



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Legislation Text

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File #: 19-054, Version: 1

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### REQUEST FOR DECISION

**DATE:** January 30, 2019

Report No. DEV-19-009

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

**FROM:** Karen Hay, Planner and Bill Brown, Director of Development Services

**SUBJECT:**

Rezoning Application - 1109 Lyall Street

**RECOMMENDATION:**

That Council resolves that Bylaw No. 2940 attached as Appendix 'A' of Staff Report DEV-19-009, which would amend Zoning Bylaw, 1992, No. 2050 by changing the zoning designation of 1109 Lyall Street [PID 006-001-009; Amended Lot 3 (DD 148436I), Section 11, Esquimalt District, Plan 4729] shown cross-hatched on Schedule 'A' of Bylaw No. 2940 from RD-3 [Two Family/ Single Family Residential] to CD No. 111 [Comprehensive Development District No. 111] **be adopted.**

**RELEVANT POLICY:**

Local Government Act  
Official Community Plan Bylaw, 2018, No. 2922  
Zoning Bylaw, 1992, No. 2050  
Parking Bylaw, 1992, No. 2011  
Development Application Procedures and Fees Bylaw, No. 2791, 2012  
Advisory Planning Commission Bylaw, 2012, No. 2792  
Subdivision and Development Control Bylaw, 1997, No. 2175

**STRATEGIC RELEVANCE:**

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

**BACKGROUND:**

Appendix A: Bylaw No. 2940 - Bylaw to Amend Zoning Bylaw, 1992, No. 2050

**Purpose of the Application**

The applicant is requesting a change in zoning from Two Family/Single Family Residential [RD-3] to a Comprehensive Development District, to create a strata development where the existing single family dwelling is retained and a new two-unit dwelling (duplex) is added to the property.

This site is located within Development Permit Area No. 3 - "Enhanced Design Control Residential". Should the rezoning bylaw be adopted, the applicant would need to obtain a Development Permit respecting the character of the development, including landscaping, form, exterior design and finish of the proposed residential building in the future. The site is also subject to Development Permit Areas: No. 1 "Natural Environment"; No. 7 "Energy Conservation and Greenhouse Gas Reduction"; and No. 8 "Water Conservation".

### **Context**

Applicant: Kim Colpman, Large and Co.

Owner: Datatech Developments Inc., Inc. No. BC0060270

Designer: Zebra Design

Property Size:        Metric: 949 m<sup>2</sup>        Imperial: 10215 ft<sup>2</sup>

Existing Land Use: Single Family Residential

Surrounding Land Uses:

North: Single Family Residential

South: Single Family Residential

West: Two Family Residential

East: Single Family Residential and Two Family Residential

Existing Zoning: Two Family Residential [RD-3]

Proposed Zoning: CD [Comprehensive Development District]

Existing OCP Designation: Single and Two-Unit Residential [No change proposed]

### **ISSUES:**

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

The property owners have voluntarily executed and registered a Section 219 covenant on the property, acknowledging that the amenities and the restrictions are in the public interest; and thereby providing that the lands shall not be subdivided, built upon or used (as appropriate to the requirement, as drafted by the Township's solicitor at the applicant's expense) in the absence of all of the following:

- The number of dwelling units in the new development will remain at no more than three [3] units, as stated in Bylaw No. 2940
- The units will not be used for secondary suites or tourist accommodations (short term rentals)
- An electric vehicle charging station would be provided for each of the three dwelling units
- A constraint on the future strata corporation that the rental of units will not be restricted

The proposal would provide additional housing in the community.

#### **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 significant sustainability or environmental implications.

## 5. Communication & Engagement

### Public Notification

As this is a rezoning application, notices were mailed to tenants and owners of properties located within 100 metres (328 feet) of the subject property on November 16, 2018. Notice of the Public Hearing was placed in the November 23, 2018 and November 28, 2018 editions of the Victoria News.

The Public Hearing occurred on December 3, 2018 as scheduled. Consistent with the requirements of the Local Government Act, Council has been provided with no further communications from the public for this application since the public hearing.

### Applicant's neighbourhood meeting submission

The applicant has indicated that they canvassed the neighbourhood, and that they held a public meeting on June 15, 2018 in order to comply with the public consultation procedures of Development Application Procedures and Fees Bylaw, 2012, No. 2791.

## **ALTERNATIVES:**

1. That Council resolves that Amendment Bylaw No. 2940 [Appendix A] be considered for adoption.
2. Council rescinds third reading and directs staff to amend Amendment Bylaw No. 2940 [Appendix A] and return to Council for further consideration, following a new Public Hearing.