



**CORPORATION OF THE TOWNSHIP OF ESQUIMALT
ADVISORY PLANNING COMMISSION
MINUTES
HELD ON
AUGUST 24, 2010
COUNCIL CHAMBERS**

MEMBERS PRESENT:	Joanne Kimm, A/Chair Gerald Froese Amy Higginbotham Christopher Smith Ed Williams Joanne Kimm Ramona Scott
REGRETS:	Jaime Hilbert
STAFF LIAISON:	Trevor Parkes, Senior Planner
COUNCIL LIAISON:	Alison Gaul
SECRETARY:	Marie Letham

There were 6 members of the public in attendance

I. CALL TO ORDER

The Chair called the meeting to order at 7:00 p.m. and outlined the history, the meeting procedures and role of the Advisory Planning Commission.

II. LATE ITEMS

Moved and seconded that the late items be added to the agenda.

- 1) Add item to Agenda Item VI Staff Reports (1), Development Permit With Variance, 1233 Juno Street.
 1. Copy of revised plans stamped "Received August 24, 2010"

III. ADOPTION OF AGENDA

Moved Ramona Scott, seconded by Joanne Kim that the agenda, as amended with the late addition be adopted.
The motion **CARRIED**.

IV. ADOPTION OF MINUTES

Moved by Joanne Kimm, seconded by Amy Higginbotham that the minutes of the regular meeting of June 15, 2010 be adopted as presented.
The motion **CARRIED**.

V. BUSINESS FROM THE MINUTES

There was no business from the minutes.

VI. STAFF REPORTS

**(1) DEVELOPMENT PERMIT With VARIANCE
1233 JUNO STREET
[Lot 2, Block B, Suburban Lot 49, Esquimalt District, Plan 772]**

Staff Liaison, Trevor Parkes advised the Commission members that the date in his report "Received July 28, 2010" be changed to read "August 24, 2010" due to the receipt of amended plans prior to this meeting. He explained that Council had concerns regarding the parking design and the applicant has redesigned the parking area to address those concerns. The application is before the Commission this evening as the redesign of the parking now requires a variance to Esquimalt's Parking Bylaw, No. 2011.

David Yamamoto, was in attendance to outline the amended application for a front back duplex, proposed to be located at 1233 Juno Street as the amended design now requires a variance to Parking Bylaw, 1992, No. 2011.

He outlined the change of location to the external basement access, the slightly enlarged rear patio, the inclusion of additional landscape screening to the west side of the front patio to further separate the parking space and the driveway and the installation of a hedge across the frontage of the property.

APC Discussion

Ramona Scott commented that she saw no problem with parking in the front, that it was practical. In response to a question regarding the hedge height, the designer commented that it would not initially be over eye level, it would interact with the street.

Ramona Scott asked the designer why not a car turn-around. The designer responded that there was no room.

Christopher Scott observed that the designer was challenge on this small lot. Commented that the parking space would accommodate a small sedan, if owners have a couple of vehicles it will push parking onto the street.

He commented he still thought it was an innovative design and he had no concerns regarding the stairs.

Ed Williams commented that he found that development was more attractive

the first time it came to the APC. He stated he liked the original design but had not objections to the variance request.

Amy Higginbotham inquired if the neighbours had been advised?

Staff Liaison advised as part of the process there will be a notification to owners/occupiers within 50 metres of the subject property.

She also commented that this is a bit tricky as she preferred the original design, stated she did not like to see parking in the front face of buildings. She commented she could not support this proposal.

Gerry Froese commented he does not mind the new design but does have concerns regarding car manoeuvring, but it is better functionally.

Public Input

There was no public input.

RECOMMENDATION

Moved by Ramona Scott, seconded by Christopher Scott that the Esquimalt Advisory Planning Commission (APC) resolves that the application for a Development Permit with Variance for Lot 2, Block B, Suburban Lot 49, Esquimalt District, Plan 772 [1233 Juno Street] for the following variance to Parking Bylaw, 1992, No. 2011 be forwarded to Council with a **recommendation of approval**

Parking Bylaw, 1992, No. 2011, Section 9(4) – Provision and Maintenance of Off Street Parking and Loading Areas – an exemption from the requirement that parking spaces in residential zones shall be located no closer to the Front Lot Line than the front face of the Principal Building
The motion **CARRIED: 5 For 1 Against**

(2) DEVELOPMENT VARIANCE PERMIT 1032/1034 BEWDLEY AVENUE [LOT 2, SECTION 11, ESQUIMALT DISTRICT PLAN 37264]

Colleen and Neil Brown were in attendance to present their application for a Development Variance Permit to facilitate the construction of a garage that would be taller than the permitted height for accessory buildings.

