



# REPORT

To Council  
May 6, 2019

**TO:** Lorraine Hilton  
Chief Administrative Officer

**Date:** April 15, 2019  
**File:** DVP-02-19

**FROM:** Laura Beckett  
Planner

**RE: DEVELOPMENT VARIANCE PERMIT DVP-02-19**

**PURPOSE**

To present Development Variance Permit application DVP-02-19 for an indoor riding ring at 867 Finlayson Arm Road.

**SUMMARY**

<b>Location:</b>	867 Finlayson Arm Road
<b>Zone:</b>	Rural 3 (R3)
<b>Zoning Bylaw Section to Vary:</b>	<ul style="list-style-type: none"> <li>• 7.3.3 (4) ...no building used for agriculture shall be sited within 15m of a side lot line</li> </ul>
<b>Additional Relevant Regulations and/or Development Permit Areas:</b>	<ul style="list-style-type: none"> <li>• Development Permit Areas #2 (Steep Slopes) and #6 (Water and Energy Conservation and Reduction of GHGs) – connected to the Building Permit Application process (would be issued by staff)</li> </ul>
<b>Applicant Requests:</b>	<ul style="list-style-type: none"> <li>• To install building used for Agriculture at 5m from a side lot line</li> </ul>
<b>Purpose:</b>	To install most of building on existing cleared and flat area instead of performing additional earth works that would be required without a variance.

**BACKGROUND**

Please find attached application excerpts, letters of support, and draft development variance permit DVP-02-19. The landowner wishes to build an indoor riding ring on the property. The building falls under the use of Agriculture. It is considered principle, not accessory. As such, there is no limit on the size of the structure.

The land owner has considered other locations for the riding ring to avoid a variance request and minimize earth works and tree removal. This location has the least impact on the property, and would make use of an existing cleared area and driveway. Complying with the side yard setback requirement of 15m would require additional earth works and would necessitate alteration of an existing driveway.

**OPTIONS**

1. That Council direct staff to issue notification for the consideration of application DVP-02-19 at a future Council Meeting.
2. That Council request more information from the applicant.
3. That Council deny application DVP-02-19.

**Context Map**



- Subject property outlined in red.
- Blue outline shows approximate location of riding ring.
- Numbered addresses show properties that provided letters of support.

## DISCUSSION

### Legal/Bylaw/Regulatory

- The only variance to the Zoning Bylaw required to accomplish the proposal is that for the building's siting relative to a side lot line.
- A Development Permit for Steep Slopes (Area #2) would be required to conduct any earth works on the steep slope as part of the Building Permit Application process. A Development Permit for Water and Energy Conservation and Reduction of GHGs (Area #6) would also be required and would be triggered by both the Steep Slope Development Permit Area and a Building Permit application.
- The Development Variance Permit, on its own, does not authorize earth works nor building construction associated with the Development Permit Areas. The Development Permit for both areas #2 and #6 can be issued by staff.

### Environmental

- This location allows for siting on an existing cleared and flat area. If the application is denied, the structure can be installed at the 15m side yard setback with more earth works than what would be required if the variance were granted.

### Social

- The land owner provides letters of support from five neighbouring properties. These properties are shown as numbered by their address in the Context Map on page 2.

### Consultation

- Notification of surrounding property owners is required through the Local Government Act.

## CONCLUSION

A side lot line variance from 15m to 5m would reduce the amount of earth works and site alterations required to install the indoor riding ring.

## RECOMMENDATION

That Council direct staff to issue notification for the consideration of application DVP-02-19 at a future Council Meeting.

Respectfully submitted,

Concurrence



Laura Beckett, MCIP, RPP  
Planner

Lorraine Hilton  
Chief Administrative Officer

### Attachments:

- Application excerpts
- Letters of support
- Draft DVP-02-19

District of the Highlands

1980 Millstream rd

March 7, 2019

Attention: Laura Beckett

We would like to make a development permit application for 867 Finlayson Arm Rd. This application is being made on behalf of our client Cecilia Dingwell - the property owner. The purpose of this application is for a side yard setback variance for an agricultural building from 15m to 5m. The building use would be an indoor riding ring. Other than the side yard variance the building will comply with the current zoning requirements. There is a level cleared area in this location that has minimal blasting and removal of one tree. Other area on the property that could accept this building would require significant tree removal, blasting and environmental disturbance.

