



REPORT

To: Chair and Directors

Report Number: DS-BRD-362

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

Date: December 8, 2023

Subject: Development Variance Permit No. 23-006

RECOMMENDATION: [Corporate Unweighted, Pouce Coupe Included]

That the Regional Board approve the issuance of Development Variance Permit No. 23-006, to allow a reduction in the exterior (western) parcel line setback from 5.0m to 4.27m, and an increase to the maximum permitted accessory building floor area from 100 m² to 100.27m², for the property identified as PID 031-982-255; further, that issuance of a building permit be withheld until the Ministry of Transportation and Infrastructure has issued a Structure Setback Permit for the proposed accessory building.

BACKGROUND/RATIONALE:

Proposal

The applicant is seeking to:

1. increase the maximum accessory building floor area by 0.37m² (4 ft²), from 100m² to 100.37m²; and
2. reduce the Exterior (Western) Parcel Line setback from 5.0m to 4.27m

to construct an accessory building for cold storage and security of possessions on the subject property identified as PID: 031-982-255.

Rationale

Staff is recommending support for this proposal, as the parcel is an existing undersized lot which makes siting the accessory structure on the property in compliance with setbacks and fire separation challenging, and the requested increase in maximum accessory building floor area is minimal. Additionally, the applicant has presented ample justification for the proposal, outlined in the applicant section of this report, including a desire to maintain existing vegetative buffers along the western and northern parcel lines and a need to maintain access to the rear yard for maintenance purposes. Approval is being recommended subject to the condition that a Structure Setback Permit is obtained from MoTI by the applicant before a building permit is issued which has been requested by MoTI.

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)

Background

July 4, 2023 The applicant applied for a Development Variance Permit for a 40' x 30' accessory building on the same parcel that was to be built within the minimum setback requirement, PRRD File No. 23-003 DVP.

August 17, 2023 The Regional Board refused the issuance of the Development Variance Permit 23-003.

October 23, 2023 The applicant submitted a new Development Variance Permit application, PRRD File No. 23-006 DVP, for the Board's consideration.

Site Context

The subject parcel is located approximately 420m west of Swan Lake within the Tupper community. The northern half of the parcel is treed, with an existing residential dwelling built on the south-east of the parcel. The adjoining land uses are residential in nature with all surrounding properties zoned R-4. The north parcel line abuts a MoTI road dedication.

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 to provide rural lifestyle housing. As the proposed structure is accessory to the principal residence on the property, and will support the liveability of the property, it can be deemed consistent with the Official Community Plan.

Land Use Zoning

Pursuant to Zoning Bylaw No. 1343, 2001, the subject property is zoned as Residential 4 Zone (R-4). Land within this zone may be used for dwelling units, market gardens, agriculture, and among the additional accessory uses permitted; accessory buildings and structures. The minimum parcel size for an R-4 parcel is 1.80 ha (4.45 ac), and while the current parcel is undersized, this will not affect this application as subdivision is not proposed.

Accessory Buildings - Pursuant to PRRD Zoning Bylaw 1343, 2001 Section 13, the maximum accessory building floor area for parcels 0.20 ha (0.50 ac) or less is 100m². The proposed accessory building has a floor area of 100.37m²; this is 0.37m² above the allowable 100m² building floor area. Therefore, the proposal is inconsistent with Section 13 of the Zoning Bylaw, and a Development Variance Permit is required.

Setbacks – Pursuant to PRRD Zoning Bylaw 1343, 2001 Section 37(f) the required exterior parcel line setback from all structures is 5 m (17ft). The applicant is seeking to build the subject accessory building within the 5m (17 ft) exterior setback at 4.27m from the parcel line. Therefore, the proposal is inconsistent with section 37(f) of the bylaw, and a development variance permit is required.

Impact AnalysisContext

The proposed use is consistent with the surrounding land uses. As the surrounding parcels are zoned R-4. There are no anticipated conflicts with surrounding land uses.

