



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

A G E N D A

REGULAR COMMITTEE OF THE WHOLE

Monday, November 10, 2008

7:00 p.m.

Esquimalt Council Chambers

1. CALL TO ORDER

2. LATE ITEMS

3. APPROVAL OF THE AGENDA

4. MINUTES

- (1) Minutes of the Regular Committee of the Whole, September 8, 2008 Pg. 1 – 7
- (2) Minutes of the Special Committee of the Whole, October 6, 2008 Pg. 8 – 9
- (3) Minutes of the Special Committee of the Whole, October 20, 2008 Pg. 10 – 14

5. STAFF REPORTS

Development Services

- (1) Development Permit with Variance, 357 Kinver Street [Lot C, Section 11, Esquimalt District, Plan VIP85403], Staff Report No. DEV-08-108 Pg. 15 – 32

6. ADJOURNMENT



Corporation of the Township of Esquimalt

COMMITTEE OF THE WHOLE

Monday, September 8, 2008

Esquimalt Municipal Hall – Council Chambers

7:00 p.m.

MINUTES

PRESENT: Mayor Chris Clement, Councillor Hy Freedman (Chair), Councillor Lynda Hundleby, Councillor Barbara Desjardins, Councillor Don Linge, Councillor Hy Freedman and Councillor Jane Sterk

STAFF: Tom Day, Chief Administrative Officer; Barbara Snyder, Director of Development Services; Gilbert Cote, Director of Engineering and Public Works, Marlene Lagoa, Diane Knight (recorder)

1. CALL TO ORDER

Councillor Freedman called the meeting to order at 7:00 p.m.

2. LATE ITEMS

1. Pertaining to Agenda Item 5(5), Staff Reports, Rezoning Application and Development Permit Application, 622 Admirals Road, Staff Report No. DEV-08-080

- Email from Lawrence E Ellis, Received September 4, 2008, Re: Legion Tower
- Email from John McKay, Received September 4, 2008, Re: Too Tall Buildings
- Email from Beverley Darche, Received September 4, 2008, Re: Legion Towers
- Email from Dan Wragg, Received September 4, 2008, Re: Legion Tower Project
- Email from Celine Anderson and Sebastian Lucero Groisman, Received September 4, 2008, Re: Legion Tower Proposal
- Email from Gwen Bavin, Received September 4, 2008, Re: Proposed Tower
- Email from Bob and Carol Randall, Received September 4, 2008, Re: 14 Story Condo Building
- Email from Carol-Ann Staples, Received September 4, 2008, Re: Proposed 17 Storey Highrise
- Email from Betty Notar, Received September 5, 2008, Re: Legion Towers

- Email from Tom Graham, Received September 5, 2008, Re: High Rise Development Proposal on Present Legion Site at Admirals Rd.
- Email from John Price, Received September 5, 2008, Re: Recent Development Requests the Fall Outside the Official Community Plan
- Email from Wendy L White, Received September 5, 2008, Re: Legion Tower
- Letter from Kim Bellefontaine, Received September 5, 2008, Re: Proposed Legion Tower Development Project
- Email from Karol and Warren Sanderson, Received September 5, 2008, Re: 17 Story High Rise
- Email from Beth Sobieszczyk and Dylan Reeves, Received September 5, 2008, Re: Please Do Not Approve a 17-Storey Building on Admirals and Esquimalt
- Email from Emmy Labonte, Received September 5, 2008, Re: Legion Proposal
- Email from Val MacMillan, Received September 5, 2008, Re: Stick to the OCP – Listen to the People
- Email from Robbie Taylor, Received September 6, 2008, Re: Legion Property Development
- Email from Wendy Barry, Received September 6, 2008, Re: Proposed Highrise
- Email from Alison Gaul, Received September 6, 2008, Re: 17 Storey Development Proposal
- Email from Rod Lavergne, Received September 6, 2008, Re: Application for High Rise 622 Admirals Road
- Email from Nancy Nigro, Received September 7, 2008, Re: Legion Towers
- Email from Sam Macey, Received September 7, 2008, Re: Esquimalt Legion Development Proposal
- Email from Bonney King and Eric Adams, Received September 7, 2008, Re: 17 Level Legion Building
- Email from Colin J MacLock, Received September 8, 2008, Re: Development Proposals Over 10 Stories in Height

- Letter from Jean Jenkins, Received September 8, 2008, Re: Proposed Building on the Esquimalt Legion Site
- Letter from Thomas Alfred Jenkins, Received September 8, 2008, Re: Proposed Building on the Esquimalt Legion Site
- Email from Eleanor Calder, Received September 8, 2008, Re: OCP Plan Does Not Include High Rise Towers
- Fax from Doug Grant, The Royal Canadian Legion, Esquimalt Dockyard Branch No. 172, Received September 8, 2008, Re: Support for 17 Storey Dev and Legion

2. APPROVAL OF AGENDA

Moved by Mayor Clement, seconded by Councillor Desjardins that the agenda be approved as amended.
The motion **CARRIED**.

3. MINUTES

- (1) Minutes of the Regular Committee of the Whole, June 9, 2008
- (2) Minutes of the Special Committee of the Whole, June 23, 2008

Moved by Councillor Linge, seconded by Mayor Clement that the minutes of the Regular Committee of the Whole meeting held June 9, 2008, and the minutes of the Special Committee of the Whole meeting held June 23, 2008 be adopted.
The motion **CARRIED**.

6. STAFF REPORTS

Development Services

(1) Amendment to Animal Bylaw to Allow Urban Hens, Staff Report No. DEV-08-078

The Director of Development Services reviewed the amendment to the Animal Bylaw to include a clause prohibiting the keeping of hens in any front yard.

Comments from Council include:

- Concerns with enforcing the bylaw.
- Suggestion to address individual cases of location as they come forward.

Moved by Mayor Clement, seconded by Councillor Sterk that:

- (1) Third reading of Bylaw No. 2692 amending Animal Bylaw No. 2495 to provide for the keeping of up to four hens in the RS-1, RS-2, RS-3, RS-4 and RS-5 Single Family Residential Zones be rescinded;

- (2) Bylaw No. 2692 be amended by adding the following clause in Section 57.1:

"I) any structure containing hens or chickens, whether that structure is portable or stationary, must not be located within the front yard setback unless such structure is screened by vegetation of a sufficient height and width to prevent the structure being visible from the street or from any adjacent residence."

The motion **CARRIED**.

Councillor Desjardins **OPPOSED**.

Moved by Mayor Clement, seconded by Councillor Linge that amended Bylaw No. 2692 be given third reading.

The motion **CARRIED**.

