



PEACE RIVER REGIONAL DISTRICT
DEVELOPMENT SERVICES
DEVELOPMENT VARIANCE PERMIT REPORT
FILE NO. 76/2009

Part 26 Participants.
Includes all except
Districts of Tumbler
Ridge and Taylor.

OWNER: Dale & Heather Phillips
AREA: Electoral Area E
LEGAL: Lot 4, Block 1, Plan 8358, District Lot 488, PRD
LOT SIZE: 0.3 ha (0.75 acres)
LOCATION: Moberly Lake

DATE: May 27, 2009

R-5

PROPOSAL

To replace an existing non-conforming dwelling with new one. The existing and proposed dwellings are non-conforming with respect to an interior side setback.

RECOMMENDATION: OPTION 1

THAT the Regional Board approve the issuance of Development Variance Permit No. 76-2009-DVP allowing for the variance of the interior side setback for the principal building *from* 3 m (± 10 ft) *to* 2.4 m (± 8 ft) on Lot 4, Block 1, Plan 8358, District Lot 488, PRD.

OPTIONS

- OPTION 1: THAT the Regional Board approve the issuance of Development Variance Permit No. 76-2009-DVP allowing for the variance of the interior side setback for the principal building *from* 3 m (± 10 ft) *to* 2.4 m (± 8 ft) on Lot 4, Block 1, Plan 8358, District Lot 488, PRD.
- OPTION 2: THAT the Regional Board the Regional Board refuse the issuance of Development Variance Permit No. 76-2009-DVP.

LAND USE POLICIES AND REGULATIONS

OFFICIAL COMMUNITY PLAN (OCP): Settlement, Bylaw No. 1086, 1997
ZONING: R-3 (Residential 3 Zone), Bylaw No. 1343, 2001
AGRICULTURAL LAND RESERVE (ALR): Outside
BUILDING INSPECTION AREA: Within

SITE CONTEXT

The subject property is waterfront land located on the northwest side of Moberly Lake. The lot is located along Mission Road which connects to Lakeshore Drive and then to Highway 29N, 9 km (5.5 miles) south of the municipal boundaries of Hudson's Hope and 23 km (14 miles) north of Chetwynd. This end of the lake has many small waterfront properties. The area around Moberly Lake is outside the Agricultural Land Reserve.

SITE FEATURES

LAND: The subject property is mostly cleared with some trees surrounding it.
STRUCTURES: In addition to the existing 1500 ft² house, there is a 1024 ft² garage and a storage shed.
ACCESS: The subject property is accessed from the graveled Mission Road along the north end of the property.
CLI SOIL Class 5^T - Soils in this class have very severe limitations, due to topography and stoniness, that
RATING: restrict their capability in producing perennial forage crops, and improvement practices are feasible.

Bruce Simard

Department Head

SLM

CAO

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FIRE: The subject property is within the Moberly Lake Rural Fire Protection Area.

COMMENTS AND OBSERVATIONS

- APPLICANT:** The applicant intends to replace the existing single family dwelling with a new ~2800 ft² house. The applicant has stated that, while the entire house and foundation will be replaced, the existing location with the reduced setbacks provide for the best views of the lake.
- ALR:** The subject property is outside the Agricultural Land Reserve and is therefore exempt from the provisions of the *Agriculture Land Commission Act*.
- OCP:** Pursuant to the West Peace Official Community Plan By-law No. 1086, 1997, the subject property is designated “*Settlement*”. Policy 6.3.1(1) of this designation states “the preferred development pattern is low to medium density clustered growth.” This proposal will NOT require an OCP amendment.
- ZONING:** Pursuant to the PRRD Zoning By-law No. 1343, 2001, the subject property is currently zoned R-3 (Residential 3 Zone). The setback regulations in this zone require a minimum of 3 metres (10 feet) distance between the interior side parcel line and the principal building. The proposal is to vary this regulation through a Development Variance Permit. The variance would apply only to this one property.
- LAKESHORE DEVELOPMENT GUIDELINES:** The PRRD Lakeshore Development Guidelines classifies Moberly Lake as a ‘Development Lake’.
- Section 8.1.6 of the Guidelines states “unless otherwise specified, all buildings should be located at least 15 metres (49 feet) from the high water mark of a lake or stream.” The building is proposed to be ~ 12 metres (39 feet) from the high water mark of the lake.
- Section 16.7 of the Guidelines states that “the Regional District should ensure that the public receives appropriate opportunity to provide input with respect to any future land use bylaws and regulations, which may be instituted to implement and enforce these guidelines. Consultation should include directly informing and inviting the participation of affected stakeholders and property owners.”
- PUBLIC NOTIFICATION:** Pursuant to LGA s.922, notification of intent to consider this development variance permit was mailed, on May 27, 2009, to landowners within 100 metres of the subject property.

