



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

Legislation Text

File #: 17-077, Version: 1

REQUEST FOR DECISION

DATE: February 22, 2017

Report No. DEV-17-013

TO: Laurie Hurst, Chief Administrative Officer

FROM: Karen Hay, Planner

SUBJECT:

Development Permit and Development Variance Permit - 910 Yarrow Place
[PID 008-270-589, Lot 4, Section 2, Esquimalt District, Plan 45523]

RECOMMENDATION:

That Council resolves that Development Permit No. DP000076 [Appendix A] authorizing the development as shown on the architectural drawings prepared by The BWD Group, the landscape plan prepared by LADR Landscape Architects, both stamped "Received January 06, 2017", and sited as detailed on the survey plan prepared by Powell and Associates BC Land Surveyors, stamped "Received January 10, 2017", **be approved, and staff be directed to issue the permit (subject to receipt of the required landscape security), and register the notice on the title** of the property located at PID 008-270-589, Lot 4, Section 2, Esquimalt District, Plan 45523 [910 Yarrow Place]; and

That Council resolves that Development Variance Permit No. DVP00057 [Appendix B] authorizing the development as shown on the architectural drawings prepared by The BWD Group, stamped "Received January 06, 2017", and sited as detailed on the survey plan prepared by Powell and Associates BC Land Surveyors, stamped "Received January 10, 2017", and including the following relaxations to Zoning Bylaw, 1992, No. 2050, **be approved, and staff be directed to issue the permit and register the notice on the title** of the property located at PID 008-270-589, Lot 4, Section 2, Esquimalt District, Plan 45523 [910 Yarrow Place]:

Zoning Bylaw, 1992, No. 2050, Section 34 (9)(a)(i) - Siting Requirements - Principal Building - Front Setback: A 3.85 metre decrease to the requirement that no principal building shall be located within 7.5 metres of a Front Lot Line. [ie. from 7.5 metres to 3.65 metres];

Zoning Bylaw, 1992, No. 2050, Section 34 (9)(a)(ii) - Siting Requirements - Principal Building - Side Setback: A 2.1 metre decrease to the requirement that no principal building shall be located within 3.6 metres of an Exterior Side Lot Line. [ie. from 3.6 metres to 1.5 metres], to locate the building within 3.6 metres of the right of way containing the Yarrow Place rain garden.

RELEVANT POLICY:

Official Community Plan Bylaw, 2006, No. 2646
Zoning Bylaw, 1992, No. 2050
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: DP000076
Appendix B: DVP00057
Appendix C: Subject Property Map, Air Photo, RS-1 Zone, DP Area 4, Mail Notice
Appendix D: Green Building Checklist and Arborist Report
Appendix E: Surveyor's Site Plan, Architect's plans and Landscape Plan
Appendix F: Public Comments - Glenn and Diane Young

Purpose of the Application

The subject property is located within Development Permit Area No. 4 - Gorge Waterway [DP No. 4], a DP area for protection of the natural environment. The property owner is proposing to build a new single family dwelling; therefore a Development Permit is required. Due to the DP No. 4 requirement that new buildings not be located within 20 metres of the high water mark of the Gorge Waterway, the applicant has proposed that the house would be located closer to the front lot line and the exterior side lot line than Zoning Bylaw 1992, No. 2050 allows; therefore, the two variances are required before a building permit could be issued.

Context

Applicant: Bruce Wilkin, The BWD Group
Owner: Paul Robertson
Property Size: Metric: 573.2 m2 Imperial: 6170 ft2
Existing Land Use: Single Family Residential vacant lot
Surrounding Land Uses:
North: Gorge Waterway, Parks and Open Space
South: Single Family Residential
West: Yarrow Place rain garden on road Right of Way
East: Single Family Residential

Development Permit Guidelines

The Official Community Plan Development Permit Area No. 4 - Gorge Waterway Guidelines [attached] are intended to provide protection of the natural environment, specifically the Gorge Waterway, a sensitive, tidal influenced watercourse that connects the fish-bearing freshwater of Craigflower and Colquitz Creeks with the salt-waters of Victoria Harbour. The subject property does not include any shoreline, as there is a strip of 'Parks and Open Space' adjacent to the water, therefore there are three guidelines that apply to this application.

