

Planning Application Information Sheet

Application Type: Development Variance Permit

File Number: 3090-20/20220042

Electoral Area: L

Date of Referral: July 18, 2022 Date of Application: May 24, 2022

Property Owner's Name(s): PAULA-RAE BARCLAY

SECTION 1: Property Summary

Legal Description(s): Lot 9, District Lot 1460, Lillooet District, Plan 15392

Property Size(s): 0.097 ha (0.24 ac.)

Area of Application: 0.097 ha (0.24 ac.)

Location: 8476 Gerald Cres.

Current Designation: Min. Lot Size Permitted:

Lakefront Residential 0.8 ha (1.98 ac.)

Current Zoning: Min. Lot Size Permitted: Residential 1 (R 1) 4,000 sq. m (43,057 sq. ft.)

Variance Requested: The applicants have requested a variance to 5.12.2 (b) (i) of the South Cariboo Area Zoning Bylaw No. 3501, 1999 as follows:

To reduce the Front Yard Setback from 7.6 m (24.93 ft.) to 3.78 m (12.4 ft.) to legalize the existing unlawful storage shed location.

Proposal: To legalize the location of an existing unlawful storage shed.

Existing Buildings: Residential dwelling - 80.27 sq. m (864 sq. ft.)

Storage Shed - 23.13 sq. m (249 sq. ft.)

Wood Shed (to be relocated) - 6.69 sq. m (72 sq. ft.)

Proposed Buildings: None

Services Available: Hydro and Sewage Disposal System

Within the confines of the Agricultural Land Reserve: No

Required to comply with the Shoreland Management Policy: N/A

Name of Lake/Contributing River: Lac des Roches

Lake Classification: High

Within Development Permit Area: Yes **Development Permit Area Name:**

Aquatic Habitat Development Permit Area

Commercial and Industrial Land Development Permit Area

Adjoining Properties: (Source: B.C.A.A.)

Land Use: Lot Sizes:

(a) North 000 - Single Family Dwelling 0.16 ha (0.39 ac.)

(b) South Lac des Roches N/A

(c) East 020 - Residential Outbuilding Only 0.09 ha (0.22 ac.)

(d) West 000 - Single Family Dwelling 0.113 ha (0.28 ac.)

PLANNING COMMENTS

Background:

The applicant has requested that the minimum required front yard setback be reduced from 7.6 m (24.93 ft.) to 3.78 m (12.4 ft.) to legalize the location of an existing unlawful storage shed on the subject property. The requested variance is a relaxation of Section 5.12.2 (b) (i) of the South Cariboo Area Zoning Bylaw No. 3501, 1999.

The subject property is 0.097 ha (0.24 ac.) in size and is zoned Residential 1 (R 1) in the South Cariboo Area Zoning Bylaw No. 3501, 1999. It is also designated Lakefront Residential in the Interlakes Area Official Community Plan Bylaw No. 3906, 2004. Currently, the property has an

existing 80.27 sq. m (864 sq. ft.) dwelling, 23.13 sq. m (249 sq. ft.) storage shed, and a 6.69 sq. m (72 sq. ft.) wood shed that is intended to be relocated.

Location and Surroundings:

The subject property is located at 8476 Gerald Crescent adjacent to Lac Des Roches, along Little Fort Highway 24 as shown in Appendix A. Partially covered in trees and grass, the property is gently sloped towards Lac Des Roches. The property is also within the Aquatic Habitat Development Permit Area that extends 15 m (49.2 ft.) from the lake's natural boundary. It is mostly surrounded by similar sized properties along Lac Des Roches with some larger parcels in the vicinity across Highway 24.

CRD Regulations and Policies:

3501 South Cariboo Area Zoning Bylaw, 1999

5.12 RESIDENTIAL 1 (R 1) ZONE

5.12.2 ZONE PROVISIONS

- (b) REQUIRED YARDS (minimum):
 - i) Front Yard Setback = 7.6 metres (24.93 feet)

Rationale for Recommendations:

Planning staff note that despite the property being located within a building inspection area, the shed was built without a building permit which has resulted in this setback non-conformance.

The Ministry of Transportation and Infrastructure (MOTI) requires a minimum setback of 4.5 m (14.76 ft.) from a public road. The setback area is for maintenance and future improvements. As such, the Ministry has responded to this application and is not supportive of the requested setback of 3.78 m (12.4 ft.). The Ministry is only prepared to support a minimum of 4.5 m (14.76 ft.) setback from Gerald Road.

The Electoral Area 'L' Advisory Planning Commission (APC) has also responded to this application. The APC has noted that the terrain from the shed slopes down to the road, and therefore, has no concerns with the variance request. However, the APC is aware of the MOTI minimum setback of 4.5 m (14.76 ft.) and mentioned that if required, the shed is likely movable.

The Ministry of Land, Water and Resource Stewardship has no comments on this application. The Interior Health Authority has completed their initial review and have identified no health impacts associated with the proposal. As such, their interests are unaffected by the proposal.

Staff has received two letters from the neighbourhood stating their support of the proposal and one letter of strong opposition from the adjacent property owner.