Neil Brown stated the property back onto the English Inn and Resort. He gave a brief history of the property, outing that the existing house is a 3 storey Tudor style, with a steep pitch roof.

APC Discussion

Amy Higginbotham commented that she noted that the applicants had talked with the neighbours, and that she had no problem with the variance.

Joanne Kimm stated she had no problem with the variance that she liked the look of the garage and felt it complemented the house.

Ed Williams stated he had no problem with the variance to the garage, and commented it would not be seen from the street.

Ramona Scott asked a question regarding the siding.

Neil Brown commented that the siding will match the Tudor style. The property is no longer a Bed and Breakfast; it is a duplex with a shared garage (2 bays)

Gerry commented he had no problem with the variance. He commented That this is a property where a narrow driveways works.

Public Input

There was no public input

RECOMMENDATION

Moved by Ed Williams, seconded by Joanne Kim that the Esquimalt Advisory Planning Commission (APC) resolves that the application for a Development Variance Permit for Lot 2, Section 11, Esquimalt District, Plan 37264 [1032 Bewdley Avenue] for the following variance to Zoning Bylaw, 1992, No. 2050 be forwarded to Council with a **recommendation of approval**

Section 38(6)(b) – Building Height – a 0.6 metre increase in the 3.6 metre height permitted for an Accessory building, ie. from 3.6 metres to 4.2 metres.

The motion **CARRIED UNANIMOUSLY**.

(3) OCP AMENDMENT/REZONING AND DEVELOPMENT PERMIT

617 ADMIRALS ROAD

Lot 171, Suburban Lot 43, Esquimalt District, Plan 2854, Except that part lying to the West of a boundary parallel to and perpendicularly distant 5 feet from the Westerly boundary of said lot]

Michael Levin, Architect, was in attendance to outline the proposal for a change to the OCP land use designation from “Commercial Mixed-Use” to “Townhouse Residential” and a change in zoning from the current RM-4 [Multiple Family Residential] zone to a Comprehensive Development zone [CD] to allow a total of four attached Townhouse units.

Michael Levin informed the Commission members that this site has been vacant for a time. The reason for the request for rezoning is that there is no commercial component to the proposed development. He stated that this project would be a welcome addition to the streetscape and that it is good use of the land.

In response to a question from Gerry Froese, Michael Levin explained that the 4 metre setback was from the entry porch to the front lot line.

The applicant continued to review the site plan and outlined the comparisons of the RM-3 zone to this project, as outlined in the Senior Planner's report.

Michael Levin stated that the 4 metre front setback would give more of a street presence and create more separation space at the rear. He outlined the driveway and yard space indicating that there was good, open, visible space.

With the aid of the display plan he reviewed the elevations, colours and materials. He outlined the landscape plan, outlining the private patio and landscape areas, the rear social space, garden area with elevated planters, and garden shed.

APC Discussion

Ed Williams commented that he liked the design. He questioned the use of lattice work on the fence as he felt lattices do not hold up and often don't get repaired and maintained.

At this point Michael Levin explained they would be using a heavier and superior grade of lattice.

Ed Williams outlined that vehicles access could be an issue between 2:00 – 4:00 p.m.

Christopher Smith commented that he could envisage a competition for visitor spaces. It will be challenging for visitors, where would visitors park, perhaps across the street at the Legion lot or at the Auto Repair lot? He suggested reconsideration of the visitor parking design.

He commented that the townhouse style would be a welcome addition to the street.

Ramona Scott inquired of the Staff Liaison if a 219 Covenant would be requested for this project.

Trevor Parkes stated that a covenant could be requested, however the design does not lend itself to conversion to a Secondary Suite.

Ramona Scott asked if the appliances will be energy star? She also asked if he had filled in the Green Building Check List form.

