

To: Electoral Area Services Committee

Date: 2020-04-16

From: Julie Mundy, Planner 1

File No: 3090-20 2020-04

Subject: Development Variance Permit to reduce the interior lot line setback for agricultural buildings at 9518 and 9466 Catherwood Road, Electoral Area

RECOMMENDATION

THAT the Fraser Valley Regional District Board issue Development Variance Permit 2020-04 for 9518 and 9466 Catherwood Road, Electoral Area G, to reduce the interior side lot line setback from 30.0 metres to 0.0 metres, for agricultural buildings, subject to consideration of any comments or concerns raised by the public.

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

Foster a Strong & Diverse Economy

BACKGROUND

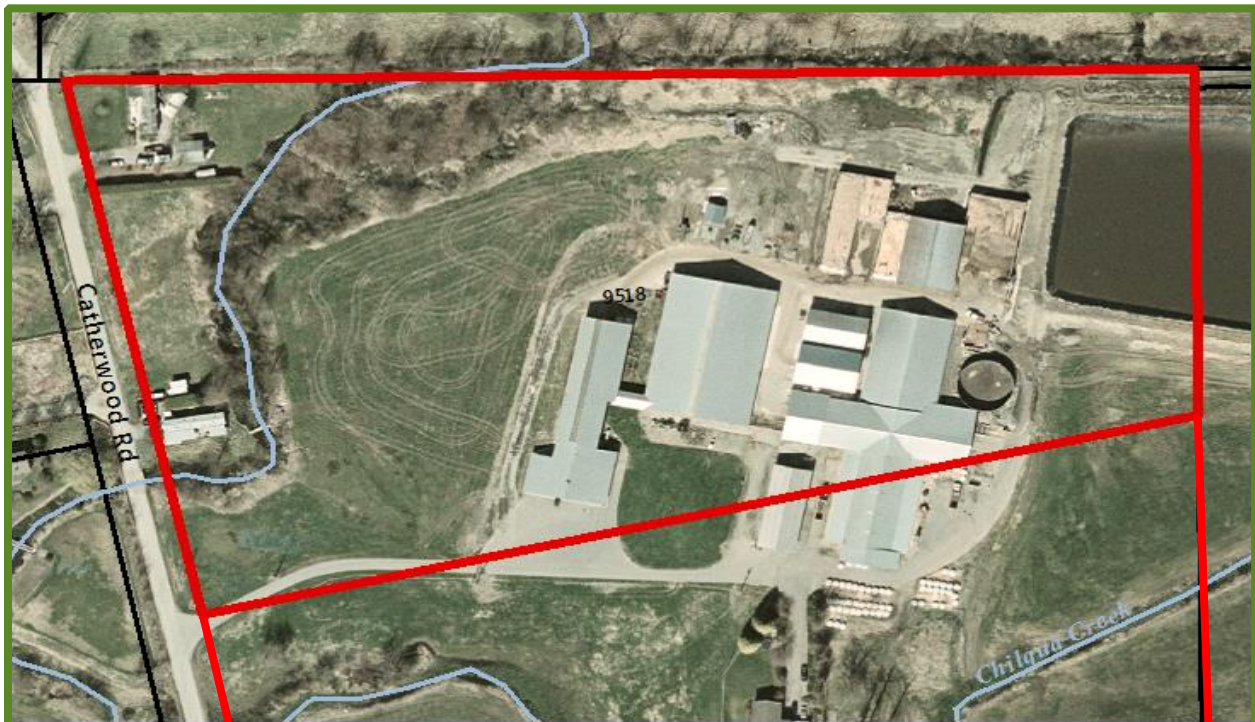
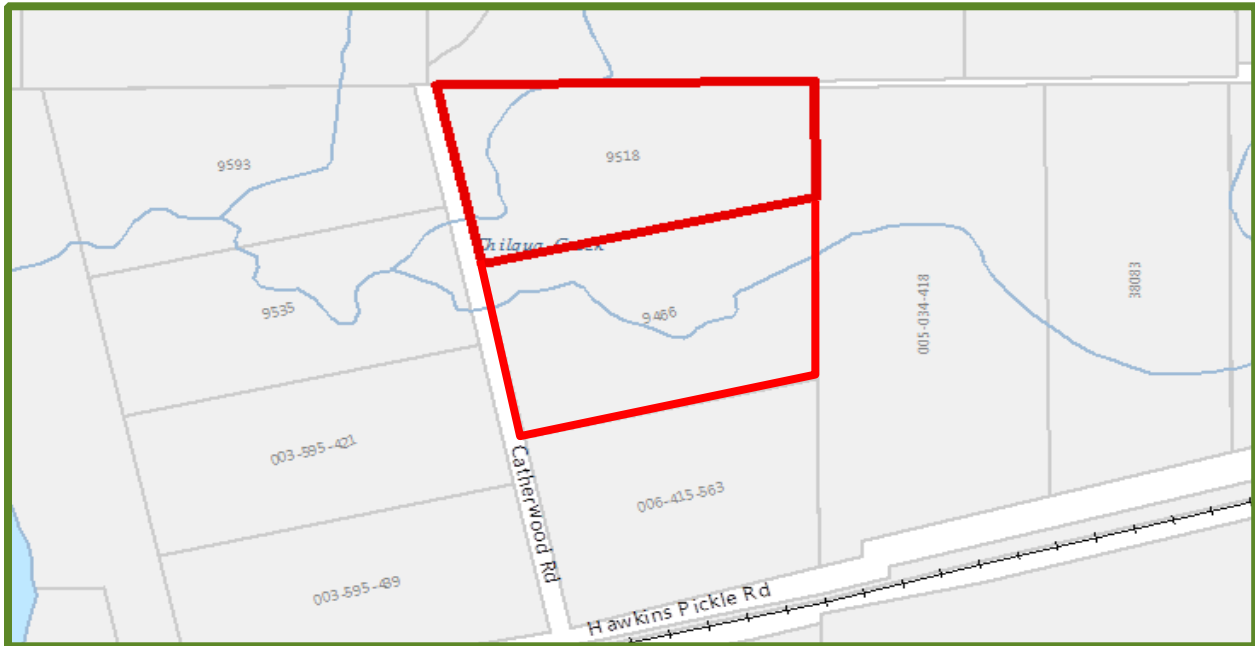
The property owner has applied for a Development Variance Permit (DVP) to reduce the interior lot line setback for a cattle barn as outlined in *Dewdney-Alouette Regional District Land Use and Subdivision Regulation Bylaw No. 559-1992*. The proposed barn will be constructed across the boundary of two properties which comprise part of the same dairy farm. There are existing barns on the property which cross the same shared property line. There is also a covenant registered to the property title stating 9518 and 9466 Catherwood are tied together and cannot be sold independently.

