



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall  
1229 Esquimalt Road  
Esquimalt, B.C. V9A 3P1

## Legislation Text

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File #: 20-297, Version: 1

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### REQUEST FOR DECISION

**DATE:** June 11, 2020

Report No. APC-20-010

**TO:** Advisory Planning Commission

**FROM:** Bill Brown, Director of Development Services

**SUBJECT:**

Proposed Text Amendment to Zoning Bylaw, 1992, No. 2050 Section 67.100 (4) Comprehensive Development District No. 114 [CD No. 114] 1198 Munro Street

**RECOMMENDATION:**

The Esquimalt Advisory Planning Commission recommends to Council that the Application to amend Section 67.100 (4) of the Zoning Bylaw, 1992, No. 2050, that would increase the density of the number of Dwelling Units permitted on Lot 1, Section 11, Esquimalt District Plan 44436 and in the CD No. 114 Zone from a limit of two [2], for a minimum density of one [1] unit per 357 square metres to a limit of three [3], for a minimum density of one [1] per 290 square metres be forwarded to Council with a recommendation to either approve, approve with conditions, or deny the application; and provide reasons for the chosen recommendation.

**RELEVANT POLICY:**

Land Title Act  
Local Government Act  
Official Community Plan Bylaw, 2018, No. 2922  
Zoning Bylaw, 1992, No. 2050  
Parking Bylaw, 1992, No. 2011  
Development Application Procedures and Fees Bylaw, No. 2791, 2012  
Subdivision and Development Control Bylaw, 1997, No. 2175

**STRATEGIC RELEVANCE:**

The proposed text amendment to Section 67.100 (4) does not directly support any of the goals and objectives in the Strategic Plan.

**BACKGROUND:**

On May 27, 2019, Council adopted Bylaw No. 2947 which amended the Zoning Bylaw to created a site specific zone, Comprehensive Development District No. 114 [CD No. 114] (Appendix "A") that allowed for the creation of two lots from a single parent lot (Appendix "B"). The Section (4) of the CD 114 zone states that:

(4) *Density*

*The number of Dwelling Units permitted on Lot 1, Section 11, Esquimalt District Plan 44436 and in this CD No. 114 Zone shall be limited two [2], for a minimum density of one [1] unit per 357 square metres.*

The current house on the property, which will remain, contains a legal suite. Therefore, the property already has reached its maximum density of two Dwelling Units. The approved subdivision created a lot (Lot B Plan EPP93840) that cannot be developed because the maximum density in the zone has been reached. In order to prevent the sale of an individual parcel with no development rights, a Section 219 Covenant will be registered on the title of the property that would link the two new parcels so that they cannot be sold separately. The covenant will be discharged once the Comprehensive Development No. 114 zone has been amended to increase the density to three [3] dwelling units within the zone, or the suite has been removed from the existing dwelling.

**Purpose of Application:**

The purposed of the proposed text amendment is to increase the density of the number of Dwelling Units permitted on Lot 1, Section 11, Esquimalt District Plan 44436 and in this CD No. 114 Zone from a limit of two [2], for a minimum density of one [1] unit per 357 square metres to a limit of three [3], for a minimum density of one [1] per 290 square metres.

**Context:**

Applicant:

Byron and Karen Rotgans

Owner:

Byron and Karen Rotgans

Designer:

N/A

Property Size:

958 m<sup>2</sup>

OCP Land Use Designation:

Current:

Low Density Residential

Proposed:

No change proposed

Zone:

Existing Land Use:

Comprehensive Development District No 14 (1198 Munro Street) CD No. 114

Proposed Land Use:

No change proposed

Surrounding Land Uses:

North:

Single Family Residential [RS-1]

South:

Single Family Residential [RD-3]

East:

Single Family Residential RD-3I

West:

Charitable Organization Office & Park [P-2]

### **OCP Analysis:**

This proposal is consistent with the 'Present' and 'Proposed' Land Use Designations applied to the subject property, "Low Density Residential".

The following policies were considered in evaluating this development application:

#### **Section 5 Housing & Residential Land Use**

Objective: Support the expansion of housing types within Esquimalt while addressing concerns such as tree protection, parking, traffic, noise, effects on neighbouring properties, and neighbourhood character.

- Policy: Support the development of a variety of housing types and designs to meet the anticipated housing needs of residents. This may include non-market and market housing options that are designed to accommodate young and multi-generational families, the local workforce, as well as middle and high income households.

