

To: Electoral Area Services Committee
 From: Gavin Luymes, Planning Technician

Date: 2020-09-09
 File No: 3090-20 2020-15

Subject: Application for Development Variance Permit 2020-15 to vary the front lot line setback for an animal shelter or part thereof at 53294 Yale Road, Electoral Area D

RECOMMENDATION

THAT the Fraser Valley Regional District Board issue Development Variance Permit 2020-15 to vary the front lot line setback for an animal shelter or part thereof from 200 feet to 120 feet clear-to-sky to facilitate construction of a dairy barn at 53294 Yale Road, Electoral Area D, subject to the consideration of any comments or concerns raised by the public.

STRATEGIC AREA(S) OF FOCUS

Foster a Strong & Diverse Economy
 Provide Responsive & Effective Public Services

BACKGROUND

The property owners have applied for a Development Variance Permit to vary the front lot line setback for an animal shelter or part thereof (dairy barn) as prescribed in *Zoning Bylaw for Electoral Area "D", 1976 of the Regional District of Fraser-Cheam*. The property owners have applied for a Building Permit (BP014904) to facilitate construction of the dairy barn.

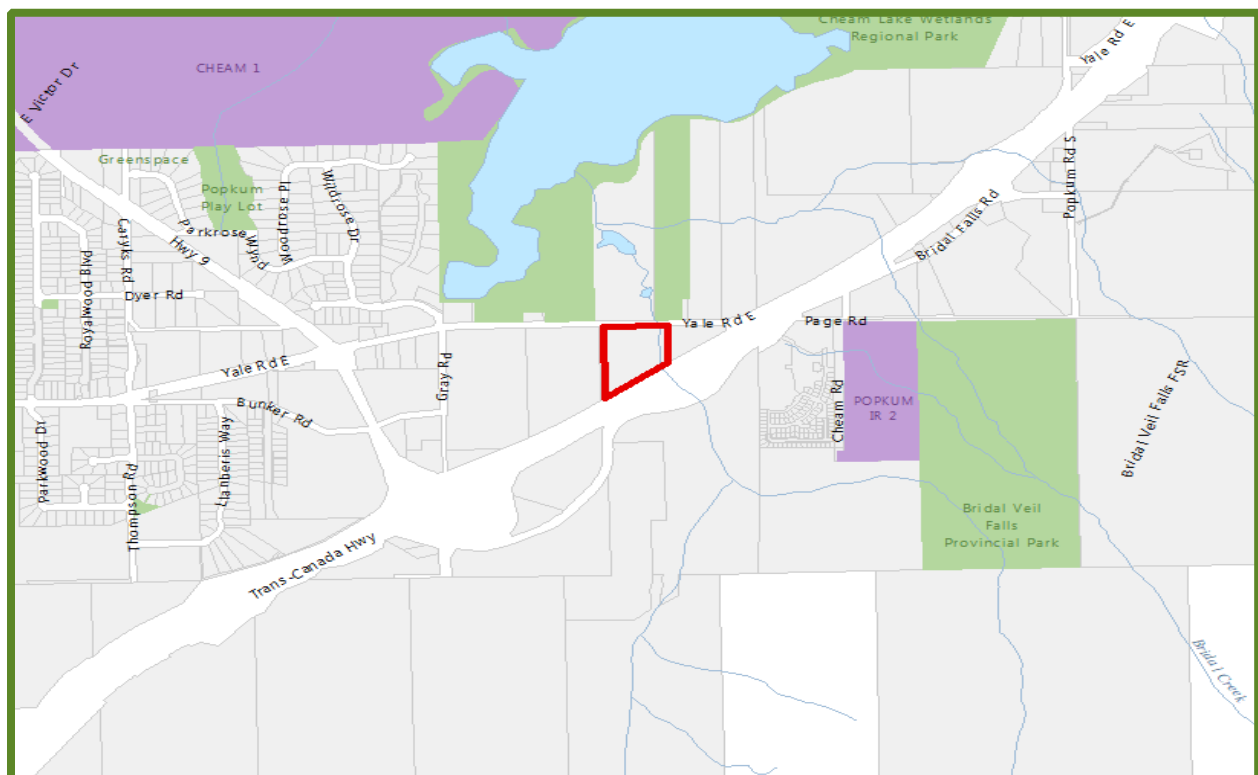
PROPERTY DETAILS			
Electoral Area	D		
Address	53294 Yale Road		
PID	008-965-820		
Folio	733.06430.100		
Lot Size	7.21 Acres		
Owner	William & Lynn Romeyn	Agent	David Goosen
Current Zoning	Rural (R)	Proposed Zoning	No change
Current OCP	Agricultural (AG-S)	Proposed OCP	No change

Current Use	Mixed	Proposed Use	No change
Development Permit Areas	Riparian 6-D		
Agricultural Land Reserve	Yes		

ADJACENT ZONING & LAND USES

North	^	Yale Road East & Rural (R); 2 acres or more (Outbuilding)
East	>	Rural (R); 2 acres or more (Vacant)
West	<	Rural (R); Mixed
South	v	Trans-Canada Highway, & Bridal Falls Road

NEIGHBOURHOOD MAP



PROPERTY MAP



DISCUSSION

The property owners have applied to reduce the front lot line setback from 200 to 120 feet for their proposed dairy barn at 53294 Yale Road (Appendix A: Site Plan). The barn cannot be simply located elsewhere on the property due to a BC Hydro right-of-way, required setbacks from watercourses, dwelling units, and other lot lines, site topography, and concerns regarding soil stability and marshy ground at the sole alternative location where a variance would not be required. Other structures on the property meet required setbacks and the applicants advise that treed vegetation and the 120-foot setback will buffer the barn from Yale Road and the front lot line. For these reasons staff recommend the requested variance be granted.

