

AGENDA ITEM NO: 11.4.2

MEETING DATE: August 6, 2024

STAFF REPORT – COVER SHEET

SUBJECT: Tony Neels
Development Variance Permit / 10650
Bustin Road DATE: July 16, 2024

DEPARTMENT: Planning
DVP01337 PREPARED BY: Krista Goodman / cc

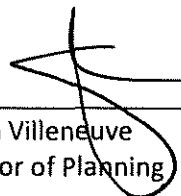
1. SUMMARY OF ISSUE:

The applicant is seeking to reduce the minimum setback and siting exception requirements within the AL (Agricultural Lowland) Zone to facilitate an addition and legitimize the siting of the existing single detached dwelling. The proposed variances are as follows:

- Reduce the front lot line (FLL) setback from 7.5m to 6.5m; and,
- Increase the FLL siting exception from 1.5m to 2.1m for a covered entryway.

2. RECOMMENDATION:

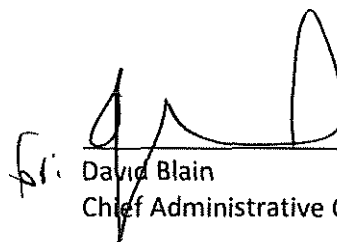
Recommendation that, subject to public representation, Council approve the issuance of Development Variance Permit DVP01337 with respect to property located at 10650 Bustin Road, subject to the recommendations as stipulated within the draft Development Variance Permit. (Presentation)



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 DVP01337

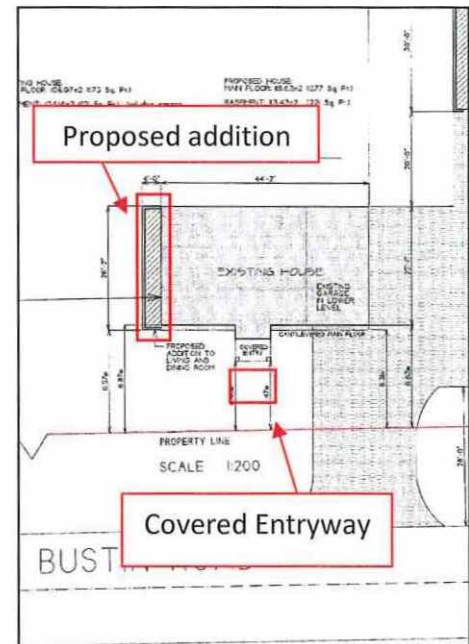
PREPARED BY: Krista Goodman DATE: July 16, 2024
POSITION: Planner I DEPARTMENT: Planning Department

1. BACKGROUND:

In June 2022, a "Non-Adhering Residential Use" application was submitted (ALR00398) to approve the total floor area increase for a secondary residence. In January 2024, the Agricultural Land Commission (ALC) approved the proposal subject to various conditions which the applicant has since fulfilled. Additionally, there is an active boundary adjustment application (ALR00408) currently under review by the ALC however, the pending decision for this application will not impact the subject single detached dwelling.

2. PROPOSAL:

The applicant requests to reduce the FLL setback to 6.5m to facilitate the construction of a 2-storey 6m² addition and to legitimize the existing siting of the single detached dwelling. The proposed addition will allow for expansion to the basement, living and dining areas located on the north side of the dwelling. In addition, the Zoning Bylaw permits minor projections to encroach a maximum of 1.5m into the FLL setback. As the existing covered entryway is sited 2m into the FLL setback, the applicant is requesting to increase the FLL siting exception from 1.5m to 2.1m (6.5m FLL – 1.5m Siting Exception). As a result, the final distance for the covered entryway from the property line will be 4.46m.



3. FACTORS:

3.1 2040 Official Community Plan (OCP) / Land Use / Community Engagement

OCP: "Agricultural" as designated within the Official Community Plan.
Land Use: Two single detached dwellings and crop production.
Community Engagement: If an engagement summary is received, it will be recorded and form part of the official record.

3.2 Neighbourhood Character

The subject property is located within an agricultural area situated to the north of the Rosedale neighbourhood. The subject property is surrounded by parcels similarly zoned AL and occupied predominantly by large farming operations. All properties within the immediate vicinity are located within the Agricultural Land Reserve (ALR).

