

AGENDA ITEM NO: 11.4.1

MEETING DATE: October 10, 2023

**STAFF REPORT – COVER SHEET**

SUBJECT: Muni Darren Achary  
Development Variance Permit / 46194 DATE: October 3, 2023  
Kermode Crescent

DEPARTMENT: Planning  
DVP01368 PREPARED BY: Krista Desormeaux / mb

**1. SUMMARY OF ISSUE:**

The applicant is seeking to reduce the minimum interior side lot line (ISLL) setback within the R3 (Small Lot Residential) Zone from 1.2m to 0.9m to bring an exterior staircase, currently under construction, into compliance with Zoning Bylaw standards.


**2. RECOMMENDATION:**

Recommendation that, subject to public representation, Council approve the issuance of Development Variance Permit DVP01368 with respect to property located at 46194 Kermode Crescent, subject to the recommendations as stipulated within the draft Development Variance 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 DVP01368

PREPARED BY: Krista Desormeaux DATE: October 3, 2023

POSITION: Planner I DEPARTMENT: Planning Department

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### 1. DEFINITION OF ISSUE:

The applicant is seeking to reduce the minimum interior side lot line (ISLL) setback within the R3 (Small Lot Residential) Zone from 1.2m to 0.9m to bring an exterior staircase, currently under construction, into compliance with Zoning Bylaw standards.

### 2. BACKGROUND:

In November 2022 a Stop Work Order was issued for the conversion of a garage into a secondary suite, which was being completed without the benefit of a Building Permit. In February 2023, a Building Permit application was submitted to permit the conversion of a garage into a secondary suite. At that time it was noted that the exterior staircase did not meet the minimum setback requirements and as such, the applicant applied for the subject variance.

### 3. PROPOSAL:

The applicant requests to reduce the minimum ISLL setback to 0.9m in order to allow for an exterior staircase that provides access to the proposed secondary suite. In addition, the Zoning Bylaw permits minor projections to encroach a maximum of 0.6m into an ISLL setback. As such, the proposed staircase will be sited 0.3m from the property line (0.9m ISLL – 0.6m Siting Exception), as a permitted Siting Exception within the Zoning Bylaw.

Currently, the house has an existing staircase with access to the main floor; however, in order to have a separate entrance for the secondary suite, another set of stairs is proposed. As such, there will be two separate entrances located on the south side of the building (one for the secondary suite and one for the rest of the main floor). Furthermore, the proposed secondary suite will require one additional parking space and as such, the Land Development Department has approved a secondary driveway in order to meet parking requirements for the secondary suite and single detached dwelling.

### 4. FACTORS:

#### 4.1 2040 Official Community Plan (OCP) / Land Use / Community Engagement

OCP: "Comprehensive Development Area" as designated within the Official Community Plan.

Land Use:	Single detached dwelling with secondary suite.
Community Engagement:	The applicant received 6 signatures of support from the surrounding property owners, including support from the closest impacted property at 46200 Kermode Crescent. A copy of these signatures has been submitted for the public record.

#### 4.1 Neighbourhood Character

The subject property is located within the Promontory neighbourhood, surrounded by properties within the R3 (Small Lot Residential) Zone and the CD-5 (Comprehensive Development-5) Zone.

Should the requested variance be approved, the scale and massing of the existing dwelling is consistent with the neighbouring dwellings as the building design is similar to the homes constructed on the surrounding properties. Considering that the lot coverage, height, and parking requirements of the Zoning Bylaw are met, the proposal is expected to have minimal impact on the privacy and function of the neighbouring properties.

#### 4.2 Technical Issues

Floodplain:	The subject property is not located within the floodplain.
Watercourses:	There are no watercourses in the immediate vicinity of the subject property; however, <i>Thornton Creek Natural Area</i> , a Class B watercourse, is located to the east. The subject property is located outside of the riparian setback area for this watercourse.
Geotechnical:	The subject property contains areas mapped as having “potential” and “significant” geotechnical hazards. A Development Permit Area 2 application was completed at the time of rezoning to address any geotechnical and environmental concerns.

#### 4.3 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:

- That the development be in accordance with the plans found in Schedule “A”.

**5. RECOMMENDATION & SUBSTANTIATION:****Recommendation:**

Recommendation that, subject to public representation, Council approve the issuance of Development Variance Permit DVP01368 with respect to property located at 46194 Kermode Crescent.

