



REPORT

To: Chair and Directors

Report Number: DS-BRD-247

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

Date: July 14, 2022

Subject: Development Variance Permit No. 22-001, PRRD File No. 22-001 DVP

RECOMMENDATION: [Corporate Unweighted]

That the Regional Board respectfully refuse to issue Development Variance Permit No. 22-001, for the property identified as PID 012-680-478, to allow a reduction in the following setbacks:

- a) From 3 metres to 2.09 metres for the southern interior side parcel line to allow for the construction of a 4.88 metre by 22.56 metre garage/addition to the home;
- b) From 5 metres to 2.91 metres for the northern exterior side parcel line on the northeast corner of the existing home;
- c) From 5 metres to 2.95 metres for the northern exterior side parcel line on the northwest corner of the existing home;
- d) From 1.5 metres to 1.19 metres for the southern interior side parcel line on the southwest corner of the existing shop; and
- e) From 1.5 metres to 1.21 metres for the southern interior side parcel line on the southeast corner of the existing shop.

BACKGROUND/RATIONALE:

Proposal

The applicant has applied to vary the setback on the interior side parcel line from 3 metres to 2.09 metres in order to build a 22.56 metre by 4.88 metre two-storey addition to the principal dwelling in place of an existing attached garage that currently sits 0.76 metres from the interior side parcel line.

File Details

Owner: Christopher Harrison
Ina Siebert
Area: Electoral Area C
Location: Fort St John Rural
Legal: Lot 1 Block 3 Section 35 Township 83 Range 19 W6M PRD Plan 10411
PID: 012-680-478
Civic Address: 12293 Birch Ave
Lot Size: 00.21 ha (00.52 ac)

Background

Upon detailed review of the application, staff noted that the buildings on the subject property were already encroaching into the required setbacks. The home with an attached garage (by way of the roofline) sits 2.91 metres from the northern exterior side parcel line (whereas a setback of 5 metres is otherwise required) and 0.76 metres from the southern interior side parcel line (whereas a setback of

3 metres is required). The shop sits 1.19 metres from the southern interior side parcel line (whereas a setback of 1.5 metres is required).

The existing home, garage, and shop do not have building permits associated with their construction; however, it has been determined that the home and garage were likely constructed prior to building permits being required. The applicant originally applied to vary the interior side parcel line setback to 0.76 metres based on where the attached current garage sits but has altered his plan to allow a greater distance (2.09 metres) from the interior side parcel line after conversations with PRRD planning staff.

Staff informed the applicant of the other setback encroachments on the property and provided the option to further include these in this application for variance which the applicant has agreed to.

Rationale

The proposal to build a two-storey addition to the home in place of the current attached garage 2.09 metres from the interior side parcel line does not comply with the Zoning bylaw, which has a minimum setback requirement of 3 metres for any principal building/structure. The neighboring property sharing the southern interior side parcel line contains a shop that was recently (2020) constructed in the required setback and without a variance or building permit. The proposed addition on the subject property is expected to sit partially adjacent to this shop along the parcel line making the two buildings very close to one another and could potentially cause a fire hazard, as has been noted by Fire Department staff. Staff have concerns with the large two-storey addition proposed within the required setback along with other existing setback contraventions on this property and the potential fire hazard of buildings/structures being built in close proximity to each other, and thus have recommended refusal of this request for variance.

Site Context

The subject property is located approximately 245 metres southwest of the City of Fort St John and is zoned as R-3 within the PRRD Zoning Bylaw No. 1343, 2001. The property is adjacent to 269 Rd to the west, Birch Ave to the north, and residential properties to the east and south. An Agricultural (A-2) parcel sits across the 269 Rd to the west of the property. As noted above, the residential property to the south has a structure located within the required setback from the interior side parcel line, which has a Section 57 registered against title.

Site Features

Land

The land is flat and is mainly clear of trees.

Structures

There is one single family dwelling on the property with an attached garage and an accessory building that acts as a shop to the rear of the property.

Access

The property is accessed from 269 Road and from Birch Ave. The shop is accessed from a separate driveway from Birch Ave.

Canada Land Inventory Soil Rating

The property is outside the Agricultural Land Reserve and Agricultural zoning area and no soil classifications were noted within the application.

Comments & ObservationsApplicant

The applicant is proposing to build an “addition to the house, to extend the existing foundation” to provide “extra room, extra storage, entertainment room for large family, larger garage, sauna, hot tub, mini gym”. The existing garage adjacent to the house is to be removed and replaced with the proposed addition. As mentioned above, the applicant has altered their plans slightly by proposing to build the addition to within 2.09 metres of the interior side parcel line rather than follow the existing foundation of the attached garage.

