

AGENDA ITEM NO: 11.4.1

MEETING DATE: November 21, 2023

STAFF REPORT – COVER SHEET

SUBJECT: Lauren & Roelof Sas
Development Variance Permit &
Development Permit / 46233 Acacia
Drive DATE: November 10, 2023

DEPARTMENT: Planning
DVP01369 & DP001724 PREPARED BY: Krista Desormeaux /

1. SUMMARY OF ISSUE:

The applicant is seeking to increase the maximum permitted lot coverage for detached ancillary uses/detached accessory dwelling units (ADU) within the R1-A (Urban Residential) Zone from 100m² to 164m² to permit the conversion of an existing building into a garden suite and the retention of 2 other detached buildings within the subject property.

The applicant is also 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 DVP01369 with respect to property located at 46233 Acacia Drive, subject to the recommendation as stipulated within the draft Development Variance Permit.

Recommendation that Council approve the issuance of Development Permit DP001724 with respect to property located at 46233 Acacia Drive, 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 DVP01369 &
DEVELOPMENT PERMIT DP001724**

PREPARED BY: Krista Desormeaux DATE: November 10 2023
POSITION: Planner I DEPARTMENT: Planning Department

1. DEFINITION OF ISSUE:

The applicant is seeking to increase the maximum permitted lot coverage for detached ancillary uses/detached accessory dwelling unit (ADU) within the R1-A (Urban Residential) Zone from 100m² to 164m² to permit the conversion of an existing building into a garden suite and the retention of 2 other detached buildings within the subject property.

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

2. BACKGROUND:

In 2019 Council approved amendments to the R1-A (Urban Residential) Zone to incorporate a sliding scale of appropriate lot coverage for urban ancillary uses and detached accessory dwelling units (ADU) based on property size. These amendments to the R1-A Zone reaffirm the intended scale for these types of structures/uses. The subject property has an approximate lot area of 1,810m²; based on the sliding scale in the R1-A Zone regulations, urban ancillary uses and detached accessory dwelling units are limited to a maximum lot coverage of 100m² for properties that are between 1,500m² and 2,000m² in area. The rationale for this text amendment was to allow for flexibility in the size of detached building while ensuring that the scale is commensurate with the property area in order to respect the character of residential neighbourhoods and maintain privacy amongst properties, especially in relation to coach houses.

In May 2022, the City received an application for a short-term rental business licence within a detached building on the subject property. The detached building was originally permitted as a garage which was expanded and converted into a garden suite without the benefit of a Building Permit. Since then, the owner has applied for a Building Permit (BP034459), Development Permit (DP001724), and a Development Variance Permit (DVP01369) to bring the structure into compliance with Zoning Bylaw regulations and Design Guidelines.

3. PROPOSAL:

The applicant requests to increase the maximum permitted lot coverage for detached ancillary buildings/ADUs, as detailed below. The proposal otherwise meets all other Zoning Bylaw criteria, including height and maximum gross floor area.

The subject property currently has a 54m² garden suite with an attached 33m² breezeway/overhang, a 59m² shop and an 18m² shed resulting in a total lot coverage of 164m². In order to retain these structures and legitimize the garden suite for use as a short-term rental in accordance with the City’s Short-Term Rental regulations, the applicant has submitted the subject variance application. Although the existing breezeway connects the garden suite to the single detached dwelling, based on Zoning Bylaw requirements, the overhang area is included in the lot coverage for the ancillary building.

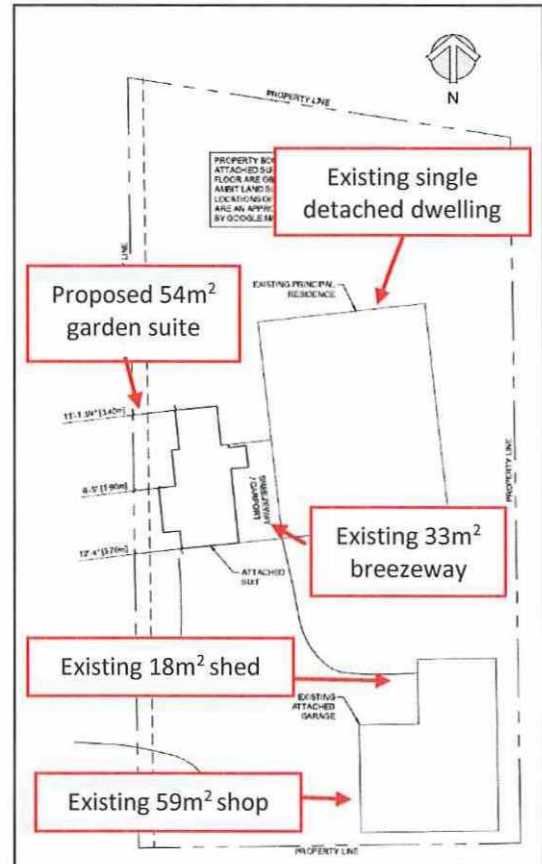
As detailed in the attached checklist and Section 5 of this report, the applicant is also requesting a departure to the DPA10 Design Guidelines to allow the windows located on the western façade of the garden suite to be unfrosted. As this diverges from the Design Guideline requirements, the Director of Planning cannot approve the proposal and referral to Council is required.

