



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

A G E N D A **REGULAR COMMITTEE OF THE WHOLE**

Monday, May 11, 2009
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, April 14, 2009 | Pg. 1 – 6 |
| (2) Minutes of the Special Committee of the Whole, April 16, 2009 | Pg. 7 – 8 |
| (3) Minutes of the Special Committee of the Whole, April 20, 2009 | Pg. 9 – 10 |
| (4) Minutes of the Special Committee of the Whole, May 4, 2009 | Pg. 11 – 12 |

5. STAFF REPORTS

Development Services

- | | |
|--|-------------|
| (1) Secondary Suites, Staff Report No. DEV-09-025 | Pg. 13 – 30 |
| (2) Development Permit, 860 Admirals Road, [Lot 11, Block 7, Section 10, Esquimalt District, Plan 2546], Staff Report No. DEV-09-026 | Pg. 31 – 55 |
| (3) Development Variance Permit, 1206 Wychbury Avenue, [Lot 7, Section 11, Esquimalt District, Plan 21838], Staff Report No. DEV-09-027 | Pg. 56 – 66 |
| (4) Development Variance Permit, 677 Admirals Road, [Strata Lot 1, Suburban Lot 50, Section 11, Esquimalt District, Plan VIS3131], Staff Report No. DEV-09-028 | Pg. 67 – 84 |

6. ADJOURNMENT



Corporation of the Township of Esquimalt

COMMITTEE OF THE WHOLE

Tuesday, April 14, 2009

Esquimalt Municipal Hall – Council Chambers

7:00 p.m.

MINUTES

PRESENT: Mayor Barbara Desjardins (Chair), Councillor Meagan Brame, Councillor Randall Garrison, Councillor Alison Gaul, Councillor Lynda Hundleby, Councillor Don Linge, Councillor Bruce McIldoon

STAFF: Laurie Hurst, Acting Chief Administrative Officer, Barbara Snyder, Director of Development Services, Gilbert Coté, Director of Engineering and Public Works, Diane Knight, Executive Assistant (recorder)

1. CALL TO ORDER

Mayor Desjardins called the meeting to order at 7:00 p.m.

2. LATE ITEMS

There was one late item.

- 1) Pertaining to Agenda Item 5 (1) (a), 2009-2011 Strategic Plan
-email from Ms. Muriel Dunn

3. APPROVAL OF AGENDA

Moved by Councillor Brame, seconded by Councillor Hundleby that the agenda as amended be approved.
The motion **CARRIED**.

4. MINUTES

- (1) Minutes of the Special Committee of the Whole, February 23, 2009
- (2) Minutes of the Regular Committee of the Whole, March 9, 2009
- (3) Minutes of the Special Committee of the Whole, March 16, 17, and 18, 2009
- (4) Minutes of the Special Committee of the Whole, March 23, 2009
- (5) Minutes of the Special Committee of the Whole, March 30, 2009

Moved by Councillor Garrison, seconded by Councillor McIldoon that the Minutes of the Special Committee of the Whole dated, February 23, 2009, March 16, 17, and 18, 2009, March 23, 2009, March 30, 2009 and the Regular Committee of the Whole, March 9, 2009, be adopted.
The motion **CARRIED**.

5. UNFINISHED BUSINESS

(1) From the Regular Council Meeting, April 6, 2009

(a) 2009 – 2011 Strategic Plan

Comments from Council on Point 2 under Social Improvement on Page 4 of the Strategic Plan include:

- Council has taken steps to protect Archie Browning Sports Centre (ABSC) and continue with the Esquimalt Village Project;
- Suggestion to revise date for Archie Browning in the strategic plan to 2014 which would eliminate need to spend time and money on it now;
- Majority would like to see ABSC addressed sooner rather than later;
- Even if a decision is made now, plans and implementation will take many years;
- Wording on this point is misleading and could be construed as replacing ABSC.

Moved by Councillor McIlldoon, seconded by Councillor Gaul to revise the wording on Point 2 under Social Improvement on Page 4 to read "Provide more detailed economic advice on retention of Archie Browning Sports Centre arena."

The motion **CARRIED**.

Moved by Councillor Hundleby, seconded by Councillor Garrison to amend the original motion to add "and for further consideration".

The motion was **DEFEATED**.

Moved by Councillor Brame, seconded by Councillor Hundleby to adopt the 2009 – 2011 Strategic Plan with changes noted.

The motion **CARRIED**.

(2) From the Special Committee of the Whole Meeting, March 16, 2009

(a) Budget Questions for Police Board

Mayor Desjardins noted that no questions had been submitted to the Police Board for the meeting on April 16th. Councillors Garrison and Hundleby submitted questions, which along with additional questions from Council will be submitted to Barbara Cameron, Victoria Police Board, to be addressed at the April 16, 2009 meeting.

6. STAFF REPORTS

Development Services

(1) Feedback on Height and Density following the March 24th Community Forum, Staff Report No. DEV-09-020

The Director of Development Services reported on feedback from the Community Forum on March 24th. The purpose was to get an indication from

the community whether they were interested in considering changes to height and density in the current OCP. She advised that a review process would include visuals, information on the website, large scale ads, and public open houses. The timeline for completion of a review would be this Fall.

Comments from Council include:

- Thank you to staff for hosting the Forum, it was well done, useful and informative;
- Concerns with the fact that changes to the Zoning bylaw would be required to reflect changes to the OCP;
- Concerns were raised with the possibility of having high rises along Esquimalt Road creating a valley;
- Ensure that care is taken in form and character and that views are not blocked;
- In favour of moving forward and recognition that the OCP needs to be a living document;
- Changes would improve the quality of life and keep taxes reasonable;
- Concerns were raised with spending money on an OCP review;
- There seems to be a lot of common ground for residents;
- Appears to be lots of support for DCCs and economic growth;
- Would like to see flexibility to address individual developments;
- Stressed the importance of having a vision and planning neighbourhoods;
- Encourage more people to enjoy the community;
- Ensure inclusion of Pedestrian Charter and Climate Change Charter in review;
- Ensure that industrial areas are given the opportunity to provide feedback;
- Recommend that next step be a strong communication strategy to ensure that input is provided by the majority of the community.

Councillor Gaul thanked those who had worked on the Official Community Plan.

Moved by Councillor Garrison, seconded by Councillor Hundleby that:

1. Council authorize staff to begin the process of reviewing Section 2.2.4 of the Official Community Plan [OCP] with a view to amending the maximum allowable building height and allowable FAR [Floor Area Ratio] for multiple family residential and mixed-use commercial-residential buildings in designated areas [Section 2.2.4.4].
2. The review of Section 2.2.4 of the OCP also include a review of what constitutes an amenity worth qualifying for increased height and density [Sections 2.2.4.1 (h) and (j)] plus give the value of each amenity in relation to the amount of the increase.

The motion **CARRIED**.

(2) **Development Permit, 513 Sturdee Street, [Lot 53, Suburban Lot 53, Esquimalt District, Plan 2854], Staff Report No. DEV-09-021**

The Director of Development Services reported that the property is extremely small but does permit residential use.

The applicant, Glenn Davies, advised that the property has been cleaned up, many calls had been made to Esquimalt Police about this property in the past and it is also a difficult lot to build on. This plan was a collective agreement between staff and developers.

Comments from Council include:

- Commend planners on innovation and creativity for this site;
- Neighbours respect developers for changes already made;
- Happy to see green features in plan;
- Welcome addition to the neighbourhood.

Moved by Councillor Linge, seconded by Councillor Hundleby that the application for a Development Permit, limiting the form and character of development to that shown on architectural plans prepared by 3 Metro Urban Design and Development, stamped "Received March 10, 2009" and on landscape plans prepared by Duane Ensing Landscape Design, stamped "Received April 7, 2009", for the proposed development located at Lot 53, Suburban Lot 53, Esquimalt District, Plan 2854 [513 Sturdee Street], and including the following variances to Zoning Bylaw No. 2050 be forwarded to Council with a recommendation of approval.

Section 38(5) – Floor Area – a 30 square metre reduction to the minimum floor area of the first storey of the Principal Building from 88 square metres to 58 square metres.

Section 38(7) – Building Width – a 1.1 metre reduction to the minimum width of any Two Family Dwelling from 7 metres to 5.9 metres.

Section 38(9)(a)(ii) – Siting Requirements – Principal Building – a 0.6 metre reduction to the Interior Side Setback from 1.5 metres to 0.9 metres.

Section 38(9)(a)(ii) – Siting Requirements – Principal Building – a 1.3 metre reduction to the Exterior Side Setback from 3.6 metres to 2.3 metres.

Section 38(9)(b)(ii) – Siting Requirements – Accessory Building – a 0.7 metre reduction to the Exterior Side Setback from 3.6 metres to 2.9 metres.

The motion **CARRIED**.

- (3) **Rezoning and Development Permit, 934 and 936 Craigflower Road, [Lot B, Section 10, Esquimalt District, Plan 326] and [Lot PT 8, Section 10, Esquimalt District Plan 6650, lying southerly of a boundary parallel to and perpendicularly distant 120 feet from the northerly boundary of said lot], Staff Report No. DEV-09-022**

The Director of Development Services reported that the architect will be making a presentation.

The architect, Mr. Herbert Kwan, reviewed the plans for his proposal for townhouse units. He feels that the project will fit in with the neighbourhood.

Mr. Jim Peart, Landscape Architect, reviewed the streetscape and sidewalk frontage.

Mr. Dan Casey, Boulevard Transportation, reported that the development will have little traffic impact.

Comments from Council include:

- Concerns with construction parking which has yet to be finalized;
- Suggestion for garbage cans – this will be for staff to discuss with the developer as well as parkland dedication;
- Concerns with construction on Craigflower Road, ensure that disruptions to traffic are minimal and coordinate construction of development with municipal road construction.

Moved by Councillor Linge, seconded by Councillor Brame that the application for the rezoning of 934 and 936 Craigflower Road and a Development Permit limiting the form and character of the proposed development as shown on the project data and site plans stamped "Received April 7, 2009", and architectural plans stamped "Received August 21, 2008"; prepared by Herbert H. Kwan Architect and landscape plan prepared by Lombard North Group, stamped "Received August 21, 2008", be forwarded to Council with a recommendation for approval.

The motion **CARRIED**.

Engineering and Public Works

- (4) **Street Cleaning – Proposed Level of Service, Staff Report No. EPW-09-021**

The Director of Engineering and Public Works advised that the Township will provide a more consistent level of street cleaning service. The municipality has purchased a street sweeper and developed a program to maximize use of the machine. He reported that there will be no set schedule as there are too many variables.

Comments from Council include:

- Concerns that residents will not have time to remove their cars from the street before the sweeper arrives;
- Some streets cannot be cleaned by the Sweeper and have to be

- cleaned by hand;
- Thank you for the proposal for a cleaner Esquimalt.

Moved by Councillor Garrison, seconded by Councillor Hundleby that Staff Report No. EPW-09-021 be received for information.
The motion **CARRIED**.

7. PUBLIC INPUT

Muriel Dunn, 1193 Old Esquimalt Road, stated that she enjoyed the Forum but noted that there was no control over the surveys, some had no name or address on them.

Emmy Labonte, 873 Dunsmuir Road, thanked staff and Council.

8. ADJOURNMENT

Moved by Councillor Brame, seconded by Councillor Hundleby to adjourn the Committee of the Whole meeting at 9:10 p.m.
The motion **CARRIED**.

MAYOR OF THE CORPORATION
OF THE TOWNSHIP OF ESQUIMALT
THIS 14TH DAY OF APRIL, 2009

CERTIFIED CORRECT:

TOM DAY
A/CORPORATE OFFICER



Corporation of the Township of Esquimalt

SPECIAL COMMITTEE OF THE WHOLE

Thursday, April 16, 2009

Esquimalt Municipal Hall – Council Chambers

5:00 p.m.

MINUTES

PRESENT: Mayor Barbara Desjardins (Chair), Councillor Meagan Brame, Councillor Randall Garrison, Councillor Lynda Hundleby, Councillor Don Linge, Councillor Bruce McIlldoon, Councillor Alison Gaul (arrived at 5:43 p.m.)

STAFF: Laurie Hurst, Acting Chief Administrative Officer, Larry Randle, Manager of Corporate Services

1. CALL TO ORDER

Mayor Desjardins called the meeting to order at 5:00 p.m.

2. LATE ITEMS

3. APPROVAL OF AGENDA

Moved by Councillor Hundleby, seconded by Councillor Brame that the agenda as amended be approved.

The motion **CARRIED**.

4. PRESENTATIONS

- (1) City of Victoria Police re: Police Budget
Jamie Graham, Dean Fortin, Les Sylven, Mark Burfind and Scott Sievwright were in attendance.

Chief Graham made an opening statement followed by a handout of the Police budget request from Scott Sievwright that goes to the Police Board and Finance Committee. The pre-stated questions posed by Council to the Police representatives were addressed.

Moved by Councillor McIlldoon, seconded by Councillor Brame that the meeting be recessed at 5:54 p.m. to reconvene at 6:20 p.m.

The motion **CARRIED**.

Mayor Desjardins reconvened the meeting at 6:20 p.m. with all of Council, staff and Police representatives present.

Police representatives responded to further questions from Council.

5. ADJOURNMENT

Moved by Councillor Hundleby, seconded by Councillor Brame to adjourn the Special Committee of the Whole meeting at 6:28 p.m.
The motion **CARRIED**.

MAYOR OF THE CORPORATION
OF THE TOWNSHIP OF ESQUIMALT
THIS DAY OF , 2009

CERTIFIED CORRECT:

LARRY RANDLE
CORPORATE OFFICER



Corporation of the Township of Esquimalt

SPECIAL COMMITTEE OF THE WHOLE

Monday, April 20, 2009

Esquimalt Municipal Hall – Council Chambers

5:30 p.m.

MINUTES

PRESENT: Mayor Barbara Desjardins (Chair), Councillor Meagan Brame, Councillor Randall Garrison, Councillor Lynda Hundleby (arrived at 5:35 p.m.), Councillor Don Linge, Councillor Bruce McIldoon, Councillor Alison Gaul

STAFF: Tom Day, Chief Administrative Officer, Laurie Hurst, Director of Financial Services, Larry Randle, Manager of Corporate Services, Gilbert Coté, Director of Engineering and Public Works (arrived at 5:55 p.m.)

1. CALL TO ORDER

Mayor Desjardins called the meeting to order at 5:30 p.m.

2. APPROVAL OF THE AGENDA

Moved by Councillor Brame, seconded by Councillor Hundleby that the agenda be approved.

The motion **CARRIED**.

3. TAX RATE POLICY AND DISCUSSION

(1) 2009 Preliminary Property Tax Calculations

The Director of Financial Services presented the 2009 preliminary property tax calculations.

Councillor Hundleby arrived at 5:35 p.m.

The Director of Engineering and Public Works arrived at 5:55 p.m.

The Director of Financial Services will inform Council what properties in Esquimalt are designated as heavy industry. She will also present some additional property tax options for Council to consider that shift some of the tax burden from business to heavy industry and which restrict residential property tax increases.

(2) Objectives and Policies

The Director of Financial Services explained that the Community Charter now requires disclosure in the five-year financial plan of objectives and policies on distribution of property taxes among property classes. She will draft policy wording to present back to Council for consideration.

4. PUBLIC INPUT

Gloria Edwards, 1240 Bewdley Avenue says that increases to residential property taxes should be considered as a very serious matter. She believes that secondary suites should also be taxed. Holding off on the planned purchase of new vehicles for the Fire Chief and Deputy Fire Chief would also save money.

Moved by Councillor Hundleby, seconded by Councillor Linge that early meetings will henceforth start at 5:45 p.m. rather than at 5:30 p.m.
The motion **CARRIED**.

5. ADJOURNMENT

Moved by Councillor Hundleby, seconded by Councillor Brame to adjourn the Special Committee of the Whole meeting at 6:50 p.m.
The motion **CARRIED**.

MAYOR OF THE CORPORATION
OF THE TOWNSHIP OF ESQUIMALT
THIS DAY OF , 2009

CERTIFIED CORRECT:

TOM DAY
ACTING CORPORATE OFFICER



Corporation of the Township of Esquimalt

SPECIAL COMMITTEE OF THE WHOLE

Monday, May 4, 2009

Esquimalt Municipal Hall – Council Chambers

5:45 p.m.

MINUTES

PRESENT: Mayor Barbara Desjardins (Chair), Councillor Meagan Brame, Councillor Randall Garrison, Councillor Lynda Hundleby, Councillor Don Linge, Councillor Bruce McIldoon, Councillor Alison Gaul

STAFF: Tom Day, Chief Administrative Officer, Laurie Hurst, Director of Financial Services, Pat Mulcahy, Human Resources Manager, Diane Knight, Executive Assistant (recorder)

1. CALL TO ORDER

Mayor Desjardins called the meeting to order at 5:45 p.m.

2. APPROVAL OF THE AGENDA

Moved by Councillor Brame, seconded by Councillor Gaul that the agenda be approved.

The motion **CARRIED**.

3. TAX RATES

(1) BC Assessment Factsheet – Property Classification

The Director of Financial Services presented the factsheet for information in response to a question about classifications raised at the last meeting. She reviewed the following five scenarios for tax rates for 2009:

- (1) historical practice is collecting a 5.7% increase in revenue across the board from each property class;
- (2) 5.7% revenue increase for each property class except light industry;
- (3) Equal tax break to residential and business properties equivalent to existing assessment percentage reduction;
- (4) tax break to residential and to business at .5x existing assessment % reduction;
- (5) tax break to business only at equivalent to % reduction in existing assessment.

Council expressed the following concerns:

- the perception that Esquimalt taxes appear higher than other municipalities;
- the effect of increased taxes on light industry;
- the impact of higher taxes on residents.

Moved by Councillor Linge, seconded by Councillor Garrison that Council direct staff to proceed with Scenario 4 for Tax Rates for 2009.
The motion **CARRIED**.

4. FINANCIAL PLAN OBJECTIVES AND POLICIES

(1) Revenue and Tax Policy Disclosure, Staff Report No. FIN-09-11

The Director of Financial Services advised that she will be submitting general statements for the tax policy objective and policies to be included with the Financial Plan Bylaw. She will meet with Council in the Fall to develop more specific objectives and policies. This document is required by legislation to be submitted.

Comments from Council include:

- Would like to see a clear definition for permissive tax exemption;
- Thank you to the Director for ensuring this information is clearly presented and understood;
- Look forward to going through this exercise in the Fall.

Moved by Councillor Linge, seconded by Councillor McIldoon that Council approve the attached revenue and tax policy objectives and policies for inclusion in the financial plan bylaw.
The motion **CARRIED**.

5. PUBLIC INPUT

Emmy LaBonte thanked the Director of Financial Services for making the tax presentation clear and also thanked Council for adopting Scenario 4.

6. ADJOURNMENT

Moved by Councillor Hundleby, seconded by Councillor Brame to adjourn the Special Committee of the Whole meeting at 6:20 p.m.
The motion **CARRIED**.

