



REPORT

To: Chair and Directors

Report Number: DS-BRD-366

From: Ashley Murphey, GM of Development Services

Date: January 11, 2024

Subject: Development Variance Permit No. 23-007

RECOMMENDATION: [Corporate Unweighted]

That the Regional Board authorize the issuance of Development Variance Permit No. 23-007, to vary the front parcel line setbacks within PRRD Zoning Bylaw No. 1343, 2001, for the property identified as PID: 014-889-161, as follows:

- From 7.0 m to 0 m for the existing cabin; and
- From 7.0 m to 5.2 m for the existing hay shed

to bring the subject property into compliance with zoning.

BACKGROUND/RATIONALE:

Proposal

The applicant is seeking a Development Variance Permit to bring an existing cabin and hay shed into compliance with zoning as they are within the front parcel line setback.

Rationale

Support for this proposal is being recommended to formally recognize these structures on title and prevent any concerns or confusion regarding zoning conformance in the future. The structures are existing, and no complaints have been received in regard to their current location.

File Details

Owner: Robert Gardner and Cheryle Gardner
Agent: Jamie Hucker
Area: Electoral Area C
Location: Charlie Lake
Legal: The North West 1/4 Of Section 33 Township 83 Range 19 West Of The 6th Meridian
Peace River District, Except Plan PGP39293
PID: 014-889-161
Civic Address: 12665 242 Road and 12659 242 Road
Lot Size: 61.26 ha (151.37 ac)

Site Context

The subject property is approximately 3 km west of the City of Fort St. John and approximately 4 km west of Highway 97 North. The immediate surrounding parcels of the subject property are all zoned A-2 and within the ALR.

Official Community Plan (OCP)

Pursuant to the North Peace Fringe Area Official Community Plan Bylaw No. 2460, 2021, the subject property is designated Agriculture (AG). Land within this designation should be used primarily for Agriculture and uses compatible and complementary to agriculture. 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 Large Agricultural Holdings (A-2). Land within this zone may be used for Agriculture, Mining, including gravel extraction and processing, Dwelling Units, and Accessory buildings. The minimum parcel size is 63 ha (155 ac). Therefore, the current use is consistent with the zoning bylaw.

The applicant has stated that the cabin is believed to be nearly 100 years old, however they were unable to provide proof of construction prior to any zoning bylaw being in force. Notes in the building file dated September 17, 1997, indicate that the PRRD was aware of the hay shed being located in the setback, however no action was taken at that time. Therefore, this variance is required in order to bring the structures into compliance with zoning and prevent any further confusion regarding existing non-conforming status.

Impact Analysis**Context**

The proposal is consistent with the surrounding land uses.

Population & Traffic

No increase in population or change in traffic is anticipated with the proposal.

Sewage & Water

There is no sewer or water that services the subject structures, and no change in sewer or water services is proposed.

Site Features**Land**

A large portion of the property is cleared, with treed areas on the western and northern side of the subject property.

Structures

In addition to the subject buildings, there are 6 utility sheds, 1 storage shed, 1 shed, 1 water tank, 2 horse shelters, 1 stable, remains of the log cabin, abandoned compressor building, two shops, and two residential dwelling units. Please see the site plan for details.

Access

The property is accessed from 242 Road.

Canada Land Inventory Soil Rating

According to the Canada Land Inventory, soils on the subject property are classified as 3T2C. Class 3 soils have soils in this class have moderately severe limitations that restrict the range of crops or require special conservation practices. Subclass T denotes Topography. Class 2 soils have moderate limitations that restrict the range of crops or require moderate conservation practices. Subclass C denotes adverse climate.

Comments & Considerations**Applicant**

The applicant has stated that they are requesting a DVP to prevent having to move the "Historical Cabin", used for storage, which would be challenging.

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.

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 Agencies**PRRD GIS**

No concerns.

Charlie Lake Fire Department

No concerns.

PRRD Bylaw Enforcement

It is likely this 'historical building' was situated in its current location prior to the adoption of the PRRD's first zoning bylaw and could have Existing Non-Conforming Status.

Agricultural Land Commission

If the buildings are used for farm uses, the ALC does not have any further comments.

BCER

No concerns.

Ministry of Agriculture

PRRD should confirm with the ALC if an application to allow the cabin is required. See attached letter.

