

C/W July 13/09

DISTRICT OF SAANICH

Mayor
Council Office
Administrator
Com. Assoc.
Applicant
Front Counter
Notices

Report To: MAYOR AND COUNCIL
Date: JUNE 24, 2009
From: RUSS FUOCO, DIRECTOR OF PLANNING
Subject: SUBDIVISION AND DEVELOPMENT VARIANCE PERMIT APPLICATION. REQUEST TO WAIVE 10% ROAD FRONTAGE REQUIREMENT
FILE: SUB00593; DVP00271

Project Details

Project Proposal: The applicant proposes to subdivide to create one additional lot under current RS-12 (Single Family Dwelling) zoning. A variance is requested for reduced lot width for the proposed new lot and a waiver of the 10% road frontage requirement is required for the remainder parcel.

Address: 4305 Gordon Head Road

Legal Description: Lot B, Section 45, Victoria District, Plan VIP73834

Owner: Patrick and Suzanne Bulmer

Applicant: Patrick Bulmer

Application Received: March 13, 2009

Parcel Size: 3949 m²

Existing Use of Parcel: Single Family Dwelling

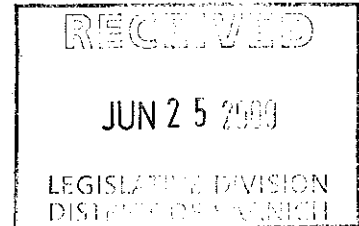
Existing Use of Adjacent Parcels: North: Single Family Dwelling (RS-16)
South: Single Family Dwelling (RS-16)
East: Single Family Dwelling (RS-16)
West: Single Family Dwelling (RS-12)

Current Zoning: RS-12 (Single Family Dwelling Zone)

Minimum Lot Size: Standard Lot – 930 m²; Panhandle Lot – 1300 m² (excluding area within access strip)

