

AGENDA ITEM NO: 11.4.1

MEETING DATE: December 20, 2022

**STAFF REPORT – COVER SHEET**

SUBJECT: Justin Westeringh  
Development Variance Permit / 48445  
McGuire Road DATE: December 1, 2022

DEPARTMENT: Planning  
DVP01291 PREPARED BY: Stella Xiao / kk

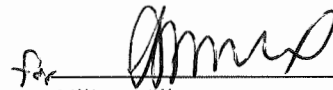
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**1. SUMMARY OF ISSUE:**

The applicant is seeking to reduce the front lot line (FLL) setback for an animal enclosure greater than 10m<sup>2</sup> within the AL (Agricultural Lowland) Zone from 7.5m to 7.1m to permit the siting of a dairy barn, currently under construction within the subject property, into compliance. A Development Variance Permit was previously issued for the same building on this property to reduce the FLL setback from 15m to 7.5m (DVP01204).

**2. RECOMMENDATION:**

Recommendation that, subject to public representation, Council approve the issuance of Development Variance Permit DVP01291 with respect to property located at 48445 McGuire Road, subject to the recommendations as stipulated within the draft Development Variance Permit.



Gillian Villeneuve  
Director of Planning

**3. CHIEF ADMINISTRATIVE OFFICER'S  
RECOMMENDATION/COMMENTS:**

Supports recommendation.



Chris Crosman  
Chief Administrative Officer

## STAFF REPORT ON DEVELOPMENT VARIANCE PERMIT DVP01291

PREPARED BY: Stella Xiao DATE: December 1, 2022

POSITION: Planner I DEPARTMENT: Planning

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### 1. DEFINITION OF ISSUE:

The applicant is seeking to reduce the front lot line setback for an animal enclosure greater than 10m<sup>2</sup> within the AL (Agricultural Lowland) Zone from 15m to 7.13m to permit the siting of a dairy barn, currently under construction within the subject property, into compliance. A Development Variance Permit was previously issued for the same building on this property to reduce the FLL setback from 15m to 7.5m (DVP01204).

### 2. BACKGROUND/PROPOSAL:

In August 2021, a Development Variance Permit (DVP01204) was approved by Council to permit a reduction to the minimum required front lot line setback from 15m to 7.5m for an agricultural building. Subsequently, a Building Permit (BP032983) was issued to construct a new dairy barn with a front lot line setback of 7.5m, in accordance with the approved variance. The site survey submitted as part of the Building Permit inspections process showed the building was sited 7.13m from the front lot line in error; as such, the applicant has requested an additional variance to resolve the siting error.

### 3. FACTORS:

#### 3.1 2040 Official Community Plan (OCP) / Land Use

OCP: The property is designated as "Agriculture" in the 2040 Official Community Plan.

Land Use: Dairy farm with one single detached dwelling

#### 3.2 Neighbourhood Character

The subject property is outside the City's Urban Growth Boundary and within the Agricultural Land Reserve (ALR). The property adjoins large, actively farmed parcels that are also within the AL Zone and ALR. As the dairy barn is sited in the approximate location of a previous dairy barn on the subject property, the requested additional variance is not anticipated to significantly alter the character of the neighbourhood. Small trees along the front lot line provide a measure of screening from McGuire Road, limiting any further visual impact of the variance. The dairy barn is consistent with the agricultural character of the area and the requested variance is not anticipated to negatively impact neighbouring properties.

### 3.3 Technical Issues

- Floodplain:** The subject property is located within the protected floodplain and subject to the Floodplain Regulation Bylaw.
- Watercourses:** Under the Ministry of Agriculture’s *“Agricultural Building Setbacks from Watercourses in Farming Areas”*, the building is considered a Category 3 type structure and requires a 5m watercourse setback. According to the submitted site survey, the dairy barn is located 6.82m from top of the *Semiault Creek* bank, which is a “Class A” watercourse. Based on the aforementioned watercourse setbacks, the placement is considered acceptable.
- Geotechnical Issues:** Portions of the subject property are located within an area of Moderate Geohazard due to earthquake induced liquefaction. The barn is not within the affected area.

### 3.4 Conditions of Issuance

Staff support the requested variance as proposed by the applicant and recommend approval of the draft Development Variance Permit subject to the following condition being met:

- a) that the development be in accordance with the plans found in Schedule “A”.

## 4. RECOMMENDATION & SUBSTANTIATION:

### Recommendation:

Recommendation that, subject to public representation, Council approve the issuance of Development Variance Permit DVP01291 with respect to property located at 48445 McGuire Road.

### Substantiation:

The requested front setback reduction from the previously approved 7.5m to 7.13m for the dairy barn is considered supportable as the variance is not anticipated to negatively impact neighbouring properties. The dairy barn is sited in the approximate location of a previous dairy barn on the subject property, reducing the potential for neighbourhood impact and facilitating the preservation and efficient use of agricultural land. The location of existing agricultural buildings on the property further limits the ability to site the proposed barn in accordance with required setbacks.

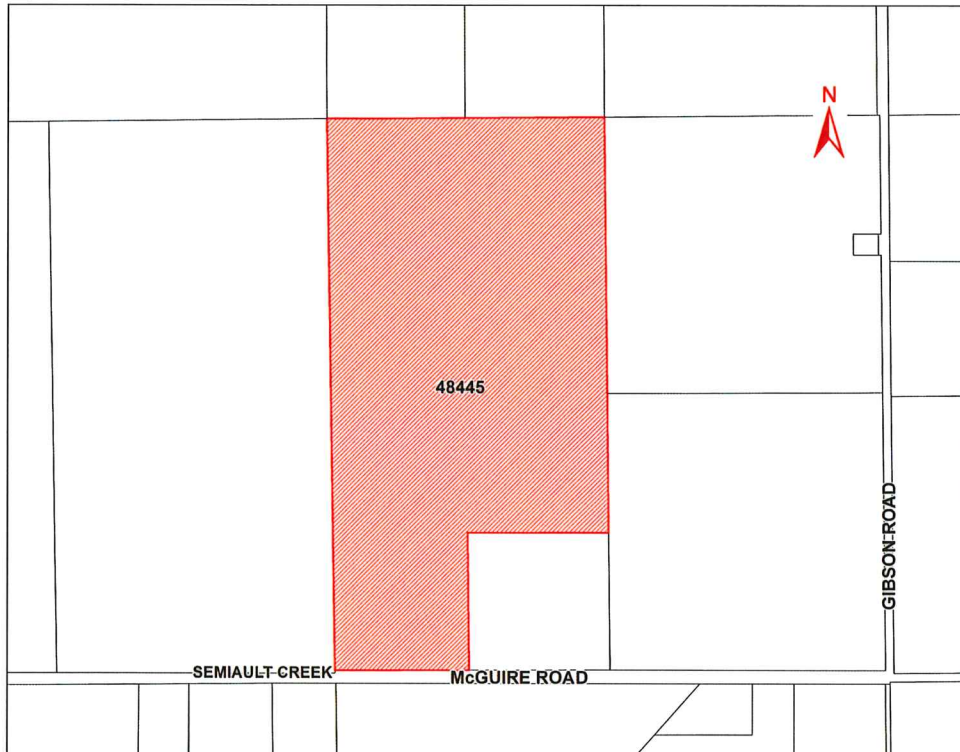
## 5. SOURCES OF INFORMATION:

- Building Permit Application (BP032983) – April 26, 2021
- Development Variance Permit Staff Report (DVP01204) – August 3, 2021
- Development Variance Permit Application (DVP01291) – July 5, 2022

**Site Photos**



**Location Map**



**Orthophoto**

