

The Corporation of the District of Peachland Policy

Non-Compliant Accessory Buildings Less Than 10m² (107.6 ft²)

Effective Date:	Authorized By:	Replaces:
December 11, 2012	Council – Regular Meeting	New Policy

Purpose:

To regulate accessory buildings that are less than 10m² (107.6 ft²) which do not require a Building Permit and are not subject to the B.C. Building Code that are encroaching into a required zoning setback.

Investigation of Complaints:

The District will only investigate a non-compliant accessory building only if:

- The District receives a complaint from a resident within the immediate proximity to the accessory building to be investigated; and,
- The District receives a signed complaint either in a letter or via a submitted Bylaw Offence / Request for Action Form.

Where the conditions above have been met and where there may be lack of clarity regarding the location of the building in relation to the property line, the Building Inspector may require that the non-compliant property owner provide a Survey Certificate to the District.

Procedure:

- Where it is determined by the Director of Planning and Development Services that there is not a nuisance (such as, unsightly condition, lack of privacy, blocking of view and/or sunlight), found to exist in relation to the placement of the accessory building, a Bylaw Contravention Notice will be placed on the Property Title.
- Where it is determined by the Director of Planning and Development Services that there is a nuisance (such as, unsightly condition, lack of privacy, blocking of view and/or sunlight) found to exist the District will ticket the property owner on a daily basis in accordance with the provisions of Enforcement of Bylaw Notices Bylaw No. 1919. If compliance is not met through this process the District will place a Bylaw Contravention Notice on the Property Title; except,
- Where it is determined by the Director of Planning and Development Services that there is a threat to health and life safety the District shall seek a court order to bring the building to compliance.

It is a right of a property owner to apply to the District for a Development Variance Permit (DVP). Upon receipt of application for a DVP all actions initiated by the District under this section will halt until Council has made a decision regarding the DVP as submitted.