



Committee of the Whole Report For the Meeting of December 9, 2021

To: Committee of the Whole

Date: November 25, 2021

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

Subject: Development Permit with Variances Application No. 00102 for 2850 Shakespeare Street

RECOMMENDATION

That Council decline Development Permit with Variances Application No. 00102 for the property located at 2850 Shakespeare Street.

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 present Council with information, analysis and recommendations for a Development Permit with Variances Application for the property located at 2850 Shakespeare Street. The proposal is to rezone and subdivide the property to create two small lots, retain the existing dwelling on one lot and construct a new single-family dwelling on the new lot. Both lots would be rezoned to a site-specific small lot zone based of the standard R1-S2, Restricted Small Lot (Two Storey) Zone.

The variances for the new lot are related to reducing the rear yard setbacks. The variances for the existing house are related to reducing the rear and side yard setbacks.

The following points were considered in assessing this application:

- The proposal is consistent with the Traditional Residential Urban Place Designation in the *Official Community Plan, 2012* (OCP).

- The proposal is inconsistent with the *Small Lot House Rezoning Policy, 2002*, which requires 75% of immediate neighbours to be in support of an application. This application received 50% support from immediate neighbours.
- The proposal is inconsistent with the *Small Lot Design Guidelines*; and design revisions are recommended to address the transition to neighbouring properties given the reduced setbacks.
- The proposal is inconsistent with the *Oaklands Neighbourhood Plan, 1993*, which considers infill development based on an application's merit and meeting established policies. The proposal does, however, retain the single-family character of the neighbourhood which is also a goal of the *Oaklands Neighbourhood Plan*.
- The new house is positioned generally in line with the neighbouring dwelling to the north but requires a variance to reduce the rear yard setback. The reduced lot area and the positioning of the proposed building results in a smaller rear yard which limits the availability of private outdoor space. This also creates privacy and overlook issues for the neighbour to the west and given the limited mitigation measures this variance is not considered supportable.
- The variances associated with the existing house are to reduce the rear yard setback and side yard setback on a flanking street. The reduced rear yard setback results in a rear yard which would be just over 2.8m in depth and does not create a usable outdoor space for residents. The side yard setback is an existing condition which is not changing, therefore this variance is considered supportable.

BACKGROUND

Description of Proposal

The proposal is to subdivide the property to create two small lots, retain the existing house on one lot and build a single-family dwelling on the other lot. Details of each house are provided below.

Existing House

- two-storey with an unfinished basement
- gabled roof
- alterations include removing the carport on the west elevation.

Variances are required to:

- reduce the rear yard setback (east) from 6.0m to 3.31m
- reduce the side yard setback on a flanking street (Shakespeare Street) from 2.4m to 1.66m.

Proposed House

- two-storey building with garage
- pitched roof
- exterior materials include horizontal cement fiber board, shingle siding and stone veneer
- outdoor space provided by a paved patio at the rear
- permeable pavers for driveway.

Variations are required to:

- reduce the rear yard setback from 6.0m to 2.89m.

Both the lots for the existing dwelling and the proposed new dwelling require rezoning to site-specific zones, due to the sub-standard site area when compared to the standard small lot zone, R1-S2 Zone, Restricted Small Lot (Two Storey) District, which is discussed in the concurrent rezoning report.

Data Table

The following data table compares the proposal with the standard Small Lot Zone (R1-S2 Zone). An asterisk is used to identify where the proposal does not meet the requirements of this Zone. Two asterisks are used to identify where the existing condition is legal non-conforming.

Zoning Criteria	Proposal Lot 1 (New dwelling)	Proposal Lot 2 (Existing dwelling)	Zone Standard R1-S2 Zone Restricted Small Lot (Two Storey) District.
Site area (m ²) – minimum	222.9*	222.59*	260
Density (Floor Space Ratio) – maximum	0.58:1	0.57:1	0.60:1
Total floor area (m ²) – maximum	128.57	125.94	190
Lot width (m) – minimum	13.05	13.04	10.00
Height (m) – maximum	5.87	5.35	7.50
Storeys – maximum	2	2	2
Site coverage (%) – maximum	36.90	34.47	40.00
Setbacks (m) – minimum:			
Front	6.0	2.23** (Morley)	6.00
Rear	2.89 (west)*	3.31 (north)*	6.00
Side	1.51 (south)	n/a	1.5 (non-habitable)
Side	1.51 (north)	3.86 (west)	1.5 (non-habitable)
Side on a flanking street	n/a	1.66**	2.40
Parking – minimum	1	1	1

ANALYSIS

Development Permit Area and Design Guidelines

The *Official Community Plan* identifies this property within the Development Permit Area 15A: Intensive Residential - Small Lot. The proposal is inconsistent with the *Small Lot House Design Guidelines* and revisions should be made to address challenges associated with massing, overlook and landscaping.

Existing House

The applicant wishes to pursue Heritage Designation of the existing house, and should Council decide to advance the application, a Statement of Significance would be required from a qualified heritage consultant to evaluate the building as a potential heritage candidate. The applicant would also need to identify any proposed building alterations to upgrade the building.

