



REPORT

To: Chair and Directors

Report Number: DS-BRD-164

From: Kathy Suggitt, General Manager of Development Services

Date: June 24, 2021

Subject: Development Variance Permit No. 17-056

RECOMMENDATION: [Corporate Unweighted]

That the Regional Board authorize Development Variance Permit No. 17-056, for the property identified as PID 024-932-744, to reduce a front parcel line setback from 7 metres to 1.28 metres for a structure identified as an office and a north interior parcel line setback from 3 metres to 0 metres for the structure identified as a shop, only for the lifetime of the two structures in their existing state and size, within PRRD Zoning Bylaw No. 1343, 2001.

BACKGROUND/RATIONALE:

A survey of the subject property, dated November 10, 2020, was submitted to the PRRD. This survey shows an office, with a deck attached to the north side and a sea can attached to the east side, located 1.28m from the front parcel line and 0.77m from the south interior parcel line.

In addition, this survey shows a shop that ranges from 0.35m to 0m from the north interior side parcel line. This shop lean-to also encroaches 1.86m onto the property to the north. At this time, both properties are owned by the same landowner. The encroachment will be the responsibility of the landowner to resolve if it becomes an issue in the future.

If approved, Development Variance Permit (DVP) No. 17-056 will resolve the front and north interior parcel line setback infringements. The south interior parcel line infringement will be resolved if Zoning Amendment Bylaw No. 2296, 2019 is approved (refer to Agenda Item DS-BRD-165). If Zoning Amendment Bylaw No. 2296, 2019 is not approved, the landowner will be required to either apply for another DVP for the setback reduction or to remove the structure from the setback.

As part of their referral response, the Ministry of Transportation and Infrastructure required, and has since approved, a permit to reduce the building setback less than 4.5m from the property line fronting a provincial public highway. This is the front parcel line of the subject property.

File Details

Owner: Darryl Haney
Area: Electoral Area D
Location: Briar
Legal: Lot 2 Section 26 Township 78 Range 15 West of the 6th Meridian Peace River Regional District PGP46412
Civic Address: 8306 Micro Subdivision
PID: 024-932-744
Lot Size: 0.81 ha (1.99 ac)

Site Context

The subject property is located northeast of the City of Dawson Creek. The subject property has frontage onto Micro Subdivision Road, farmland to the east and west, and residential properties to the north and south. The property is subject to a Zoning Amendment to rezone from A-2 (Large Agricultural Holdings Zone) and R-4 (Residential 4 Zone) to I-1 (Light Industrial Zone) (refer to Agenda item DS-BRD-165).

Site FeaturesLand

The land is flat with gravel laid out throughout the property.

Structures

The subject property contains residential and industrial use structures.

Access

The subject property is accessed via Micro Subdivision Road.

CLI Soil Rating

The subject property has a soil rating of 3_c. Class 3 soils have moderately severe limitations that restrict a range of crops or require special conservation practices. Subclass C denotes adverse climate.

Comments & ObservationsApplicant

No Comment.

Ministry of Transportation and Infrastructure

MoTI has the following requirements that must be met prior to issuance of the Development Variance Permit:

1. Under Section 12 of the Provincial Public Undertakings Regulation, an owner of land must not place any building, trailer, mobile home or other structure within 4.5m of the property line with a provincial public highway. Owner to apply online to MoTI for a setback permit for the existing structure (office) located within the 4.5m setback.

OR

2. Provision of a suitably worded covenant regarding the subject lot to restrict further encroachment into Micro Subdivision Road, registerable under Section 219 of the *Land Title Act* in favour of Her Majesty The Queen in right of the Province of British Columbia as represented by the Minister of Transportation and Infrastructure, Parliament Buildings, Victoria, BC, V8V 1X4, Canada. Covenant to be registered with priority over any financial charges.

On June 10, 2021, the applicant applied for a structure setback permit on the subject property that is intended to satisfy condition 1 of the Ministry of Transportations and Infrastructure referral letter. On June 15, 2021 the Ministry confirmed that condition 1 has been satisfied and nothing further is required.

Agricultural Land Reserve

The Agricultural Land Commission previously approved a non-farm use of the Property for the industrial welding and fabrication business, and that the structures proposed for the variance were pre-existing at the time of that decision. For this reason, ALC staff do not object to the issuance of the DVP.

City of Fort St John

No comment.

Northern Health

There are no objections to the proposed Development Variance Permit.

Official Community Plan

Pursuant to South Peace Fringe Area Official Community Plan, No. 2048, 2012, the subject property is designated as Light Industrial. The Official Community Plan does not address setbacks.

Land Use Zoning

Pursuant to PRRD Zoning Bylaw No. 1343, 2001, the subject property is split zoned with approximately half the property as R-4 (Residential 4 Zone) and the rest as A-2 (Large Agricultural Holdings Zone). Sections 33(e) and 37(e) require a front parcel line setback of 7 m and an interior side parcel line of 3 m. The existing office building on the subject property is 1.28 m from the front parcel line and the existing shop ranges from 0.35m to 0m from the north interior side parcel line. This shop also encroaches 1.86m onto the property to the north.

Therefore, a development variance permit is required to correct the deficiencies in the front parcel line setback and the north interior side parcel line setback.

ALTERNATIVE OPTIONS:

1. That the Regional Board refuse Development Variance Permit No. 17-056, for the property identified as PID 024-932-744 to reduce a front parcel line setback from 7 metres to 1.28 metres for a structure identified as an office and a north interior parcel line setback from 3 metres to 0 metres for a structure identified as a shop, only for the lifetime of the two structures in their existing state and size, within PRRD Zoning Bylaw No. 1343, 2001.
2. 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 Boards decision will be communicated to the applicant.

OTHER CONSIDERATION(S):

None at this time.

Attachments:

1. Maps
2. Application
3. Survey dated November 10, 2020.
4. External Agency Comments
5. Development Variance Permit No. 17-056