



# REPORT

To: Chair and Directors

Report Number: DS-BRD-254

From: Kathy Suggitt, RPP, General Manager of Development Services

Date: July 14, 2022

**Subject: Development Variance Permit No. 22-002, PRRD File No. 22-022 DVP**

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## **RECOMMENDATION: [Corporate Unweighted]**

That the Regional Board authorize the issuance of Development Variance Permit No. 22-002, to allow a reduction in the south exterior side parcel line setback and to increase the maximum accessory building floor area for the property identified as PID: 007-935-641 as follows:

- a) From 5 meters to 2.54 meters on the southwest corner of the existing shop;
- b) From 5 meters to 2.48 meters on the southeast corner of the existing shop;
- c) From 5 meters to 2.44 meters on the southwest corner of the existing shed on piles;
- d) From 5 meters to 2.45 meters on the southeast corner of the existing shed on piles; and
- e) From 187 m<sup>2</sup> to 220.7 m<sup>2</sup>, a difference of 33.7 m<sup>2</sup>, to accommodate for the existing shop

to bring the property into conformity within PRRD Zoning Bylaw No. 1343, 2001.

## **BACKGROUND/RATIONALE**

### **Proposal**

The applicant is seeking permission for a reduction in the south exterior side parcel line setback and an increase of the maximum permitted accessory building floor area to bring the existing 142.4 m<sup>2</sup> shop and 6.2 m<sup>2</sup> shed on piles into compliance with the Zoning Bylaw.

### **File Details**

Owner: Katherine and Jeffrey Kirschner  
Area: Electoral Area C  
Location: Fort St. John  
Legal: Lot 2 Block 8 Section 7 Township 84 Range 18 West of the 6th Meridian Peace River District Plan 8871  
PID: 007-935-641  
Civic Address: 12233 91 St, Fort St. John, B.C. V1J 4M6  
Lot Size: 0.3 ha (0.73 ac)

### **Background**

The applicant wishes to sell the property, and became aware on May 11, 2022, from the inquiry of an interested buyer, that the shop on the property was built without a permit from the PRRD and was built 2.48 meters from the south exterior side parcel line. They purchased the property in October 2021 with no knowledge of this issue as the shop was already established and had been for some time.

Upon further investigation by staff, it was discovered that the shed on piles is also within the south exterior side parcel line setback. The proposal to reduce the south exterior side parcel line setback for the existing shop and the existing shed on piles would bring both accessory buildings into compliance with the Zoning Bylaw.

It was also discovered by staff that the shed on skids was built without a permit and is 0.81 meters from the north exterior side parcel line. The applicant plans to sell the shed on skids; therefore, the removal of the shed on skids is a condition for approval of the permit.

### **Rationale**

Staff recommend approval given that the shop cannot be moved and that the applicant is making an effort to comply with the zoning bylaws by removing the temporary shed on skids that is within the north exterior side parcel line setback.

### **Site Context**

The property is immediately south of the City of Fort St. John and the land uses of adjoining and nearby properties are residential, recreational and small agricultural.

### **Site Features**

#### Land

The property has been developed and there are some trees present. There is an easement to the north of the subject property, and an A-2/Undeveloped road allowance to the south.

#### Buildings

There is a single family dwelling and the following accessory buildings on the subject property;

- a shop (9.26 m × 15.38 m = 142.4 m<sup>2</sup>);
- a garage (7.98 m × 9.81 m = 78.3 m<sup>2</sup>);
- a shed on skids (3.73 m × 7.38 m = 27.5 m<sup>2</sup>) – to be removed;
- a shed on piles (2.48 m × 2.51 m = 6.2 m<sup>2</sup>) – exempt from maximum accessory building floor area.

The total accessory building floor area equals 220.7 m<sup>2</sup>.

#### Access

The subject property is accessed by 91st Street.

### **Comments & Observations**

#### Applicant

The applicant provided a supporting letter with their application explaining that the property is currently for sale and that they became aware through the inquiry of an interested buyer that the shop was not in compliance. The applicant purchased the property in October 2021 and estimates the shop was built between 2008 and 2013 by a previous owner.

#### Agricultural Land Reserve (ALR)

The subject property is outside the Agricultural Land Reserve.

### Official Community Plan (OCP)

Pursuant to the North Peace Fringe Area Official Community Plan Bylaw No. 1870, 2009, the subject property is designated High Density Residential (HDR). The principal use within HDR designated land will generally be limited to residential and home based businesses. The minimum parcel size will not be less than 8 ha (20 ac) for lands not connected to a community sewage system. The parcel is currently undersized, however it is considered existing non-conforming.

Therefore, the existing use of the property and the proposal is consistent with the Official Community Plan.

### Land Use Zoning

Pursuant to Zoning Bylaw No. 1343, 2001, Section 36, the subject property is zoned Residential 3 Zone (R-3). The principal uses permitted within the R-3 zone is limited to a dwelling unit, a market garden, or agriculture. The minimum parcel size is 1.8 ha (4.5 ac). The parcel is currently undersized, however is it considered existing non-conforming.

Pursuant to Section 36.2 (h) no accessory building or structure shall be located within:

- (i) 7 meters (23 ft.) of a Front Parcel Line;
- (ii) 1.5 meters (5 ft.) of an Interior Side Parcel Line;
- (iii) 5 meters (17 ft.) of an Exterior Side Parcel Line;
- (iv) 3 meters (10 ft.) of a Rear Parcel Line.

The current accessory structures do not comply with the zoning bylaw because they are within the required setbacks of 5m for the Exterior Side Parcel Line:

- The southwest corner of the shop is 2.54 meters from the south exterior side parcel line;
- The southeast corner of the shop is 2.48 meters from the south exterior side parcel line;
- The southwest corner of the shed on piles is 2.44 meters from the south exterior side parcel line;
- The southeast corner of the shed on piles is 2.45 meters from the south exterior side parcel line;
- The northwest corner of the shed on skid is 0.81 meters from the north exterior side parcel line; and  
The northeast corner of the shed on skid is 0.83 meters from the north exterior side parcel line.

