

Development Variance Permit Information Package

File Number: 3090-20/20200025

Electoral Area: A

Date of Referral: July 29, 2020

Date of Application: July 10, 2020

Property Owner's Name(s): Leslie and Marie Murray

Applicant's Name: Same as above

SECTION 1: Property Summary

Legal Description(s): Parcel 1, District Lot 3971, Cariboo District, Plan PGP41287

Area of Application:

Location: 1801 Beach Crescent

Current Zoning: Residential 2 (R 2)

Refer to: Adjacent Landowners, Area "A" APC, MoE, MoTI, CRD Chief Building Official, Northern Health Authority

Variance Requested: The applicants have requested a variance to section 5.12.2 b) ii) of the Quesnel Fringe Area Zoning Bylaw No. 3504, 1999 as follows:

That the minimum required Exterior Side Yard Setback where abutting a lake access be reduced from 4.57 metres (15 feet) to 1.5 metres (4.92 feet) to allow for the construction of a garage.

Proposal/Reasons in support: To construct a garage.

Existing Buildings:

- | | |
|------------|----------------------------|
| • Dwelling | 103.9 sq m (1,118.4 sq ft) |
| • Deck | 38.4 sq m (413.3 sq ft) |
| • Carport | 39.9 sq m (429.5 sq ft) |
| • Shed | 28.0 sq m (301.4 sq ft) |

Proposed Buildings:

- | | |
|----------|-------------------------|
| • Garage | 80.0 sq m (861.1 sq ft) |
|----------|-------------------------|

SECTION 2: Planning Report

Background:

The applicants have requested that the minimum required exterior side yard setback where abutting an undeveloped lake access road be reduced from 4.57 m (15 ft.) to 1.5 m (4.92 ft.) to allow the

construction of an 80 sq. m (861.1 sq. ft.) garage. The requested variance is a relaxation of Section 5.12.2 (b)(ii) of the Quesnel Fringe Area Zoning Bylaw No. 3504, 1999.

The subject property is zoned Residential 2 (R 2) in the Quesnel Fringe Area Zoning Bylaw No. 3504, 1999 and is designated Single-Family Residential (Serviced) in the Quesnel Fringe Area Official Community Plan Bylaw No. 4844, 2014. The property has an existing 103.9 sq. m (1,118.4 sq. ft.) residential dwelling with 38.4 sq. m (413.3 sq. ft.) deck, 39.9 sq. m (429.5 sq. ft.) attached carport, and 28 sq. m (301.4 sq. ft.) non-conforming shed as shown in Appendix B.

Location and Surroundings:

The subject property is 0.228 ha (0.563 ac) in size and is located at 1801 Beach Crescent, adjacent to Dragon Lake as shown in Appendix A. Currently, the property is connected to the Red Bluff sewer system and has a conditional water license (#C120938). It is mostly surrounded by single-family dwellings with Dragon Lake to the south and a lake access to the west of the subject property.

CRD Regulations and Policies:

3504- Quesnel Fringe Area Zoning Bylaw, 1999

5.12 RESIDENTIAL 2 (R 2) ZONE

5.12.2 ZONE PROVISIONS

(b) REQUIRED YARDS (minimum):

- ii) Exterior Side Yard – Setback where abutting a lake access road = 4.57 metres (15 feet)

Rationale for Recommendations:

The requested variance of 1.5 metres (4.92 feet) does not comply with the minimum setback requirement from the Ministry of Transportation and Infrastructure (MOTI). As per MOTI, all structures must maintain a minimum of 4.5 metres (14.76 ft.) setback from any public right of way. This is pursuant to section 12 of the Provincial Public Undertakings Regulation BC Reg. 513/2004.

However as per the regulation and the Ministry of Transportation policy manual, 3 metres (9.84 feet) setback is permitted if the lot access is from another street. As the applicants have their main access from Beach Crescent, the Ministry will allow 3 metres (9.84 feet) setback from the lake access for the proposed garage. Pursuant to Transportation Act, the applicants will require a Setback Permit from the Ministry of Transportation and Infrastructure ensuring the legality of the 3 metres (9.84 feet) setback allowance.

The recommended 3 metres (9.84 feet) is supported by CRD planning staff, as it allows for the efficient utilization of a small parcel. The impact on neighbouring residents and potential users of the lake access is expected to be minimal. At time of drafting, one letter of support was received by the resident immediately east of the subject property (the lake access is located west of the subject property). The lake access presently contains CRD infrastructure for the Red Bluff sewer system,

limiting development of a future road. Further, Area "A" Advisory Planning Commission has no objections to the proposal.

