

AGENDA ITEM NO: 7.8

MEETING DATE: December 20, 2022

STAFF REPORT – COVER SHEET

SUBJECT: Brenda Wiechmann
Temporary Use Permit /
B - 7105 Tahoma Place DATE: December 6, 2022

DEPARTMENT: Planning
TUP00151 (Renewal) PREPARED BY: Joty Rai / kk

1. SUMMARY OF ISSUE:

The applicant is seeking to renew Temporary Use Permit (TUP00151) for a further three years to continue the operation of a child care facility as an Accessory Home Occupation within the R1-B (Urban Duplex) Zoned property. As the R1-B Zone does not allow this use, a Temporary Use Permit (TUP) is required.

A TUP can be renewed only once, after which, rezoning or relocation to an appropriate zone is recommended or a new TUP application must be submitted.

2. RECOMMENDATION:

Recommendation that Council approve the renewal of Temporary Use Permit (TUP00151), with respect to property located at B-7105 Tahoma Place, subject to the recommendations as stipulated within the draft Temporary Use Permit.



Gillian Villeneuve
Director of Planning

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

Supports recommendation.



Chris Crosman
Chief Administrative Officer

STAFF REPORT ON TEMPORARY USE PERMIT TUP00151 (RENEWAL)

PREPARED BY: Joty Rai DATE: December 6, 2022

POSITION: Planner I DEPARTMENT: Planning

1. DEFINITION OF ISSUE:

The applicant is seeking to renew Temporary Use Permit (TUP00151) for a further three years to continue the operation of a child care facility as an Accessory Home Occupation within the R1-B (Urban Duplex) Zoned property. As the R1-B Zone does not allow this use, a Temporary Use Permit is required.

A TUP can be renewed only once, after which, rezoning or relocation to an appropriate zone is recommended or a new TUP application must be submitted.

2. BACKGROUND/PROPOSAL:

A childcare facility is permitted as an Accessory Home Occupation (AHO) within single-family detached dwellings only. As the subject property contains a duplex, a TUP application is required. On January 10, 2020, following Council approval, TUP00151 was issued for a childcare facility for up to 5 children as an Accessory Home Occupation within the subject property. This permit was issued for 3 calendar years and a valid Business Licence was issued for *Marble Hill Child Care* to operate within the subject property. The business operates within the existing basement (approximately 81m²) of the duplex. The applicant has confirmed that they will continue to operate within the same parameters as the previously issued TUP, with the exception that the business will no longer operate on Fridays. As such, the conditions of the TUP have been updated accordingly.

For information, at the time of issuance of TUP00151, the subject property was zoned R3-A (Small Lot Two Family Residential). The R3-A Zone was renamed the R1-B Zone in "Zoning Bylaw 2020, 5000" though the Zoning Bylaw review process.

3. FACTORS

3.1 2040 Official Community Plan (OCP) / Land Use

OCP: "Low Density Residential"

Land Use: Duplex

3.2 Neighbourhood Character

The subject property is located within a residential neighbourhood in the Eastern Hillside. The surrounding lots contain duplex developments which are also within the R1-B Zone. The nearest on-street parking is available on Tahoma Place (northbound) as well as Marble Hill Road (westbound).

The existing business has integrated into the neighbourhood as the City has not received any complaints in relation to this operation to date. As such, the proposed renewal application is not anticipated to impact the community.

3.3 Conditions of Issuance of Temporary Use Permit

The business is no longer operating on Fridays so the current conditions have been updated to reflect the current days of operation. All other conditions related to the daycare have been met with respect to the previously issued TUP. No further conditions are recommended by staff at this time.

1. The business use of the lands shall consist of a childcare facility for up to 5 children at any one time;
2. The childcare facility shall operate Monday to Thursday from 7:30 a.m. to 5:30 p.m.;
3. The business must comply with all requirements of Fraser Health and the City of Chilliwack Fire Department for childcare facilities;
4. Drop-off and pick-up is restricted to the available off-street parking spaces (driveway) within the subject property;
5. A Business License must be applied for and issued;
6. Two months before the expiration date, the applicant shall indicate to the Director of Planning their intention to either apply for a new Temporary Use Permit, cease the business activity or relocate to a suitably zoned property; and,
7. For the sake of clarity, this Permit constitutes a temporary Official Community Plan designation for a Temporary Use area.

4. RECOMMENDATION & SUBSTANTIATION:

Recommendation:

Recommendation that Council approve the renewal of Temporary Use Permit (TUP00151), with respect to property located at B-7105 Tahoma Place, subject to the recommendations as stipulated within the draft Temporary Use Permit.

