

AGENDA ITEM NO: 11.4.1

MEETING DATE: April 18, 2023

**STAFF REPORT – COVER SHEET**

SUBJECT: Brent Johnston  
Development Permit / 10193 Williams Road  
DATE: April 11, 2023

DEPARTMENT: Planning Department  
DVP01189 & DP001465  
PREPARED BY: Seamus McConville / tr

**1. SUMMARY OF ISSUE:**

The applicant requests to reduce the rear lot line (RLL) and interior side lot line (ISLL) setbacks for detached accessory dwelling units in the R1-A (Urban Residential) Zone from 3m to 1.2m to facilitate the conversion of an existing shop into a garden suite.

The applicant is seeking approval for the 'form and character' of a garden suite within the subject property. As the property is located within Development Permit Area 10 (Coach Houses and Garden Suites), a Development Permit (DP) is required.

**2. RECOMMENDATION:**

Recommendation that, subject to public representation, Council approve the issuance of Development Variance Permit DVP01189 with respect to property located at 10193 Williams Road, subject to the recommendations as stipulated within the draft Development Variance Permit.

Recommendation that Council approve the issuance of Development Permit DP001465 with respect to property located at 10193 Williams Road, subject to the conditions as stipulated within the draft Development Permit.



Gillian Villeneuve  
Director of Planning

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

Supports recommendation.



Chris Crosman  
Chief Administrative Officer

**STAFF REPORT ON DEVELOPMENT VARIANCE PERMIT DVP01189  
& DEVELOPMENT PERMIT DP001465**

PREPARED BY: Seamus McConville      DATE: April 11, 2023

POSITION: Planner I      DEPARTMENT: Planning Department

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**1. DEFINITION OF ISSUE:**

The applicant is seeking approval for the 'form and character' of a garden suite within the subject property. As the property is located within Development Permit Area 10 (Coach Houses and Garden Suites), a Development Permit (DP) is required.

To approve the 'form and character' of a Garden Suite within the subject property. As the property is located within Development Permit Area 10 (Coach Houses and Garden Suites), a Development Permit (DP) is required.

**2. PROPOSAL:**

In summary, the proposal includes the following:

- to construct a partial second storey addition (37m<sup>2</sup>) onto an existing shop on the property to convert the structure into a detached Accessory Dwelling Unit (ADU) in the form of a garden suite with a total floor area of 88m<sup>2</sup>;
- replacement of the existing overhead garage door with various windows;
- adequate parking for both the ADU and single detached dwelling; and,
- a colour scheme which matches the existing home, including white hardie plank siding, white windows and trim, and dark grey asphalt shingles.

A Development Variance Permit (DVP01189) was submitted to be reviewed concurrently with the proposed Development Permit application that requests to reduce the minimum required RLL and ISLL setbacks for a detached ADU, as detailed below. The proposal otherwise meets all other Zoning Bylaw criteria, including height, lot coverage and maximum gross floor area.

As detailed in the attached checklist and Section 4 of this report, the applicant is requesting a departure to the DPA10 design guidelines in regards to window frosting in order to facilitate the requested change in use. As this application diverges from the design guidelines, the Director of Planning cannot approve the proposal and referral to Council is required.

For information, a copy of the site plan and proposed elevations can be found in the attached draft "Schedule A" and Development Permit.

### 3. DISCUSSION REGARDING REQUESTED VARIANCE:

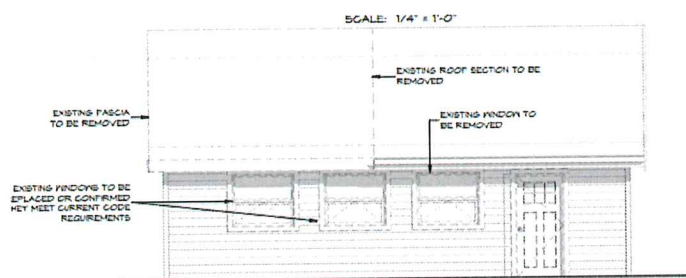
The applicant requests to reduce the minimum required ISLL and RLL setbacks for a detached ADU from 3m to 1.2m to facilitate conversion of, and addition to, the existing shop into a garden suite. While the existing shop meets the minimum required ISLL and RLL setbacks for urban ancillary uses (1m), a variance is required to reduce these setbacks from the 3m minimum ISLL and RLL setbacks for a detached ADU in order to permit the conversion.

