

BOARD OF VARIANCE MEETING – AGENDA

Agenda for the Board of Variance Meeting scheduled for
Monday, November 5, 2018 at 7:00 p.m. in Council Chambers at
Village Hall, 2697 Sunnyside Road, Anmore, BC



1. **CALL TO ORDER**
2. **APPOINTMENT OF BOARD CHAIR**
3. **APPLICATION FOR UNIT 58 – 3295 SUNNYSIDE ROAD, ANMORE, BC**

Location: STRATA LOT 58, PLAN BCS3635, SECTION 20, TOWNSHIP 39, GROUP 1, NEW WESTMINSTER DISTRICT, TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM B, MANUFACTURED HOME REG. #20774 [CIVIC ADDRESS: 58 – 3295 SUNNYSIDE ROAD]

Property Owner: STEPHANIE GABRIEL AND MICHAEL MARAUN
58 – 3295 SUNNYSIDE ROAD, ANMORE, BC V3H 4Z4

Zoning: COMPACT HOUSING 1 (COUNTRYSIDE) – RCH-1

Purpose: THE APPLICANT IS REQUESTING RELAXATION OF THE REQUIRED MINIMUM BUILDING SETBACK FOR GARAGE TO 3.002 METRES. SECTION 9.2.4(B) OF ANMORE ZONING BYLAW NO. 568-2017 PERMITS A 5.5 METRE SETBACK FROM THE PROPERTY LINE. THE PROPOSED DIFFERENCE IS 2.498 METRES.

Excerpt from Anmore Zoning Bylaw No. 374-2004

9.2.4 Minimum Building Setbacks

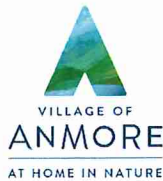
Permitted Use	Front Parcel Line Setback	Rear Parcel Line Setback	Exterior Side Parcel Line Setback	Interior Side Parcel Line Setback
Principal Buildings	3.0 m	2.0 m	4.0 m	1.2 m ^(d)
Accessory Buildings	See (c)	2.0 m	4.0 m	1.2 m

- (a) In the case where there is a watercourse on the property, the setback requirements outlined in section 5.20 shall also apply, except in the case where a new building is replacing an existing building that does not satisfy this requirement provided that the non-conformity is not further exaggerated.
- (b) In the case where there is a garage or carport, the garage or carport shall be located not less than 5.5 metres from the property line where driveway access is provided from.
- (c) An accessory building and structure shall be sited to the rear of the front face of the principal building.
- (d) The required interior side parcel line setback shall be 2.2 m for all storeys above the first storey.

Attached for the Board's information and review are the following documents.

- Report dated October 24, 2018 by the Manager of Development Services
- Application from Stephanie Gabriel and Michael Maraun (attached to Staff report)
- Authorization from Countryside Village Strata (attached to Staff report)

4. CONCLUSION



Date: October 24, 2018

Submitted by: Jason Smith, Manager of Development Services

Subject: Board of Variance Application – Lot 58, 3295 Sunnyside Road -
Countryside Village Estates

Purpose / Introduction

The purpose of this report is to present Village's staff perspective on the Board of Variance application from the owners of Lot 58 for relaxing the front yard setback requirement for a garage.

Background

The owners of Lot 58, 3295 Sunnyside Road at Countryside Estates have made an application to relax the setback requirement for garages in the Compact Housing 1 (RCH-1) Zone from 5.5 metres to 3.0 metres.

The owners' rationale for this request and an explanation for why they feel it is a hardship is attached (**Attachment 1**) along with the proposed site plan (**Attachment 2**). A site plan showing the proposed house design in compliance with the current zoning requirements is also attached (**Attachment 3**).

The front yard setback requirements for the RCH-1 zone are 3 m except for the case where there is a garage. In the case where there is a garage the required setback is 5.5 metres from the property line where the driveway access is provided from. The proposed driveway access in this case would be from the front property line of this property.

The RCH-1 zone requires 2 off-street parking spaces per dwelling unit and a parking space is defined as an area not less than 5.5 metres in length and 2.5 m in width. A parking space can be either outside or inside a building or structure

Discussion

Village staff have reviewed the application and visited the site. Based on this review, Village staff have concerns regarding this application.

