



## Planning Application Information Sheet

**Application Type:** Development Variance Permit

**File Number:** 3090-20/20220053

**Electoral Area:** G

**Date of Referral:** August 23, 2022

**Date of Application:** August 05, 2022

**Property Owner's Name(s):** MARK R ROBINSON

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### SECTION 1: Property Summary

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**Legal Description(s):** Lot 4, Block 3, District Lot 5037, Lillooet District, Plan 12042

**Property Size(s):** 0.17 ha (0.41 ac.)

**Area of Application:** 0.17 ha (0.41 ac.)

**Location:** 3754 Emerald Crescent

**Current Designation:**  
Lakeshore Residential

**Min. Lot Size Permitted:**  
0.4 ha (0.988 ac.)

**Current Zoning:**  
Residential 1 (R 1)

**Min. Lot Size Permitted:**  
4,000 sq. m (43,057 sq. ft.)

**Variance Requested:** The applicants have requested the following variances:

5.12.2 (b) (i) of the South Cariboo Area Zoning Bylaw No. 3501, 1999:

That the minimum required Front Yard Setback be reduced from 7.6 m (24.9 ft.) to 1.5 m (4.9 ft.) to allow construction of the proposed garage/shop.

4.14 (e) of the South Cariboo Area Zoning Bylaw No. 3501, 1999:

That the maximum height for ancillary structures on a lot Less Than 0.4 ha

(0.99 ac.) be increased from 6 m (19.7 ft.) to 7.4 m (24.3 ft.) to allow construction of the proposed garage/shop.

**Proposal:** To allow construction of a new detached garage/shop.

**Existing Buildings:** Residential Dwelling: 86.5 sq. m (931.08 sq. ft.)

Attached Garage - 43 sq. m (462.85 sq. ft.)

Deck - 33.4 sq. m (359.52 sq. ft.)

Sundeck - 31.22 sq. m (336 sq. ft.)

Boat Storage - 34.84 sq. m (375 sq. ft.)

**Proposed Buildings:** Two Storey Detached Garage/Shop - 107 sq. m (1,152 sq. ft.)

**Services Available:** Hydro, Telephone, Sewage Disposal System, Well and Gas.

**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 La Hache

**Lake Classification:** High

**Within Development Permit Area:** Yes

**Development Permit Area Name:** Aquatic Habitat Development Permit Area

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

	Land Use:	Lot Sizes:
(a) North	000 - Single Family Dwelling	0.15 ha (0.36 ac.)
(b) South	000 - Single Family Dwelling	0.198 ha (0.49 ac.)
(c) East	000 - Single Family Dwelling	0.14 ha (0.35 ac.)
(d) West	Lac La Hache	---

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## PLANNING COMMENTS

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### Background:

An application for a development variance permit has been received for the property at 3754 Emerald Crescent. The subject property is 0.17 ha (0.41 ac.) with lake frontage on Lac La Hache. The applicant has requested a variance of the front yard setback in Section 5.12.2 (b) (i) of the South Cariboo Area Zoning Bylaw No. 3501, 1999 from 7.6 m (24.93 ft.) to 1.5 m (4.92 ft.) to allow the construction of the proposed garage/shop. It is also requested to increase the maximum height for ancillary structures on a lot less than 0.4 ha (0.99 ac.) from 6 m (19.7 ft.) to 7.4 m (24.3 ft.), a relaxation of Section 4.14 (e) of Bylaw 3501.

The subject property is zoned Residential 1 (R 1) in the South Cariboo Area Zoning Bylaw No. 3501, 1999, and is designated Lakeshore Residential in the Lac La Hache Area Official Community Plan Bylaw No. 5170, 2018. The property, as shown in Appendix B, has an 86.5 sq. m (931.08 sq. ft.) residential dwelling with a 43 sq. m (462.85 sq. ft.) attached garage and a 33.4 sq. m (359.52 sq. ft.) deck, a 31.22 sq. m (336 sq. ft.) sundeck and a 34.84 sq. m (375 sq. ft.) boat storage. The proposed two-storey detached garage/shop has a total floor area of 107 sq. m (1,152 sq. ft.).

### Location and Surroundings:

The subject property is located at 3754 Emerald Crescent with Lac La Hache to the west, as shown in Appendix A. Partially covered in trees and grass, the property is sloped towards Lac La Hache. The property is also within the aquatic habitat development permit area that extends 15 m (49.2 ft.) from the natural boundary of the lake. The project is to take place well outside of this area. It is mostly surrounded by similar sized residential properties along the Emerald Crescent lakefront, with some larger rural properties to the north and east of the subject property.