Pursuant to Section 13.2, the aggregate floor area of all accessory buildings must not exceed 187 m<sup>2</sup>. Buildings less than 11 m<sup>2</sup> in floor area are excluded from the calculation of aggregate floor area of all accessory buildings. Therefore the shed on piles is excluded from the calculation of aggregate floor area of all accessory buildings.

The removal of the shed on skids will be a condition for approval of the permit, therefore the shed on skids is excluded from the calculation of aggregate floor area of all accessory buildings.

The aggregate floor area of all applicable accessory buildings (the shop and the garage) is 220.7 m<sup>2</sup>, which exceeds the maximum accessory building floor area by 33.7 m<sup>2</sup>.

This development variance permit is required to bring the existing buildings into compliance with the zoning bylaw.

#### Fire Protection Area

The subject property is within the Fort St. John Fire Protection Area.

#### Mandatory Building Permit Area

The subject property is within the Mandatory Building Permit Area. The shop and shed on skid do not have the mandatory building permits. An engineer's report stating the shop was built to the BC Building Code and is safe for the intended use must be submitted and will be included as a condition of the permit.

#### Development Permit Area

The subject property is outside all Development Permit Areas.

#### Development Cost Charge Area

The subject property is outside the Development Cost Charge Area.

#### School District 60 School Site Acquisition Charge Area

The subject property is within the School District 60 School Site Acquisition Charge Area. However, the charge is not applicable at this time because no new residential lots are proposed.

### **Impact Analysis**

#### Context

The existing use is consistent with the context of the area which is residential and agriculture. The shop, shed on skid, and shed on piles are within the setback. There is no impact of the proposed parcel line setback reduction as this is adjacent to a road.

#### Population & Traffic

No change is anticipated.

#### Sewage & Water

There is existing sewer and water on the subject property. No new sewer and water services are proposed.

### **Comments Received from Municipalities & Provincial Agencies**

#### Ministry of Transportation and Infrastructure

Section 505 of the *Local Government Act* does not apply and will not require MoTI formal approval.

#### BC Hydro

No objections.

Pacific Northern Gas

No objections.

Protective Services

No objections.

GIS

No objections.

Bylaw Enforcement Officer

Applicant needs to address the north exterior parcel line setback that has a structure 0.81 meters from the parcel line. The three accessory buildings add up to 248.2 m<sup>2</sup>. The smallest shed on piles is exempt. The shop (142.4 m<sup>2</sup>) and the shed on skid (27.5 m<sup>2</sup>) do not have the mandatory building permits. An engineer's report stating the structures were built to the BC Building Code and are safe for the intended use must be submitted.

**ALTERNATIVE OPTIONS:**

1. That the Regional Board refuse the issuance of Development Variance Permit No. 22-002, to allow a reduction in the south exterior side parcel line setback and to increase the maximum accessory building floor area for the property identified as PID: 007-935-641 as follows:
  - a) From 5 meters to 2.54 meters on the southwest corner of the existing shop;
  - b) From 5 meters to 2.48 meters on the southeast corner of the existing shop;
  - c) From 5 meters to 2.44 meters on the southwest corner of the existing shed on piles;
  - d) From 5 meters to 2.45 meters on the southeast corner of the existing shed on piles; and
  - e) From 187 m<sup>2</sup> to 220.7m<sup>2</sup>, a difference of 33.7 m<sup>2</sup>, to accommodate for the existing shop

within PRRD Zoning Bylaw No. 1343, 2001, as the proposal is not consistent with zoning.

2. That the Regional Board provide further direction.

**STRATEGIC PLAN RELEVANCE:**

Not Applicable to Strategic Plan.

**FINANCIAL CONSIDERATION(S):**

None at this time.

**COMMUNICATIONS CONSIDERATION(S):**

The Regional Board's decision will be communicated to the applicant.

