



PLANNING DEPARTMENT INFORMATION REPORT

DEVELOPMENT VARIANCE PERMIT APPLICATION

DATE:	January 17, 2022
FILE NO.:	21-1057-F-DVP
OWNER/APPLICANT:	Brandon & Ashley Mazur
LEGAL DESCRIPTION:	Lot 4, DL 237, K (Formerly O) DYD, Plan 423
P.I.D.#:	012-400-271
CIVIC ADDRESS:	112 Brash Allen Road
PROPERTY SIZE:	3.68 ha
ZONING:	Non-Urban (N.U)
O.C.P. DESIGNATION:	Agricultural
PROPOSAL:	Construct a new pole barn
PROPOSED VARIANCE:	Setback from rear lot line

PLANNING DEPARTMENT RECOMMENDATION:

That upon consideration of input from adjacent landowners, a Development Variance Permit be issued for the property legally described as Lot 4, DL 237, K (Formerly O) DYD, Plan 423 and located at 112 Brash Allen Road, Electoral Area "F" to vary Section 803.9.d of the *Regional District of North Okanagan Zoning Bylaw No. 1888, 2003* by reducing the rear yard setback of an accessory residential building (pole barn) from 7.5 m to 5.0 m as shown on the site plan attached to the Planning Department report dated January 17, 2022.

SUMMARY:

This report relates to an application for a Development Variance Permit for the property located at 112 Brash Allen Road in Electoral Area "F". The applicant is proposing to construct a pole barn towards the southern boundary of the site. The proposal requires a variance to Section 803.9.d of the Zoning Bylaw to reduce the rear yard setback from 7.5 m to 5 m as shown on the attached site plan. The Planning Department recommends that upon consideration of input from adjacent land owners, the application receive favourable consideration as the proposed 5.0 m setback is not considered to negatively impact upon the use of the adjoining land to the south, which is used for a similar agricultural purpose, and allows for buildings on site to remain clustered.

BACKGROUND:

Site Context

The following orthophoto of the subject and surrounding properties was taken in 2013.



The subject property is located on the corner of Brash Allen and Mowat Roads. The property is located within the Agricultural Land Reserve (ALR) and is currently used for agricultural purposes. There is an existing dwelling located towards the south-eastern corner of the site that was constructed in 2016. Access is obtained from Brash Allen Road towards the south-eastern corner of the site. There is also a hay barn on the property. Running along the southern boundary there is a 1.22 m wide easement for a water pipeline serving the cemetery to the west.

The property is surrounded to the north, east and south by larger parcels of land also zoned N.U, and being used for agricultural purposes. The City of Enderby cemetery adjoins the site to the south-west, and a smaller parcel of land also zoned N.U lies directly west.

The Proposal

The applicant seeks to construct a new pole barn approximately half way along the southern boundary, and set back a minimum of 5.0 m from the southern lot line. The barn would be open sided with dimensions of 12.2 m by 11.0 m (134.2 m²). The maximum height of the barn would be 6.1 m. The structure would be used to store both personal and agricultural equipment including a tractor, and trailers, and for additional hay storage.

PLANNING ANALYSIS:

The Planning Department recommends that the subject application be supported as the proposed building setback still allows a reasonable setback to the boundary in relation to the scale of the building, and allows for the building to be sited in proximity to other buildings on the site while not encroaching on the existing driveway. Subject to consideration of comments from adjacent land owners, siting of the pole barn as proposed is not likely to have a negative impact on the use and enjoyment of surrounding properties.

The proposed pole barn has a floor area of 134 m², and a maximum height of 6.1m. The structure is open-sided and will be used to store personal and farm equipment, and also provide additional space for storage of hay produced on site. The scale and use of the proposed building is reasonably small, and accessory to the overall use of the site. The adjoining site to the south is also zoned N.U and used for similar agricultural purposes to the subject site, with no buildings in proximity.

It is noted that if the proposed building was solely for agricultural purposes it could be sited a minimum of 4.5 m from the rear lot line, and have a maximum height of 20 m. Taking this into account, the reduced setback of the proposed building is not considered to undermine the enjoyment or use of the neighbouring site.

