

RE: REZONING REFERENCE NO. 42/89
404 N. HYPHE AVENUE

MUNICIPAL MANAGER'S RECOMMENDATION:

1. THAT the recommendation of the Director Planning & Building Inspection be adopted.

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TO: MUNICIPAL MANAGER
FROM: DIRECTOR PLANNING & BUILDING INSPECTION
1989 DECEMBER 12

SUBJECT: REZONING REFERENCE #42/89
404 N. HYPHE AVENUE

PURPOSE: To provide Council with information on the concerns raised at the Public Hearing for the subject rezoning.

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RECOMMENDATION:

- 1) THAT Council receive this report for information purposes.

REPORT

1.0 BACKGROUND INFORMATION:

- 1.1 On 1989 October 23, Council received a report from the Director Planning and Building Inspection regarding the rezoning of the subject site from R2 Residential District to R2a Residential District to permit the development of a single-family dwelling with a floor area greater than that permitted under the prevailing residential zoning.

The report stated that since Council received the initial report on this rezoning application, staff have worked with the applicant towards revising the plan of development. The proposed dwelling has now been lowered into the site, creating an acceptable dwelling height, the siting of the dwelling has been altered to allow for more generous side yard setbacks and the internal circulation pattern in the dwelling has been eliminated separate and independent access to all three floors from both stairwells, with the submitted plan of development considered suitable to forward to a Public Hearing.

At that time, Council adopted the recommendation that the rezoning be forwarded to First Reading and to a Public Hearing on 1989 November 21.

- 1.2 At the Public Hearing, a significant number of residents of the area surrounding the subject site expressed their concerns regarding the rezoning. In addition to the verbal representations, a number of letters and a petition was received by Council expressing the concerns of the area residents.

On 1989 November 27, Council tabled Second Reading of Rezoning Reference #42/89 in order to allow this Department to try to address the concerns raised at the Public Hearing.

This report is in response to that request.

2.0 GENERAL DISCUSSION:

2.1 Since the tabling of this rezoning, Planning and Building Inspection Department staff have further reviewed the development plans, conducted an additional site visit and discussed the concerns of the area residents with the applicant. The results of this review and discussion of the concerns of the residents are as follows:

A) REAR YARD SETBACK:

Suggested Siting Change:

The view was expressed a number of times at the Public Hearing that the proposed dwelling is not compatible with the pattern of front yard setbacks along North Hythe Avenue. In this regard, it was stated in the 1989 November 27 Council report that the dwelling is not able to maintain the existing pattern of front yard setbacks along North Hythe Avenue due to a number of existing dwellings not being sited in conformance with the R2 Residential District rear yard setback of 9.0 m (29.53 ft.).

In exploring the possibility of reducing the rear yard setback of the dwelling in order to allow for a greater front yard setback, staff have concluded that this alteration in siting may improve the preservation of the present views for the properties to the north-east at 410 and 450 North Hythe Avenue to a minor degree. The point should be made, however, that with the future redevelopment of these properties, the proposed dwelling would likely be consistent with the setback pattern on these sites and would be in accordance with the R2 District regulations.

The applicant has stated that he could site the dwelling only five feet closer to the rear property line, without creating wheelchair access problems related to the siting of the garage.

Procedural Steps:

A reduction in the rear yard setback below the minimum required in this Zoning District would involve an exception to the pertinent bulk regulation, which can be permitted under Comprehensive Development (CD) zoning. In this case, this would entail CD zoning based on the R2a Residential District, and Council would have the opportunity to approve the exception, provided that the floor area ratio and density for the development as a whole were in conformity with the applicable requirements of the bylaw, and that "such exception results in an improved relationship between the various parts of the proposed development".

If the proposed zoning of the site were to be altered at this time, this rezoning would need to be forwarded to a new Public Hearing in order to allow the adjacent residents the opportunity to state their views on the proposed zoning change. The applicant has responded that he is willing to

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alter the siting of the dwelling by approximately five feet in response to the residents' concerns, but that he is not willing to have the rezoning forwarded to another Public Hearing in order to accomplish this.

B) EFFECT OF SETBACK ON BUILDING HEIGHT:

In response to the notion of reducing the rear yard setback, the question was asked as to what effect this would have on the height of the building and particularly any view obstruction for the dwellings across the lane to the east.

The applicants' architect estimates that with the dwelling set back a further five feet, the dwelling will be three to four feet higher along the east elevation than is currently proposed. The height of the dwelling is not considered problematic, however, in terms of the view obstruction for the dwellings across the lane as it is estimated that the roof line of the existing dwelling on the site is approximately level with the cellar of the dwelling immediately to the east at 5111 North Glynde Avenue, and the proposed dwelling is lower in height than the existing dwelling. With these changes in siting, very little view obstruction for the residents to the east would occur with the development of the subject site.

C) OVERALL BUILDING MASS:

Comments were made at the Public Hearing on the overall scale of the dwelling and on the total square footage proposed for the site.

In terms of the visual scale of the dwelling, the 1989 November 27 report acknowledged that the proposed dwelling would present a rather large three-storey appearance along North Hythe Avenue, but noted that this would not be generally out of character with the adjacent dwellings along the east side of the street as most of the dwellings have a three-storey appearance due to the steep slopes of the sites.

In terms of the overall mass as it relates to building area, the applicant has stated that he would be willing to eliminate a photo studio and dark room, which contributes approximately 380 sq. ft. to the total gross floor area, from the building plans. This is not considered advantageous, however, to either the applicant or the neighbourhood, as this area is located within the lower floor and does not greatly influence visible building bulk.