Agricultural Land Reserve (ALR)

The subject property is outside the Agricultural Land Reserve.

Official Community Plan (OCP)

Pursuant to the PRRD North Peace Fringe Area Official Community Plan Bylaw No. 1870, 2009, the subject property is designated High Density Residential. Land within this designation should be used for residential and home based business subject to zoning regulations. The minimum parcel size should be 8 ha (20 ac) for lands not connected to a community sewage system.

Therefore, the proposal is consistent with the Official Community Plan in terms of use, even though the subject property is undersized, however no subdivision is proposed.

Land Use Zoning

Pursuant to Zoning Bylaw No. 1343, 2001, the subject property is zoned R-3 (Residential). Land within this zone may be used for residential (dwelling unit). The minimum parcel size is 1.8 ha (4.5 ac).

Section 36.2(g) of Zoning Bylaw No. 1343, 2001 states that, no principal building shall be located within 7 metres of a front parcel line, 3 metres of an interior side parcel line, 5 metres of an exterior side parcel line, and 5 metres of a rear parcel line.

The existing principal dwelling (built in 1962) is located 2.91 metres from the exterior side parcel line (northern parcel line) which is within the 5 metre setback. At the time of construction, building permits were not required. The existing attached garage is currently located on the south end of the home and is 0.76 metres from the interior side parcel line (southern parcel line) and therefore does not meet the required 3m setback from that parcel line. The proposal to build an addition to the home 2.09 metres from the interior side parcel line, in place of and larger than the current attached garage, does not comply with Zoning Bylaw No. 1343, 2001 which indicates a 3 metre setback for the principal dwelling. Although the demolition and replacement of the garage with a two-storey addition does improve the existing setback non-conformity situation, it in fact intensifies the use on the property and thus encroachment into the required setback along the interior parcel line should be limited to ensure safety from a fire risk as mentioned, but also so as to minimize potential impact to the neighbouring property.

Pursuant to Section 36.2(h) of the zoning bylaw, no accessory building shall be located within 7 metres of a front parcel line, 1.5 metres of an interior side parcel line, 5 metres of an exterior side parcel line, and 3 metres of a rear parcel line. The existing shop at the rear of the property is currently located 1.19 metres from the south interior side parcel line which is within the required 1.5 metre setback. A Development Variance Permit has not previously been issued for that setback, nor did the applicant wish to add this request to the current application to address that situation.

The property is currently undersized as per the No. 1343, 2001 bylaw but no subdivision is proposed.

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. The applicant has not applied for a Building Permit for the proposed addition at this time.

Development Permit Area

The subject property is outside of all Development Permit Areas.

Development Cost Charge Area

The subject property is outside of 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 proposal would have the greatest impact on the parcel immediately to the south of the subject property because this proposed two-storey addition would be located 2.09 metres from this interior side parcel line. The proposal would intensify the use on the property and increase the potential fire risk.

Population & Traffic

No change to population and/or traffic is anticipated.

Sewage & Water

The property has an existing septic and cistern which are not likely to be impacted by the addition as no additional washrooms or bedrooms are proposed.

Comments Received from Agencies

Bylaw Enforcement:

The only construction on the property that has the mandatory building permit is the basement repair under the existing dwelling. The proposed removal of the existing garage and roof that attaches it to the dwelling that was built without the mandatory building permit will eliminate some (but not all) of

the setback contraventions. The PRRD should not approve living area of a dwelling to extend into this setback. In this same area on the property to the South, a detached garage was also built without the mandatory building permit and is within the same interior parcel line setback. By approving a DVP for new construction there will be risks related to the proximity of a dwelling on one property to an accessory structure on another.

The existing 119.2m² shop appears to have an addition to the East that is not reflected on the survey. If this is the case, the shop is larger than shown. This shop is near the rear of the parcel, was also built without the mandatory building permit, and is in the mandatory interior parcel line setback.

The Building Inspector should recommend a Section 57 pursuant to the *Local Government Act* for the construction of the dwelling, the 119.2m² shop (size to be confirmed) and the existing garage with roof attaching it to the dwelling without a building permit.

If the PRRD intends to consider a DVP for the interior parcel line setback, it should be to reduce the setback from 1.5m to 1.19m for the 119.2m² (size to be confirmed) shop and to reduce the exterior parcel line setback for the dwelling from 5m to 2.91m ONLY and be conditional to the removal of the roof that attaches the existing garage to the dwelling and the relocation of the existing garage outside of the mandatory parcel line setbacks.

Building Inspector:

For a building within close proximity of a property line the Exposed building face will need to meet the requirements of 9.10.14 of the BC Building Code.

