



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Legislation Text

File #: 19-075, Version: 1

REQUEST FOR DECISION

DATE: February 13, 2019

Report No. DEV-19-013

TO: Laurie Hurst, Chief Administrative Officer

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

SUBJECT:

Development Variance Permit - 404 Constance Avenue

RECOMMENDATION:

That Council resolves that Development Variance Permit No. DVP00080 [Appendix A] legitimizing the existing fence as sited on Site Plan prepared by Brad Cunnin, Land Surveyor Inc., stamped "Received June 12, 2018", and as shown in photographs provided, stamped "Received September 10, 2018", and to include the following variance to the Zoning Bylaw, 1992, No. 2050, for the property located at 404 Constance Avenue [PID: 000-006-734, Lot B, Suburban Lot 51, Esquimalt District, Plan 36976], be approved, and staff be directed to issue the permit and register the notice on the title of the property:

Zoning Bylaw, 1992, No.2050, Section 36(10) - Fencing - A 0.65 increase to the requirement that the Height of a Fence within 7.5 metres of a Highway adjoining the front yard shall not exceed 1.2 metres. [i.e. from 1.2 metres to 1.85 metres]

RELEVANT POLICY:

Official Community Plan Bylaw, 2018, No. 2922

Zoning Bylaw, 1992, No. 2050

Sign Regulation Bylaw, 1996, No. 2252

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: DVP00080

Appendix B: Air Photo, Mail Notice, RS-3 Zone

Appendix C: Site Photos and B.C Land Surveyor's Site Plan

Purpose of the Application

The applicant is seeking to legitimize their existing non-conforming fence which is currently over the maximum 1.2 metres height. The Development Variance Permit would only be applicable to those sections of the fence that are on the applicant's property.

Context

Applicant/Owner: Timothy Munro & Vanessa Pattison

Property Size: Metric: 580.21 m² Imperial: 6245.32 ft²

Existing Land Use: Single Family Dwelling

Surrounding Land Uses:

North: Duplex

South: Single Family Dwelling

West: Single Family Dwelling

East: Ocean

Present OCP Designation: Low Density Residential

Proposed OCP Designation: Low Density Residential

Zoning: RS-3 [Single Family Waterfront Residential]

Zoning

The subject property is in the Single Family Waterfront Residential [RS-3] Zone. The siting requirement for fencing states that no fence shall exceed a Height of 2.0 metres except that the Height of a Fence within 7.5 metres of a Highway adjoining the front yard shall not exceed 1.2 metres. The height of the fence that is on the applicant's property that abuts highway, the northern portion is 1.7 metres and the southern portion is 1.85 metres. The height of the fence along the southern interior lot line is 1.85 metres. The applicant is looking to legitimize their non-conforming fence.

Comment from Other Departments

Engineering Services: The proposed Variance does not have an impact on the Engineering aspects of this property. Engineering has no requirements for this development variance permit application.

Building Inspection: No Concerns

Fire Services: No Concerns

Park Services: No Concerns

Comments from the Advisory Planning Commission [APC]

The application was considered at the regular meeting of the APC held on December 18, 2018. The APC made the following motion: That the Esquimalt Advisory Planning Commission recommends to Council that the application for a Development Variance Permit legitimizing the existing fence as sited on Site Plan prepared by Brad Cunnin Land Surveyor Inc. stamped "Received June 12, 2018" and as shown in photographs provided, stamped "Received September 10, 2018" and to include the following variance to the Zoning Bylaw, 1992, No. 2050, for the property located at 404 Constance Avenue [PID: 000-006-734, Lot B, Suburban Lot 51, Esquimalt District, Plan 36976] be forwarded to

Council with a recommendation by the Esquimalt Advisory Planning Commission to approve; as the fence design allows you to see through it thereby avoiding the look of a solid wall and is aesthetically pleasing:

Zoning Bylaw, 1992, No.2050, Section 36(9)(10) - Fencing - A 0.65 increase to the requirement that the Height of a Fence within 7.5 metres of a Highway adjoining the front yard shall not exceed 1.2 metres. [i.e. from 1.2 metres to 1.85 metres]

ISSUES:

1. Rationale for Selected Option

The Advisory Planning Commission has recommended approval of this application.

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 represents minimal sustainability and 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 February 11, 2019 indicating that Council would be considering the requested Development Variance Permit on February 25, 2019. To date, the Development Services Department has received no response as a result of these notifications.

ALTERNATIVES:

1. That Council resolves that Development Variance Permit No. DVP00080 [Appendix A] be approved, and staff be directed to issue the permit and register the notice on the title of the property located at 404 Constance Avenue, [PID: 000-006-734, Lot B, Suburban Lot 51, Esquimalt District, Plan 36976].
2. That Council deny Development Variance Permit No. DVP00080 with reasons.