### Previous Applications:

A previous application was made on the subject property in 2001. This application, DVP 4270-20-217 permitted a variance for the existing boat storage. The applicant had requested a front yard setback of 1.5 m (4.92 ft.). Based on the topography limitations and the location of the existing septic field on the subject property, the requested variance of 1.5 m (4.92 ft.) front yard setback for boat storage structure was approved by the CRD Board, Resolution #01-11A-2(12). The DVP was issued on November 8<sup>th</sup>, 2001.

### CRD Regulations and Policies:

*3501 South Cariboo Area Zoning Bylaw, 1999*

#### **4.14 ANCILLARY BUILDINGS, STRUCTURES AND USES**

- (e) the maximum height of all ancillary buildings and structures permitted are calculated as follows:

Property Size	Maximum Height
Less Than 0.4 ha (Less Than 0.99 ac.)	6.0 metres (19.7 feet)

## **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 recommend rejection of the proposed variance.

The Ministry of Transportation and Infrastructure (MOTI) requires a minimum setback of 4.5 m (14.76 ft.) from public rights-of-way. As such, MOTI objects to the proposed setback of 1.5 m (4.92 ft.). Section 12 of the Provincial Public Undertakings Regulation prohibits any structure placement within this setback area. As per MOTI, development and population in this area has increased greatly over the past 20 years and is anticipated to continue growing. This minimum 4.5 m (14.76 ft.) setback area must be retained for snow storage, maintenance, future up-grading and improvements. It is further suggested for the landowners to consider other options of re-design, relocation, or reduction in size to comply with the 4.5 m (14.76 ft.) minimum setback.

The Interior Health Authority (IHA) also has concerns and does not support the proposed variance. As per IHA, the proposed location of the garage/shop is the only land that would be appropriate for a back-up onsite sewerage disposal field once the first field fails. It is reported that all sewerage systems will fail in the area at some point due to soils becoming clogged. As such, it is very important to ensure properties with onsite servicing have back-up areas of land for future sewerage needs.

The IHA further recommends that an Authorized Person under the *Sewerage System Regulation* provide a report confirming there is a back-up area of land on the parcel suitable for onsite sewerage as a condition of approving the proposed variance. The identified area will then need to be protected with a Section 219 Restrictive Covenant being registered on title.

The subject property is located within the CRD Building Inspection Service Area. The CRD Chief Building Official notes that a building permit will be required for the proposed structure. If the setback between the existing and proposed structures is less than 2.4 m (7.87 ft.), spatial

separation requirements of the BC Building code may apply to the proposed structure. This could require wall assemblies to be constructed with fire ratings and limited openings. Review of the proposed structure will be completed at the building permit plan review stage.

The Electoral Area 'G' Advisory Planning Commission (APC) is opposed to the proposed variance application. The APC has commented that the proposed structure will be too close to the road with reduced setback and the added height imposes on the neighbouring properties.

The proposal has received five (5) opposition letters from the community raising concerns mostly regarding road visibility being limited by the proposed building height and reduced setback, thus, impeding local traffic. The neighbours are further concerned that the proposal will have a negative aesthetic impact on the neighbourhood by obstructing the lake view. The proposed building being too close to the roadway can also create serious safety concerns for pedestrians and vehicles regarding abrupt snow melts off the roof. The CRD Planning staff agrees with all the expressed concerns and recommends rejection of the proposed variance.

Recommendation:

That the application for a Development Variance Permit be rejected as the proposed front yard setback and increased building height are not consistent with the neighbourhood.

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**REFERRAL COMMENTS**

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Health Authority: September 1, 2022

See attached.

Ministry of Transportation and Infrastructure: August 25, 2022

EDAS # 2022-04492 – Emerald Crescent

The Ministry of Transportation and Infrastructure does not support varying the setback along Emerald Crescent from 7.6m to 1.5 metres. Development and population in this area has increased greatly over the past 20 years and will continue to do so.

The Ministry has a minimum setback of 4.5 metres (15 feet). This setback area must be retained for snow storage, maintenance, future up-grading and improvements.

Landowners can consider other options such as: re-design, relocation or reduction in size to comply with the 4.5 metre (minimum) setback.

