



REPORT

To: Chair and Directors

Report Number: DS-BRD-330

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

Date: August 17, 2023

Subject: Development Variance Permit No. 23-003

RECOMMENDATION:

1. That the Regional Board respectfully refuse the issuance of Development Variance Permit No. 23-003 to authorize construction of a 111.5m² garage on the property identified as PID 031-982-255 by:
 - a) Increasing the maximum accessory building floor area by 11.5 m², from 100 m² to 111.5 m²; and
 - b) Reducing the required exterior side parcel line setback by 1.96 m, from 5.0 m to 3.04 m;

as it is not consistent with Peace River Regional District Zoning Bylaw No. 1343, 2001.

BACKGROUND/RATIONALE:

Proposal

The applicant is seeking to:

1. Increase the maximum accessory building floor area by 11.5 m², from 100 m² to 111.5 m² (11.5% increase); and
2. Reduce the required exterior side parcel setback line by 1.96 m, from 5.0 m to 3.04 m;

in order to construct an accessory building (garage) on the property identified as PID: 031-982-255.

Rationale

Staff recommend refusal of this application as the proposal seeks to increase the maximum accessory building floor area on the subject parcel by 11.5%, and build the accessory building within the required 5m setback, which is not consistent with the Peace River Regional District Zoning Bylaw 1343, 2001.

File Details

Owner: Robert L. Finley
Area: Electoral Area D
Location: Tupper Swan Lake
Legal: Parcel D (Being A Consolidation Of Lots 1 And 2, See Cb683324) Block 2 Section 24 Township 26 Peace River District Plan 5689
PID: 031-982-255
Civic Address: 98 Tupper Village Subdivision
Lot Size: 0.08 ha (0.19 ac)

Site Context

The subject property is located approximately 420m to the west of Swan Lake. The subject parcel is partially cleared of trees, with a dwelling located at the southeast end of the parcel. The adjoining land parcels are zoned as Residential 4 Zones (R-4).

Site Features

Land

The property has been cleared for a dwelling and the proposed garage. Trees remain at the north of the parcel.

Structures

There is a single dwelling on the property.

Access

The property is accessed via Tupper Village Way from the south of the parcel.

Comments & Observations

Applicant

The applicant wishes to build a garage on the subject property for winter storage.

Agricultural Land Reserve (ALR)

The subject property is outside the Agricultural Land Reserve.

Official Community Plan (OCP)

Pursuant to the South Peace Fringe Area Official Community Plan Bylaw No. 2048, 2012, the subject property is designated Rural Neighbourhood (RN). Land within this designation should be used for rural residential subdivisions. RN Lands located in areas lying outside the ALR, or on lands having topographical constraints, low agricultural capability, or those that are fragmented land parcels should be infilled. The applicant seeks to further develop the subject parcel.

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). Land within this zone is intended for residential and agricultural purposes. The minimum parcel size for an R-4 parcel is 1.80 ha (4.50 ac). However subdivision is not proposed.

Accessory buildings - Accessory buildings are permitted on R-4 zoned parcels, provided they comply with Section 13 of Zoning Bylaw 1343, 2001. Section 13 states that accessory buildings on parcels under 0.2ha (0.5ac) must not exceed 100m² (1076 ft²). The subject property is 0.08 ha and the applicant is proposing to construct a 111.5m² shop which exceeds the maximum accessory building floor area by 11.5m². Therefore the proposal is not consistent with the zoning bylaw.

Setbacks – Pursuant to Zoning Bylaw 1343, 2001 Section 37(f) the required exterior parcel line setback for any structure is 5.0 m (17ft). The applicant seeks to build the proposed accessory building 3.04 m from the exterior parcel line which encroaches into the 5.0 m setback by 1.96 m. Therefore the proposal is not consistent with the zoning bylaw.

Fire Protection Area

The subject property is within the Tomslake 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.

School District 60 School Site Acquisition Charge Area

The subject property is outside the School District 60 School Site Acquisition Charge Area.

Impact AnalysisContext

The proposed land use is consistent with surrounding land uses.

