

# STAFF REPORT TO COUNCIL

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**DATE:** May 4, 2022

**TO:** MAYOR AND COUNCIL

**NAME AND TITLE:** Deanna Wasnik, Director of Planning and Development

**SUBJECT:** Development Variance Permit Application No. VP100615

**APPLICANT:** Detlef Werner & Michelle Rolls

**LOCATION:** 6904 Valleyview Drive

**ATTACHMENT(S):** Location and Existing Zoning Map  
Development Variance Permit No. VP100615  
Exhibit "A" to VP100615  
Land Use Contract Bylaw No. 3095, 1977 (N17871)  
Letters of Support

## RECOMMENDATION(S):

That Council APPROVES Development Variance Permit No. VP100615 to vary "Land Use Contract Bylaw No. 3095, 1977" for the property legally described Lot 55, District Lot 4028, Cariboo District, Plan 24401 as follows:

- a. Vary Schedule "A" Section 1(a) of by decreasing the minimum building setback from 9.1 m to 4.8 m, as shown on Exhibit "A" to VP100615.

## PURPOSE:

The applicant is proposing to construct a 167.2 m<sup>2</sup> accessory building 4.8 m from the property line at 6904 Valleyview Drive (subject property). Currently, the Land Use Contract restricts land use including setbacks throughout the Valleyview neighbourhood. The Land Use Contract requires development be setback 9.1 m (30 feet) from any lot line. As such, the applicant has applied to vary Schedule "A" Section 1(a) of the Land Use Contract by decreasing the minimum building setback from 9.1 m to 4.8 m to facilitate the construction of an accessory building, as shown on Exhibit "A" to VP100615.

## Background

### Site Characteristics

Location	6904 Valleyview Drive
Current Use	Residential
Site Area	0.47 ha (1.2 acres)
Zoning	AR3: Rural Residential

#### Official Community Plan

Future Land Use	Rural C
Growth Management	Rural Areas

#### Surrounding Land Use Table

North	Rural Residential
South	Rural Residential
East	Rural Residential
West	Valleyview Drive; Rural Residential

#### Relevant Applications

**Building Permit No. BP042042:** The applicant applied for a building permit in March 2022 for the construction of an accessory building. A review of the legal property title found that a variance was required to the Land Use Contract (Land Title Office Document No. N17871) to facilitate the proposed setbacks.

#### **POLICY / REGULATORY ANALYSIS:**

##### **Land Use Contracts**

Land use contracts were created in BC throughout the 1970's as a form of site specific land use regulation between local governments and landowners. The terms and conditions of Land Use Contracts may impact the land uses permitted. The presence of a Land Use Contract on a property title requires that any regulations within the contract take precedent over local government land use regulations on that land.

Pursuant to Section 546 of the *Local Government Act*, a Land Use Contract that is registered in a land title office may be amendment, modified, varied or discharged with the agreement of the local government, and the other of any parcel that is described in the bylaw as being covered by the amendment. As per Section 547 of the *Local Government Act*, all Land Use Contracts will be terminated as of June 30, 2024, unless discharged prior to June 30, 2022.

##### **Land Use Contract Land Title Document No. N17871**

City Council adopted Bylaw No. 3095, 1977 (Land Title Document No. N17871) in May 1978, to restrict land use, development regulations such as setbacks, infrastructure, and subdivision, as described in Bylaw No 3095, 1977. Schedule "A" of the Land Use Contract requires building setbacks for all development including accessory buildings be 9.1 m (30 feet) from any lot line.

The applicant has applied to vary Schedule "A" Section 1(a) of the Land Use Contract to decrease the minimum building setback from 9.1 m to 4.8 m.

Administration supports this variance request for the following reasons:

- The proposed 4.8 m setback is greater than the required minimum interior side yard setback required by the Zoning Bylaw. The AR3 zone permits a minimum interior side yard setback of 1.2 m;
- The subject property is vegetated along the front and side property lines with mature conifers, which provides natural screening from the most affected property owner to the North (6926 Valleyview Drive). The property owner of 6926 Valleyview Drive has also provided a letter of support which is enclosed for Council consideration.
- The development is proposed at the north east corner of the subject property (rear), which is adjacent to a 32 ha rural residential property (2703 Austin Road). This property owner has also provided a letter of support which is enclosed for Council consideration;
- The proposal is consistent with all other regulations of the Land Use Contract; and,

- A total of nine letters of support have been received by Administration from residents within the neighbourhood. As indicated previously, this total also includes the two most affected property owners.

#### **OTHER CONSIDERATIONS:**

##### **Statutory Notification and Public Consultation**

Members of the public wanting to provide comment on the application may submit written correspondence to Council. As per the requirements set out in the *Local Government Act* and “City of Prince George Development Procedures Bylaw No. 7635, 2005”, the City of Prince George will mail or otherwise deliver a public notice to property owners and tenants whose interests may be affected by this application. Written submissions received in response to the public notice for this application will be provided to Council for their consideration at the time the application and granting of the permit is being considered. Submissions received after the Council meeting agenda has been published will be provided to Council as a handout on the day of the Council meeting for consideration during deliberations on the application.

##### **Referrals**

This application was referred to internal City divisions and external agencies with no outstanding concerns.

#### **ALTERNATIVES:**

1. Approve the permit
2. Approve the permit as amended
3. Refuse the permit
4. Defer or otherwise deal with the permit

Administration recommends that Development Variance Permit No. VP100615 be approved.

#### **SUMMARY AND CONCLUSION:**

In order to facilitate the construction of an accessory building on the subject property, the applicant has requested to vary the minimum building setback from 9.1 m to 4.8 m. Administration supports this application for the reasons outlined in this report.

#### **RESPECTFULLY SUBMITTED:**

Deanna Wasnik, Director of Planning and Development

**PREPARED BY:** Bryce Deveau, Planner 1

#### **APPROVED:**

Walter Babicz, City Manager

Meeting Date: 2022/06/13