Advisory Planning Commission: October 3, 2022

See attached.

Ministry of Environment and Climate Change Strategy: Terrestrial, Aquatic Habitat: September 20, 2022:

It looks like this application is only on private land so the terrestrial habitat recommendations are not applicable. However, for your and the proponent's knowledge, it looks like the property overlaps with the following:

- Lakeshore Management Area, class B
- American Badger habitat
- Mule Deer Winter Range, high

If you want more info on these, let me know, but again our recommendations are not applied to private land matters.

CRD Chief Building Official: September 21, 2022

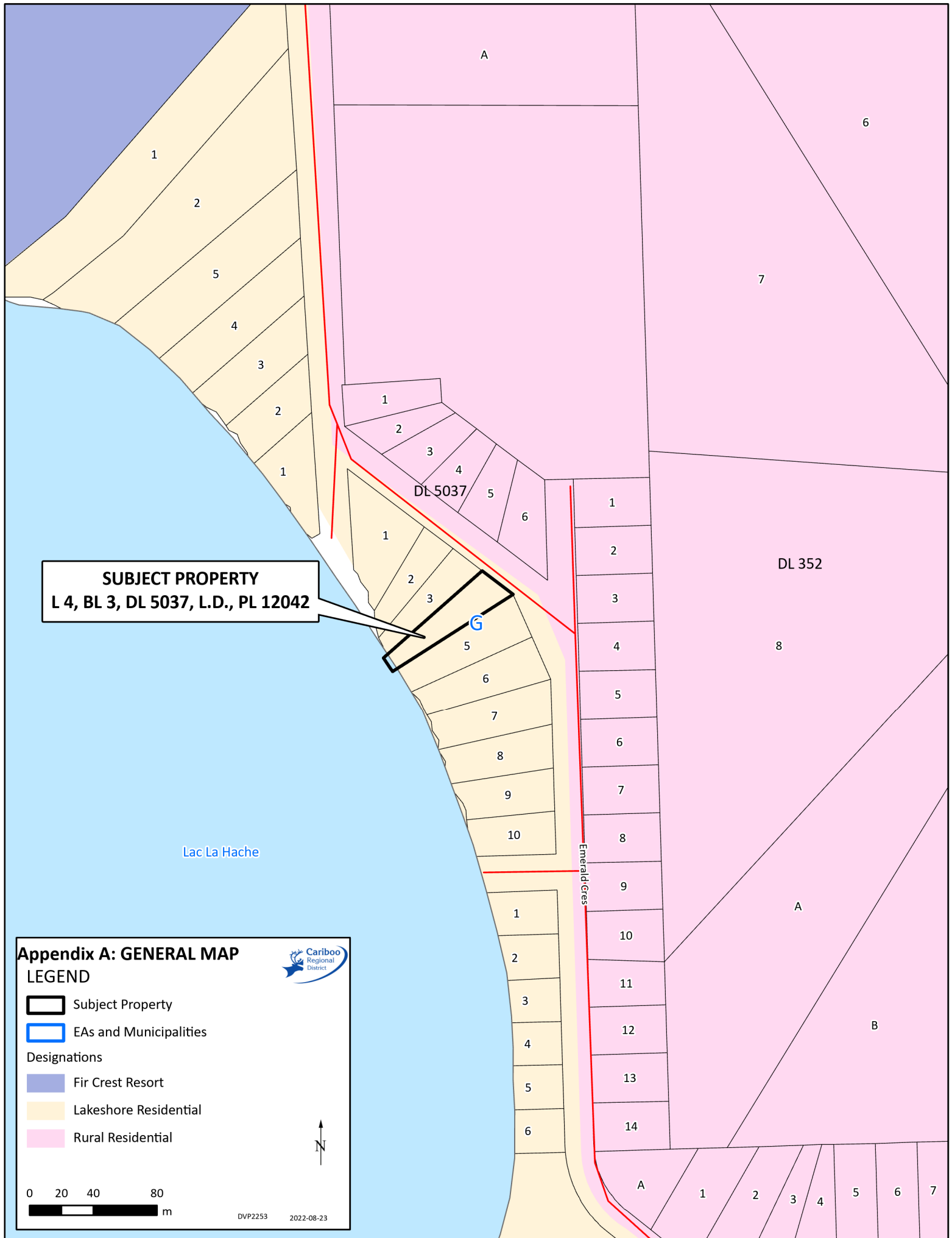
Building permit required for structure. If setback is less than 2.4 meters spatial separation requirements of the BC Building code may apply to structure. This could require wall assemblies to be constructed with fire ratings and limited openings. Review of the structure will be completed at Building permit plan review stage.