These requirements determine the Fire Resistance Rating (FRR) of the construction and cladding used as well as the percentage of unprotected openings allowed (windows and doors without a FRR). Based on the building length and height the construction and cladding would need to be non-combustible. The restriction on materials is not lessened until a setback of 4m is reached.

Charlie Lake Fire Department:

Consider approval only if the following condition is placed on the permit:

Pathway between the addition and property line shall be clear of debris at all times. This will help aid in fire protection and allow fire services to work between the building and property line.

ALTERNATIVE OPTIONS:

1. That the Regional Board issue Development Variance Permit No. 22-001, for the property identified as PID 012-680-478, to allow a reduction in the following setbacks:
 - a) From 3 metres to 2.09 metres for the southern interior side parcel line to allow for the construction of a 4.88 metre by 22.56 metre garage/addition to the home;
 - b) From 5 metres to 2.91 metres for the northern exterior side parcel line on the northeast corner of the existing home;
 - c) From 5 metres to 2.95 metres for the northern exterior side parcel line on the northwest corner of the existing home;
 - d) From 1.5 metres to 1.19 metres for the southern interior side parcel line on the southwest corner of the existing shop; and

- e) From 1.5 metres to 1.21 metres for the southern interior side parcel line on the southeast corner of the existing shop.

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.

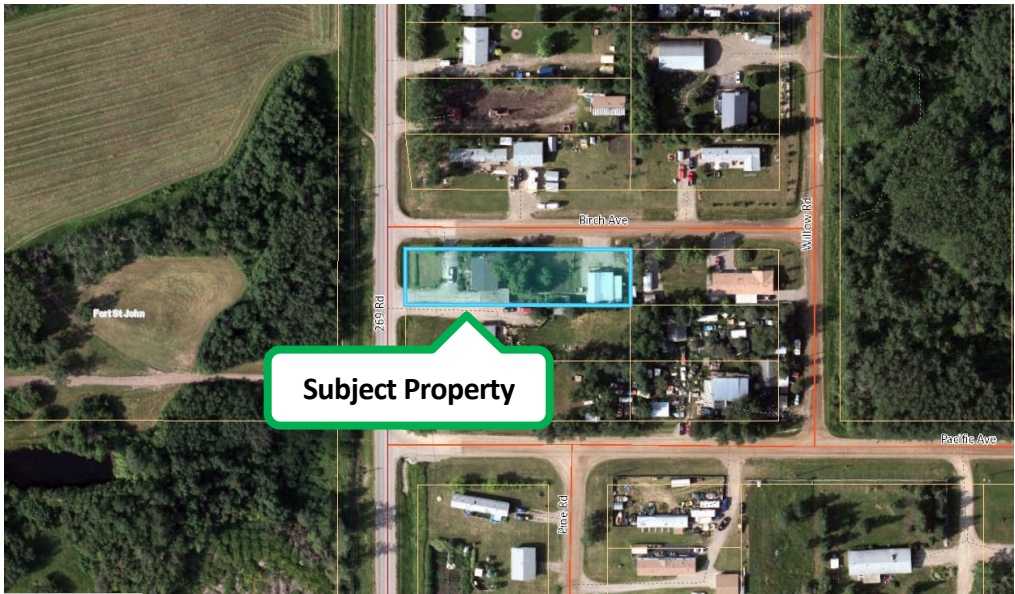
Attachments:

1. Maps, PRRD File No. 22-001 DVP
2. Application, PRRD File No. 22-001 DVP
3. Development Variance Permit No. 22-001

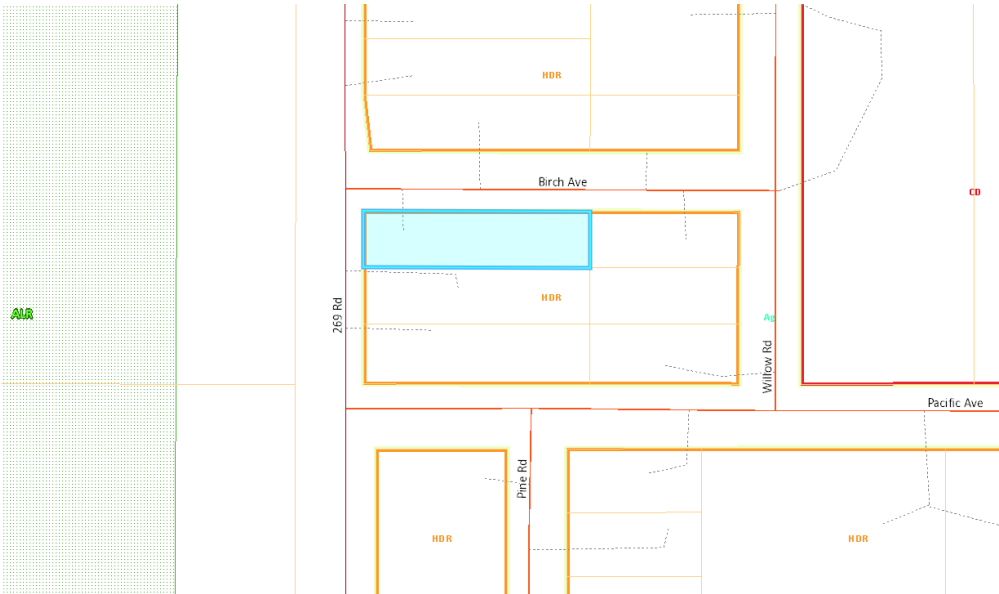
Location: Fort St John area



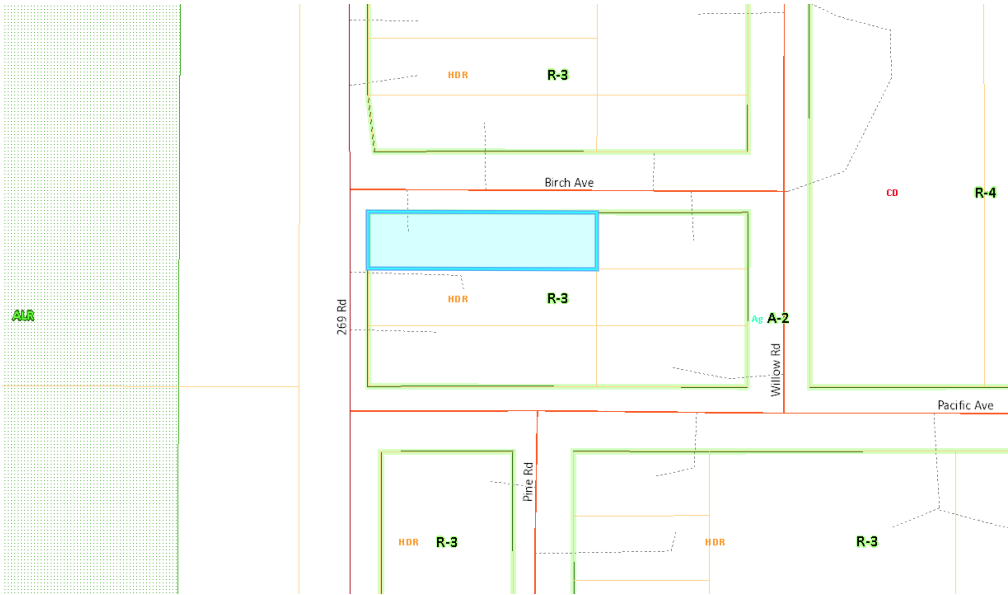
Aerial imagery



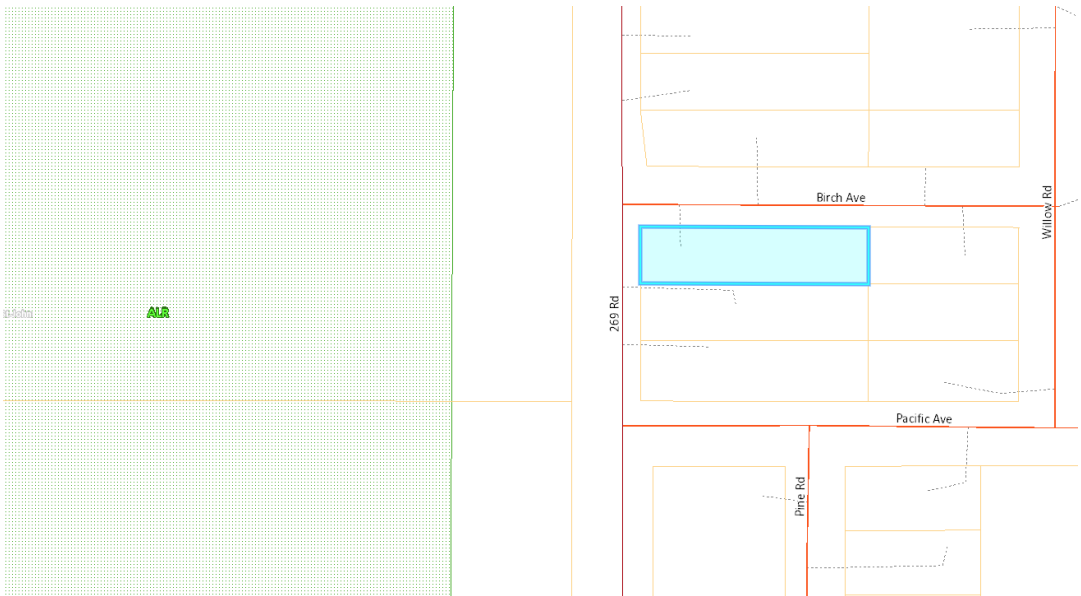
PRRD NPFA Official Community Plan Bylaw No. 1870, 2009: High Density Residential (HDR)