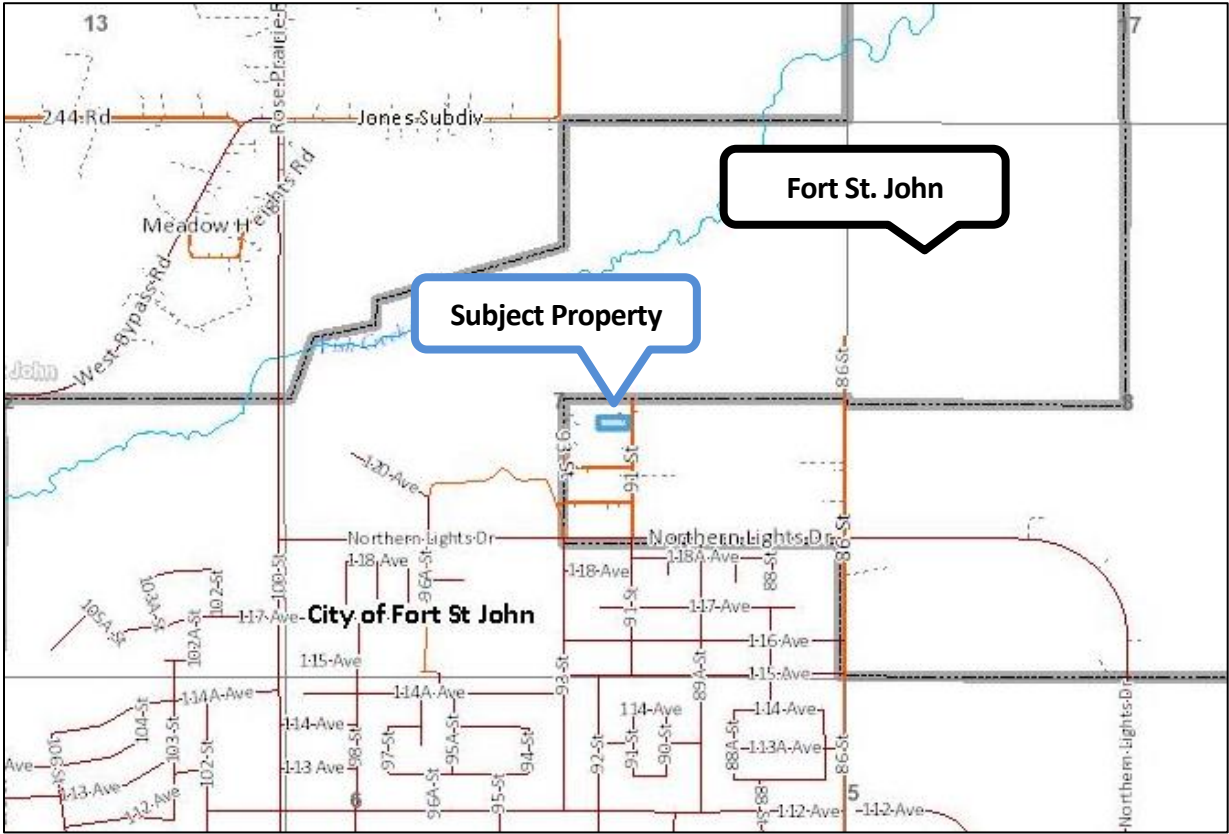
**OTHER CONSIDERATION(S):**

Should the Board authorize issuance of the Development Variance Permit, the permit will be registered on title of the subject property.

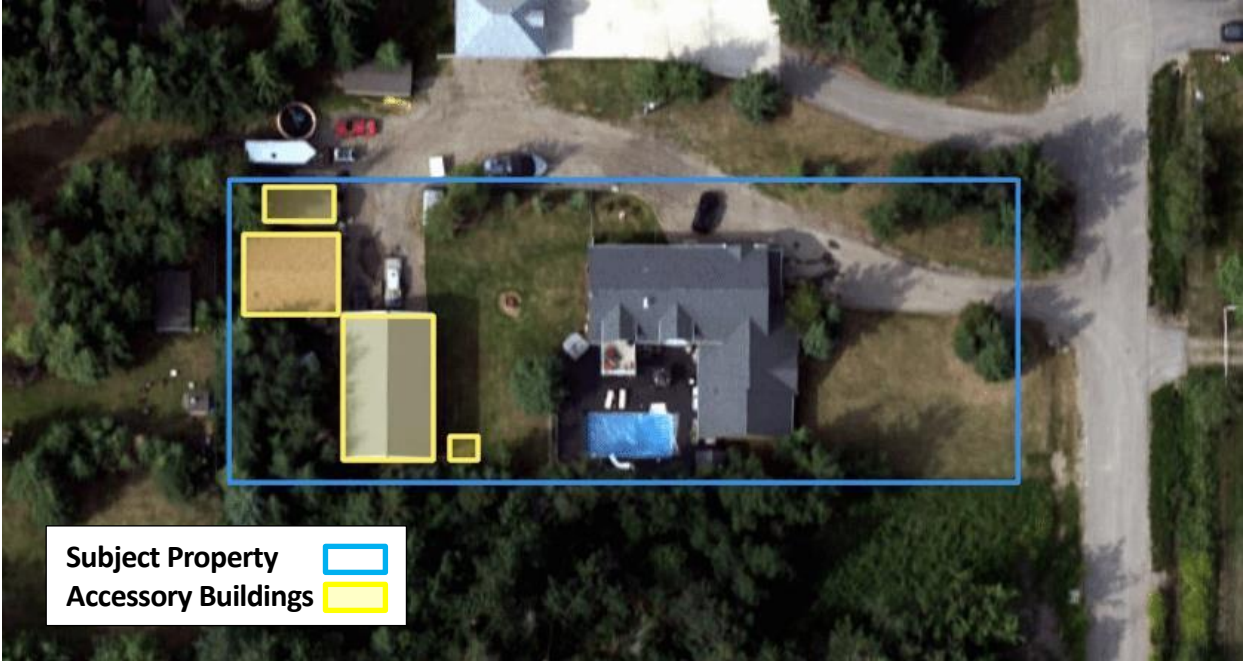
Attachments:

1. Application; PRRD File No. 22-002 DVP
2. Maps; PRRD File No. 22-002 DVP
3. Development Variance Permit No. 22-002.

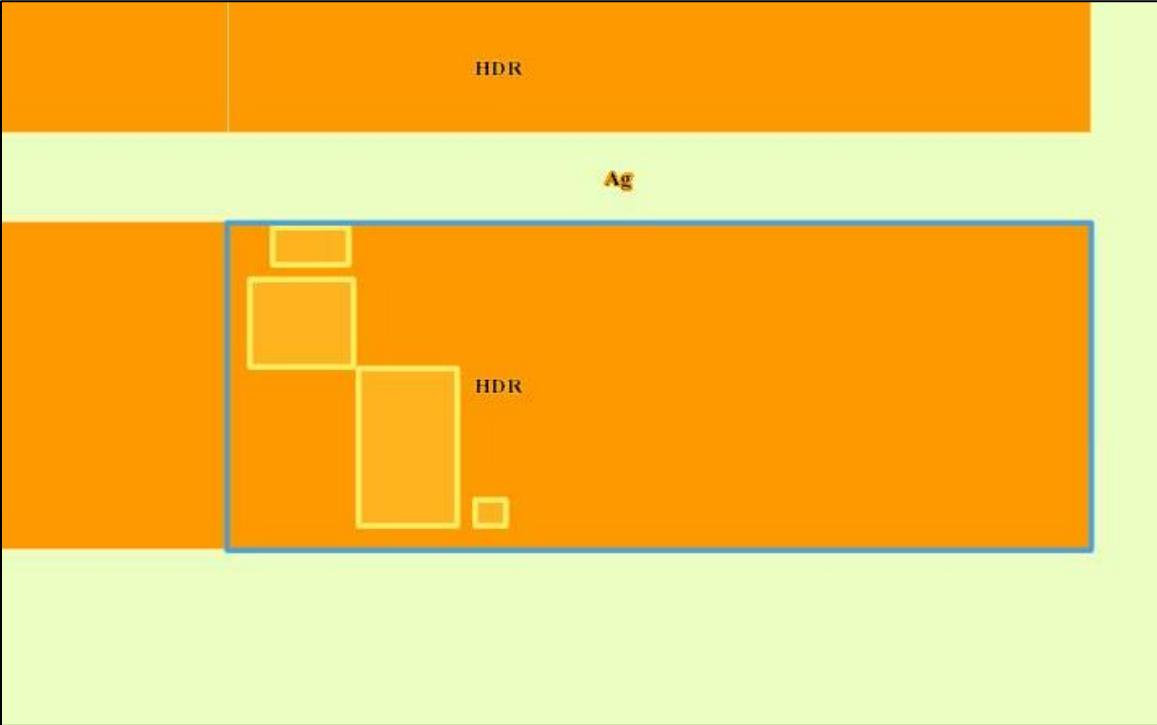
**Location: Fort St. John**



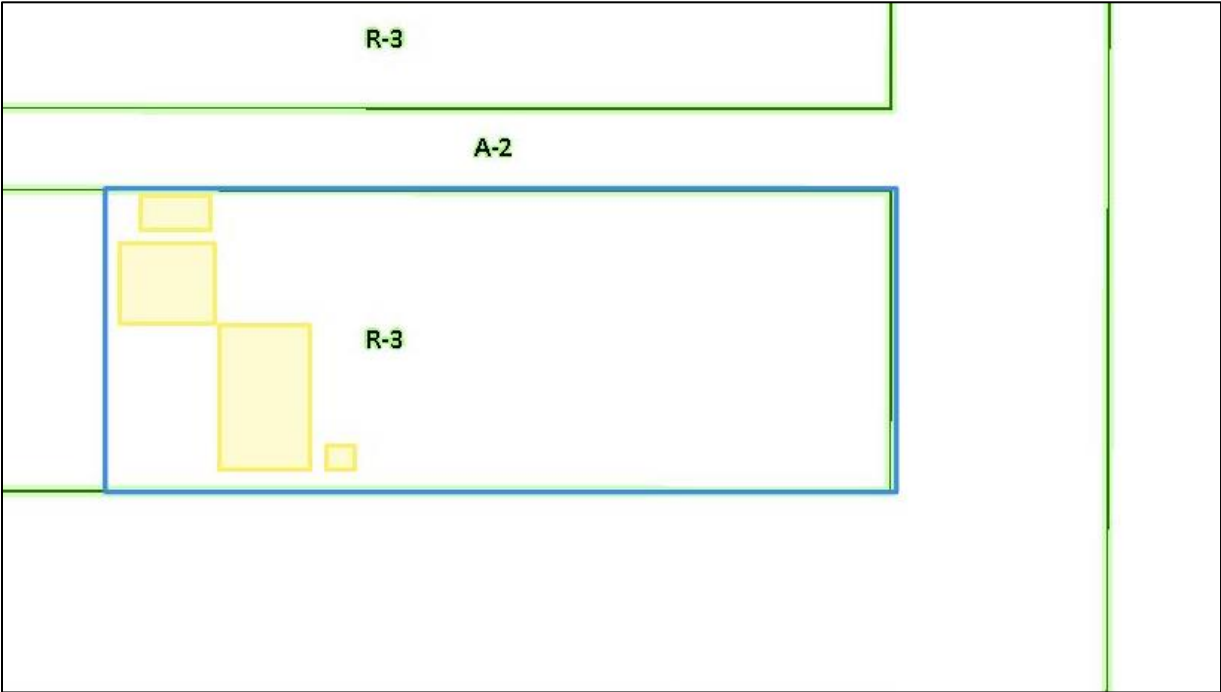
**Aerial Imagery**



**PRRD North Peace Fringe Area Official Community Plan Bylaw 1870, 2009 designation: High Density Residential (HDR)**

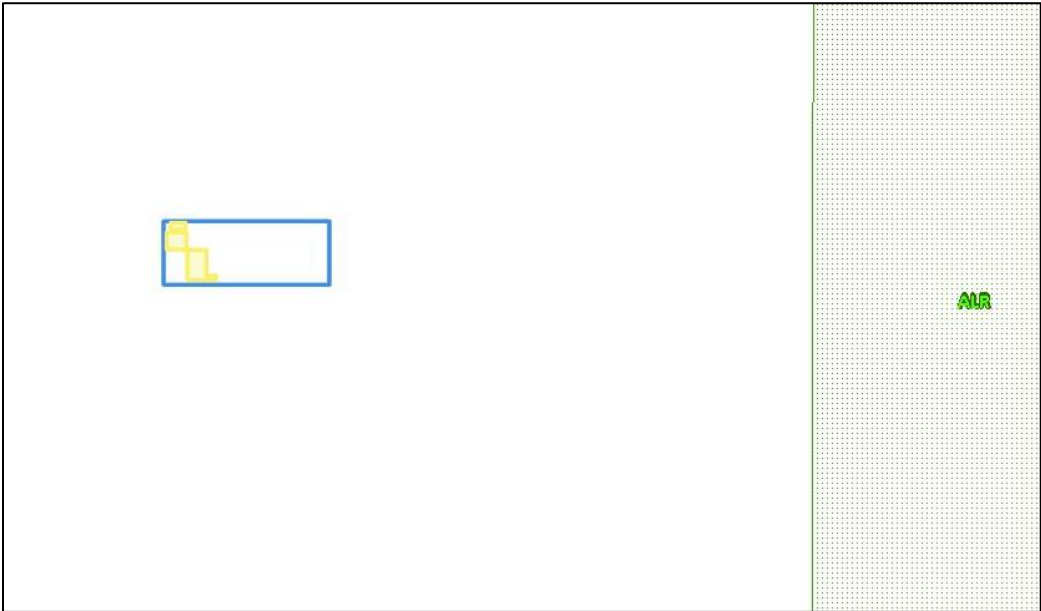


**PRRD Zoning Bylaw 1343, 2001: Residential 3 Zone (R-3)**

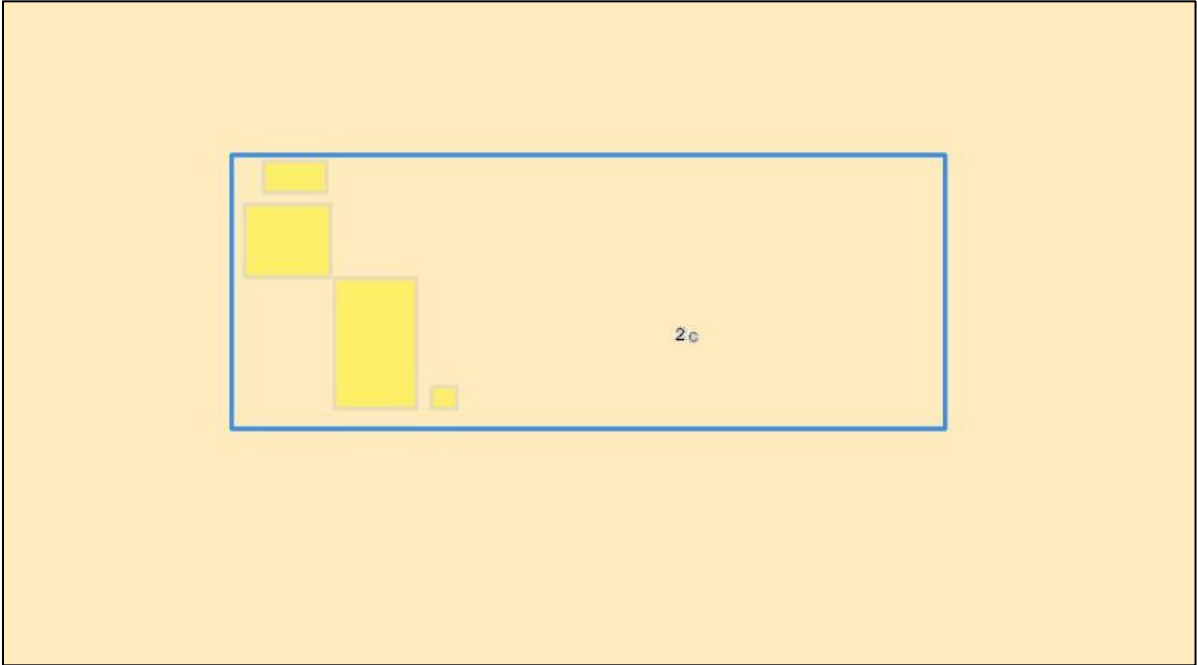




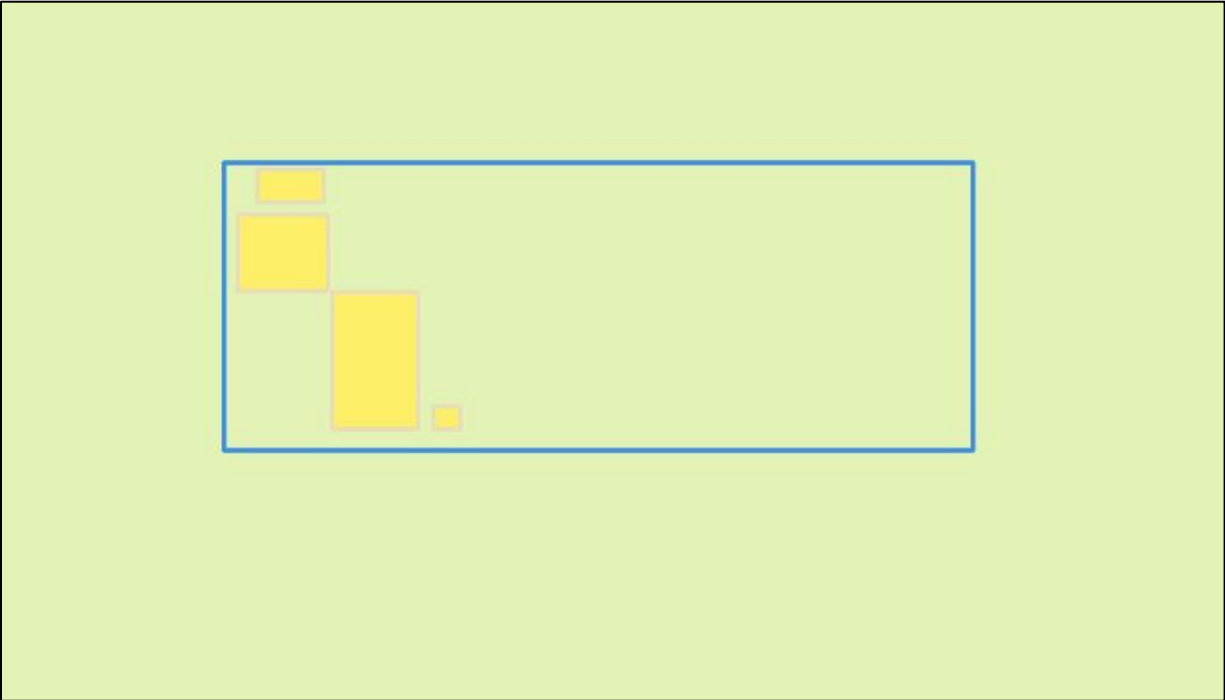
**Agricultural Land Reserve: Outside**



**CLI Soil Classification: 2c**



**Building Permit Area: Mandatory**





PEACE RIVER REGIONAL DISTRICT

DAWSON CREEK 1981 Alaska Avenue (Box 810), Dawson Creek, BC (T) 250-784-3200..(F) 250-784-3201  
 FORT ST. JOHN 9505 100<sup>TH</sup> Street, Fort St. John, BC V1J 4N4 (T) 250-785-8084 (F) 250-785-1125  
 [Toll Free: 1-800-670-7773]

Receipt # \_\_\_\_\_

Application for Development

1. TYPE OF APPLICATION	FEE
<input type="checkbox"/> Official Community Plan Bylaw Amendment	\$ 1,000.00
<input type="checkbox"/> Zoning Bylaw Amendment	650.00
<input type="checkbox"/> Official Community Plan / Zoning Bylaw Amendment combined	1,050.00
<input type="checkbox"/> Temporary Use Permit	350.00
<input type="checkbox"/> Development Permit	165.00
<input checked="" type="checkbox"/> Development Variance Permit	165.00
<input type="checkbox"/> Sign requirement	150.00

In regard to applications for:

- i) an official community plan and/or zoning bylaw amendment;
- ii) temporary use permit;

Sign provided by the PRRD and sign posted pursuant to Section 8 of Bylaw No. 2165, 2016, **attached**.

**2. PLEASE PRINT**

Property Owner's Name Katherine and Jeffrey Kirschner	Authorized Agent of Owner (if applicable)