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## ATTACHMENTS

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Appendix A: General Map  
Appendix B: Specific Map  
Appendix C: Orthographic Map  
Other: Applicant's Supporting Documentation  
Advisory Planning Commission Comments  
Interior Health Comments  
Adjacent Property Owner Comments



# Appendix B: SPECIFIC MAP

## LEGEND

 Subject Property

MEASUREMENTS  
ARE METRIC

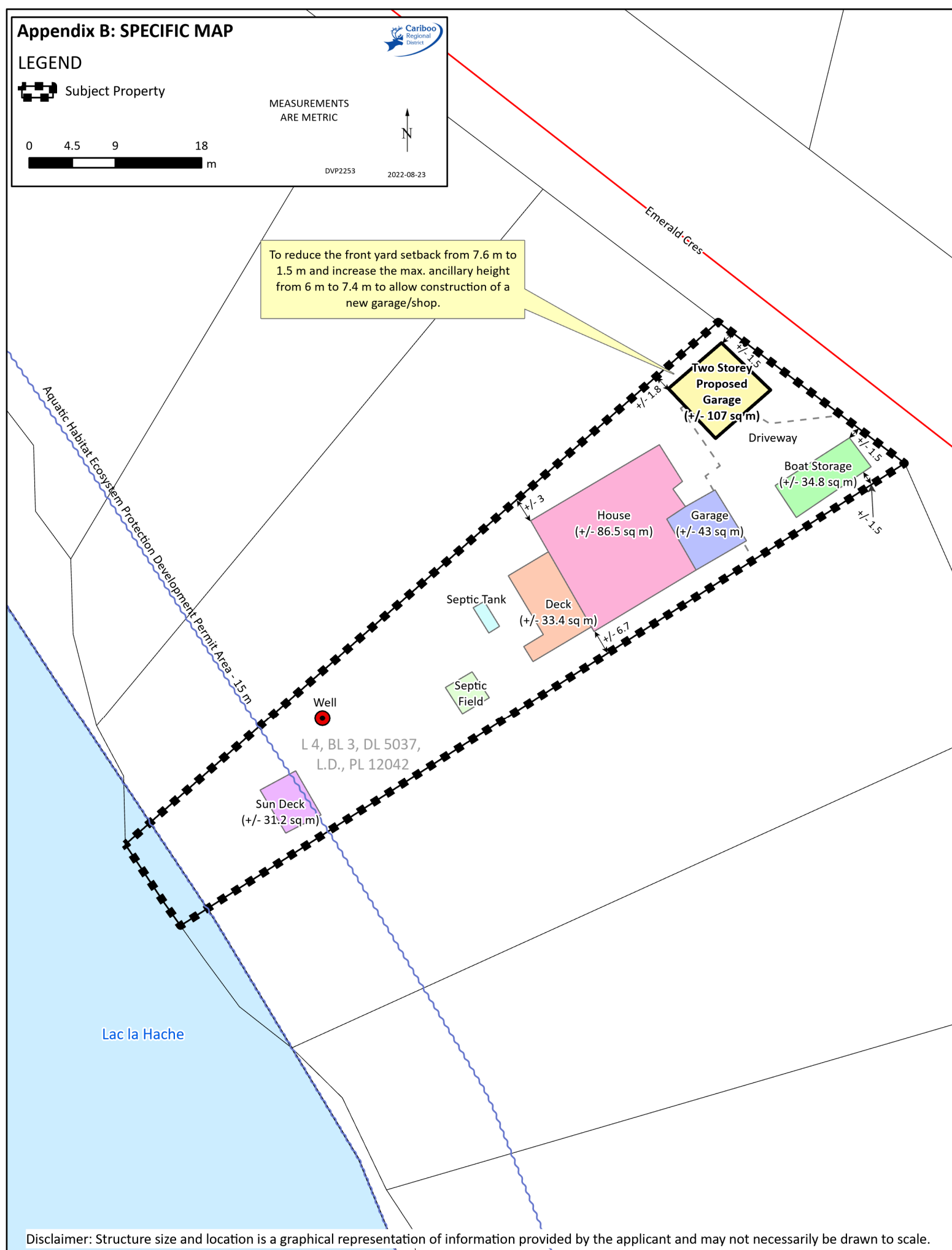


0 4.5 9 18  
m

DVP2253

2022-08-23

To reduce the front yard setback from 7.6 m to 1.5 m and increase the max. ancillary height from 6 m to 7.4 m to allow construction of a new garage/shop.




