

To: Board of Variance Chair and Members
From: Andrea Antifaeff
Date: August 31, 2018
Subject: Board of Variance Application for #24-9053 Shook Road, Electoral Area "G"
File No.: 0388-30 2018-775.02149.024

REPORT PURPOSE

On July 3, 2018 the attached application to the Board of Variance was submitted to permit a structural alteration to a legally non-conforming structure, under Section 540(c) of the *Local Government Act*, for the property located at #24-9053 Shook Road, Electoral Area "G".

The staff report summarizes the relevant Fraser Valley Regional District Bylaws, information and other regulations related to the application, for the information of the Board of Variance Chair and Members.

- Appendix A: Location Map
- Appendix B: Site Plan and Construction Drawings
- Appendix C: Application
- Appendix D: Fire Damage Assessment and Repair Requirements, Vanden Brink Engineering Ltd., February 28, 2018
- Appendix E: Excerpts of the Dewdney-Alouette Regional District Bylaw No. 202-1980 for Electoral Area B, C, D & E (Rural 3 Zone)
- Appendix F: Excerpts of the Dewdney-Alouette Regional District Land Use and Subdivision Regulation Bylaw No. 559-1992
- Appendix G: Excerpts of the Fraser Valley Regional District Official Community Plan for Electoral Area "G" Bylaw No. 0866, 2008
- Appendix H: Excerpts from the Local Government Act Section 528-532 and Section 536-544
- Appendix I: User Lot Layout
- Appendix J: Letters of Support

DECISION REQUESTED ON THE BOARD OF VARIANCE

The applicant has applied to the Board of Variance under Section 540(c) of the *Local Government Act* for an exemption from Section 531(1) of the *Local Government Act* to permit a structural alteration to an existing legally non-conforming single family dwelling.

S.531 of the *Local Government Act* states:

Restrictions on alteration or addition to building or other structure

531 (1) Subject to this section, a structural alteration or addition must not be made in or to a building or other structure while a non-conforming use is continued in all or any part of it.
(2) Subsection (1) does not prohibit a structural alteration or addition that is required by an enactment or is permitted by a board of variance under section 542 (1) *[authority for variance or exemption to relieve hardship]*.

The applicant is asking for the Board of Variance to consider the structural alteration to a single family dwelling. The single family dwelling was damaged in a fire on December 26, 2017. The proposal is to repair the fire damaged home. As part of the repair process the upper and lower floor layouts will be re-configured with no additional habitable space created. Appendix D provides a summary of the damages.

The Board of Variance must consider if the prohibition of a structural alteration would cause the applicant hardship. If the Board of Variance finds that undue hardship would be caused to the applicant if Section 531 (1) of the Local Government Act is complied with, the Board must state the exact nature of the hardship for the hearing's record.

The Board may order that the applicant be exempted from Section 531(1) of the Local Government Act, if the Board complies with the following:

- (a) has heard the applicant and any person notified under Section 541;
- (b) finds that undue hardship would be caused to the applicant if the bylaw or Section 531(1) is complied with; and,
- (c) is of the opinion that the variance or exemption does not do any of the following:
 - i. result in inappropriate development of the site;
 - ii. adversely affect the natural environment;
 - iii. substantially affect the use and enjoyment of adjacent land;
 - iv. vary permitted uses and densities under the applicable bylaw; and,
 - v. defeat the intent of the bylaw.

BACKGROUND

The general location of the proposal is shown on the attached location map in Appendix A. Location of the specific user lot is shown on the attached user lot layout plan in Appendix H. Details of the proposed structural alteration are shown on the attached construction drawings in Appendix B and application in Appendix C.

PROPERTY DETAILS	
Electoral Area	G
Address	#24-9053 Shook Road
PID	010-666-842
Legal Description	Lot 16 Except: Part Subdivided by Plan 27831; Section 36 Township 17 New Westminster District Plan 2677
Folio	775.02149.040
Registered Property Owner	Sun-Dorn Holdings Ltd.
Applicant	Grant & Kimberly Kask
Lot Size	10 acres with 43 home sites

User Lot Area	5,625 ft ²
Agricultural Land Reserve	No
Floodplain	Within; 9.3m GSC FCL and 7.5m setback from Hatzic Lake
OCP	Rural (R)
Zoning	Rural 3 (R-3)
Development Permit Area	Within Riparian Areas Development Permit Area 2-G; exempted because greater than 30m from Hatzic Lake
Setbacks	Existing structure meets 6.0m front property line setback
Bylaw Enforcement	None

ADJACENT ZONING & LAND USES

Direction	Use	OCP	Zoning
North	Farm	Rural	Rural 3 (R-3)
East	Farm & Single Family Dwellings	Rural	Rural 3 (R-3)
West	Hatzic Lake	Rural	Rural 3 (R-3)
South	Single Family Dwelling	Rural	Rural 3 (R-3)

NON-CONFORMANCE

The subject property, referred to as Sun-Dorn Holdings Ltd., is zoned Rural 3 (R-3) which permits one dwelling unit per parcel. There are up to 43 dwelling units on the subject property which is one (1) legal lot. The existing use of the property is legally non-conforming ("grandfathered") pursuant to Section 540 of the *Local Government Act*.

The subject property is one of seven legally non-conforming recreational holdings/unregistered subdivisions on Hatzic Island, which pre-date zoning regulations. Sun-Dorn Holdings Ltd. was recognized and described in Zoning Bylaw No. 202-1980 as legally non-conforming. Zoning Bylaw No. 202, 1980 was repealed and replaced by the current Zoning Bylaw No. 559-1992.

Board of Variance approval is required prior to the FVRD's processing or issuance of building permits for structural alterations in these legally non-conforming unregistered subdivisions.

OWNERSHIP STRUCTURE

Sun-Dorn Holdings Limited is the registered owner of the property. The FVRD's understanding is that Sun-Dorn Holdings Limited is comprised of 43 co-owners who each purchased a share which entitles them to the full use of a portion (user lot) of the property. The single un-subdivided property is separated into individual user lots identified on site but is not a legally established subdivision.

DISCUSSION

NOTIFICATION AND HEARING

All neighbours within a 30 metre radius of the property have been notified via mail of this Board of Variance Application. Neighbours have been invited to attend the Board of Variance Hearing or make a written submission by email or mail. The applicant will also have the opportunity to be heard at the meeting. The applicant has submitted letters of support as shown in Appendix I.

HARDSHIP

The applicant has provided reasons in support of their application, which are shown in Appendix C. The applicant has applied to repair fire damage that occurred to their home on December 26, 2017. The home is currently uninhabitable in its current state. The fire damaged the roof and siding on two exterior walls and water and smoke damaged the interior finishing of the home. After the fire, FVRD staff permitted emergency repair to the roof to prevent further structural damage, and until the Board of Variance could consider this application.

DEVELOPMENT OF THE SITE

The proposed development meets all setback requirements. Zoning Bylaw No. 559-1992 defines a lot line in relation to a parcel, and further defines parcel as "any lot, block or area in which land is held or into which it is subdivided". It is a reasonable interpretation that the legal lot be treated as the parcel, as opposed to the unregistered user lots, and that the internal user lots are disregarded for siting requirements. Therefore, the only setback consideration for the user lot is the 6 metre (19 ft. 8 in.) front setback. As per site plan shown in Appendix B the proposed development meets this requirement. The BC Building Code establishes requirements for spatial separation between structures.

FLOODPLAIN

The subject site, as well as Hatzic Island, is within the Fraser River floodplain. The entire Island is well below the elevation of a 1:200 year Fraser River flood. Furthermore, locations on the Island are subject to frequent minor flooding from within the Hatzic watershed. Residents of Hatzic Island are dependent on the single access road to and from the Island: this access road and bridge are low lying and could be cut off during a major flood event.

The proposed structural alterations are to both the upper and lower floors of the single family dwelling. The upper floor of the single family dwelling is shown on 1982 construction drawings as meeting the required flood construction level of 9.3m GSC. The lower floor of the single family dwelling is below the required FCL. The FVRD is requiring that a safe harmless covenant be registered onto the title of Sun Dorn Holdings for user lot 24.

NATURAL ENVIRONMENT

The proposed development is unlikely to adversely affect the surrounding natural environment to a further degree than already present. The house footprint is not changing.

USE AND ENJOYMENT OF ADJACENT LAND

The applicant has been requested to collect feedback from the neighbourhood regarding the proposed Board of Variance application. Property owners and residents within 30 metres of the property, including the other user lot owners in Sun-Dorn Holdings, have been notified by the FVRD and have the opportunity to provide written comments or attend the Board of Variance meeting to state their comments.

The applicant has forwarded four written comments from Hatzic Lake residents in support of the application, which are included as Appendix I.

PERMITTED USE AND DENSITY

Sun-Dorn Holdings Ltd. was recognized and described in Zoning Bylaw No. 202-1980. Since then Zoning Bylaw No. 202-1980 was repealed and replaced by the current Zoning Bylaw No. 559-1992. The R-3 Zone given by Zoning Bylaw No. 559-1992 lists Residential Use as permitted. However, Section 405 of Zoning Bylaw 559-1992, states that "a Residential Use shall be limited to one dwelling unit per parcel." Therefore, the property is legally non-conforming in terms of density. The subject property will not increase the number of legally non-conforming uses or the size and scale of legally non-conformance.

INTENT OF THE OFFICIAL COMMUNITY PLAN AND ZONING BYLAWS

The Official Regional Plan adopted by the Lower Mainland Regional Planning Board in 1966, designated Hatzic Island as Lowland Rural (RRL-3) as it is best suited to large rural holdings. Zoning was introduced on Hatzic Island on 1972 by the Dewdney-Alouette Regional District. Zoning Bylaw No. 28, 1972 which zoned much of Hatzic Island Rural III (R-3) with a minimum parcel size of 20 acres (8 hectares). This direction has since been maintained in land use plans and zoning bylaws. In the opinion of staff, the intent of the zoning bylaws has been to prevent urban density development on Hatzic Island while bringing pre-existing developments into compliance with the bylaws at the end of the useful life of the existing structures.

The average density of development on the island is high for an un-serviced rural area and, by today's commonly accepted servicing standards, is not sustainable. There is potential for on-site sewage disposal fields to contaminate the groundwater and water supplies in these high density developments. The environment and human health are at risk. Development is also at risk from Fraser River and local watershed flooding due to the low elevations on the island, and there is only one access to and from the island.

The specific environmental, human health and safety issues summarized above have guided community plans and zoning bylaws since the late 1960's and have given rise to designating and zoning the island for low density, large lot, rural-type uses. The application of these low density land use regulations rendered the existing developments legally non-conforming, with the expectation that the developments would eventually "fade away" over time.

However, the multiplicity of owners and the tenure structure of developments like Sun-Dorn present a major challenge to redevelopment of the property in accordance with the current Rural-3 zoning. The nature of the stature and case law, the land ownership structure and the form of development make it unlikely that current owners are not likely to simply walk away from their investment.

The Official Community Plan for Electoral Area “G” (OCP Bylaw No. 866) includes local area policies for Hatzic Island that speak to the key issues for this neighbourhood (see Appendix F). The intent of the OCP is to continue the previous zoning and OCP bylaws’ approach to limit development to existing levels. However, the OCP recognizes the tension created through this approach, and the potential negative impacts non-conforming status could have on these lands. Accordingly, the plan supports rezoning of the lawfully non-conforming development once connection to a community water or sewer system is available (Section 7.1.1).

The FVRD is planning on engaging in discussion on Hatzic Island to determine options for the Island.

