



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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 Bylaw 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.

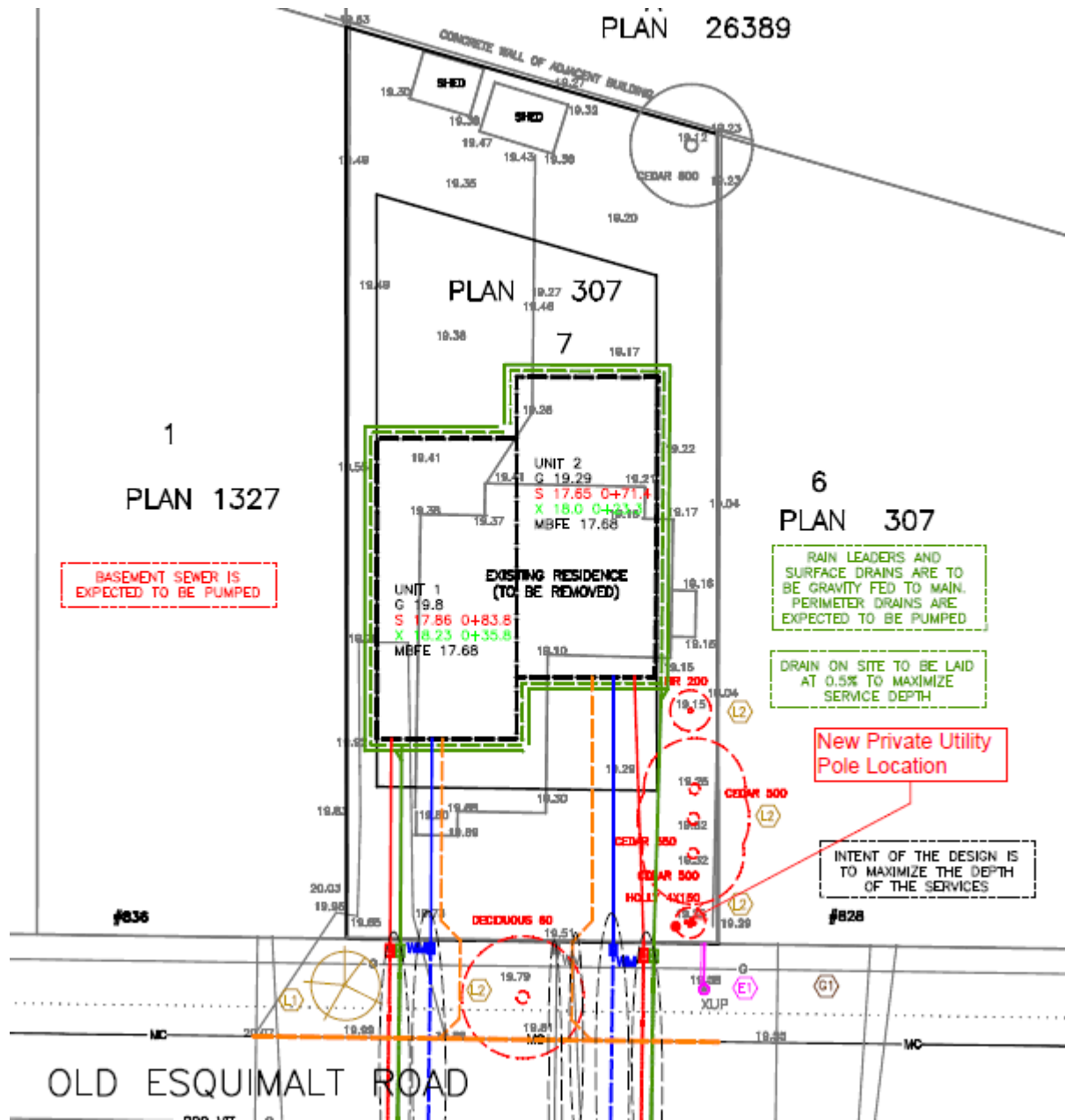
ALTERNATIVES:

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

[REDACTED]
[REDACTED]
[REDACTED]

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 unfortunate 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

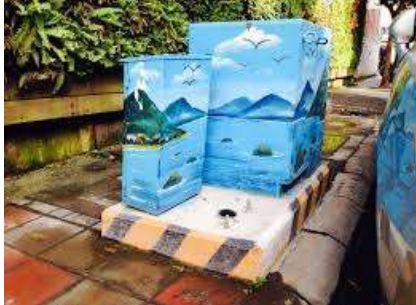
I would just like to emphasize that if there is any way possible to appease the situation at hand even though it is not the perfect idea of an installation according to bylaws, the installation is safe and meets Canadian electrical code.

