

To: CAO for the Electoral Area Services Committee

Date: 2018-12-11

From: Julie Mundy, Planning Technician

File No: 3090-20-2018-33

Subject: Application for Development Variance Permit 2018-33 to reduce the interior side lot line setback to permit the construction of a dairy barn at Catherwood Road, Electoral Area G

RECOMMENDATION

THAT the Fraser Valley Regional District Board issue Development Variance Permit 2018-33 for the property at 9518 Catherwood Road, Electoral Area G, to reduce the interior side lot line setback from 30.0 metres (98.4 feet) to 9.0 metres (29.5 feet), measured 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 Development Variance Permit 2018-33 replace and supersede Development Variance Permit 2018-25 and that Development Variance Permit 2018-25 be removed from title.

STRATEGIC AREA(S) OF FOCUS

Provide Responsive & Effective Public Services

Foster a Strong & Diverse Economy

BACKGROUND

The property owners have made an application for a Development Variance Permit (DVP) to reduce the interior side lot line setback for a cattle barn as outlined in *Dewdney-Alouette Regional District Land Use and Subdivision Regulation Bylaw No. 559-1992*.

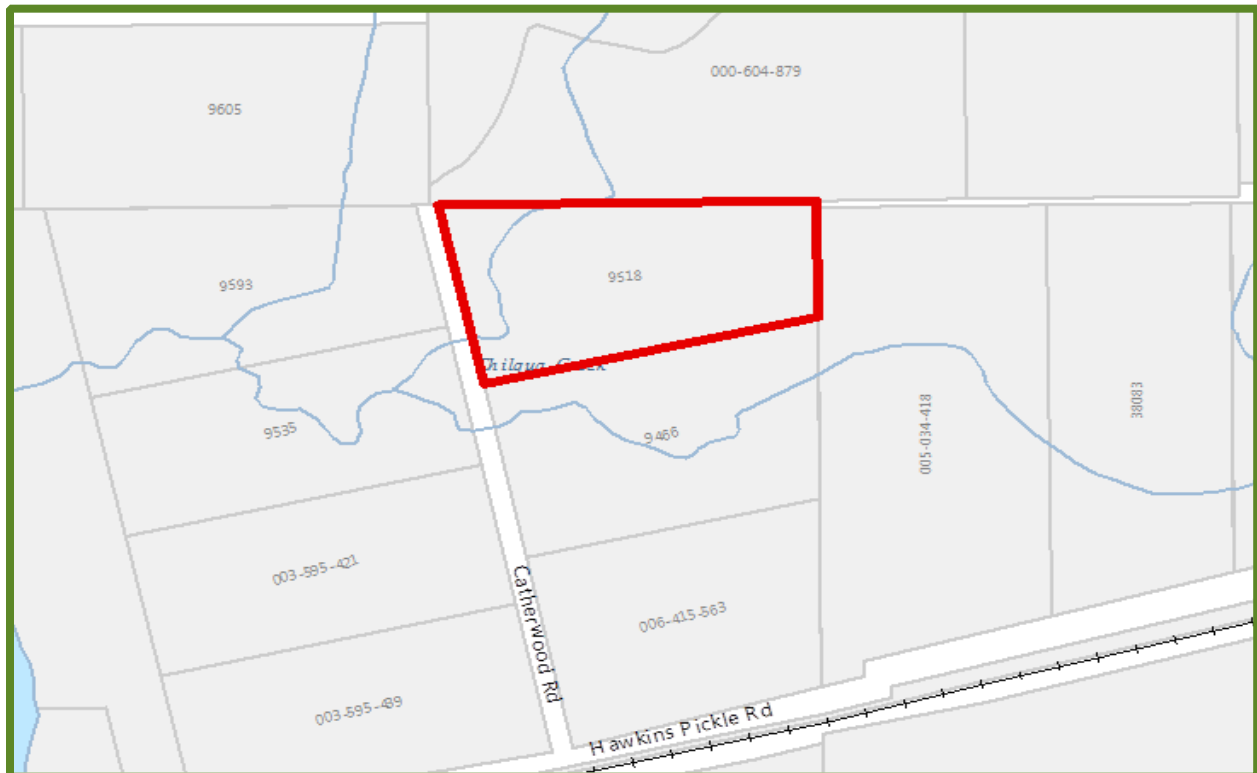
PROPERTY DETAILS			
Electoral Area	G		
Address	9518 Catherwood Road		
PID	006-415-571		
Folio	775.01165.000		
Lot Size	14.5 acres		
Owner	Vandeburg Farms Ltd.	Agent	Jordan Kloot
Current Zoning	Floodplain Agriculture (A-2)	Proposed Zoning	No change
Current OCP	Agricultural (AG)	Proposed OCP	No change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

