

## ADMINISTRATIVE REPORT

<b>TO:</b> Planning Committee
<b>FROM:</b> Administration
<b>DATE:</b> November 7, 2022
<b>RE:</b> Public Hearing Report – Zoning Amendment - 12 Sybil Circle

### ISSUE

Public Hearing Report on a bylaw to amend the zoning at 12 Sybil Circle from RR – Restricted Residential Detached to RRx – Restricted Residential Detached (modified) to allow a garden suite as a secondary use.

### REFERENCES

- [Zoning Bylaw 2012-20](#)
- Proposed Zoning Amendment Bylaw 2022-37

### HISTORY

The owners of 12 Sybil Circle have applied to rezone the property from RR – Restricted Residential Detached to RRx – Restricted Residential Detached (modified) to allow a garden suite as a secondary use.

Bylaw 2022-37 received First Reading on September 12, 2022. Public Hearing notifications were sent out in accordance with the Zoning Bylaw 2012-20, including:

- Newspaper advertisements were posted in the Whitehorse Star and Yukon News on September 16 and September 23, 2022;
- Email notifications were sent to the Government of Yukon Land Management Branch, Kwanlin Dün First Nation, and Ta'an Kwäch'än Council;
- Mail notifications were sent to property owners within 100 m of the subject site; and
- A notice sign was placed on the subject site.

A public hearing for this item was held on October 11, 2022. One written submission with concerns was received and the proponent spoke at the public hearing.

### ALTERNATIVES

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

### ANALYSIS

The following matters were raised in the submissions:

- Privacy concerns;
- Impacts to residential character;
- Impacts on sunlight; and

- Impacts on the value of the adjacent property.

### **Privacy concerns**

The submitter raised concerns that the location and height of the garden suite, which can be up to 7.0 m, as well as additional residents accommodated by the garden suite, may decrease the level of privacy on the neighbouring property.

It is noted that sections 6.7.5 and 6.7.6 of the Zoning Bylaw has requirements to minimize privacy impacts on neighbouring properties from garden suites. Of note, garden suites are subject to the requirements applicable to principal uses in the zone. More specifically to side yard setbacks, the RR zone has a minimum side yard setback of 3.0 m on one side and 1.5 m on the other side. A Development Officer may however relax one side yard setback to 0.6 m for a garden suite if it is under 4.5 m in height. If the side yard setback is reduced to 0.6 m, it would however require that no doors be permitted on the side of the building facing the reduced side yard setback, and windows would need to be placed to minimize overlook onto adjacent properties. The Development Officer can also require additional provisions to preserve the privacy of adjacent properties.

The owner also noted at the public hearing that if there were to be windows facing the neighbouring property, privacy glass would be used in order to maintain the privacy of the neighbours.

It is however acknowledged that garden suites are currently prohibited in the RR zone and that allowing the use would result in additional overlooking impacts over and above what could be reasonably expected to occur on a property within this zone, even when considering the above garden suite requirements.

### **Impacts to residential character**

The submitter raised concerns that a garden suite may impact the residential character of the adjacent property.

Under section 6.7.4, the Zoning Bylaw has a requirement that garden suites shall be designed, sited, constructed, finished, and sided in a manner that is visually compatible with the residential character of the principal residence. Additionally, the height and size restrictions for garden suites ensure they resemble accessory structures in nature, which are already permitted on the property. Furthermore, properties across the street are zoned RCS2 – Comprehensive Residential Single Family 2 which allow garden suites. It is therefore not expected that a garden suite on the subject property would detract from the residential character of the broader neighbourhood.

### **Impacts on sunlight**

The submitter also raised concerns that the location and height of the garden suite may impact the amount of sunlight on the adjacent property.

Garden suites are permitted to be up to 7.0 m in height. Accessory structures are however only permitted to be up to 6.0 m in height. A garden suite, if built to 7.0 m in height, may therefore produce more shadow impacts than what is already permitted on the property from an accessory building.

At the public hearing, the owner expressed that the garden suite would be at the rear of the property. They acknowledged that the garden suite would cast a shadow onto the

neighbour's backyard however they do not expect that the shadow will cast far enough into the middle of the property to significantly impact the neighbour's patio. They also noted that for portions of the day, the house already casts a shadow into their backyard.

### **Decrease the value of the adjacent property**

The submitter raised concerns that the garden suite may decrease the value of the neighbouring property. As previously noted, the Zoning Bylaw has requirements that limit the height, size, and design of garden suites to restrict the number of people that can be accommodated by it and to mitigate potential privacy, residential character, and sunlight impacts. The value placed on privacy, residential character, and sunlight are subjective and vary from purchaser to purchaser.

### **Summary**

A garden suite on the subject property is unlikely to cause significant impacts to the greater Whistle Bend neighbourhood, however it is acknowledged that there may be potential impacts to the adjacent properties.

Administration is therefore recommending to amend the proposed zoning amendment bylaw to limit potential privacy and sunlight impacts on the adjacent properties. The proposed amendment would require that garden suite entryways, doorways, and windows be prohibited from facing the side yard property lines in order to maintain the privacy of the neighbours. Additionally, Administration is recommending that the height of a garden suite be restricted to a maximum of 6.0 m which is consistent with the maximum height permitted for accessory structures, in order to limit sunlight impacts to what is already allowed on the property.

### **ADMINISTRATIVE RECOMMENDATION**

THAT Council direct that Bylaw 2022-37, a bylaw to amend the zoning of 12 Sybil Circle to allow a garden suite as a secondary use, be amended to prohibit garden suite entryways, doorways, and windows from facing the side yard property lines, and restrict the maximum height of a garden suite to 6.0 m, be brought forward at second and third reading under the bylaw process.