The CRD Chief Building Official has recommended to increase the proposed front yard setback from 3.78 m (12.4 ft.) to 4.5 m (14.76 ft.) due to MOTI setback requirements. The applicant must ensure all property pins are located and exposed for building inspector. Further, building location survey may be required at the time of first onsite inspection.

Taking all the comments into consideration, planning staff recommends approval of increased setback. As indicated by the APC in their referral comments, the storage shed is placed on a temporary foundation which will allow the shed to be moved to comply with the MOTI minimum setback requirement of 4.5 m (14.76 ft.). This will also provide adequate building separation between the existing dwelling and the storage shed.

Recommendation:

That the application for a Development Variance Permit pertaining to Lot 9, District Lot 1460, Lillooet District, Plan 15392 to reduce the minimum required front yard setback from 7.6 m (24.93 ft.) to 4.5 m (14.76 ft.) be approved.

Further that the applicant be notified the setback approval is for less than what was requested.

REFERRAL COMMENTS

Health Authority: July 19, 2022

Typically we provide comments regarding potential health impacts of a proposal. More information about our program can be found at Healthy Built Environment.

An initial review has been completed and no health impacts associated with this proposal have been identified. As such, our interests are unaffected by this proposal.

<u>Ministry of Transportation and Infrastructure</u>: July 20, 2022 EDAS # 2022-03911

The Ministry of Transportation and Infrastructure has a minimum setback from a public road of 4.5 metres. The setback area is for maintenance and future improvements. The Ministry is only prepared to support a minimum 4.5 metre setback from Gerald Crescent.

<u>Advisory Planning Commission</u>: August 1, 2022 See attached.

Ministry of Environment and Climate Change Strategy: Terrestrial, Aquatic Habitat and Wildlife:

July 27, 2022

No concerns.

CRD Chief Building Official: July 20, 2022

Proposed front yard set back increased from 3.78m to 4.5m due to MOTI setback requirements. Ensure all property pins are located and exposed for building inspector. Building locate survey may be required at time of first onsite inspection.

Adjacent Property Owners:

See attached.

