



# Staff Report to Council

**DATE:** Monday, February 6, 2023

**DEPARTMENT:** Planning

**APPLICATION NO.:** DVP22-0006

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

**PURPOSE:**

Jayson Wight and Charlotte Milne have applied for a Development Variance Permit to reduce the rear lot line and interior side lot line setbacks from 15m to 4.57m and reduce the front lot line setback from 30m to 4.57m to facilitate the construction of accessory buildings and structures for agricultural use on the subject property.

**BACKGROUND:**

ALR15-0002 – The subject property formed part of the “Block ALR Exclusion” application which was coordinated by the City on behalf of 43 property owners. While some properties were either conditionally or unconditionally approved for exclusion as part of this application, the subject property was not approved for exclusion, and remains in the Agricultural Land Reserve (ALR).

ALR17-0001 – Together with 940 Latoria, application for the exclusion of the property from the ALR was submitted to allow for the redevelopment of the properties for a new elementary school. This application for exclusion was not approved by the Agricultural Land Commission (ALC).

ALR17-0002 – A revised application for the exclusion of a lesser portion of the properties from the ALR for a new elementary school was submitted. This application was not approved by the ALC.

**Table 1: Site Data**

<i>Applicant</i>	Jayson Wight and Charlotte Milne
<i>Owner</i>	Jayson Wight and Charlotte Milne
<i>Civic Address</i>	960 Latoria Road
<i>Legal Description</i>	LOT 4, SECTIONS 78 AND 83, METCHOSIN DISTRICT, PLAN 3895, EXCEPT THAT PART OF SAID LOT LYING TO THE WEST OF A BOUNDARY PARALLEL TO THE WESTERLY BOUNDARY OF SAID LOT AND EXTENDING FROM A POINT OF THE SOUTHERLY BOUNDARY THEREOF DISTANT 180’ FROM THE SOUTH WESTERLY CORNER OF SAID LOT, PID 004-085-621
<i>Size of Property</i>	14,532 m <sup>2</sup>

<i>DP Areas</i>	Potential Habitat and Biodiversity
<i>Zoning Designation</i>	Agriculture 1 (AG1)
<i>OCP Designation</i>	Agricultural

**SITE AND SURROUNDING AREA:**

The subject property is located north of Latoria Road and approximately 50m east of Happy Valley Road. The property contains a single-family dwelling and related accessory buildings located in the eastern part of the lot. The site is fairly flat and open, with few existing mature trees along the perimeter of the property.

Subject property is designated as Agricultural in accordance with Official Community Plan Bylaw No. 1200 and is a part of Agricultural Land Reserve. The surrounding area consists mainly of large rural lots within Agricultural Land Reserve.

**Figure 1: Aerial View of the Subject Property with Existing Buildings and Structures**



**Table 2: Surrounding Land Uses**

	<b>Zoning</b>	<b>Use</b>
<i>North</i>	AG1 (Agriculture 1)	Farmland
<i>East</i>	AG1 (Agriculture 1)	Single-family dwelling
<i>South</i>	C1 (Neighbourhood Commercial) AG1 (Agriculture 1)	Future commercial centre Single-family dwellings, duplex
<i>West</i>	AG1 (Agriculture 1)	Single-family dwelling, duplex

**COMMENTARY:**

As stated above, the applicants are seeking to vary the rear lot line and interior side lot line setbacks from 15m (49.2ft) to 4.57m (15ft) and vary front lot line setback from 30m (98.4ft) to 4.57m(15ft) to facilitate the construction of accessory buildings and structures for agricultural use on the site.

**Table 3: Proposal Data**

	<b><i>Permitted by Section 3.05 of Zoning Bylaw 300</i></b>	<b><i>Proposed by DVP Application</i></b>
<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)

The first staff report considered by the Planning, Zoning, and Affordable Housing Committee on August 29, 2022, included the request for the rear lot line variance required for the construction of the proposed Quonset shed on the subject property. An addendum report was considered by Council on September 6<sup>th</sup>, 2022 which, in addition to the rear lot line variance required for the construction of the proposed shed, asked Council to consider issuing a variance for the front lot line as well as interior lot line. 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. At the meeting of September 6<sup>th</sup>, 2022, Council decided to have the application go back to Committee for review in order to provide more time for public consultation, as initially notices were sent out excluding the request for front lot line and interior side lot line variances for future accessory structures on the subject site.

As the subject property is rectangular in shape, this results in a shallow lot with a wide frontage of approximately 200m, while the distance between the front and rear lot lines is approximately 70m. Due to the shape of the lot, compliance with the requirements of Zoning Bylaw 300 for 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 2 below. The applicants have noted that they would like to erect their accessory buildings and 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 2 and 3 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 2: Accessory Structure Current Potential Build Area**



**Figure 3: Accessory Structure Potential Build Area with the Proposed Variances**



The Quonset shed proposed to be constructed on the project site is 7.6m (25 ft) by 8.5m (27.9ft). The applicant conveyed that they are planning to construct a nursery at the subject property and the proposed Quonset shed will be used for storage of tools and equipment associated with the agricultural use of the lot.



**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 300 be varied to reduce the rear lot line setback from 15m (49.2ft) to 4.57m (15ft) for the proposed agricultural accessory structure only.

Subject to the following terms and conditions:

- i) That the site is developed in accordance with the plan shown as Figure 4.
- ii) That 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. Direct staff to provide notice that Council will consider issuing a Development Variance Permit for the property at 960 Latoria with the following variance:
  - a) That Section 3.05.02(1) is varied to reduce the rear lot line and side lot line setback from 15m (49.2ft) to 4.57m (15ft) and to reduce the front lot line setback from 30m (98.4ft) to 4.57m (15ft) for any agricultural accessory buildings and structures on the 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 or 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 building or structure.
- iii) That a Building Permit is obtained prior to construction of an accessory building or structure.

**OR Option 3**

THAT Council:

1. Refer the application to staff for additional public consultation prior to consideration of issuance.

**OR Option 4**

THAT Council:

1. Reject this application for DVP22-0006.

**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:** Yari Nielsen, Director of Parks, Recreation and Facilities

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

**Concurrence:** Katelyn Balzer, P.Eng., Director of Engineering and Public Works

**Concurrence:** Michael Dillabaugh, CPA, CA, Director of Finance

**Concurrence:** Marie Watmough, Deputy Director of Corporate Services

**Concurrence:** Braden Hutchins, Director of Corporate Services

**Concurrence:** Darren Kiedyk, Chief Administrative Officer