

AGENDA ITEM NO: 11.4.4

MEETING DATE: April 2, 2024

**STAFF REPORT – COVER SHEET**

SUBJECT: Dual Klot Construction  
Development Variance Permit / 48987  
Chilliwack Central Road DATE: March 18, 2024

DEPARTMENT: Planning  
DVP01402 PREPARED BY: Adam Roberts / mb

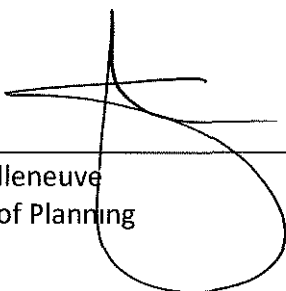
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**1. SUMMARY OF ISSUE:**

The applicant requests to reduce the minimum interior side lot line setback within the AL (Agricultural Lowland) Zone from 15m to 4.2m to facilitate the construction of an animal enclosure.

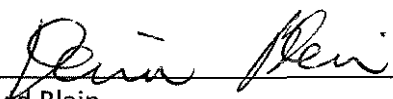
**2. RECOMMENDATION:**

Recommendation that, subject to public representation, Council approve the issuance of Development Variance Permit DVP01402 with respect to property located at 48987 Chilliwack Central Road, subject to the recommendations as stipulated within the draft Development Variance Permit.

  
\_\_\_\_\_  
Gillian Villeneuve  
Director of Planning

**3. CHIEF ADMINISTRATIVE OFFICER'S  
RECOMMENDATION/COMMENTS:**

Supports recommendation.

  
\_\_\_\_\_  
David Blain  
Chief Administrative Officer

## STAFF REPORT ON DEVELOPMENT VARIANCE PERMIT DVP01402

PREPARED BY: Adam Roberts DATE: March 18, 2024

POSITION: Planner III DEPARTMENT: Planning Department

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### 1. DEFINITION OF ISSUE:

The applicant requests to reduce the minimum interior side lot line setback within the AL (Agricultural Lowland) Zone from 15m to 4.2m to facilitate the construction of an animal enclosure.

### 2. BACKGROUND:

On June 16, 2023, the Agricultural Land Commission (ALC) released a guideline titled Necessary Farm Use Structures in the ALR Guidelines (the "Guidelines"). The Guidelines were created by the ALC to determine whether a structure constitutes a farm building as regulated by the ALC Act and ALR Use Regulations. As such, the proposed horse barn was referred to the Agricultural and Rural Advisory Committee (ARAC) on January 31, 2024 to provide recommendation with respect to the Guidelines. As a result of that meeting, the ARAC made the following recommendation:

*That the Agricultural and Rural Advisory Committee considers the proposed horse barn to be necessary for the planned future farm use of the property and recommends the departures to the ALC's Necessary Farm Use Structures in the ALR Guidelines be supported.*

*As part of the Committee's rationale, it was noted that the design criteria outlined within the ALC's Necessary Farm Use Structures in the ALR Guidelines do not reflect the variability of agricultural building design or provide the necessary flexibility to accommodate more visually appealing farm structures.*

### 3. PROPOSAL:

The applicant requests to reduce the minimum interior side lot line setback from 15m to 4.2m to facilitate the construction of a new 232m<sup>2</sup> horse barn. The applicant has applied for a building permit to construct the proposed barn along the west property line as shown on the attached draft permit.

In support of the application, the applicant has indicated that the variance is intended to cluster the barn near the single detached dwelling and provide more grazing space along the north property line. The applicant has indicated the building will be sited in the same location as the previous ancillary building and is intended to maximize useable space for horse grazing and riding on the property.

The AL Zone requires a 15m setback to all property lines for animal enclosures that are greater than 10m<sup>2</sup>. Enclosures that are less than 10m<sup>2</sup> in size may be sited 3m from an interior side lot line. The 15m setback is intended to limit the impact to neighbours that can often be associated with large

animal enclosures (noise, dust, scent, and light). As the proposed building is fully enclosed and includes 4 horse stalls, the impact to neighbours is expected to be minimal. As such, a reduced setback is supported by staff in this instance.

For information, a copy of the site plan is included within the attached draft permit.

#### **4. FACTORS:**

##### **4.1 2040 Official Community Plan (OCP) / Land Use**

OCP: "Agriculture" as designated within the Official Community Plan.

Land Use: Existing single detached dwelling and agricultural building.

##### **4.2 Neighbourhood Character**

The subject property is located within an agricultural area situated to the east of the Urban Growth Boundary (UGB). The property is immediately surrounded by parcels primarily zoned AL (Agricultural Lowland) which are occupied predominantly by large farming operations and located within the Agricultural Land Reserve (ALR). The property to the south-east is smaller in size and zoned P1 (Civic Assembly).

##### **4.3 Technical Issues**

Floodplain: The subject property is located within the protected floodplain and subject to the Floodplain Regulation Bylaw.