Disclaimer: Structure size and location is a graphical representation of information provided by the applicant and may not necessarily be drawn to scale.



# Appendix C: GENERAL MAP ORTHO

## LEGEND

 Subject Property



0 30 60 120  
m

DVP2253

2022-08-23

*Emerald Cres*

**SUBJECT PROPERTY**  
**L 4, BL 3, DL 5037, L.D., PL 12042**

Lac la Hache

Describe the existing use of the subject property and all buildings: Vacation Property - Seasonal

Describe the proposed use of the subject property and all buildings: Vacation Property - Seasonal

Describe the reasons in support for the application: Property is at the highest point on Emerald Crescent, with a steep slope to Lac La Hache

The house was constructed approximately 40 ft from the property line that runs alongside the road. The house is a "walk out bungalow" to accommodate the property slope. There are houses on either side which are built close to the lake. On our property the area between the house and the lake contains the water well, septic system, and larger trees.

Provide a general description of vegetation cover (i.e. treed, grassland, forage crop etc.): Between the road and the house there is a boat storage building, which was built in 2002 under a development variance which allowed construction within 5 ft of the property line. The majority of this area is paved, with many trees between the property line and the road.

Provide general geographical information (i.e. existing lakes, streams, physical features etc.): The house borders on Lac La Hache

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.

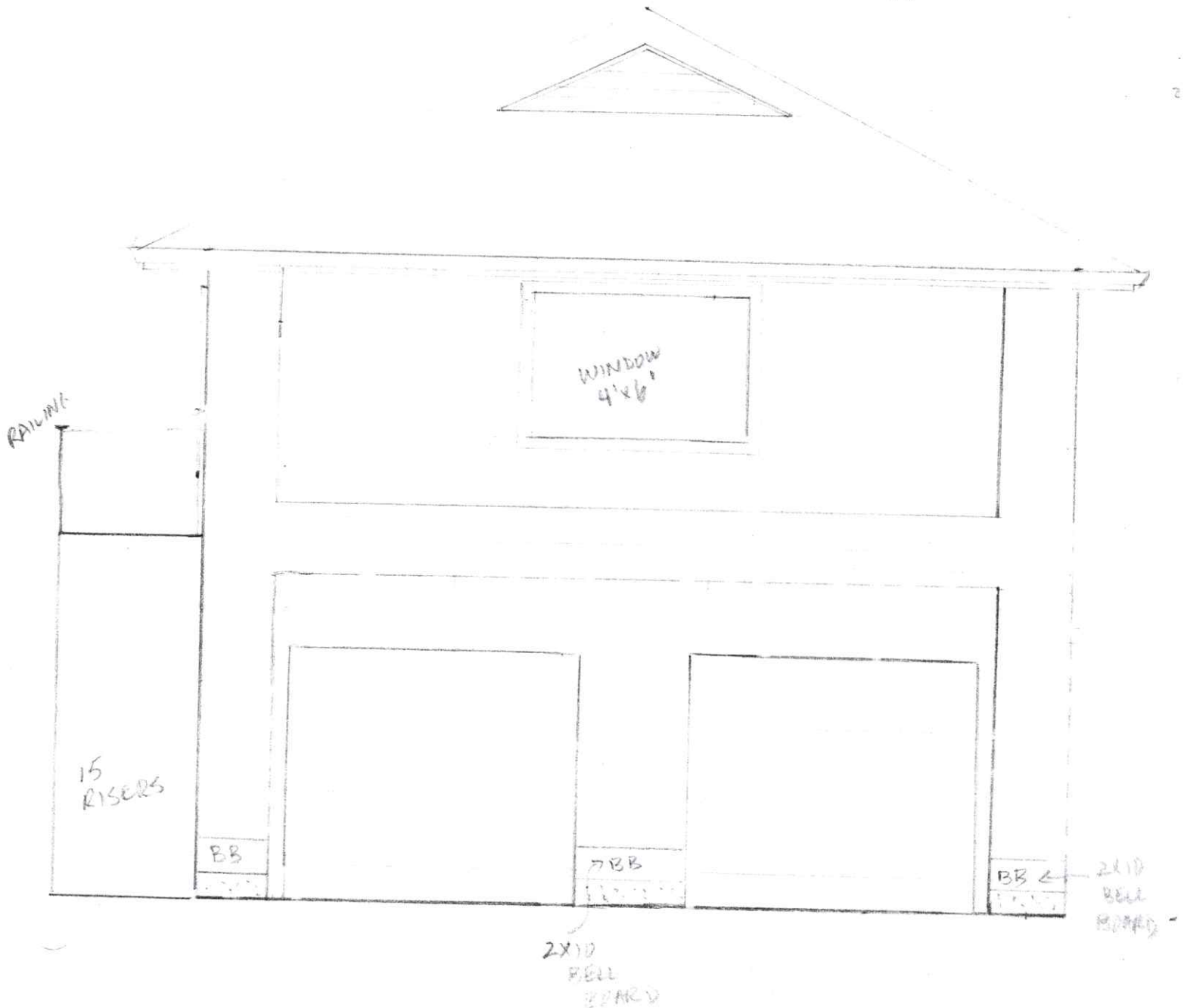
Services	Currently Existing?		Readily Available?*	
	Yes	No	Yes	No
Hydro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Telephone	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>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