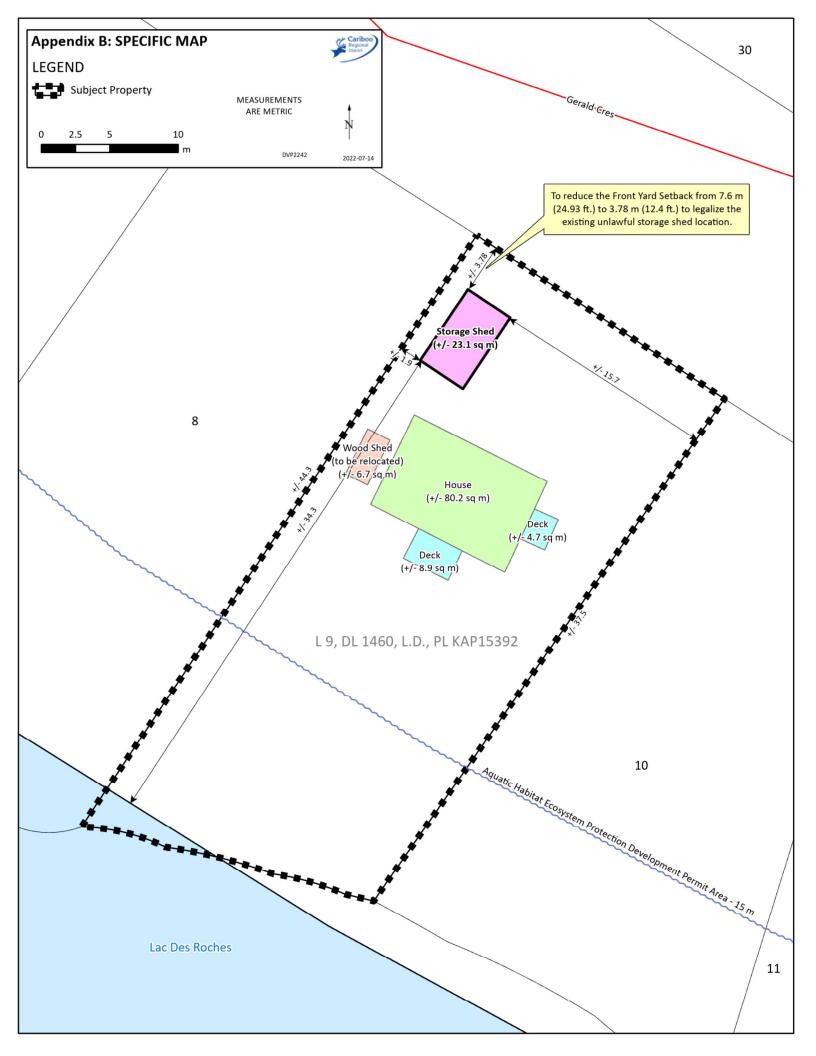
ATTACHMENTS

Appendix A: General Map
Appendix B: Specific Map
Appendix C: Orthographic Map

Other: Applicant's Supporting Documentation

Advisory Planning Commission Comments Adjacent Property Owner Comments







Describe the existing use of the subject property and all buildings: <u>Ow residential house</u> , plus <u>a delapidated wood Shed</u> .		
Describe the proposed use of the subject property and all buildings: Continued Site of our residential home, the replacement of the woodshed on the same foot print as prior, the addition of the Storage Shed to hold the lawn mover snow blaver patro hurniture to reap out of the elements Describe the reasons in support for the application: The storage Shed was built in the current location to leave enough room for the parking of 2-4 Vehicles as there is no street parking available in front of our residence. Provide a general description of vegetation cover (i.e. treed, grassland, forage crop etc.):		
please su attached		
Provide general geographical information (i.e. existing lakes, streams, physical features etc.):		
Services	Currently Existing?	Readily Available?*
	Yes No	Yes No
Hydro Telephone Community Water System Community Sewer System Sewage Disposal System Well Other (please specify)		

June 23, 2022

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Variance permit application for 8476 Gerald Crescent, Lac de Roche

The intent of this Variance permit application is to request leniency regarding the road setback for the storage shed placement at 8476 Gerald Crescent, Lac de Roche.

The storage shed was erected in the current location based on information I was given from the local building centre, that was later understood to be incorrect after construction.

I was given the following information;

- if the storage shed was placed on footings,
- under 250 sg feet
 - no building permit would be needed
 - the property setbacks would not be an issue.

I took the word of the local building centre as being correct and the storage shed was built based on this information. Believing the knowledge, I received was correct, I did not enquire with the district to ensure this was true, prior to this build. I have since learned that this information was deemed incorrect. The reason the storage shed was built in this current location is to provide room for the parking of 4 family vehicles, in addition to our recreational vehicles, a snowmobile trailer as well as a travel trailer. This property is situated on the sloping corner at the entrance to Gerald Crescent which does not support the room to safely park vehicles of any nature on the crescent without the worry of impeding two-way crescent traffic. This crescent is also the main route for the local school bus and in the winter when the snow plow comes through leaving growing snow berms this limits the width of the crescent with each passing. With the narrowing of the road, it leaves the crescent wide enough for one vehicle to pass through which becomes a safety hazard to park directly on the crescent.

I have submitted two letters of support that are fully aware to the conditions, and that the current building location does not undermine the aesthetics of the front yard conditions or its function, nor does it impede drivers' sightlines on the crescent.

In hind sight I now understand I should have confirmed the permitting and building set back process with the district prior to the build and for that I sincerely apologize.

It is my hope that you will give consideration to the above-mentioned request.

Warmest regards,

Paula Rae Barclay | 8476 Gerald Crescent, Lac de Roche, BC | 604-961-3695

Paula has Barchay

Describe the proposed use of the subject property and all buildings:

- Continued site of our residential home, the replacement of the pre-existing dilapidated woodshed on the same footprint, and the addition of a storage shed to hole the lawn mower, snowblower and patio furniture to keep them out of the elements.
- I was provided information about the build of our storage shed which was suggested that I did
 not require a building permit if under 250 sq ft. The information we received on the building
 square footage was incorrect (now learning that the size should have been under 215 sq ft. I
 realize now we should have applied for a building permit to confirm the proper dimensions) I
 took the information I received at face value and acted on it.

The general vegetation covers.

- The property at 8476 Gerald Cresent from the street to the existing house is lined on the lefthand side on the inside of the property line with mature trees.
- The yard from the house to the street is fully cleared exposing a dirt yard. (Existing prior to my purchase in 2018).
- The lake side of the property (house to the water) is sloped to the water's edge with grass coverage and a few well-established mature trees on the right-hand side of the property inside the property lines, closer in proximity of the lake.

Provide general geographical information (i.e., existing lakes, streams, physical features etc.):