Address of Owner [REDACTED]	Address of Agent
City/Town/Village [REDACTED]	City/Town/Village
Postal Code [REDACTED]	Postal Code
Telephone Number: [REDACTED]	Telephone Number:
Fax Number:	Fax Number:
E-mail: [REDACTED]	E-mail:

**3. PROPERTY DESCRIPTION**

Full legal description of each property under application	Area of each lot		
PID: 007-935-641 Lot 2 Block 8 Section 7 Township 84 Range 18	0.73	ha./	acres
W6M		ha./	acres
		ha./	acres
	<b>TOTAL AREA</b>	0.73	ha./
			acres

**Notice of collection of personal information:**

Personal information on this form is collected for the purpose of processing this application. The personal information is collected under the authority of the *Local Government Act* and the bylaws of the PRRD. Documentation/Information submitted in support of this application can be made available for public inspection pursuant to the *Freedom of Information and Protection of Privacy Act*.

4. Civic Address or location of property: \_\_\_\_\_

**5. PARTICULARS OF PROPOSED AMENDMENT**

Please check the box(es) that apply to your proposal:

Official Community Plan (OCP) Bylaw amendment:

Existing OCP designation: \_\_\_\_\_

Proposed OCP designation: \_\_\_\_\_

Text amendment: \_\_\_\_\_

Zoning Bylaw amendment:

Existing zone: \_\_\_\_\_

Proposed zone: \_\_\_\_\_

Text amendment: \_\_\_\_\_

Development Variance Permit – describe proposed variance request:

Reduction in setback from South parcel line for the "9.26m x 15.38m shop" from 5m to 2.4m.

Increasing maximum accessory building floor area for "9.26m x 15.38m shop" from 187 m2 to 230 m2.

Temporary Use Permit – describe proposed use:

\_\_\_\_\_

Development Permit:                      Bylaw No. \_\_\_\_\_ Section No. \_\_\_\_\_

6. Describe the existing use and buildings on the subject property:

(1) House - primary residence (2) 2.48m x 2.51m shed on piles - empty