3.3 Technical Issues

Floodplain:	The subject property is located within the protected floodplain, and as such, is subject to the Floodplain Regulation Bylaw.
Watercourses:	<i>Hope Slough</i> , a Class "A" watercourse, runs along the south property line of the subject property and <i>Bustin Ditch</i> , a Class "C" watercourse runs along the west and north property lines of the subject property. The proposed variance is not expected to affect the required watercourse setbacks.
Geotechnical:	The property is not subject to any known geotechnical hazards or earthquake related risks.

3.4 Conditions of Issuance

Staff support the requested variance as proposed by the applicant and recommend approval of the draft Development Variance Permit subject to the following condition being met:

- a) That the development be in accordance with the plans found within Schedule "A".

4. RECOMMENDATION & SUBSTANTIATION:

Recommendation:

Recommendation that, subject to public representation, Council approve the issuance of Development Variance Permit DVP01337 with respect to property located at 10650 Bustin Road subject to the recommendations as stipulated within the draft Development Variance Permit.

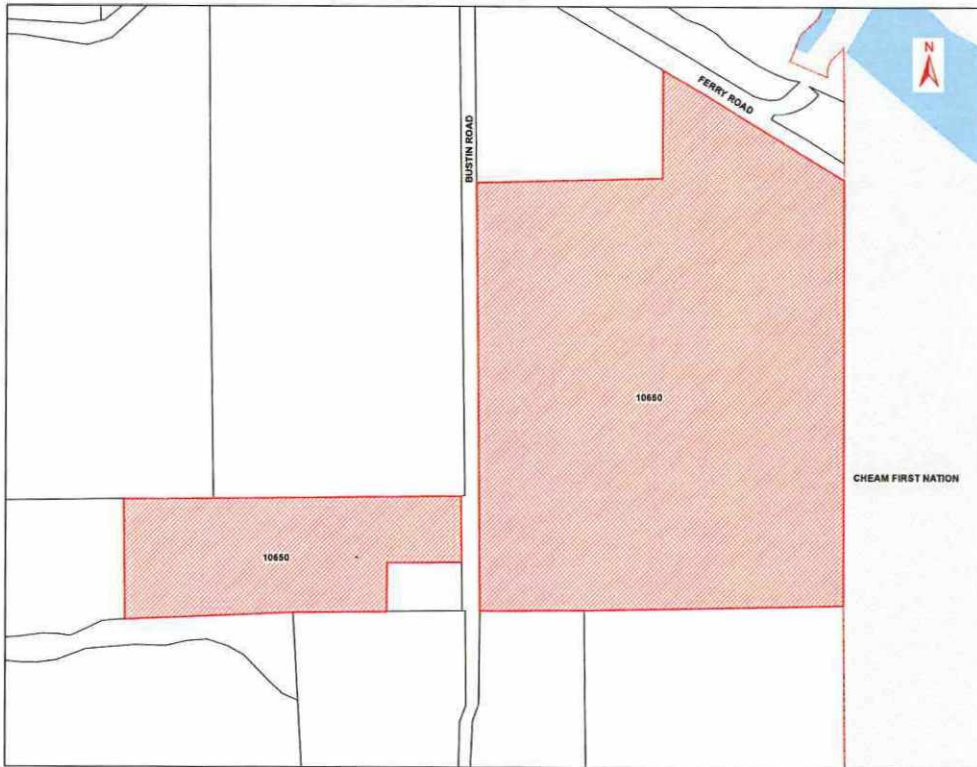
Substantiation:

The requested variance is supportable as it is not anticipated to have an impact on the privacy or function of neighbouring properties. Furthermore, the addition is relatively minor in scale and will legitimize the siting of the existing dwelling.

5. SOURCES OF INFORMATION:

- ALR Application (ALR00398) – June 21, 2022
- Development Variance Permit Application (DVP01337) – January 30, 2023
- ALR Application (ALR00408) – April 28, 2023
- ALC Certified Resolution #4/2024 – January 5, 2024

Location Map



Orthophoto





SCHEDULE "A"

CITY OF CHILLIWACK

DEVELOPMENT VARIANCE PERMIT NO. DVP01337

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 an addition to the existing single detached dwelling, and, does not apply to any additions or subsequent replacement of any and all buildings and structures and other development thereon:

Parcel Identifier No. 029-176-255

Legal Description: LOT 2 DISTRICT LOT 469 GROUP 2 NEW WESTMINSTER
DISTRICT PLAN EPP31337

Address: 10650 Bustin 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)(i) within the AL (Agricultural Lowland) Zone is varied by reducing the front lot line (FLL) setback from 7.5m to 6.5m for the existing single detached dwelling and addition; and,

Section 6.01(7)(i) within the AL (Agricultural Lowland) Zone and Section 4.07(4)(b) Siting Exceptions is varied by increasing the siting exception from 1.5m to 2.1m for the covered entryway.

