



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Legislation Details (With Text)

**File #:** 17-224      **Version:** 1      **Name:**  
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**File created:** 6/6/2017      **In control:** Council  
**On agenda:** 6/12/2017      **Final action:** 6/12/2017  
**Title:** Development Permit and Development Variance Permit for a new two-unit dwelling at 1151 Colville Road, Staff Report DEV-17-032

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Schedule A 1151 Colville Rd Key Map, 2. Schedule B DP000081, 3. Schedule C Architectural Drawings, 4. Schedule D Landscape Plan, 5. Schedule E Site Survey, 6. Schedule F DVP00064, 7. Schedule G Two Family Single Family Residential [RD-3] Zone, 8. Schedule H Development Permit Area 5 Design Guidelines, 9. Schedule I Green Building Checklist, 10. Schedule J Letters of Support from Neighbours, 11. Schedule K Notice Sent to Neighbours

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

## REQUEST FOR DECISION

**DATE:** June 06, 2017

Report No. DEV-17-032

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

**FROM:** Bill Brown, Director of Development Services

### SUBJECT:

Development Permit and Development Variance Permit for a Two Family Dwelling

Address: 1151 Colville Road [Schedule A]

PID: 006-327-800

Legal Description: Lot 10, Block 17, Section 10, Esquimalt District, Plan 2546

### RECOMMENDATION:

That Council resolves that Development Permit No. 000081 [Schedule B] authorizing the development as shown on the architectural drawings prepared by Virtual Home Design stamped received January 31, 2017, [Schedule C] and the landscape plan prepared by Shan Marcus Thrive Gardens & Living Spaces stamped received May 11, 2017 [Schedule D], and sited as detailed on the survey plan prepared by Explorer Land Surveying Inc., stamped received January 31, 2017, [Schedule E] be approved and staff be directed to issue the permit (subject to receipt of the required landscape security), and register the notice on the title of the property located at 1151 Colville Road; and legally described as Lot 10, Block 17, Section 10, Esquimalt District, Plan 2546; and having a PID of 006-327-800.

Furthermore, that Council resolves that Development Variance Permit No. DVP00064 [Schedule F] authorizing the development as shown on the architectural drawings prepared by Virtual Home Design stamped received January 31, 2017, [Schedule C] and sited as detailed on the survey plan prepared by Explorer Land Surveying Inc., stamped received January 31, 2017 [Schedule E] and including the following variance to the 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 1151 Colville Road; and legally described as Lot 10, Block 17, Section 10, Esquimalt District, Plan 2546; and having a PID of 006-327-800:

Zoning Bylaw, 1992, No. 2050, Section 40 (9) (a) (ii) Siting Requirements - Principal Building - Side Setback. A 0.7 metre reduction to the requirement that, "in the case where a Parcel is not served by a rear lane, one (1) Side Yard shall not be less than 3 metres" from 3.0 metres to 2.3 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:**

Schedule A: Key Map

Schedule B: DP000081

Schedule C: Architectural Drawings

Schedule D: Landscape Plan

Schedule E: Site Survey

Schedule F: DVP00064

Schedule G: Two Family/Single Family Residential [RD-3]

Schedule H: Development Permit Area 5 - Enhance Design Control Residential Guidelines

Schedule I: Green Building Checklist

Schedule J: List of names of neighbours in support of the proposed development

Schedule K: Notice sent to neighbours

## **Context**

Applicant: Baldev Lalli [for the development permit]  
Guneet Lalli [for the development variance permit]

Owners: Baldev Lalli / Daniel Brewster

Property Size: Metric: 669 m<sup>2</sup>                      Imperial: 7201.1 ft<sup>2</sup>

Existing Land Use: Single Family Residence

## Surrounding Land Uses:

North:	Department of National Defense sports fields
South:	E & N Railway
West:	Single Family Residential
East:	Single Family Residential

Proposed Use: Two Family Residential

Existing Zoning: Two Family/Single Family Residential [RD-3] [Schedule G]

Proposed Zoning: RD-3 [No change required]

Existing OCP Designation: Single and Two-Unit Residential [no change required]

## Purpose of the Application

The applicants are proposing to remove the existing Single Family Residential dwelling and construct a side by side strata titled Two Family Residential dwelling on the subject property. The property is currently zoned Two Family / Single Family Residential [RD-3] [Schedule G]. This two-unit dwelling is subject to Development Permit Area No. 5 - Enhanced Design Control Residential [Schedule H]; therefore a Development Permit is required before a Building Permit can be issued.

## Official Community Plan

The Official Community Plan does allow for sensitive infill development in residential zones provided the development is compatible with, and enhances the surrounding neighbourhood.

Section 2.2 of the Official Community Plan recognizes that modest residential growth will occur through the infilling of vacant or under-utilized parcels, and states that this growth should occur in a manner that maintains and enhances individual neighbourhoods and the community as a whole.

Section 2.2.1(a) states the Township should work toward a more complete community by maintaining a healthy mixture of housing types, accommodating people with a wide range of income levels.

Section 2.2.1(b) states the Township should encourage new residential development with high design standards for building and landscaping and which enhance existing and new neighbourhoods.

## Green Features

The applicant has completed the Esquimalt Green Building Checklist [Schedule I].