PREVIOUS BOARD OF VARIANCE APPROVALS

Address	Application	Decision
Dogpatch – 26-8985 Shook Road	Structural alteration and addition to an existing single family dwelling.	Approved 2018
Dogpatch - 4-8985 Shook Road	Structural alteration and addition to an existing single family dwelling to accommodate the replacement of current flat roof.	Approved 2015
Dogpatch - 3-8985 Shook Road	Removal and replacement of existing two storey garage attached to existing single family dwelling.	Approved 2015
Aqua Vista - 18-9201 Shook Road	Structural alteration and addition to an existing single family dwelling to accommodate addition of a two car garage and deck.	Approved 2015
Dogpatch - 11-8985 Shook Road	Conversion of garage to habitable living space	Approved 2013
Aqua Vista - 18-9201 Shook Road	Structural alteration and placement of manufactured home to an existing single family dwelling.	Approved 2013
Aqua Vista - 3-9201 Shook Road	Construction of extension to existing single family dwelling to accommodate a bathroom.	Approved 2013
Aqua Vista - 4-9201 Shook Road	Structural alteration and addition to existing double wide mobile.	Approved 2009
Dogpatch -11-8985 Shook Road	Addition of garage to existing dwelling.	Approved 2009
Dogpatch - 3-8985 Shook Road	Internal structural alteration.	Approved 2009
Sundorn - 5-9055 Shook Road	BOV did not understand any undue hardship to the applicant to support allowing consideration of the extra addition to the home.	Denied 2006
Dogpatch - 1-8985 Shook Road	Reconstruction of flat roof to pitched roof and addition of storage in roof area.	Approved 2002
Dogpatch - 1-8985 Shook Road	Replace flat roof with pitched roof and enlarge two existing bedrooms by constructing an addition and build a single car open sided carport.	Approved 2003
Sundorn -11-9055 Shook Road	Addition of family room or bedroom and carport.	Approved 2003
Dogpatch - 16-8985 Shook Road	Reconstruction and enlargement of two bedrooms, addition of covered deck, second parking spot, and foyer in garage to building.	Approved 2002
Sundorn - 10-9055 Shook Road	Reduction in setback to the rear property line as long as the proposed picnic shelter not be within 1.5 m of rear property line.	Approved 2001

Sundorn -1-9055 Shook Road	Variance as applied for was denied but the second storey addition to single family dwelling was granted	Approved 1998
Aqua Vista - 16-9201 Shook Road	Renovate and repair old residence.	Approved 1997

FURTHER FVRD APPROVALS REQUIRED

A decision by the Board of Variance to approve the structural alteration to the dwelling does not constitute any further approvals in relation to the specific building permit application. The applicant must meet all requirements of the building permit process.

All proposed construction is required to comply with all other relevant Fraser Valley Regional District regulations and bylaws, including the *Fraser Valley Regional District Floodplain Management Bylaw 0681, 2005* and *Fraser Valley Regional District Building Bylaw No. 1188, 2013*. Other agency requirements must also be met, such as Fraser Heath regulations.

Submitted By:

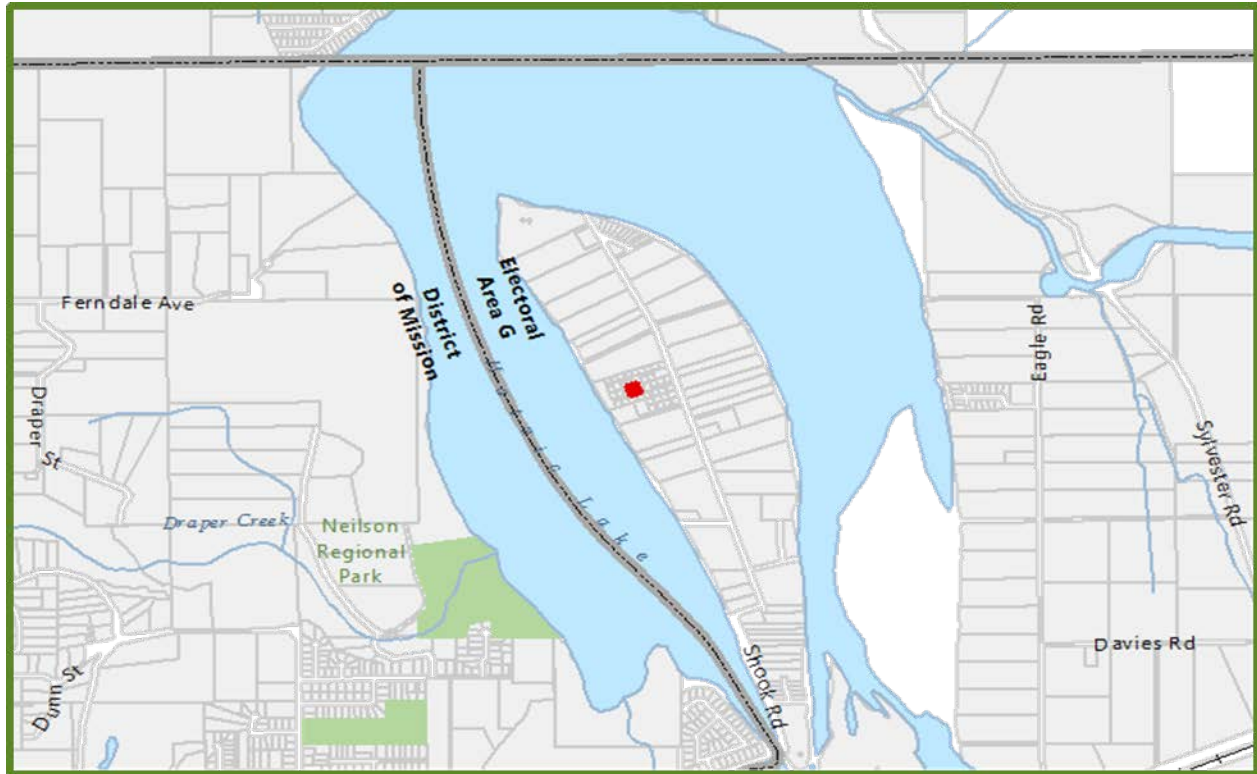
Andrea Antifaeff

Planning Technician

Electoral Area Planning, Fraser Valley Regional District

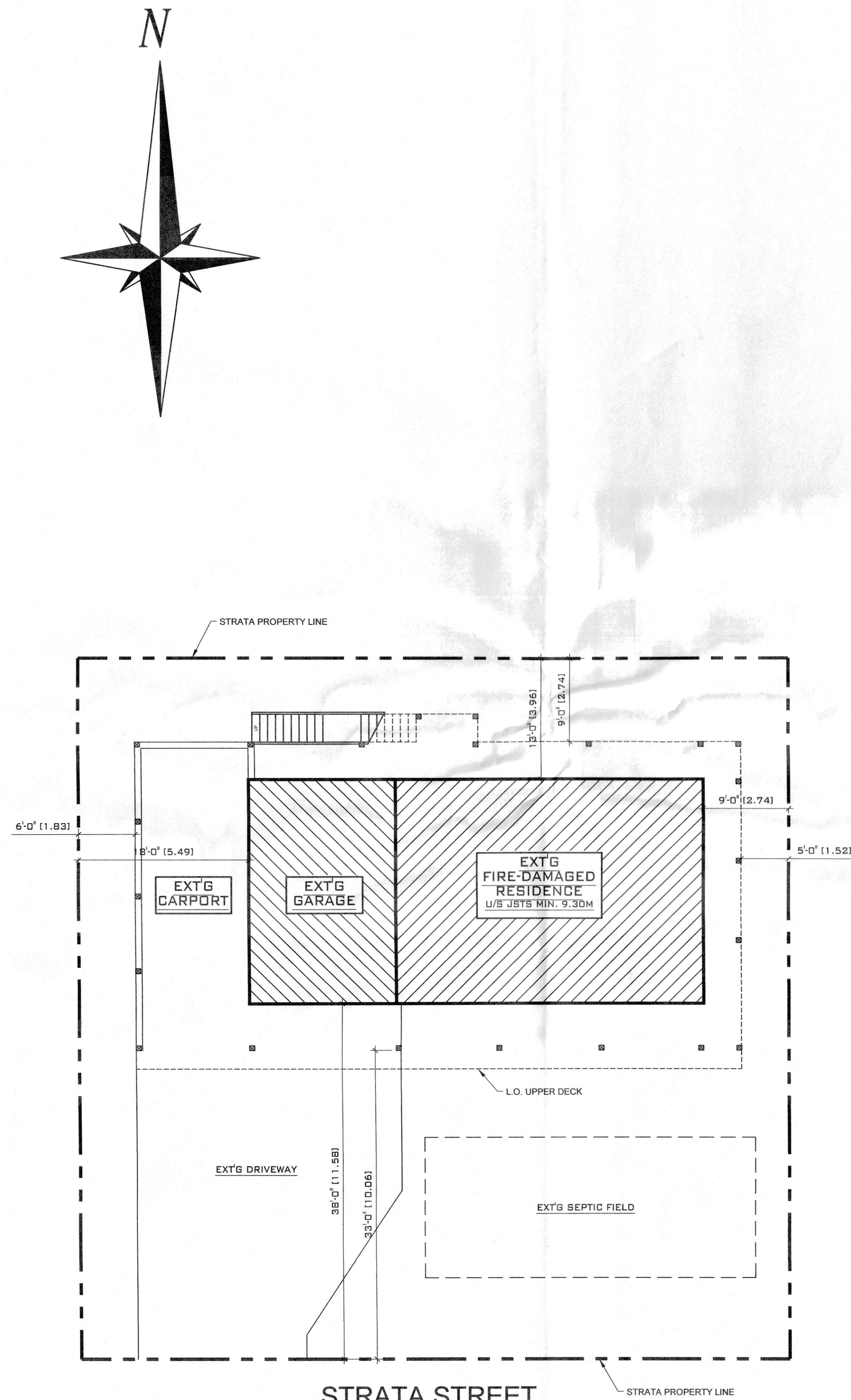
Appendix A

Location Map



Air Photo





SITE PLAN

SCALE: 1/8" = 1'-0"

GENERAL NOTES:
(TO BE READ IN ACCORDANCE TO PART 9 OF THE 2012 B.C.B.C.)

SOILS:
IF NO GEOTECHNICAL DATA IS AVAILABLE, SOIL BEARING PRESSURE IS ASSUMED TO BE A MINIMUM OF 1500 PSF. CONDITIONS OF LESSER BEARING PRESSURE IS TO BE REPORTED TO THE LOCAL AUTHORITIES PRIOR TO ANY CONSTRUCTION.

DESIGN CRITERIA 2012 B.C.B.C.
ROOF SNOW LOAD: 40 PSF L/360 MAX. LIVE DEFLECTION
ROOF DEAD LOAD: 10 PSF L/240 MAX TOTAL DEFLECTION
FLOOR LIVE LOAD: 40 PSF
FLOOR DEAD LOAD: 10 PSF

BUILDING ENVELOPE:
METAL USED FOR FLASHING EXPOSED TO WEATHER REFER TO SECTION 9.3.3 OF THE 2012 B.C.B.C. WINDOW AND DOOR OPENINGS SHALL CONFORM TO THE CSA BUILDING SCIENCES WESTERN LTD.

LUMBER:
FRAMING MATERIAL TO BE:
- S.P.F. NO. 2 OR BETTER FOR LOAD BEARING MEMBERS
- S.P.F. NO. 2 OR BETTER FOR NON-LOAD BEARING MEMBERS
GLUED-LAMINATED BEAMS, IF APPLICABLE, TO BE 24F BENDING GRADE (FY =2400 PSI), LAMINATED VENEER LUMBER (LVL) BEAMS, IF APPLICABLE, ARE ENGINEERED BY THE MANUFACTURER. PLYWOOD SHEATHING TO BE STANDARD GRADE DOUGLAS FIR OR SPRUCE. FLOOR SHEATHING TO BE 5/8" TONGUE AND GROOVE, GLUED AND NAILED. UNLESS NOTED OTHERWISE, ALL LINTELS TO BE 2-2X10'S.

INSULATION:
- MINIMUM ZONE 4 REQUIREMENTS:
ROOF/CEILING RSI 6.91
WALLS - 2X6 RSI 2.78
ATTIC OR ROOF SPACES TO BE VENTED MINIMUM 1/200 OF AREA. UNHEATED CRAWLSPACES TO BE VENTED MINIMUM 1/200 OF AREA WITH CLOSABLE VENTS.
6 MIL POLY VAPOR BARRIER SHALL BE INSTALLED TO THE WARM SIDE OF INSULATION.