The provision of adequate off-street parking is a requirement in all zones in Anmore. This is to ensure that residents cars will be able to park off street. The Zoning Bylaw allows for off street

Report/Recommendation to Council

Board of Variance Application – Lot 58, 3295 Sunnyside Road -Countryside Village Estates
October 24, 2018

parking requirements to be met with parking spaces provided inside a garage. The Zoning Bylaw was drafted in such a manner to ensure that given the setback requirements in all residential zones that there would always be sufficient outdoor space to meet the off-street parking requirements regardless of whether there was a garage or not. This was in recognition of the reality that garages are often used in a manner that precludes the parking of cars (i.e. storage, home workshop).

This consideration was made for the RCH-1 zone and is why a specific setback requirement for garages is included and that setback requirement is the same as the minimum length requirement for a parking space.

The strata roads in Countryside Village do not provide for on-street parking and are narrower than what would be permitted under the Village's Works and Services Bylaw. Given this, it is Village's staff view, that the provision of adequate off-street parking is important from a public safety perspective. While the applicant is proposing to construct a garage that would satisfy the off-street parking requirements, there is no guarantee that in the future the garage will be maintained strictly as an area for parking vehicles. This could create a situation, should the variance be granted, whereby the property would not be able to meet the minimum off street parking requirements and residents would either park in a manner that encroaches onto the road or have to park in the limited parking area provide for visitors to all of Countryside Village.

Village staff are of the view that granting this variance would defeat the intent of the Zoning Bylaw to ensure that every residential property is able to meet the minimum off street parking requirements, regardless of how a garage is used.

When the Board members are considering whether there is the necessary "undue hardship" , it may be relevant to their deliberations that the proposed house design could be accommodated under the existing setback requirements for the zone and the permitted building envelope is more than adequate to accommodate a different one family house design should a larger backyard be desired.

Report/Recommendation to Council

Board of Variance Application – Lot 58, 3295 Sunnyside Road -Countryside Village Estates
October 24, 2018

Attachments:

1. Board of Variance Application

Prepared by:
 _____ Jason Smith Manager of Development Services



Board of Variance Application

Date: 9 May 2018

Name of Applicant: Stephanie Gabriel & Michael Maraun

Phone # (home): [REDACTED]

(work): [REDACTED]

(cell): [REDACTED]

Email: [REDACTED]

Property Address: 58-3295 Sunnyside Road

Legal Description: See attached (p. 3)

Mailing Address: (if different from property address) _____

Attachments (to include with this application)

- ☒ A copy of the title search
- ☒ Authorisation of all registered owners of the property
- ☒ A letter describing:
 - The proposed construction
 - The requested variance(s)
 - Hardship
- ☒ \$500 application fee Receipt # _____

[Signature]
Signature of Applicant

For Office Use Only

Requested Variances

Bylaw Section & Requirement	Permitted	Proposed	Difference

Building Department Comments



Authorization of All Registered Owner(s) of the Property

Date: 9 May 2018

Owner #1

Name: Stephanie Gabriel

Address:

58-3295 Sunnyside Road Anmore V3H4Z4

Phone: [REDACTED]

Email: [REDACTED]

Owner #2

Name: Michael Maraun

Address:

58-3295 Sunnyside Road Anmore V3H4Z4

Phone: [REDACTED]

Email: [REDACTED]

Owner #3

Name: _____

Address: _____

Phone: _____

Email: _____

Owner #4

Name: _____

Address: _____

Phone: _____

Email: _____

To: Village of Anmore

Project Address: WE #58-3295 Sunnyside Rd V3H4Z4

I/We, the Registered Property Owner(s) of the above noted address authorize:

We are applying on our own behalf.

To make an application to the Board of Variance for relaxation of the Zoning Bylaw on my/our behalf.

Property Owner(s) Signatures

[Signature]

[Signature]

Application to Board of Variance

Re: Property located at #58-3295 Sunnyside Road

Proposed construction:

A residential home on conventional foundation, intended to replace the current mobile home structure located on the property

The owners (ourselves) have engaged the services of a builder and designer to render plans for a modestly sized 2600 square foot home (featuring a standard-sized double garage at grade), to be built on the property in question once appropriate permits have been obtained from the Village.

