

Staff Report to Council

Planning and Development

FILE: 3090-20-2022-06

REPORT DATE: May 09, 2022 **MEETING DATE:** May 17, 2022
TO: Mayor and Council
FROM: Colin O’Byrne, Acting Director of Planning and Development
SUBJECT: Development Variance Permit Application for 18389 Ford Rd

CHIEF ADMINISTRATIVE OFFICER REVIEW/APPROVAL:



RECOMMENDATION(S):

THAT Council:

- A. Approve issuance of Development Variance Permit No. 2022-007 for 18389 Ford Rd, to reduce the minimum required setback for a kennel to be located in an existing agricultural building; OR

- B. Other.

PURPOSE

The City is in receipt of an application to reduce the minimum required setback for a new kennel business to be located in an existing barn at 18389 Ford Rd.

Information Report Decision Report Direction Report

DISCUSSION

Background:

The City received a business licence application for The Howlin Hive, a new kennel business proposing to use an existing barn they are renting at 18389 Ford Rd. Consistent with the business licensing process, staff requested a site plan from the applicant, showing the property line

setbacks to the barn, in order to confirm compliance with the City's regulations for kennels. The received site plan indicates the existing barn is setback 6 m from the west property line. As the minimum required setback to all property lines for a kennel is 30 m, the applicant has applied for a development variance permit to allow use of the barn for the proposed kennel operation.

Applicant:	Charlotte McNair of The Howlin Hive
Property Address:	18389 Ford Rd
Property Size:	15.38 ha (38 acres)
OCP Designation:	Agricultural (20 acre minimum)
Zoning:	A-1 (General Agricultural)

The property at 18389 Ford Rd was originally a 16.18 ha (40 acre) parcel owned by a long-time Pitt Meadows farming family and included a meat processing facility and butcher shop. In 2002, 0.8 ha (2 acres) containing the meat processing facility was subdivided from the parent parcel, permitting the owners to sell the commercial operation. The meat processing facility, Meadow Valley Meats, continues to operate on the subdivided parcel at 18315 Ford Rd.

The remainder, subject parcel was sold by the original owners in 2017 to the current property owners. It contains the heritage Harold Sutton Residence, the subject barn, and some additional agricultural storage buildings. The remainder of the property is farmed for hay and the property is classified as both Residential and Farm by BC Assessment.