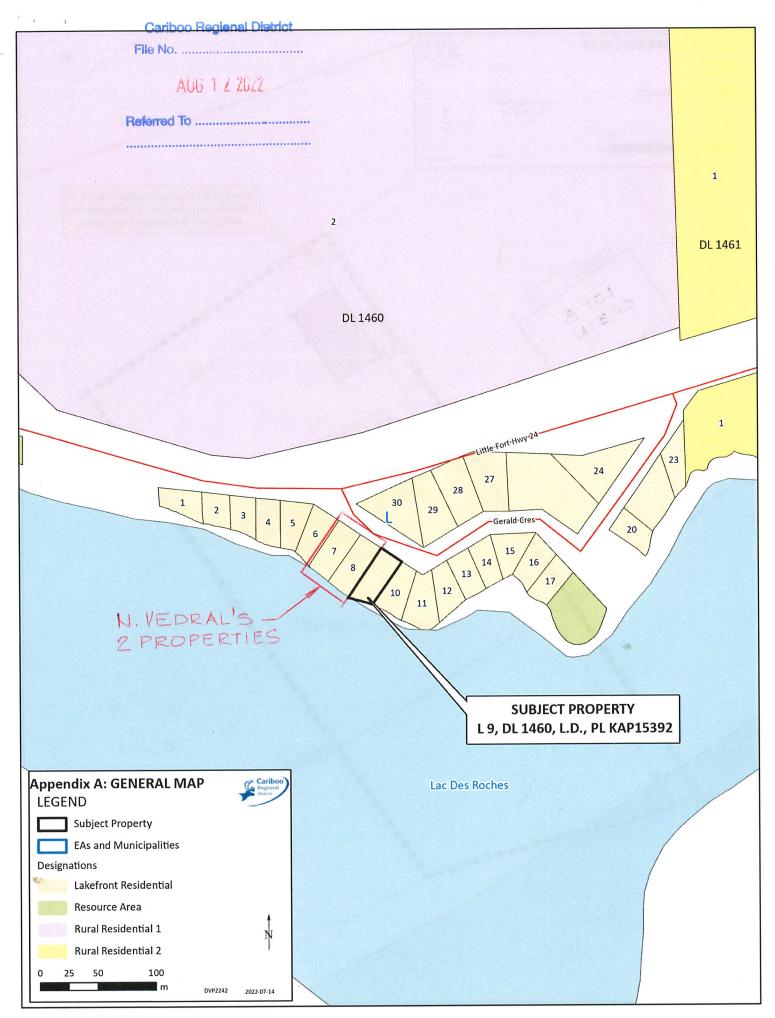
• The property at 8476 Gerald Crescent has 72.02 feet of water frontage on Lac Des Rohe based on the existing site plan.

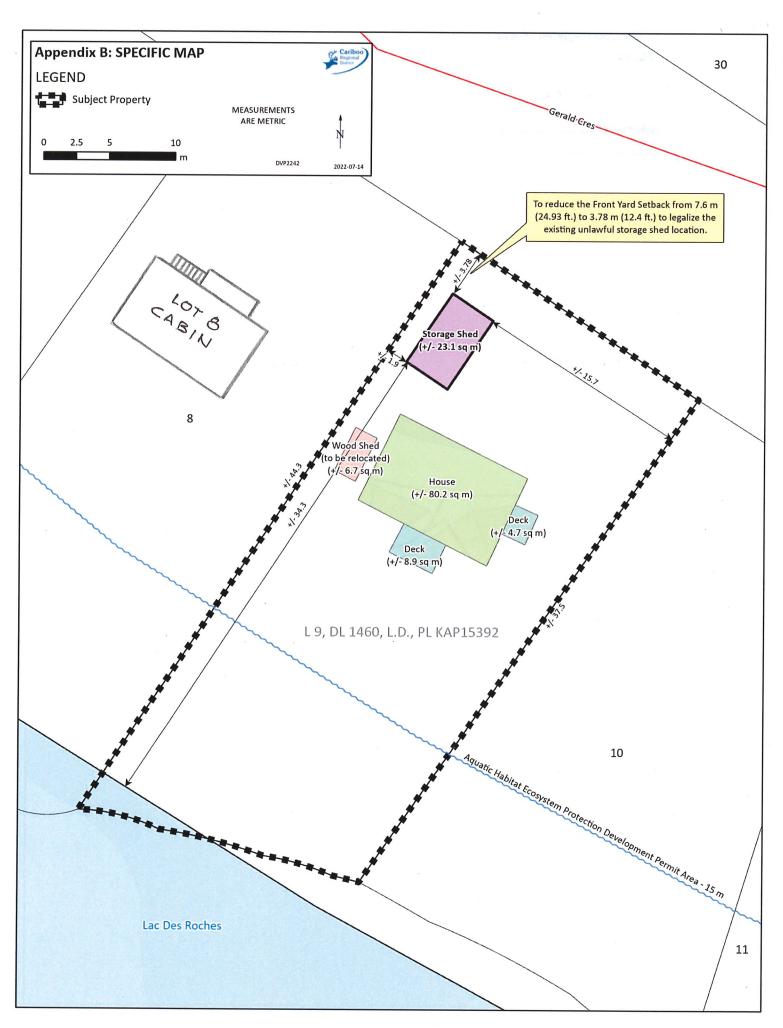
File No: 3090-20/20220042

ADVISORY PLANNING COMMISSION RESPONSE FORM
Minutes of the meeting of the Electoral Area 'L' advisory planning commission held on August 1, 2022 on in the conference call, located at South Caribae, BC, commencing at 7:01 pm.
PRESENT: Chair Strarron Woldshigh
Members Barb Matfin Ursula Hart Inga Udluft
Recording Secretary Sharron Woloshyn
Owners/Agent, or Paula Barday with John Cochrane Contacted but declined to attend
ABSENT: Steve Brown
ALSO PRESENT: Electoral Area Director Willow Mac Donald & Eric de Vries (Willan's atternate)
Agenda Items DVP APPLICATION - 3090-20/20220042 (LOT 9, DISTRICT LOT 1460, LILLOOET DISTRICT, PLAN 15392) Ursula / Barb.: "THAT the application to vary the front yard setback for property located at 8476 GERALD CRES. be supported/rejected for the following reasons: i) Applicant was given advice prior to building 2-2/2 years ago by a builder that permit where not required which would nave identified the location error. ii) The MoTI has approved reduced setbacks of 15! but if ordered the stred is likely movable. iii) The terrain from the shed slopes down to the read. Iv) The shed location is supported by two families on the crescent and is in Keeping with the reign bourhoods theme' of construction, For: Against: H CARRIED/DEFEATED Termination
Sharron / Bar b : That the meeting terminate.
CARRIED
Time: 7:32 pm