Proposed Zoning: Unchanged

Proposed Minimum Lot Size: 930 m²



Local Area Plan: Gordon Head Local Area Plan

LAP Designation: General Residential

Community Assn Referral: Gordon Head Residents Association - May 6, 2009

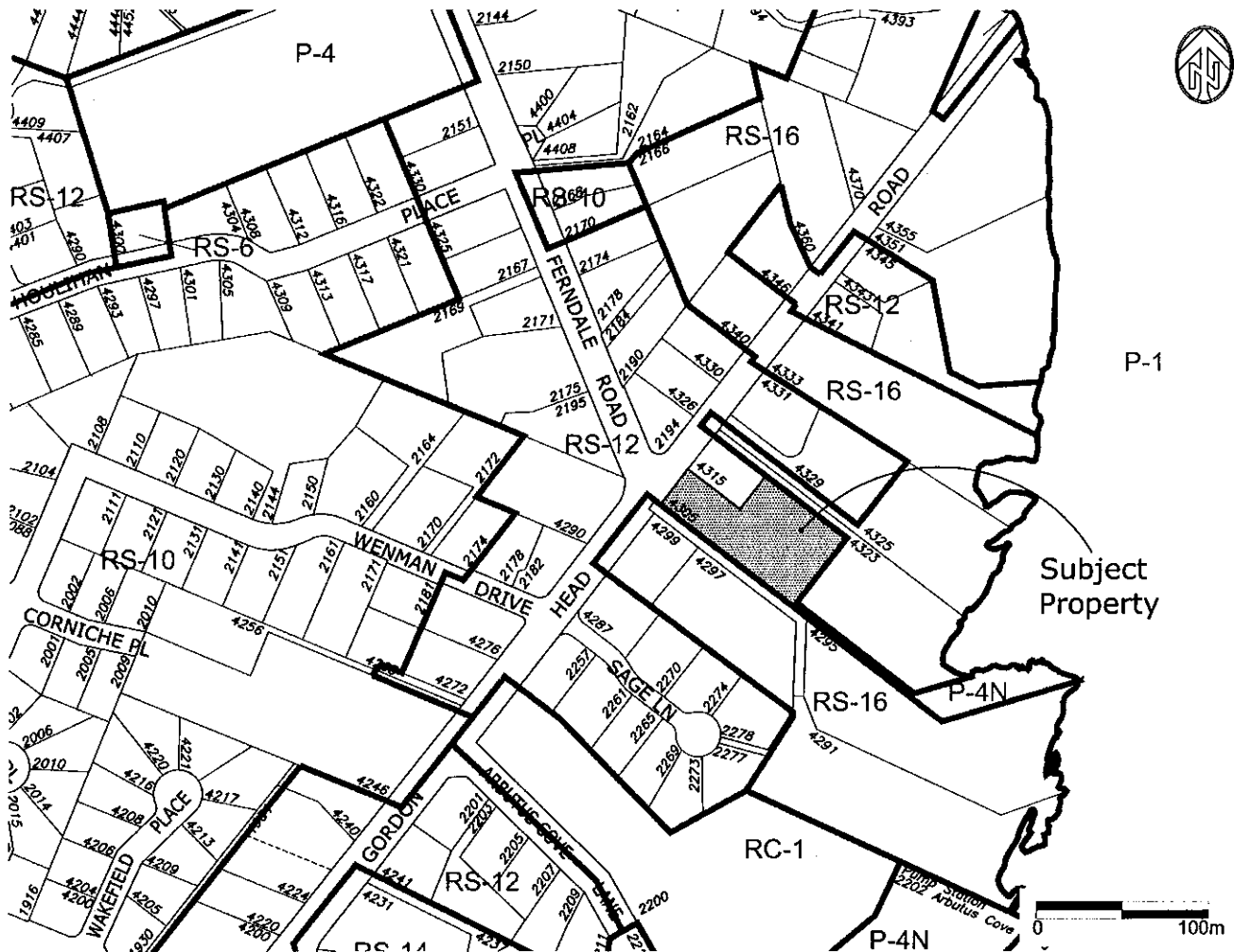


Figure #1: Location/Neighbourhood Context

Proposal

The applicant has applied for subdivision under current RS-12 zoning to create one additional 930 m² lot for single family dwelling use. An existing heritage registered dwelling and a heritage "summer house" would be retained on the 3020 m² panhandle remainder lot. A Development Variance Permit is requested for reduced lot width for proposed Lot 1. (Figure #2).