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 MAP



PROPERTY MAP



DISCUSSION

The owners of the property are proposing to construct a cattle barn at 9518 Catherwood Road. The property is within the Agricultural Land Reserve and is currently being used as a dairy farm. The property owner has applied for a Building Permit and a Development Variance Permit to locate a new barn in a manner that efficiently ties into their existing dairy farm operation. The requested variance is to reduce the interior side lot line setback from 30 metres to 9 metres. A Development Variance Permit was issued to the applicant to construct a barn in July 2018. However, the placement of the barn now requires a revised variance because the building foundation was built closer to the lot line than the issued variance permit allows. Appendix A shows the proposed site plan.

History of Issued Variances – DVP 2018-25

At the FVRD Board meeting on July 10, 2018, the Board issued Development Variance Permit 2018-25 reducing the interior side setback from 30.0 metres (98.4 feet) to 15.0 metres, clear to sky, to facilitate the construction of a cattle barn.

Variance Request – DVP 2018-33

Since the issuance of DVP 2018-25, the applicant poured the barn foundation and had the building footprint surveyed by a professional surveyor. The survey identified the foundation to be only 10.1

metres from the interior property line (instead of the approved 15 metres). As the foundation is build closer to the property line than DVP 2018-25 permits, another variance is requested.

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 barn to be sited closely to the existing barns which will contribute to a successful farm business.

Covenant Tying Two Lots Together

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

Development Variance Permit 2018-33 would replace Development Variance Permit 2018-25.

Summary of Interior Lot Line Setbacks		
Zoning bylaw -	Required -	30 metres (98.4 feet)
DVP 2018-25 -	Issued -	15 metres (49.2 feet)
DVP 2018-33 -	Proposed -	9 metres (29.5 feet)

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.

Bylaw Enforcement

A mobile home was placed on the property without a building permit in 1998. Consequently, the property is in bylaw contravention for construction without a permit. FVRD staff are following up on this bylaw contravention, and the applicant is taking steps to remedy to contravention.

COST

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

CONCLUSION

Staff recommend that the FVRD Board issue the Development Variance Permit to reduce the interior side setback for a cattle barn for 9518 Catherwood Road. The variance is not anticipated to negatively affect the surrounding properties as there is already a dairy farm operation occurring on the property, and the subject property and the impacted neighbouring property are tied together by a covenant. Furthermore, DVP 2018-25 was approved in July 2018 and did not receive any opposition from the neighbourhood.

OPTIONS

Option 1 – Issue (Staff Recommendation)

Staff recommend that the FVRD Board issue Development Variance Permit 2018-33 for the property at 9518 Catherwood Road, Electoral Area G to reduce the interior side setback from 30 metres (98.4 feet) to 10.1 metres (33.1 feet), 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 2018-33 for the property 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 2018-33 for the property at 9518 Catherwood Road, Electoral Area G to FVRD Staff.

