



## Committee of the Whole Report

### For the Meeting of July 15, 2021

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**To:** Committee of the Whole **Date:** June 30, 2021

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

**Subject:** Development Variance Permit Application No. 00265 for 931 Redfern 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 Variance Permit Application No. 00265 for 931 Redfern Street, in accordance with:

1. Plans date stamped May 6, 2021.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
  - i. reduce the minimum front setback from 7.5m to 3.23m
  - ii. reduce the minimum rear setback from 9.1m to 3.64m
  - iii. reduce the minimum south side setback from 2.6m to 1.93m
  - iv. reduce the combined side yards setback from 5.4m to 4.53m.
3. Final Plans to be generally in accordance with the plans date stamped May 6, 2021, 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 498 of the *Local Government Act*, Council may issue a Development Variance Permit that varies a *Zoning Regulation Bylaw* provided the permit does not vary the use or density of land from that specified in the *Zoning Regulation Bylaw*.

### EXECUTIVE SUMMARY

The purpose of this report is to present Council with information, analysis and recommendations for a Development Variance Permit Application for the property located at 931 Redfern Street. The proposal is to construct a single family dwelling with a secondary suite. The proposed variances are related to a reduction in building setbacks.

The following points were considered in assessing this application:

- the development supports the housing objectives articulated in the *Gonzales Neighbourhood Community Plan*
- the requested variances are supportable as the proposed development responds to the site context, all trees are retained, and landscape measures are provided to mitigate development impacts on adjacent properties.

## **BACKGROUND**

### **Description of Proposal**

A one-and-a-half-storey, single-family dwelling with secondary suite is proposed to be constructed on the vacant lot under the existing R1-G Zone. The new house is sited with the intention to minimize the impact on existing mature trees.

The proposed variances are related to:

- reduce the minimum front yard setback from 7.5m to 4.1m
- reduce the minimum rear yard setback from 9.1m to 3.64m
- reduce the minimum south side setback from 2.6m to 1.93m
- reduce the combined side yards setback from 5.4m to 4.53m.

### **Affordable Housing**

The applicant proposes the creation of two new residential units (single family dwelling with a secondary suite) which would increase the overall supply of housing in the area.

### **Sustainability**

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

### **Active Transportation**

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

### **Public Realm**

No public realm improvements beyond City standard requirements are proposed in association with this Development Permit Application.

### **Accessibility**

Accessibility measures beyond those contained in the *British Columbia Building Code* are not proposed.

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

The site is presently vacant.

## Data Table

The following data table compares the proposal with the existing R1-G Zone. An asterisk is used to identify where the proposal does not meet the requirements of the existing Zone.

| Zoning Criteria                       | Proposal     | R1- G Zone |
|---------------------------------------|--------------|------------|
| Site area (m <sup>2</sup> ) – minimum | 460.00       | 460.00     |
| Density (Floor Space Ratio) – maximum | 0.36:1       | 0.5:1      |
| Lot width (m) – minimum               | 17.30        | 15.00      |
| Height (m) – maximum                  | 7.25         | 7.60       |
| Storeys – maximum                     | 1.5          | 1.5        |
| Site coverage (%) – maximum           | 29.50        | 30.00      |
| Open site space (%) – minimum         | 68.00        | 50.00      |
| <b>Setbacks (m) – minimum</b>         |              |            |
| Front                                 | <b>4.1*</b>  | 7.50       |
| Rear                                  | <b>3.64*</b> | 9.10       |
| Side (north)                          | 2.60         | 2.60       |
| Side (south)                          | <b>1.93*</b> | 2.60       |
| Combined side yards                   | <b>4.53*</b> | 5.40       |
| Parking – minimum                     | 1            | 1          |

## Relevant History

Council approved the same proposal with Development Variance Permit Application (No. 00218) on March 28, 2019. The applicant had submitted a building permit; however, DVP No. 00218 lapsed before construction started; therefore, a new DVP is required to authorize the variances associated with this proposal.

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, on May 13, 2021 the application was referred for a 30-day comment period to the Fairfield Gonzales CALUC. At the time of writing this report, a letter from the CALUC had not been received.

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.

## **ANALYSIS**

### **Official Community Plan**

The proposed development is generally consistent with the Gonzales Strategic Directions in the *Official Community Plan* (OCP) which seeks to maintain and enhance the neighbourhood character through the retention of landscape features and infill development that fits with the built form, scale, and setbacks of the street and surrounding neighbourhood.

