



## Committee of the Whole Report For the Meeting of September 27, 2018

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**To:** Committee of the Whole **Date:** September 13, 2018

**From:** Jonathan Tinney, Director, Sustainable Planning and Community Development

**Subject:** Development Permit with Variance Application No. 00081 for 27 Pilot Street

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### RECOMMENDATION

That Council, after giving notice and allowing an Opportunity for Public Comment at a meeting of Council, consider the following motion:

“That Council authorize the issuance of Development Permit with Variance Application No. 00081 for 27 Pilot Street, in accordance with:

1. Plans date stamped August 7, 2018.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. Schedule M – Garden Suites - reduce the rear yard setback from 0.6m to 0.2m.
3. Development Permit lapsing two years from the date of this resolution.”

### LEGISLATIVE AUTHORITY

In accordance with Section 489 of the *Local Government Act*, Council may issue a Development Permit in accordance with the applicable guidelines specified in the *Official Community Plan*. A Development Permit may vary or supplement the *Zoning Regulation Bylaw* but may not vary the use or density of the land from that specified in the Bylaw.

Pursuant to Section 491 of the *Local Government Act*, where the purpose of the designation is the establishment of objectives for the form and character of intensive residential development, a Development Permit may include requirements respecting the character of the development including landscaping; and the siting, form, exterior design, and finish of buildings and other structures.

### EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Permit with Variance Application for the property located at 27 Pilot Street. The proposal is to permit a garden suite through an addition to an existing accessory building. The variance is related to the rear yard setback, which does not comply with the *Zoning Regulation Bylaw*, Schedule M – Garden Suites.

The following points were considered in assessing this application:

- the proposal is generally consistent with the Traditional Residential Urban Place Designation in the *Official Community Plan (OCP)*, 2012
- the proposal is generally consistent with the policies and design specifications of the *Garden Suite Policy and Guidelines*, 2011
- the garden suite would be an addition to, and conversion, of an existing accessory building
- the variance for the rear yard setback is for an existing portion of the building.

## **BACKGROUND**

### **Description of Proposal**

The proposal is for a garden suite in the rear yard of the subject property. Specific details include:

- one-storey building with a pitched roofline
- horizontal hardi-board siding
- concrete paver path leading to the garden suite
- semi-private outdoor space with permeable concrete pavers
- additional soft landscaping, including a privacy hedge.

The proposed variance is related to decreasing the existing rear yard setback from 0.6m to 0.2m. This portion of the building is existing.

### **Sustainability Features**

The applicant has not identified any sustainability features associated with this proposal.

### **Active Transportation Impacts**

The applicant has not identified any active transportation impacts associated with this application.

### **Public Realm Improvements**

No public realm improvements are proposed in association with this Development Permit with Variance application.

### **Accessibility Impact Statement**

The British Columbia Building Code regulates accessibility as it pertains to buildings.

### **Existing Site Development and Development Potential**

The site is presently occupied with a single-family dwelling. Under the current R1-B Zone, Single Family Dwelling District, the property could be developed to a single-family dwelling with a secondary suite or garden suite.

### **Data Table**

The following data table compares the proposal with the existing R1-B Zone, Single Family Dwelling District, and Schedule M – Garden Suites. An asterisk is used to identify where the proposal is less stringent than the existing zone.

<b>Zoning Criteria</b>	<b>Proposal</b>	<b>Zone Standard R1-B</b>
Site area (m <sup>2</sup> ) - minimum	478.90	460.0
Lot width (m) - minimum	15.24	15
Parking - minimum	1	1
Parking location	Side	Schedule C
Site coverage (%) - maximum	24.74	40.00
<b>Garden Suite Zoning Criteria</b>	<b>Proposal</b>	<b>Schedule M</b>
Combined floor area (m <sup>2</sup> ) - maximum	22.75	37.00
Height (m) - maximum	2.90	3.50
Storeys	1	1
Rear yard site coverage (%) - maximum	18.90	25.00
Setbacks (m) – minimum:		
Separation space from single family dwelling (m)	2.60	2.40
Rear setback (m) – southeast	<b>0.20*</b>	0.60
Side setback (m) – northeast	0.61	0.60

### Relevant History

The existing accessory building was built with a building permit in 2008 (BP No. 044742).

### Community Consultation

This application proposes variances; therefore, in accordance with the City's *Land Use Procedures Bylaw*, it requires notice, sign posting and a meeting of Council to consider the variances. As per staff's normal practice, the applicant was encouraged to communicate with their neighbours, and the application was referred to the James Bay Community Association Land Use Committee for a 30-day comment period.

### ANALYSIS

#### Development Permit Area and Design Guidelines

The *Official Community Plan, 2012* (OCP) identifies this property within Development Permit Area (DPA) 15E: Intensive Residential - Garden Suites. The proposal is consistent with the objectives of DPA 15E in terms of utilizing existing accessory buildings for residential uses and achieving new infill that respects the established character in residential areas.

The proposed development is consistent with the relevant land use policies of the *Garden Suite Policy and Guidelines*. The proposed garden suite is a small, ground-oriented unit located in the rear yard. Other than the variance to reduce the rear yard setback, all other zoning criteria

are met. An existing accessory building, with the proposed addition, will be utilized for the garden suite. The rear yard setback variance is required for a portion of the existing building; and therefore, is not further impacting what is already exists. The change in use from an accessory building to a garden suite triggers this variance. The proposed addition meets the rear yard setback requirements.

### Local Area Plans

### Tree Preservation Bylaw and Urban Forest Master Plan

There are no bylaw protected trees that will be affected by the proposed work. Impacts to publicly owned trees are expected to be minimal.

### CONCLUSIONS

This proposal to construct a garden suite by utilizing an existing accessory building is consistent with the OCP objectives and guidelines for sensitive infill in the form of garden suites within established residential areas. The variance to the rear yard setback would not change the existing condition, and is quite minimal in nature. Staff recommend that Council consider supporting this application.

### ALTERNATE MOTION

That Council decline Development Permit with Variance Application No. 00081 for the property located at 27 Pilot Street.

Respectfully submitted,

Chelsea Medd  
Planner  
Development Services Division

Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

Date:

### List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Letter from Applicant to Mayor and Council dated July 30, 2018
- Attachment D: Plans date stamped August 7, 2018
- Attachment E: Site Survey date stamped June 7, 2018