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

4. DISCUSSION REGARDING REQUESTED VARIANCE:

The applicant requests to increase the total permitted lot coverage for ancillary buildings by 64m² to facilitate retention of 3 separate detached buildings on the subject property. Although the proposed variance diverges from the sliding scale which was incorporated into the R1-A Zone to ensure the scale of ancillary buildings are commensurate with the area of a property, in this instance, the departure is unlikely to impact the surrounding properties or character of the neighbourhood and as such, is considered supportable.

In this instance, the proposed garden suite is a single storey and was created through conversion of an existing detached garage, which is connected to the single detached dwelling through a breezeway (as shown below). As such, although the proposed increase in lot coverage is significant, the proposed garden suite is small in scale and has the appearance of being attached to the existing home thereby reducing the overall impact of the structure. In addition, the 2 other sheds on site have been in place for a number of years and are of a scale and massing consistent with the surrounding area.





To further support the proposal and ensure the continued integration of the garden suite into the property and neighbourhood, the applicant has voluntarily agreed to enter into a height restriction covenant for the proposed garden suite. As such, a condition has been included in the draft DVP stating that a restrictive covenant limiting the height of the garden suite to a single storey must be registered on title prior to issuance of a Building Permit.

5. DISCUSSION REGARDING DEVELOPMENT PERMIT CONSIDERATIONS:

In addition to the above, should the Development Variance Permit application be approved, the applicant wishes to request a departure to the Design Guidelines through the Development Permit application process to permit windows on the garden suite which face an adjacent property to be left unfrosted.

The applicant requests that the frosting requirement be waived for the three windows located on the western façade as shown below. While there is a 1.5m high fence along the western property line, these windows are placed slightly above the fencing, and as such, will not be fully concealed. Although a requirement of the Design Guidelines, non-frosted windows are considered acceptable in this instance, as a signature of support was received from the closest impacted property at 46255 Acacia Drive. Furthermore, a recommended condition of the DP has been included to ensure that the existing 1.5m high fence along the western elevation, be retained.

West Elevation of the Proposed Garden Suite



6. FACTORS:

6.1 2040 Official Community Plan (OCP) / Land Use / Community Engagement

Official Community Plan: “Residential 1 – One and Two Family Housing” as designated in the Chilliwack Proper and Fairfield Island Neighbourhoods Plan within the Official Community Plan.

Land Use: Single detached dwelling, a 54m² proposed garden suite, 59m² shop, 18m² shed, and a 33m² breezeway.

Community Engagement: In October 2023, the applicant conducted a door to door petition with neighbouring residents, and received 6 signatures of support from the surrounding property owners, including support from the closest impacted property at 46225 Acacia Drive. A copy of the engagement package has been submitted for the public record.

6.2 Neighbourhood Character

The subject property is located within the Chilliwack Proper and Fairfield Island neighbourhood and is surrounded by single detached dwellings and duplexes within the R1-A (Urban Residential), R3 (Small Lot Residential), and R1-B (Urban Duplex Residential) Zones.

6.3 Technical Issues

Floodplain: The subject property is located within the protected floodplain, and as such, is subject to the Floodplain Regulation Bylaw. The proposed garden suite complies with the Flood Construction Level requirements as per the Floodplain Regulation Bylaw.

Watercourses: *Hope Slough*, a Class “A” watercourse, with a 30m riparian setback is located along the northern property line. The proposed garden suite is located outside of the 30m setback area.

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

6.4 Conditions of Issuance

Staff are supportive of the requested variance and DP amendment as proposed by the applicant and recommend that Council approve the issuance of the draft Development Variance Permit and the draft Development Permit.