Population & Traffic

There is no anticipated changes to traffic or personnel on the subject parcel

Sewage & Water

Sewage is not proposed, water will be supplied by existing holding tank.

Comments Received from Municipalities & Provincial AgenciesBylaw Enforcement Officer

No Concerns.

GIS Department

No Concerns.

Tomslake Fire Department

The Tomslake Fire Dept has no issues with the proposed plan.

ALTERNATIVE OPTIONS:

2. That the Regional Board issue Development Variance No. 23-003 to vary Peace River Regional District Zoning Bylaw No. 1343, 2001 and authorize construction of a 111.5m² garage on the property identified as PID 031-982-255 by:
 - a) Increasing the maximum accessory building floor area by 11.5 m², from 100 m² to 111.5 m²; and
 - b) Reducing the require exterior side parcel line setback by 1.96 m, from 5.0 m to 3.04 m;
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):

Notifications were mailed on July 28, 2023 pursuant to Section 499 of the *Local Government Act*.

The Regional Board's decision will be communicated to the applicant.

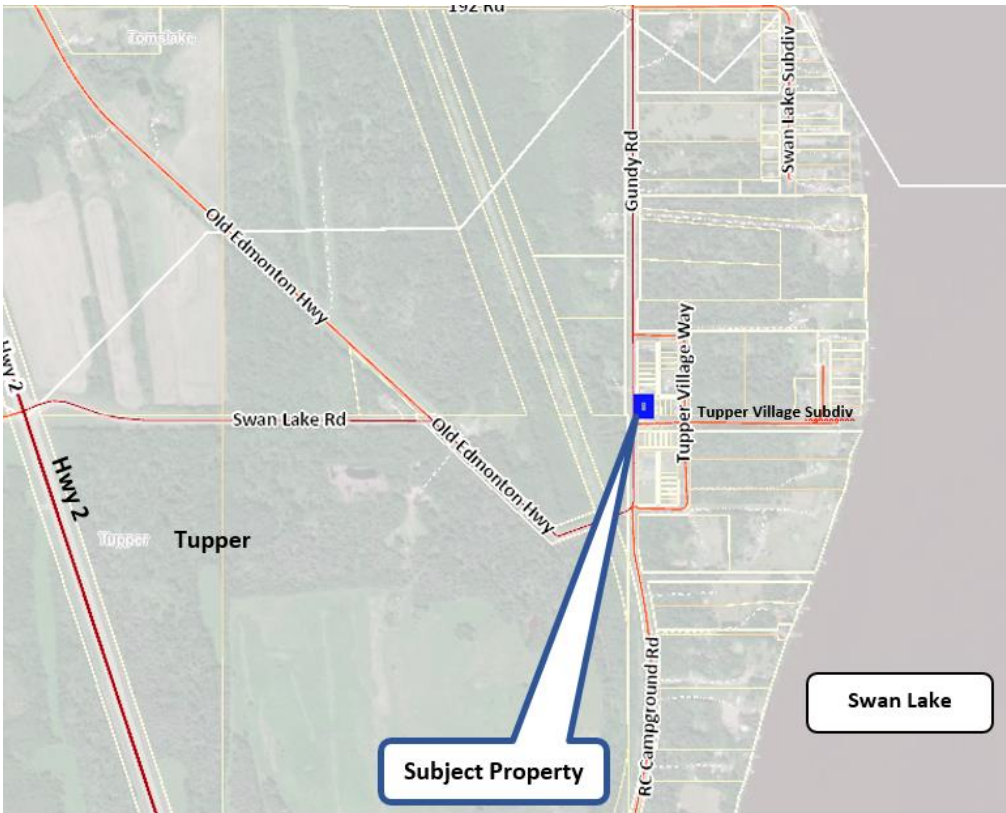
OTHER CONSIDERATION(S):

None at this time.

