



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Legislation Text

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**File #:** 19-096, **Version:** 1

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### REQUEST FOR DECISION

**DATE:** February 25, 2019

Report No. DEV-19-021

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

**FROM:** Bill Brown, Director of Development Services

**SUBJECT:**

Development Variance Permit - 622 Admirals Road

**RECOMMENDATION:**

That Council resolves that Development Variance Permit No DVP000086 [Appendix A], to grant the following variances to Zoning Bylaw, 1992, No. 2050, as shown on the BC Land Surveyors Site Plan prepared by Powell & Associates BC Land Surveyors and Certified Correct on December 4, 2018 with setbacks added by Praxis Architecture (Appendix B) and the e-mail from Praxis Architecture dated February 20, 2019 (Appendix C) for the property located at 622 Admirals Road and legally described as Lot A, Suburban Lot 43, Esquimalt District, Plan EPP82555 [PID 030-615-992] be approved and staff be directed to issue the permit and register a notice on title:

- 1) Zoning Bylaw, 1992, No. 2050 Section 67.69 (8) (a) (ii) - Siting Requirements - Principal Buildings. A 1.4 m decrease to the requirement that no principal buildings shall be located within 2.8 m of the northern Interior Side Lot Line [i.e. that the setback from the northern Interior Side Lot Line be reduced from 2.8 m to 1.4 m] in order to accommodate the balconies on the fourth to tenth floors inclusively;
- 2) Zoning Bylaw, 1992, No. 2050 Section 67.69 (8) (a) (ii) - Siting Requirements - Principal Buildings. A 0.5 m decrease to the requirement that no principal buildings shall be located within 2.8 m of the northern Interior Side Lot Line [i.e. that the setback from the northern Interior Side Lot Line be reduced from 2.8 m to 2.3 m] to accommodate the vertical fins on the eleventh floor;
- 3) Zoning Bylaw, 1992, No. 2050 Section 67.69 (8) (a) (ii) - Siting Requirements - Principal Buildings. A 0.7 m decrease to the requirement that no principal buildings shall be located within 2.8 m of the northern Interior Side Lot Line [i.e. that the setback from the northern Interior Side Lot Line be reduced from 2.8 m to 2.1 m] to accommodate the eaves and cornices;

- 4) Zoning Bylaw, 1992, No. 2050 Section 67.69 (8) (a) (iv) Siting Requirements - Principal Buildings. A 4.2 m reduction in the rear yard Setback (being the Setback from Admirals Road) [i.e. that the rear yard Setback be reduced from 5.5 m to 1.3 m] to accommodate those portions of the building, including balconies on floors four to ten inclusively, that encroach into the setback;
- 5) Zoning Bylaw, 1992, No. 2050 Section 67.69 (8) (a) (iv) Siting Requirements - Principal Buildings. A 3.3 m reduction in the rear yard Setback (being the Setback from Admirals Road) [i.e. that the rear yard Setback be reduced from 5.5 m to 2.2 m] to accommodate the vertical fins on the eleventh floor;
- 6) Zoning Bylaw, 1992, No. 2050 Section 67.69 (8) (a) (iv) Siting Requirements - Principal Buildings. A 3.5 m reduction in the rear yard Setback (being the Setback from Admirals Road) [i.e. that the rear yard Setback be reduced from 5.5 m to 2.0 m] to accommodate the eaves and cornices; and
- 7) Zoning Bylaw, 1992, No. 2050 Section 67.69 (8) (a) (iv) Siting Requirements - Principal Buildings. A 2.8 m reduction in the rear yard Setback (being the Setback from Admirals Road) [i.e. the rear yard Setback be reduced from 5.5 m to 2.7 m] to accommodate that portion of the building containing ground floor commercial space and the second floor roof deck above this space].

#### **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:**

Strategic Priority: We continue to enhance the health and liveability of the community.

Strategic Goal: Support community growth, housing and development consistent with our Official Community Plan. I

#### **BACKGROUND:**

Appendix A: DVP00086

Appendix B: BC Land Surveyors Site Plan prepared by Powell & Associates BC Land Surveyors and Certified Correct on December 4, 2018 with setbacks added by Praxis Architecture

Appendix C: e-mail from Praxis Architecture dated February 20, 2019

Appendix D: Air Photo, Mail Notice

#### **Purpose of the Application:**

The purpose of this application is to grant variances to the northern Interior Side Lot Line setback and the Rear Lot Line setback in order to allow for the proposed siting of the building.

