

CITY OF LANGFORD

PLANNING, ZONING AND AFFORDABLE HOUSING COMMITTEE

Monday, February 13<sup>th</sup>, 2012 @ 7:00 pm

Council Chambers

AGENDA

	Page
1. <u>CALL TO ORDER</u>	
2. <u>APPROVAL OF THE AGENDA</u>	
3. <u>ADOPTION OF THE MINUTES</u>	
a) Planning, Zoning & Affordable Housing Committee Meeting – January 23 <sup>rd</sup> , 2012	001
4. <u>REPORTS</u>	
a) Application to vary the front yard setback and the maximum permitted length of a new cul de sac road that does not have emergency access to allow a ten (10) lot residential subdivision at 328 Selica Road. - Staff Report (File No. DVP11-0027)	005
b) Application to vary frontage improvements at 2505 Martin Ridge - Staff Report (File No. DVP11-0035)	013
c) Application to vary the maximum permitted length of a new cul-de-sac road that does not have emergency access to allow a 29-lot subdivision at 245 Atkins Ave - Staff Report (File No. DVP11-0036)	023
d) To Vary Subdivision and Development Servicing Bylaw No. 1000 - Staff Report (File No. DVP11-0033)	029
5. <u>ADJOURNMENT</u>	

**CITY OF LANGFORD**

**MINUTES OF THE PLANNING, ZONING AND AFFORDABLE HOUSING COMMITTEE**

**Monday, January 23<sup>rd</sup>, 2012 @ 7:00 pm**

**Council Chambers**

**PRESENT**

Councillor D. Blackwell (Chair), Councillor L Seaton (Acting Vice-Chair): Members: J. Butler-Smythe, A. Creuzot, S. Harvey, D. Horner, K. Sheldrake and N. Stewart.

**ATTENDING**

City Planner, Matthew Baldwin and Deputy Manager of Engineering, Michelle Mahovich.

**ABSENT**

Members: M. Hall.

**1. CALL TO ORDER**

The Chair called the meeting to order at 7:00 p.m.

**2. APPROVAL OF THE AGENDA**

MOVED BY: A. CREUZOT  
SECONDED: D. HORNER

That the Planning, Zoning and Affordable Housing Committee approve the Agenda as presented.

CARRIED.

**3. ADOPTION OF THE MINUTES**

**a) Planning, Zoning & Affordable Housing Committee – January 9<sup>th</sup>, 2012**

MOVED BY: S. HARVEY  
SECONDED: N. STEWART

That the Minutes of the Planning, Zoning and Affordable Housing Committee of January 9<sup>th</sup>, 2012 meeting be adopted as circulated.

CARRIED.

**4. REPORTS**

**a) Planning Department Five Year Financial Plan for 2012-2016  
- Staff Report**

MOVED BY: A.CREUZOT  
SECONDED: S. HARVEY

That the Planning, Zoning & Affordable Housing Committee recommend to Council:  
That Council approve in principle the Planning and Development Services 2012 - 2016 Five Year Financial Plan as presented with the following priorities on projects and recommend that Council refer the financial plan to the Treasurer for inclusion in the budget.

Item	Estimated Cost	Priority
Community Energy and Emissions Reduction	\$20,000	4
Zoning Bylaw Re-Write (including Parking Strategy)	\$30,000	1
Sooke Road Revitalization Plan	\$30,000	2
Film Commission Funding	\$2,500	3

CARRIED.

**b) Planning Department Statistical Information for December, 2011  
- Staff Report (Planning)**

MOVED BY: N. STEWART  
SECONDED: S. HARVEY

That the Planning, Zoning and Affordable Housing Committee receive the Planning Department Statistical Information for December 2011.

CARRIED.

**c) Application to vary the Rear Yard Setback for a Single Family Dwelling from the Required 6m(20ft) to 3m(10ft) – 929 Aqua Court  
- Staff Report (File No. DVP11-0032)**

MOVED BY: S. HARVEY  
SECONDED: J. BUTLER-SMYTHE

That the Planning, Zoning and Affordable Housing Committee recommend to Council:

That Council proceed with consideration of a Development Variance Permit No. DVP-11-0032 for the property at 929 Aqua Court, with the following variance:

- i. That Section 6.21.06 (1)(a) in Zoning Bylaw No. 300 be varied to decrease the distance of a building to a rear yard lot line from the required 6m (20ft) to 3m (10ft) for 929 Aqua Court.

CARRIED.

**d) Application to Vary Frontage Improvements – 671 Hoylake Avenue  
- Staff Report (File No. DVP11-0034)**

MOVED BY: A. CREUZOT  
SECONDED: N. STEWART

That the Planning, Zoning and Affordable Housing Committee recommend to Council:  
That Council:

1. Proceed with consideration of a Development Variance Permit No. DVP-11-0034 for the property at 671 Hoylake Road, with the following variance:
  - a) That all frontage improvements required by Subdivision and Development Servicing Bylaw No. 1000 be varied to nil for Hoylake Avenue and Belair Road, except that the owner shall construct asphalt paving approximately 1.5m wide to be added to the road width for the sake of road widening, bicycle lane or pedestrian refuge, along the Hoylake Avenue frontage, for the property at 671 Hoylake Road, and with the following condition:
    - i. That the applicant's donation of \$70,000 towards the General Amenity Reserve Fund be provided to the City prior to Council directing staff to send out Notices of Intent for the Development Variance Permit; and
2. Direct staff to bring forward, for Council's consideration, a delegation bylaw and policy to allow the City Engineer to accept a cash contribution towards the General Amenity Reserve Fund at a rate determined by Council instead of constructing required frontage works.

CARRIED.

**e) Application to Vary the Minimum Required Lot Width and Minimum Required Setbacks to Allow a 6-lot Subdivision – 969 Brock Avenue  
- Staff Report (File No. DVP11-0037)**

MOVED BY: S. HARVEY  
SECONDED: N. STEWART

That the Planning, Zoning and Affordable Housing Committee recommend to Council:  
That Council direct staff to proceed with consideration of the following variances for 969 Brock Ave:

- a) That Section 6.21.02(3) of Zoning Bylaw No. 300 be varied from the required 16m to 10.44m for proposed Lot 1;

- b) That Section 6.21.02(3) of Zoning Bylaw No. 300 be varied from the required 16m to 13.63 for proposed Lot 2;
- c) That Section 6.21.02(3) of Zoning Bylaw No. 300 be varied from the required 16m to 12.15m for proposed Lot 6;
- d) That Section 6.21.06(1)(a) of Zoning Bylaw No. 300 be varied from the required 6m to 4.14m for proposed Lot 1;
- e) That Section 6.21.06(1)(a) of Zoning Bylaw No. 300 be varied from the required 6m to 4.81m for proposed Lot 2;
- f) That Section 6.21.06(1)(a) of Zoning Bylaw No. 300 be varied from the required 6m to 4.65m for proposed Lot 3;
- g) That Section 6.21.06(1)(b) of Zoning Bylaw No. 300 be varied from the required 1.5m to 1.26m (west side) and 1.22m (east side) for proposed Lot 1; and
- h) That Section 6.21.06(1)(b) of Zoning Bylaw No. 300 be varied from the required 1.5m to 1.22m for proposed Lot 2.

CARRIED.

- f) **Application to Rezone Various Properties Adjacent to Leigh Road to a new Business and Technology Park Zone.**  
- Staff Report (File No. Z11-0031)

MOVED BY: S. HARVEY  
SECONDED: J. BUTLER-SMYTHE

That the Planning, Zoning and Affordable Housing Committee recommend to Council:  
That Council proceed with the creation of a new Business and Technology Park Zone, and accompanying parking regulation, and consider Bylaw No. 1380 for first reading.

CARRIED.

## 5. ADJOURNMENT

The Chair adjourned the meeting 7:45 p.m.

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CHAIR

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CERTIFIED CORRECT  
(Administrator)



**Staff Report  
to  
Planning, Zoning and Affordable Housing Committee**

**Date:** February 13, 2012

**Department:** Planning

**Application No.:** DVP11-0027

**Subject:** *Application to vary the front yard setback and the maximum permitted length of a new cul de sac road that does not have emergency access to allow a ten (10) lot residential subdivision at 328 Selica Road.*

**PURPOSE**

Corey Brown has applied on behalf of Gord Cuckovich to vary Section 6.21.06(a) of Zoning Bylaw No. 300 by reducing the front yard setback from the required 6 m (20 ft) to 3 m (9.8 ft). The applicant would also like to vary Section 4.16.1 and 4.17.1 of Subdivision and Servicing Bylaw No. 1000 to allow the length of a cul de sac road to exceed 305m and the length of a cul de sac road to exceed the maximum length without providing emergency access, and vary Schedule 4-28 of Subdivision and Servicing Bylaw No. 1000 to waive the requirement to construct a sidewalk in order to facilitate a ten (10) lot residential subdivision at 328 Selica Road.

**BACKGROUND**

The subject property is the remaining parcel of land of the Crystalview subdivision to be developed. The applicant has also applied for a development permit to develop in an area designated environmentally sensitive.

