

Subject: Bylaw No. 20/002 - Land Use Bylaw Amendment - Re-designating Former Lot 1, Block 1, Plan 182 1793 from R1M - Mixed Form Single Detached Residential District to R1S - Single Family Small Lot Residential District

APPROVALS:

Annette Antoniak

Director

Chief Administrative Officer

Recommended Motion:

1. THAT Bylaw No. 20/002, being a Land Use Bylaw No. 99/059 amendment specific to re-designating former Lot 1, Block 1, Plan 1821793 from R1M - Mixed Form Single Detached Residential District to R1S - Single Family Small Lot Residential District, be read a second time.
2. THAT Bylaw No. 20/002 be read a third and final time.

Summary:

The Planning and Development Department has received an application to amend the Land Use Bylaw 99/059 to re-designate former Lot 1, Block 1, Plan 182 1793 (the "Subject Property") addressed as 9102 McPhee Street from R1M - Mixed Form Single Detached Residential District to R1S - Single Family Small Lot Residential District. Administration supports the application.

Background:

The Subject Property is located within the Waterways neighbourhood and is adjacent to single-family residential development and undeveloped parks space (Saline Creek). Prior to the 2016 wildfire, both the Subject Property (9102 McPhee Street; designated R1M - Mixed Form Single Detached Residential District) and an adjacent property (108 Cote Bay; designated R1S - Single Family Small Lot Residential District), had established single detached dwellings. Both houses were destroyed in the wildfire. A map showing existing land use districts and the location of these properties is attached (Schedule "A" to the proposed Bylaw).

Through the rebuild process, the owner of the Subject Property purchased the lot at 108 Cote Bay (Lot 16, Block 36, Plan 812 0033) and in 2019 consolidated both lots to form

one parcel (consolidated parcel Lot 34, Block 36, Plan 192 0472). This consolidation resulted in a single lot with two land use designations.

In July 2018, the owner of both parcels commenced an application for a development permit for a single-family detached dwelling on the consolidated parcel, which was granted under the Wildfire Recovery Overlay (Bylaw No.17/006).

Following the development permit approval, the owner applied to subdivide the consolidated parcel into two lots. Due to the presence of a steep hill crossing through the middle of the site, access to the proposed lower lot would be via 108 Cote Bay, while the proposed upper lot would be accessed via McPhee Street. Due to the title consolidation, the proposed new lower lot would have had two land use designations, R1M and R1S.

Where a lot is "split zoned" (having two land use designations), regulations under each of the land use districts apply to the original designated areas, which could be impractical and confusing given the different regulations in each of the R1S and R1M districts.

It is therefore recommended that the consolidated parcel have one land use designation, hence the request to redistrict the property. Schedule "B" to the proposed Bylaw (Attachment 1) illustrates the proposed R1S District for the entirety of the consolidated parcel.

On August 13, 2019, the applicant hosted an open house for the proposed land use amendment at Holy Trinity School in Timberlea. No concerns with the proposed amendment were received.

Rationale for Recommendation:

The R1M District cannot be applied to the portion of the consolidated parcel along Cote Bay as this portion does not meet the minimum required lot width in that district. Applying the R1S designation to the Subject Parcel portion of the consolidated parcel is a more suitable approach, as the consolidated parcel would then meet the minimum lot requirements for the R1S district.

Administration supports the proposed Land Use Bylaw amendment and recommends that the proposed bylaw amendment, as appended in Attachment 1, be given first reading prior to a scheduled public hearing.

Strategic Priorities:

Responsible Government

Attachments:

1. Bylaw No. 20/002 - Land Use Bylaw Amendment Site Specific R1M to R1S