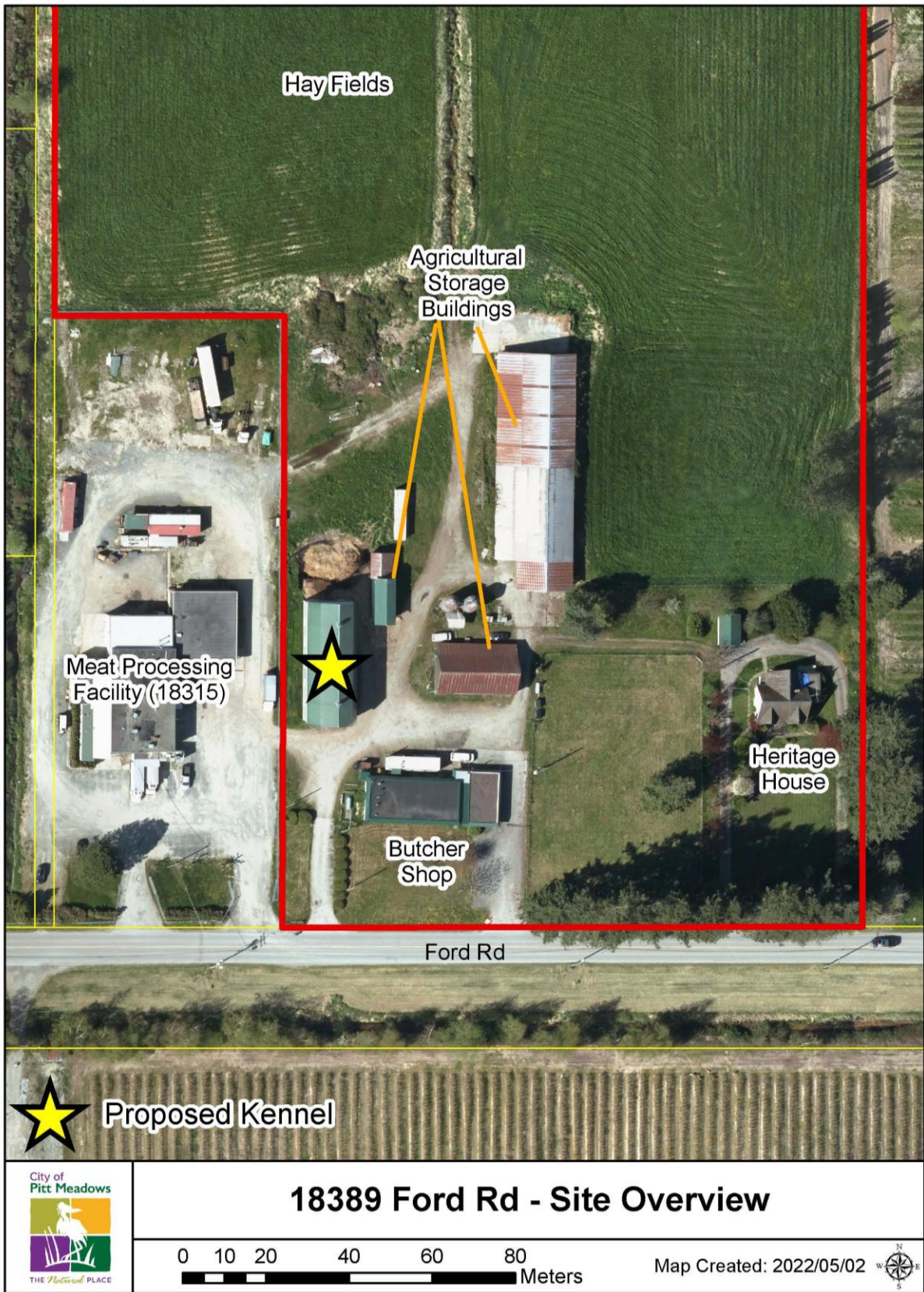


Figure 1: Site overview

The subject barn was constructed prior to City records (dating back to 1973) and was recently used to house livestock. At the time it was constructed, the parcel had not been subdivided yet, and had approximately a 60 m setback to the west property line.

Relevant Policy, Bylaw or Legislation:

Under the *Agricultural Land Reserve Use Regulation*, pet boarding and breeding (kennels) are permitted on Agricultural Land Reserve (ALR) land, but can be prohibited or regulated by a local government.

The A-1 (General Agricultural) zone in the City’s Zoning Bylaw permits kennels as a principal use, subject to a minimum setback of 30 m from all property lines, ditches and watercourses.

Regulations in the City’s Kennel Regulation Bylaw No. 1080 also apply; this kennel is considered a Class “A” kennel which permits up to 50 dogs. The Kennel Regulation Bylaw, Schedule A Commercial Kennel Regulations, also states: “Siting of all buildings and structures for kennel use shall be in accordance with the provisions of the Zoning Bylaw.”

Analysis:

Proposal

The applicant intends to open a new kennel business in an existing agricultural building (barn), with additional outdoor area for dogs behind the barn (about 30 ft deep). The barn has a second storey loft; this is not part of the kennel operation and is sealed off from the ground floor.