**Table 1: Site Data**

<i>Applicant</i>	Corey Brown	
<i>Owner</i>	Gord Cuckovich	
<i>Civic Address</i>	328 Selica Road	
<i>Legal Description</i>	Lot 2, Section 105, Esquimalt District, Plan VIP574475, Except Parts In Plans VIP67805, VIP72485, VIP72486, VIP72733, VIP72960, VIP79524 AND VIP82238.	
<i>Size of Property</i>	2.4 ha (5.9 acres)	
<i>DP Areas</i>	Drainage Concern, Areas of Potential Habitat and Biodiversity,	
<i>Zoning</i>	Existing: R2 (One- and Two- Family Residential)	Proposed: R2 (One- and Two- Family Residential)

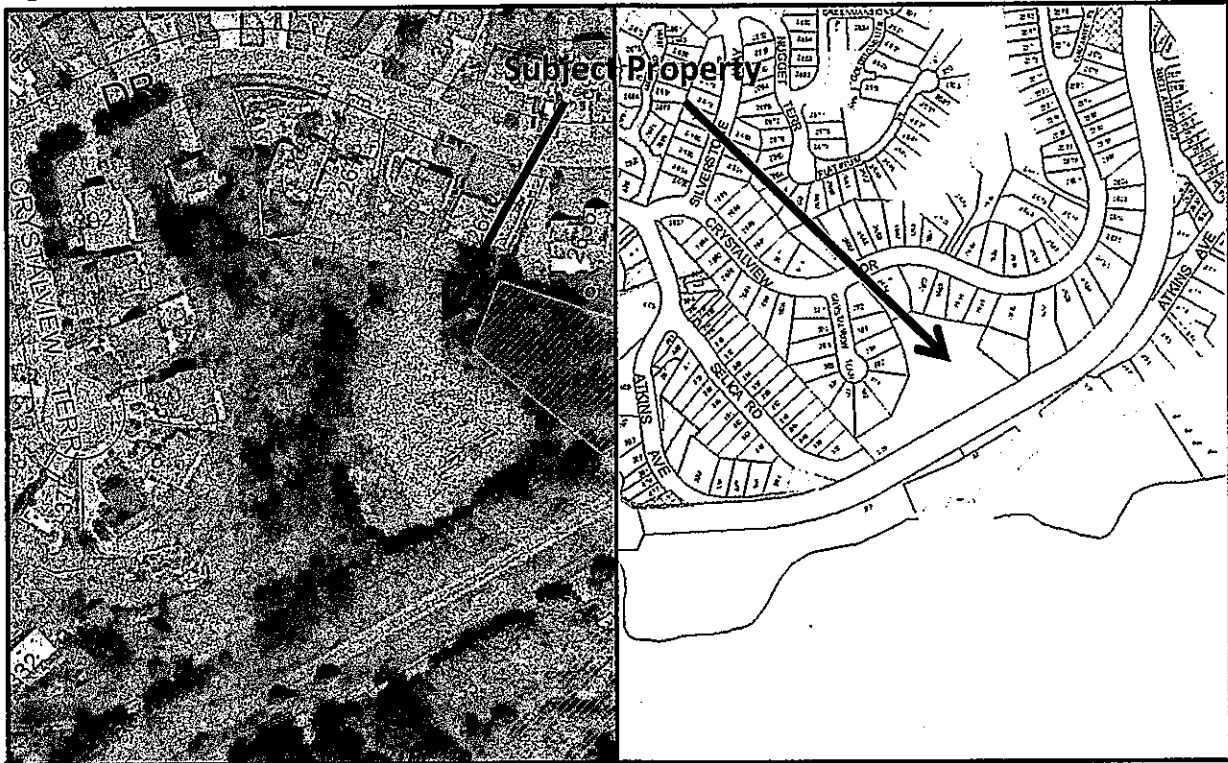
<i>OCP Designation</i>	Existing: Neighbourhood	Proposed: Neighbourhood
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**SITE AND SURROUNDING AREA**

The subject property is located north of the E&N Railway and south of the Crystalview subdivision, and at the end of Selica Road. Along the westerly portion of the site are large rocky outcrops with stands of Garry Oak and Douglas fir trees. The middle and easterly portion of the site is relatively flat with exposed gravel and minimal vegetation.

**Figure 1 – Aerial Map**

**Figure 2 – Location Map**



	<i>Zoning</i>	<i>Use</i>
<i>North</i>	R2 (One- and Two- Family Residential)	Single-Family Dwellings
<i>East</i>	R2 (One- and Two-Family Residential)	Common Property and Single-Family Dwellings
<i>South</i>	R2 (One- and Two- Family Residential)	E&N Railway and Atkins Road
<i>West</i>	R2 (One- and Two- Family Residential)	Single-Family Dwellings

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**COMMENTS**

The applicant has applied to subdivide his 2.4 ha (5.2 acres) property into ten (10) single-family residential lots. The proposed plan of subdivision is attached to this report as Appendix A. Due to the location of the site, topographical constraints, and the larger fee-simple lots that the applicant would like to develop, the applicant is unable to meet the emergency access requirements and municipal road standards in the Subdivision and Servicing Bylaw. 1000.

Surrounding the subject property are existing single-family residential lots that prevent the proposed new road to connect to another existing road such as Crystalview Terrace or Crystalview Drive to provide an emergency access route. The Subdivision and Servicing Bylaw states that the maximum length of a cul de sac road may not exceed 305m without emergency access route. The length of Selica Road will increase from 216m to 434m without an emergency access. For this reason, the applicant is requesting a variance from Council. Section 4.17.1 of Bylaw No. 1000 is in place to ensure that emergency response personnel have more than one route available to them on roads longer than 183m in case that the primary access is blocked. In the past, when a variance such as this has been considered by Council, conditions of approval such as a requirement for fire sprinklers within buildings have been applied. In the case of a fire, sprinklers will minimize the spread of fire between the houses until emergency responders can arrive at the scene. Council may wish to require that all houses within the subdivision include internal fire sprinklers to NFPA standards as a condition of this DVP, if supportive of this application.

In accordance with Bylaw No. 1000, the applicant will have to install one fire hydrant as part of the frontage improvements for the new road, in order to ensure each building envelope is within 150m of a fire hydrant.

Selica Road is a municipal road that ends at the subject property. The length of the existing road is approximately 216m. The applicant would like to add on 218m of new road to increase the length of road to 434m. By extending the length of this public road to access the subject property, it exceeds the maximum length of a cul de sac of 305m as permitted under the Subdivision and Servicing Bylaw No. 1000. The applicant would also like to vary the requirement to provide sidewalks on Selica Road.

The subject property is also designated Areas of Potential Habitat and Biodiversity and Drainage Concern development permit areas. The applicant engaged ENKON Environmental to carry out an environmental assessment of the site. In the report dated 15 November 2011, the registered professional biologist stated that "there are no sensitive ecosystem polygons occurring within the study area." However, ENKON did note that there is one large decadent wildlife tree on the site and recommended that where possible, portions of the stands of Garry oak and rock outcrops located in the west part of the property are retained. Council may wish to note that the applicant is proposing to retain an undevelopable large rocky outcrop at the entrance of the site, which will form part of Lot 10. The applicant would like to register a no-build non-disturbance covenant over Lot 10 to ensure that the rocky outcrop and the trees and vegetation are protected. The applicant is proposing to dedicate to the City 1,340 m<sup>2</sup> (0.33 acres) or 10% of the land as park. This linear park is located along the south west corner of the site. However, the small existing stands of Garry oak trees are not being retained under the current subdivision proposal as these trees are located in the proposed building envelopes.



Lastly, the applicant would like to vary Section 6.21.06(a) of Zoning Bylaw No. 300 by reducing the front yard setback from the required 6 m (20 ft) to 3 m (9.8 ft). The reason for the variance is for tree preservation purposes in the backyards of the new proposed lots. Council may wish to note that the applicant is not planning to retain the stands of Garry oak trees identified by the registered professional biologist. However, some tree protection and replacement is possible according to the biologist. Council may wish to request that the applicant identify which trees will be protected and provide a tree preservation plan for those trees, as a condition of this DVP, if supportive of this application.

### **FINANCIAL IMPLICATIONS**

Subdividing the subject property into ten(10) lots will contribute more to municipal revenue. However, Council may wish to note that the municipality will be required to maintain the cul de sac under the current subdivision proposal.

### **OPTIONS**

#### **Option 1**

That the Planning, Zoning and Affordable Housing Committee recommend that Council:

1. Direct staff to proceed with consideration of issuance of Development Variance Permit No. DVP11-0027 for the property at 328 Selica Road, with the following variances:
  - a) That Section 6.21.06(a) of Zoning Bylaw No. 300 be varied to reduce the front yard setback from the required 6 m (20 ft) to 3 m (9.8 ft);
  - b) That Section 4.16.1 of Subdivision and Development Servicing Bylaw No. 1000 be varied to increase the maximum length of a cul de sac from 305m to 434m; and
  - c) That Section 4.17.1 of Subdivision and Development Servicing Bylaw No. 1000 be varied to increase the maximum length of road allowed past an emergency access from the required 305m to 434m;

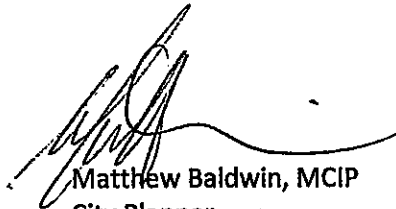
Subject to:

2. That all houses include internal fire sprinklers to NFPA standards acceptable to the Chief Building Inspector and Fire Chief;
3. That the applicant install one fire hydrant;
4. That the applicant provide a tree preservation plan prepared by a certified arborist identifying which trees on each individual lot will be retained and the tree preservation measures that will be in place during construction;
5. That the applicant provide a tree replacement plan to the satisfaction of the registered professional biologist; and
6. That the applicant register a no-build non-disturbance covenant over Lot 10 to ensure the rocky outcrop, trees and vegetation are protected and preserved.