IMPACT ANALYSIS

- AGRICULTURE:** This proposal would have no effect on agriculture.
- CONTEXT:** As the proposal is replacing an existing dwelling with a new one in the same location, with the same setbacks, the proposal is consistent with past development. However, the 39 foot setback from the lake is less than what is suggested by the Lakeshore Development Guidelines.
- POPULATION:** The proposal would not affect population or traffic levels.

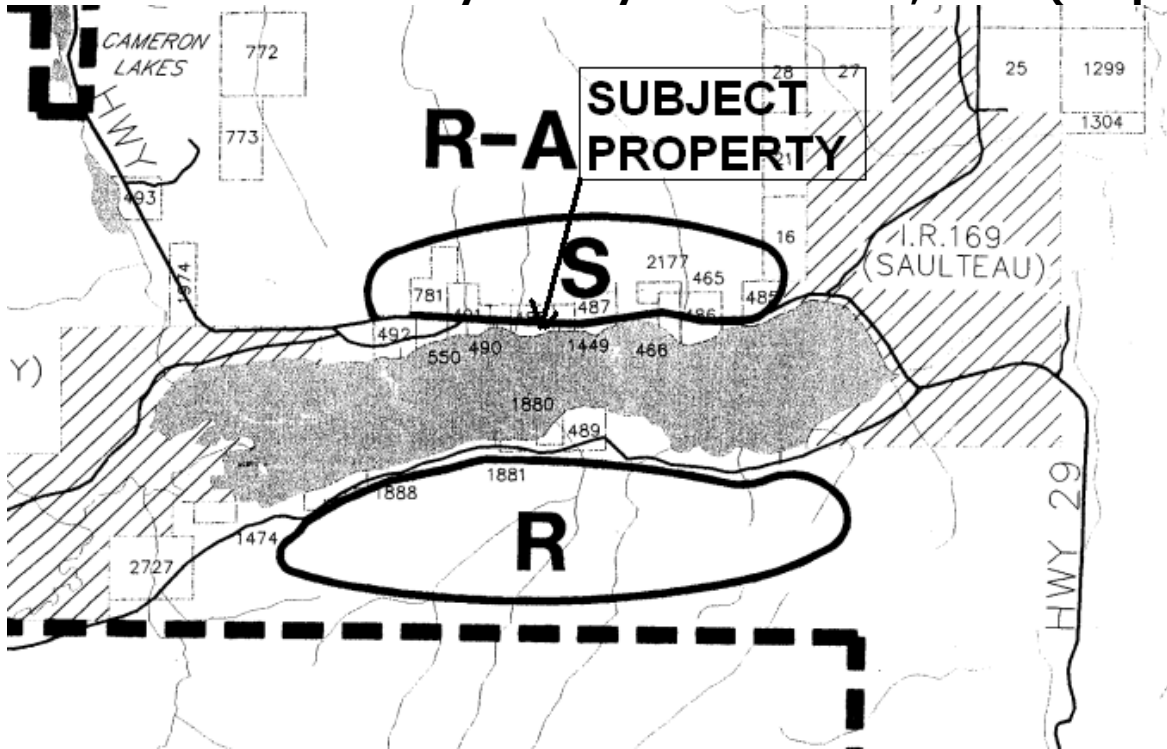


Peace River Regional District

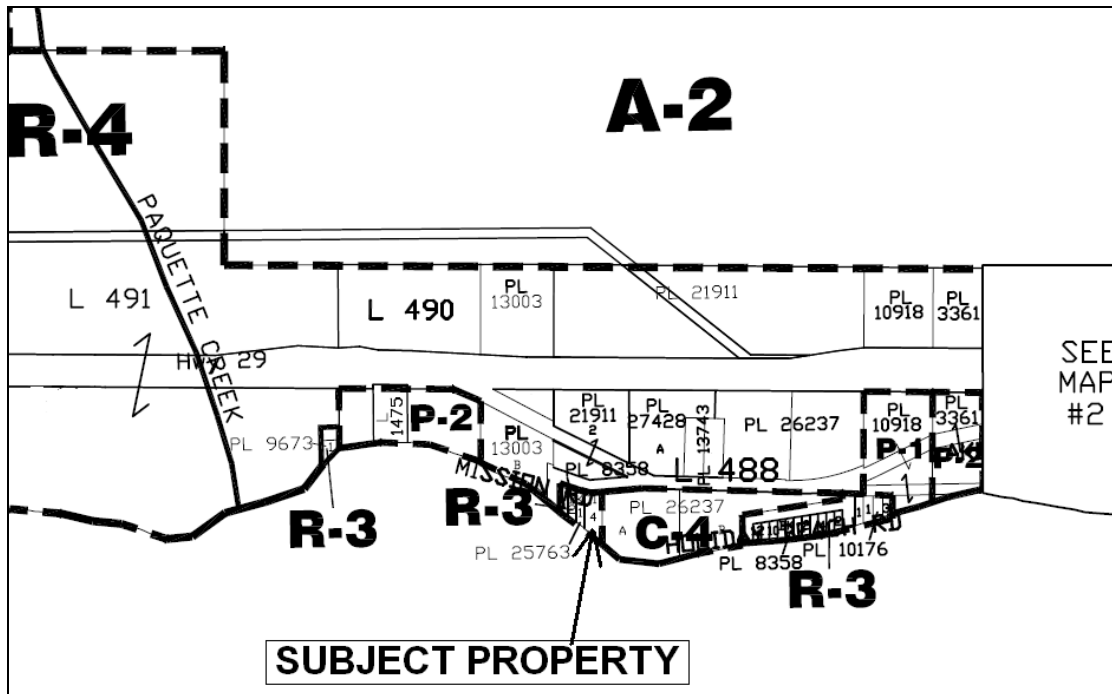
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Application # 76/2009

West Peace Official Community Plan By-law No. 1086, 1986 (map# 2)



PRRD Zoning By-Law No. 1343, 2001 (map# 1-C)

