



REPORT

To: Chair and Directors

Report Number: DS-BRD-111

From: Shawn Dahlen, Chief Administrative Officer

Date: January 28, 2021

Subject: Development Variance Permit, PRRD File No. 20-004 DVP

RECOMMENDATION: [Corporate Unweighted]

That the Regional Board authorize Development Variance Permit No. 20-004, for the property identified as PID 006-077-765, to reduce the rear property line setback from 3 m to 0.54 m for the Quonset structure within PRRD Zoning Bylaw No. 1343, 2001.

BACKGROUND/RATIONALE:

Proposal

The applicant would like to reduce the rear property line setback from 3 m to 0.54 m for the Quonset structure, which is accessory to the principal dwelling and to increase the maximum allowable accessory building floor area on his property from 232 m² to ± 680 m².

File Details

Owner: Joyce Fleck and George Smithson
Area: Electoral Area C
Location: Fort St. John
Legal: Lot 1 Section 3 Township 84 Range 19 W6M Peace River District Plan 28261
PID: 006-077-765
Civic Address: 12450 Ash Ave
Lot Size: 2.63 ha (6.49 ac)

Bylaw Enforcement

There is an existing bylaw enforcement file for this property (PRRD File No. 20-233). The enforcement file was opened on October 23, 2020 but is currently on hold pending the outcome of this application. Investigation by the bylaw enforcement officer at that time revealed that:

1. The setback of the Quonset structure from the rear parcel line is in contravention of the PRRD Zoning Bylaw 1343, 2001.
2. The total amount of accessory building floor area on this property is considered existing non-conforming as they were constructed during periods when the PRRD zoning bylaws did not regulate accessory building size:
 - The sheds at the east side of the property were constructed prior to the adoption of the first zoning bylaw of the Peace River-Liard Regional District (PRLRD).

- The original zoning of this property was RU-1 (Rural and Small Holding Zone 1), first, in Peace River-Liard Regional District (PRLRD) Zoning Bylaw No. 18, 1972 and then, in PRLRD Zoning Bylaw No. 85, 1976. Both Zoning Bylaws did not regulate accessory building floor area.
- In 1984, PRLRD Zoning Bylaw No. 431, 1984 repealed parts of PRLRD Zoning Bylaw No. 85, 1976 and at this time this property became zoned RR-1 (Rural Residential Zone 1). This bylaw did not regulate accessory building floor area for personal use in the RR-1 zone.

As the buildings are existing non-conforming, only regular and routine maintenance may occur. If the buildings were to be destroyed by fire or lost otherwise, any rebuilding would need to be undertaken adhering to the regulations of the Zoning Bylaw in place at the time of rebuilding.

Site Context

The subject property lies to the west of the City of Fort St. John. Residential uses surround the property to the north, west, east, and south. The land immediately north of the property lies within the ALR.

Site Features

Land

Base on the aerial imagery, the subject property is mostly cleared with landscaping on the southern and western edges.

Structures

The subject property has eleven structures on the property, including a principal dwelling, Quonset, two shops, a manufactured home, five sheds and a horse shelter.

According to PRRD Zoning Bylaw No. 1343, 2001, Section 13, the following are excluded from the calculation of aggregate floor area of all accessory buildings:

1. buildings less than 11 m² in floor area;
2. one garden shed, tool shed or greenhouse having a floor area not exceeding 20 m²;

Therefore, the five sheds and the horse shelter do not count towards the accessory building floor area.

Additionally, the manufactured home is considered a temporary additional dwelling in the Zoning Bylaw and hence, it too does not count towards the accessory building floor area. Therefore, only the Quonset and two shops are considered accessory buildings.

Access

The subject property is accessed via Ash Avenue.

Comments & Observations

Applicant

The applicant is seeking approval to reduce the rear property line setback from 3 m to 0.54 m for the Quonset structure to be consistent with PRRD Zoning Bylaw No. 1343, 2001.

In the same application, the applicant also applied to increase the maximum allowable accessory building floor area on his property from 232 m² to ±680 m². However, this was not included in this report's recommendation for the following reasons:

1. All accessory buildings on the property currently have existing non-conforming status and can exist as they are for their entire lifetime. Regular and routine maintenance on the structures may occur. However, the floor area of the accessory buildings is in excess of what is permitted in the current PRRD Zoning Bylaw No. 1343, 2001. Approving a Development Variance Permit for the excess accessory building floor area would mean that if the current structures on the property were to be destroyed, demolished or otherwise lost, they could be reconstructed on the property in the future, and would continue to be in excess of the maximum accessory building floor area. This is unfair for neighboring landowners, as well as other properties in the Regional District, where they are guided by the applicable zoning bylaw for their accessory building floor area.
2. The requested accessory building floor area increase to 680 m² equates to nearly a 194% increase in the maximum allowable accessory building floor area.

Agricultural Land Reserve (ALR)

The subject property is outside the ALR.

