

To: CAO for the Electoral Area Services Committee

Date: 2019-04-09

From: Andrea Antifaeff, Planner 1

File No: 3090-20-2019-06

Subject: Application for Development Variance Permit 2019-06 to reduce the side setback to permit the reconstruction/addition to an agricultural building at 11180 Popkum Road North, Electoral Area D

RECOMMENDATION

THAT the Fraser Valley Regional District Board issue Development Variance Permit 2019-06 to reduce the side setback from 7.62 metres (25 feet) to 0 metres (0 feet), to facilitate the reconstruction/addition to an agricultural building at 11180 Popkum Road North, Area "D", subject to consideration of any comments or concerns raised by the public;

AND THAT the Fraser Valley Regional District Board authorize its signatories to execute all legal instruments associated with this application, including a Section 219 restrictive covenant tying the sale of either of the two properties to the other to address existing and new construction built across the side lot line and to restrict the use of the building to agricultural storage.

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

Foster a Strong & Diverse Economy

BACKGROUND

The owners of the property have made an application for a Development Variance Permit (DVP) in order to reduce the side setback for an agricultural building as outlined in *Zoning By-law for Electoral Area "D", 1976 of the Regional District of Fraser-Cheam*.

PROPERTY DETAILS	
Electoral Area	D
Address	11180 Popkum Road North
PID	030-039-371
Folio	733.06473.200
Lot Size	34.02 acres

Owner	Klyn, Martin & Niessa	Agent:	Texo Pacific Construction (Pieter Kerkhoff)
Current Zoning	Rural Agriculture (R-Ag); Park Reserve (P2)	Proposed Zoning:	No change
Current OCP	Agricultural Large Holding (AG-L)	Proposed OCP:	No change
Current Use	Agriculture	Proposed Use:	Agriculture
Development Permit Areas:	DPA 6-D- Riparian Areas		
Agricultural Land Reserve	Yes –portion where agricultural building is located		

ADJACENT ZONING & LAND USES

Noi	^	Park Reserve (P-2), Forest & Fraser River
Eas	>	Rural Agriculture (R-Ag); Park Reserve (P-2) Farm
We	<	Park Reserve (P-2), Forest
Sol	v	Rural Agriculture (R-Ag), Farm

NEIGHBOURHOOD MAP



PROPERTY MAP



DISCUSSION

The owners of the property have made an application to reconstruct and add an addition to an agricultural building at 11180 Popkum Road North. The portion of the property where the agricultural building is sited is within the Agricultural Land Reserve. The property at 11180 Popkum Road North has a landlocked parcel within it (PID 024-762-091). The landlocked parcel was discovered during a survey several years ago by the previous owners. The survey also revealed that the existing barn (now being reconstructed), predated building permit requirements and was constructed over the property line. The majority of the agricultural building renovation is to the existing structure with the addition of thirteen posts on the eastern side to support a new roof and overhang.

Bylaw Enforcement

During a site inspection on February 20, 2018 FVRD building and bylaw staff confirmed that there had been a significant amount of unauthorized construction works for a large agricultural building at 11180 Popkum Road North. Stop Work and No Occupancy Notices were posted on the structure. A building permit was submitted on March 15, 2018 and FVRD staff have been working with the applicant to address issues with the agricultural building.



Variance Requested – DVP 2019-06

Side Setback Variance

The owners are seeking a 7.62 metre (25 foot) relaxation to the required side lot line setback, reducing the setback requirement from 7.62 metres (25 feet) to 0 metres (0 feet).

Application Rationale

The applicant advises that the reasons in support of the variance are: 1. that the existing barn is already constructed across parcel boundaries; and, 2. the parcels are now owned by the same owner.

Covenant Tying Two Lots Together & Restricting Use of Building

The side lot line for 11180 Popkum Road North is shared with PID 024-762-091, which is also owned by the applicant. The site plan shows that the existing agricultural building was already crossing the property line and that the addition of thirteen posts on the eastern side which will support a new roof and overhang will cause the building to be further onto the adjacent parcel (PID 024-762-091). To address this issue, the property owners have offered to register a covenant in favour of the Regional District which states that the properties will be treated as a single parcel for as long as the structure that crosses the property boundary exists and that the property owner cannot sell, agree to sell, transfer or otherwise dispose of either of the parcels individually.

The proposed variance does not have any adverse building permit implications, as the two lots of 11180 Popkum Road North and PID 024-762-091 will be tied together as one parcel.

The owners have also offered for the covenant to state that the use of the building will be restricted to agricultural storage (no livestock or farm animals). The use must accord with both FVRD Zoning Bylaw No. 75 and Agricultural Land Commission regulations; and provide a mechanism to recover all costs associated with any enforcement activities related to non-permitted use of the building.

Neighbourhood Notification and Input

All property owners within 30 metres of the property will be notified by the FVRD of the Development Variance Permit application and be given the opportunity to provide written comments or attend the Board meeting to state their comments. FVRD staff encourage the applicant to advise neighbouring property owners and residents of the requested variance in advance of the mail-out notification. To date no letters of support or objection have been submitted.

COST

The application fee of \$350.00 has been paid by the applicant.

CONCLUSION

The property owners have applied for a DVP to reduce the side setback for an agricultural building. Staff recommend that the FVRD Board issue the permit for the following reasons:

- the historical property lot lines were discovered during a survey several years ago;
- the existing building is existing non-conforming and the Development Variance Permit is required to acknowledge the property lines to address the construction that commenced without a building permit; and,
- the variance is not anticipated to negatively affect the surrounding properties as the property that the building crosses over is now owned by the same owner.

OPTIONS

Option 1 – Issue (Staff Recommendation)

Staff recommend that the FVRD Board issue Development Variance Permit 2019-06 for the property located at 11180 Popkum Road North, Electoral Area D to reduce the side setback from 7.62 metres (25 feet) to 0 metres (0 feet), to facilitate the reconstruction/addition to an agricultural building, subject to consideration of any comments or concerns raised by the public.

Option 2 – Refuse

If the Board wishes to refuse the application, the following motion would be appropriate:

MOTION: THAT the Fraser Valley Regional District Board refuse Development Variance Permit 2019-06 for the property located at 11180 Popkum Road North, Electoral Area D.

Option 3 – Refer to Staff

If the Board wishes to refer the application back to staff to address outstanding issues, the following motion would be appropriate:

MOTION: THAT the Fraser Valley Regional District Board refer the application for Development Variance Permit 2019-06 for the property located at 11180 Popkum Road North, Electoral Area D to FVRD staff.

COMMENTS BY:

Graham Daneluz, Deputy Director of Planning & Development: Reviewed and supported.

Margaret Thornton, Director of Planning & Development: Reviewed and supported.

Mike Veenbaas, Director of Financial Services: No further financial comment.

Paul Gipps, Chief Administrative Officer: Reviewed and supported

Appendix A

Site Plan