As the siting of the shop is remaining consistent and the second storey addition is small in nature (37m<sup>2</sup>), there is no anticipated impact to the privacy of the adjacent lot or the character of the surrounding neighborhood. In addition, the applicant has confirmed their intention to retain the existing hedging which is adjacent to the structure in order to preserve privacy and limit any potential impact which may be generated by the proposed conversion and addition to the existing building on the neighbouring lots.

### 4. DISCUSSION REGARDING DEVELOPMENT PERMIT CONSIDERATIONS:

The proposed garden suite diverges from the design guideline which requires windows facing into adjacent properties to be either frosted or screened from view. In this instance, the applicant requests that the frosting requirement be waived for the second storey window on the south facade. While the windows on the ground level are also fully transparent, they are completely screened from view via a 3.3m tall mature hedge and as such, do not need to be frosted. The new second storey window will not be concealed by this screening. As the proposed unfrosted window overlooks a panhandle access for the neighbouring property at 10187 Williams Road, it is anticipated that the request will not have an impact on the privacy of this property or surrounding area.

**South Elevation of Existing Shop**



**South Elevation of Proposed Garden Suite**



### 5. FACTORS:

#### 5.1 2040 Official Community Plan (OCP) / Land Use / Community Engagement

OCP Designation: "Residential 1 – One and Two Family Housing" as designated within the Chilliwack Proper & Fairfield Island Neighbourhoods Plan within the 2040 Official Community Plan.

- Land Use: Single detached dwelling and existing shop (proposed to be converted into a garden suite).
- Public Engagement: In January 2023, the applicant conducted a door to door petition with neighbouring residents, and gained signatures of support from the properties within a 30m radius of the subject property. A copy of the applicant's engagement package has been submitted for the public record.

## 5.2 Neighbourhood Character

The subject property is within a residential area on Fairfield Island, surrounded by a mix of mature and recently redeveloped single detached dwellings in the R1-A (Urban Residential) Zone. The property is within close proximity to amenities including Strathcona Elementary School, Gwynne Vaughan Park and Fairfield Park.

## 5.3 Technical Issues

- Floodplain: The subject property is located within the protected floodplain and is subject to the Floodplain Regulation Bylaw. Based on the information provided by the applicant, the proposed garden suite will meet the flood construction level requirements by limiting the use of the ground floor to foyer, utility room and indoor recreation uses.
- Watercourses: There are no known watercourses within, or in the immediate vicinity of, the subject property.
- Geotechnical Issues: The property is not subject to any known geotechnical hazards or earthquake related risks.

## 6. CONDITIONS OF ISSUANCE:

Staff are supportive of the requested variances and recommend Council approve the application subject to the following condition:

- That the development be in accordance with the plans attached as "Schedule A."

Staff recommend the following conditions be included within the draft Development Permit:

- That an application is submitted to the City to assign an alias address for the garden suite;
- That an additional sign displaying the assigned alias address be installed and maintained at the street entrance in order to clearly identify the unit for visitors, deliveries and emergency responders;
- That any pathway lighting, entrance features or any other design features must complement the architectural and landscaping style of the subject property;
- That down-cast exterior lighting be provided at the entrance to the garden suite; and,

- That continuous, view-obstructing screening of at least 1.5m height be maintained between the proposed garden suite and neighbouring properties.

The applicant is aware of these conditions and has agreed to them.

## **7. RECOMMENDATION & SUBSTANTIATION:**

### **Recommendation:**

Recommendation that, subject to public representation, Council approve the issuance of Development Variance Permit DVP01189 with respect to property located at 10193 Williams Road, subject to the recommendations as stipulated within the draft Development Variance Permit.

