



REPORT

To: Chair and Directors

Report Number: DS-BRD-339

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

Date: September 14, 2023

Subject: Development Variance Permit No. 23-004

RECOMMENDATION: [Corporate – Unweighted, Pouce Coupe Excluded]

That the Regional Board respectfully refuse the issuance of Development Variance Permit No. 23-004, to increase the maximum permitted accessory building floor area from 232 m² to 302 m² (a difference of ±70 m²) to build an extension to the existing shop, on the subject property identified as PID: 026-653-044, as the proposal is not consistent with zoning.

BACKGROUND/RATIONALE:

Proposal

To build a 40 x 20 ft. (74.2 m²) extension to the existing shop on the subject property that would be 752 ft² (70 m²) over the permitted accessory building floor area which is 2496 ft² (232 m²) as per the zoning bylaw.

Rationale

Refusal is being recommended as the proposal exceeds the permitted floor area by 70 m² (752 ft²), or 30.13%, as per Zoning Bylaw No. 1343, 2001.

File Details

Owner: Nikday Govorukhin & Olga Govorukhin
Area: Electoral Area C
Location: Fort St John
Legal: Lot 1 Section 26 Township 83 Range 19 West of the 6th Meridian Peace River District BCP23215
PID: 026-653-044
Civic Address: 7263 Old Fort Rd, Fort St John
Lot Size: 1.87 ha (4.62 ac)

Site Context

The subject property is located approximately 1.6 km from the City of Fort St John municipal boundary, and 2.6 km from Highway 97 N. The parcels immediately surrounding the subject property are all within the ALR and designated Rural Residential as per the OCP. Approximately 130 ft. north of the subject property are lands designated as Industrial Study Area, and approximately 150 ft. south of the subject property are lands designated as Geotechnical Hazard Study Area.

Official Community Plan (OCP)

Pursuant to the Peace River Regional District North Peace Fringe Area Official Community Plan Bylaw No. 2460, 2021, the subject property is designated Rural Residential (RR). The intent of this designation is to preserve the rural character of the North Peace Fringe Area. Land within this designation should be used for residential purposes.

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

Land Use Zoning

Pursuant to the Peace River Regional District Zoning Bylaw No. 1343, 2001, the subject property is zoned R-3 (Residential 3 Zone). Land within this zone may be used for residential use, market gardens, and agriculture, among other uses. The minimum parcel size is 1.8 ha (4.5 ac) when there is no community sewage system connection.

As per Section 13 of the zoning bylaw, the maximum accessory building floor area for parcels greater than 1.8 ha (4.5 ac) is 232 m² or (± 2496 ft²). The subject proposal is 70 m² (752 ft²), or, 30.13% over the permitted floor area.

Therefore, the subject proposal does not comply with the zoning bylaw and a Development Variance Permit is required.

Impact Analysis

Context

The subject proposal is for residential use and consistent with surrounding parcel uses.

Population & Traffic

No change to population or traffic is anticipated from the proposed development.

Sewage & Water

The subject property is has a lagoon and cistern which service the property. No new sewage or water system is proposed.

Site Features

Land

The land is flat with some treed areas near the perimeter of the property.

Structures

There is one principal residence and one residential shop on the subject property.

Access

The subject property is accessed from Old Fort Road.

Canada Land Inventory Soil Rating

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

Comments & ConsiderationsApplicant

The applicant stated that they would like to build a larger shop in order to fit their truck.

Fire Protection Area

The subject property is within the Fort St John 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 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.

Comments Received from Municipalities & Provincial AgenciesPRRD GIS

No concerns.

PRRD Bylaw

Intended use must not contravene home based business regulations.

PRRD Building

No concerns.

Fort St John Fire Department

Interests unaffected.

Ministry of Agriculture and Food

Based on the information provided and the nature of the proposal, it does not appear that approval of this application will positively contribute to agricultural production on the parcel or in the surrounding area. Please see attachment for further details.

PNG

No concerns.