MAYOR OF THE CORPORATION
OF THE TOWNSHIP OF ESQUIMALT
THIS DAY OF , 2009

CERTIFIED CORRECT:

LAURIE HURST
ACTING CORPORATE OFFICER

STAFF REPORT

DATE: May 4, 2009 **REPORT NO.** DEV-09-025
TO: Tom Day, Chief Administrative Officer
FROM: Barbara Snyder, Director of Development Services
Subject: **SECONDARY SUITES**

RECOMMENDATION

1. That this Report and the attached amending bylaws, which would authorize Secondary Suites in certain zones and regulate their use, be received for information and comment; and
2. That the Timeline set out on Page 4 of this Report be approved.

BACKGROUND and DISCUSSION

Council, through the past and current Strategic Plans, has identified “*review Secondary Suites Policy and enforcement practices*” as a priority action. This report provides a historical context of suites in Esquimalt as well as the impacts/benefits of suites to owners, tenants and the community.

Two draft bylaws, one amending the Official Community Plan and the other amending the Zoning Bylaw are attached as Schedules “C” and “D”.

Secondary Suite Defined:

Generally, a Secondary Suite is a self-contained second dwelling unit which is built into or attached to an existing single family dwelling. The secondary unit is private and smaller than the primary unit. In addition to the kitchen and bath, the suite usually contains one or two bedrooms and a living room. The primary and secondary units usually share any combination of yard space, entrance, and on-site parking. Secondary suites are often found in those areas of the dwelling with the greatest potential for conversion [i.e. attics, basements, above garages].

Currently, there is no zone in Esquimalt which permits Secondary Suites. The RD-1, RD-2 and RD-3 zones, although intended for duplexes, would permit a single family residence with a suite if the suite is considered to be the second half of an up-and-down duplex. Although the zoning bylaw doesn't permit secondary suites, there are many throughout all parts of the community.

The definition of a Secondary Suite does not include additional units constructed in buildings which are already duplexes. The “four-plexing” of duplexes is a separate issue that triggers different considerations.

There are a number of municipalities that do not permit secondary suites [e.g. Saanich] while other municipalities have embraced them and some such as Langford have mandated that a suite be constructed in any single-family dwelling on a parcel greater than 600 square metres in area.

The popularity of suites in recent years has been in response to two primary issues; the first is low vacancy rate in the Capital region and the second is housing affordability. Suites provide an affordable housing alternative for persons looking to rent and a mortgage helper for first-time home buyers or homeowners with limited or fixed incomes. Suites are not indicative of poorer communities or neighbourhoods, they are found in every community.

A CMHC research paper dated October, 2001, "*The Impact of Municipal User Fees on Secondary Suites*" indicates that "while the demand for housing units generally continues to grow, the average number of people per household has steadily declined, resulting in significant housing needs and demands. As the traditional middle-class family becomes a less dominant factor in the housing market, the market must respond to the needs of smaller, and often, less affluent households, single-person households, single-parent families, childless couples, elderly and retired households, and shared-accommodation households."

Benefits of Secondary Suites:

Secondary suites are a cost-effective means of increasing the supply of affordable rental housing without requiring substantial local government funding. Secondary suites provide a gradual means of achieving more housing in a given area.

For the homeowner, a secondary suite:

- Encourages and enables the homeowner to invest in their home, thereby contributing to the maintenance and revitalization of their neighbourhood;
- Subsidizes mortgage and maintenance costs for first-time buyers;
- Assists elderly homeowners to remain in their homes with greater security and potential support with home maintenance.

For the Community, suites:

- Increase home values which generates higher property tax revenues;
- Support the environment by encouraging more compact communities, land conservation, and energy efficiency with respect to transportation and household operation;
- Create more adaptable communities which are better able to meet the housing and social needs of different demographic groups throughout their life cycle.

Potential Impacts:

The following issues are often raised over the general impact of suites:

- Suites do not pay fair share of property taxes;
- Suites generate increased parking problems;
- Schools are overcrowded;
- Increased use/burden on infrastructure (water, sewer, garbage);
- Increased potential for absentee landowners.

The CMCH 2001 research paper titled "*The Impact of Municipal User Fees on Secondary Suites*" examined a number of the above impacts and found a number of these perceived impacts to be unfounded.

- Majority of home owners have no intentions of converting homes to accommodate secondary suites;
- Secondary suites do not have an overall significant impact on municipal services and costs. Given the trend to smaller households secondary suites can absorb under utilized capacity and allow for more efficient provision of services (water, sewer, garbage);
- Secondary suites serve to offset declines in the school population;
- Impact on parking was found to be negligible as people who live in suites tend to own fewer cars.

Local Government Powers for Managing Suites:

Local governments have the regulatory authority to govern secondary suites under:

- Planning policies (i.e., OCP, Neighbourhood Plans);
- Regulations – use of bylaws and regulations to manage secondary suites;
- Land Use Designation (i.e., number of units, size of suites, geographic area);
- Financial Powers – user fees and property taxes;
- Penalties and Enforcement – Licenses, municipal tickets, notices on title, the *Offence Act*

Criteria for Consideration:

The issue of secondary suites is not new to BC municipalities. There are a number of recently adopted bylaws and studies to draw from as resources. In reviewing a number of these documents the following criteria seem to be common:

1. Suites are limited to single-family dwellings only;
2. The single-family dwelling is to be owner occupied;
3. The suite is restricted to lots greater than a set parcel size;
4. The suite is not obtrusive to the single-family character of the neighbourhood;
5. One additional parking space is provided;
6. A maximum floor area is set for the suite;
7. Business license is required for the suite;
8. Suite is not subject to subdivision under either the *Land Title Act* or *Strata Property Act*.

Actions to Date:

A Focus Group meeting was held on March 19, 2008 to discuss a number of items related to secondary suites [a copy of the proceedings of that meeting are attached as Schedule "A"]. Group participants included representatives from the Advisory Planning Commission, from not for profit agencies, the building industry, and Development Services staff.

An Open House was held the evening of June 4, 2008 to familiarize the community with issues around Secondary Suites and receive feedback. A questionnaire [copy attached as Schedule "B"] was distributed that evening and also made available on the municipal website. In total, only 22 questionnaires, 15 hard copies and 7 online, were returned. A summary of those responses is attached as Schedule "B"

Due to staff changes and competing priorities, the secondary suite review was not completed in 2008 as planned.

Proposed Regulations:

In order to amend the Zoning Bylaw to add regulations regarding secondary suites, an amendment to the Official Community Plan is required to convert the general discussion of suites to actual Policies. The draft OCP amending bylaw is attached as Schedule "C".

The attached Schedule "D" is a draft bylaw which would amend Zoning Bylaw No. 2050 to allow legal Secondary Suites in all Single Family Residential zones with the exception of the RS-4 zones, which are intended for Bed & Breakfasts, and all Comprehensive Developments zones. The two bylaws may be dealt with together, however, the amendment to the OCP should be adopted first.

The proposed secondary suite regulations as set out in the amendments to the zoning bylaw incorporate the regulations of several municipalities; Esquimalt Council may wish to amend or remove some of the requirements and add others as deemed appropriate. It is also anticipated that there will be changes to both draft bylaws following the review by the Advisory Planning Commission and the public Open House scheduled for later this month.

Prior to the amending bylaws being given 1st and 2nd reading, they will be reviewed by our lawyers to ensure that all conditions are enforceable.

Proposed Timeline:

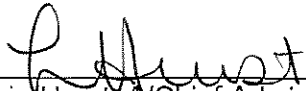
Introduction of proposed amending Bylaws to Committee of the Whole	May 11th
Draft Bylaws referred to Advisory Planning Commission	May 26th
Public Information Meeting	May 28th
Bylaw and Report outlining recommended changes to the amending Bylaws to Council for 1st and 2nd reading	June 15th
Public Hearing	July 6th or 13th*
Final Adoption	July 13th or after Summer Recess

* The Canada Day Holiday [July 1st] affects the advertising of the Public Hearing and may prevent it from being held on July 6th.

Respectfully submitted,



Barbara Snyder
Director of Development Services

Approved for Council's consideration:  Laurie Hurst, Chief Administrative Officer Dated: <u>May 7/09</u>
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SECONDARY SUITES

Focus Group Consultation - March 19, 2008

Group Members:

- Tayla Cohen, member of Esquimalt Advisory Planning Commission
- Mary Lynn KcKenna, Executive Director, Esquimalt Neighbourhood House
- Terry Prentice, Esquimalt Silver Threads [not in attendance but provided written comments]
- Bill Lunt, Architect, Ted Lunt Designs
- Bob Haveruk, Building Inspector, Township of Esquimalt
- Trevor Parkes, Senior Planner, Township of Esquimalt
- Barbara Snyder, Director of Development Services, Esquimalt

Following introductions, the Group discussed each of the criteria listed on the attached sheet. Debate over one criteria often spilled into other issues.

- A) **I am in favour of legalizing Secondary Suites with certain conditions.**
There was agreement on this point.
- B) **Secondary Suites should be permitted in any single family home [not in Duplexes, Townhouses, Apartments or CD Zones].**

The group agreed with this recommendation but questioned whether suites should be allowed in large duplexes or townhouses as well. It was suggested that possibly the decision to allow a suite should be based on the availability of parking or on the number of bedrooms as these indicate the number of persons residing on the premises.

The group agreed that owner-occupancy of one of the units [either the principal residence or the suite] was desirable.

It was pointed out that there is a shortage of affordable rental housing in the Greater Victoria region; that 52% of Esquimalt residents are renters; and that 22% are single parent families who often live in cramped spaces. Allowing secondary suites would increase Esquimalt's housing stock. [Note: The percentage of renters has been revised as of the last Census and is now 49%; single parent families are now 21%.]

Bob Haveruk, Building Inspector commented on Building Code issues and definitions. The Team agreed that suites should at the very least meet health and safety requirements.

- C) **One Secondary Suite per Single Family Dwelling should be permitted within the Principal Dwelling [not in an Accessory or Detached Building].**

Team members were split on this point and felt that it depends on the character of the property.

A discussion ensued concerning the parking needed for secondary suites. Some participants comments that approval or denial of an application for a suites should not be based simply on the availability of vehicle access and on-site parking. The notion of issuing parking permits for on-street parking was discussed.

The group also posed the question, 'If a property owner could meet 8 out of 10 criteria, should they received a Pass [i.e. get approval for a suite].

D) The Single Family Dwelling containing the Secondary Suite does not need to be owner-occupied.

This provision had already been discussed under item B) above. The recommendation to have owner-occupancy was based on the existing number of absentee landlords and the problems this creates. Members noted that absentee landlords often ignore existing regulations and that renters are afraid to report these landlords as there are so few rental units available.

It was suggested that perhaps dwellings which were not owner-occupied should have to pay a higher Business License fee [assuming that all secondary suites will be a Home Occupation and will require a License]. It was also recommended that these be monitored more strictly and that Business Licenses could be pulled if the owner was not complying with regulations.

There was some discussion on how much a property owner should be charged for a Business License.

E) The Secondary Suite must not exceed 40% of the Principal Residence or 90m² [968 sq. ft.] whichever is less.

Several members suggested a minimum unit size instead.

It was noted that suites where residents can walk out at ground level are ideal.

The point was made that secondary suites [with regulations] work well in other municipalities.

E1) Should Secondary Suites be allowed everywhere [i.e. in any neighbourhood].

The Team felt suites should be allowed 'everywhere'.

- F) **One Off-Street Parking Space is to be provided for the Secondary Suite in addition to the Space required for the Single Family Residence.**

It was pointed out that some areas don't have sufficient on site parking for the existing Single Family Residences [particularly in older neighbourhoods] and this might jeopardize existing suites. One suggestion was that Variances could be applied for in those instances.

Members commented on the need to maintain the character of neighbourhoods and that street parking is needed for visitors as well as the occupiers of principal residences and suites.

Another suggestion was that property owners be provided with a limited number of Residential Parking Stickers to be given to their tenants or guests.

- G) **Owners of a Single Family Dwelling with a Secondary Suites will be required to register a Section 219 Covenant on the Property Title.**

This was seen as being a useful tool for the Bylaw Enforcement Officer.

- H) **All new or existing Secondary Suites must comply with the BC Building Code and municipal regulations and regional and provincial health requirements.**

The group agreed with this criteria.

- I) **The process to legalize Secondary Suites would be through a Building Permit and an Annual Business License would be required.**

The group also agreed with this criteria noting that the Inspector could view the premises at any time [provided proper notice had been given to the tenants].

- J) **As Secondary Suites would be a form of Home Business, no other Home Occupations would be permitted.**

There was some disagreement with this item and it was suggested that the definition and regulations around Home Businesses should be reconsidered and reworded to bring them in line with the types of home businesses carried out.

- K) **All Single Family Dwellings with a Secondary Suite must maintain the exterior appearance of a Single Family home.**

The group discussed the need to maintain the character [single family] of the street. It was recommended that guidelines be developed to encourage property owners to create attractive entrances and provide appropriate exterior lighting at entries and pathways leading to entries.

It was suggested that the Building Inspector could vary or relax conditions [guidelines] as the Building Code allows [?] and that some features of existing residences could be grandfathered.

- L) **The minimum lot size on which the Dwelling Unit with the Secondary Suite is located must not be less than 530 m² [5700 sq. ft.].**

The group discussed whether an owner should be able to apply for a Variance if their property did not meet this criteria.

- M) **Municipal garbage pick-up for Single Family Dwellings with Suites will remain at 2 bags every 2 weeks [additional bags will require stickers].**

Some members questioned whether one additional bag should be allowed in each 2 week period.

It was suggested that as an alternative recommended that the property owner be given a roll of 26 stickers with their Business License and these could be used for one additional bag per collection period or as needed.

- N) **The Township should consider waiving Building Permit fees for construction required to upgrade Suites for a period of one year after the adoption of a Secondary Suite Bylaw.**

The group discussed whether this provision would encourage owners of sub-standard suites to undertake the renovations to bring their Suites up to Code for licensing.

This provision would allow the Township an opportunity to address health and safety issues.

Waiving fees may also “dial down the fear” of having to apply for a Building Permit and Business License.

- O) **If existing Suites cannot meet basic safety requirements, an order to remove the Suite will be sought.**

The group was unanimous in agreeing with this criteria.

- P) **New Suites will require full Building Code compliance and the Township will encourage new homes with Suites to be PowerSmart certified or the equivalent.**

The Team agreed with this criteria but suggested that a more comprehensive list of energy saving, carbon neutral options and green features be prepared and provided to property owners.

- Q) **The Township should organize and host a free workshop for residents on tenant selection, the Residential Tenancy Act, and grant opportunities for the construction of Secondary Suites.**

Members of the group agreed with this item and further suggested that 'How to Apply for a Variance' should also be part of the workshop agenda.

It was also suggested that ROMA [Rental Owners and Management Association of BC] be contacted for advice.

SECONDARY SUITES – SUMMARY OF ALL RESPONSES SUBMITTED

DRAFT CRITERIA UNDER CONSIDERATION		AGREE	DISAGREE	COMMENTS
A.	I am in favour of legalizing secondary suites in Esquimalt with certain conditions.	 	I	<ul style="list-style-type: none"> In-law suites only. Prime condition is that once adopted the bylaw be enforced. Do not leave it up to complaints being filed before taking action. There is a zero vacancy rate in Victoria area. Yes. But only with certain conditions, such as a building and fire safety inspection of the secondary premises, ensuring that there is adequate off-street parking for the tenants/occupants of the suite, ensuring that other infrastructure (e.g. water & sewer) can handle the increased load, ensuring that secondary accommodation does not become used for unauthorized purposes such as B&B (we have this problem with one of the houses on our street), and ensuring that owners of homes with secondary accommodation pay higher taxes to reflect their higher property value and their use of a greater share of municipal resources. Given that Esquimalt does not have a full-time bylaw enforcement officer, and tends to take enforcement action when complaints occur, I'm not confident these conditions would be either complied with voluntarily or properly enforced. Yes, however, I am concerned that any such new bylaw allowing secondary suites not be overly stringent or unfair to homeowners. As a homeowner with a secondary suite, I am excited about a potential change but also somewhat resistant to any change. I am concerned the municipality may decide to crack down on suites, rather than work with homeowners. Without our suite, we would have to sell our home and leave Esquimalt. Existing illegal secondary suites meet the needs of low-income individuals and assist homeowners with mortgage payments they might otherwise be unable to afford. Secondary suites are important to Esquimalt because they help diversify the socio-economic fabric of our community. Without suites, fewer people would be able to afford to live in our neighbourhoods. Not enough parking even on the roads. And be clear that if an R-1 with a suite makes an application for rezoning to R-2 that the suite must come out. Better yet, deny rezoning because it will back in as a triple unit or possible a 4 unit building. Would we need a zone between Duplex & Single Family. Should be suitable building design for a suite-some houses may simply not be good design for a suite. There should still be design considerations to ensure suite fits in to the existing building and yard. Secondary suites should not be permitted in townhouses and apartments or other multi-family housing unless the same conditions I listed able can be met.
B.	Secondary suites should be permitted in any single family home within a single family zone in the Township of Esquimalt.	 		<ul style="list-style-type: none"> In-law suites only A garage, workshop or other accessory building may be very suitable and attractive for a cabin/suite. Building permits would be required. Suites should not be permitted in accessory buildings unless the same conditions described above can be met, and the zoning and bylaws allow an accessory building. In some cases, two suites should be permitted. Some older character homes are large enough to contain two or three suites. This should be permitted, if the units live up to the building code. One suite should be permitted per lot, but permitted in an accessory or detached building. The primary intention should be to allow homeowners (not investors) the benefit of a "mortgage helper". Must be a family member. If the owner doesn't live in the building it just becomes a duplex rental building. May be an exception for an owner who takes an extended leave for work or study-set at up to one year. Tenants are better behaved if the owner is present. Should be owner occupied-small business/mortgage helper. Not big business. It is better if the dwelling is owner-occupied, because that helps to ensure the property is well maintained and the tenants do not cause disturbances or nuisances that affect the neighbours. Wouldn't this depend on how the suite can be fit into the available space. Not an issue. It should be the owners choice Some suites are greater than 950 square feet simply due to the size of the house. If a homeowner has a larger two or three bedroom suite for rent, they should be permitted to rent that suite. For example, larger families seeking rental accommodations might require a larger two or three bedroom unit. Many residences require more than one parking space per unit. Street parking is already crowded. No variances.
C.	One suite per single family dwelling should be permitted within the principal dwelling (building), and not in an accessory or detached building.	 	 	
D.	The single family dwelling with a secondary suite does not need to be owner occupied.	 	 	
E.	The secondary suite must not exceed 40% of the habitable floor space of the principal residence or 90m², whichever is less (40% is taken from the BC building Code)	 I		
F.	One off-street parking space is required for the secondary suite in addition to the off-street parking space required for the single family residence. Variances to parking requirements may be considered.	 		