Recommendation that Council approve the issuance of Development Permit DP001465 with respect to property located at 10193 Williams Road, subject to the conditions as stipulated within the draft Development Permit.

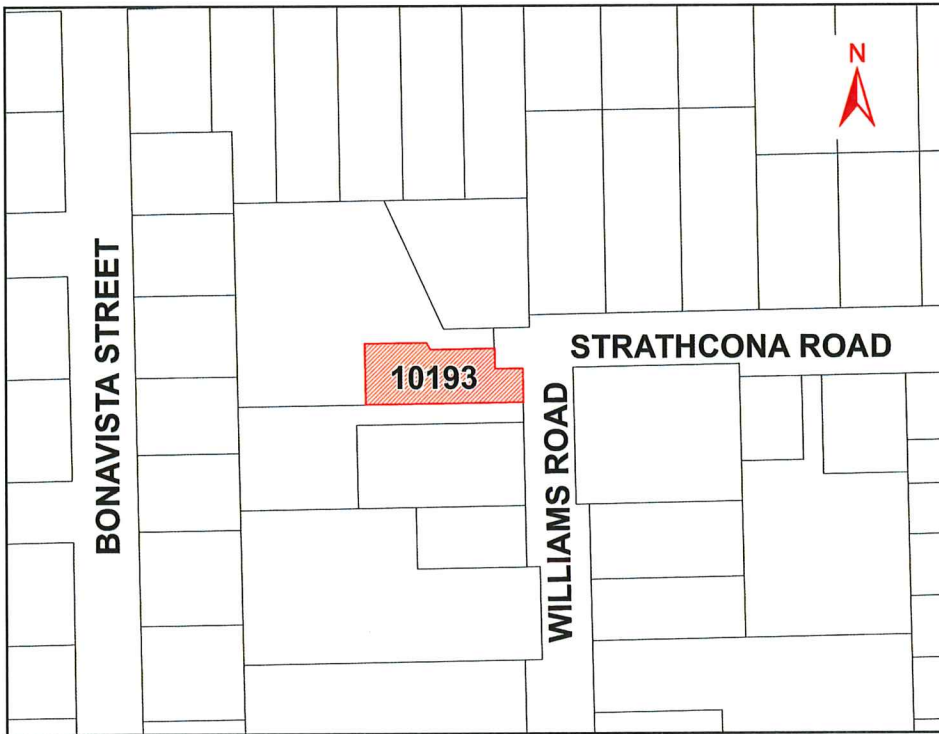
### **Substantiation:**

As the existing structure has been in place in the current location for many years and the proposed second storey addition is of a small scale, the requested variances to the RLL and ISLL setbacks to accommodate the change in use are not anticipated to impact the surrounding area. Furthermore, the retention of the existing hedging will serve to preserve the privacy of the adjoining properties.

The proposed garden suite is considered appropriate in this instance as the design is visually appealing and will integrate well into the surrounding area. Although the proposal diverges from the design guideline for DPA10 in regards to window frosting, the requested departure is minor in scope, and is not anticipated to impact the surrounding area.



