



Committee of the Whole Report

For the Meeting of July 6, 2017

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

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

Subject: **Development Permit with Variances Application No. 00538 for 335 Moss Street**

RECOMMENDATION

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. 00538, if it is approved, consider the following motion:

"That Council authorize the issuance of Development Permit with Variances Application No. 00538 for 335 Moss Street, in accordance with:

1. Plans date stamped May 19, 2017.
2. Development meeting all *Zoning Regulation Bylaw* requirements, except for the following variances for the Existing Dwelling:
 - i. Part 1.2.5 (c) - reduce the minimum required side yard setback from 3.00m to 1.30m
 - ii. Part 1.2.5 (d) – reduce the minimum required combined side yard setback from 4.5 m to 3.1m.
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*. 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 335 Moss

Street. The proposal is to subdivide and create one small lot, while retaining the existing house on a regular sized lot. The variances are related to reducing the side yard setback, and combined yard setback for the existing house.

The following points were considered in assessing the application:

- the proposal is consistent with the Traditional Residential Urban Place Designation and objectives for sensitive infill development in the *Official Community Plan 2012 (OCP)*
- the proposal is consistent with the policies and design guidelines specified in the *Small Lot House Rezoning Policy, 2002*, and the applicant would be retaining the existing multi-family conversion
- the proposal is consistent with the *Suburban Neighbourhoods Plan, 1984* which considers rezoning in instances where there is undeveloped land, and infill development is appropriate, and the development will reinforce the local character and scale of the neighbourhood
- the requested variances associated with the existing house at 335 Moss Street are to reduce the side yard setbacks. These variances are supportable given that the building is existing and the proposed setbacks would not further disrupt the established pattern of structures, privacy, access to sunlight and views of the neighbouring properties.

BACKGROUND

Description of Proposal

This Rezoning Application is to subdivide and create one small lot while retaining the existing house on a regular lot.

The details for the proposed small lot house include:

- two-storey building
- design elements and roofline that fits in with the neighbourhood context
- the exterior materials include cedar shingles, asphalt shingles, fibre cement panel on the roof and wood guard rails
- permeable surface treatment on the driveway and patio landscaping
- new hard and soft landscaping.

The proposed variances are related to the existing house, which would be triggered by introducing the new lot line and would:

- reduce the side yard setback to the south
- reduce the combined side yard setbacks.

Sustainability Features

As indicated in the applicant's letter dated November 7, 2016 the following sustainability features are associated with this application: additional landscaping and permeable paving, as well as, several energy and water saving features for the new small lot house.

Existing Site Development and Development Potential

The site is presently a four-unit house conversion. Under the current R1-B Zone, the property could be developed as a single-family dwelling with a secondary suite.

Data Table

The following data table compares the proposal with the existing R1-B Zone for the existing house, and the R1-S2 Zone for the proposed small lot house. An asterisk is used to identify where the proposal is less stringent than the existing zone.

Zoning Criteria	Proposed Dwelling	Zone Standard R1-S2	Existing Dwelling	Zone Standard R1-B
Site area (m ²) - minimum	335.30	260.00	543.00	460.00
Density (Floor Space Ratio) - maximum	0.47:1	0.6:1	n/a	n/a
Total floor area (m ²) - maximum	158.30	190.00	420.60 (existing non-conforming)	300.00
Lot width (m) - minimum	10.00	10.00	16.12	15.00
Height (m) - maximum	7.31	7.50	10.60 (existing non-conforming)	7.60
Storeys - maximum	2	2	2.5 (existing non-conforming)	2
Site coverage % - maximum	30.80	40.00	32.00	40.00
Setbacks (m) – minimum:				
Front	6.80	6.00	8.10	7.50
Rear	6.40	6.00	8.10 (existing non-conforming)	8.38
Side (north)	1.50	1.50	1.80	1.61
Side (south)	3.0	2.40	1.30*	3.00
Combine Side Yard	n/a	n/a	3.10*	4.50
Parking - minimum	1	1	1 (existing non-conforming)	4

Community Consultation

Consistent with the *Community Association Land Use Committee (CALUC) Procedures for Processing Rezoning and Variances Applications*, the applicant has consulted the Fairfield CALUC at a Community Meeting held on October 20, 2016. A letter from the CALUC dated October 20, 2016 is attached.

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

Development Permit Area and Design Guidelines

The proposal is consistent with policies and design guidelines specified in the *Small Lot Housing Rezoning Policy*. The design of the small lot house reflects the character along Moss Street while introducing some subtle modern features such as large windows along the front and rear of the house. The pitched roof above the entrance and porch is in keeping with the existing street context and helps to accentuate the entrance.

The proposal retains the rock wall along the street frontage which is characteristic of the neighbourhood and neighbouring properties. In addition, the proposal would add hedges and trees around the perimeter. A cedar fence around the backyard delineates the yard of the small lot. Permeable pavers would be used for the driveway and patio areas.

Local Area Plans

The *Suburban Neighbourhoods Plan, 1984* considers rezoning in instances where there is undeveloped land and infill development is appropriate, and the development will reinforce the local character and scale of the neighbourhood. The proposal reinforces and builds upon the existing house and neighbourhood character and scale.

Regulatory Considerations

The following variances from the R1-B Zone, associated with the existing house are being proposed, which would:

- reduce the minimum side yard setback from 3.00m to 1.30m
- reduce the minimum combined side yard setback from 4.50m to 3.10m.

The window protrusion on the south side of the existing house extends into the side yard setback; this bay window adds character to the house and is proposed to be maintained. Privacy considerations have been made in designing the new house, such as reducing the number and size of windows along the north side.

CONCLUSIONS

The proposal to construct a new small lot house along with the requested two variances is consistent with Development Permit Area 15A: Intensive Residential – Small Lot. The small lot house is a form of sensitive infill development and generally fits in with the existing neighbourhood. Staff recommend that Council consider supporting this Application.

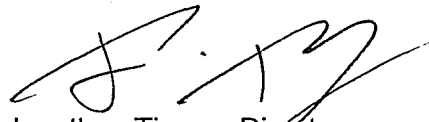
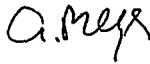
ALTERNATE MOTION

That Council decline Development Permit with Variances Application No. 00538 for the property located at 335 Moss Street.

Respectfully submitted,



Chelsea Medd
Planner
Development Services Division



Jonathan Tinney, Director
Sustainable Planning and Community
Development Department

Report accepted and recommended by the City Manager:



Date: June 30, 2017

List of Attachments:

- Subject Map
- Aerial Map
- Plans date stamped May 19, 2017
- Letters from applicant to Mayor and Council dated November 7, 2016 and May 18, 2017
- Fairfield CALUC meeting minutes
- Small Lot House Rezoning Petition.