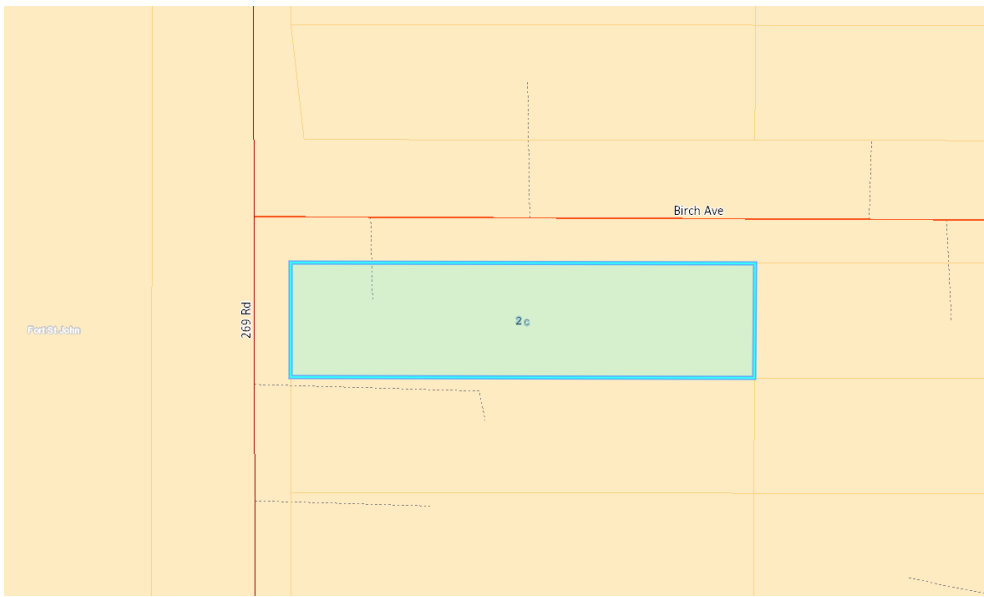
PRRD Zoning Bylaw No. 1343, 2001: Residential 3 Zone (R-3)



Agricultural Land Reserve: Not Within



CLI Soil Classification: 2c



Parcel Lines:



3. PROPERTY DESCRIPTION

Full legal description and PID of each property under application	Area of each lot
Lot 1 Block 3 Sec 35 TP 83 RGE 19 W6M	0.507 ha./acres
	ha./acres
	ha./acres
	TOTAL AREA 0.507 ha./acres

4. Civic Address or location of property: _____

5. PARTICULARS OF PROPOSED AMENDMENT

Please check the box(es) that apply to your application type:

☐ Official Community Plan (OCP) Bylaw amendment:

Existing OCP designation: _____

Proposed OCP designation: _____

Text amendment: _____

☐ Zoning Bylaw amendment:

Existing zone: _____

Proposed zone: _____

Text amendment: _____

☒ Development Variance Permit – describe proposed variance request:

constructions in the set backs

☐ Temporary Use Permit – describe proposed use:

☐ Development Permit: Bylaw No. _____ Section No. _____

6. Describe the existing use and buildings on the subject property:

7. Describe the existing land use and buildings on all lots adjacent to and surrounding the subject property:

(a) North Rd

(b) East Residential

(c) South Residential

(d) West Rd

8. Describe your proposal. Attach a separate sheet if necessary:

see attached. addition to the house, to extend
existing foundation.

9. Reasons and comments in support of the application. Attach a separate sheet if necessary:

extra room, extra storage, entertainment room
for large family, larger garage, sauna, hot tub,
mini gym.

10. Describe the proposed and/or existing means of sewage disposal for the property:

no additional sewage to be added

11. Describe the proposed and/or existing means of water supply for the property:

no water to be added

THE FOLLOWING INFORMATION IS REQUIRED DEPENDING ON THE PROPOSAL/APPLICATION:

12. Proof of ownership of the subject property or properties. (For example: Certificate of State of Title, BC Land Title Office Property Title Search or recent Property Tax Notice.)