### **Gonzales Neighbourhood Community Plan**

The proposed development of a single family dwelling with a secondary suite on a vacant lot supports the housing objectives articulated in the *Gonzales Neighbourhood Community Plan*, which aims to retain and add to the existing, viable single-family and detached housing stock, and where appropriate, encourages the provision of secondary suites in houses.

### **Regulatory Considerations**

The requested variances relate to the front, rear and side yard setbacks.

#### Front Setback

The new house has been sited closer to the street with the rationale of maintaining the existing trees, garden and retaining walls at the rear of the property. The proposal would reduce the front yard setback from 7.5m to 4.1m. A road dedication of 1.38m was provided when the lot was created through subdivision in 2019. The proposed house maintains a setback that is generally consistent with the neighbouring properties; therefore the front yard setback is considered supportable.

#### Rear Setback

The lot is an irregular shape with a diagonal rear lot line. At its nearest point, which is where the rear setback is measured from, the house is only 3.64m from the rear lot line; therefore, the proposal seeks a variance to reduce the rear setback from 9.1m to 3.64m. The variance is considered supportable because the siting of the house allows for retention of trees and other landscape features that contribute to the green character of the area and the glazing on the rear of the house is minimized to reduce potential privacy impacts with the neighbouring lot.

#### Side Setbacks

With respect to the proposed variances to reduce the minimum south side setback from 2.6m to 1.93m and reduce the combined side yards setback from 5.4m to 4.53m, the variances are considered supportable because the immediately adjacent panhandle driveway provides adequate separation from the neighbouring property. A cedar hedge and privacy fence provide additional screening.

## Tree Preservation Bylaw and Urban Forest Master Plan

This application was received after October 24, 2019, so it falls under *Tree Preservation Bylaw* No. 05-106 consolidated November 22, 2019.

The arborist report (attached) inventories 13 trees: five bylaw-protected trees on the subject lot, seven off-site bylaw-protected trees with critical root zones extending onto the subject lot and one municipal tree. The project arborist has provided mitigation measures to reduce potential impacts to the off-site trees as well as four of the bylaw-protected trees on the subject lot, all of which are located in areas where significant impacts from construction are not anticipated. The one municipal tree will require minor pruning and the project arborist will be required to supervise excavation work within its critical root zone.

Excavation for the proposed dwelling will occur in the critical root zone of a large Garry oak (79cm diameter). An exploratory excavation memo from Talbot Mackenzie & Associates, issued on July, 16, 2018 and submitted as part of the previous application for this site, found only small roots in the proposed area of excavation. If larger roots essential to the health and stability of the tree are encountered during excavation, a grade beam on posts will be used to span over the roots. If the mitigation measures provided by the project arborist are followed, potential impacts to the tree will be minimal. In addition, four large branches (15 – 25cm diameter) will need to be removed to provide clearance for the new dwelling.

| Tree Type                               | Total     | To be REMOVED | To be PLANTED | Net Change |
|---|-----------|---------------|---------------|------------|
| On site trees, bylaw protected          | 5         | 0             | 0             | 0          |
| On site trees, non-bylaw protected      | 0         | 0             | 9             | 9          |
| Municipal trees                         | 1         | 0             | 0             | 0          |
| Neighbouring trees, bylaw protected     | 7         | 0             | 0             | 0          |
| Neighbouring trees, non-bylaw protected | 0         | 0             | 0             | 0          |
| <b>Total</b>                            | <b>13</b> | <b>0</b>      | <b>9</b>      | <b>+9</b>  |

## CONCLUSIONS

The Development Variance Permit Application to construct a new single-family dwelling with a secondary suite is generally consistent with relevant policies. The variances are supportable as the development proposal is compatible with the site context, all trees will be preserved, and mitigation measures have been provided to reduce potential privacy concerns. Therefore, staff recommend for Council's consideration that the application be advanced to an opportunity for public comment.

## ALTERNATE MOTION

That Council decline Development Variance Permit Application No. 00265 for the property located at 931 Redfern Street.

Respectfully submitted,

Alec Johnston  
Senior Planner  
Development Services Division

Karen Hoese, Director  
Sustainable Planning and Community  
Development Department

**Report accepted and recommended by the City Manager.**

**List of Attachments**

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped May 6, 2021
- Attachment D: Letter from applicant to Mayor and Council dated March 18, 2021
- Attachment E: Arborist report dated June 15, 2021.