Figure 2: Google street view of proposed kennel location

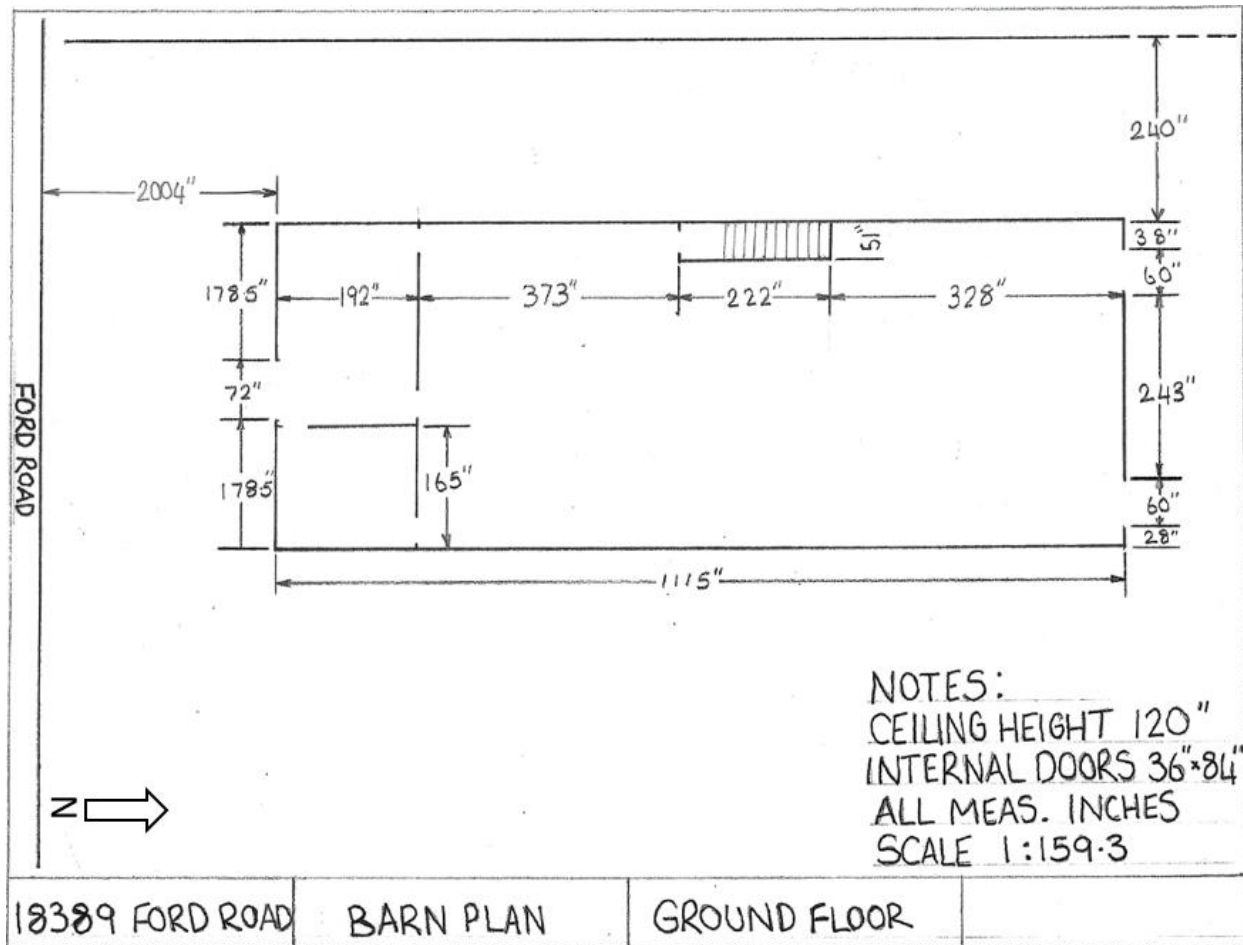


Figure 3: Kennel area floor plan

Variance

The intent of the minimum 30 m (98 ft) setback from all property lines for kennels is to reduce potential noise and disturbance from neighbouring properties. The property with the most likely potential impact is right next door at 18315 Ford Rd, which contains the meat processing facility; given this is a commercial operation, a kennel use is not anticipated to be incompatible.

The nearest residential dwelling is located on the same parcel at 18389 Ford Rd, approximately 98 m away. The nearest residential dwelling on a different parcel is approximately 200 m away. Across the street from the proposed kennel is the Airport, which is generally noisy already.