Attachments:

1. Maps, PRRD File No. 23-003 DVP
2. Application, PRRD File No. 23-003 DVP

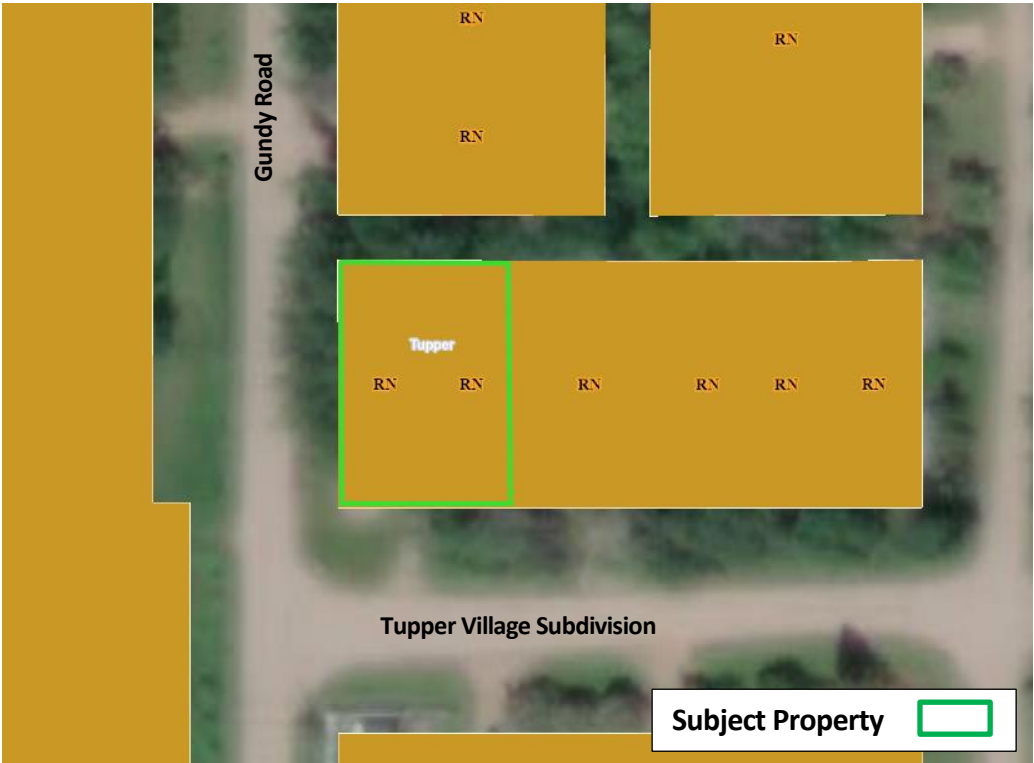
Location: Tupper area



Aerial imagery



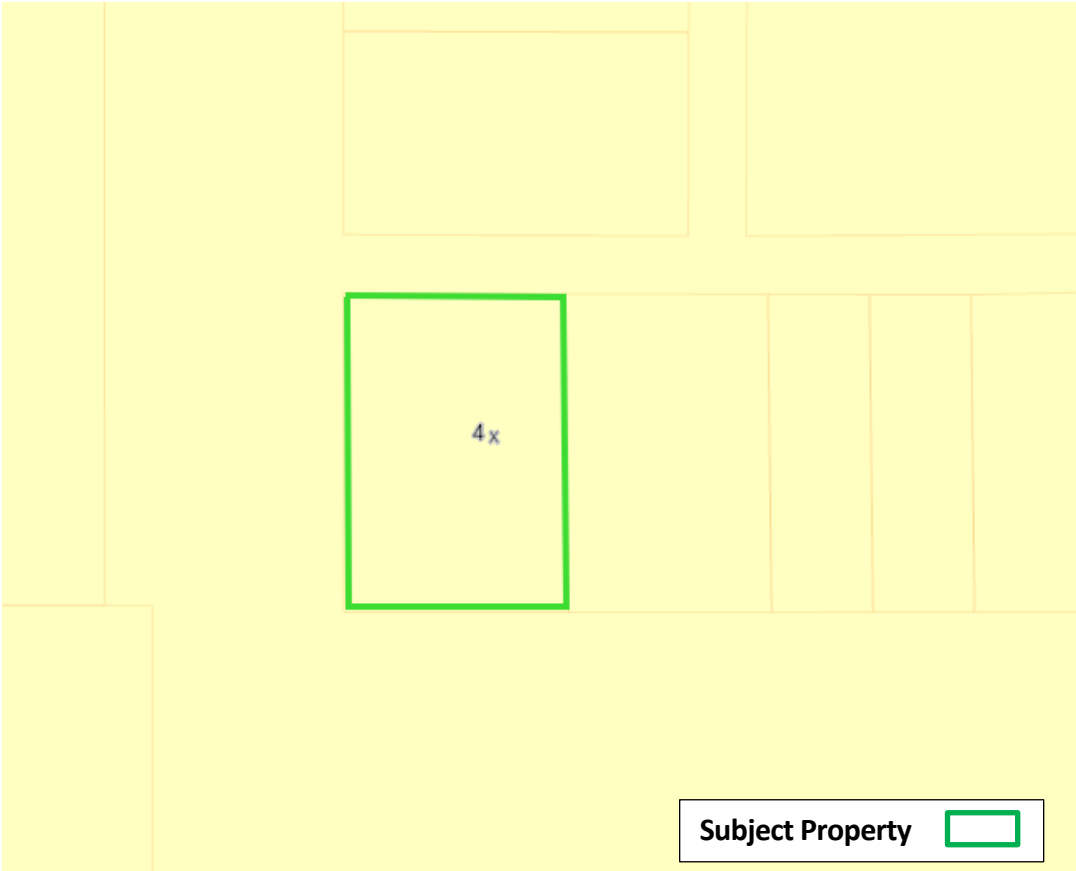
PRRD South Peace Fringe Area Official Community Plan Bylaw No. 2048, 2012: Rural Neighbourhood (RN)



PRRD Zoning Bylaw No. 1343, 2001: Residential 4 Zone (R-4)



