

ADVISORY PLANNING COMMISSION AGENDA TUESDAY DECEMBER 18, 2018 7:00 P.M. COUNCIL CHAMBER, MUNICIPAL HALL

- I. CALL TO ORDER
- II. ELECTION OF CHAIR
- III. LATE ITEMS
- IV. ADOPTION OF AGENDA
- V. ADOPTION OF MINUTES October 16, 2018
- VI. STAFF REPORTS
 - 1) DEVELOPMENT VARIANCE PERMIT 832 Old Esquimalt Road

[PID 000-150-037, Lot 7, Section 11, Esquimalt District, Plan 307]

Purpose of Application:

This application is for a development variance permit to legitimize the new privately owned electrical services pole with 2 electrical meters mounted on it, located at the property line.

Recommendation:

That the Advisory Planning Commission recommends to Council that the application for a Development Variance Permit to relax Subdivision and Development Control Bylaw No. 2175, Schedule E, Section 5.01 (c) related to the hydro service be varied as follows, for the development located at PID 000-150-037, Lot 7, Section 11, Esquimalt District, Plan 307, be forwarded to Council with a recommendation to either approve, or deny the application and provide reasons for the recommendation:

Subdivision and Development Control Bylaw No. 2175, Schedule E, Section 5.01 (c) – "For all parcels, except those Zoned for Single Family use, connections for electrical power, telephone and television communications shall be installed underground, starting at existing overhead or underground systems"

A variance is being sought by the owner/developer to not provide underground electrical power and communication services from the existing overhead systems.

2) DEVELOPMENT VARIANCE PERMIT

404 Constance Avenue

[PID: 000-006-734, Lot B, Suburban Lot 51, Esquimalt District, Plan 36976]

Purpose of the Application:

The applicant is seeking to legitimize their existing non-conforming fence which is currently over the maximum 1.2 metres. The Development Variance Permit would only be applicable to those sections of the fence that is on the applicant's property.

Recommendation:

That the Esquimalt Advisory Planning Commission recommends to Council that the application for a Development Variance Permit, legitimizing the existing fence as sited on Site Plan prepared by Brad Cunnin Land Surveyor Inc. stamped "Received June 12, 2018" and as shown in photographs provided, stamped "Received September 10, 2018" and to include the following variance to the Zoning Bylaw 1992, No. 2050, for the property located at 404 Constance Avenue [PID: 000-006-734, Lot B, Suburban Lot 51, Esquimalt District, Plan 36976] be forwarded to Council with a recommendation to either approve, approve with conditions, or deny the application; and provide reasons for the chosen recommendation.

Zoning Bylaw, 1992, No.2050, Section 36(9)(10) – Fencing – A 0.65 increase to the requirement that the Height of a Fence within 7.5 metres of a Highway adjoining the front yard shall not exceed 1.2 metres. [i.e. from 1.2 metres to 1.85 metres].

3) DEVELOPMENT VARIANCE PERMIT 1181 Old Esquimalt Road

[PID: 027-706-303, Strata Lot A Section 11 Esquimalt District Strata Plan VIS6695 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot As Shown on Form V]

Purpose of the Application:

The applicant is seeking to subdivide their property, however the existing deck structure attached to the Principle Building is encroaching into the Interior Side Setback. The deck structure must be legitimized before the subdivision process can continue, and therefore a development permit application was submitted.

Recommendation:

That the Esquimalt Advisory Planning Commission recommends to Council that the application for a Development Variance Permit, legitimizing the existing deck as sited on Site Plan prepared by Wey Mayenburg Land Surveying Inc., stamped "Received October 12, 2018" and referenced in archived building drawings, stamped "Received February 15, 2016" and to include the following variance to the Zoning Bylaw 1992, No. 2050, for the property located at 1181 Old Esquimalt Road [PID: 027-706-303, Strata Lot A Section 11 Esquimalt District Strata Plan VIS6695 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot As Shown on Form V] be forwarded to Council with a **recommendation to either approve**, **approve with conditions**, **or deny the application**; **and provide reasons for the chosen recommendation**.

Zoning Bylaw, 1992, No.2050, Section 34 (9)(a)(ii) – <u>Setback Requirements</u> – Principal Building. A 0.3 metre decrease to the requirement that 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 less than 4.5 metres, [i.e. from 4.5 metres to 4.2 metres]. Also to the requirement in case where a Parcel is not served by a rear lane, one (1) Side Yard shall not be less 3.0 metres [i.e. 3.0 metres to 2.7 metres], specifically for the deck located at the south west corner of the principal building.

4) REZONING APPLICATION 821,823 & 825 Wollaston Street

[PID 026-216-485, 026-216-507, 026-216-493, Strata Lot 1,2 & 3 Section 11 Esquimalt District, Strata Plan VIS5729 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot As Show on Form V]

Purpose of the Application:

The purpose of the application is to legitimize a non-conforming triplex (3 unit townhouse) currently located on RD-2 Zone [Two Family Small Lot Residential] zoned lot. The Two Family Small Lot Residential Zone [RD-2] lot would be rezoned to a Comprehensive Development District Zone [CD], which would legitimize the existing Triplex.

Evaluation of this application should focus on issues relevant to zoning such as the appropriateness of the proposed uses, height, density, massing, proposed unit sizes, siting, setbacks, lot coverage, useable open space, parking, how the building relates to surrounding sites; and consistency with the overall direction contained within the Official Community Plan.

Recommendation:

The Esquimalt Advisory Planning Commission recommends to Council that the application for rezoning, to legitimize the existing non-conforming Triplex in accordance with Certified B.C Land Survey prepared by Island Land Surveying Ltd. stamped "Received November 20, 2018" and be consistent with Strata Floor Plans prepared by Micheal J. McIlvaney, Stamped "Received October 9, 2018" for the existing triplex located at 821, 823 & 825 Wollaston [PID 026-216-485, 026-216-507, 026-216-493; Strata Lot 1,2 & 3, Section 11, Esquimalt District, Strata Plan VIS5729 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot As Show on Form V] be forwarded to Council with a recommendation to either approve, approve with conditions, or deny the application; and provide reasons for the chosen recommendation.

VII. NEXT REGULAR MEETING

Tuesday, January 15, 2019

VIII. ADJOURNMENT



ADVISORY PLANNING COMMISSION MINUTES OF OCTOBER 16, 2018 WURTELE ROOM, MUNICIPAL HALL

PRESENT: Ken Armour Duncan Cavens

Michael Angrove Helen Edley Fil Ferri Marie Fidoe

ABSENT: Graeme Dempster

STAFF: Bill Brown, Director of Development Services, Staff Liaison

Karen Hay, Planner Janany Nagulan, Planner

Pearl Barnard, Recording Secretary

I. CALL TO ORDER

Ken Armour, Chair, called the Advisory Planning Commission meeting to order at 7:03 p.m.

II. LATE ITEMS

There were no late items.

III. APPROVAL OF THE AGENDA

Moved by Fil Ferri, seconded by Helen Edley: That the agenda be approved as circulated. **Carried Unanimously**

IV. ADOPTION OF MINUTES

Moved by Mike Angrove seconded by Marie Fidoe: That the minutes of the APC meeting, September 25, 2018 be adopted as circulated. **Carried Unanimously**

V. STAFF REPORTS

1) Official Community Plan Amendment and Rezoning 636 and 640 Drake Avenue

Chris Travis, Dimma Pacific Properties Ltd., and Rick Hoogendooren, Realtor provided an overview of the Official Community Plan Amendment and Rezoning Application for 636 and 640 Drake Avenue, presented a PowerPoint presentation and responded to questions from the Commission.

Commission comments and questions included (response in italics):

- Is this a redesign of the project since it was presented to the Design Review Committee? Yes
- Why is one side a four unit complex and the other side is a duplex? To provide 12 parking spaces on site and also to accommodate green space in the back for a common area.
- Concerns that there could be damage to the roots of the tree being retained. An Arborist report has been done and there is a tree retention plan in place.
- Is the waste and recycling at the terminus of the driveway? The waste and recycling will be located in the rear of the property, not in the driveway.
- Consider a small awning over the front doors

- Members were asked for their comments on what would be an appropriate use for the open space areas on the 3rd floor adjacent to Drake Avenue. Would be a nice outdoor space, deck
- Are these going to be rental units? *Might be rentals; the intent is to sell the units and rentals would be permitted.*
- Comments and feedback received during the public consultation. The neighbours have not seen the revised design. The meeting was well attended and concerns expressed were with parking, traffic and comments were received regarding screening and privacy.
- Great improvement over what is currently there.
- Quite a change in zoning from low density could set a precedent for the area.
- Would like to see more 3 bedroom units
- Like the landscape plan, would like to see more native plants included
- Like the flat roof design

RECOMMENDATION:

Moved by Marie Fidoe, seconded by Helen Edley: The application for an Official Community Plan Amendment and Rezoning for eight (8) Townhouse type dwelling units built in three buildings, incorporating the height and massing consistent with the architectural plans provided by Burrows Holdings Ltd. and Dimma Pacific Properties Ltd., stamped "Received September 27, 2018", to be located at 636 and 640 Drake Avenue [PID 002-923-157, Lot 2 of Suburban Lot 50 and 41, Esquimalt District, Plan 25565 and PID 002-923-211, Lot 3 of Suburban Lot 41, Esquimalt District, Plan 25565] be forwarded to Council with a recommendation by the Esquimalt Advisory Planning Commission to approve; as the proposed development supports the Official Community Plan policies around densification and the provision of missing middle housing types. Carried Unanimously

2) REZONING APPLICATION 1198 Munro Street

Duane Ensing, Villamar Design provided an overview of the Rezoning Application for 1198 Munro Street, presented a PowerPoint presentation and responded to questions from the Commission.

Commission comments and questions included (response in italics):

- Will the basement be full height? Yes
- What is the plan for the existing house? The owner's relatives may move in.
- Why is the office space separate, looks like a bachelor suite? Because of proposed flow of the house.
- Were there any comments from the neighbours to the south regarding the roof top deck? No comments were received.
- Was Section 20.6.1 of the Official Community Plan taken into consideration, creating a complimentary design? We could explore a connection between the two. Further comments suggested that it would be unnecessary, that the original house be upgraded to make it complementary as the new proposal is a post modern design and the existing house is a 40's bungalow. Once the new dwelling has been built and the property has been subdivided, it would appear that the existing house has always been there and now a new dwelling has been built.
- Will HRV (Heat Recovery Ventilation) be used for heating? Owners are interested in a higher energy efficiency home. To be determined.

- Great that the original house is being preserved.
- Did you consider putting the stairs in the back? Considered making the house slightly bigger so the stairs could go on the inside, so you don't see them.

RECOMMENDATION:

Moved by Duncan Cavens, seconded by Helen Edley: The application for rezoning, which would be required in order to subdivide the existing lot into two residential lots in accordance with Proposed Subdivision Survey prepared by Wey Mayenburg Land Surveying Inc. stamped "Received September 17, 2018" and be consistent with the architectural plans provided by Villamar Design stamped "Received September 17, 2018" for the proposed development to be located at 1198 Munro Street [PID 005-455-031, Lot 1, Section 11, Esquimalt District, Plan 44436] be forwarded to Council with a recommendation by the Esquimalt Advisory Planning Commission to approve; as the proposed is a sensitive small lot infill that will gradually increase density and not have sufficient impact on the community. Carried Unanimously

3) TEMPORARY USE PERMIT 1237 Esquimalt Road

Commission comments and questions included (Staff response in italics):

- Is there a demand for parking? Yes
- Will there be a cost to park there? No cost, parking will be limited to two hours.
- Any interest in the food truck spot? A Request for Proposal will be going out.
- Concerns that a building with commercial space and rental units above came down for a parking lot. Some communication needs to go out to the community advising that the proposed parking lot is a temporary use of the site.
- Concerns with the exposed wall to the west of the parking lot. Not very appealing to the pedestrian realm.
- Will the parking lot be paved? Parking lot will be gravel; however one space will be paved for parking for persons with disabilities.
- Concern with the cost of the planters for a temporary parking lot. Another member thought that more beautification was needed along Esquimalt Road. Two planters along the street is not a pleasant pedestrian experience. It was recommended that maybe benches and additional planters be added, something that would be repurposed elsewhere after the temporary use permit expires.

RECOMMENDATION:

Moved by Mike Angrove, seconded by Fil Ferri: The application for a Temporary Use Permit authorizing the site at 1237 Esquimalt Road [PID: 006-386-423, Lot 273 VIP2854 Subsidy Lot 40 Esquimalt District Plan, Lot 274 Plan VIP2854 Subsidy Lot 40 Esquimalt Land District] be forwarded to Council with a recommendation by the Esquimalt Advisory Planning Commission to approve with the following conditions:

- 1. The Township should look into beautifying the building façade to the west of the parking lot: and
- 2. Consider additional beautification along Esquimalt Road which would be repurposed elsewhere after the temporary use permit expires. **Carried Unanimously**

VI. NEXT REGULAR MEETING

Tuesday, November 20, 2018

VII. ADJOURNMENT

The meeting adjourned 8:30 p.m.

CERTIFIED CORRECT

CHAIR, ADVISORY PLANNING COMMISSION THIS 20th DAY OF NOVEMBER 2018

ANJA NURVO, CORPORATE OFFICER



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

APC Meeting: December 18, 2018

STAFF REPORT

DATE: December 5, 2018

TO: Chair and Members of the Advisory Planning Commission

FROM: Will Wieler, Engineering Manager

SUBJECT: DEVELOPMENT VARIANCE PERMIT

832 Old Esquimalt Road

[PID 000-150-037, Lot 7, Section 11, Esquimalt District, Plan 307]

RECOMMENDATION:

That the Advisory Planning Commission recommends to Council that the application for a Development Variance Permit to relax Subdivision and Development Control Bylaw No. 2175, Schedule E, Section 5.01 (c) related to the hydro service be varied as follows, for the development located at PID 000-150-037, Lot 7, Section 11, Esquimalt District, Plan 307, be forwarded to Council with a **recommendation to either approve, or deny the application and provide reasons for the recommendation**:

Subdivision and Development Control Bylaw No. 2175, Schedule E, Section 5.01 (c) – "For all parcels, except those Zoned for Single Family use, connections for electrical power, telephone and television communications shall be installed underground, starting at existing overhead or underground systems"

A variance is being sought by the owner/developer to not provide underground electrical power and communication services from the existing overhead systems.

BACKGROUND:

Purpose of the Application

This application is for a development variance permit to legitimize the new privately owned electrical services pole with 2 electrical meters mounted on it, located at the property line.

Context

Applicant/Developer/Owner: Michael Staite, CanEng Developments Ltd.

Property Size: Metric: 773.7 m² Imperial: 8328 ft²

Existing Land Use: New Duplex Residence

Surrounding Land Uses:

North: Industrial

South: Two Family Residential
East: Two Family Residential
West: Two Family Residential

Existing Zoning: RD-1 [Two Family Residential] [No change required]

Electrical and Communications Utility Service

The new building is a two family residential building.

A development variance permit would legitimize the privately owned, newly installed, electrical and communications utility containing the electrical meters for both residential units. See appendix A for a site phot and Appendix B for the site plan. The Township engineering department is not supportive of granting the variance and notified the developer of the need to correct the electrical service to the Township standards.

The developer is responsible to meet the standards and specifications of the Township's Subdivision and Development Control Byalw No. 2175 and has executed a formal site servicing agreement committing to this. The current electrical service installation does not meet the Township's standards although it meets the BC Hydro technical safety requirements. The new electrical service installed is typical of a rural large parcel application where private poles, and meters affixed to them, are often utilized to enable efficiency of meter reading by BC Hydro. There is not a single case in the Township where this currently exists other than this property.

Typically, if the developer seeks to obtain a building permit prior to the physical installation and completion of all civil site services, the engineering department reviews and approves the civil servicing plan along with the corresponding cost estimates. The developer then enters into an agreement with the Township to meet all the standards and specifications contained in the Subdivision and Development Control Bylaw. The Township retains a 120% deposit for the civil servicing as security to ensure the services are appropriately installed. This is what occurred on this development.

Public Notification

As this is a development variance permit application, should it proceed to Council, a notice will be mailed to tenants and owners of properties within 50 metres (164 feet) of

the subject property.

ALTERNATIVES:

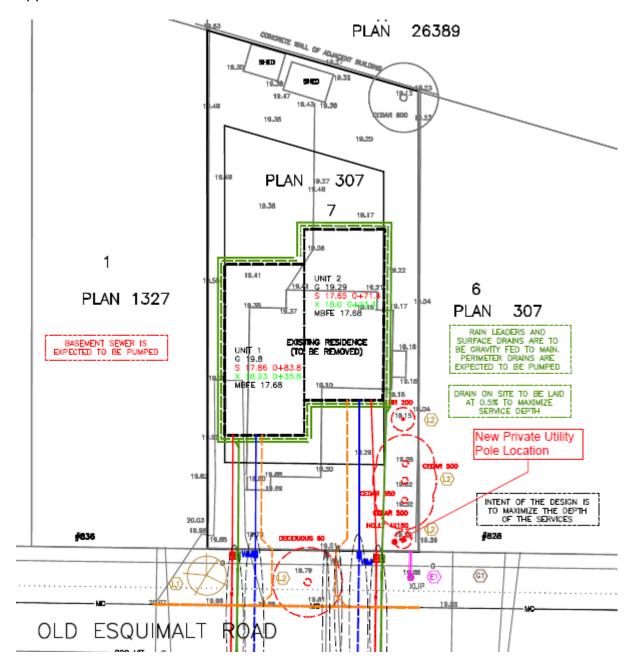
- 1. Forward the application for a Development Variance Permit to Council with a **recommendation of approval.**
- 2. Forward the application for a Development Variance Permit to Council with a **recommendation of denial.**

Appendix A – Photo of the new utility pole with electrical meters



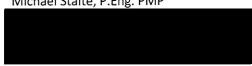


Appendix B - Site Plan



December 14, 2018

Michael Staite, P.Eng. PMP



Will Wieler, AScT, PMP Engineering Manager Township of Esquimalt | Engineering Services Tel: 1-250-414-7130 | www.esquimalt.ca Will.wieler@esquimalt.ca



Subject: Development Variance Application for 832 Old Esquimalt Rd Underground Utilities Approval

Attention Township of Esquimalt et. Al,

The purpose of this letter is to outline the rationale for a variance being requested at 832 Old Esquimalt Rd under Building Permit # BP013892 issued April 2018. The requirement for the Development Variance Application stems from an email sent on November 5, 2018 from Richard Syrett in Esquimalt Engineering Services, in which he stated:

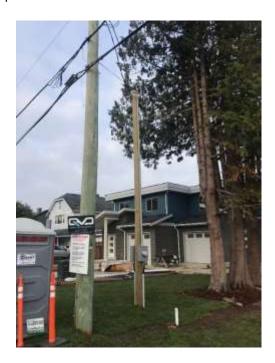
"It has been determined that the Hydro and Telus site servicing does not meet the requirements set out in the Subdivision and Development Control Bylaw No. 2175, and as such, Civil servicing Surety deposits will be withheld until this is rectified."

Upon follow up with Mr. Syrett and Mr. Weiler at Esquimalt Engineering Services, it appears the electrical connection made on September 6, 2018 and designed by BC Hydro is in violation of the Township of Esquimalt Subdivision and Development Control Bylaw No. 2175 Schedule E Section 5.01 (c) that states:

For all parcels, except those Zoned for Single Family use, connections for electrical power, telephone" and television communications shall be installed underground, starting at the existing overhead or underground systems."

The Bylaw states that utilities are to be installed underground and this I believe was done at 832 Old Esquimalt Rd. Optimus Electric Inc., followed the Technical Safety BC permitting process and submitted the permit to BC Hydro for design and install (refer to Appendix A for detailed summary from Optimus Electric). BC Hydro referred Optimus to the local Victoria Hydro team that visited the site and prepared the plan. A pole was placed in accordance to the BC hydro design. This pole is at the 832 Old Esquimalt Rd. property corner. Optimus Electric Inc. ran underground services from the pole to the house, no overhead wires connected to the home. I believe this shows intent to follow the underground bylaw, we were pointed in this direction by the service provider and preformed all necessary steps. It's a misfortunate result, not enough BC Hydro design, checks and balances are in place prior to the issuance of the permit to build the new duplex. I've attached a copy of approved civil drawings for your review. The electrical connection was not needed to be shown on the drawing for the permit and I believe this is a piece of information which would have circumvented this challenging situation. The legend on the drawing referred to existing connection and refer to BC Hydro. I'm hoping to receive a variance for this hardship.

The hydro pole that is on site is in line with existing mature trees and does not create an eye-sore or negatively impact the streetscape of Old Esquimalt Road.



I would also note that the Bylaw does not apply to parcels zoned for Single Family use. The property at 832 Old Esquimalt Road is zoned RD-1 Two Family Residential allowing Single Family Use. The property has been refurbished from an old existing duplex to a new duplex consisting of only one building, similar to a house. A subdivision was not done for which the Bylaw may be intended.

I have worked closely with the Township through the life cycle of the project. Everything done with permits and has been inspected throughout. The project is a beautiful addition to the neighborhood. The Civil drawings that were submitted and approved by the Esquimalt Engineering Department, only marked up per Appendix C to add that "U/G Utilities Required," but there was no mention of the Bylaw specifics or the requirement for where the underground utilities needed to start and stop; and therefore, we and BC Hydro designers thought we met the requirement for underground installation with our design.

Occupants are intending to move into the house, and this recent notice of non-compliance presents a significant obstacle in which I trust we can remedy in a timely manner, given the ongoing collaboration between myself and the Township throughout this development process.

I respectfully request a Development Variance, and I have attached in Appendix B a table of all possible move forward options, along with the corresponding Pro's and Con's list for each option. I would like to discuss this table in the APC meeting on December 18th as well as the Esquimalt Council meeting on January 7th.

Best Regards,

Michael Staite, P.Eng. PMP

APPENDIX A: Report from Electrical Installation Contractor to Address Options

November 5, 2018 Email from my electrician, Sam Pyefinch (owner of Optimus Electric Inc.) to Mr. Syrette and Mr. Weiler

Hey all,

I want to make it clear I was never informed that anything was required to be submitted to the city. The BC Hydro ESCC started the order and referred me specifically to the local designer designated for the Esquimalt area.

The installation meets BC hydro requirements specifically to the design I was given. On the Electrical side, Technical Safety BC passed the inspection to allow for the connection paperwork to be submitted to BC Hydro for the connections.

I can understand and appreciate that this is a different governing body that is requiring a different installation as a standard, however I dont know how this can be achieved in the circumstances now as the variables at play would require the following

- 1- Jack hammer up and remove driveway
- 2- Replace wire underground from house to pylaster
- 3- Cut out and replace foundation as conduit sizes would not meet pylaster service requirements for communication conduits and possible power conduits
- 4- Relocation of meter to house

I would just like to emphasize that if there is any way possible to appease the situation at hand even though it is not the perfect idea of an installation according to bylaws, the installation is safe and meets Canadian electrical code.

I hope for so understanding of the situation and workable resolution can be found.

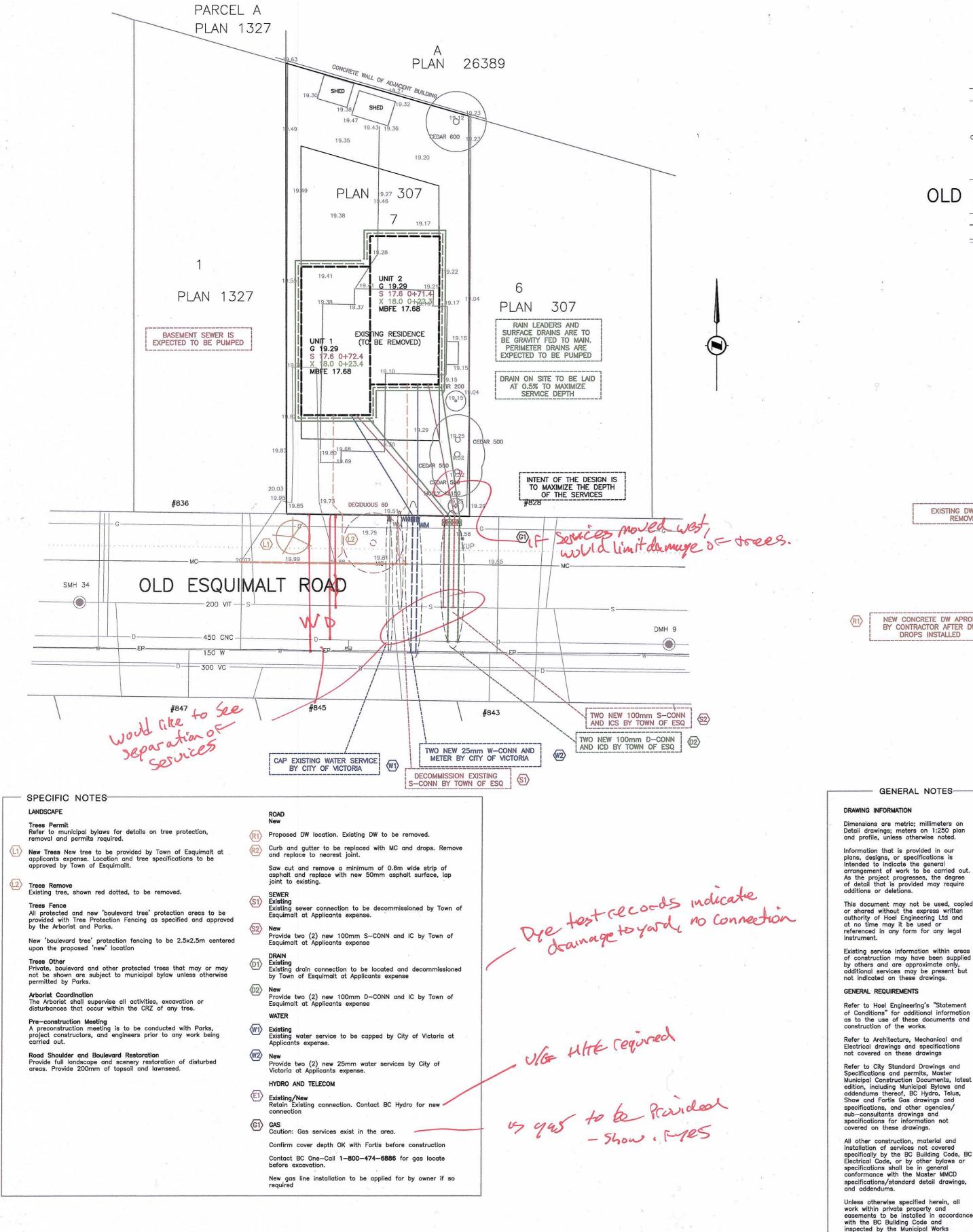
Thank you all,

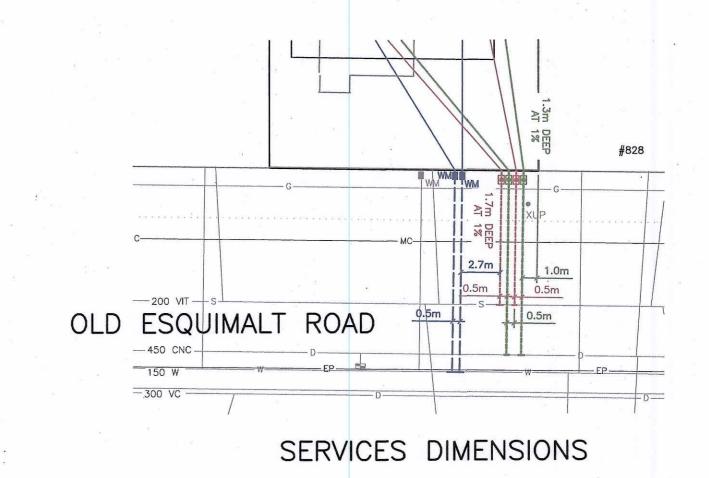
Sam Pyefinch, Electrician/Owner of Optimus Electric Inc.

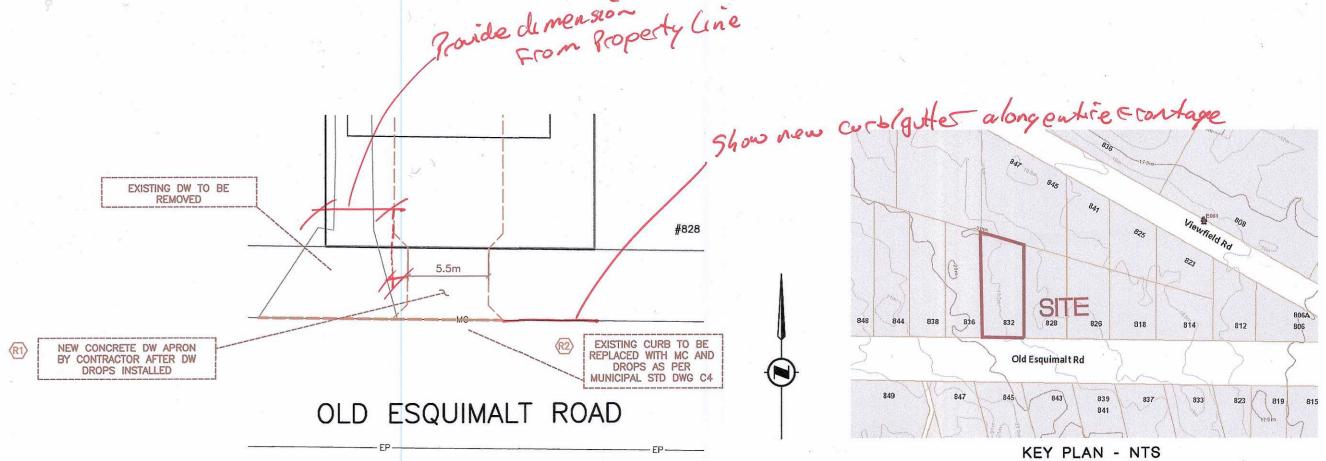
APPENDIX B: Move Forward Options for Esquimalt APC & Council to Determine Variance Allowance

Option #	Path Forward Description	PRO's	CON's	Cost (\$ CAD)
1	Leave it as is.	 Electrical installation is done and active It meets BC Hydro and Technical Safety BC Codes & Standards It is the design installation that the local Esquimalt BC Hydro designer came up with It's a design that my electrical contractor has installed 150+ times in the South Coast region. Does not require Telus consent. 	Esquimalt Engineering does not approve the installation against the Bylaw No. 2175 Schedule E Section 5.01 (c)	\$0 As it is done and paid for already
2	Landscape designer to best incorporate and hide the pole and meters: Paint the pole or add cedar paneling around the meters.	 Electrical installation is done and active, and it meets BC Hydro and Technical Safety BC Codes & Standards as well as the design installation that the local Esquimalt BC Hydro designer came up with. Does not require Telus consent. It would also meet the area landscaping design objectives of the Esquimalt area. Is the most cost effective way to move forward in a way that Esquimalt could be happy. 	Would require a Variance from Esquimalt to satisfy the Bylaw intent.	\$3000
3	Remove the 6' overhead electrical run and run down the Telus pole and underground to the existing private pole location, where an image wrapped electrical enclosure houses the meters.	 Solution would meet the Esquimalt Bylaw Solution would meet all BC Hydro and TSBC Codes. It would also meet the area landscaping design objectives of the Esquimalt area. 	 Requires Telus consent to run electrical and communication lines down their pole. Would still require a variance from Esquimalt to satisfy the Bylaw intent 	\$9,000

4	Remove the private pole and run down the Telus pole and underground to the existing private pole location, where an underground junction box would connect the 2 underground utility connections.	•	Fully meets the Esquimalt Bylaw	•	Requires Variance from both BC Hydro and TSBC to accept that the existing underground is against their internal codes for electrical runs before the meter connection.	\$6000
5	Remove the private pole and the entire utility installation on site and replace with a compliant underground connection from the Telus pole to the house.	•	Fully meets the Esquimalt Bylaw	•	Extremely expensive Requires tear up the concrete foundation, driveway, and all buried conduits. Dig deeper ditch, concrete foundation repair. Add pylaster to Telus pole. Relocate meters to house.	\$70,000
6	Remove the private pole and the entire utility installation on site and replace with a compliant underground connection from across the street to the house.	•	Fully meets the Esquimalt Bylaw	•	Extremely expensive Requires tear up the concrete foundation, driveway, and all buried conduits. Dig deeper ditch, concrete foundation repair. Add pylaster to Telus pole. Relocate meters to house. Tear up section of Old Esquimalt Road for a new buried utility street crossing.	\$100,000







DRIVEWAY DIMENSIONS



COORDINATION REQUIREMENTS Communication and Reporting
Contact BC One—Call prior to construction for for services locate. 1—800—474—6886 The Contractor is to coordinate and communicate with

jurisdiction, well in advance (2—working days minimum) of the start of any excavation and commencement of The Contractor shall coordinate and schedule all sub—consultants, contractors and trades required for the completion of the works.

the engineer, all utilities, and authorities having

Permits
A Tree Bylaw Permit is to be obtained prior to any A Permit to construct works on a Municipal Road A permit to cross or work near Fortis Gas pipeline is required. Contact 1-877-599-0996

A pre-construction meeting is required prior to the foundation pour to inspect on site soil conditions. When giving advance notification, the contractor shall take into consideration the scheduling prior commitments of all parties.

> In the event that the contractor is not providing his own construction layout, the Engineer is to be notified by email or otherwise in writing at least 5 days before any construction layout is required. The contractor shall notify the Engineer immediately if conditions are not favorable to the achievement of the design intent.

specifications/standard detail drawings, and addendums. Unless otherwise specified herein, all work within private property and easements to be installed in accordance with the BC Building Code and inspected by the Municipal Works Inspector.

GENERAL NOTES-

GENERAL CONSTRUCTION REQUIREMENTS Public Access
Contractor to maintain vehiclular access to existing houses. Existing Services
Existing services must be exposed, locations and elevations confirmed by the Contractor

The Contractor shall provide the required quality contro authorities having jurisdiction. and conformance testing reports to the engineer at the completion of each phase of the work.

Protection of Services
Contact BC One—Call prior to construction
for for services locate. 1—800—474—6886

Provide full depth compacted gravel backfill in trenches through existing or foreseeable paved areas, footpaths or within 1m of the edge of a road or driveway. Failure to comply with these requirements may result in delays, rejection of the work, or expensive testing to prove compliance.

Change Requests
Contractor requested construction changes must be submitted and approved by the Engineer prior to

prior to works commencement Services conflicts are to be reported to the All services to be reinstated to buildings and infrastructure. Must be inspected by City and Contractor shall adjust all the services components to match finished grades.

Exposed service points such as IC pots, meters boxes and cleanouts to be provided with traffic bearing covers where subject to vehicle traffic. Except where otherwise specified herein, provide Class B bedding under all sewers and drains using free draining 19mm crush

All trenches and road structures are to be provided with properly compacted fills and backfills such that no settlement occurs during the service life of the project. Testing Requirements
Conformance testing is to be provided by
the contractors testing engineer for all road
crossings, road base, concrete, and paving
construction materials and as otherwise
required by the City or the Engineer.

All testing is to be provided by the Contractor at the Contractors expense. Miscellaneous
All public roads are to be maintained mud
and dust free during construction.

CHECK REVISION AND RELEASE NUMBER FOR CURRENT PLAN 171124

ISSUED FOR

DESIGN REVIEW

44451

FOR PROPOSED SERVICES OF LOT 7, SECTION 11, ESQUIMALT DISTRICT,

PLAN 307 832 OLD ESQUIMALT ROAD

HOEL ENGINEERING LTD

2B-40 Cadillac Avenue, Victoria, BC Canada V8Z 1T2 DESIGNED: ESK CHECKED: JEH DRAWN: ESK SCALE: 24X36 = H 1:250 V 1:50

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Town of Esquimalt

SERVICING PLAN LOT 7, SECTION 11, ESQUIMALT DISTRICT, PLAN 307

832 OLD ESQUIMALT ROAD

CV1740 C1.1



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

APC Meeting: December 18, 2018

STAFF REPORT

DATE: December 13, 2018

TO: Chair and Members of the Advisory Planning Commission

FROM: Janany Nagulan, Planner

Bill Brown, Director of Development Services

SUBJECT: DEVELOPMENT VARIANCE PERMIT

404 Constance Avenue

[PID: 000-006-734, Lot B, Suburban Lot 51, Esquimalt District, Plan

369761

RECOMMENDATION:

That the Esquimalt Advisory Planning Commission recommends to Council that the application for a Development Variance Permit, legitimizing the existing fence as sited on Site Plan prepared by Brad Cunnin Land Surveyor Inc. stamped "Received June 12, 2018" and as shown in photographs provided, stamped "Received September 10, 2018" and to include the following variance to the Zoning Bylaw 1992, No. 2050, for the property located at 404 Constance Avenue [PID: 000-006-734, Lot B, Suburban Lot 51, Esquimalt District, Plan 36976] be forwarded to Council with a **recommendation to either approve**, **approve with conditions**, **or deny the application**; **and provide reasons for the chosen recommendation**.

Zoning Bylaw, 1992, No.2050, Section 36(9)(10) – <u>Fencing</u> – A 0.65 increase to the requirement that the Height of a Fence within 7.5 metres of a Highway adjoining the front yard shall not exceed 1.2 metres. [i.e. from 1.2 metres to 1.85 metres].

BACKGROUND:

Purpose of the Application

The applicant is seeking to legitimize their existing non-conforming fence which is currently over the maximum 1.2 metres. The Development Variance Permit would only be applicable to those sections of the fence that is on the applicant's property.

Context

Applicant/ Owner: Timothy Munro & Vanessa Patterson

Property Size: Metric: 580.21 m² Imperial: 1903.58 ft²

Subject: 404 Constance Avenue - DVP

Existing Land Use: Single Family Dwelling

Surrounding Land Uses:

North: Duplex

South: Single Family Dwelling East: Single Family Dwelling

West: Ocean

Existing Zoning: RS-3 [Single Family Waterfront Residential] [No change required]

Page 2

Zoning

The subject property is in the Single Family Waterfront Residential [RS-1] Zone. The siting requirement for fencing states that no fence shall exceed a Height of 2.0 metres except that the Height of a Fence within 7.5 metres of a Highway adjoining the front yard shall not exceed 1.2 metres. The height of the fence that is on the applicant's property that abuts highway, the northern portion is 1.7 metres and the southern portion is 1.85 metres. The height of the fence along the southern interior lot line is 1.85 metres. The applicant is looking to legitimize their non-conforming fence.

Comment from Other Departments

Engineering Services: The proposed Variance does not have an impact on the Engineering aspects of this property. Engineering has no requirements for this development variance permit application.

Building Inspection: No Concerns

Fire Services: No Concerns

Park Services: No Concerns

Public Notification

As this is a development variance permit application, should it proceed to Council, a notice will be mailed to tenants and owners of properties within 50 metres (164 feet) of the subject property.

ALTERNATIVES:

- 1. Forward the application for a Development Variance Permit to Council with a recommendation of approval including reasons for the recommendation.
- 2. Forward the application for a Development Variance Permit to Council with a recommendation of approval including specific conditions and including reasons for the recommendation.
- 3. Forward the application for a Development Variance Permit to Council with a recommendation of denial including reasons for the recommendation.

404 Constance - September 10, 2018,. DVP00080 Over Height Fence

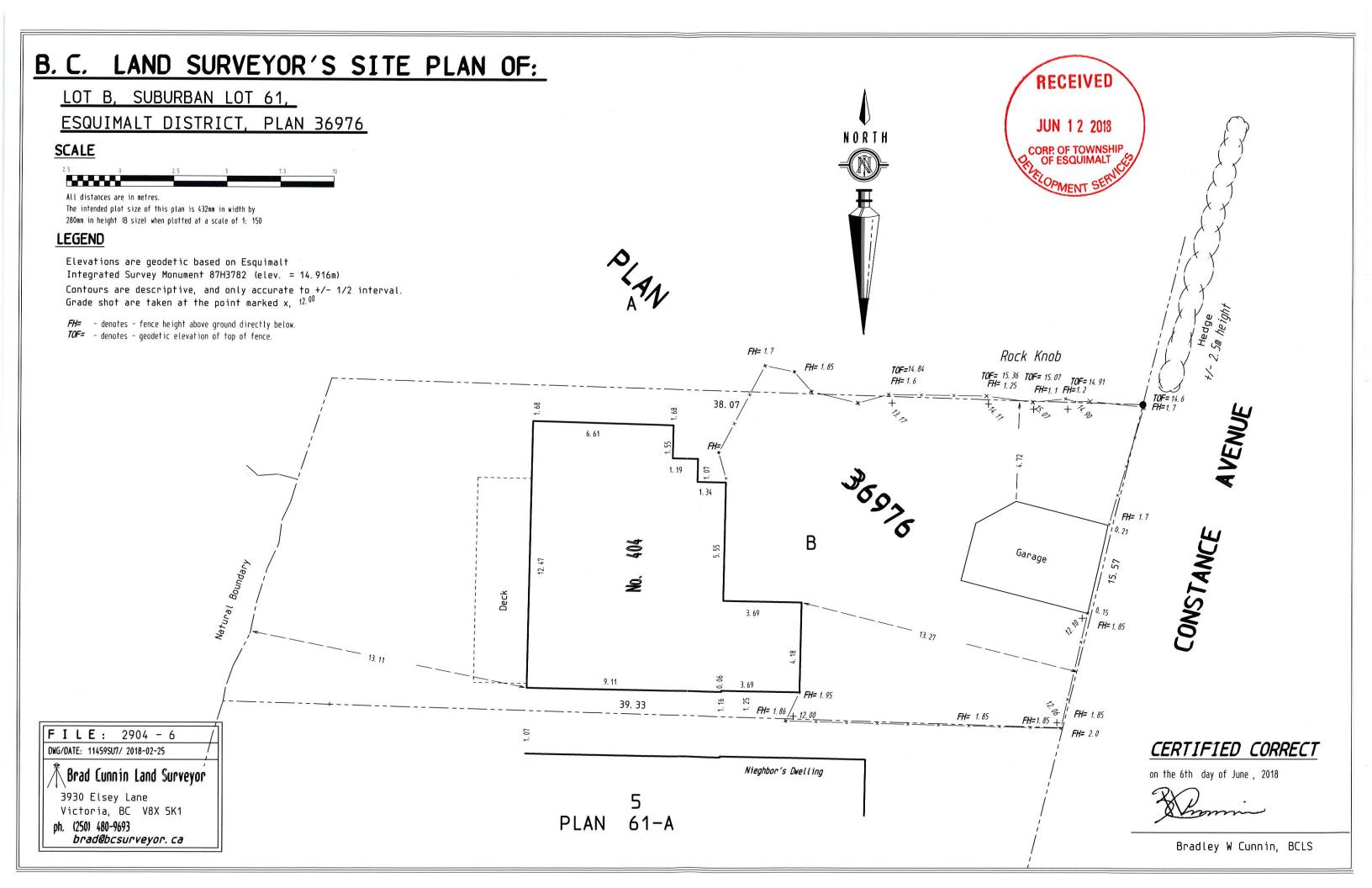




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CORP. OF TOWNSHIP OF ESQUIMALT OF MENT SERVICE





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APC Meeting: December 18, 2018

STAFF REPORT

DATE: December 13, 2018

TO: Chair and Members of the Advisory Planning Commission

FROM: Janany Nagulan, Planner

Bill Brown, Director of Development Services

SUBJECT: DEVELOPMENT VARIANCE PERMIT

1181 Old Esquimalt Road

[PID: 027-706-303, Strata Lot A Section 11 Esquimalt District Strata Plan VIS6695 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot As Shown on Form

V1

RECOMMENDATION:

That the Esquimalt Advisory Planning Commission recommends to Council that the application for a Development Variance Permit, legitimizing the existing deck as sited on Site Plan prepared by Wey Mayenburg Land Surveying Inc., stamped "Received October 12, 2018" and referenced in archived building drawings, stamped "Received February 15, 2016" and to include the following variance to the Zoning Bylaw 1992, No. 2050, for the property located at 1181 Old Esquimalt Road [PID: 027-706-303, Strata Lot A Section 11 Esquimalt District Strata Plan VIS6695 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot As Shown on Form V] be forwarded to Council with a **recommendation to either approve**, **approve with conditions**, **or deny the application**; **and provide reasons for the chosen recommendation**.

Zoning Bylaw, 1992, No.2050, Section 34 (9)(a)(ii) – <u>Setback Requirements</u> – Principal Building. A 0.3 metre decrease to the requirement that 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 less than 4.5 metres, [i.e. from 4.5 metres to 4.2 metres]. Also to the requirement in case where a Parcel is not served by a rear lane, one (1) Side Yard shall not be less 3.0 metres [i.e. 3.0 metres to 2.7 metres], specifically for the deck located at the south west corner of the principal building.

Subject: 1181 Old Esquimalt Road - DVP Page 2

BACKGROUND:

Purpose of the Application

The applicant is seeking to subdivide their property, however the existing deck structure attached to the Principle Building is encroaching into the Interior Side Setback. The deck structure must be legitimized before the subdivision process can continue, and therefore a development permit application was submitted.