**Substantiation:**

The requested variance is considered supportable, as the proposed ISLL setback reduction from 1.2m to 0.9m (0.3m with permitted Siting Exception applied) is not anticipated to impact neighbourhood character and allows for a separate entrance to the secondary suite. In addition, the applicant has obtained support from the adjacent property at 46200 Kermode Crescent.

**6. SOURCES OF INFORMATION:**

- Building Permit Application (BP034399) – February 28, 2023
- Development Variance Permit Application (DVP01368) – June 14, 2023

Site Photo

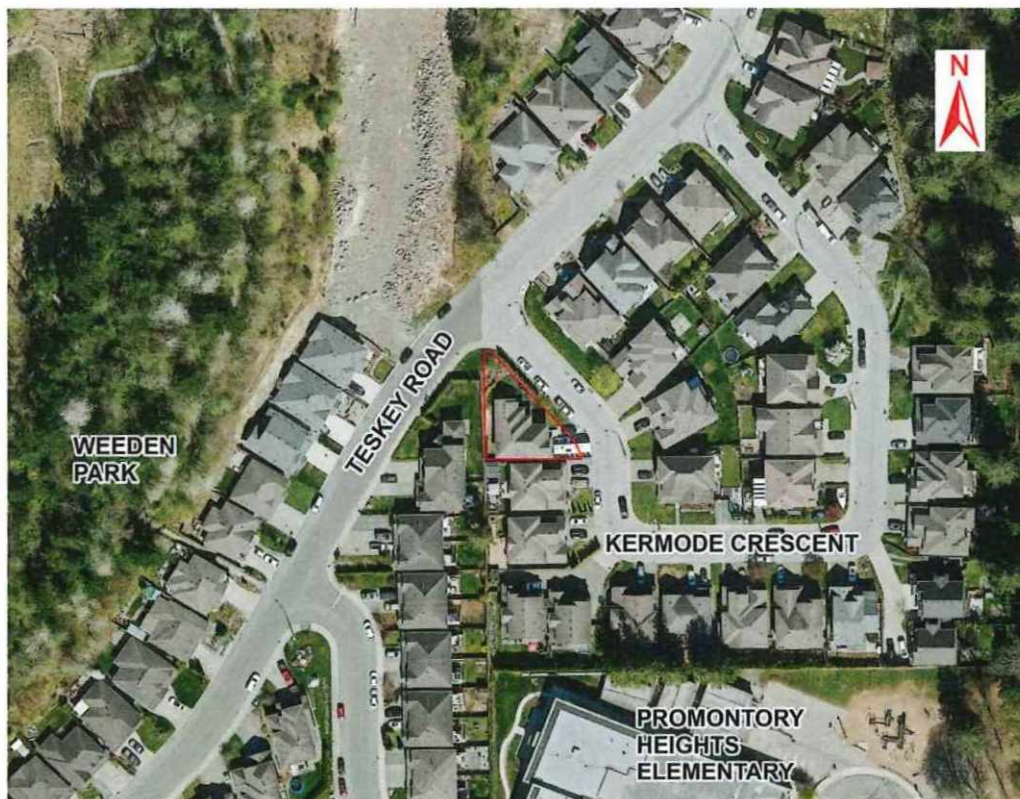




Location Map



Orthophoto





**SCHEDULE "A"**

**CITY OF CHILLIWACK**

**DEVELOPMENT VARIANCE PERMIT NO. DVP01368**

**To: Muni Darren Achary  
46194 Kermode Crescent  
Chilliwack, BC V2R 0C7**

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 the conversion of an existing garage to a secondary suite and construct an exterior staircase, and, does not apply to any additions or subsequent replacement of any and all buildings and structures and other development thereon:

**Parcel Identifier No. 026-689-634**  
**Legal Description: LOT 77 SECTION 6 TOWNSHIP 26 NEW**  
**WESTMINSTER DISTRICT PLAN BCP24052**  
**Address: 46194 Kermode Crescent**

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 8.06(7)(a) within the R3 (Small Lot Residential) Zone is varied by reducing the minimum interior side lot line (ISLL) setback from 1.2m to 0.3 (0.9m – 0.6m for Siting Exceptions).***
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 condition applies:
  - a) that the development be in accordance with the plan 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 \_\_\_\_, 2023.**

**ISSUED THIS \_\_\_\_ DAY OF \_\_\_\_, 2023**

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**CORPORATE OFFICER**



[illegible]

Reduced interior side setback from 1.2m to 0.3m  
(0.9m-0.6m Siting Exception) for a staircase

**DRAFT**