- (2) **Development Variance Permit, 372 Pooley Place, [Lot 1, Section 11, Esquimalt District, Plan VIS2352], Staff Report No. DEV-08-081**

The Director of Development Services reported that the Variance Permit is to permit increasing the size of an existing deck.

The applicant spoke on the Variance and advised that neighbours have expressed support for the renovations to 372 Pooley Place.

Moved by Mayor Clement, seconded by Councillor Hundleby that the application for a development variance permit authorizing the expansion of an existing deck located at Lot 1, Section 11, Esquimalt District, Plan VIS2352 [372 Pooley Place] as shown on the site plan and elevation drawing stamped "Received July 31, 2008", and based on construction drawings stamped "Received June 13, 2008", and including the following variance to Zoning Bylaw No. 2050, be forwarded to Council for approval.

Bylaw No. 2050, Section 38(8)(a) – Lot Coverage - a 1.4% increase in the allowable Lot Coverage from 30% to 31.4% of the Area of a Parcel.

The motion **CARRIED**.

- (3) **Development Permit, 774 Fairview Road, [Lot 10, Block 1, Section 10, Esquimalt District, Plan 1127], Staff Report No. DEV-08-082**

The Director of Development Services advised on landscape changes being made to the industrial site.

Comments from Council include:

- Changes show a positive improvement to the area.
- Will accommodate the future E&N Rail Trail and benefit the community at large.
- Pleased with process and working in cooperation with staff.

Moved by Mayor Clement, seconded by Councillor Sterk that the application for a Development Permit, limiting the form and character of development to that shown on architectural and landscape plans prepared by A.J. Finlayson Architect Ltd., stamped "Received September 2, 2008", and including the following variances to Zoning Bylaw No. 2050 and Parking Bylaw No. 2011, be forwarded to Council for approval.

Zoning Bylaw No. 2050, Section 53(6)(b) – Screening and Landscaping – a 1% reduction for the required landscaped area of a parcel, from 5% of the land area of the parcel to 4% of the land area of the parcel and exemption from the requirement to locate landscaping along the front lot line of the property.

Parking Bylaw No. 2011, Section 9(1) – Provision and maintenance of Off-Street Parking and Loading Areas – an exemption from the requirement that maneuvering aisles shall be provided on the same Parcel as the use, building or structure for which they are required.

The motion **CARRIED**.

(4) Closure of Recycling Depot at Tudor House, Staff Report No. DEV-08-083

The Director of Development Services reported on the closure of the Recycling Depot at the Tudor House site due to ongoing complaints from the public.

Comments from Council include:

- Recycling depot is a valuable service to the residents of Esquimalt.
- Questions were raised regarding why this initiative did not work in Esquimalt whereas it is successful in other municipalities.
- Suggestion was made to look into using Public Works yard.
- Suggestion was made to have a member of Council and a municipal staff member meet with Pacific Mobile Depot to come to an agreement on an alternate location for the Depot in the municipality.

Moved by Councillor Desjardins, seconded by Mayor Clement that Staff Report No. DEV-08-083, Closure of Recycling Depot at Tudor House be received for information.

The motion **CARRIED**.

(5) Rezoning Application and Development Permit Application, 622 Admirals Road, [Lot 155, Suburban Lot 43, Esquimalt District, Plan 2854], [Lot 156, Suburban Lot 43, Esquimalt District, Plan 2854], [Lot 157, Suburban Lot 43, Esquimalt District, Plan 2854], [Lot 158, Suburban Lot 43, Esquimalt District, Plan 2854, Except Part in Red on Plan 312 BL], Staff

Report No. DEV-08-080

The Director of Development Services introduced the Rezoning and Development Permit to request a change in zoning to allow construction of a 17 storey mixed use tower at 622 Admirals Road.

The applicants, Chris Fitzpatrick and Robert Schmidt, were present to answer questions. Also in attendance were Michael Levin, Richard Dixon and Les Archer to answer questions regarding landscaping and traffic design.

Comments from Council include:

- Concerns with small amount of commercial space available for the size of the building.
- Concerns with space between building and the street, would like to see more space in front.
- Increased density in Esquimalt is a positive step and stimulates the economy.
- Increased use of parks and schools is good for the community.
- Need to develop a DCC bylaw to give developers a better idea of what is expected of them.
- Would like to see a more comprehensive neighbourhood plan and expansion of the Esquimalt Village Project before moving this project forward.
- Need to give residents and developers a vision for the area.
- Would like to see rental accommodation included and space for Veterans.
- Imperative to get input from residents regarding what they want to see for the community.
- Disturbing to see the community divided on a project.
- Congratulations to developer on green initiatives and traffic design.
- All construction should meet LEEDS standards.
- Need to review and possibly revise the OCP.
- Concerned with the fact that the APC did not make a recommendation on the development.
- Feel that it is the responsibility of this Council to give staff more guidance on developments such as this and future planning for the community.
- Ensure that future developers are responsible for the cost of infrastructure improvements required by new projects.
- Council expressed support for the Legion and for the Veterans.
- Council supports staff's recommendation on the direction for this development.

Moved by Councillor Desjardins, seconded by Mayor Clement that:

- (1) The application be held in abeyance pending a review of

the Official Community Plan to examine and better define suitable reasons for considering increases in height and density; and

- (2) Staff be directed to prepare a work plan for preparation of a DCC bylaw.

The motion **CARRIED**.

9.

ADJOURNMENT

Moved by Mayor Clement, seconded by Councillor Linge that the meeting adjourn at 8:16 p.m.

The motion **CARRIED**.

A/MAYOR OF THE CORPORATION
OF THE TOWNSHIP OF ESQUIMALT
THIS DAY OF , 2008

CERTIFIED CORRECT:

TOM DAY
DEPUTY MUNICIPAL CLERK



Corporation of the Township of Esquimalt

SPECIAL COMMITTEE OF THE WHOLE

Monday, October 6, 2008

Esquimalt Municipal Hall – Council Chambers

5:30 p.m.

MINUTES

PRESENT: Mayor Chris Clement, Councillor Jane Sterk (Chair), Councillor Barbara Desjardins, Councillor Don Linge, Councillor Hy Freedman and Councillor Lynda Hundleby

STAFF: T. Day, Chief Administrative Officer
G. Coté, Director of Engineering and Public Works
L. Hurst, Director of Financial Services
B. Snyder, Director of Development Services
C. Morissette, Director of Parks and Recreation
L. Randle, Corporate Administrator (recorder)
P. Nelson, Fire Chief
Les Sylven, Inspector, Victoria Police Department (and Interim Police Chief Bill Naughton as a guest)

1. CALL TO ORDER

Councillor Sterk called the meeting to order at 5:30 p.m.