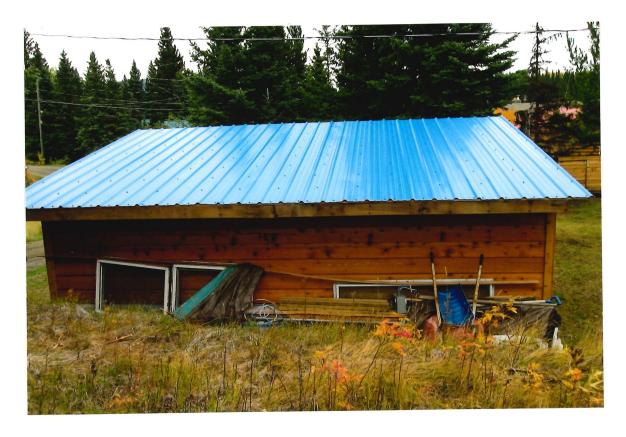
Chair

Recording Secretary

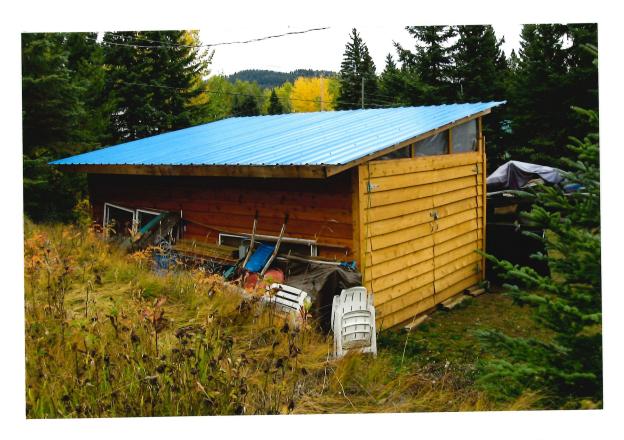




APPENDIX C: PHOTOS AND SKETCH



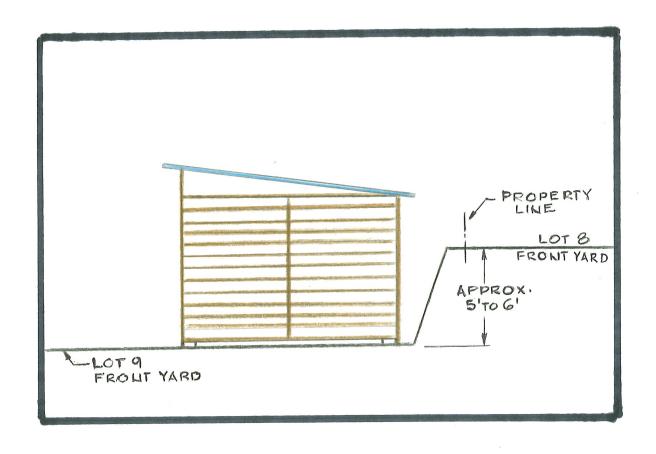
VIEW OF SHED FROM LOT & FRONT YARD



VIEW OF SHED FROM HOUSE AND SIDE YARD



VIEW FROM GERALD CRESCENT



To whom it may concern:

This letter is regards to the outbuilding/storage sheds on 8476 Gerald Crescent.

We are relatively new full time residents of Gerald Crescent. The one thing that impressed us when we decided to purchase our home last year was how most of the neighbourhood took such pride in the care of their properties (with the exception of 2 or 3). Properties were generally kept in their natural states, clean and tidy with storage for their toys and tools.

In regards to the storage shed on 8476 Gerald Crescent in particular, it was already built prior to us purchasing our home; we actually commented to each other when viewing our home that "the little white house" was so cute and that it looked like they put a lot of thought into having the outbuildings blend with the surroundings.

Unfortunately for them, they are situated between 2 properties that appear to be abandoned, as well as one other across the road. If anything, their storage sheds at 8476 Gerald Crescent improve the look of the area.

We have no issues at all with the outbuildings at 8476 Gerald Crescent. We are happy to discuss further if needed.