<p>II</p>	<p>Agree, but no variances should be permitted that would result in on-street parking. There are already issues with too many people using on-street parking in Esquimalt. Some people who want to use on-street parking all the time start to take that parking for granted or feel a sense of entitlement to it, when in fact the street is public property and is not their own personal parking space. Also, making room for bike lanes should take precedence over on-street parking on major roadways.</p> <p>But don't permit closing in a garage or carport to develop the suite and parking outside or off-site. It only increases the dwelling size.</p> <ul style="list-style-type: none"> Only if every house in Esquimalt is restricted to one car, no boats, trailers, 5th wheels. Variance OK if the tenant has no vehicle. 		<ul style="list-style-type: none"> Agree, but no variances should be permitted that would result in on-street parking. There are already issues with too many people using on-street parking in Esquimalt. Some people who want to use on-street parking all the time start to take that parking for granted or feel a sense of entitlement to it, when in fact the street is public property and is not their own personal parking space. Also, making room for bike lanes should take precedence over on-street parking on major roadways. But don't permit closing in a garage or carport to develop the suite and parking outside or off-site. It only increases the dwelling size. Only if every house in Esquimalt is restricted to one car, no boats, trailers, 5th wheels. Variance OK if the tenant has no vehicle.
<p>III III III I</p>	<p>What if the single family dwelling with a secondary suite is on a duplex RD3 lot and the owner wishes to convert the suite to a duplex at a later date?</p> <ul style="list-style-type: none"> If the cost & paperwork are not onerous, this would be OK. Definitely This seems strong handed. I do not support any bylaw that requires homeowners to register their suites. In Vancouver, where I lived for many years, homeowners do not have to register their suites. I support a bylaw that supports homeowners, not one that would make their lives more difficult. Strict bylaws, I feel, would not be a positive step and would make it more difficult for homeowners to operate secondary suites in their homes. This would be bad for renters and hurt Esquimalt's ability to provide housing for its citizens. 	<p>III III</p>	<ul style="list-style-type: none"> What if the single family dwelling with a secondary suite is on a duplex RD3 lot and the owner wishes to convert the suite to a duplex at a later date? If the cost & paperwork are not onerous, this would be OK. Definitely This seems strong handed. I do not support any bylaw that requires homeowners to register their suites. In Vancouver, where I lived for many years, homeowners do not have to register their suites. I support a bylaw that supports homeowners, not one that would make their lives more difficult. Strict bylaws, I feel, would not be a positive step and would make it more difficult for homeowners to operate secondary suites in their homes. This would be bad for renters and hurt Esquimalt's ability to provide housing for its citizens.
<p>III III I</p>	<p>To legalize a new or existing secondary suite in a single family dwelling, a building permit and an annual licence will be required.</p>	<p>III III</p>	<ul style="list-style-type: none"> If there is a suite it should be licensed & registered. They must be checked regularly to ensure they are not modified and [still meet] regulations. The annual license should be after an inspection. Yes, I agree with a building permit, but an annual license smells of a tax grab. Only if the fee is minimal. If the cost & paperwork were not onerous, this would be OK. What is the annual license? You can look at it through extra taxes. There should be a one time only license. The property owner is already paying additional property taxes for improvements, and paid building permit fees for improvement. Yes, and I would add that the municipality should have the discretion to inspect the premises at any time. This is far too strict a policy and I am doubtful many homeowners would comply. An idea such as this one would not encourage me to inform the municipality of my suite. In fact, I might consider selling my home and leaving Esquimalt if this happens. This idea worries me greatly.
<p>III II</p>	<p>As secondary suites would be a form of home business, no other home occupations would be permitted.</p>	<p>III III I</p>	<ul style="list-style-type: none"> Many home-based businesses do not place additional demands on the neighbourhood (ie computer-based businesses etc.). In-law suite only. What about consultants that work from home? This may be difficult to enforce if the business is a software developer. Depends on the business. I work from home, the two things don't interfere with each other at all. Writers, artists and computer-based or telephone based home businesses with no clients coming to the homes should be permitted for both secondary suite occupant and homeowners occupant. I do not understand what this means.
<p>III III III I</p>	<p>All single family dwellings with a secondary suite must maintain the exterior appearance of a single family home.</p>	<p>II</p>	<ul style="list-style-type: none"> It may be internal, not an addition. What does the exterior of a Single Family home look like? Does this mean a private entrance to the suite cannot be very visible or accented with design features? How closely will this exterior appearance be looked at? Entry door with patio should be permitted for secondary suites. Why? I'm not clear on 530m2
<p>III III I</p>	<p>The minimum lot size on which the dwelling unit with a suite is located must not be less than 530 m².</p>	<p>III III I</p>	<ul style="list-style-type: none"> Good idea. If they generate more garbage, they should have to pay extra to have it removed.
<p>III III III III III</p>	<p>Municipal garbage pick up for single family dwellings with suites will remain at 2 bags every two weeks. Additional garbage bags will require stickers which can be purchased at the Town Hall or Recreation centre.</p>	<p>III III III III III</p>	<p>Good idea.</p> <ul style="list-style-type: none"> If they generate more garbage, they should have to pay extra to have it removed.

<p>M. The Township should consider waiving Building Permit fees for the construction required to upgrade existing suites in single family dwellings to legal status, for a period of one year after the adoption of a new secondary suites bylaw.</p>	<p>IIII IIII IIII</p>	<p>IIII</p>	<ul style="list-style-type: none"> • if you have a suite, you pay for the extras. • That's being reasonable, but limit construction to that year, not issuing a permit at day 364. • Why? I had to get a building permit to build my house so why should someone be able to construct a suite (after before or after any bylaw comes into force) without paying for a permit? Furthermore, the owner benefits financially from having the suite, so they should have the ability to pay for a permit. • This is a good idea, I would appreciate the assistance. • Imperative, and Council needs a standing order that approval be mandatory. [It's] not at their whim to permit non-complying units.
<p>N. If existing suites cannot meet basic life safety requirements (smoke detectors, access and egress and other requirements), approval by Council of an order to remove the suite will be sought.</p>	<p>IIII IIII IIII III</p>	<p>I</p>	<ul style="list-style-type: none"> • Why not make it a requirement rather than encourage? • New homes with suites would be almost a duplex if it's built for two families. • The Towns should also encourage new homes with suites to have measures for conserving other resources such as water.
<p>O. All suites will require full Building Code compliance and the Township will encourage the construction of new homes with suites to become BC Hydro Powersmart certified or equivalent.</p>	<p>IIII IIII IIII III</p>		<ul style="list-style-type: none"> • Don't waste taxpayer money for personal gain. • Once, OK-But don't let Council see this as a proactive mechanism to develop more units. This is a reactive bylaw to obtain control of what is currently illegal. • If Esquimalt is going to give free workshops to the rental sector, what about the other sectors. • Good idea. • This is a great idea! • Yes, regarding the workshop, but I'm not sure about providing grant opportunities for building or constructing secondary suites. Why should someone get a grant if they have a suite? From the owners perspective, the purpose of a suite is to generate money for the owner, so why should owners receive grants?
<p>P. The Township should consider organizing and hosting a free workshop for residents on tenant selection, the Residential Tenancy Act, and grant opportunities for the construction or legalization of secondary suites.</p>	<p>IIII IIII IIII II</p>	<p>II</p>	

24 Additional Comments:

- What about families? With the cost of housing and kids returning with their families, does Esquimalt not allow them to live in the basement? With only 15 people showing up for this, is it worth the money & staff time?
- If parking is a problem, lets ban overnight parking in Esquimalt.
- What taxes are people not paying-they are assessed on market value.
- The policy of neighbours turning in neighbours should be looked at and if there is a complaint it should not be treated confidentially, and the person logging the complaint should be told their name will be released.
- One question I think is important is, when a complaint is made, "How does this interfere with your life?". If it is just an angry neighbour, tell them to take a pill.

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2707

A Bylaw to amend Bylaw No. 2646, cited as the
"Official Community Plan Bylaw, 2007, No. 2646"

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

1. This bylaw may be cited as the "OFFICIAL COMMUNITY PLAN BYLAW, 2007, NO. 2646, AMENDMENT BYLAW [NO. 3], 2009, NO. 2707".

2. That Bylaw No. 2646, cited as the "Official Community Plan Bylaw, 2007, No. 2646" be amended in Section 3.3.3 Secondary Suite Policies as follows:

- 1) by removing paragraph 3, including items a) through f) of Section 3.3.3 in its entirety.
- 2) by adding the following text and figures as paragraph 3 of Section 3.3.3
 - "a) *Subject to safety and other performance criteria, one secondary suite is considered appropriate within a single-unit dwelling, in zones which permit such use.*
 - b) *Secondary suites are not acceptable in two-unit dwellings [i.e. duplexes], townhouses or other multiple family units.*
 - c) *In the interests of maintaining the overall appearance and character of Esquimalt's neighbourhoods, there are limits on the size of secondary suites, on the size of the suite relative to the primary dwelling, to the number of off-street parking spaces required and other matters as controlled by the Zoning Bylaw.*
 - d) *All secondary suites are subject to the Zoning Bylaw, Building Bylaw and the BC Building Code. Existing suites that are found to be non-compliant with any of those regulations will be required to upgrade. If an upgrade is not undertaken, or the suite cannot be made compliant, in the interests of safety it will be closed.*
 - e) *All suites whether new or existing must be registered with the Township of Esquimalt. Owners will be charged a business license fee.*
 - f) *The Township will encourage the upgrading of poorly maintained two-unit projects [i.e. a single family residence with a secondary suite], through enforcement of the Maintenance of Property Bylaw."*

READ a first time by the Municipal Council on the ---- day of -----, 2009.

READ a second time by the Municipal Council on the ---- day of -----, 2009.

A Public Hearing was held pursuant to Sections 890 and 892 of the *Local Government Act* on the ---- day of -----, 2009.

READ a third time by the Municipal Council on the ---- day of ----, 2009.

ADOPTED by the Municipal Council on the ---- day of ----, 2009.

CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BYLAW NO. 2708

A Bylaw to amend Bylaw No. 2050, cited as the
"Zoning Bylaw, 1992, No. 2708"

THE MUNICIPAL COUNCIL 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. 185], 2009, NO. 2708".

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 Section 2- Definitions of PART 1 - Interpretation:

"Private Open Space" means a useable open space area exclusive of required front yard and side yard building setbacks and parking areas which is developed for the recreational use of the residents or a dwelling unit, and may include balconies, indoor common amenity space, patios, decks and level landscaped recreation areas.

"Secondary Suite" an additional Dwelling Unit that is contained within a Single Family Residence, with no portion located within an Accessory Building or Structure, and is clearly subordinate to the principal Dwelling Unit.

"Single Family Residence" means a detached building containing one Dwelling Unit intended for the use of one Family.

- 2) by adding the following words and figures in Section 13 - Home Occupations of Part 4 - General Regulations:

"(12) Any Home Occupation that attracts customers or clients to the site is not permitted within a Secondary Suite."

- 3) by adding the following words and figures as Section 30.6 of Part 4 - General Regulations:

"30.6 SECONDARY SUITES

Secondary Suites are permitted in the RS-1, RS-2, RS-3, and RS-5 zones subject to the following:

- (1) *The Secondary Suites must be located within a Single Family Residence.*

- (2) *Only one Secondary Suite shall be permitted in any Single Family Residence.*
- (3) *Any Single Family Residence containing a Secondary Suite must be connected to the municipal sanitary sewer system.*
- (4) *A Secondary Suite may not be created as a strata lot within the Single Family Residence.*
- (5) *A Secondary Suite may be 90 m², or 40% of the total floor area of the Principal Building, whichever is less.*
- (6) *A minimum of 15 m² of Private Open space shall be provided for the use of the residents of the Secondary Suite.*
- (7) *Secondary Suite access to the outside shall be on a separate exterior wall from the Principal Building access.*
- (8) *A lighted pathway must be provided between the fronting street and the entrance to the Secondary Suite.*
- (9) *Parking shall be provided as required by Parking Bylaw No. 2011 for Two Family Residential Use, i.e. one off-street parking stall for the Single Family Residence and one off-street parking stall for the Secondary Suite.*
- (10) *The Secondary Suite shall be contained within the Single Family Residence and if an addition is made to the Single Family Residence to accommodate a Secondary Suite, the structural alterations or additions must not alter the existing residential character and form of the neighbourhood.*
- (11) *The owner of every Single Family Residence wishing to use part of the Building for a Secondary Suite shall obtain a building permit from the Township of Esquimalt by making an application in the prescribed form to the Township and must provide a statutory declaration indicating that either the Single Family Residence or the Secondary Suite is or will be owner-occupied.*
- (12) *The Township of Esquimalt Building Official shall issue the permit for the suite in the prescribed form if the premises comply with the requirements of this Bylaw, the B.C. Building Code and other Township bylaws for such use.*
- (13) *Every owner who has obtained a permit under this section shall, within one week of receiving written notice to do so, provide to the Building Official of the Township of Esquimalt, a statutory declaration indicating that the Residential Single Family building or Secondary Suite continues to be owner-occupied, but in no case*

shall an owner be required to provide such a declaration more than once in any six-month period.

- (14) *The Building Inspector may conduct inspections and issue written confirmations for the purposes of this Section.*
- (15) *A Secondary Suite is not permitted in zones RS-4 or RS-4A which are intended to accommodate Bed and Breakfasts.*
- (16) *A Secondary Suite is not permitted within any Comprehensive Development zone.*
- (17) *A Secondary Suite may be permitted in a Multiple Family Residential zone provided that the use of the Parcel is Single Family Residential and that the Parcel is at least 530 m² in area.*
- (18) *Secondary Suites are permitted in the RD-3 Zone provided that the use of the Parcel is Single Family Residential.*
- (19) *Secondary Suites are considered to be a Home Occupation of the principal Dwelling Unit and a Business License will be required.*

- 4) by adding the following words and figures in Part 5 - Division 1 - Residential Zones:

Add to Section 34 (1) - Permitted Uses

“(d) Secondary Suite; subject to the requirements of Section 30.6”

Add to Section 35 (1) - Permitted Uses

“(d) Secondary Suite; subject to the requirements of Section 30.6”

Add to Section 36 (1) - Permitted Uses

“(d) Secondary Suite; subject to the requirements of Section 30.6”

Add to Section 37.1 (1) - Permitted Uses

“(d) Secondary Suite; subject to the requirements of Section 30.6”

Add to Section 40. (1) - Permitted Uses

“(d) Secondary Suite within a Single Family Residence subject to the requirements of Section 30.6”.

READ a first time by the Municipal Council on the ---- day of -----, 2009.

READ a second time by the Municipal Council on the ---- day of -----, 2009.

A Public Hearing was held pursuant to Sections 890 and 892 of the *Local Government Act* on the ---- day of -----, 2009.

READ a third time by the Municipal Council on the ---- day of ----, 2009.

ADOPTED by the Municipal Council on the ---- day of ----, 2009.


STAFF REPORT

DATE: May 6, 2009 **REPORT NO.** DEV-09-026
TO: Tom Day, Chief Administrative Officer
FROM: Barbara Snyder, Director of Development Services
Trevor Parkes, Senior Planner
SUBJECT: DEVELOPMENT PERMIT
860 Admirals Road
[Lot 11, Block 7, Section 10, Esquimalt District, Plan 2546]

RECOMMENDATION

That the application for a Development Permit, limiting the form and character of development to that shown on architectural plans prepared by Java Designs, stamped "Received April 2, 2009" and on the landscape plan prepared by Exterus Landscape Design Group stamped "Received April 30, 2009", for the proposed development located at Lot 11, Block 7, Section 10, Esquimalt District, Plan 2546 [860 Admirals Road], be forwarded to Council with a **recommendation of approval.**


Trevor Parkes
Senior Planner


Barbara Snyder
Director, Development Services

SUMMARY

The applicant proposes to construct a strata titled duplex on a vacant, existing lot located at 860 Admirals Road. The parcel is zoned RD-3 (Two Family/ Single Family Residential) therefore construction of a duplex is a 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 duplex complies with all current RD-3 zoning requirements and with many of the design guidelines contained in the Official Community Plan.

BACKGROUND

Owner/Applicant: 677959 BC Ltd. [Mike Lauemer]

Property Size: Metric: 668 m² Imperial: 7190.3 ft²

Existing Land Use: Vacant Land

Surrounding Land Uses:

South: Commercial Mixed Use
East: Two Family Residence
North: Two Family Residence
West: Single Family Residence

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

Proposed Zoning: RD-3 [No change required]

Existing OCP Designation: Single and Two Unit 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 ADVISORY PLANNING COMMISSION

This application was considered by APC on the evening of March 17, 2009. Members were complimentary of the design, particularly mentioning that they liked that garage doors were not a prominent feature on the façade of the building. Concern was raised about the choice of Birch trees in the landscape plan as they grow large and require a great deal of water and are susceptible to disease. Additional comments included a suggestion that the applicant resolve the driveway access issues for 866 Admirals Road with staff prior to proceeding to Council and to consider providing vehicular access to the rear yard of each unit. The applicant responded to these suggestions by altering the landscape plan to include Dogwoods in place of the Birch trees as well as enhancing the landscaping at the rear of the property. Additionally, the applicant has provided a drawing detailing the proposed new driveway for 866 Admirals Road [attached] which has been favourably received by the Director of Engineering and Public works. The application was unanimously forwarded to Council with a recommendation of approval.

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.

Engineering and Public Works: Staff have reviewed the servicing requirements for the proposed strata duplex at 860 Admirals Road. New sewer and drain connections must be provided for the proposed new building. New curb and sidewalk across the frontage of both 860 and 866 Admirals Road, including two new driveway drops to service the proposed driveways, will also be required.

Parks and Recreation: Review of the amended landscape plan stamped "Received April 30, 2009" confirms that the proposed landscape plan is suitable. A tree protection barrier must be installed to around the root zone of the neighbours tree at the rear of the property during construction. A tree removal permit must be obtained for the removal of the large oak tree and an irrigation system is recommended to ensure the long term survival of all the proposed landscaping.

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.

Note: Section 14(4) of Zoning Bylaw No. 2050 exempts any portion of a basement where the ceiling is less than 1.2 metres above grade from the floor area ratio calculation. Accordingly, the entire basement was excluded from the floor area ratio calculation for this proposal.

	RD-3 (Two Family)	860 Admirals Road
Minimum Parcel Size	668 m ²	668m ²
Floor Area Ratio	.40	.39
Lot Coverage	30%	29%
Setbacks		
• Front	7.5 m	8.4 m
• Rear	7.5 m	11.0 m
• Side	3.0 m/1.5 m	3.0/2.7 m
• Garage	1.5 m	n/a
Building Height	7.3 m	7.0 m
Building Massing	Upper Floor <= 75%	Upper Floor = 73%
Driveway Width	Maximum 5.5 m	4.7 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 gabled roof with cedar shingle accents and wood knee braces, hardie board/ vinyl siding, walnut stained front doors, rock facings, and front entrances highlighted by a wood trellis covering for each unit. Entrances are clearly visible from Admirals Road and are covered by a combination of trellis and an overhanging upper floor for the convenience of visitors and residents. The use of gabled rooflines, alternating cladding materials and natural wood accents combine to create visual interest on the façade while effectively breaking up the massing of the building.

