



REPORT

To: Chair and Directors

Report Number: DS-BRD-037

From: Tyra Henderson, Corporate Officer

Date: June 30, 2020

Subject: Zoning Amendment Bylaw No. 2295, 2019, PRRD File No. 17-059 ZN

RECOMMENDATION: [Corporate Unweighted]

That the Regional Board, prior to consideration of third reading of Zoning Amendment Bylaw No. 2295, 2019, which adds a text amendment to the R-4 (Residential 4) zone, to allow two single family dwellings on the property identified as PID: 028-642-627, require that the following conditions must be met:

1. The bylaw is amended to state that the amendment is applicable to the two existing single family dwellings only, and does not permit any additional enhancement, addition, or replacement of the dwellings other than routine and regular maintenance of the dwellings; ie: two dwellings are permitted only for the lifetime of the existing structures in their current state/size.
2. The applicant must, by August 14, 2020:
 - a. complete the requirements associated with the water and sewer systems as identified by Northern Health;
 - b. construct a fence on the legal property lines of the east and west parcel lines of the subject property to prevent encroachment on neighbouring properties; and
 - c. submit a completed Development Variance Permit application to rectify the parcel line set back infringement.

BACKGROUND/RATIONALE:

Bylaw Enforcement

There is an existing bylaw enforcement file for the property (File No. 16/097). The enforcement file was opened on May 9, 2016 but is currently on hold pending the outcome of this application. Upon investigation, the following two infractions have been observed on the subject property:

1. Land use that is contrary to PRRD Zoning Bylaw No. 1343, 2001
 - a. The number of dwellings on the parcel is over the permitted number of dwellings within the R-4 Zone, within Bylaw No. 1343, 2001; there are two single family dwellings on the parcel, one of which also has a secondary suite, whereas only 1 single family dwelling is permitted.
 - i. Zoning Amendment application (Bylaw No. 2295, 2019) was submitted in an attempt to resolve this non-compliance issue.
2. Parcel A is in contravention of PRRD Building Permit Bylaw No. 2131, 2014, as there were no building permits sought for the structures or renovations on the subject property. At the February 13, 2020 Board meeting, the Regional Board authorized placement of a Section 57

Notice on Title to address the failure to obtain building permits for the structures on the subject property, and this was completed on March 10, 2020.

Using a combination of a survey, site visit, and aerial photography, there appear to be additional accessory structures located within the parcel line setback. The applicant had previously applied for a Development Variance Permit to address these issues; however, at the time of writing this report, the applicant had not yet submitted the necessary documentation required to proceed with the Development Variance Permit application, such as a detailed map (site plan) and explanation of the setback variances that are required. A legal survey dated January 31, 2020 was received by the PRRD that shows the current number and location of the buildings and structures on the properties.

There are also several concerns over drainage issues and parking in the road right-of-way, which is within the jurisdiction of the Ministry of Transportation and Infrastructure; these concerns have been referred to them.

Proposal

To add a text amendment to the R-4 (Residential 4 Zone) within PRRD Zoning Bylaw No. 1343, 2001, to allow two single family dwellings on the subject property.

Following the public hearing, staff propose that the amendment be clarified to apply only for the life of the existing dwellings, to prevent future replacement of the dwellings, and to require the conditions stipulated above be completed prior to adoption.

File Details

Owner: Darryl Haney
Area: Electoral Area D
Location: Kilkerran
Legal: Parcel A (being a consolidation of Lots 3 and 4, see BB1974913) of Section 26, Township 78, Range 15, W6M, PRD, PGP12184
PIDs: 028-642-627
Civic Address: 1086 210 Road
Lot Size: 0.81 ha (2 ac) each

Site Context

The subject property is approximately 1 km northeast of the City of Dawson Creek along the 210 Road. The area is comprised of a mix of agricultural holdings, a commercial site located west of the subject property (Hillside Gardens), and rural residential homesteads. Land features include cultivated fields, fragmented forested areas, and oil & gas use.

Summary of Procedure

Zoning Amendment Bylaw No. 2295, 2019 was read for a first and second time on March 28, 2019. The following activities have occurred since then:

February 26, 2020	Public notification mailed to landowners within notification area
February 27 & March 5, 2020	Notice of public hearing advertised in the Mirror News
March 12, 2020	Public hearing held in Dawson Creek, BC

Staff reached out to Northern Health but have not heard back and, at the time of writing this report, the applicant had not yet applied for an operating permit from Northern Health for any drinking water system(s) on the subject property. The applicant had also not submitted any documentation, sought any information requests, or obtained any applicable permits associated with the sewerage system.

ALTERNATIVE OPTIONS:

1. That the Regional Board give Zoning Amendment Bylaw No. 2295, 2019, to rezone the property identified as PID 028-642-627, by adding a text amendment to the R-4 (Residential 4) zone to allow two single family dwellings on the subject property, third reading.
2. That the Regional Board give Zoning Amendment Bylaw No. 2295, 2019, to rezone the property identified as PID 028-642-627, by adding a text amendment to the R-4 (Residential 4) zone to allow two single family dwellings on the subject property, third reading and adoption.
3. That the Regional Board respectfully refuse Zoning Amendment Bylaw No. 2295, 2019, to rezone the property identified as PID: 028-642-627, by adding a text amendment to the R-4 (Residential 4) zone to allow two single family dwellings on the subject property.
4. 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. Minutes – Public Hearing for Zoning Amendment Bylaw Nos. 2295, 2019, PRRD File No. 17-059
2. Zoning Amendment Bylaw No. 2295, 2019

External Links:

1. [Report – Zoning Amendment Bylaw No. 2295, 2019, PRRD File No. 17-059 – February 27, 2019](#)
2. [Notice of Public Hearing for Zoning Bylaw No. 2295, 2019](#)
3. [Agenda – Public Hearing for Zoning Amendment Bylaw Nos. 2295, 2019, PRRD File No. 17-059](#)