## Zoning

Section 40 8.1 Building Massing states: "The second storey of any Two Family Dwelling shall be a maximum of 75% of the total floor area of the ground floor, including an attached garage." Typically, the floor area has been calculated as the, "entire area which in plan is enclosed by the interior face of the exterior walls of the Storey of floor level..." This has resulted in the exterior physical mass of the

second floor being 75% less than the first floor. However, in this case the applicants have reduced the floor area on the second storey by incorporating a void space (open to above) which technically creates a single storey from the ground floor to the ceiling under the roof. In addition, the area of the stairwell has also been removed from the calculation of the floor area of the second storey. It can be argued that stairwells are a single storey in height even though they may pass through several floors and the treads could be extrapolated as floor area. Although the Zoning Bylaw specifically exempts “staircases and stairwells” intended to be used by all residents of Multiple Family Dwellings and in residential portions of Mixed Commercial/Residential Buildings it is silent on how “staircases and stairwells” are to be treated in other types of buildings such as “Two Family Residential”. Although the methodology to calculate floor area outlined above is different than the methodology currently used by staff, it is a defensible methodology based on an exegesis of the Zoning Bylaw. It should be noted that staff are currently preparing a number of amendments to the Zoning Bylaw that will make it clear that void spaces open to above/below and stairwells will not be counted as floor area in any buildings.

### Comments From Other Departments

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

**Building Inspection:** Construct to current BC Building Code and Municipal Building Code Bylaw, 2002, No. 2538. Applicant must address all issues contained within the Township Development Protocol should the application be approved. Plans will be reviewed for compliance with BC Building Code upon submission of a building permit application.

**Fire Services:** Fire Suppression required as per current BC Building Code.

**Engineering Services:** Engineering staff have completed a preliminary evaluation of the Works and Services that would be required for the two-unit dwelling proposed. Staff confirms that the design appears achievable on the site, and that appropriate works and services are available in the immediate area. The new building will be required to connect to the storm drain system. 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:** Owners must abide by the regulations as stated in Esquimalt's Tree Protection Bylaw, 2007, No. 2664. It will be the contractor's responsibility to install and maintain a 'tree protection zone', with fencing at the drip-line of each retained tree, during demolition and construction.

### Advisory Planning Commission Recommendation:

The Advisory Planning Commission reviewed both applications at their May 16, 2017 meeting and unanimously passed the following motion:

*The Advisory Planning Commission recommends to Council that the application for a Development Variance Permit and a Development Permit limiting the form and character of the development, and authorizing the construction as shown on architectural plans prepared by Virtual Home Design stamped “Received January 31, 2017”, and sited as detailed on the*

*survey plans prepared by Explorer Surveying Inc., stamped "Received January 31, 2017", and including the following variance for the development located at 1151 Colville Road [PID 006-327-800] and legally described as Lot 10, Block 17, Section 10, Esquimalt District, Plan 2546, be forwarded to Council with a recommendation of approval:*

*Zoning Bylaw, 1992, No. 2050, Section 40 (9) (a) (ii) Siting Requirements - Principal Building - Side Setback. A 0.83 metre reduction to the requirement that, "In the case where a Parcel is not served by a rear lane, one (1) Side Yard shall not be less than 3 metres" from 3.0 metres to 2.33 metres.*

*For the following reasons:*

- 1. The proposal will be a positive contribution to the residential development in Esquimalt and*
- 2. The floor area calculation as put forward by the applicants is reasonable and acceptable.*

## **ISSUES:**

1. Rationale for Selected Option - The proposed development represents a significant reinvestment in the property to provide housing appropriate to the time and place. Furthermore, the applications were unanimously supported by the Advisory Planning Commission. Additionally, as of the time of writing of this report, there has been no submissions received that do not support the two applications. In fact, the applicants have submitted a list of names and addresses of neighbours who support the proposed development [Schedule J].

2. Organizational Implications - There are no significant organizational implications associated with the processing of these two applications.

3. Financial Implications - There are no significant financial implications associated with the processing of these two applications other than the improvement value of the property and hence the assessed value will increase once the building is completed.

4. Sustainability & Environmental Implications - A number of green building initiatives are planned for the building.

5. Communication & Engagement - Notices were sent out to all owners and tenants of properties within 50 metres of the subject site [Schedule K]. To date no comments have been received by the Township.

## **ALTERNATIVES:**

1. That Council resolves that Development Permit No. 000081 [Schedule B] authorizing the

development as shown on the architectural drawings prepared by Virtual Home Design stamped received January 31, 2017, [Schedule C] and the landscape plan prepared by Shan Marcus Thrive Gardens & Living Spaces stamped received May 11, 2017 [Schedule D], and sited as detailed on the survey plan prepared by Explorer Land Surveying Inc., stamped received January 31, 2017, [Schedule E] be approved and staff be directed to issue the permit (subject to receipt of the required landscape security), and register the notice on the title of the property located at 1151 Colville Road; and legally described as Lot 10, Block 17, Section 10, Esquimalt District, Plan 2546; and having a PID of 006-327-800.

Furthermore, that Council resolves that Development Variance Permit No. DVP00064 [Schedule F] authorizing the development as shown on the architectural drawings prepared by Virtual Home Design stamped received January 31, 2017, [Schedule C] and sited as detailed on the survey plan prepared by Explorer Land Surveying Inc., stamped received January 31, 2017 [Schedule E] and including the following variance to the 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 1151 Colville Road; and legally described as Lot 10, Block 17, Section 10, Esquimalt District, Plan 2546; and having a PID of 006-327-800.

Zoning Bylaw, 1992, No. 2050, Section 40 (9) (a) (ii) Siting Requirements - Principal Building - Side Setback. A 0.7 metre reduction to the requirement that, "in the case where a Parcel is not served by a rear lane, one (1) Side Yard shall not be less than 3 metres" from 3.0 metres to 2.3 metres

2. That Council resolves not to approve Development Permit No. 000081 [Schedule B] and Development Variance Permit No. DVP00064 [Schedule F].