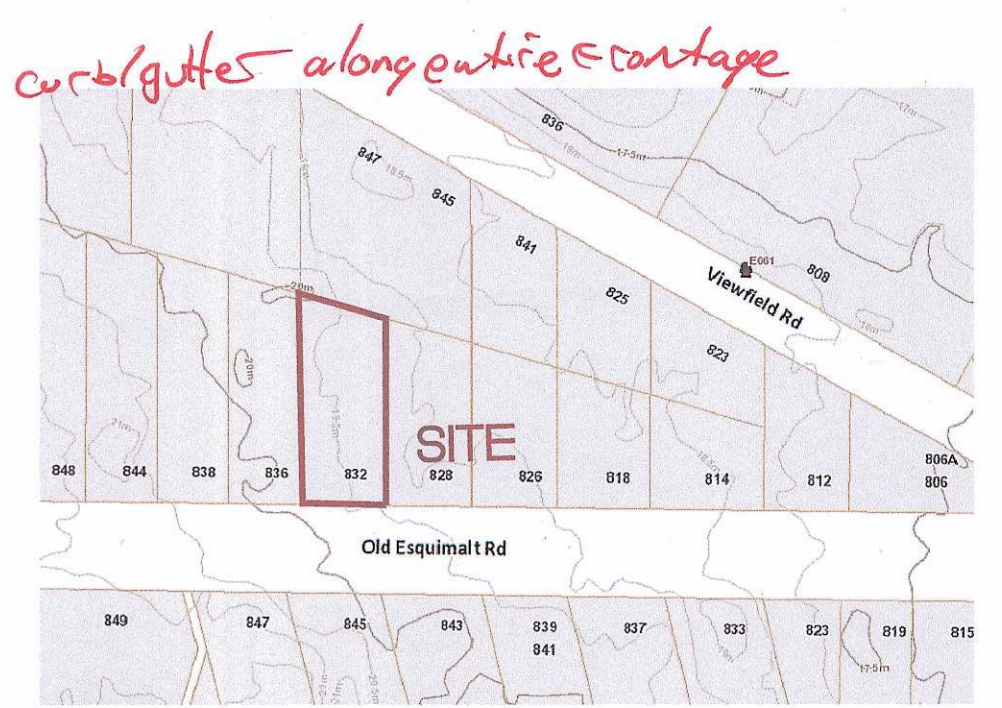
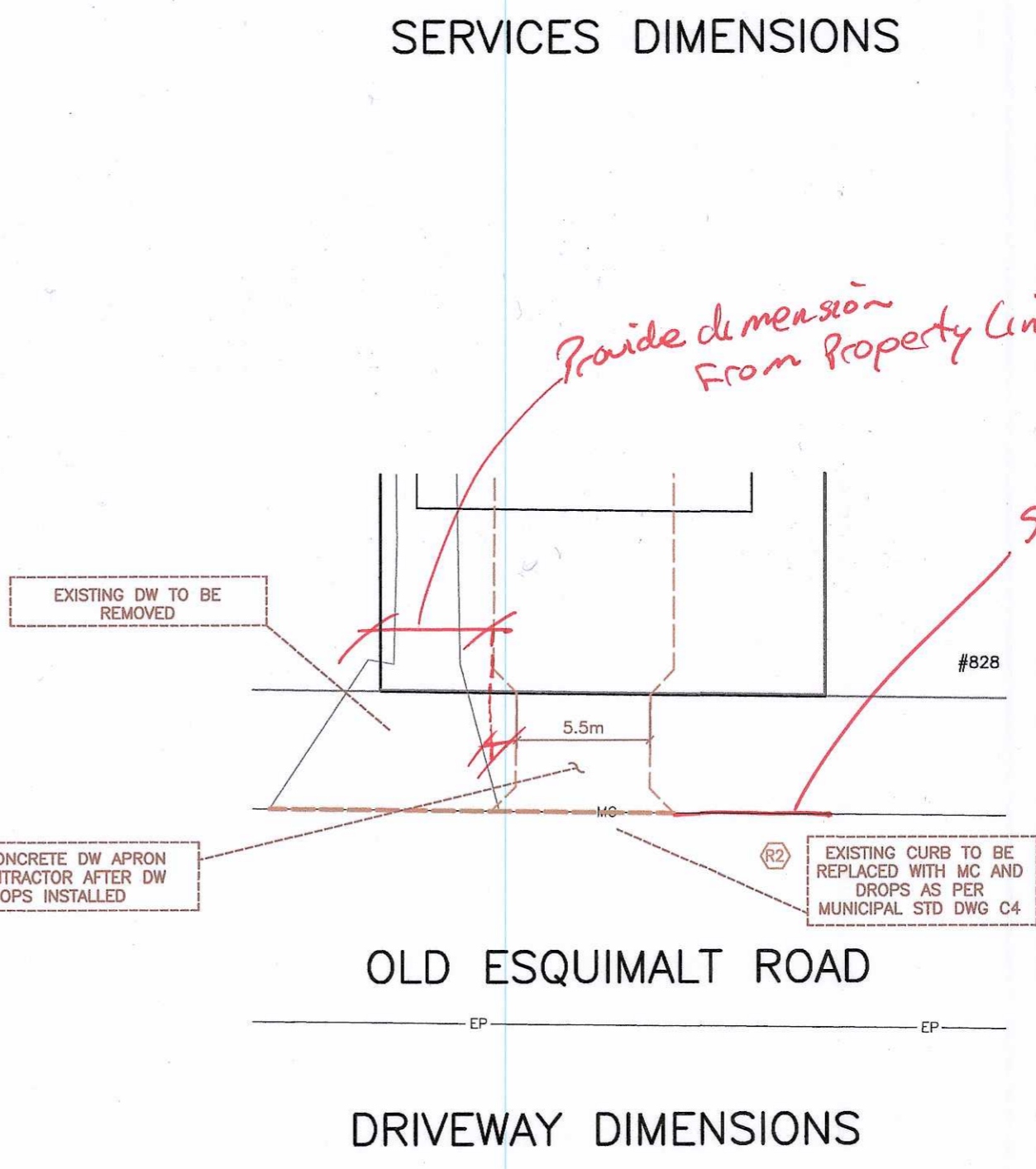
