



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

**ADVISORY PLANNING COMMISSION
MINUTES
TUESDAY, MAY 17, 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

There were no late items.

III. ADOPTION OF AGENDA

Trevor Parkes, Staff Liaison, advised the Commission that there was an amendment to the Agenda. Item 3 "*Amendments to the Zoning Bylaw to Accommodate Multiple Residential High Rise Buildings*" has been withdrawn from the agenda.

Moved by Lorne Argyle, seconded by Christopher Smith, that the agenda as amended be adopted.

The Motion **CARRIED**.

IV. ADOPTION OF MINUTES – Regular Meeting April 19th, 2011

Moved by Lorne Argyle, seconded by Joy Palmeter that the Minutes of April 19th, 2011 be adopted as distributed.

The Motion **CARRIED**

V. BUSINESS FROM MINUTES

No business outstanding from minutes.

VI. STAFF REPORTS

(1) DEVELOPMENT PERMIT
876/878 Lampson Street
[Lot 16, Block 6, Section 10, Esquimalt District, Plan 2546]

Will Peerboom, from Victoria Design Group an attended on behalf of the owner to outline the proposal to remove the existing duplex and construct a strata titled duplex. He advised that the proposed duplex complies with all current RD-2 zoning requirements and with many of the design guidelines contained in the Official Community Plan. He gave a history of the property outlining the poor condition of the existing duplex. Also the existence of the unregistered Right-of-Way, which is being addressed with the Township of Esquimalt.

Public Input

There was no public input.

APC Discussion

Pete Hartman commented he had no problem with the proposal.

Amy Higginbotham commented she had no problem with the proposal.

Christopher Smith commented he had no problem with the proposal.

Lorne Argyle commented that the exterior looked great. He asked for an explanation from the designer of the sunken garage.

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 Victoria Design Group, stamped "Received May 5, 2011", and on the landscape plan prepared by Duane Ensign Landscape Design, stamped "Received March 29, 2011", and sited as detailed on the site plan prepared by Powell and Associates BC Land Surveyors shown integrated with architectural plans, for the proposed development located at Lot 16, Block 6, Section 10, Esquimalt District, Plan 2546 [876/878 Lampson Street], be forwarded to Council with a **recommendation of approval**.

The Motion **CARRIED UNANIMOUSLY**

(2) **DEVELOPMENT VARIANCE PERMIT**
1123/1125 Norma Court
[Lot 5, Section 10, Esquimalt District, Plan 11619]

Trevor Parkes, explained to the Commission that there is no access to the rear yard. The rear yard is non-conforming, and the re-construction of the deck requires a building permit and a Development Variance Permit.

Sarah Bower, applicant, one of the owners, was in attendance to present the proposal for a Development Variance Permit to facilitate the reconstruction of a deck that was originally constructed without a building permit.

The applicant explained to the Commission members, that their contractor advised that they did not need a permit to tear down an existing deck and replace with new. They have since learned this is not so. They have been unable to contact the contractor, and have since applied for a building permit and discovered that they also need a Development Variance Permit. Sarah Bower apologized for their ignorance in this matter, which they are not to correct.

Public Input

There was no input from the public

APC Comments

Amy Higginbotham commented that she could not support the application as presented.

Lorne Argyle asked the Staff Liaison, Trevor Parkes, about the sewer right-of-way. Trevor Parkes explained that structures are prohibited over a sewer right-of-way. A deck is inconsistent with that, a patio is not.

Joy Palmetter stated she could not support the proposal of a deck right to the property line. Does not want to set a precedent.

Several members of the Commission indicated that while they sympathized with the applicants and the struggle with the contractor, they could not support the requested variance. The applicant was encouraged to work with Municipal Staff to come to an alternate proposal, to consider a patio to keep access open to the rear yard.

RECOMMENDATION

Moved by Christopher Smith, seconded by Joy Palmetter, that the application for a Development Variance Permit authorizing the construction of a new deck as indicated on the survey provided by Brad Cunnin Land Surveying stamped 'Received April 19, 2011, at Lot 5 Section 11 Esquimalt District Plan 11619 1123 / 1125 Norma Court] with the requested relaxation of **Section 38(9)(iii) – Rear Setback** – a 7.26 metre relaxation to the requirement that no Principal Building shall be located within 7.5 metres of a Rear Lot Line. i.e. from 7.5 metres to 0.24 metres **be denied**.

The Motion **CARRIED UNANIMOUSLY**.

VII. PLANNER'S STATUS REPORT

1141 Bewdley Avenue: [Rezoning and DP for 2 new SFD]. COTW supported staff recommendation that the application be forwarded to Council with a **recommendation of approval** subject to appropriate notification preparation of amending bylaws and a Public Hearing being held.

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 commissioned Bill Bulhozer of Young Anderson Law to review both bylaws to ensure the content met all legislative requirements. This review identified a number of policies which failed to fall within the scope of the Development Permit legislation contained within the *Local Government Act*. Accordingly, staff removed or amended these non-compliant sections from OCP Amending Bylaw No. 2756 and amended Zoning Amending Bylaw no. 2757 by adding a new section. These changes were considered at the regular meeting of Council, held May 7, 2011 and Council approved all changes to the bylaws.

In recognition of the importance of the Esquimalt Village Plan and the magnitude of change it represents to the community, staff, consistent with Council's direction, increased the notification distance from 50 metres to 200 metres. Staff sent notices to 749 owners and occupiers on April 29, 2011, notice of the Public Hearing was printed in the May 4th and May 11th editions of the Victoria News and the four signs located the Esquimalt Road, Park Place and Carlisle Avenue frontages were updated to reflect the May 16, 2011 Public Hearing date.

Council considered both EVP amending bylaws after the Public Hearing closed on May 16, 2011 and moved to **postpone indefinitely further consideration of the EVP**.

1130 Munro Street: [DVP for reduction of External Side Yard setback] At the regular meeting held April 11, 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. The Variance Hearing occurred on May 16, 2011 and the DVP was **approved** by Council.

819 Condor Avenue: [DP for Duplex] At the regular meeting held April 11, 2011 COTW moved that the application be forwarded to Council with a recommendation of approval, subject to staff completing appropriate notification and returning the Development Permit to Council for consideration. Notification was sent as required and staff presented the application to Council on May 16, 2011 and the Development Permit was **approved**.

Temporary Structures: A Public Open House seeking feedback from residents regarding potential regulation of temporary structures in Esquimalt will occur in Council Chambers on Tuesday June 7, 2011, from 4:30pm to 7:30pm

VIII. COUNCIL LIAISON

Councillor Brame informed the Commission members that following the resolution from the Esquimalt Village Public Hearing, it is the intention of Council to gather more public input into the Esquimalt Village proposal and are looking into having a second Public Hearing sometime in the future.

IX. NEW BUSINESS

Comprehensive Development Zones – Enforcement of Design

Trevor Parkes, in response to a question asked at a previous meeting, advised the Commission members that he had researched the Local Government Act regarding this matter. The Act empowers the Municipality to take a Performance Bond. The only enforceable option it to proceed to Court on this matter.

XI. ADJOURNMENT

On motion, the meeting adjourned at 9:05 p.m.

Certified Correct:

Joanne Kimm, Chairperson