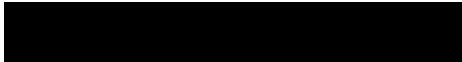
13. A Sketch Plan of the subject property or properties, showing the following:

- (a) the legal boundaries and dimensions of the subject property;
- (b) boundaries, dimensions and area of any proposed lots (if subdivision is being proposed);
- (c) the location and size of existing buildings and structures on the subject property, with distances to property lines;
- (d) the location and size of any proposed buildings, structures, or additions thereto, with distances to property lines;
- (e) the location of any existing sewage disposal systems;
- (f) the location of any existing or proposed water source.

ADDITIONAL OR MORE DETAILED INFORMATION MAY BE REQUESTED BY THE PEACE RIVER REGIONAL DISTRICT FOLLOWING REVIEW OF YOUR APPLICATION.

If it is necessary for the property boundaries and the location of buildings and structures to be more accurately defined, a survey plan prepared by a British Columbia Land Surveyor may be required.

15. I / We the undersigned hereby declare that the information provided in this application is complete and is, to the best of my / our knowledge, a true statement of the facts related to this application.


Signature of Owner

06-05-2022
Date signed

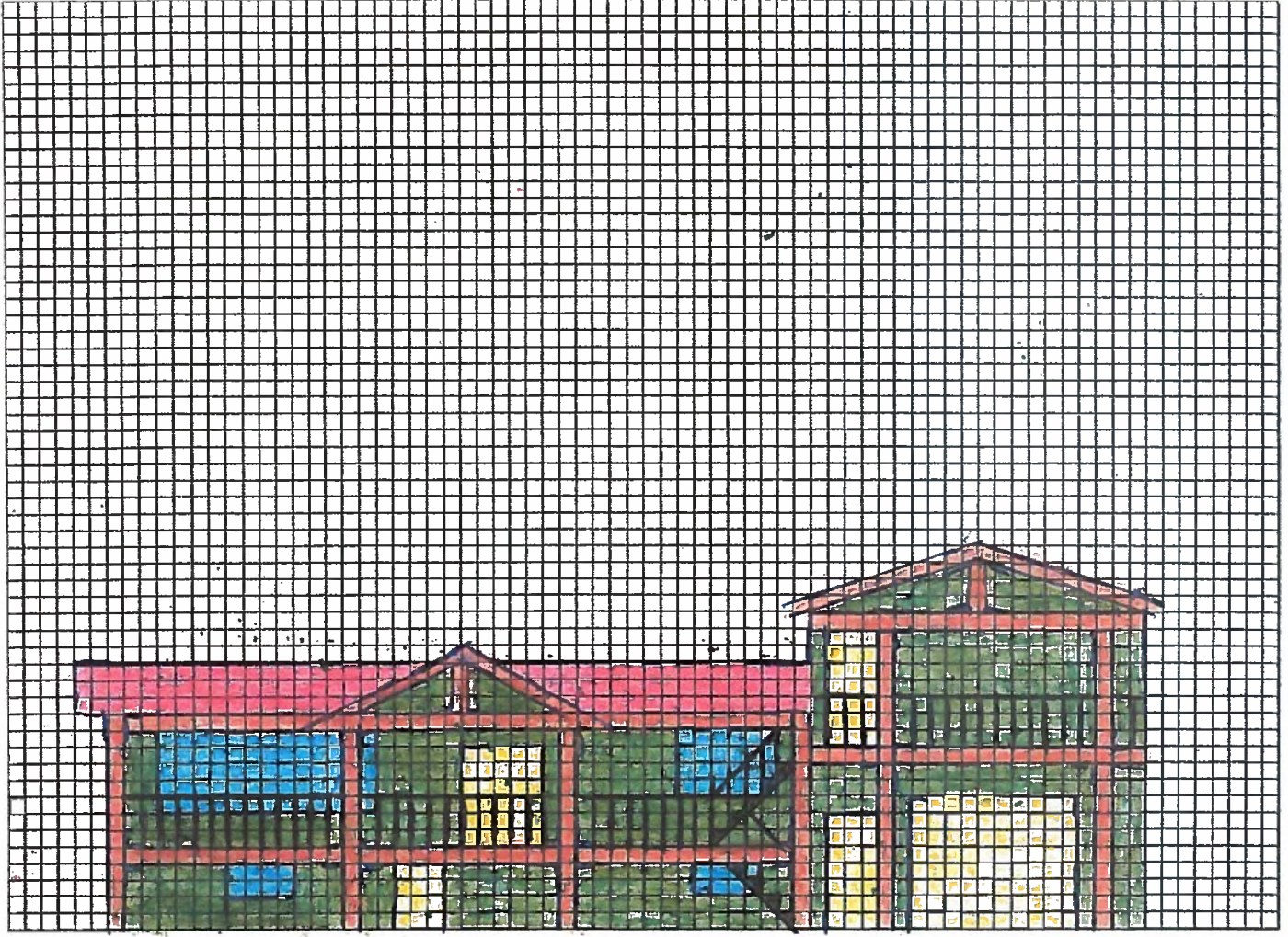

Signature of Owner

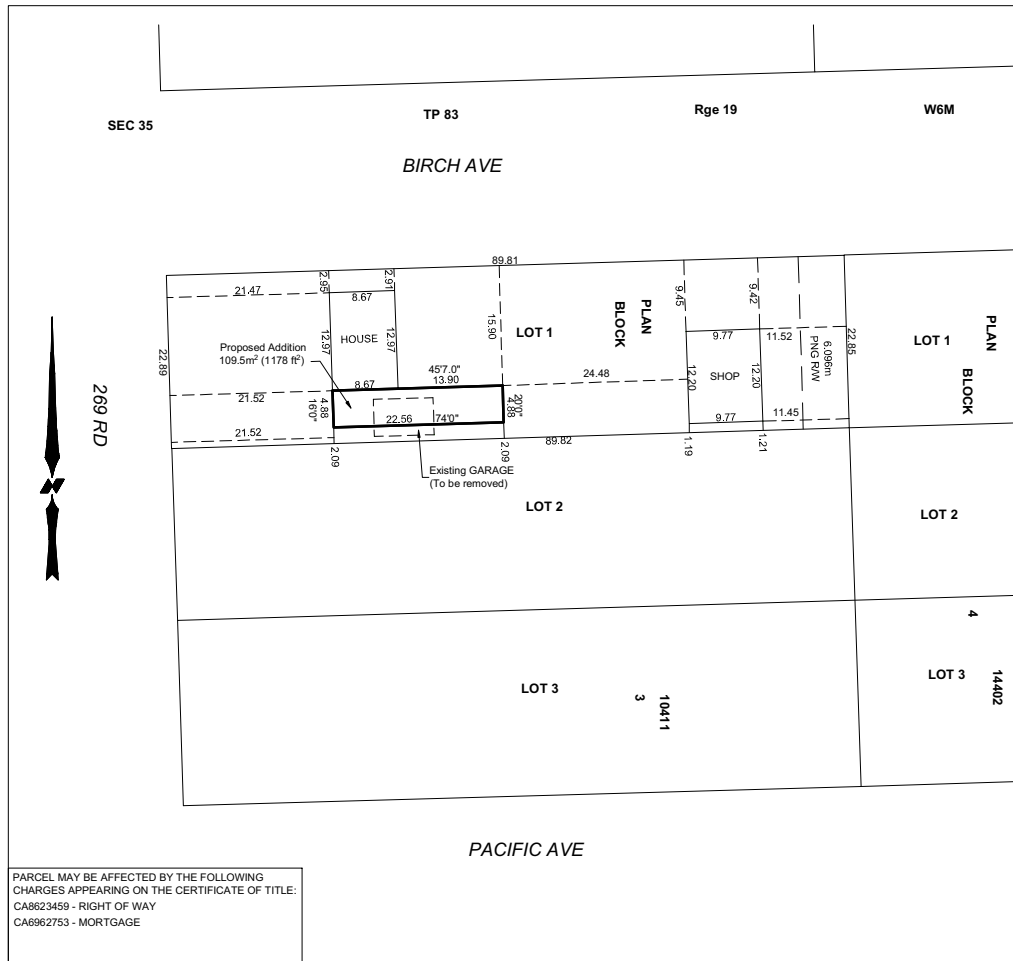
06-05-2022
Date signed

16. **AGENT'S AUTHORIZATION**

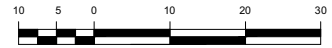
If you have an agent act on your behalf in submission of this application, the following authorization **MUST** be signed by **ALL** property owners.