2. LATE ITEMS

There were no late items.

3. APPROVAL OF AGENDA

Moved by Mayor Clement, seconded by Councillor Linge that the agenda be approved.

The motion **CARRIED**.

4. DEPARTMENTAL REPORTS – 2nd PERIOD (May – August)

- (1) CAO's Second Period Report, Staff Report No. ADM-08-024
- (2) Financial Services, Staff Report No. FIN-08-012
- (3) Corporate Services, Staff Report No. ADM-08-027
- (4) Development Services, Staff Report No. DEV-08-079
- (5) Engineering and Public Works, Staff Report No. EPW-08-037
- (6) Parks and Recreation Services, Staff Report No. P&R-08-014
- (7) Esquimalt Fire Rescue, Staff Report No. FIRE-08-009

- (8) Victoria Police Department, West Division
Moved by Councillor Linge, seconded by Councillor Freedman that
all reports be received.
The motion **CARRIED**.

5. **STAFF REPORTS**

Administration

- (1) 2008-2009 Strategic Plan, Staff Report No. ADM-08-029

Moved by Mayor Clement, seconded by Councillor Desjardins that
Council receive the updated 2008-2009 Strategic Plan as
presented.
The motion **CARRIED**.

6. **ADJOURNMENT**

Moved by Councillor Desjardins, seconded by Councillor Linge that the
meeting adjourn at 6:42 p.m.
The motion **CARRIED**.

A/MAYOR OF THE CORPORATION
OF THE TOWNSHIP OF ESQUIMALT
THIS ___ DAY OF _____, 2008

CERTIFIED CORRECT:

LARRY RANDLE
CORPORATE OFFICER



Corporation of the Township of Esquimalt

SPECIAL COMMITTEE OF THE WHOLE

Monday, October 20, 2008

Esquimalt Municipal Hall – Council Chambers

5:30 p.m.

MINUTES

PRESENT: Mayor Chris Clement, Councillor Jane Sterk (Chair), Councillor Barbara Desjardins, Councillor Don Linge, Councillor Hy Freedman and Councillor Lynda Hundleby

STAFF: T. Day, Chief Administrative Officer
G. Coté, Director of Engineering and Public Works
L. Hurst, Director of Financial Services
B. Snyder, Director of Development Services
L. Randle, Corporate Administrator (recorder)

1. CALL TO ORDER

The meeting was called to order at 5:31 p.m.

2. LATE ITEMS

There were no late items.

3. APPROVAL OF AGENDA

Moved by Mayor Clement, seconded by Councillor Desjardins that the agenda be approved.
The motion **CARRIED**.

4. STAFF REPORTS

(1) Development Permit, 1008 Tillicum Road [Lot 5, Section 10, Esquimalt District, Plan 6034], Staff Report No. DEV-08-085

5:32 p.m. Councillor Linge left the meeting due to a possible conflict of interest as he has a business relationship with the applicant.

The applicant John Romashenko introduced the Architect, David McGrath, who presented on the architectural plans prepared by Wensley Architecture Ltd.

Comments regarding the proposal by Council include:

- Council requiring a finalized list of green initiatives before it is approved
- Concerned about the blankness of the southern facing wall
- Concerned about the wideness of the street lanes and sidewalks for traffic flow

- Need to finalize the specifications of the on-site water management storage

Moved by Mayor Clement, seconded by Councillor Freedman that the application for a Development Permit, limiting the form and character of development to that shown on architectural plans prepared by Wensley Architecture Ltd., stamped "Received October 7, 2008", and including the following variances to Zoning Bylaw No. 2050 and Parking Bylaw No. 2011, be forwarded to Council for approval.

Zoning Bylaw No. 2050, Section 47(2) – Building Height – a 3.1 metre increase in the permitted Height, from 13 metres to 16.1 metres.

Zoning Bylaw No. 2050, Section 47(4)(b) – Siting Requirements – a 3.0 metre decrease in the required setback between a Building and a Side Lot Line, where a commercial parcel abuts a residential use, from 3.0 metres to 0 metres.

Parking Bylaw No. 2011, Section 14(3)(a) – Dimension Of Off-Street Parking Spaces – a 3% increase in the percentage of small car Parking Spaces from 50% (8 spaces) to 53% (9 spaces).

The motion **CARRIED**.
Councillor Freedman opposed.

6:28 p.m. Councillor Linge returned to the meeting.

(2) Development Permit, 1324 Lyall Street [Lot 129, Suburban Lot 38, Esquimalt District, Plan 2854], Staff Report No. DEV-08-092

The applicant, Raymond Horne, was given an opportunity to speak and thanked the municipality's staff for their work on the application.

The Director of Development Services answered Council's questions regarding:

- The design of the strata titled duplex: council was concerned about the lack of an aesthetically pleasing appearance due to the mirror-image and box-shape design of the proposed development.
- Sidewalk on Lyall St. versus Nelson St.: the proposal is to get a wider sidewalk on Lyall St. as there is currently no sidewalk on Nelson St.

Moved by Mayor Clement, seconded by Councillor Desjardins that the application for a Development Permit, limiting the form and character of development to that shown on architectural and landscape plans prepared by Colwood Design Line, stamped "Received October 3, 2008" for the proposed development located at Lot 129, Esquimalt District, Plan 2854, Suburban Lot 38 [1324

Lyall Street] be forwarded to Council with a recommendation of approval.

The motion **CARRIED**.

(3) Development Permit with Variances and Request for Strata Titling, 861 Tillicum Road [Lot 1, Section 10, Esquimalt District, Plan 11426], Staff Report No. DEV-08-093

Moved by Councillor Freedman, seconded by Mayor Clement that a draft Development Permit, limiting the form and character of development to that shown on architectural and landscape plans provided by Allan R. Cassidy Architect Inc. stamped "Received September 15, 2008", for the proposed development located at Lot 1, Section 10, Esquimalt District, Plan 11426 [861 Tillicum Road], and including the following variances to Zoning Bylaw No. 2050 be prepared and returned to Council.

Section 38(5) – Floor Area – an 18.7 square metres decrease in the minimum floor area for the first storey of a Principal Building from 88 square metres to 69.3 square metres.

Section 38(8.1) – Building Massing – a 1 % relaxation of the permitted maximum total of floor area of the Principal Building from 75% to 76%.

Section 38(9)(a)(i) (ii) – Siting Requirements – a 0.4 metre relaxation of the required setback between a Principal Building and the Front Lot Line from 7.5 metres to 7.1 metres, and a 0.1 metre relaxation if the setback between a Principal Building and the Interior Side Lot Line from 1.5 metres to 1.4 metres

The motion **CARRIED**.