CEILING INSULATION MAY BE LOOSE FILL TYPE OR BATT TYPE. WALL AND FLOOR INSULATION SHALL BE BATT TYPE.

PROVIDE BAFFLE FOR AIR SPACE (EQUAL TO SOFFIT VENTING) BETWEEN INSULATION AND ROOF SHEATHING AT EXTERIOR WALL LINE.

INSULATION REQUIREMENTS MAY VARY WITH HEATING SYSTEMS AND WITH LOCAL CONDITIONS. CHECK WITH LOCAL AUTHORITIES. ALL ROOF SPACES SHALL BE VENTILATED WITH SOFFIT, ROOF, OR GABLE VENTS, OR A COMBINATION OF THESE, EQUALLY DISTRIBUTED BETWEEN TOP OF ROOF SPACE AND SOFFITS.

TRUSSES:
TRUSS SYSTEM TO BE DESIGNED AND ENGINEERED BY THE MANUFACTURER. SEALED SHOP DRAWINGS WILL BE REQUIRED ON REQUEST.

STANDARD:
ALL WORK SHALL CONFORM TO THE 2012 B.C.B.C. AND LOCAL BY-LAWS.

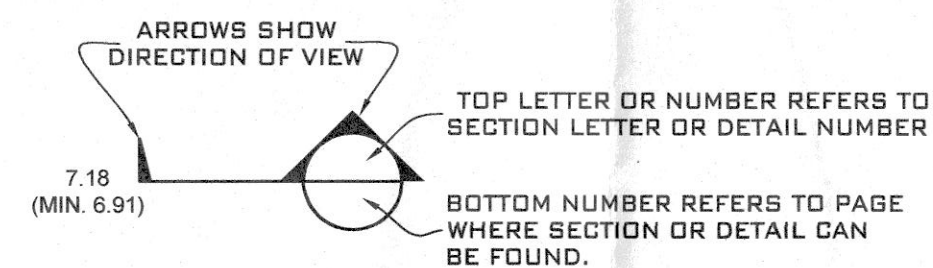
ENERGY:
INSULATION, BUILDING ENVELOPE, WINDOWS, DOORS, ETC. TO CONFORM TO BCBC 9.36, ENERGY REQUIREMENTS

NOTE:

FOUNDATION PLAN IS FOR GENERAL USE ONLY. GENERAL CONTRACTOR IS TO REVISE AS NECESSARY AS DUE TO SITE CONDITIONS AND LOCAL BUILDING STANDARDS AND PRACTICES.

NOTICE:

STRUCTURAL ENGINEER IS NOT RESPONSIBLE FOR ARCHITECTURAL ASPECTS OF THIS DRAWING.



NOTICE:

3" MIN. RETURN BOTH SIDES ON ALL INTERIOR DOORS

NOTICE:

◇ DENOTES NUMBER OF CRIPPLES OR SOLID LAMINATION UNDER POINT LOAD FROM ABOVE

NOTICE:

ASSUME ALL DIMENSIONS ARE CORRECT. DO NOT SCALE THESE DRAWINGS. ALL DIMENSIONS ARE TO THE OUTSIDE OF THE CONCRETE WALL, EXTERIOR SHEATHING AND INTERIOR FRAMING.

NOTICE:

- UNLESS NOTED OTHERWISE, ALL LINTELS ARE TO BE 2 - 2 X 10 DOUGLAS FIR #2 OR BETTER & 1'-1 3/4" HEIGHT.
- ENG. OR ENGINEERED = ENGINEERING BY OTHERS

DRYWALL NOTE:

- ALL DRYWALL ATTACHED TO TRUSSES ARE TO BE 5/8" THICK OR 1/2" CEILING BOARD.
- ALL OTHER DRYWALL IS TO BE 1/2" THICK.
- ALL DRYWALL IN BATHROOMS IS TO BE MOISTURE RESISTANT G.W.B.
- CONTRACTOR TO PROVIDE 6-MIL POLY SMOKE SEAL THROUGHOUT GARAGE

WINDOW NOTE:

1. ALL WINDOW FRAMES TO BE THERMALLY BROKEN
2. ALL WINDOWS & DOORS TO HAVE A MAX 1.8 "U" RATING
3. GLAZING IN SHOWERS, DOORS AND SLIDING DOORS ARE TO BE SAFETY GLASS.
4. WINDOWS IN BEDROOMS ARE TO HAVE A MINIMUM SIZE AS PER LOCAL CODE TO PERMIT EGRESS
5. IF APPLICABLE: PROVIDE THERMALLY BROKEN ALUMINUM FRAME AND SAFETY GLASS IN SKYLIGHT.

DOORS NOTE:

1. MAIN ENTRANCE DOOR TO HAVE A VIEWER, WINDOW OR SIDELIGHT
2. SIDELIGHTS OR WINDOWS w/in 36" OF A LOCKING DOOR MUST BE SAFETY GLASS OR W/RED GLAZING.
3. ALL EXTERIOR OR ENTRANCE DOORS REQUIRE SOLID BLOCKING AT LOCK HEIGHT ON BOTH SIDES OF DOOR FOR TWO STUD SPACES (EXCEPT AT SIDELIGHTS).
4. DEAD BOLTS LOCK w/ MIN. 1" THROW.
5. HINGES SECURED TO DOOR w/ 1" SCREWS AND TO FRAME w/ 3" SCREWS INTO SOLID BLOCKING.
6. STRIKER PLATES TO BE FASTENED WITH 3" SCREWS INTO SOLID BLOCKING.
7. SLIDING DOORS MUST HAVE PIN TYPE LOCKING MECHANISM WITH A 3/8" THROW.

NOTE:

ALL WINDOWS, DOORS, AND OTHER FENESTRATIONS TO MEET THE MINIMUM PRESCRIPTIVE STANDARD FOR BCBC ZONE 4 (MAX U-VALUE OF 1.80)

NOTICE:

SARAH FEATHERSTONE DESIGN IS NOT RESPONSIBLE FLOOR JOIST & TRUSS LAYOUTS, THESE ARE GUIDELINES ONLY. REFER TO TRUSS & JOIST MANUFACTURER'S SHOP DRAWINGS FOR ALL SIZES, SPACING & GIRDER LOCATIONS.

TRUSS NOTE:

- TYPICAL BEARING AREA IS 5 1/2"
- TRUSS TIE DOWNS ARE REQUIRED ON ALL TRUSSES AND ARE TO BE SUPPLIED BY THE TRUSS SUPPLIER
- ALL TRUSS OVERHANGS ARE TO BE 2 X 4'S

FRAMING NOTE:

- CONTRACTOR TO CONFIRM ALL PLUMBING, FIXTURES AND FIREPLACE ROUGH OPENINGS.
- CONTRACTOR TO PROVIDE PROPER BACKING FOR FIXTURES AND SHELVING.
- FLOOR JOIST LAYOUT AS PER ENGINEER'S JOIST DRAWINGS, DETAILS AND SPECIFICATIONS.

HRV NOTE:

-THIS HOUSE IS NOT EQUIPPED WITH A HRV UNIT.
-EACH BEDROOM (OR MIN. 1 VENT PER FLOOR) IS TO HAVE A SUPPLY AIR VENT.

◇ SYMBOL DENOTES FRESH AIR SUPPLY VENT

NOTE:

-ALL MAKE-UPS LISTED MEET OR EXCEED THE REQUIREMENTS OF 9.36, BCBC ENERGY CODE ZONE 4

NOTE:

THIS BUILDING IS DESIGNED UNDER PART 9 OF THE 2012 BCBC CLIMATE ZONE 4

NOTICE:

STRUCTURAL ENGINEER TO REVIEW SHOP DRAWINGS PRIOR TO CONSTRUCTION. THIS IS THE BUILDER/CONTRACTOR'S RESPONSIBILITY. FLOOR JOIST LAYOUT IS SUBJECT TO CHANGE.

COLOUR SCHEDULE

--- INDICATES DIMENSIONAL BEAM
--- INDICATES ENGINEERED BEAM
--- INDICATES GIRDER TRUSS
--- INDICATES SHEAR WALL

PLAN LEGEND

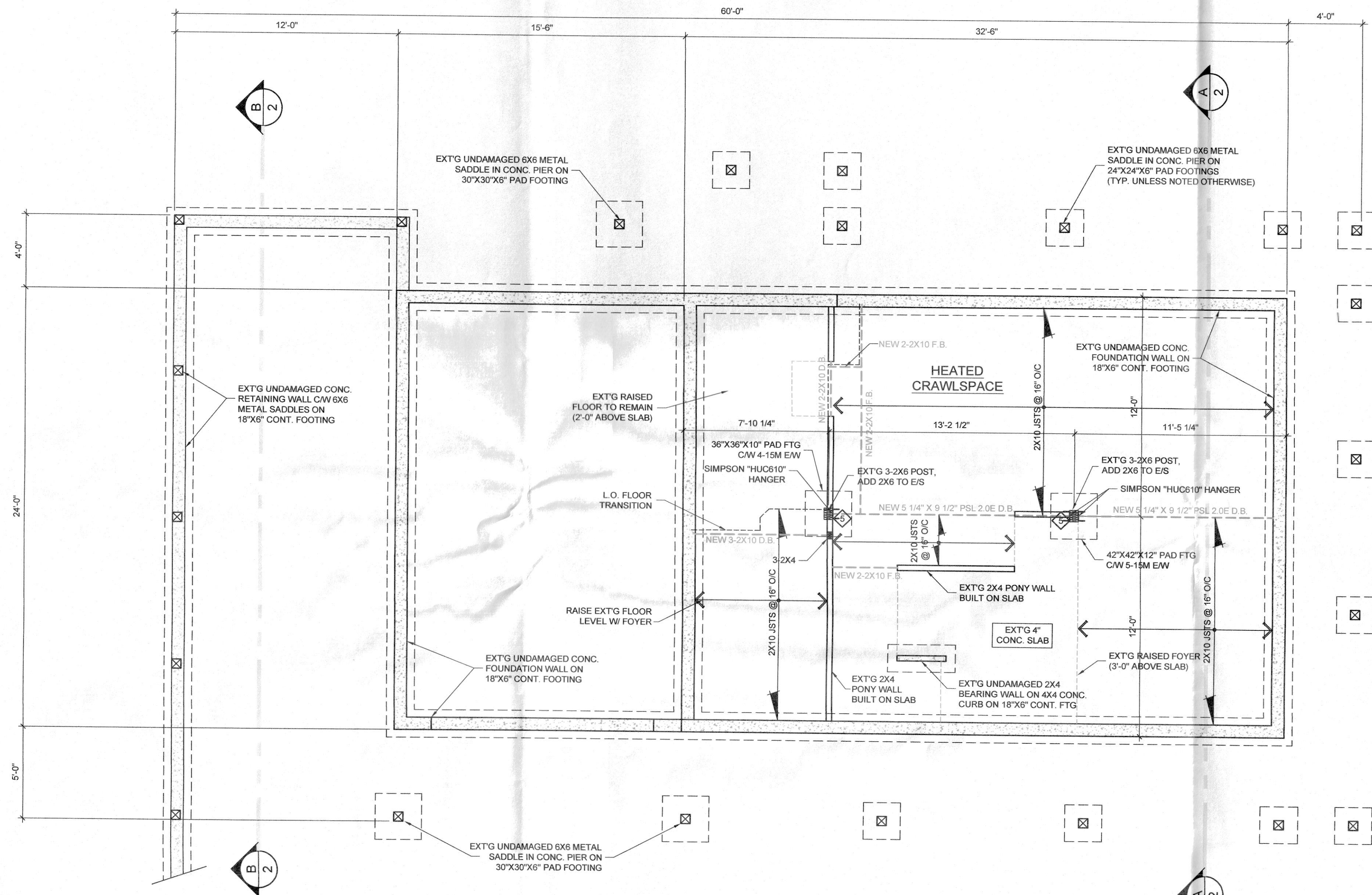
◇ FRESH AIR SUPPLY VENT
◇ S.A. C.O. HARD WIRED SMOKE ALARM & CARBON MONOXIDE DETECTORS
W WASHING MACHINE
D DRYING MACHINE
F BATHROOM FAN
SEE MANUFACTURER'S SPECIFICATIONS FOR EXACT DIMENSIONS, ROUGH OPENINGS AND FINISHING DETAILS.
100.00 SPOT ELEVATION
F.H.N. HIGH EFFICIENT NAT. GAS FURNACE. PROVIDE CONTINUOUS FRESH AIR W/ ONE VENT TO EACH BEDROOM AND EACH FLOOR W/O A BEDROOM (BY OTHERS)
H.W.T. HOT WATER TANK SEISMICALLY RESTRAINED C/W 2" DRAIN & PAN (BY OTHERS)

