

## REQUEST FOR DECISION

**DATE:** November 9, 2015

Report No. DEV-15-059

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

**FROM:** Krystal Wilson, Planning Technician

**SUBJECT:**

DEVELOPMENT VARIANCE PERMIT, 1019 Colville Road, PID 006-328-661, Amended Lot 10, (DD 114302-I), Block 20, Section 10, Esquimalt District, Plan 2546

### RECOMMENDATION:

That Council resolves that Development Variance Permit No. DVP00038 authorizing the construction as shown on the plans prepared by Andrew Akehurst and Lys Hermanski, stamped 'Received September 25, 2015' [attached as Schedule 'A'] and as sited on the survey plan prepared by Powell & Associates, stamped 'Received October 1, 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 title** of PID 006-328-661, Amended Lot 10, (DD 114302-I), Block 20, Section 10, Esquimalt District, Plan 2546 [1019 Colville Road].

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

**Zoning Bylaw, 1992, No. 2050, Section 34(9)(a)(ii) – Side Setback – Principal Dwelling:** a 0.75 metre reduction to the required 1.5 metre side setback [i.e. from 1.5 metres to 0.75 metres] for the principal dwelling.

### 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 – DVP00038, Schedule 'A' Construction Plans, Schedule 'B' Survey Plan  
Appendix C – Subject Property Map  
Appendix D – Aerial Photo  
Appendix E – RS-1 Zone

### **Context**

**Applicant:** Andrew Richard Payne Akehurst  
**Owners:** Andrew Richard Payne Akehurst and Ashleigh Hope Payne Akehurst  
**Property Size:** Metric: 947.71 m<sup>2</sup> Imperial: 10,459.4 ft<sup>2</sup>  
**Existing Land Use:** Single Family Residence  
**Surrounding Land Uses:**  
    **North:** Two Family Residential  
    **South:** Multi Family Residential  
    **West:** Two Family Residential  
    **East:** Two Family Residential  
**Existing Zoning:** RS-1 [Single Family Residential] [No change required]

### **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 [attached as Appendix 'E'].

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.

### **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 accessory building and have no concerns.

**Fire Services:** Fire Staff have completed an evaluation of the proposed accessory building and have no concerns.

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

The application was considered at the regular meeting of the APC held on October 21, 2015. The APC members had no concerns with the application but requested staff to consider including a request for approval for the relaxation of the side yard setback of the existing house to legalize the existing non-conformity. The APC has recommended forwarding the application to Council with a **recommendation of approval**.

**ISSUES:**

1. Rationale for Selected Option

The application legitimizes a situation that has existed for years. The APC has recommended support of the application. To date, none of the neighbours have expressed any concern with the location of the accessory building.

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/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. DVP00038 and direct staff to issue the permit and register a notice on the property title.

2. Council **deny** Development Variance Permit No. DVP00038.

3. Council postpone making a decision pending additional information.