



Committee of the Whole Report

For the Meeting of April 11, 2019

To: Committee of the Whole **Date:** March 28, 2019

From: Andrea Hudson, Acting Director, Sustainable Planning and Community Development

Subject: Development Permit with Variances Application No. 00096 for 2921 Gosworth Road

RECOMMENDATION

That Council decline Development Permit with Variances Application No. 00096 for the property located at 2921 Gosworth Road.

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 Variances Application for the property located at 2921 Gosworth Road. The proposal is to rezone the property and subdivide to create two small lots, retain the existing dwelling on one lot and build a new single-family dwelling on the additional lot. The variances are related to reducing the front yard setbacks for both lots and reducing the (east) side setback for the proposed lot associated with the existing house.

The following points were considered in assessing this Application:

- The proposal is consistent with the Traditional Residential Urban Place Designation and objectives for sensitive infill development in the *Official Community Plan* (OCP, 2012).
- The proposal is inconsistent with the policy in the *Small Lot House Rezoning Policy*, (2002) which requires "satisfactory support" at a level of 75% of immediate neighbours. This Application received 20% support from immediate neighbours; therefore, staff recommend that the Application be declined. The proposal is generally consistent with the *Small Lot Design Guidelines*; however, the design could be refined to enhance the patio area for the existing house and to revise the materials and massing of the

proposed house to ensure the new small lot house is more in keeping with the neighbourhood character.

- The requested variances are associated with reducing the front yard setback of the existing house, reducing the front yard setback for the proposed house and reducing the side yard setback for habitable windows on the existing house. These variances are supportable given that the building is existing, and the proposed reduced setbacks would not impact neighbouring properties and would better fit with the established streetscape pattern.
- The proposal is inconsistent with the *Oaklands Neighbourhood Plan* (1993), which considers infill development based on an application's merit and ability to meet the *Small Lot Rezoning Policy*. The Application does not meet the *Small Lot Rezoning Policy* as it has not received "satisfactory support" of 75% from immediate neighbours.

BACKGROUND

Description of Proposal

The proposal is to subdivide the property to create two small lots, retain the existing house on one lot and build a single-family dwelling on the other lot.

Specific details for the proposed dwelling include:

- two-storey building
- hipped and gable roof
- the exterior materials include arctic white board and batten siding, and asphalt shingles
- permeable pavers for all patios and pathways, and driveway strips.

Changes to the existing dwelling include:

- removing a deck and carport
- removing a patio door and adding a window on the east elevation
- adding a small deck
- moving the driveway from Burton Avenue to Gosworth Road.

The proposed variances are related to:

- reducing the front yard setback from 6.00m to 3.38m for Lot A (existing dwelling)
- reducing the front yard setback from 6.00m to 4.93m for Lot B (proposed dwelling)
- reducing the east side yard setback from 2.40m to 1.50m for Lot A (existing dwelling).

Data Table

The following data table compares the proposal with the proposed R1-S2 Zone. An asterisk is used to identify where the proposal is less stringent than the zone. Two asterisks are used to identify where the existing condition is legal non-conforming.

Zoning Criteria	Lot A Existing Dwelling	Lot B Proposed Dwelling	Zone Standard R1-S2
Site area (m ²) – minimum	314.80	315.00	260.00
Density (Floor Space Ratio) – maximum	0.29	0.46	0.60

Zoning Criteria	Lot A Existing Dwelling	Lot B Proposed Dwelling	Zone Standard R1-S2
Total floor area (m ²) – maximum	91.70	144.60	190.0
Lot width (m) – minimum	17.22	17.40	10.00
Height (m) – maximum	4.70	6.18	7.50
Storeys – maximum	1	2	2
Basement	no	no	Permitted
Site coverage (%) – maximum	30.50	26.80	40.00
Setbacks (m) – minimum			
Front	3.38 *	4.93 *	6.00
Rear	2.67 **	6.00	6.00
Side (east)	1.50 *	3.08	1.50 (non-habitable) 2.40 (habitable)
Side (west)	n/a	1.50	1.50 (non-habitable) 2.40 (habitable)
Side on flanking street	7.54	n/a	2.40
Parking – minimum	1	1	1

ANALYSIS

Development Permit Area and Design Guidelines

The *Official Community Plan* identifies this property within Development Permit Area 15A: Intensive Residential - Small Lot. The proposed design of the new small lot house is generally consistent with the *Small Lot House Design Guidelines*; however, revisions should be made to refine the design of the proposed house to fit with the character and typical massing in the neighbourhood and to provide further landscaping around the patio area for the existing house.

The proposed outdoor space for the existing house is located in the front and side yard, which is close to the corner of Gosworth Road and Burton Avenue. There would be a small planting area and an existing fence would be retained to help define this space; however, staff believe that the proposed landscaping could be enhanced with further landscape screening, or shrubs, to provide a more private and usable space.