## Context:

Applicant/ Owner: 1105384 B.C. Ltd., Inc. No. BC1105384 (dba Vista Independent Living LP)  
Property Size: Metric: 0.283 ha Imperial: 30,462.8 ft<sup>2</sup>  
Existing Land Use: Vacant Institutional (former Legion Hall)  
Surrounding Land Uses:  
    North: Vacant Commercial (single storey vacant commercial building)  
    South: Commercial (specialized grocery store)  
    East: Multi-family residential  
    West: Multi-family residential  
Existing Zoning: Comprehensive Development District No. 82 [CD No. 82]

The existing front and rear setbacks in the CD No. 82 zone were based on the lot line common to the subject parcel and Admirals Road being the Front Lot Line and the opposite lot line being the Rear Lot Line. However, the Zoning Bylaw defines “Lot Line, Front” as follows:

*“means the Lot Line(s) common to the Parcel and an abutting Highway or Access Route, but:  
(1) Where a Parcel has Lot Lines abutting two or more Highways, or Access Routes, the Lot Line (or combined Lot Lines abutting one Highway) having the shorter length abutting a Highway or Access Route is the Front Lot Line...”*

In this case, based on the definition in the Zoning Bylaw, the Front Lot Line is actually the Lot Line common to the subject parcel and Miles Street as it is shorter than the common Lot Line between the subject parcel and Admirals Road. Although the proposed design of the building is based on the Front Setback being along Admirals Road and the CD No. 82 Zone was drafted with the assumption that the front Setback would be along Admirals Road, a literal interpretation of the definitions means that the setback from Admirals Road is actually the rear Setback and consequently a variance to the setback is required in order for the building to be sited as originally contemplated.

A number of variances to the north interior Setback are also required to accommodate the proposed balconies, eaves, cornices, and fins on the north facing wall. The property immediately to the north is a vacant commercial property that will likely serve as a staging area during the construction of the subject building. Beyond the vacant commercial property is a parking lot for an apartment building. The apartment building itself is located to the northwest of the subject site (see Appendix D).

The Advisory Planning Commission reviewed this application at their February 19, 2019 meeting. They unanimously recommended that the application be forwarded to Council with a recommendation to approve, given that Miles Street is considered the building frontage, hence the variances are required to retain the existing structure as intended.

## ISSUES:

### 1. Rationale for Selected Option

The proposed setback variances for the Principal Building and the northern Interior Side Lot Line are

required only for the balconies between the fourth and tenth floors, the vertical fins on the 11<sup>th</sup> floor and the eaves and cornices. The northern wall of the Principal Building meets the required setback. The eaves, cornices, and fins are architectural elements that enhance the design of the building and have few if any negative impacts on adjacent properties. The balconies improve the livability of the north facing units by adding outdoor space for each of the north facing units. The impact on privacy on adjacent properties due to this variance is minor, particularly since the lot immediately to the north is a commercially zoned lot.

The proposed setback variances adjacent to Admirals Road are consistent with the intent of the Comprehensive Development District No. 82 [CD-82]. They are required only because, by definition, the front lot line is the lot line common to the subject parcel and Miles Street rather than the lot line common to the subject parcel and Admirals Road since the Miles Street lot line is the shorter of the two lot lines. The setbacks from Admirals Road in the Comprehensive Development District No. 82 [CD-82] zone were based on the assumption that the front lot line would be the lot line common to the subject parcel and Admirals Road.

## 2. Organizational Implications

There are no significant organizational implications associated with this application.

## 3. Financial Implications

There are no significant financial implications associated with this application.

## 4. Sustainability & Environmental Implications

There are no significant sustainability or environmental implications associated with this application.

## 5. Communication & Engagement

Notices were mailed to the owners and occupiers of all properties within 50 m of the boundary of the subject site. At the time of the writing of this report no written or verbal comments have been received by staff in response to the notices. Any comments that arrive prior to the Council meeting will be added as late items.

## **ALTERNATIVES:**

- 1) That Council grant the requested variance through the approval of Development Variance Permit No. DVP000086 [Appendix A].
- 2) That Council approve some of the variances but not all of them by amending Development Variance Permit No. DVP000086 [Appendix A].
- 3) That Council not approve Development Variance Permit No. DVP000086 [Appendix A].