WALL TYPE SCHEDULE			
DESCRIPTION	CONSTRUCTION	RSI	TOTAL EFFECTIVE RSI
FOUNDATION WALL	DAMP PROOFING	0.21	2.28 (MIN. 1.99)
	EXT'G 8" CONCRETE WALL	-	
	3" EXP. POLYSTYRENE TYPE 1 INSULATION INTERIOR AIR FILM	1.95 0.12	
2X6 EXTERIOR WALL	EXTERIOR AIR FILM	0.03	2.91 (MIN. 2.78)
	REPLACE SIDING WHERE NEEDED 1 1/4" X 3/8" VERT. P.T.	0.02	
	FURRING STRIPS @ 8" O/C	0.12	
	'TYVEK' HOUSE WRAP	-	
	1/2" PLY SHEATHING	0.11	
	R20 BATT INSUL IN 2X6 STUDS @16" O/C	2.43	
	6MIL POLY 1/2" G.W.B	0.08	
	INTERIOR AIR FILM	0.12	

FLOOR TYPE SCHEDULE			
DESCRIPTION	CONSTRUCTION	RSI	TOTAL EFFECTIVE RSI
2X10 OVER UNHEATED SPACE	INTERIOR AIR FILM	0.16	4.89 (MIN. 4.67)
	5/8 PLYWOOD T&G (GLUED & SCREWED)	0.16	
	2X10 FLR. JST. @ 16" O/C	4.46	
	C/W R-31 BATT INSULATION 5/8" G.W.B. EXTERIOR AIR FILM	0.08 0.03	

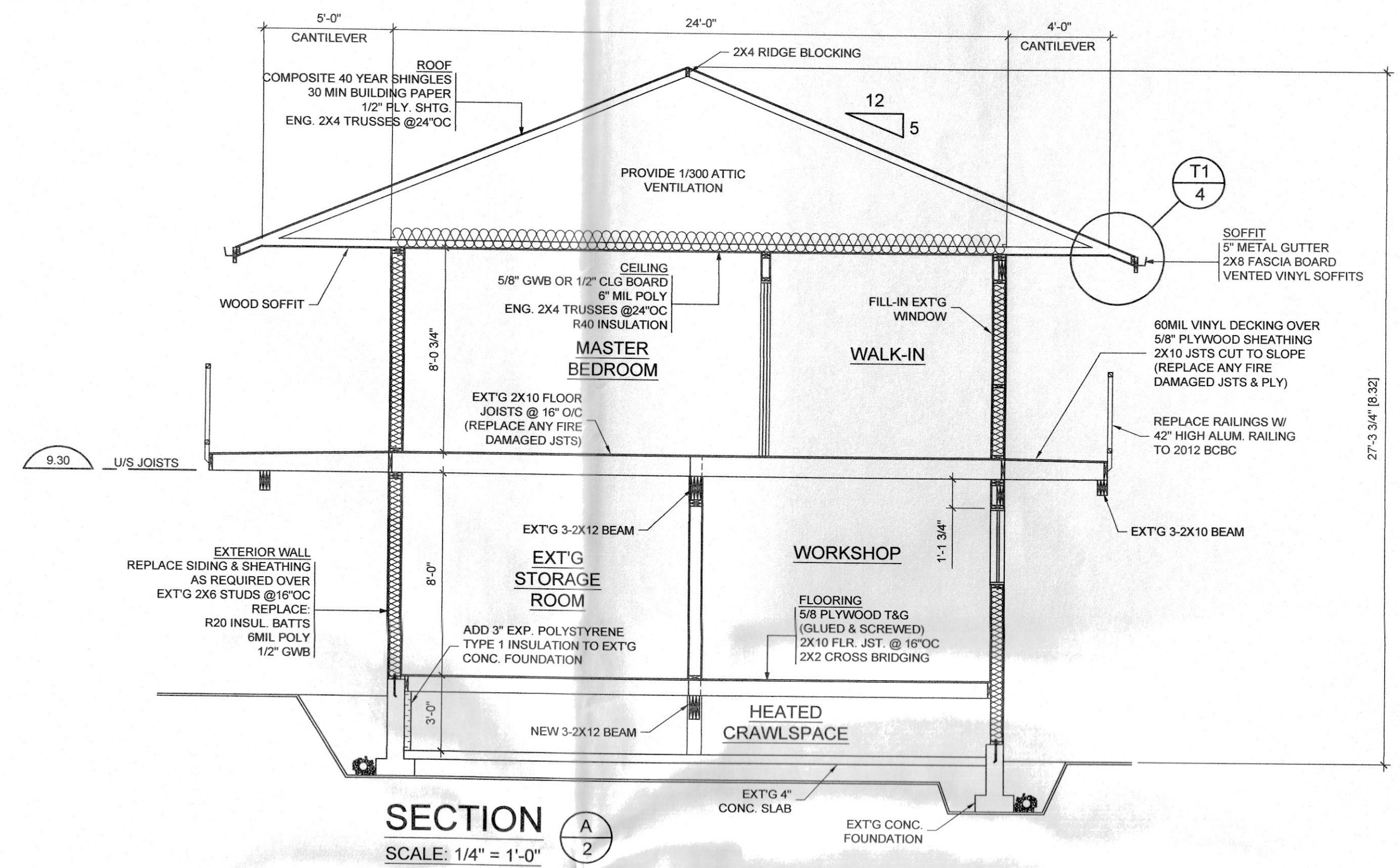
ROOF TYPE SCHEDULE			
SYM.	DESCRIPTION	CONSTRUCTION	RSI
RT	TRUSS OVER HEATED SPACE	EXTERIOR AIR FILM	0.03
		COMPOSITE SHINGLES	-
		30 MIN BUILDING PAPER	-
		1/2" PLY. SHTG. ENG. TRUSSES @ 24" O/C	1.49
		15" BLOWN INSUL	5.47
		6-MIL POLY 5/8" G.W.B	-
		INTERIOR AIR FILM	0.11

DRAWN BY:
S. FEATHERSTONE
CHECKED BY:
S. FEATHERSTONE
SCALE:
AS NOTED
DATE:
MAY 18, 2018
CUSTOMER:
MR. & MRS. KASK
ADDRESS:
24-9053 SHOOK RD
HATZIC ISLAND, BC
PLAN #:
18-02
PAGE
1 OF 7



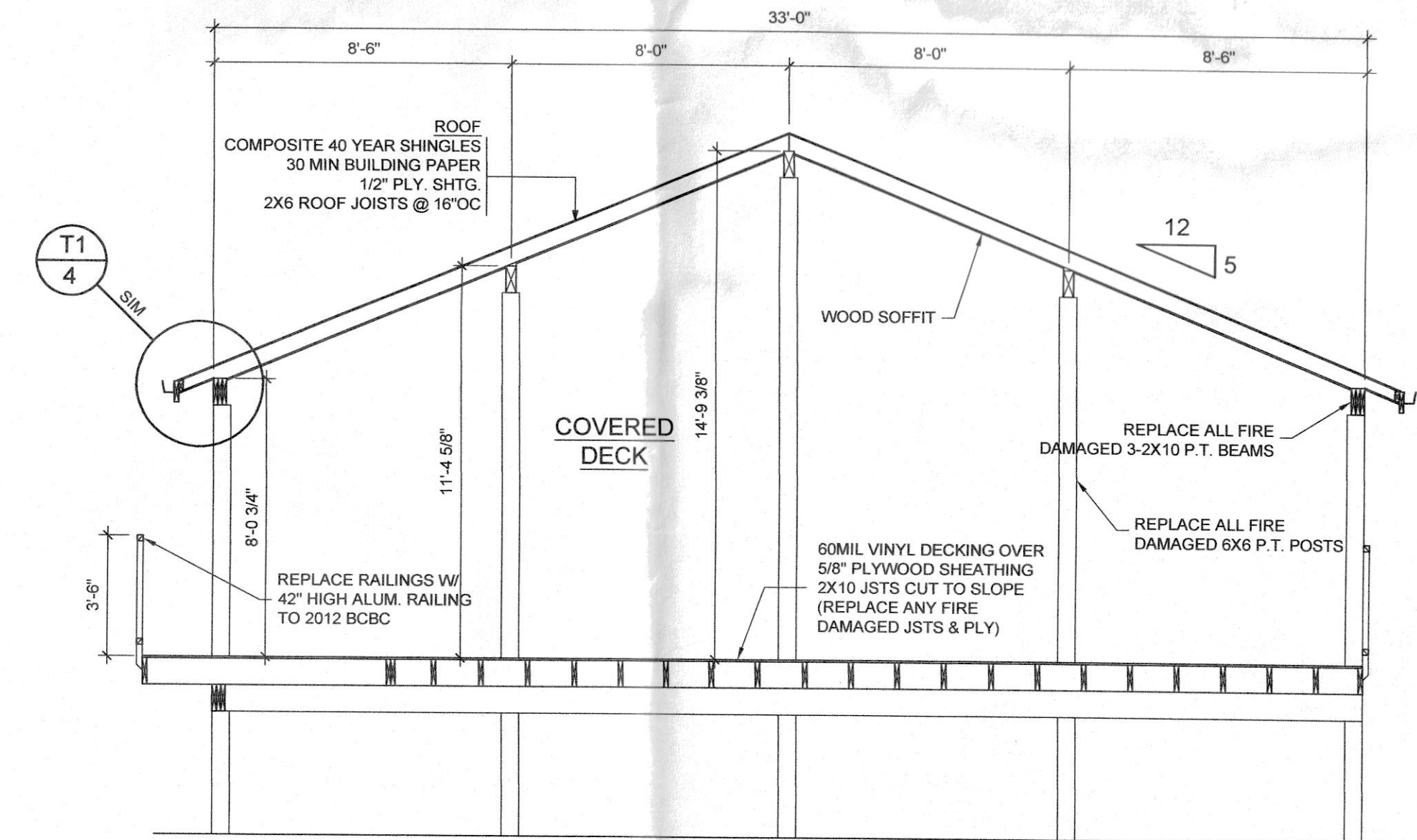
EXISTING FOUNDATION PLAN

SCALE: 1/4" = 1'-0"
(UNDAMAGED)



SECTION A-A

SCALE: 1/4" = 1'-0"