Trevor Parkes advised that the Check List has not yet been formally adopted.

Michael Levin responded that he is not the developer but he would think that energy efficient appliances would be used to be competitive in the real estate market.

Ramona Scott inquired how much sun the property would get.

Michael Levin explained the shadowing of the lot.

Ramona Scott commented she liked the landscaping and the choice of plants, and also liked the design of the buildings.

Joanne Kimm stated she liked the layout and the landscaping. Concerned about the Magnolia trees and the Birch as they can grow very large.

Michael Levin explained that there are a variety of species of these trees and some do not get as large as others. He added that this landscape design was provided by a landscape architect to be site appropriate.

Mike Crosby, Developer, advised the Commission that they hired a Landscape Architect and would review species to ensure appropriateness.

Amy Higginbotham commented she had no problem with the request for rezoning and the amendment to the OCP, the site is not part of the Village core. That the project was great.

Gerry Froese inquired if the site might be too shaded for gardening.

Michael Levin commented that would not be a problem, the site gets sun depending on the angle of the sun and the time of day.

Gerry Froese commented he liked the building, a bit concerned about the 4 metre front setback, but that there is some trade-offs for function.

Christopher Smith stated he had no issues with the proposal other than the visitor parking.

Ed Williams commented that he had no concerns regarding the project or the parking. There is a large parking lot (Legion) across the street and also a paid parking lot directly across from the site.

Ramona Scott stated she liked the bold colours proposed.

Public Input

There was no public input

RECOMMENDATION

Moved by Ed Williams, seconded by Ramona Scott the Esquimalt Advisory Planning Commission (APC) resolves that the application for an OCP Amendment, Rezoning and a Development Permit for Lot 171, Suburban Lot 43, Esquimalt District, Plan 2854, Except that part lying to the West of a boundary parallel to and perpendicularly distant 5 feet from the Westerly boundary of said Lot [617 Admirals Road] be forwarded to Council with a **recommendation of approval**.

The motion **CARRIED UNANIMOUSLY**

**(4) DEVELOPMENT PERMIT APPLICATION
1127 WYCHBURY AVENUE
[LOT 2, SECTION 11, ESQUIMALT DISTRICT PLAN 5564]**

Trevor Parkes, Staff Liaison, advised that this application is to remove the existing home and construct a strata-titled duplex that meeting all zoning criteria on an appropriately zoned lot.

The applicants, Lorne Hadley and Jeff Jefford, outlined the proposal. Lorne Hadley advised that this is to be a side by side strata duplex. It meets all the requirements of the Zoning Bylaw, no variances are required.

APC Discussion

Joanne Kimm commented that it would be a welcome addition to the street; it is a nice deep lot. There is also a new house across the street. She had no concerns.

Amy Higginbotham stated that she liked the colours and that there were garages for both units.

Chris Smith commented on the duplexing of Saxe Point area, that just because it is zoned for duplexes should they be allowed. He indicated that two nice Single Family Dwellings would be more progressive and a better fit. He stated that the area is slowly being degraded by duplexes. He indicated that the design of the properties directly across the street from this property, in his opinion, are a preferable infill option to any attached duplex proposal.

The applicant, Lorne Hadley, stated that the Infill was their first choice, but the Planning Department would not support, therefore they came forward with the duplex proposal.

Chris Smith commented he was disappointed to hear that as there is a real opportunity here. He stated he cannot support the duplex.

Ramona Scott stated she felt the same as Chris.

In response to a question why the Department would not support Infill at this location, Trevor Parkes, Staff Liaison, explained that single family infill projects on interior lots are not generally supported in the policies contained in the OCP and therefore staff will not encourage applications for rezoning of this type.

He explained that in the past the idea of removing duplex zoning from properties in the Saxe Point Neighbourhood was explored and residents indicated they wished to retain their duplex zoning. He elaborated that a duplex study was commissioned in 2007 and indicated the recommendations from that review were incorporated into the RD-1, RD-2 and RD-3 zones to facilitate designs that are more acceptable to neighbouring residents.

Gerry Froese echoed Ramona Scott's and Chris Smith's comments in support of a two Single Family Dwelling proposal.

Ed Williams also echo the words of the previous 3 members. Prefer two Single Family dwellings, will fit better with the block.