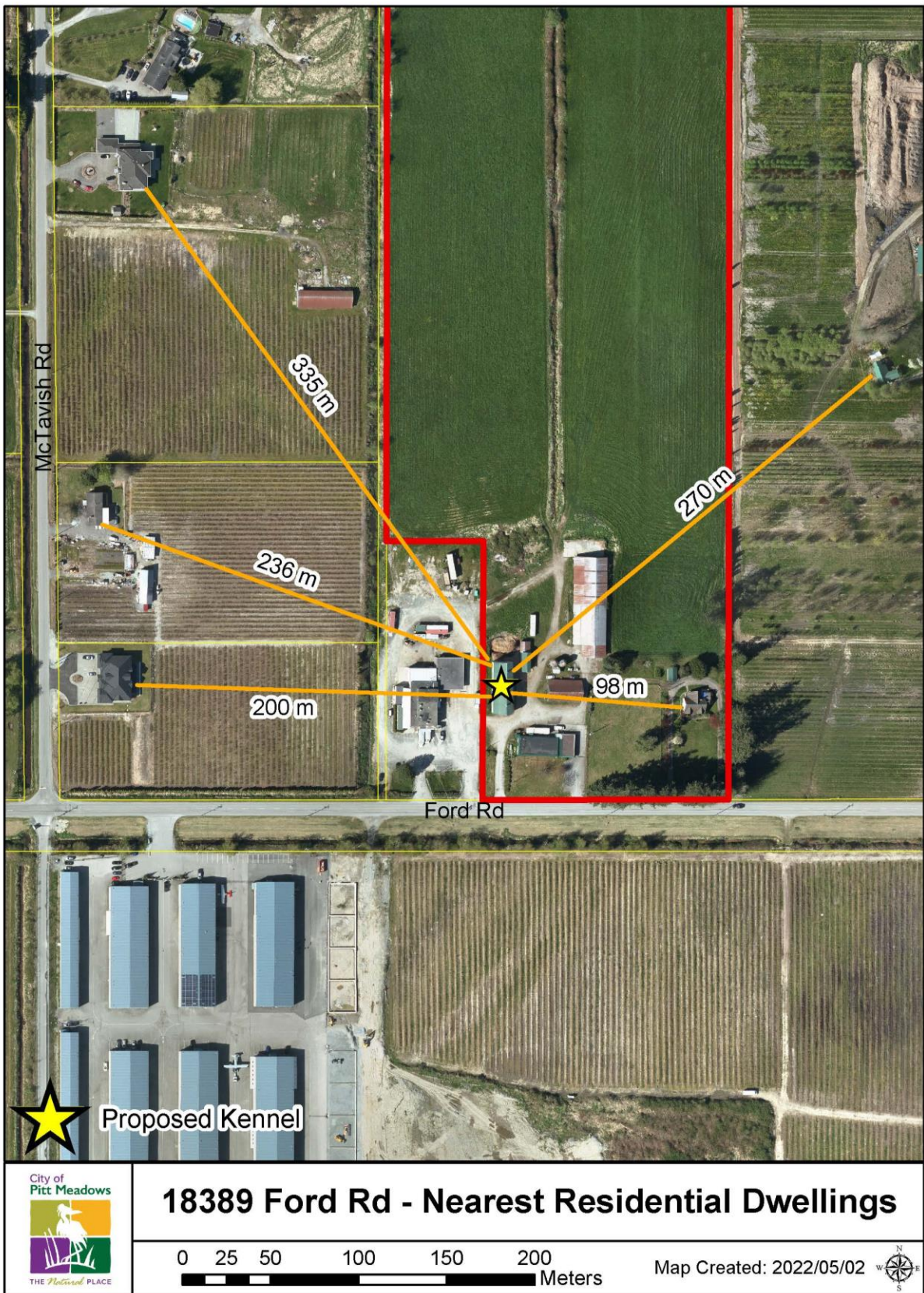


Figure 4: Distance to residential dwellings

There are other agricultural buildings on the property being used for storage, that are located more than 30 m from the west property line; however, the applicant advised that these buildings were not suitable for conversion to kennel use.

	Required Setback	Actual Setback	Variance Amount
Kennel	30 m	6 m	24 m

Table 1: Variance request

The applicant provided a letter of intent in support of the application (Attachment D). Staff would like to note that the Kennel Regulation Bylaw identified by the applicant does state in relation to commercial kennels: “Siting of all buildings and structures for kennel use shall be in accordance with the provisions of the Zoning Bylaw.” A site plan was requested from the applicant as soon as the business licence application was reviewed by the Planning Department and, once it was received, staff notified the applicant that the proposed location did not meet the setback requirements as laid out in the Zoning Bylaw.

Public Notification

In accordance with the City’s Development Procedures Bylaw and the *Local Government Act*, residents within 50 m of the subject parcel were notified about consideration of issuance of this permit, as shown in Figure 5.

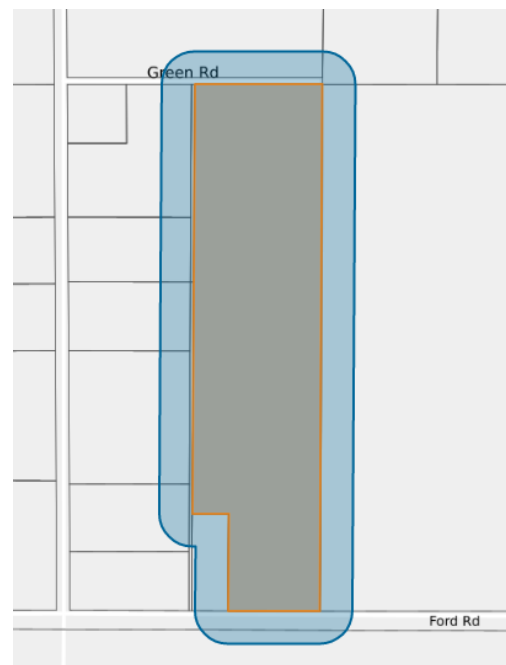


Figure 5: Notified properties

Conclusion

Aside from the minimum setback to the west property line, the proposed kennel meets the other City regulations for kennels. Using an existing building for the kennel is preferable to constructing a new building, given that more farmland will not be lost to building. Given that the nearest properties are a meat processing plant and the Airport, a kennel is not anticipated to have a negative impact on those properties in terms of noise and disturbance. For these reasons, staff have no objections to the application.