Ministry of Transportation

A setback permit is required. See attached letter.

ALTERNATIVE OPTIONS:

1. That the Regional Board respectfully refuse to issue Development Variance Permit No. 23-007, to vary the front parcel line setbacks within PRRD Zoning Bylaw No. 1343, 2001, for the property identified as PID: 014-889-161, as follows:

- From 7.0 m to 0 m for the existing cabin; and
- From 7.0 m to 5.2 m for the existing hay shed

as the proposal is not consistent with zoning.

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.

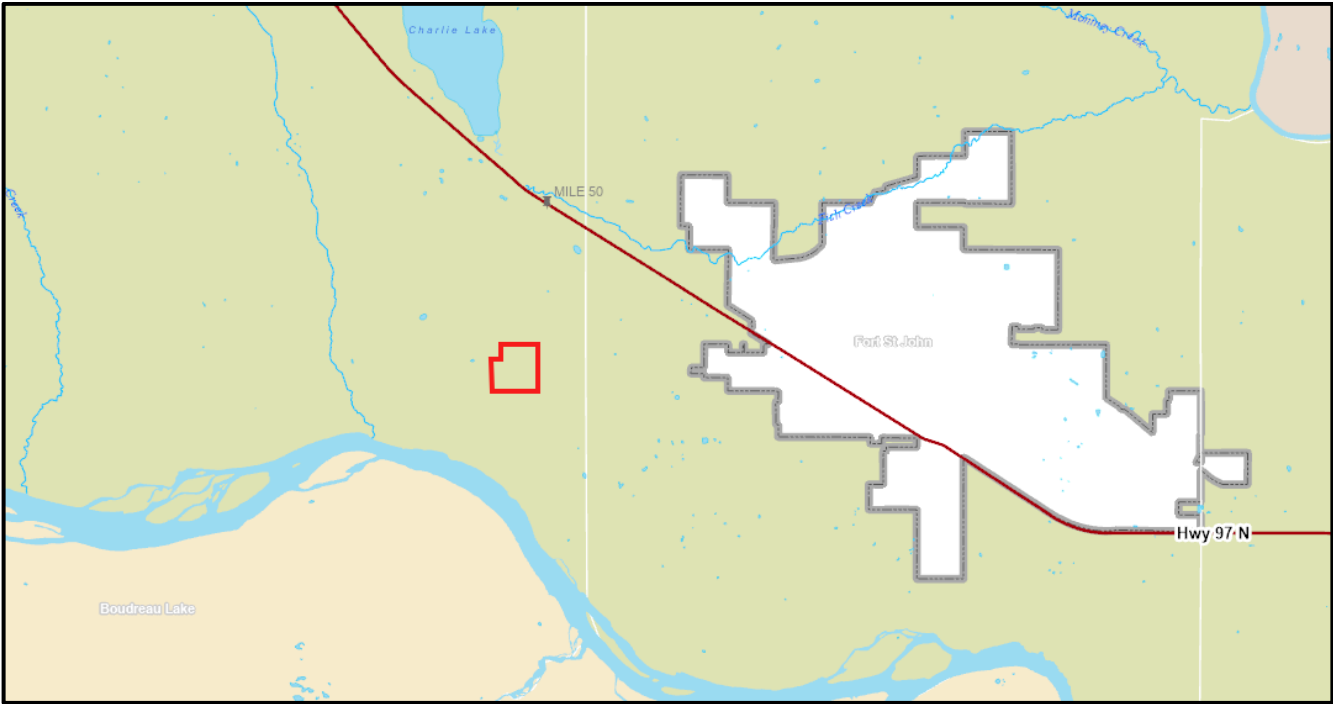
OTHER CONSIDERATION(S):

None at this time.