The proposed location also allows the pole barn to be constructed in proximity to the existing dwelling, accessory buildings and driveway for the subject site. This ensures that the area of the site given over to buildings and access will still be contained within a limited area, therefore reducing the impact on the agricultural land resource on the site.

There is a 1.22 m wide easement for a water pipeline along the southern boundary in favour of the City of Enderby. No comments were received from the City, and the proposed barn location will be 5.0 m from the southern lot line, maintaining a reasonable setback to the easement.

ZONING BYLAW:

The subject property is zoned Non Urban (N.U). The uses permitted in the N.U zone include single family dwellings, ancillary dwellings or suites, accessory buildings, agricultural buildings and uses, community care facilities, boarding house use, home occupation use, accessory farm sales use, packing houses, veterinary clinics, and wineries and cideries.

The proposal as compared to the N.U zone requirements is as follows:

CRITERIA	PROPOSAL	ZONE REQUIREMENTS
Building Height (max.)	6.1 m	8 m (accessory residential use)
Setbacks - Agricultural (min.)		
- Front	>250 m	7.5 m
- Rear	5 m	7.5 m
- Exterior Side	40 m	7.5 m
- Side	60 m	4.5 m

Rear Yard Setbacks

Section 803.9.d requires that accessory residential buildings be setback a minimum of 7.5 m from a rear lot line. As the pole barn is to be used for both personal and farm storage, the building is considered as an accessory residential building. Schedule G of the Zoning Bylaw requires that farm buildings used for machine or crop storage be setback a minimum of 4.5 m from a rear lot line.

OFFICIAL COMMUNITY PLAN:

The Official Community Plan designates the land use of the subject property as Agricultural. The following Electoral Area "F" OCP Agricultural Policies are applicable to the application:

- 3.3.2. Lands designated as Agricultural on Schedule "C" are intended to be used for agricultural purposes and associated uses as allowed by the Provincial Agricultural Land Commission (the Commission) and the Regional District.
- 3.2.3. All uses and subdivision of land within the ALR shall be in accordance with the Agricultural Land Commission Act, Regulations and Policies of the Commission.
- 3.2.14. Encourage new buildings and structures to be clustered in close proximity to existing buildings and driveways to minimize the amount of farmland being taken out of farm use.

REFERRAL COMMENTS:

The application was referred for comments to the following:

- 1. Building Inspection Department**
- 2. Community Services Manager**
- 3. Ministry of Agriculture**
- 4. Ministry of Transportation and Infrastructure**

The Ministry has no jurisdiction to comment on the proposal, as the proposed pole barn is more than 4.5 m from the road boundary.

- 5. Enderby Fire Department**
- 6. City of Enderby**

Submitted by:



Heather Shannon
Planner

Reviewed by:



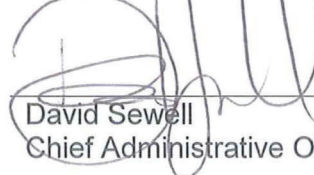
Greg Routley
Deputy Planning Manager

Endorsed by:



Rob Smailes, MCIP, RPP
General Manager, Planning and Building

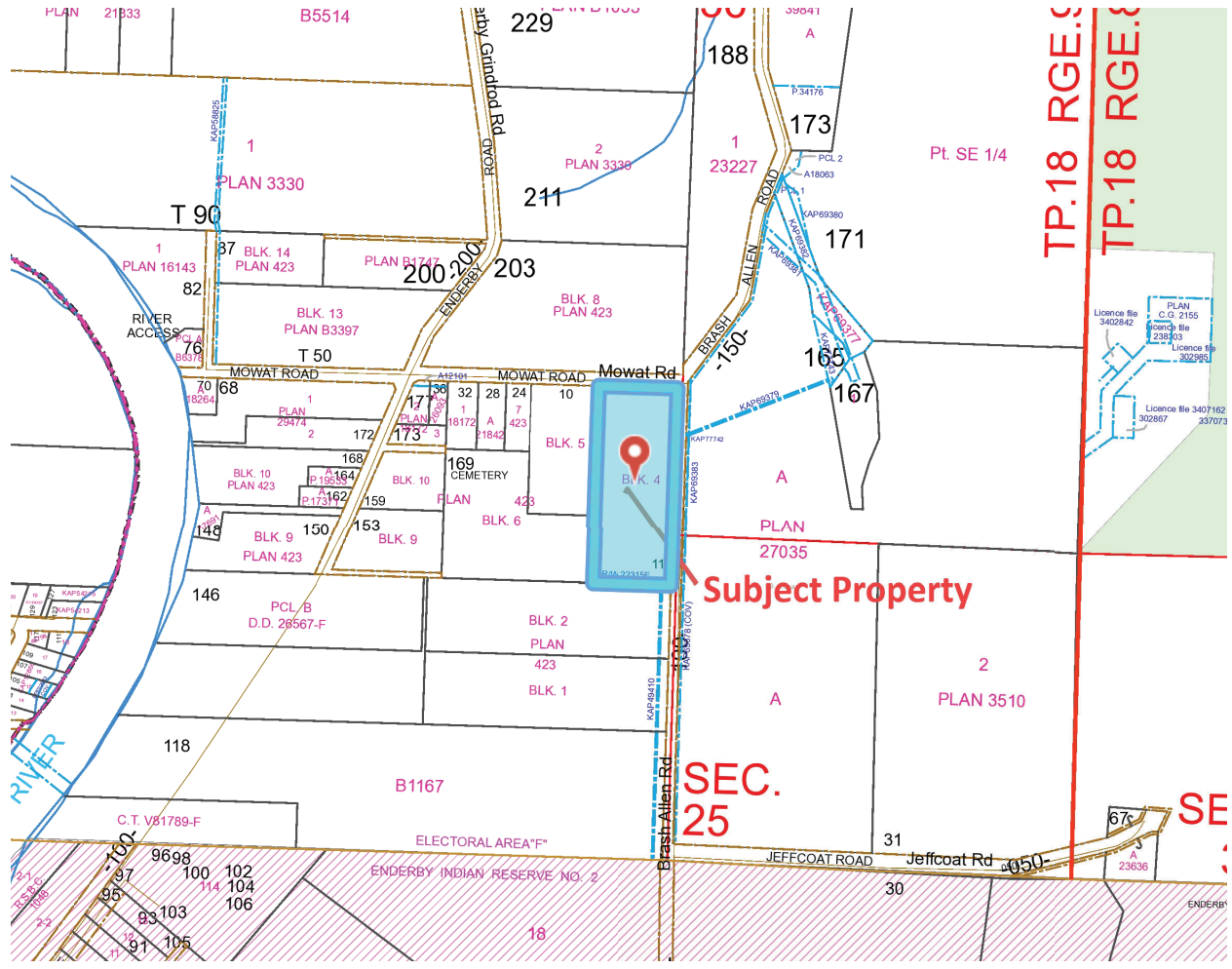
Approved for Inclusion:



David Sewell
Chief Administrative Officer

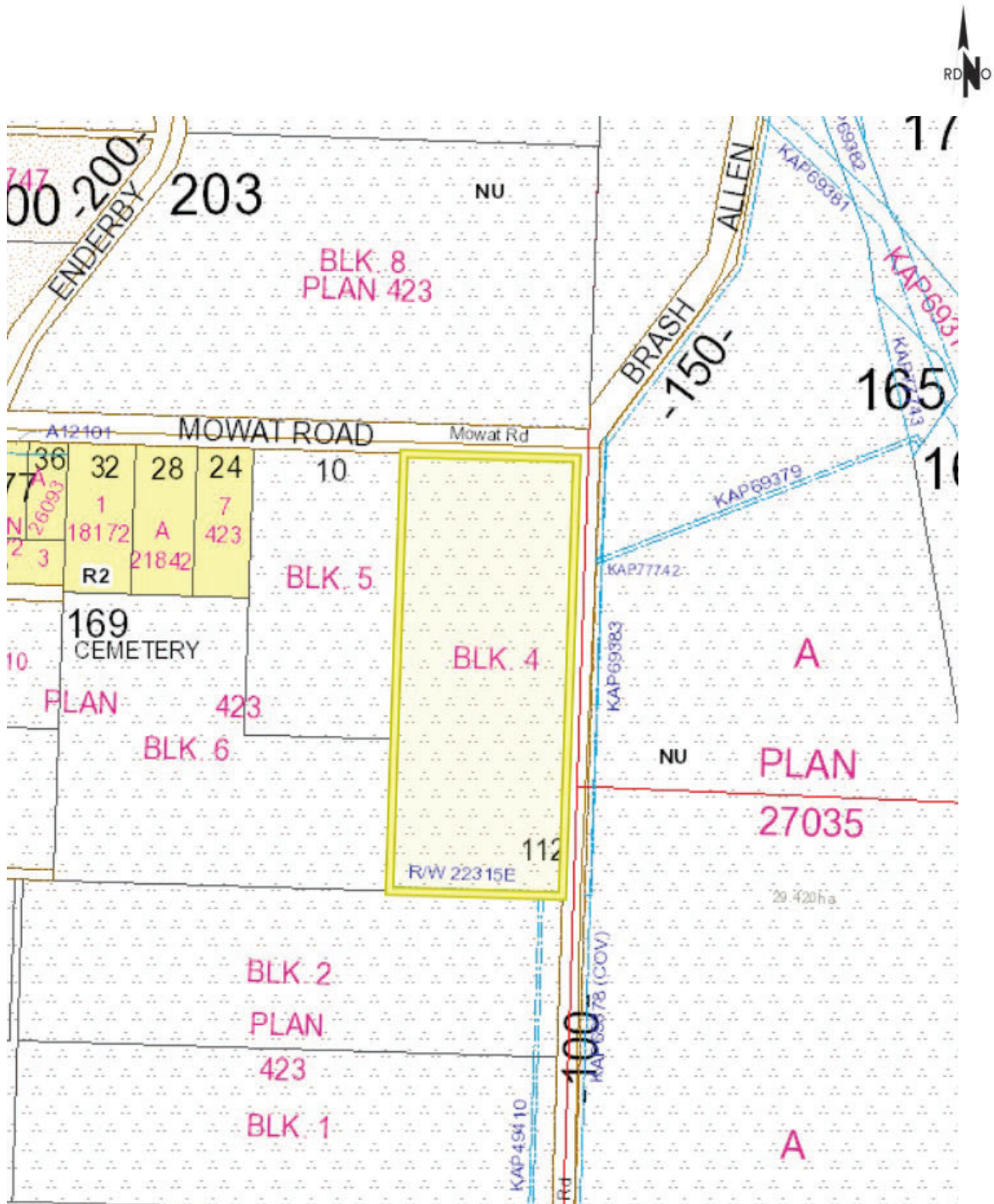
SUBJECT PROPERTY MAP DEVELOPMENT VARIANCE PERMIT

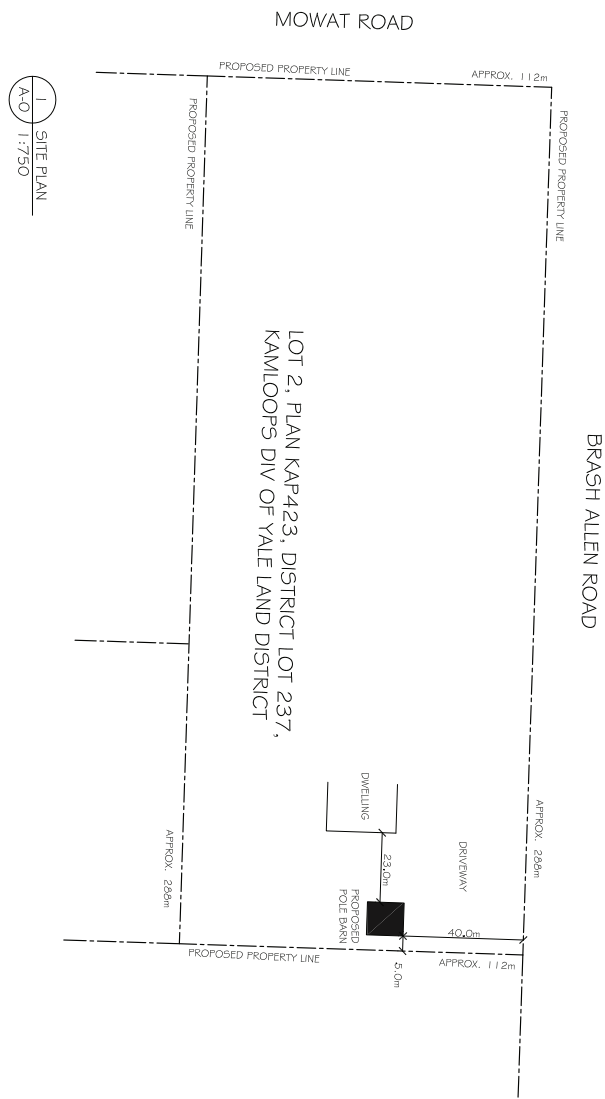
File: 21-1057-F-DVP
Owner/Applicant: Brandon & Ashley Mazur
Location: 112 Brash Allen Road