Councillor Hundleby opposed.

Moved by Mayor Clement, seconded by Councillor Hundleby that Council deny the request to strata title these previously occupied residential units.

The motion **CARRIED**.

(4) (a) Development Permit, 1190 Rhoda Lane [Lot 1, Section 2, Esquimalt District, Plan 7068, Except Plan VIP84344], Staff Report No. DEV-08-094

The Director of Development Services presented an overview of the proposed development to Council.

Moved by Mayor Clement, seconded by Councillor Desjardins to continue the Committee of the Whole meeting past 7:00 p.m. and to delay the start of the Regular Meeting of Council until the Committee of the Whole meeting is adjourned.

The motion **CARRIED**.

Mr. Large (the applicant) made a presentation to Council on the development.

Comments by Council regarding the proposal included:

- There were issues raised which require a full staff report and a legal opinion before Council's approval
- Some of the issues the development proposal raises require amendments to the OCP, which is a long process
- Council would like to see some public engagement to occur in regards to this development

Mayor Clement urged the Director of Development Services to consult with the public at subdivision stage.

Moved by Mayor Clement, seconded by Councillor Linge that the application for a Development Permit, limiting landscaping on the northern portion of Lot 1, Section 2, Esquimalt District, Plan 7068, Except Plan VIP84344 [1190 Rhoda Lane] to that shown on landscape plans provided by LADR Landscape Architects, stamped "Received September 5, 2008", be forwarded to Council with a recommendation for approval.

The motion **CARRIED**.

Councillor Freedman opposed.

(b) Discussion of Correspondence Related to Development at 1190 Rhoda Lane, Staff Report No. DEV-08-098

Moved by Councillor Hundleby, seconded by Mayor Clement that the correspondence from residents of Garthland Road and this report be received for information.

The motion **CARRIED**.

(5) Development Variance Permit for Fencing, #2 – 915 Glen Vale Road, DEV-08-096

Moved by Mayor Clement, seconded by Councillor Hundleby that the following variance to Zoning Bylaw No. 2050 to allow a 1.8 metre [6 ft.] high fence at the rear of the property at #2 - 915 Glen Vale Road [Lot 2, Section 2, Esquimalt District, Plan VIS5102] be considered:

Part 4 - General Regulations - Section 22 (1) - Fences - an 0.7 metre [2.3 ft.] increase in the permitted height of a fence on top of a retaining wall or similar structure from 1.1 metres [3.6 ft.] to 1.8 metres [6 ft.].

The motion **CARRIED**.

5. ADJOURNMENT

Moved by Councillor Sterk, seconded by Councillor Hundleby that the Special Committee of the Whole meeting be adjourned at 7:10 p.m.
The motion **CARRIED**.

MAYOR OF THE CORPORATION
OF THE TOWNSHIP OF ESQUIMALT
THIS ___ DAY OF _____, 2008

CERTIFIED CORRECT:

LARRY RANDLE
CORPORATE OFFICER



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C., V9A 3P1
Telephone (250) 414-7100 Fax (250) 414-7111

STAFF REPORT

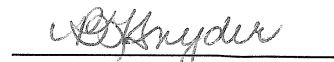
Date: November 4, 2008 **REPORT NO.** DEV-08-108
To: Tom Day, Chief Administrative Officer
From: Barbara Snyder, Director, Development Services
Trevor Parkes, Senior Planner
Subject: **DEVELOPMENT PERMIT with VARIANCE**
357 Kinver Street
[Lot C, Section 11, Esquimalt District, Plan VIP85403]

RECOMMENDATION

That the application for a Development Permit, limiting the form and character of development to that shown on architectural plans prepared by Hartmann's Drafting and Design, stamped "Received September 23, 2008" and on the landscape plan prepared by Neil's Landscape and Garden Service, stamped "Received September 23, 2008" for the proposed development located at Lot C, Section 11, Esquimalt District, Plan VIP85403 [357 Kinver Street], and including the following variance to Zoning Bylaw No. 2050 be forwarded to Council with a recommendation of approval.

Zoning Bylaw No. 2050, Section 40(8.1) – Building Massing – a 8% relaxation for the permitted maximum area of the second storey of a Two Family dwelling in relation to the total floor area of the ground floor, including an attached garage, from 75% to 83%.


Trevor Parkes
Senior Planner


Barbara Snyder
Director, Development Services

SUMMARY

The applicant proposes to construct a strata titled duplex at 357 Kinver Street which is zoned RD-3. 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.

BACKGROUND

Owners: Garry Bromley and Bonnie Calder

Applicant: Garry Bromley

Property Size: Metric: 736.6 m² Imperial: 7928.7 ft²

Existing Land Use: Vacant Land [Recently Subdivided Lot]

Surrounding Land Uses:

South:	Single/ Two Family Residences
East:	Single Family Residence
North:	Single Family Residence
West:	Single/ Two Family Residences

Existing Zoning: RD-3 [Two Family/ Single Family Residential]

Proposed Zoning: RD-3 [No change required]

Existing OCP Designation: Residential [no change required]

Purpose of the Application:

To acquire a development permit authorizing the construction of a new duplex as allowed under the RD-3 [Two Family/ Single Family Residential] zone.

COMMENTS FROM OTHER DEPARTMENTS

The plans for this proposal were circulated to other departments and the following comments were received:

Building Inspection: Construction must meet BC Building Code 2006 requirements and all municipal bylaws. Separate natural gas, hydro, and water services will be required for each unit.

Parks: A tree removal permit has been applied for the removal of 10 trees. One of these trees is located on the neighbouring property therefore a separate removal permit must be submitted by the neighbouring owners. Subject to the granting of this Development Permit, the remaining 9 trees will be approved for removal due to negative impacts on the trees health that will occur as a result of construction of the driveways and utility installation. Four replacement trees are shown on the landscape plan creating a net loss of 5 trees. There will be a requirement of the developer to pay \$2500 to the municipal tree replacement fund for this deficiency.

Engineering Services: All engineering issues associated with this site were dealt with as part of the subdivision approval process.

Note: All projects are subject to compliance with the building, electrical and plumbing codes; Subdivision and Development Control Bylaw No. 2175; and fire and safety standards.

ZONING CONSIDERATIONS

Siting and Setbacks:

The following chart compares the setbacks, lot coverage and floor area ratio of this proposal with the requirements of the RD-3 Two Family/ Single Family Residential zone.