COMMENTS BY:

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

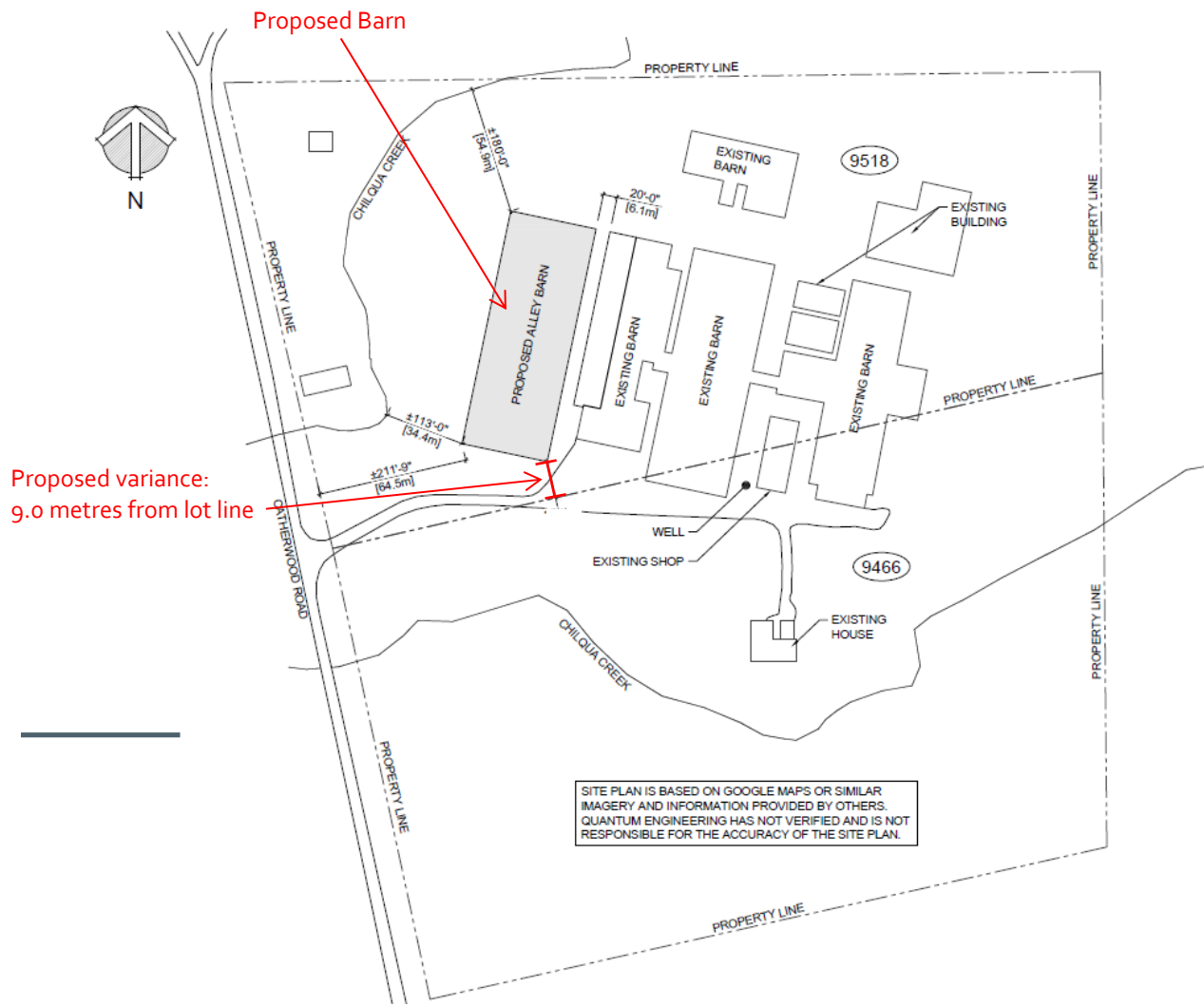
Margaret Thornton, Director of Planning & Development: Reviewed and supported

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

Paul Gipps, Chief Administrative Officer: Reviewed and supported

Appendix A: Site Plan

Site Plan I



Site Plan II (with surveyed distances)

