

ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: September 8, 2020
RE: Public Hearing Report – Zoning Amendment – 39 – 14 th Avenue

ISSUE

A report on the public hearing for a zoning amendment at 39 – 14th Avenue to allow for the development of a living suite in the Restricted Residential Detached (RR) zone.

REFERENCE

- 2010 Official Community Plan
- Zoning Bylaw 2012-20

HISTORY

The owner of the property located at 39 – 14th Avenue would like to build a living suite in their single detached home. A living suite is a separate, self-contained dwelling unit within a single detached house. The applicant has requested a zoning amendment from RR to RR(x) with the special modification being to allow living suites as a secondary use.

The subject property was created as part of a broader City-led infill project in 2011, along with three adjacent lots that are also zoned RR.

Bylaw 2020-25 received 1st Reading on July 13th. Notices were published in the newspapers on July 17th and 24th. A total of 23 letters were sent to property owners within 100m of the subject property. The Government of Yukon Land Department, Kwanlin Dün First Nation, and Ta'an Kwäch'än Council were also notified by mail of the proposed amendment.

A public hearing was held on August 10, 2020. Due to the COVID-19 pandemic, Council chambers was closed to the public. Input was received through email and posted to the City's website. Three written submissions were received. Two were in support, from the proponent and the neighbouring property owner. One was opposed, signed by seven nearby residents.

The following issues were raised:

- Change in neighbourhood character
- The City's rezoning process
- Improper use of the Public Utility Lane (PUL) adjacent to the property
- Contravention of City Bylaws
- Insufficient on-site parking
- Support for the amendment

ALTERNATIVES

1. Proceed with second and third reading under the bylaw process.
2. Amend the bylaw at second reading.
3. Do not proceed with second and third reading.

ANALYSIS

Change in neighbourhood character

One submission raised the concern that allowing a suite on this RR zoned property would create inconsistency with the existing character of the neighbourhood.

The subject lot is in Porter Creek, where there are approximately 1,300 single detached lots. 95% of these lots, including those on the opposite side of the street from the subject property, are zoned Residential Single Detached (RS)

The RR zone has a very limited range of uses. It only permits single-detached housing and parks as principal uses, and accessory buildings and minor home based businesses as secondary uses. In comparison, the RS zone allows a wider range of uses and dwelling types such as duplexes, triplexes, secondary suites, B&Bs, residential care homes, etc.

This demonstrates that a living suite would be consistent with the existing uses that are allowed for most properties in the neighbourhood, therefore if the proposed amendment is approved it is unlikely to have a significant impact on the character of the area.

The City's rezoning process

One submission raised concerns around the appropriateness of rezoning properties in general.

Under Section 15.2.2 of the City's Zoning Bylaw, any property owner in the City may apply to have the zoning of their property amended.

Under Section 15.3.2 of the Zoning Bylaw, every rezoning application is analyzed based on: compliance with the Official Community Plan (OCP) and other approved City plans and policies; relationship to and impact on surrounding area; necessity of the zoning change to meet the applicant's stated objectives; and concerns raised by area residents and landowners. For each rezoning application, this information is used to produce an Administrative recommendation to Council.

If Council approves the proposed amendment, it would not set a precedent for similar future zoning amendments, as each application is considered on its own merits.

Improper use of the PUL adjacent to the property

One submission raised concerns about property owners using the public utility lot (PUL) adjacent to the subject property as a means of access.

This PUL is the location of City-owned water and sewer infrastructure, and ATCO has underground and overhead electrical infrastructure in the area. The PUL has been informally used as vehicle access for a long period of time, but these utilities have not been designed to be located in a road or lane. A gate and fence is required to restrict

access to this PUL. Funding for the gate and fence was proposed in the 2022 provisional budget in the amount of \$15,000, but was unable to be funded. The project has not been proposed in the most recent capital budget.

Contravention of City Bylaws

One submission raised concerns around City bylaws not being followed on the subject property, including the current presence of a living suite.

There are no outstanding bylaw infractions associated with the subject property. City staff have recently completed an inspection of the premises, and confirmed that there is no current living suite.

Insufficient on-site parking

One submission raised concern around whether the subject property had sufficient on-site parking for a living suite.

Section 7.3.6 of the Zoning Bylaw requires that each living suite developed in the City must have a dedicated off-street parking space. The property owners would be required to submit a site plan showing all proposed parking spaces as part of the development permit process.

Support for the Amendment

One submission supporting the amendment expressed that allowing a living suite on this property would support aging in place in the short term and housing affordability in the longer term. It also stated no concerns regarding traffic, parking, or negative impact on property values.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2020-25, a bylaw to amend the zoning of 39 – 14th Avenue to allow living suites as a secondary use, be brought forward for consideration under the bylaw process.