SECTION B-B

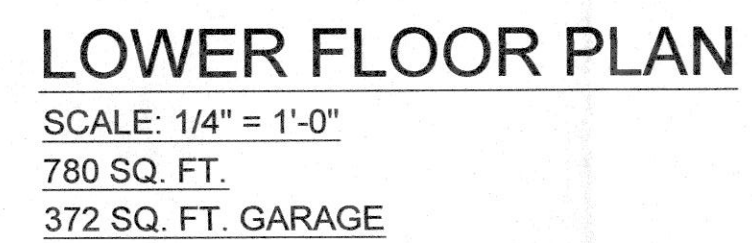
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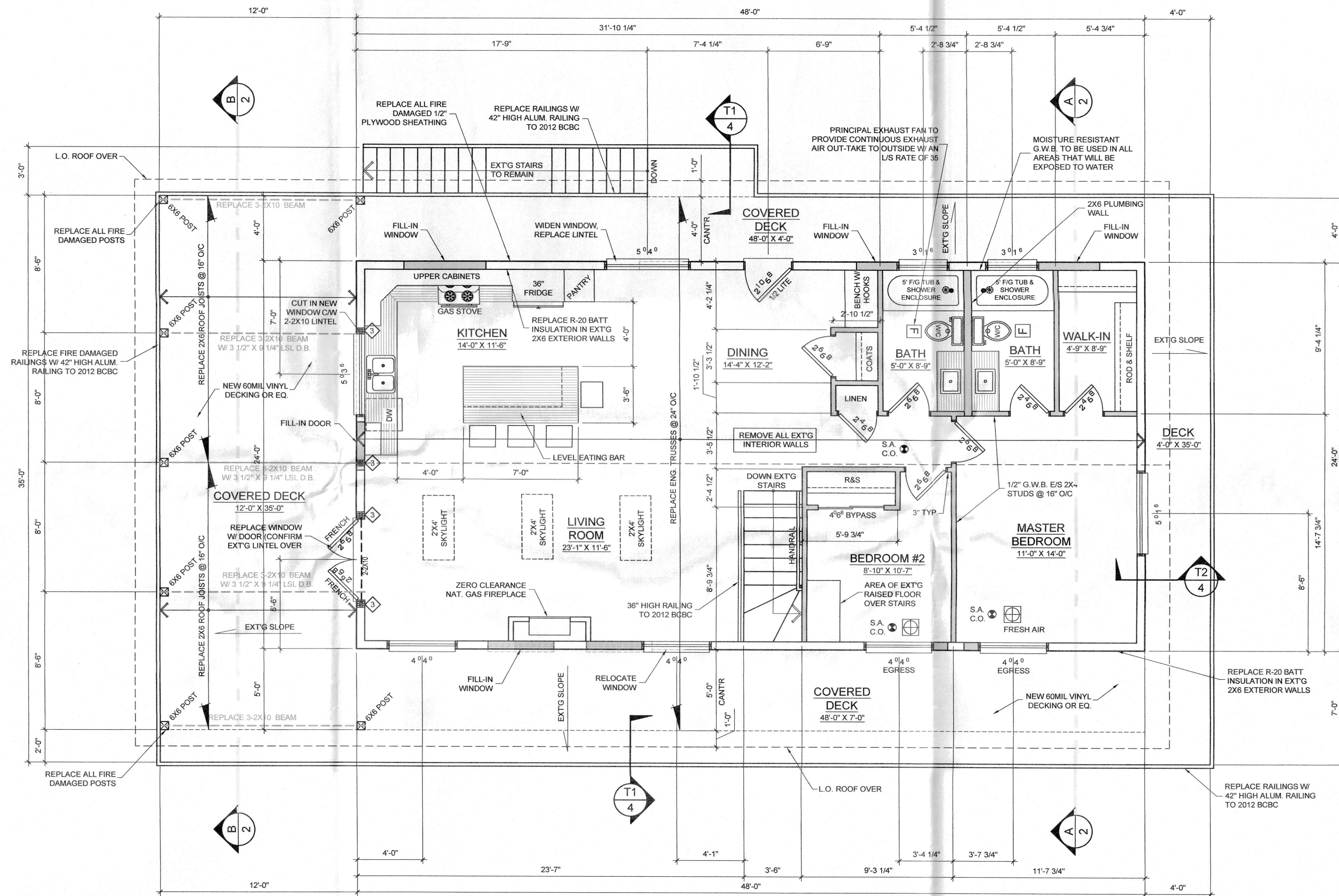
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S. FEATHERSTONE
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AS NOTED
DATE:
MAY 18, 2018
CUSTOMER:
MR. & MRS.
KASK

ADDRESS:
24-9053 SHOOK RD
HATZIC ISLAND, BC

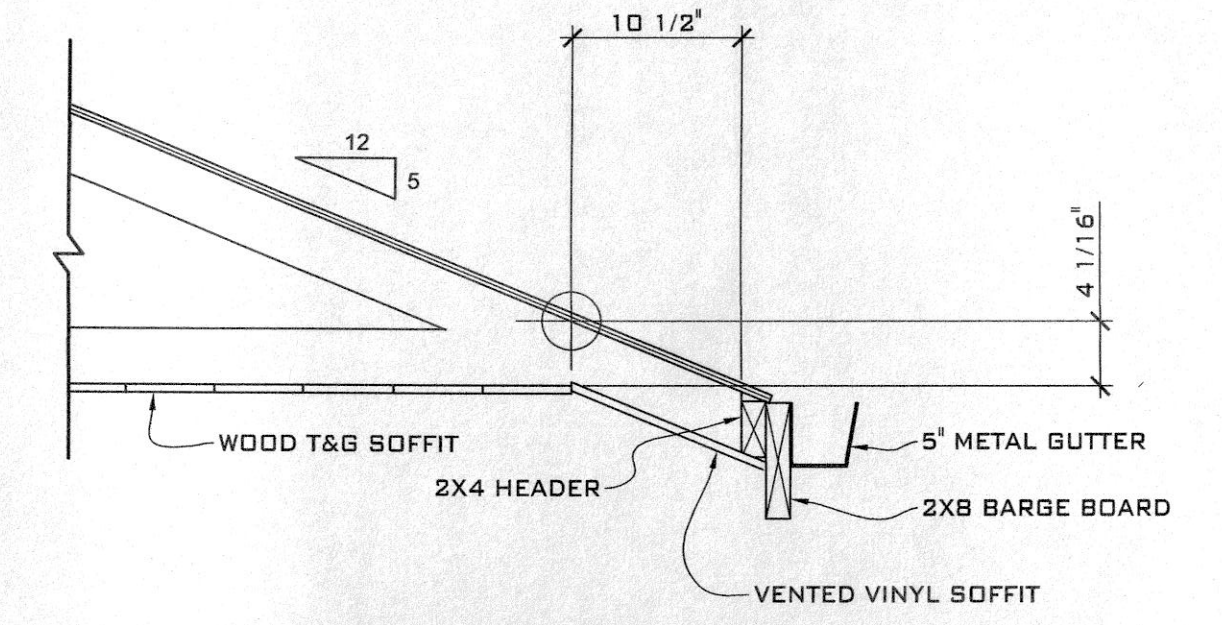
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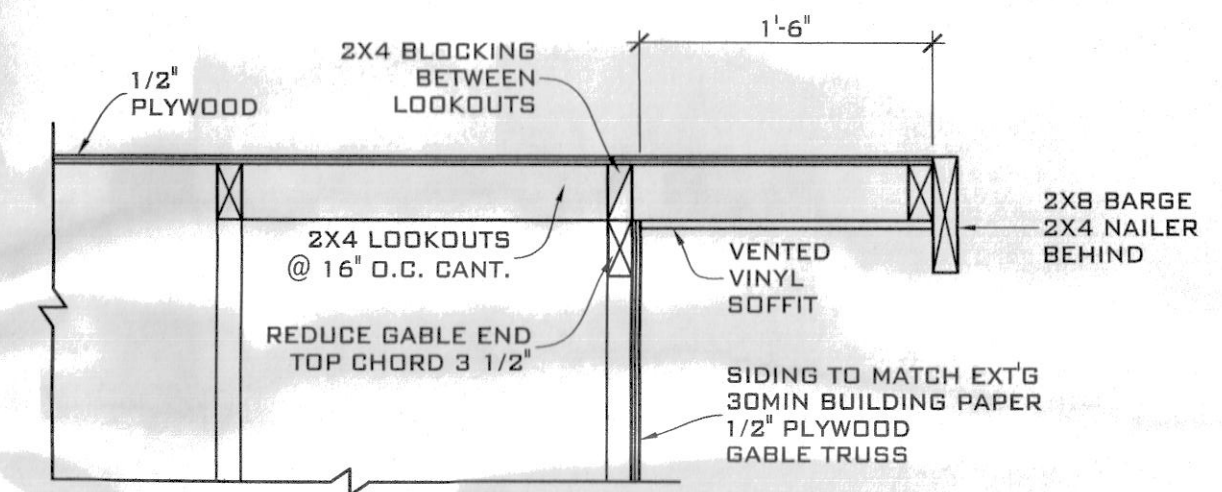
ROOF TYPE SCHEDULE			TOTAL
DESCRIPTION	CONSTRUCTION	RSI	EFFECTIVE RSI
TRUSS OVER HEATED SPACE	EXTERIOR AIR FILM	0.03	
	COMPOSITE SHINGLES	-	
	30 MIN BUILDING PAPER	-	
	1/2" PLY. SHTG.	-	
	ENG. TRUSSES @ 24" O/C	1.49	7.18
	15" BLOWN INSUL.	5.47	(MIN. 6.91)
	6-MIL POLY	-	
	5/8" GWB	0.08	
	INTERIOR AIR FILM	0.11	



UPPER FLOOR PLAN
SCALE: 1/4" = 1'-0"
1152 SQ. FT.



FASCIA DETAIL
SCALE: 1" = 1'-0"



BARGE BOARD SECTION
SCALE: 1" = 1'-0"

WALL TYPE SCHEDULE			
DESCRIPTION	CONSTRUCTION	RSI	TOTAL EFFECTIVE RSI
FOUNDATION WALL	DAMP-PROOFING	0.21	2.28 (MIN. 1.99)
	EXT'G 8" CONCRETE WALL	-	
	3" EXP. POLYSTYRENE	1.95	
	TYPE 1 INSULATION	0.12	
2X6 EXTERIOR WALL	INTERIOR AIR FILM	0.03	2.91 (MIN. 2.78)
	EXTERIOR AIR FILM	0.02	
	REPLACE SIDING WHERE NEEDED	0.12	
	1 1/4" X 3/8" VERT. P.T.	-	
	FURRING STRIPS @ 8" O/C	0.11	
	TYVEK HOUSE WRAP	0.08	
	1/2" PLY SHEATHING	0.08	
	R20 BATT INSUL IN 2X6 STUDS @ 16" O/C	2.43	
2X10 OVER UNHEATED SPACE	6MIL POLY	0.08	4.89 (MIN. 4.67)
	1/2" G.W.B.	0.03	
	EXTERIOR AIR FILM	0.03	

FLOOR TYPE SCHEDULE			
DESCRIPTION	CONSTRUCTION	RSI	TOTAL EFFECTIVE RSI
2X10 OVER UNHEATED SPACE	INTERIOR AIR FILM	0.16	4.89 (MIN. 4.67)
	5/8 PLYWOOD T&G (GLUED & SCREWED)	0.16	
	2X10 FLR. JST. @ 16" O/C	4.46	
	C/W R-31 BATT INSULATION	0.08	
TRUSS OVER HEATED SPACE	5/8" G.W.B.	0.03	7.18 (MIN. 6.91)
	EXTERIOR AIR FILM	0.03	
	15" BLOWN INSUL	5.47	
	6-MIL POLY	0.08	

ROOF TYPE SCHEDULE			
DESCRIPTION	CONSTRUCTION	RSI	TOTAL EFFECTIVE RSI
TRUSS OVER HEATED SPACE	EXTERIOR AIR FILM	0.03	7.18 (MIN. 6.91)
	COMPOSITE SHINGLES	-	
	30 MIN BUILDING PAPER	-	
	1/2" PLY. SHTG.	-	
	ENG. TRUSSES @ 24" O/C	1.49	
	15" BLOWN INSUL	5.47	
	6-MIL POLY	0.08	
	5/8" G.W.B.	0.11	
TRUSS OVER HEATED SPACE	INTERIOR AIR FILM	0.03	7.18 (MIN. 6.91)
	EXTERIOR AIR FILM	0.03	
	15" BLOWN INSUL	5.47	
	6-MIL POLY	0.08	