Attachments:

1. Application Package, PRRD File No. DVP 23-007
2. Maps, PRRD File No. DVP 23-007
3. Comments Received from Municipalities & Provincial Agencies, PRRD File No. DVP 23-007

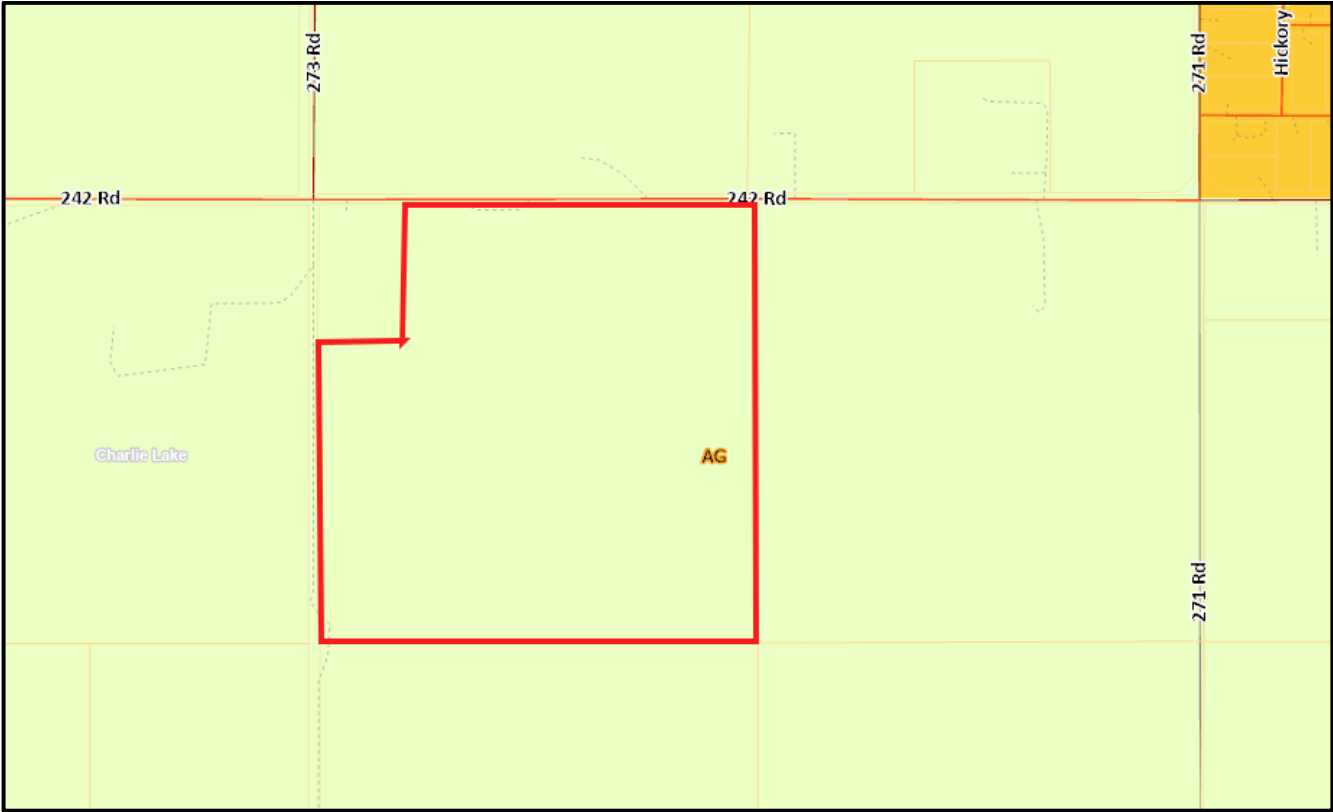