Sincerely,

Deanna Bushman - 604-612-3584 Nick Goyette - 604-309-4316

8489 Gerald Crescent Bridge Lake BC VOK 1E0

To Caribo District. May 23/22 10 whom it may concern HS residents of Berald Crescent, Birgit + Brendan Keys 8498 Gerald Crescent, We are not apposed to the Style + look of the shed cet 8476 Gerald Crescent belonging to Paula Bourclay Hny questions or concerns teel free to contact Brendan Keys at 6043156625 Birgit Keys at 604 302 6034 (Dipts)

39 East 60th Ave. Vancouver, BC V5X 1Z5

August 8, 2022

Attention: Shivani Sajwan, Planning Officer II Cariboo Regional District Suite D, 180 N Third Avenue Williams Lake, BC V2G 2A4



Re: Application for a Development Variance Permit - Lot 9, District Lot 1460, Lillooet District, Plan 15392

Dear Ms. Sajwan,

My name is Nada Vedral and I am writing to express my objections and strong opposition to the Application for a Development Variance Permit listed above.

I received two notices in the mail from the Cariboo Regional District regarding this Application because I am the legal owner of two lakefront properties on Lac Des Roches, Lot 7 and Lot 8 (8472 and 8474 Gerald Crescent respectively, hereafter referred to as Lot 7 and Lot 8). Please consider this letter as two votes against the granting of the Variance.

I have included Appendix A: General Map provided in the information package sent to me and highlighted my properties on it. Lot 7 is vacant, while Lot 8 has a cabin and is directly adjacent to Lot 9 on the west side. As the closest neighbor, I have been most affected by the two new outbuildings on Lot 9. As identified on Appendix B: Specific Map, both were built very close to the shared property line and are visible from my property. I have also added the approximate size and location of my cabin on Lot 8 to show the size of my front yard.

Since the smaller "Wood Shed" is to be relocated to another part of the Applicant's property, I will discuss only the larger "Storage Shed" here. However, I would like to state for the record that while the wood shed did not require a permit, it was built within the required setback area from the interior property line (4 ft. 9 in.), and therefore its location was illegal.

I have owned my two properties for many years. I do not have any sheds or outbuildings. The front yards are flat, empty and easily accessible from the road, as I always heard from friends and neighbors on Gerald Crescent that it was illegal to build anything there due to the local bylaws, and I have respected the rules. The lakefront lots on this subdivision are quite small, averaging 0.25 acres or less. Other than a house, there is not much room for large buildings.

Prior to the Applicant purchasing Lot 9 in 2018, the only structures on it were a house built in 1995 and a little open shed for storing firewood and a few tools on the west side of the house.

So, my daughter and I were really shocked and very unhappy when we arrived at our cabin and saw two new, huge cedar buildings with metal roofs right next door near the property line. The storage shed is very big and very noticeable from our front yard.

My main objections to the storage shed are: it is illegal and is a major violation of your bylaws.

First, it was built without a permit. According to the bylaws, any building over 215 sq. ft. requires a permit. The shed is substantially larger, at 249 sq. ft. In the Application for the Development Variance Permit (hereafter "the Application"), the Applicant states that "I was provided information about the build of our storage shed which was suggested that I did not require a building permit if under 250 sq. ft." This claim, if true, means the shed was deliberately built one foot smaller at 249 sq. ft. in order to evade the permit process.

Second, the shed was placed well within the setback area in the front yard. The required setback from the front property line is 24.93 ft., whereas this shed is setback only 12.4 ft. This is not a mistake of just a few inches, but over 12 feet! No buildings are allowed in the setback areas. On lakefront property, there are front setbacks, interior property line setbacks and lake setbacks to be considered before adding a building. Clearly, the Applicant either had no idea that setbacks existed, or chose to ignore them.

If a permit had been applied for as it should have been, the setback issue could have been addressed before construction began, and both the size and location of the storage shed would have been rejected.

Furthermore, the Applicant has not shown that the existing regulations present any real difficulty in using the property or that there are any special features on the property that would preclude them from complying with the bylaws.

As a homeowner, it is the Applicant's responsibility to look into the zoning and building codes prior to building. Where an owner has failed to seek building permits and then incorrectly constructed buildings in the setback, it is a self-created problem. Therefore, no variance should be granted. Ignorance of the law is no excuse.

Setbacks are building restrictions imposed on property owners, usually for reasons such as safety, privacy and environmental protection. They exist in most municipalities across North America and have many benefits both aesthetically and functionally. There should be no permanent structures in setbacks that discourage movement and access.

One of the main purposes of a front yard setback is to ensure ease of access to the house and property by the District, utilities and other services. For example, during hazardous accidents, like fire breakouts, setbacks provide space for emergency vehicles and rescue operations to access the area all around the house. In this case, the large size and location of the storage shed has basically blocked off access to the west side/front of the house from the roadway and the front yard.

In the Application, the Applicant states that, "the storage shed was built in the current location to leave enough room for the parking of 2-4 vehicles as there is no street parking available in front of our residence." So, if the storage shed was allowed to stay in this location, and the front yard was crowded with 2-4 parked cars while everyone was out fishing, whose property would a fire truck have to enter and use if a fire broke out on Lot 9? That's right - mine!!! The neighbors on Lot 10 have a very steep, narrow driveway and mature trees along the property line, whereas I have one big driveway and a flat, empty, LEGAL front yard. Just for this reason alone, the Application should be rejected. It is the responsibility of the homeowner to ensure safe and adequate space for access to their property in the event of an emergency.