The owner has met guideline 9.6.5 a) by not siting the building within 20 metres of the high water mark of the Gorge Waterway.

As per guideline 9.6.5 e) all exterior lighting fixtures in the yard and on the north side of the building will be designed to avoid glare spilling over onto the water's edge.

As the subject property has been cleared previously (guideline 9.6.5 g), the owner has provided a landscape plan with a rehabilitation plan that includes the planting of eight different native plant species in the area located within 7.5 metres of the Gorge Waterway high water mark; a step towards protecting biodiversity in this area.

Zoning

The application has the principal building sited fairly close to the front lot line for a single family residential home, at 3.65 metres (12 feet); where the setback requirement for the siting of a principal building in the RS-1 zone is 7.5 metres (25 feet) from a front lot line. As illustrated on the Surveyor's Site Plan, the home located directly to the east of the subject property is also located fairly close to the front lot line. The proposed siting has resulted in a very short driveway in this location with no extra space for parking (the proposal has one parking stall as per the requirements of the Parking Bylaw).

The area to the west of the subject property is a road right-of-way containing the Yarrow Place Rain Garden. This rain garden filters local stormwater from Craigflower Road before it enters the Gorge Waterway. The subject property is actually a corner lot, and the setback requirement for a principal building from an exterior side lot line is 3.6 metres. The placement of the proposed house within 1.5 metres of this lot line would correspond with the requirements for an interior side lot line. There are more trees located on the east side of the property, and on the neighbour's property, that would be negatively impacted if the home was placed closer to that lot line.

Comments from the Advisory Planning Commission [APC]

This application was considered at the regular meeting of the APC held on January 17, 2017. The APC members commented that they really liked the design and that it will be a positive development for the neighbourhood. The APC passed the following motion:

That the Esquimalt Advisory Planning Commission [APC] recommends to Council that the application for a Development Permit and a Development Variance Permit allowing construction of a new building [single family dwelling] within 30 metres of the Gorge Waterway; as illustrated in the architectural drawings prepared by The BWD Group, the landscape plan prepared by LADR Landscape Architects both stamped "Received January 06, 2017", sited as detailed on the survey plan prepared by Powell and Associates BC Land Surveyors, stamped "Received January 10, 2017", and including the following variances for the property located at PID 008-270-589, Lot 4, Section 2, Esquimalt District, Plan 45523 [910 Yarrow Place] be forwarded to Council with a recommendation of approval; as this will be a positive development for the neighbourhood.

Zoning Bylaw, 1992, No. 2050, Section 34 (9)(a)(i) - Siting Requirements - Principal Building - Front Setback: A 3.85 metre decrease to the requirement that no principal building shall be located within

7.5 metres of a Front Lot Line. [ie. from 7.5 metres to 3.65 metres]

Zoning Bylaw, 1992, No. 2050, Section 34 (9)(a)(ii) - Siting Requirements - Principal Building - Side Setback: A 2.1 metre decrease to the requirement that no principal building shall be located within 3.6 metres of an Exterior Side Lot Line. [ie. from 3.6 metres to 1.5 metres], to locate the building within 3.6 metres of the right of way containing the Yarrow Place rain garden. The Motion Carried Unanimously.

ISSUES:

1. Rationale for Selected Option: The Advisory Planning Commission recommended approval. The house located directly to the east is also located fairly close to the front lot line. The new house would be an asset for the community, providing quality housing for one more family in Esquimalt. There has not been any opposition from the neighbours to the requested variances.
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
By respecting the required 20 metre setback from the Gorge Waterway this home should have less of a negative impact on this sensitive ecological area, while providing quality housing.
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 10, 2017 indicating that Council would be considering the requested Development Variance Permit on February 27, 2017. To date, the Development Services Department has received one supportive response as a result of these notifications [Appendix F].

ALTERNATIVES:

1. That Council resolves that Development Permit No. DP000076 [Appendix A] and Development Variance Permit No. DVP00057 [Appendix B] be approved, and staff be directed to issue the permits and register the notices on the title of the property located at PID 008-270-589, Lot 4, Section 2, Esquimalt District, Plan 45523 [910 Yarrow Place].
2. That Council deny Development Permit No. DP000076 [Appendix A] with reasons, and Development Variance Permit No. DVP00057 [Appendix B].