

## REQUEST FOR DECISION

**DATE:** October 19, 2015

Report No. DEV-15-052

**TO:** Laurie Hurst, Chief Administrative Officer

**FROM:** Krystal Wilson, Planning Technician

**SUBJECT:**

Development Variance Permit, 8-300 Plaskett Place

### RECOMMENDATION:

That Council resolves that Development Variance Permit No. DVP00037, as attached to Staff Report DEV-15-052, authorizing the construction as sited on the survey plan prepared by Michael Claxton Land Surveying Inc., stamped 'Received August 14, 2014' and as shown in the pictures taken September 9, 2015 [attached as Appendix 'C'] 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 title** for the development located at PID 017-658-161, Strata Lot 8, Section 11, Esquimalt District, Strata Plan VIS2246, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1 [8-300 Plaskett Place] [attached as Appendix 'A' and Appendix 'B']

**Zoning Bylaw, 1992, No. 2050, Section 34(9)(a)(iii) – Rear Setback:** a 2.6 metre reduction to the required 7.5 metre rear setback [i.e. from 7.5 metres to 4.9 metres].

### 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:

## **Context**

**Applicant:** Teodora Kristof

**Owners:** Teodora Kristof and Mathieu Lucien Lott

**Property Size:** Metric: 723.8 m<sup>2</sup> Imperial: 7790.9 ft<sup>2</sup>

**Existing Land Use:** Single Family Residence

### **Surrounding Land Uses:**

**North:** Single Family Residential

**South:** Single Family Residential

**West:** Single Family Residential

**East:** Single Family Residential

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

## **Purpose of the Application**

The applicant has constructed a balcony over an existing patio, located at the rear of the principal building without the benefit of a Building Permit. This application for a Development Variance Permit is required as the balcony contravenes zoning regulations pursuant to the RS-1 zone [attached as Appendix 'D']. The owners are requesting a Development Variance Permit to allow the balcony to be sited 2.6 metres within the rear setback.

## **Comments from the Advisory Planning Commission [APC]**

This application was considered at the regular meeting of the APC held on September 15, 2015. APC members were concerned about the privacy for the neighbouring properties and suggested installing frosted glass. APC members also expressed their concern that although the balcony does not take away from the view from Saxe Point Park, it might however set a precedent and allow for further development along the waterfront and in turn, take away from the natural beauty. **The application was forwarded to Council with a recommendation of denial**

## **Comments from Municipal Departments**

### **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 deck and have no concerns.

**Fire Services:**

Fire Staff have completed an evaluation of the proposed deck and have no concerns.

**ISSUES:****1. Rationale for Selected Option**

Although the APC does not recommend supporting this application and there has been opposition from the neighbours, staff feel this is a minor variance and does not negatively impact the surrounding area.

**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 7, 2015 indicating that Council would be considering the requested Development Variance Permit on October 26, 2015. To date 5 responses have been received from the public as a result of these notifications [attached as Appendix 'E'].

**ALTERNATIVES:**

1. Council **approve** Development Variance Permit No. DVP00037 and direct staff to issue the permit and register a notice on the property title.
2. Council **deny** Development Variance Permit No. DVP00037.
3. Council postpone making a decision pending the receipt of additional information.