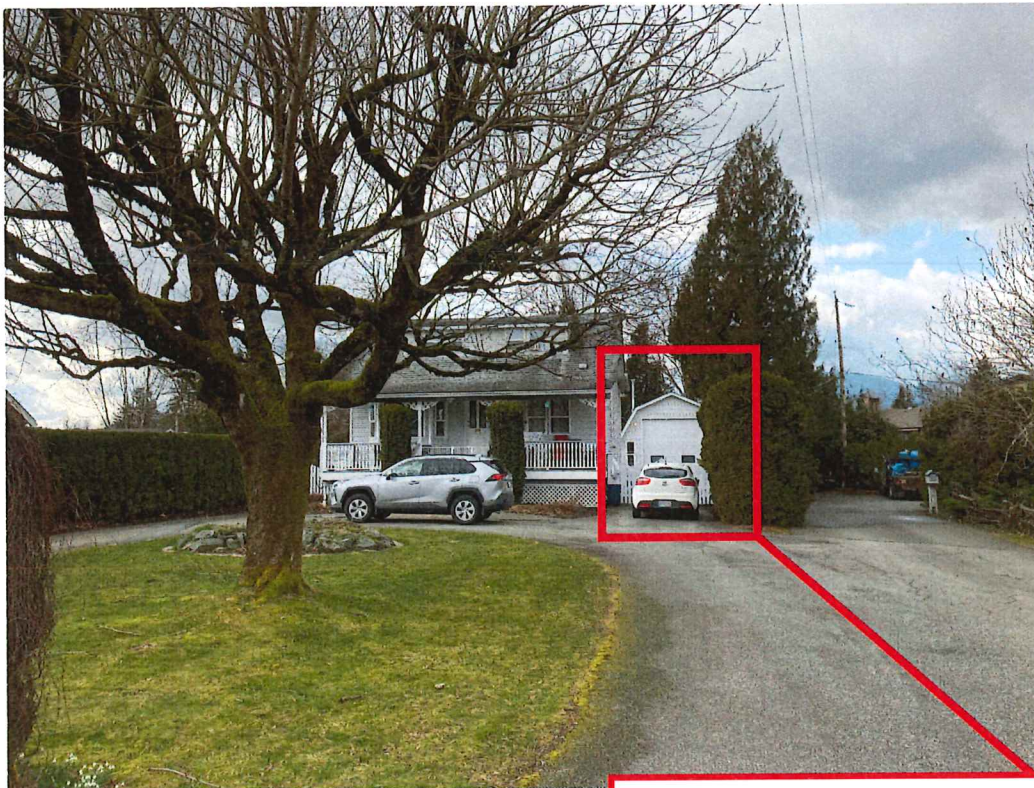
Location Map



Ortho Photo



**Site Photo**



Existing shop to be renovated into Garden Suite

**8. DEVELOPMENT PERMIT AREA NO. 10 DESIGN GUIDELINE CHECKLIST:**

Design Guidelines		Yes/No	Comments
<b>1</b>	<b>Design</b>		
	Roofline should match architecturally with principal dwelling	Partial	The gable roofline of the existing shop does not currently match the peaked roof and dormers of principle dwelling.  Despite this, the inclusion of a peaked roofline for the second storey addition to the garden suite coordinates with the existing home.
	Massing should match architecturally with principal dwelling	Yes	The massing of the garden suite matches that of the principal dwelling.
	Shape should match architecturally with principal dwelling	Partial	As above. The shape is a departure from the overall design of the main home, with elements of the gable design of the existing shop being retained as part of the conversion.
	Scale and proportion should match architecturally with principal dwelling	Yes	The proposed garden suite is scaled proportionally to the principal dwelling.
	Exterior finishes should match architecturally with principal dwelling	Yes	Applicant has proposed materials finishes which are similar to the principle dwelling.
	Colours should match the principal dwelling	Yes	The applicant has proposed a white and grey colour scheme, matching that of the principal dwelling.
	Coach houses shall be designed as a single-level apartment unit, with all services and rooms forming part of the unit located on the same floor.	N/A	Proposal is a garden suite, not a coach house.
	Coach houses accessed by an interior staircase must meet setback requirements, be located within an entrance foyer with a maximum area of 2m <sup>2</sup> in size designed for exterior access only (with no access into the ground floor.)	N/A	As above.
	Oriented to the internal lot, laneway or flanking street	Yes	The overall design of the garden suite is oriented towards the internal lot.
	Coach house and garden suite windows should be oriented to the interior lot, the laneway, or flanking street (if on a corner lot) and must limit overlooking of adjacent lots. Windows facing yards should be modestly sized.	Partial	The applicant wishes to retain the existing windows and add new windows within the second storey addition on both the north and south facades. The new window proposed on the south façade of the second storey is requested to remain unfrosted. The north facing window is proposed to be frosted.  The location of the existing shop is approximately 10m away from the affected property line. The unfrosted window on the southern elevation will overlook the neighbor's panhandle access at 10187 Williams Road. Due to the location of the existing building in relation to the adjacent property line and, as there are no residential uses within the visible area, the request is not anticipated to impact privacy of this property.  All other windows are oriented towards Williams Road or appropriately screened/frosted.



