



REPORT

To: Chair and Directors

Report Number: DS-BRD-254

From: Kathy Suggitt, RPP, General Manager of Development Services

Date: July 14, 2022

Subject: Development Variance Permit No. 22-002, PRRD File No. 22-022 DVP

RECOMMENDATION: [Corporate Unweighted]

That the Regional Board authorize the issuance of Development Variance Permit No. 22-002, to allow a reduction in the south exterior side parcel line setback and to increase the maximum accessory building floor area for the property identified as PID: 007-935-641 as follows:

- a) From 5 meters to 2.54 meters on the southwest corner of the existing shop;
- b) From 5 meters to 2.48 meters on the southeast corner of the existing shop;
- c) From 5 meters to 2.44 meters on the southwest corner of the existing shed on piles;
- d) From 5 meters to 2.45 meters on the southeast corner of the existing shed on piles; and
- e) From 187 m² to 220.7 m², a difference of 33.7 m², to accommodate for the existing shop

to bring the property into conformity within PRRD Zoning Bylaw No. 1343, 2001.

BACKGROUND/RATIONALE

Proposal

The applicant is seeking permission for a reduction in the south exterior side parcel line setback and an increase of the maximum permitted accessory building floor area to bring the existing 142.4 m² shop and 6.2 m² shed on piles into compliance with the Zoning Bylaw.

File Details

Owner: Katherine and Jeffrey Kirschner
Area: Electoral Area C
Location: Fort St. John
Legal: Lot 2 Block 8 Section 7 Township 84 Range 18 West of the 6th Meridian Peace River District Plan 8871
PID: 007-935-641
Civic Address: 12233 91 St, Fort St. John, B.C. V1J 4M6
Lot Size: 0.3 ha (0.73 ac)

Background

The applicant wishes to sell the property, and became aware on May 11, 2022, from the inquiry of an interested buyer, that the shop on the property was built without a permit from the PRRD and was built 2.48 meters from the south exterior side parcel line. They purchased the property in October 2021 with no knowledge of this issue as the shop was already established and had been for some time.

Upon further investigation by staff, it was discovered that the shed on piles is also within the south exterior side parcel line setback. The proposal to reduce the south exterior side parcel line setback for the existing shop and the existing shed on piles would bring both accessory buildings into compliance with the Zoning Bylaw.

It was also discovered by staff that the shed on skids was built without a permit and is 0.81 meters from the north exterior side parcel line. The applicant plans to sell the shed on skids; therefore, the removal of the shed on skids is a condition for approval of the permit.

Rationale

Staff recommend approval given that the shop cannot be moved and that the applicant is making an effort to comply with the zoning bylaws by removing the temporary shed on skids that is within the north exterior side parcel line setback.

Site Context

The property is immediately south of the City of Fort St. John and the land uses of adjoining and nearby properties are residential, recreational and small agricultural.

Site Features

Land

The property has been developed and there are some trees present. There is an easement to the north of the subject property, and an A-2/Undeveloped road allowance to the south.

Buildings

There is a single family dwelling and the following accessory buildings on the subject property;

- a shop (9.26 m × 15.38 m = 142.4 m²);
- a garage (7.98 m × 9.81 m = 78.3 m²);
- a shed on skids (3.73 m × 7.38 m = 27.5 m²) – to be removed;
- a shed on piles (2.48 m × 2.51 m = 6.2 m²) – exempt from maximum accessory building floor area.

The total accessory building floor area equals 220.7 m².

Access

The subject property is accessed by 91st Street.

Comments & Observations

Applicant

The applicant provided a supporting letter with their application explaining that the property is currently for sale and that they became aware through the inquiry of an interested buyer that the shop was not in compliance. The applicant purchased the property in October 2021 and estimates the shop was built between 2008 and 2013 by a previous owner.

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 High Density Residential (HDR). The principal use within HDR designated land will generally be limited to residential and home based businesses. The minimum parcel size will not be less than 8 ha (20 ac) for lands not connected to a community sewage system. The parcel is currently undersized, however it is considered existing non-conforming.

Therefore, the existing use of the property and the proposal is consistent with the Official Community Plan.

Land Use Zoning

Pursuant to Zoning Bylaw No. 1343, 2001, Section 36, the subject property is zoned Residential 3 Zone (R-3). The principal uses permitted within the R-3 zone is limited to a dwelling unit, a market garden, or agriculture. The minimum parcel size is 1.8 ha (4.5 ac). The parcel is currently undersized, however is it considered existing non-conforming.