Official Community Plan (OCP)

Pursuant to the North Peace Fringe Area Official Community Plan Bylaw No. 1870, 2009, the subject property is designated Medium Density Residential (MDR). The NPFA OCP does not address setbacks or accessory building floor areas.

Land Use Zoning

Pursuant to the PRRD Zoning Bylaw No. 1343, 2001, the subject property is zoned R-3 (Residential 3 Zone). Section 36.2 (g) states no principal building or structure shall be located within 3 metres of a rear parcel line. Therefore, a DVP is required for the Quonset structure, which is one of the accessory buildings to the principal dwelling and located at the rear end of the parcel.

Section 13.2 states that the maximum accessory building floor area allowed for a parcel size greater than 1.8 ha (4.5 ac) but lesser or equal to 4 ha (10 ac) is 232 m². Therefore, the applicant is requesting for an increase in the allowable accessory building floor area from 232 m² to ± 680 m².

Fire Protection Area

The subject property is within the Charlie Lake Fire Protection Area.

Mandatory Building Permit Area

The subject property is within the Mandatory Building Permit Area. However, it is not required at this point as no new structures are proposed.

Development Permit Areas

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 Area

The subject property is within the School District 60 School Site Acquisition Charge Area. However, the charge is not applicable as no new residential lots or new structures are proposed.

Impact Analysis**Context**

The land immediately north of the subject property lies within the ALR. Only the existing Quonset structure on the northern end of the property would have an impact on the adjoining parcel where the reduced setback is requested. However, there are currently no structures close to the Quonset on the neighboring parcel.

Population & Traffic

No changes in the population or traffic are anticipated.

Sewage & Water

No changes to sewage or water supply are proposed or anticipated.

Comments Received from Municipalities & Provincial Agencies**Ministry of Transportation and Infrastructure & Agricultural Land Commission**

No objections to the proposal.

Fort St. John

Interests unaffected.

Charlie Lake Fire Department

The Fire Department would like the applicant to have a clear unobstructed pathway along the Quonset that borders the property line and to also ensure that the area around the Quonset and the shop are free of debris.

Northern Health, Dawson Creek, Hudson's Hope, Pouce Coupe, Taylor, Tumbler Ridge, Front Counter BC & School District 60

No response.

Comments Received from the Public

Public notification was completed in accordance with *Local Government Act* Section 499. The notices¹ indicated that the DVP was to be considered at the January 28, 2021 Regional Board Meeting. One comment was received prior to publication of the January 28th Board meeting agenda, stating support

¹ External referrals were sent out and public notification was advertised stating both of the applicant's proposals. Additionally, the notification stated that the increase in maximum accessory building floor area being considered was from 232 m² to ± 715 m². However, upon further investigation of this application, it came to be known that the accessory building floor area on the property is in fact 680 m². This report is up-to-date with the most recent information.

for the reduced setback area. Any comments received after the agenda is published, but before the Regional Board's consideration of the application, will be reported verbally and attached to the report and on the agenda as late items.

ALTERNATIVE OPTIONS:

1. That the Regional Board respectfully refuse Development Variance Permit No. 20-004, for the property identified as PID 006-077-765 to reduce the rear property line setback from 3 m to 0.54 m for the Quonset structure within PRRD Zoning Bylaw No. 1343, 2001.
2. That the Regional Board request that Development Variance Permit No. 20-004 be amended to include the applicant's request to increase the maximum accessory building floor area from 232 m² to ± 680 m², within PRRD Zoning Bylaw No. 1343, 2001 in the permit prior to consideration of approval.
3. 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):

The Regional Board has had previous requests for increases to the maximum accessory building floor area in the past. Some of those requests have been refused, and others have been approved. More recently, the Board has addressed the following DVPs:

Previous Applications – Refused

In the past, the Regional Board has refused variances for increases in the maximum permissible accessory floor area that are significantly higher than what is allowed in the zoning bylaws:

- In October 2018, DVP 18-093, to increase the maximum accessory building floor area from 187 m² to 267.6 m², or an increase of 43%, was refused as it was contrary to the zoning bylaw.
- In July 2013, DVP 104-2013, to increase the maximum accessory building floor area from the permitted 232 m² to 334 m², or an increase of 44%, was refused as it was a significant increase over the permitted maximum accessory building floor area.

Previous Applications – Approved

In the past, the Regional Board has approved variances for increases in the maximum permissible accessory floor area:

- In February 2020, DVP 19-165, to vary the permitted maximum accessory building floor area in PRRD Zoning Bylaw No. 1343, 2001 from 300 m² to 301 m², an increase of 0.3%, was approved.
- In May 2019, DVP 18-324, to increase the maximum total permitted accessory building floor area from 300 m² to 402 m², an increase of approximately 35%, was approved.

Attachments:

1. Maps
2. Application
3. Referral responses from agencies
4. Director's comments
5. Public Comments
6. Draft Development Variance Permit No. 20-004