#### **Section 5.2 Low Density Residential Redevelopment**

Objective: Strive for redevelopment and infill development that improves and enhances the appearance and livability of neighbourhoods and the community as a whole.

- Policy: Proposed redevelopment or infill within present low density residential land use designated areas should be built to high quality design and landscaping standards and respond sensitively to existing neighbourhood amenities.

**Zoning Analysis:**

The proposed Comprehensive Development District Zone would be consistent with other single unit projects and would contain the following uses: single family residential, home occupation, boarding and urban hens.

**Density, Lot Coverage, Siting and Parking:** The following chart compares the floor area ratio, lot coverage, setbacks, building height, and parking of this proposal with the requirements of the RS-1 [Single Family Residential zone] and its current zone RD-3 [Two Family/ Single Family]:

|                            | <b>Current Zone</b><br><b>RD-3</b> [Two Family/ Single Family] | <b>RS-1</b><br>[Single Family] | <b>Proposed CD Zone</b><br>Lot A [West] With existing home | <b>Proposed CD Zone</b><br>Lot B [East] |
|----------------------------|--|--------------------------------|--|---|
| <b>Minimum Parcel Size</b> | 686 m2   | 530 m2                         | 600 m2   | 358 m2                                  |
| <b>Floor Area Ratio</b>    | 0.40   | 0.35                           | 0.33   | 0.40                                    |
| <b>Lot Coverage</b>        | 35%  | 30%                            | 25%  | 34%                                     |
| <b>Setbacks - Front</b>    | 7.5 m  | 7.5 m                          | 7.1 m  | 5.1 m                                   |
| <b>Setbacks - Rear</b>     | 7.5 m  | 7.5 m                          | 4.2 m  | 2.1 m                                   |
| <b>Setbacks - Side</b>     | 3.0 m/1.5m   | 3.0/1.5 m                      | 2.8/2.4 m  | 5.0/3.4 m                               |
| <b>Building Height</b>     | 7.3 m  | 7.3 m                          | 5.76 m   | 6.9 m                                   |
| <b>Off Street Parking</b>  | 1 space  | 1 space                        | 2 spaces   | 3 spaces                                |

Floor Area Ratio [FAR] measures the size of a building (or for all principal buildings on a lot) as a ratio of the area of the lot on which a building sits. The combined FAR of the new proposed dwelling is 0.40 which matches the maximum FAR allowed for a lot less than 800 m<sup>2</sup> in the RD-3 zone which permits the single family residential use. The applicant has designed this project to generally comply with its current zone, RD-3 requirements, including FAR, lot coverage, and building height.

**Parking Analysis:**

The proposed development meets the requirements of the Parking Bylaw, 1992, No. 2011.

**Comments from Other Departments:**

Community Safety Services (Building Inspection):

Comments not yet available.

Engineering Services:

Comments not yet available

Parks:

Comments not yet available

Fire Services:

Comments not yet available

## **ISSUES:**

### 1. Rationale for Selected Option

The proposed amendment to the CD No. 114 zone will allow a detached dwelling to be built on a new lot. This represents a gentle densification of the neighbourhood that is supported by the Official Community Plan.

### 2. Organizational Implications

The proposed amendment does not have any specific organizational implications.

### 3. Financial Implications

The proposed amendment does not have any specific financial implications.

### 4. Sustainability & Environmental Implications

The proposed amendment results in a minor increase in density which may be associated with reduced per capita green house gas emissions.

### 5. Communication & Engagement

The proposed amendment will need to either go through the public hearing process or Council will need to waive the public hearing.

## **ALTERNATIVES:**

- 1) That the Esquimalt Advisory Planning Commission recommend to Council that the proposed amendment to Section 67.100 (4) of the Zoning Bylaw be approved and give reasons for the recommendation.
- 2) That the Esquimalt Advisory Planning Commission recommend to Council that the proposed amendment to Section 67.100 (4) of the Zoning Bylaw be denied and give reasons for the

recommendation.