Location: Charlie Lake rural area



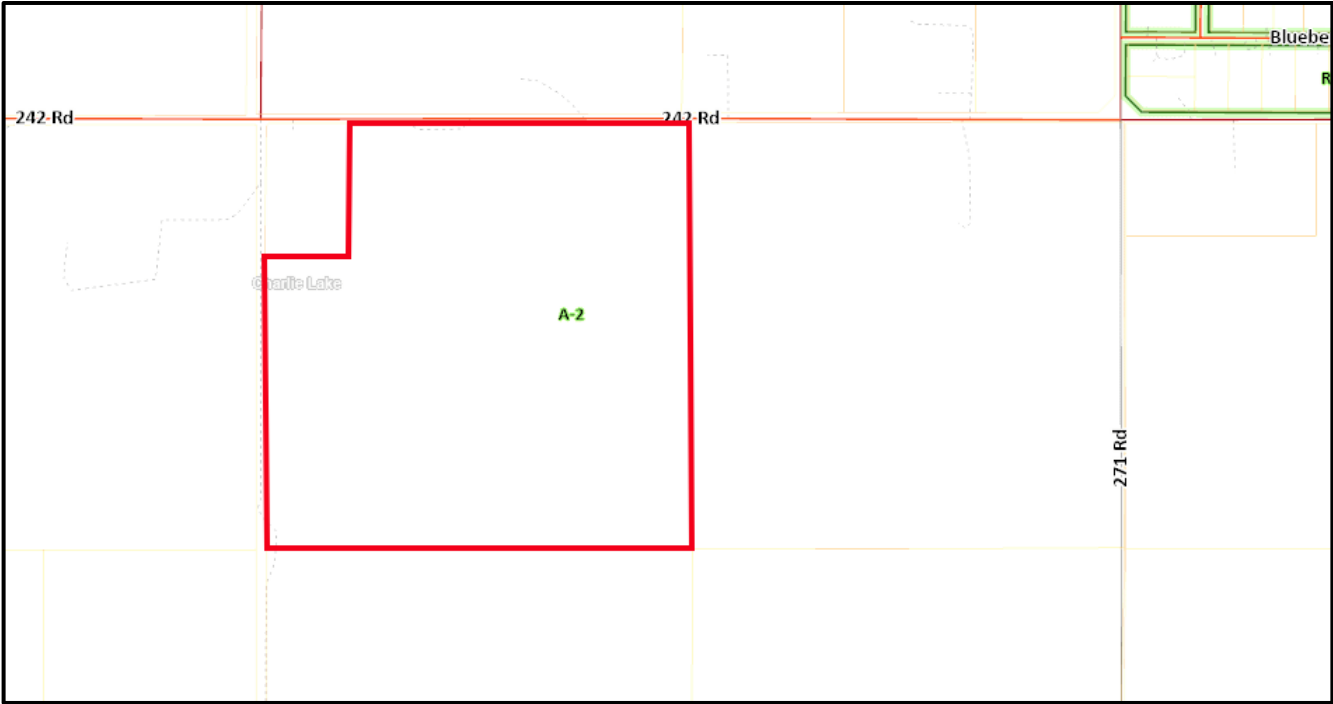
Aerial imagery



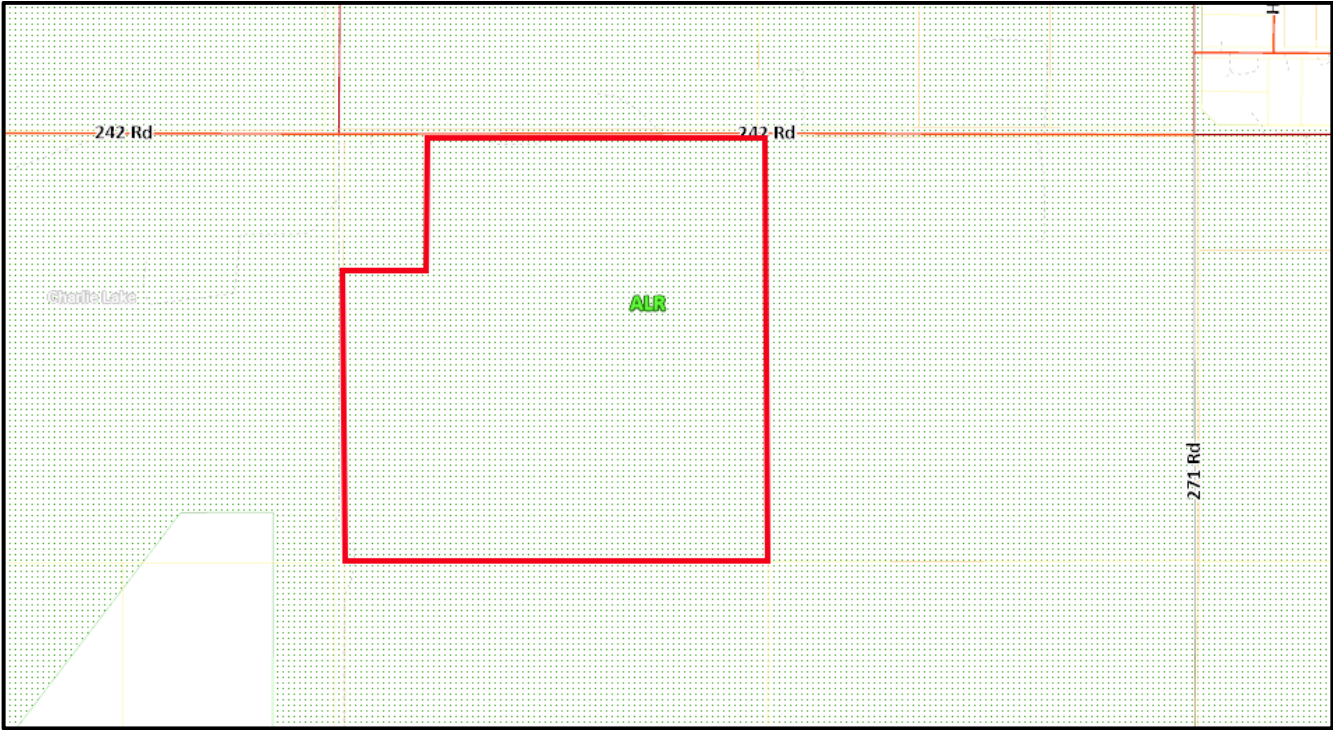
PRRD North Peace Fringe Area Official Community Plan Bylaw No. 2460, 2011: Agriculture