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#### **OR Option 2**

7. Take no action at this time with respect to DVP11-0027.



Matthew Baldwin, MCIP  
City Planner



Leanne Taylor, MCIP  
Senior Planner



Mike Leskiw, MA  
Parks Manager



Michelle Mahovich  
Deputy Manager of Engineering



Steve Ternent  
Treasurer



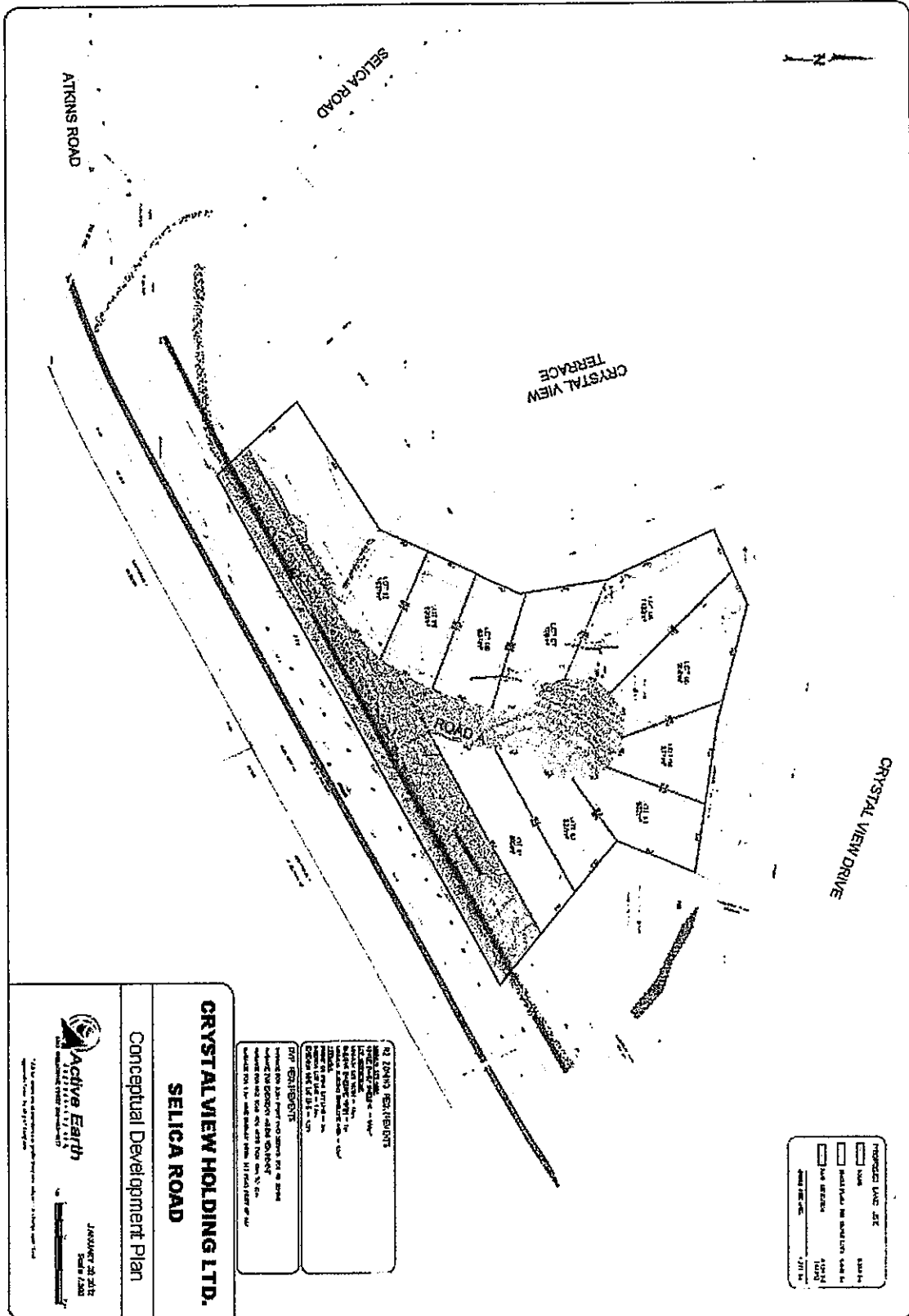
Jim Bowden  
Administrator



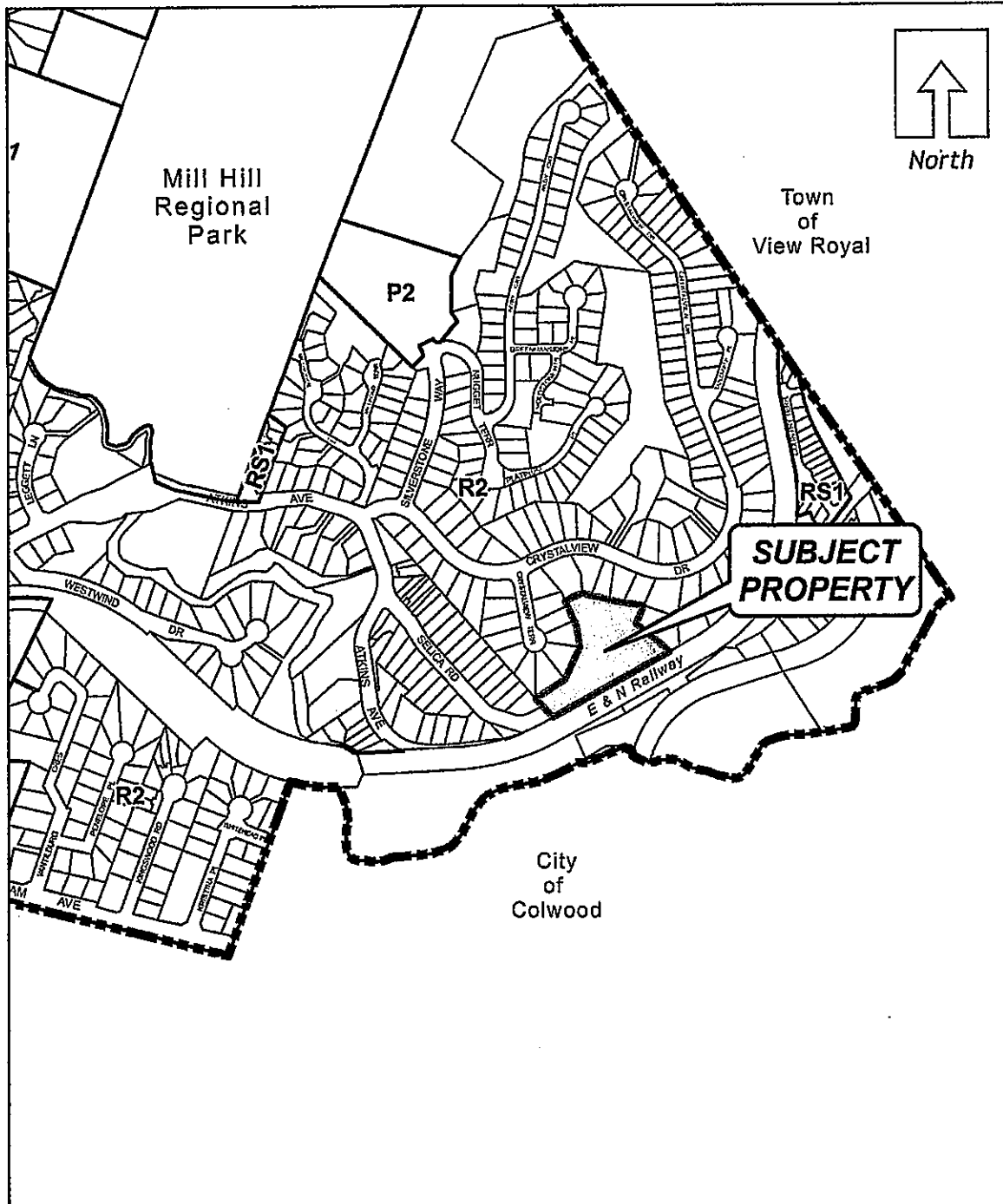
Bob Beckett  
Fire Chief

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**APPENDIX A**



**DEVELOPMENT VARIANCE PERMIT**  
**328 Selica Road**  
**DVP11-0027**

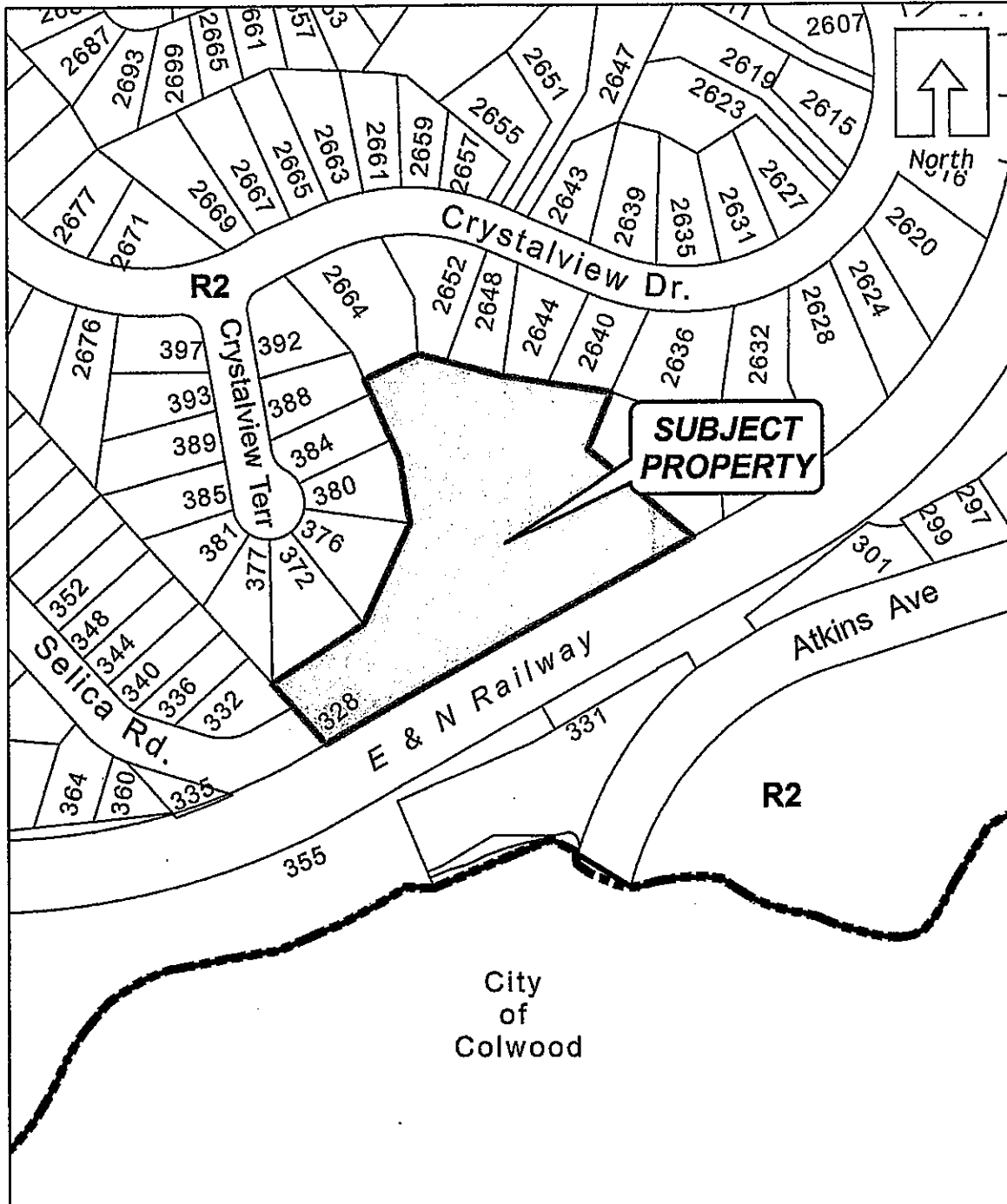


MXD Name: DVP11-0027.mxd

Scale: N.T.S.