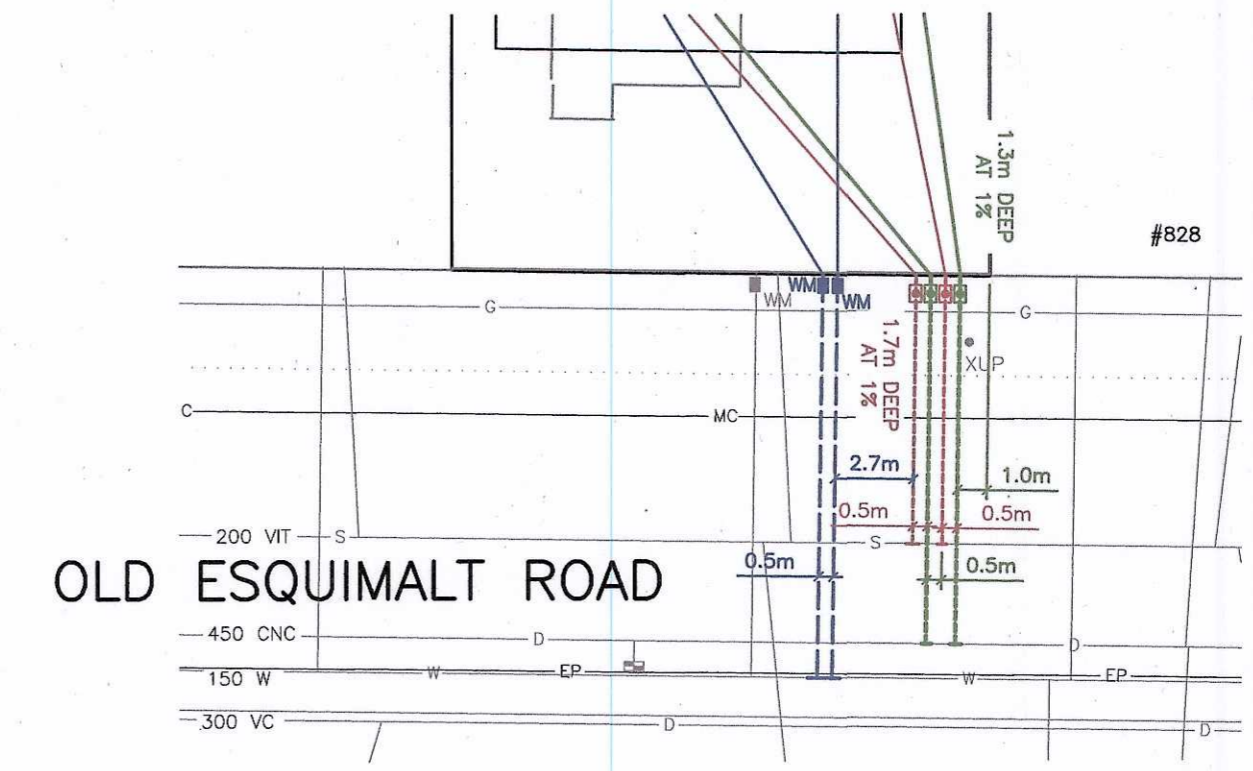
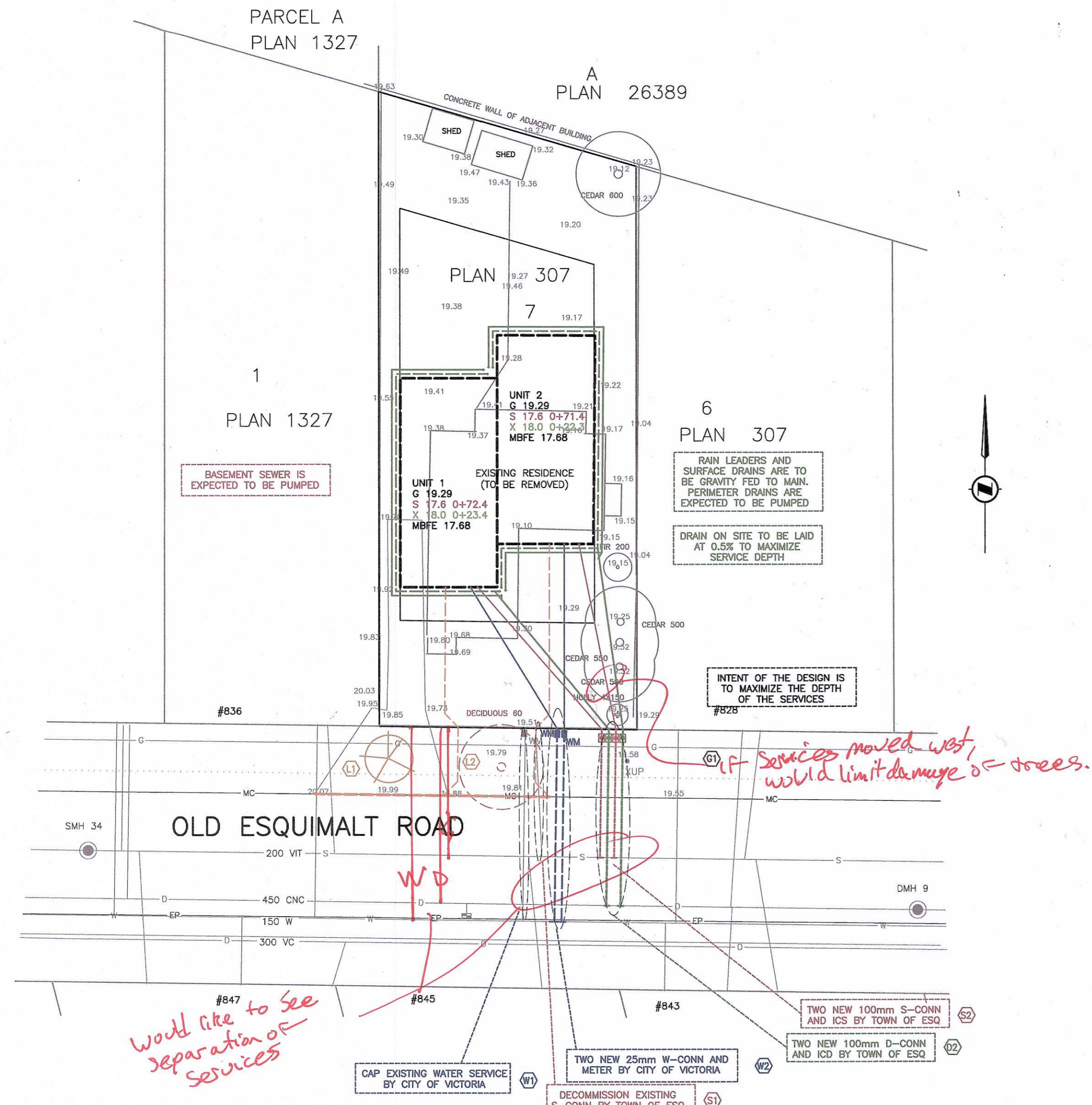
I hope for so understanding of the situation and workable resolution can be found.