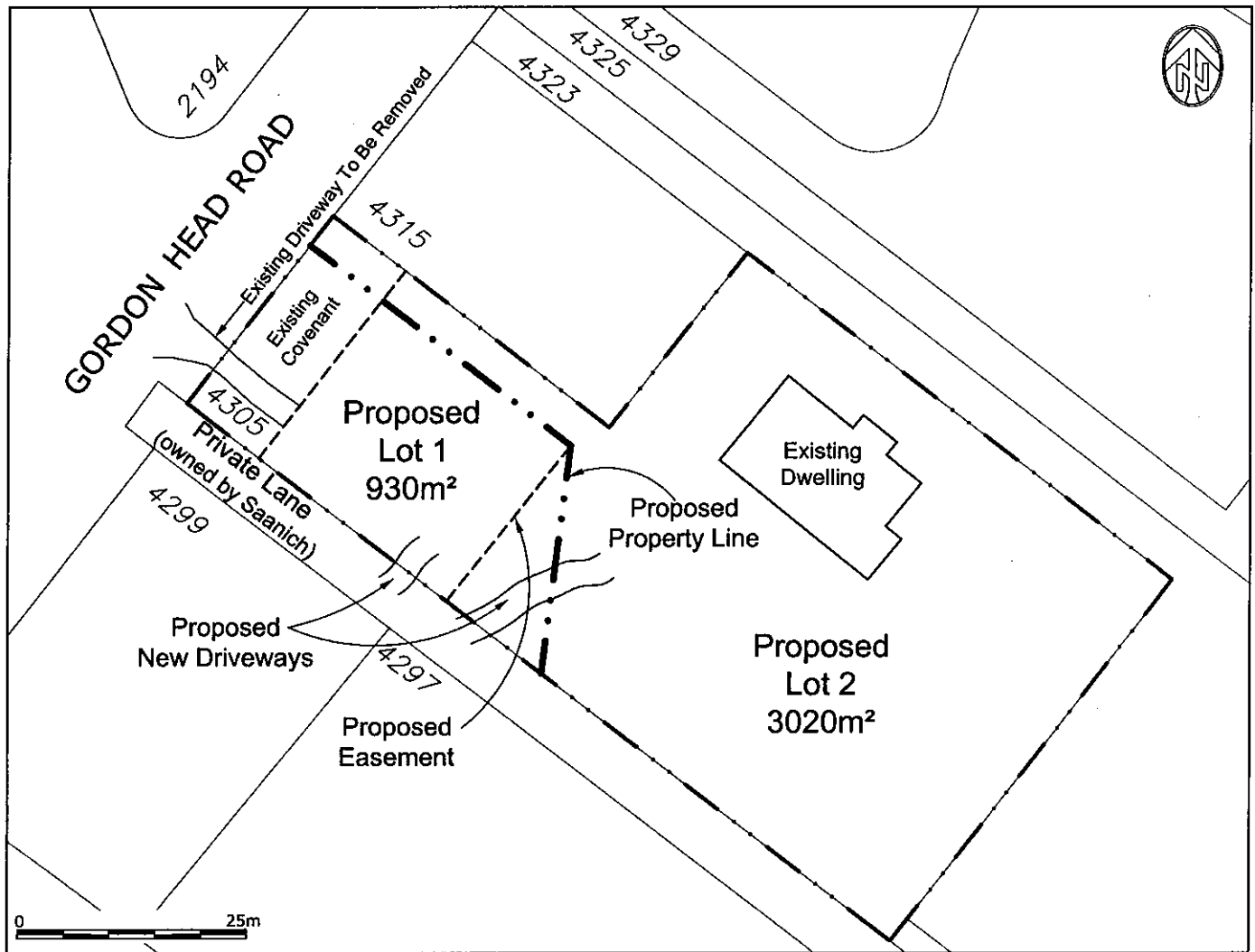


Figure #2: Tentative Subdivision

Planning Policy

The relevant policies from the Gordon Head Local Area Plan are:

- 5.1 *Maintain single family housing as the principle form of development.*
- 5.11 *Refer to the 4200/4300 Block Gordon Head Road Planning Study guidelines when considering rezoning and subdivision applications within the study area.*

The applicable guidelines from the 4200/4300 Block Gordon Head Road Planning Study are:

- *Limit the maximum number of new lots to two panhandle lots, five standard lots, and two standard lots that access the Municipal lane.*
- *Require access agreements and easements to minimize driveways accesses.*

- *Require a 15 metre lot line setback for new buildings and structures for a single family dwelling use fronting on the east side of Gordon Head Road.*
- *Encourage the maintenance of front line hedges and grass boulevards.*
- *Do not require road upgrading to a 6.0 metre paved width until it is necessary. Funds for road upgrading will be required from the applicant at the time of subdivision.*

Table 1 of the *4200/4300 Block Gordon Head Road Planning Study* indicates that two additional lots could be created from the parent parcel. One lot was created by the owner in a subdivision finalized in June, 2002. The current application would create the second additional lot. The other applicable guidelines from the Planning Study will be discussed in the context of Council's policy regarding panhandle lots.

Council Policy

Pursuant to Council's policy of June 21, 1999: "All panhandle lots that do not provide a minimum frontage on a highway of 1/10 of the perimeter of the lot shall be referred to Council for consideration of an exemption from the statutory requirement under Section 944 (2) of the Municipal Act."

Assessment

The following criteria are used by Council to assess the implications of proposed panhandle lots:

- a) ***Whether the reduced frontage of the proposed lots will adversely affect the streetscape or result in conflict with existing driveways, intersections, or natural features.***

The subject parcel is located on the east side Gordon Head Road at the intersection of Ferndale Road. No improvements to Gordon Head Road are being requested for this application. A cash contribution in lieu of road frontage improvements was made by the owner in the course of the previous subdivision in 2002. Sanitary sewer and storm drain connections for proposed Lot 2 were also installed at that time.

The southwesterly boundary of the site borders on a titled parcel owned by Saanich which is developed as a lane. It is not a dedicated road. Section 75(1)(a) of the *Land Title Act* provides that there must be highway access to all new parcels. This statutory requirement makes it compulsory that proposed Lot 2 be configured as a panhandle lot to provide the necessary highway frontage on Gordon Head Road. With respect to physical driveway access, no new driveway to Gordon Head Road would be constructed within the proposed panhandle. Driveways for both proposed Lots 1 and 2 would be provided via easements over the adjacent municipally owned parcel. The existing driveway to Gordon Head Road, located at the southwest corner of the parcel, would be removed.