DRAWN BY:
S.FEATHERSTONE

CHECKED BY:
S.FEATHERSTONE

SCALE:
AS NOTED

DATE:
MAY 18, 2018

CUSTOMER:
MR. & MRS. KASK

ADDRESS:
**24-9053 SHOOK RD
HATZIC ISLAND, BC**

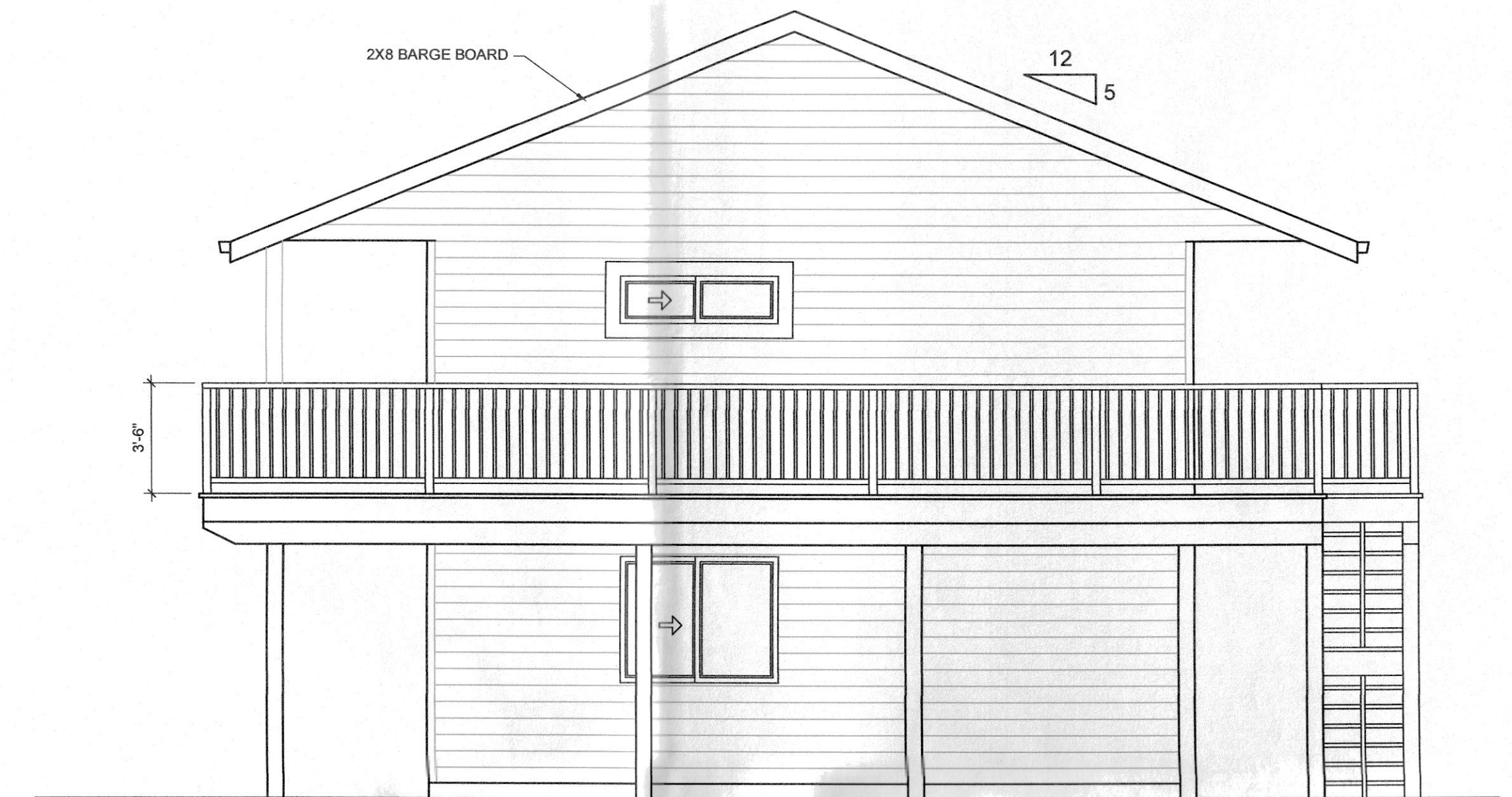
PLAN #:
18-02

PAGE
4 OF 7



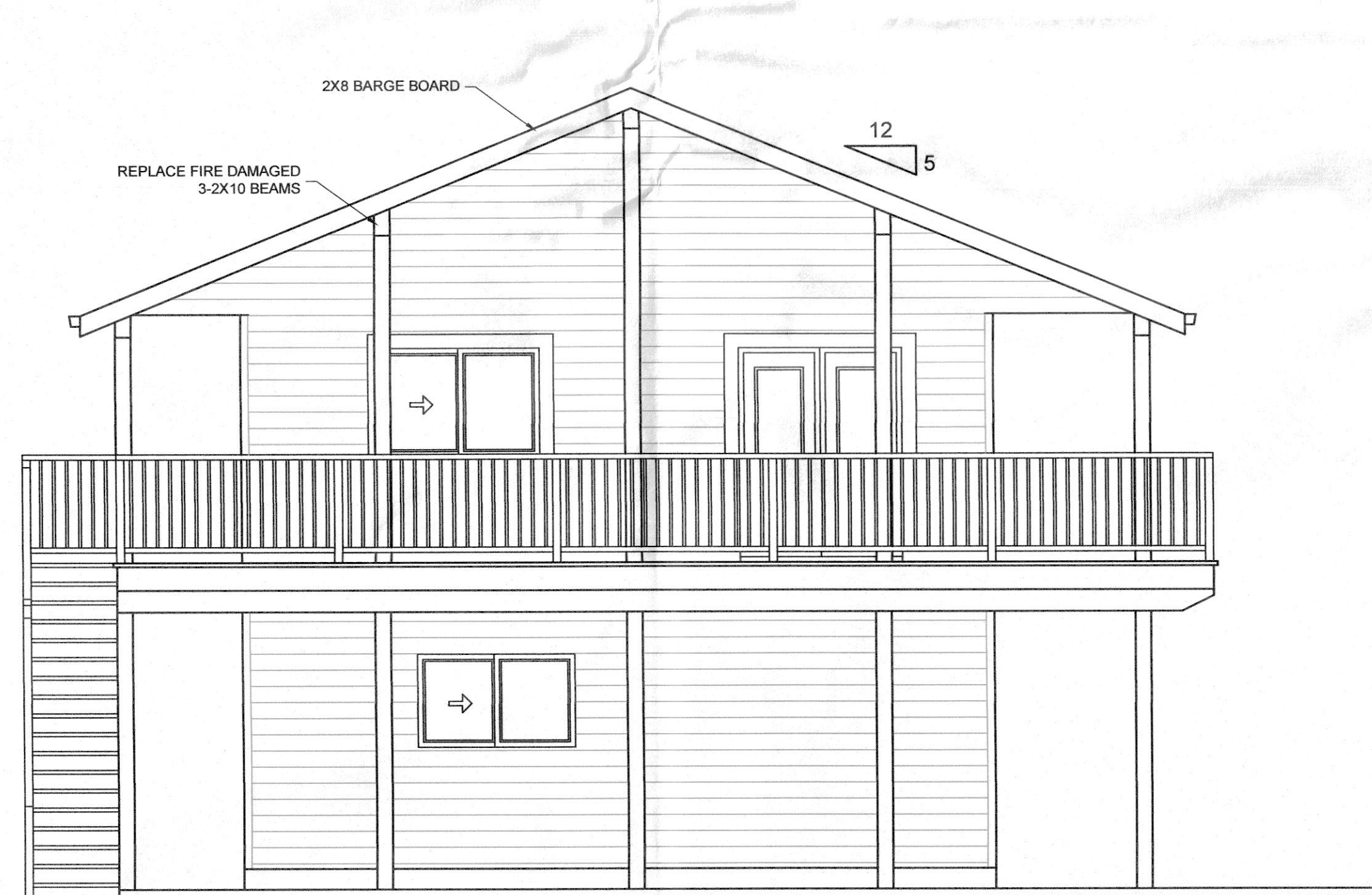
FRONT ELEVATION

SCALE: 1/4" = 1'-0"



RIGHT ELEVATION

SCALE: 1/4" = 1'-0"



LEFT ELEVATION

SCALE: 1/4" = 1'-0"



REAR ELEVATION

SCALE: 1/4" = 1'-0"

Appendix C Application



Fraser Valley Regional District

45950 Cheam Avenue, Chilliwack, BC V2P 1N6

Tel: (604)702-5000 or 1-800-528-0061

Fax: (604) 792-9684

SCHEDULE A

Application to Board of Variance

I / We hereby apply to the Fraser Valley Regional District Board of Variance for:

- ☐ A minor variance from bylaw requirements due to hardship [LGA s. 901(1)(a)]*
- ☐ Structural alteration or addition to non-conforming structure [LGA s. 901(1)(c) and 911(5)]*
- ☒ Other (describe) repair fire damaged legal non-conforming home LGA* s. _____

* LGA means Local Government Act

An Application Fee in the amount of \$ _____ as stipulated in FVRD Board of Variance Establishment Bylaw No. 0903, 2008 must be paid upon submission of this application.

Address of Subject
Property

24-9053 Shook Rd.

Legal
Description

Lot 16 Block _____ Section 36 Township 17 Range NWD Plan _____

NPW 2677 Except plan 27831 PID 010-666-842

The property described above is the subject of this application and is referred to herein as the 'subject property'

This application is made with my full knowledge and consent. I declare that the information submitted in support of the application is true and correct in all respects.

Owner's
Declaration

Name of Owner (print) <u>SUNDORN HOLDINGS LTD</u>	Signature of Owner 	Date <u>Apr 24, 2018</u>
Name of Owner (print)	Signature of Owner	Date

Owner
Contact
Information

Please print clearly.

Address <u>#40 9053 SHOOK RD</u>	City <u>MISSION</u>
Email _____	Postal Code <u>V2V 7M7</u>
Cell _____	Fax _____

Office Use
Only

Date <u>3 JULY 2018</u>	File No. <u>0388-30 2018-775.02149.040</u>
Received By _____	Folio No. <u>775.02149.040</u>
Complete Application _____	Fees <u>\$ 300.00</u>
Required Documents _____	Receipt No. <u>6345/1</u>

BPO14268

Fraser Valley Regional District

45950 Cheam Avenue, Chilliwack, BC V2P 1N6

Agent

I hereby give permission to Grant KASK and Kimberly KASK to act as my/our agent in all matters relating to this application.

Only complete this section if the applicant is NOT the owner.

Signature of Owner 	Date <u>April 24, 2017</u>
Signature of Owner	Date

Agent's contact information and declaration

Name of Agent <u>Grant Kask</u>		Company	
Address <u>24-9053 Shook Road</u>		City <u>Mission</u>	
Email		Postal Code <u>V2V 7M7</u>	
Phone	Cell	Fax	

I declare that the information submitted in support of this application is true and correct in all respects.

Signature of Agent 	Date <u>April 24, 2018</u>
--	-------------------------------

Variance Details

Property Size
(m² or ha)

Present Zoning

Existing Use

Single family home

Proposed Development

Single family home

Proposed Variance

Repair/reconstruct fire-damaged single family residence as it does not comply with Area G Zoning Bylaw No. 559 as the land is not zoned for multiple single family use.

(use separate sheet if necessary)

**Reasons in
Support of
Application**

See page attached.

(use separate sheet if necessary)

Supporting Information

(check applicable boxes)

- ☐ Location map
- ☐ Site plan showing dimensions of property, easements and location of existing buildings
- ☐ Location of proposed buildings, alterations or additions, including any proposed variances
- ☐ Location of any watercourses, streams, or ponds
- ☐ Location of existing or proposed water supplies, septic systems or other services
- ☐ Letters of support if applicable
- ☐ Other supporting information or reports (describe) _____

In accordance with the *Freedom of Information and Protection of Privacy Act*, the personal information on this form is being collected under the authority of Part 26 of the *Local Government Act* and will be collected, used or disclosed only in a manner consistent with the administration of the Management of Development of the Fraser Valley Regional District. If you have any questions about the collection, use or disclosure of this information, please contact the Information Officer of the Fraser Valley Regional District at 45950 Cheam Avenue, Chilliwack, BC V2P 1N6, Tel 604.702.5000 or 1.800.528.0061.

We are seeking a variance to allow us to repair fire damage to our home which occurred on Boxing Day last year. We are now facing the hardship of having an uninhabital home that can be quickly repaired once the appropriate permits are granted.

On Dec. 26, 2017, at approximately 4 p.m., a fire was discovered outside our back door on the second floor of the house. The fire spread up the outside wall and into the attic. The North Fraser Fire Department extinguished the blaze and saved over 80 per cent of the house. Fire damaged the roof and the siding on two exterior walls. Water and smoke damaged the interior finishing of the home.