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. 	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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: <ul style="list-style-type: none"> • Paint the pole or add cedar paneling around the meters. 	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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.	<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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	<p>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.</p>	<ul style="list-style-type: none"> • Fully meets the Esquimalt Bylaw 	<ul style="list-style-type: none"> • 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	<p>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.</p>	<ul style="list-style-type: none"> • Fully meets the Esquimalt Bylaw 	<ul style="list-style-type: none"> • 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	<p>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.</p>	<ul style="list-style-type: none"> • Fully meets the Esquimalt Bylaw 	<ul style="list-style-type: none"> • 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



KEY PLAN - NTS
FOR PROPOSED SERVICES OF
LOT 7, SECTION 11, ESQUIMALT DISTRICT,
PLAN 307
832 OLD ESQUIMALT ROAD

- SPECIFIC NOTES**
- LANDSCAPE**
- Tree Permit**
Refer to municipal bylaws for details on tree protection, removal and permits required.
 - New Trees**
New tree to be provided by Town of Esquimalt at applicants expense. Location and tree specifications to be approved by Town of Esquimalt.
 - Tree Remove**
Existing tree, shown red dotted, to be removed.
 - Tree Fence**
All protected and new 'boulevard tree' protection areas to be provided with Tree Protection Fencing as specified and approved by the Arborist and Parks.
 - New 'boulevard tree' protection fencing** to be 2.5x2.5m centered upon the proposed 'new' location.
 - Tree Other**
Private, boulevard and other protected trees that may or may not be shown are subject to municipal bylaw unless otherwise permitted by Parks.
 - Arborist Coordination**
The Arborist shall supervise all activities, excavation or disturbances that occur within the CRZ of any tree.
 - Pre-construction Meeting**
A pre-construction meeting is to be conducted with Parks, project constructors, and engineers prior to any work being carried out.
 - Road Shoulder and Boulevard Restoration**
Provide full landscape and scenery restoration of disturbed areas. Provide 200mm of topsoil and lawnseed.
- ROAD**
- Proposed DW location.** Existing DW to be removed.
 - Curb and gutter** to be replaced with MC and drops. Remove and replace to nearest joint.
 - Saw cut** and remove a minimum of 0.6m wide strip of asphalt and replace with new 50mm asphalt surface, lap joint to existing.
- SEWER**
- Existing**
Existing sewer connection to be decommissioned by Town of Esquimalt at Applicants expense.
 - New**
Provide two (2) new 100mm S-COON and IC by Town of Esquimalt at Applicants expense.
- DRAIN**
- Existing**
Existing drain connection to be located and decommissioned by Town of Esquimalt at Applicants expense.
 - New**
Provide two (2) new 100mm D-COON and IC by Town of Esquimalt at Applicants expense.
- WATER**
- Existing**
Existing water service to be capped by City of Victoria at Applicants expense.
 - New**
Provide two (2) new 25mm water services by City of Victoria at Applicants expense.
- HYDRO AND TELECOM**
- Existing/New**
Retain Existing connection. Contact BC Hydro for new connection.
- GAS**
- Caution:** Gas services exist in the area.
 - Confirm cover depth OK with Fortis before construction
 - Contact BC One-Call 1-800-474-6886 for gas locate before excavation.
 - New gas line installation to be applied for by owner if so required

