



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Legislation Text

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File #: 18-311, Version: 1

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### REQUEST FOR DECISION

**DATE:** July 10, 2018

Report No. DEV-18-050

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

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

**SUBJECT:**

Development Variance Permit - 1173 Old Esquimalt Road  
PID: 018-183-298, Lot 2 Section 11, Esquimalt District, Plan VIP56221

**RECOMMENDATION:**

The Council resolves that Development Variance Permit No. DVP00078 [Appendix A] authorizing the construction of a new deck and legitimizing the portion of the existing dwelling currently encroaching into the rear setback, as shown on plans prepared by Jay Meyer, stamped "Received June 4, 2018" and site plan prepared by Island Land Survey LTD, stamped "Received June 4, 2018" including the following variances to Zoning Bylaw 1992, No.2050, **be approved, and staff be directed to issue the permit and register the notice on title** of the property located at PID: 018-183-298, Lot 2, Section 11, Esquimalt District, Plan VIP56221 [1173 Old Esquimalt Road]:

**Zoning Bylaw, 1992, No. 2050, Section 35. (10)(a)(iii) - Setback Requirements - Principal Building-**

A 3.8 metre decrease to the requirement that no principal building 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 3.7 metres]

**Zoning Bylaw, 1992, No. 2050, Section 35. (10)(a)(iii) - Setback Requirements - Principal Building-**

A 0.1 metre decrease to the requirement that no principal building be located within 7.5 metres of a Rear Lot Line, specifically for the portion of the home located at the south east corner of the property already in the rear setback [i.e from 7.5 metres to 7.4 metres]

**RELEVANT POLICY:**

Official Community Plan Bylaw, 2018, No. 2922

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: DVP00078

Appendix B: Plan and Survey

Appendix C: Mail Notice and Air Photo

## **Purpose of the Application**

The applicant is seeking a development variance permit (DVP) to decrease the required setback distance from the rear lot line. The applicant is proposing to build a new deck, replacing and expanding their existing deck. The proposed deck will encroach into the rear setback up to the Statutory Right of Way. The DVP would also legitimize the portion of the existing home currently in the rear setback. A development variance permit is required before a building permit could be issued for construction.

## **Context**

Applicant / Owner: Allen & Linda Meyer

Property Size: Metric: 791.91 m<sup>2</sup> Imperial: 8524.32 ft<sup>2</sup>

Existing Land Use: Single Family Dwelling

Surrounding Land Uses:

North: Park

South: Single Family Residential

East: Park

West: Single Family Residential

Existing Zoning: RS-2 [Single Family Panhandle Residential] [No change required]

## **Zoning**

The subject property is in the Single Family Panhandle Residential [RS-2] Zone. The applicant would like to build a new rear deck, replacing and expanding the deck to connect together an area for entertaining.

Zoning Bylaw, 1992, No. 2050, Section 35. (10)(a)(iii), states that the siting requirement for a principal dwelling in the RS-2 zone is at least 7.5 metres from the Rear Lot Line. The proposed deck would encroach into the rear setback and would be 3.7 metres from the Rear Lot Line. Also, currently a portion of the existing home is 0.1 metres into the rear setback and this would legitimize the property. With the expanded deck the lot coverage will meet the requirements of the zone and will not exceed 30% of the area of the parcel.

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

This application was considered at the regular meeting of the APC held on June 19, 2018. The APC members were supportive of the application. The APC passed the following recommendation:

The Advisory Planning Commission recommends to the Council that the application for a Development Variance Permit, authorizing construction of a deck into the rear setback as per plans prepared by Jay Meyer, stamped "Received June 4, 2018", and sited as per the site plan prepared by Island Land Surveying LTD, stamped "Received June 4, 2018", and including the following variance to the Zoning Bylaw 1992, No. 2050, for the property located at 1173 Old

Esquimalt Road [PID: 018-183-298, Lot 2, Section 11, Esquimalt District, Plan VIP56221] **be forwarded to Council with a recommendation to approve** since it is an irregular lot and there are no privacy concerns.

**Zoning Bylaw, 1992, No. 2050, Section 35. (10)(a)(iii) - Setback Requirements - Principal Building-** A 3.8 metre decrease to the requirement that no principal building 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 3.7 metres]

## ISSUES:

### 1. Rationale for Selected Option

The Advisory Planning Commission recommended approval. Due to the irregularity of the lot, the variance of the setback will allow the applicant to connect together an area for entertaining while respecting the privacy of neighbours.

### 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

This Request for Decision has no 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 July 3, 2018 indicating that Council would be considering the requested Development Variance Permit on July 16, 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. DVP00078 [Appendix A] be approved, and staff be directed to issue the permit and register the notice on the title of the property located at PID: 018-183-298, Lot 2, Section 11, Esquimalt District, Plan VIP56221.
2. That Council deny Development Variance Permit No. DVP00078.