



COUNCIL REPORT

To: Paul Gipps, CAO

Date: July 13, 2021

From: Jayden Riley, Planner II

File No: DVP 21-15

Subject: **DVP 21-15, Development Variance Permit, 3122 Elliott Rd**

RECOMMENDATION

THAT Council authorize the issuance of a Development Variance Permit (DVP 21-15) for 3122 Elliott Road to vary S.8.1.5(g).2 of Zoning Bylaw No. 0154 to reduce the required minimum setback from a riding stable to a parcel boundary from 15.0 m to 3.0 m (east) and 8.4 m (north), in accordance with the attached permit (*Attachment 1*).

STRATEGIC AREA(S) OF FOCUS

Economic Growth and Prosperity (Council's Strategic Priorities 2021-2022)

BACKGROUND

This application is seeking a Development Variance Permit to reduce the required minimum setback from a riding stable to a parcel boundary from 15.0 m to 3.0 m (east) and 8.4 m (north). The property currently contains a single detached dwelling, barn, shop and open riding arena. The proposal is to build a structure to cover the existing riding arena.

PROPERTY DETAILS			
Address		3122 Elliott Rd	
PID		011-602-210	
Folio		36413316.000	
Lot Size		5 acres (20,234 m ²)	
Owner	Randall & Margie Rhode	Agent	Margie Rhode
Current Zoning	Agriculture (A1)	Proposed Zoning	N/A
Current OCP	Agricultural	Proposed OCP	N/A
Current Use	Agricultural	Proposed Use	Agriculture, Riding Stable
Development Permit Areas		None	

Hazards	N/A
Agricultural Land Reserve	Yes

ADJACENT ZONING & LAND USES

North	^	ALR / A1 (Agricultural)
East	>	ALR / A1 (Agricultural)
West	<	ALR / A1 (Agricultural)
South	v	ALR / A1 (Agricultural)

NEIGHBOURHOOD MAP



PROPERTY MAP



Legislative Requirements

Section 498 of the *Local Government Act* gives Council the authority to issue a Development Variance Permit that varies, in respect of the land covered in the permit, the provisions of the Zoning Bylaw.

Proposal

This application is seeking to reduce the minimum setback from a riding stable to a parcel boundary from 15.0 m to 3.0 m (east) and 8.4 m (north). The proposed variance is required in order to build a structure to cover an existing riding arena (*Figure 1, Attachment 2*). The proposed structure is approximately 7.0 m in height, covering an area of 1,278 sq. m. (*Figure 2*).