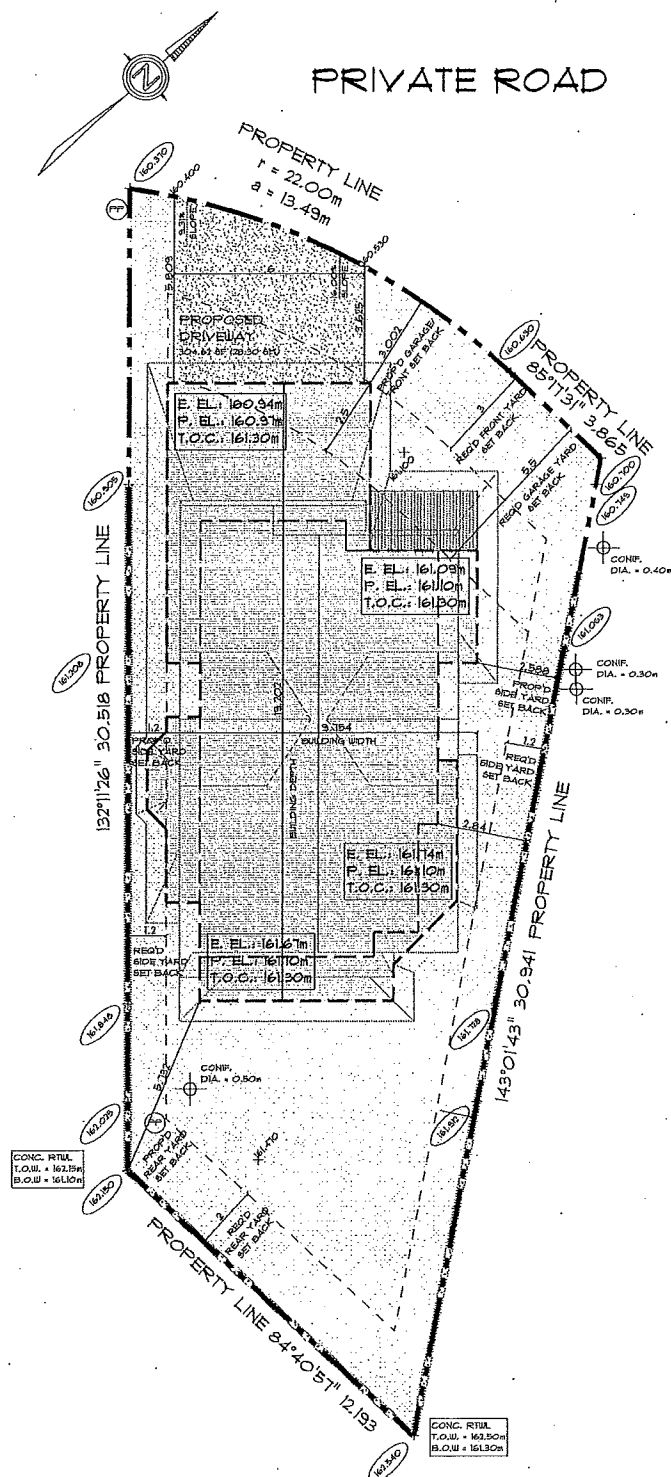
Hardship:

The lot in question is irregularly shaped, with the front lot boundary being comprised of a significantly arcing curve, rather than a straight front lot line square to the side boundaries of the lot. Furthermore, one side lot boundary is significantly shorter than the other. Because of these two irregularities, the following hardships are argued:

1. A garage which conforms to the permitted front of lot setbacks yields a significantly larger than "standard" driveway (i.e, the surface area of a driveway with a garage at minimum setback from the front boundary of a regularly shaped lot). We argue that, in the context of the neighbourhood, an 'oversized' driveway would look out of place, as other nearby homes have driveways which appear to be at or just beyond the minimum setback requirements. That is to say, we believe an oversized driveway would be an eyesore not only for us but for our neighbours. Even with a relaxation of the setback, the only portion of the home that will encroach is one corner of the garage.
2. The size of the backyard would be significantly reduced from its current dimensions (i.e. the dimensions the yard has with the mobile home currently on the lot). Like many Anmore residents, we appreciate living in this community because we feel close to nature here. To lose so much of the yard we have enjoyed since moving here in 2009 would feel like a great loss for our family, especially our two young children, who use the outdoor space to its full potential.
3. A mature coniferous tree which we would like to save, would need to be removed from the property without relaxation of the front setback, as the current houseplans encroach upon the root system and likely even the trunk of the tree. Our neighbours have also expressed an interest in the retention of this tree.
4. Options for repositioning the house on the property are very limited due to the irregular shape of the lot and setback requirements at the sides of the property: in layman's terms, we have very little "wiggle room" with both the design of the house and its relative location on the property.

