



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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## Legislation Details (With Text)

**File #:** 20-318      **Version:** 1      **Name:**  
**Type:** Staff Report      **Status:** Passed  
**File created:** 6/24/2020      **In control:** Council  
**On agenda:** 7/6/2020      **Final action:** 7/6/2020  
**Title:** Development Variance Permit Application - 1085 and 1093 Gosper Crescent, Staff Report No. DEV-20-042  
**Sponsors:**  
**Indexes:**  
**Code sections:**  
**Attachments:** 1. Appendix A - DVP00103, 2. Appendix B - Aerial Map and RS-1 Zone, 3. Appendix C - Architectural Drawings, Landscape Plan and Surveyor's Site Plan, 4. Appendix D - Green Building Checklist, 5. PowerPoint Presentation Applicant

| Date     | Ver. | Action By | Action   | Result |
|----------|------|-----------|----------|--------|
| 7/6/2020 | 1    | Council   | approved | Pass   |

## REQUEST FOR DECISION

**DATE:** June 24, 2020

Report No. DEV-20-042

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

**FROM:** Alex Tang, Planner and Bill Brown, Director of Development Services

**SUBJECT:**

Development Variance Permit Application - 1085 and 1093 Gosper Crescent

**RECOMMENDATION:**

That Council approves Development Variance Permit No. DVP00103 [Appendix A] including the following variances to Zoning Bylaw, 1992, No. 2050 and Parking Bylaw, 1992, No. 2011, specifically for the proposed Lot 'B' as delineated in the surveyor's site plan provided by James Worton, B.C.L.S., stamped "Received May 26, 2020", and staff be directed to issue the permit and register the notice on the titles of the properties located at PID 005-164-194, Lot 1, Block 1, Section 10, Esquimalt District, Plan 11214 [1085 Gosper Crescent] and PID 005-916-445, Lot 40, Section 10, Esquimalt District, Plan 5726 [1093 Gosper Crescent]:

**Zoning Bylaw, 1992, No. 2050, 30 (1) - Area, Shape and Dimension of Lots:** Exemption from the prohibition that no subdivision shall be created in any Zone so that any Parcel created by the subdivision has an area or dimension less than that set out for the Zone in which it is located as specified by this bylaw.

**Zoning Bylaw, 1992, No. 2050, 34 (2) - Parcel Size:** Reduction for the minimum Parcel Size for

Parcels created by subdivision from 530.0 square metres to 472.0 square metres.

**Zoning Bylaw, 1992, No. 2050, 34 (9)(a)(iii) - Rear Setback:** A 3.5 metre reduction to the requirement that no Principal Building shall be located within 7.5 metres of a Rear Lot Line. [i.e. from 7.5 metres to 4.0 metres]

**Parking Bylaw, 1992, No. 2011, (9)(4) -** Exemption from the requirement that Parking Spaces in Residential zones shall be located no closer to the front lot line than the front face of the Principal Building.

**Parking Bylaw, 1992, No. 2011, 13 (1)(i) - Number of Off-Street Parking Spaces:** a reduction of required parking spaces from 1 space per dwelling unit to 1 space for a single family dwelling and its corresponding secondary suite.

#### **RELEVANT POLICY:**

Declaration of Climate Emergency  
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  
Subdivision and Development Control Bylaw, 1997, No. 2175  
Local Government Act

#### **STRATEGIC RELEVANCE:**

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

#### **BACKGROUND:**

Appendix A: DVP00103  
Appendix B: Aerial Map and RS-1 Zone  
Appendix C: Architectural Drawings, Landscape Plan and Surveyor's Site Plan  
Appendix D: Green Building Checklist

#### **Purpose of Application:**

The applicant is proposing to create a 3-lot subdivision from 2 existing lots. The two existing single family dwellings are proposed to remain while the detached garage will be removed from 1085 Gosper Crescent. A new single family dwelling is proposed to be built.

To accommodate the three-lot subdivision and the construction of a new single family dwelling, the applicant is seeking to vary the Zoning Bylaw and Parking Bylaw.

Applicant: Java Designs  
Owner: Neil Ramcharitar  
Property Size:

1085 Gosper Crescent: Metric: 787 m<sup>2</sup> Imperial: 8471 ft<sup>2</sup>

1093 Gosper Crescent: Metric: 815 m<sup>2</sup> Imperial: 8773 ft<sup>2</sup>

Existing Land Use: Single Family Residential

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]

### **Official Community Plan**

The subject property is located within Development Permit Areas No. 1 - Natural Environment, Development Permit Area No. 3 - Enhanced Design Control Residential, Development Permit Area No. 7 - Energy Conservation and Greenhouse Gas Reduction, and Development Permit Area No. 8 - Water Conservation. The development permit application will be considered separately after the development variance permit application is evaluated and the subdivision is completed.

