



STAFF REPORT

To: Electoral Area Services Committee
From: Hayley Katan, Planning Technician

Date: 2025-09-04
File: 3060 2025-05

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

Reviewed by: Katelyn Hipwell, Manager of Planning
Graham Daneluz, Director of Planning & Development
Jennifer Kinneman, Chief Administrative Officer

RECOMMENDATION

THAT the Fraser Valley Regional District Board refuse Development Variance Permit 2025-05 for 9466 and 9518 Catherwood Road, Area G.

BACKGROUND

The property owner has applied for a Development Variance Permit (DVP) to reduce the interior lot line setback for a dairy barn. 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 9466 and 9518 Catherwood are tied together and cannot be sold independently.

PROPERTY DETAILS			
Address	9466 Catherwood Rd 9518 Catherwood Rd	Area	G
PID	006-415-784 006-415-571	Owner	Vandeburg Farms LTD
Folio	775.01165.000 775.01164.000	Applicants	Brandon Kloot
Lot Size	16 Acres (6.47 ha) 14.5 Acres (5.86 ha)	Agent	Brandon Kloot
Current Zoning	Agricultural 4 (Ag-4)	Proposed Zoning	No change
Current Use	Agricultural (Farm)	Proposed Use	No change
Development Permit Areas	Geologic and Stream Hazard 1-G and DPA 2-G Riparian Area		
Agricultural Land Reserve	Yes		

ADJACENT ZONING & LAND USES		
North	^	Agricultural 4 (AG-4); Farm

East	>	Agricultural 4 (AG-4); Farm
West	<	Agricultural 4 (AG-4); Farm, Rural 4 (R-4), vacant
South	v	Agricultural 4 (AG-4); Farm

NEIGHBOURHOOD MAP



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 wish to start construction on a new dairy barn which straddles the property line of 9466 and 9518 Catherwood Road, Area G. Both properties are part of a single farm unit, and have the same property owner. The applicant has applied for a 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 9466 Catherwood Road and 9518 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.

Variance – DVP 2020-04

In May 2020, a variance was issued to reduce the interior side lot line setback from 30 meters to 0 meters for agricultural buildings. This DVP required all construction to be started within 2 years of issuance, which means this DVP no longer applies to new construction. Hence, the applicant is applying for a new DVP to continue to build more structures over the interior-lot line.

Previous variances have included efforts by staff to work with the applicant toward resolving long-standing bylaw enforcement issues related to buildings constructed without a permit (see Appendix A). Despite these efforts, compliance has not been achieved.

Current Variance Request – DVP 2025-05

The requested variance is to reduce the interior side lot line setback from 30 meters to 0 meters for agricultural buildings on 9466 and 9518 Catherwood Rd. Appendix B shows the proposed site plan. However, the site plan is not a comprehensive depiction of all structures located on the property.

During a site inspection on July 31, 2025, staff noted several additional structures and altered structures on the property that have not been shown on the site plan provided as part of the DVP application and that appear to have been constructed without the benefit of an FVRD building permit.

The applicant has requested to extend the DVP timeline from two years to three years, to allow the farmer additional time to finalize plans and begin construction of other agricultural buildings without requiring another DVP. However, the Local Government Act requires that the permit have a timeline of two years, as outlined below:

Permit lapses if relevant construction not substantially started

504 (1) Subject to the terms of the permit, if the holder of a land use permit does not substantially start any construction with respect to which the permit was issued within 2 years after the date it is issued, the permit lapses.

Application Rationale

The applicant's rationale (see Appendix C) for the variance is: (1) to replace the old Dairy Barn 1 with a newer, more efficient facility to support expansion, industry growth and cow wellness; and (2) to locate the new barn near existing structures to maintain effective farm operations and minimize impacts on other areas of farmland.

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.

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 9466 and 9518 Catherwood Road are tied together as one parcel.