Requested variance(s): Relaxation of minimum front-of-lot setback for garage (permitted distance is 5.5m; requested distance is 3.002m.)

PRIVATE ROAD



Legal Description and Parcel ID

Strata Lot 58 Plan BCS3635 Section 20 Township 39 Land District 1 Land District 36 TOGETHER
WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT
ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V Manufactured Home Reg.# 20774

LAND TITLE OFFICE
STATE OF TITLE CERTIFICATE

Certificate Number: STSR2533922

stephanie gabriel
58-3295 sunnyside road
anmore BC v3h4z4
Pick up by: stephanie gabriel

A copy of this State of Title Certificate held by the land title office can be viewed for a period of one year at <https://apps.ltsa.ca/cert> (access code 677356).

I certify this to be an accurate reproduction of title number **BB1124741** at 12:19 this 9th day of May, 2018.



REGISTRAR OF LAND TITLES



Title Issued Under	STRATA PROPERTY ACT (Section 249)
Land Title District Land Title Office	NEW WESTMINSTER NEW WESTMINSTER
Title Number From Title Number	BB1124741 BB1220168
Application Received	2009-11-30
Application Entered	2009-12-08
Registered Owner in Fee Simple Registered Owner/Mailing Address:	MICHAEL DONALD MARAUN, PROFESSOR STEPHANIE MICHELLE GABRIEL, STUDENT #58, 3295 SUNNYSIDE DRIVE ANMORE, BC V3H 4Z4 AS JOINT TENANTS
Taxation Authority	Anmore, Village of

LAND TITLE OFFICE
STATE OF TITLE CERTIFICATE

Certificate Number: STSR2533922

Description of Land

Parcel Identifier: 028-077-075

Legal Description:

STRATA LOT 58 SECTION 20 TOWNSHIP 39 NEW WESTMINSTER DISTRICT
STRATA PLAN BCS3635
TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT
ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V

Legal Notations

TO THE COMMON PROPERTY IS ANNEXED EASEMENT BB1121886 OVER
STRATA LOTS 1 TO 92 STRATA PLAN BCS3635

HERETO IS ANNEXED RESTRICTIVE COVENANT BB1121889 OVER STRATA
LOTS 20 TO 32, 85, 91 AND 92 STRATA PLAN BCS3635

HERETO IS ANNEXED EASEMENT AA81286 OVER (PLAN 74485) LOT 12 EXCEPT;
PART SUBDIVIDED BY PLAN 74483, PLAN 3350
MODIFIED BY BB401815
PART FORMERLY LOT A PLAN 86219

HERETO IS ANNEXED EASEMENT BB1220100 OVER THAT PART OF LOT 9,
PLAN BCP39932 AND LOT 1 PLAN BCP42742 INCLUDED IN PLAN BCP42743

HERETO IS ANNEXED EASEMENT BB1220101 OVER THAT PART OF LOT 2,
PLAN BCP42742 INCLUDED IN PLAN BCP42743

HERETO IS ANNEXED EASEMENT BB1220106 OVER LOT 9 PLAN BCP39932 AND
LOT 1 PLAN BCP42742

HERETO IS ANNEXED EASEMENT BB1220108 OVER LOT 2 PLAN BCP42742

HERETO IS ANNEXED EASEMENT AA83288 OVER (PLAN 74485) SOUTH 15 CHAINS
OF THE EAST 10 CHAINS OF THE SOUTH WEST QUARTER SECTION 29
TOWNSHIP 39 EXCEPT: THAT PORTION SHOWN ON PLAN 8163 NEW WESTMINSTER
DISTRICT
MODIFIED BY BB401816
PART FORMERLY LOT A PLAN 86219 AND LOT B PLAN 86219 EXCEPT
PLAN BCP12331

THIS TITLE MAY BE AFFECTED BY A PERMIT UNDER PART 29 OF THE MUNICIPAL
ACT, SEE BL58362 EXPIRES N/A

HERETO IS ANNEXED EASEMENT CA2964922 OVER PART OF LOT B
PLAN 86219 EXCEPT PART IN PLANS BCP12331 AND BCP42742
SHOWN ON PLAN EPP20530