Units A and B are proposed to be identical and have a total of 4 bedrooms, 3.5 bathrooms, upstairs laundry, open concept living room, kitchen and eating area, a family room and a den. These units will likely prove desirable as they offer 4 bedrooms, a den, two family rooms and additional storage therefore they meet the space requirements of many families searching for housing in Greater Victoria.

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 architectural 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 2.0 metre privacy fence will be installed starting from the centre of the covered rear deck and extend to the rear property line, separating the two back yards. The existing hedging will be retained across the back of the property terminating at the rear corners where fencing will be installed along the east and west boundaries of the property terminating adjacent to the stairs providing exterior access to the basement. Installation of this fencing will require the removal of the established hedge on the east side of the property. A planting bed would be installed across the rear of the property in front of the existing hedge with grass covering the remainder of the back yard. Planting beds would also be installed directly in front of the covered entry to both units separating the two pathways leading to the front doors and additional landscaping is proposed in front of the den of each unit and at the southern corners of the parcel flanking the exposed aggregate driveways.

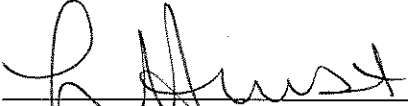
A landscape bond of 125% of the estimated value of all landscaping and irrigation will be required if this application is approved.

Green Building Features:

A brief outline of the proposed green features for this proposal is attached.

PUBLIC NOTIFICATION

As this proposal does not involve rezoning and does not require any variances, public consultation is not a requirement.

<p>Approved for Council's consideration:</p>  <p>Laurie Hurst, Chief Administrative Officer</p> <p>Dated: <u>May 7/09</u></p>



886

GLENGARRY PL.

863
865

890

883
881

879
877
873

878
879

882
884

COLES ST

874



SCALE 1:1000

840
842
850

872

865
867

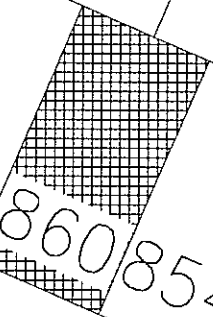
861

KINDERSLEY RD

855
849
841

868

866



860

854

850

855

849

841

NADEN ST

837
839

833
835

ADMIRALS RD

829

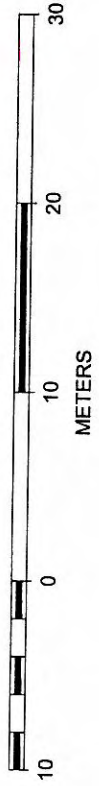
842

838

860 Admirals Road



SCALE 1 : 400



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

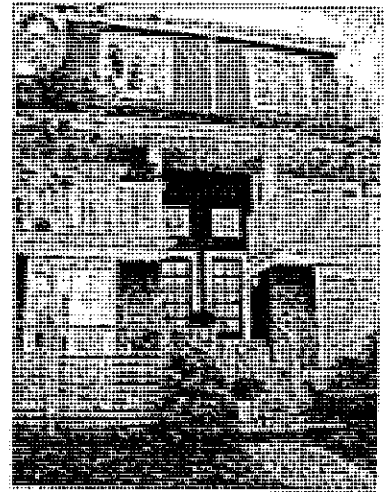
- a) Owners of land within Development Permit Area No. 5 must not do any of the following without first obtaining a development Permit in accordance with the guidelines for this Development Permit Area:
- construct a two-unit dwelling;
 - subdivide a two-unit dwelling;
 - convert a single-unit dwelling 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.”

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."

**NOTE: THE MUNICIPALITY DOES NOT HAVE TO SIGN
THIS COVENANT OR THE FORM C- GENERAL INSTRUMENT**

SAMPLE

DUPLEX COVENANT

SECTION 219 COVENANT

This Covenant made the _____ day of _____ 200

BETWEEN:

S A M P L E

(the "Owner")

OF THE FIRST PART

AND:

CORPORATION OF THE TOWNSHIP OF ESQUIMALT,
1229 Esquimalt Road, Victoria, B.C., V9A 3P1

(the "Corporation")
OF THE SECOND PART

WHEREAS:

- A. The Owner is the registered owner of the lands described herein.
- B. The building on the said lands is a two family dwelling.
- C. Section 219 of the *Land Title Act* permits the registration of a Covenant in favour of the Corporation in respect of the use of land.

NOW THEREFORE IN CONSIDERATION of the sum of One Dollar (\$1.00) of lawful money of Canada paid by the Corporation to the Owner (the receipt and sufficiency of which is hereby acknowledged by the Owner) the Owner and the Corporation agree as follows:

1. That parcel of land described as:

(the "Lands") shall be used only in accordance with this Covenant.

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.

[S:\Form\covenant 219 duplex]

V. ADOPTION OF MINUTES

Moved by Gerald Froese, seconded by Ramona Scott that the minutes of the regular meeting of February 17, 2009 be adopted as circulated.
The motion **CARRIED**.

VI. STAFF REPORT

- (1) **Development Permit**
860 Admirals Road
677959 BC Ltd [Mike Lauemer] owner/applicant
Proposal is to erect a strata-titled duplex on a vacant lot.

Mike Lauemer, owner, was in attendance to outline his proposal to construct a strata-titled duplex on a duplex zoned lot. He also stated that he owned the property beside at 866 Admirals Road. He informed the Commission members that the property meets all the setbacks of the Zoning Bylaw and the designation in the Official Community Plan.

He stated that the driveway encroaches onto the adjoining property which he owns. He stated that the encroachment will be removed.

Rod Lavergne inquired if the Oak tree will remain.

Mike Lauemer responded that the Oak tree is in the building envelope.

Joanne Kimm commented that Birch trees require a lot of moisture and perhaps the applicant could liaison with Municipal Staff regarding an appropriate tree for the corner.

Ed Williams asked the applicant if he had negotiated with the Engineering department regarding access at 866 Admirals Road.

The applicant responded, not as yet.

Ed Williams inquired about the reference to a wood garage door, but no door shown on plans.

The applicant commented that the submission was changed at the last minute and the door was missed on the plans.

Ramona Scott commented she liked the colours, and feels the project is a good fit with the neighbourhood.

Darwin Robinson commented on the driveway access. He suggested that grasscrete be used for the driveway. He stated that he likes to see "toys" (i.e. recreational vehicles, boats stored in the rear yard.

Public Input

No member of the public spoke to this application.

RECOMMENDATION:

Moved by Ed Williams, seconded by Darwin Robinson that the Esquimalt Advisory Planning Commission (APC) resolves that the application for a Development Permit for Lot 11, Block 7, Section 10, Esquimalt District, Plan 2546 [860 Admirals Road] be forwarded to Council with a **recommendation of approval**, on the proviso that the issue of the driveway encroachment be resolved.

The Motion **CARRIED UNANIMOUSLY**.

Also, the Commission suggested the use of an alternate species of tree than the Birch proposed on the landscape plan.

**(2) Development Permit
3 Metro Urban Design and Development [Glenn Davies]
513 Sturdee Street**

The proposal is to construct a non-strata titled duplex.

Glenn Davies, owner, Brian Kendrick, Designer, and Robert Roberts, builder were in attendance to outline the proposal.

Glenn Davies outlined the history of the property, commenting that they have cleaned up the property and also have new tenants in the building. He commented that Brian Kendrick had work hard on the design and did the best that they could do to show commitment to the neighbourhood. Have implemented green features. They have talk to the neighbours and did not receive any negative comments. The project provides affordable housing and a mortgage helper.

Glenn Davies stated to the Commission that the project will be built as the graphics illustrate.

In response to a question from the Chair, Trevor Parkes explained that a non-strata titled property allows two units with one legal title (i.e. one owner owns both units).

Darwin Robinson commented that he liked the design and felt it is a perfect for the area.

PROPOSED ENERGY EFFICIENT AND GREEN MATERIALS FOR USE AT
860 ADMIRALS ROAD



HARDI-PLANK SIDING

A sustainable substitute for wood that incorporates natural ingredients which are low in toxicity and outlast other products

LANDSCAPING

The landscape plan includes the use of already existing mature plants, re-use and recycling of these mature plants will reduce water consumption necessary when establishing new growth plants, the old plants will not go to landfill

SITE MANEGMENT

Proper site management will be enforced when it comes to excavation, this will include, 1 re-use of soil
2. Containment of soils for the purpose of reducing runs off,
3. Controlled construction waste IE: separation of materials for recycling

PLUMBING

About 65% of total indoor home water use comes from the bathroom. To offset this we would install

1. **ENERGY STAR** rated low flow showerheads and faucets
2. **Duel flush and low flush** toilets that use between 3 and 6 liters of water per flush
3. **ENERGY STAR** rated washing machines

WINDOWS

Install only windows with the **ENERGY STAR** sticker- this feature alone can account for up to a 10% energy savings

APPLIANCES

To be installed according to the Natural Resources Canada-**ENERGY STAR** list of approved appliances

LIGHTING AND HEATING

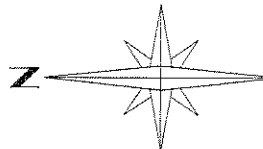
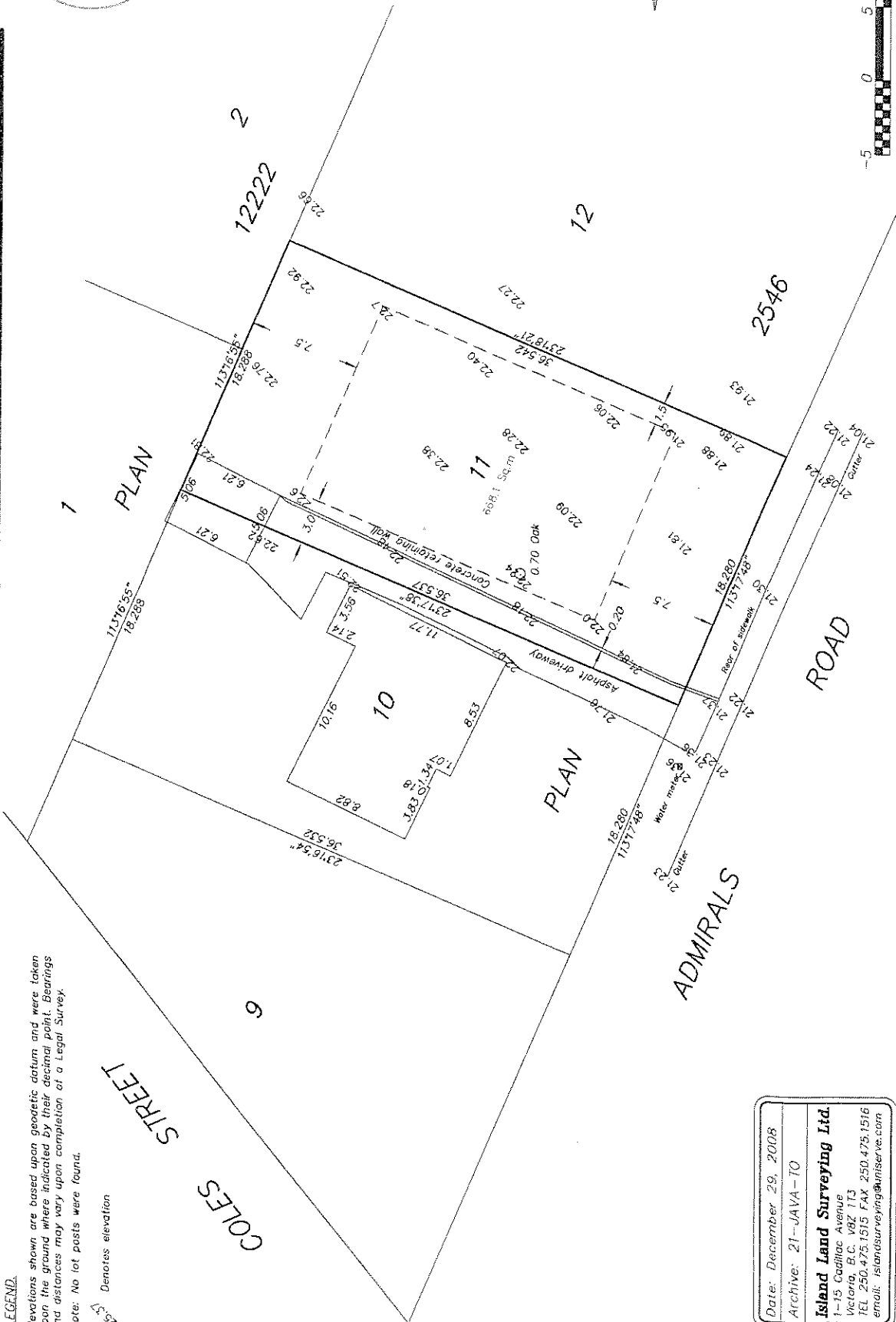
1. **ENERGY STAR** rated fixtures and the use of compact fluorescent bulbs
2. **installation of a ENERCY STAR** programmable thermostat
3. use of dimmer switches and outdoor motion sensors
4. installation of a high efficiency water heater

SITE PLAN OF LOT 11, BLOCK 7, SECTION 10, ESQUIMALT DISTRICT, PLAN 2546.



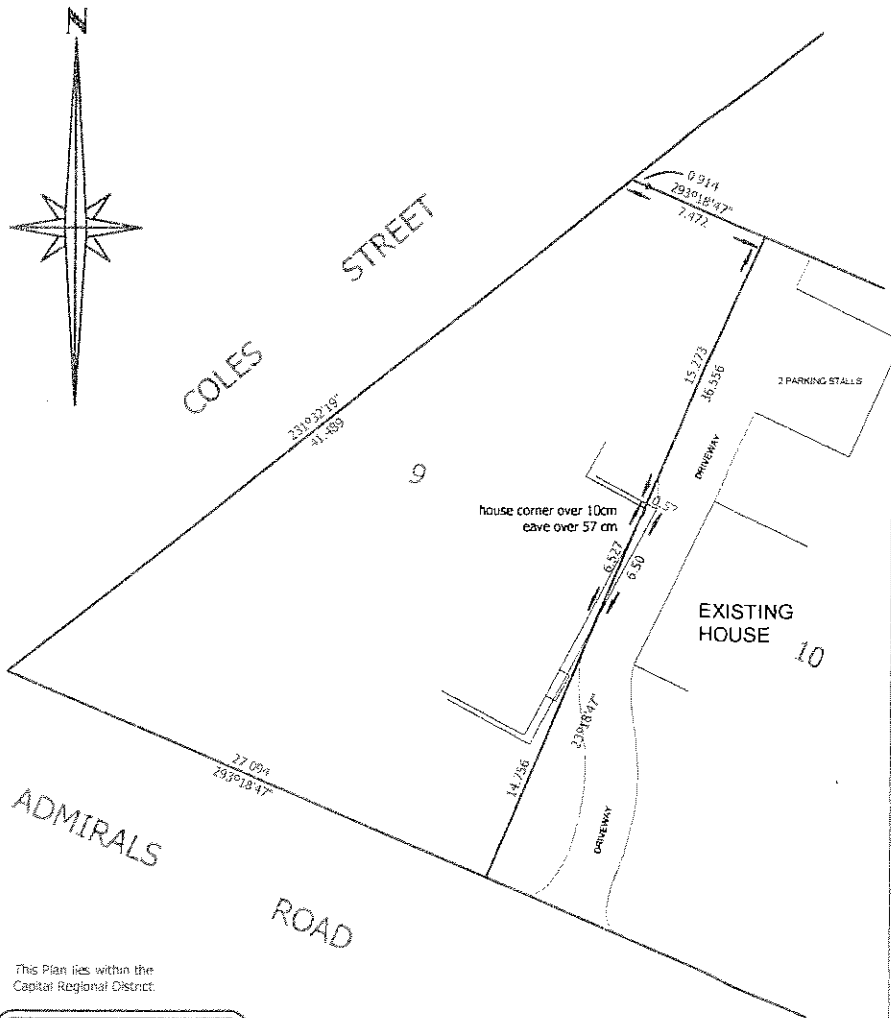
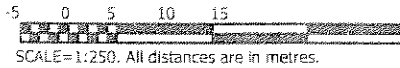
Elevations shown are based upon geodetic datum and were taken upon the ground where indicated by their decimal point. Bearings and distances may vary upon completion of a Legal Survey.
 Note: No lot posts were found.

Denotes elevation



Date: December 29, 2008
 Archive: 21-JAVA-70
Island Land Surveying Ltd.
 1-15 Cadillac Avenue
 Victoria, B.C. V8Z 1T3
 TEL 250.475.1515 FAX 250.475.1516
 email: islandsurveying@islandsurveying.com

SITE PLAN SHOWING HOUSE LOCATIONS
ON LOTS 9 & 10, BLOCK 7, SECTION 10,
ESQUIMALT DISTRICT, PLAN 2546.



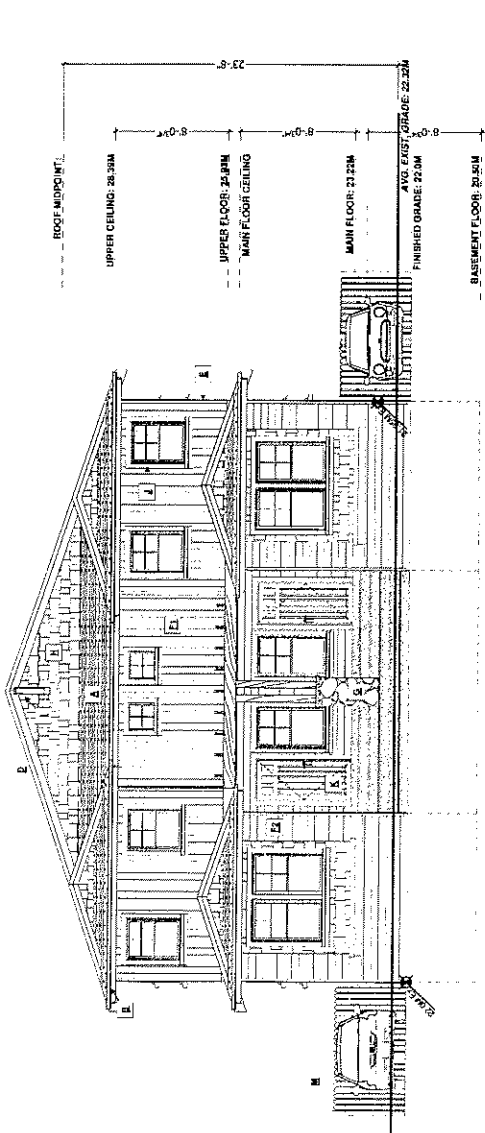
This Plan lies within the
 Capital Regional District.