PROPERTY DETAILS			
Address	9518 Catherwood Road, Area G		
PID	006-415-571		
Folio	775.01165.000		
Lot Size	14.5 acres		
Owner	Vandeburgt Farms Ltd.	Agent	Brandon Kloot
Current Zoning	Floodplain Agriculture (A-2)	Current Use	Farm
Current OCP	Agricultural (AG)		
Hazards	Norrish Creek Alluvial Fan		
Development Permit Areas	DPA 2-G (RAR)		
Agricultural Land Reserve	Yes		

ADJACENT ZONING & LAND USES

North	^	Floodplain Agriculture (A-2), Residential / Farm
East	>	Floodplain Agriculture (A-2), Residential / Farm (owned by applicants)
West	<	Floodplain Agriculture (A-2), Residential / Farm
South	v	Floodplain Agriculture (A-2), Residential / Farm (owned by applicants)

NEIGHBOURHOOD & PROPERTY MAP



DISCUSSION

The property owners operate a dairy farm which is comprised of several adjacent properties on Nicomen Island. It is common practice in this area for farm units to be comprised of multiple properties with no apparent fence lines.

The property owners have started construction on a new cattle barn which straddles the property line of 9518 and 9466 Catherwood Road, Area G. Both properties are part of a single farm unit, and have the same property owner. The applicant has applied for Building Permit and a Development Variance Permit to locate a new barn in a manner that efficiently ties into the existing farm operation.

