



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Legislation Text

File #: 21-027, Version: 1

### REQUEST FOR DECISION

**DATE:** January 12, 2021

Report No. APC-21-005

**TO:** Chair and Members of the Advisory Planning Commission

**FROM:** Alex Tang, Planner and Bill Brown, Director of Development Services

**SUBJECT:**

Development Variance Permit Application - 633 Nelson Street

**RECOMMENDATION:**

That the Esquimalt Advisory Planning Commission [APC] recommends to Council to either approve, approve with conditions or deny the development variance permit application including the following variances for the property located at PID 005-375-649, Lot 81, Suburban Lot 44, Esquimalt District, Plan 2854 [633 Nelson Street]:

**Zoning Bylaw, 1992, No. 2050, 41 (3) (a) - Building Height:** Increase of the maximum allowable height for the Principal Building from 7.5 metres to 7.7 metres.

**Zoning Bylaw, 1992, No. 2050, 41 (4) (a) - Lot Coverage:** Increase of the maximum allowable lot coverage from 40% of the Area of a Parcel to 48.3% of the Area of a Parcel.

**Zoning Bylaw, 1992, No. 2050, 41 (5) (a) (i) - Siting Requirements: Principal Building - Front Setback:** A 5.5-metre reduction to the requirement that no Principal Building shall be located within 7.5 metres of a Front Lot Line [ i.e. from 7.5 metres to 2.0 metres]

**Zoning Bylaw, 1992, No. 2050, 41 (5) (a) (ii) - Siting Requirements: Principal Building - Northern Side Setback:** A 0.12-metre reduction to the requirement that no Principal Building shall be located within 4.5 metres of an Interior Side Lot Line [ i.e. from 4.5 metres to 4.38 metres]

**Zoning Bylaw, 1992, No. 2050, 41 (5) (a) (ii) - Siting Requirements: Principal Building - Southern Side Setback:** A 1.43-metre reduction to the requirement that no Principal Building shall be located within 4.5 metres of an Interior Side Lot Line [ i.e. from 4.5 metres to 3.07 metres]

**Zoning Bylaw, 1992, No. 2050, 41 (5) (a) (iii) - Siting Requirements: Principal Building - Rear Setback:** A 4.76-metre reduction to the requirement that no Principal Building shall be located within 7.5 metres of a Rear Lot Line [ i.e. from 7.5 metres to 2.74 metres]

**Zoning Bylaw, 1992, No. 2050, 41 (6) - Usable Open Space:** An exemption from the requirement that usable open space be provided in an amount of not less than 5% of the Area of the Parcel

**Parking Bylaw, 1992, No. 2011, 13 (1)(a)(iii) - Number of Off-Street Parking Spaces:** A reduction of required parking spaces from 2 spaces per dwelling unit to 1 space per dwelling unit.

## **RELEVANT POLICY:**

Official Community Plan Bylaw, 2018, No. 2922  
Zoning Bylaw, 1992, No. 2050  
Local Government Act  
Declaration of Climate Emergency  
Parking Bylaw, 1992, No. 2011  
Development Application Procedures and Fees Bylaw, 2012, No. 2791  
Advisory Planning Commission Bylaw, 2012, No. 2792  
Subdivision and Development Control Bylaw, 1997, No. 2175  
Green Building Checklist

## **STRATEGIC RELEVANCE:**

Healthy, Livable and Diverse Community: Support Community growth, housing and development consistent with our Official Community Plan

## **BACKGROUND:**

Appendix A: Aerial Map and RM-1 Zone  
Appendix B: Architectural Drawings, Landscape Plan, and Surveyor's Site Plan

## **PURPOSE OF APPLICATION:**

The applicant is proposing to build a 4-unit townhouse on a 489 m<sup>2</sup> lot. This is a development variance permit application seeking multiple variances to Zoning Bylaw, 1992, No. 2050 and Parking Bylaw 1992, No. 2011 to accommodate the townhouses within the current RM-1 zone.

