

To: Electoral Area Services Committee

Date: 2018-05-08

From: Graham Daneluz, Deputy Director of Planning & Development

File No: 3090-20-2018-18

Subject: Development Variance Permit 2018-18 to vary front and rear setbacks for the placement of a Park Model Trailer at 14-14600 Morris Valley Road, Area "C"

RECOMMENDATION

THAT the Fraser Valley Regional District Board refuse Development Variance Permit 2018-18 for property located at 14-14600 Morris Valley Road, Electoral Area C.

STRATEGIC AREA(S) OF FOCUS

Support Healthy & Sustainable Community

Provide Responsive & Effective Public Services

BACKGROUND

Proposal Description

The owners of Strata Lot 14 at Tapadera Estates (14600 Morris Valley Road, Area "C") have applied for a Development Variance Permit (DVP) to address the placement of a Park Model Trailer in contravention of setback requirements set out in the zoning bylaw and subsequent DVPs. A number of complaints about the trailer have been received and a Bylaw Enforcement file has been opened.

Factoring in the length of the lot, and the required front and rear setbacks, a Park Model Trailer up to 37.2 feet long can be placed on Strata Lot 14 while still complying with the setbacks. The owners have placed a trailer that is 44 feet long and have asked for unspecified reductions to the front and rear setbacks to accommodate it.

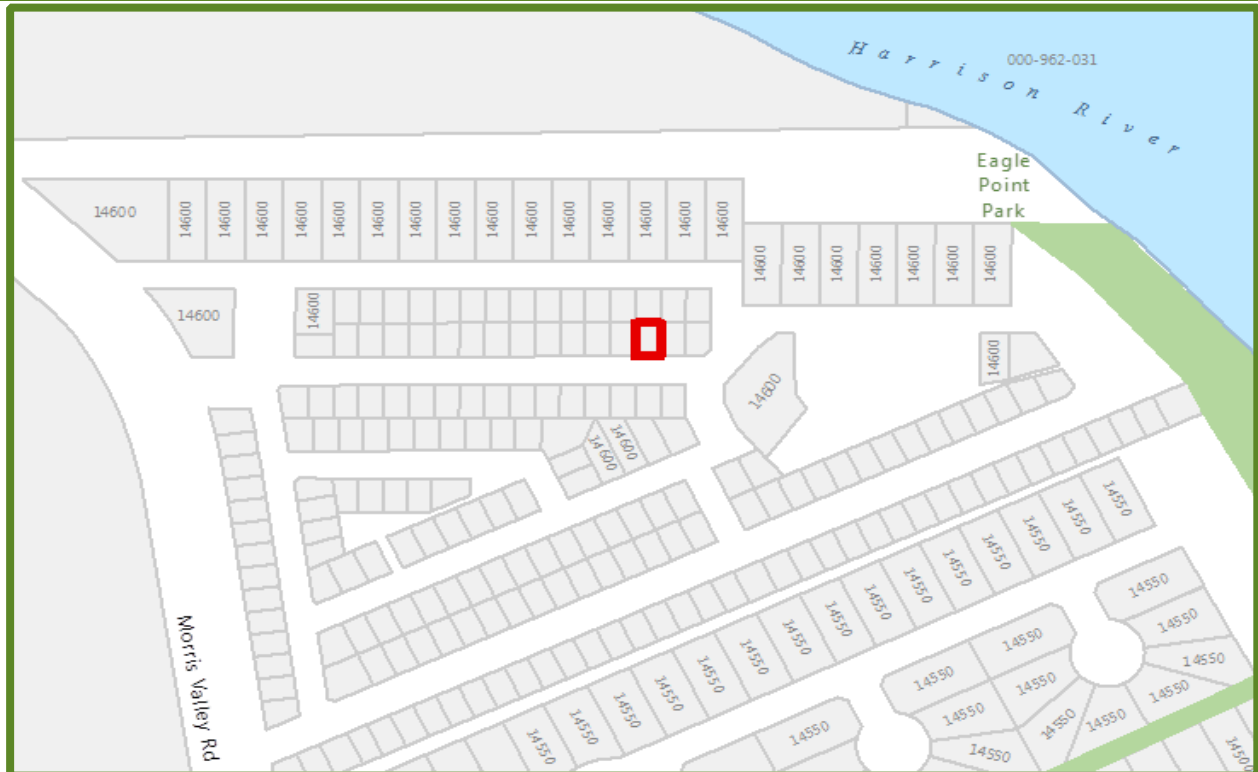
	Metres	Feet
Lot Length	15.24	50.0
Rear Setback	2.10	6.9
Front Setback	1.80	5.9
Max. Trailer length to comply with setbacks (lot length minus front and rear setbacks)	11.34	37.2
Proposed Trailer Length	13.41	44.0