BC Hydro

No objection in principle to the proposal. The following comments are for the property owner's information:

- As you know, BC Hydro has a registered right of way on the property under charge CA4697941. Please be guided by the terms of the right of way agreement ST20098.
- If there is a proposed subdivision of the property with road dedication, please submit the final version of the subdivision to our office via properties.helpdesk@bchydro.com. BC Hydro will reserve comments following a further review of the final subdivision plan when submitted. Reviews can take 4-6 weeks and has a fee of \$315.00 (\$300+tax). BC Hydro's signature is required before the plan can be registered.
- Obtain separate written approval from this office for any intended use or development on the right of way before construction takes place. Submit applications to this office via properties.helpdesk@bchydro.com.
- No building encroachment is permitted within the right of way.
- Open space/parks must be assigned a lot number so that Hydro's rights are retained.
- 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.
- 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 WorkSafeBC (WSBC). The CEC, CSA and WSBC stipulate minimum clearances of powerlines and equipment from buildings for safety and safe working clearances (Limits of Approach).

Agricultural Land Commission

As the property is in the ALR and the expansion of the detached garage isn't for a farm use, it would require ALC approval. If there is any fill required for the expansion (including gravel for the foundation) then they can submit a Notice of Intent before construction starts. If there is no fill or construction has already started, the only option would be the longer and more costly application process.

This property is in an area that the Commission endorsed for residential uses (Medium Density Residential) in the North Peace Fringe Area OCP (ALC Resolution #1105/2009). An application is still required in an endorsed area and approval is never guaranteed, but what it means is that if an application comes in that is consistent with what was endorsed (residential use in this case) it is likely to be approved. It would be helpful to mention this ALC endorsement (ALC Resolution #1105/2009) in the NOI or application.

ALTERNATIVE OPTIONS:

1. That the Regional Board authorize the issuance of Development Variance Permit No. 23-004, to increase the maximum permitted accessory building floor area from 232 m² to 302 m² (a difference of ±70 m²) to build an extension to the existing shop, on the subject property identified as PID: 026-653-044.
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. 23-004 DVP
2. Application Package, PRRD File No. 23-004 DVP
3. Comments Received from Municipalities & Provincial Agencies, PRRD File No. 23-004 DVP