There are several other reasons for my opposition to the Development Variance Permit for the storage shed. One is that it has substantially affected the use and enjoyment of both my properties, especially Lot 8 where I have my cabin. I have included 3 pictures of the shed taken at ground level, which unfortunately were not included in the package sent to the surrounding homeowners, as well as a sketch of Lot 8 and 9 as seen from Gerald Crescent. Please see Appendix C: Photos and Sketch.

Until the early 1990's, the front yards of Lot 8 and 9 were basically level with each other. When one of the previous owners decided to make room for a house, the entire hillside from the road to about 50 ft. inside the property was bulldozed out to make it level with the road, leaving a dirt wall or cliff on the west side. Since then, my front yard on Lot 8 is much higher than the front yard of Lot 9. The storage shed was built in front of this dirt wall and oriented with the long side parallel to the shared property line, in the middle of the area between the house and front property line.

Due to the difference in height of the two lots in that area, the roof of the shed is at eye level when we are in our front yard. The metal roof is very big, and is a very bright, rather vulgar shade of blue that does not match the natural surroundings at all. And, as you can see from the pictures, it was slanted towards my property so that only we can see it. This is the view we have now. Because of the brightness and large span, the roof has become the main focal point of my entire front yard, impossible to ignore and highly visible from every vantage point, even from the front yard of Lot 7. When the sun shines on it, it glares like a mirror, and when it rains or hails, it makes a lot of noise. It has completely ruined the privacy and enjoyment of the front yards for us. We are not interested in looking at it. It should not be there.

Also, there used to be an unimpeded view of the road (Gerald Crescent) and the other houses in the neighborhood when I looked from my front yard towards the northeast direction, but that has been completely blocked off by the storage shed.

Last, because the shed is located so close to the west side of the property, I am concerned about increased snow accumulating behind it and then more falling off the large roof during the winter. There was nothing there before, so the rain and snow could run off more easily. Technically, a small section of the dirt wall is the Applicant's property, but none of the previous or current owners has ever taken action to stabilize it or install a retaining wall to ensure it does not collapse. It is possible that without proper drainage, erosion could take place, and my property could give way. In that case, the owner of Lot 9 would be responsible for any damages.

In conclusion, I would like to see the bylaws enforced in order to maintain the character and integrity of the neighborhood.

Granting this Variance would totally defeat the intent of your bylaws and would be unfair to the rest of the neighbors who do follow the rules. It would set a dangerous precedent because if one person gets an exemption, then everyone will want one. I would certainly want variances for my two properties so I can build what I like in the front yard too!

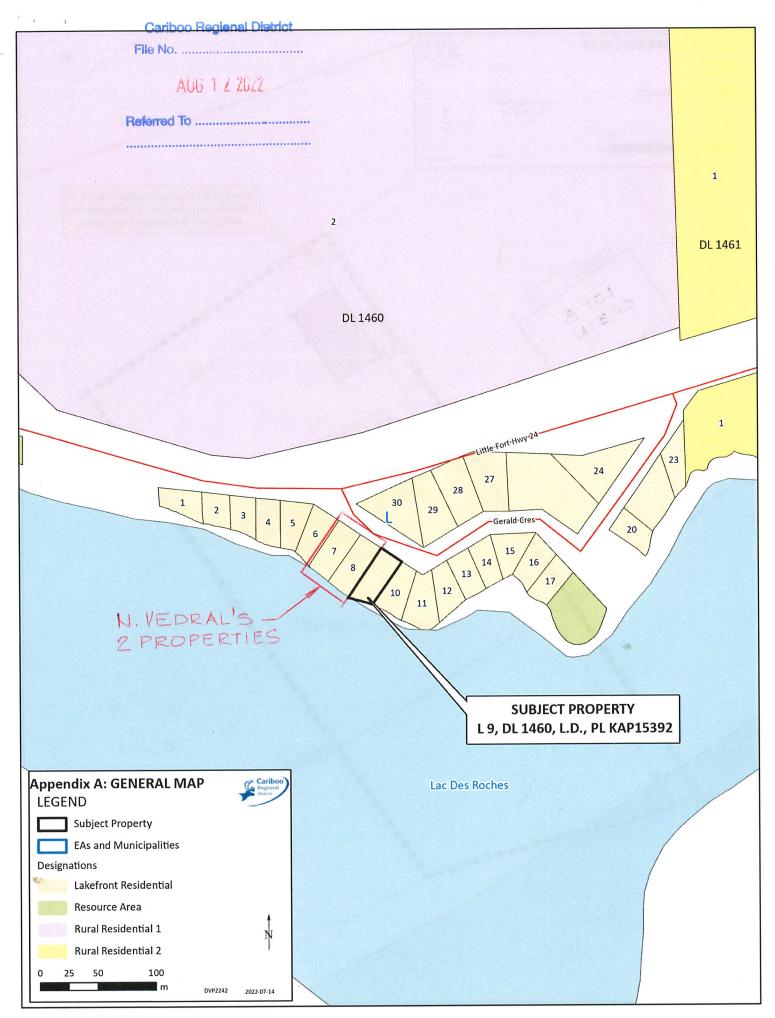
Therefore, for the reasons outlined above, this Application for a Development Variance Permit should be denied, overruled and rejected, and the building must be moved.