PROPERTY DETAILS

Electoral Area	C		
Address	14-14600 Morris Valley Road (Tapadera Estates)		
PID	018-004-253		
Folio	776.06730.028		
Lot Size	0.037 acres		
Owners	Vetterl & McHaffie	Agent	n/a
Current Zoning	CHP	Proposed Zoning	No change
Current OCP	RR	Proposed OCP	No change
Current Use	CHP	Proposed Use	CHP
Development Permit Areas	DPA 1-C and DPA 2-C		
Agricultural Land Reserve	No		

ADJACENT ZONING & LAND USES

North	^	Residential Lot, L-1
East	<	Harrison River
West	>	Tapadera Sewage Treatment Plant, RST
South	v	Residential Subdivision, PRD-1



NEIGHBOURHOOD MAP

PROPERTY MAP



Zoning

Tapadera Estates is zoned Campground Holiday Park (CHP) under the *Zoning By-law for Electoral Area "F", 1978 of the Regional District of Fraser-Cheam*. Strata Lot 14 is designated as a Park Model Lot and a Park Model Trailer may be placed on it.

A Park Model Trailer is defined as, "a recreational unit built on a single chassis mounted on wheels, intended to be towed on a highway from time to time, designed to provide temporary living quarters for seasonal camping use, having a gross trailer area not exceeding 50 square metres, with a width greater than 2.6 metres and less than 3.8 metres in the transit mode, certified by the manufacturer as complying with CSA Z-241 Standard; does not include a mobile home or recreational vehicle."

The zoning bylaw establishes setbacks for the placement of Park Models, which were subsequently reduced by variance permits as follows:

	Rear Setback	Front Setback
Zoning Bylaw #100	3.0 m	3.0 m
DVP 95-15	2.1 m	1.8 m
DVP 96-08*	2.1 m	1.8 m

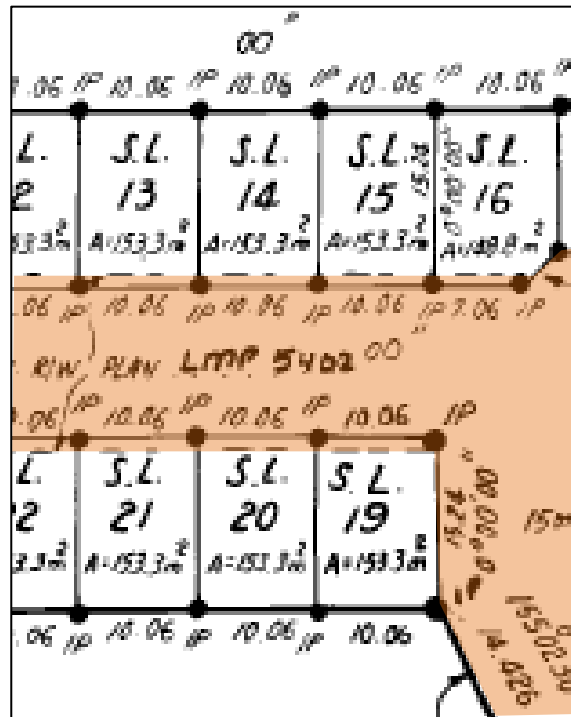
* replaced and consolidated DVP 95-15

Statutory Right-of-Way

A Statutory Right-of-Way (BF251709) was registered on the title of the subject property, and other properties in Tapadera Estates, at the time of subdivision approval in 1991.

The SROW, shown in orange on the map at right, provides the Ministry of Transportation & Infrastructure with access to the internal roadways within the development. No building or structure may be placed within the SROW, which extends 1.1 metre into Strata Lot 14.

The information provided by the applicant does not allow conclusive determination of whether the Park Model Trailer encroaches into the SROW. It appears that it may. The site plan submitted shows that the trailer meets the rear setback of 2.1 m. As the trailer is 13.4 m long (44 ft.), and the property is 15.24 m long, a 2.1m rear setback would mean that the trailer extends beyond the front property line and slightly into the strata road allowance. If that is the case, the trailer is encroaching into the SROW, as well. A survey of the property would be required to accurately determine where the trailer is located in relation to the lot lines and the SROW.