**CORPORATION OF THE TOWNSHIP OF ESQUIMALT**

**BYLAW NO. 2947**

A Bylaw to amend Bylaw No. 2050, cited as the  
"Zoning Bylaw, 1992, No. 2050"

THE MUNICIPAL COUNCIL OF THE CORPORATION OF THE TOWNSHIP OF  
ESQUIMALT, in open meeting assembled, enacts as follows:

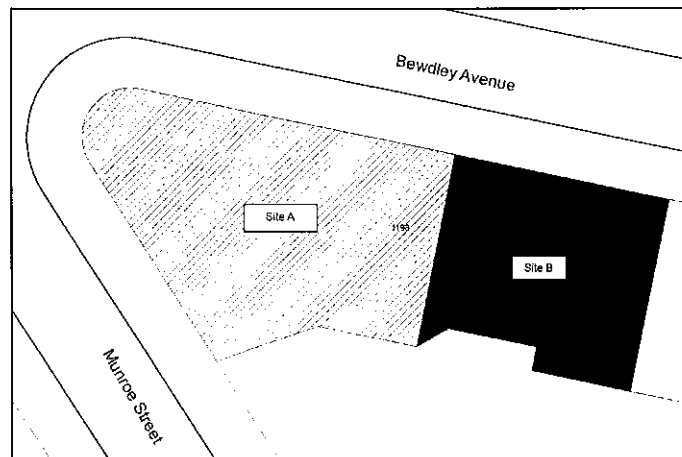
1. This bylaw may be cited as the "ZONING BYLAW, 1992, NO. 2050, AMENDMENT BYLAW NO. 2947".
2. That Bylaw No. 2050, cited as the "Zoning Bylaw, 1992, No. 2050" be amended as follows:
  - (1) by adding the following words and figures in Part 31, Zone Designations, in the appropriate alpha-numeric sequence:

"Comprehensive Development No.114 (1198 Munro Street) CD No.114"

- (2) by adding the following text as Section 67.100 (or as other appropriately numbered subsection within Section 67):

**67.100 COMPREHENSIVE DEVELOPMENT DISTRICT NO. 114 [CD NO. 114]**

In that Zone designated as CD No. 114 [Comprehensive Development District No.114 ] no Building or Structure or part thereof shall be erected, constructed, placed, maintained or used and no land shall be used except in accordance with and subject to the regulations contained in or incorporated by reference into this Part.



**Figure 1. Site A & Site B**

(1) **Permitted Uses**

The following Uses and no others shall be permitted:

- a) Single Family Residential
- b) Home Occupation
- c) Boarding: subject to the requirements of Section 30.3
- d) Urban Hens: subject to the requirements of Section 30.4 of this bylaw.
- e) Secondary Suite (Site A)

(2) **Parcel Size**

The minimum Parcel Size of Parcels created by subdivision shall be 357 square metres.

(3) **Number of Principal Buildings**

Not more than one (1) Principal Building shall be located on a Parcel.

(4) **Density**

The number of Dwelling Units permitted on Lot 1, Section 11, Esquimalt District Plan 44436 and in this CD No. 114 Zone shall be limited to two [2], for a minimum density of one [1] unit per 357 square metres.

(5) **Floor Area Ratio**

The Floor Area Ratio of the principal building shall not exceed 0.33 for a parcel created by subdivision consistent with Site A [Figure 1].

The Floor Area Ratio of the principal building shall not exceed 0.40 for a parcel created by subdivision consistent with Site B [Figure 1].

(6) **Lot Coverage**

The Lot Coverage of the principal building shall not exceed 25% for a parcel created by subdivision consistent with Site A [Figure 1].

The Lot Coverage of the principal building shall not exceed 34% for a parcel created by subdivision consistent with Site B [Figure 1].

(7) **Building Height**

No Principal Building shall exceed a Height of 7.3 metres.

(8) **Siting Requirements**

(a) **Principal Buildings:**

- (i) Front Setback - West (Site A [Figure 1]): The principal building shall not be located within 7.1 metres of the Front



- Lot Line.
- (ii) Side Setback - North (Site A [Figure 1]): The principal building shall not be located within 2.8 metres of the Northern Exterior Lot Line.
  - (iii) Side Setback – South (Site A [Figure 1]): The principal building shall not be located within 2.4 metres of the Southern Interior Lot Lines.
  - (iv) Rear Setback - East (Site A [Figure 1]): The principal building shall not be located within 4.2 metres the Rear Lot Line.
  - (v) Front Setback - North (Site B [Figure 1]): The principal building shall not be located within 5.1 metres of the Front Lot Line.
  - (vi) Side Setback - East (Site B [Figure 1]): The principal building shall not be located within 3.4 metres of the Eastern Interior Lot Line.
  - (vii) Side Setback – West (Site B [Figure 1]): The principal building shall not be located within 5.0 metres of the Western Interior Lot Line.
  - (viii) Rear Setback - South (Site B [Figure 1]): The principal building shall not be located within 2.1 metres the Rear Lot Lines.
  - (ix) The Principal Buildings within Comprehensive Development District No.114 [CD No. 114] shall be separated by not less than 6.0 metres.