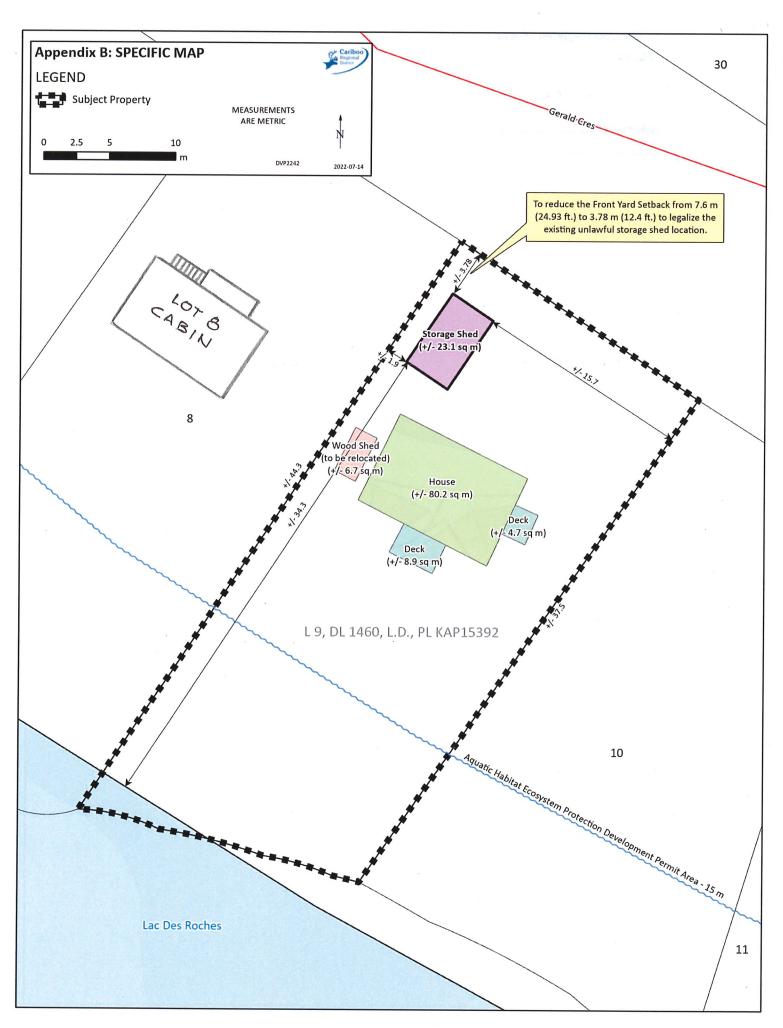
Thank you for your consideration.

Sincerely,

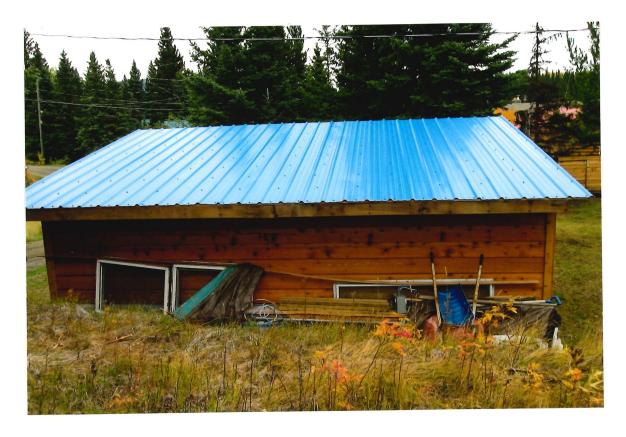
Nada Vedral

Nada Vedral
Nada Vedral
Andrea Vodral Andrea Vedral (daughter)

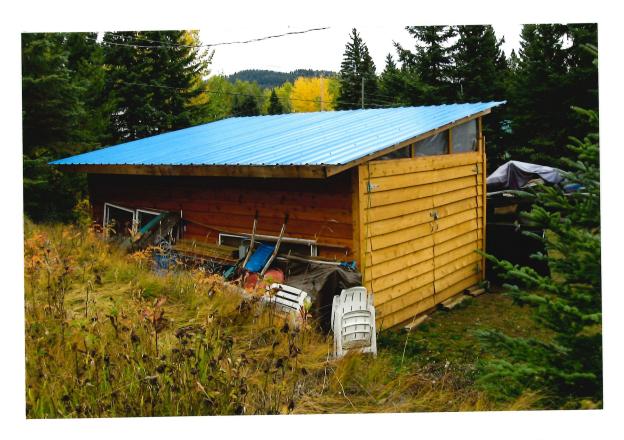




APPENDIX C: PHOTOS AND SKETCH



VIEW OF SHED FROM LOT & FRONT YARD



VIEW OF SHED FROM HOUSE AND SIDE YARD



VIEW FROM GERALD CRESCENT

