing a structure to be built on or near the unstable slope. This could put properties below at great risk!**
2. The site plan drawing indicates the setback variance request is just to accommodate a deck. The problem is, the Development Variance Permit does not mention the deck at all. Under section 8.3 (c) it simply states "from 6 metres to 3 metres". Should this setback variance be approved this would leave the door wide open for the developer to use the decreased setback for other configurations. He would be the sole beneficiary of this while negatively affecting the land stability, privacy and value of neighboring properties.

3. Many of the properties in the area were subdivided into ½ acre lots around the same time. Due to the complicated shape, driveway access and topography of the subject property, it was one of the only properties left as 1 acre. Previous owners of the site, realized that in order to subdivide this lot, while staying within current FVRD setbacks, would prove too challenging to make it viable. I'm confident the current owner was aware of this as well when he recently purchased the property. To the best of my knowledge, all neighboring houses were built within their setbacks from the lot lines. The ½ acre lot sizes gave the space to easily accomplish that. Currently, the subject property is on 1 acre. If the owner wants to split the property into two half acre lots he should only do so if he can build without decreasing his setbacks. **A half acre of land should have more than enough space to build a house without needing a setback variance!!**

4. In a neighborhood of large lots there is a certain expectation of privacy and quiet enjoyment. I feel the current FVRD setbacks are in place to protect that right to privacy. This potential building site is directly above my backyard. Should this variance be approved, there would potentially be a larger house looking over my backyard negatively affecting my privacy, quiet enjoyment and property value.

For these four reasons, I vehemently oppose this variance request!!

Sincerely,



Jeremy Rabel











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Michelle McGrath
45652 Rachael Pl
Cultus Lake, BC V2R 5R3
March 24, 2018

FVRD
45950 Cheam Avenue
Chilliwack, BC V2P 1N6

Dear FVRD:

This is my response to the following variance request: File No. 3090-20 2018-10
DVP0138

Address: 1-3655 Vance Rd

Variance Request Details: **To vary the rear setback from 6.0 metres to 3 metres for a single family dwelling.**

I do NOT support this variance. Bringing any structure closer to the rear lot line would have a negative impact on the privacy and quiet enjoyment of our property. I also have concerns that the hill near the proposed variance is quite steep. Any development near this slope could increase geotechnical risk to neighboring properties.

Sincerely,

Michelle McGrath

ON-TABLE
ITEM 9.3 - DVP 2018-10
(Letter from Owner)
EAs VOTING ONLY

From: caleb jarvis [REDACTED]
Sent: Tuesday, March 27, 2018 11:41 AM
To: Johannes Bendle
Subject: Fw: DVP 2018-10 - Board Meeting Agenda Owners letter

Hi Johannes,

Unfortunately the timing is horrible as I am leaving on a family vacation this afternoon. However my points can be made as follows.

There are two developable areas on the proposed lot. One is being taken up by the septic field and the other by the proposed house. My intention was to give the downhill neighbors some privacy, as a buffer, and provide some outdoor amenity area(deck). This was also to be the access to the yard from the amenity area. This is the available flat area where the proposed house is going and building any other direction would be a costly expense. I hope this is enough of a hardship to allow the variance.

Please also let it be known that no one has approached me to discuss this variance application and allow for explanation.

Cheers
Caleb Jarvis