## **CONTEXT:**

Applicant: Xeniya Vins  
Owner: Rajgursher Singh and Sarbjeet Kaur  
Designer: Xquimalt  
Property Size: Metric: 488.7 m<sup>2</sup> Imperial: 5260 ft<sup>2</sup>  
Zone: RM-1  
Existing Land Use: Single-family residential  
Proposed Land Use: Townhouse residential  
Surrounding Land Uses:  
North: Multiple-family residential  
South: Single-family residential rezoned for multiple-family residential  
East: Single-family residential  
West: Multiple-family residential

## **ZONING ANALYSIS:**

**Floor Area Ratio:** As this application is not a rezoning application, the floor area of this proposed development cannot be increased beyond the allowable amount of the RM-1 zone. To maintain the floor area ratio of 0.40, the applicant has placed close to half of the residential floor area in the basement. These areas in the basement are not included for the purpose of computing floor area ratio. Moreover, the garage area of 36.5 m<sup>2</sup> [393 ft<sup>2</sup>] for each of the 4 garages is also exempt from floor area as there is a maximum exemption of 40 m<sup>2</sup> [430 ft<sup>2</sup>] per dwelling. 40 square metres would equate to the area of a two-car garage.

**Building Height:** The applicant is proposing a height of 7.7 metres compared to the allowed 7.5 metres in the RM-1 zone.

**Lot Coverage:** The allowed lot coverage within a RM-1 zone is 40%. The applicant is proposing 48.3% for the 4 townhouses.

**Setbacks:** The front and rear setbacks have been reduced significantly from 7.5 metres to 2.0 metres and 2.74 metres.

**Usable Open Space:** The RM-1 zone requires usable open space in the amount of not less than 5% of the area of the parcel. This development does not provide for any usable open space pursuant to Zoning Bylaw, 1992, No. 2050.

## **PARKING ANALYSIS:**

Parking Bylaw, 1992, No. 2011 requires 2 parking spaces per unit to be provided for townhouse developments. After discussion with staff in an attempt to reduce lot coverage and improve the streetscape, the applicant has changed the garage from a two-car garage to a one-car garage. Nonetheless, the size of the garage remains substantial at 36.5 m<sup>2</sup> [393 ft<sup>2</sup>].

## **ISSUES:**

Staff is **not in support** of the variances to accommodate the proposed development within the existing RM-1 zone. Specifically, adequate properly designed common ground-oriented open space is imperative for missing middle housing. Pursuant to the Township's zoning bylaw, private roof space does not constitute usable open space. With multiple-family developments imminent in the area, there is even a greater desire for ground-oriented usable open space.

Using a linear regression analysis relating the lot size and the number of units in approved townhouses in the last 5 years, we have determined that this lot size of 488.7 m<sup>2</sup> should correspond to 2.66 units. This number specifically relates to this form of townhouses with attached garages. Even a 3-unit townhouse is an aggressive attempt based on the diminutive lot size. Nothing in this proposal suggests that the Township should deviate from past practices. The correlation coefficient relating the lot size and the number of units in this analysis was an astounding 0.982 with 1 representing a perfect fit and 0 representing no fit at all.

Many of the variances requested relate to the building footprint. Variances to the setbacks, lot coverage and usable open space can be mostly eliminated if the proposal was a 3-unit townhouse.

With such a large number of variances requested, it is clear that the proposal does not fit the intent of the RM-1 zone to accommodate low density townhouse development. Staff **does not support** the variances to accommodate the 4-unit townhouse and would recommend a reduction of the dwelling units to 3 units.

**ALTERNATIVES:**

1. Forward the application for development variance permit to Council with a recommendation of approval including reasons for the recommendation.
2. Forward the application for a development variance permit to Council with a recommendation of approval including specific conditions and including reasons for the recommendation.
3. Forward the application for a development variance permit to Council with a recommendation of denial including reasons for the recommendation.