



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall  
1229 Esquimalt Road  
Esquimalt, B.C. V9A 3P1

## Legislation Details (With Text)

**File #:** 19-059      **Version:** 1      **Name:**

**Type:** Staff Report      **Status:** Passed

**File created:** 1/29/2019      **In control:** Council

**On agenda:** 2/4/2019      **Final action:** 2/4/2019

**Title:** Development Variance Permit - 832 Old Esquimalt Road, Staff Report EPW-19-006

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Attachment 1: Bylaw 2175 Subdivision and Development Control, 2. Attachment 2: 832 Old Esquimalt Rd - DVP (Eng Report), 3. Attachment 3: Service Agreement - 832 Old Esquimalt Rd., 4. Attachment 4 (a): Drawing Approval Dec 13 2017, 5. Attachment 4 (b): Drawing Review Dec 1 2017

Date	Ver.	Action By	Action	Result
2/4/2019	1	Council	approved	Pass

## REQUEST FOR DECISION

**DATE:** January 30, 2019      Report No. EPW-19-006

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

**FROM:** Jeff Miller, Director of Engineering and Public Works

**SUBJECT:**  
Development Variance Permit - 832 Old Esquimalt Road

**RECOMMENDATION:**  
That Council does not approve the application for a Development Variance Permit to relax Subdivision and Development Control Bylaw No. 2175, Schedule E, Section 5.01 (c) related to hydro/communication services to be varied, for the development located at PID 000-150-037, Lot 7 Section 11, Esquimalt District, Plan 307, 832 Old Esquimalt Road.

**RELEVANT POLICY:**  
Subdivision and Development Control Bylaw, 1997, No. 2175

**STRATEGIC RELEVANCE:**  
Not Applicable

**BACKGROUND:**  
When a property is developed, the Subdivision and Development Control Bylaw No. 2175 is utilized to provide the standards and specifications for servicing the site. Contained within the Bylaw is Schedule E, Section 5.01 (c) which 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 existing overhead or underground systems.*

(See Attachment 1 for Bylaw No. 2175.)

The owner/developer of 832 Old Esquimalt Road has not met this Bylaw requirement. Instead, an overhead service from the existing overhead system was installed from the other side of Old Esquimalt Road to the property line. At the property line, a single pole was installed. This pole has two power meters on it. From the meters the two power service lines then proceed underground into the two residential units. (See Attachment 2 - Engineering Report for APC, Appendix A for pictures of pole and meters.)

The owner/developer is seeking a variance not to provide underground electrical power and communications services from the existing overhead systems. The matter was reviewed and discussed with the Advisory Planning Commission on December 18, 2018. The recommendation from the Advisory Planning Commission was:

*The application for a Development Variance Permit to relax Subdivision and Development Control Bylaw No. 2175, Schedule E, Section 5.01 (c) related to hydro services 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 by the Esquimalt Advisory Planning Commission of denial: as the proposal does not comply with the Bylaw and is aesthetically displeasing.*

The owner/developer attended this meeting via telephone and presented several alternatives. (See Attachment 2 for Engineering's Report - Owner/Developer Proposal.)

While the requirements of the Subdivision and Development Bylaw have not been met, the Building Inspector did not see any health or safety concerns with the structure or property. This fact allowed the properties to be granted occupancy. There is not a single case in the Township where this currently exists, other than this property.

## **ISSUES:**

### **1. Rationale for Selected Option**

The owner/developer is responsible for meeting the standards and specifications of the Bylaw. These requirements then form part of the Site Servicing Agreement between the Owner and the Township. (See Attachment 3)

In this Agreement, a cost estimate has been provided by the owner and agreed to by the parties to provide hydro/communication servicing at a cost of \$22,600 (\$19,600 for Hydro, \$3,000 for Communication). Based on the services location, these costs were considered reasonable for providing an underground service from the existing overhead power source located across the street to the property line.

When the Servicing Plan was reviewed, the owner/consultant was advised that hydro/communication needed to be under ground. (See Attachment 4a & 4b highlighted areas.) Based on this information, staff was under the impression that owner/developer was going to meet

the requirements of the Bylaw.

It is staff's recommendation that the variance from Subdivision and Development Control Bylaw No. 2175, Schedule E, Section 5.01 (c) not be granted.

## 2. Organizational Implications

There will be an organizational implication. Staff will have to accommodate communication with the owner/developer to obtain resolution to this issue. If the owner/developer does not comply with the recommended requirement, staff will also be required to obtain a design from Hydro/Communication companies and carry out the construction of the services to the property line with an external contractor.

## 3. Financial Implications

Through the Servicing Agreement, the proposed costs for providing servicing will be held until the work has been completed. Upon completion and acceptance, these funds are then released back to the developer. As well, an additional 120% of the costs are also held in case the Township has to complete the work. For this project the following funds have been taken:

Hydro	\$19,600.00
Communication	\$ 3,000.00
<u>120%</u>	<u>\$ 4,520.00</u>
Total	\$27,120.00

These funds should be sufficient to complete the installation of the underground services from the source overhead lines to the property line.

## 4. Sustainability & Environmental Implications

There are no sustainability or environmental implications.

## 5. Communication & Engagement

Once Council has made its decision, this information will be communicated back to the owner/developer in order to come to a resolution on the issue.

## ALTERNATIVES:

1. That Council does not approve the the application for a Development Variance Permit to relax Subdivision and Development Control Bylaw No. 2175, Schedule E, Section 5.01 (c) related to hydro/communication services to be varied for the development located at PID 000-150-037, Lot 7 Section 11, Esquimalt District, Plan 307, 832 Old Esquimalt Road.
2. That Council does approve the application for a Development Variance Permit to relax Subdivision and Development Control Bylaw No. 2175, Schedule E, Section 5.01 (c) related to hydro/communication services to be varied for the development located at PID 000-150-037, Lot 7 Section 11, Esquimalt District, Plan 307, and directs staff to coordinate with the owner/developer for accepting the new level of servicing for the structure.