Population & Traffic

There are no anticipated changes to population or traffic, as the proposed accessory building will contain the personal possessions of the applicant.

Sewage & Water

This proposed building will not require sewage or water.

Site FeaturesLand

The parcel itself has trees on the northern half of the parcel, with an existing residential dwelling situated on the south-east of the parcel.

Structures

There is one existing residential dwelling on the southeast of the parcel.

Access

The subject property is accessed from the south via Tupper Village Subdivision.

Comments & ConsiderationsApplicant

The applicant has provided extensive rationale for this proposal (see Attachment #2, Application) which has been summarized below:

- The proposed garage will be downsized from 30 by 40 feet to 27 by 40 feet. The new build then is 1080 ft² just 4 ft² over the allowed 1076 ft².
- The request to use 3 feet of setback will not affect the line of sight of the intersection of "Tupper Village Way" and the "Gundy Road". Presently there are mature trees on the proposed build site, and they do not obstruct the view of the noted intersection.
- The location of the new build on the lot was chosen for a number of reasons:
 - To maintain enough distance between the principal residence and the new build to allow me to enter the rear of the property with a vehicle to provide maintenance and snow removal.
 - To maintain existing mature vegetation as it provides great cover for privacy and sound barrier.
 - No concerns have been expressed by neighbours to the north and east.

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. A building permit is required prior to any construction occurring on the subject property.

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.

Comments Received from Municipalities & Provincial Agencies

Bylaw Enforcement Officer

The Bylaw enforcement officer recommends approval as the lots in this subdivision are historically small. The applicant has even consolidated two lots and is still only 0.19 acres.

Building Inspector

Interest Unaffected.

GIS Department

No concerns.

Tomslake Fire Department

No concerns.

BC Hydro

BC Hydro has no objection in principle to the proposed garage as BC Hydro's work does 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

Ministry of Transportation and Infrastructure

A structure setback permit is required. See attached letter.

ALTERNATIVE OPTIONS:

That the Regional Board respectfully refuse the issuance of Development Variance Permit No. 23-006, to allow a reduction in the western parcel line setback from 5.0m to 4.27m, and an increase to the maximum permitted accessory building floor area, from 100 m² to 100.27m² for the property identified as PID 031-982-255.

1. 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):

Public notifications were mailed to the public on November 21, 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.

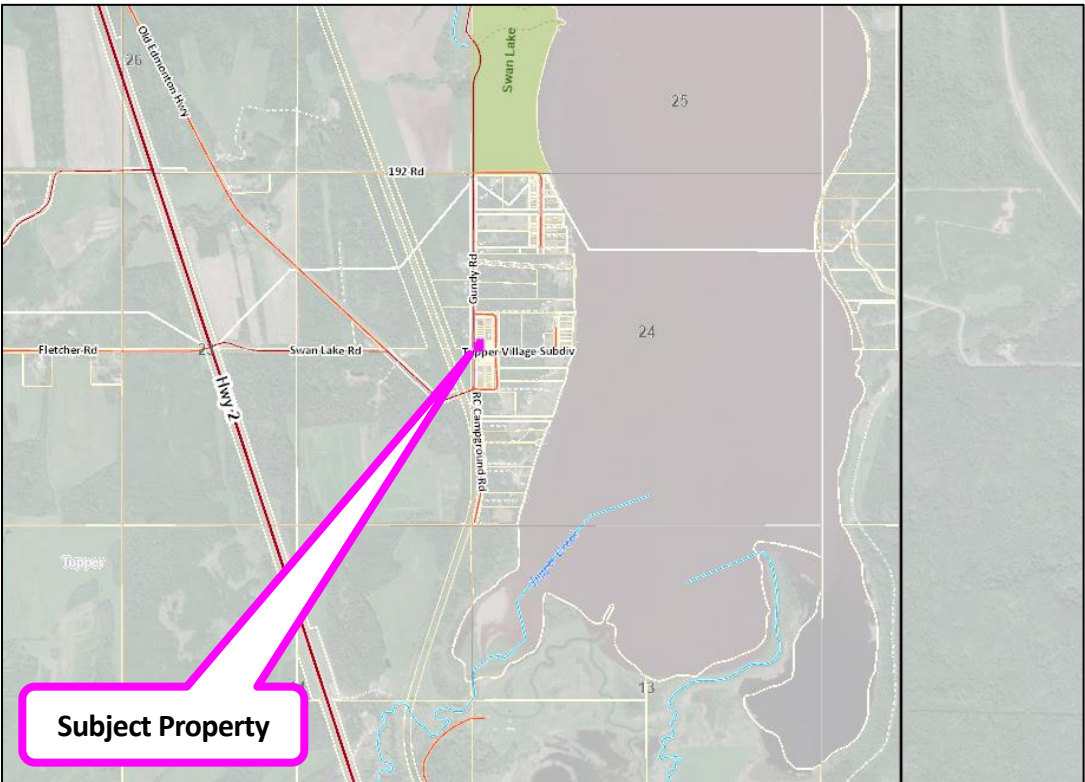
Attachments:

1. Maps, PRRD File No. 23-006 DVP
2. Application, PRRD File No. 23-006 DVP
3. Comments Received from Municipalities and Provincial Agencies, PRRD File No. 23-006 DVP

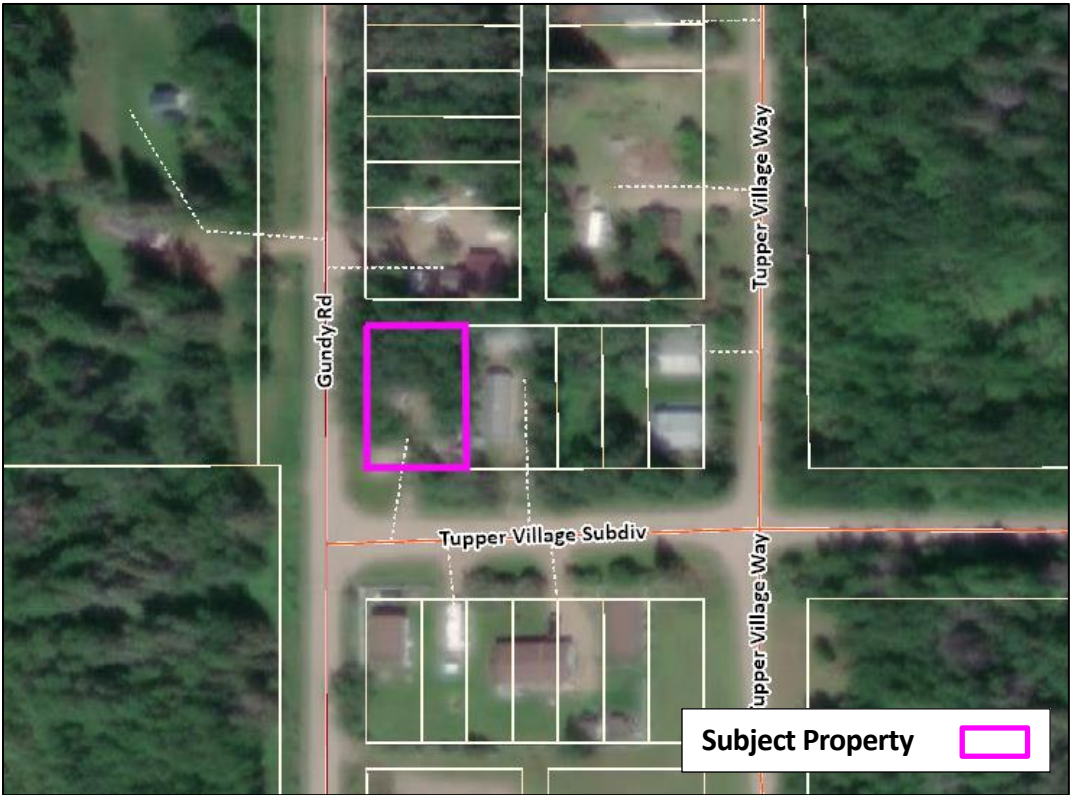
External Links:

1. [Development Variance Permit No. 23-003 DS-BRD-330](#)
(August 17, 2023, Regional Board Meeting Agenda, Item 8.12)

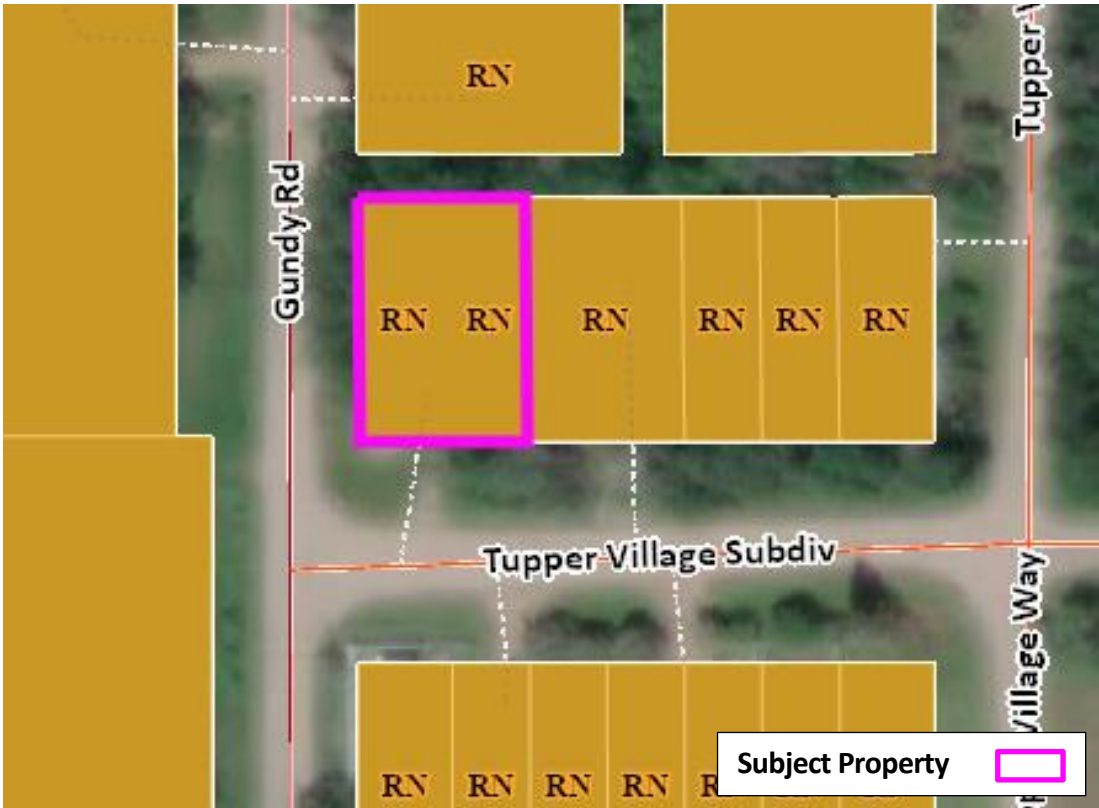
Location: Swan Lake Area



Aerial imagery



