



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Legislation Details (With Text)

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**Title:** Rezoning Application - 821, 823 & 825 Wollaston Street, Staff Report DEV-19-010  
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**Attachments:** 1. Appendix A - Bylaw 2952 to Amend Zoning Bylaw No. 2050, 2. Appendix B - Air Photo, Maps, RD- 2 Zone, 3. Appendix C - Strata Plan Drawings, Parking Drawings and Land Survey, 4. Appendix D - Neighbourhood Consultation Meeting Notice

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

## REQUEST FOR DECISION

**DATE:** January 30, 2019      Report No. DEV-19-010

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

**FROM:** Janany Nagulan, Planner and Bill Brown, Director of Development Services

### SUBJECT:

Rezoning Application - 821, 823 & 825 Wollaston Street

### RECOMMENDATION:

1. That Council resolves that Bylaw No. 2952 [Appendix A], which would amend Zoning Bylaw, 1992, No. 2050, by changing the zoning designation of 821,823 & 825 Wollaston Street [PID 026-216-485, 026-216-507, 026-216-493, Strata Lot 1,2 & 3 Section 11 Esquimalt District Strata Plan VIS5729 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot As Show on Form V] from RD-2 Zone [Two Family Small Lot Residential] to CD. No. 117 [Comprehensive Development District No. 117], be considered for first and second reading; and
2. That Council authorizes the Corporate Officer to schedule a public hearing for Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2952, and to advertise for same in the local newspaper.

### RELEVANT POLICY:

Local Government Act  
Official Community Plan Bylaw, 2018, No. 2922  
Zoning Bylaw, 1992, No. 2050

Parking Bylaw, 1992, No. 2011

Development Application Procedures and Fees Bylaw, 2012, No. 2791

Advisory Planning Commission Bylaw, 2012, No. 2792

## **STRATEGIC RELEVANCE:**

This Request for Decision supports the following specific strategic objective:

Support community growth, housing and development consistent with our Official Community Plan

## **BACKGROUND:**

Appendix A: Bylaw No. 2952 - Bylaw to Amend Zoning Bylaw 1992, No. 2050

Appendix B: Air Photo, Maps, RD-2 Zone

Appendix C: Strata Plan Drawings, Parking Drawings, and Land Survey

Appendix D: Neighbourhood Consultation Meeting Notice

## **Purpose of the Application**

The purpose of the application is to provide zoning certainty for a triplex (three-unit townhouse) currently located on a RD-2 [Two Family Small Lot Residential] zoned lot. The Two Family Small Lot Residential Zone [RD-2] lot would be rezoned to a Comprehensive Development District Zone [CD], with Townhouse Residential as a permitted use.

The original Building Permit for the dwelling was issued June 28, 1956 for a “Frame Triplex”. The dwelling was built before the 1957 Zoning Bylaw thus, would have had to have met the requirements of the 1932 Zoning Bylaw. Staff research was inconclusive if the building met the requirements of the “Residence District Zone” per the 1932 Zoning Bylaw in which the property was located at the time. As per the current 1992 Zoning Bylaw, the property was zoned RD-2, Two-Family Small Lot Residential. However, within this zone neither “Triplex” nor “Townhouse” is a permitted use.

A Development Variance Permit application was submitted April 30, 2018 which prompted the inquiry into the property. Therefore, given the uncertainty regarding the use, the Township initiated rezoning of the property.

Evaluation of this application should focus on issues relevant to zoning such as the appropriateness of the proposed uses, height, density, massing, proposed unit sizes, siting, setbacks, lot coverage, useable open space, parking, how the building relates to surrounding sites, and consistency with the overall direction contained within the Official Community Plan.