Recommendation:

That the application for a Development Variance Permit pertaining to Parcel 1, District Lot 3971, Cariboo District, Plan PGP41287 be approved. Further, that a Development Variance Permit be issued to vary Section 5.12.2 (b) (ii) of the Quesnel Fringe Area Zoning Bylaw No. 3504, 1999 as follows:

That the minimum required exterior side yard setback where abutting an undeveloped lake access road be reduced from 4.57 m (15 ft.) to 3 m (9.84 ft.) to allow the construction of an 80 sq. m (861.1 sq. ft.) garage.

Further, that issuance be subject to the following condition:

The applicant must apply for a Setback Permit from the Ministry of Transportation and Infrastructure to ensure legality of the 3 metres (9.84 feet) setback allowance.

SECTION 3: Referral Comments

Chief Building Official: - August 4, 2020

No objections. Building permit will be required.

Health Authority: -

Ministry of Transportation and Infrastructure: - August 10, 2020

The Ministry of Transportation and Infrastructure does **not** support the proposed Development Variance application for the relaxation on the setback distance for 1801 Beach Crescent. Please be advised that pursuant to section 12 of the Provincial Public Undertakings Regulation BC Reg. 513/2004, all structures must be placed at least 4.5 metres back from any public road right of way. This would include the right of way on the access to water on Beach Crescent. This variance would not meet the minimum setback.

September 04, 2020

At the request of the proponents, the Ministry of Transportation and Infrastructure has re-examined this application and revises our comments to the following:

The Ministry of Transportation and Infrastructure does **not** support the proposed Development Variance application for the relaxation on the setback distance to 1.5 meters for 1801 Beach Crescent. Please be advised that pursuant to section 12 of the Provincial Public Undertakings Regulation BC Reg. 513/2004, all structures must be placed at least 4.5 metres back from any rights of way under Ministry jurisdiction. As per the regulation and the Ministry policy manual, if you have access from another street, the allowed setback is 3 meters. As the proponents have access from Beach Crescent, the Ministry will allow a **3 meter** setback from the access to water right of way on Beach Crescent for the proposed building.

The proponents may need to apply for a setback permit from the Ministry of Transportation and Infrastructure for the 3 meter setback allowance.

Ministry of Environment: -

Adjacent Property Owners:

See attached

Advisory Planning Commission: August 6, 2020

See attached

SECTION 4: Board Action

Date of Meeting:

ATTACHMENTS

Appendix A: General Map

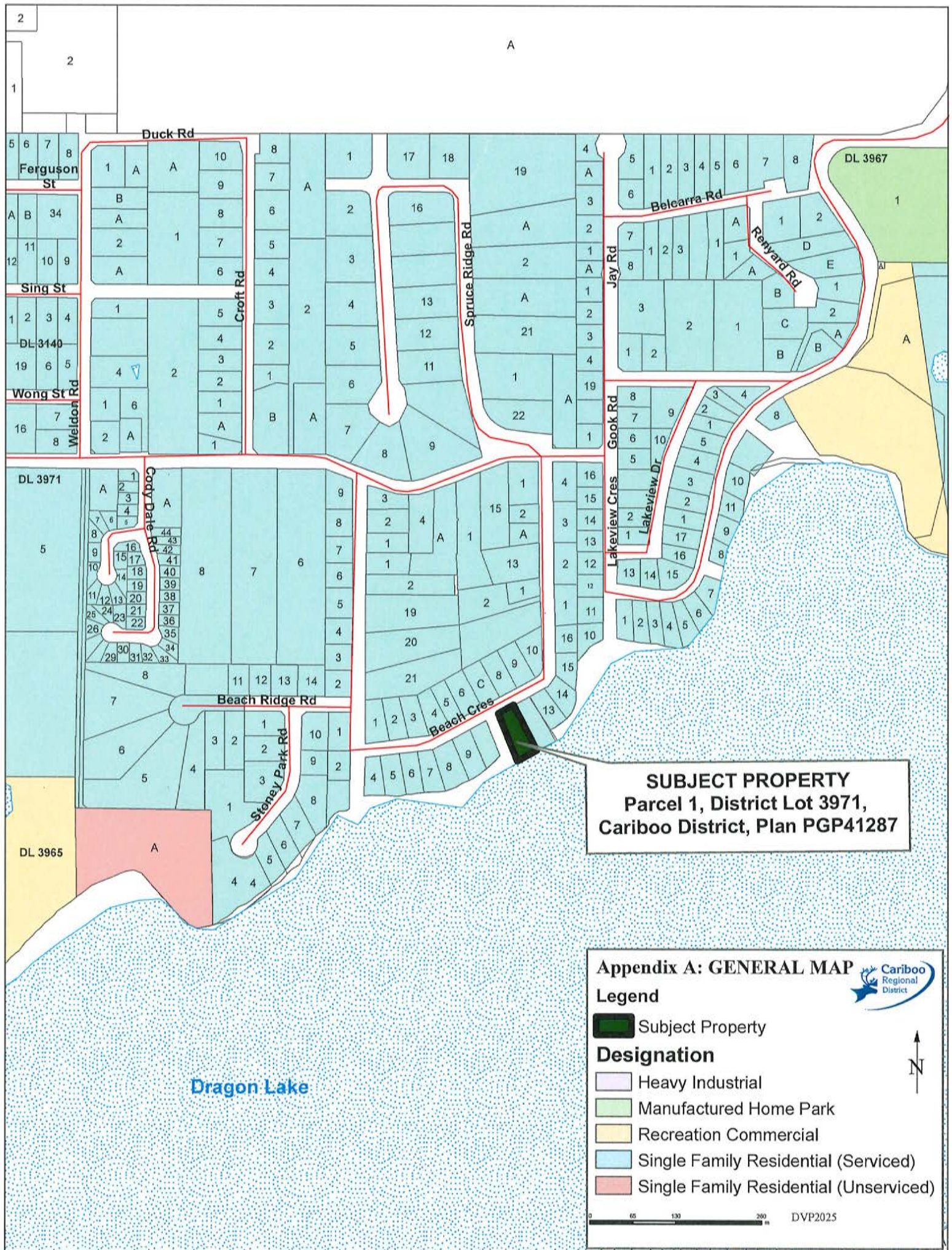
Appendix B: Specific Map

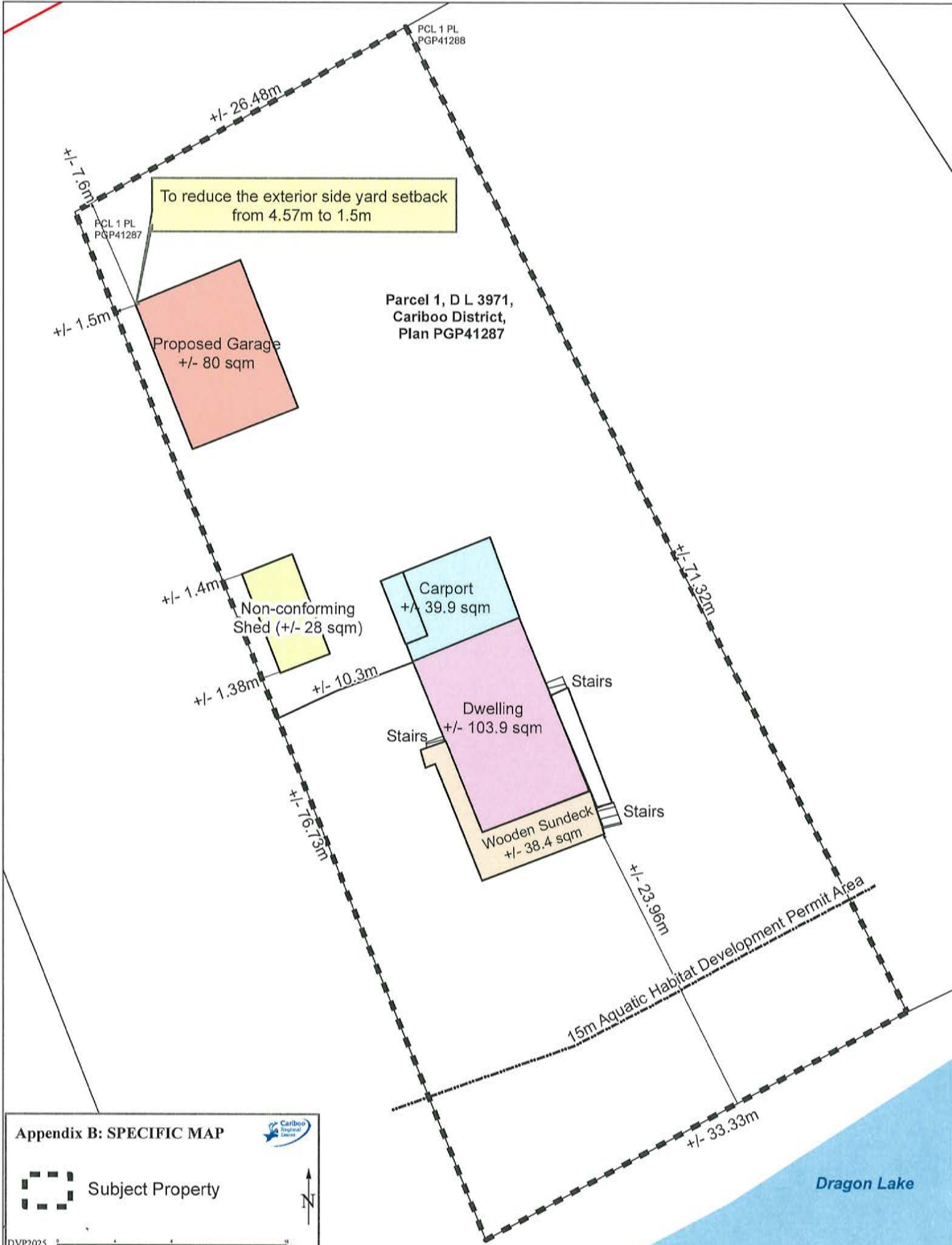
Appendix C: Orthographic Map

Other: Applicant's Supporting Documentation

Adjacent Property Owners

Advisory Planning Commission Comments





Appendix C: GENERAL MAP ORTHO



LEGEND

 SUBJECT PROPERTY

0 15 30 60 m

DVP2025



DL 3971

Beach Cres

SUBJECT PROPERTY
Parcel 1, District Lot 3971,
Cariboo District, Plan PGP41287

Dragon Lake

Describe the existing use of the subject property and all buildings: private residence

Describe the proposed use of the subject property and all buildings: private residence
garage space

Describe the reasons in support for the application: Best use of layout of
property

Provide a general description of vegetation cover (i.e. treed, grassland, forage crop etc.): lawn

Provide general geographical information (i.e. existing lakes, streams, physical features etc.):
Dragon Lake - public access on west side of
property. small amount of use.

Services Currently Existing or Readily Available to the Property (check applicable area)

* Readily Available means existing services can be easily extended to the subject property.

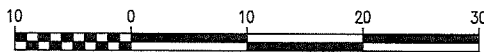
Services	Currently Existing?		Readily Available?*	
	Yes	No	Yes	No
Hydro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Telephone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community Water System	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Community Sewer System	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sewage Disposal System	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Well	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please specify)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

conditional water licence - C120938

description o/a - Domestic - 2.27305 m³/day

British Columbia Land Surveyor's Building Location
Certificate on Parcel 1, District Lot 3971, Cariboo
District, Plan PGP41287 for CRD development variance application.

