



Staff Report to Council

DATE: Tuesday, September 6, 2022

DEPARTMENT: Planning

APPLICATION NO.: DVP22-0006

SUBJECT: Addendum Report: Application for a Development Variance Permit to reduce front, rear, and interior lot line setbacks at 960 Latoria Road.

BACKGROUND:

Further to the staff report for the rear lot line setback relaxation, that was considered by the Planning, Zoning, and Affordable Housing Committee on August 29, 2022, the applicants also ask Council to consider issuing a variance for the front lot line and interior lot line setbacks at 960 Latoria, in addition to the rear lot line setback required for the current proposal. Although the current proposal of an accessory structure does not require the front or interior lot line setback variances, the owners of the property anticipate that considering the shape of the lot and the setback requirements established by the Zoning Bylaw 300, the same challenge will arise in the future for any additional buildings and structures for agricultural use, potentially leading to multiple applications for the setback variances for the same property.

Table 1: Revised Proposal Data

	<i>Permitted by Section 3.05 of Zoning Bylaw 300</i>	<i>Proposed by DVP Application</i>
<i>Rear Lot Line Setback for accessory building or structure for agriculture use</i>	15m (49.2ft)	4.57m (15ft)
<i>Front Lot Line Setback for accessory building or structure for agriculture use</i>	30m (98.4ft)	4.57m (15ft)
<i>Interior/Exterior Lot Line Setback for accessory building or structure for agriculture use</i>	15m (49.2ft)	4.57m (15ft)

COMMENTARY:

As the owners of the property intend to use the agricultural land for its intended purpose, they will require accessory structures and buildings to securely store the equipment. Due to the shape of the lot, compliance with the requirements of Zoning Bylaw 300 for the accessory building setbacks for the agricultural use will result in the owners having to construct these structures in the middle section of the lot, as illustrated in Figure 1 below. The applicants have noted that they would like to erect their accessory structures closer to the perimeter of the lot in order to use the land in the center of the lot for growing. As evident from Figures 1 and 2 below, the requested setback variances would dramatically increase the potential area where an accessory structure for agricultural use may be located on the subject property.

Figure 1: Accessory Structure Current Potential Build Area



Figure 2: Accessory Structure Potential Build Area with the Proposed Variances



As per the Section 3.05 of Zoning Bylaw 300, the total floor area of all the buildings and structures that are accessory to the residential use on the subject property may not exceed 1,533m² based on the lot size of 14,532m² (3.5 ac). This translates to 10.5% of the entire lot. The maximum permitted height of buildings and structures for agriculture use is 12m. For the accessory structures that are not used for the agriculture purposes, the required setbacks are 7.5m from the front lot line (Latoria Road), 1m from the side lot lines, and 1 m from the rear lot line. Council may wish to note that the structures are not proposed to be used for the keeping of livestock, domestic poultry, or kennels, where the setbacks required by the Zoning Bylaw 300 would be necessary. Council may wish to require that if any building or structure is to be constructed for the intended purpose of keeping farm livestock, domestic poultry, or boarding and breeding of kennels, that the usual setbacks required by the Zoning Bylaw 300 are applied for the development, or that a new variance is applied for that specific structure.

OPTIONS:

Option 1

THAT Council:

1. Direct staff to provide notice that Council will consider issuing a Development Variance Permit for the property at 960 Latoria Road with the following variance:
 - a) That Section 3.05.02(1) of Zoning Bylaw No. 300 be varied to reduce the rear lot line and side lot line setback from 15m (49.2 ft) to 4.57m (15ft), and reduce front lot line setback from 30m (98.4 ft) to 4.57m (15ft) for accessory buildings and structures for agricultural use of the subject property.

Subject to the following terms and conditions:

- i) That any building or structure on the subject property that is constructed for the intended use of keeping of farm livestock, domestic poultry, or boarding or breeding kennels, will comply with the setback requirements in Zoning Bylaw 300 or apply for a Development Variance Permit.
- ii) That an environmental Development Permit or an exemption from a Development Permit is obtained prior to construction of an accessory structure.
- iii) That a Building Permit is obtained prior to construction of an accessory structure.

OR Option 2

THAT Council

1. Reject this application for Development Variance Permit.

SUBMITTED BY: Anastasiya Mysak, Planning Technician

Concurrence: Leah Stohmann, MCIP, RPP, Deputy Director of Planning and Subdivision

Concurrence: Donna Petrie, Senior Manager of Business Development and Events

Concurrence: Will Ying-udomrat, Manager of Legislative Services

Concurrence: Matthew Baldwin, MCIP, RPP, Director of Planning and Subdivision

Concurrence: Michelle Mahovlich, P.Eng, P.Geo, Director of Engineering and Public Works

Concurrence: Audrey Kryklywyj-Shortreid, Deputy Director of Finance

Concurrence: Marie Watmough, Acting Director of Corporate Services

Concurrence: Darren Kiedyk, Chief Administrative Officer