This access scheme is consistent with the access configuration shown on "Map 4" in the 4200/4300 Block Gordon Head Road Planning Study and is secured by an existing covenant which prohibits the construction or relocation of any new driveways leading to Gordon Head Road and prohibits the construction of any structure within 10.0 m of Gordon Head Road.

As a result of the above, there would be little change to the current state of the Gordon Head Road streetscape.

b) *Whether the subdivision will result in an unacceptable loss of privacy to neighbouring properties.*

Mature hedging on the boulevards along both sides of Gordon Head Road provide screening from houses on the opposite side of the street.

Proposed Lot 1 features mostly ornamental vegetation and trees with large lawn and driveway areas. A 3.0 m side yard setback on the southwesterly side of proposed Lot 1 would protect the existing vegetation and afford privacy screening for the dwelling across the municipal lane to the south. A suitable covenant to restrict siting on the new lot could be considered in the subdivision process.

c) *The extent to which buildings proposed for the lots will impact neighbouring properties by:*

- i) overshadowing;***
- ii) obstructing existing views; and***
- iii) blocking sunlight.***

A new house on Lot 1 should not overshadow or block sunlight to any adjacent houses.

d) *The extent of blasting, filling, excavating and tree removal to be carried out to develop the proposed lots.*

The existing dwelling and "summer house" would be retained on proposed Lot 2. There are no apparent site features to suggest that non-conventional excavating should be required to construct a house on proposed Lot 1.

Saanich Parks staff have reviewed the application and advise that there are no covenant requirements for the bylaw protected dogwood in the northeasterly corner of proposed Lot 1. Proposed Lot 2 is fully developed and landscaped. No tree impacts are anticipated.

e) *The degree to which the buildings to be constructed on the proposed lots will blend in with the design, height, and siting of buildings on adjacent properties.*

This area of Gordon Head Road is characterized by one and two storey dwellings and a mix of architectural styles, including a couple of unique designs. A new dwelling on proposed Lot 1, constructed in accordance with the current RS-12 height and siting regulations, would not be out of character with the existing neighbourhood.

Variance

Zoning Bylaw 2003 requires a minimum lot width of 22.0 m for standard lots. The applicant has requested a variance to reduce the width of proposed Lot 1 by 0.07 m. The variance can be supported as it is extremely minor in nature, would not significantly impact neighbouring properties and would result in a subdivision layout consistent with the pattern of lot development in the immediate neighbourhood.

Heritage Foundation Review

The Heritage Foundation reviewed the subdivision application for 4305 Gordon Head Road at its meeting on June 9, 2009 and resolved: "That the owners of 4305 Gordon Head Road be encouraged to pursue heritage designation of the registered dwelling, gazebo/summerhouse, and the (remaining) surrounding property."

The applicant advised the Foundation that he intends to apply for a Building Permit to construct a shed dormer at the back of the existing dwelling. Once the work is complete, he will consider pursuing heritage designation of the registered buildings.

Summary

The application is consistent with relevant Local Area Plan policies and guidelines found in the 4200/4300 Gordon Head Road Planning Study. An existing covenant provides an increased front yard setback and prohibits new driveway construction to Gordon Head Road. These restrictions together with the previously paid cash contribution in lieu of road frontage improvements would allow for a development that respects the character of the street.


The following items will be considered by the Approving Officer in the subdivision review process:

- Provision of a suitable covenant to require a setback of 3.0 m from the southwesterly side lot line of proposed Lot 1;
- Removal of the existing driveway;
- Provision of suitable access easements for proposed Lots 1 and 2 over the Saanich owned parcel (Municipal Lane) adjacent to the subject property.

RECOMMENDATION

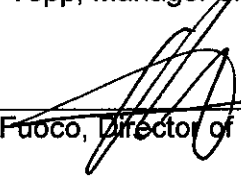
1. That Development Variance Permit No.DVP00271 be approved;
2. That proposed Lot 2 be exempted from the statutory requirement to provide a minimum 10% perimeter road frontage under Section 944(2) of the *Local Government Act*.
3. That the owners of 4305 Gordon Head Road be encouraged to pursue heritage designation of the registered dwelling, gazebo/summerhouse, and the (remaining) surrounding property.

