



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

**ADVISORY PLANNING COMMISSION
MINUTES
TUESDAY, MARCH 15, 2011
7:00 P.M.
ESQUIMALT COUNCIL CHAMBERS**

MEMBERS: Amy Higginbotham Lorne Argyle
Joanne Kimm Pete Hartman
Christopher Smith Wes Nelson
Joy Palmeter

COUNCIL LIAISON: Meagan Brame

STAFF LIAISON: Trevor Parkes, Senior Planner

SECRETARY: Marie Letham

There were no members of the public in attendance.

I. CALL TO ORDER

The Chair called the meeting to order at 7:00 p.m.

II. LATE ITEMS

Staff Liaison, Trevor Parkes, advised the Commission members that there would be no applicants in attendance to present their proposals, due to a communications problem. He outlined the options available to the Commission. The Commission members discussed the options and made the following motion:

Moved by Amy Higginbotham, seconded by Christopher Smith that:

1. The Esquimalt Advisory Planning Commission resolves to hear the proposals with Trevor Parkes presenting the applications on the applicants behalf; and
 2. If the recommendation is not to approve, then the application will instead be tabled until the next meeting when the applicant is able to present directly.
- The motion **CARRIED**.

III. ADOPTION OF AGENDA

Moved by Lorne Argle, seconded by Amy Higginbotham, that the agenda be adopted as circulated.
The Motion **CARRIED**.

IV. ADOPTION OF MINUTES – Regular Meeting February 15, 2011

Minutes were not available for adoption.

V. BUSINESS FROM MINUTES

No business outstanding from minutes.

VI. STAFF REPORTS

**(1) DEVELOPMENT VARIANCE PERMIT
1130 Munro Street
[Lot A, Section 11, Esquimalt District, Plan VIP85403]**

Staff Liaison advised the Commission members that a correction was needed to his report. Side Setback should read "a 2.2 metre (vice 2.1 metre) reduction to the required 3.6 metre setback from an Exterior Side Lot Line [i.e. from 3.6 metres to 1.4 (vice 1.5) metres

Although the property is zoned "*Single Family/Two Family Residential [RD-3]*" it was evaluated under the "*Single Family Residential [RS-1]*" Trevor Parkes, outlined the proposal for the Development Variance Permit required to the facilitate construction of an addition at the front of the existing home, the addition of a new deck and the expansion of the upper floor of the home. The proposed addition to the front of the property encroaches into the external side setback, the non-conformity is expanded therefore a variance is required.

He commented that the house was built in the 1940's and the property is loaded outboard side toward Kinver Street. This siting capitakized on the southerly waterfront views. This property meets all the RS-1 zoning requirements except for the external side yard setback.

Lorne Argyle commented that as you look down Munro there is a straight line of houses. He asked whether the proposed addition to the front of the building would show on the streetscape and would this siting set a precedent?

Trevor Parkes responded that the siting of the house as it stand today is consistent with others along the street however it is the right of any property owner to build up to the front setback as allowed by the zoning as long as all other criteria are met.

Christopher Smith inquired as to additional parking for the secondary suite.

Staff Liaison commented that the property satisfies the parking requirement. He clarified that there is no requirement for additional parking when a suite is added.

Christopher Smith commented about the landscaping and that the parking area being gravel, and a lot of stuff "stock-piled" in the yard.

Staff Liaison commented that for a Development Variance Permit application there is no requirement for a formal landscape plan. He indicated he would bring the concerns of the APC to the attention of the applicant and that addressing the landscaping would be at the applicants discretion.

Joy Palmeter inquired about notification to the neighbours.

Trevor Parkes explained that after the APC meeting the application is forwarded to the Committee of the Whole and ,should the COTW forward the application to Council with a recommendation of approval, staff would be requested to send out notification of the Development Variance Hearing in accordance with the Development Procedures Bylaw.

Amy Higginbotham commented that she could support this application.

Pete Hartman stated he has no comment and that he is satisfied.

Wes Nelson asked the Staff Liaison to clarify that the non-conformity of the side setback already exists.

Staff Liaison responded that yes an existing nonconformity exists and that this variance application, if approved, would legalize the existing building.

Joanne Kimm commented that she has concerns around parking and asked that they those concerns be forwarded to the applicant.

RECOMMENDATION

Moved by Wes Nelson, seconded by Pete Hartman, that the application for a Development Variance Permit authorizing construction as shown on architectural plans provided by Mesa Design Group Inc., stamped "Received February 15, 2011" and sited as detailed on the survey plan prepared by Glen Mitchell Land Surveying Inc., stamped "Received March 1, 2011", and including the following relaxations to Zoning Bylaw, 1992, No. 2050, be forwarded to Council with a **recommendation of approval**.

Zoning Bylaw, 1992, No. 2050, Section 40(9)(a)(ii) – Side Setback – a 2.2 metre reduction to the required 3.6 metre setback from an Exterior Side Lot Line [i.e. from 3.6 metres to 1.4 metres].

(2) DEVELOPMENT PERMIT 819 Condor Avenue [Lot 4, Block 20, Section 10, Esquimalt District, Plan 2546]

Trevor Parkes, Staff Liaison, presented the application which proposes to remove the existing home and accessory building and construct a strata titled duplex on the lot located at 819 Condor Avenue. The parcel is zoned RD-3 (Two Family/ Single Family Residential) therefore construction of a duplex is permitted. This two unit proposal is subject to Development Permit Area No. 5 – Enhanced Design Control Residential; therefore a Development Permit is required before a Building Permit can be issued.

The proposed development meets all the criteria of the RD-3 zoning. This

property has one different characteristic, a Municipal laneway at the rear of the property.

The building itself would be clad with hardiplank with cultured stone installed across the front. The form and character of the proposal is consistent with the OCP.

