



Committee of the Whole Report For the Meeting of May 2, 2019

To: Committee of the Whole **Date:** April 18, 2019

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

Subject: Development Permit with Variances Application No. 00116 for 2832 and 2838 Shakespeare Street

RECOMMENDATION

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. 00656, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00116 for 2832 and 2838 Shakespeare Street in accordance with:

1. Plans date stamped March 7, 2019.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the rear yard setback from 6.00 m to 1.80 m for Lot 2
 - ii. allow an accessory building in the front yard for Lot 2
 - iii. reduce the front yard setback for an accessory building from 18.00 m to 15.25 m for Lot 2
 - iv. reduce the side yard setback for an accessory building from 0.60 m to 0.30 m for Lot 2.
3. A revised site plan and landscape plan that includes existing trees to be removed to the satisfaction of the Director of Sustainable Planning and Community Development.
4. The 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 *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 Application with Variances for the property located at 2832 and 2838 Shakespeare Street. The proposal is to rezone the two properties to small lot zones in order to subdivide and create three small lots, retain the existing two single family dwellings and construct one new house.

The following points were considered in assessing this application:

- the proposal is consistent with the objectives and guidelines for sensitive infill development contained in Development Permit Area 15A: Intensive Residential - Small Lot of the *Official Community Plan* (2012)
- the requested variances for Lot 2 (2832 Shakespeare Street) are to reduce the rear yard setback caused by the introduction of a new proposed lot line; and to allow an existing accessory building in the front yard, reduce the front yard setback, and reduce the side yard setback
- the proposal is consistent 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 proposal is generally consistent with the *Small Lot Rezoning Policy*.

BACKGROUND

Description of Proposal

The proposal is for a new small lot house. Specific details include:

- two-storey building
- hipped and gable roof
- exterior materials include stucco, hardi-board and batten, and asphalt shingles
- permeable pavers for patios and driveway.

There are no changes proposed for the existing houses.

The proposed variances are related to Lot 2 (2832 Shakespeare Street):

- reduce the rear yard setback from 6.00 m to 1.80 m
- allow an accessory building in the front yard
- reduce the front yard setback for an accessory building from 18.00 m to 15.25 m
- reduce the side yard setback for an accessory building from 0.60 m to 0.30 m.

Data Table

The following data table compares the proposal with the standard R1-S2 Zone. An asterisk is used to identify where the proposal is less stringent than the existing zone. A double asterisk is used to indicate an existing non-conforming situation.

Zoning Criteria	Proposed Lot 1 existing house 2838 Shakespeare	Proposed Lot 2 existing house 2832 Shakespeare	Proposed Lot 3 new house	Zone Standard R1-S2
Site area (m ²) – minimum	424.59	423.99	306.66	260.00
Lot width (m) – minimum	12.44	12.44	12.36	10.00
Density (Floor Space Ratio) – maximum	0.34	0.21	0.50	0.60
Total floor area (m ²) – maximum	144.46	91.14	152.75	190.00
Height (m) – maximum	7.81**	4.28	6.89	7.50
Storeys – maximum	2.50**	1.00	2.00	2.00
Basement	n/a	n/a	Yes	Permitted
Site coverage (%) – maximum	30.60	26.46	33.33	40.00
Setbacks (m) – minimum				
Front	1.20** (north - Morley)	19.94 (east – Shakespeare)	6.00	6.00
Rear	0.10** (south)	1.80* (west)	6.01	6.00
Side	n/a	1.90** (south)	1.53 (east – non-habitable) 2.46 (east – habitable)	1.50 (non-habitable) 2.40 (habitable)
Side	13.10 (west)	1.00** (north)	1.61 (west – non-habitable) 2.46 (west – habitable)	1.50 (non-habitable) 2.40 (habitable)
Side – flanking street	2.66 (east)	n/a	n/a	2.40
Parking – minimum	1	1	1	1
Parking – location	Interior garage	Garage	Interior garage	Schedule C

