



City of Delta
COUNCIL REPORT
Regular Meeting

To: **Council**

File No.:

LU009910

From: **Development Department**

Date: **January 5, 2026**

Application Date: **August 15, 2025**

Development Variance Permit at 3560 40 Street

The following report has been reviewed and endorsed by the City Manager's Office.

▪ **RECOMMENDATION:**

THAT Development Variance Permit LU009910 be issued.

▪ **PURPOSE:**

The purpose of this report is to present for Council's consideration Development Variance Permit LU009910. This development variance permit would vary the minimum setback for an accessory farm dwelling unit from the northern lot line to permit the construction of a new dwelling in the front yard of the property at 3560 40 Street. A location map and an aerial photo are provided in Attachment A.

▪ **BACKGROUND:**

Site Description and Context:

The subject property is located in an agricultural area southwest of Ladner. The 0.8 ha (1.9 ac) lot contains an existing farm house which would be retained with a proposed second story addition. The existing farm house, including new addition, totals 500 m² (5,382 ft²) and complies with the zoning. The site is surrounded by farm operations and other farm houses.

Council Policy:

The OCP designation for this site is Agricultural (A). This designation is intended for agricultural buildings and residential uses that support agriculture. The proposed accessory farm dwelling unit is consistent with the OCP designation.

The current zoning of the site is Agriculture (A1). The A1 Zone is intended for farming and permits a farm house and accessory farm dwelling unit uses. Properties in the general vicinity of the site are also zoned A1.

Council may pass a resolution to issue a development variance permit when prior notice has been given to surrounding owners and tenants in accordance with the *Local Government Act*.

▪ **DISCUSSION:**

Proposal:

The applicant is proposing to construct an accessory farm dwelling unit near the front of the property. The proposed structure would have a 48.4 m² (521 ft²) garage on the main floor intended for use by the accessory dwelling and a 38.2 m² (411 ft²) dwelling unit on the upper floor for a total floor area of 86.6 m² (932 ft²). A project data table is provided in Attachment B, and preliminary building plans are provided in Attachment C.

Community Consultation:

Notice of the application has been provided in accordance with Section 499 of the *Local Government Act*. Any correspondence received in response to the notice will be provided to Council in the agenda package and presented alongside this report.

Development Variance Permit:

The applicant is requesting a development variance permit to vary Section 10.10.5(a) of “Delta Zoning Bylaw No. 7600, 2017” by reducing the minimum setback for an accessory farm dwelling unit from the north lot line from 15 m (49 ft) to 10.7 m (35 ft).

The applicant is seeking the variance to allow for the construction of an accessory farm dwelling unit at the front of the property, north of the existing farm house. The A1 Zone requires a 15 m (49 ft) setback from all lot lines, other than the front or flanking street.

The applicant noted that Section 10.10.5(b) in the Zoning Bylaw permits a side setback equal to 10 percent of the lot width where the lot width is less than 50 m (164 ft). If the property was eligible to use this provision, the minimum setback from the north property line would be 5.1 m (17 ft). However, the subject property has a lot width of 51.2 m (168 ft) and therefore does not qualify for this provision by a marginal amount. The proposed location of the accessory farm dwelling unit is within the required farm home plate and would allow for the existing driveway on the north portion of the site to be used to provide access to it. Staff have no concerns with the proposed variance.

The subject property is within the Agricultural Land Reserve (ALR). An accessory residential unit of 90 m² (969 ft²) or less is permitted in the ALR but requires a Notice of Intent application for fill placement. The applicant has received approval from the Agricultural Land Commission for the proposed location. The proposal was determined by the Commission to be consistent with provincial regulations.

Implications:

Financial Implications – There are no financial implications to Delta.

▪ **CONCLUSION:**

The applicant for 3560 40 Street has applied for a development variance permit to permit the construction of a new accessory farm dwelling unit in the northwest portion of the property. It is recommended that Development Variance Permit LU009910 be issued.



Tanya Mitchner
Acting General Manager, Development

Department submission prepared by: Amy Hsieh, Planner
AH/jl

▪ **ATTACHMENTS:**

- A. Location Map and Aerial Photo
- B. Project Data Table
- C. Preliminary Building Plans