SUBJECT PROPERTY MAP DEVELOPMENT VARIANCE PERMIT ZONING BOUNDARIES

File: 21-1057-F-DVP
Owner/Applicant: Brandon & Ashley Mazur
Location: 112 Brash Allen Road





1
A-0
S-I-T-E P-L-A-N
1:750

MAZAR - POLE BARN	CLIENT: BRANDON MAZAR	TITLE: SITE PLAN	REVISIONS		 <small>NORTH</small>
	DATE: DECEMBER 1st, 2021		12/01/2021	PLAN FOR REVIEW	
 OAK VALLEY HOMES LTD.	ADDRESS: 112 BRASH-ALLEN RD., ENDERBY, BC				<small>DRAWING #</small>
	LEGAL DES: LOT 2, PLAN KAP423, DISTRICT LOT 237, KAMLOOPS DIV OF YALE LAND DISTRICT				A-0
250-308-7034	oakvalleyhomes.ca	DRAWN: CAN			



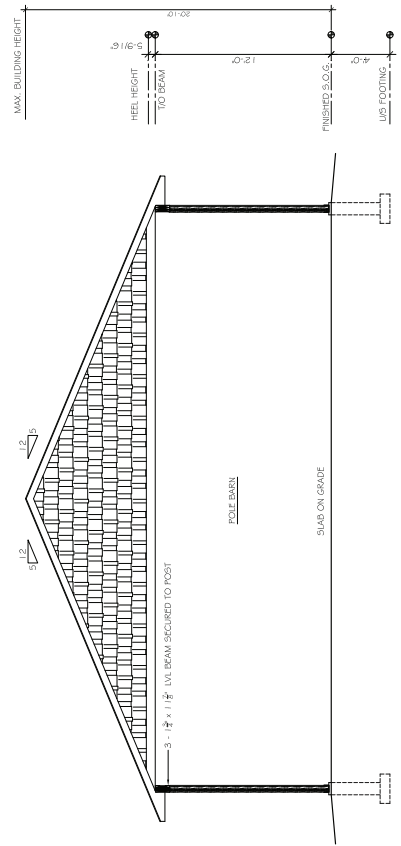
MAZAR - POLE BARN

CLIENT:	BRANDON MAZAR
TITLE:	PLANS & ELEVATIONS
DATE:	DECEMBER 1st, 2021
ADDRESS:	112 BRASH-ALLEN RD., ENDERBY, BC
LEGAL DES:	LOT 2, PLAN KAP423, DISTRICT LOT 237, KAMLOOPS DIV OF VALE LAND DISTRICT
DRAWN:	CAN

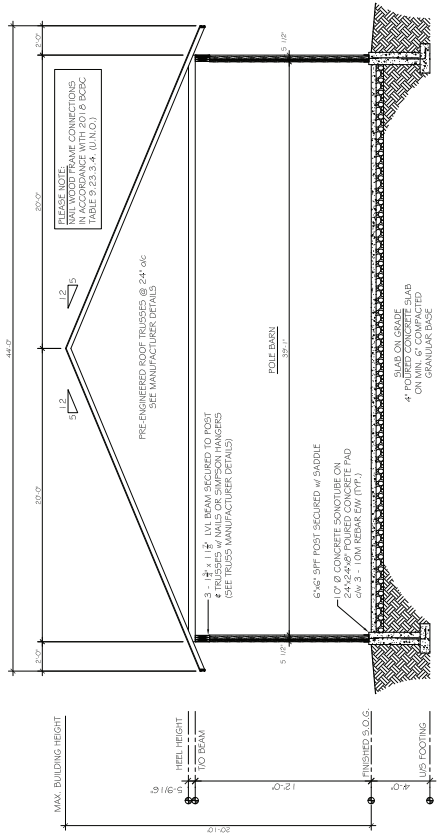
250-308-7034
oakvalleyhomes.ca
OAK VALLEY HOMES LTD.

REVISIONS	
PLAN FOR REVIEW	12/01/2021

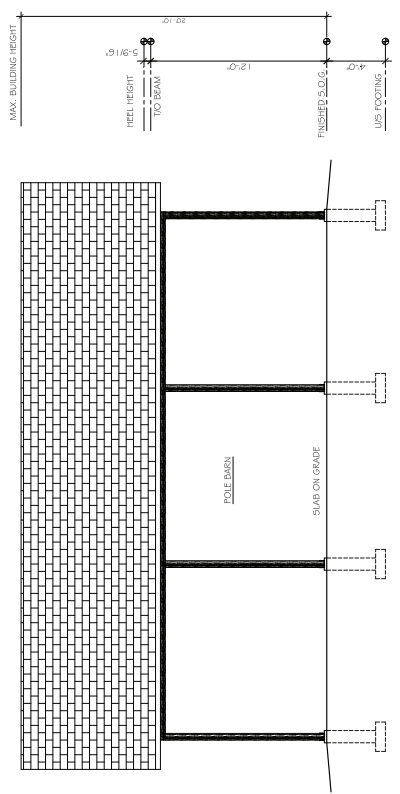
ORIENTATION
NORTH
DRAWING #
A-1



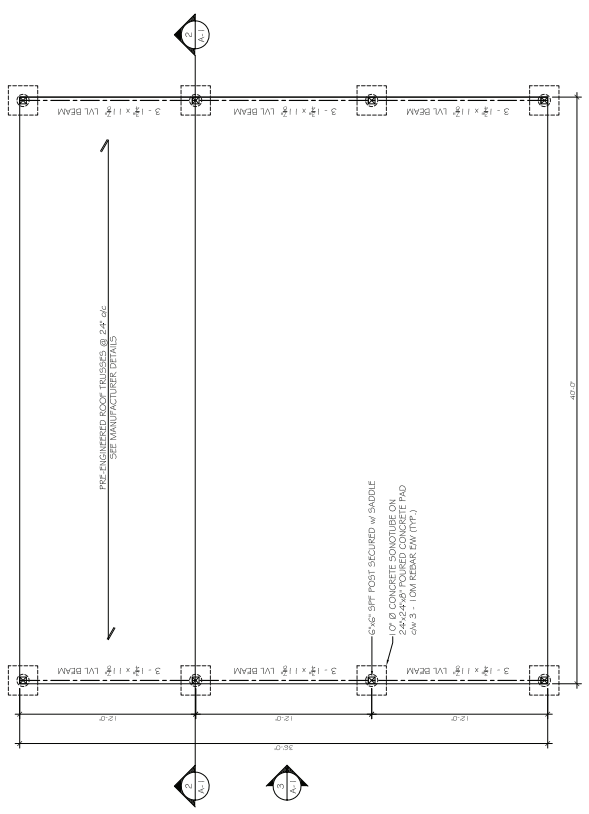
3. ELEVATION
A-1 1/4" = 1'-0"