Date: June 18, 2003
 Archive: 21-YOUNG-MN
 ORRICO & ASSOCIATES
 Land Surveying Ltd.
 1-15 Cadillac Avenue
 Victoria, B.C. V8Z 1T3
 Tel: 475-1515 Fax: 475-1516
 email: lorrice@vansle.net

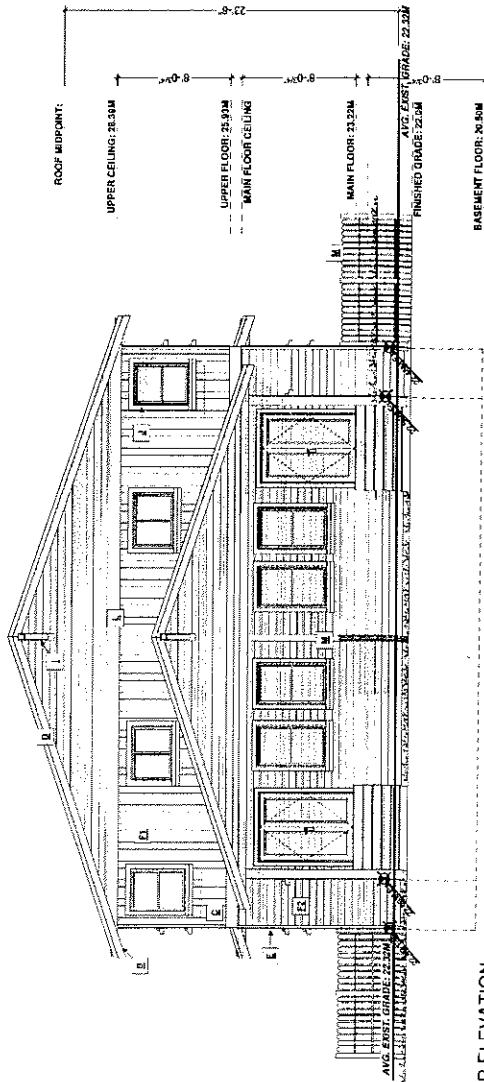


JAVA DESIGNS
 RESIDENTIAL HOME DESIGNERS
 Where Dreams and Homes Come Together
 WWW.JAVADESIGNS.CA
 250.886.9697

PROPOSED NEW SIDE BY SIDE DUPLEX TO 860 ADMIRALS ROAD, ESQUIMALT



○ FRONT ELEVATION
SCALE: 1/4" = 1'-0"



○ REAR ELEVATION
SCALE: 1/4" = 1'-0"

EXTERIOR FINISHES SCHEDULE

ROOM NO.	FINISHES SCHEDULE	ROOF	FINISHES SCHEDULE
A	INTERIOR FINISHES	1	ASPH/FLY
B	BASE COAT	2	ASPH/FLY
C	FINISH COAT	3	ASPH/FLY
D	BASEMENT FINISHES	4	ASPH/FLY
E	CONCRETE FINISHES	5	ASPH/FLY
F	WOOD FINISHES	6	ASPH/FLY
G	ROOF FINISHES	7	ASPH/FLY
H	ROOF FINISHES	8	ASPH/FLY
I	ROOF FINISHES	9	ASPH/FLY
J	ROOF FINISHES	10	ASPH/FLY
K	ROOF FINISHES	11	ASPH/FLY
L	ROOF FINISHES	12	ASPH/FLY
M	ROOF FINISHES	13	ASPH/FLY
N	ROOF FINISHES	14	ASPH/FLY
O	ROOF FINISHES	15	ASPH/FLY
P	ROOF FINISHES	16	ASPH/FLY
Q	ROOF FINISHES	17	ASPH/FLY
R	ROOF FINISHES	18	ASPH/FLY
S	ROOF FINISHES	19	ASPH/FLY
T	ROOF FINISHES	20	ASPH/FLY
U	ROOF FINISHES	21	ASPH/FLY
V	ROOF FINISHES	22	ASPH/FLY
W	ROOF FINISHES	23	ASPH/FLY
X	ROOF FINISHES	24	ASPH/FLY
Y	ROOF FINISHES	25	ASPH/FLY
Z	ROOF FINISHES	26	ASPH/FLY



CUSTOMER: ONEK MECHANICAL LTD.
 ADDRESS: 860 ADMIRALS ROAD, ESQUIMALT
 SCALE: 1/4" = 1'-0"
 DATE: APRIL 2, 2009

DEVELOPMENT APPLICATION

DEVELOPER: ONEK MECHANICAL LTD.
 PROJECT NO.: 2009-001
 DRAWING NO.: 2009-001-01
 SHEET NO.: 1 OF 1
 DATE: APRIL 2, 2009

APPROVED BY: [Signature]
 TITLE: [Title]

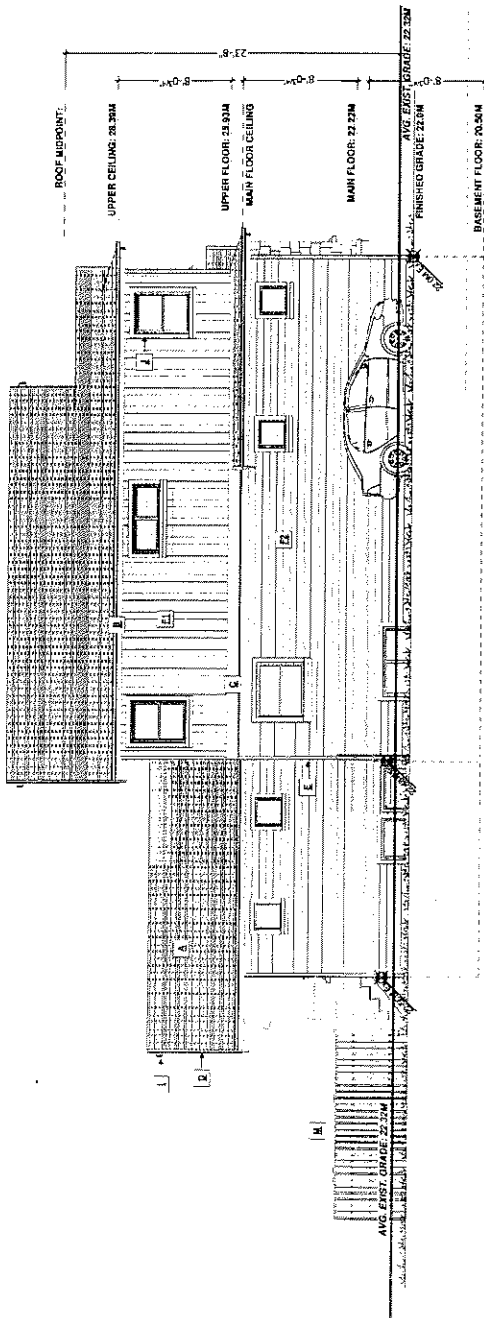
DATE: APRIL 2, 2009

SCALE: 1/4" = 1'-0"

DATE: APRIL 2, 2009

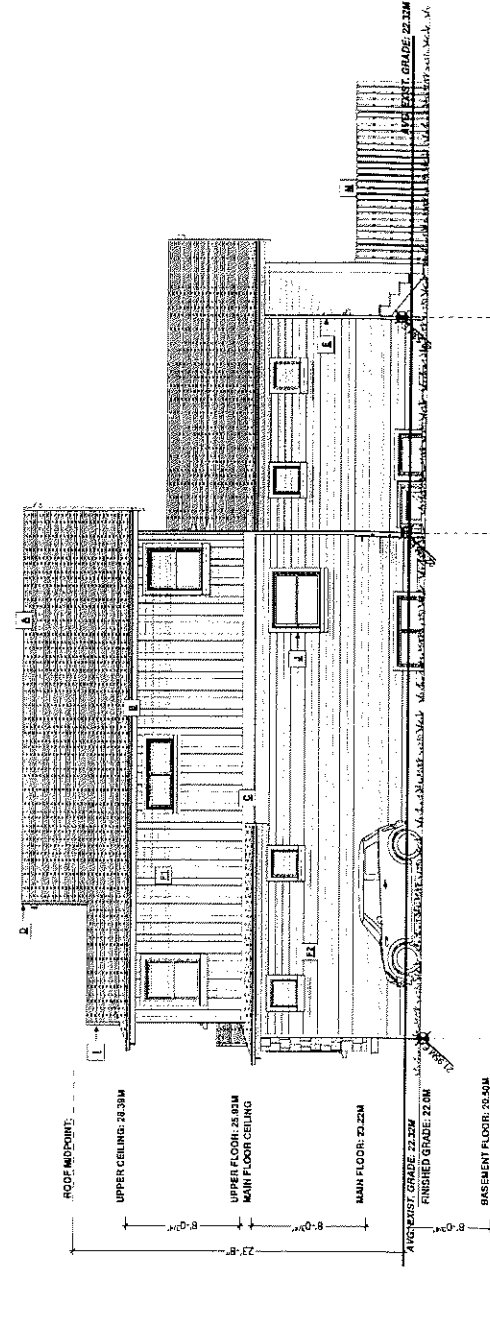
APPROVED BY: [Signature]
 TITLE: [Title]

DATE: APRIL 2, 2009



LEFT ELEVATION
SCALE: 1/4" = 1'-0"

TOTAL WALL AREA: 909 Sq Ft
TOTAL UNPROTECTED OPENINGS: 78.25 Sq Ft
% UNPROTECTED OPENINGS: 8.6%



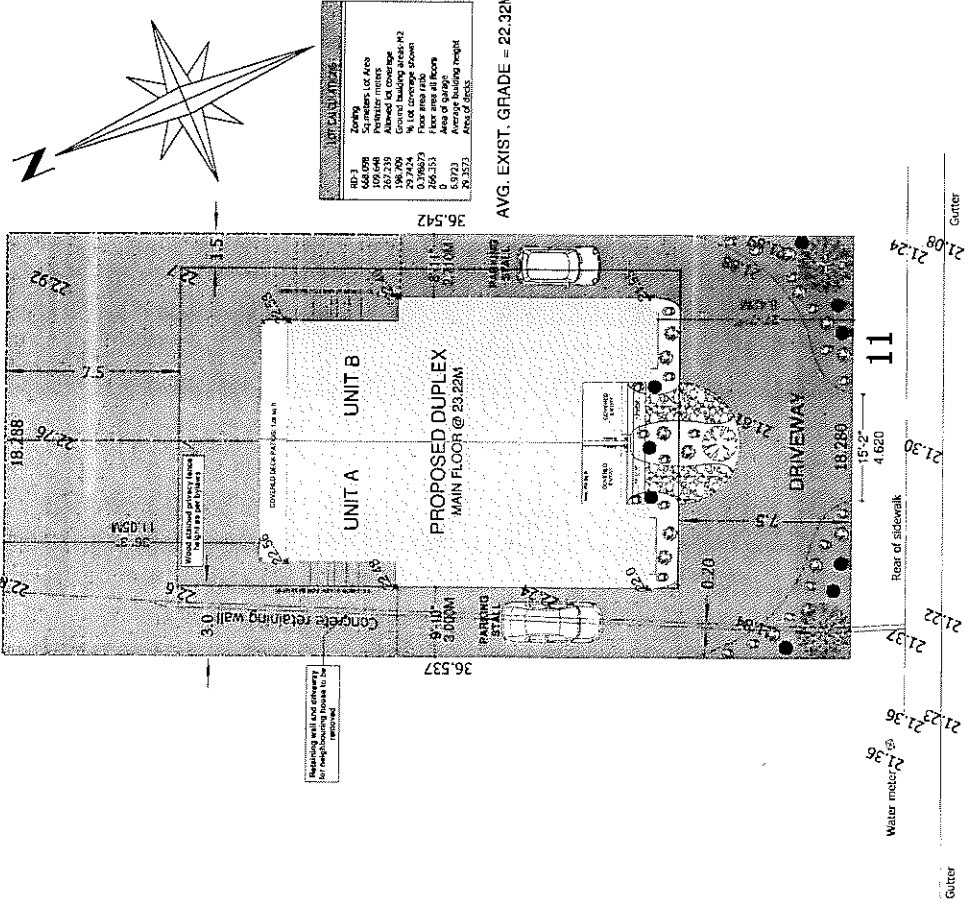
RIGHT ELEVATION
SCALE: 1/4" = 1'-0"

TOTAL WALL AREA: 909 Sq Ft
TOTAL UNPROTECTED OPENINGS: 78.25 Sq Ft
% UNPROTECTED OPENINGS: 8.6%

EXTERIOR FINISHES SCHEDULE			
A	ROOFING	ROCK	ROOFING
B	CEILING	CEILING	CEILING
C	WALLS	WALLS	WALLS
D	FLOORS	FLOORS	FLOORS
E	DOORS	DOORS	DOORS
F	WINDOWS	WINDOWS	WINDOWS
G	SCREENS	SCREENS	SCREENS
H	ROOFING	ROOFING	ROOFING
I	CEILING	CEILING	CEILING
J	WALLS	WALLS	WALLS
K	FLOORS	FLOORS	FLOORS
L	DOORS	DOORS	DOORS
M	WINDOWS	WINDOWS	WINDOWS
N	SCREENS	SCREENS	SCREENS



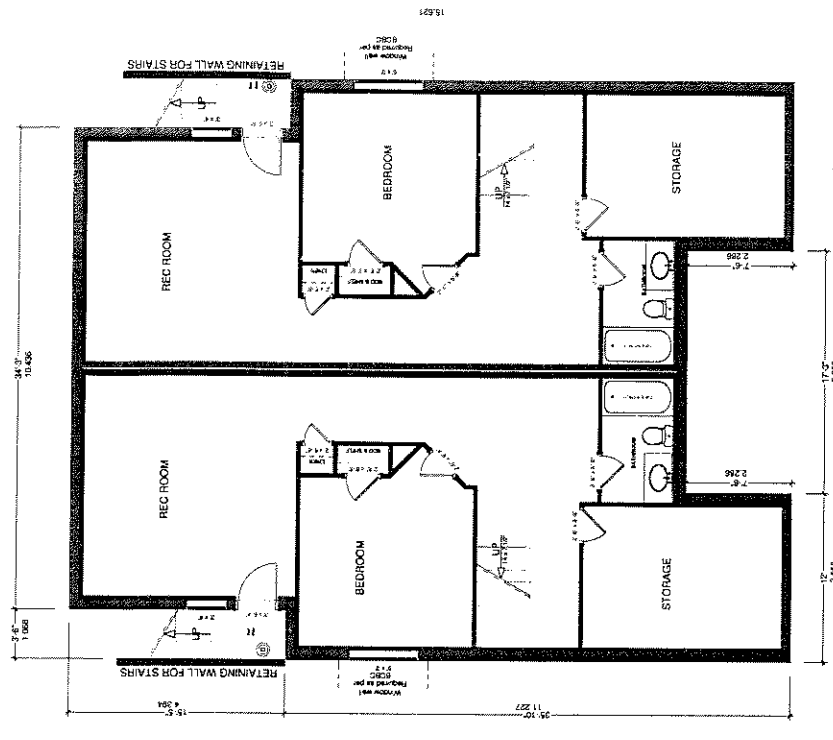
CUSTOMER: JAMES METCALFE LTD.
 ADDRESS: 860 GERRARD ROAD, ESQUIMAULT
 SCALE: 1/4" = 1'-0"
 DATE: APRIL 1, 2009
 DEVELOPMENT APPLICATION
 DRAWN BY: JAVIER GONZALEZ
 CHECKED BY: JAVIER GONZALEZ
 PROJECT NO.: 2008030507
 SHEET NO.: A2



AVG. EXIST. GRADE = 22.32M

ADMIRALS ROAD

SITE PLAN
SCALE: 1/8" = 1' 0"



BASEMENT FLOOR PLAN (8'-0 3/4" WALLS)
SCALE: 1/4" = 3'-0"
RECEIVED
APR 02 2009
CORP OF TOWNSHIP
OF ESQUIMAULT
DEVELOPMENT & ENGINEERING SERVICES

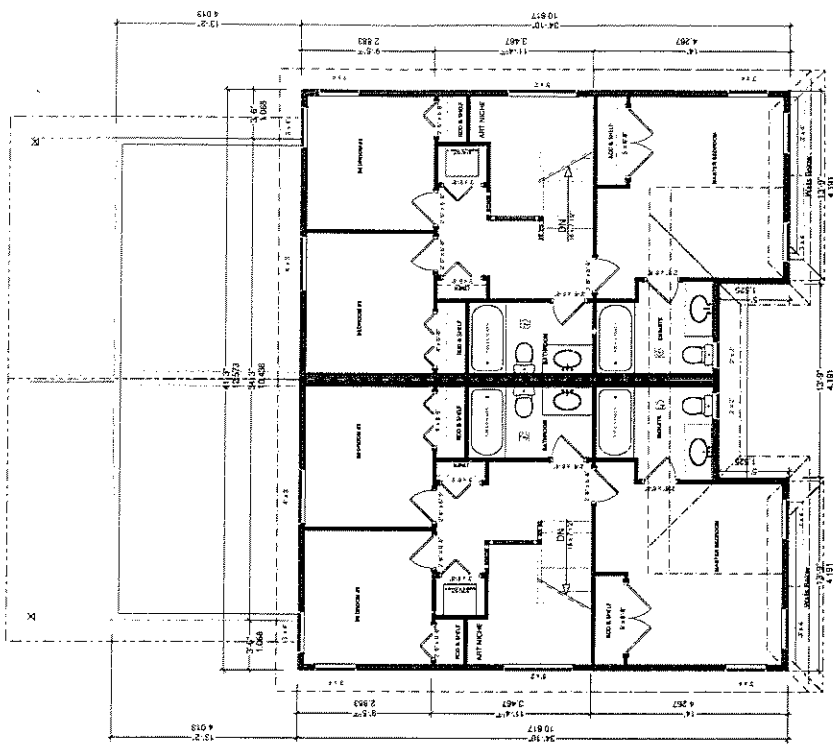
CUSTOMER: ONE MECHANICAL LTD.
ADDRESS: 849 ADMIRALS ROAD, LAGUNAVIEW
SCALE: 1/4" = 3'-0"
DATE: APRIL 2, 2009
DEVELOPMENT APPLICATION

OWNER: BILLY CLIFFERT, INC.
PROJECT NO.: 08-001-0000
PLAN #:

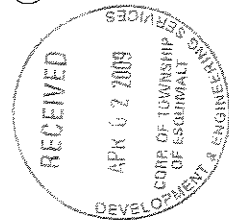
PREPARED BY: JAMES A. D. BISHOP, P. ENG.
PROJECT ENGINEER
Professional Engineer License No. 44494
250-885-9577

Plan #:

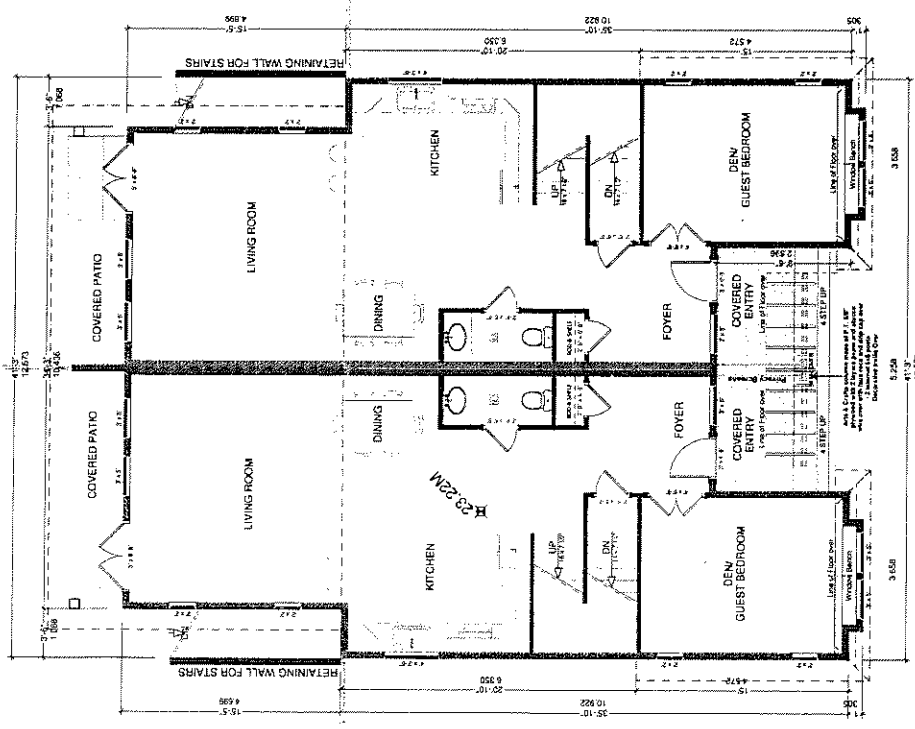
(A3)



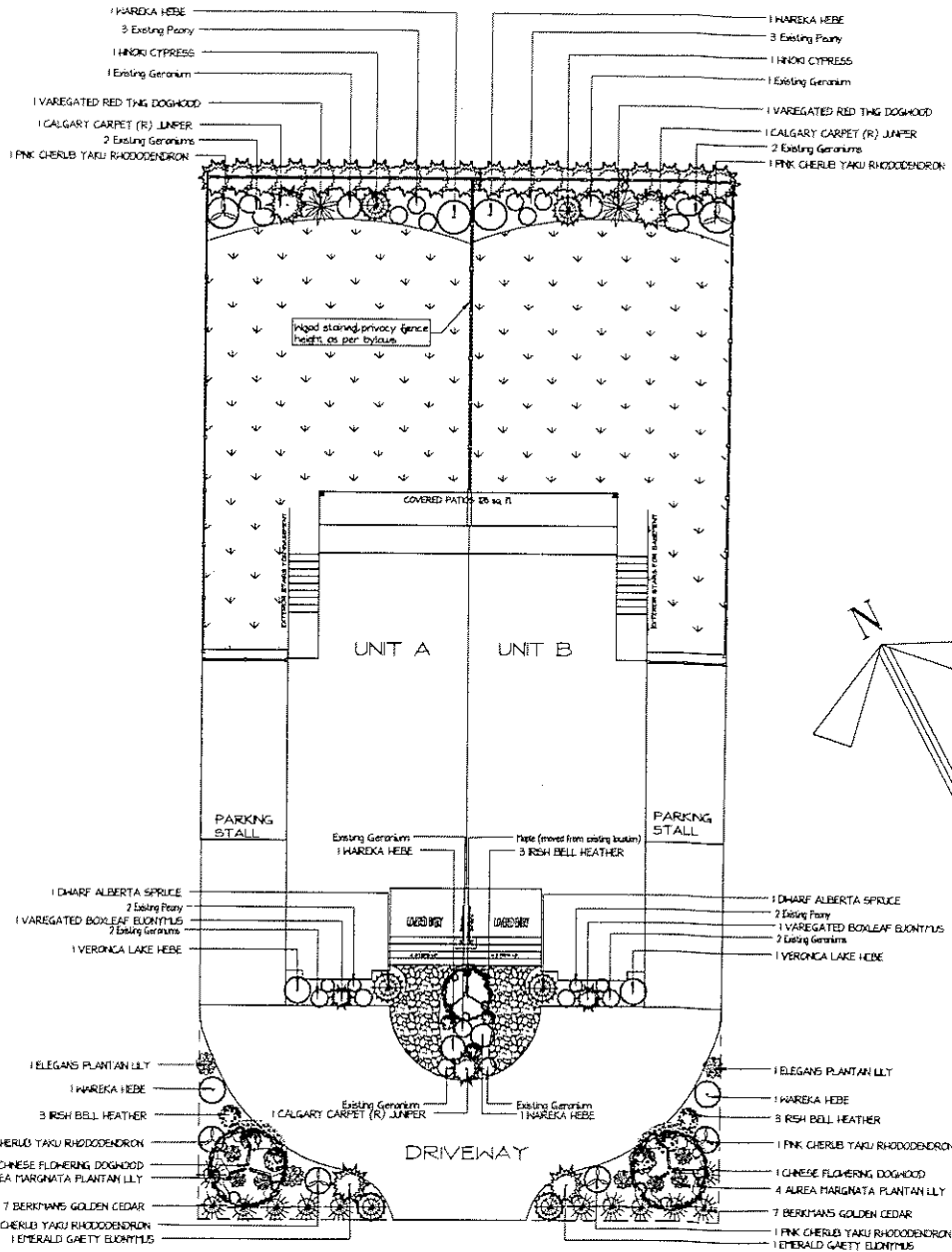
UPPER FLOOR PLAN (8'-0 3/4" WALLS)
 SCALE: 1/4" = 1'-0"
 UPPER FLOOR AREA: 1,227 Sq Ft (114 Sq M)



CUSTOMER: DMH RICHMOND, LTD.
 ADDRESS: 80 GENERALS ROAD, ESCUMWALT
 SCALE: 1/4" = 1'-0"
 DATE: APRIL 2, 2009
 DEVELOPMENT APPLICATION
 DRAWN BY: J. HILGOTT, A.S.T.
 CHECKED BY: J. HILGOTT, A.S.T.
 PROJECT NO.: 250-885-0637
 SHEET NO.: A4



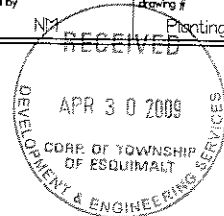
MAIN FLOOR PLAN (9'-0 3/4" WALLS)
 SCALE: 1/4" = 1'-0"
 MAIN FLOOR AREA: 1,640 Sq Ft (152.36 Sq M)



0 5 10 20
SCALE IN FEET

Exterus
LANDSCAPE DESIGN GROUP INC.

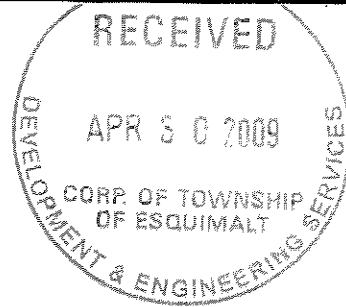
Mike Lauener 860 Admirals Rd Victoria			
client:	date:	revision:	
scale:	1"=12'	April 24, 2009	1
drawn by:	HY	checked by:	NP
			Printing Plans



Client: Mike Lauener

Address: 860 Admirals Rd, Victoria, BC

Phone: 250-655-1202



Plant List

Plant	Size	Qty
Hosta Sieboldiana Elegans	1 gal	2
Hosta Fortunei 'Aurea Marginata'	1 gal	8
Thuja Occidentalis 'DeGroots Spire'	4-5'	14
Yaku Rhododendron	1 gal	6
Boxwood Euonymus	1 gal	2
Hebe Veronica lake or non-variegated	1 gal	2
Cornus Alba 'Ivory Halo'	5 gal	2
Cornus Kousa	6-7' B&B	2
Picea Glauca conica	5 gal	2
Daboecia cantabrica 'Harlequinn'	5 gal	9
Euonymus Fortunei Emerald Gaiety	1 gal	2
Hebe Waireka	1 gal	6
Juniperus Sabina 'Monna'	1 gal	3
Dwarf Hinoki Cypress	2 gal	2
Asst Geranium-transplanted from existing site	1 gal	5-6
Asst Peony-transplanted from existing site	1 gal	5-6
Japanese Waterfall Maple Species transplanted from existing site	Mature	1

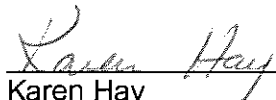
STAFF REPORT

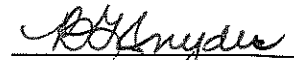
DATE: May 6, 2009 **REPORT NO.** DEV-09-027
TO: Tom Day, Chief Administrative Officer
FROM: Barbara Snyder, Director of Development Services
Karen Hay, Planning Technician
SUBJECT: DEVELOPMENT VARIANCE PERMIT
1206 Wychbury Avenue
[LOT 7 SECTION 11 ESQUIMALT DISTRICT PLAN 21838]

RECOMMENDATION

That the application for a Development Variance Permit authorizing construction as shown on the site plan and construction drawings stamped "Received March 25, 2009", and including the variance noted above, for the proposed sunroom replacement located at Lot 7, Section 11, Esquimalt District, Plan 21838 [1206 Wychbury Avenue] be forwarded to Council with a **recommendation of approval.**

Zoning Bylaw No. 2050, Section 40(9)(iii) – Rear Setback - a 0.65 metre decrease in the required setback from the rear lot line for the principal building, i.e. from 7.5 metres to 6.85 metres.


Karen Hay
Planning Technician


Barbara Snyder
Director, Development Services

SUMMARY

The applicant is requesting a Development Variance Permit to facilitate the replacement of an existing sunroom. A sunroom (solarium) on the subject property was built with a relaxation of the rear yard setback granted by the Board of Variance in 1991. At the time the Board of Variance allowed for a 1 foot encroachment into the rear yard setback. The recent legal survey of the property has revealed that the original structure was built beyond that allowed by the Board of Variance decision. As such, replacing the existing structure requires approval of a development variance permit.

BACKGROUND

Owner/Applicant: Valentina Chuback and Lorne Johansen
Property Size: Metric: 678 m² Imperial: 7298.17 ft²
Existing Land Use: Single Family Dwelling

Surrounding Land Uses:

South: Two Family Residence with RD -3 Zoning
East: Single Family Residence with RS -1 Zoning
North: Single Family Residence with RD -1 Zoning
West: Two Family Residence with RD -3 Zoning

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

Existing OCP Designation: Single and Two unit Residential [no change required]

Purpose of the Application: To allow for the replacement of an existing sunroom/solarium with a permanent sunroom built to match the rest of the house.

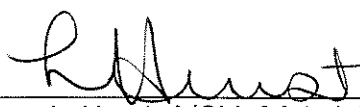
Note: All projects are subject to compliance with the building, electrical and plumbing codes; Subdivision and Development Control Bylaw No. 2175; and fire and safety standards.

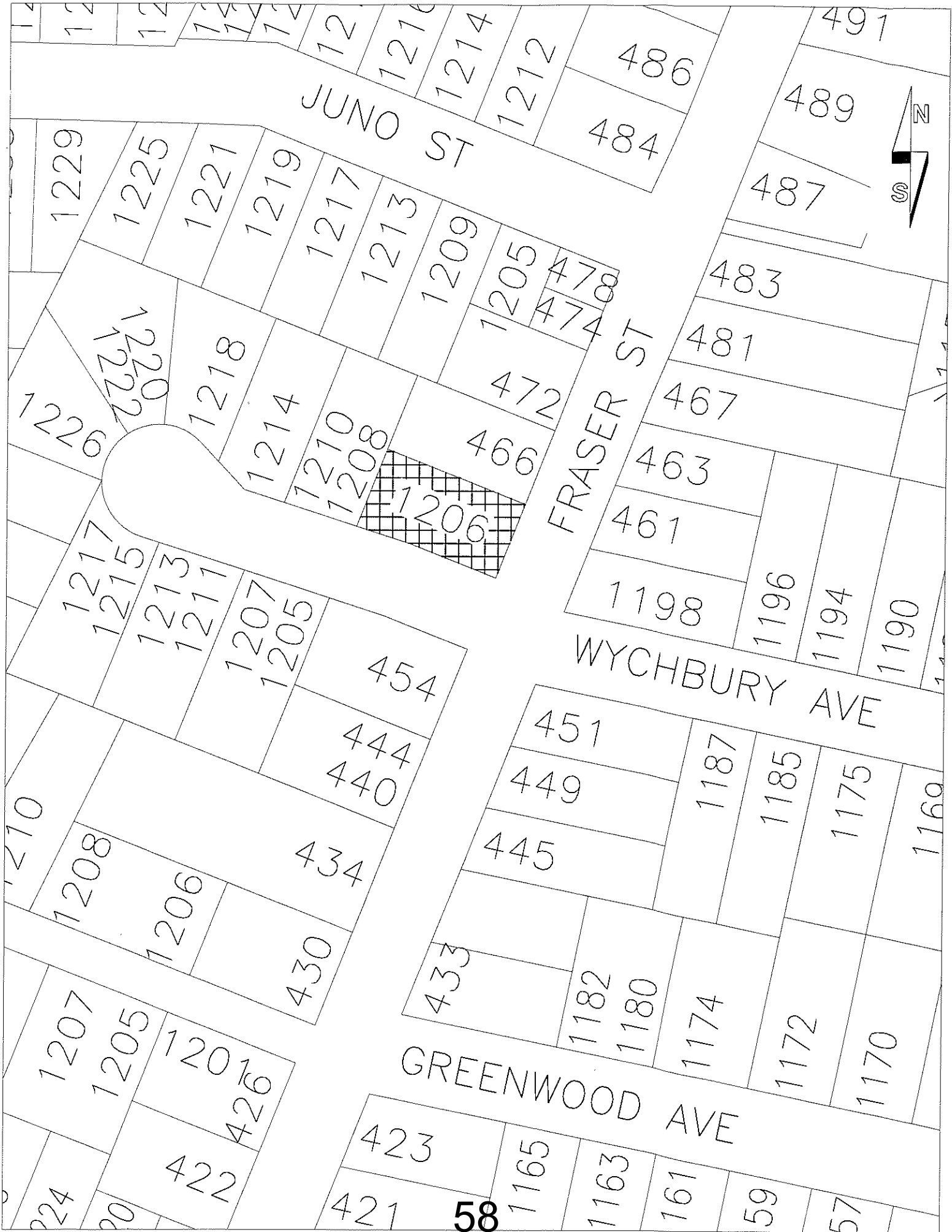
COMMENTS FROM ADVISORY PLANNING COMMISSION

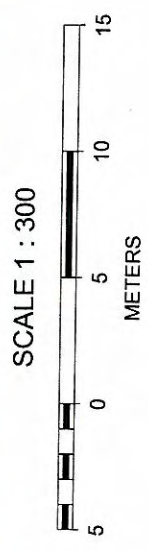
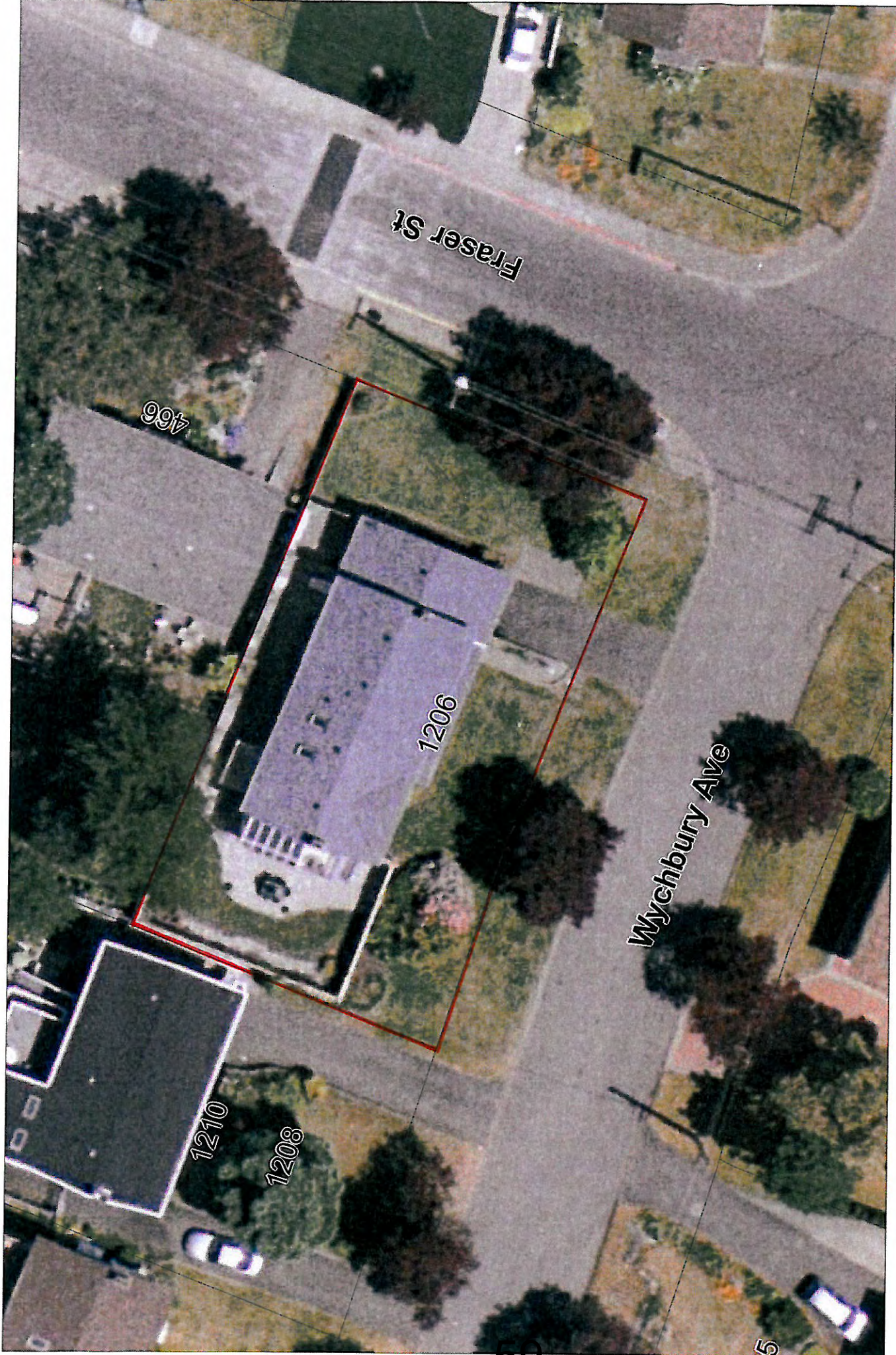
This application was considered by APC on the evening of April 21, 2009. The applicant explained the current solarium was leaking and the base was rotten. Members indicated that, the replacement structure was a favourable addition to the house and would not negatively impact the neighbours. The application was forwarded to Council with a recommendation of approval.

PUBLIC NOTIFICATION

As this proposal involves a variance, should this be forwarded to Council, 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> Laurie Hurst, A/Chief Administrative Officer</p> <p>Dated: <u>May 7/09</u></p>





IV. STAFF REPORT

- (1) **Development Variance Permit
1206 Wychbury Avenue
Valentina Chuback , owner**

Valentina Chuback, the owner was in attendance to present her proposal to request a variance to facilitate the replacement of an existing sunroom. She explained that she had received a variance back in 1991 to build the existing solarium. She stated that when she put in to replace the solarium with the new sunroom, it was discovered the contractor of the day took more of a variance than what was allowed. She explained that she needs to replace the sunroom as it is leaking and has caused rotting of the floor.

