



REPORT

To: Chair and Directors

Report Number: DS-BRD-067

From: Shawn Dahlen, Chief Administrative Officer

Date: August 31, 2020

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

The following motion was deferred at the July 9, 2020 Regional Board Meeting and is being presented to the Regional Board for its consideration:

RECOMMENDATION ON THE FLOOR: *[Corporate Unweighted]*

RD/20/07/19

Moved Director Hiebert, SECONDED Director Michetti,

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 the 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 neighbourhood properties; and
 - c. Submit a completed Development Variance Permit application to rectify the parcel line set back infringement.

RECOMMENDATION: *[Corporate Unweighted]*

That the Regional Board amend resolution RD/20/07/19, regarding Zoning Amendment Bylaw No. 2295, 2019, to extend the deadline for the applicant to meet the conditions required by the Board from August 14, 2020 to October 30, 2020.

BACKGROUND/RATIONALE:

Non-Conforming

The property started out as two parcels, each approximately 1 acre in size. Lots 3 and Lot 4 were created on April 3, 1962. Previous owners applied to Land Titles for a "Cancellation of Interior Lot Line" on August 3, 2011. PRRD Zoning Bylaw 1343, 2001 was in effect on the properties on August 2, 2011.

At that time (and continuing to the present) these properties were zoned Residential-4. In the R-4 zone, a parcel that is 3.6 ha (9 acres) or smaller is permitted only 1 single family dwelling. A temporary additional dwelling is only permitted if the parcel is 0.9 ha (2.2 acres) or larger, and must comply with several other regulations. As of August 3, 2011, this parcel is only 0.8 ha (2 acres) in size.

The PRRD recognizes that there may have been a dwelling on each of the 1 acre parcels prior to the removal of the interior lot line on August 3, 2011. However, *the Local Government Act* is specific when it comes to granting an “Existing Non-Conforming” status to a property, in that it does not apply when a landowner takes an action that puts their own property into contravention with the zoning bylaws applicable at the time of the action (Division 14 of the *LGA*).

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 (DVP) to address these issues. 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, and can be used to work with the property owner to finalize the DVP application.

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 proposed 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
PID: 028-642-627
Civic Address: 1086 210 Road
Lot Size: 0.80 ha (2 ac)

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
July 9, 2020	Regional Board considered this file and deferred its decision

At the time of writing this report, staff had received confirmation from both the property owner and Northern Health that complete applications had been submitted for drinking water and wastewater systems on the property. The applications will be processed as soon as possible by Northern Health.

ALTERNATIVE OPTIONS:

1. That the Regional Board give Zoning Amendment Bylaw No. 2295, 2019, to allow the property identified as PID 028-642-627 to have two single family dwellings by adding a text amendment to the R-4 (Residential 4 Zone), third reading.
2. That the Regional Board adopt Zoning Amendment Bylaw No. 2295, 2019.

3. That the Regional Board respectfully refuse Zoning Amendment Bylaw No. 2295, 2019, to allow the property identified as PID 028-642-627 to have two single family dwellings, rescind first and second readings, and mark the bylaw as unused; further

That the Regional Board require the owners of the property to immediately remove all dwellings in excess of the one permitted single family dwelling, which may contain one secondary suite, from the property; finally,

That if the requirements described above are not completed within 30 days of September 10, 2020, that the Regional Board authorize the solicitors for the Peace River Regional District (PRRD) to initiate legal proceedings in the Supreme Court of British Columbia to enforce PRRD Zoning Bylaw 1343 on the property, seek costs in the legal proceedings, and register any unpaid costs awarded by the Court against these properties.

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. Zoning Amendment Bylaw No. 2295, 2019

External Links:

1. [Report- Zoning Amendment Bylaw No. 2295, 2019, PRRD File No. 17-059- July 9, 2020](#)