Previous Permits and Covenants

Covenant Tying Two Lots Together

The site plan for the property shows two barns were previously constructed across the interior side property line, resulting in the structures being located on both 9518 Catherwood and 9466 Catherwood Road. To address this issue, the property owners registered a covenant in favour of the Regional District which states the properties will be treated as a single parcel for as long as the structures that cross the property boundary exist. The covenant also states that the property owner cannot sell, transfer, or otherwise dispose of either of the parcels individually.

The covenant does not waive setback requirements for new construction, which is why a variance is required for the proposed agricultural buildings.

Variance – DVP 2018-33

In December, 2018, a variance was issued to reduce the interior side setback from 30.0 metres (98.4 feet) to 15.0 metres, clear to sky, for a cattle barn to the west of the proposed building.

Current Variance Request – DVP 2020-04

The requested variance is to reduce the interior side lot line setback from 30 metres to 0 metres for agricultural buildings on 9518 and 9466 Catherwood Drive. Appendix A shows the proposed site plan.

Application Rationale

The applicant advises the reasons in support of the variance are 1) to provide additional room for livestock, and 2) to enable the proposed buildings to be sited closely to the existing barns which will contribute to a successful farm business, and minimize the impact on farm land.

Interior Lot Line Setbacks	
Required (zoning)	30.0 metres (98.4 feet)
Proposed	0 metres (0 feet)
Requested Variance	30 metres (98.4 feet)

The applicant has indicated they plan to construct another agricultural building on the properties in the near future, but have not yet finalized their plans. In light of this, the variance request includes the creation of an area where new agricultural buildings, within the vicinity of the existing farm footprint, would not require an additional variance application to reduce setbacks from the shared property line. With this provision, all future construction must:

- Be started within 2 years of the Development Variance Permit being issued
- Have an issued building permit
- Adhere to all other FVRD zoning requirements including setbacks from a dwelling, and setbacks from the front and rear lot lines
- Adhere to any environmental setbacks, and
- Adhere to any geotechnical requirements

Reducing the interior property line setback for new agricultural buildings will reduce the need for future variances and increase efficiency for the farm business.

The proposed variance does not have any adverse Building Code implications, as the two lots of 9518 and 9466 Catherwood Road are tied together as one parcel.

Bylaw Enforcement

Several buildings have been constructed on the property without the benefit of building permits. Consequently, the property is in bylaw contravention for construction without a permit. This variance is a first step for the property owners to resolve the bylaw enforcement for one of the structures. If the variance is not granted, the partially constructed barn will have to be removed.

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 will be given the opportunity to provide written comments. FVRD staff encourage applicants 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 \$1600.00 has been paid by the applicant.

CONCLUSION

Staff recommend that the FVRD Board issue DVP 2020-04 to reduce the interior side setback for agricultural buildings for 9518 and 9466 Catherwood Road as the variance will support efficiencies on the farm. The variance is not anticipated to negatively impact surrounding properties as there is already a dairy farm on the property. Additionally, the properties to the south and east of the subject properties are owned by the same farm unit.

OPTIONS

Option 1 – Issue (Staff Recommendation)

MOTION: THAT the FVRD Board issue Development Variance Permit 2020-04 for 9518 and 9466 Catherwood Road, Electoral Area G to reduce the interior side setback from 30 metres to 0 metres, for agricultural buildings, subject to consideration of any comments or concerns raised by the public.

Option 2 – Refuse

MOTION: THAT the Fraser Valley Regional District Board refuse Development Variance Permit 2020-04 for 9518 and 9466 Catherwood Road, Electoral Area G.