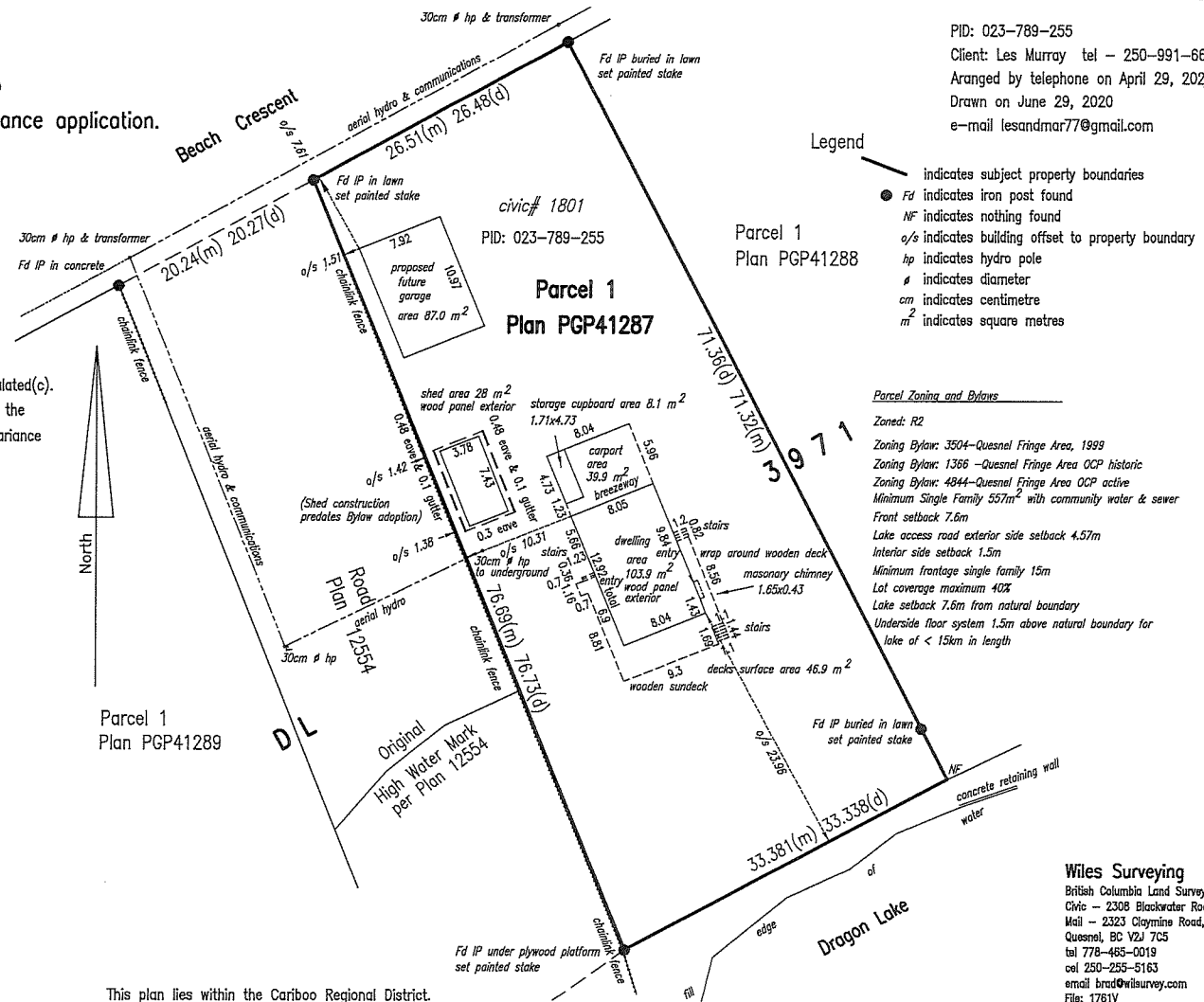
All distances shown in metres and decimals thereof.



BRADLEY
WILES RYW7IS

originally signed and sealed or digitally signed

This plan lies within the Cariboo Regional District.



e-mail lesandmar77@gmail.com

m^2 indicates square metres

100

File: 1761V

August 5, 2020

Shivani Sajwan
Planning Officer
Cariboo Regional District

Cc:
Mary Sjostrom
Area A Director
Cariboo Regional District

Re Variance Requested

To whom it may concern:

I have **NO objection** to the Development Variance Permit requested by Leslie and Marie Murray for construction of the proposed garage on their property (Parcel 1 DL 3971 Cariboo District, Plan PGP41287).

I would like to point out that both lots on either side of the "Public Access" currently and for some time have structures that do not comply with the 4.75 meter set back. These structures do not appear to affect the "Public Access" unfavorably. Furthermore the Cariboo Regional District has a structure on the "Public Access" that is relatively close to the Murray property that also doesn't appreciably limit access to the Public's thoroughfare towards the lakeshore. (photos attached)

Bylaw No. 3504 effectively makes approximately 10% of the Murray property unusable for purposes that neighboring property owners are allowed to do. It should be noted that the assessed property value for the Murray property does not compensate for this fact.

Tom Briggs
1815 Beach Cres
Quesnel BC
Parcel 1, Plan PGP41288



CRD structure adjacent to Murray Property



1785 Beach Cres structure adjacent to public access

ADVISORY PLANNING COMMISSION RESPONSE FORM

Minutes of the meeting of the Electoral Area 'A' advisory planning commission held on Aug 6/20
in the _____, located at _____, BC, commencing at _____

PRESENT:

Chair

Members

Recording Secretary

Owners/Agent, or

☐ Contacted but declined to attend

Telen conference @ 10AM

*Dave Moffatt, Mary Selts,
Vince Berlinguette*

Doug SERVICE

Marie Murray

ABSENT:

ALSO PRESENT: Electoral Area Director

Staff support (if present)

~~Marie Murray~~ Mary Gostromi

Agenda Items

DVP APPLICATION – 3090-20/20200025 (PARCEL 1, DISTRICT LOT 3971, CARIBOO DISTRICT, PLAN PGP41287)

/ : "THAT the application to vary the Exterior Side Yard Setback for property located at 1801 BEACH CRESCENT be supported/rejected for the following reasons:

i)

ii)

Dave / Mary

No Objections

For:

Against:

CARRIED/DEFEATED

Termination

/

: That the meeting terminate.

CARRIED

Time:

Recording Secretary

Chair