

## **ADMINISTRATIVE REPORT**

<b>TO:</b> Planning Committee
<b>FROM:</b> Administration
<b>DATE:</b> December 5, 2022
<b>RE:</b> Public Hearing Report – 11 Oak Street

### **ISSUE**

Public Hearing Report on a bylaw 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 m to allow the conversion of an existing accessory structure into a garden suite.

### **REFERENCES**

[Zoning Bylaw 2012-20](#)

[2040 Proposed Official Community Plan \(November 2022\)](#)

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 – Restricted Single Detached (modified) to reduce the rear yard setback to 0.9 m 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.

Bylaw 2022-38 received First Reading on October 11, 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 October 14 and October 21, 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 metres of the subject site; and
- A notice sign was placed on the subject site.

A public hearing for this item was held on November 14, 2022. One written submission was received in support, with some concerns expressed. The proponent also spoke at the public hearing but did not make any comments relating to the zoning amendment.

### **ALTERNATIVES**

1. Proceed with the second and third readings under the bylaw process; or
2. Amend the Bylaw at Second Reading.

## **ANALYSIS**

The following matters were raised in the public submissions:

- On-street parking;
- Short-term rental use; and
- Other

### **On-street parking**

The submitter raised concerns that the rental of the proposed garden suite could potentially increase on-street parking in the area. Of particular concern was that, in the winter, the snow causes vehicles parked on the street to move further into the roadway which causes a hazard.

The Zoning Bylaw specifies the number of parking spaces required for different types of residential developments. Single detached houses must provide one off-street parking space per dwelling unit. The subject property, with the addition of a garden suite, would therefore be required to provide two off-street parking spaces. The subject property would meet the parking requirements even with the addition of a garden suite, as three off-street parking spaces are currently provided.

### **Short-term rental use**

The submitter raised concerns about the potential use of the garden suite for short-term rentals.

The Zoning Bylaw does not currently provide any controls for short-term rentals.

### **Other**

Administration also notes that there was an error in the original wording of the proposed zoning bylaw amendment. As written, the bylaw would allow a rear yard setback of 0.9 m for all development on the subject property. If the principal residence were to be redeveloped or expanded, this reduction may cause adverse impacts on surrounding properties that have not been considered in the zoning bylaw amendment process. The intent of the zoning bylaw amendment is to only reduce the rear yard setback for a garden suite. Administration is therefore recommending that the proposed zoning amendment bylaw be amended to limit the reduction of the rear yard setback to 0.9 m for a garden suite only.

## **ADMINISTRATIVE RECOMMENDATION**

THAT Council direct that Bylaw 2022-38, a bylaw to amend the zoning of 11 Oak Street from RS – Restricted Single Detached to RSx – Restricted Single Detached (modified) to reduce the rear yard setback to 0.9 m, be amended to reduce the rear yard setback to 0.9 m only for a garden suite, be brought forward at second and third reading under the bylaw process.