Last Revised: October 14, 2011

**DEVELOPMENT VARIANCE PERMIT**  
**328 Selica Road**  
**DVP11-0027**



MXD Name: DVP11-0027.mxd

Scale: N.T.S.

Last Revised: October 14, 2011



## Staff Report to Planning, Zoning and Affordable Housing Committee

**Date:** February 13, 2012  
**Department:** Planning  
**Application No.** DVP11-0035  
**Subject:** Application to vary frontage improvements at 2505 Martin Ridge

### **PURPOSE**

Dwayne Peleshaty has applied to vary Subdivision and Development Servicing Bylaw No. 1000 to vary the frontage improvements along Fleetwood Court and Prospector Way and to vary Zoning Bylaw No. 300 to reduce the rear yard setback of proposed Lot 11 from 6m (20ft) to 5m (16ft) to permit a fourteen lot subdivision at 2505 Martin Ridge.

### **BACKGROUND**

#### PREVIOUS APPLICATIONS

- Development Permit (DP-11-0036) to permit the alteration of land in an environmentally sensitive area and to regulate 'form and character' in an Intensive Residential development.
- Subdivision (SUB-11-0020) to permit a fourteen lot subdivision.

**Table 1: Site Data**

<i>Applicant</i>	Dwayne Peleshaty	
<i>Owner</i>	0956131 BC Ltd	
<i>Civic Address</i>	2505 Martin Ridge	
<i>Legal Description</i>	LOT A, SECTION 113, ESQUIMALT DISTRICT, PLAN 35640 PID 000-358-541	
<i>Size of Property</i>	2 acres (8984m <sup>2</sup> )	
<i>DP Areas</i>	Potential Habitat and Biodiversity, Intensive Residential	
<i>Zoning</i>	Existing: R2	Proposed: R2
<i>OCP Designation</i>	Existing: Neighbourhood	Proposed: Neighbourhood

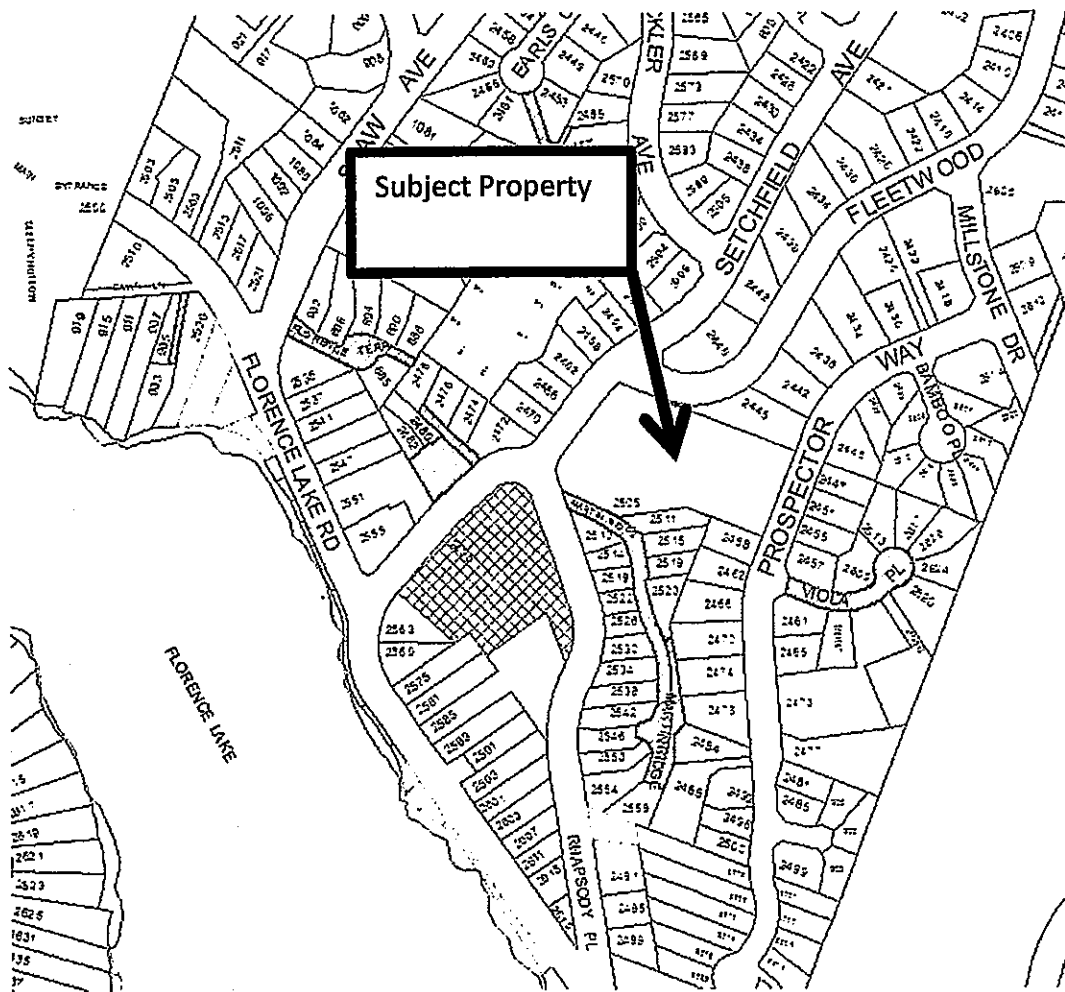
**Table 2 - Proposal Data**

Requirement	Required	Proposal
Full Frontage Improvements as per Bylaw No. 1000	Sidewalk, curb, gutter, street lights, street trees, ditch enclosure, paving to centerline of roadway for all street frontages	See bullet points below
Rear Yard Setback as per Bylaw No. 300	6m (20ft)	5m (16ft)

**Proposal – Frontage Improvements**

- To vary all required frontage improvements on Prospector Way and Fleetwood Court except for road widening totaling 1.5 m (5ft) wide of paved asphalt for a multi-use lane.

**Figure 1 – Location Map (see Appendix A for a detailed site plan)**



**Site and Surrounding Area**

The subject property is located at the corner of Setchfield Avenue and Fleetwood Court. It also has access and street frontage on Prospector Way. Five of the lots are proposed to have access off of Prospector Way. An existing single family dwelling will reside on the property (shown as Lot 11 on Appendix A). Approximately 1 acre of the site which is predominantly a wetland area is proposed to be given to the City. The remainder of the site has been permitted to be cleared by issuance of a Development Permit as no rare species were found through the biologist’s survey of the land.

The site fronts 3 roadways, Setchfield Ave, Fleetwood Court and Prospector Way. Setchfield Ave, as it connects Florence Lake Road to Treanor Ave, is a minor collector and is a safe route to school for Lakewood Elementary. The road currently has a developed shoulder with gravel trail, concrete barrier curb and street trees. Council required improvements through Bylaw 1000 which requires the installation of a Bike Lane, improved lighting and the ‘hard surfacing’ to concrete of the existing gravel trail. The development potential of Setchfield Ave (currently R2 zoning) is limited to the development of common property that was previously used as septic disposal sites, and as such, there are only a few remaining developable properties, so Council’s ability to request further improvements along Setchfield Ave is limited to those frontages.

Fleetwood Court currently has no improvements as noted in Bylaw 1000, and exists as road surface, gravel shoulder and open ditch. The development potential of Fleetwood Court is limited, so Council’s ability to request further improvements to the roadway is virtually non-existent (until the common properties located at the corner of Millstone and Fleetwood and several properties north of this location on Fleetwood).

Prospector Way has experienced several development projects by the development of common properties. Sections of improvements including sidewalk, curb and street lighting have been installed at this time. The City has also established an emergency access route to the lands to the east (known as the Cressey Lands) and established a potential trail connection back to Setchfield Ave, allowing for this area to improve the pedestrian access to residents.

At present, there is no vehicle or pedestrian connection from these roadways to other areas of Langford, however due to the length of cul-de-sacs, the City has secured an emergency access route that connects this area to the developable Cressey Lands and McCallum Road, and also to Florence Lake. This enables improved pedestrian network that may increase the public’s desire for a local sidewalk or pedestrian area on these roadways. Any future requests may be accommodated on Fleetwood Court and Prospector Way as an additional paved shoulder (1.5m) which could be used by pedestrians or cyclists.

**Table 3 – Surrounding Land Uses**

	<i>Land Use</i>	<i>Zoning</i>	<i>OCP Designation</i>
<b>North</b>	One- and Two-Family Residences.	R2 (One- and Two-Family Residential)	Neighbourhood;
<b>East</b>	One- and Two-Family Residences.	R2 (One- and Two-Family Residential)	Neighbourhood;
<b>South</b>	One- and Two-Family Residences.	R2 (One- and Two-Family Residential)	Neighbourhood;
<b>West</b>	One- and Two-Family Residences.	R2 (One- and Two-Family Residential)	Neighbourhood;



## **Comments**

### Proposed Variance to Section 6.21.06 5) b) of Zoning Bylaw No. 300

The applicant has requested to vary the rear yard setback from 6m (20ft) to 5m (16ft) to allow the existing house to remain on site in its original location (Lot 11 as shown on Appendix "A").

### Proposed Variance to Subdivision and Development Servicing Bylaw No. 1000

#### **Prospector Way Frontage**

Along Prospector Way, the existence of sidewalks is limited to the south end of the road, where several new subdivisions have recently been built. The rest of Prospector Way was subdivided in the mid 1990's and sidewalks were not constructed at that time. With the subdivision of the subject project, Prospector Way has almost maximized its growth through infill development and the likelihood of sidewalks being constructed through a Capital Project has not been warranted at this time. In light of this, Council may wish to accept the absence of a sidewalk. Alternatively, Council may wish to require the applicant to widen the asphalt road by 1.5m to create a multi-use lane that could be used for pedestrian and bicycle access and storm drainage improvements if required. Council may also wish to have the applicant provide street trees and general boulevard landscaping as it would complement the existing streetscape Prospector Way.

#### **Fleetwood Court**

Fleetwood Court has the same road cross section design as Prospector and was also created in the mid 1990's, so there is no sidewalk on Fleetwood Court and under the current zoning designation the subdivision has minimal opportunity for infill development. Council may wish to apply the same standard on Fleetwood Court as noted above for Prospector Way: That the frontage improvements be varied, but the asphalt road be widened by 1.5m (5ft) and storm drainage works be required if needed.

#### **Setchfield Avenue**

The applicant is proposing to complete full frontage along Setchfield Avenue.

Being consistent with other recent applications (671 Hoylake Ave.) the applicant has proposed to give the City a donation of \$13,144 (70% of the total cost of frontage improvements less the cost of the proposed frontage works to be done on Fleetwood Court and Prospector Way), towards the City's General Amenity Reserve Fund. The cost estimate is attached as Appendix C.

If Council determines that the proposed rear yard setback and proposed changes in frontage improvements for this project is appropriate, they may wish to proceed with consideration of the Development Variance Permit.

Conversely, if Council decides that the requests are not appropriate, they may wish to direct staff to work with the applicant to improve them further, or reject the application for a Development Variance Permit.

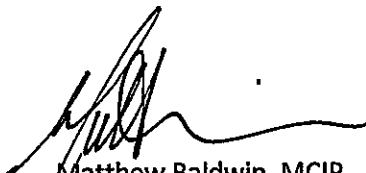
**Options**

That the Planning, Zoning and Affordable Housing Committee recommend that Council:

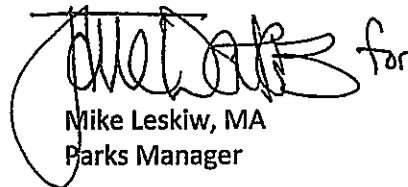
1. Proceed with consideration of a Development Variance Permit No. DVP-11-0035 for the property at 2505 Martin Ridge, with the following variances:
  - a) That Section 6.21.06 5)b) of Zoning Bylaw No. 300 be varied to reduce the distance of a building to a rear lot line from 6m (20ft) to 5m (16ft); and
  - b) That frontage improvements as required by Subdivision and Development Servicing Bylaw No. 1000 be varied to nil for Fleetwood Court and Prospector Way except that the owner shall construct asphalt paving (1.5m wide) on both Fleetwood Court and Prospector Way to be added to the road width **for a multi-use lane for bicycles and pedestrians** and that street trees, general boulevard landscaping and storm drainage improvements be provided along Prospector Way, all to the satisfaction of the City Engineer, for the property at 2505 Martin Ridge, subject to the following condition:
    - i) That the applicant provide the \$13,144 donation (70% of the total cost of the proposed frontage works less the cost of the frontage works to be done on Fleetwood Court and Prospector Way) to the City prior to issuance of the Development Variance Permit.


OR

2. Reject this application for Development Variance Permit.
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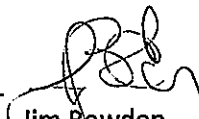
  
Matthew Baldwin, MCIP  
City Planner

  
Grant Liebscher  
Planner

  
Mike Leskiw, MA  
Parks Manager

  
Michelle Mahovich, P. Geo.  
Deputy Manager, Engineering

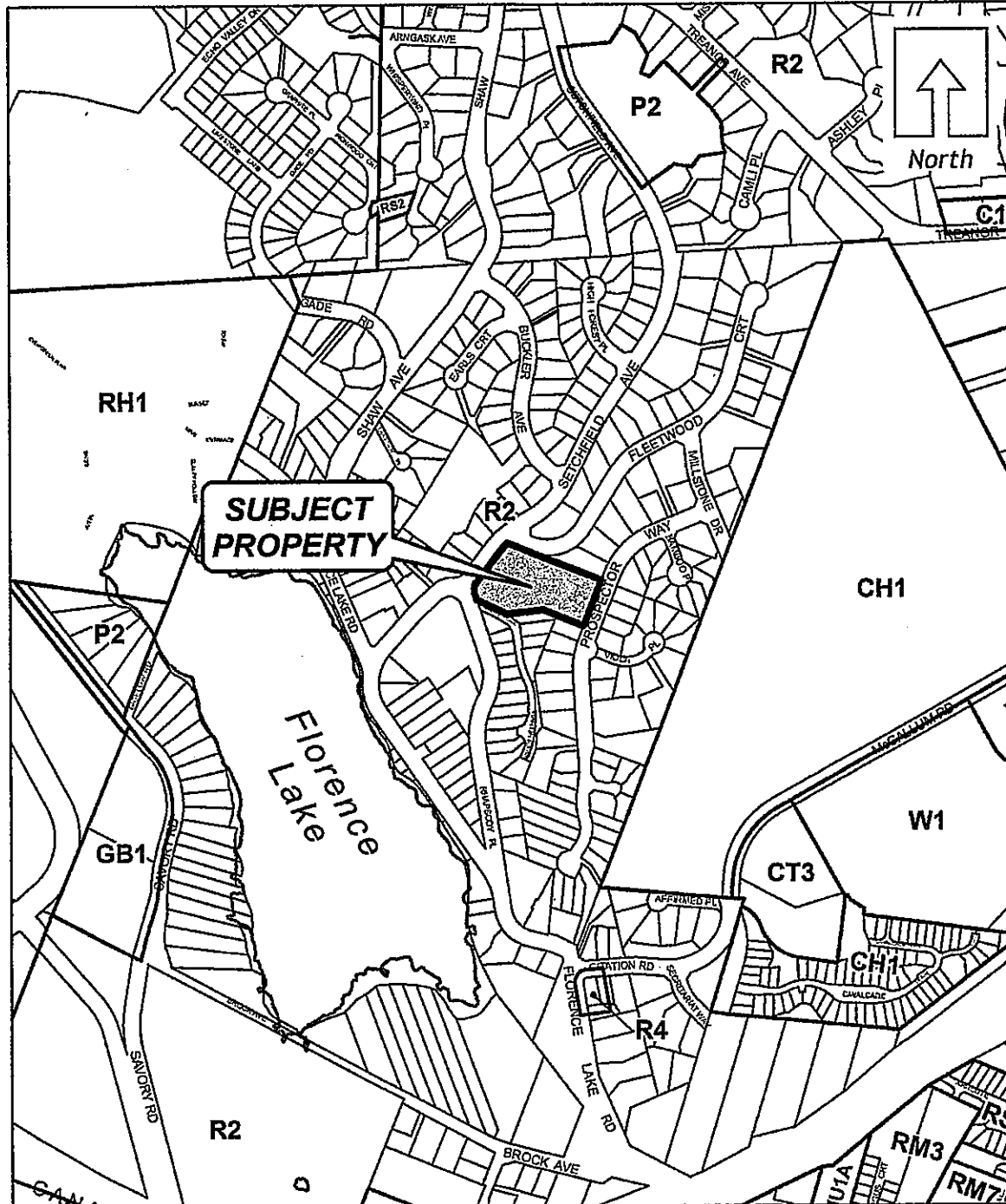
  
Steve Ternent  
Treasurer

  
Jim Bowden  
Administrator

  
Bob Beckett  
Fire Chief

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**DEVELOPMENT VARIANCE PERMIT**  
**2505 Martin Ridge**  
**DVP11-0035**

