



Committee of the Whole Report

For the Meeting of September 21, 2017

To: Committee of the Whole **Date:** September 7, 2017

From: Jonathan Tinney, Director, Sustainable Planning and Community Development

Subject: Development Permit with Variances Application Nos. 00046 (1032 Harling Lane), 00047 (1038 Harling Lane) and 00048 (1044 Harling Lane)

RECOMMENDATIONS

That Council after giving notice and allowing an opportunity for public comment at a meeting of Council, consider the following motions:

1032 Harling Lane

"That Council authorize the issuance of Development Permit with Variances Application No. 00046 for 1032 Harling Lane in accordance with:

1. Plans date stamped July 21, 2017
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the front yard setback from 18m to 17.30m for an outdoor feature (arbour)
 - ii. reduce the separation distance from 2.4m to 1.58m for the arbour from the dwelling.
3. The Development Permit lapsing two years from the date of this resolution."

1038 Harling Lane

"That Council authorize the issuance of Development Permit Application with Variances No. 00047 for 1038 Harling Lane in accordance with:

1. Plans date stamped July 21, 2017
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - i. reduce the front yard setback from 18m to 17.20m for an outdoor feature (arbour)
 - ii. reduce the separation distance from 2.4m to 1.72m for the arbour from the dwelling.
3. The Development Permit lapsing two years from the date of this resolution."

1044 Harling Lane

"That Council authorize the issuance of Development Permit Application with Variances No. 00048 for 1044 Harling Lane in accordance with:

1. Plans date stamped July 21, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:
 - iii. reduce the front yard setback from 18m to 17.27m
 - iv. reduce the separation distance from 2.4m to 1.68m for the arbour from the dwelling.
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 *Official Community Plan 2012 (OCP)*. 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 Development Permit with Variance Applications for the properties located at 1032, 1038 and 1044 Harling Lane. The proposal is to legalize the construction of an outdoor feature (arbour) constructed on each lot, which require revisions to the approved landscape plans, site plans, a variance from the setback from the front property line, and a variance from the required separation distance between the arbour and the dwelling unit.

The following points were considered in assessing this Application:

- the landscape changes are generally consistent with the *Small Lot House Design Guidelines*
- the variances to decrease the setback requirement from the front lot line and decrease the separation distance between the arbour and the dwelling on each lot are considered to have minor impacts on neighbouring properties and are recommended as being supportable.

BACKGROUND

Description of Proposal

Small lot houses were constructed on each of the subject properties, and were completed in 2017. A Development Permit for each of these small lot houses was approved in June 2015, which included landscape plans. Upon final inspection of the landscaping, it was noted by Staff that there were a number of changes to the approved plans. As most of these changes were minor in nature, they have been dealt with through the Delegated Development Permit process.

However, an arbour on each small lot was also constructed and were not included on the original DP plans, which require variances from the *Zoning Regulation Bylaw*. The General Regulations of the *Zoning Regulation Bylaw* (Section 40) state that site coverage, setbacks and height requirement for accessory buildings apply to outdoor features over 0.6m in height from natural grade.

The Application would allow changes to the approved landscape plan for an arbour on each of the small lots, with the following variances:

- decrease the setback requirement for each arbour from the front lot line
- decrease the separation distance between each arbour and dwelling unit.

Sustainability Features

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

Active Transportation Impacts

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

Public Realm Improvements

No public realm improvements are proposed in association with this Development Permit with Variances Application.

Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings. The rear yard accessibility is not affected by the placement of the arbours.

Existing Site Development and Development Potential

The three small lots on Harling Lane were part of a five lot subdivision approved in 2012. The houses on Harling Lane were completed in 2017. As these lots are subject to the regulations in the R1-S2 Zone, Restricted Small Lot (Two Storey) District, no further development potential exists.

Data Table

As these Applications are for the outdoor features only (arbours), the data table references the requirements for the outdoor feature. The other requirements for the dwelling unit have been reviewed through the original Development Permit.

The following data table compares the proposal with the applicable regulations for outdoor features within the R1-S2 Zone. An asterisk is used to identify where the proposal is less stringent than the regulations.