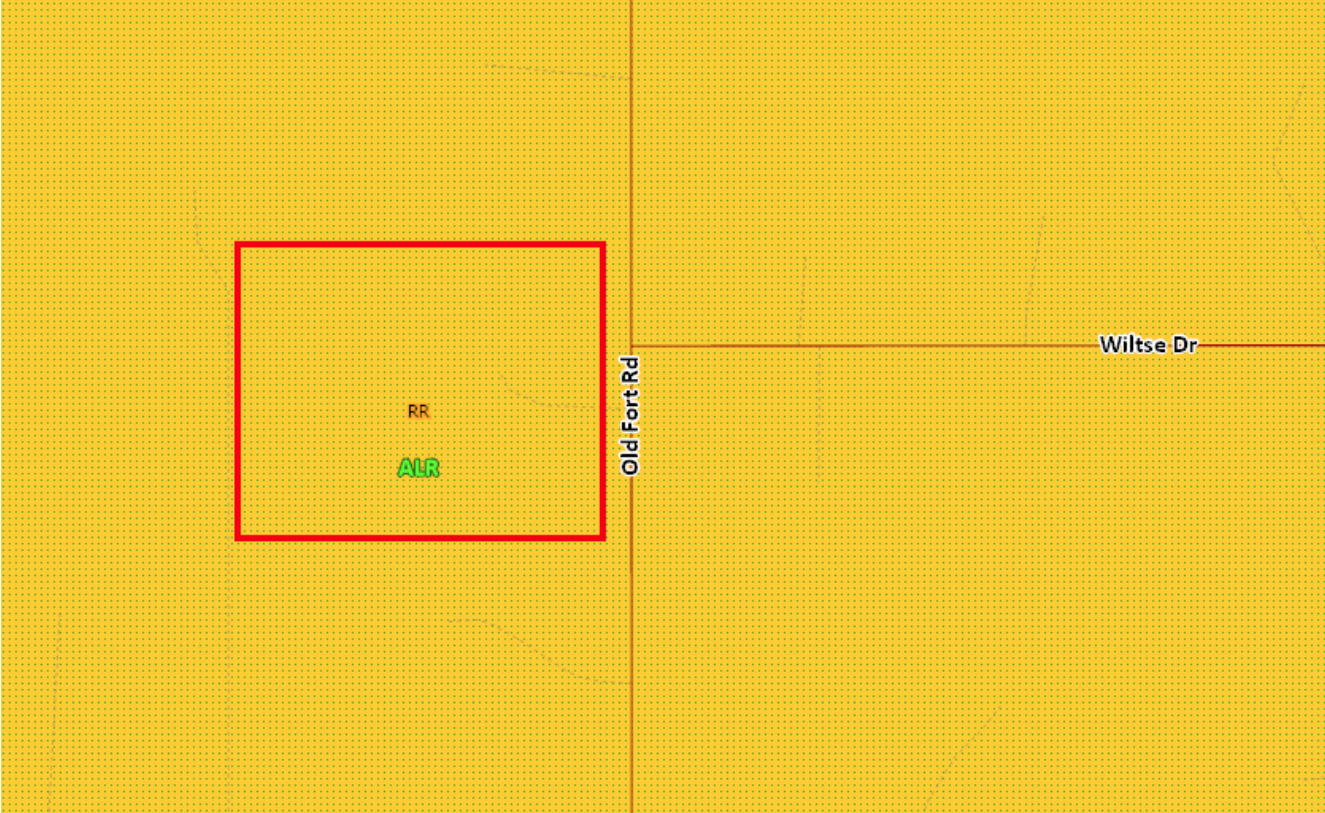
Location: Fort St John area



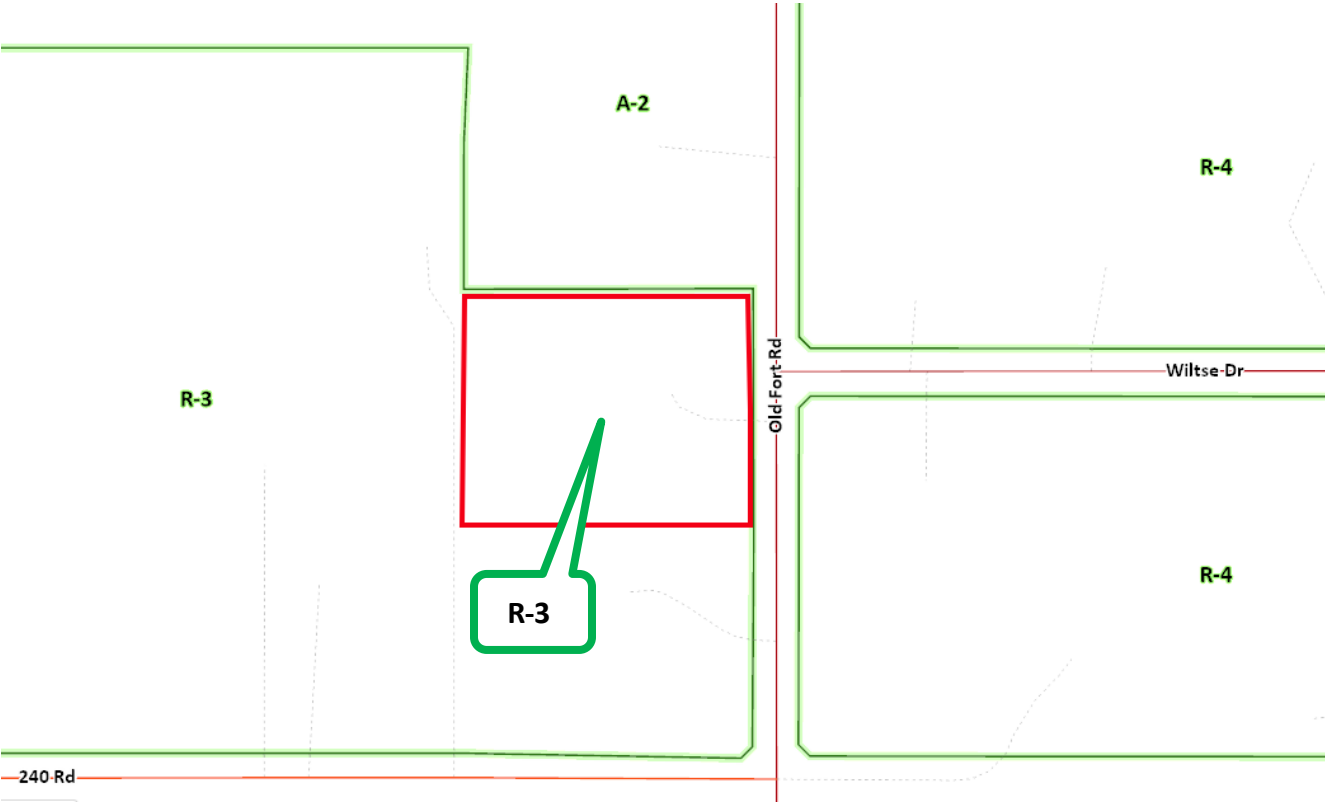
Aerial imagery