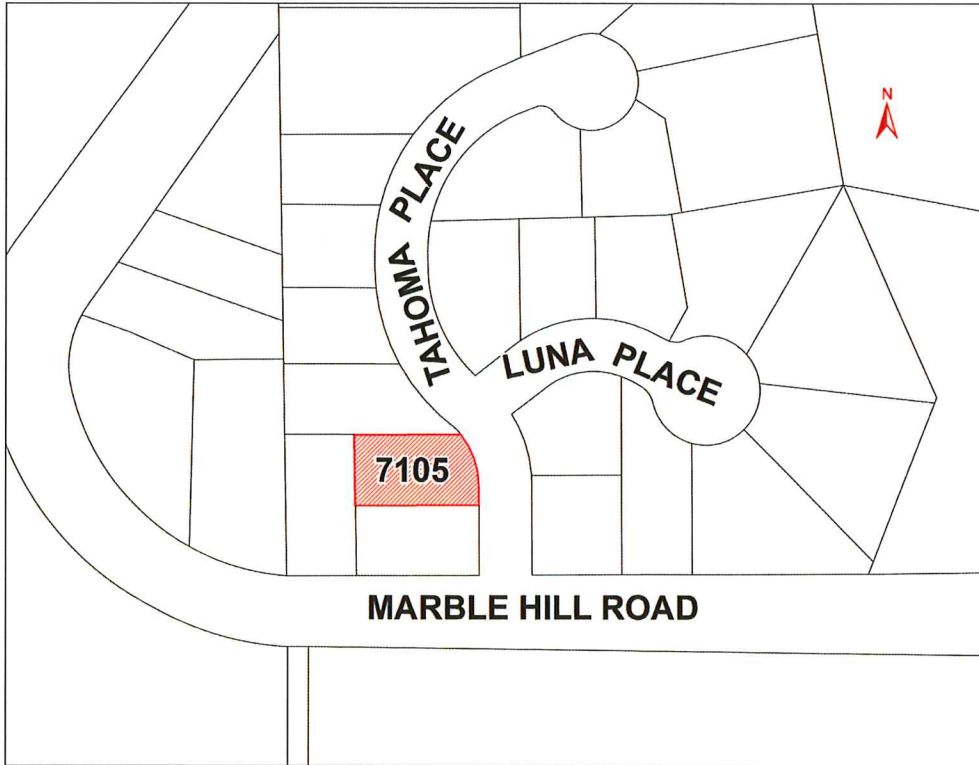
Substantiation:

The continued operation of this business is suitable in this residential location as the childcare facility is limited in size (up to 5 children in care) and has provided necessary daycare services for the immediate community. Furthermore, the childcare facility has been operating as approved and has not resulted in the City receiving any formal complaints since it began operating in 2020.

5. SOURCES OF INFORMATION:

- Temporary Use Permit application TUP00151

Location Map



Ortho Photo





CITY OF CHILLIWACK

TEMPORARY USE PERMIT NO. TUP00151 RENEWAL

**To: Brenda and Kevin Wiechmann
B - 7105 Tahoma Place
Chilliwack BC V4Z 0E1**

WHEREAS Section 493 of *the Local Government Act* permits the issuance of Temporary Use Permits; and WHEREAS the Council of the City of Chilliwack in open meeting assembled is prepared to issue such a permit on the terms and conditions set out below.

IT IS HEREBY RESOLVED that a Temporary Use Permit be issued as affecting property at:

Civic Address:

B - 7105 Tahoma Place

Parcel Identifier:

030-800-200

Legal Description:

STRATA LOT B DISTRICT LOT 13 TOWNSHIP 26 NEW WESTMINSTER DISTRICT STRATA PLAN EPS5840 TOGETHER WITH AN INTEREST IN THE COMMON PROPERTY IN PROPORTION TO THE UNIT ENTITLEMENT OF THE STRATA LOT AS SHOWN ON FORM V

General Intent of Permit

To permit the operation of a childcare facility for up to 5 children as an Accessory Home Occupation within the subject property.

Validity of Permit

Three calendar years from the date of issuance of this Permit.

Renewal of Permit

In accordance with Section 497(2), this permit may not be renewed.

Terms and Conditions of Permit

1. The business use of the lands shall consist of a childcare facility for up to 5 children at any one time;
2. The childcare facility shall operate Monday to Thursday from 7:30 a.m. to 5:30 p.m.;
3. The business must comply with all requirements of Fraser Health and the City of Chilliwack Fire Department for childcare facilities;
4. Drop-off and pick-up is restricted to the available off-street parking spaces (driveway) within the subject property;
5. A Business License must be applied for and issued;
6. Two months before the expiration date, the applicant shall indicate to the Director of Planning their intention to either apply for a new Temporary Use Permit, cease the business activity or relocate to a suitably zoned property; and,
7. For sake of clarity, this Permit constitutes a temporary Official Community Plan designation for a Temporary Use area.

APPROVED THIS ___ DAY OF ___, 2022.

ISSUED THIS ___ DAY OF ___, 2022.

CORPORATE OFFICER