Pursuant to Section 36.2 (h) no accessory building or structure shall be located within:

- (i) 7 meters (23 ft.) of a Front Parcel Line;
- (ii) 1.5 meters (5 ft.) of an Interior Side Parcel Line;
- (iii) 5 meters (17 ft.) of an Exterior Side Parcel Line;
- (iv) 3 meters (10 ft.) of a Rear Parcel Line.

The current accessory structures do not comply with the zoning bylaw because they are within the required setbacks of 5m for the Exterior Side Parcel Line:

- The southwest corner of the shop is 2.54 meters from the south exterior side parcel line;
- The southeast corner of the shop is 2.48 meters from the south exterior side parcel line;
- The southwest corner of the shed on piles is 2.44 meters from the south exterior side parcel line;
- The southeast corner of the shed on piles is 2.45 meters from the south exterior side parcel line;
- The northwest corner of the shed on skid is 0.81 meters from the north exterior side parcel line; and
The northeast corner of the shed on skid is 0.83 meters from the north exterior side parcel line.

Pursuant to Section 13.2, the aggregate floor area of all accessory buildings must not exceed 187 m². Buildings less than 11 m² in floor area are excluded from the calculation of aggregate floor area of all accessory buildings. Therefore the shed on piles is excluded from the calculation of aggregate floor area of all accessory buildings.

The removal of the shed on skids will be a condition for approval of the permit, therefore the shed on skids is excluded from the calculation of aggregate floor area of all accessory buildings.

The aggregate floor area of all applicable accessory buildings (the shop and the garage) is 220.7 m², which exceeds the maximum accessory building floor area by 33.7 m².

This development variance permit is required to bring the existing buildings into compliance with the zoning bylaw.

Fire Protection Area

The subject property is within the Fort St. John Fire Protection Area.

Mandatory Building Permit Area

The subject property is within the Mandatory Building Permit Area. The shop and shed on skid do not have the mandatory building permits. An engineer's report stating the shop was built to the BC Building Code and is safe for the intended use must be submitted and will be included as a condition of the permit.

Development Permit Area

The subject property is outside all Development Permit Areas.

Development Cost Charge Area

The subject property is outside the Development Cost Charge Area.

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 existing use is consistent with the context of the area which is residential and agriculture. The shop, shed on skid, and shed on piles are within the setback. There is no impact of the proposed parcel line setback reduction as this is adjacent to a road.

Population & Traffic

No change is anticipated.

Sewage & Water

There is existing sewer and water on the subject property. No new sewer and water services are proposed.

Comments Received from Municipalities & Provincial Agencies

Ministry of Transportation and Infrastructure

Section 505 of the *Local Government Act* does not apply and will not require MoTI formal approval.

BC Hydro

No objections.

Pacific Northern Gas

No objections.

Protective Services

No objections.

GIS

No objections.

Bylaw Enforcement Officer

Applicant needs to address the north exterior parcel line setback that has a structure 0.81 meters from the parcel line. The three accessory buildings add up to 248.2 m². The smallest shed on piles is exempt. The shop (142.4 m²) and the shed on skid (27.5 m²) do not have the mandatory building permits. An engineer's report stating the structures were built to the BC Building Code and are safe for the intended use must be submitted.

ALTERNATIVE OPTIONS:

1. That the Regional Board refuse the issuance of Development Variance Permit No. 22-002, to allow a reduction in the south exterior side parcel line setback and to increase the maximum accessory building floor area for the property identified as PID: 007-935-641 as follows:
 - a) From 5 meters to 2.54 meters on the southwest corner of the existing shop;
 - b) From 5 meters to 2.48 meters on the southeast corner of the existing shop;
 - c) From 5 meters to 2.44 meters on the southwest corner of the existing shed on piles;
 - d) From 5 meters to 2.45 meters on the southeast corner of the existing shed on piles; and
 - e) From 187 m² to 220.7m², a difference of 33.7 m², to accommodate for the existing shop

within PRRD Zoning Bylaw No. 1343, 2001, as the proposal is not consistent with zoning.

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 Board's decision will be communicated to the applicant.

OTHER CONSIDERATION(S):

Should the Board authorize issuance of the Development Variance Permit, the permit will be registered on title of the subject property.

Attachments:

1. Application; PRRD File No. 22-002 DVP
2. Maps; PRRD File No. 22-002 DVP
3. Public Comment; PRRD File No. 22-002 DVP
4. Development Variance Permit No. 22-002.