If this development variance permit is not granted, the kennel will have to relocate to another site.

COUNCIL STRATEGIC PLAN ALIGNMENT

- Principled Governance Balanced Economic Prosperity Corporate Excellence
 Community Spirit & Wellbeing Transportation & Infrastructure Initiatives
 Not Applicable

Business Vitality. Foster a vibrant and diverse economy where local businesses thrive.

FINANCIAL IMPLICATIONS

- None Budget Previously Approved Referral to Business Planning
 Other
-

PUBLIC PARTICIPATION

- Inform Consult Involve Collaborate Empower

Comment(s):

Property owners and residents within 50 m (164 ft) of the subject property were notified. To date, no comments have been received.

KATZIE FIRST NATION CONSIDERATIONS

Referral Yes No

SIGN-OFFS

Written by:

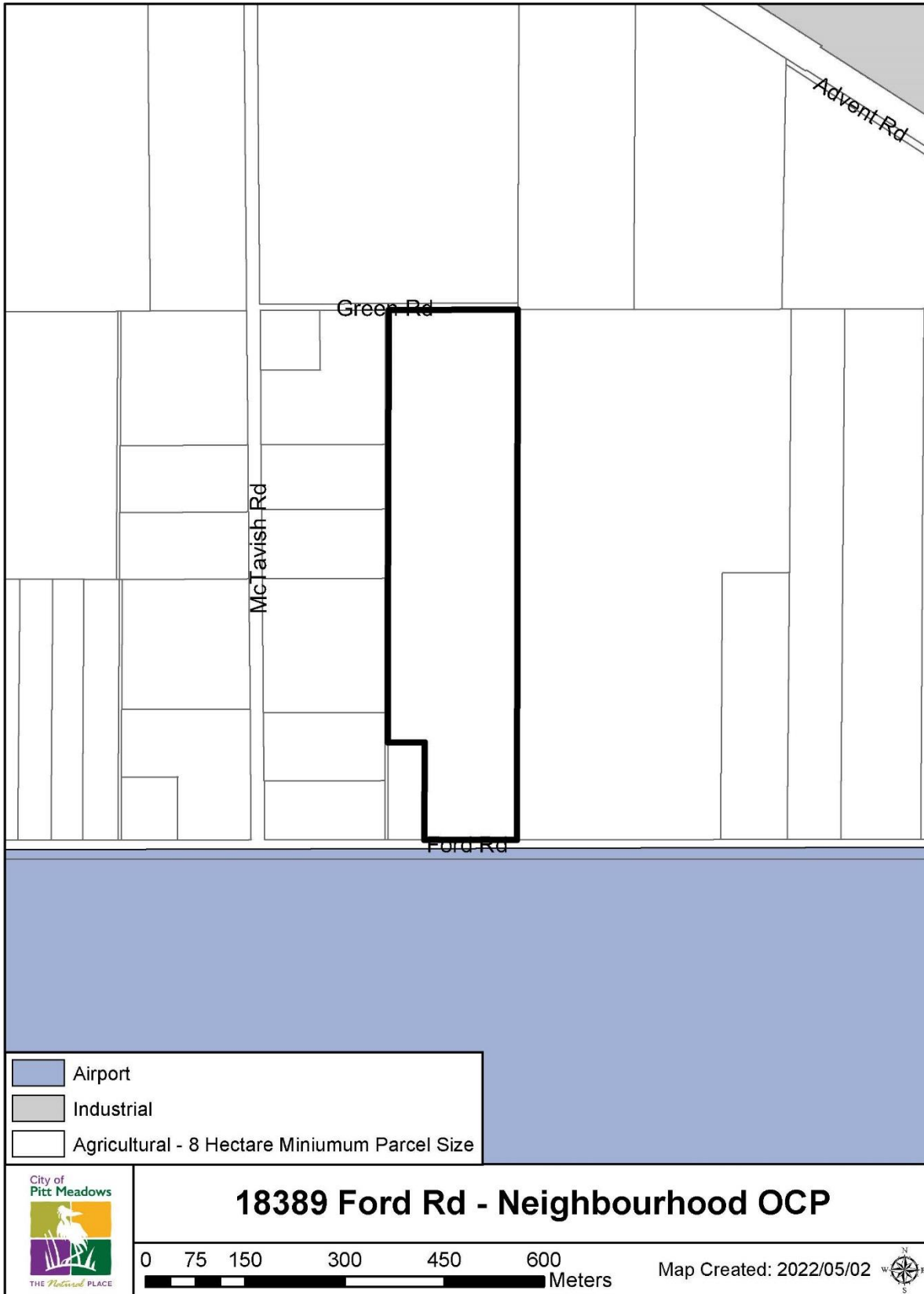
Allison Dominelli,
Development Services Technician

