

Date: August 22, 2023

Report to: Rachelle Willick and Doug Lowther, Acting Chief Administrative Officers

From: Brooke Eschuk, Economic Development Officer

Subject: **825 Ash Street West Rezoning Application**

PURPOSE

To inform Council of an application to amend the permitted uses of Zoning Bylaw 738, 2001 section 5.24 to include “Single Family Dwelling” to the parcel Legally described as Lot 8 Block 4 District Lot 110 Range 5 Coast District Plan 1400.

BACKGROUND

Staff received a building permit application from the resident residing at 825 Ash Street West. The applicant wishes to construct a carport attached to the existing residence. The parcel is currently zoned Commercial – Lakeshore (C – 3). This zone accommodates lakeshore commercial services for users of Stuart Lake. At one time, the parcel was used as a marina serving visitors and members of the community. Currently, this parcel does not hold a business and is the primary residence of the applicant. The current use of the parcel does not meet the zoning or OCP designation. In addition, the *Local Government Act* prohibits the addition of new buildings or structural changes to existing buildings on parcels that do not conform to zoning bylaws. Because of this, the building permit application was denied.

A letter was sent to the applicant on August 4, 2023, detailing the process for meeting zoning requirements (**Appendix A**). Planning staff have requested the applicant submit a zoning amendment application and a development variance permit (DVP) application. If these applications are successful, the building inspector may issue a building permit.

Staff recommended that instead of rezoning the parcel to R – 1, the permitted uses of the C-3 zone be amended to include, for this parcel only, residential use – single family. The advantage of this approach is that it accommodates the current use of the property and permits the addition of a carport without necessitating downzoning. By proceeding in this manner, Council is following the objectives and policies adopted in the Zoning Bylaw and the Official Community Plan.

A DVP is required to account for the lack of adequate setback from the proposed construction to the property line.

Staff are requesting direction from Council to begin the process for the amendment of Zoning Bylaw 738, 2001, section 5.24 Commercial – Lakeshore permitted uses. The proposed bylaw amendment will be brought forward at the regular meeting of Council on September 26, 2023.

Because no OCP amendment is required for this application, a public hearing is not required. However, if Council considers that a public hearing would benefit the decision-making process, staff will schedule the public hearing to take place after first and second readings of the bylaw. If Council is satisfied to proceed with readings of the bylaw without a public hearing, staff will advertise first reading of the bylaw in accordance with section 467 of the Community Charter.

EXISTING POLICY

Zoning Bylaw 738, 2001
Official Community Plan 872, 2010.

PERSONNEL IMPLICATIONS

The Economic Development Officer holds the land use planning portfolio and works in conjunction with the Corporate Officer on all Zoning and OCP Bylaw amendments to ensure legislative procedure is followed correctly.

EXTERNAL AGENCY/PUBLIC COMMENTS

Jason Llewellyn, Director of Planning – Regional District of Bulkley Nechako

RECOMMENDATIONS

THAT Council directs staff to provide notice of first reading of the proposed zoning amendment bylaw in accordance with section 467 of the *Local Government Act*.

THAT Council directs staff to bring the proposed bylaw amendment to Council on September 26, 2023, for first and second readings.

ALTERNATE RECOMMENDATION

None.

ATTACHMENTS

Appendix A: Letter addressed to resident of 825 Ash St. West.

SIGN OFF

Submitted by:	Brooke Eschuk, Economic Development Officer
Internal review by:	Gwendolyn Kennedy, Corporate Officer
Approved by:	Rachelle Willick, Acting Chief Administrative Officer

OFFICE OF ADMINISTRATION

August 2, 2023

Arlan Gainor
825 Ash St. West, [REDACTED]
Fort St. James

Re: Building Permit Application review for 825 Ash St. West

Dear Mr. Gainor,

Thank you for your application to the District of Fort St. James for a building permit. Unfortunately, I am unable to issue approval for your carport project. However, I am happy to assist as you work through the required steps for approval of your application.

- The property located at 825 Ash St. West is currently listed in the zoning bylaw as Commercial Lakeshore C – 3. Please be advised that the Official Community Plan adopted by Council has indicated that this parcel should be reserved for lakeshore commercial services for users of Stuart Lake. The current use of this property does not conform with Zoning Bylaw 738, 2001.

Before qualifying for a building permit, the land use zoning designation of 825 Ash St. West will need to be amended. The amendment will allow for a primary residence to be located on the parcel by including 'Single Family Dwelling' in zoning bylaw 738, 2001 C-3 Commercial Lakeshore Permitted Uses section 5.24. Please find Schedule A – Application for zoning bylaw amendment and Schedule B – Application for a Development Variance Permit (DVP) in addition to a schedule of fees are enclosed with this letter. A DVP is required and will account for the deficiency in setback of the proposed construction from the property line (as indicated in the site plan initially submitted).

Finally, there several steps that must be followed to achieve the above:

- I. A report will be brought to Council to seek direction to hold a public hearing. Prior to the public hearing, notifications must be delivered to all property owners and occupiers of parcels within 100m of 825 Ash St.
- II. Council may choose to give the bylaw amendments to give the bylaw amendments first and second reading prior to the public hearing.
- III. After the public hearing is adjourned, Council is unable to hear any additional public comments and may choose to give third reading and adoption to the bylaws during the open meeting of Council.

It is the responsibility of staff to provide Council with recommendations according to current bylaws and provincial legislation. The approval or denial of these amends is left to Council to decide according to the best interest of the community and its residents.

If you have any questions about the contents of this building permit application review, please don't hesitate to reach out to me with the contact information listed below.

Sincerely,

Brooke Eschuk, MA; C.E.D.
District of Fort St. James
Economic Development Officer
250-996-8233
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fortstjames.ca

enc.

- Schedule A - Application for Zoning and OCP amendment
- Schedule B - Development Variance application
- Schedule F - Development Fees