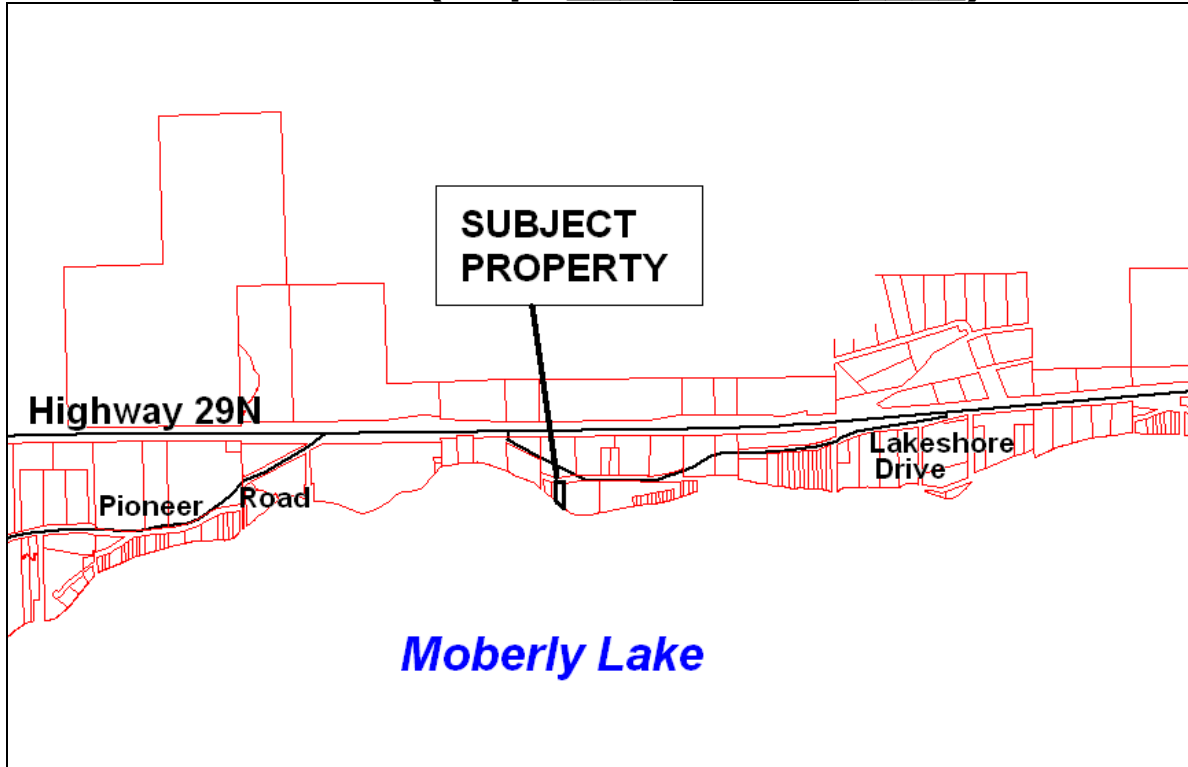


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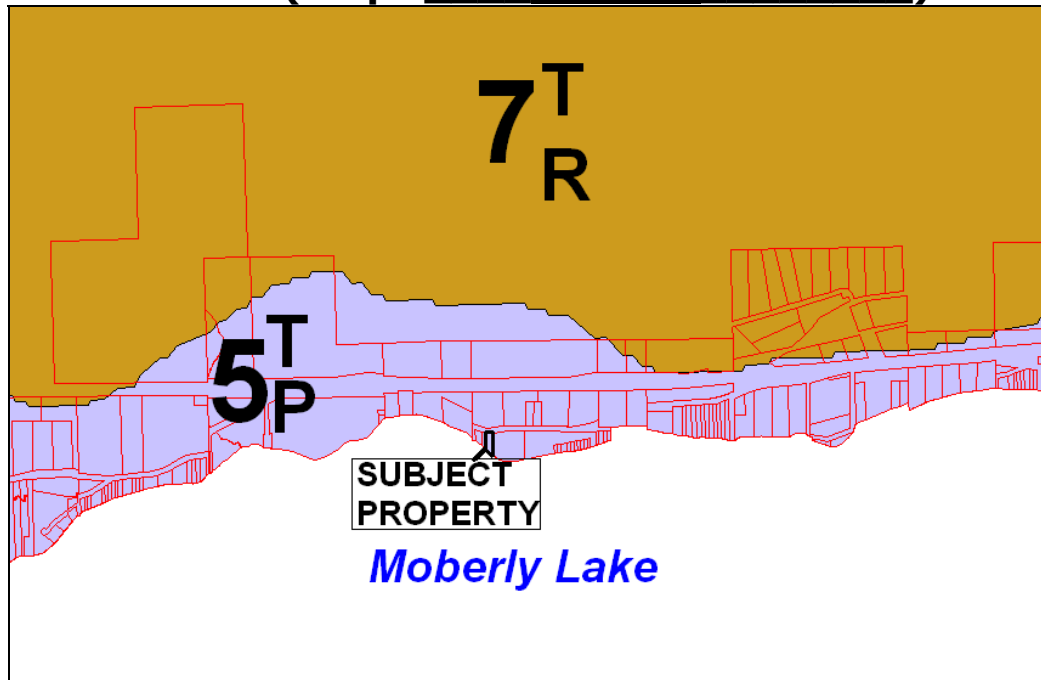