### **Zoning**

The current zone for the subject properties is RS-1. The proposed single family dwelling, along with the two existing dwellings within their respective newly proposed parcels, conform to Zoning Bylaw, 1992, No. 2050 in terms of density, height and lot coverage. The applicant is seeking to vary the minimum lot size and the rear setback of the principal building for Lot 'B' within the RS-1 zone. The minimum lot size in a RS-1 zone is 530 m<sup>2</sup> whereas the proposed lots are 530 m<sup>2</sup>, 598 m<sup>2</sup>, and 472 m<sup>2</sup>; hence, the proposed Lot 'B', being 472 m<sup>2</sup>, will need a variance for being 58 m<sup>2</sup> smaller than the minimum lot size. The proposed rear setback for the existing residence at 1085 Gosper in the proposed Lot 'B' is 4 metres, which is 3.5 metres less than the required 7.5 metres in a RS-1 zone.

Furthermore, the applicant is seeking a variance to the Parking Bylaw, 1992, No. 2011. The parking bylaw requires that parking spaces in residential zones to be behind the front face of the Principal Building. As the existing detached garage is being demolished to accommodate a new single family dwelling, 1 off-street parking space for Lot 'B' is proposed to be placed in front of the front face of the house to serve the single family dwelling along with its secondary suite.

### **Comments from the Advisory Planning Commission**

This application was considered at the regular meeting of the Advisory Planning Commission held on June 16, 2020. Members noted that there may be daylight shading concerns with the rear setback but they also recognized that the topography slope upwards such that the effect would be minimized. Furthermore, the variance to the setback is internal to the proposed development. Members had mixed opinions about the parking variance. Some members thought that the proposed house is incongruent to larger homes and lots in the neighbourhoods while others noted that the variance for minimum parcel size would not be a variance in several neighbouring municipalities.

The Advisory Planning Commission resolved unanimously that the application be forwarded to Council with a recommendation of approval as the variances are relatively minor and they would not be variances in other municipalities in the region.

### **Comments from Other Departments**

The plans for this proposal were circulated to the other departments and the following comments were received:

**Community Safety Services:** Building to be constructed to requirements of BC Building Code and municipal bylaws. Plans will be reviewed for compliance with BC Building Code upon submission of a building permit application.

**Engineering Services:** Engineering staff have completed a preliminary evaluation of works and services that would be required for the proposed single family dwelling. As the sanitary and drain mains do not currently service the proposed additional lot, these mains will have to be extended. If approved, the development must be serviced in accordance with bylaw requirements including, but not limited to, new sewer and drain connections, underground hydro, telephone and cable services and new road works may be required up to the centre line of Gosper Crescent. Should the application be approved, additional comments will be provided when detailed civil engineering drawings are submitted as part of a building permit application.

**Parks Services:** Parks staff have completed a preliminary review of the proposed on-site and off-site landscaping and commented that a tree cutting permit application is required for all trees to be removed. All trees that are to be retained, including boulevard trees, must have tree protection fencing erected at the drip line.

**Fire Services:** Fire Services staff have completed a preliminary review of the proposed plans and has concerns with the lack of windows in the media room. If the media room is to be converted into a bedroom, it would lack the necessary secondary means of escape.

## **ISSUES:**

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

The new single family dwelling, in addition to the two existing single family dwellings, conforms to the zoning bylaw in terms of lot coverage, density and height. Hence, its massing is consistent with new single family dwellings that can be built in a RS-1 zone. The variances are reasonable to allow for an additional single family dwelling in an area designated for low density residential.

### **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 applicant has completed the Esquimalt Green Building Checklist [Appendix D].

### **5. Communication & Engagement**

As this is a Development Variance Permit application, notices were mailed to owners and tenants of properties within 50 metres (164 ft) of the subject property. Notices were mailed out on June 22, 2020. To date, the Development Services Department has received one response as a result of these notifications.

## **ALTERNATIVES:**

1. That Council approve Development Variance Permit No. DVP00103 [Appendix A], and staff be directed to issue the permit and register the notice on the title of the property.

2. That Council denies Development Variance Permit No. DVP00103 [Appendix A] with reasons.