



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Legislation Text

File #: 19-169, **Version:** 1

REQUEST FOR DECISION

DATE: April 10, 2019

Report No. EPW-19-013

TO: Laurie Hurst, Chief Administrative Officer

FROM: Jeff Miller, Director of Engineering and Public Works

SUBJECT:

Servicing Standards for Driveway - 457 Nelson Street

RECOMMENDATION:

That Council direct staff to advise the property owner to initiate the Development Variance Permit process to apply for variances from the Subdivision and Development Control Bylaw and the Parking Bylaw for the existing driveway grade at 457 Nelson Street.

RELEVANT POLICY:

Subdivision and Development Control Bylaw, 1997, No. 2175
Parking Bylaw, 1992, No. 2011

STRATEGIC RELEVANCE:

Well-Maintained and Well-Managed Infrastructure

BACKGROUND:

On April 1, 2019, a delegation appeared before Council requesting an exemption from the driveway servicing requirements for 457 Nelson Street. This request for an exemption would involve a variance of two bylaws: the Subdivision and Development Control Bylaw and the Parking Bylaw. See Attachment 1 for the delegation's request and handouts distributed during the April 1st meeting.

The siting of structures (i.e. elevation, location) is controlled by the property owner. Siting is influenced by the zoning and servicing requirements for the property (i.e. sanitary, storm, driveway, etc.). The property owner prepares the design and is responsible for ensuring that the design meets the Township's requirements, including:

- The Building Permit (deals with the structure and its features)
- The Servicing Agreement (deals with how services are provided to the lot)
- The Landscaping Plan (deals with how the lot will be landscaped)
- Parking Bylaw (deals with how parking is controlled on private property)

The design submitted by the property owner needs to acknowledge these various requirements and incorporate them into the design. Staff in various departments review the designs as submitted in order to confirm they meet the Township's requirements. However, if the property owner does not provide all the necessary information in order for staff to be able to confirm that the design meets all of our requirements, the assumption is made that the design is compliant with the requirements. This is what occurred in this case.

The elevation of the garage slab was provided as well as the distance from the property line to the garage slab. No elevation was provided to either Engineering or Development Services for the proposed back of the sidewalk. Without this information, the driveway grade requirement could not be confirmed by the Township during the review process.

Drawing R8 from the Subdivision and Development Control Bylaw along with Design of Parking Areas (Part 4, clause 10 of the Parking Bylaw) provides the requirements for driveways. See Attachments 2a & 2b for Drawing R8 and the relevant Parking Bylaw section. The maximum grade is set at 15% (1.1125m rise or fall in 7.5m). Drawing R8 also details that minor curves at the garage and sidewalk are installed to assist vehicles from bottoming out or high ending when transitioning these locations, along with a 1m setback from the back of walk.

While Drawing R8 allows for the Municipal Engineer to grant exceptions to these standards, this authority is used for minor exceptions. In this case, a Council decision is required regarding the requested variance from the two Bylaws.

Since becoming aware of this issue in January of 2019, the Township has requested several times that the property owner provide a sketch detailing how the property owner proposes to deal with this increased grade, and how the new design would not cause difficulties for vehicles transitioning from the garage to driveway and driveway to the road. The Township has not yet received this sketch; therefore, staff is unable to provide comments on whether or not a variance should be granted by the Township for this driveway. Until this issue is resolved, the property owner will not be able to complete the site servicing.

ISSUES:

1. Rationale for Selected Option

The requirement for a driveway slope is set out in two bylaws: Subdivision and Development Control Bylaw and Parking Bylaw. In order for this requirement to be varied, the property owner will have to obtain a Development Variance Permit. Staff do not have the authority to grant this variance, and a Council decision on the application is required.

At this time, the Township has yet to receive a sketch detailing the driveway grading and how it varies from the requirements from Drawing R8 and the Parking Bylaw.

Upon provision of a sketch clearly detailing the variation(s) to the established regulations, as well as rationale detailing how the proposed design would permit unimpeded access for vehicles from the street to the interior of the garage, prepared by a professional engineer, staff will complete a review of the proposed design. Once this review is complete, staff will be in a position to make a recommendation to Council as to whether or not any variances from the Subdivision and

Development Control Bylaw and the Parking Bylaw are warranted.

2. Organizational Implications

The issue is being dealt with by the Director of Engineering and Public Works, Engineering Technologist III and the Senior Planner. Activities related to this issue are not imposing any significant organizational implications.

3. Financial Implications

There are no significant implications to the Township. The property owner is responsible for providing a driveway surface that meets the requirements of the Subdivision and Servicing Bylaw as well as the Parking Bylaw.

4. Sustainability & Environmental Implications

There are no sustainability or environmental implications.

5. Communication & Engagement

The Township will inform the property owner of Council's decision.

Should Council agree with the staff recommendation, the property owner will be advised of the need to initiate the Development Variance Permit application process. The property owner could also be informed of the time frame and costs associated with this process.

ALTERNATIVES:

1. That Council direct staff to advise the property owner to initiate the Development Variance Permit process to apply for variances from the Subdivision and Development Control Bylaw and the Parking Bylaw for the existing driveway grade at 457 Nelson Street.
2. That Council direct staff to request that the property owner provide an engineering report that details how the requirements of the Subdivision and Development Control Bylaw and the Parking Bylaw can be met with the elevations and distances available, now that construction of the sidewalk and dwelling are complete.