(b) **Accessory Buildings:**

No Accessory Buildings shall be permitted.

(9) **Siting Exceptions**

- (a) Within the CD-114 zone, the following reductions are permitted to the siting requirements to accommodate the deck on the principal building located on Site A (Figure 1):
  - (i) The distance to the Rear Lot Line may be reduced by no more than 2.6 metres.
- (b) Within the CD-114 zone, the following reductions are permitted to the siting requirements to accommodate the overhang on the principal building located on Site B (Figure 1):
  - (i) The distance to the Front Lot Line may be reduced by no more than 1.0 metres.
  - (ii) The distance to the Western Interior Lot Line may be

- reduced by no more than 0.5 metres.
- (iii) The distance to the Rear Lot Line may be reduced by no more than 0.3 metres.

(10) **Home Occupation**

Notwithstanding Section 13(3) The Home Occupation shall not occupy more than 20% of the Gross Floor Area and in any event shall not exceed 28 square metres for the principle building located on Site B (Figure 1).

(11) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of the Principal Building and 2 metres behind the front face of the Principal Building.

(12) **Off-Street Parking**

Off-street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No.2011 (as amended).

- (3) by changing the zoning designation of PID 005-455-031; Lot 1, Section 11, Esquimalt District, Plan 44436 [1198 Munro Street] shown cross-hatched on Schedule "A" attached hereto from RD-3 [Two Family/ Single Family Residential] to **CD No. 114** [Comprehensive Development District No. 114 ].
- (4) by changing Schedule 'A' Zoning Map, attached to and forming part of "Zoning Bylaw, 1992, No. 2050" to show the changes in zoning classification effected by this bylaw.

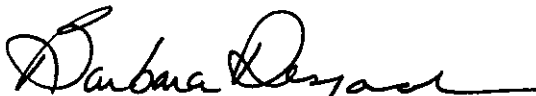
READ a first time by the Municipal Council on the 17<sup>th</sup> day of December, 2018.

READ a second time by the Municipal Council on the 17<sup>th</sup> day of December, 2018.

A Public Hearing was held pursuant to Sections 464, 465, 466 and 468 of the *Local Government Act* on the 21<sup>st</sup> day of January, 2019.

READ a third time by the Municipal Council on the 21<sup>st</sup> day of January, 2019.

**ADOPTED** by the Municipal Council on the 27<sup>th</sup> day of May, 2019.

  
\_\_\_\_\_  
BARBARA DESJARDINS  
MAYOR

  
\_\_\_\_\_  
ANJA NURVO  
CORPORATE OFFICER



398

Fraser St

399

Munro St

1194

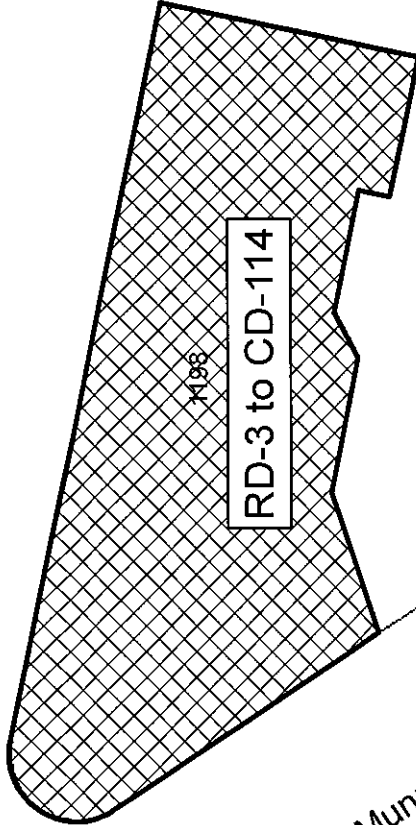
1193

1191

Bewdley Ave

409

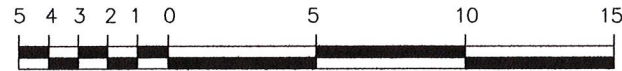
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RD-3 to CD-114

Schedule 'A'  
Bylaw No. 2947

**Proposed Subdivision Plan Of:**  
**Lot 1, Section 11,**  
**Esquimalt District, Plan 44436.**  
**P.I.D. 005-455-031**



Scale = 1:250

Dated this 5th day of July, 2018.

