

AGENDA ITEM NO: 7.7

MEETING DATE: February 21, 2023

STAFF REPORT – COVER SHEET

SUBJECT: Cheryl Cavanaugh
Temporary Use Permit
46578 Yale Road DATE: February 7, 2023

DEPARTMENT: Planning Department
TUP00150 Renewal PREPARED BY: Seamus McConville / tr


1. SUMMARY OF ISSUE:

The applicant is seeking to renew Temporary Use Permit (TUP00150) for a further three years to permit the continued keeping of 3 chickens on the property located within the R1-A (Urban Residential) Zone. As agricultural uses are not permitted within the R1-A Zone, 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 (TUP00150), with respect to property located at 46578 Yale Road, 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 TUP00150

PREPARED BY: Seamus McConville DATE: February 7, 2023

POSITION: Planner I DEPARTMENT: Planning

1. DEFINITION OF ISSUE:

The applicant is seeking to renew Temporary Use Permit (TUP00150) for a further three years to permit the continued keeping of 3 chickens on the property located within the R1-A (Urban Residential) Zone. As agricultural uses are not permitted within the R1-A Zone, 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. BACKGROUND / PROPOSAL:

In February 2020, Council approved the issuance of TUP00150 to permit the keeping of 3 chickens on the subject property, located within the R1-A Zone, in order to bring the property into compliance with City Bylaws. Despite the original TUP being issued to resolve a bylaw complaint, there is no record of further complaints or concerns regarding the operation since the permit was issued.

Upon receipt of the TUP renewal application, staff were advised the number of chickens on the property had increased to 5; however, the applicant has committed to removing 2 chickens to bring the property into compliance with the conditions of the TUP within two weeks of approval of the renewal application. All other conditions of the previous TUP were met by the applicant. Should the renewal request be approved, staff will conduct a site inspection to confirm the number of chickens on site and overall compliance with the conditions of the TUP.

3. FACTORS:

3.1 2040 Official Community Plan (OCP) / Land Use

OCP Designation: "Residential 2 – Medium Density Town Houses" as designated in the Downtown Land Use & Development Plan within the 2040 Official Community Plan.

Current Land Use: Single detached dwelling with tree house and chicken enclosure.

3.2 Neighborhood Character

The subject property is located within a mature residential neighbourhood of Chilliwack Proper that has been experiencing new infill development. The property is situated on the corner of Yale Road and Broadway, which is within close proximity to Kinsmen Park on Portage.

The property is immediately adjacent to a small two-storey apartment complex zoned R5 (Low Rise Apartment) Zone located to the west. Single family homes in the R1-A Zone are located to the east of the subject property (across Broadway) and to the south. To the north of the subject property (across Yale Road), a mix of residential uses exist, including another small two-storey apartment in the R5 Zone, single detached dwellings within the R3 (Small Lot Residential) Zone, and a townhouse development within the R4 (Low Density Multi-Unit Residential) Zone.

3.3 Technical Issues:

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

Watercourses: There are no known watercourses within or in the immediate vicinity of the subject property.

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

3.3 Conditions of Issuance

Staff support the renewal of TUP00150 as requested by the applicant and recommend renewal of the draft Temporary Use Permit subject to the following conditions being met:

- a. That the agricultural use of the land shall be specific to the keeping of no more than three (3) female chickens within the subject property. The keeping of roosters is strictly prohibited.
- b. That the siting of the chicken enclosure shall remain in accordance with the Site Plan attached with Schedule "A".
- c. That the keeping of chickens on-site must be in compliance with the applicable Animal Control Bylaw, including but not limited to any required licensing, maintaining control of the animals, clean-up and sanitation.
- d. By way of the Permit, the applicant (Cheryl Cavanaugh) accepts the responsibility for the chickens within the subject property.
- e. If the applicant is considered to be in contravention of the applicable Animal Control Bylaw or conditions as outlined within this Permit, the Temporary Use Permit will be forwarded to Council for reconsideration.
- f. Two months before the expiration date of this Permit the applicant shall indicate to the Director of Planning their intention to either cease the business activity or to apply for a further three year permit; and,
- g. For 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 (TUP00150), with respect to property located at 46578 Yale Road, subject to the recommendations as stipulated within the draft Temporary Use Permit.

Substantiation:

The request to continue the keeping of chickens within the subject property is considered supportable on the basis that conditions, as included within the draft Temporary Use Permit, are met to ensure the welfare of the animals, as well as ensure there is no significant impact to the surrounding area. Furthermore, there is no record of concern or complaint regarding the chickens since the time of TUP issuance.

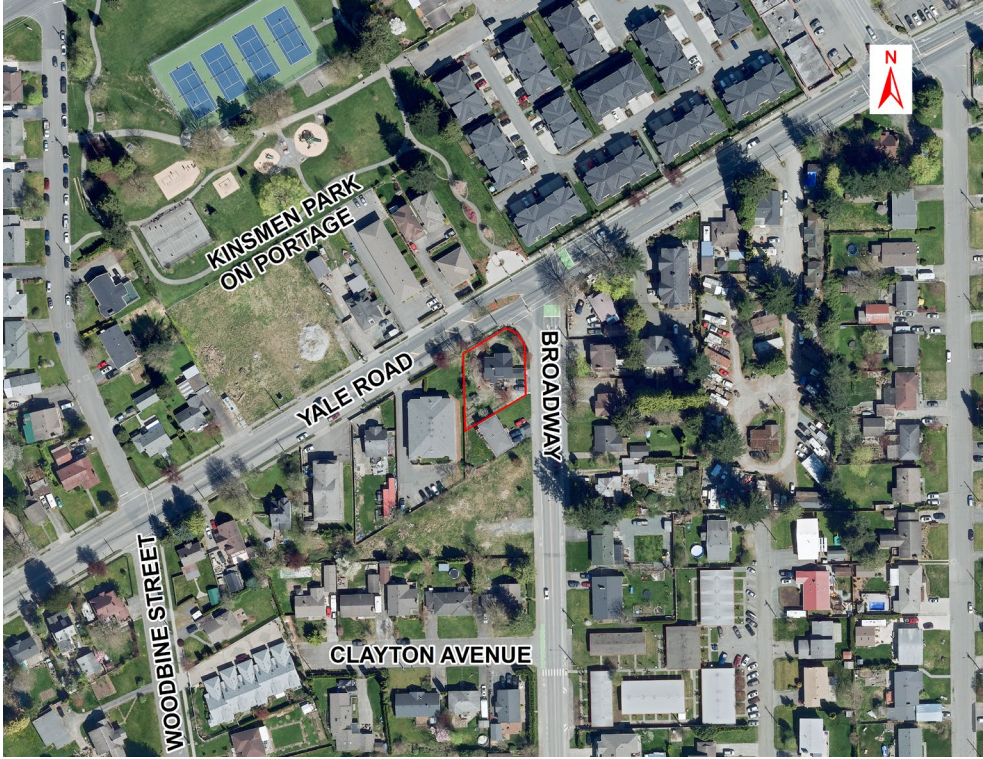
5. SOURCES OF INFORMATION:

- Temporary Use Permit Application TUP00138 (Renewal) – January 25, 2023
- Development Application Review Team (DART) Minutes – October 31, 2019
- Temporary Use Permit Application TUP00138 – September 13, 2019

Location Map



Ortho Photo



Proposed Site Plan of Existing Chicken Coop & Enclosure (as identified by the applicant)



Site Photos of Chicken Coop & Enclosure (as provided by the applicant)