With reference to a question from Gerald Froese regarding how measurements are taken, Trevor Parkes, Senior Planner, stated that setbacks are measured from the foundation wall, or from the closest point of a structure to the lot line.

Ramona Scott inquired about the address being on Wychbury.

Trevor Parkes explained that the house is actually built lengthwise on the lot and that the side is really the rear yard.

Darwin Robinson commented that it does not encroach upon any one. That this addition is an improvement to the house and that there is lots of room on site coverage.

Ed Williams commented that he was in support and stated that the property was well maintained.

Public Input:

No members of the public were in attendance.

RECOMMENDATION

Moved by Rod Lavergne, seconded by Darwin Robinson, that the Esquimalt Advisory Planning Commission (APC) resolves that the application for a Development Variance Permit for Lot 7, Section 11, Esquimalt District, Plan VIP21838 [1206 Wychbury Avenue] including the following variance to Zoning Bylaw No. 2050 be forwarded to Council with a **recommendation of approval**

Bylaw No. 2050, Section 40(9)(iii) – Rear Setback - a 0.65 metre decrease in the required setback from the rear lot line for the principal building, i.e. from 7.5 metres to 6.85 metres.
The motion **CARRIED UNANIMOUSLY.**

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.

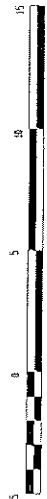
(b) **Accessory Building**

- (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.

B.C. LAND SURVEYOR'S SITE PLAN OF:

LOT 7, SECTION 11, ESQUIMALT DISTRICT, PLAN 21838

S.C.A.L.E = 1 : 200



All distances are in metres and decimals thereof

LEGEND

Elevations are geodetic based on the Township of Esquimalt Integrated Survey Monument BR43779 (Elev = 20.456m). Contours are descriptive, and only accurate to +/- 1/2 interval. Grade spot are taken at the point marked X. Grade spots at a curb line are in gutter.

Tree bases and canopies approximately to scale where tree location is critical, tree species and canopy should be confirmed by qualified arborist.

All rights reserved. No person may copy, reproduce, transmit or alter this document in whole or in part without the written consent of the signatory.

This document was prepared for the exclusive use of our client, Esquimalt. Esquimalt

BCL, INC. accepts no responsibility or liability for any damage that may be suffered by a third party as a result of any omissions made or actions taken based on this document.

SITE AREA

678.0 m²
7298 s.f.

Address: 1206 WYCHBURY AVE
Folio: 3284.000

CERTIFIED CORRECT

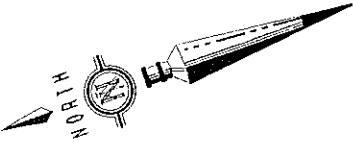
Date: Mar 31, 2009
Folder: BP012611

The plan has been prepared and checked in accordance with the Manual of Standards Practice and is certified correct on the 31st day of March 2009.

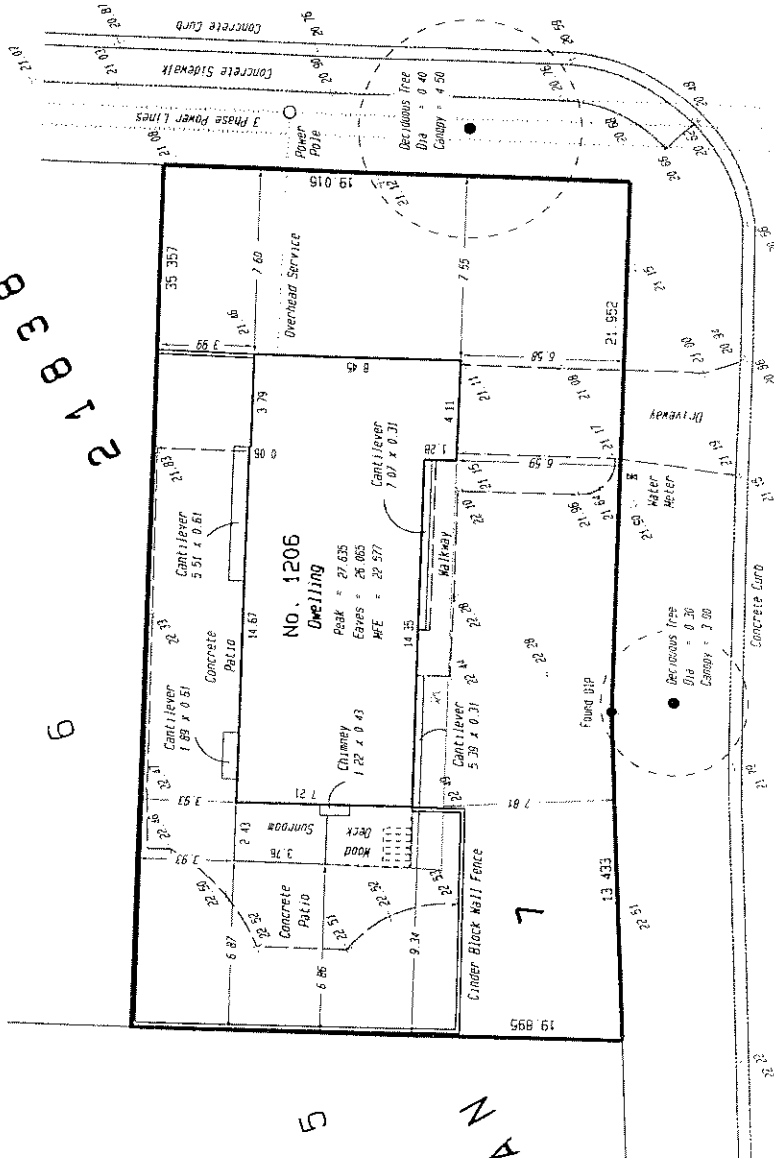
Subject: RESIDENTIAL - SFD - ALT Building Permit

Bradley W. Curran BCL

FILE: 0091 - 19
DWAYNE PROSIE / 205-0318
Brad Curran Land Surveyor
42-576 Hillside Avenue
Victoria, BC V8T 1Y5
ph 381-8015/2537 fx 381-2289

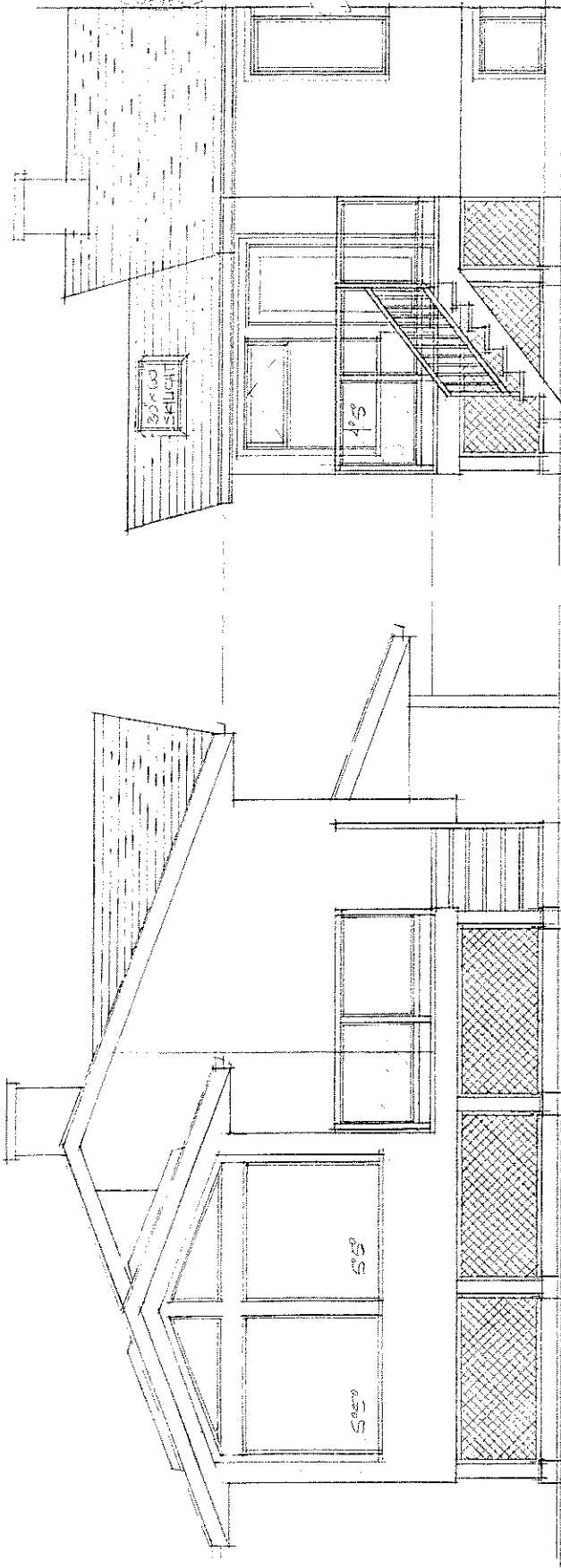


21838
6



FRASER STREET

WYCHBURY AVENUE



LEFT SIDE ELEVATION
SCALE 1/4"=1'-0"

FRONT ELEVATION
SCALE 1/4"=1'-0"

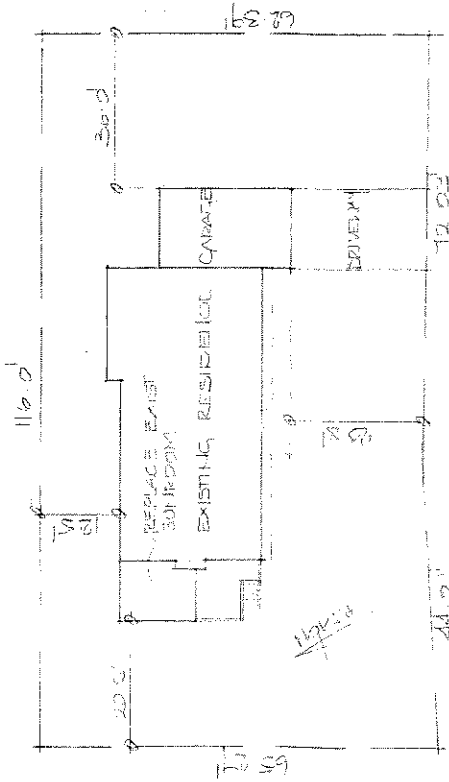
LEGAL DESCRIPTION:-

LOT 1
PLAN 21888
SECTION 11
ZONING R2

SITE INFORMATION:-

LOT AREA 12000
EXISTING FLOOR AREA 1750
SUNROOM 300
DECK 325
GARAGE 100
SITE COVERAGE 1145.100 = 4.9%

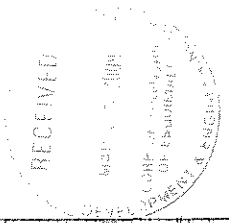
PROPOSED REPLACEMENT
OF EXISTING SUNROOM
AT 1206 WYCHBURY RD
FOR MRS V CHULCK



WYCHBURY RD
SITE PLAN

TRANSITION

Address: 1206 WYCHBURY AVE
Folio: 3284.000
Project: Mar 31, 2009
Date: BP012611
Type/Subject: RESIDENTIAL - SFD - ALT
Building Permit



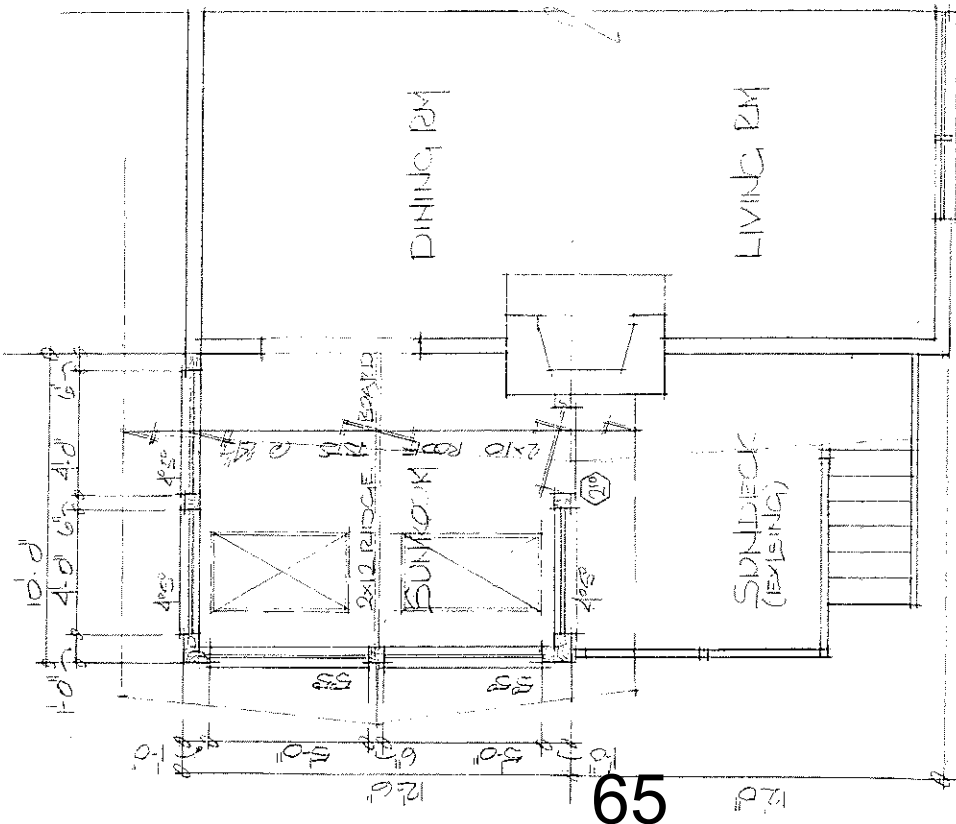
1206 WYCHBURY AVE

Date: Mar 31, 2009
Folio: 3284.000
Project: BP012611

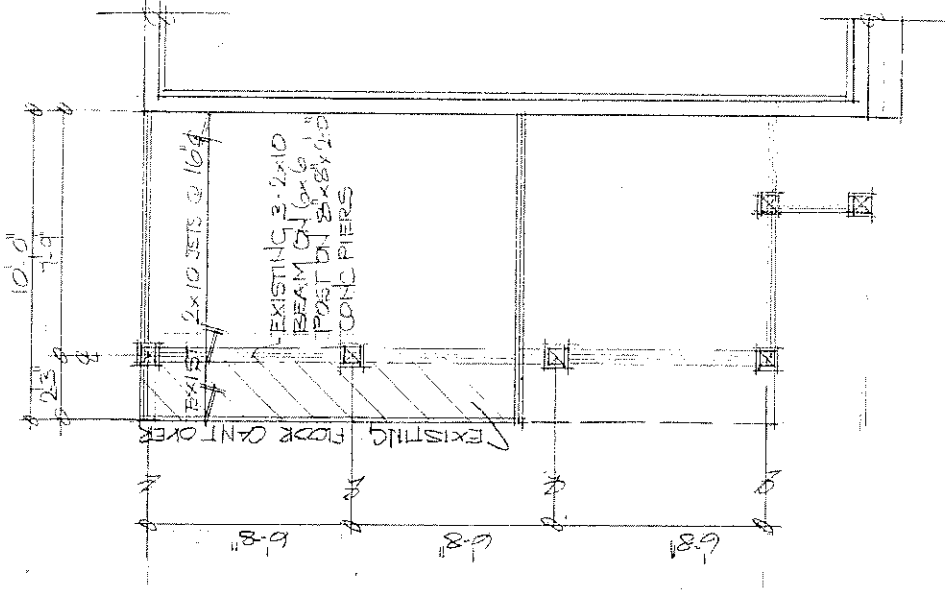
Type / Subject:
RESIDENTIAL - SFD - ALT
Building Permit

General Notes:-

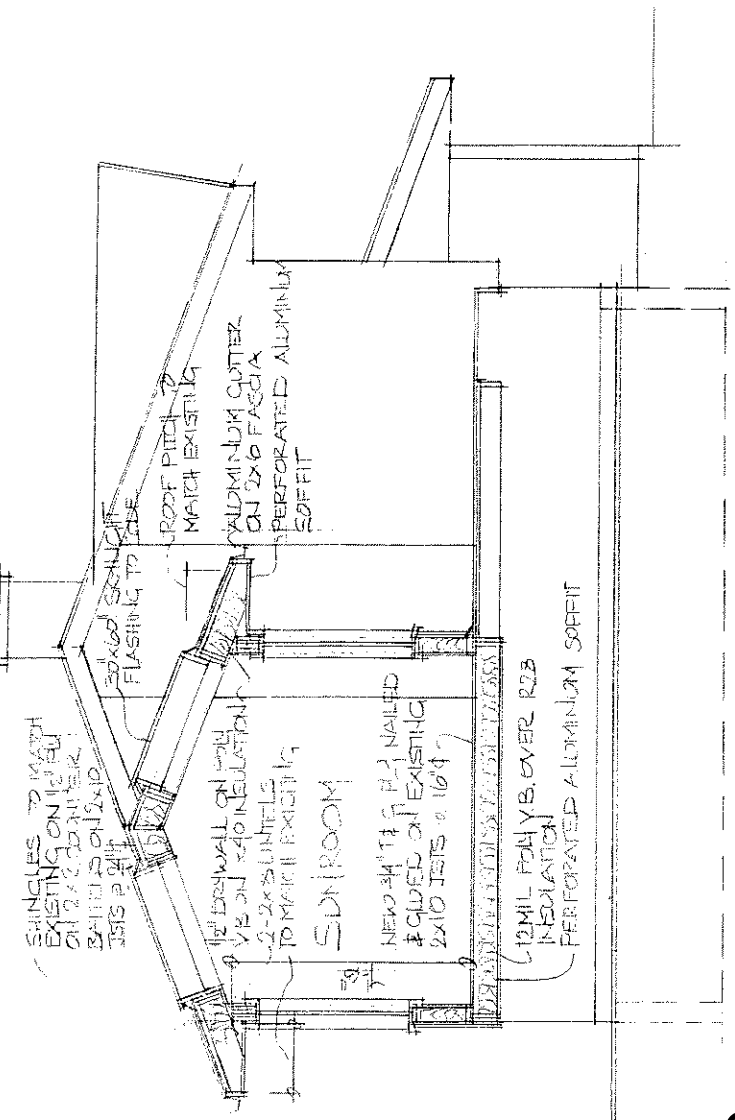
- All dimensions are shown stud to stud unless otherwise mentioned. Exterior wall dimensions are shown to outside of sheathing
- Framer must verify all dimensions prior to commencement of construction
- Any changes of plan must have prior approval of Tria McMillan, 385-5398
- All materials and methods of construction to conform to current zoning by-laws and the British Columbia Building Code 2006 (B.C.B.C.2006)
- All sub trades to work to respective codes and to follow good construction practice.
- All concrete footings shall extend to firm, undisturbed bearing soil, free of all organic material.
- Footings shall extend 18" below finished grade or below local frost line whichever is greater.
- Foundation concrete shall have a min. compressive strength of 3000 p.s.i. (20 Mpa) @ 28 days
- Foundations are designed for a max. soil pressure of 2000p.s.i. (1.4 M.p.a.) - a Professional Engineer must be contacted if poor soil conditions are encountered
- Provide attic and crawl space ventilation and access in accordance with B.C.B.C.2006
- All joists to be No.2 Douglas Fir or better unless otherwise specified.
- All beams and posts, unless otherwise noted, to be No.1 Douglas fir or better.
- All steel beams, unless otherwise noted, to be G 40.21 Grade 44W.
- All wood in contact with concrete must be pressure-treated or separated with approved material
- All roof trusses must be engineered and installed in accordance with manufacturer's details and specifications.
- All insulation to be installed as per B.C. Hydro specifications for Victoria, B.C. and the B.C.B.C. 2006.
- Provide heating, mechanical ventilation and air conditioning where required by owner and in accordance with the B.C.B.C. 2006.
- Hot water tank placement determined by plumber
- Tank to be secured to structure to prevent overturning during seismic activity and to be close to floor drain
- Provide smoke alarms and fire safety provisions to comply with B.C.B.C. 2006- Section 9.
- All interior casings, window types and mill work to owners specifications.
- Provide carbon monoxide detectors as required by B.C.B.C. 2006
- All LVL beams to be engineered by Manufacturer unless otherwise specified
- Stairs to have graspable handrails - Max 2 1/2" x 21/2"
- All roof spaces to be ventilated to comply with B.C.B.C. 2006