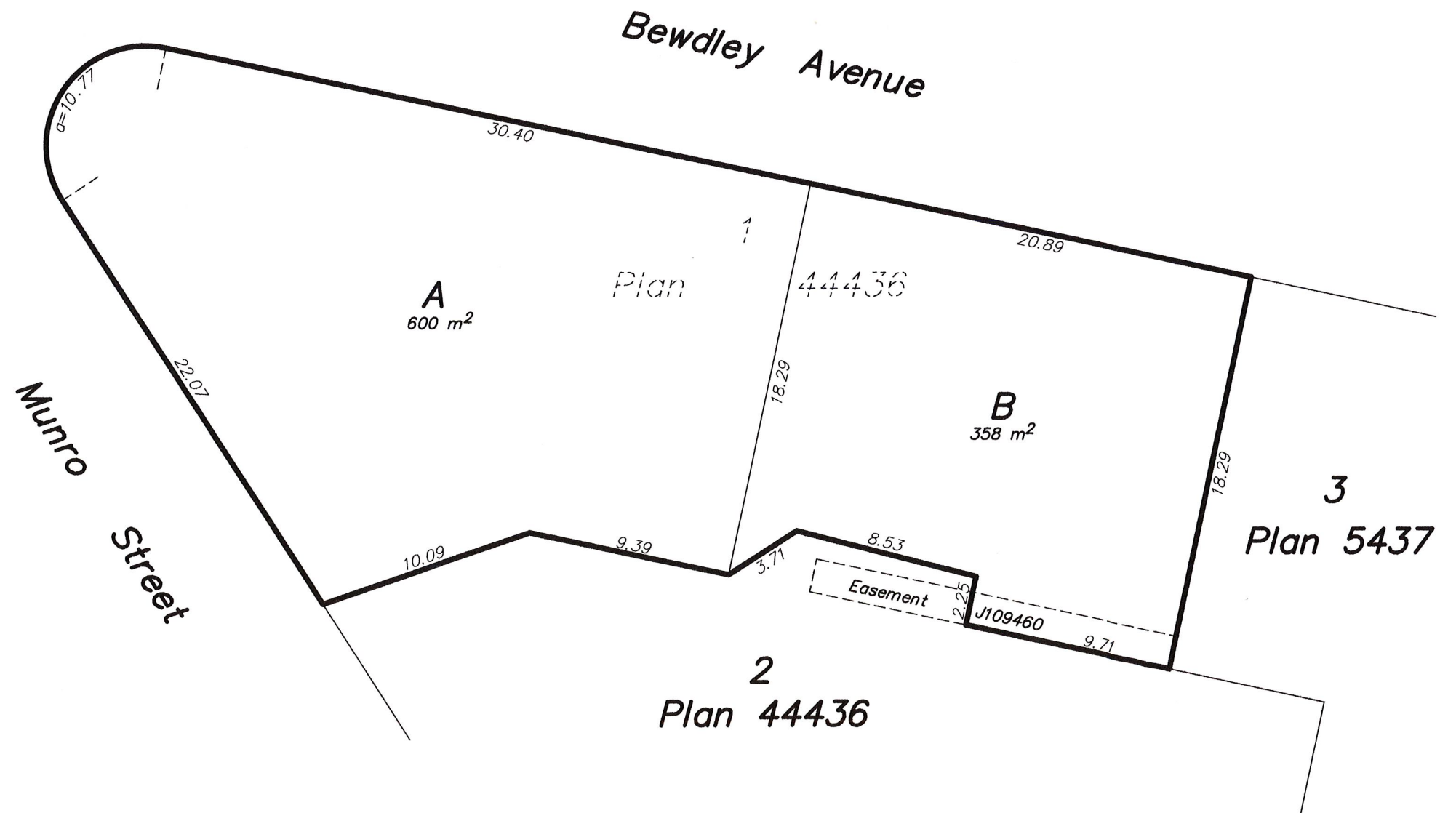
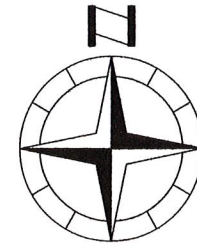
B.C.L.S. (Not valid unless originally signed & sealed)

Distances and elevations shown are in metres.

Elevations are based on geodetic datum CVD28BC and derived from OCM 87H3781.

This site plan is for building and design purposes and is for the exclusive use of our client.

This document shows the relative location of the surveyed structures and features with respect to the boundaries of the parcel described above. This document shall not be used to define property lines or property corners.



The subject property is affected by the following registered documents:  
J109460.

