

To: Electoral Area Services Committee  
 From: Andrea Antifaeff, Planning Technician

Date: 2018-07-10  
 File No: 3090-20-2018-25

**Subject: Application for Development Variance Permit 2018-25 to reduce the interior side lot line setback to permit the construction of a dairy barn at 9518 Catherwood Road, Area G**

## RECOMMENDATION

**THAT** the Fraser Valley Regional District Board issue Development Variance Permit 2018-25 for the property located at 9518 Catherwood Road, Electoral Area G, to reduce the interior side lot line setback from 30.0 metres (98.4 feet) to 15 metres (49.2 feet), clear to sky, to facilitate the construction of a cattle barn, 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 construction built across the interior lot line.

## 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 interior side lot line setback for a cattle barn as outlined in *Dewedney-Alouette Regional District Land Use and Subdivision Regulation Bylaw No. 559-1992*.

PROPERTY DETAILS			
Electoral Area	G		
Address	9518 Catherwood Road		
PID	006-415-571		
Folio	775.01165.000		
Lot Size	14.5 acres		
Owner	Vandeburgt Farms Ltd.	Agent	Jordan Kloot
Current Zoning	Floodplain Agriculture (A-2)	Proposed Zoning	No change

<b>Current OCP</b>	Agricultural (AG)	<b>Proposed OCP</b>	No change
<b>Current Use</b>	Farm	<b>Proposed Use</b>	No change
<b>Development Permit Areas</b>	DPA 2-G (RAR)		
<b>Agricultural Land Reserve</b>	Yes		

#### ADJACENT ZONING & LAND USES

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

#### NEIGHBOURHOOD MAP



## PROPERTY MAP



## DISCUSSION

The owners of the property have made an application to construct a cattle barn at 9518 Catherwood Road. The property is located within the Agricultural Land Reserve and currently is used as a dairy farm. The applicant is proposing a location for the cattle barn which efficiently utilizes their existing dairy farm operation. Locating the cattle barn in accordance with the 30 metre Zoning Bylaw setback from the interior lot line would situate the barn further from the existing barns already being used for the dairy farm. Appendix A shows the site plan.

### Bylaw Enforcement

In 1998, the FVRD received a complaint of building without a permit at 9518 Catherwood Road. At a subsequent inspection of the property a bylaw enforcement officer confirmed the presence of a recently placed mobile home. Consequently, the property has been in bylaw contravention since 1998 for construction without a permit (placement of mobile home). Building permits are required by the Building Bylaw to encourage property owners to comply with minimum standards established by the British Columbia Building Code as well as other enactments which related to health, safety and use of land. FVRD staff are following up on this bylaw enforcement contravention.

## **Variance Requested – DVP 2018-25**

### Application Rationale

The applicant advises that the reasons in support of the variance are: 1. there is more room needed for livestock; and, 2. the location of the proposed barn is close in relation to the existing barns for successful dairy farm operations.

### Interior Side Setback Variance

The owners are seeking a 15 metre (49.2 foot) relaxation to the required interior side lot line setback, reducing the setback requirement from 30 metres (98.4 feet) to 15 metres (49.2 feet).

The interior side lot line for 9518 Catherwood Road is shared with 9466 Catherwood Road, which is also owned by the applicant. The site plan for the proposed cattle barn shows that two barns and a shop have been previously constructed over the interior side property line, resulting in these structures being located on both 9518 Catherwood and 9466 Catherwood Road. The applicants have offered a covenant in favour of the Regional District which will state that the properties will be treated as a single parcel (for as long as the structures that cross the property boundary exist or the properties are consolidated) and the property owner cannot sell, agree to sell, transfer or otherwise dispose of either of the parcels or tracts of land and premises which comprise the Lands it being understood that the Lands shall be treated as a single parcel.

### **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 interior side setback for a cattle barn. Staff recommend that the FVRD Board issue the permit. The variance is not anticipated to negatively affect the surrounding properties as there are already dairy farm operations occurring on the property and the neighbouring property affected is owned by the applicant.

## **OPTIONS**

### **Option 1 – Issue (Staff Recommendation)**

Staff recommend that the FVRD Board issue Development Variance Permit 2018-25 for the property located at 9518 Catherwood Road, Electoral Area G to reduce the interior side lot line setback from 30.0 metres (98.4 feet) to 15 metres (49.2 feet), clear to sky, to facilitate the construction of a cattle barn, 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 2018-25 for the property located at 9518 Catherwood Road, Electoral Area G.

### **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 2018-25 for the property located at 9518 Catherwood Road, Electoral Area G to FVRD staff.

## **COMMENTS BY:**

<b>Graham Daneluz, Deputy Director of Planning &amp; Development</b>	Reviewed and supported.
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<b>Margaret Thornton, Director of Planning &amp; Development</b>	Reviewed and supported.
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<b>Mike Veenbaas, Director of Financial Services</b>	No further financial comments.
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<b>Paul Gipps, Chief Administrative Officer</b>	Reviewed and supported
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Appendix A

