



## Committee of the Whole Report

For the Meeting of July 27, 2017

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**To:** Committee of the Whole **Date:** July 14, 2017

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

**Subject:** Development Variance Permit No.000190 for 1358 and 1360 Thurlow Road

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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 Permit Application No.00190 for 1358 and 1360 Thurlow Road, in accordance with:

1. Plans date stamped June 22, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances:

Proposed Lot A

- i. relax front lot definition for irregular lots to allow the street line to be considered the property line along Thurlow Road
- ii. reduce the front setback from 7.50m to 3.05m
- iii. reduce the side yard setback from 1.97m to 1.50m.

Proposed Lot B

- iv. relax front lot definition for irregular lots to allow the street line to be considered the property line along Thurlow Road
- v. reduce the minimum lot width from 15.00m to 13.70m
- vi. reduce the minimum flanking street side yard setback of an accessory building from 7.50m to 7.31m.

3. 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 1358 and 1360 Thurlow Road. The proposal is to demolish the existing duplex, subdivide the lot and construct a new single-family dwelling on each lot.

The following points were considered in assessing this application:

- the proposal is generally consistent with the Fairfield-Gonzales Local Area Plan
- the variances for the street line definition in relation to setbacks and the variance for the front yard setback on Lot A are supportable as the shape of the lot greatly limits the ability to build within the existing regulations, and further, the proposed siting of the dwellings are consistent with the adjacent properties
- the side yard and flanking street variance are supportable given the irregular shape of the lots
- the requested lot width variance is necessary in order to accommodate the minimum lot size, given the irregular lot shape
- the proposal includes the removal of three trees protected under the Tree Protection Bylaw, which would be replaced by six new trees
- the proposal includes measures to mitigate potential impacts of several boulevard trees and one protected tree on the adjacent property to the north.

## **BACKGROUND**

### **Description of Proposal**

The proposal is to demolish an existing duplex, subdivide the existing lot and construct two single-family dwellings. Variances are required due to the shape of the proposed lots. Both the existing and proposed lots are irregularly shaped and would have a very limited amount of buildable area that would conform to the existing zoning regulations.

The proposed variances are related to:

- proposed Lots A and B: relaxing the definition of street line for irregular lots to allow the street line to be considered the property line along Thurlow Road
- proposed Lot A: reducing the front yard setback from 7.50m to 3.05m
- proposed Lot A: reducing the side yard setback from 1.97m to 1.50m
- proposed Lot B: reducing the flanking street side yard setback of an accessory building.

It would be possible for secondary suites to be added to the proposed single-family dwellings. This could be done through a building permit and without further development approvals.

### **Sustainability Features**

The applicant has not identified any 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 Application.

## Accessibility Impact Statement

The British Columbia Building Code regulates accessibility as it pertains to buildings.

## Existing Site Development and Development Potential

The site is presently a strata duplex, constructed in the mid-1950s. Under the current R-2 Zone, Two-Family Dwelling District, the property could be redeveloped as a duplex; however, it could also be developed as a:

- single-family dwelling
- single-family dwelling with secondary suite
- single-family dwelling with garden suite.

Duplexes would not be permitted on the proposed lots as they would no longer meet the minimum lot size required for duplexes in the R-2 Zone.

## Data Table

The following data table compares the proposal with the R1-B Zone, Single-Family Dwelling District. As per the R-2 Zone, as the proposal is to build two single-family dwellings, the regulations in the R1-B Zone apply. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposal Lot A	Proposal Lot B	Zone Standard R1-B
Site area (m <sup>2</sup> ) - minimum	460.40	504.20	460.00
Lot width (m) - minimum	19.65	13.74*	15.00
General Regulations 27 (1)- Irregular lot definitions of street line in relation to setbacks	Street Line taken as property line along Thurlow Road*	Street Line taken as property line along Thurlow Road*	Irregular lot regulations
1st & 2nd storey floor area (m <sup>2</sup> ) - maximum	200.58	212.93	280.00
Combined floor area (m <sup>2</sup> ) - maximum	296.41	299.71	300.00
Height (m) - maximum	7.43	7.20	7.60
Storeys - maximum	2	2	2
Basement	Yes	Yes	Permitted
Site coverage % - maximum	32.53	31.43	40.40
Setbacks (m) – minimum:			
Front	3.05*	7.50	7.50
Rear	7.50	9.30	7.50 - Lot A 9.03 - Lot B
Side (West)	6.70	1.58	3.0 - Lot A 1.50 - Lot B
Side (East)	1.50*	N/A	1.97 - Lot A

Zoning Criteria	Proposal Lot A	Proposal Lot B	Zone Standard R1-B
Side (flanking street)	N/A	3.58	3.50 – Lot B
Combined side yards	8.20	5.16	4.50
Parking - minimum	1	1	1
<b>Accessory Building</b>			
Location	Rear	Rear	Rear Yard
Combined floor area (m <sup>2</sup> ) - maximum	20.72	28.16	37.00
Height (m) - maximum	3.46	3.44	3.50
Rear setback (m) - minimum	0.60	0.60	0.60
Side setback (m) - minimum	0.60	0.60	0.60
Flanking street (m) - minimum	n/a	<b>7.31*</b>	7.50
Separation space from main building - minimum	2.47	3.20	2.40
Rear yard site coverage (%) - maximum	16.86	24.90	25.00

## Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, on May 4, 2017 the application was referred for a 30-day comment period to the Fairfield Gonzales CALUC. Letters dated May 5, May 26 and July 6, 2017 are attached to this report.