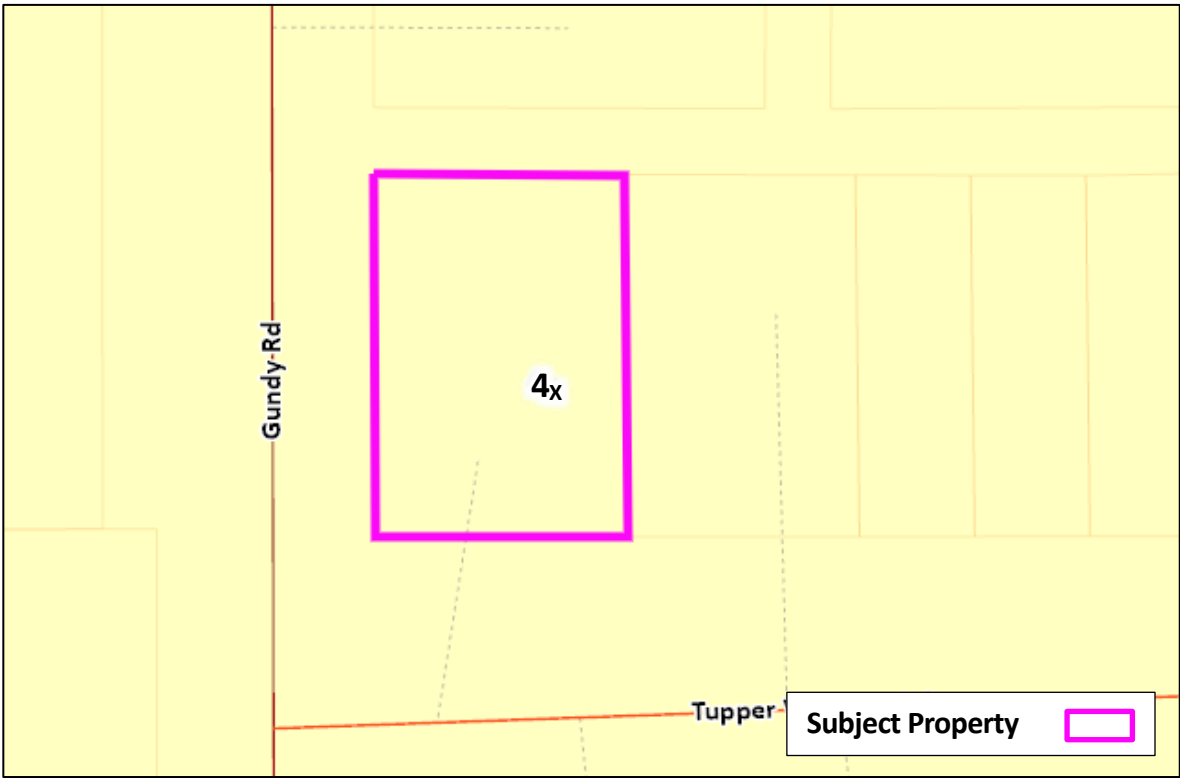
PRRD South Peace Fringe Area Official Community Plan Bylaw No. 2048, 2012: Rural Neighbourhood (RN)



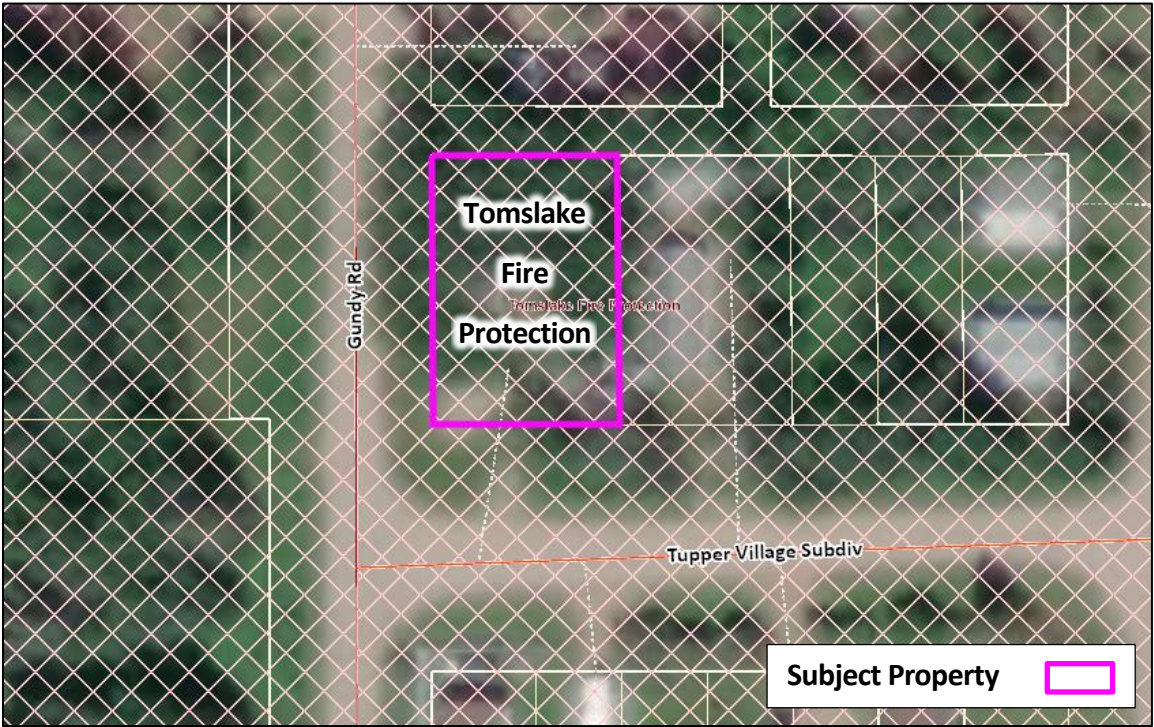
PRRD Zoning Bylaw No. 1343, 2001: Residential 4 Zone (R-4)