(3) 9.26m x 15.38 m garage - cold storage of RV and boat (4) 7.98m x 9.81m garage - heated, tool bench and storage (5) 3.73m x 7.38m temporary shed - gardening and deck furniture storage

7. Describe the existing land use and buildings on all lots adjacent to and surrounding the subject property:

(a) North Easement, Residential, Recreational (golf course)

(b) East A-1

(c) South A-2/Undeveloped Road Allowance, Residential

(d) West Residential, Recreational (Fish Creek trails)

8. Describe the proposed development of the subject property. Attach a separate sheet if necessary:

N/A

9. Reasons and comments in support of the application. Attach a separate sheet if necessary:

Please refer to attached letter.

10. Describe the means of sewage disposal for the development:

N/A

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11. Describe the means of water supply for the development:

N/A

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**THE FOLLOWING INFORMATION IS REQUIRED. FAILURE TO PROVIDE MAY DELAY YOUR APPLICATION.**

12. Proof of ownership of the subject property or properties. (For example: Certificate of State of Title, BC Land Title Office Property Title Search or recent Property Tax Notice.)
13. A Sketch Plan of the subject property or properties, showing:
  - (a) the legal boundaries and dimensions of the subject property;
  - (b) boundaries, dimensions and area of any proposed lots (if subdivision is being proposed);
  - (c) the location of existing buildings and structures on the subject property, with distances to property lines;
  - (d) the location of any proposed buildings, structures, or additions thereto, with distances to property lines;
  - (e) the location of any existing sewage disposal systems;
  - (f) the location of any existing or proposed water source.