Regards

Brad Johnson

A handwritten signature in black ink, appearing to be 'Brad Johnson', with a horizontal line extending to the right and a small vertical mark at the end.

**FORM B – NATURE OF VARIANCE(S) REQUESTED**

**COMPLETE THE FOLLOWING SECTIONS**

- Is one or more variance being sought to the Zoning Bylaw?
- Is one or more variance being sought to the Subdivision and Development Bylaw?
- For what sections of the Bylaws is a variance requested, and by how much? Please attach a separate sheet of paper if necessary, showing each variance in the format below.

1. Section 7.3.3 (4) of the **Zoning Bylaw** is variance  
from: 15 M  
to: 5 M
2. Section \_\_\_\_\_ of the **Zoning Bylaw** is variance  
from: \_\_\_\_\_  
to: \_\_\_\_\_
3. Section \_\_\_\_\_ of the **Zoning Bylaw** is variance  
from: \_\_\_\_\_  
to: \_\_\_\_\_
4. Section \_\_\_\_\_ of the **Zoning Bylaw** is variance  
from: \_\_\_\_\_  
to: \_\_\_\_\_

For each variance sought, please provide a rationale for the request in the space below (i.e. why is the variance being sought and why can't the bylaw standard be addressed?):

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

A written description of the proposal, outlining the impact the proposed variance (if granted) would have on adjacent properties, and what would be done by the Applicant to reduce the impact.

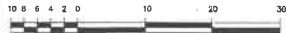
\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Site Plan Of A Portion Of  
Lot 4, Sections 74 And 75,  
Highland District, Plan 20576,  
Except Part In Plan 48133,  
P.I.D. 003-067-424**



Scale = 1:350

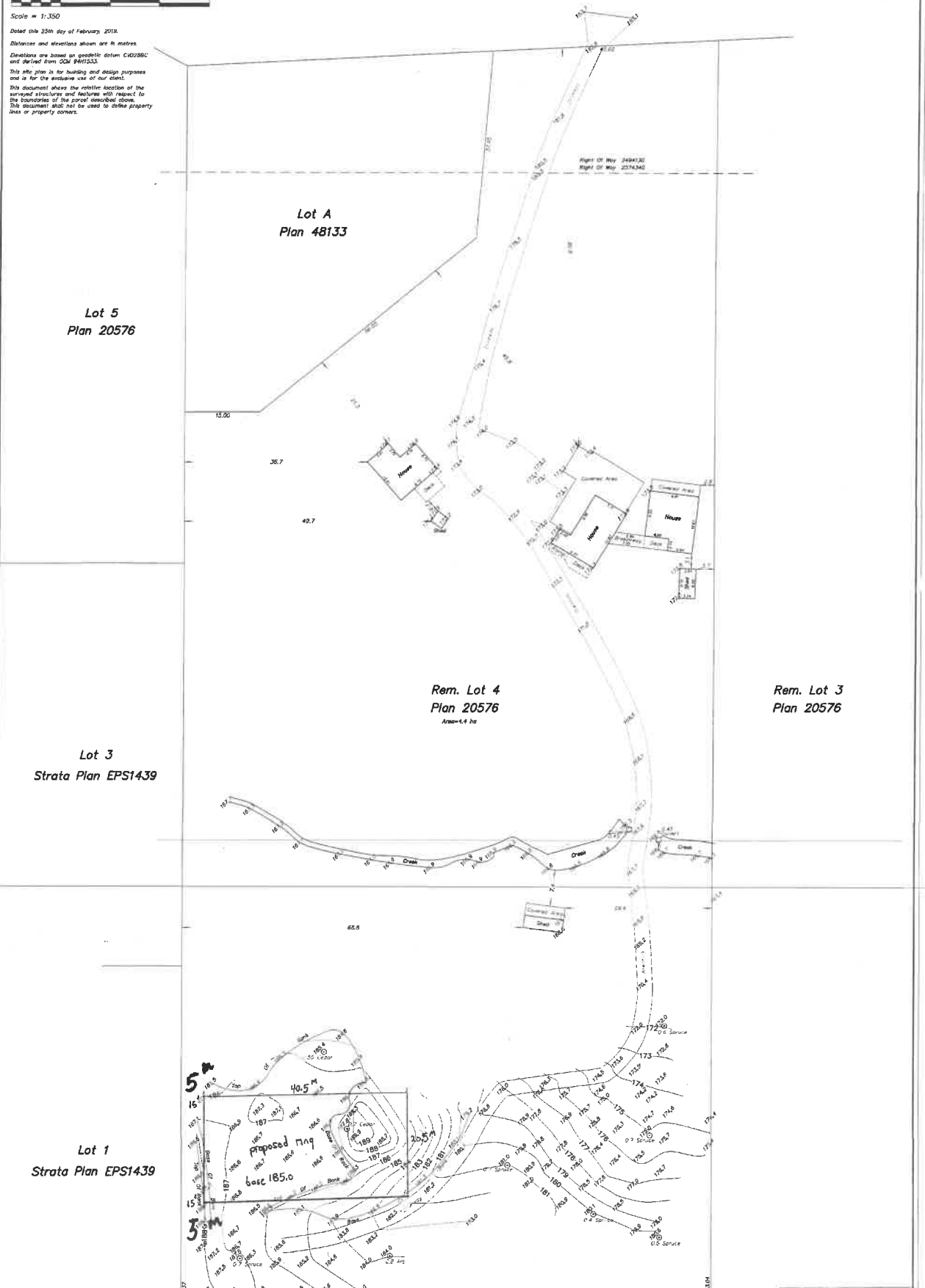
Dated the 25th day of February, 2018.

