



AMHERST TOWN COUNCIL

RFPD# 2018143

Date: October 22, 2018

TO: Mayor Kogon and Members of Amherst Town Council

SUBMITTED BY: Andrew Fisher, Manager of Planning & Strategic Initiatives

DATE: October 22, 2018

SUBJECT: **99 West Victoria Street Development Agreement Application**

ORIGIN: Application by the property owner of 99 West Victoria Street for a Development Agreement that would permit a garden suite (aka in-law suite) in the rear yard of the subject property.

RECOMMENDATION OF THE PLANNING ADVISORY COMMITTEE: That Council give second reading to the proposed Development Agreement for 99 West Victoria Street.

PLANNING DIRECTOR COMMENTS:

RECOMMENDATION: Report/Document: Attached Available ___ Nil ___
Staff report to PAC.

KEY ISSUE(S) CONCEPTS DEFINED:

Site Details: The subject property is approximately 2,861 m² (0.7 acre), and contains a converted 2-unit dwelling, and two accessory buildings. The property is bordered by marshland to the west and north, with an adjacent single detached dwelling to the east. Single detached, and low-density apartment dwellings exist across the street. The subject property and those that surround it are zoned General Residential, except for nearby Liberty Lane, which is in the Mini Home Zone.

Proposal Details: The proposed single-story garden suite is 109 m² (1,176 sqft (42 ft. x 28 ft.)) in area and will be located approximately 14 m (46 ft) behind the main dwelling. At its nearest point, the garden suite would be located approximately 20 metres (65 ft.) from the dwelling next door. Please see the attached site plan and building elevations for further reference.

The existing driveway can accommodate approximately 6 vehicles, which exceeds the minimum requirements for parking under the LUB. The garden suite would be serviced separate from the main dwelling with water from West Victoria, and a separate sanitary connection would be made to the sewer main that runs along the back of the property.

RELEVANT POLICY: As per LUB Section 3.8, staff confirm that notification was completed as per the Town's Public Notification Policy.

The following provides the Municipal Planning Strategy (MPS) policies most relevant to consideration of garden suites. Staff comment is provided below each section.



RP-14 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 not be 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 size and proposed location of the garden suite meets all the above noted criteria. Aside from a basement apartment (not listed in subsection (h)), there are no secondary uses on the property.

RP-11 It shall be the intention of Council to encourage and promote the provision of affordable housing units within all residential areas of the Town by:

- (a) encouraging a mix of housing types and densities;
- (b) permitting secondary apartments in all dwelling units;
- (c) permitting a secondary residential structure (Garden Suite) on a lot;
- (d) cooperating with Federal and Provincial Governments to facilitate affordable housing within the Town.

Garden suites address housing affordability by allowing seniors to remain independent longer while having family support close by. In addition to the affordability benefits, garden suites can also come with social benefits by reducing demand on local health and support services.

RP-8 It shall be the intention of Council to encourage a mix of housing densities in all residential areas of town to encourage a mix of housing types and income groups in all residential areas.

The proposed garden suite would add to, but would not stand out in, the existing mix of housing types and densities in this area.

A-5 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.

Staff feel the proposed garden suite conforms to the intent of the Town's MPS, and other regulations. The potential for negative impact on the Town's financial capacity, infrastructure, or street networks is negligible. Given the size of the subject lot, ample separation from the adjacent dwelling, and ample parking, the impact on nearby land uses would also be negligible.

RESPONSE OPTIONS:

1. Give second and final reading of the development agreement;
2. Reject the application;
3. Defer a decision and direct staff to provide more information.

IMPLICATIONS OF PAC RECOMMENDATION:

GENERAL: The recommendation of the PAC, which followed an advertised Public Participation Opportunity, is in general keeping with MPS policies.

FOLLOW UP ACTION: Following second reading, Notice of Approval with the right to appeal will be posted in the Amherst Newspaper. A certified copy will be sent to the Minister.

COMMUNICATION: The Planning Advisory Committee held a Public Participation Opportunity on August 13, 2018. Council gave first reading to the Development Agreement at the September 24, 2018 meeting of Council. An advertised public hearing was held immediately prior to the October 22, 2018 meeting of Council.

OTHER COMMENTS:

Submitted by: Andrew Fisher, Manager of Planning & Strategic Initiatives

Reviewed by: CAO