	Use of frosting and/or clerestory windows on walls required facing neighbouring properties, unless other view obstructing screening is provided.	No	<p>As above. Existing and new windows on the south façade are requested to be unfrosted. While the windows on the first level will be adequately concealed by existing screening, the proposed second level window will not.</p> <p>As the second level window overlooks a panhandle access at 10187 Williams Road, there are no anticipated impacts to the neighbouring property as a result of this requested departure.</p> <p>Otherwise, the new window on the north façade facing 10195 Williams Road is to be frosted.</p>
	Skylights or clerestory windows used	N/A	No skylights or clerestory windows proposed.
	Design reflects and incorporates natural terrain in areas with steep slopes.	N/A	Property is a flat lot.
	Balcony and/or deck is oriented towards principal dwelling and is less than 3.0m in height	N/A	No deck is proposed.
	Single garage doors or double garage doors with windows or other architectural elements are used	N/A	Proposal is a garden suite, not a coach house.
<b>2</b>	<b>Siting</b>		
	Coach house or garden suite is located behind or beside the principal dwelling	Yes	Proposal is the conversion of an existing shop at the rear of the property, behind the principal dwelling.
	Coach houses and garden suites accessed off of a lane include a recessed, covered landing or "stoop"	N/A	Property is not on a laneway.
	Front door is oriented to the adjacent right-of-way, in the case of a corner lots with laneway access.	N/A	As above.
<b>3</b>	<b>Access</b>		
	Shared driveway access or from laneway or flanking street	Yes	Vehicle access is from a shared driveway.
	Address signs provided	No	The plans submitted do not denote an address sign. As such, a condition of the development permit is that an additional address sign be placed at the street entrance in order to clearly identify the unit for visitors, deliveries and emergency responders.
	Pedestrian access provided from front street to coach house or garden suite.	Yes	A pedestrian route from the garden suite to the street is provided.
<b>4</b>	<b>Outdoor Space</b>		
	15m <sup>2</sup> semi-private outdoor space clearly associated with coach house or garden suite	Yes	A 20m <sup>2</sup> semi-private outdoor space is provided for the use of the residents of the garden suite.
	View obstructing screen (berm, fence, masonry wall or vegetation screen), with a minimum height of 1.5m, provided between structure and neighbouring properties	Yes	An existing cedar hedge, with a minimum height of 1.5m is present along the neighbouring property lines. A condition has been included in the Development Permit to ensure that this hedging is maintained.

<b>5</b>	<b>Outdoor Lighting</b>		
	Lighting is oriented to the unit and not intruding on neighbouring properties	No	A lighting plan has not been provided. As such, a condition has been included in the Development Permit to require any exterior lighting be non-glare and down cast to not intrude on neighbouring properties.
	Pathway lighting, non-glare down cast LED lights for entrance feature and other lighting features complement the architectural and landscape style of the unit	No	As above. A condition has been included in the Development Permit to ensure any pathway lighting complements the architectural and landscape style of the unit.
<b>6</b>	<b>Landscaping</b>		
	Landscaping on rear lane provided to enhance visual amenity and break up solid lines of fencing	N/A	The property does not back on to a lane.
	Landscaping does not impede visibility for vehicle movement within the lane	N/A	As above.

## 9. SOURCES OF INFORMATION:

- Development Permit Application (DP001465) – September 21, 2021
- Development Variance Permit Application (DVP001189) –May 7, 2021
- Building Permit Application (BP034147) - September 27, 2022
- Development Application Review Team Minutes – March 30, 2023