Distances and elevations shown are in metres.  
Distances are based on geodetic datum CGD2011  
and derived from CGM 9411233.

This site plan is for building and design purposes  
and is for the exclusive use of our client.

This document shows the relative location of the  
surrounding structures and features with respect to  
the boundaries of the parcel described above.  
This document shall not be used to define property  
lines or property corners.

Finlayson Arm Road



The subject property is affected by  
the following registered documents:  
MPP220, MPP221, MPP222, MPP223, MPP224, MPP225, MPP226, MPP227, MPP228, MPP229, MPP230, MPP231, MPP232, MPP233, MPP234, MPP235, MPP236, MPP237, MPP238, MPP239, MPP240, MPP241, MPP242, MPP243, MPP244, MPP245, MPP246, MPP247, MPP248, MPP249, MPP250, MPP251, MPP252, MPP253, MPP254, MPP255, MPP256, MPP257, MPP258, MPP259, MPP260, MPP261, MPP262, MPP263, MPP264, MPP265, MPP266, MPP267, MPP268, MPP269, MPP270, MPP271, MPP272, MPP273, MPP274, MPP275, MPP276, MPP277, MPP278, MPP279, MPP280, MPP281, MPP282, MPP283, MPP284, MPP285, MPP286, MPP287, MPP288, MPP289, MPP290, MPP291, MPP292, MPP293, MPP294, MPP295, MPP296, MPP297, MPP298, MPP299, MPP300, MPP301, MPP302, MPP303, MPP304, MPP305, MPP306, MPP307, MPP308, MPP309, MPP310, MPP311, MPP312, MPP313, MPP314, MPP315, MPP316, MPP317, MPP318, MPP319, MPP320, MPP321, MPP322, MPP323, MPP324, MPP325, MPP326, MPP327, MPP328, MPP329, MPP330, MPP331, MPP332, MPP333, MPP334, MPP335, MPP336, MPP337, MPP338, MPP339, MPP340, MPP341, MPP342, MPP343, MPP344, MPP345, MPP346, MPP347, MPP348, MPP349, MPP350, MPP351, MPP352, MPP353, MPP354, MPP355, MPP356, MPP357, MPP358, MPP359, MPP360, MPP361, MPP362, MPP363, MPP364, MPP365, MPP366, MPP367, MPP368, MPP369, MPP370, MPP371, MPP372, MPP373, MPP374, MPP375, MPP376, MPP377, MPP378, MPP379, MPP380, MPP381, MPP382, MPP383, MPP384, MPP385, MPP386, MPP387, MPP388, MPP389, MPP390, MPP391, MPP392, MPP393, MPP394, MPP395, MPP396, MPP397, MPP398, MPP399, MPP400, MPP401, MPP402, MPP403, MPP404, MPP405, MPP406, MPP407, MPP408, MPP409, MPP410, MPP411, MPP412, MPP413, MPP414, MPP415, MPP416, MPP417, MPP418, MPP419, MPP420, MPP421, MPP422, MPP423, MPP424, MPP425, MPP426, MPP427, MPP428, MPP429, MPP430, MPP431, MPP432, MPP433, MPP434, MPP435, MPP436, MPP437, MPP438, MPP439, MPP440, MPP441, MPP442, MPP443, MPP444, MPP445, MPP446, MPP447, MPP448, MPP449, MPP450, MPP451, MPP452, MPP453, MPP454, MPP455, MPP456, MPP457, MPP458, MPP459, MPP460, MPP461, MPP462, MPP463, MPP464, MPP465, MPP466, MPP467, MPP468, MPP469, MPP470, MPP471, MPP472, MPP473, MPP474, MPP475, MPP476, MPP477, MPP478, MPP479, MPP480, MPP481, MPP482, MPP483, MPP484, MPP485, MPP486, MPP487, MPP488, MPP489, MPP490, MPP491, MPP492, MPP493, MPP494, MPP495, MPP496, MPP497, MPP498, MPP499, MPP500, MPP501, MPP502, MPP503, MPP504, MPP505, MPP506, MPP507, MPP508, MPP509, MPP510, MPP511, MPP512, MPP513, MPP514, MPP515, MPP516, MPP517, MPP518, MPP519, MPP520, MPP521, MPP522, MPP523, MPP524, MPP525, MPP526, MPP527, MPP528, MPP529, MPP530, MPP531, MPP532, MPP533, MPP534, MPP535, MPP536, MPP537, MPP538, MPP539, MPP540, MPP541, MPP542, MPP543, MPP544, MPP545, MPP546, MPP547, MPP548, MPP549, MPP550, MPP551, MPP552, MPP553, MPP554, MPP555, MPP556, MPP557, MPP558, MPP559, MPP560, MPP561, MPP562, MPP563, MPP564, MPP565, MPP566, MPP567, MPP568, MPP569, MPP570, MPP571, MPP572, MPP573, MPP574, MPP575, MPP576, MPP577, MPP578, MPP579, MPP580, MPP581, MPP582, MPP583, MPP584, MPP585, MPP586, MPP587, MPP588, MPP589, MPP590, MPP591, MPP592, MPP593, MPP594, MPP595, MPP596, MPP597, MPP598, MPP599, MPP600, MPP601, MPP602, MPP603, MPP604, MPP605, MPP606, MPP607, MPP608, MPP609, MPP610, MPP611, MPP612, MPP613, MPP614, MPP615, MPP616, MPP617, MPP618, MPP619, MPP620, MPP621, MPP622, MPP623, MPP624, MPP625, MPP626, MPP627, MPP628, MPP629, MPP630, MPP631, MPP632, MPP633, MPP634, MPP635, MPP636, MPP637, MPP638, MPP639, MPP640, MPP641, MPP642, MPP643, MPP644, MPP645, MPP646, MPP647, MPP648, MPP649, MPP650, MPP651, MPP652, MPP653, MPP654, MPP655, MPP656, MPP657, MPP658, MPP659, MPP660, MPP661, MPP662, MPP663, MPP664, MPP665, MPP666, MPP667, MPP668, MPP669, MPP670, MPP671, MPP672, MPP673, MPP674, MPP675, MPP676, MPP677, MPP678, MPP679, MPP680, MPP681, MPP682, MPP683, MPP684, MPP685, MPP686, MPP687, MPP688, MPP689, MPP690, MPP691, MPP692, MPP693, MPP694, MPP695, MPP696, MPP697, MPP698, MPP699, MPP700, MPP701, MPP702, MPP703, MPP704, MPP705, MPP706, MPP707, MPP708, MPP709, MPP710, MPP711, MPP712, MPP713, MPP714, MPP715, MPP716, MPP717