



## Committee of the Whole Report

For the Meeting of July 9, 2020

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**To:** Committee of the Whole **Date:** June 25, 2020

**From:** Karen Hoese, Director, Sustainable Planning and Community Development

**Subject:** **Development Permit with Variance Application No. 00147, Development Permit with Variance Application No. 00151 and Development Variance Permit No. 00245 for 2920 Prior Street**

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### 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. 00708, if it is approved, consider the following motions:

"That Council authorize the issuance of Development Permit with Variance Application No. 00147 for 2920 Prior Street, in accordance with:

1. Plans date stamped June 1, 2020.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance to R1-S2, Restricted Small Lot (Two Storey) Dwelling:
  - i. Decrease the side yard setback for habitable room window from 2.40m to 1.5m.
3. The Development Permit lapsing two years from the date of this resolution.

And that Council authorize the issuance of Development Permit with Variance Application No. 00151 for 2920 Prior Street, in accordance with:

1. Plans date stamped June 1, 2020.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance to Schedule M – Garden Suite
  - i. Increase the maximum height from 3.50m to 4.15m.
3. The Development Permit lapsing two years from the date of this resolution.

And that Council authorize the issuance of Development Variance Permit Application No. 00245 for 2920 Prior Street, in accordance with:

1. Plans date stamped June 1, 2020.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances for the existing house:

- i. Decrease the minimum side yard setback (south) from 2.40m to 0.92m (for the deck only)
  - ii. Decrease the minimum side yard setback for a habitable room window (north) from 2.40m to 1.88m.
3. 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 two Development Permit with Variance Applications as well as a Development Variance Permit, all for the property located at 2920 Prior Street. The proposal is to retain the existing house and permit a garden suite, and to subdivide the property for a new small lot.

The following points were considered in assessing this application:

- The proposal is consistent with the *Hillside Quadra Neighbourhood Plan* (1996), which aims to retain the varied character of the neighbourhood with varied tenures, types and sizes of dwellings, with new housing designed to fit comfortably in the neighbourhood.

### *Small Lot House*

- The proposal for the small lot house is generally consistent with the objectives and guidelines for sensitive infill development contained in Development Permit Area 15A: Intensive Residential - Small Lot, and the Small Lot House Design Guidelines.
- The proposed variance for the small lot house is to decrease the side yard setback for a habitable room. The habitable window is in a window well and would have limited privacy impacts.

### *Existing House*

- The proposed variances requested for the existing house relate to decreased side yard setbacks as a result of the introduction of the new property line and legalizing an existing deck built without permits. The existing building is not changing.

### *Garden Suite*

- The proposal to convert an existing accessory building to a garden suite is generally consistent with the objectives and guidelines in Development Permit Area 15E: Intensive Residential Garden Suites, and the *Garden Suite Policy and Design Guidelines*.
- The requested variance for the garden suite is to increase the height from 3.50m to 4.15m. The height of the existing building is not changing. Other differences from Schedule M – Garden Suites are discussed in the Rezoning report.

## **BACKGROUND**

### **Description of Proposal**

The proposal is to retain the existing house and allow a larger than normal garden suite, and to subdivide the property to facilitate construction of a new small lot house. The property with the existing house would be rezoned to a site specific zone to allow a garden suite and include new regulations restricting future redevelopment of the principle dwelling. The newly created lot would be rezoned to R1-S2 Zone, Restricted Small Lot (Two Story) District.

#### *Small Lot House*

Specific details for the proposed small lot house include:

- board and batten and reverse board and batten wood siding
- standing seam metal roof
- two storeys with a basement
- contemporary gabled roofline
- ground level entry with canopy and accent wall.

The proposed variance associated with the small lot house, is to decrease the side yard setback for a window in a habitable room in a window well from 2.40m to 1.50m.

#### *Garden Suite*

The accessory building which is already constructed and associated with the existing house would be formally converted to a garden suite. Specific details include:

- a front facing entry and direct pathway from street
- includes private outdoor space.

The proposed variances required for the garden suite are related to increasing the height from 3.5m to 4.15m (existing condition).

#### *Existing House*

Specific details for the existing house include:

- one storey with a basement
- parking would be relocated to the front of the house

The variances requested in relation to the existing house are to decrease side yard setbacks as a result of the introduction of the new property line and legalizing an existing deck which was built without permits.

## **ANALYSIS**

There are two Development Permit with Variance Applications associated with this proposal, one for the small lot house and the other for the garden suite. Additionally, there is a Development Variance Permit Application required in association with the existing house to facilitate the proposed subdivision. Each will be discussed separately.

## Small Lot House – Development Permit with Variances

The *Official Community Plan* (2012) identifies this property within Development Permit Area 15A: Intensive Residential - Small Lot. The proposal is generally consistent with policies and design guidelines specified in the *Small Lot House Design Guidelines*.

The design guidelines encourage respecting established street patterns to lend cohesiveness to the streetscape. Once subdivided, the street frontage would be just over 10m. Most lots on the street have widths of approximately 15m, except for the lot immediately to the south of the subject property. If subdivided, the lot with the existing house would also be perceived as having a narrower street frontage (10.67m) although technically the lot is 21.33m wide because of its L-shape.