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 conditions 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.

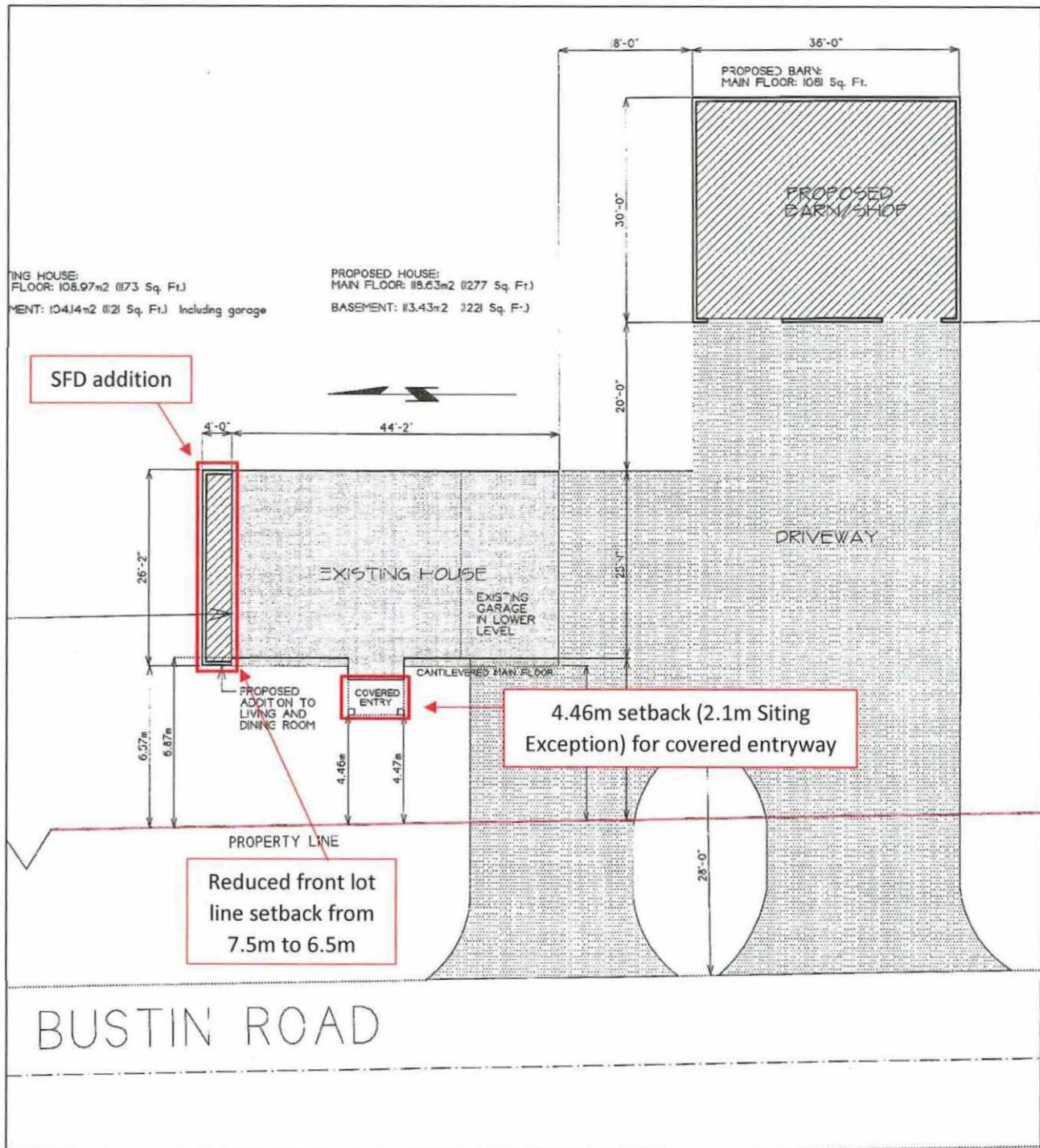
APPROVED BY COUNCIL ON THE ___ DAY OF ___, 2024.

ISSUED THIS ___ DAY OF ___, 2024.

CORPORATE OFFICER

DRAFT

Site Plan



DRAFT