



# REPORT

To: Chair and Directors

Report Number: DS-BRD-338

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

Date: September 14, 2023

**Subject: Development Variance Permit No. 23-005**

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

That the Regional Board respectfully refuse the issuance of Development Variance Permit No. 23-005, to increase the maximum permitted accessory building floor area from 232 m<sup>2</sup> to 669 m<sup>2</sup> (a difference of ± 437 m<sup>2</sup>) to construct an additional accessory building, on the subject property identified as PID: 013-551-841, as the proposal is not consistent with zoning.

## **BACKGROUND/RATIONALE:**

### **Proposal**

The applicant is seeking a Development Variance Permit increase the maximum accessory building floor area from 232 m<sup>2</sup> (2496 ft<sup>2</sup>) to 669 m<sup>2</sup> (7201 ft<sup>2</sup>) to facilitate the construction of a new 446 m<sup>2</sup> (4800 ft<sup>2</sup>) accessory building on the subject parcel in order to store personal equipment and vehicles. This would mean a 188% increase in the maximum accessory building floor area on the subject property, as there is an existing 222.96 m<sup>2</sup> (2400 ft<sup>2</sup>) quonset on the subject property which the applicant intends to keep.

### **Rationale**

Refusal is being recommended as the proposed accessory building is inconsistent with the PRRD Zoning Bylaw 1343, 2001. The maximum accessory building floor area for this parcel is 232 m<sup>2</sup>, and the proposed variance would exceed that by 437 m<sup>2</sup> (a 188% increase).

### **File Details**

Owner: Anthony Alix  
 Area: Electoral Area D  
 Location: Kilkerran  
 Legal: Lot 2 Section 28 Township 78 Range 15 West of the 6th Meridian Peace River District Plan 6421  
 PID: 013-551-841  
 Civic Address: 2002 210 Road  
 Lot Size: 2.02 ha (5.00 ac)

### **Site Context**

The subject parcel abuts the City of Dawson Creek at the north border on 210 Rd. The property is cleared of trees with the exception of patches existing at the property frontage. There are two structures on the property, the principle dwelling, and a 222.96 m<sup>2</sup> (2400 ft<sup>2</sup>) Quonset. The adjoining parcels are zoned R-4.

### Official Community Plan (OCP)

Pursuant to the South Peace Fringe Area Official Community Plan Bylaw No. 2048, 2012, the subject property is designated Medium Density Residential (MDR). Land within this designation should be limited to residential and home base business uses and the minimum MDR parcel size should be 1.60 ha (2.00 ac). The subject parcel is larger than the minimum parcel size. The applicant states that the construction of the accessory building is for personal use. If the proposed building is used for residential purposes it would be consistent with the Official Community Plan.

Therefore, the proposal is consistent with the Official Community Plan.

### Land Use Zoning

Pursuant to Zoning Bylaw No. 1343, 2001, the subject property is zoned Residential 4 Zone (R-4). The minimum parcel size for an R-4 parcel is 1.80 ha (4.45 ac). Land within this zone may be used for dwelling units, market gardens, and agriculture, with accessory buildings being a permitted accessory use.

Pursuant to Section 13.2 of the zoning bylaw, the maximum accessory building floor area for parcels greater than 1.8 ha but less than 4 ha is 232 m<sup>2</sup>. As there is an existing 222.96 m<sup>2</sup> (2400 ft<sup>2</sup>) accessory building (Quonset) on the property the addition of the proposed 446 m<sup>2</sup> (4800 ft<sup>2</sup>) accessory building would bring the overall accessory building floor area on this parcel to 669 m<sup>2</sup> (7200 ft<sup>2</sup>).

Therefore the proposed accessory building does not comply with the zoning bylaw because it exceeds the accessory floor area limit by 437 m<sup>2</sup> (4704 ft<sup>2</sup>) an increase of 188%.

### **Impact Analysis**

#### Context

The proposed land use is residential in nature and is consistent with surrounding land uses.

#### Population & Traffic

There are no anticipated changes to traffic from the proposed development.

#### Sewage & Water

The applicant wishes to service the proposed building with sewage from the existing PRRD Harper sewage system.

### **Site Features**

#### Land

The subject property is mostly cleared of trees with the exception of the property frontage and the south west corner. There is no notable topography on the subject parcel.

#### Structures

There are two structures on the property; the principle dwelling, and a 222.96 m<sup>2</sup> (2400 ft<sup>2</sup>) Quonset.

#### Access

The property is accessed from the south via 210 road.

**Canada Land Inventory Soil Rating**

According to the Canada Land Inventory, soils on the subject property are classified as 2c. Class 2 Soils have moderate limitations that restrict the range of crops or require moderate conservation practices. Subclass C denotes adverse climate.

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

The applicant is seeking a secondary shop for heated indoor building space to store vehicles and equipment during winter months.

**Agriculture Land Reserve**

The subject parcel is within the Agricultural Land Reserve and is subject to the Agricultural Land Commission's *Acts and Regulations*. The ALC has advised that the applicant must apply for a Notice of Intent and that no construction may commence until approvals have been granted.

**Fire Protection Area**

The subject property is within the Dawson Creek Rural Fire Protection Area.

**Mandatory Building Permit Area**

The subject property is within the Mandatory Building Permit Area.

**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.

**Comments Received from Municipalities & Provincial Agencies****Building Inspector**

Interests unaffected.

**Environmental Services Department**

PID: 013-551-841 has connected to the Harper Subdivision Sewer System. The applicant proposes a storage shop without additional curb stop needs, so the Environmental Services department interests are unaffected by the proposed shop.

**GIS Department**

No concerns.

**Agricultural Land Commission**

A shop this size that is not necessary for agricultural use (i.e. commensurate to the agricultural production on the property) is not permitted in the ALR. It could be applied for through a Notice of Intent or a Non-Farm Use application. As with all applications, the ALC would consider the agricultural impacts and approval isn't guaranteed.

**BC Hydro**

BC Hydro has no objection in principle to the proposal as BC Hydro's works do not physically cross the property nor is there a Right of Way Agreement registered on Title.

BC Hydro wishes to ensure that building permits do not get issued that allow for encroachment of buildings into the safety clearance zones required around existing bare utility conductors. The following comments are for the property owner's information:

1. For new construction, BC Hydro wishes to ensure that building permits do not get issued that allow for encroachment of buildings into the safety clearance zones required around existing bare utility conductors, including those utility works installed within road allowance adjacent to the property.
2. It is the responsibility of the Architect and Electrical Engineer of Record (EEOR) to ensure compliance with the Canadian Electrical Code (CEC), Canadian Safety Association (CSA) and WorkSafe BC (WSBC). The CEC, CSA and WSBC stipulate minimum clearances of powerlines and equipment from buildings for safety and safe working clearances (Limits of Approach).
3. If the Developer or Property Owner requires any additional electrical connections, or wishes to relocate any existing powerlines or equipment, please call BC Hydro's Electric Service Coordination Centre at 1-877-520-1355 and asked to speak to a Distribution Designer.

**ALTERNATIVE OPTIONS:**

1. That the Regional Board issue Development Variance Permit No. 23-005, to increase the maximum permitted accessory building floor area from 232 m<sup>2</sup> to 669 m<sup>2</sup> (increase of ± 437 m<sup>2</sup>) to construct an additional accessory building, on the subject property identified as PID: 013-551-841.
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. 23-005 DVP
2. Application, PRRD File No. 23-005 DVP