CLI Soil Classification: 4_x



Tomslake Fire Protection Area: Within



Mandatory Building Permit Area: Within



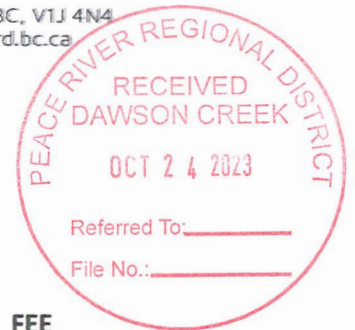


PEACE RIVER REGIONAL DISTRICT

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*
- ☐ Zoning Bylaw Amendment* #
- ☐ Official Community Plan / Zoning Bylaw Amendment combined* #
- ☐ Temporary Use Permit*
- ☐ Temporary Use Permit Renewal
- ☐ Development Permit #
- ☒ Development Variance Permit

FEE

\$ 1,150.00

\$ 800.00

\$ 1,200.00

\$ 500.00

\$ 350.00

\$ 165.00

\$ 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 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 D, Block 2, Plan PGP5689, Part W1/2, Section 24, Twp. 26-PRLD	.2 ha./acres
	ha./acres
	ha./acres
	TOTAL AREA .2 acres ha./acres

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

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 1080 sqft. 4 sq ft over!

2. Setback on west boundary from 17 feet to 14 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 the principal residence is on property. The request will be for a permit of a new build, a garage for storage purposes

The garage will be a shell, non insulated or heated. "Cold storage".

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

(a) North There is a fire lane on the north side of the property.

(b) East Residential

(c) South This a roadway, " Tupper Village Subdivision"

(d) West This is the "Gundy Roadway"

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

This will be a new build. A garage for storage purposes. This will not be heated or insulated. A cold storage building.

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

Attached.

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

No sewage disposal is required for this new build.

The existing sewage disposal for the residence is a pump out septic system.

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

The water supply for the principal residence is a 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.

Sig 

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:

GUNDY ROAD

LANE WAY

PROPERTY LINE

LOT WIDTH 77.5'

17'

SET BACK LINE

MATURE TREES

17'

10'

LOT DEPTH 110'

27'

PROPOSED
GARAGE

40'

14'

PRINCIPLE
RESIDENCE

DRIVEWAY



WATER
SHED
8X6

23'

STREET: TUPPER VILLAGE WAY

#9. Additional comments in support of this application.

This is my second request for a development variance permit on this property. The first application was discussed by council on August 17, 2023. At that time the request was defeated. From what I could gather there was concern about both the size of the build and the request of adjustment of the property west setback line. Hopefully this application will address both those concerns.