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Agriculture Land Reserve (map# 93P/082)



CLI-Soil Classification (map# 93-P-13)



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PEACE RIVER REGIONAL DISTRICT

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Box 810, 1981 Alaska Avenue,
Dawson Creek, BC V1G 4H8
Telephone: (250) 784.3200
Fax: (250) 784.3201

Toll Free: 1.800.670.7773

9912 - 106th Avenue,
Fort St. John, BC V1J 2N9
Telephone: (250) 785.8084
Fax: (250) 785.1125

Receipt #: _____

Application for Development

1.

FEES

- | | |
|---|------------|
| <input type="checkbox"/> Official Community Plan Amendment | \$1,000.00 |
| <input type="checkbox"/> Zoning Amendment | \$ 650.00 |
| <input type="checkbox"/> Official Community Plan and Zoning Amendment combined | \$1,050.00 |
| <input type="checkbox"/> Temporary Commercial Use / Temporary Industrial Use Permit | \$ 350.00 |
| <input type="checkbox"/> Development Permit | \$ 165.00 |
| <input checked="" type="checkbox"/> Development Variance Permit | \$ 165.00 |

2. Please print

Property Owner's Name <i>DALE + HEATHER PHILLIPS</i>	Authorized Agent of Owner (if applicable): _____
Address of Owner <i>6685 MISSION ROAD</i>	Address of Agent _____
City / Town / Village <i>MOBERLY LAKE B.C.</i>	City / Town / Village _____
Postal Code <i>V0C 1J0</i>	Postal Code _____
Telephone Number: <i>250 788 2883 HM</i> Fax Number: <i>250 788 2255 WK</i>	Telephone Number: Fax Number:
e-mail address: <i>da.phillips@</i> <i>napa.ca</i>	e-mail address:

3.

Full legal description of each property under application	Area of each lot
LOT 4, DISTRICT LOT 488 PEACE RIVER DISTRICT	.8 ACRES ha./ acres
PLAN 8358 EXCEPT PARCEL A (PLAN 25763)	ha. / acres
	ha. / acres
	Total area ha. / acres

Application for Development

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4. Civic address or location of property: 6685 MISSION ROAD, MOBERLY LAKE, B.C.

5. **Particulars of proposed amendment**

Please "check" the box(es) that apply(ies) to your proposal.

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☐ Official Community Plan (OCP) amendment:
Existing OCP designation: _____
Proposed OCP designation: _____
Text amendment: _____

☐ For a Zoning amendment:
Existing zone: _____
Proposed zone: _____
Text amendment: _____

☒ Development Variance Permit: - describe proposed variance request:
TO REMOVE & REPLACE SINGLE FAMILY DWELLING
FRONT OF STRUCTURE 39 FT FROM HIGH WATER AND 8 FT FROM
EAST SIDE PROPERTY LINE.

☐ Temporary Commercial Use Permit (describe proposed use):

☐ Temporary Industrial Use Permit: (describe proposed use):

☐ For a Development Permit: By-law No. _____ Section: _____

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

SINGLE FAMILY DWELLING

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

a) North	<u>MISSION ROAD MOBERLY LAKE</u>
b) East	<u>FENCED TREED PROPERTY</u>
c) South	<u>LAKE</u>
d) West	<u>SUMMER COTTAGE</u>

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

WOULD LIKE TO REMOVE EXISTING STRUCTURE & REPLACE
WITH A NEWER MORE ENERGY EFFICIENT HOME.