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

### Regulatory Considerations

#### Street Line Variances for Lots A and B

The applicant is proposing to have the regulations varied to have the front yard setbacks be measured from the property line along Thurlow Road. This is a proposed relaxation from the standard calculation of the street line with respect to setbacks for irregular lots, which uses the line closest to the street of the largest rectangle that can be inscribed in the lot. From this line, the front yard setbacks are measured. Due to the angle of the front of the lots, this would effectively eliminate the buildable area for proposed Lot A, and greatly reduce it for Lot B; however, the proposed siting of the houses respects the similar setback pattern of the neighbouring houses, and for this reason, staff recommend the variance is supportable.

#### Front Yard Variance for Lot A

The applicant is proposing to reduce the front yard setback for Lot A from 7.50m to 3.05m. As the proposed lot is shallow, a 7.5m rear yard setback would result in very little buildable area.

This variance is considered supportable given the general consistency with the siting of the neighbouring houses.

#### Side Yard Variance for Lot A

The east side yard setback would be reduced for Lot A from 1.97m to 1.50m. This side yard setback requirement increases as a percentage of the lot width (1.50m or 10% of lot width). As Lot A is wider than a typical residential lot, it has a higher than typical side yard setback requirement. The proposed siting allows for a wider setback on the west side to accommodate the larger turning radius required for the angled driveway crossing. The combined side yard setbacks is 8.20m, which is almost double the minimum required of 4.50m. Given these factors, staff recommend for Council's consideration that the variance is supportable.

#### Lot Width Variance for Lot B

A reduction in the lot width from 15.00m to 13.70m is proposed for Lot B; this is required to enable Lot A to "capture" enough area to meet the minimum lot area requirements in the R1-B Zone. With the exception of a minor setback variance for the accessory building, the design of the proposed dwelling adequately accommodates this narrower lot width. The variance is considered supportable because the proposed siting of the building maintains appropriate massing in relation to the street and neighbouring houses.

#### Flanking Street Setback for Accessory Building on Lot B

The applicant is proposing to reduce the minimum flanking street setback of an accessory building from 7.50m to 7.31m. The depth of the garage is designed to meet the minimum off-street parking stall depth requirement. Given the minor scale of this request, the variance is recommended as supportable.

### **Tree Preservation and Urban Forest Management**

There are four bylaw protected trees on this property, three of which the applicant is proposing to remove. The applicant has provided three arborist reports, including an exploratory excavation report which provides details on the rationale for the removal of the bylaw protected trees, and measures to mitigate the impact on the remaining trees. The applicant will be required to replant six new trees to compensate for the removal of the three protected trees. The replacement tree species would be determined by Parks Department staff.

The arborist report dated May 22, 2017 and the exploratory excavation report determined that construction of the garage on Lot B would not be critical to the health of the bylaw protected Cedar tree on the adjacent property (at 414 Durban Street). In order to minimize potential root disturbance, a grade beam design will be used to build the garage foundation from the existing grade.

The proposal includes permeable paving for the patio and driveway material in order to mitigate the potential impacts on municipal boulevard trees, as well as, the bylaw protected Cedar tree on the adjacent property to the rear.

The applicant would be required to comply with the arborist report. This includes arborist supervision during demolition and excavation. Staff would also require a follow-up report to confirm compliance and provide an assessment of the protected Cedar tree on the adjacent property.

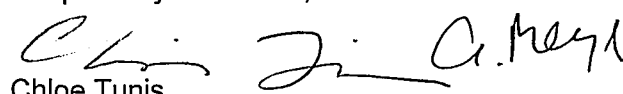
## CONCLUSIONS

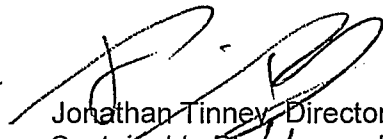
The proposal to subdivide the existing lot and construct two new single-family dwellings requires several variances associated with the proposed lots and proposed buildings. The irregular shape of the lot limits the ability to build on the existing lot within the regulations. The variances are considered supportable because they will not have a substantial impact on the neighbouring properties, and the siting of the proposed buildings is generally consistent with the context of the neighbouring properties. Staff recommend that Council consider supporting this application.

## ALTERNATE MOTION

That Council decline Development Variance Permit Application No.000190 for the property located at 1358-1360 Thurlow Road.


Respectfully submitted,

  
Chloe Tunis  
Planning Technician  
Division

  
Jonathan Tinney, Director  
Sustainable Planning and Community  
Development Department

Report accepted and recommended by the City Manager:

Date:

  
July 19, 2017

### List of Attachments:

- Attachment A: Subject Map
- Attachment B: Aerial Map
- Attachment C: Plans dated/date stamped June 22, 2017
- Attachment D: Letter from applicant to Mayor and Council dated July 12, 2017
- Attachment E: Community Association Land Use Committee Comments dated May 5, 2017, May 26, 2017, July 6, 2017
- Attachment F: Arborist report dated March 8, 2017
- Attachment G: Updated arborist report dated May 22, 2017
- Attachment H: Arborist exploratory excavation report date June 15, 2017