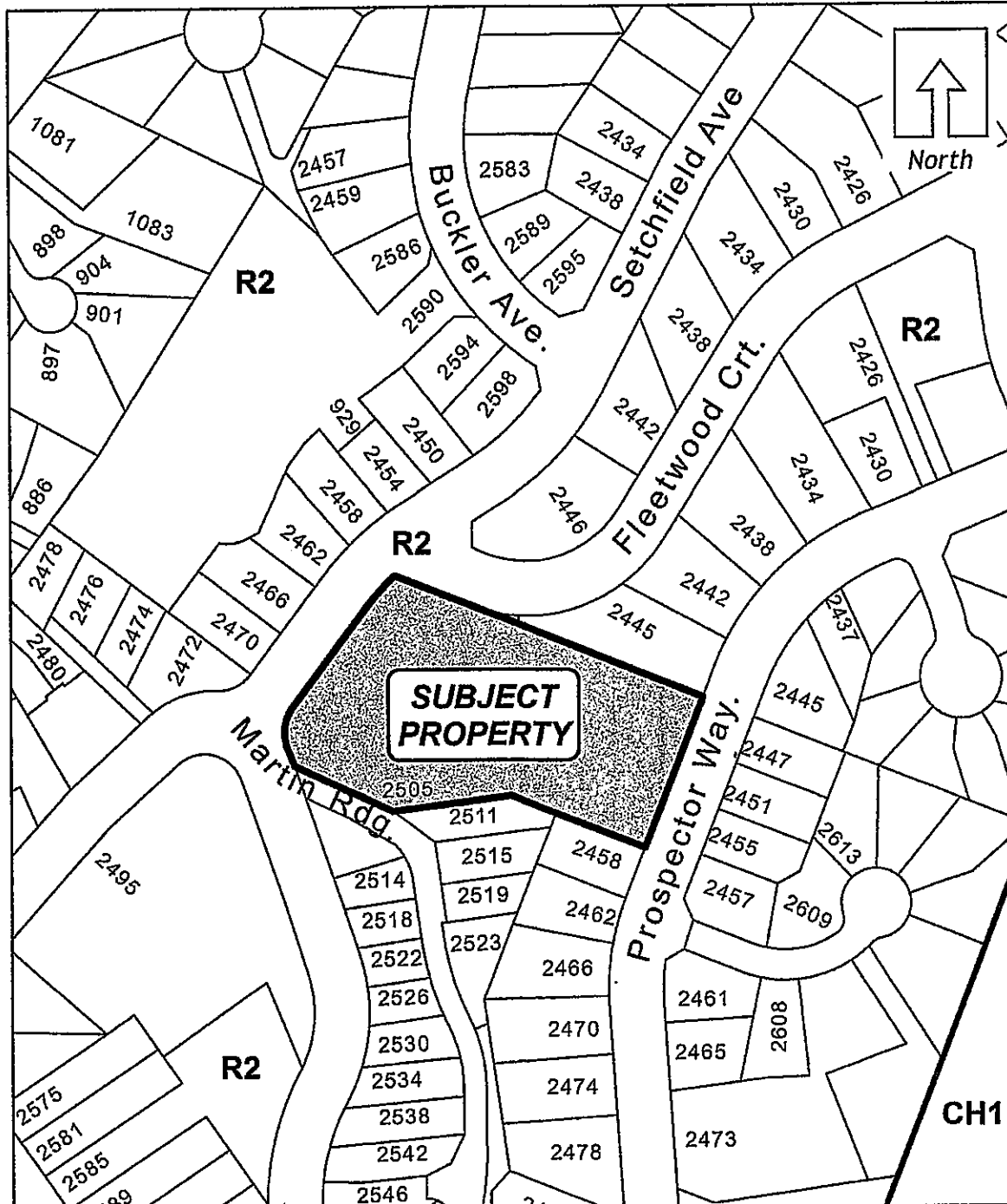


MXD Name: DVP11-0035.mxd

Scale: N.T.S.

Last Revised: January 4, 2012

**DEVELOPMENT VARIANCE PERMIT**  
**2505 Martin Ridge**  
**DVP11-0035**



MXD Name: DVP11-0035.mxd

Scale: N.T.S.

Last Revised: January 4, 2012

Appendix A – Subdivision Plan



**Appendix B – Existing Pathway on Setchfield Avenue**



**Appendix C – Engineer’s Cost Estimate for Fleetwood and Prospector Frontage Works**



SINCE 1858

**J.E. ANDERSON  
 & ASSOCIATES**  
 SURVEYORS – ENGINEERS

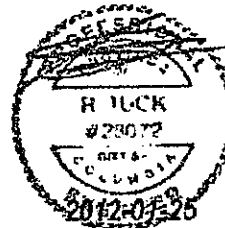
Provisional Construction Cost Estimate

Date: January 25, 2012

Client: 0856131 BC Ltd.  
 Project: 2505 Martin Ridge

Variance Cost Estimate					
	Description	Unit	Quantity	Rate	Cost
Fleetwood Court	Curb & Gutter	m	39	\$90	\$3,510
	Sidewalk	m <sup>2</sup>	70	\$80	\$5,600
	Road Widening	m <sup>2</sup>	18	\$66	\$1,188
				Subtotal	\$10,298
Prospector Way	Sidewalk	m <sup>2</sup>	106	\$80	\$8,480

**Total Construction Costs \$18,778.00**



Assumptions

The following works are required in order to meet the City of Langford's road standards.

Fleetwood Court to the R11 standard.

- The Fleetwood Court frontage is approximately 39
- Fleetwood Court requires curb and gutter and sidewalk to meet the standard.
- Fleetwood Court is only 7.6 m wide, therefore 0.9 m widening required to meet 8.5 road width. Client responsible for half of widening.
- Proposed streetlights to be built at intersection of Setchfield and Fleetwood, and Fleetwood and strata road. No other streetlighting required.

Prospector Way to the R10 standard

- The Prospector way frontage is approximately 59 m.
- Prospector Way only requires sidewalk to meet the City of Langford requirements.



Staff Report
to
Planning, Zoning and Affordable Housing Committee

Date: February 13, 2012
Department: Planning
Application No.: DVP11-0036
Subject: Application to vary the maximum permitted length of a new cul-de-sac road that does not have emergency access to allow a 29-lot subdivision at 245 Atkins Ave

PURPOSE

Wayne Hopkins of HES Developments has applied to vary Section 4.17.1 of Subdivision and Servicing Bylaw No. 1000 to allow a new cul-de-sac road to exceed 183m without an emergency access, in order to facilitate a 29-lot subdivision at 245 Atkins Road.

BACKGROUND

PREVIOUS APPLICATIONS

Development Permit DP-10-23 was issued to allow the proposed subdivision to occur within the Riparian Development Permit Area designated by Official Community Plan Bylaw No. 1200.

Subdivision application SUB10-0010 to subdivide the subject property into 29 lots is currently in process. Phase 1 of this subdivision, which includes 17 lots, has been registered at the Land Title Office.

Table 1: Site Data

Table with 2 columns: Field Name and Value. Fields include Applicant (Wayne Hopkins), Owner (HES Developments), Civic Address (245 Atkins Road), Legal Description (Lot A, Section 105, Esquimalt District, Plan EPP15029, Except part in Strata Plan EPS520 (Phase 1)), Size of Property (2.18 ha (5.39 ac)), DP Areas (Riparian), Zoning (R2 (One- and Two-Family Residential)), and OCP Designation (Neighbourhood).

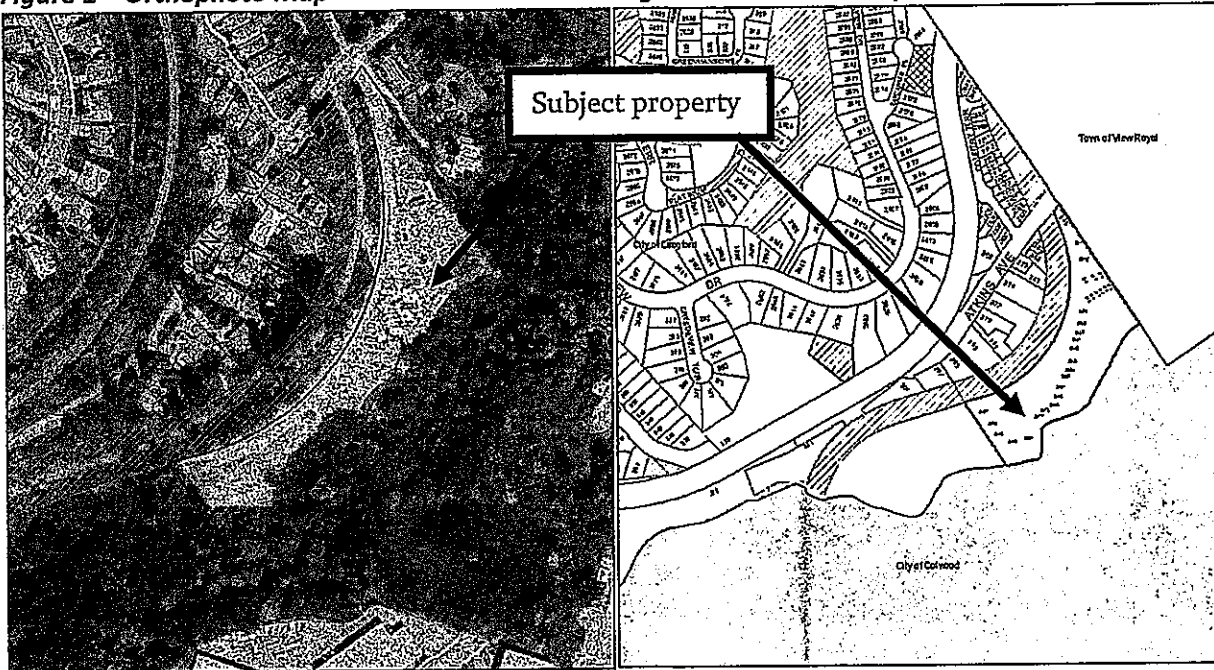


**SITE AND SURROUNDING AREA**

The subject property is located along the eastern border of the City of Langford, adjacent to both the City of Colwood and the Town of View Royal.

**Figure 1 – Orthophoto Map**

**Figure 2 – Location Map**



The subject property contains a portion of Millstream Creek and its associated streamside protection and enhancement area (SPEA), which has been designated and protected by DP-10-23 in accordance with the City of Langford’s Riparian Development Permit Area guidelines. The SPEA roughly corresponds to the treed portion of the subject property shown on Figure 1.

The subject property is also adjacent to the Galloping Goose trail.

**Table 2: Surrounding Land Uses**

	<b>Zoning</b>	<b>Use</b>
<i>North</i>	R2 (One-and Two-Family Residential), RS1 (Residential Small Lot)	Galloping Goose Trail, Residential
<i>East</i>	Town of View Royal R1 (One Family Residential – Large Lot)	Residential
<i>South</i>	City of Colwood CS2 (Highway Commercial), M1 (Light Industrial), C7 (Mixed Commercial/Residential)	Millstream Creek, Park, Light Industrial, Commercial

West	R2 (One-and Two-Family Residential)	Conservation, Residential
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**COMMENTS**

The applicant has applied to subdivide his 2.18 ha (5.39 ac) property into 29 lots. As can be seen in the Figures above and the location map attached to this report as Appendix B, the subject property is challenging to develop from an access perspective. Not only does the subject property have a very small (~11m) road frontage along Atkins Road, but there are limited opportunities to create an additional road or emergency access as part of this subdivision.