SCALE

$\frac{1}{4}" = 1'$

FRONT ELEVATION

HEIGHT = 24'  
HARDEE BOARD





AREA G APC RESPONSE FORM

FILE NO: 3090-20/20220053

Date: Oct 3, 2022

Applicant/Agent: Mark Robinson – unable to connect to the meeting

Area G director - Al Richmond

Members: Marvin Monical Diane Wood Graham Leslie Nicola Maughn  
Marilyn Niemiec Robin Edwards Amanda Bird Jamie Hughes

Absent: Robin Edwards Jamie Hughes Nicola Maughn Marilyn Niemiec

Location of Application: 3754 Emerald Crescent, Lac la Hache BC

Agenda Item: DVP Front yard setback be reduced from 7.6 m (24.9 ft) to 1.5 m (4.9 ft) to allow construction of the proposed garage/shop. AND that the maximum height for ancilliary building on a lot less than 0.4 ha be increased from 6m (19.7 ft) to 7.4 m (24.3 ft) to allow construction of the proposed garage/shop.

Moved by: Graham Leslie / Marvin Monical

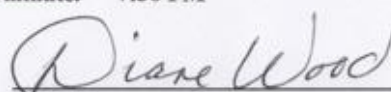
Area G APC is opposed to this proposed DVP. The proposal makes this structure too close to the road and the added height imposes on the other properties in the surrounding area.

CARRIED UNANIMOUSLY

Moved by Diane Wood that the meeting terminate. 7:30 PM

Marvin Monical

Chair

  
Secretary

September 1, 2022

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

Sent via email: [planning@cariboord.ca](mailto:planning@cariboord.ca)

**Re: File No. 3090-20/20220053  
3754 Emerald Crescent, Lac La Hache  
Lot 4, Block 3, District Lot 5037, Lillooet District, Plan 12042**

Thank you for the opportunity to provide comments on this Development Variance Permit (DVP). My understanding is the applicant is applying to reduce the setback distance to property line and increase the allowable height of a building in order to construct a garage to their desired size and design. I also understand the property is 0.17 hectares (quite small), adjacent to Lac La Hache, and serviced by onsite sewerage system and a well.

Our interests *are not affected* by the DVP for building height.

Our interests *are affected* by the DVP for reduced setback distance to property line. It appears the proposed location of the garage is the only land that would be appropriate for a back-up onsite sewerage dispersal field once the first field fails. All sewerage systems will fail at some point due to soils becoming clogged. As such it is very important to ensure properties with onsite servicing have back-up areas of land for future sewerage needs. Sometimes sewerage dispersal fields can be built along property lines. For this reason, I recommend as a condition of approving the DVP for reduced setback distance to property line that an Authorized Person under the *Sewerage System Regulation* provide a report confirming there is a back-up area of land on the parcel suitable for onsite sewerage. I further recommend any identified land be protected with a Section 219 Restrictive Covenant.