DISCUSSION

The applicants have requested what they believe to be minor variances to front and rear setbacks. As reasons in support of their application, they state, “our park model is entirely on the concrete pad. It is in no way an obstruction to traffic or emergency vehicles. We are set back behind trees that are on the asphalt.”

The application does not include a site plan with measurements from the Park Model to the lot lines, but it does indicate that the rear setback of 2.1 m has been met. Assuming that is accurate, the Park Model Trailer, as currently located, would extend about 25 cm into the strata road right-of-way.

It would be possible to locate the trailer entirely on the lot and avoid the MoTI SROW. In that case, the Park Model would be sited 1.1 m from the front lot line and 0.73 m from the rear lot line – a reduction in the setbacks from 1.8 m to 1.1 m and 2.1m to 0.73 m respectively.

However, staff recommend that the application be refused because:

- Front and rear setbacks were already reduced by DVP 95-15 and DVP 96-08 from 3.0 metres to 2.1 m rear and 1.8 m front (clear to sky).

- Front and rear setback provide a number of benefits to the development including spatial separations between structures; reduced risk of fire spread; buffers between private and common space; and, orderly and consistent development patterns. The proposed setbacks undermine planned spatial separations, road clearances and the overall benefits these setbacks offer the development.
- The placement of the Park Model appears to encroach into a Statutory Right-of-Way registered on the property title in favour of the Ministry of Transportation & Infrastructure, though the site plan provided by the applicant is inadequate to confirm the location of the Park Model in relation to the SROW boundary. It may also encroach into the strata road right-of-way.
- Approval of the variance would create expectations that similar sized trailers may be placed on other lots in Tapadera Estates.
- Site-specific variances create a patchwork quilt of rules within the development. Inconsistent rules are difficult to communicate and hard to understand. It is then challenging for owners to comply with the rules. FVRD and Tapadera Estates should move toward consistent sets of rules for all park model sites, RV sites and holiday home sites.
- There appears to be significant community concern about the size of the trailer. As of April 23, 2018, seven separate complaints from Tapadera owners have been received.
- The applicant received information about setbacks from FVRD prior to placing the trailer, but disregarded it and placed an over-sized unit on Strata Lot 14.

Implications of Refusal

If DVP 2018-18 is refused by the FVRD Board, the matter of non-compliance with bylaws and permits will be addressed as Bylaw Enforcement issue. Staff would work with the owners to achieve voluntary compliance. If that fails, there are a range of tools available to support bylaw compliance, including penalties such as tickets and bylaw offense notices. If necessary, the FVRD Board could consider registration of a notice of bylaw contravention against the land title under s. 57 of the *Community Charter* or an injunction through the BC Supreme Court.

COST

Development variance permit fee of \$350.00 paid by the applicant

CONCLUSION

The owners of Strata Lot 14 at Tapadera Estates (14600 Morris Valley Road, Area "C") have applied for a Development Variance Permit (DVP) to address the placement of a Park Model Trailer on the lot in

contravention of setback requirements set out in the zoning bylaw and subsequent DVPs. A number of complaints about the trailer have been received and a Bylaw Enforcement file has been opened.

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OPTIONS

Option 1 – Refuse (Staff Recommendation)

Staff recommend that the FVRD Board refuse Development Permit 2018-18 for property located at 14-14600 Morris Valley Road, Electoral Area C to vary the front and rear setbacks of Park Model Trailer to the strata lot lines.

Option 2 –Refer to Staff

If Board members wish to refer the application back to staff for further efforts to work with the applicant on outstanding issues, the following motion would be appropriate:

MOTION: THAT the Fraser Valley Regional District Board refer the application for Development Variance Permit 2018-18 for property located at 14-14600 Morris Valley Road, Electoral Area C to staff to work with the applicants to identify options for siting the trailer in a location that would not result in encroachments into the strata road or the Statutory Right-of-Way.

Please note that an option to approve the DVP was not provided because the information contained in the application is not adequate to determine the actual setbacks, and furthermore, it suggests that the trailer may encroach into the MoTI SROW or even into the Strata road right-of-way. As such, the application is not approvable in its current form.

COMMENT BY:

Margaret Thornton, Director of Planning & Development: Reviewed and supported. Planning staff have met and continue to meet with the Tapadera strata to discuss a comprehensive approach to address variances. To date, consensus has not been received from the strata.

COMMENT BY:

Mike Veenbaas, Director of Financial Services: No further financial comments.

COMMENT BY:

Paul Gipps, Chief Administrative Officer: Reviewed and supported