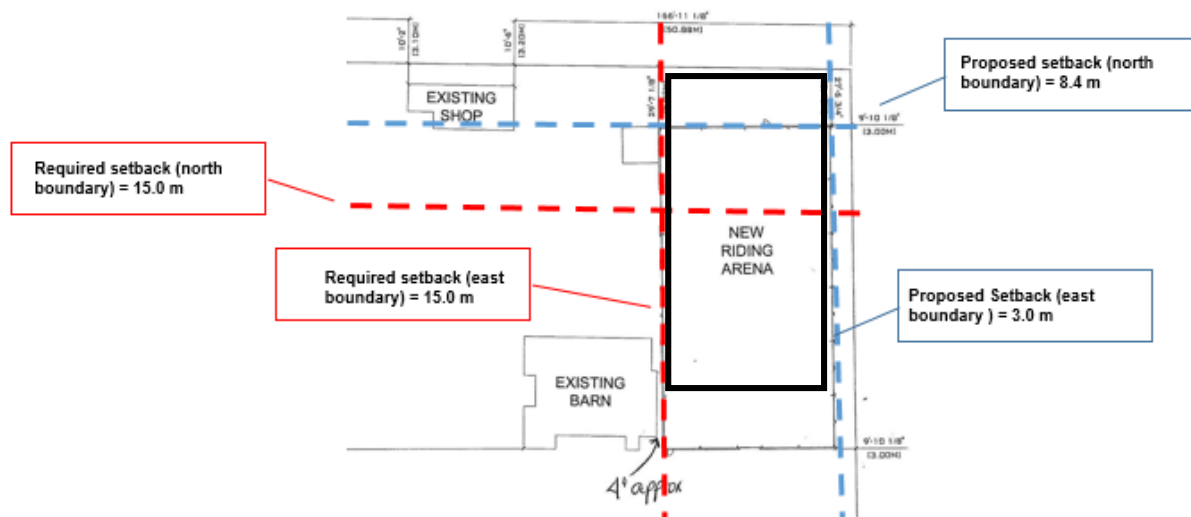


Figure 1: site plan

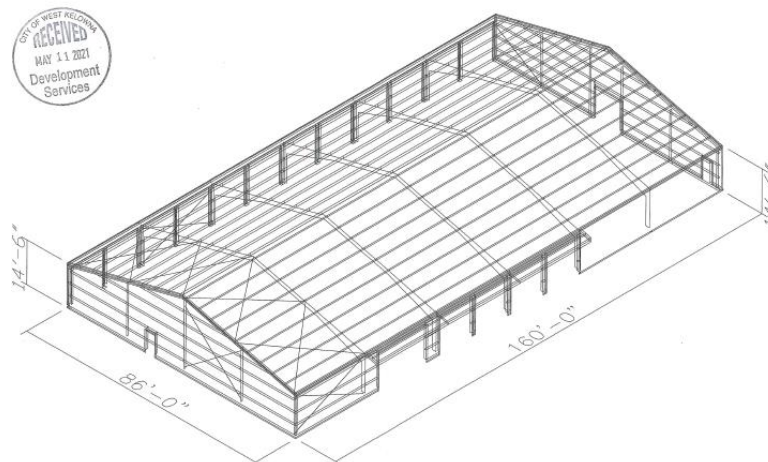


Figure 1: proposed riding arena

Applicant's Rationale

The applicant has provided a proposal summary, which outlines their rationale for the proposed variance (*Attachment 3*). The letter states that by enclosing the riding arena they would be able to mitigate dust and noise caused by the existing open arena and also assist in capturing and containing runoff with construction of a large drywell. The letter also states that relocating the riding arena to meet the setback requirements of the Zoning Bylaw would not be a feasible option as it would impact existing pasture land contained on the property.

Policy and Bylaw Review

Official Community Plan Bylaw No. 0100

The subject property has a Land Use Designation of Agriculture. The purpose of the Agricultural designation is “to support the community’s agricultural heritage and foster a local food system for greater self-sufficiency, economic development and local food security.”

The OCP identifies key objectives for parcels within the Agricultural Land Use Designation (LUD), including:

- Support the preservation and enhancement of the agricultural land base through land use decisions consistent with identified agricultural policies, Agricultural Land Commission policies and decisions where applicable, and the Agricultural Plan.
- Preserve agricultural land by directing development into designated Boucherie / Westbank Centres, Corridors and existing neighbourhood areas.

Zoning Bylaw No. 0154

The subject property is zoned Agricultural (A1) Zone, which permits the use of a riding stable. ‘Riding stable’ is defined as a premises used to house, train or exercise horses, and typically includes space for instruction, boarding stables, and a tack shop – although, the proposed riding arena will not be used for housing horses or livestock, as an existing barn located adjacent to the riding arena is used for this purpose.

S. 8.1.5(g).2 of the Zoning Bylaw requires that a riding stable must be sited 15.0 m from a parcel boundary. The structure is proposed 3.0 m (east) and 8.4 m (north) to a parcel boundary; therefore a variance is required. The height, area, and use of the structure otherwise complies with the regulations of the A1 Zone.

REFFERALS

Building Department

The Building Department has provided comments that the structure will need to meet the Farm Building Code. The parcel boundary side of the structure requires a 2 hour fire resistance rating and requires non-combustible siding. The applicant is currently engaging with a code consultant regarding solutions to meet the farm and building code.

Development Engineering Department

The City's Development Engineering Department have commented that additional on-site drainage control will be required for the site, to be addressed at time of Building Permit. The application would not trigger DCC's or frontage improvements.

Fire Department

The Fire Department has confirmed the property is within their 10 minute response area.

Ministry of Agriculture (MOA)

The MOA expressed concerns with possible farm practice complaints. While enclosing the arena may assist with the dust issue, the Ministry's Guide for Bylaw Development in Farming Areas recommends that horse riding rings and exercise yards where no feeding of animals occurs, that are closer than 4.5 m to the property line, have a vegetative buffer in order to assist with dust mitigation and potential roof water runoff. Irrigation was also recommended for the applicant to consider.

Staff have noted that the neighbouring property is also an equine operation with a similar riding arena; therefore the risk of farm-practice complaints resulting from this arena are likely low. It is also noted that roof water runoff will be addressed at Building Permit.

Public Notification

In accordance with the *Local Government Act*, 12 notification letters were sent to all property owners and their tenants within 100 meters of the subject property (*Attachment 4*). Notice of application signage has also been placed on the subject property, in accordance with the City's Development Applications Procedures Bylaw No. 0260. At the time of writing this report, no submissions from the public have been received.

CONCLUSION

Staff recommend that Council approve the proposed variance application based on the following rationale:

- The variance is not anticipated to cause significant negative impacts to the subject or surrounding properties as they are also agricultural in nature;
- Relocating the riding arena would impact the pasture land contained on the property;
- No submissions opposing the proposal have been received.

Alternate Motion:

1. **THAT** Council deny the issuance of a Development Variance Permit (DVP 21-15) for 3122 Elliott Rd.

Should Council deny the requested variance, the file will be closed. As per the City's Development Applications Procedures Bylaw No. 0260, the applicant could re-apply for a similar proposal 6 months after initial Council consideration.

REVIEWED BY

Brent Magnan, Planning Manager

Mark Koch, Director of Development Services

Shelley Schnitzler, Legislative Services Manager/Corporate Officer

APPROVED FOR THE AGENDA BY

Allen Fillion, Acting CAO

Powerpoint: Yes ☒ No ☐

Attachments:

1. Draft DVP 21-15
2. Site Plan
3. Letter of Rationale
4. Public Notification Map