Variance Request

The applicants have requested relaxation of the required front lot line setback from 200 to 120 feet:

Required Setback	Proposed Setback	Difference
200 feet	120 feet	80 feet

This required front lot line setback only applies to animal shelters for the housing of livestock. The required front lot line setback for other structures on the property is 25 feet under Rural (R) zoning. This would apply to other agricultural structures including the “proposed manure storage lagoon” shown on

the submitted site plan. The proposed dairy barn meets all other required setbacks for an animal shelter including 100 feet from any side or rear lot line, 200 feet from a flanking street, 100 feet from a residential use, and 100 feet from the natural boundary of a stream, lake or watercourse.

Rationale for Variance

The applicants provide the following rationale in support of their variance request:

- The property contains a BC Hydro right-of-way that limits their buildable area;
- The building envelope is constrained by required setbacks from the side and rear lot lines, residential use, and watercourses;
- The alternative location for the barn that meets all required setbacks is composed of low, swampy ground where building would be prohibitively expensive; and
- The barn will be screened from Yale Road by a 30-foot vegetated buffer in addition to the requested 120-foot setback.

Staff have considered this rationale in relation to FVRD requirements and neighbourhood impact.

The BC Hydro right-of-way limits buildable area on the property by approximately 0.75 acres but the right-of-way is entirely within the required setbacks for the proposed dairy barn. Though the right-of-way is therefore not a significant restriction for the dairy barn, this area does limit buildable area on the property for other development.

Required setbacks for the dairy barn are 100 feet from side and rear lot lines, 100 feet from a residential use, and 100 feet from the natural boundary of a stream, lake, or watercourse. Since the property is relatively small (7.2 acres) with a house in the centre and creek on the eastern portion, these setbacks significantly restrict the buildable area and present a limitation to development. Staff note that the dairy barn meets each of these other setbacks.

The sole location where the dairy barn could be built without a setback variance is on low, swampy ground that the applicants consider unsuitable and prohibitively expensive for building. Development in this location could also fail to meet the 100-foot watercourse setback under zoning and requirements of the *Fraser Valley Regional District Floodplain Management Bylaw 0681, 2005*.

The dairy barn will be screened from Yale Road and neighbouring properties by a 30-foot vegetated buffer in addition to the requested 120-foot setback. Staff consider these measures sufficient to mitigate any negative impact of the dairy barn on surrounding properties.

Agricultural Land Reserve

The subject property is within the Agricultural Land Reserve (ALR). Dairy farming is a permitted use that cannot be prohibited by local government in the ALR.

Flood Hazard

The proposed dairy barn is subject to the *Fraser Valley Regional District Floodplain Management Bylaw 0681, 2005*. The barn must be located 1.5 metres above and 15 metres from any nearby watercourse. Staff will ensure these flood protection requirements are met during the building permit process.

Neighbourhood Notification and Input

All property owners within 30 metres of the property will be notified by the FVRD of the variance application and be given the opportunity to provide written comments or attend the Board meeting to state their comments. Staff encourage the applicants to advise neighbouring property owners and residents of the requested variance in advance of the mail-out notification.

To date one letter of support and no letters of opposition have been received.

COST

The \$1,300.00 application fee has been paid by the applicants.

CONCLUSION

The requested variance is appropriate for constructing the proposed dairy barn. The building envelope for a dairy barn is limited by property size and required setbacks from lot lines, residential use, and watercourses. The only location on the subject property where the proposed dairy barn could be built without a development variance is considered unsuitable and prohibitively expensive for building. The dairy barn will maintain a 120-foot setback from Yale Road and be screened with a 30-foot vegetated buffer, mitigating the impact on surrounding properties. For these reasons staff recommend that the FVRD Board issue Development Variance Permit 2020-15 to vary the required front lot line setback for an animal shelter from 200 to 120 feet at 53294 Yale Road.

Option 1: Issue (Staff Recommendation)

Staff recommend that the Fraser Valley Regional District Board issue Development Variance Permit 2020-15 to vary the front lot line setback for an animal shelter or part thereof from 200 feet to 120 feet clear-to-sky to facilitate construction of a dairy barn at 53294 Yale Road, Electoral Area D, subject to the 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 2020-15 for the property at 53294 Yale Road, Electoral Area D.

Option 3: Refer to Staff

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

MOTION: THAT the Fraser Valley Regional District Board refer Development Variance Permit 2020-15 for the property at 53294 Yale Road, Electoral Area D to FVRD staff.

COMMENTS BY:

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

Kelly Lownsbrough, Chief Financial Officer/ Director of Finance: Reviewed and supported.

Jennifer Kinneman, Chief Administrative Officer: Reviewed and supported.

APPENDIX A: SITE PLAN