Minimal private outdoor space is provided for the existing house and given the limited size of the rear yard, reconsideration of the landscaping would benefit the proposal.

Proposed House

The policy states that new small lot houses should 'fit' with the neighbourhood context. The patterns found along the street should be respected in terms of building height, building form, roof shape, massing and finish. The proposal is traditional in design with complementary elements to the adjacent neighbours on Shakespeare Street in terms of building height and roofline. The materials are horizontal cement fiber board siding for the main body of the house with fiber cement shingles for the upper portion and gables. Stone veneer is proposed for the entrance. These are somewhat consistent with the neighbourhood, although further refinement to simplify the palette and reconsider the use of stone veneer is warranted.

The reduced lot area results in a smaller rear yard which limits the availability of private outdoor space and creates shadow impacts on adjacent properties. The design guidelines state that a reduced rear yard is acceptable if careful attention is paid to privacy and shadowing. The proposed house is two-stories, with no building articulation or upper-level step back and two bedroom windows are located on the west elevation of the second storey. The reduced rear yard setback limits the opportunities for incorporating screening between the proposed small lot and the neighbour to the west. However, the design guidelines recommend implementing design solutions rather than using landscaping (which may be removed in the future) to address potential impacts. Design revisions are therefore recommended, such as stepping back the second storey and consideration of obscure glazing.

A small lot house should reflect the established massing and building proportions of the area. The proposal is for a two-story building, with some articulation and material changes which helps break up the massing to a certain extent. The proposed floor area is 125m² which is within the maximum 190m² allowed under the R1-S2 Restricted Small Lot (Two Storey) District. However, given the reduced lot area, further reduction in the floor area would allow more breathing room between buildings and a more appropriate fit for the streetscape along Shakespeare Street.

The design guidelines recognize the entryway as an important element and encourage it being emphasized and clearly visible from the street. The guidelines also encourage having covered porches to respond to seasonal weather and to offer a more welcoming streetscape. The

proposal has a front facing entry; however, it is uncovered. Staff recommend recessing the entry to provide weather protection. Wording has been included in the alternate motion to action this change.

Oaklands Neighbourhood Plan

The *Oaklands Neighbourhood Plan* states that small lot houses will be considered on individual merit provided that the proposal meets the small lot policy. The proposed small lots do not meet the Small Lot Rezoning Policy for achieving the minimum lot size standard or for neighbourhood support. The proposal does, however, retain the single-family character of the neighbourhood which is also a goal of the Plan.

Proposed Variances

Existing House – Rear Yard Setback

The proposed variance to reduce the rear yard setback from 6.0m to 3.31m does not allow for much usable private space. Although not ideal, the variance is considered to be supportable since the rear yard is internal to the development. It is recommended that further design revisions are warranted to create useable private outdoor space for the existing dwelling.

Existing House – Side Yard Setback

The proposed side yard setback on a flanking street is proposed to be reduced from 2.4m to 1.66m. Since this is an existing condition which is not changing, this variance is considered supportable.

Proposed House – Rear Yard Setback

The proposed variance is to reduce the rear yard setback from 6.0m to 2.89m. This reduction creates shading and privacy impacts on the neighbouring property to the west and is therefore not considered supportable. Reducing the size of the proposed house, stepping back the second storey or consideration of obscure glazing or clerestory windows may help to reduce this impact. In addition, a shadow study will help determine the degree of shading that results on the neighbouring properties. These recommendations are included in the alternate motion should Council request the applicant make further revisions.

CONCLUSIONS

The proposal to subdivide the property and construct a new small lot house is not consistent with policy, and therefore the recommendation is to decline. An alternate recommendation is provided for the applicant to make revisions to address shadow impacts and privacy, and to add landscape screening, should Council wish to advance the application. It is also recommended the applicant discuss revised plans with, and re-petition, immediate neighbours.

ALTERNATE MOTION (Further Revisions)

That the applicant provide more information as detailed in concurrent Rezoning Application No. 00679 and work with staff to revise the design and report back to Committee of the Whole:

1. Provide a shadow study for the proposed house in context with neighbouring properties.

2. Revisions to the plans to address the following, to the satisfaction of the Director of Sustainable Planning and Community Development:

Proposed new house:

- i. reduce the rear yard setback variance
- ii. reduce potential privacy impacts from bedroom windows
- iii. reduce potential shading impacts on neighbours
- iv. enhance the landscaping with particular emphasis on the south and west boundaries
- v. reconsider the use of stone veneer and enhance the entrance through a covered porch or overhang
- vi. simplify the material palette.

Existing house:

- i. provide a usable outdoor space for the existing house
- ii. enhance the landscaping with particular attention to the north and west boundaries.

3. Once design revisions are made, discuss plans with, and re-petition immediate neighbours, as per the Small Lot Policy.

Respectfully submitted,

Charlotte Wain
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Report accepted and recommended by the City Manager.

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans date stamped July 11, 2019
- Attachment D: Letter from applicant to Mayor and Council dated January 25, 2019
- Attachment E: Community Association Land Use Committee Comments dated July 30, 2018
- Attachment F: Small Lot Petition Summary and Correspondence
- Attachment G: Correspondence (Letters received from residents).