I / We _____ and _____ hereby authorize (name of landowner) (name of landowner)	
_____ to act on my/our behalf regarding this application. (name of agent)	
Signature of Owner:	Date:
Signature of Owner:	Date:





BC LAND SURVEYOR'S BUILDING
LOCATION CERTIFICATE (PROPOSED
HOUSE ADDITION)
LOT 1 BLOCK 3 SEC 35 TP 83 RGE 19
W6M PEACE RIVER DISTRICT PLAN
10411
SCALE 1:500



CIVIC ADDRESS:
12293 BIRCH AVE
PRRD, B.C.
PID: 012-680-478

ALL DIMENSIONS ARE IN METRES AND DECIMALS THEREOF, AND ARE
DERIVED FROM PLAN 10411
ALL BUILDING DIMENSIONS ARE TO EXTERIOR WALLS AND SIDING.
THIS BUILDING CERTIFICATE IS CERTIFIED CORRECT ACCORDING TO
LAND TITLE AND SURVEY AUTHORITY RECORDS AND FIELD SURVEYS.
UNREGISTERED INTERESTS HAVE NOT BEEN INCLUDED OR CONSIDERED
THIS 8th DAY OF June, 2022.

EVAN HSIAO, BCLS #882
THIS DOCUMENT IS NOT VALID UNLESS
ORIGINALLY SIGNED AND SEALED.

THE SIGNATORY ACCEPTS NO RESPONSIBILITY OR LIABILITY FOR ANY
DAMAGES THAT MAY BE SUFFERED BY A THIRD PARTY AS A RESULT OF
ANY DECISIONS MADE, OR ACTIONS TAKEN BASED ON THIS DOCUMENT.

THIS DOCUMENT SHOWS THE RELATIVE LOCATION OF THE SURVEYED
STRUCTURES AND FEATURES WITH RESPECT TO THE BOUNDARIES OF
THE PARCEL DESCRIBED ABOVE. THIS DOCUMENT SHALL NOT BE USED
TO DEFINE PROPERTY LINES OR CORNERS.

THIS PLAN WAS PREPARED FOR MUNICIPAL PURPOSES AND
IS FOR THE EXCLUSIVE USE OF OUR CLIENT.
NO PERSON MAY COPY OR ALTER THIS CERTIFICATE WITHOUT PRIOR
CONSENT OF McElhanney GEOMATICS.

© THIS PLAN IS PROTECTED BY COPYRIGHT.

PARCEL MAY BE AFFECTED BY THE FOLLOWING
CHARGES APPEARING ON THE CERTIFICATE OF TITLE:
CA8623459 - RIGHT OF WAY
CA6962753 - MORTGAGE

1	Revised Width of Addition	8/6/2022
0	Original Plan Issued	15/05/22
REVISION	DESCRIPTION	DD/MM/YY
PLAN ID.: 27155CERT	DD/MM/YY: 15/05/22	
DRAFTED BY:	McElhanney Associates Land Surveying Ltd. 8808 - Northern Lights Drive Fort St. John, BC Phone: (250)787-0356 	
SURVEYED BY: LA		
CHECKED BY: EH		
REVISION: 01		



DEVELOPMENT VARIANCE PERMIT NO. 22-001 DVP

Issued to: Christopher Harrison and Ina Siebert
Address: 12293 Birch Ave
Fort St John, BC
V1J 4M7

1. Property affected: LOT 1 BLOCK 3 SECTION 35 TOWNSHIP 83 RANGE 19
W6M PRD PLAN 10411
PID: 012-680-478
2. Official Community Plan: North Peace Fringe Area Official Community Plan
Bylaw No. 1870, 2009; High Density Residential
3. Zoning Bylaw: Peace River Regional District Zoning
Bylaw No. 1343, 2001; R-3 Residential
4. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit. The provisions of this Development Variance Permit shall prevail over any other provisions of the bylaws in the event of a conflict.
5. This Development Variance Permit for the property identified as PID 012-680-478, allows a reduction in the following setbacks:
 - a. From 3 metres to 2.09 metres for the southern interior side parcel line to allow for the construction of a 4.88 metre by 22.56 metre garage/addition to the home;
 - b. From 5 metres to 2.91 metres for the northern exterior side parcel line on the northeast corner of the existing home;
 - c. From 5 metres to 2.95 metres for the northern exterior side parcel line on the northwest corner of the existing home;
 - d. From 1.5 metres to 1.19 metres for the southern interior side parcel line on the southwest corner of the existing shop; and
 - e. From 1.5 metres to 1.21 metres for the southern interior side parcel line on the southeast corner of the existing shop.
6. This Development Variance Permit is subject to the following conditions:
 - a. The setback area between the addition and the southern interior side parcel line shall be kept clear of debris at all times to allow for emergency access.
7. The land described herein, shall be developed strictly in accordance with the terms, conditions and provisions of this permit and any plans and specifications attached to this Permit which shall form a part thereof.

8. This Permit is NOT a building permit.

ISSUED THIS 14th day of July, 2022.

This permit is authorized by Peace River Regional District Board Resolution No. 22-001 passed on the day of July, 14th, 2022.

Authorized Signatory

Schedule A is attached to and forms part of this Development Variance Permit.