It is our intention to replace the roof and bring the rest of the house up to current building bylaw standards. In pursuit of this goal a restoration company removed plasterboard which contained asbestos and flooring material that contained either asbestos or lead. This remediation process caused an additional 20 per cent damage to the house.

The house is part of the SunDorn lease-lot development on Hatzic Island. The house is set back approximately 375 feet (please excuse the imperial measurements) from Shook Road and approximately 275 feet from Hatzic Lake. It is approximately 181 feet from the north side lot-line and approximately 95 feet from the south side lot-line.

The house was constructed between 1982 and 1984 under a building permit issued by the Dewdney Alouette Regional District, which had responsibility for zoning and building regulations at the time. An occupancy permit was granted on August 21, 1984.

It should be noted that at least four other homes were given building permits at SunDorn during this time period.

The house was built to meet the 1 in 200 year flood standards. It will remain connected to the community water system and has a functioning, and has an approved on-site sewage disposal system.

We do not anticipate changing the size, site-coverage, or character of the outside of the house but will be making upgrades as required by local authorities and bylaws. We anticipate moving some non-load-bearing partitions on the upper floor to better accommodate current requirements.

Attn: Keith Vanderveen
Firstonsite Restoration Ltd.
#100 2130 Queen St.
Abbotsford, BC V2T 6J4

February 28, 2018
Project: 18-014
Claim #: 001341863
Firstonsite Project ID: AB17-KV151

Re: Kask Residence – Fire Damage Assessment and Repair Requirements
#24 – 9053 Shook Road, Mission, BC

As requested by Kevin Marshall (Firstonsite Restoration), van den Brink Engineering visited the above mentioned site on January 16, 2018 and February 2, 2019, to review the extent of fire damage to the above noted residence. Our scope of services is limited to the review and providing of the structural repair specifications for the fire damaged structural elements only. No structural review of the adequacy or code conformance of the undamaged portions of the existing structure is required or expected to be performed by van den Brink Engineering.

While on site with Kevin Marshall, several notes and photos were taken. Representative photos are attached. This report is to be read in conjunction with the structural repair drawings S1.0 and S2.0. Upon review of the site conditions, the following items were noted:

- 1) The house is believed to have been constructed in 1982. Copies of drawings were provided to us.
- 2) The fire appeared to have been contained to primarily the roof structure, part of the deck at the back, and a small portion of the exterior walls, including a small part of the wall below the back deck
- 3) The roof structure sustained extensive damage to the majority of the roof.
- 4) The entire roof structure will be replaced to match the existing roof structure. This includes pre-manufactured gang-nail roof trusses in order to simplify the repairs and keep the design and construction cost efficient and economical over the interior living space and hand framing over the left side deck.
- 5) The entire roof is to be sheathed with plywood.
- 6) Near the back stairs, about 16 feet of the back deck framing was damaged and needs to be replaced along with the deck sheathing. There is also about a 6 feet section of the main floor rim joist that will need to be replaced and possibly a small section of main floor plywood. Also, the lower wall framing directly below sustained some fire damage and the wall top plates and top 4 feet of sheathing will need to be replaced. Estimate 1 full sheet to be replaced. There is also a handful of studs there to be replaced or doubled up. Precise extent of required replacement in this area to be confirmed during construction.
- 7) The upper level exterior walls along the back of the house sustained some fire damage to the top plates. The top plate will need to be replaced and possibly some of the lower top plate. Any wood with charring is to be replaced. About 20 feet of the back wall sheathing starting from the back left corner of the house will need to be replaced.
- 8) All top level walls to have the top plates and sheathing checked for charring during construction (once siding is removed. Replace any charred sheathing or timber.
- 9) The upper level deck posts supporting the roof will need to be replaced along with the supported rafters and beams.
- 10) No further damage to the floor or basement level was observed.

The contractor is to contact van den Brink Engineering if any additional damage is observed during the repair construction process. Also, the contractor is to contact van den Brink Engineering for field reviews prior to covering any of the structural repairs.

We trust the above meets your requirements and understanding. If you have any questions, please contact the undersigned.

Sincerely,

van den Brink Engineering Ltd.



Ivan van den Brink, P.Eng., Struct. Eng.

ENC/

PHOTOGRAPHS:



Photo 1: Front view of the residence



Photo 2: Rear view of the residence



Photo 3: Roof and Wall damage over deck



Photo 4: Roof and Wall damage over deck



Photo 5: Roof and Wall damage over back deck/walkway



Photo 6: : Wall and Deck Damage

Appendix E

Excerpts of the Dewdney-Alouette Regional District Bylaw No. 202-1980 for Electoral Area B, C, D & E (Rural 3 Zone)

(6) Notwithstanding the provisions of Section 5.06, 8.01(1) and 14.01,

- a. Each of the following legally described properties is recognized as a leased-lot development lawfully existing at the time of adoption of this By-law, and this use shall be permitted to continue as a legally non-conforming use, provided that a maximum of 1 dwelling unit is located on each leased-lot, and that the total number of dwelling units in the leased-lot development does not exceed the maximum number specified for it below:

Block 16 Section 36 Township 17 Plan 2677 (Sun-Dorn Holdings Ltd.); maximum of 43 dwelling units.

- b. Within a leased-lot development, replacement of any dwelling unit that is removed, demolished or accidentally destroyed shall be permitted within the same leased lot in conformity with siting and all other applicable regulations and legislation.

Appendix F

Excerpts of the Dewdney-Alouette Regional District Land Use and Subdivision Regulation Bylaw No. 559-1992

603 Rural 3 (R-3)

Permitted Uses

- (1) Subject to the provisions of this Bylaw, the following uses and no others are permitted in the R-3 zone:

Permitted Uses: Residential Use

References: Section 405

405 Residential Uses

Residential Use

- (1) A residential use shall be limited to one dwelling unit per parcel and accessory buildings, except as specifically provided for in the RST-2 zone. Accessory buildings specifically exclude a dwelling unit.

Appendix G

Excerpts of the Fraser Valley Regional District Official Community Plan for Electoral Area “G” Bylaw No. 0866, 2008

7.1 Hatzic Island

The recreational amenities and rural atmosphere of Hatzic Island have made it a popular recreation and residential location for many decades. However, the attraction of the area, combined with its particular development history and environmental attributes, have created a number of difficult challenges for the community:

- The average density of development on Hatzic Island is high for an unserviced rural area due to the presence of non-conforming urban-type residential developments, mobile home parks, and recreational resorts. By most standards, unserviced development at the density found on Hatzic Island is not sustainable. Redevelopment of several non-conforming developments is unlikely due to legislation, land ownership structures, and form of the development currently existing.
- On-site sewage disposal fields may be contaminating groundwater and water supplies in some locations.
- Hatzic Island is within the Fraser River floodplain. Even high points on the Island are two metres below the elevation of a 1:200 Fraser River flood. Locations on the island are also subject to frequent minor flooding from within the Hatzic watershed which cause the most disruption and damage in low lying areas such as Everglades Resort.
- Residents of the Island are dependent on one access road and bridge; access may be cut off during major Hatzic floods.

For these and other reasons, the land use plans and zoning bylaws since the late 1960's have generally designated the Island for low density rural uses. In doing so, they rendered a number of existing developments “nonconforming”.¹

This plan continues the objective of these previous plans to generally limit development to existing levels. However, it includes important new directions that may improve the situation in meaningful ways. This plan contains new policies regarding:

- a. legitimization of some non-conforming uses if current servicing, site development and flood mitigation standard can be met;
- b. investigation of public sewer and water services to address environmental and human health risks;
- c. the prospect of limited ‘country residential’-type subdivision if community water or sewer infrastructure is achieved; and,
- d. advocacy for infrastructure improvements to reduce flood hazards and enhance recreational values.

¹ The 1968 Official Regional Plan for the Lower Mainland Planning Area designated the Island as a lowland rural area best suited to large rural holdings. Zoning was introduced to the community in 1972 by the Dewdney-Alouette Regional District. DARD Bylaw No. 28-1972 zoned much of the Island Rural-3 with a minimum site area of 20 acres. This direction has since been maintained in land use plans and zoning bylaws.

Non-conforming Uses

Occasionally, the adoption or amendment of a zoning bylaw will prohibit uses that were previously permitted. In these cases, lawfully existing uses established before the prohibiting bylaw are considered to be nonconforming, or 'grandfathered'. Rights surrounding lawfully non-conforming uses are set out in Section 911 of the Local Government Act (LGA). Section 911 allows lawfully established non-conforming uses to continue while eventually facilitating their elimination. The tension inherent in this purpose is obvious. Not surprisingly, a large and complex body of case law dealing with statutory nonconforming use has evolved which, from time to time, changes how the legislation is understood. It is essential to consider this case law when applying Section 911 in a particular instance.

Generally, Section 911 actively works towards conformance by preventing an increase in the scale of the use and limiting the duration of the use to the 'natural' life of the structure. In addition, nonconformance with zoning may depress the value of a property and increase difficulty in obtaining insurance, mortgages and financing. The net effect is to encourage replacement of the nonconforming use with one that conforms to the zoning bylaw.

However, in some instances the legal framework combined with practical considerations such as ownership structure and the nature of the use, leaves little or no expectation that conformity will be achieved, even in the long term. The result may be that a nonconforming use is permitted, and expected, to continue indefinitely but is still subject to the depressing affects of nonconforming status.

In these instances, nonconforming status may create uncertainty and stifle investment necessary for the maintenance of safe and healthy residences or neighbourhoods. It can become difficult to sell or transfer interests, achieve market value, and obtain mortgages or financing necessary for upgrades and repairs. As a result, developments may steadily degrade over time without any clear mechanism for renewal and replacement. Some of the lawfully nonconforming developments on Hatzic Island may fall into this category.

It is the policy of the Regional Board that:

7.1.1 Where the Regional Board considers that there is low likelihood of achieving conformity with zoning over time, the Board may treat lawfully non-conforming uses on Hatzic Island as Class II nonconformities under Section 5.7 of this Plan and rezone to reflect actual existing uses subject to:

- a. connection to a community water or sewer system, or where no public system is available, upgrade of on-site systems to meet acceptable standards;
- b. implementation of appropriate site development standards;
- c. no increase in density, scale or intensity of development;
- d. no increase in hazard or exposure to risk;
- e. ability to meet flood construction levels and setbacks; and,
- f. adequate access

Appendix H

Excerpts of the Local Government Act Section 528-532 and 536-544

Non-conforming uses: authority to continue use

- 528** (1) Subject to this section, if, at the time a land use regulation bylaw is adopted,
- (a) land, or a building or other structure, to which that bylaw applies is lawfully used, and
 - (b) the use does not conform to the bylaw,
- the use may be continued as a non-conforming use.
- (2) If a non-conforming use authorized under subsection (1) is discontinued for a continuous period of 6 months, any subsequent use of the land, building or other structure becomes subject to the land use regulation bylaw.
- (3) The use of land, a building or other structure, for seasonal uses or for agricultural purposes, is not discontinued as a result of normal seasonal or agricultural practices, including
- (a) seasonal, market or production cycles,
 - (b) the control of disease or pests, or
 - (c) the repair, replacement or installation of equipment to meet standards for the health or safety of people or animals.
- (4) A building or other structure that is lawfully under construction at the time of the adoption of a land use regulation bylaw is deemed, for the purpose of this section,
- (a) to be a building or other structure existing at that time, and
 - (b) to be then in use for its intended purpose as determined from the building permit authorizing its construction.
- (5) If subsection (1) authorizes a non-conforming use of part of a building or other structure to continue, the whole of that building or other structure may be used for that non-conforming use.

Non-conforming structures: restrictions on maintenance, extension and alteration

- 529** (1) If the use and density of buildings and other structures conform to a land use regulation bylaw but
- (a) the siting, size or dimensions of a building or other structure constructed before the bylaw was adopted does not conform with the bylaw, or
 - (b) the siting, size, dimensions or number of off-street parking or loading spaces constructed or provided before the bylaw was adopted does not conform with the bylaw,

the building or other structure or spaces may be maintained, extended or altered to the extent authorized by subsection (2).