7. RECOMMENDATION & SUBSTANTIATION:

Recommendation:

Recommendation that, subject to public representation, Council approve the issuance of Development Variance Permit DVP01369 with respect to property located at 46233 Acacia Drive, subject to the recommendation as stipulated within the draft Development Variance Permit.

Recommendation that Council approve the issuance of Development Permit DP001724 with respect to property located at 46233 Acacia Drive, subject to the conditions as stipulated within the draft Development Permit.

Substantiation:

Although the requested increase in lot coverage to 164m² is inconsistent with recent amendments made to the R1-A Zone regarding the intended scale for these types of structures/uses in residential neighbourhoods, the proposal is considered supportable in this specific instance as the garden suite is small in scale and has the appearance of connection to the existing single detached dwelling. In addition, all ancillary buildings have been on the property for a number of years without incident and are consistent with the residential character of the surrounding area.

The applicant has also agreed to enter into a restrictive covenant to limit height for the proposed garden suite to a single storey in order to ensure the continued integration of the garden suite within the neighbourhood.

The design of the proposed garden suite is considered appropriate in this instance as it is visually appealing and integrates well into the surrounding area. Although the proposal diverges from the Design Guidelines for DPA10 in regards to window frosting, the restrictive height covenant, design elements, and support from the closest impacted property all serve to mitigate any impact the requested departure may create.

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

Design Guidelines		Yes/No	Comments
1	Design		
	Roofline matches architecturally with principal dwelling	Yes	The design of the roofline, shape and massing are considered to be in keeping with the principal dwelling
	Massing matches architecturally with principal dwelling	Yes	The massing, shape, and scale of the garden suite and principal dwelling are consistent. The smaller size and proportion of the garden suite is considered appropriate given its ancillary status relative to the principal dwelling.
	Shape matches architecturally with principal dwelling	Yes	As above.
	Scale and proportion match architecturally with principal dwelling	Yes	As above.

	Exterior finishes match architecturally with principal dwelling	Yes	The garden suite and principal dwelling share common colours and materials.
	Colours match the principal dwelling	Yes	As above
	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	A coach house is not proposed.
	Coach houses accessed by an interior staircase shall meet setback requirements, be located within an entrance foyer with a maximum area of 2m ² and designed for exterior access only	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.
	Windows facing garden and side yards modestly sized	Yes	The garden suite windows are all modestly sized
	Use of frosting and/or clerestory windows on walls facing neighbouring properties	No	Existing windows on the western façade are requested to be unfrosted
	Skylights used	N/A	None proposed
	Design reflects and incorporates natural terrain in areas with steep slopes	N/A	Property not located within hillside.
	Balcony and/or deck is oriented towards principal dwelling and is less than 3.0m in height	N/A	None proposed
	Single garage doors or double garage doors with windows or other architectural elements are used	N/A	None proposed
2	Siting		
	Coach house or garden suite is located behind or beside the principal dwelling	Yes	Garden suite is located beside the principal dwelling
	Coach houses and garden suites accessed off of a lane include a recessed, covered landing or “stoop”	N/A	The garden suite is not accessed via a lane.
	Front door is oriented to the adjacent right-of-way, in the case of a corner lots with laneway access.	N/A	As above.
3	Access		
	Shared driveway access or from laneway or flanking street	Yes	Driveway is shared with principal dwelling
	Address signs provided	No	The plans do not denote an address sign. As such, a condition of the draft 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	Pedestrian access is provided by a shared driveway that directs pedestrians to the entrance of the garden suite.
4	Outdoor Space		
	15m ² semi-private outdoor space clearly associated with coach house or garden suite	Yes	A 15m ² 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 fence, with a minimum height of 1.5m is present along the neighbouring property lines. A condition has been included in the draft Development Permit to ensure that this fencing is maintained
5	Outdoor Lighting		

	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 draft Development Permit to ensure any pathway lighting complements the architectural and landscape style of the unit.
6	Landscaping		
	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:

- City of Chilliwack Text Amendment – Accessory Dwelling Units/Urban Ancillary Uses (RZ001386) – November 19, 2019
- Development Permit Application (DP001724) – June 27, 2023
- Development Variance Permit Application (DVP01369) June 27, 2023
- Building Permit Application (BP034459) – April 4, 2023

Location Map



Orthophoto



Site Photo

