

Variance Application for 4675 Kitwanga Drive, 108 Mile

To: Variance Board Members
Cariboo Regional District
180 North 3rd Ave
Williams Lake, BC

Date: 17 Aug 2020

Regarding: Supporting statement for variance and reluctance to enter a covenant for said variance

Hello Board Members and Regional Chair

On June 5th, 2020 we applied for a relaxation of the 25' frontage set back for structures on roads. The reasons we asked for the set back relaxation were based on the property configuration, lay of the land (profile), possible building locations and other restrictions that were imposed by the set back from the 108 lake.

There were (are) many reasons for the relaxation request as the septic field was moved from the front of the house to the side and is adjacent to the only area we can build the garage and allow for a proper attached carport to the house in the future. This was proposed to better the property and improve the usability of the property which would also increase the value of the property and make the added taxes we would pay justifiable.

A short time ago we received notice from the Regional Board that our application for a variance to relax the set back on our property at 4675 Kitwanga Drive at 108 Mile was not denied but also not approved. It was explained to us that after the Regional District Board had reviewed the application they thought it would be in the area's best interest to ask for a covenant to be drawn up against the title of the property to protect the trees on our property along Kitwanga Drive. We were told it was to provide a visual barrier so that the requested building would not look like it was built within the set back.

At first, we were not too concerned about this as my wife loves the trees and removing them would not be considered, so a variance to protect them on the surface didn't seem like an issue. We engaged the local surveyor and lawyer to find out how much this would cost, as all costs would be borne by us. We also discussed things with a retired real-estate agent that we know down here. The costs to have the trees surveyed and plotted on a plan that can be attached to a covenant turned out to be \$950 and the covenant was estimated to be between \$750 and \$2,500 depending on the discussions on the wording of the covenant.

After discussing our plans and the current situation with our old neighbours to the west and the real-estate agent, we became concerned that the covenant was possibly neither fair, in our best interest or in the property's best interest. Our neighbours to the west were the ones that got us thinking about applying for the variance as they had done the same thing and said it was easy and not uncommon. When we told them we needed a covenant, they told us they had not needed a covenant. We are also aware there is a house a little further to the west that is very close to the road that doesn't have any trees forming a visual barrier either.

We are wondering why we were being asked to do this when others were not and also being asked to bear the costs which could make the project less practical. This was compounded by comments and concerns our friend in real estate had about any future sale of the property with

this covenant against it. To have the trees protected means if there is an issue with the roots and our foundation (which there very well could be since three of them are Willows) or the trees get to a size or shape that they become a safety hazard to our powerline service or the house, we would be handcuffed on what we could do. This covenant could also deter any potential future owners when they find out there is a restriction on dealing with the trees that are actually on our own property. They may very well get nervous and shy away from a sale which would be very bad for us to go down this road.

We even considered moving the garage further back, past the septic field but that was a not practical to have your garage at the back of the property, especially during the winter months. In addition, we would have to cut trees down and drastically change the profile of the property and the cost to build the access road would be worse than the costs for the covenant. Also, there is a drainage line that collects the road runoff on Kitwanga between that road and the highway that is directed onto our land so we would have to build a culvert and ditch system so we could drive over to the garage.

After taking all these factors into consideration, what we are trying to do is improve the look of the land, usability of the land for us and future owners which would add to the tax base of the region, so being saddled with a covenant is far less than a satisfactory option. The lot has a very narrow strip that can be used for building and it is so far below the grade of the road that a straight driveway down isn't practical. We feel this difference in elevation alone provides the look that the board wants and is no different than the property further to the west. We do not think it is fair to impose this type of covenant on our property when other properties just down the road do not have similar restrictions against them.

I was informed that this restriction wasn't in place for the house further down the road because it was the main building and not a garage. We must respectfully disagree because the relaxation we are asking for is 'also' for our house to have a carport so we can walk to the door without going through the snow or rain. The alignment of the garage is so someone could drive through a future carport to the garage which is a logical addition to the house. Having the garage in any other location would negatively impact the appearance of the property, not to mention our enjoyment of the property and possible future sales.

It is our hope the board will understand our position and concerns as well as realize the restrictions that the covenant poses to the value of the property. We would also like to assure the board that we understand their concerns for a visual barrier and have no intent to remove our trees because we like the privacy they bring. We are hoping to hear that the board can accept our position and will grant the variance without the covenant as otherwise with the high additional costs and restrictions it would bring, we would not be able to proceed.

Sincerely

Arne and Annette Johanson
4675 Kitwanga Drive,
108 Mile Regional District