	RD-3 (Two Family)	357 Kinver Street
Minimum Parcel Size	668 m ²	736.6m ²
Floor Area Ratio	.40	.38
Lot Coverage	30%	29%
Setbacks		
• Front	7.5 m	7.5 m
• Rear	7.5 m	14.59 m
• Side	3.0 m/1.5 m	3.0/1.59 m
• Garage	1.5 m	1.5 m
Building Height	7.3 m	7.04 m
Building Massing	Upper Floor <= 75%	Upper Floor = 83%
Driveway Width	Maximum 5.5 m	5.5 m
Off Street Parking	2 stalls	2 stalls

OFFICIAL COMMUNITY PLAN CONSIDERATIONS

The Official Community Plan does allow for sensitive infill development in residential zones provided the development fits with the neighbourhood. This proposal is subject to Section 9.0 of the Official Community Plan and the design Guidelines of Section 9.7.5 are applicable.

Building Design:

The building design is for a two storey, side-by-side duplex, with design elements including a hipped roof with central gables, hardie plank/ cedar shingle siding, decorative garage doors and prominent front porches for each unit. Entrances are clearly visible from Kinver Street and are covered for the convenience of visitors and residents. The use of gabled rooflines with alternate cladding materials and the addition of a spindle railed front porch combine to create visual interest on the façade of the building while effectively breaking up the massing of the building.

Units A and B are proposed to be identical and have 3 bedrooms, 2.5 bathrooms, upstairs laundry, living room, kitchen and eating area, family room and a generous garage. These units will likely prove desirable as they offer three bedrooms and therefore meet the space requirements of many families searching for housing in Greater Victoria.

The applicant has attempted to meet all relevant requirements of the recently amended RD-3 Zone. He has been successful in achieving the required garage setback of 1.5m, and driveway width not exceeding 5.5 metres at the property line. As mentioned, this proposal triggers a variance to the building massing requirement stipulating the second floor must be less than 75% of the main floor. In this case, the second floor represents 83% of the total floor area of the ground floor, including the attached garage.

The applicant will be required to register a Section 219 Covenant limiting the new principal building to only two dwelling units [sample covenant attached].

Fit with Neighbourhood:

The subject property is located in a neighbourhood of mixed architecture styles of single family homes and duplexes. The proposed duplex complements the character of the neighbourhood and is consistent with and preserves the proportions and patterns of existing residences and setbacks.


Landscaping:

The attached landscape plan indicates a 1.8 metre privacy fence will be installed between the two unit's grade level patios, extending to the rear property line and surrounding the property. This fence will either be required to stop at the front face of the principle building or drop in height to 1.2 metres along the edges of the front yard. A planting bed will be installed in front of the porch and, in conjunction with a grass font lawn, will separate the two driveways which would be constructed from ornamental pavers. The rear yards for both units are large with plenty of grassed open space. These lawns are complimented by developed beds along the rear fence line creating a focal point when viewed from the house.

A landscape bond of 125% of the estimated value of all landscaping will be required if this application is approved.

PUBLIC NOTIFICATION

As this proposal involves a variance, notices would be mailed to owners and tenants of properties within 50 metres [164 ft.] of the subject property advising them of the date on which Council will consider the application.

<p>Approved for Council's consideration:</p> <p></p> <hr/> <p>Tom Day, Chief Administrative Officer</p> <p>Dated: <u>Nov 4/08</u></p>
--

for



SCALE 1:1500



19

1168, 1166, 1165, 1162, 1160, 1158, 1154, 1150, 1146, 1142, 1138, 1134, 404, 400, 405/407, 1120, 1112, 1108, 1104, 1117, 1169, 1165, 1161, 1157, 1153, 1149, 1145, 1141, 1137, 1162, 1158, 1154, 1152, 1150, 1148, 1146, 1142, 1138, 1136, 380, 376, 395, 391, 389, 385, 1118, 1111, 1107, 39, 1161, 1159, 1157, 1155, 1153, 1149, 1145, 1141, 364, 1166, 1164, 1162, 1160, 1142, 1136, 1134, 362, 360, 358, 356, 363, 361, 357, 11105, 11103, 11101, 36, 1130, 1126, 1122, 1114, 1112, 1106, 35, 354, 1111, 1101, 320, 1149, 1151, 1143, 143A, 1145, 1133, 330/330A, 1123, 1121, 1127, 1125, 1111, 1101, 323, 325, 327, 1129, 1121, 1127, 1125, 1111, 1101, 320

Development 357 Kinver – Garry Bromley

To Esquimalt City Council:

I am sorry I am not able to attend this meeting due to our previously planned trip to Thailand.

I believe the development stands on its own merit.

The planning department has recommended approval saying we have tried our utmost to meet all new by-laws. We only need a variance for the main floor to upper floor ratio from 75% 83%.

The Advisory Committee has unanimously approved the development saying the creativity and planning is exactly what we are looking for in infill lots.

All criteria was looked at including massing, having a lower height than 361 Kinver and same height as 1130 Munro and overall appeal. We believe this duplex will be a favorable asset to Esquimalt and the two new families that live here.

Thank You


Garry Bromley

E-mail calbrom@yahoo.ca



40. **TWO FAMILY/SINGLE FAMILY RESIDENTIAL [RD-3]**

The intent of this Zone is to accommodate Single Family or Two Family Dwelling Units on individual Parcels of land.

(1) **Permitted Uses**

The following Uses and no others are permitted:

- (a) Single Family Residential
- (b) Two Family Residential
- (c) Home Occupation

(2) **Parcel Size**

The minimum Parcel Size for Parcels created by subdivision shall be 668 square metres

(3) **Minimum Lot Width**

The minimum width of Parcels created by subdivision shall be 18.3 metres, measured at the Front Building Line.

(4) **Building Density [Floor Area Ratio]**

- (a) For parcels 800 square metres in area and larger, the Floor Area Ratio for Two Family Dwellings shall not exceed 0.35.
- (b) For parcels under 800 square metres in area the Floor Area Ratio for Two Family Dwellings shall not exceed 0.4."

(5) **Floor Area**

The minimum Floor Area for the First Storey of a Principal Building shall be 88 square metres

(6) **Building Height**

- (a) No Principal Building shall exceed a Height of 7.3 metres
- (b) No Accessory Building shall exceed a Height of 3.6 metres
- (c) When developing a front to back Two Family Dwelling, the back Dwelling Unit shall be no higher than the highest point of the existing Dwelling Unit. A Two Family Dwelling is considered back to front if more than 75% of the floor area of the back Dwelling Unit is behind the rear wall of the front Dwelling Unit.

(7) **Building Width**

The minimum width of any Single Family or Two Family Dwelling shall be 7 metres

(8) **Lot Coverage**

(a) All Principal Buildings, Accessory Buildings and Structures combined shall not cover more than 30% of the Area of a Parcel.

(b) All Accessory Buildings and Structures combined shall not exceed 10% of the Area of a Parcel.

(8.1) **Building Massing**

The second storey of any Two Family Dwelling shall be a maximum of 75% of the total floor area of the ground floor, including an attached garage.

(9) **Siting Requirements**

(a) **Principal Building**

(i) Front Setback: No Principal Building shall be located within 7.5 metres of the Front Lot Line.

(ii) Side Setback: No Principal Building shall be located within 1.5 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 4.5 metres. In the case where a Parcel is not served by a rear lane, one [1] Side Yard shall not be less than 3 metres. In the case of a Corner Lot, no Principal Building shall be located within 3.6 metres of an Exterior Side Lot Line.

(iii) Rear Setback: No Principal Building shall be located within 7.5 metres of a Rear Lot Line.

(b) **Accessory Building**

(i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.

(ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line nor 3.6 metres of an Exterior Side Lot line.

(iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot line.

(iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.

(c) **Garage Setback:** Detached and attached garages shall be set back a minimum of 1.5 metres from the front face of the Dwelling Unit.”

(10) **Common Wall Requirements**

In Two Family Dwellings the common wall overlap between the habitable areas of the two Dwelling Units shall be not less than 50%.

(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 No. 2011.

(13) ***Driveway Width***

The maximum width of a driveway surface on a Two Family Residential lot shall be a total of 5.5 metres. This applies to a double-wide driveway, or the combined width of two single lane driveways serving a Two Family Dwelling.”

SAMPLE

2. Only one Principle Building consisting of two Dwelling Units shall be located on the land. "Dwelling Unit" means one or more habitable rooms used for the residential accommodation of one Family when such rooms contain or provide for the installation of only one (1) set of cooking facilities and one or more sets of sanitary facilities. "Family" means one or more persons related by blood, marriage, common law, adoption or foster parenthood; or not more than four unrelated persons sharing one Dwelling Unit.

3. This Covenant runs with the Lands.

4. Nothing in this Covenant shall affect the Corporation in the exercise of its statutory powers.

5. The parties hereto each covenant to and agree with the other that the _____ being the holder of mortgages on the lands of the Grantor registered under number _____ at the Victoria Land Title Office do hereby consent to and approve the granting of the Covenant herein and do hereby grant priority to the said Covenant over the said mortgages such that the Covenant shall constitute and rank as a prior charge against the lands affected thereby.

6. These presents shall enure to the benefit of and be binding upon the parties hereto and upon their respective proper signing officers in that behalf as of the day and year first above written.

IN WITNESS WHEREOF, the parties hereto have signed, or being corporations have caused their officers to sign, the attached Form C General Instrument in execution of this Agreement.

9.7 Development Permit Area No. 5 – Enhanced Design Control Residential

9.7.1 Scope

All lands zoned for two-unit dwellings or zoned as Comprehensive Development Districts for residential developments only are designated as part of Development Permit Area No. 5 – Enhanced Design Control – Intensive Residential as shown on “Schedule C” of this Plan.

9.7.2 Category

Section 919(1)(f) of the *Local Government Act* – form and character of intensive residential development.

9.7.3 Justification

The following policies and guidelines were developed to allow for the better utilization and redevelopment of parcels within residential neighbourhoods and ensure that development occurs in a manner that retains the desirable physical characteristics of a neighbourhood.

9.7.4 Requirements of Owners of Land within the Development Permit Area

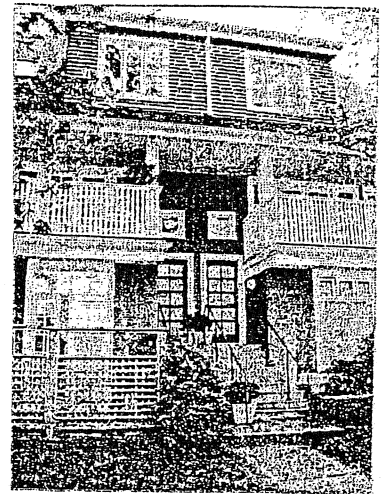
- a) Owners of land within Development Permit Area No. 5 must not do any of the following without first obtaining a development Permit in accordance with the guidelines for this Development Permit Area:
- construct a two-unit dwelling;
 - subdivide a two-unit dwelling;
 - convert a single-unit dwelling to a two-unit dwelling;
 - renovate an existing two-unit dwelling if the value of construction, as specified in the Building Permit, would exceed 50 percent of the assessed value (as listed on the BCAA property roll at the time of construction) of the building being added to or renovated;
 - construct two or more separate dwelling units on one parcel, without first obtaining a Development Permit in accordance with the guidelines of this Development Permit Area; or
 - construct a dwelling on a parcel less than 530 m² in area if that parcel was created after May 31st, 2002.
- b) Exemptions:
- The following do not require a development permit:
- additions or renovations to, or the construction of, one single-unit dwelling situated on a fee simple parcel;
 - additions or renovations to any two-unit dwelling situated on a parcel zoned for two-unit use where the value of construction, as specified in the Building Permit, does not exceed 50 percent of the assessed value of the building (as listed on the BCAA property roll at the time of construction) being added to or renovated;
 - construction of buildings or structures less than 10 square meters in area;
 - minor additions to existing dwellings where the floor area of the addition does not exceed 10 percent of the ground floor area of the dwelling;

- emergency repairs to existing structures where a potential safety hazard exists; and
- fences.

9.7.5 Guidelines for Owners of Land within the Development Permit Area

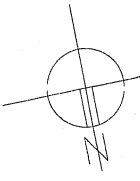
The intent of these guidelines is to ensure that new two-unit development (i.e. duplexes) is compatible with and enhances the surrounding community.