Report prepared by:



Anne Topp, Manager of Community Planning

Report reviewed by:



Russ Fuoco, Director of Planning


BH/sp
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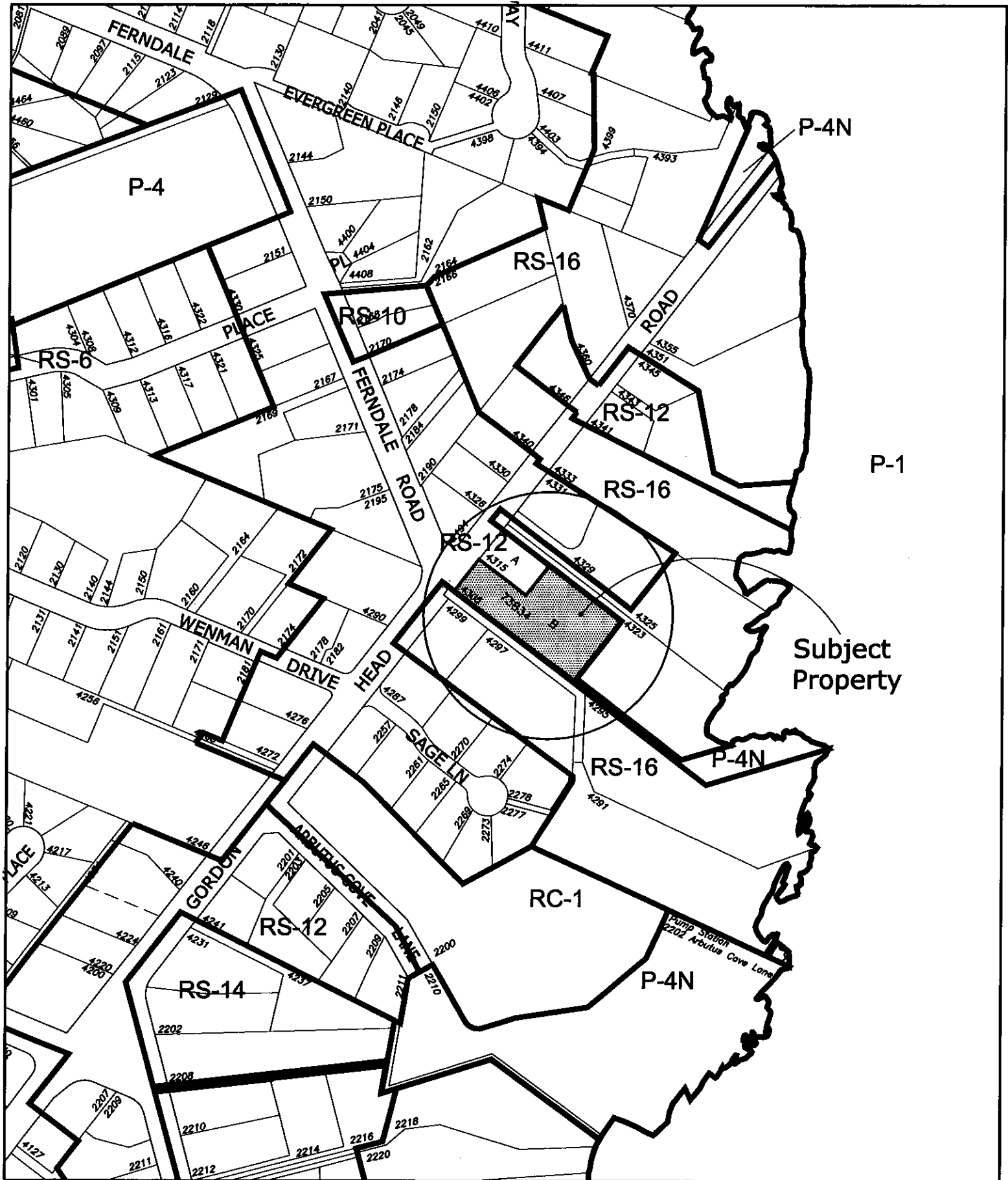
Attachment

cc: T. Wood, Municipal Administrator

ADMINISTRATOR'S COMMENTS:

I endorse the recommendation of the Director of Planning.


for T. Wood, Administrator



P-4N

P-4

RS-16

RS-10

RS-6

RS-12

P-1

RS-16

RS-12

Subject Property

RS-16

P-4N

RC-1

RS-12

RS-14

P-4N

District of Saanich
 Planning Department
 Date: April 6 2009