Watercourses: Elk Brook, a Class B watercourse, is located to the north of the subject property. The proposed building location is 30m from the natural boundary of Elk Brook, which meet the standard riparian area setback established within Development Permit Area No. 3 (Riparian Area). This setback will be confirmed through the Building Permit review.

Geotechnical: The property is not subject to any known geotechnical hazards or earthquake related risks.

##### **4.4 Condition of Issuance**

Staff support the requested variance as proposed by the applicant and recommend approval of the draft Development Variance Permit, subject to the condition as stipulated within the draft Development Variance Permit.

**5. RECOMMENDATION & SUBSTANTIATION:****Recommendation:**

Recommendation that, subject to public representation, Council approve the issuance of Development Variance Permit DVP01402 with respect to property located at 48987 Chilliwack Central Road, subject to the recommendations as stipulated within the draft Development Variance Permit.

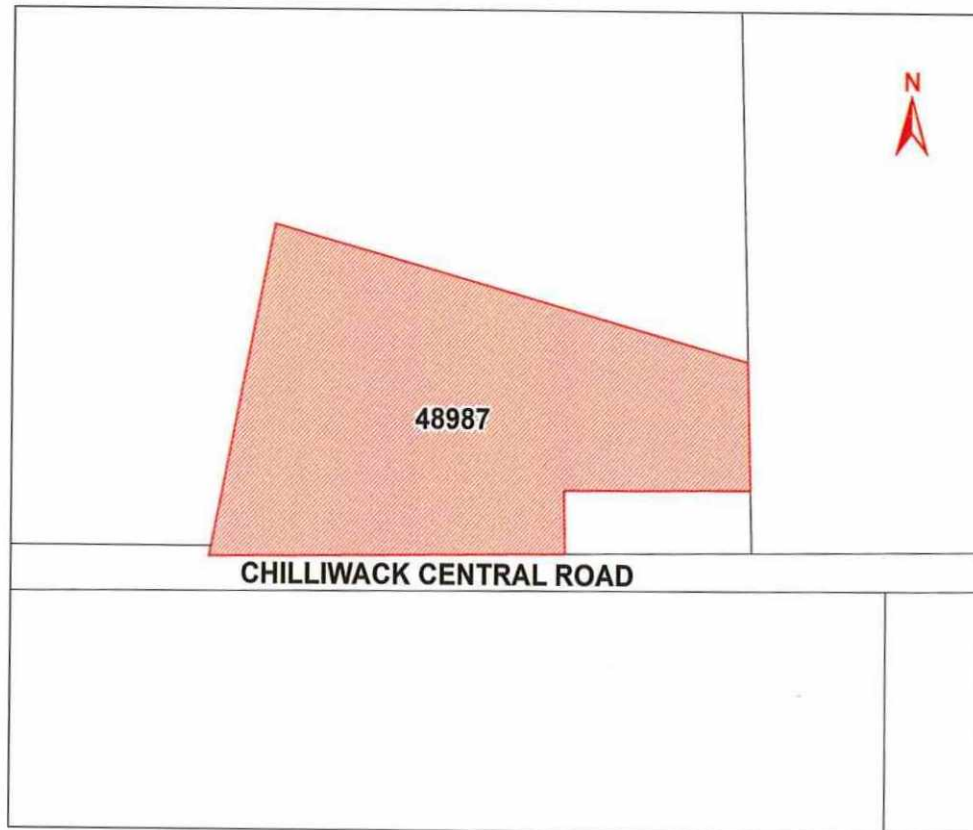
**Substantiation:**

If approved, the requested variance would facilitate the construction of a new horse barn. Considering the size of the adjacent property to the west and the design of the proposed barn, the requested variance is supported by staff, and is not anticipated to have an impact on the privacy or function of neighbouring properties.

**6. SOURCES OF INFORMATION:**

- Building Permit Application (BP034606) – June 1, 2023
- Development Variance Permit Application (DVP01402) – January 23, 2024
- Necessary Farm Use Structures in the ALR Guidelines

Location Map



Ortho photo





**CITY OF CHILLIWACK**  
**NOTICE OF PUBLIC INFORMATION MEETING**  
**Tuesday, April 2, 2024 at 6:30 PM**  
**Council Chambers**  
**8550 Young Road, Chilliwack BC V2P 8A4**  
**[www.chilliwack.com](http://www.chilliwack.com)**

TAKE NOTICE that the Council of the City of Chilliwack will hold a Public Information Meeting, as noted above, on the following item:

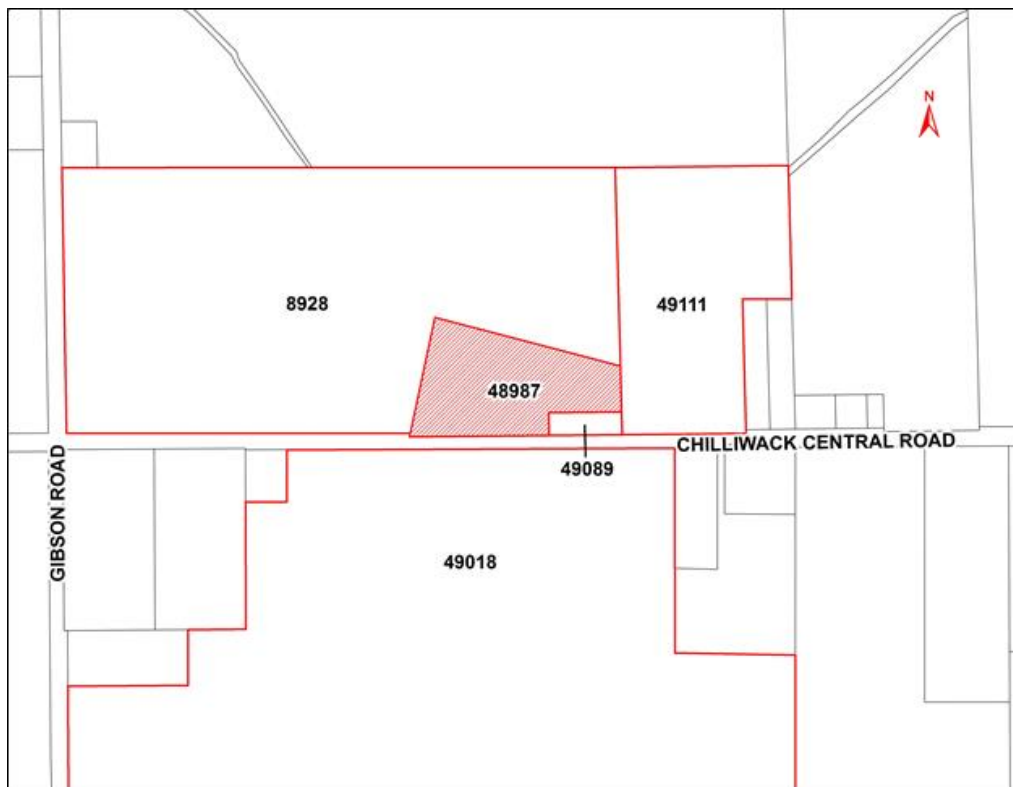
**1. DEVELOPMENT VARIANCE PERMIT (DVP01402)**

**Location:** 48987 Chilliwack Central Road

**Applicant:** Dual Klood Construction

**Purpose:** The applicant requests to reduce the minimum interior side lot line setback to facilitate the construction of an animal enclosure within the subject property, as shown on the included map.

**Location Map**



**How to share your feedback:**



Attend the Public Hearing in person (8550 Young Road)



Mail or email our Legislative Services Department:

Mail: 8550 Young Road, Chilliwack BC V2P 8A4

Email: [clerks@chilliwack.com](mailto:clerks@chilliwack.com)

- Mail and email submissions will be accepted until 4:00 PM on April 1, 2024. Any submissions received after this time will not be considered by Council.
- Please include your name and address.
- **All mail and emails, including your name and address, will be recorded and publicly available in the minutes of the meeting.**

Contact our Planning Department between Wednesday, March 20, 2024 and Tuesday, April 2, 2024 for a copy of the proposed permit at [planning@chilliwack.com](mailto:planning@chilliwack.com) or 604-793-2906.

Jacqueline Morgan, CMC  
Corporate Officer





## SCHEDULE "A"

### CITY OF CHILLIWACK

#### DEVELOPMENT VARIANCE PERMIT NO. DVP01402

1. This Development Variance Permit is issued subject to compliance with all of the Bylaws of the City of Chilliwack applicable thereto, except as specifically varied or supplemented by this Permit.
2. This Development Variance Permit applies only to those lands within the City of Chilliwack described below, to facilitate the construction of a new horse barn within the subject property, and, does not apply to any additions or subsequent replacement of any and all buildings and structures and other development thereon:

**Parcel Identifier No.** 009-747-486  
**Legal Description:** LOT "B" SECTION 35 TOWNSHIP 26 NEW  
WESTMINSTER DISTRICT PLAN 12850  
**Address:** 48987 Chilliwack Central Road

3. In accordance with the provisions of Section 498 of the *Local Government Act* the following section(s) of "Zoning Bylaw 2020, No. 5000" are varied as stated:

***Section 6.01(7)(b) is varied by reducing the minimum interior side lot line setback for an animal enclosure greater than 10m<sup>2</sup> from 15m to 4.2m.***

4. The land described herein shall be developed strictly in accordance with the terms and conditions and provisions of this Permit and the plans and information contained within the application. The following condition(s) applies/apply:
  - a) that the development be in accordance with the plans found in Schedule "A".
5. Pursuant to Section 504 of the *Local Government Act*, if the permittee does not substantially start any construction permitted by this Permit within two years of the date of this Permit, this Permit shall lapse.
6. This Permit is not a Building Permit.

APPROVED BY COUNCIL ON THE \_\_\_\_ DAY OF \_\_\_, 2024.

ISSUED THIS \_\_\_\_ DAY OF \_\_\_, 2024

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CORPORATE OFFICER

**DRAFT**

**Site Plan**