

MEMO

TO: Planning Advisory Committee

FROM: Abiola Falaye, Land Use Planner, Planning & Strategic Initiatives

DATE: March 06, 2023

RE: **Development Agreement** – 52 Hickman Street (PID: 25021973).

PROPOSAL:

An application by David R. Mathiesen on behalf of the property owners, David and Christine Mathiesen, for a development agreement to allow construction of a garden suite on 52 Hickman Street (PID: 25021973).

BACKGROUND INFORMATION

Site Details: The subject property is located in the General Residential Zone. As currently configured, the property is a vacant field of approximately 1,199m² (0.3 acres), with 30m frontage on Hickman Street and Snowden Avenue.

Neighbourhood Context: The subject property is located in the General Residential zone. Directly next to the property on all sides are detached residential dwellings. Highland Market, a butcher shop, is located about 120m South-West from the subject site. The property has good access to downtown Amherst and the commercial district on South Albion Street.

Proposal Details: The applicant is planning to build a 9x9 meter (29ft x 30ft) two-story structure that will serve as a garage on the ground floor and garden suite on the upper floor. The garden suite is designed to be a 2-bedroom apartment. The structure is situated behind the main building (a three-bedroom detached family dwelling) and adjacent to Snowden Avenue.

PUBLIC PARTICIPATION OPPORTUNITY

A public participation opportunity advertised in accordance with the Policy for Public Participation and Notification was held on Wednesday, March 1, 2023. No concern was received regarding this proposal at the meeting.

RELEVANT POLICIES

Section 7.2.2(c) of the Land Use Bylaw, highlights Policy RP-14 of the Municipal Planning Strategy as the main consideration for permitting a garden suite in a Residential Zone.

Policy RP-14 (Garden Suites) states that:

It shall be the intention of Council to permit Garden Suites in all Residential areas by Development Agreement. In negotiating such an agreement Council shall have regard for the following:

- (a) the garden suite be secondary to the main dwelling on the lot;*
- (b) water and sewer services be provided independent from the main dwelling;*
- (c) two off street parking spaces be provided on the property;*
- (d) the garden suite be a minimum of 1.2 metres from the side property lines;*
- (e) the garden suite be a minimum of 6 metres from the rear property line;*
- (f) the garden suite be a minimum of 1.2 metres from the main dwelling;*
- (g) the garden suite is not located in the front yard of the property;*
- (h) no home occupation, group home, boarding house, day care or other such secondary use be permitted on the property;*
- (i) the development agreement be discharged should the garden suite be removed from the property.*

The main building on the property is a single-story detached family dwelling, and the proposed garden suite is secondary to it. A development permit has been issued for the main building. Furthermore, the configuration of the proposed garden suite is such that it has its own utilities and services, including water and sewer. Hence, it is independent of the main dwelling on the lot in terms of design and functionality.

Additionally, there is adequate provision for parking in the plan, with a separate garage within the primary and secondary buildings. These are in addition to ample free space (71%) on the lot. The site plan showing the garden suite and main building meets the minimum separation stipulated in Policy RP-14 except for a minimum requirement of 6 metres from the rear property line. The garden suite is located approximately 3m (8.72ft) away from the main building at the rear, with a setback of 2m (6.56ft) from Snowden Avenue and the abutting lot on 56 Hickman Street. Although staff is yet to identify any potential negative impact due to this reduced setback, measures towards mitigating unforeseen impact and promoting the general intent of the Municipal Planning Strategy are addressed in the development agreement.

Another relevant policy is the **Affordable Housing Policy RP-11(c) of the Municipal Planning Strategy**. *It states that is shall be the intention of Council to encourage and promote the provision of affordable housing units within all residential areas of the Town by permitting a secondary residential structure (Garden Suite) on a lot.*

The proposed development will provide an additional housing unit to the existing housing stock in the Town if approved.

Lastly, **Implementation Policy on Amendment Criteria A-5** is equally applicable to this matter. It states that:

It shall be the intention of Council, when considering an amendment to this or any other planning document, including the entering into or amendment of a development agreement, to consider the following matters, in addition to all other criteria set out in the various policies of this planning strategy:

- a) *That the proposal conforms to the general intent of this plan and all other municipal bylaws and regulations.*
- b) *That the proposal is not premature or inappropriate by reason of:*
 - (i) the financial capability of the Town to absorb any costs relating to the development;*
 - (ii) the adequacy of municipal water, sanitary sewer and storm sewer services;*
 - (iii) the adequacy of road networks, in, adjacent to, or leading to the development;*
- c) *That consideration is given to the extent to which the proposed type of development might conflict with any adjacent or nearby land uses by reason of:*
 - (i) type of use;*
 - (ii) height, bulk and lot coverage of any proposed building;*
 - (iii) parking, traffic generation, access to and egress from the site;*
 - (iv) any other matter of planning concern outlined in this strategy.*

The proposal conforms with the general intent of MPS Policy A-5. There will be no undue impact on the Town's financial capacity or the adequacy of municipal infrastructure. Regarding the extent to which the development might conflict with adjacent or nearby land uses, no significant negative impact on the surrounding neighbourhood is anticipated.

CONCLUSIONS:

The proposal generally conforms to the relevant policies of the Municipal Planning Strategy and other regulations and does not represent a significant potential impact on the surrounding area over and above the current situation. Furthermore, the garden suite will promote the vision of the Town of Amherst towards addressing housing shortage.

MOTION OPTIONS:

- Option One: Recommend that Council enter into the Development Agreement for 52 Hickman Street (PID: 25021973) as drafted.
- Option Two: Recommend that Council enter into the Development Agreement for 52 Hickman Street (PID: 25021973) with specific changes to the draft agreement as follows:
- Option Three: Recommend to Council not to enter into the Development Agreement for 52 Hickman Street (PID: 25021973) citing specific policies with which the proposal does not conform.

STAFF RECOMMENDATION: Option One.