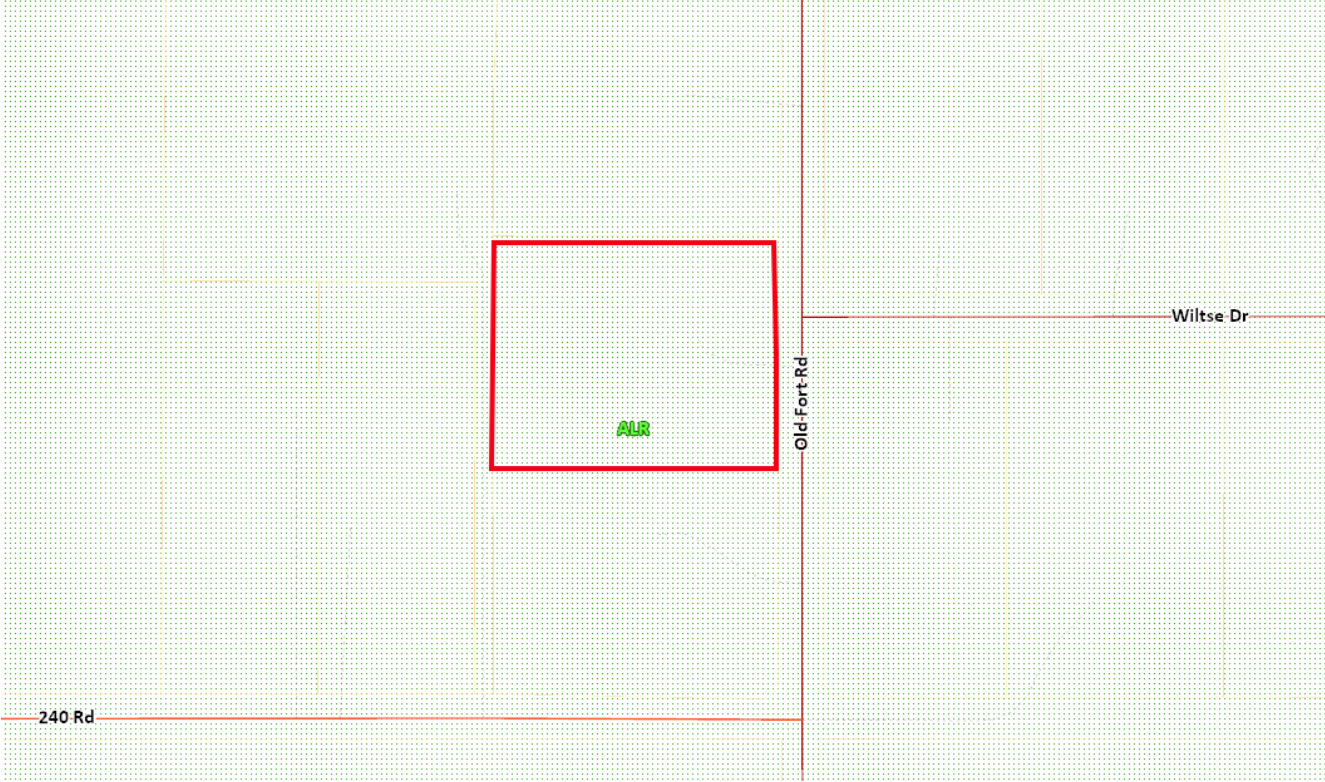
PRRD North Peace Fringe Area Official Community Plan Bylaw No. 2460, 2021: Rural Residential



