



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall
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Legislation Details (With Text)

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Title: Development Permit and Development Variance Permit Application - 445 Foster Street, Staff Report No. APC-20-015

Sponsors:

Indexes:

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Attachments: 1. Appendix A - Aerial Map and RS-3 Zone, 2. Appendix B - Architectural Drawings and Surveyor's Site Plan, 3. Appendix C - DPA No. 2 - Protection of Development From Hazardous Conditions

Date	Ver.	Action By	Action	Result
11/17/2020	1	Advisory Planning Commission	approved	Pass

REQUEST FOR DECISION

DATE: November 4, 2020

Report No. APC-20-015

TO: Chair and Members of the Advisory Planning Commission; Design Review Committee

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

SUBJECT:

Development Permit and Development Variance Permit Application - 445 Foster Street

RECOMMENDATION:

1. That the Esquimalt Advisory Planning Commission [APC] recommends to Council to either approve, approve with conditions or deny the application for a Development Permit for the property located at PID 002-705-141, Lot 3 Suburban Lot 47 Esquimalt District Plan 25909 [445 Foster Street].
2. That the Esquimalt Advisory Planning Commission [APC] recommends to Council to either approve, approve with conditions or deny the application for a Development Variance Permit including the following variances to Zoning Bylaw, 1992, No. 2050 for the property located at PID 002-705-141, Lot 3 Suburban Lot 47 Esquimalt District Plan 25909 [445 Foster Street]:

Zoning Bylaw, 1992, No. 2050, 36 (6)(b) - Building Height: to increase the maximum allowed Height for an Accessory Building from 3.6 metres to 7.46 metres.

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: Aerial Map and RS-3 Zone
Appendix B: Architectural Drawings and Surveyor's Site Plan
Appendix C: DPA No. 2: Protection of Development From Hazardous Conditions

PURPOSE OF APPLICATION:

The two applications are for the addition of a second storey on an accessory building. As the subject property is located within a tsunami zone, a development permit is necessary to ensure compliance with the development guidelines in Development Permit Area No. 2 - "Protection of Development from Hazardous Conditions". In addition, a development variance permit is required because the applicant is requesting a variance to the allowed height of an accessory building. Specifically, the applicant is requesting an increase to the maximum height of an accessory building from the allowed 3.6 metres to 7.46 metres.

CONTEXT:

Applicant: Samantha Weeks Design Group Inc. [Samantha Weeks]

Owner: Paul Christopher Dixon and Dalyce Dean Dixon

Designer: Samantha Weeks Design Group Inc. [Samantha Weeks]

Property Size: Metric: 1433 m² Imperial: 15425 ft²

OCP Land Use Designation: Low Density Residential

Zone: RS-3

Existing Land Use: Single-Family Residential

Surrounding Land Uses:

North: Single-Family Residential

East: Single-Family Residential

West: Single-Family Residential

OCP ANALYSIS:

As the subject property is in Development Permit Area No. 2 - Protection of Development from Hazardous Conditions, a Development Permit is required.

ZONING ANALYSIS:

The current zoning on the subject property is RS-3 to accommodate Single Family Residential use. According to the RS-3 zone, the maximum Accessory Building height is 3.36 metres. The applicant is seeking a variance to allow for a maximum height of 7.46 metres.

COMMENTS FROM OTHER DEPARTMENTS:

Community Safety Services (Building Inspection):

The building is to be constructed to requirements of BC Building Code 2018 and municipal bylaws. Plans will be reviewed for compliance with BC Building Code upon submission of a building permit application.

Engineering Services:

Engineering staff has no concerns with this application.

Parks:

Parks staff has no concerns with this application.

Fire Services:

Fire Services staff has no concerns with this application.

ISSUES:

Is there enough of a rationale to justify a variance to the zoning bylaw for the allowable height of an accessory building?

Are there any plans to convert this into a detached accessory dwelling unit?

ALTERNATIVES:

1. Forward the application for the Development Permit and Development Variance Permit to Council with a recommendation of approval including reasons for the recommendation.
2. Forward the application for the Development Permit and Development Variance Permit to Council with a recommendation of approval including specific conditions and including reasons for the recommendation.
3. Forward the application for the Development Permit and Development Variance Permit to Council with a recommendation of denial including reasons for the recommendation.