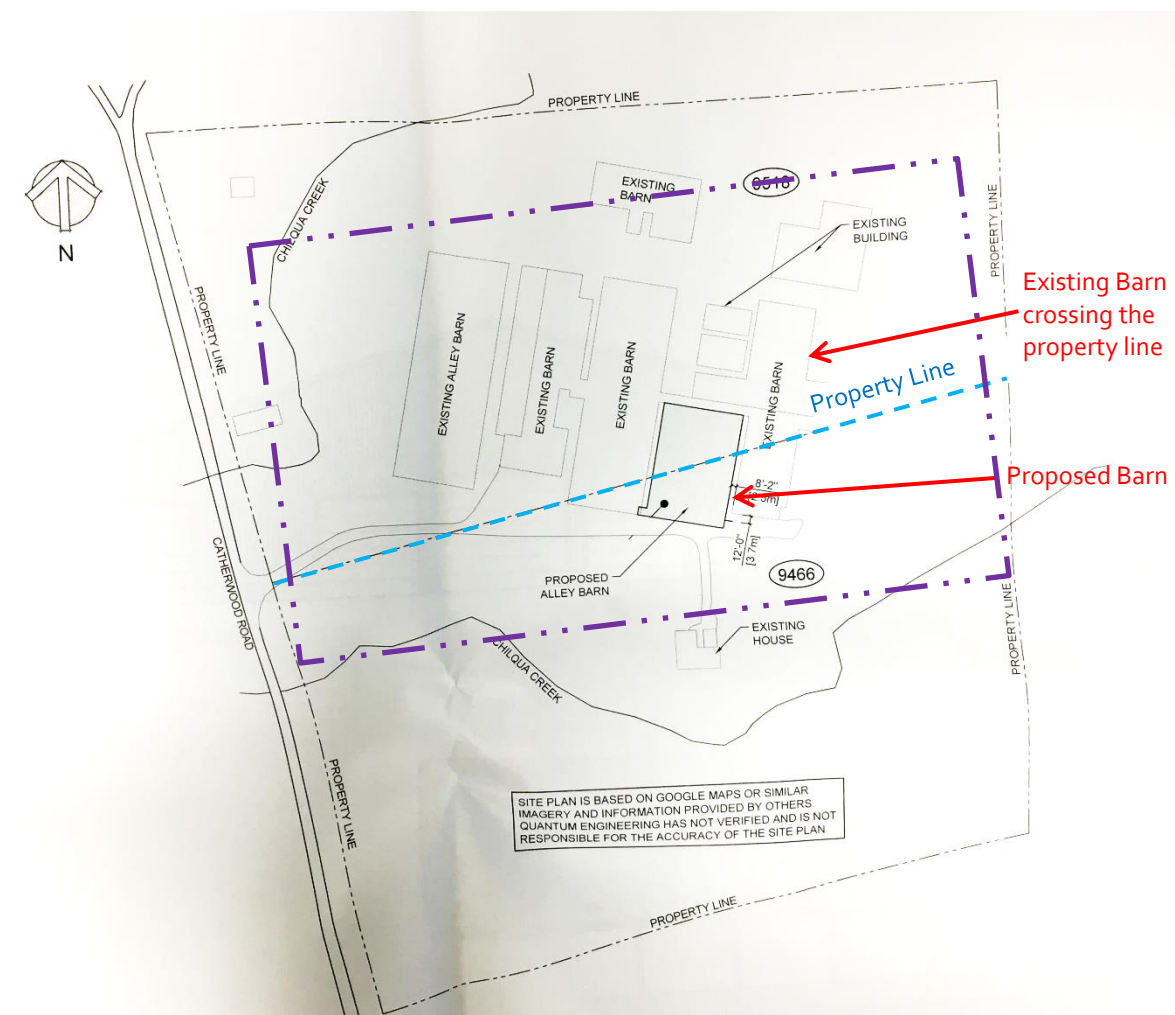
Option 3 – Refer to Staff



MOTION: THAT the Fraser Valley Regional District Board refer the application for Development Variance Permit 2020-04 for 9518 and 9466 Catherwood Road, Electoral Area G to FVRD Staff.

COMMENTS BY:

Graham Daneluz, Director of Planning & Development:	Reviewed & supported.
Kristy Hodson, Acting Director of Financial Services/Acting CFO:	Reviewed and supported.
Jennifer Kinneman, Chief Administrative Officer:	Reviewed and supported.

Appendix A: Site Plan



-  The variance applies to new agricultural buildings within the boxed area
-  Shared interior property Line