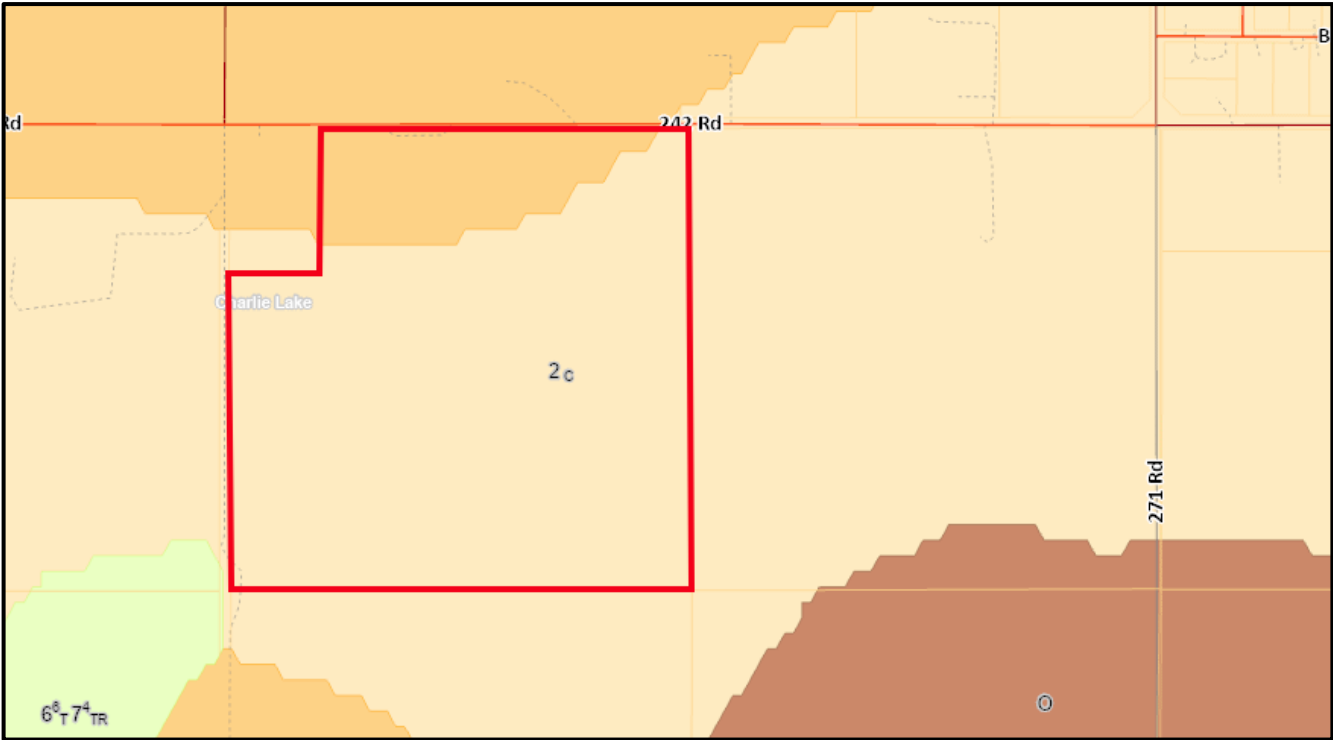
PRRD Zoning Bylaw No. 1343, 2001: Large Agricultural Holdings Zone (A-2)