Amy Higginbotham commented that the application before them is for a new Strata Duplex and that is what the Commission should be commenting on. The application meets the zoning criteria and satisfies the design controls.

Joanne Kim commented that she has no concerns as it fits.

Gerry Froese stated it is a good landscape plan.

Public Input

There was no public input.

RECOMMENDATION

Moved by Amy Higginbotham, seconded by Ed Williams, that the Esquimalt Advisory Planning Commission (APC) resolves that the application for a Development Permit for Lot 2, Section 11, Esquimalt District, Plan 5564 [1127 Wychbury Avenue] be forwarded to Council with a **recommendation of approval**.

The motion **CARRIED. 5 For 1 Against**

(5) **REZONING AND DEVELOPMENT PERMIT
838 ADMIRALS ROAD
[LOT 1 SECTION 11 ESQUIMALT DISTRICT PLAN 12985]**

Trevor Parkes, Staff Liaison, introduced the application as an appropriate SFD infill project, supported in concept by the OCP, as the lot is zoned RD-3 and is a corner lot.

Doug Downs, owner/applicant and Melissa Michaud, Administrative Assistant, attended to outline the proposal for a change in zoning from the current RD-3 [Two Family/ Single Family Residential] zone to a Comprehensive Development zone [CD] to allow one additional Single Family Residence to be constructed on the rear portion of this site; retaining the existing residence on a separate lot.

The applicant outlined the history of the property, which he has owned for ten years, and the agreement with a long term tenant.

Joanne Kimm commented that she had walked the property, initial thought that the lot may be too narrow. She commented on the removal of the two chestnut trees, and note that the plan is to leave the other two Chestnut trees; she inquired why not taking out all four?

In response the applicant advised that the two other trees are municipal.

Joanne Kimm inquired about hedging and have a fence for separation.

Ed Williams inquired about what improvements would be done to the existing dwelling.

The applicant responded that he would complete modest upgrades. He indicated that the stucco is in good shape, and there is a new roof. He will be painting the existing home, refurbishing and painting the trim of the house and repainting the railings.

Ed Williams commented that there are no traffic issues. Likes the verandah, but commented that the façade is monotonous. He suggested that the applicant consider adding hardie board siding to the bottom portion of the existing building or paint the existing home a complimentary but not identical colour more consistent with the context of the site.

He also inquired about the removal of the two chestnut trees to enable better configuration of the driveway.

Trevor Parkes advised that if an application is received by the Parks Department for removal of the trees, replacement trees will be required.

Amy Higginbotham inquired if the applicant had spoken to the neighbour at 842 Admirals.

Doug Downs commented that he had talked to his neighbour, April Davidson, and she him that she is in favour of the project.

Amy Higginbotham commented that she will have a house pretty well in her back yard and inquired about the landscaping and the height of the trees.

The applicant commented that her fence line is covered in with vegetation so you can not see her lot.

Chris Smith commented he echoed Ed William's remarks regarding the existing house. He felt that the subdivision will fit and not have a huge impact. The existing dwelling should receive a treatment to look refreshed.

Ramona Scott stated she like the design. She wondered why the applicant would not choose "marine colours" [i.e. blues/greens] . There is a lot of vegetation, and it should be retained.

Doug Downs commented with reference to the colours. The existing new roof is a wine colour. He chose the colour to complement. He commented he is willing to paint, also put on new gutters.

In response to a question from one of the members, the applicant committed to adding an additional set of stairs off the rear vestibule accessing the new rear patio and refurbishing the yard located on the north side of the home.

Gerry Froese commented, to the applicant, that prior to him presenting the application to the Committee of the Whole, he needs more definite plans for the refurbishing of the existing home.

Public Input

There was no public input

Several members of the Commission indicated to the applicant their concern regarding the quality of the presentation and advised the applicant to be better prepared for presentation to the Committee of the Whole .

RECOMMENDATION

Moved by Amy Higginbotham, seconded by Chris Smith , that the Esquimalt Advisory Planning Commission (APC) resolves that the application for Rezoning and a Development Permit for Lot 1, Section 11, Esquimalt District, Plan 12985 [838 Admirals Road] be forwarded to Council with a **recommendation of approval**.