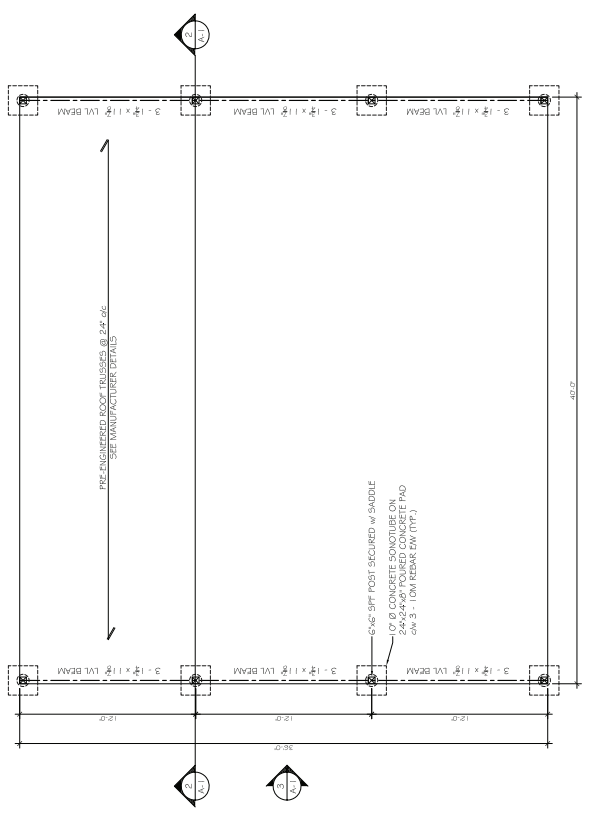
4. ELEVATION
A-1 1/4" = 1'-0"



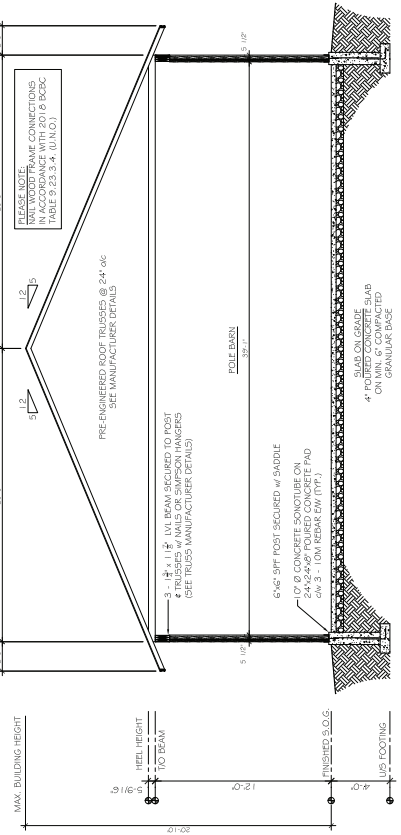
1. ELEVATION
A-1 1/4" = 1'-0"



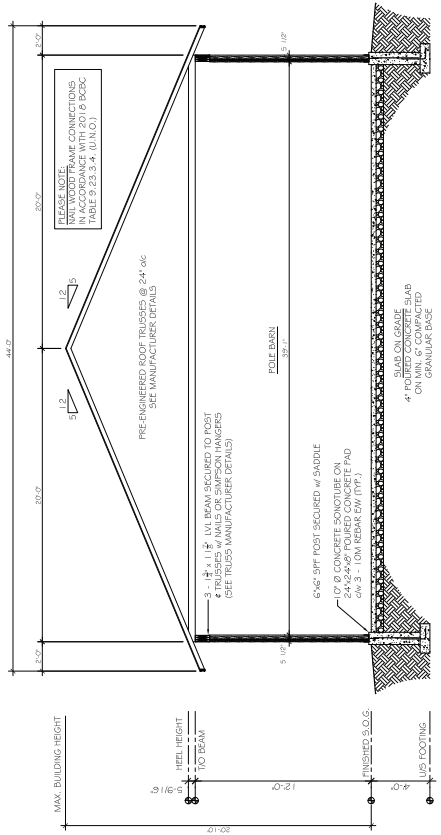
2. ELEVATION
A-1 1/4" = 1'-0"



1. POLE BARN PLAN
A-1 1/4" = 1'-0"



1. SECTION
A-1 1/4" = 1'-0"



2. SECTION
A-1 1/4" = 1'-0"