



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall
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Title: Development Variance Permit - 398 Constance Avenue, Staff Report DEV-17-033

Sponsors:

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Attachments: 1. Appendix A - DVP00056, 2. Appendix B - Air Photo, RS-3 Zone, Mail Notice, 3. Appendix C - Surveyors Site Plan and Building Plans

Date	Ver.	Action By	Action	Result
6/12/2017	1	Council	approved	Pass

REQUEST FOR DECISION

DATE: June 5, 2017 Report No. DEV-17-033

TO: Laurie Hurst, Chief Administrative Officer

FROM: Karen Hay, Planner

SUBJECT:

Development Variance Permit - 398 Constance Avenue
PID 009-337-288; Lot 6, Suburban Lot 51, Esquimalt District, Plan 61A

RECOMMENDATION:

That Council resolves that Development Variance Permit No. DVP00056 [Appendix A] authorizing the construction as shown on plans prepared by MTG Drafting, stamped "Received April 27, 2017", and sited as detailed on the surveyor's site plan prepared by Kenneth Ng, BCLS, stamped "Received April 27, 2017, 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 the property located at PID 009-337-288, Lot 6, Suburban Lot 51, Esquimalt District, Plan 61A [398 Constance Avenue]:

Zoning Bylaw, 1992, No. 2050, Section 36. (9)(a)(ii) - Siting Requirements - Principal Building - A 2.9 metre decrease to the requirement that no principal building shall be located within 3.0 metres of an Interior Side Lot Line, specifically for the deck located at the rear of the principal building, [ie. from 3.0 metres to 0.1 metres].

RELEVANT POLICY:

Official Community Plan Bylaw, 2006, No. 2646
Zoning Bylaw, 1992, No. 2050
Development Application Procedures and Fees Bylaw, 2012, No. 2791
Advisory Planning Commission Bylaw, 2012, No. 2792

STRATEGIC RELEVANCE:

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

BACKGROUND:

Appendix A: DVP00056
Appendix B: Air Photo, RS-3 Zone, Mail Notice
Appendix C: Surveyor's Site Plan, Building Plans

Purpose of the Application

The property owners are proposing to repair the existing deck which is deteriorating. The deck was built by a previous owner, without a permit, and located partially on the neighbour's property. The owners are proposing to remove the sections of deck that are currently on the neighbour's property. Due to the topography of the site, moving the deck any further from the property line would prove difficult and require removal of the stairs that access the backyard. Therefore, a variance is being requested. A development variance permit is required before a building permit could be issued for the repairs to the deck.

Context

Applicant / Owner: Attila and Jennifer Meszaros
Property Size: Metric: 501 m² Imperial: 5393 ft²
Existing Land Use: Single Family Residential
Surrounding Land Uses:
North: Single Family Residential
South: Single Family Residential
East: Single Family Residential
West: Single Family Residential
Existing Zoning: Single Family Waterfront Residential [RS-3] [No change required]

Zoning

The siting regulations for principal buildings in the Single Family Residential zones requires at least 3.0 metres from an interior side lot line on one side of the property (if the property is not serviced by a lane) and at least 1.5 metres on the other. The house meets the 1.5 metre requirement on the south side of the property, but has no setback along the northern lot line, and actually encroaches into the neighbouring property. There is an existing encroachment agreement for the corner of the house but not for the existing deck. The applicant has developed a plan for the deck to be located 0.13 metres from the northern lot line.

Comments from the Advisory Planning Commission [APC]

This application was considered at the regular meeting of the APC held on May 16, 2017. The APC members were supportive of the application. The APC passed the following motion:

The Advisory Planning Commission recommends to Council that the application for a Development Variance Permit authorizing the construction as shown on plans prepared by MTG

Drafting, stamped "Received April 27, 2017", and sited as detailed on the survey plans prepared by Kenneth Ng, BCLS stamped "Received April 27, 2017 and including the following relaxations to Zoning Bylaw, 1992, No. 2050, for the development located at PID 009-337-288, Lot 6, Suburban Lot 51, Esquimalt District, Plan 61A [398 Constance Avenue], be forwarded to Council with a recommendation of approval as the proposal fits within the form and character of both the building and the neighbourhood.

Zoning Bylaw, 1992, No. 2050, Section 36. (9)(a)(ii) - Siting Requirements - Principal Building - A 2.9 metre decrease to the requirement that no principal building shall be located within 3.0 metres of an Interior Side Lot Line, specifically for the deck located at the rear of the principal building. [i.e. from 3.0 metres to 0.1 metres].

ISSUES:

1. Rationale for Selected Option

The Advisory Planning Commission recommended approval. The renovated deck is proposed to be located very close to the interior side lot line but since it has encroached onto the neighbouring property for many years, bringing it onto the subject property is an improvement for the neighbourhood. At this time, the neighbours have not expressed any concerns with the requested variance.

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

The reconstruction of a deck on this property has little sustainability or environmental implications.

5. Communication & Engagement

As this application includes a Development Variance Permit, notices were mailed to owners and occupiers of parcels within 50 metres [164 ft.] of the subject property. Notices were mailed on May 29, 2017 indicating that Council would be considering the requested Development Variance Permit on June 12, 2017. To date, the Development Services Department has received no comments as a result of the notification.

ALTERNATIVES:

1. That Council resolves that Development Variance Permit No. DVP00056 [Appendix A] be approved, and staff be directed to issue the permit and register the notice on the title of the property located at PID 009-337-288, Lot 6, Suburban Lot 51, Esquimalt District, Plan 61A [398 Constance Avenue].
2. That Council deny Development Variance Permit No. DVP00056.