The *Small Lot Design Guidelines* acknowledge that some neighbourhoods are characterized by a variety of built forms. This neighborhood has a mix of lot sizes and building styles. The Victoria Chinese Alliance Church and associated parking is immediately across the street. The proposed house has a hipped roof with pitched roof accents over the entry and generally fits with the streetscape as a whole; the house immediately to the east has a flat roof. The

proposed house has been broken up into smaller portions by a mid-point roof and belly band. Staff recommend further design revisions to the proposed house to reduce the perceived massing, and refinement of materials and colours to respond better to the local context.

An important element for small lot houses is windows and doors, and it is encouraged that they fit in with the character of the existing neighbourhood. The proposed house has a covered entry with parking on the side of the house, creating a positive pedestrian-oriented frontage.

The *Small Lot Design Guidelines* encourage windows that take into consideration the potential privacy impacts on neighbours. All the proposed windows on the new dwelling would be located on the front and rear elevations. The rear elevation would be facing the rear yard of the neighbouring property to the north, with a setback that meets the small lot zone of six metres. Proposed new trees and landscaping planted along the rear property line help address potential privacy concerns.

Overall, the proposed house and landscaping are generally consistent with the *Small Lot Design Guidelines*; however, further design revisions could be made to reduce the massing of the proposed dwelling and to utilize materials that are more consistent with the neighbourhood character. In addition, landscaping improvements could be made to the proposed outdoor patio area of the existing house to provide a more usable private outdoor space.

Regulatory Considerations

The Application proposes the following variances from the *Zoning Regulations Bylaw*:

Lot A (existing dwelling)

- reduce the front yard setback from 6.00m to 3.38m
- reduce the (east) side yard setback from 2.40m to 1.50m.

Lot B (proposed dwelling)

- reduce the front yard setback from 6.00m to 4.93m.

While the existing house faces Gosworth Road, the front yard setback for the existing house is measured from Burton Avenue. The Application proposes adding a slightly raised deck and an at-grade patio on the front and side of the building. The deck does not extend further than the face of the existing house but creates a variance due to the addition; staff consider this variance supportable.

Through subdivision of the property, the side yard setback for the existing house would be 1.5m. There is a side yard setback variance proposed for habitable windows from 2.4m to 1.5m. The habitable windows are to an existing bedroom window and a kitchen window (changed from a patio door). These windows face the side elevation of the proposed house and pose little privacy concern; this variance is considered supportable.

The Application proposes to reduce the front yard setback for the proposed house from 6m to 4.93m. This setback is generally consistent with other houses on the street, except for the house immediately to the east, which is set slightly further back from the street. Additionally, having a reduced front setback provides more outdoor space in the rear yard, and would reduce the potential shadow and overlook impacts for the neighbour to the north. The requested variance to reduce the front yard setback is generally considered supportable by staff.

CONCLUSIONS

The proposal to subdivide the property into small lots, retain and update the existing dwelling and construct a new dwelling, is inconsistent with the *Small Lot Rezoning Policy* as it did not receive the support of 75% of immediate neighbours. On this basis, and consistent with the policy, staff recommend for Council's consideration that the Application be declined.

The proposed variances for the front yard setbacks for both dwellings and the side yard setback for a habitable window on the existing dwelling are considered supportable as they are a result of the addition of a deck, are consistent with the streetscape and pose minimal privacy concern.

The proposal is generally consistent with the *Small Lot House Design Guidelines* in terms of design; however, further revisions could be made to the landscaping for the existing house, and materials and massing for the proposed house could be more consistent with the neighbourhood character. Should Council wish to consider the Application with these design revisions, an alternate motion has been provided (Option 1).

Should Council wish to consider the Application without revisions, a second alternate motion has been provided (Option 2).

ALTERNATE MOTIONS

Option 1 – further revisions

That the applicant works with staff to make changes to the proposed design and return to a Committee of the Whole meeting. Revisions should address:

- reducing the massing of the proposed house to better respond to the neighbourhood context
- revise the materials and colour of the proposed house to better reflect the neighbourhood context
- revise the landscaping and screening for the proposed patio for the existing house.

Option 2 - no revisions

That Council, after giving notice and allowing an Opportunity for Public Comment at a meeting of Council, and after the Public Hearing for Rezoning Application No. 00667, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00096 for 2921 Gosworth Road, in accordance with:

1. Plans date stamped February 7, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the front yard setback from 6.00m to 3.38m for Lot A
 - ii. reduce the front yard setback from 6.00m to 4.93m for Lot B
 - iii. reduce the (east) side yard setback from 2.40m to 1.50m for Lot A.
3. The Development Permit lapsing two years from the date of this resolution."

Respectfully submitted,



Chelsea Medd
Planner
Development Services Division

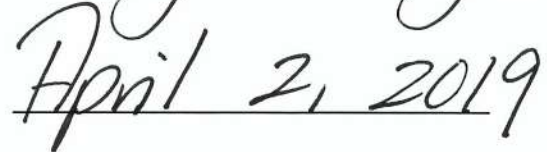


Andrea Hudson, Acting Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date:



List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped February 7, 2019
- Attachment D: Letter from applicant to Mayor and Council dated March 6, 2019
- Attachment E: Community Association Land Use Committee Comments date stamped February 25, 2019
- Attachment F: Small Lot Petition Summary and Petitions dated September 28, 2018
- Attachment G: Additional Petitions.