There would be a modest front lawn and paths which provides good linkage between front and rear of the site.

Amy Higginbotham commented she likes the aesthetics and that the building looks great. It will be an improvement to the streetscape.

Lorne Argyle inquired about the Right-of-Way on the north side.

Trevor Parkes stated that the purpose of Right-of-Way was for underground services, sanitary sewer and storm drain, which services the townhouse development to the East. The proposed building is sited outside the Right-of-Way, enforced siting.

Also in answer to Lorne Argyle's inquiry regarding landscaping, Trevor Parkes responded that if trees are to be removed a Tree Cutting Permit is required, and a replacement value will be taken. This is a pre-existing condition. No concerns regarding new trees or additional shrubs over the Right-of-Way.

Joanne Kimm inquired about any construction along the Right-of-Way.

Trevor Parkes commented that no construction would be permitted within the right of way however the entrance of the driveway is partially within the right of way area.

Joy Palmeter inquired about the asbestos shingles.

Trevor Parkes advised the Commission about the procedure from WorkSafe BC regarding Hazardous Materials Assessments for buildings constructed prior to 1990 and indicated that an assessment would be required for this property prior to the issuance of a demolition permit.

RECOMMENDATION

Moved by Lorne Argyle, seconded by Christopher Smith, that the application for a Development Permit, limiting the form and character of development to that shown on architectural plans provided by McNeil Building Designs Limited, stamped "Received March 9, 2011", and on the landscape plan prepared by Koi Dragon Enterprises Ltd. , stamped "Received March 9, 2011", and sited as detailed on the survey plan prepared by Powell and Associates BC Land Surveyors, stamped "Received February 9, 2011", for the proposed development located at Lot 4, Block 20, Section 10, Esquimalt District, Plan 2546 [819 Condor Avenue], be forwarded to Council with a **recommendation of approval**.

VII. PLANNER'S STATUS REPORT

Status of Recent Applications:

924 and 928 Selkirk Avenue: [DVP for Fence Height in Front Yard] At the regular meeting held February 14, 2011 COTW moved that the application be forwarded to Council with a recommendation of approval, subject to appropriate notification and a Variance Hearing being held. Variance Hearing was held on March 7, 2011 and the DVP was **approved** by Council.

363 Kinver Street: [Rezoning and DP for 1 new SFD] COTW directed staff to notify applicant they should reconsider the parking alignment for the existing home and be prepared to provide a full presentation of the development proposal, utilizing the colour board and landscape plans at the next COTW meeting scheduled for February 14, 2011.

The applicant repositioned the driveway to the southern property line, lowered the deck to 24 inches off the ground, decommissioned the existing driveway and removed the majority of the hedge proposed to shield the new home from the street addressing both Council and staff concerns. The application was presented to COTW on February 14th and was forwarded to Council with a recommendation of approval, subject to appropriate notification, preparation of amending bylaws and a public hearing being held. Staff presented the amending bylaw for 1st and 2nd reading at the regular meeting of Council on March 7, 2011. Council considered the amending bylaw and directed staff to schedule a Public Hearing, complete the required notification and prepare a Development Permit.

Esquimalt Village Plan: [OCP Amendment and Rezoning to accommodate development of two buildings, one 8 storeys and one 12 storeys in height]. Staff presented the amending bylaws for 1st and 2nd reading at the regular meeting of Council on March 7, 2011. Council considered the amending bylaws and directed staff to schedule a Public Hearing and complete an expanded notification, including properties well outside the buffer distance normally considered for applications of this type. Staff intend to send the bylaw out for legal review and upon completion of due diligence, schedule the Public Hearing and complete notifications.

453 Head Street: At the request of the applicant the application for Road closure was postponed to the April COTW so that the applicant could appropriately satisfy the requests of APC and update drawings appropriately to present a complete proposal to Council.

Infill Housing: [Review of OCP Guidelines]. Staff held an open house for the general public regarding potential changes to the OCP Guidelines for Infill Housing. Examples of infill development from around the region were displayed and current policies reviewed. Expanded options including interior lot S/D, and carriage homes were explained and feedback was sought from the 25 +/- persons in attendance at the two sessions. Staff intend to present a staff report to council updating them of the findings and seeking direction on next steps.

VIII. COUNCIL LIAISON

Councillor Brame update the Commission Members of items at Council.

She commented that there questions regarding the draft RM-6 zone, which would accommodate buildings up to 12 storeys in height consistent with the OCP. Issues raised included what was the appropriate percentage of units which would be “small” units and there were concerns relating to the reduced parking requirement from 1.3 spaces / unit to 1.2.

Council is busy reviewing the budget.

Councillor Brame stated that Council was very concerned about the WorkSafe BC requirements regarding the request for Hazardous Materials Report on all demolitions, alterations on building built prior to 1990, which is a high proportion of Esquimalt’s housing stock. They are concerned about the additional costs put on residents and that this may drive renovations underground and the trickle-down effect that causes.

IX. NEW BUSINESS

Enforcement of Development Permits

A brief discussion ensued regarding projects that were the subject of rezonings and Development Permits, particularly CD Zones, how can the Municipality enforce the conditions of the Development Permit/Rezoning in order to ensure that renovations to the existing dwellings are carried out when the original applicant has sold the property.

Trevor Parkes stated that currently staff try to work with the applicants to achieve compliance with the approved DP. He elaborated further that the only way to actively enforce the DP would be to obtain a compliance order from the Court. As this can be an expensive process, the Municipality tries to avoid it.

X. NEXT REGULAR MEETING

Tuesday, April 19th, 2011

XI. ADJOURNMENT

On motion, the meeting adjourned at 8:45 p.m.

Certified Correct:

Joanne Kimm, Chairperson