- GENERAL NOTES**
- DRAWING INFORMATION**
- Dimensions are metric; millimeters on Detail drawings; meters on 1:250 plan and profile, unless otherwise noted.
- Information that is provided in our plans, designs, or specifications is intended to indicate the general arrangement of work to be carried out. As the project progresses, the degree of detail that is provided may require additions or deletions.
- This document may not be used, copied or shared without the express written authority of Hoel Engineering Ltd and at no time may it be used or referenced in any form for any legal instrument.
- Existing service information within areas of construction may have been supplied by others and are approximate only; additional services may be present but not indicated on these drawings.
- GENERAL REQUIREMENTS**
- Refer to City Standard Drawings and Specifications and permits, Master Municipal Construction Documents, latest edition, including Municipal Bylaws and addendums thereof, BC Hydro, Telus, Show and Fortis Gas drawings and specifications, and other agencies/sub-consultants drawings and specifications for information not covered on these drawings.
- All other construction, material and installation of services not covered specifically by the BC Building Code, BC Electrical Code, or by other bylaws or specifications shall be in general conformance with the Master M/MCD 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.
- COORDINATION REQUIREMENTS**
- Communication and Reporting**
Contact BC One-Call prior to construction for services locate. 1-800-474-6886
- The Contractor is to coordinate and communicate with the engineer, all utilities, and authorities having jurisdiction, well in advance (2-working days minimum) of the start of any excavation and commencement of each phase of construction.
- The Contractor shall coordinate and schedule all sub-consultants, contractors and trades required for the completion of the works.
- The Contractor shall provide the required quality control and conformance testing reports to the engineer at the completion of each phase of the work.
- Permits**
A Tree Bylaw Permit is to be obtained prior to any site activities.
- A Permit to construct works on a Municipal Road Allowance must be obtained before works commence.
- A permit to cross or work near Fortis Gas pipeline is required. Contact 1-877-599-0996
- Notification**
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 demand and prior commitments of all parties.
- Failure to comply with these requirements may result in delays, rejection of the work, or expensive testing to prove compliance.
- 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.
- Change Requests**
Contractor requested construction changes must be submitted and approved by the Engineer prior to implementation.
- GENERAL CONSTRUCTION REQUIREMENTS**
- Public Access**
Contractor to maintain vehicular access to existing houses.
- Existing Services**
Existing services must be exposed, locations and elevations confirmed by the Contractor prior to works commencement.
- Services conflicts are to be reported to the Engineer immediately.
- All services to be reinstated to buildings and infrastructure. Must be inspected by City and authorities having jurisdiction.
- Contractor shall adjust all the services components to match finished grades.
- Protection of Services**
Contact BC One-Call prior to construction for services locate. 1-800-474-6886
- 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 gravel.
- 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.
- All trenches and road structures to be provided with properly compacted fill 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.

W/D

Would like to see separation of services

Services moved west would limit damage of trees.

Pre test records indicate drainage to yard, no connection

W/G - HTR required

W/G to be provided - show pipes

Provide dimension from Property Line

Show new curb/gutter along entire cartage

ISSUED FOR DESIGN REVIEW
CHECK REVISION AND RELEASE NUMBER FOR CURRENT PLAN

171124

DESIGNED: ESK
DATE: 171124

CHECKED: JEH
DATE: 171124

DRAWN: ESK
DATE: 171124

SCALE: 24X36 = H 1:250 V 1:50
11X17 = H 1:500 V 1:100

REVISIONS

Town of Esquimalt

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

832 OLD ESQUIMALT ROAD

PROJECT FILE: CV1740
CITY FILE REFERENCE: NA
DRAWING NUMBER: C1.1 of 1

DESTROY PRINTS BEYOND DRAFTER RELEASE N.

CIVIL - 832 OLD ESQUIMALT ROAD - ISSUED 171124