Bylaw Enforcement

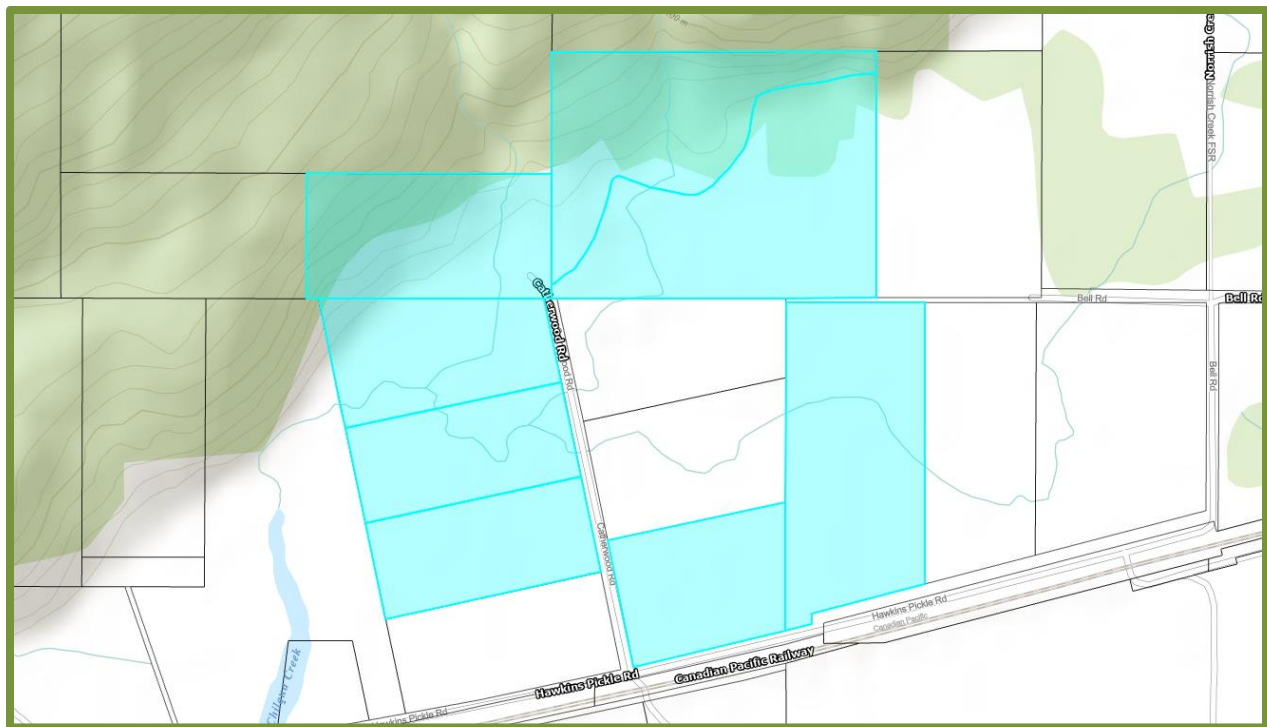
Several buildings have been constructed or altered on the property without the benefit of building permits. Consequently, the property is in bylaw contravention for construction without a permit. As described in the attached report (see Appendix A). It is also noted that the Building Permits and other Development Variance Permits the FVRD has received over the years have included incomplete site plans that do not provide a comprehensive inventory of the structures located on the properties.

Staff are recommending to **refuse** to issue the development variance permit due to the extensive and continuous nature of FVRD bylaw infractions. Staff recommend refusal of this development variance permit until the ongoing and persisting bylaw enforcement matters can be sufficiently resolved to the satisfaction of the bylaw enforcement team.

Neighbourhood Notification and Input

All property owners within 30 meters 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.

MAILOUT RADIUS (30 METERS)



There are 9 properties located within the mailout radius (2 of which are owned by the applicant) that will receive notice of the development variance permit application, as shown on the above map.

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.

COST

The application fee of \$1650.00 has been paid by the applicant.

CONCLUSION

The application for a development variance permit is to reduce the interior side setback from 30 metres to 0 metres, for agricultural buildings. The proposed variance would support efficiencies on the farm and is not anticipated to negatively affect the surrounding properties. Staff are not opposed to the principle of the variance to reduce lot line setbacks and construct a new barn to improve cow welfare, as the property is an active farm and the lots have previously been consolidated.

However, due to the extensive bylaw enforcement and the lack of effort from the property owner to resolve the bylaw infractions since the last development variance permit was issued in 2020, staff recommend that the FVRD Board **refuse** DVP 2025-05 to reduce the interior side setback for agricultural buildings for 9466 and 9518 Catherwood Road.

OPTIONS

Option 1 – REFUSE (Staff Recommendation)

THAT the Fraser Valley Regional District Board **refuse** Development Variance Permit 2025-05 for 9466 and 9518 Catherwood Road, Area G.

Option 2 – ISSUE

THAT the FVRD Board **issue** Development Variance Permit 2025-05 for 9466 and 9518 Catherwood Road, 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 3 REFER

THAT the Fraser Valley Regional District Board **refer** the application for Development Variance Permit 2025-05 for 9466 and 9518 Catherwood Road, Area G, back to staff for further consideration.