

REQUEST FOR DECISION

DATE: November 9, 2015

Report No. DEV-15-058

TO: Laurie Hurst, Chief Administrative Officer

FROM: Krystal Wilson, Planning Technician

SUBJECT:

DEVELOPMENT VARIANCE PERMIT, 712 Warder Place, PID 001-558-675, Lot 14, Sections 10 and 11, Esquimalt District, Plan 42363

RECOMMENDATION:

That Council resolves that Development Variance Permit No. DVP00039 authorizing the construction as shown on the architectural plans prepared by Josh Collins, stamped "Received September 29, 2015" [attached as Schedule 'A'] and as sited on the survey plan prepared by Wey Mayenburg Land Surveying Inc., stamped 'Received September 29, 2015' [attached as Schedule 'B'] and including the following relaxations to Zoning Bylaw, 1992, No. 2050 **be approved, and staff be directed to issue the permit and register the notice on the title** of PID 001-558-675, Lot 14, Sections 10 and 11, Esquimalt District, Plan 42363 [712 Warder Place].

Zoning Bylaw, 1992, No. 2050, Section 34(9)(a)(iii) – Rear Setback: a 4.42 metre reduction to the required 7.5 metre rear setback [i.e. from 7.5 metres to 3.08 metres] to the eastern rear setback as detailed on the survey plan attached as Schedule 'B'.

Zoning Bylaw, 1992, No. 2050, Section 34(9)(a)(iii) – Rear Setback: a 4.23 metre reduction to the required 7.5 metre rear setback [i.e. from 7.5 metres to 3.27 metres] to the western rear setback, as detailed on the survey plan attached as Schedule 'B'.

RELEVANT POLICY:

Official Community Plan Bylaw, 2006, No. 2646

Zoning Bylaw, 1992, No. 2050

Development Application Procedures and Fees Bylaw, 2012, No. 2791

STRATEGIC RELEVANCE:

This Request for Decision does not directly relate to a specific strategic objective.

BACKGROUND:

Attachments:

Attachment 1 – DVP00039, Schedule 'A' Plans, Schedule 'B' Survey Plan
Appendix C – Subject Property Map
Appendix D – Aerial Photo
Appendix E – RS-1 Zone
Appendix F – Arborist Report

Context

Applicant: Vijay Kumar Bhangu

Owners: Vijay Kumar Bhangu and Kavoos Abhar

Property Size: Metric: 861.03 m² Imperial: 9,268.05 ft²

Existing Land Use: Single Family Residence

Surrounding Land Uses:

North: Single Family Residential

South: Single Family Residential

West: Multiple Family Residential

East: Park land and Single Family Residential

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

Purpose of the Application

The applicant is proposing to construct a single family dwelling with a secondary suite on a vacant lot. Due to the irregular shape of the parcel, three of the lot lines would be defined as rear lots lines [see figure below] and virtually making the lot undevelopable. The variances requested are consistent with the side yard setbacks within the RS -1 zone [attached as Appendix 'E']. This application for a Development Variance Permit is required as the principal dwelling contravenes zoning regulations pursuant to the RS-1 zone.

The owners are requesting a Development Variance Permit to allow the principal dwelling to be sited 4.42 metres within the eastern rear setback, and 4.23 metres within the western rear setback, as shown on the survey attached as Schedule 'B'

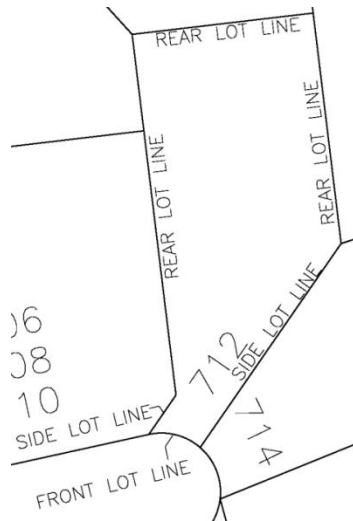


Figure: Existing lot lines of subject property

Comments from Other Departments

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

Building Services: Construct to BC Building Code 2012 and Municipal Building Code Bylaw, 2002, No. 2538. Applicant must address all issues contained within the Township Development Protocol should the application be approved. Plans will be reviewed for compliance with BC Building Code upon submission of a building permit application.

Engineering Services: Engineering staff have completed an evaluation of the proposed dwelling and have no concerns.

Fire Services: Construction must be in conformation with BCBC, including smoke detectors and alarms.

Parks & Recreation: Retain and protect trees during construction. [Arborist Report stamped 'Received October 13, 2015' attached as Appendix 'F']

Comments from the Advisory Planning Commission [APC]:

This application was considered at the regular meeting of the APC held on October 21, 2015. The APC members had no concerns with the applications. The APC recommended forwarding the application to Council with a **recommendation of approval**.

ISSUES:

1. Rationale for Selected Option

APC recommended approving this application and to date there has been no opposition from the neighbours.

2. Organizational Implications

This Request for Decision has no organizational implications.

3. Financial Implications

This Request for Decision has no financial implications.

4. Sustainability & Environmental Implications

This Request for Decision has no sustainability or environmental implications.

5. Communication & Engagement

As this is a Development Variance Permit application, notices were mailed to owners and occupiers of parcels within 50 metres [164 ft.] of the subject property. Notices were mailed on October 29, 2015 indicating that Council would be considering the requested Development Variance Permit on November 16, 2015. To date no responses have been received from the public as a result of these notifications.

ALTERNATIVES:

1. Council **approve** Development Variance Permit No. DVP00039 and direct staff to issue the permit and register a notice on the property title.
2. Council **deny** Development Variance Permit No. DVP00039.
3. Council **postpone** making a decision pending the receipt of additional information.