D) PRIVACY ISSUE:

Concern was raised at the Public Hearing by the owner of the property to the south at 400 North Hythe Avenue regarding the siting of the dwelling and the potential for invasion of privacy.

The proposed dwelling is located at an angle facing the westerly corner of the subject site, with the building face varied in terms of setback from the front property line. This allows the proposed dwelling to present a more varied and less massive appearance toward North Hythe Avenue.

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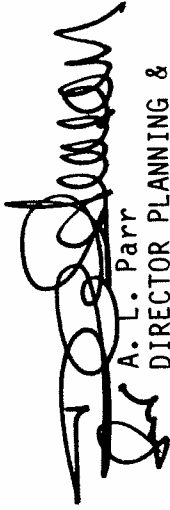
While the deck areas attached to the dwelling may present a view overlook situation towards the deck on the dwelling and the front yard of the property at 400 North Hythe Avenue, the proposed deck areas are not unreasonably large in size and they are set well back from the south property line (approximately 23 feet).

E) Further concerns were stated at the Public Hearing that the proposed dwelling has the potential to be converted into a two-family dwelling or even a three-family dwelling.

The applicant has indicated that he is not willing to completely eliminate the second stairwell in the dwelling in order to reduce its two-family dwelling potential, due to personal reasons. The 1989 November 27 report stated, however, that the Chief Building Inspector is satisfied that the design of dwelling does not permit an interpretation that the proposal is contrary to the Burnaby Zoning Bylaw.

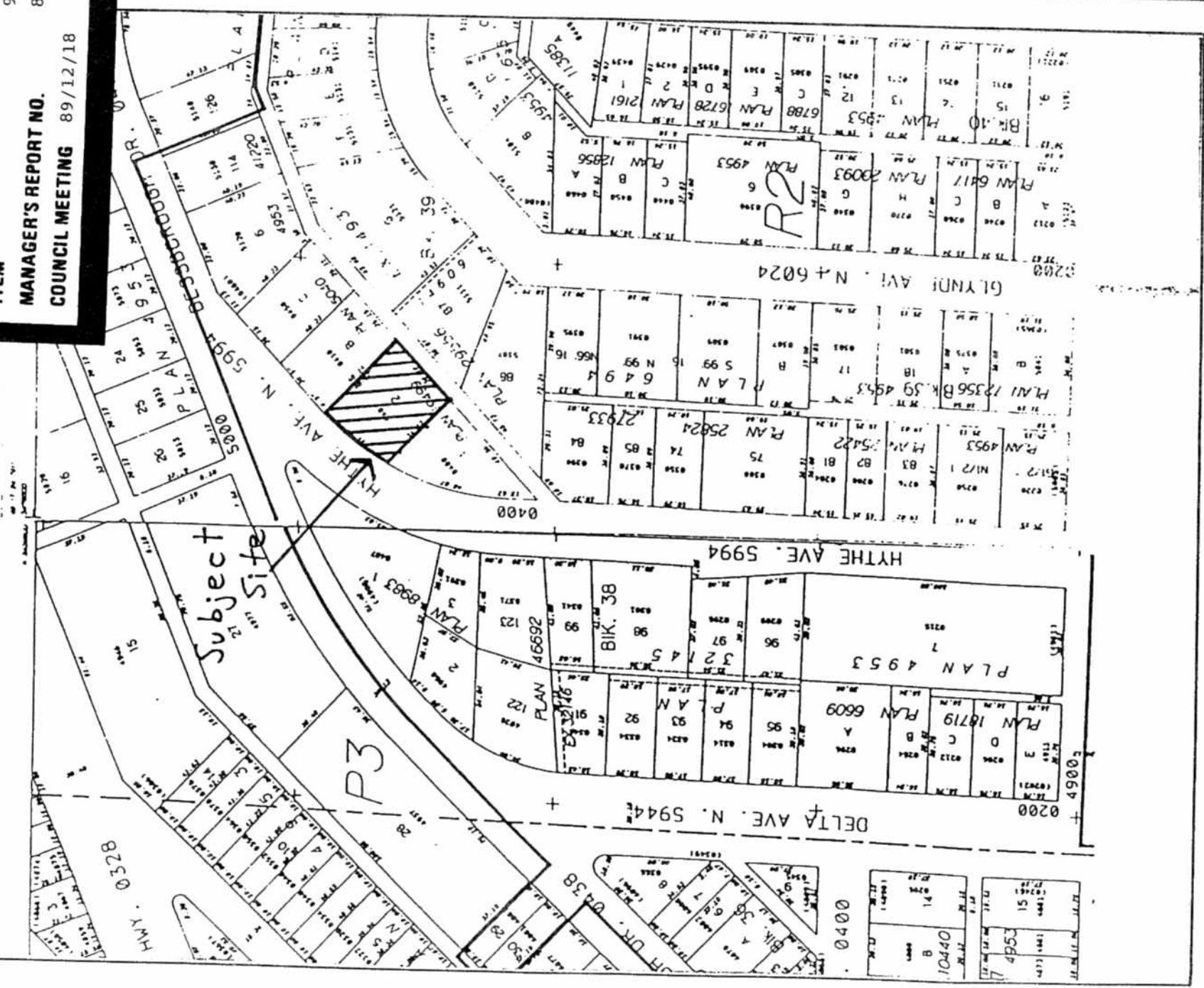
The foregoing is for the information of Council.

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BW:ap


A. L. Parr
DIRECTOR PLANNING &
BUILDING INSPECTION

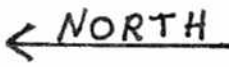
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Date: 1989 Dec.

Scale: 1:2000

Drawn By:

