



**CORPORATION OF THE TOWNSHIP OF ESQUIMALT**  
**ADVISORY PLANNING COMMISSION MEETING MINUTES**  
**HELD ON**  
**WEDNESDAY, OCTOBER 21, 2015**  
**ESQUIMALT COUNCIL CHAMBERS**

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**MEMBERS PRESENT:** David Schinbein, Vice Chair    Lorne Argyle  
Christina Hamer    Mark Salter

**REGRETS:** Nick Kovacs  
Blair Bouchier  
Amy Higginbotham

**STAFF LIAISON:** Bill Brown, Director of Development Services  
Karen Hay, Planner

**COUNCIL LIAISON:** Councillor Susan Low  
Councillor Tim Morrison

**SECRETARY:** Marie Letham

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**I. CALL TO ORDER**

The meeting was called to order at 7:00 p.m. by the Vice-Chair.

**II. APPRECIATION - MAYOR BARBARA DESJARDINS**

Mayor Desjardins, on behalf of herself and Council thanked the members of the APC for the volunteering of their time. She commented on the very significant role that the Commission has. The APC is the first lens to development changes and the comments from the Commission are very helpful to Council.

**III. LATE ITEMS**

No late items

**IV. ADOPTION OF AGENDA**

Moved by Lorne Argyle, seconded by Mark Salter that the agenda be adopted as distributed.  
The Motion **CARRIED UNANIMOUSLY**.

**V. ADOPTION OF MINUTES – September 15, 2015**

Moved by Lorne Argyle, seconded by Christina Hamer that the minutes of the Advisory Planning Commission held September 15, 2015 be adopted as distributed.  
The Motion **CARRIED UNANIMOUSLY**.

**VI. BUSINESS FROM MINUTES**

There was no outstanding business from the Minutes.

**VII. STAFF REPORTS**

**(1) DEVELOPMENT VARIANCE PERMIT**

**1019 Colville Road**

PID 006-328-661, Amended Lot 10, (DD 114302-I), Block 20, Section 10, Esquimalt District, Plan 2546

**Purpose of the Application**

The new owners of the property are proposing to rebuild the existing accessory building; that was built by the previous owners without the benefit of a building permit, in the same location as the current building. The proposal also includes an addition on the west side of the existing accessory building. This application for a Development Variance Permit is required as the accessory building contravenes zoning regulations pursuant to the RS-1 zone.

The owners are requesting a Development Variance Permit to allow the accessory building to be sited 0.9 metres within the interior side setback.

The eaves of the proposed accessory building would not encroach onto neighbouring properties.

**APC Questions/Comments:**

Members of the Commission requested that staff consider including a request for approval of relaxation of the side yard of the existing house in the report to Council in order to legalize the non-conformity of the siting.

**RECOMMENDATION:**

Moved by Lorne Argyle, seconded by Mark Salter, that the Advisory Planning Commission resolves that the application for a Development Variance Permit authorizing the construction as shown on the pictures taken October 6, 2015 and the plans prepared by Andrew Akehurst and Lys Hermanski, stamped 'Received September 25, 2015' and sited as detailed on the survey plan prepared by Powell & Associates, stamped 'Received October 1, 2015' and including the following relaxation to Zoning Bylaw, 1992, No. 2050, for the development located at PID 006-328-661, Amended Lot 10, (DD 114302-I), Block 20, Section 10, Esquimalt District, Plan 2546 [1019 Colville Road], be forwarded to Council with a recommendation **to approve the application.**

**Zoning Bylaw, 1992, No. 2050, Section 34(9)(b)(ii) – Side Setback:** a 0.9 metre reduction to the required 1.5 metre side setback [i.e. from 1.5 metres to 0.6 metres].

The Motion **CARRIED UNANIMOUSLY.**

**(2) DEVELOPMENT VARIANCE PERMIT**

**712 Warder Place**

PID 001-558-675, Lot 14, Sections 10 and 11, Esquimalt District, Plan 42363

**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. 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.

The applicant/owner Mr. Vijay K. Bhangu was in attendance to answer any questions.

**RECOMMENDATION:**

Moved by Lorne Argyle, seconded by Mark Salter that the Esquimalt Advisory Planning Commission resolves that the application for a Development Variance Permit authorizing the construction at the property shown in the pictures taken October 13, 2015 and as shown on the plans prepared by Josh Collins, stamped 'Received September 29, 2015' and sited as detailed on the survey plan prepared by Wey Mayenburg Land Surveying Inc., stamped 'Received September 29, 2015' and including the following relaxations to Zoning Bylaw, 1992, No. 2050, for the development located at PID 001-558-675, Lot 14, Sections 10 and 11, Esquimalt District, Plan 42363 [712 Warder Place], be forwarded to Council with a recommendation **to approve the application.**

**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 'E'.

**Zoning Bylaw, 1992, No. 2050, Section 34(9)(a)(iii) – Rear Setback:** a 4.23 metre reduction from 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 'E'.

**APC Questions/Comments:**

In response to a question from a Commission member, whether APC will see this again for the Development Permit. Director Brown advised the Commission members that a Development Permit is not required for single family residences. Unless they are in a designated Development Permit area.

### **(3) INTERIM AMENDMENT ZONING BYLAW 1992, NO. 2050**

Director Brown advised the Commission members that what staff is looking for is their thoughts or concerns on the Zoning Amendment prior to a Public Hearing being scheduled. He turned the floor over to Karen Hay, Planner, who has done a huge amount of work preparing these amendments.

Karen Hay gave an overview of the amendments explaining the reasoning for the amendments.

#### **APC Questions/Comments:**

- Members expressed concern regarding the placement of heat pumps. Staff Liaison advised that a legal opinion was received that placement of heat pumps cannot be controlled under Zoning Bylaw, as they are considered part of the buildings mechanical system.
- Members asked if under the definition of “fences” included the height of hedges; Staff Liaison advised that the height of hedges cannot be controlled under the Zoning Bylaw.

The Commission members congratulated Karen Hay on a job well done, a tremendous amount of work.

#### **RECOMMENDATION:**

1. That the Advisory Planning Commission [APC] considered the zoning amendments as provided in the Interim Amendment Bylaw' - Bylaw No. 2861 and provided comments on the appropriateness of the proposed changes to the regulations.

2. That amending Bylaw No. 2861, attached to this report as Appendix 'A', which would amend Zoning Bylaw, 1992, No. 2050 by replacing text and figures as detailed in the content of the amending bylaw, be forwarded to Council with a **recommendation of approval**.

### **VIII. STAFF LIAISON**

Director Brown reported on the following:

- RFP for the Esquimalt Village Plan was released today. Deadline for submissions is December 10, 2015. Coriolis Consulting Corp., are managing the RFP. Some interest has been expressed;
- On-line survey for the OCP has been launched;
- Draft Terms of Reference for Esquimalt Road is a priority;

In response to a question regarding the status of the Legion, Director Brown, commented that the Legion was still in discussions with Legion Command.

### **IX. COUNCIL LIAISON**

Councillor Lowe commented on the following:

- OCP survey, encouraged persons to take part provides a good voice for the future shape of the community;
- Special Committee of the Whole, October 26<sup>th</sup>, 5:45 p.m., an overview of on Planning Processes will be presented. This is an open meeting.

**X. INPUT FROM APC TO STAFF**

None

**XI. NEW BUSINESS**

None

**XII. NEXT REGULAR MEETING**

November 17, 2015

**XIII. ADJOURNMENT**

On motion the meeting adjourned at 8:00 P.M.



VICE CHAIR, ADVISORY PLANNING COMMISSION

THIS 17 DAY OF November, 2015

CERTIFIED CORRECT:



ANJA NURVO,  
CORPORATE OFFICER