The subject property is bound by Millstream Creek to the south, a Capital Regional District (CRD) conservation parcel to the west, the Galloping Goose trail to the north and large lot residential parcels in the Town of View Royal to the east. Each of these represents a barrier to creating a through-road connection. The adjacent Town of View Royal properties are zoned and designated in the Official Community Plan for Large Lot Residential use, so there is limited opportunity for subdivision; in addition, it would be logistically difficult to connect a bareland strata road to a public road in a different municipality. Due to several factors, it is not possible to create a secondary or emergency access through the CRD conservation parcel back to Atkins Rd or a secondary access over Millstream Creek (a new bridge would be necessary), through a park and an industrial property within Colwood to connect to Wilfert Road.

At the request of the developer, the City did, however, enter into discussions with the CRD and Ministry of Transportation and Infrastructure (MOTI) to determine if establishing an emergency access from the subject property over the Galloping Goose trail back to Atkins Rd would be feasible. The City received a letter in December 2010 that stated MOTI (the owner of the Goose) was prepared to issue a license in the name of the City that would allow the Goose to be used for emergency access. However, subsequent negotiations regarding the terms of the license, which included a substantial fee, were unsuccessful, so this is no longer an option.

Phase 1 of the proposed subdivision, which includes 17 lots, has already been registered at the Land Titles Office. The Phase 1 plan maximized the length of new road that may be created without an emergency access, which Section 4.17.1 of Subdivision and Servicing Bylaw No. 1000 defines as 183m (600ft). As all options for secondary and/or emergency access have been explored and closed, the applicant has submitted this application to vary Bylaw No. 1000, such that he may proceed with Phase 2 of his development despite the lack of emergency access. Council may wish to note that the total length of the proposed new road is approximately 293m (961 ft). While this does exceed the maximum permitted length of a road that does not have an emergency access, this **does not** exceed the maximum 305m (1000ft) overall length of a cul-de-sac road permitted by Bylaw No. 1000.

Section 4.17.1 of Bylaw No. 1000 is in place to ensure that emergency response personnel have more than one route available to them on roads longer than 183m (600ft) in case that the primary access is blocked. In the past, when a variance such as this has been considered by Council, conditions of approval such as a requirement for fire sprinklers within buildings have been applied. In the case of a fire, sprinklers will minimize the spread of fire between the houses until emergency responders can

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arrive at the scene. Council may wish to require that all houses within Phase 2 include internal fire sprinklers to NFPA standards as a condition of this DVP, if supportive of this application.

In accordance with Bylaw No. 1000, the applicant will have to install two fire hydrants (one is already installed within Phase 1 and one will be installed within Phase 2) as part of the frontage improvements for the new road, in order to ensure each building envelope is within 150m of a fire hydrant.

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**OPTIONS**

**Option 1**

That the Planning, Zoning and Affordable Housing Committee recommend that Council:


1. Direct staff to proceed with consideration of the following variances for 245 Atkins Rd:
  - a) That Section 4.17.1 of Subdivision and Development Servicing Bylaw No. 1000 be varied to increase the maximum length of road allowed past an emergency access from the required 183m to 293m;

Subject to:

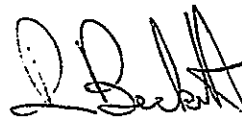
2. That all houses within Phase 2 include internal fire sprinklers to NFPA standards acceptable to the Chief Building Inspector and Fire Chief.
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**OR Option 2**

3. Reject this application for development variance permit.
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Matthew Baldwin, MCIP  
City Planner

  
Leah Stehmann, MCIP  
Senior Planner

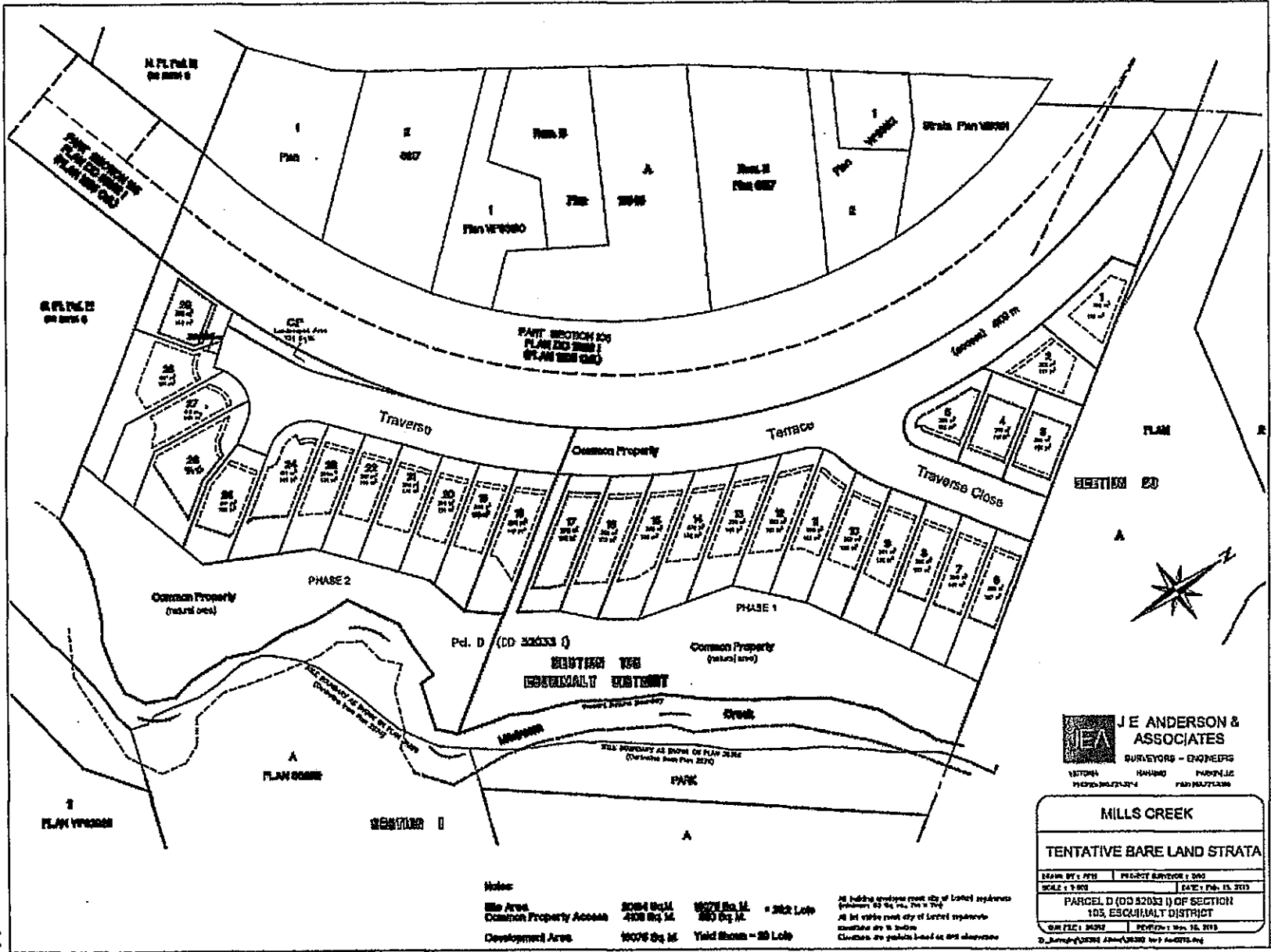
  
Bob Beckett  
Fire Chief

  
Michelle Mahovlich, P. Geo  
Deputy Manager, Engineering  
:ls

  
Steve Ternent  
Treasurer

  
Jim Bowden  
Administrator

Appendix A - Site Plan



Notes:  
 Site Area: 3084 Sq. Ft.    16271 Sq. Ft.    = 262 Lots  
 Common Property Areas: 4308 Sq. Ft.    880 Sq. Ft.  
 Development Area: 10076 Sq. Ft.    Yield: 28 Lots

All lot lines are shown to the city of local agencies (Ordinance 11-03, 12-11-03)  
 All lot lines are shown to the city of local agencies (Ordinance 11-03, 12-11-03)  
 All lot lines are shown to the city of local agencies (Ordinance 11-03, 12-11-03)

**J E ANDERSON & ASSOCIATES**  
 SURVEYORS - ENGINEERS  
 LICENSE NO. 10000    HANDED    MARSHALL  
 10000    10000    10000