LAND TITLE OFFICE
STATE OF TITLE CERTIFICATE

Certificate Number: STSR2533922

Charges, Liens and Interests

Nature: COVENANT
Registration Number: AA81278
Registration Date and Time: 1987-05-08 10:42
Registered Owner: HER MAJESTY THE QUEEN IN RIGHT OF THE PROVINCE OF BRITISH COLUMBIA
Remarks: INTER ALIA
INCLUDES INDEMNITY UNDER SECTION 215 (2)(A) L.T.A.
PART FORMERLY LOT A PLAN 86219 AND LOT B,
PLAN 86219 EXCEPT PLAN 12331

Nature: COVENANT
Registration Number: BB1220217
Registration Date and Time: 2009-11-03 09:23
Registered Owner: VILLAGE OF ANMORE
Remarks: INTER ALIA

Nature: EQUITABLE CHARGE
Registration Number: BB1220218
Registration Date and Time: 2009-11-03 09:23
Registered Owner: THE OWNERS, STRATA PLAN BCS3635
Remarks: INTER ALIA

Nature: EQUITABLE CHARGE
Registration Number: BB1220219
Registration Date and Time: 2009-11-03 09:23
Registered Owner: VILLAGE OF ANMORE
Remarks: INTER ALIA

Nature: EASEMENT
Registration Number: BB1121886
Registration Date and Time: 2009-11-19 14:05
Remarks: INTER ALIA
APPURTENANT TO THE COMMON PROPERTY STRATA
PLAN BCS3635

Nature: MORTGAGE
Registration Number: BB1124742
Registration Date and Time: 2009-11-30 10:51
Registered Owner: ROYAL BANK OF CANADA

Duplicate Infeasible Title NONE OUTSTANDING

Transfers NONE

Pending Applications NONE

LAND TITLE OFFICE

STATE OF TITLE CERTIFICATE

Certificate Number: STSR2533922

This certificate is to be read subject to the provisions of section 23(2) of the Land Title Act (R.S.B.C. 1996 Chapter 250) and may be affected by sections 50 and 55-58 of the Land Act (R.S.B.C. 1996 Chapter 245).



Thank you for your payment

CASH RECEIPT

Mike & Stephanie Maraun
Receipt #: 01-29433 25/10/18 09:34:55

04 Development \$500.00

00 424016-035

#58-3295 Sunnyside Rd BOV application fee; Mike & Stephanie Maraun

Amount Paid by Cheque: \$500.00

Cheque #: 000458

GST #:

AMOUNT TENDERED \$500.00

CHANGE DUE \$0.00

Village of Anmore

Christine Baird

From: Christine Baird
Sent: May-28-18 10:41 AM
To: [REDACTED]
Subject: Anmore Board of Variance Application - #58 - 3295 Sunnyside Road, Anmore, BC
Attachments: Driveway Access Permit Application - fillable.pdf

Dear Mr. & Mrs. Maraun,

I am in receipt of your application to the Board of Variance that was hand delivered to staff on May 22, 2018.

Following review of your application, I am requesting that you provide additional information that confirms authorization and endorsement by Countryside Strata of your variance request.

The Village requires that a Construction Authorization form be completed by the Strata (they have the document on file), confirming that the Strata agrees to new construction being built over infrastructure. We also request written confirmation that Countryside Strata endorses your request for reduced front lot setback.

Attached is our Driveway Access Permit application, to provide some information in that regard.

If you have any questions, please do not hesitate to contact me.

Kind regards,

Christine Baird
Manager of Corporate Services – Secretary to Board of Variance
T 604 469 9877 | Cell 604 612 3905 | anmore.com
2697 Sunnyside Road, Anmore, BC V3H 5G9




Correspondence with any government body, including Village of Anmore Council and Staff, is subject to disclosure under the Freedom of Information and Protection of Privacy Act.

Countryside Village Strata BCS3635

Request For Variance for New Construction

BCS3635 Strata hereby approves the request for variance of construction for a new dwelling at lot #58 to reduce the driveway setback from 5.5m to 3.002m from the northeast corner of the proposed garage to the road as per the submitted building plans.

Signed on behalf of BCS3635
(must be a current councilor)



DAVID SCHMIDT
Print name

Date: July 20, 2018