



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Legislation Text

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File #: 19-076, Version: 1

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### REQUEST FOR DECISION

**DATE:** February 13, 2019

Report No. DEV-19-014

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

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

**SUBJECT:**

Development Variance Permit - 1181 Old Esquimalt Road

**RECOMMENDATION:**

That Council resolves that Development Variance Permit No. DVP00083 [Appendix A] legitimizing the existing deck as sited on the proposed subdivision plan prepared by Wey Mayenburg Land Surveying Inc., stamped "Received October 12, 2018" and referenced in archived building drawings, stamped "Received February 15, 2016" and to include the following variance to the Zoning Bylaw, 1992, No. 2050, for the property located at 1181 Old Esquimalt Road [PID: 027-706-303, Strata Lot A Section 11 Esquimalt District Strata Plan VIS6695 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot As Shown on Form V] be approved, and staff be directed to issue the permit and register the notice on the title:

**Zoning Bylaw, 1992, No.2050, Section 34 (9)(a)(ii) - Setback Requirements** - Principal Building - A 0.3 metre decrease to the requirement that no principal building shall be located within 1.5 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not less than 4.5 metres, [i.e. from 4.5 metres to 4.2 metres]. Also to the requirement in case where a Parcel is not served by a rear lane, one (1) Side Yard shall not be less 3.0 metres [i.e. 3.0 metres to 2.7 metres], specifically for the deck located at the south west corner of the principal building.

**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: DVP00083

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

### **Purpose of the Application**

The applicant is seeking to subdivide their property; however, the existing deck structure attached to the Principal Building is encroaching into the Interior Side Setback. The deck structure must be legitimized before the subdivision process can continue, and therefore a development variance permit is being requested.

### **Context**

Applicant/Owner: Leonard Ross McPhee

Property Size: Metric: 809 m<sup>2</sup> Imperial: 8708 ft<sup>2</sup>

Existing Land Use: Single Family Dwelling

Surrounding Land Uses:

North: Single Family Dwelling

South: Single Family Dwelling

West: Single Family Dwelling

East: Single Family Dwelling

Present OCP Designation: Low Density Residential

Proposed OCP Designation: Low Density Residential

Zoning: RS-1 [Single Family Residential]

### **Zoning**

The subject property is in the Single Family Residential [RS-1] Zone. The siting requirements for a Principal Building in the RS-1 Zones states that no Principal Building shall be located within 1.5 metres of an Interior Side Lot Line, with the total Setback of all Side Yards to be no less than 4.5 metres. The existing Principal Building is 1.5 metres from the eastern side setback however it is 2.7 metres from the western side setback due to the existing deck structure. The applicant would like to legitimize their deck which is currently non-conforming. The Principal Building meets all other requirements of the RS-1 Zone.

### **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

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

The application was considered at the regular meeting of the Advisory Planning Commission held on December 18, 2018, and the APC passed the following Motion: That the Esquimalt Advisory Planning Commission recommends to Council that the application for a Development Variance Permit legitimizing the existing deck as sited on Site Plan prepared by Wey Mayenburg Land

Surveying Inc., stamped "Received October 12, 2018" and referenced in archived building drawings, stamped "Received February 15, 2016" and to include the following variance to the Zoning Bylaw, 1992, No. 2050, for the property located at 1181 Old Esquimalt Road [PID: 027-706-303, Strata Lot A Section 11 Esquimalt District Strata Plan VIS6695 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot As Shown on Form V] be forwarded to Council with a recommendation by the Esquimalt Advisory Planning Commission to approve; as the proposed variance is relatively minor and the deck has existed for more than a decade:

**Zoning Bylaw, 1992, No. 2050, Section 34 (9)(a)(ii) - Setback Requirements** - Principal Building. A 0.3 metre decrease to the requirement that no principal building shall be located within 1.5 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not less than 4.5 metres, [i.e. from 4.5 metres to 4.2 metres]. Also to the requirement in case where a Parcel is not served by a rear lane, one (1) Side Yard shall not be less 3.0 metres [i.e. 3.0 metres to 2.7 metres], specifically for the deck located at the south west corner of the principal building.

#### **ISSUES:**

1. Rationale for Selected Option  
The request for variance is minor in nature. 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. DVP00083 [Appendix A] be approved, and staff be directed to issue the permit and register the notice on the title of the property located at 1181 Old Esquimalt Road, [PID: 027-706-303, Strata Lot A Section 11 Esquimalt District Strata Plan VIS6695 Together with an Interest in the Common Property in Proportion to the Unit Entitlement of the Strata Lot As Shown on Form V].
2. That Council deny Development Variance Permit No. DVP00083 [Appendix A] with reasons.