**Wey Mayenburg Land Surveying Inc.**

[www.weysurveys.com](http://www.weysurveys.com)

#4-2227 James White Boulevard  
 Sidney, BC V8L 1Z5

Telephone (250) 656-5155

File: 180193\SIT\GH

**Proposed Subdivision Plan Of:**  
**Lot 1, Section 11,**  
**Esquimalt District, Plan 44436.**  
**P.I.D. 005-455-031**



Scale = 1:250

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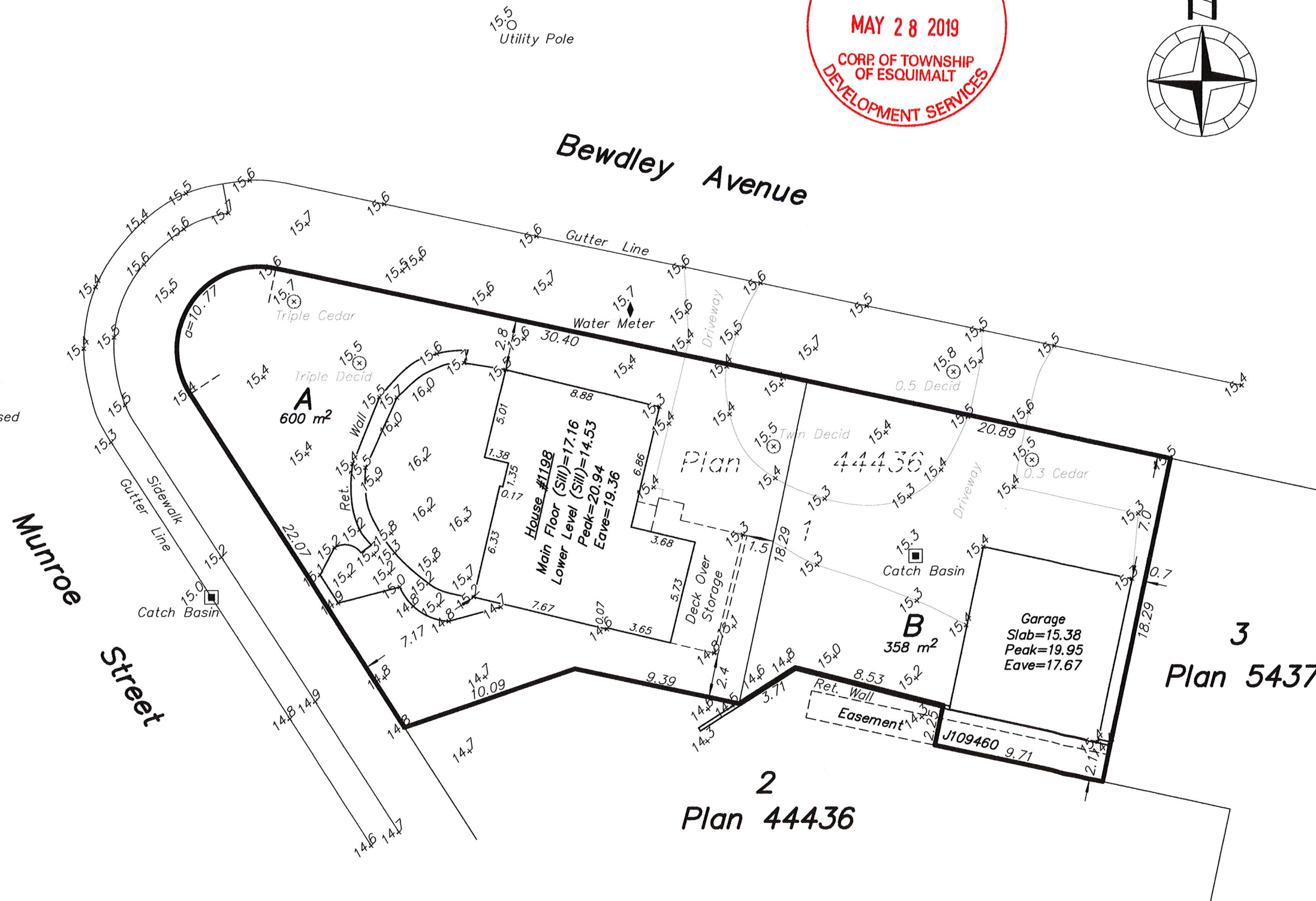
[www.weysurveys.com](http://www.weysurveys.com)

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Telephone (250) 656-5155

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15.5  
Utility Pole