



REPORT

To: Chair and Directors

Report Number: DS-BRD-141

From: Kathy Suggitt, General Manager of Development Services

Date: April 15, 2021

Subject: Zoning Amendment Bylaw No. 2436, 2021, PRRD File No. 21-005 ZN

RECOMMENDATION: [Corporate Unweighted]

That the Regional Board give Zoning Amendment Bylaw No. 2436, 2021, to rezone the subject property identified as PID 013-516-523 from C-2 zone to R-2 zone within PRRD Zoning Bylaw 1343, 2001, first and second readings; further,

That a public hearing be held pursuant to *Local Government Act* Section 464 (1), delegated to the Director of Electoral Area C and public notification be authorized pursuant to *Local Government Act* Section 466.

BACKGROUND/RATIONALE:

Proposal

To rezone the subject property from C-2 (General Commercial Zone) to R-2 (Residential 2 Zone) within PRRD Zoning Bylaw 1343, 2001 as the applicants wish to continue using the property for residential use.

File Details

Owner: Suzanne Marie McKenzie and Shawn D'Arcy McKenzie
Area: Electoral Area C
Location: Charlie Lake
Legal: Lot 1, Section 8, Township 84, Range 19, W6M, Peace River District, Plan 6659
PID: 013-516-523
Civic Address: 12739 Old Hope Rd
Lot Size: 4.04 ha (9.99 ac)

Background

An investigation into the subject property's records revealed that the existing residential use on the property, without the presence of any commercial uses, is considered existing non-conforming.

- The structures were built in 2000, at which time, PRRD Zoning Bylaw No. 1000, 1996 was in effect for the subject property
- Pursuant to PRRD Zoning Bylaw No. 1000, 1996 the subject property was zoned Highway Commercial (HC)
- In the HC zone, a dwelling unit is a permitted principal use.
- PRRD Zoning Bylaw No. 1343, 2001 replaced portions of Bylaw 1000, and the property in question is now in the area covered by Bylaw 1343, 2001 and zoned C-2. In Bylaw 1343, a dwelling is not a permitted principal use in the C-2 zone.

Therefore, the structures are currently not in contravention of the zoning bylaw as they are “grandfathered” or considered legal non-conforming. However, if the owner wished to build a new residential structure, or replace the existing manufactured home, construction or replacement would not be permissible as residential is not a permitted principal use, and would be in contravention of the C-2 zone within PRRD Zoning Bylaw No. 1343, 2001.

Site Context

The subject property is located in the community of Charlie Lake, to the west of Highway 97N, approximately 8 km north of the City of Fort St John. The property is surrounded by commercial uses to the north, south and east and residential uses to the west.

Site Features

Land

Based on the aerial imagery, most of the property is treed except for the north east portion which is cleared and developed.

Structures

There is an existing manufactured home, two garages, a greenhouse and four sheds on the subject property.

Access

The subject property is accessed via Old Hope Rd.

Comments & Observations

Applicant

The subject property was passed on to the applicants from their family as a residential property. Upon realizing that the subject property is zoned commercial, the applicants applied for the rezoning as they would like to continue the residential use and have no plans for a business.

Agricultural Land Reserve (ALR)

The subject property is outside the Agricultural Land Reserve.

Official Community Plan (OCP)

Pursuant to the North Peace Fringe Area Official Community Plan Bylaw No. 1870, 2009, the subject property is designated Settlement Centre (SC). Section 5 Policy 1 states that residential use is one of the principal uses of land within this designation, subject to residential land use designations specified in Section 4 of the OCP. The proposed zoning is consistent with residential land use designations specified in Section 4 of the OCP.

Therefore, the proposal is consistent with the Official Community Plan.

Land Use Zoning

Pursuant to the now in effect Zoning Bylaw No. 1343, 2001, the subject property is zoned C-2 (General Commercial Zone). According to Section 42, residential land use is not a permitted principal use within this zone.

Therefore, a zoning amendment is required for the subject property. In the R-2 (Residential 2 Zone), a dwelling unit is a permitted use and the minimum parcel size is 0.4 ha when the parcel is connected to a community sewage system. Accessory buildings and accessory structures are permitted accessory uses within this zone. Section 13 states that for a parcel size of 4 ha, the floor area of accessory buildings should not exceed 300 m². If the rezoning to R-2 zone is approved, the two garages, the greenhouse and four sheds will be considered as accessory structures to the principal home on the subject property. Based on the submission of a legal survey, it has been determined that the combined floor area of all accessory structures measures less than 300 m² and are compliant with the zoning bylaw.

Therefore, the proposal is consistent with the proposed zone.

Fire Protection Area

The subject property is within the Charlie Lake Fire Protection Area.

Mandatory Building Permit Area

The subject property is within the Mandatory Building Permit Area.

Development Permit Area

The subject property is within the Commercial Development Permit Area pursuant to the North Peace Fringe Area Official Community Plan Bylaw No. 1870, 2009. A Development Permit is not required for the construction, addition, or alteration of a single family dwelling and any residential accessory uses. Interior alterations are also exempt.

Development Cost Charge Area

The subject property is within the Development Cost Charge Area. However, the charge is not applicable at this time because no subdivision or building construction is proposed.

School District 60 School Site Acquisition Charge Area

The subject property is within the School District 60 School Site Acquisition Charge Area. However, the charge is not applicable at this time because no new residential lots are proposed.

Impact Analysis

Context

The proposed zoning will be consistent with the surrounding uses as there are multiple other residential properties to the west of the subject property.

Population & Traffic

No change in population or traffic is anticipated.

Sewage & Water

The subject property is connected to the Charlie Lake sewer system. Water is delivered to the property.

Comments Received from Municipalities & Provincial AgenciesMinistry of Transportation and Infrastructure

In support of the proposal. If the proposed rezoning is not successful, the owner is required to apply online for a commercial access permit.

Agricultural Land Commission

No objections.

Charlie Lake Fire Department

No concerns.

City of Fort St. John

No concerns.

ALTERNATIVE OPTIONS:

1. That the Regional Board give Zoning Amendment Bylaw No. 2436, 2021, to rezone the subject property identified as PID 013-516-523 from C-2 zone to R-2 zone within PRRD Zoning Bylaw 1343, 2001, first and second readings; further,

That a public hearing be waived pursuant to *Local Government Act* Section 464 (2) and public notification be authorized pursuant to *Local Government Act* Section 467.

2. That the Regional Board refuse Zoning Amendment Bylaw No. 2436, 2021, to rezone the subject property identified as PID 013-516-523 from C-2 zone to R-2 zone within PRRD Zoning Bylaw 1343, 2001.
3. That the Regional Board provide further direction.

STRATEGIC PLAN RELEVANCE:

☒ Not Applicable to Strategic Plan.

FINANCIAL CONSIDERATION(S):

None at this time.

COMMUNICATIONS CONSIDERATION(S):

The Regional Board's decision will be communicated to the applicant.

OTHER CONSIDERATION(S):

None at this time.

Attachments:

1. Maps
2. Application
3. Comments Received from Municipalities & Provincial Agencies
4. Comments Received from Electoral Area Director
5. Section 35 of PRRD Zoning Bylaw No. 1343, 2001
6. Draft Zoning Bylaw No. 2436, 2021