Firstly the size.

The proposed garage will be downsized from 30 by 40 feet to 27 by 40 feet. The new build then is 1080 sq. ft.

Just 4 sq. ft. over the allowed 1076 sq. ft.

Secondly, the west property set back line.

The west side of the property is bordered by the Gundy roadway. The request to use 3 feet of setback will not affect the line of sight of the intersection of "Tupper Village way" and the "Gundy Road". Presently there are mature trees on the proposed build site, and they do not obstruct the view of the noted intersection.

The location of the new build on the lot was chosen for a number of reasons.

1. I wished to maintain enough distance between the principal residence and the new build to allow me to enter the rear of the property with a vehicle to provide maintenance of the property. Entry to the property rear is not possible from another direction, without trespass, or due to mature trees blocking the route.
2. I wished to maintain enough distance between the principal residence and the new build to allow for adequate snow removal.
3. To the north of the proposed build is mature trees. I did not wish to remove the vegetation as it provides great cover for, privacy, sound barrier, outdoor activities ie: bbq, pit fire ect.
4. The new build would provide a noise barrier between the Gundy road and my principal residence.
5. After consultation with the neighbours to the north and east they were in agreement that the proposed site would be of no concern to them.

This build may seem large for a garage. But please consider the size of today's equipment. Vehicles (pickup) are larger. A pontoon boat is larger/taller, than a conventional boat. A side by side ATV requires more space than a normal quad ATV.

I can confirm S/Sgt Hughes comments made to counsel August 17th, with respect to crime prevention, as in my policing career it was evident, that if prime items to steal were out of sight they were out of mind.

Thank you for your consideration.

Robert Finley



CONTAMINATED SITE DECLARATION FORM

I, Robert FINLEY, hereby acknowledge that the
Environmental Management Act, 2003, as amended, is effective as of February 1, 2021.

Legal Description(s):

26 Lot D, Block 2, Plan PG P5689, Part w 1/2,
Section 24, Twp. 26 - PRRD

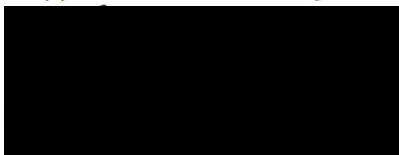
Please check only one:

☒ 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.



23 / 10 / 2023
dd mm yyyy

Owner/Agent

 / /
dd mm yyyy

For more information, please visit the ministry's Identification of Contaminated Sites webpage or e-mail SiteID@gov.bc.ca



Ministry of
Transportation
and Infrastructure

Our file: 2023-05149
Your file: 23-006DVP
Date: November 23, 2023

Peace River Regional District
PO Box 810
1981 Alaska Avenue
Dawson Creek, BC
V1G 4H8

Attn: Joshua Raposo, Planner 1

The Ministry of Transportation and Infrastructure (MoTI) has received and reviewed your referral of October 31, 2023 for a Development Variance Permit for subject lots located at PID: 031982255 PARCEL D (BEING A CONSOLIDATION OF LOTS 1 AND 2) BLOCK 2 SECTION 24 TOWNSHIP 26 PEACE RIVER DISTRICT. Section 505 of the Local Government Act does not apply and will not require MoTI formal approval however, MoTI has the following condition that must be met prior to formal approval of the Development Variance Permit:

1. Buildings or structures adjacent to a highway or lane must be set back from the property line, a minimum of 4.5 meters. If buildings or structures are proposed within the 4.5 meter set back from Gundy Road, the landowner is required to obtain a set back permit from MoTI. The owner is to apply online for a "Structure: Setback" permit to MoTI here: [Highway Use Permits - Province of British Columbia \(gov.bc.ca\)](https://www2.gov.bc.ca/gov/content/transport/infrastructure/highways/permits/structure-setback)

Thank you for the opportunity to comment. If you or the applicant have any questions, I encourage you to contact DevApps.FSJ@gov.bc.ca or 250-787-3237

Sincerely,

Peace District Development Services