, MPP718, MPP719, MPP720, MPP721, MPP722, MPP723, MPP724, MPP725, MPP726, MPP727, MPP728, MPP729, MPP730, MPP731, MPP732, MPP733, MPP734, MPP735, MPP736, MPP737, MPP738, MPP739, MPP740, MPP741, MPP742, MPP743, MPP744, MPP745, MPP746, MPP747, MPP748, MPP749, MPP750, MPP751, MPP752, MPP753, MPP754, MPP755, MPP756, MPP757, MPP758, MPP759, MPP760, MPP761, MPP762, MPP763, MPP764, MPP765, MPP766, MPP767, MPP768, MPP769, MPP770, MPP771, MPP772, MPP773, MPP774, MPP775, MPP776, MPP777, MPP778, MPP779, MPP780, MPP781, MPP782, MPP783, MPP784, MPP785, MPP786, MPP787, MPP788, MPP789, MPP790, MPP791, MPP792, MPP793, MPP794, MPP795, MPP796, MPP797, MPP798, MPP799, MPP800, MPP801, MPP802, MPP803, MPP804, MPP805, MPP806, MPP807, MPP808, MPP809, MPP810, MPP811, MPP812, MPP813, MPP814, MPP815, MPP816, MPP817, MPP818, MPP819, MPP820, MPP821, MPP822, MPP823, MPP824, MPP825, MPP826, MPP827, MPP828, MPP829, MPP830, MPP831, MPP832, MPP833, MPP834, MPP835, MPP836, MPP837, MPP838, MPP839, MPP840, MPP841, MPP842, MPP843, MPP844, MPP845, MPP846, MPP847, MPP848, MPP849, MPP850, MPP851, MPP852, MPP853, MPP854, MPP855, MPP856, MPP857, MPP858, MPP859, MPP860, MPP861, MPP862, MPP863, MPP864, MPP865, MPP866, MPP867, MPP868, MPP869, MPP870, MPP871, MPP872, MPP873, MPP874, MPP875, MPP876, MPP877, MPP878, MPP879, MPP880, MPP881, MPP882, MPP883, MPP884, MPP885, MPP886, MPP887, MPP888, MPP889, MPP890, MPP891, MPP892, MPP893, MPP894, MPP895, MPP896, MPP897, MPP898, MPP899, MPP900, MPP901, MPP902, MPP903, MPP904, MPP905, MPP906, MPP907, MPP908, MPP909, MPP910, MPP911, MPP912, MPP913, MPP914, MPP915, MPP916, MPP917, MPP918, MPP919, MPP920, MPP921, MPP922, MPP923, MPP924, MPP925, MPP926, MPP927, MPP928, MPP929, MPP930, MPP931, MPP932, MPP933, MPP934, MPP935, MPP936, MPP937, MPP938, MPP939, MPP940, MPP941, MPP942, MPP943, MPP944, MPP945, MPP946, MPP947, MPP948, MPP949, MPP950, MPP951, MPP952, MPP953, MPP954, MPP955, MPP956, MPP957, MPP958, MPP959, MPP960, MPP961, MPP962, MPP963, MPP964, MPP965, MPP966, MPP967, MPP968, MPP969, MPP970, MPP971, MPP972, MPP973, MPP974, MPP975, MPP976, MPP977, MPP978, MPP979, MPP980, MPP981, MPP982, MPP983, MPP984, MPP985, MPP986, MPP987, MPP988, MPP989, MPP990, MPP991, MPP992, MPP993, MPP994, MPP995, MPP996, MPP997, MPP998, MPP999, MPP1000.

