

May 6, 2018

To: Brianne Labute for Electoral Areas Services Committee, CVRD

From: Kathy Coulthart-Dewey, co-owner at 1818 Astra Rd

Re: Development Variance Permit 1758 Astra Rd

In addition to the summary of comments prepared by the neighbouring property owner, the following points are offered as background. While CVRD staff and Committee members will be well versed on these principles, their long-term vision is often overshadowed by immediate circumstances.

- **Zone standards** are intentionally set in the absence of individual property specifics so as to be focused on the orderly development of the community at large. Compliance is expected by all.
- Property owners have the right to apply for a variance, if hardship can be demonstrated. Neighbouring property owners have the right to support or oppose the application, without intimidation. *Consultation* and deferral allow additional clarification and are aimed at seeking compromise and building consensus. The governing body has responsibility to balance competing issues and make a decision. It has adopted *guiding principles* which offer a yardstick by which to measure the need for variance.
- A **road allowance** is publically owned and is intended to provide services to the public. Substituting unused portions of a road allowance for front yards is wrong.
- A **front yard setback** serves as a buffer between public and private use. Its benefits are numerous and varied including on-site drainage, consistency of streetscape, and visibility for safe access/egress.
- **Buildings** are prohibited in the front yard setback while some *structures/uses* are permitted. Confusion of these terms in the past, whether intentional or unintentional, does not justify granting a permit.

When faced with a challenging application, these principles may warrant review. They helped form the foundation of the CVRD Board's view of and vision for the entire community as expressed in the Official Community Plan and Zoning Bylaw and therefore benefit from a broader context and the absence of emotion.

The *road allowance* is not the same as the paved portion of an existing roadway; a common misconception noted in the applicant's presentation to the Committee. Its purpose is to accommodate movement of the public (vehicular, cyclists and pedestrians) and installation of public services (hydro, cable/fiber, paved road, bike lanes, sidewalks, sewer and water lines, drainage, signage, etc.), the placement of which may not align perfectly with the centreline of the right-of-way. Its width must be sufficient to allow placement of all these features, regardless of unforeseen complications of sight-lines, topography, rock, underground springs, drainage, etc. Use of a road allowance as a substitute for front yard setback is a mistake which would limit future options for not only for CVRD but any future governing body.

Front yard setbacks are a planning tool aimed at addressing a number of development issues, such as dwelling light/shade, natural heating/cooling through vegetation, air movement, drainage,

privacy, personalization of private spaces, shoulder space between sidewalk and dwelling wall, consistency in streetscapes which define the character of a neighbourhood, etc. Most importantly here they offer a buffer between public traffic and private living space; a critical open buffer of visibility of sufficient width for the safety of both.

With respect to processing an application, it is unfortunate this applicant did not follow CVRD consultation guidance which suggests, *"To generate potential support, applicants are encouraged to speak to adjacent residents and property owners in advance of the notice being delivered."* Instead the applicant's presentation to the Committee attempted to find fault with how neighbours have dealt with their front yards. The applicant may not have realized that many of the examples presented as compliance violations are actually permitted uses. More specifically the *front yard setback* is the distance between the front lot line (edge of road allowance not pavement) and any *building or structure*. The term *structure* specifically excludes parking, fencing, landscaping, retaining walls, etc. meaning these uses are permitted in the front yard setback. No doubt there are some buildings/structures that are non-compliant and if required by CVRD would need to be moved or removed. Most are truly accessory and the cost of removal, both in terms of lost dollars and loss of use, appears minimal. Not so for the applicant's proposed structure.

Unfortunately, the applicant's short-sighted approach to site development prior to making this application and during the consultation period has angered the neighbourhood rather than generated its support. Deferral at the April 9 Committee meeting may have been intended to deal with the applicant's complaint that *"no one asked why"* and/or to seek compromise and build consensus. The applicant has revised the application and reduced the variance requested. There does not however appear to be any additional information regarding hardship in compliance nor has there been any revision to the siting of the other accessory structures to accommodate compliance.

CVRD now has the authority and responsibility to make a decision. Their own documents may offer some assistance.

"Decisions on development variance permits are based upon a variety of factors, including:

- In what manner would the development variance permit affect the subject property and adjacent properties?*
- Does the size or configuration of the parcel make it difficult to develop without a development variance permit?*
- Would the requested variance help to protect environmentally sensitive areas, watercourses, wetlands, large stands of trees, heritage resources, or other important features?*
- Would the requested variance affect potential safety concerns for the subject property or surrounding parcels?*
- Would the requested variance impact road traffic safety?*
- Is there public support for the proposal?"*

The Committee is charged with balancing competing interests. In doing so it will likely consider whether or not the application meets these thresholds. When it does not, denial is the most direct and often the most respectful response.