



## Committee of the Whole Report For the Meeting of June 6, 2019

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**To:** Committee of the Whole **Date:** May 23, 2019  
**From:** Andrea Hudson, Acting Director, Sustainable Planning and Community Development  
**Subject:** Update Report for Rezoning Application No. 00649 and Development Permit with Variances Application No. 00096 for 2921 Gosworth Road

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### RECOMMENDATION

That Council decline Rezoning Application No. 00667 and 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 update Council on the Development Permit with Variances Application for 2921 Gosworth Road. The conditions set out by Committee of the Whole on April 11, 2019 have been met. The applicant made design revisions to the proposed house, including revising the massing, revising the materials and changing the landscaping.

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, consistent



with Council's policy, staff recommend that the application be declined despite the application being generally consistent with the *Small Lot Design Guidelines*.

- The design has been refined based on direction from Committee of the Whole on April 11, 2019 to reduce the massing of the proposed house to better respond to the neighbourhood context, to revise the materials and colour of the proposed house, to better reflect the neighbourhood context and to revise the landscaping and screening for the proposed patio for the existing house.
- 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 rezone the property in order to subdivide to create two small lots, retain the existing house on one lot and build a single-family dwelling on the other lot. The application also requires a Development Permit with Variances.

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 4.91m for Lot B (proposed dwelling)
- reducing the east side yard setback from 2.40m to 1.50m for Lot A (existing dwelling).

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*. The applicant has further revised the plans based on the direction of Committee of the Whole to create a better fit with the character and typical massing in the neighbourhood and to provide further landscaping around the patio area for the existing house.

The applicant has revised the massing by reducing the setback on the second storey on the east side. This helps to provide more breathing room to the east and reduces the massing. By reducing the floor area on the second storey, the total floor area and floor space ratio have been reduced.

The applicant has revised the materials from primarily board and batten to a combination of board and batten and horizontal siding with a belly band. These materials are more consistent with the local context and the combination of materials helps to break up the verticality of the building.

The applicant has also revised the landscaping for the existing dwelling to provide more of a defined space by providing a landscaped area with shrubs and trees.

Overall, the changes proposed to the massing and materials of the proposed house and the landscaping for the existing house are generally consistent with the *Small Lot Design Guidelines*.

### 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. The changes from the previous submission are noted.

Zoning Criteria	Lot A Existing Dwelling	Lot B Proposed Dwelling	Zone Standard R1-S2
Site area (m <sup>2</sup> ) – minimum	314.80	315.00	260.00
Density (Floor Space Ratio) – maximum	0.29	0.45 (Previously 0.46)	0.60
Total floor area (m <sup>2</sup> ) – maximum	91.70	142.8 (Previously 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
<b>Setbacks (m) – minimum</b>			
Front	<b>3.38 *</b>	<b>4.91 *</b>	6.00
Rear	2.67 **	6.00	6.00
Side (east)	<b>1.50 *</b>	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

### CONCLUSIONS

Consistent with the previous Committee of the Whole report, the proposal to subdivide the property into small lots, and 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 applicant revised the plans to address Council's motion to create a better 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 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.

Should Council wish to consider the application with these design revisions, an alternate motion has been provided.

## **ALTERNATE MOTIONS**

### Rezoning

That Council instruct staff to prepare the necessary Zoning Regulation Bylaw Amendment that would authorize the proposed development outlined in Rezoning Application No. 00677 for 2921 Gosworth Road, that first and second reading of the Zoning Regulation Bylaw Amendment be considered by Council and that a Public Hearing date be set.

### Development Permit with Variances

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:

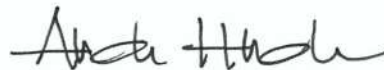
"That Council authorize the issuance of Development Permit with Variances Application No. 00096 for 2921 Gosworth Road, in accordance with:

1. Plans date stamped April 18, 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 4.91m for Lot B
  - iii. reduce the (east) side yard setback from 2.40m to 1.50m for Lot A.
3. A revised site plan and landscape plan to correct minor inconsistencies 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."

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:

*Cecelya Jenkins*

Date:

*May 28, 2019*

**List of Attachments**

- Attachment A: Plans dated/date stamped April 18, 2019
- Attachment B: Material Board date stamped April 30, 2019
- Attachment C: Letter from applicant to Mayor and Council dated May 3, 2019
- Attachment D: Committee of the Whole Rezoning and Development Permit Reports from April 11, 2019
- Attachment E: Council Motion from April 11, 2019.