Context

Applicant/ Owner: Leonard Ross McPhee

Property Size: Metric: 809 m² **Imperial:** 8708 ft²

Existing Land Use: Single Family Dwelling

Surrounding Land Uses:

North: Single Family Dwelling
South: Single Family Dwelling
East: Single Family Dwelling
West: Single Family Dwelling

Existing Zoning: RS-1 [Single Family Residential] [No change required]

Zoning

The subject property is in the Single Family Residential [RS-1] Zone. The siting requirements for a Principal Building in the RS-1 Zones states that no Principal Building shall be located within 1.5 metres of an Interior Side Lot Line, with the total Setback of all Side Yards to be no less than 4.5 metres. The existing Principle Building is 1.5 metres from the eastern side setback however it is 2.7 metres from the western side setback due to the existing deck structure. The applicant would like to legitimize their deck which is currently non-conforming. The Principle Building meets all other requirements of the RS-1 Zone.

Comment from Other Departments

Engineering Services: The proposed Variance does not have an impact on the Engineering aspects of this property. Engineering has no requirements for this development variance permit application.

Building Inspection: No Concerns

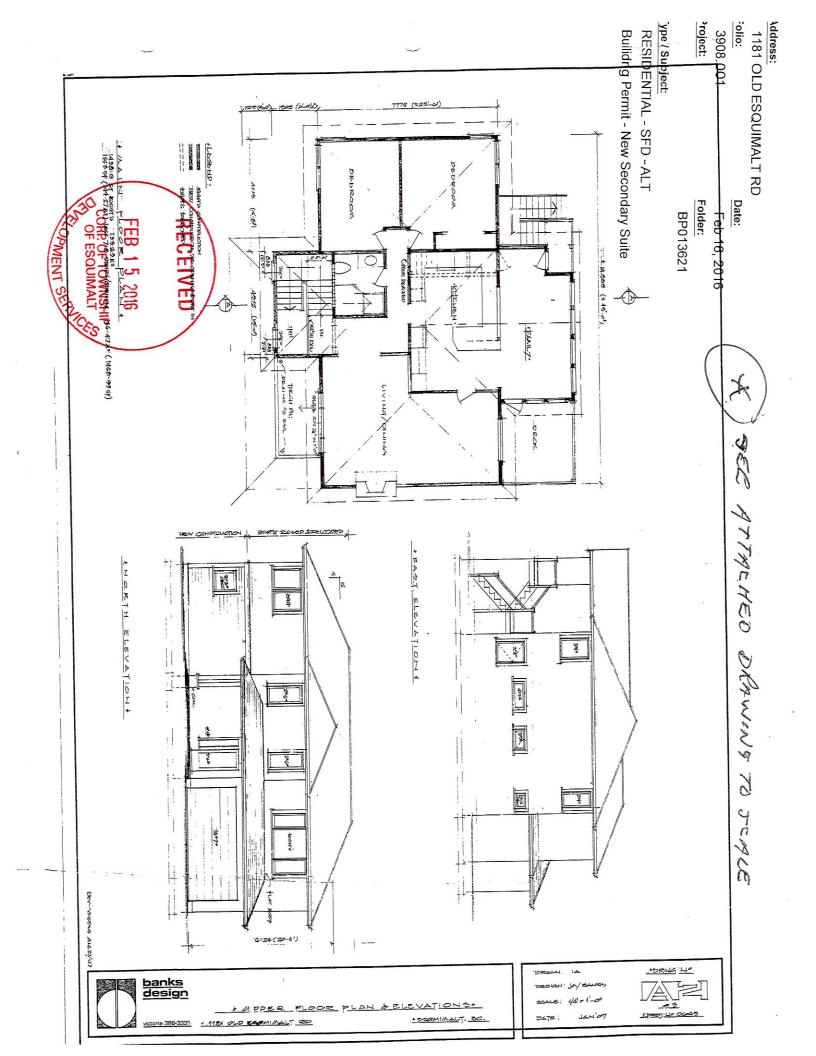
Fire Services: No Concerns

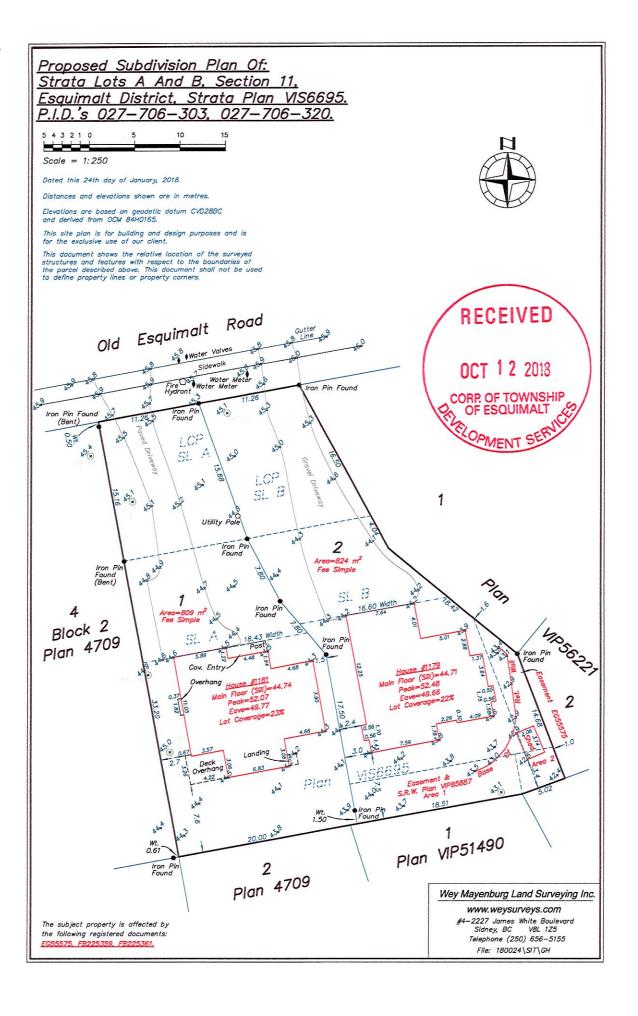
Public Notification

As this is a development variance permit application, should it proceed to Council, a notice will be mailed to tenants and owners of properties within 50 metres (164 feet) of the subject property.

ALTERNATIVES:

- 1. Forward the application for a Development Variance Permit to Council with a recommendation of approval including reasons for the recommendation.
- 2. Forward the application for a Development Variance Permit to Council with a recommendation of approval including specific conditions and including reasons for the recommendation.
- 3. Forward the application for a Development Variance Permit to Council with a recommendation of denial including reasons for the recommendation.







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APC Meeting: December 18, 2018

STAFF REPORT

DATE: December 13, 2018

TO: Chair and Members of the Advisory Planning Commission

FROM: Janany Nagulan, Planner

Bill Brown, Director of Development Services

SUBJECT: REZONING APPLICATION- 821,823 & 825 Wollaston Street

[PID 026-216-485, 026-216-507, 026-216-493, Strata Lot 1,2 & 3 Section 11 Esquimalt District, Strata Plan VIS5729 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot As

Show on Form V]

RECOMMENDATION:

The Esquimalt Advisory Planning Commission recommends to Council that the application for rezoning, to legitimize the existing non-conforming Triplex in accordance with Certified B.C Land Survey prepared by Island Land Surveying Ltd. stamped "Received November 20, 2018" and be consistent with Strata Floor Plans prepared by Micheal J. McIlvaney, Stamped "Received October 9, 2018" for the existing triplex located at 821, 823 & 825 Wollaston [PID 026-216-485, 026-216-507, 026-216-493; Strata Lot 1,2 & 3, Section 11, Esquimalt District, Strata Plan VIS5729 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot As Show on Form V] be forwarded to Council with a **recommendation to either approve**, **approve with conditions**, **or deny the application**; **and provide reasons for the chosen recommendation**.

BACKGROUND:

Purpose of the Application

The purpose of the application is to legitimize a non-conforming triplex (3 unit townhouse) currently located on RD-2 Zone [Two Family Small Lot Residential] zoned lot. The Two Family Small Lot Residential Zone [RD-2] lot would be rezoned to a Comprehensive Development District Zone [CD], which would legitimize the existing Triplex.

