

Rationale for Variance Request

Is the proposed variance consistent with the general purpose and intent of the zone?

This variance request addresses the internal property line setback issue for a rural farm property in the Kaleden area. As the zoning designation for this area is SH4 (Small Holdings 4), it permits agricultural use for accessory buildings. The structures in question, which do not comply with the required internal property line setback, are aligned with the intended agricultural use of the zoning, aimed at accommodating livestock and supporting the property's agricultural purpose. These structures are critical to the use and purpose of an agricultural farm property, and are consistent with the intention of the zoning.

Is the proposed variance addressing a physical or legal constraint associated with the site?

The requested variance addresses both the physical and legal constraints of this land parcel. The two farm structures have been in their current locations for over 20 years. The horse barn contains the main water pump and irrigation system for the property, and relocating the water lines if even possible, would require significant effort and cost across an approximately 2-acre area.

The topography of the land poses additional challenges, as much of it is rocky, steep, and heavily treed, leaving no environmentally suitable locations for rebuilding the structures. Furthermore, most of this parcel has been designated as 'environmentally sensitive.' Due to the legal restrictions associated with this designation, we face limitations in both our physical and legal ability to relocate these structures elsewhere on the property.

Is strict compliance with the zoning regulation unreasonable or unnecessary?

Strict compliance with bylaw 15.3.5 (c) would impose undue hardship, stress, and result in significant and unreasonable expenses. Previous encroachments have been addressed, and considerable effort and costs have already been incurred to adhere to zoning regulations.

The cost to demolish and rebuild the horse barn alone was estimated at over **\$294,000** by local builders *Square Foot Construction* in July 2023. This estimate does not include the second open-air farm structure that houses hay and farm equipment. Enforcing strict compliance with the lot line setback would lead to the total loss of this building, significantly affecting the viability of the property as an agricultural farm.

Moreover, with four horses residing on this farm, strict adherence to zoning regulations would necessitate their relocation and boarding elsewhere, causing undue stress and hardship for the animals. We would face additional costs of **\$1,500 to \$2,500** per month to board the horses offsite. This would also disrupt our daily work related routines and make it financially unsustainable to care for them properly.

In this situation, strict compliance with the lot line setbacks is unnecessary. The structures have been in place for over 20 years without significant impact on others. Furthermore, enforcing the zoning regulation regarding lot line setbacks would result in an estimated potential resale devaluation of up to **\$550,000**. Since this property has always been an equestrian farm, selling it without the agricultural structures would lead to a significant financial loss for us, all while having little to no impact on the surrounding area.

The variance requested is also very minor in nature. The structures no longer encroach on any neighbouring property, neither do they limit access to the neighbouring easement. The proposed variance will also not affect the use, or legal development potential of any neighboring property.

Will the proposed variance unduly impact the character of the streetscape or surrounding neighborhood?

Given the rural location of the property, and how minor the request for variance is, there is no impact on the character of the surrounding neighborhood. As there is only one neighbor whom this property shares a visible lot line and roadway with, granting the variance does not result in a change to the use, function or appearance of the neighbouring streetscape in any way.