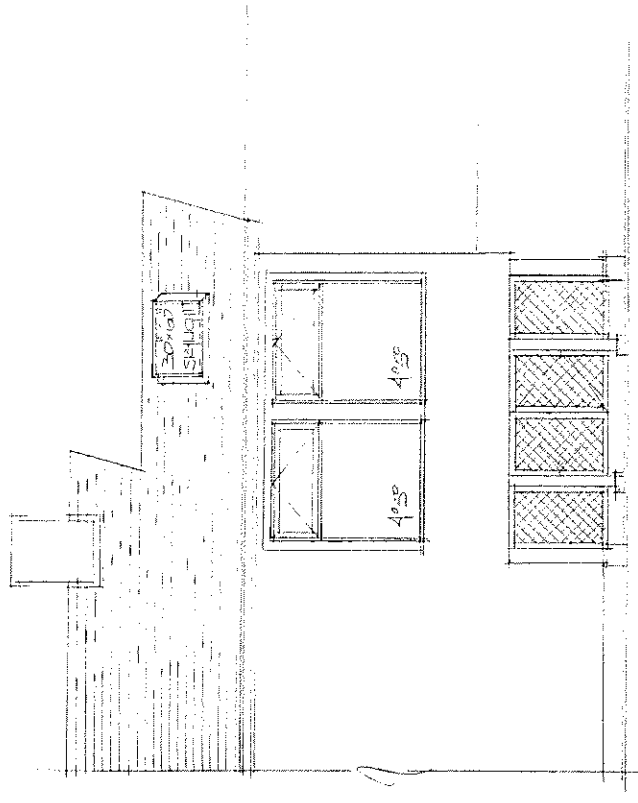
SUN-ROOM REPLACEMENT SCALE 1/4"=1'-0"



EXISTING FOUNDATION SCALE 1/4"=1'-0"



SECTION A-A
SCALE 1/4" = 1'-0"



Address: 1206 WYCHBURY AVE
 Folio: 3284 000
 Project: 3284 000
 Date: Mar 31, 2009
 Folder: BP012611
 Type / Subject: RESIDENTIAL - SFD - ALT
 Building Permit

STAFF REPORT

DATE: May 6, 2009 **REPORT NO.** DEV-09-028
TO: Tom Day, Chief Administrative Officer
FROM: Barbara Snyder, Director of Development Services
Trevor Parkes, Senior Planner
SUBJECT: DEVELOPMENT VARIANCE PERMIT
677 Admirals Road
[STRATA LOT 1, SUBURBAN LOT 50, SECTION 11, ESQUIMALT DISTRICT,
PLAN VIS3131]

RECOMMENDATION

That the application for a Development Variance Permit authorizing the installation of a 1.83 metre wooden fence in front of the front face of the principal building, to be constructed as shown on photographic examples submitted with the application stamped "Received April 9, 2009", and including the following relaxation to Zoning Bylaw No. 2050, be forwarded to Council with a **recommendation of approval**.

Zoning Bylaw No. 2050, Section 38(11) – Fencing - a 0.63 metre increase to the permitted fence height in front of the front face of the Principal Building from 1.2 metres to 1.83 metres.



Trevor Parkes
Senior Planner



Barbara Snyder
Director, Development Services

SUMMARY

The applicant is requesting a Development Variance Permit to allow the installation of a 1.83 metre [6 feet] fence surrounding the front yard at 677 Admirals Road. The zoning bylaw restricts the height of fences in front yards to 1.2 metres [4 ft.] which is intended to clearly demarcate private property yet still provide a neighbourly appearance to the street.

The subject property is located at the corner of Woodway and Admirals Road. The owners wish to have a higher solid wood fence to ensure their privacy and mitigate noise from the bus stop and intersection traffic [see attached letter].

The new fence would be constructed in the same location as the existing wood and lattice fence [see photos]. The adjacent owner at 675 Admirals Road, the other half of this strata duplex, has no objection to the proposed fencing.

BACKGROUND

Owner/Applicant: Peter and Natasha Volchek

Property Size: Metric: 920 m² Imperial: 9902.8 ft²

Existing Land Use: Two Family Dwelling

Surrounding Land Uses:

South: Single Family Residence with RS-1 Zoning
East: Two Family Residence with RD-1 Zoning
North: Single Family Residence with RD-3 Zoning
West: DND Property

Existing Zoning: RD-1 [Two Family Residential]

Existing OCP Designation: Single and Two Unit Residential [no change required]

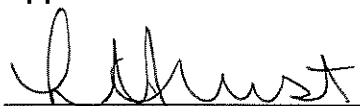
Purpose of the Application: To allow for the installation of a fence 1.83 metres [6 foot] in height around the front yard of 677 Admirals Road.

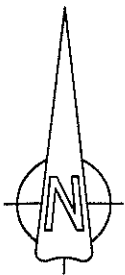
COMMENTS FROM ADVISORY PLANNING COMMISSION

This application was considered by APC on the evening of April 21, 2009. Members indicated that, after visiting the site, they understood the applicant's wish to increase the height of the fence to improve privacy as the front yard is subjected to a great deal of vehicular traffic in close proximity. Additional comments included support for the design of the proposed fence as it would represent a visual improvement over the existing fencing currently facing the street. Members agreed that, while the increase in fence height might improve privacy it would not mitigate noise levels from passing traffic and buses, nor would it enhance security of the property as indicated in the applicants letter. The application was unanimously forwarded to Council with a recommendation of approval.

PUBLIC NOTIFICATION

As this proposal involves a variance, should this be forwarded to Council, 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> _____ Laurie Hurst, A/Chief Administrative Officer</p> <p>Dated: <u>May 7/09</u></p>



CONSTANCE AVE

665 669

1314 1300/02/04/06

ASTLE ST

651

648

69

685

679
675
671
667
663

WOODWAY RD

1270

1266

1262

1258

1265

667

1261

665

1257

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659

661

654

655

651

653

700

683

688

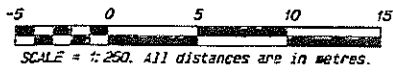
676
674

672

670

BASEMENT

SHEET 3 OF 6 SHEETS
STRATA PLAN VIS 3131.



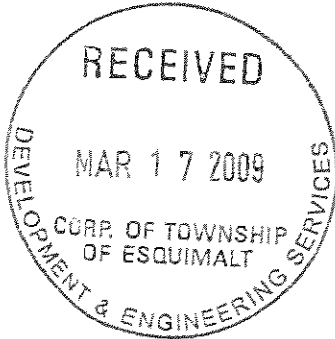
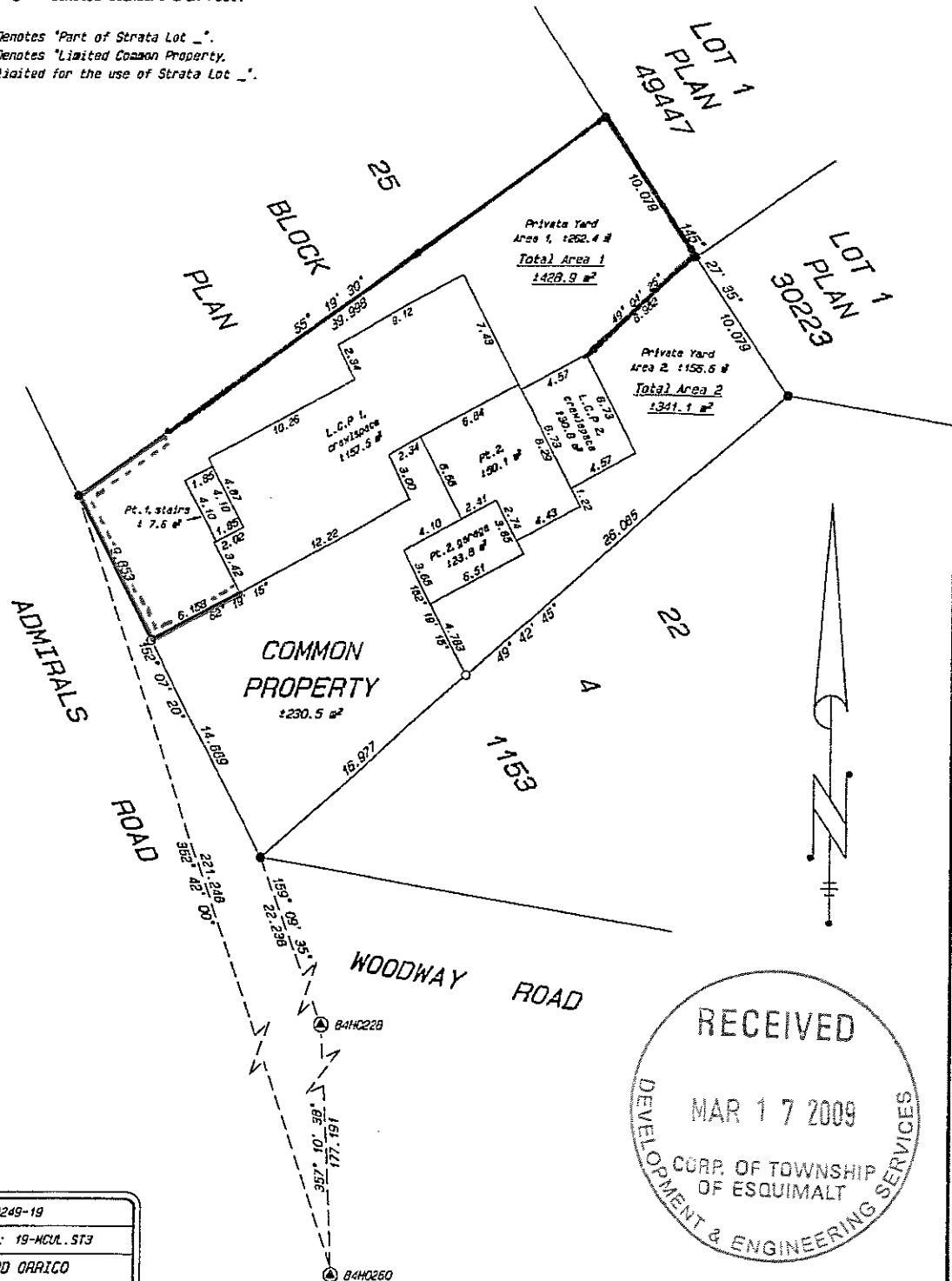
LEGEND.

This plan lies within Integrated Survey Area No. 38. The Corporation of the Township of Esquimalt. Grid bearings were derived from Control Monuments 84HC228 and 84HC260. This plan shows ground level distances. Prior to the computation of UTM co-ordinates, multiply all distances by combined factor 0.9996030633.

found placed

- ⊙ Denotes Control Monument.
- Denotes Standard Iron Post.

- Pt. Denotes 'Part of Strata Lot _'.
- L.C.P. Denotes 'Limited Common Property, limited for the use of Strata Lot _'.



File: 2249-19
Archive: 19-MCUL.ST3
LEONARD ORRICO
B. C. Land Surveyor
4069 Quadra Street
Victoria, B.C. V8X 1K7
TEL 479-1012 FAX 479-4479

Dated this 31st day of May, 1993.

Handwritten signature

BCLS

38. **TWO FAMILY RESIDENTIAL [RD-1]**

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

(1) **Permitted Uses**

The following Uses and no others are permitted:

- (a) Two Family Residential
- (b) 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 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**

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.

The owner of 677 Admirals Road was not in attendance. It was moved by Darwin Robinson seconded by Ramona Scott that the Commission would consider the proposal. The Staff Liaison would present the application on behalf of the applicant.

**(2) Development Variance Permit
677 Admirals Road
Peter Volchek, owner/applicant**

Trevor Parkes, with reference to the applicant's letter, outlined the reasons for the request to construct a fence 1.85 metres in height in front of the front face of the building. The applicant cited, privacy issues, noise, caused by the proximity to a major intersection. The presence of a Bus Stop location in front of the property, and security as reasons he requires higher fencing in his front yard.

Darwin Robinson commented that the request would be tough to refuse, that he was in favour.

Ramona Scott inquired if the rock wall counted, Trevor Parkes, Staff Liaison explained the topography there, that the rock wall was municipal property, and the slope area with plantings was also municipal property, the fence would be behind that.

She stated she would prefer to see a hedge to provide greenery and a bird habitat. She expressed concern about setting a precedent. She felt that the fence would add nothing to the street and not be aesthetically pleasing. She did not think this will meet the applicant's goals of noise mitigation.

Ed Williams commented that a hedge would be more attractive the hedge could be more than 6 feet. He stated that a new fence in front would improve the appearance; he stated he had no problem with it.

Gerald Froese commented that considering the location it would fit well. He stated that the wood fence would not work for noise abatement.

Jaime Hilbert commented that she felt the additional fence would be fine compared to what is there now.

Joanne Kimm stated she did not find the height an issue; the fencing does not stand out, as it would be built from natural cedar. She commented that she could certainly understand the owner's concern regarding security therefore it makes sense at that location.

Rod Lavergne commented that he had no problem with the height as long as the fence was kept in the same location it is now.

Trevor Parkes clarified for the Commission that the letter of support accompanying the report was for his portion of the strata only.

Ramona Scott commented after hearing the explanations and discussions that she can support this application. The new fence will be nicer than what is there and she can support the request especially as this is a terrible corner.

Public Input

No members of the public were in attendance.

RECOMMENDATION:

Moved by Darwin Robinson, seconded by Joanne Kimm that the Advisory Planning Commission (APC) resolves that the application for a Development Variance Permit for Strata Lot 1, Suburban Lot 50, Section 11, Esquimalt District, Plan VIS3131 [677 Admirals Road] including the following variance to Zoning Bylaw No. 2050 be forwarded to Council with a **recommendation of approval**

Zoning Bylaw No. 2050, Section 38(11) – Fencing - a 0.65 metre increase to the permitted fence height in front of the front face of the Principal Building from 1.2 metres to 1.85 metres.

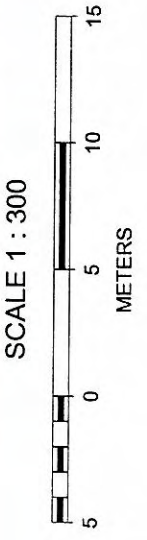
The Motion **CARRIED UNANIMOUSLY.**

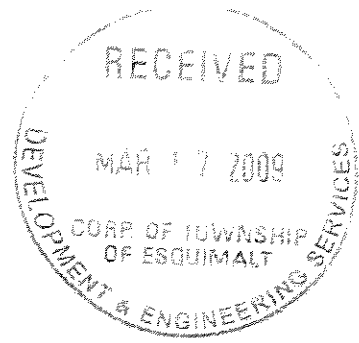
V. PLANNER'S STATUS REPORT

Trevor Parkes reported on the status on the following applications:

- 1405 Esquimalt Road [41 unit condominium] on April 6, 2009 Council approved the Development Permit with Variances;
- 1191 Munro Street [Rezoning from RS-1 to RS-1/RS-2] on April 6, 2009 Council approved the rezoning application to allow the subdivision of the lot;
- 513 Sturdee Street [Development Permit for a duplex] the applicant revised the landscape plan as recommended by the APC and the application was consider at the Committee of the Whole on April 14, 2009;
- 934/936 Craigflower Road [13 unit Townhouse development] The application provided a traffic study and a commitment to "Built Green" standards, as well as an amended site plan addressing parking requirements and committed to supply a storm drain management plan. The application was considered at the Committee of the Whole on April 14, 2009 and forwarded to Council for approval. Staff was instructed to prepare the amending bylaw and return it to Council for consideration

675/677 Admirals Road






To whom it may concern.

Reasons why I need a tall (6') fence.

- privacy issues
- security for property and family (that it is a full yard and that passersby can have full view leaving open threat to theft, vandalism and safety.)
- I live at a major intersection so noise from the military commercial area and the military recreational facilities as well as noise of traffic disrupts my enjoyment of the yard.
- Bus stop just across my property creates the noise and security issues (strangers, wanderers and so on)

Sincerely yours,
Peter Volchek (owner of 677 Admirals Rd.)

26-Feb-2009


To: Esquimalt Municipality
From: Owner of '635 Admirals Rd.'

Dear Sir,

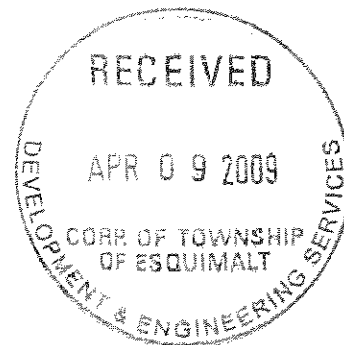
This letter confirms that I do not have any objections for my neighbor, Peter Volchek, living at 677 Admirals Rd, to build a six feet (6') fence around his property as well as around his front yard, that faces the Admirals Rd..

Sincerely yours,

Lucia Morgan

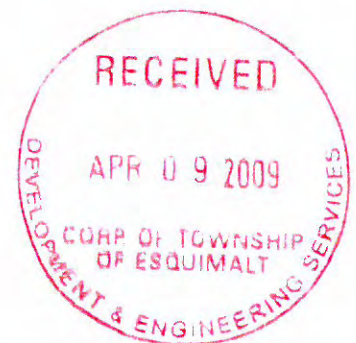
Date signed:

April 8/09





Handwritten notes, possibly describing the fence or project details.





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APR 09 2009
CORP. OF TOWNSHIP
OF ESQUIMALT
DEVELOPMENT & ENGINEERING SERVICES



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APR 19 2009
CORP. OF TOWNSHIP
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