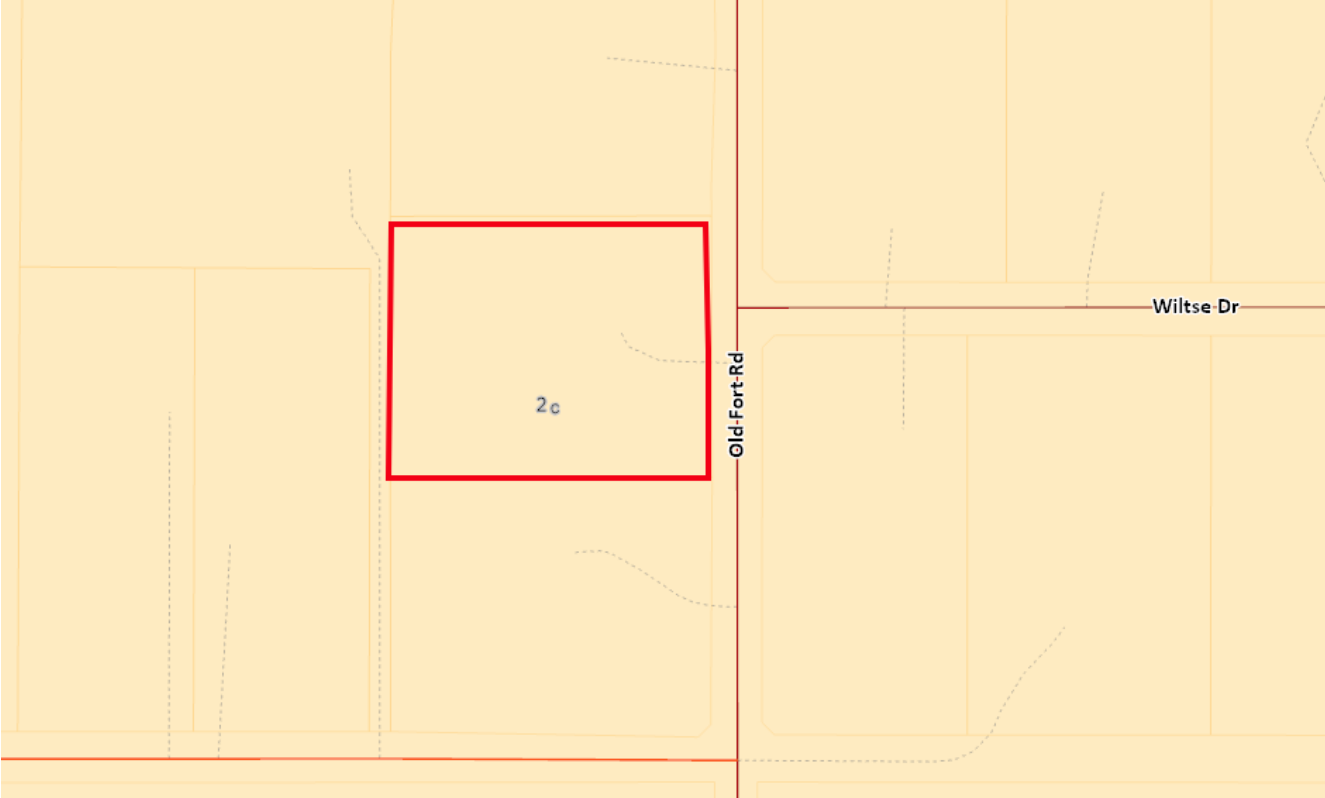
PRRD Zoning Bylaw No. 1342, 2001: Residential 3 Zone (R-3)



Agricultural Land Reserve: Within



CLI Soil Classification: 2c





For Office Use:
 Receipt # _____
 Date Received _____
 File No. _____
 Sign Issued: Yes No N/A