It is also important to make the Cariboo Regional District and the property owner aware of a potential health hazard and potential non-compliance issue on the property. From the site plan provided on page 4 of the referral package it appears the distance from the well to the septic field is less than 30 metres. Both the *Sewerage System Regulation* and the *Health Hazards Regulation* require sewerage fields and wells be a minimum of 30 meters apart. We always advocate for all drinking water systems to have adequate treatment. In this case, I strongly

We recognize and acknowledge that we are collectively gathered on the traditional, ancestral, and unceded territories of the seven Interior Region First Nations, where we live, learn, collaborate, and work together. This region is also home to 15 Chartered Métis Communities. It is with humility that we continue to strengthen our relationships with First Nation, Métis, and Inuit peoples across the Interior.



recommend the property owners have a good quality drinking water system that will treat water to potable standards.

More information about onsite sewerage, including link to names of Authorized Persons, can be found on our [IH webpage about Onsite Sewerage](#). More information about drinking water can be found on our [IH webpage about Drinking Water](#).

If you have any questions, comments or require more resources, please feel free to contact us using our group email address [HBE@interiorhealth.ca](mailto:HBE@interiorhealth.ca)

Sincerely,

A handwritten signature in black ink, appearing to read 'A. Ely'.

Anita Ely, BSc, BTech, CPHI(C)  
Specialist Environmental Health Officer  
Healthy Communities, Healthy Families

AE/ae

- c. Mr. Pavan Brar, Environmental Health Officer, Environmental Public Health, Interior Health

#### **Resources:**

<https://www.interiorhealth.ca/health-and-wellness/environmental-health-and-hazards/sewerage-subdivisions-and-healthier-industries>

<https://www.interiorhealth.ca/health-and-wellness/environmental-health-and-hazards/drinking-water>

We recognize and acknowledge that we are collectively gathered on the traditional, ancestral, and unceded territories of the seven Interior Region First Nations, where we live, learn, collaborate, and work together. This region is also home to 15 Chartered Métis Communities. It is with humility that we continue to strengthen our relationships with First Nation, Métis, and Inuit peoples across the Interior.

## Genny Hilliard

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**From:** Christina Baird <christina.baird48@gmail.com>  
**Sent:** September 8, 2022 2:51 PM  
**To:** CRD Planning  
**Cc:** Robert Van Buskirk  
**Subject:** Application for Variance 3090-20/20220053

You don't often get email from christina.baird48@gmail.com. [Learn why this is important](#)

Hello Chivani Sajwan,

We are writing to you to express our concerns over the proposed variance request for Lot 4, Block 3, District Lot 5037, Lillooet District Plan 12042.

Rob and I own the properties at 3750 and 3752 Emerald Crescent. We do not support this application for the following reasons:

- the proposed structure does not fit with the aesthetic of the neighborhood
- the proposed structure would essentially be on the road
- the proposed structure is aggressive

If you need anything else, please contact us.

Sincerely,  
Christina Baird and Robert Van Buskirk

***John A. Davis & Irene Gail Davis***

*118 Rockland Road  
Campbell River, B.C. V9W 1N6*

Telephone: 778-420-1555 cell: 250-830-7345

Fax: 778-420-1556

Email: [jagada@shaw.ca](mailto:jagada@shaw.ca)

September 20, 2022

Cariboo Regional District  
Suite D, 180 N Third Avenue  
Williams Lake, BC V2G 2A4

By email to Shivani Sajwan, Planning Officer 11 [planning@cariboord.ca](mailto:planning@cariboord.ca)

Dear Cariboo Regional District:

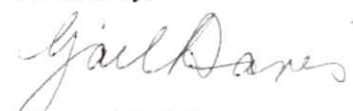
**RE: Application for a Development Variance Permit – Lot 4, Block 3, District Lot 5037, Lillooet District, Plan 12042**

We wish to notify you of our objections to this application for the following reasons:

1. The proposed building will be too close to the roadway, and would impede visibility for traffic coming from three different directions, on a hill, and near a corner.
2. On site outside parking would be eliminated, requiring visitors to park on the roadway, furthering impeding local traffic.
3. The proposed building would be visually disagreeable and not fit in with the existing neighbourhood.
4. The height of the proposed building will impede the lake view of neighbouring homes.
5. There have previously been two variances allowed on this property, it is a narrow lot and already crowded. Another building will render it even less appealing in the eyes of the neighbours.

Our alternate address is 3768 Emerald Crescent, Lac La Hache - Lot 7, only three lots from the subject property. We sincerely hope that you will take our concerns into consideration and reject this proposed Variance permit. Thank you.