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

THE EXISTING HOME HAS BEEN HERE SINCE THE 1950'S.
PART OF THE FOUNDATION IS STARTING TO DETERIORATE AND
TO REPLACE ALL THE OLD WINDOWS & DOORING & INSULATION
WOULD NOT BE COST EFFICIENT.

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The following information is required. Failure to provide any of the following may delay the application.

1. A copy of the **proof of ownership**. [For example: Certificate of Title or recent Tax Assessment] for the subject property or properties.
2. A **Sketch Plan** of the subject property, showing:
 - the legal boundaries and dimensions of the subject property;
 - boundaries, dimensions and area of any proposed lots (if subdivision is being proposed);
 - the location of permanent buildings and structures on the subject property, with distances to property lines;
 - the location of any proposed buildings, structures, or additions thereto, with distances to property lines;
 - the location of any existing sewage disposal systems;
 - the location of any existing or proposed water source; and
3. Additional or more detailed information may be requested by the Regional District following review of your application.

If the Regional District believes it to be 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.

I / We hereby declare that the information provided in this application is, to the best of my / our knowledge, true and correct in all respects, and I / we enclose the required fee with this application.

Signature of Owner/s:	<i>Leahy, Philip</i>
Signature of Owner/s:	<i>[Signature]</i>
Date:	MAY 20 / 2009

Agent's Authorization

Should the property owners elect to have someone act on their behalf in submission of this application, the following must be signed by all property owners.

I / We	and	hereby authorize
(name)	to act on my/our behalf in respect of this application.	
Address of agent:		
Telephone:	Fax:	Email:

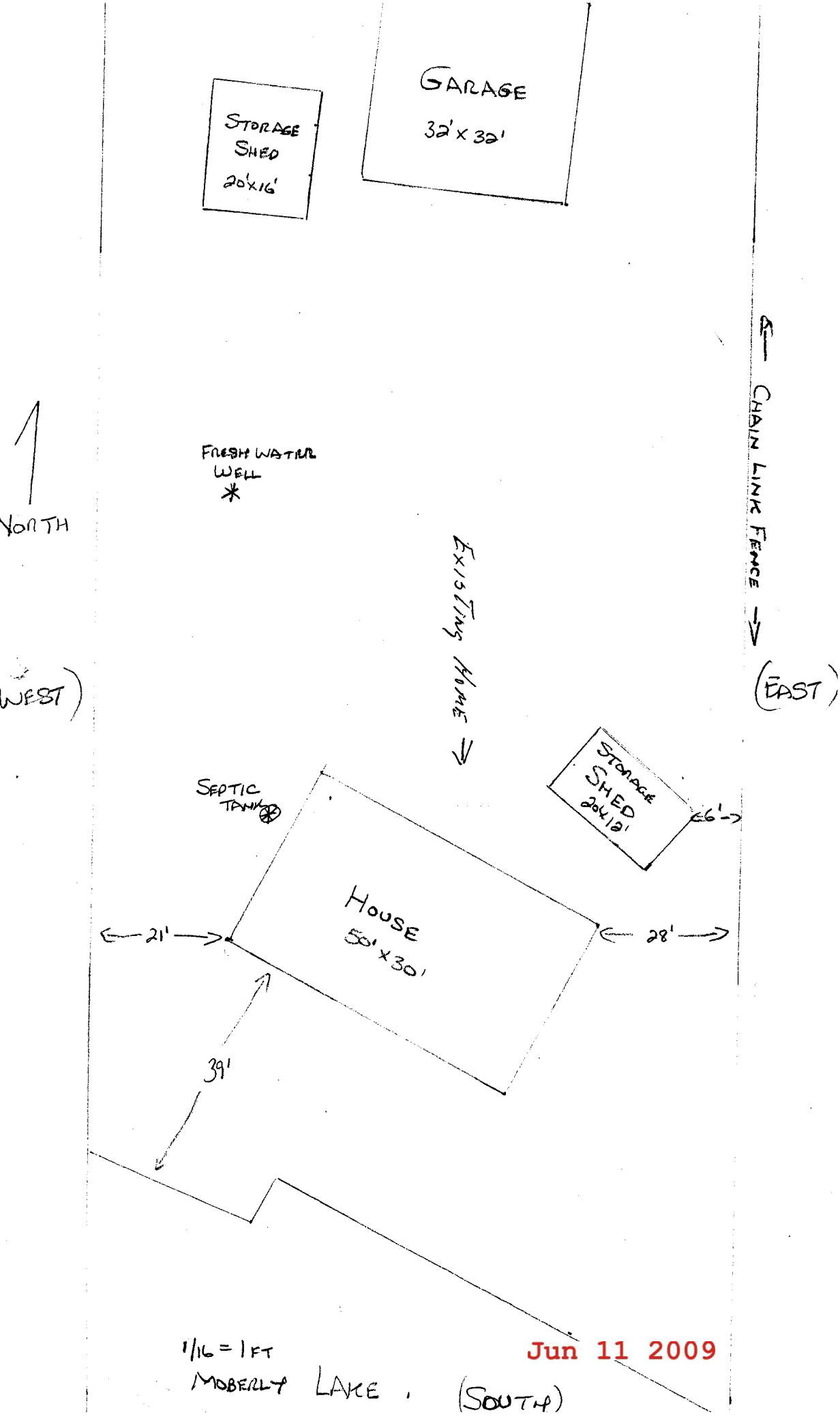
Signature of Owner/s

Date

Signature of Owner/s

Date

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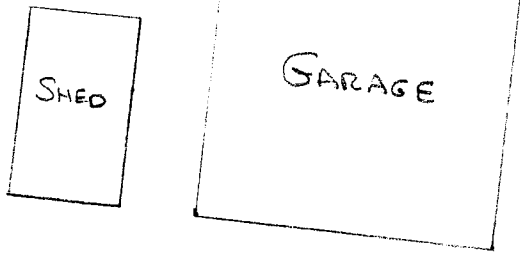
1/16 = 1 FT

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MOBERLY LAKE (SOUTH)

R-5

NORTH



FRESH WATER
WELL
*

CHAIN LINK FENCE →
(EAST)

(WEST)

SPECTIC
TANK ⊗

HOUSE
56' x 50'

COVERED
PORCH

← 21' →

39'

← 8' →

1/16" = 1 FT

MOBELLY LAKE

(SOUTH.)

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PEACE RIVER REGIONAL DISTRICT DEVELOPMENT VARIANCE PERMIT NO. 76-2009-DVP

- | | | |
|------------|----------------|--------------------------------------|
| ISSUED TO: | Name | Dale & Heather Phillips |
| | Address | PO Box 132, Moberly Lake, BC V0C 1X0 |
1. Property affected: Lot 4, Block 1, Plan 8358, District Lot 488, PRD, except Parcel A (Plan 25763)
 2. Official Community Plan: *West Peace Official Community Plan No. 1086, 1997
Designation: Settlement*
 3. Zoning By-law: *PRRD Zoning Bylaw No. 1343, 2001
Zone: R-3 (Residential 3 Zone)*
 4. This Development Variance Permit is issued subject to compliance with all of the by-laws 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 by-laws in the event of a conflict.
 5. This Development Variance Permit allows for the variance of the interior side setback *from* 3 m (10 ft) *to* 2.4 m (8 ft) in order to replace an existing dwelling which has a non-conforming setback.
 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 Permit is **NOT** a building permit.

ISSUED THIS _____ day of _____, 2009.

Authorizing Resolution No. _____ passed by the Regional Board this
_____ day of _____, 2009.

Fred Banham, Chief Administrative Officer

Jun 11 2009