Application for Development

1. TYPE OF APPLICATION	FEE
<input type="checkbox"/> Official Community Plan Bylaw Amendment*	\$ 1,150.00
<input type="checkbox"/> Zoning Bylaw Amendment* #	\$ 800.00
<input type="checkbox"/> Official Community Plan / Zoning Bylaw Amendment combined* #	\$ 1,200.00
<input type="checkbox"/> Temporary Use Permit*	\$ 500.00
<input type="checkbox"/> Temporary Use Permit Renewal	\$ 350.00
<input type="checkbox"/> Development Permit #	\$ 165.00
<input checked="" type="checkbox"/> 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 <i>Nikolay & Olga Gouvorukhin</i>	Authorized Agent of Owner (if applicable)
Address of Owner [Redacted]	Address of Agent
City/Town/Village: <i>Fort St. John</i>	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
Lot 7 section 26 Township 83 Range 19	1.87 ha./acres
West of the 16th Meridian Peace River	462 ha./acres
District BCP23215	ha./acres
	TOTAL AREA ha./acres

4. Civic Address or location of property: [REDACTED]

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:

we are building an ~~shop~~ addition to shop 3 would like it to be 752 sqft. above allowed.

Temporary Use Permit – describe proposed use:

Development Permit: Bylaw No. _____ Section No. _____

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

Dwelling Unit & a shop for residential use.

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 Residential

(d) West Residential

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

We would like to build a shop larger than permitted size.

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

It doesn't fit our truck into the shop.

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

Lagoon

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

Cistern

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.

[Redacted Signature]

Signature of Owner

July 25 2023

Date signed

[Redacted Signature]

Signature of Owner

July 25, 23

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:



CONTAMINATED SITE DECLARATION FORM

I, Nikolay Zolga Givovukhin, hereby acknowledge that the *Environmental Management Act, 2003*, as amended, is effective as of February 1, 2021.

Legal Description(s):

lot 1 Section 26 Township 83 Range 19 west of the 116th Meridian Peace River District BCP23215

Please check only one:

I have read [Schedule 2](#) and based on my personal knowledge of the property in question, I do not believe that it is or has been used for any of the industrial or commercial purposes and activities specified in [Schedule 2](#) of the regulations. Accordingly, I elect not to complete and submit a 'site disclosure statement', as outlined in Section 40.(1) of the Act.

I have read [Schedule 2](#) and one or more of the identified purposes or activities is or has occurred on the land(s) legally described above.

*Please contact staff to submit a "site disclosure statement" at planning@prrd.bc.ca

I further acknowledge that this declaration does not remove any liability, which may otherwise be applicable under the legislation.

[Redacted signature area]

