



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Legislation Text

File #: 18-139, Version: 1

REQUEST FOR DECISION

DATE: April 4, 2018

Report No. DEV-18-021

TO: Laurie Hurst, Chief Administrative Officer

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

SUBJECT:

Development Variance Permit - 915 Dellwood Road, PID 001-378-449, Lot B, Section 2, Esquimalt District, Plan 29588

RECOMMENDATION:

That Council resolves that Development Variance Permit No. DVP00074 [Appendix A] authorizing the construction as shown on plans, stamped "Received February 20, 2018", and sited as detailed on the survey plans prepared by Kenneth Ng, BCLS, stamped "Received February 20, 2018", and including the following variances 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 915 Dellwood Road [PID 001-378-449, Lot B, Section 2, Esquimalt District, Plan 29588]:

Zoning Bylaw, 1992, No. 2050, Section 34 (9)(a)(iii) - Siting Requirements - Principal Building -
A 3.12 metre decrease to the requirement that no Principal Building shall be located within 7.5 metres of a Rear Lot Line, specifically for the deck located at the rear of the Principal Building. [i.e. from 7.5 metres to 4.38 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: DVP00074

Appendix B: Subject Property Map, Air Photo, RS-1 Zone, Mail Notice

Appendix C: Building Plans, Survey Plans

Purpose of the Application

The applicant is proposing to build a new rear deck to replace the existing deteriorated one. The proposed rear deck, with its expanded dimensions, encroaches on the rear setback. Hence, the applicant is requesting a variance to allow for a reduction to the minimum setback distance from the Rear Lot Line. A development variance permit is required before a building permit can be issued to authorize this construction.

Context

Applicant / Owner: Ricky Mongrain
Property Size: Metric: 696 m² Imperial: 7491 ft²
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]

Zoning

The siting requirement for a Principal Building in the Single Family Residential [RS-1] zone is to be located, at the minimal, 7.5 metres from the Rear Lot Line. The proposed deck would encroach on the rear setback as it would be 4.38 metres from the Rear Lot Line.

Comments from the Advisory Planning Commission

This application was considered at the regular meeting of the Advisory Planning Commission [APC] held on March 20, 2018. The APC members questioned the impact the rear deck would have on neighbouring residents. The applicant stated that he has consulted his immediate neighbours and they expressed no concerns regarding his proposed deck. The APC unanimously 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, stamped "Received February 20, 2018", and including the following relaxations to the Zoning Bylaw, 1992, No. 2050, for the development located at 915 Dellwood Road [PID 001-378-449, Lot B, Section 2, Esquimalt District, Plan 29588], be forwarded to Council with a recommendation of approval as the proposed construction is a relatively minor variance.

Zoning Bylaw, 1992, No.2050, Section 34 (9)(a)(iii) - Siting Requirements - Principal Building - A 3.12 metre decrease to the requirement that no principal building shall be located within 7.5 metres of a Rear Lot Line, specifically for the deck located at the rear of the principal building. [i.e. from 7.5 metres to 4.38 metres].

ISSUES:

1. Rationale for Selected Option
The Advisory Planning Commission recommended approval. Furthermore, at this time, the neighbours have not expressed any concerns with the requested variance.
2. Organizational Implications
The Request for Decision has no organizational implications.
3. Financial Implications
The Request for Decision has no financial implications.
4. Sustainability & Environmental Implications
The reconstruction of a deck on this property has little sustainable 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 March 23, 2018 indicating that Council would be considering the requested Development Variance Permit on April 9, 2018. 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. DVP00074 [Appendix A] be approved and staff be directed to issue the permit and register the notice on the title of the property located at 915 Dellwood Road [PID 001-378-449, Lot B, Section 2, Esquimalt District, Plan 29588].
2. That Council deny Development Variance Permit No. DVP00074.