**ADDITIONAL OR MORE DETAILED INFORMATION MAY BE REQUESTED BY THE PEACE RIVER REGIONAL DISTRICT FOLLOWING REVIEW OF YOUR APPLICATION.**

**If it is necessary for the property boundaries and the location of buildings and structures to be more accurately defined, a plan prepared by a British Columbia Land Surveyor may be required.**

15. I / We the undersigned hereby declare that the information provided in this application is complete and is, to the best of my / our knowledge, a true statement of the facts related to this application.

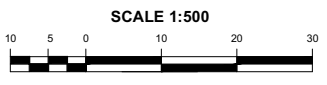
<div style="background-color: black; width: 250px; height: 25px; margin-bottom: 5px;"></div> _____ Signature of Owner	May 16, 2022 _____ Date signed
<div style="background-color: black; width: 250px; height: 25px; margin-bottom: 5px;"></div> _____ Signature of Owner	May 16, 2022 _____ Date signed

16. **AGENT’S AUTHORIZATION**

If you have an agent act on your behalf in submission of this application, the following authorization **MUST** be signed by **ALL** property owners.

I / We authorize	and	hereby
(name) application.	to act on my/our behalf regarding this	
Agent address:		
Telephone:	Fax:	Email:
Signature of Owner:	Date:	
Signature of Owner:	Date:	

**BC LAND SURVEYOR'S BUILDING  
LOCATION CERTIFICATE  
LOT 2 BLOCK 8 SEC 7 TP 84 RGE 18  
W6M PEACE RIVER DISTRICT  
PLAN 8871**



CIVIC ADDRESS:  
FORT ST JOHN, B.C.  
PID: 007-935-641

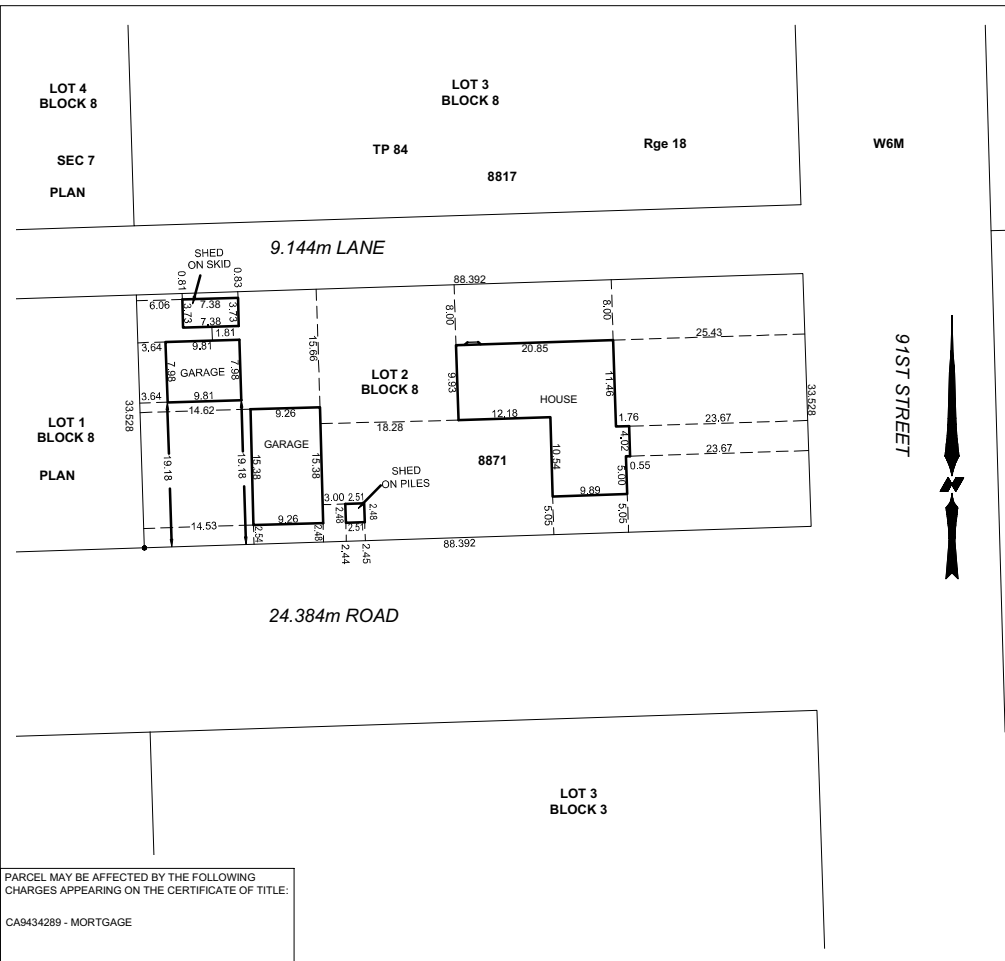
ALL DIMENSIONS ARE IN METRES AND DECIMALS THEREOF, AND ARE DERIVED FROM PLAN 8871  
ALL BUILDING DIMENSIONS ARE TO EXTERIOR WALLS AND SIDING.  
THIS BUILDING CERTIFICATE IS CERTIFIED CORRECT ACCORDING TO LAND TITLE AND SURVEY AUTHORITY RECORDS AND FIELD SURVEYS. UNREGISTERED INTERESTS HAVE NOT BEEN INCLUDED OR CONSIDERED THIS 16th DAY OF MAY, 2022.

[Redacted] VAN HSIAO, BCLS #882  
THIS DOCUMENT IS NOT VALID UNLESS  
ORIGINALLY SIGNED AND SEALED.

THE SIGNATORY ACCEPTS NO RESPONSIBILITY OR LIABILITY FOR ANY DAMAGES THAT MAY BE SUFFERED BY A THIRD PARTY AS A RESULT OF ANY DECISIONS MADE, OR ACTIONS TAKEN BASED ON THIS DOCUMENT.

