

ADMINISTRATIVE REPORT

TO: Planning Committee
FROM: Administration
DATE: October 3, 2022
RE: Zoning Amendment – 11 Oak Street

ISSUE

An application to amend the zoning at 11 Oak Street from RS – Restricted Single Detached to RSx – Restricted Single Detached (modified) to reduce the rear yard setback to 0.9 metres to allow the conversion of an existing accessory structure into a garden suite.

REFERENCES

- [2010 Official Community Plan](#)
- [2040 Proposed Official Community Plan \(August 2022\)](#)
- [2022-2024 Strategic Priorities](#)
- [Zoning Bylaw 2012-20](#)
- Location Map (Appendix A)
- Proposed Zoning Amendment Bylaw 2022-38

HISTORY

The owners of 11 Oak Street have applied to rezone their property from RS – Restricted Single Detached to RSx (modified) to reduce the rear yard setback to 0.9 metres to allow the conversion of a detached garage into a garden suite. A garden suite is a secondary dwelling unit located on a lot where the principal use is either single detached housing or a fee simple duplex.

There is currently a detached garage on the property that the proponents intend to convert into a garden suite. The detached garage is on a concrete pad 0.9 metres from the rear property line which is within the rear yard setback of 3.0 metres. The garage already has a separate electrical panel, separate heating source, private driveway, and an off-street parking space. Moving it to come into compliance with the 3.0 metre rear yard setback would require knocking the structure down and would be cost prohibitive.

On June 15, 2022, the rezoning application was reviewed by the Development Review Committee (DRC) and the DRC had some recommendations. The DRC recommended that the proponent discuss allowable clearances under the Canadian electrical regulations with ATCO and to ensure that the potential financial costs to meet the Building Code were acceptable. The proponent considered the DRC's recommendations and agreed to proceed with the zoning amendment.

The proposed schedule for the Zoning Bylaw amendment is:

Planning Committee:	October 3, 2022
First Reading:	October 11, 2022
Newspaper Ads:	October 14 and October 21, 2022

Public Hearing:	November 14, 2022
Report to Committee:	December 5, 2022
Second and Third Reading:	December 12, 2022

ALTERNATIVES

1. Proceed with the amendment under the bylaw process; or
2. Do not proceed with the amendment.

ANALYSIS

Site Context

The subject property is located on Oak Street in the Porter Creek neighbourhood (Appendix A). Properties surrounding the subject property are also zoned RS. Rezoning the subject property to RSx (modified) to reduce the rear yard setback to allow the conversion of an existing garage into a garden suite would not contrast with the surrounding area as there are existing accessory structures in the neighbourhood that are also located close to the property lines. In addition, the only exterior change proposed is to replace the existing garage door with a bay window. The bay window would face towards the existing dwelling on the lot, and away from the neighbouring properties. Privacy would be maintained as there is an existing wooden fence around the property and there are no windows on the rear or east side of the existing garage which are closest to the neighbouring properties. Garden suites are also required to have a gross floor area of 100 m² or less and a height of 7.0 metres or less and therefore can resemble accessory structures.

2010 Official Community Plan, Proposed Official Community Plan (August 2022) and 2022-2024 Strategic Priorities

The subject lot is designated as Residential – Urban in the 2010 Official Community Plan (OCP), as well as the proposed 2040 OCP, which allows for a variety of residential development in close proximity to services and amenities. The rezoning will align with the intent of the OCP policies which promote a compact development pattern city-wide to ensure existing infrastructure is used most efficiently. The rezoning also aligns with policies supporting the creation of inclusive neighbourhoods by providing a diversity of housing types that may be accessible to a wide range of people.

The proposal also aligns with Council's 2022-2024 Strategic Priority to improve housing supply and to ensure a variety of housing within the City.

Zoning Bylaw

The purpose of the RS zone is to provide single-detached housing on urban lots with a broad range of residential related uses. It permits single-detached, duplex, and triplex housing as well as garden and living suites as secondary uses. The RS zone has a minimum rear yard setback of 3.0 metres.

The Zoning Bylaw regulations ensure garden suites remain secondary to the principal residence and have a low impact to the surrounding neighbourhood. A garden suite on the subject property would have minimal impact to the surrounding neighbourhood from a residential character, traffic, parking, or privacy perspective considering the required

maximum gross floor area and height which limit the number of people able to be accommodated by this secondary use. Additionally, the structure already exists and conversion of a detached garage into a garden suite would require minimal exterior changes.

ADMINISTRATIVE RECOMMENDATION

THAT Council direct that Bylaw 2022-38, a bylaw to amend the zoning of 11 Oak Street to reduce the rear yard setback to allow a garden suite, be brought forward for consideration under the bylaw process.