



Committee of the Whole Report

For the Meeting of November 26, 2020

To: Committee of the Whole **Date:** November 12, 2020

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

Subject: Development Variance Permit No. 00230 for 2700 Avebury Avenue

RECOMMENDATION

That Council decline Development Variance Permit Application No. 00230 for the property located at 2700 Avebury Avenue.

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 2700 Avebury Avenue. The proposal is to reduce the rear yard setback from 7.5m to 6.81m for the existing house located on the property. The variance would be required to facilitate a concurrent Small Lot Rezoning application, which, if approved, would subdivide the rear portion of lot and allow construction a small lot house. The remainder of the lot would retain the existing R1-B zoning, and the existing house fronting Avebury Avenue would be retained; however, a rear yard variance which is the subject of this report would be required.

The following points were considered in assessing this application:

- Strategic direction for the Oaklands Neighbour includes maintaining and enhancing the ground orientated residential character of the majority of the neighbourhoods. The retention of an existing house is consistent with this direction.
- The variance for the reduction of the rear yard setback is considered supportable, as there is sufficient area to maintain a useful amenity space.
- However, since the primary application (Rezoning Application for Small Lot House) is not consistent with the Small Lot Rezoning Policy with regard to neighbourhood support, and the recommendation is to decline, this application similarly recommends decline as the variance is only needed if the Small Lot House is advanced.

An alternate motion is included for Council's consideration in the event the small lot house rezoning application is advanced for consideration at a Public Hearing.

BACKGROUND

Description of Proposal

The proposal is to reduce the rear setback requirement of the existing R1-B Zoning from 7.5m to 6.81m. This setback variance is required as a result of creating a new lot line for the proposed small lot subdivision.

Sustainability

Retention of the existing house supports green building principles by extending the life of an existing building.

Existing Site Development and Development Potential

The site is presently occupied by a single-family dwelling (constructed in 1953), which will be retained. Under the current R1-B Zone, the property could be redeveloped as a single-family dwelling with a secondary suite or garden suite.

Data Table

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

Zoning Criteria	Proposal	Small Lot Zone Standard R1-S2	Remainder Lot	Existing Zone R1-B
Site area (m ²) – minimum	287	260	461	460
Lot width (m) - minimum	15.1	10	19.1	15
Density (Floor Space Ratio) – maximum	0.51:1	0.6:1	n/a	n/a
Total floor area (m ²) - maximum	146.84	190 (1 st and 2 nd floor)	Approx. 161 Existing	300 (all floors)
Basement	No (crawl space)	Permitted	Existing	Permitted
Height (m) – maximum	7.37	7.5	4.47	7.6
Storeys – maximum	2	2	Existing	2
Site coverage (%) – maximum	27	40	20	40

Zoning Criteria	Proposal	Small Lot Zone Standard R1-S2	Remainder Lot	Existing Zone R1-B
<u>Setbacks (m)</u>				
Front (Street) – minimum	6.0 (Kings)	6.0	8.02 (Avebury)	7.5
Projections stairs – maximum	1.83	2.5	n/a	2.5
Rear – minimum	6.09	6.0	6.81*	7.5
Side – minimum	1.55 (west)	1.5 non-habitable	n/a (south)	1.9
Side – minimum	1.5 (east)	2.4 habitable	5.42 (north)	3.0
Parking (vehicle) – minimum	1	1	1	1

Relevant History

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variance Applications*, the applicant has consulted the Oaklands CALUC at a Community Meeting held on April 29th, 2019. A letter dated June 12, 2019 is attached to the Rezoning Application report. It is noted the comments generally deal with the small lot subdivision and do not specifically address this variance application.

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 parcel is designated Traditional Residential in the *Official Community Plan*. The strategic direction for Oaklands Neighbourhood includes the maintenance and enhancement of the ground-oriented general-residential character in the majority of the neighbourhood. This proposal is consistent with these goals.

Design guidelines are not applicable to existing single-family parcels within the R1-B Zone.

Tree Preservation Bylaw and Urban Forest Master Plan

These items are considered in the concurrent Rezoning Application.

Regulatory Considerations

In order to subdivide the lot for a new single family dwelling and retain the existing single family dwelling a variance to reduce the rear yard setback from 7.5m to 6.81m is required. Staff believe this variance is minimal in nature as it is interior to the development and adequate amenity space is maintained.

CONCLUSIONS

The retention of the existing house is encouraged within the Small Lot Rezoning Policy and the strategic directions for the Oaklands neighbourhood. The subdivision of the parcel results in the creation of new rear yard lot line that creates a setback variance for the rear yard of the existing house. The variance for the reduction of the rear yard setback is considered supportable by staff. However, as staff are recommending that Council decline the Rezoning Application, it is also recommended that Council consider declining the Development Variance Permit. An alternate motion has been provided for Council's consideration.

ALTERNATE MOTION

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. 00700, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Variance Permit Application No. 00230 for 2700 Avebury Avenue, in accordance with:

1. Plans date stamped August 8, 2019
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variance:
 - i. reduce the rear yard setback from 7.5m to 6.81m.
3. The Development Permit lapsing two years from the date of this resolution."

Respectfully submitted,



Mike Angrove
Senior Planner
Development Services Division



Karen Hoese, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date: 2020-11-19

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map

- Attachment C: Plans dated/date stamped August 8, 2019
- Attachment D: Letter from applicant to Mayor and Council dated February 14, 2020
- Attachment E: Community Association Land Use Committee Comments dated June 12, 2019
- Attachment F: Arborist Report dated August 5, 2019
- Attachment G: Small Lot House Rezoning Petitions Summary and Map
- Attachment H: Applicant's Community Engagement July 17, 2019
- Attachment I: Correspondence (Letters received from residents).