Zoning Criteria for Outdoor Features	1032 Harling Lane	1038 Harling Lane	1044 Harling Lane	Zone Standard R1-S2
Location	Rear yard	Rear yard	Rear yard	Rear yard
Rear yard site coverage - maximum (%)	19.90	23.27	18.87	30
Separation distance between an accessory building and dwelling unit - minimum (m)	1.58*	1.72*	1.68*	2.40
Height – maximum (m)	2.90	2.90	2.90	3.50
Setbacks				
front (m)	17.30*	17.2*	17.27*	18
rear (m)	2.10	1.52	2.03	-
side (east) (m)	1.32	1.37	4.57	-
side (west) (m)	4.96	4.57	1.37	-

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on August 3, 2017, 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.

The Applications propose variances; therefore, in accordance with the City's *Land Use Procedures Bylaw*, they require notice, sign posting and a meeting of Council to consider the variances.

ANALYSIS

Development Permit Area and Design Guidelines

As the subject lots have been developed as small lots, the properties are subject to Development Permit Area 15A: Intensive Residential – Small Lot. The primary design guidelines applicable to the subject properties are the *Small Lot House Design Guidelines*.

These *Guidelines* provide guidance on landscape structures in the rear yard, with particular emphasis on privacy and overshadowing. The inclusion of the arbours provide the future occupants of the three small lot houses with an additional privacy screen, both between the units, and from the adjacent apartment buildings (1005 and 1025 Pakington Street) which have some windows with potential overlook into the rear yards. Due to a grade change from Pakington Street to Harling Lane (sloping down to Harling Lane), the arbours create no overshadowing or visual impact on the neighbouring properties to the north. The arbours are not visible from Harling Lane, and, as such, do not contribute to any visual impact to the views from the street.

The *Guidelines* also suggest neighbours be consulted in working out the details of rear yard landscaping, with the discussion focussing on disruption of views and sunlight while balancing the social interaction with neighbours. As these Applications will proceed to an opportunity for public comment, the neighbours will be afforded input.

The arbours are constructed of cedar and compliment the fencing. While the arbours are a dominant landscape feature in the rear yards, there are no solid elements (open rafters) and hence do not constitute floor area. There are slats of wood on the sides to provide a small amount of privacy between the small lot rear yards. Over time, vegetation growing on the slats will make the arbours less prominent and will provide additional privacy for the users.

Regulatory Considerations

The placement of the arbours requires two variances for each property. First, the placement of accessory buildings and outdoor features are required to be 18m from the front lot. The intent of this regulation is to minimize the visual impact of any accessory buildings or structures (including outdoor features) from the streetscape. As the arbours are only marginally visible from the street and do not exceed the height regulations for these structures, this is not a foreseeable issue.

The second variance is for the separation distance between the arbours and the dwelling. The requirement is for a separation distance of 2.4m. The arbours average 1.6m between the dwellings and the arbours. This separation distance regulation is based on Building Code requirements for minimum distances between two buildings for fire safety. As the arbours are not structures with enclosed floor area, and therefore, do not require a Building Permit, the variances requested could be considered supportable.

Tree Preservation Bylaw and Urban Forest Master Plan

There are no Tree Preservation Bylaw impacts with these Applications.

CONCLUSIONS

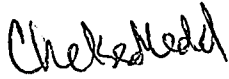
The arbors constructed in the rear yard of each of the small lot houses on Harling Lane are in keeping with the spirit of the landscaping provisions of the *Small Lot House Design Guidelines*.

Generally, the visual and privacy impacts on the adjacent neighbours are limited, and the arbors will foster the use of the rear yards as they increase the privacy for the occupants. The variance relaxation from the front lot line and the variance relaxation for the separation distance between the arbors and the dwellings units, and Staff recommend that Council consider supporting this application.

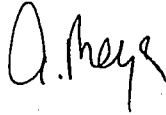
ALTERNATE MOTION

That Council decline Development Permit Application No. 00046, 00047 and 00048 for the properties located at 1032, 1038 and 1044 Harling Lane.

Respectfully submitted,



Chelsea Medd, Planner
Sustainable Planning and Community
Development Department



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager.



Date: Sept. 14, 2017

List of Attachments

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped July 21, 2017
- Attachment D: Letter from applicant to Mayor and Council date stamped July 21, 2017