- a) New two-unit dwellings, additions to or renovations of existing two-unit dwellings, and the conversion of single-unit dwellings into two-unit dwellings should be designed to be consistent with and preserve the proportions and patterns of existing residential buildings in the immediate vicinity, including the wall-to-window area ratios and the amount and type of open space provided.
- b) Where it is not possible to achieve buildings of similar size and proportion to the surrounding residential buildings, the fronts of the buildings should be designed to create the appearance of smaller structures either by staggering the dwelling units or visually breaking up the façade with architectural detailing.
- c) Innovative and creative site-specific two-unit dwellings are encouraged where yard space is maintained either on the ground or as rooftop gardens. Setbacks to the street may be reduced to maximize property use.
- d) Front to back duplexes are generally discouraged unless they can be designed to eliminate negative impacts to the immediate neighbours such as shading of gardens, overlook of outdoor amenity areas and violation of privacy.
- e) Side by side, up and down, or staggered unit configurations are preferred as these result in a greater number of units facing the street, less disruption of privacy, and a more equitable division of outdoor amenity areas between the two dwelling units.
- f) The use of exterior building materials similar to those used in older residential neighbourhoods (i.e. combinations of wood, brick, stucco, and stone) is encouraged.
- g) Rooflines of new development should relate in height, shape and pitch to existing residential buildings in the immediate area. For corner sites, the building design should avoid having large unbroken sloped roof areas facing the street.
- h) To create interest in the façade of the buildings facing the street, the incorporation of architectural elements such as bay windows, covered porches, verandas and prominent front doors is encouraged.
- i) Buildings should be designed to minimize visual intrusion onto the privacy of surrounding homes. Some overlook of adjoining yards and neighbouring decks may be unavoidable; however, additional privacy should be achieved by inseting balconies, decks and patios into the building or by screening them with latticework or landscaping. Windows should be spaced



so that they do not align directly with those of other buildings.

- j) The height and massing of new two-unit dwellings should be designed to minimize the casting of shadows onto the private outdoor space of adjacent residential dwellings.
- k) A landscaping plan showing ground cover areas, planting beds, shrubbery and trees (both existing and proposed) is required for every new two-unit dwelling or the conversion of a single-unit dwelling to a two-unit dwelling. Landscaping should add to the aesthetic appeal of the streetscape as well as provide privacy between dwelling units.
- l) The provision of private open space should be part of an overall site development and landscape plan and should take into consideration general site circulation patterns (including parking), existing landscape features, sun access, privacy and usability.
- m) Retention and protection of trees and the natural habitat is encouraged where possible.
- n) Parking areas, garages and driveways should appear as a minor component of the site when viewed from the street. The building of curving access roads and driveways helps to avoid views from the street of large expanses of paving. The use of shared driveways is encouraged.
- o) The use of permeable and decorative surfacing materials, such as brick, concrete pavers, textured concrete, coloured paving or grasscrete is encouraged in place of solid expanses of asphalt or concrete.
- p) Where possible, hydro meters will not be placed on the front façade of a building and, if placed on the side of a building which is visible from the street, will be appropriately screened.
- q) Where an existing single unit dwelling is being converted to a two-unit dwelling both the original structure and the addition shall be in the same architectural style and constructed of the same exterior finishes including roofing material, window treatments, exterior finishes, door styles and trims.
- r) Roof styles and pitches of the original and new portions of the building must be complimentary.
- s) For new or converted two unit dwellings, garages and parking areas are encouraged to be located in the rear yard. Shared driveways are preferred to access the rear yard.
- t) Where two single lane driveways serve a two unit lot, landscaping features are encouraged between the driveways."



REGULATIONS
LEGAL DESCRIPTION
LOT: C
SECTION: 11
RANGE: ESQUIMAULT

SITE INFORMATION
SITE AREA: 738.625 SQ. M.
SITE COVER: 2373.5 SQ. FT. (220.566 SQ. M.) 29.9%
TOTAL UPPER FLR AREA (INCLUDING GARAGE): 1507.785 SQ. FT. (140.075 SQ. M.) 14.4%
TOTAL UPPER FLR AREA (EXCLUDING STAIR OPENING): 1317.564 SQ. FT. (120.975 SQ. M.) 14.4%
BUILDING AREA RATIO: 29.9%
PARKING SPACES: 2 SPACES 7.34 M.

