



# REPORT

To: Chair and Directors

Report Number: DS-BRD-396

From: Ashley Murphey, RPP, MCIP, GM of Development Services

Date: April 18, 2024

**Subject: Development Variance Permit Application 24-001 DVP**

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## **RECOMMENDATION: *[Corporate Unweighted]***

That the Regional Board respectfully refuse the issuance of Development Variance Permit No. 24-001 DVP, to increase the maximum permitted accessory building floor area from 232 m<sup>2</sup> to 297.29 m<sup>2</sup> (a difference of ± 65.29 m<sup>2</sup>) to construct a shop on the property identified as PID: 025-186-931, within PRRD Zoning Bylaw No. 1343, 2001, as the proposal is not consistent with zoning.

## **BACKGROUND/RATIONALE:**

### **Proposal**

The applicant is seeking to construct a 297.29 m<sup>2</sup> (40' x 80') shop to store trucks in the winter. This proposal is 65.29 m<sup>2</sup> larger than the allowable size for the property, therefore this DVP is required.

### **Rationale**

Refusal is being recommended as the increase in the proposed shop size is not consistent with the accessory building floor area size pursuant to PRRD Zoning Bylaw 1343, 2001.

### **File Details**

Owner: Ewelina Wiens, Emmanuel Alexander Labanow  
Area: Electoral Area C  
Location: Charlie Lake  
Legal: Lot 15 Section 17 Township 84 Range 19 West of the 6th Meridian Peace River District  
Plan PGP47255  
PID: 025-186-931  
Civic Address: 12821 Bens Road  
Lot Size: 2.02 ha (5.00 ac)

### **Site Context**

The property is located approximately 4.79 km northwest of the City of Fort St. John within the Charlie Lake area. The current land use of the property is residential in nature with surrounding land uses being residential.

### **Official Community Plan (OCP)**

Pursuant to the North Peace Fringe Area Official Community Plan Bylaw No. 2460, 2021, the property is designated Settlement Centre. Land within this designation should be used for a "range of services such as schools, community gathering areas, recreation, residential and commercial uses". As the proposal is residential in nature it is consistent with the Official Community Plan.

**Land Use Zoning**

Pursuant to Zoning Bylaw No. 1343, 2001 the property is zoned Residential 2 Zone (R-2). Land within this zone may be used for a dwelling unit, market garden, agriculture, and additional accessory uses including an accessory building.

The applicant intends to use the proposed building for a home-based business which would include the storage of two large trucks for business use. This proposed use is consistent with the home-based business regulations.

Pursuant to the Zoning Bylaw, the maximum aggregate accessory building floor area for the property shall not exceed 232 m<sup>2</sup> (2496 ft<sup>2</sup>). The proposed accessory building is 297.29 m<sup>2</sup>, which is a 65 m<sup>2</sup> (28%) increase from the maximum permitted accessory building floor area. Therefore, the proposal is not consistent with the Zoning Bylaw.

**Impact Analysis****Context**

The subject parcel is currently residential in nature, with all surrounding land being zoned residential as well.

**Population & Traffic**

There is no anticipated change to the number of people on the parcel. Traffic will likely increase as the accessory building will be used for a home-based business including storage of two large trucks.

**Sewage & Water**

The applicant has expressed interest in constructing a single residential washroom within the accessory building that would connect to the existing Charlie Lake sewer system. Water for the development will be provided by a well located on the parcel. Sewer connection and possible permits will be confirmed at the building permit stage in the event this Development Variance Permit is approved.

**Site Features****Land**

The subject parcel is mostly treed, the center of the parcel is currently cleared for the residence.

**Structures**

There is a single residence, and one 20 ft x 30 ft (600 ft<sup>2</sup>) storage tent currently located on the property. The storage tent is located northwest of the residence on the property. The applicant has confirmed that the tent will be removed upon approval of this Development Variance Permit. This will be required as a condition of the Development Variance permit in the event of approval.

**Access**

The property is currently accessed from the west via Bens Road.

**Comments & Considerations****Applicant**

The applicant is seeking to construct a large enough accessory building to store two large business trucks for the winter months.

Fire Protection Area

The property is within the Charlie Lake Fire Protection Area.

Mandatory Building Permit Area

The property is within the Mandatory Building Permit Area.

Development Permit Area

The property is within the Commercial Development Permit Area pursuant to the North Peace Fringe Area Official Community Plan Bylaw No. 2460, 2001. A Development Permit will be required prior to construction of the proposed accessory building.

Development Cost Charge Area

The property is within the Development Cost Charge Area. However, the Development Cost Charge does not apply as no new residential dwelling is being proposed.

School District 60 School Site Acquisition Charge Area

The property is within the School District 60 School Site Acquisition Charge Area but no charge is applicable at this time because no new residential lots are proposed.

**Comments Received from Municipalities & Provincial Agencies**

Building Inspector

Engineer design may be required due to the size of construction. Can be reviewed at the building permit stage.

Bylaw Enforcement Officer

Approval recommended subject to the following condition: The landowner must restrict any home based business to meet the regulations in Zoning Bylaw 1343, 2001.

Environmental Services Department

Sewer connection application is required.

Charlie Lake Fire Department

As a courtesy, if the trucks are carrying a hazardous material while being stored inside the building, please notify the fire department so they can make a note for this address.

GIS Department

No concerns.

Ministry of Transportation and Infrastructure (MoTI)

See attached letter. MoTI requires the applicant to apply for a structure setback permit and an updated access permit with the ministry prior to construction of the proposed building.

BC Hydro

BC Hydro Property Rights has no objection in principle to the proposed as BC Hydro has no works nor a Right of Way registered on the property. For new construction power connections please contact the BC Hydro Electric Service Coordination Centre at 1-877-520-1355 and speak with a distribution designer.

Pacific Northern Gas (PNG)

PNG has no concerns.

**Public Comments Received**

- Public Comment 1 from M Baldwin (April 9, 2024), Opposes Variance. (see attached)
- Public Comment 2 from A. Fehr received April 15, 2024, Opposes Variance. (see attached)

Any public comments received after the agenda has been published and prior to the deadline for comments stated in the Notice of Intent to Consider (April 17, 2024 at 4 pm) will be shared with the Regional Board at the April 18 Board meeting in print form and attached to this report.

Any public comments received after the agenda publish date of Friday, April 12<sup>th</sup> and prior to the deadline for comments stated in the Notice of Intent to Consider (April 17, 2024 at 4 pm) will be shared with the Regional Board at the April 18 Board meeting in print form and attached to this report.

**ALTERNATIVE OPTIONS:**

1. That the Regional Board issue Development Variance Permit No. 24-001 DVP, to increase the maximum permitted accessory building floor area from 232 m<sup>2</sup> to 297.29 m<sup>2</sup> (a difference of ± 65 m<sup>2</sup>) on the property identified as PID: 025-186-931, 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 Board's decision will be communicated to the applicant.

**OTHER CONSIDERATION(S):**

None at this time.

**Attachments:**

1. Maps, PRRD file No. 24-001 DVP
2. Application, PRRD file No. 24-001 DVP
3. Comments Received from Municipalities & Provincial Agencies, PRRD file No. 24-001 DVP
4. Public Comment 1 from M. Baldwin, received April 9, 2024
5. Public Comment 2 from A. Fehr, received April 15, 2024