The motion **CARRIED. 5 For 1 Against**

VIII. PLANNER'S STATUS REPORT:

Trevor Parkes, Staff Liaison, presented the following status of recent applications:

Status of Recent Applications:

1120 Craigflower Road: [Rezoning and DP for 1 new SFD]. COTW forwarded to Council with a recommendation of approval at the regular meeting held May 10, 2010. Staff presented the amending bylaw for 1st and 2nd reading at the regular meeting of Council on May 17, 2010. Council granted 1st and 2nd reading of the amending bylaw and directed staff to schedule a Public Hearing and prepare a Development Permit. Public Hearing occurred June 21, 2010 and application was

granted 3rd reading and adoption. To date, no subdivision application has been received.

1233 Juno Street: [DP for a Front – Back Duplex]. COTW considered the application at the regular meeting held June 14, 2010. The application was forwarded to Council however; staff was requested to provide additional information to address issues raised at the meeting prior to Council adopting the report from COTW. Staff presented the application to Council on July 5, 2010 when it was denied. At the Special Meeting of Council held July 12, 2010 Council agreed to reconsider the application at a future meeting. The applicant, in response to concerns raised by Council has amended the application to include parking for the front unit within the front yard thereby triggering a variance. APC must consider the application again including the variance before it is present to Council for reconsideration.

398 Fraser Street: [OCP Amendment and Rezoning to change permitted use to Park and Open Space]. COTW considered the application at the regular meeting held June 14, 2010. The application was be forwarded to Council, however, staff were requested to provide additional information to address issues raised at the meeting. Staff addressed COTW concerns in a report presented on July 5, 2010 and Council directed staff to return an amending bylaw. Staff presented the amending bylaw for 1st and 2nd reading at the special meeting of Council held July 12, 2010. Council granted 1st and 2nd reading of the amending bylaw and directed staff to return a report on potential uses for the site prior to scheduling a Public Hearing. Staff will return a report at a future meeting for Council consideration

532 Paradise Street: [DVP Interior Side Yard Setback]. COTW forwarded to Council with a recommendation of approval at the regular meeting held June 14, 2010. Application was **approved** by Council July 12, 2010.

920 Yarrow Place: [DVP OCP High Water Mark Setback on the Gorge Waterway]. COTW forwarded to Council with a recommendation of approval at the regular meeting held July 12, 2010. Application was **approved** by Council August 16, 2010.

1243 Park Terrace: [DVP Interior Side Yard Setback]. COTW forwarded to Council with a recommendation of approval at the regular meeting held July 12, 2010. Application was **approved** by Council August 16, 2010.

855 Lampson Street: Applicant is currently redesigning the project and intents to present a new application at a future meeting.

IX. COUNCIL LIAISON

Councillor Gaul commented that she wished to advise the Commission with reference to the 1233 Juno Street application, that Council does discourage back-to-front duplexes. With reference to the applicant's comments regarding moving the parking to the front yard; Council did not direct the applicant to put the parking in the front yard.

She commented that reviewing that application was tough, and could be precedent setting.

X. NEW BUSINESS

Dealing with Applications that Conform to Regulations

A brief discussion ensued regarding dealing with applications that conform to all regulations [i.e. 1127 Wychbury].

Trevor Parkes, Staff Liaison, in response to the question of how does the APC facilitate the application of a two home option for this site, he responded that if the APC supports the design as proposed for a duplex the motion should reflect that. Upon receipt of a positive motion the applicant has the flexibility to withdraw the current application and submit a two SFD rezoning application, as requested by APC, for consideration or they may continue with the current duplex design. APC recommended approval of the duplex application.

He also advised the Commission of the guidelines in the OCP regarding Infill housing and gave an overview of the Duplex Study.

In response to Ed Williams comment that a precedent was set with the CD zone on Wychbury, Trevor Parkes stated that no CD zones sets precedent. It is a "*site specific, custom zone*". There are no guarantees that that a rezoning for a CD zone will be approved, every application is evaluated by Council on its own merit.

XI. NEXT REGULAR MEETING

The next regularly scheduled meeting for Tuesday, September 21, 2010.

XII. ADJOURNMENT

On motion the meeting adjourned at 9:45 p.m.

Certified Correct

Gerald Froese, Chairperson