



# CORPORATION OF THE TOWNSHIP OF ESQUIMALT

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

## Legislation Text

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File #: 17-411, Version: 1

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### REQUEST FOR DECISION

**DATE:** October 18, 2017 **Report No.** DEV-17-061

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

**FROM:** Bill Brown, Director of Development Services / Alex Tang, Planning Technician

**SUBJECT:**

Development Variance Permit - 1219 Old Esquimalt Road

**RECOMMENDATION:**

That Council resolves that Development Variance Permit No. DVP00071 authorizing construction of a new addition to the Principal Building that includes an attached carport, an attached garage and a deck as shown on the architectural drawings prepared by Murphy Construction, stamped "Received August 24, 2017", sited as detailed on the survey plan prepared JE Anderson & Associates, stamped "Received August 24, 2017", and including the following variance 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 006-026-621, Lot 4, Section 11, Esquimalt District, Plan 4994 [1219 Old Esquimalt Road]:

**Zoning Bylaw, 1992, No. 2050, Section 34 (9)(a)(iii) - Siting Requirements - Principal Building - Rear Setback:** A 2.75 metre decrease to the requirement that no principal building shall be located within 7.5 metres of a Rear Lot Line [ie. from 7.5 metres to 4.75 metres].

**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: DVP00071  
Appendix B: Subject Property Map, Aerial Photo, RS-1 Zone, Mail Notice  
Appendix C: Surveyor's Site Plan, Architectural Plans

## Purpose of the Application

The applicant is proposing to construct a new addition to the Principal Building that includes an attached carport, an attached garage and a deck. The attached garage addition is sited 4.75 metres from the rear lot line, which is less than the required minimum rear setback of 7.5 metres; hence, this application requires a variance before a building permit can be issued.

## Context

Applicant: Timothy Murphy  
Owners: Timothy Murphy and Jennifer Murphy  
Property Size: Metric: 938 m<sup>2</sup> Imperial: 10097 ft<sup>2</sup>  
Existing Land Use: Single Family Residential  
Surrounding Land Uses:  
North: Single Family Residential  
South: Single Family Residential  
West: Single Family Residential  
East: Single Family Residential  
Existing Zoning: RS-1 [Single Family Residential]

## Zoning

The proposed addition to the principal building is sited 4.75 metres (16 feet) from the rear lot line while the required setback for the siting of a principal building in the RS-1 zone is 7.5 metres (25 feet) from the rear lot line. The rear lot line abuts a lane, which mitigates the impact of a rear setback reduction.

## Comments from Engineering Department

Engineering has completed a preliminary review of the proposed development and determined that a connection to the Municipal Drainage System is required as per Subdivision and Development Control Bylaw, 1997, No. 2175.

*The applicant has agreed to the installation of a storm drain connection to the property at 1219 Old Esquimalt Road.*

## Comments from the Advisory Planning Commission [APC]

This application was considered at the regular meeting of the APC held on September 19, 2017. The APC members unanimously passed the following motion:

*That the Esquimalt Advisory Planning Commission [APC] recommends to Council that the application for a Development Variance Permit allowing construction of a new addition to the Principal Building that includes an attached carport, an attached garage and a deck as illustrated in the architectural drawings prepared by Murphy Construction, stamped "Received August 24, 2017", sited as detailed on the survey plan prepared JE Anderson & Associates, stamped "Received August 24, 2017", and including the following variance for the property located at PID 006-026-621, Lot 4, Section 11,*

*Esquimalt District, Plan 4994 [1219 Old Esquimalt Road] be forwarded to Council with a recommendation for approval as the relaxation is reasonable given the context of the property, and provides for desirable off-street parking:*

*Zoning Bylaw, 1992, No. 2050, Section 34 (9)(a)(iii) - Siting Requirements - Principal Building - Rear Setback: A 2.75 metre decrease to the requirement that no principal building shall be located within 7.5 metres of a Rear Lot Line [ie. from 7.5 metres to 4.75 metres].*

## **ISSUES:**

### **1. Rationale for Selected Option**

The Advisory Planning Commission recommended approval. The rear lot line abuts a lane so there is a lesser impact for a reduction in the rear setback. There has not been any opposition from the neighbours to the requested variance.

### **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**

This Request for Decision has no sustainability or environmental implications.

### **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 October 2, 2017 indicating that Council would be considering the requested Development Variance Permit on October 23, 2017. To date, the Development Services Department has not received any responses as a result of these notifications.

## **ALTERNATIVES:**

1. That Council resolves that Development Variance Permit No. DVP00071 [Appendix A] be approved, and staff be directed to issue the permit and register the notice on the title of the property located at PID 006-026-621, Lot 4, Section 11, Esquimalt District, Plan 4994 [1219 Old Esquimalt Road].

2. That Council deny Development Variance Permit No. DVP00071 [Appendix A] with reasons.