Reviewed by:

Colin O’Byrne,
Acting Director of Planning and Development

ATTACHMENT(S):

- A. Neighbourhood OCP Map
- B. Neighbourhood Zoning Map
- C. Aerial Photo Map
- D. Letter of intent
- E. Development Variance Permit No. 2022-007



- Airport
- Industrial
- Agricultural - 8 Hectare Minimum Parcel Size

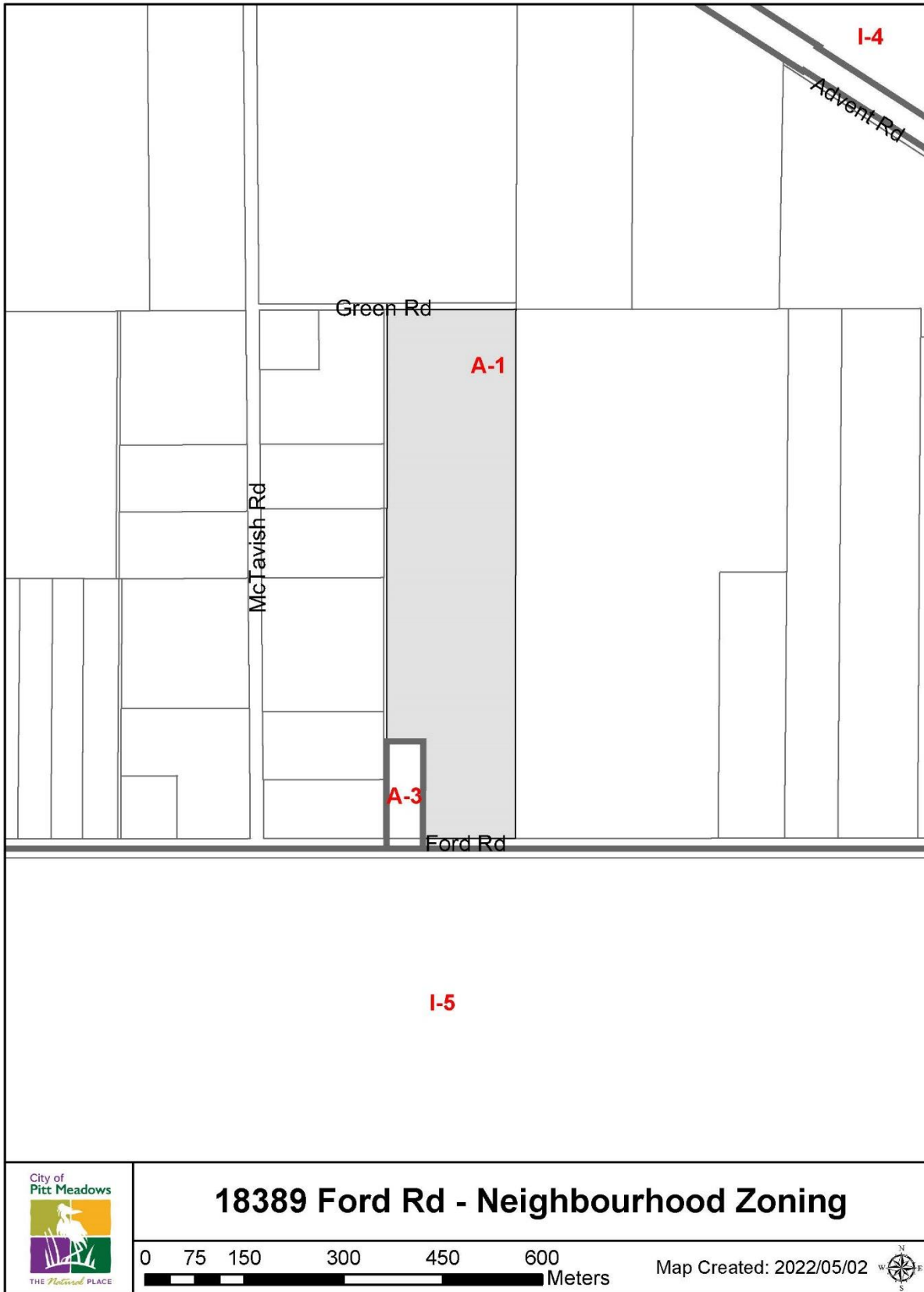


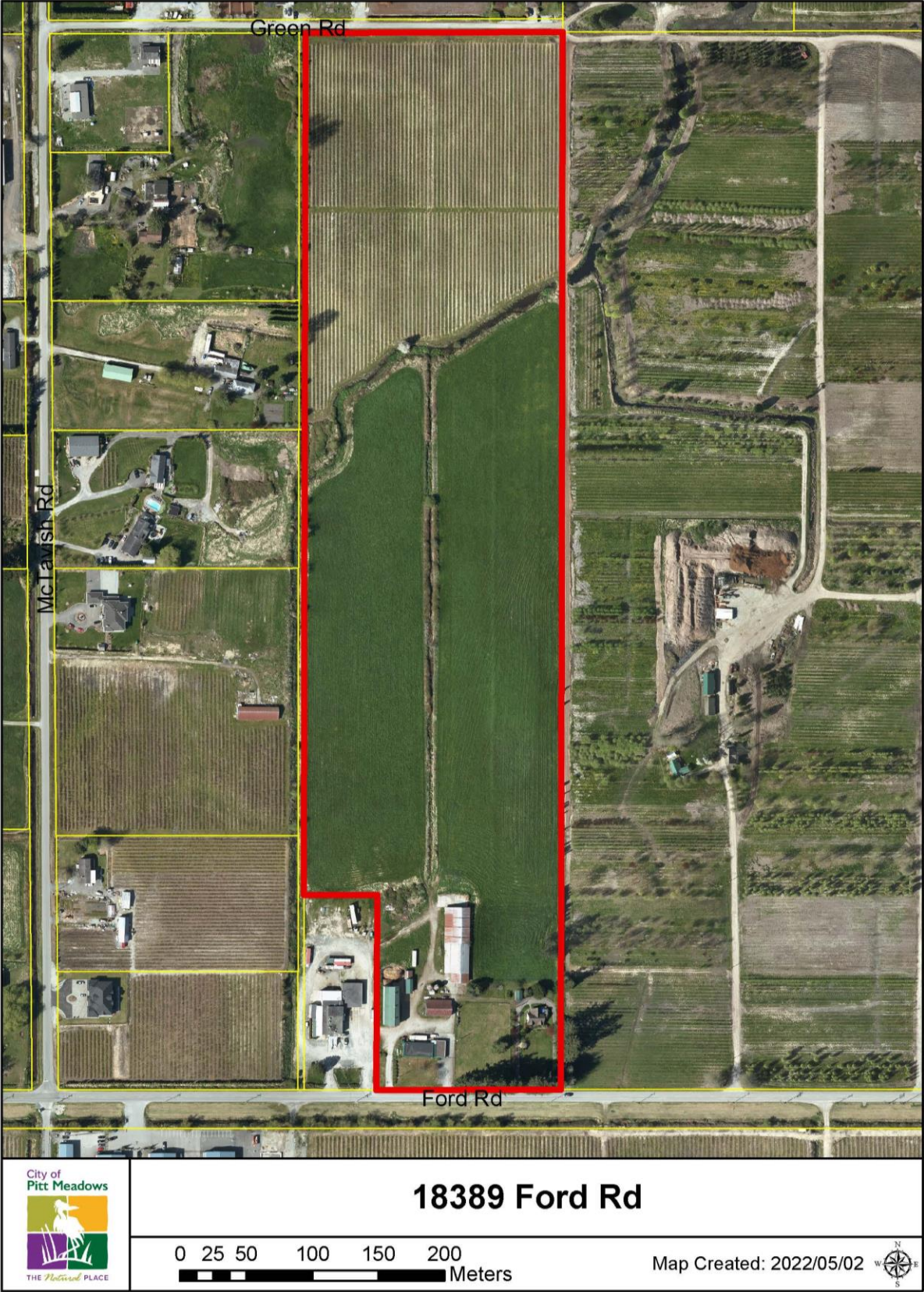
18389 Ford Rd - Neighbourhood OCP

0 75 150 300 450 600 Meters

Map Created: 2022/05/02







Hi Allison,

Please include this letter as part of my variance application.

Thank you for your instructions on the variance application. This hurdle was unexpected and hopefully we can resolve it quickly.

We are seeking a variance on the zoning bylaw that requires our kennel to have a 30 meter setback from all property lines. Our kennel exceeds a 30 meter setback on three sides. On one side, it does not.

There are several reasons why we feel a variance is appropriate in our situation. While we do not have the ability to speed up the variance process, we request that the City of Pitt Meadows take into account the fact that time is critical for us and that the success of our business is now under threat as a result of business licence delays.