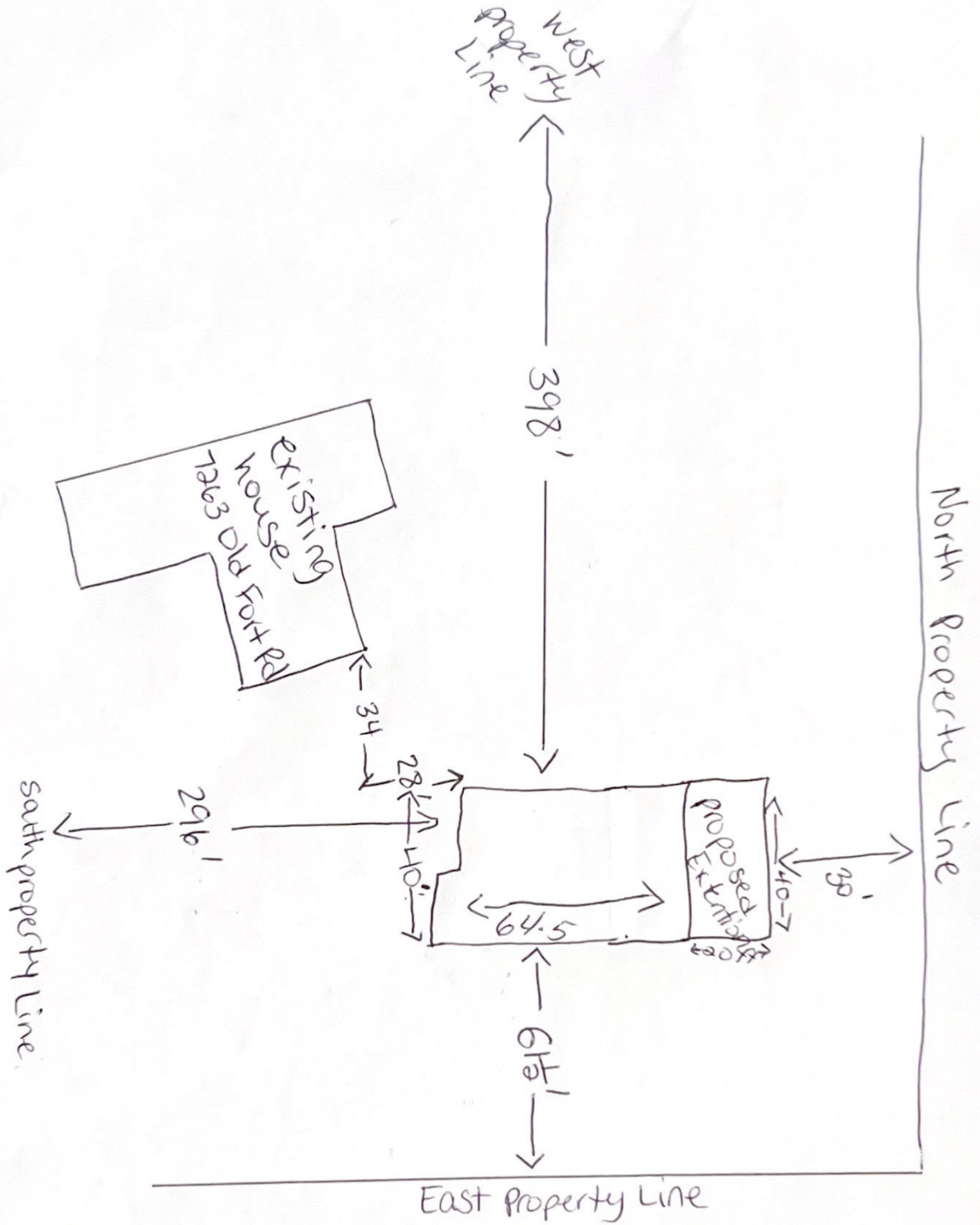
Owner/Agent

25/07/23
dd mm yyyy

[Redacted signature area]

Owner/Agent

25/07/23
dd mm yyyy



Old Fort Rd.



August 17, 2023

Local Government File: 23-004 DVP

Ellen Watters, Planner I
Peace River Regional District (PRRD)
VIA EMAIL: Ellen.Watters@prrd.bc.ca

Re: Development Variance Permit – 7263 Old Fort Rd (PID: 026-653-044)

Dear Ellen Watters:

Thank you for providing Ministry of Agriculture and Food (Ministry) staff with the opportunity to comment on the proposed Development Variance Permit (DVP) to allow for an extension of an existing accessory building on the property so as to fit a truck.

Ministry staff offer the following comments:

- The subject 1.87-hectare parcel is located within a large region of Agricultural Land Reserve (ALR) parcels south-west of the City of Fort St. John. The application does not refer to any agricultural activity taking place on the property.
- Ministry staff note that ALC Information Bulletin 05 [Residences in the ALR](#) states, "Accessory residential buildings, such as detached garages or studios, are only permitted by the Agricultural Land Reserve Use Regulation, BC Reg 30/2019 if they are necessary for residential use. The determination of whether an accessory building is necessary for residential use is the authority of the Commission and will depend on the facts of each individual property", (PDF page 17). The referral does not indicate an ALC determination.
- Based on the information provided, and given the nature of the proposal, it does not appear that approval of this application will positively contribute to agricultural production on the parcel, or in the surrounding area.

If you have any questions or concerns about our comments, please do not hesitate to contact staff.

Sincerely,

Gregory Bartle
Land Use Planner
Ministry of Agriculture and Food
Phone: (778) 974-3836
Email: Gregory.Bartle@gov.bc.ca

Brenna Schilds, P. Ag
Regional Agrologist – Peace Region
Ministry of Agriculture and Food
Phone: 250-795-4101
Email: Brenna.schilds@gov.bc.ca