## **Context**

Applicant: Township of Esquimalt

Owners: Sylvie Redden, Adrian Redden, Lucas Davies, Elysia Dempsey

Property Size: Metric: 641 m<sup>2</sup> Imperial: 6900 ft<sup>2</sup>

Existing Land Use: Townhouse Residential

Surrounding Land Uses:

- North: Single Family Residential
- South: Single Family Residential
- West: Two Family Residential
- East: Two Family Residential

Existing Zoning: RD-2 [Two Family Small Lot Residential Zone]

Proposed Zoning: CD [Comprehensive Development District]

Existing OCP Designation: Low Density Residential

Proposed OCP Designation: Townhouse Residential [No change required]

### **Zoning and Parking**

The proposed Comprehensive Development District Zone is to provide zoning certainty for the triplex (three-unit townhouse). The zone would contain the following uses: townhouse residential, home occupation, boarding and urban hens. Secondary suites will not be permitted.

**Density, Lot Coverage, Siting and Parking:** The following chart compares the floor area ratio, lot coverage, setbacks, and building height of the existing triplex with the requirements of the RD-2 [Two Family Small Lot Residential Zone]:

	<b>Current Zone RD-2 [Two Family Small Lot Residential]</b>	<b>Proposed Comprehensive Development District Zone</b>
<b>Minimum Parcel Size</b>	668 m <sup>2</sup>	641 m <sup>2</sup>
<b>Floor Area Ratio</b>	0.40	0.40
<b>Lot Coverage</b>	30%	30%
<b>Setbacks</b>		
• Front	7.5 m	6.1 m
• Rear	7.5 m	7.5 m
• Side	3.0 m/1.5 m	3.0 m/ 1.8m
<b>Building Height</b>	7.3 m	7.3 m

### **Parking**

Upon completion of the rezoning process, there would only be one unit (823 Wollaston Street) with a parking space located behind the front face of the Principal Building. The remaining units (821& 825 Wollaston Street) will have a parking space in front of the front face of the Principal Building.

### **Official Community Plan**

This proposal is consistent the 'Proposed' Land Use Designations applied to the subject property, "Townhouse Residential".

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

This application was considered at the regular meeting of the APC held on December 18, 2018. The APC members were supportive of the application, and passed a motion that the application for rezoning, to legitimize the existing non-conforming Triplex in accordance with Certified B.C Land Survey prepared by Island Land Surveying Ltd. stamped "Received November 20, 2018" and consistent with Strata Floor Plans prepared by Michael J. McIlvaney, Stamped "Received October 9, 2018" for the existing triplex located at 821, 823 & 825 Wollaston [PID 026-216-485, 026-216-507, 026-216-493; Strata Lot 1,2 & 3, Section 11, Esquimalt District, Strata Plan VIS5729 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot As Show on Form V] **be forwarded to Council with a recommendation by the Esquimalt Advisory Planning Commission to approve;** as this will legitimize the existing historical use.

### **ISSUES:**

1. Rationale for Selected Option

- The dwelling has existed since 1956 without any issues.
- The Development Variance Permit submitted in April, 2018 was for a Parking Variance which has been incorporated in the proposed zone.
- The Advisory Planning Commission has recommended approval of this application.

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 livability of a development and the neighbourhood contributes to the social and economic sustainability of the community.

5. Communication & Engagement

As this is a rezoning application, should it proceed to a Public Hearing, a notice would be mailed to tenants and owners of properties located within 100 metres (328 ft) of the subject property. Notice of the Public Hearing would be placed in two editions of the Victoria News. A sign indicating that the property is under consideration for a change in zoning has been installed on the property since November 2018. This sign would be updated to include the date, time, and location of the Public Hearing.

The Township held a Neighbourhood Meeting [Appendix D] on January 22, 2019 in order to comply with the public consultation procedures of Development Application Procedures and Fees Bylaw, 2018, No. 2971. Only two people attended, and they supported the proposed rezoning.

**ALTERNATIVES:**

1. That Council gives first and second readings to Bylaw No. 2952, and directs the Corporate Officer to schedule a Public Hearing.
2. That Council postpone consideration of Bylaw No. 2952 and request further information from staff.
3. That Council deny first and second reading of Bylaw No. 2952.