Zoning Criteria	Proposed Lot 1 existing house 2838 Shakespeare	Proposed Lot 2 existing house 2832 Shakespeare	Proposed Lot 3 new house	Zone Standard R1-S2
Schedule F – Accessory Building Regulations				
Location	n/a	Front Yard*	n/a	Rear Yard
Rear Yard Site Coverage (%) – maximum	n/a	n/a	n/a	30.00
Combined floor area (m ²) – maximum	n/a	12.30	n/a	37.00
Height (m) – maximum	n/a	3.31	n/a	4.00
Setbacks (m) – minimum				
Front	n/a	15.25*	n/a	18.0
Rear	n/a	16.80	n/a	0.60
Side	n/a	0.30* (north)	n/a	0.60
Separation from single family dwelling (m) – minimum	n/a	3.40	n/a	2.40

ANALYSIS

Development Permit Area and Design Guidelines

The *Official Community Plan* (OCP) identifies these properties 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*.

The proposal is for a two-storey dwelling unit with a single car garage. The design of the small lot house incorporates architectural elements, such as a hipped and pitched roofline over the entryway. The applicant has accentuated the entryway by having an at grade porch. The height of the proposed small lot house is higher than the existing single family dwelling to the west; however, it is similar in height to the existing dwelling on the corner (subject property). There are habitable windows on both sides, but the building is stepped back on the second storey and meets the setback for habitable windows. To help provide greater privacy for the living room, a landscaping hedge has been proposed.

The applicant is proposing a mix of hard and soft landscaping for the proposed small lot. New fencing would be constructed around the perimeter of the site. The driveway would be finished with permeable pavers.

Overall, the proposed house and landscaping are generally consistent with the *Small Lot Design Guidelines*.

There will be no changes proposed for the existing buildings at 2832 and 2838 Shakespeare Street. If redevelopment occurred in the future, it would require approval of a development permit.

Regulatory Considerations

The application proposes the following variances from the *Zoning Regulation Bylaw* for Lot 2 (existing dwelling at 2832 Shakespeare Street) which are to:

- reduce the rear yard setback from 6.00 m to 1.80 m
- allow an accessory building in the front yard
- reduce the front yard setback for an accessory building from 18.00 m to 15.25 m
- reduce the side yard setback for an accessory building from 0.60 m to 0.30 m.

Due to the requirement for a road dedication of 2.904 m on Shakespeare Street, the lots with the existing houses would also need to be rezoned to small lots, as they would be less than 460 square meters. If the road dedication were not required, both would remain R1-B Zone, Single Family Dwelling District.

The existing house on 2832 Shakespeare Street has a greater front yard setback than the majority of houses on the street. The proposed new rear lot line would be 1.80 m from the existing house, which requires a variance. This results in a situation where there is limited rear yard outdoor space available for this property; however, the front yard would provide private outdoor space that is screened with mature landscaping. There are also existing windows located on the west elevation; however, a 1.83 m fence is proposed and the windows are internal to the development. Staff consider this variance supportable.

The City does not have record of the accessory building located at 2832 Shakespeare Street being constructed with permits, and it requires several variances: to allow it in the front yard, to reduce the side yard setback, and to reduce the front yard setback. Given the structure appears to have been in existence for some time, and it would have little new impact on adjoining properties, the variances are recommended as being supportable.

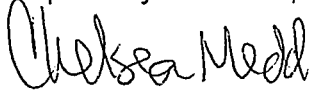
CONCLUSIONS

The proposal to construct a new small lot house is consistent with Development Permit Area 15A: Intensive Residential - Small Lot. The small lot house is a form of sensitive infill development and generally fits in with the existing neighbourhood. Staff recommend that Council consider supporting this application.

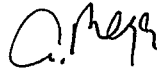
ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 00116 for the properties located at 2832 and 2838 Shakespeare Street.

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:

April 26, 2019

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans, date stamped March 7, 2019
- Attachment D: Letter from applicant to Mayor and Council, date stamped April 16, 2019
- Attachment E: Community Association Land Use Committee Comments, dated February 26, 2018
- Attachment F: Small Lot Petition, date stamped December 20, 2018.