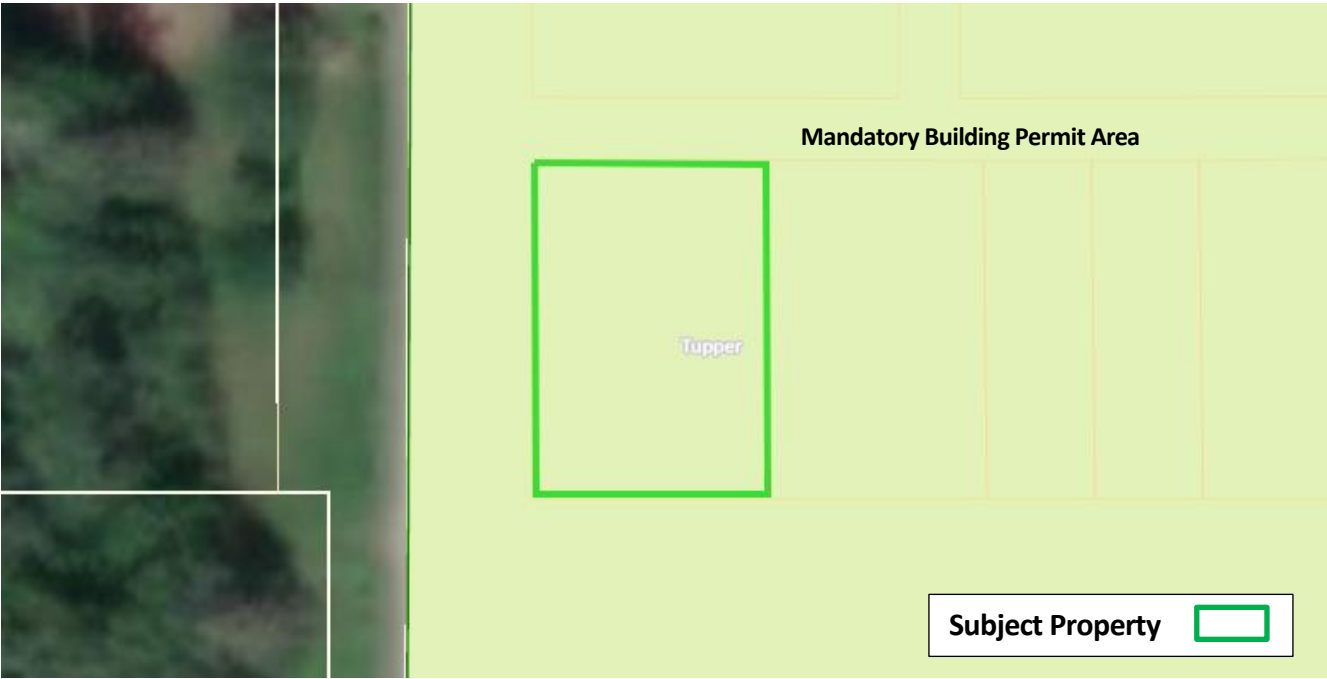
CLI Soil Classification: 4x



Fire Protection Area: Tomslake



Within Mandatory Building Permit Area





PEACE RIVER REGIONAL DISTRICT

Dawson Creek | Box 810, 1981 Alaska Avenue BC, V1G 4H8
(T): (250) 784-3200 prrd.dc@prrd.bc.ca

Fort St. John | 9505 100 Street BC, V1J 4N4
(T): (250) 785-8084 prrd.fsj@prrd.bc.ca

For Office Use:

Receipt # _____

Date Received _____

File No. _____

Sign Issued: Yes ☐ No ☐ N/A ☐

Application for Development

1. TYPE OF APPLICATION

☐ Official Community Plan Bylaw Amendment*	FEE \$ 1,150.00
☐ Zoning Bylaw Amendment* #	\$ 800.00
☐ Official Community Plan / Zoning Bylaw Amendment combined* #	\$ 1,200.00
☐ Temporary Use Permit*	\$ 500.00
☐ Temporary Use Permit Renewal	\$ 350.00
☐ Development Permit #	\$ 165.00
☒ Development Variance Permit	\$ 165.00

* Sign is required for this application type.

Sign provided by the PRRD and posted pursuant to Section 6 of Bylaw No. 2449, 2021, attached.

Contaminated Site Declaration Form required for this application type.

- ☐ Exclusion from the Agricultural Land Reserve \$ 1,500.00
(Applicant responsible for additional costs associated with the advertisements, signage, and facility rental, if applicable)

2. PLEASE PRINT

Property Owner's Name Robert L. FINLEY	Authorized Agent of Owner (if applicable)
Address of Owner [REDACTED]	Address of Agent
City/Town/Village [REDACTED]	City/Town/Village:
Postal Code: [REDACTED]	Postal Code:
Telephone Number: [REDACTED]	Telephone Number:
E-mail: [REDACTED]	E-mail:

Notice of collection of personal information:

Personal information on this form is collected for the purpose of processing this application. The personal information is collected under the authority of the *Local Government Act* and the bylaws of the PRRD. Documentation/Information submitted in support of this application can be made available for public inspection pursuant to the *Freedom of Information and Protection of Privacy Act*.

3. PROPERTY DESCRIPTION

Full legal description and PID of each property under application	Area of each lot
26 Lot 1, Block 2, Plan PGP5689, Part of	ha./acres
Section 24, Twp 26 - PRLD	ha./acres
	ha./acres
	TOTAL AREA
	ha. <u>0.2</u> acres

4. Civic Address or location of property: 98 Tupper Village Subdivision

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:

① Structure Size from allowed 1076 sqft to 1200 sqft.
② Set back on West boundary from 17 feet to 10 feet

☐ Temporary Use Permit – describe proposed use:

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

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

Presently Principal Residence is on property.
Wish to build a garage for cold storage.

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

(a) North Residential
 (b) East Residential
 (c) South Road way
 (d) West Road way

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

I wish to amalgamate my properties Lot 1 and Lot 2 - DONE.

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

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

Septic holding tank on south side of residence on Lot 2.

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

Holding tank, supplied by delivery.

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.