THIS DOCUMENT SHOWS THE RELATIVE LOCATION OF THE SURVEYED STRUCTURES AND FEATURES WITH RESPECT TO THE BOUNDARIES OF THE PARCEL DESCRIBED ABOVE. THIS DOCUMENT SHALL NOT BE USED TO DEFINE PROPERTY LINES OR CORNERS.

THIS PLAN WAS PREPARED FOR MUNICIPAL PURPOSES AND IS FOR THE EXCLUSIVE USE OF OUR CLIENT. NO PERSON MAY COPY OR ALTER THIS CERTIFICATE WITHOUT PRIOR CONSENT OF McELHANNY GEOMATICS.  
© THIS PLAN IS PROTECTED BY COPYRIGHT.



PARCEL MAY BE AFFECTED BY THE FOLLOWING CHARGES APPEARING ON THE CERTIFICATE OF TITLE:  
CA9434289 - MORTGAGE

0	Original Plan Issued	16/05/22
REVISION	DESCRIPTION	DD/MM/YY
PLAN ID.: 27176CERT	DD/MM/YY: 16/05/22	
DRAFTED BY:	<b>McElhanney Associates</b> Land Surveying Ltd. 8808 - Northern Lights Drive Fort St. John, BC Phone: (250)787-0356	
SURVEYED BY: AC		
CHECKED BY: EH		
REVISION: 0		



Katherine and Jeffrey Kirschner

May 13, 2022

Board of Directors  
Peace River Regional District  
9505 100 Street  
Fort St. John, B.C., V1J 4N4

Dear Board Members,

Please accept this letter as further information in support of our, Katherine & Jeffery Kirschner's, application for a Development Variance for the 9.26 m x 15.38 garage ("shop") located at 12233 91 Street ("the property").

The property is currently for sale, and through the inquiry of an interested buyer, it became known to us on May 11, 2022, that the shop on the property was built without a permit from the Peace River Regional District (PRRD). We purchased this property in October 2021 with no knowledge of this issue as the structure was already established and had been for some time.

Upon contacting members of the PRRD, we were advised to review the *PRRD Zoning By-Law*. With this review we became aware of the additional following non-compliances,

1. As per the *PRRD Zoning By-Law* the property size (0.73 acres) allows for 187 m<sup>2</sup> of accessory building floor area.  
The sum of accessory building floor area on this property is 226.93 m<sup>2</sup>.
2. As per the *PRRD Zoning By-Law* an accessory building shall be located 5 m of the exterior side parcel line.  
The shop on this property is 2.48 m from the south exterior side parcel line.

As best we can tell from aerial photos of the area, the shop was built between 2008 and 2013 by a previous owner. The property has since been sold and purchased three (3) times since, with one previous owner having been an active realtor. Throughout all these transactions, the fact that the shop did not have a permit was not addressed.

Thank you for your time on this matter and we again ask you to consider our application for a Development Variance to allow the shop to remain as is on the property.

Respectfully yours,

Katherine and Jeffrey Kirschner





**DEVELOPMENT VARIANCE PERMIT NO. 22-002 DVP**

ISSUED TO: Jeffrey Robert Martin Kirschner  
Katherine Lorraine Kirschner  
Po Box 6277  
Fort St. John, BC  
V1J 0H8

1. Property affected: Lot 2 Block 8 Section 7 Township 84 Range 18 West of the 6<sup>th</sup> Meridian Peace River District Plan 8871.  
PID: 007-935-641  
911 Civic Address: 12233 91 Street
2. Official Community Plan: North Peace Fringe Area Official Community Plan Bylaw No. 1870, 2009; High Density Residential (HDR).
3. Zoning Bylaw: PRRD Zoning Bylaw 1343, 2001; Residential 3 Zone (R-3).
4. This Development Variance Permit is issued subject to compliance with all of the bylaws of the Regional District applicable thereto, except as specifically varied or supplemented by this Permit. The provisions of this Development Variance Permit shall prevail over any other provisions of the bylaws in the event of a conflict.
5. This Development Variance Permit allows for a reduction in the south exterior side parcel line setback and to increase the maximum accessory building floor area as follows:
  - a. From 5 meters to 2.54 meters on the southwest corner of the existing 142.4 m<sup>2</sup> shop;
  - b. From 5 meters to 2.48 meters on the southeast corner of the existing 142.4 m<sup>2</sup> shop;
  - c. From 5 meters to 2.44 meters on the southwest corner of the existing 6.2 m<sup>2</sup> shed on piles;
  - d. From 5 meters to 2.45 meters on the southeast corner of the existing 6.2 m<sup>2</sup> shed on piles; and
  - e. From 187 m<sup>2</sup> to 220.7 m<sup>2</sup>, a difference of 33.7 m<sup>2</sup>, to accommodate for the existing shop as show on Schedule 'A' which is attached to a forms a part of this permit.
6. The land described herein, shall be developed strictly in accordance with the terms, conditions and provisions of this permit and any plans and specifications attached to this Permit which shall form a part thereof.
7. This Development Variance Permit is subject to the following conditions:

- a. The removal of the 27.5 m<sup>2</sup> shed on skid within 3 months of the date of issuance of this permit; and
- b. An engineer's report stating the 142.4 m<sup>2</sup> shop was built to the BC Building Code and is safe for the intended use must be submitted within 3 months of the date of issuance of this permit.

8. This Permit is NOT a building permit.

ISSUED THIS \_\_\_\_\_ day of July, 2022.

This permit is authorized by Peace River Regional District Board Resolution No. \_\_\_\_\_ passed on the \_\_\_\_\_ day of July, 2022.

Authorized Signatory

Schedule A is attached to and forms part of this Development Variance Permit.