Yours truly,



John and Gail Davis





## Shivani Sajwan

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**From:** GREG CROMPTON <gregcrompton@shaw.ca>  
**Sent:** September 22, 2022 11:54 AM  
**To:** CRD Planning  
**Cc:** gregcrompton  
**Subject:** 3754 Emerald Cres - file 3090-20/200220053

You don't often get email from gregcrompton@shaw.ca. [Learn why this is important](#)

I am responding to file 3090-20/200220053

I am in objection to the applied for variance.

My primary objection is based on the significant negative impact it will have on the neighbourhood.

The proposed building will have a negative aesthetic impact, and if allowed, will set a horrible precedent for the neighbourhood.

The current road set back of 25 feet has created a pleasant rural neighbourhood, typically with a treed road frontage, and open area between our homes and roadway. Allowing a building to be erected 5 feet from the roadway will require removal of a number of trees (all) and allow for a massive walled building to take their place. This will create an unattractive, imposing structure, looming over the roadway. This building will be even more negatively imposing if it is allowed to increase it's height to 24 feet.

Placement of the building as proposed will also create some serious safety concerns. The proposed building is on a graded corner, and intersection, and will limit visibility to road traffic.

With the building only 5 feet from the road edge, there would be limited roadside for the build up of snow that is pushed off the road during the winter. There would also be additional snow from the building rooftop spilling onto the snow pile and likely out on to the roadway. The snow off the roof could happen at any time, depending on climatic conditions, and could become a serious problem for pedestrians and vehicles, using the public road.

The plan also shows a very small courtyard, and I have to wonder what the residents will do with the snow that accumulates there? Will it be shovelled into the neighbours yard? Will it be pushed out onto Emerald Cres, the already dangerous roadway?

I am also concerned about flooding of my property, as I live downhill from the subject property. This is currently a serious ongoing problem for us. According to the CRD and the road maintenance people from Dawson Roads, the road banks are graded so that rain runoff and snow melt, will flow over the road edge and be absorbed into our grounds. This will not be possible with the proposed building and it appears the runoff will be diverted to the adjacent properties. Flooding already occurs across our property and will be seriously increased with additional runoff.

Overall, this development variance will have a negative impact and it does nothing to enhance the neighbourhood.

Cariboo Regional District  
File No. ....

SEP 23 2022

September 21, 2022

Referred To .....  
.....

File Number: 3090-20/20220053

Cariboo Regional District  
Suite D, 180 N Third Avenue  
Williams Lake, BC  
V2G 2A4

Attention: Shivani SAJWAN, Planning Officer II

RE: Application for a Development Variance Permit  
3754 Emerald Crescent, Lac La Hache, BC  
Lot 4, Block 3, District Lot 5037, Lillooet District, Plan 12042

I noticed the sign indicating that there is a Development Variance Permit application on the above-noted property. I am not opposed to additional development on the property, but am not in agreement with the variances being requested. The proposed variance was to reduce the Front Yard Setback from 7.6 m (24.9 ft.) to 1.5 m (4.9 ft.) and increase the maximum height for ancillary structures from 6 m (19.7 ft.) to 7.4 m (24.3 ft.). I feel that approving this variance to allow construction of an over height building that close to the road would not be aesthetically pleasing for the neighbourhood and would also significantly reduce the view for some of the surrounding properties.

Sincerely,

A concerned resident of the Neighbourhood

## Genny Hilliard

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**From:** tracy deon <tracywest@hotmail.com>  
**Sent:** September 23, 2022 8:55 PM  
**To:** CRD Planning  
**Subject:** Application for a Development Variance Permit - Lot 4, Block 3, District Lot 5037, Lillooet District, Plan 12042

You don't often get email from tracywest@hotmail.com. [Learn why this is important](#)

To the attention of Shivani Sajwan,

The following are our objections to the Application for a Development Variance Permit – Lot 4, Block 3, District Lot 5037, Lillooet District, Plan 12042.

1. The following build will be too close to the roadway, impeding visibility on the road in both directions.
2. There will be no parking onsite, therefore requiring visitors to park on the roadway which will also impede visibility on the road.
3. The proposed building would not fit in with the rest of the neighbourhood.
4. The height of the proposed building will impede views of neighbouring homes.
- 5.

Thank you for your consideration of this matter.

Regards,

Tracy Deon & Elton Davis  
3766 Emerald Crescent  
Lac La Hache, BC  
V0K 1T1