July 4, 2023
Date signed

Signature of Owner

Date signed

16. **AGENT'S AUTHORIZATION**

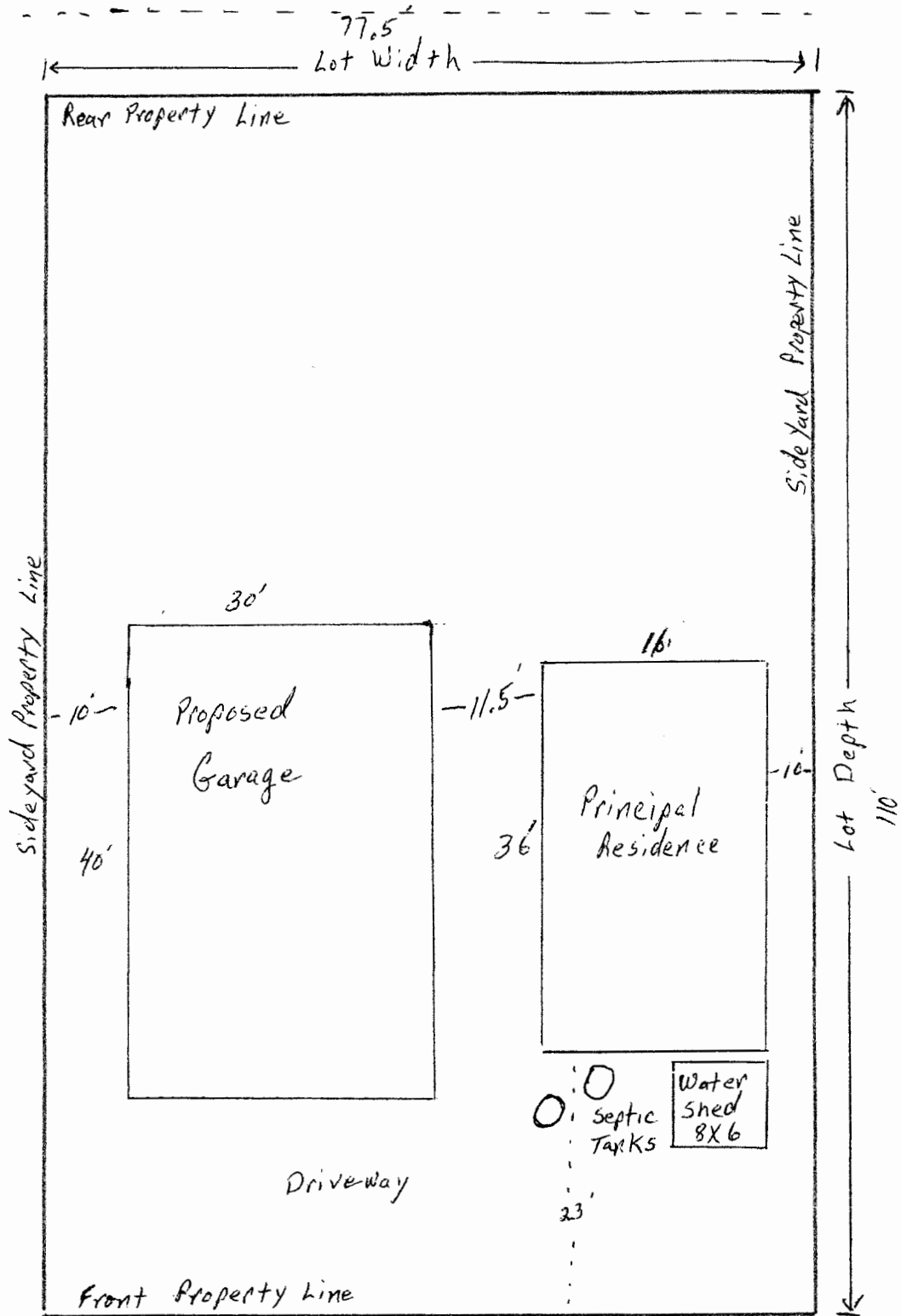
If you have an agent act on your behalf in submission of this application, the following authorization **MUST** be signed by **ALL** property owners.

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:

98 Tupper Village
Lot 1+2 Block 2 Plan PEP5689 WK 24 Twp 26

N

Lane Way



Gundy Road

Street

Tupper Village Way