The *Small Lot House Design Guidelines* encourage houses to fit within the immediate as well as the broader context on the street. This neighbourhood has a varied built form, with several larger character homes, but also one storey bungalows. There is also great variety in terms of height and massing. The proposed small lot house reflects elements of the neighbourhood, using contemporary design and materials, consistent with the established streetscape. The gabled roof generally fits the neighbourhood, while also introducing modern features such as an off camber gable, standing seam metal roof and flat entry canopy.

The design guidelines encourage houses that consider the slope of the site, without major alterations. This site slopes slightly from north to south. The basement is accessed on the south elevation, working with the slope of the site.

The design guidelines also encourage entries that are apparent and visible from the street. While the door is side-facing, the entry has been emphasized with a canopy and accent wall, and front facing window. The entry porch is below the level of the driveway; however, it has been designed to have a high overhang and landscaping to help accent it.

Driveways should be a minor component of the site, and when front yard parking is provided it should have some surface texture. The proposed driveway is slightly raised with retaining walls to meet the maximum slope for a driveway, however, its edges are landscaped to soften its visual appearance. The proposed material for the driveway is permeable pavers.

The design guidelines encourage landscaping that reflects the neighbourhood, and retain as many mature trees as possible. The placement of the house and driveways respects mature trees on and off site. The usable outdoor space is provided at the rear of the house, on an above ground deck. There is wood slat privacy screening around the deck, and landscaping planted (bamboo) along the property line.

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

The proposed variance associated with the small lot house is to decrease the side yard setback for a window in a habitable room from 2.40m to 1.50m. This window is located in a window well, and poses little privacy concerns and is therefore considered supportable.

## **Existing House – Development Variance Permit**

There are no changes proposed to the existing house; however, it is also being rezoned to establish site specific regulations that would be more restrictive than the standard R1-B Zone. Should the house be redeveloped or renovated in the future, regulations in the new zone would apply, and would not require a Development Permit.

The introduction of a new property line on the north side of the building reduces the side yard setback to 1.88m, and since the site specific zone would require a side yard setback on the north of 2.40m for a habitable room, and 1.50m for a non-habitable room, a variance is required. The current dwelling has a den window (habitable) and bathroom window (non-habitable). As these windows would face the proposed house and the impacts are internal to the development, the variance is considered supportable.

The site specific zone would also require a south side yard setback of 2.40m, which as noted earlier, is somewhat more restrictive than the standard R1-B zone and is intended to ensure there is adequate breathing room between a future building and the neighbouring property. The existing house has a setback of 1.49m to the house and 0.92m to the stairs to the deck. There are no City records of the deck construction, therefore a variance is being applied for. However, the side yard setback regulation in the site specific zone (minimum 2.40m) would need to be met (or a variance sought) should the site be renovated or redeveloped in the future.

## **Garden Suite – Development Permit with Variance**

The *Official Community Plan* identifies the garden suite within Development Permit Area 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 existing building will be brought into compliance under the BC Building Code.

The proposed development is consistent with the relevant land use policies of the *Garden Suite Policy and Guidelines*. The proposed garden suite is a ground-oriented unit located in the rear yard. The design guidelines discourage windows oriented toward neighbouring properties. The garden suite has windows primarily facing south, at a setback of 8.1m from the neighbouring property. On the north elevation, there is a bedroom window, and a setback of 4.4m. The bedroom window is near the rear of the lot, but due to the slope of the site, a setback of 4.4m, landscaping, and a fence, would likely not cause privacy impacts.

The design guidelines encourage the garden suite to be partially visible from the street. The garden suite is located at the rear of a proposed L-shaped lot, nonetheless, the entry is visible from the street, and there is a pathway which leads to the garden suite entry.

Overall, the proposed small lot house and landscaping are generally consistent with the *Garden Suite Policy and Design Guidelines*.

The height of the garden suite is 4.15m, and Schedule M has a maximum height of 3.5m for regular garden suites and 4.2m for "plus site" garden suites. This variance is supportable as the building height is an existing condition and is not changing.

## CONCLUSIONS

The small lot house is generally consistent with *Small Lot House Design Guidelines*, and is a form of sensitive infill development anticipated in the neighbourhood. The garden suite is generally consistent with the *Garden Suite Policy and Design Guidelines*. The variances required to facilitate the introduction of a new property line in relation to the existing house are internal to the development, and the side yard setback for an existing deck not built with permits is not changing. Staff recommend that Council consider supporting this application.

## ALTERNATE MOTION

That Council decline Development Permit with Variances No. 00147, Development Permit with Variance Application No. 00151, and Development Variance Permit No. 00245 for the property located at 2920 Prior Street.

Respectfully submitted,



Chelsea Medd  
Planner  
Development Services



Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:



Date: June 29, 2020

## List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped June 1, 2020
- Attachment D: Letter from applicant to Mayor and Council dated June 9, 2020
- Attachment E: Letter from Cascadia Architecture dated July 10, 2019 (Received July 12, 2019)
- Attachment F: Community Association Land Use Committee Comments received July 2, 2019
- Attachment G: Arborist Report dated December 17, 2019
- Attachment H: Small Lot Petition
- Attachment I: Correspondence.