MUNRO STREET

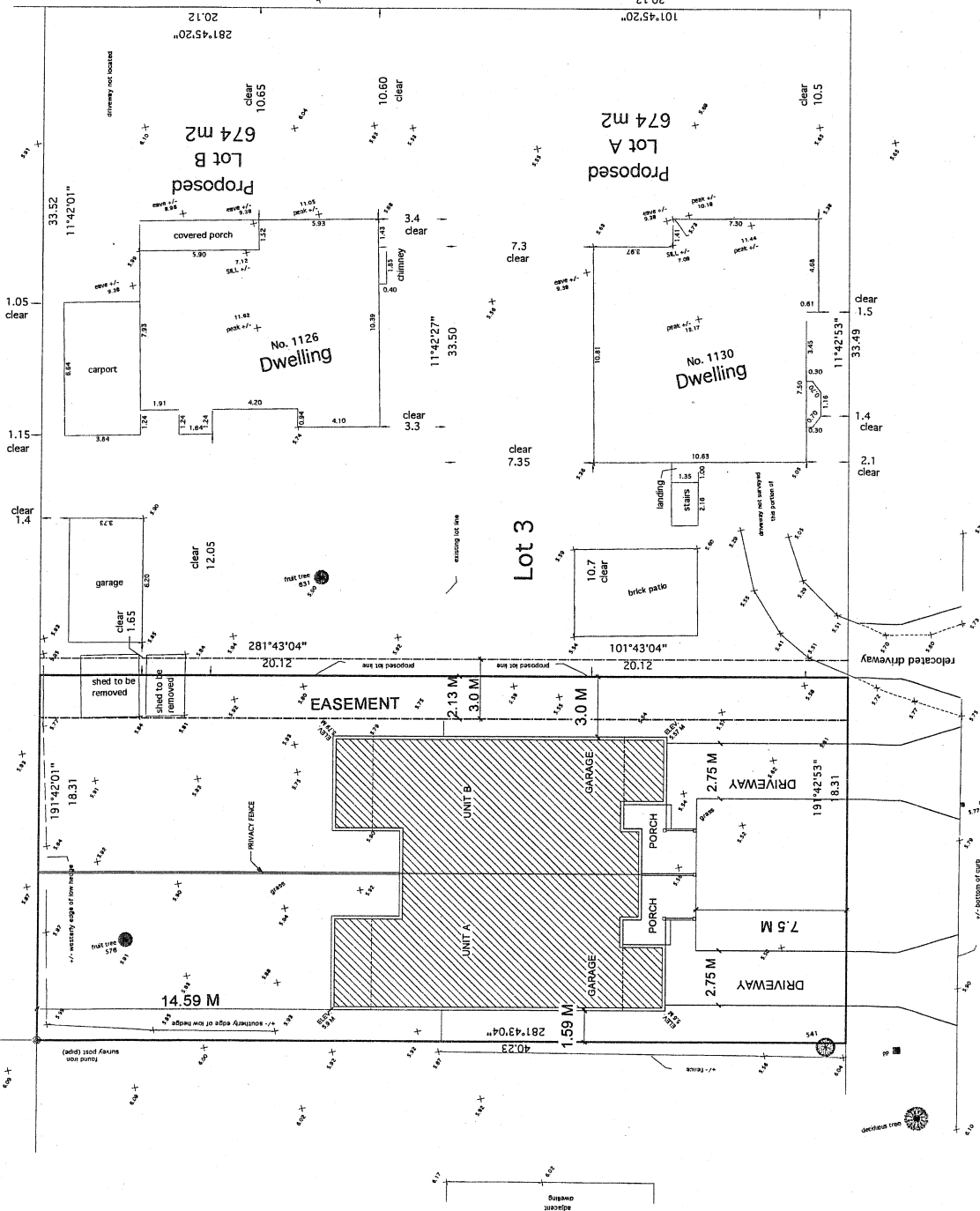


HARTMANN'S
DRAFTING & DESIGN
1400 WILSON AVENUE, SUITE 101
VANCOUVER, BC V6J 1K6
TEL: 604-271-1111

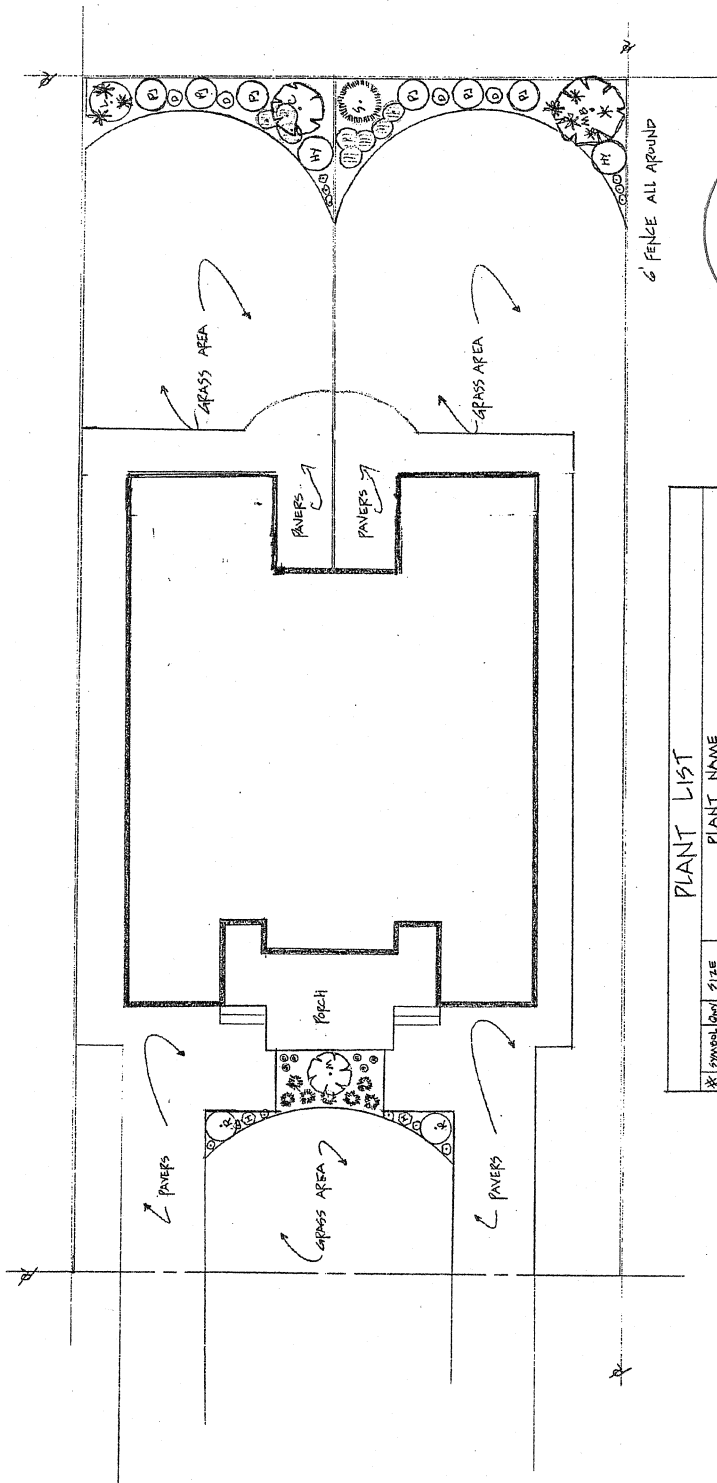
PROPOSED DEVELOPMENT FOR
MR. G. BROMLEY

SCALE: 1/4" = 1'-0"
DRAWN BY: T.M.A.R.
PLAN # 108

SHEET 3 OF 3



SITE PLAN
Scale: 1/8" = 1'-0"



6' FENCE ALL AROUND

PLANT LIST

NO	SYMBOL	QTY	SIZE	PLANT NAME
1	Ⓡ	2	#3 POT	RHOPELIDRUM 'GOLDEN TOUCH'
2	Ⓢ	2	#1 POT	HOSTA 'CRISPULA'
3	Ⓣ	12	4" POT	SALVIA NEMOROSA 'CARADONNA'
4	Ⓤ	1	1m	ACER PALMATUM DISSECTUM 'RED DRAGON'
5	Ⓥ	4	4" POT	RUBELKIA FULGIDA 'GOLDSTURM'
6	Ⓦ	7	# POT	CAREX OSHIMENUS 'EVERGOLD'
7	Ⓧ	1	#7 POT	PIERIS JAPONICA 'CHARLES JOY'
8	Ⓨ	2	#3 POT	HYDRANGEA MACROPHYLLA
9	Ⓩ	4	4" POT	ENGLISH DAISY
10	ⓛ	4	4" POT	CORNIUS NUTTALLII 'EDDIE'S WHITE WONDER'
11	Ⓧ	1	2m	HOSTA 'WIDE BRIM'
12	Ⓨ	8	#1 POT	FOLIISTICHNUM MUNITUM
13	Ⓩ	8	#1 POT	PICEA OMOPKICA
14	ⓛ	1	2m	ACER PALMATUM 'BLOODGOOD'
15	Ⓧ	1	2m	



LANDSCAPE PLAN'S FOR RESIDENCE
 DRAWN BY: CLP
 REVISIONS:
 DATE: 28th 11/03
 APPROVED BY:
 NEIL'S LANDSCAPE & GARDEN SERVICE
 DRAWING NUMBER:
 1 of 1

1:8 S.P. PRINTED ON 1/8" THICK CLEARPAPER