Evaluation of this application should focus on issues relevant to zoning such as the appropriateness of the proposed uses, height, density, massing, proposed unit sizes, siting, setbacks, lot coverage, useable open space, parking, how the building relates to surrounding sites; and consistency with the overall direction contained within the Official Community Plan.

Context

Applicant: Laurie Hurst, Chief Administrative Officer [Township of Esquimalt] **Owners:** Sylvie Redden, Adrian Redden, Lucas Davies, Elysia Dempsey

Property Size: Metric: 641 m² Imperial: 6900 ft²

Existing Land Use: Triplex **Surrounding Land Uses:**

North: Single Family Residential South: Single Family Residential West: Two Family Residential East: Two Family Residential

Existing Zoning: RD-2 [Two Family Small Lot Residential Zone] **Proposed Zoning:** CD [Comprehensive Development District]

Present OCP Designation: Low Density Residential **Proposed OCP Designation:** Townhouse Residential

Zoning

The proposed Comprehensive Development District zone would legitimize an existing non-conforming Triplex. The Zone would contain the following uses: Townhouse Residential, single family residential, home occupation, boarding and urban hens. Secondary suites will not be permitted.

Density, Lot Coverage, Siting and Parking: The following chart compares the floor area ratio, lot coverage, setbacks, and building height of the existing triplex with the requirements of the RD-2 [Two Family Small Lot Residential Zone]:

	Current Zone RD-2 [Two Family Small Lot Residential]	Proposed Comprehensive Development District Zone
Minimum Parcel Size	668 m ²	641 m ²
Floor Area Ratio	0.40	0.34
Lot Coverage	30%	22%
Setbacks		
• Front	7.5 m	6.1 m
• Rear	7.5 m	15.35 m
Side	3.0 m/1.5 m	3.0 m/ 1.8m
Building Height	7.3 m	6.4 m

Parking

Upon completion of the rezoning process there would only be two units (823 & 825 Wollaston) with parking spaces located behind the front face of the Principal Building. The remaining unit (821 Wollaston) will have a parking space in front of the front face of the Principal Building.

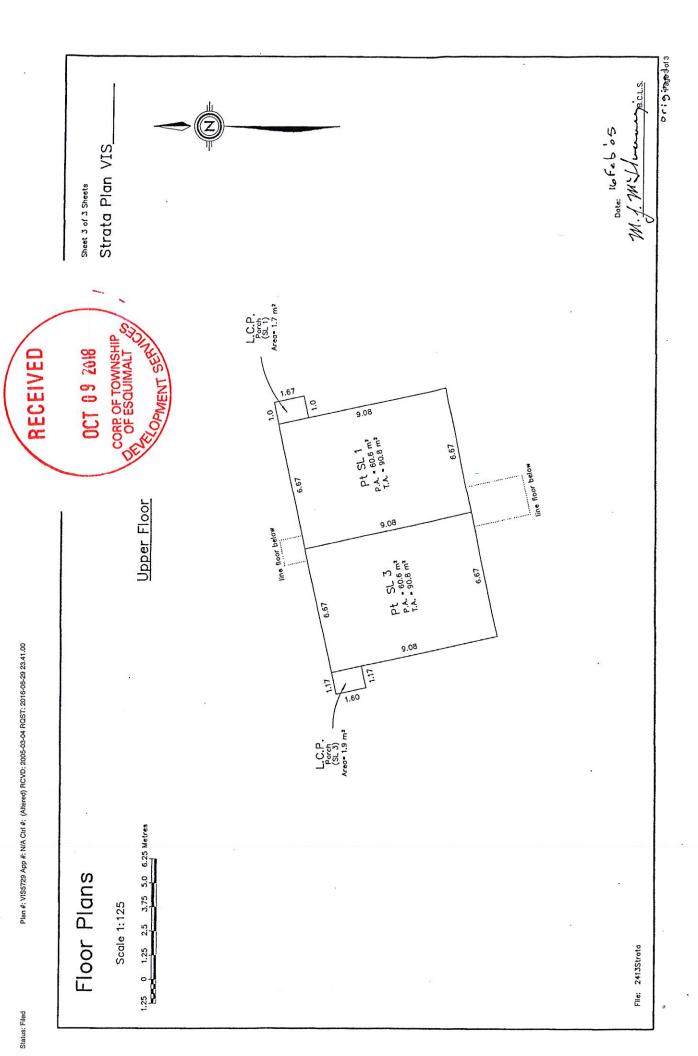
Public Notification

As this is a Rezoning application, should it proceed to a Public Hearing, notices will be mailed to tenants and owners of properties within 100m (328 ft.) of the subject property. A sign indicating that the property is under consideration for a change in zoning has been installed on the

Wollaston Street frontage of the property and would be updated to reflect the date, time and location of the Public Hearing. Additionally, notice of the Public Hearing would be placed in two editions of the Victoria News.

ALTERNATIVES:

- 1. Forward the application for Rezoning to Council with a **recommendation of approval including reasons for the recommendation**.
- 2. Forward the application for Rezoning to Council with a **recommendation of approval** including specific conditions and including reasons for the recommendation.
- 3. Forward the application for Rezoning to Council with a **recommendation of denial** including reasons for the recommendation.

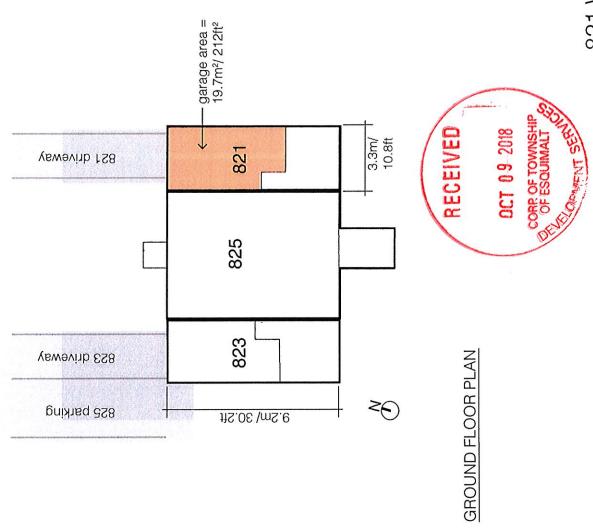


Status: Filed



821 WOLLASTON STREET FRONT ELEVATION









DRIVEWAY ALLOCATION

ISLAND

LAND SURVEYING LTD.

B.C. LAND SURVEYOR'S CERTIFICATE OF LOCATION OF BUILDING ON

STRATA LOTS 1, 2 & 3, SECTION 11, ESQUIMALT DISTRICT, STRATA PLAN VIS5729.

PID: 026-216-485 (S.L. 1) PID: 026-216-493 (S.L. 2) PID: 026-216-507 (S.L. 3)

I have examined the residential premises shown and hereby certify that the said structure is situate with respect to nearby boundaries as shown. This document is prepared for building inspection or mortgage purposes only and is for the exclusive use of our client. This document is not valid unless originally signed and sealed. This document shall not be used to define property lines or property corners. Unregistered interests have not been included or considered.

Peter I. M. Broeren, BCLS © 2018 Island Land Surveying Ltd.

Field survey dated this 9th day of November, 2018.

SCALE=1:250. All distances are in metres.

NOTE:

A comprehensive legal survey may reveal offsets to boundaries that differ from those shown.

The parcel is subject to charges:

-Covenant EV14193

#117-693 Hoffman Avenue Victoria, B.C. V9B 4X1 TEL 250.475.1515 FAX 250.475.1516 www.islandsurveying.ca Our File: 18-ESQUIMALT-WS-CO PBD