(2) A building or other structure or spaces to which subsection (1) applies may be maintained, extended or altered only to the extent that

(a) the repair, extension or alteration would, when completed, involve no further contravention of the bylaw than that existing at the time the repair, extension or alteration was started, and

(b) in the case of protected heritage property, the repair, extension or alteration is permitted or authorized in accordance with the provisions governing the heritage protection of the property.

Restrictions on increasing non-conforming use of land

530 In relation to land, section 528 [*non-conforming uses*] does not authorize the non-conforming use of land to be continued on a scale or to an extent or degree greater than that at the time of the adoption of the land use regulation bylaw.

Restrictions on alteration or addition to building or other structure

531 (1) Subject to this section, a structural alteration or addition must not be made in or to a building or other structure while a non-conforming use is continued in all or any part of it.

(2) Subsection (1) does not prohibit a structural alteration or addition that is required by an enactment or is permitted by a board of variance under section 542 (1) [*authority for variance or exemption to relieve hardship*].

(3) Subsection (1) does not apply to alterations or additions in or to a protected heritage property if the alteration or addition is authorized by a heritage alteration permit under section 617.

Restrictions on repair or reconstruction of non-conforming structures

532 (1) If a building or other structure, the use of which does not conform to the provisions of a land use regulation bylaw, is damaged or destroyed to the extent of 75% or more of its value above its foundations, as determined by the building inspector, the structure must not be repaired or reconstructed except for a conforming use in accordance with the bylaw.

(2) If the use of a building or other structure that is on land identified in a phased development agreement under Division 12 [*Phased Development Agreements*] complies with a zoning bylaw provision specified under section 516 (2) [*zoning rules for land subject to the agreement*] for the phased development agreement, subsection (1) of this section does not apply to the building or other structure while the phased development agreement is in effect, unless

- (a) the provision has been repealed or amended, and
 - (b) either
 - (i) the developer has agreed in writing under section 516 (5) that the changes to the zoning bylaw apply, or
 - (ii) the changes to the zoning bylaw apply under section 516 (6) without the written agreement of the developer.
- (3) Subsection (1) does not apply to repair or reconstruction of a protected heritage property if the repair or reconstruction is authorized by a heritage alteration permit under section 617

Division 15 – Board of Variance

Requirement for board of variance

- 536** (1) A local government that has adopted a zoning bylaw must, by bylaw, establish a board of variance.
- (2) A person is not eligible to be appointed to a board of variance if the person is
- (a) a member of the local government or the advisory planning commission, or
 - (b) an officer or employee of the local government.
- (3) Subject to subsections (4) and (5) and to the rules established under section 538 (2) (b)
- (i) *[rules for joint board of variance]*, an appointment to a board of variance is for a 3 year period.
- (4) If no successor has been appointed at the end of the 3 year period referred to in subsection (3), the appointment continues until the time that a successor is appointed.
- (5) A local government may rescind an appointment to a board of variance at any time.
- (6) If a member of a board of variance ceases to hold office, the person's successor is to be appointed in the same manner as the member who ceased to hold office, and, until the appointment of the successor, the remaining members constitute the board of variance.
- (7) Members of a board of variance must not receive compensation for their services as members, but must be paid reasonable and necessary expenses that arise directly out of the performance of their duties.
- (8) A local government must provide in its annual budget for the necessary funds to pay for the costs of the board of variance.

Board of variance for municipality or regional district

- 537** (1) If the population of a municipality is 25 000 or less, the municipal board of variance is to consist of 3 persons appointed by the council.
- (2) If the population of a municipality is more than 25 000, the municipal board of variance is to consist of 5 persons appointed by the council.

- (3) A regional district board of variance is to consist of 3 persons appointed by the board.
- (4) The board of a regional district may establish one or more boards of variance for the regional district, but, if more than one board of variance is established, the bylaw establishing them must specify the area of the regional district over which each board of variance has jurisdiction and those areas must not overlap.

Joint board of variance

- 538** (1) Two or more local governments may satisfy the obligation under section 536 (1) *[requirement for board of variance]* by jointly establishing a board of variance by bylaw adopted by all participating local governments.
- (2) A bylaw under subsection (1) must
- (a) specify the area of jurisdiction for the board of variance, which may be all or part of the participating local governments, but must not overlap with the area of jurisdiction of any other board of variance, and
 - (b) establish rules for the following that apply in place of those established by sections 536 *[requirement for board of variance]* and 539 *[chair and procedures]*:
 - (i) appointment and removal of members of the board of variance;
 - (ii) appointment and removal of a chair of the board of variance.
- (3) As exceptions to section 537 *[local board of variance]*, the following apply to a board of variance established under this section:
- (a) if a municipality is one of the participating local governments, the board of variance is to consist of
 - (i) 3 persons, if the population of the area of the jurisdiction of the board of variance is 25 000 or less, and
 - (ii) 5 persons, if the population of the area of the jurisdiction of the board of variance is more than 25 000;
 - (b) if a municipality is not one of the participating local governments, the board of variance is to consist of 3 persons.

Chair and procedures for board of variance

- 539** (1) The members of a board of variance must elect one of their number as chair.
- (2) The chair may appoint a member of the board of variance as acting chair to preside in the absence of the chair.
- (3) A bylaw establishing a board of variance must set out the procedures to be followed by the board of variance, including the manner in which appeals are to be brought and notices under

section 541 *[notice of application for variance]* or 543 (2) *[notice of application in relation to early termination of land use contract]* are to be given.

(4) A board of variance must maintain a record of all its decisions and must ensure that the record is available for public inspection during regular office hours.

Application for variance or exemption to relieve hardship

540 A person may apply to a board of variance for an order under section 542 *[board powers on application]* if the person alleges that compliance with any of the following would cause the person hardship:

- (a) a bylaw respecting
 - (i) the siting, size or dimensions of a building or other structure, or
 - (ii) the siting of a manufactured home in a manufactured home park;
- (b) a subdivision servicing requirement under section 506 (1) (c) *[provision of water, sewer and other systems]* in an area zoned for agricultural or industrial use;
- (c) the prohibition of a structural alteration or addition under section 531 (1) *[restrictions on alteration or addition while non-conforming use continued]*;
- (d) a bylaw under section 8 (3) (c) *[fundamental powers — trees]* of the *Community Charter*, other than a bylaw that has an effect referred to in section 50 (2) *[restrictions on authority — preventing all uses]* of that Act if the council has taken action under subsection (3) of that section to compensate or mitigate the hardship that is caused to the person.

Notice of application for variance

- 541** (1) If a person makes an application under section 540, the board of variance must notify all owners and tenants in occupation of
- (a) the land that is the subject of the application, and
 - (b) the land that is adjacent to land that is the subject of the application.
- (2) A notice under subsection (1) must state the subject matter of the application and the time and place where the application will be heard.
- (3) The obligation to give notice under subsection (1) is satisfied if the board of variance made a reasonable effort to mail or otherwise deliver the notice.

Board powers on application

- 542** (1) On an application under section 540, the board of variance may order that a minor variance be permitted from the requirements of the applicable bylaw, or that the applicant be

exempted from section 531 (1) [*alteration or addition while non-conforming use continued*], if the board of variance

- (a) has heard the applicant and any person notified under section 541,
- (b) finds that undue hardship would be caused to the applicant if the bylaw or section 531 (1) is complied with, and
- (c) is of the opinion that the variance or exemption does not do any of the following:
 - (i) result in inappropriate development of the site;
 - (ii) adversely affect the natural environment;
 - (iii) substantially affect the use and enjoyment of adjacent land;
 - (iv) vary permitted uses and densities under the applicable bylaw;
 - (v) defeat the intent of the bylaw;
 - (vi) vary the application of an applicable bylaw in relation to residential rental tenure.

(2) The board of variance must not make an order under subsection (1) that would do any of the following:

- (a) be in conflict with a covenant registered under section 219 of the [Land Title Act](#) or section 24A of the *Land Registry Act*, R.S.B.C. 1960, c. 208;
- (b) deal with a matter that is covered in a land use permit or covered in a land use contract;
- (c) deal with a matter that is covered by a phased development agreement under Division 12 [*Phased Development Agreements*];
- (d) deal with a flood plain specification under section 524 (3);
- (e) apply to a property
 - (i) for which an authorization for alterations is required under Part 15 [*Heritage Conservation*],
 - (ii) for which a heritage revitalization agreement under section 610 is in effect, or
 - (iii) that is scheduled under section 614 (3) (b) [*protected heritage property*] or contains a feature or characteristic identified under section 614 (3) (c) [*heritage value or character*].

(3) In relation to an order under subsection (1),

- (a) if the order sets a time within which the construction of the building, structure or manufactured home park must be completed and the construction is not completed within that time, or

(b) if that construction is not substantially started within 2 years after the order was made, or within a longer or shorter time period established by the order,

the permission or exemption terminates and the bylaw or section 531 (1), as the case may be, applies.

(4) A decision of the board of variance under subsection (1) is final.

Exemption to relieve hardship from early termination of land use contract

543 (1) The owner of land subject to a land use contract that will be terminated by a bylaw adopted under section 548 [*early termination of land use contracts*] may apply to a board of variance for an order under subsection (5) of this section if

(a) the owner alleges that the timing of the termination of the land use contract by the bylaw would cause the owner hardship, and

(b) the application is received by the board of variance within 6 months after the adoption of the bylaw.

(2) If an application is made under subsection (1), the board of variance must notify all owners and tenants in occupation of

(a) the land that is the subject of the application, and

(b) the land that is adjacent to land that is the subject of the application.

(3) A notice under subsection (2) must state the subject matter of the application and the time and place where the application will be heard.

(4) The obligation to give notice under subsection (2) must be considered satisfied if the board of variance made a reasonable effort to mail or otherwise deliver the notice.

(5) On an application under subsection (1), the board of variance may order that, despite the termination of the land use contract and despite any zoning bylaw, the provisions of that land use contract continue to apply in relation to the applicant for a specified period of time ending no later than June 30, 2024, if the board of variance

(a) has heard the applicant, and

(b) finds that the timing of the termination of the land use contract by the bylaw would cause undue hardship to the applicant.

(6) An order under subsection (5) does not run with the land.

(7) The board of variance must make a decision on an application under subsection (1) within 6 months after the application is received by the board of variance.

(8) A decision of the board of variance under subsection (5) is final.

Extent of damage to non-conforming use property

- 544** (1) A person may apply to a board of variance for an order under subsection (2) if the person alleges that the determination by a building inspector of the amount of damage under section 532 (1) *[end of non-conforming use protection if building of other structure is seriously damaged]* is in error.
- (2) On an application under subsection (1), the board of variance may set aside the determination of the building inspector and make the determination under section 532 (1) in its place.
- (3) The applicant or the local government may appeal a decision of the board of variance under subsection (2) to the Supreme Court.

TO MISSION CITY SHOOK

Appendix J
Letters of Support

We support the application by Grant and Kimberly Kask to repair/rebuild their house at 24 – 9053 Shook Rd.

We live in the house immediately east of the Kask home.

Comments:

Name	Signature	Lot #
Mary Garthside		23

F.V.R.D. BLDG. DEPT

JUL 03 2018

We support the application by Grant and Kimberly Kask to repair/rebuild their house at 24 – 9053 shook Rd.

We live in the house immediately south of the Kask home.

Comments:

Name	Signature	Lot#
Audra Beukens.	Audra Beukens	30

We support the application by Grant and Kimberly Kask to repair/rebuild their house at 24 – 9053 shook Rd.

We own the lot immediately north of the Kask home.

Comments:

Name	Signature	Lot#
Glen KASK		13

F.V.R.D. BLDG. DEPT

JUL 03 2018

May 6, 2018

To Whom it May Concern:

We have purchased the house (#12 9055 Shook Road, Mission, B.C.) immediately to the north west of the Kask Home, and we have no objection to Grant and Kimberly Kask's application to repair/rebuild their house at #24 9053 Shook Road, Mission, B.C.

Regards,



Peter Glasson



Marge Glasson

F.V.R.D. BLDG. DEPT

JUL 03 2018