Agricultural Land Reserve: Within



CLI Soil Classification: 3_T2_C





For Office Use:

Receipt # _____

Date Received _____

File No. _____

Sign Issued: Yes ☐ No ☐ N/A ☐

Application for Development

1. TYPE OF APPLICATION

	FEE
☐ Official Community Plan Bylaw Amendment*	\$ 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 + Cheryle Gardner	Authorized Agent of Owner (if applicable) JAMIE HUCKER
Address of Owner [REDACTED]	Address of Agent [REDACTED]
City/Town/Village: [REDACTED]	City/Town/Village: [REDACTED]
Postal Code: [REDACTED]	Postal Code: [REDACTED]
Telephone Number: [REDACTED]	Telephone Number: [REDACTED]
E-mail: [REDACTED]	E-mail: [REDACTED]

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
83 Part NW 1/4 Section 33 Township	ha./acres
83 Range 19 Meridian W6	ha./acres
PID 014-889-161	ha./acres
	TOTAL AREA ha./acres

4. Civic Address or location of property: 12665 242 Rd Charlie Lake BC
VOC IHO

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:

Existing Building in question ~~not in~~ is built within
current set back, applying for variance.

☐ Temporary Use Permit – describe proposed use:

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

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

100 yr old building used for storage

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

(a) North Agricultural land
(b) East Agricultural land
(c) South Agricultural land
(d) West Agricultural land

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

Asking for a variance so it does not
need to be moved

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:

Building does not have sewer

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

Building does not have water

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

Oct 31 / 23

Date signed

★ [Redacted Signature]

Signature of Owner

Oct 31 / 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 <u>Robert Gardner</u> (name of landowner)	and <u>Cheryle Gardner</u> (name of landowner)	hereby authorize
<u>Jamie Hucker</u> (name of agent)	to act on my/our behalf regarding this application.	
★ Signature of Ow [Redacted]	Date:	<u>Oct 31 / 23</u>
★ Signature of Ow [Redacted]	Date:	<u>Oct 31 / 23</u>



December 14, 2023

Local government file: 23-007 DVP

Ellen Watters

Planner I

Peace River Regional District (PRRD)

VIA EMAIL: planning@prrd.bc.ca

Re: Development Variance Permit (DVP) (cabin and storage building setbacks) – (PID: 014-889-161)

Dear Erin,

Thank you for providing Ministry of Agriculture and Food (Ministry) staff with the opportunity to comment on the subject parcel's DVP to keep a historical cabin and hay storage building within the existing 7-metre front parcel line setback area on a 61.26-hectare parcel in the Agricultural Land Reserve west of Fort St. John. Ministry staff offer the following comments:

- Ministry staff are unclear if the historical cabin is for residential use. Regional District staff may want to confirm with the Agricultural Land Commission if a non-adhering residential use application is required given the identified existing primary residence and additional residence (mobile home) on the parcel, if not done so already.

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

Sincerely,

Gregory Bartle, Land Use Planner
B.C. 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

Email copy: Agricultural Land Commission, ALC.Referrals@gov.bc.ca



Ministry of
Transportation
and Infrastructure

Our file: 2023-05660
Your file: 23-007 – Development Variance
Permit
Date: December 15, 2023

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

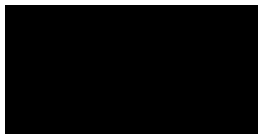
Attention: Ellen Watters, Planner I

The Ministry of Transportation and Infrastructure (MoTI) has received and reviewed your referral of December 1, 2023, for a Development Variance Permit for subject lot located at PID: 014-889-161, THE NORTHWEST 1/4 OF SECTION 33 TOWNSHIP 83 RANGE 19 WEST OF THE 6TH MERIDIAN 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 242 Road and subject lot PID: 014-889-161, 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)

Thank you for the opportunity to comment. If you or the proponent has any questions, please contact me at (250) 795-3139.

Sincerely,



Pearl Canaday, Development Services Officer