



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Legislation Text

File #: 19-573, Version: 1

REQUEST FOR DECISION

DATE: December 9, 2019

Report No. DEV-19-114

TO: Laurie Hurst, Chief Administrative Officer

FROM: Bill Brown, Subdivision Approving Officer

SUBJECT:

Exemption to Minimum Frontage Requirements for two proposed lots at 1158 Craigflower Road [Lot 1, Section 2, Esquimalt District, Plan 5766], pursuant to Section 512 (2) Local Government Act as described in Staff Report DEV-19-114

RECOMMENDATION:

That Council, by the resolution of the simple majority of its members present, grant an exemption to the proposed minimum frontage on a highway pursuant to Section 512 (2) of the Local Government Act [RSBC 2015] Chapter 1, for proposed Lot "A", Plan EPP 95842, attached as Appendix "A" to Staff Report No. DEV-19-114.

RELEVANT POLICY:

Section 512 of the Local Government Act [RSBC 2015] CHAPTER 1
Zoning Bylaw, 1992, No. 2050
Official Community Plan Bylaw, 2018, No. 2922
Zoning Bylaw, 1992, No. 2050, Amendment Bylaw No. 2957

STRATEGIC RELEVANCE:

The proposed subdivision [Schedule "A"] supports Council's specific strategic objective: Healthy, Livable and Diverse Community - Support community growth, housing, and development consistent with our Official Community Plan.

BACKGROUND:

On May 27, 2019, Council adopted Bylaw No. 2957 [Schedule B], being a bylaw to rezone the property at 1158 Craigflower Road from RD-3 (Two-family/Single-family residential) to CD -119 (Comprehensive Development-119). The new zoning allowed the property to be subdivided into two lots. The owners have now applied to subdivide the lot into two lots as contemplated in the CD - 119 Zone. However, before it can be approved, Council must consider granting an exemption to Section 512 (1) of the Local Government Act which states:

"512 (1) If a parcel being created by a subdivision fronts on a highway, the minimum frontage

on the highway must be the greater of;

(a) 10% of the perimeter of the lot that fronts on the highway, and

(b) the minimum frontage that the local government may, by bylaw, provide.”

Since the proposed minimum frontage for proposed Lot A is 9.94 percent of the perimeter, it is necessary for Council to grant an exemption pursuant to Section 512 (2) of the Local Government Act which states:

“512 (2) A local government may exempt a parcel from the statutory or bylaw minimum frontage provided for in subsection (1).”

Proposed Lot B has a minimum frontage of 10.00 percent of the perimeter of the proposed lot and is therefore in compliance with Section 512 (1) of the Local Government Act.

ISSUES:

1. Rationale for Selected Option

Council has already adopted a bylaw that allows for the creation of these two lots. Furthermore, the difference between 10.00 percent and 9.94 percent is very small and likely imperceptible on the ground.

2. Organizational Implications

There are no organizational implications.

3. Financial Implications

There are no financial implications.

4. Sustainability & Environmental Implications

The proposed subdivision promotes densification which is generally associated with more efficient use of urban land and the reduction of green house gas emissions.

5. Communication & Engagement

There are no community engagement requirements for this a resolution pursuant to Section 512 (2) of the Local Government Act.

ALTERNATIVES:

- 1) That Council, by the resolution of the simple majority of its members present, grant an exemption to the proposed minimum frontage on a highway pursuant to Section 512 (2) of the Local Government Act [RSBC 2015] Chapter 1, for proposed lot “A”, Plan EPP 95842, attached as Appendix “A” to Staff Report No. DEV-19-114.
- 2) That Council not grant an exemption to the proposed minimum frontage on a highway pursuant to Section 512 (2) of the Local Government Act [RSBC 2015] Chapter 1, for proposed lot “A”, Plan EPP 95842 attached as Appendix “A” to Staff Report No. DEV-19-114.