This is our first business venture, and we chose the City of Pitt Meadows because of its location, demographics, and the need in the area for the type of services we are offering. Also, the City of Pitt Meadows website states: *"Doing Business here is easy. Let's get started. The City of Pitt Meadows promotes community prosperity and sustainability by delivering quality customer service, attracting and growing business investments."*

We had a lengthy search for a building that would suit our needs. When we found 18389 Ford Road, In January, we immediately contacted the City of Pitt Meadows and dealt with Sarah Nickerson in seeking information on our business licence. We had several conversations with Ms. Nickerson regarding the suitability of the location for our business and its compatibility with our business licence. These exchanges led us to believe that a business licence would be straight forward and would be a simple formality.

On February 1, 2022, we received the following email:

From: Chantal Gemperle <cgemperle@pittmeadows.ca>
Sent: Tuesday, February 01, 2022 12:53 PM
To: 'charlottemcnair@live.ca' <charlottemcnair@live.ca>
Subject: THE HOWLIN HIVE - Business licence application - Pitt Meadows

Hello Charlotte,

We have received your business licence application for a dog kennel located at 18389 Ford Road. For your convenience I provided the link to the City's Kennel Bylaw below. Please review and provide the information required to approve a kennel use at this location. It has been noted that you are not the property owner, therefore we will need written confirmation of the property owner giving you permission to operate a kennel business on the property.

https://www.pittmeadows.ca/sites/default/files/uploads/bylaws/1087_-_kennel_regulation_bylaw_-_consolidated.pdf

If you have any questions don't hesitate to contact me.

Regards,

The link in the email above lists various requirements for kennels. It does not list property line setbacks. We were unaware that property line setbacks were listed in another set of bylaws. We simply opened the link above and discovered that we could meet all of the requirements contained within. We then began to put all of our savings and a substantial amount of labour into developing our business at that location.

It was not until April 13th that we discovered that one side of the building does not meet the setback requirement. By this time, we had put all of our savings and hundreds of hours of labour – including that of family and friends, into cleaning and developing the site.

We have now seen the property setback requirements, as listed on page 85 of the City's Zoning Bylaws:

8.1.8 Siting—Agricultural Buildings and Manure Storage

Agricultural buildings and structures shall be sited not less than:

a) For livestock barns, poultry brooder houses, confined livestock areas, fur farming sheds, milking facilities, stables, and hatcheries:

- i. 30 m from front, rear, and exterior lot lines;
- ii. 15 m from interior lot lines;
- iii. 15.0 m from watercourses, key ditches and constructed ditches; (Bylaw 2650, 2014)
- iv. 30 m from residential buildings on adjacent lots.

b) For the growing of mushrooms:

- i. 15 m from front, rear, and exterior lot lines;
- ii. 7.5 m from interior lot lines;
- iii. 15.0 m from watercourses, key ditches and constructed ditches. (Bylaw 2650, 2014).

c) For the keeping of more than six swine and associated manure storage:

- i. 60 m from front, rear, and exterior lot lines;
- ii. 30 m from interior lot lines;
- iii. 30.0 m from watercourses, key ditches and constructed ditches; (Bylaw 2650, 2014)
- iv. 90 m from residential buildings on adjacent lots.

d) For kennels: i. 30.0 m from all lot lines, watercourses, key ditches and constructed ditches. (Bylaw 2650, 2014)

We are not entirely sure if the property line setback bylaw is a requirement to address noise and/or contamination from agricultural waste. In either case, we are able to easily address any concerns.

In the case of noise, there are not any residences close enough to our business that there could possibly be any disturbance to them. The closest residence from 18389 Ford Road is hundreds of meters away. On one side of us there is an airport, another has perhaps a thousand meters of empty space until it

ends at a highway, and on the side that is the subject of our variance application there is a commercial animal processing facility that appears to run during regular business hours. That business, the airport and the highway all produce noise that is far in excess of anything that will come from our small business. Noise is simply not an issue in the area we are in.

In the case of runoff, our business will have a carefully managed system in place to collect and dispose of waste. Further, the building had previously been full of livestock and was designed as such. We are not sure if waste is a factor in the setback regulations. If it is, this is an easily solvable issue and the setback on one side of our kennel poses no risk whatsoever to the adjacent property.

Finally, the building we are in was a working barn with livestock. It is reasonable to assume that if the building and the property arrangement was suitable as a livestock operation, it would be suitable for a small kennel business.

We would also like to request at this time some sort of temporary operating permit from the City, as we currently have clients wishing to use our services. We understand that the variance application may take some time, and this is putting our business at risk, as well as causing delays for clients who are waiting for us to open. We are now paying rent and will quickly reach the end of our resources while we wait for the variance issue to be settled.

Respectfully submitted,

Charlotte McNair