West-Linn-OR-Custom-Covered-Riding-Arena (3)



LOOK OF FINISHED BUILDING .

March 10, 2019

Cecilia Dingwell

874 Finlayson Arm rd

Highlands B.C.

I have applied for a development variance permit regarding the side yard setback of my proposed indoor riding ring. The zoning allows for a setback of 15m for agriculture buildings. I would like to reduce this to 5m. The reason for this is that a level cleared area already exists in this location and requires the least amount of environmental impact. The building will comply to all other zoning requirements.

I live at 881 Finlayson Rd and I/we support this application

X 



March 10, 2019

Cecilia Dingwell

874 Finlayson Arm rd

Highlands B.C.

I have applied for a development variance permit regarding the side yard setback of my proposed indoor riding ring. The zoning allows for a setback of 15m for agriculture buildings. I would like to reduce this to 5m. The reason for this is that a level cleared area already exists in this location and requires the least amount of environmental impact. The building will comply to all other zoning requirements.

I live at 864 FINLAYSON ARM Rd. and I/we support this application

X 

March 10, 2019

Cecilia Dingwell

874 Finlayson Arm rd

Highlands B.C.

I have applied for a development variance permit regarding the side yard setback of my proposed indoor riding ring. The zoning allows for a setback of 15m for agriculture buildings. I would like to reduce this to 5m. The reason for this is that a level cleared area already exists in this location and requires the least amount of environmental impact. The building will comply to all other zoning requirements.

I live at 885 FINLAYSON Arm Rd and I/we support this application

X Bin Soty

March 10, 2019

Cecilia Dingwell

874 Finlayson Arm rd

Highlands B.C.

I have applied for a development variance permit regarding the side yard setback of my proposed indoor riding ring. The zoning allows for a setback of 15m for agriculture buildings. I would like to reduce this to 5m. The reason for this is that a level cleared area already exists in this location and requires the least amount of environmental impact. The building will comply to all other zoning requirements.

I live at 861 Finlayson Arm Rd and I/we support this application

X 

March 10, 2019

Cecilia Dingwell

874 Finlayson Arm rd

Highlands B.C.

I have applied for a development variance permit regarding the side yard setback of my proposed indoor riding ring. The zoning allows for a setback of 15m for agriculture buildings. I would like to reduce this to 5m. The reason for this is that a level cleared area already exists in this location and requires the least amount of environmental impact. The building will comply to all other zoning requirements.

I live at 873 FINLAYSON ARM RD and I/we support this application

X 



**DISTRICT OF HIGHLANDS**  
**DEVELOPMENT VARIANCE PERMIT**  
**NO. DVP-02-19**

**ISSUED TO:** Cecilia Dingwell  
**MAILING ADDRESS:** C/o Brad Johnson, 990 Kanishay Road, Victoria BC V8L 5L1

1. The "Lands" are:  
**LOT 4, SECTIONS 74 AND 75, HIGHLAND DISTRICT, PLAN 20576,  
EXCEPT PART IN PLAN 48133  
PID: 003-067-424 ("867 FINLAYSON ARM ROAD")**
  
2. This Permit is issued subject to compliance with all the Bylaws of the District applicable thereto, except as specifically varied or supplemented by this Permit. Specifically:  
  
**Highlands Zoning Bylaw No. 100, 1998 is varied as follows:**  
  
**Section 7.3.3 (4)**  
  
**FROM:** ...no building used for Agriculture shall be sited within **15 metres** of a side lot line.  
  
**TO:** ...no building used for Agriculture shall be sited within **5 metres** of a side lot line.
  
3. If the Permit Holder does not substantially start construction of the structure within 24 months of the date of this Permit, the Permit will lapse.

**RESOLUTION PASSED BY THE COUNCIL OF THE DISTRICT OF HIGHLANDS  
THE XX<sup>TH</sup> DAY OF DATE.**

**AUTHORIZED THIS XXXX<sup>TH</sup> DAY OF DATE, 2019**

Loranne Hilton  
Chief Administrative Officer