**MILLS CREEK**

**TENTATIVE BARE LAND STRATA**

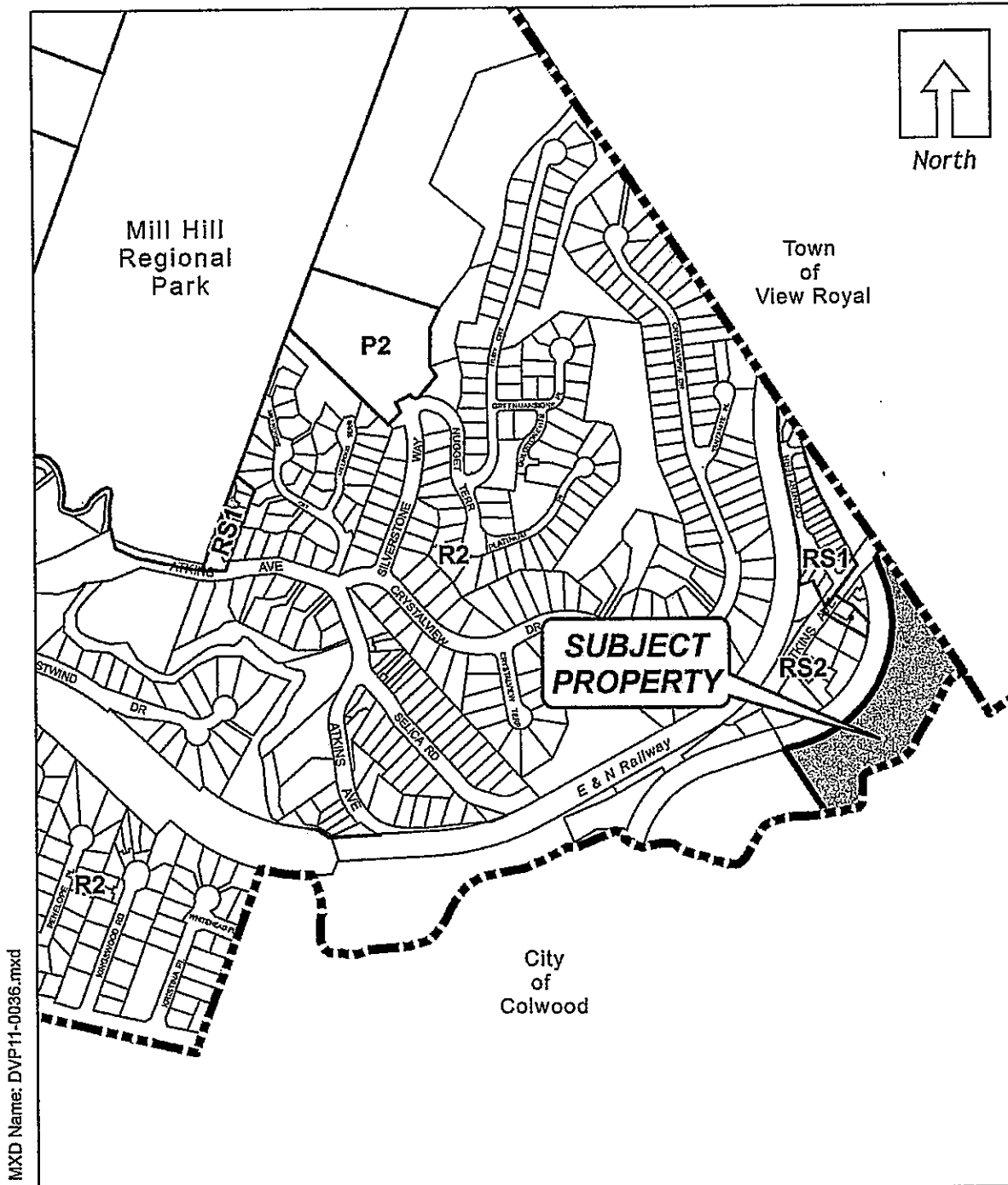
SCALE: 1" = 20'    PROJECT SURVEY: 10000  
 DATE: Feb. 11, 2013

PARCEL D (DD 22033 I) OF SECTION 103, ESCQUIMALT DISTRICT

DATE: Feb. 11, 2013    PROJECT: 10000

Appendix B – Location map

**DEVELOPMENT VARIANCE PERMIT**  
**245 Atkins Avenue**  
**DVP11-0036**



MXD Name: DVP11-0036.mxd

Scale: N.T.S.

Last Revised: January 4, 2012



**Staff Report**  
**to**  
**Planning, Zoning and Affordable Housing Committee**

**Date:** February 13, 2012  
**Department:** Planning  
**Application No.:** DVP11-0033  
**Subject:** To vary Subdivision and Development Servicing Bylaw No. 1000

**Purpose**

Stephan Carey has applied to vary Section 6.1.1 Subdivision and Development Servicing Bylaw No. 1000 to be able to construct a single family dwelling without being connected to a municipal sewer system.

**Background**

**PREVIOUS APPLICATIONS**

- Development Permit No. DP11-0055 (submitted concurrently with this application) is to permit the alteration of land in the Interface Fire Hazard, Steep Slopes and Potential Habitat and Biodiversity Development Permit Areas for the purpose of constructing a single family dwelling.

**Table 1: Site Data**

<i>Applicant</i>	Stephen Carey	
<i>Owner</i>	Stephen Carey	
<i>Civic Address</i>	1167 Finlayson Arm Road	
<i>Legal Description</i>	LOT A, SECTION 41, HIGHLAND DISTRICT, PLAN 48682 014-217-830	
<i>Size of Property</i>	4,046m <sup>2</sup> (1 acre)	
<i>DP Areas</i>	Interface Fire Hazard, Potential Habitat and Biodiversity, Steep Slopes	
<i>Zoning</i>	Existing: GB1 (Greenbelt 1)	Proposed: GB1 (Greenbelt 1)
<i>OCP Designation</i>	Existing: Hillside	Proposed: Hillside

**Table 2 - Proposal Data**

Zoning Bylaw No. 1000 Requirement	Required	Proposal
	To connect to a municipal sewer system	To connect to a new privately owned septic system

**Site and Surrounding Area**

The subdivision plan for the subject parcel was created in 1989 and approved under the authority of the Ministry of Transportation and Highways. It was subdivided from the parent parcel which is immediately east and is 42 acres in area. Both of these properties are absent of any buildings or structures and both properties are entirely forested and relatively steep.

Indian Reservation No. 13 is located immediately adjacent to the south. A referral form was sent to them on November 16<sup>th</sup>, 2011 and to date, City Staff have not received any response. The 14.5 acre property also appears to be absent of any buildings and structures.

Across the road to the west is a 5 acre parcel which contains two single family dwellings. Through a rezoning application process in 2009, Council adopted a zoning amendment bylaw which legitimized one of the residences, which was non-conforming.

The infrastructure in this area has not been significantly improved in many years. The City's municipal sewer system is not planned to be extended to the Finlayson Arm neighbourhood in the near future.

**Table 3 – Surrounding Land Uses**

	Land Use	Zoning	OCP Designation
<b>North</b>	Vacant Land	GB1 (Greenbelt 1)	Open Space
<b>East</b>	Vacant Land	GB1 (Greenbelt 1)	Open Space
<b>South</b>	Vacant Land	n/a (Indian Reservation No. 13)	n/a
<b>West</b>	One- and Two-Family Residences.	GR4 (Greenbelt Residential 4)	Hillside

**Comments**

Section 6.1.1 of Bylaw No.1000, being the Subdivision and Development Servicing Bylaw, states:

*No new subdivision that creates new parcels less than 1 hectare in area or development will be permitted in the City of Langford unless serviced by a municipal sanitary sewer system.*

Furthermore, in the same Bylaw, "development" is defined:

*"Development" means any improvement to residential, commercial, industrial, institutional or municipal lands, highways and rights-of-way, with the exception of: either:*

- i. the alteration or repair of a residential building; or*
- ii. the alteration or repair of a building that is accessory to a residential building;*

*provided that:*

- a. the construction, alteration or repair is pursuant to a building permit or is exempt from the requirement of a building permit; and*
- b. the construction or alteration is not for the purpose of creating an additional dwelling unit or units, either in the form of a separate real estate entity, duplex unit or accessory secondary suite; and*
- c. the construction does not create a cumulative total of more than 70m<sup>2</sup> (750 ft<sup>2</sup>) of new gross floor area from the date of September 15, 2011."*

According to this definition, the applicant is required to connect any new dwelling to the municipal sewer system. As sewers do not exist in the area, a variance is required. Corix (West Shore Environmental Services) has indicated that they have no immediate plans to extend sewer service to this area.

In the past, Council's practice to not support a variance to connecting to the municipal sewer system relates to situations where an applicant has been seeking additional density beyond the parameters listed in the respective zone. The subject proposal is not seeking additional density, but rather, the owner is attempting to actualize the existing permitted density to create one dwelling on a vacant lot.

The owner claims that the following conditions were required, and completed, as conditions required prior to registration at the land title office when previously subdivided:

- A 120 FT. WELL WAS DRILLED TO PROVE ABUNDANT POTABLE WATER
- PERCOLATION TESTS WERE PERFORMED
- THE BUILDING SITE WAS SURVEYED AND DEVELOPED SHOWING EXACT LOCATIONS OF HOUSE
- SETTING ENVELOPE AND SEWAGE DISPOSAL AREA ENVELOPE
- TOPOGRAPHIC MAPS WERE DEVELOPED BY THE SURVEYORS FOR THE BUILDING SITE CONSISTENT WITH THE GEOPHYSICAL SURVEY AND SITING.
- THE DRIVEWAY AND ACCESS TO PARKING AND BUILDING SITE WERE GRADED.

If Council supports this application, these items would need to be demonstrated through the Building Permit process.

Should Council decide that the proposal is acceptable and they wish to proceed with the proposed variance, Council may wish to require that a covenant be registered on the title of the subject property, to the satisfaction of the City Engineer, which requires that the dwelling units will be connected to the municipal sanitary sewer system within one (1) year of them being made available to the property.



Conversely, if Council decides that the request is not appropriate, they may wish to direct staff to work with the applicant to revise the proposal, or reject the application for a Development Variance Permit.


**OPTIONS**

That the Planning, Zoning and Affordable Housing Committee recommend that Council:

1. Proceed with consideration of Development Variance Permit No. DVP11-0033 for the property at 1167 Finlayson Arm Road, with the following variance:
  - a) That Section 6.1.1 of the Subdivision and Development Servicing Bylaw No. 1000 is varied to allow the development of a single family dwelling without connecting to the municipal sanitary sewer system, under the following condition:
    - i. That a covenant be registered on the title of the subject property, to the satisfaction of the City Engineer, which requires that the proposed single-family dwelling is connected to the municipal sanitary sewer system and that the on-site sewer disposal system is decommissioned within one (1) year of the municipal sewer service being extended along the property's Finlayson Arm Road frontage.

OR

2. Reject this application for a Development Variance Permit DVP11-0033.


  
Matthew Baldwin, MCIP  
City Planner

  
Grant Liebscher  
Planner

 for  
Mike Leskiw, MA  
Parks Manager

  
Michelle Mahovlich, P. Geo.  
Deputy Manager, Engineering

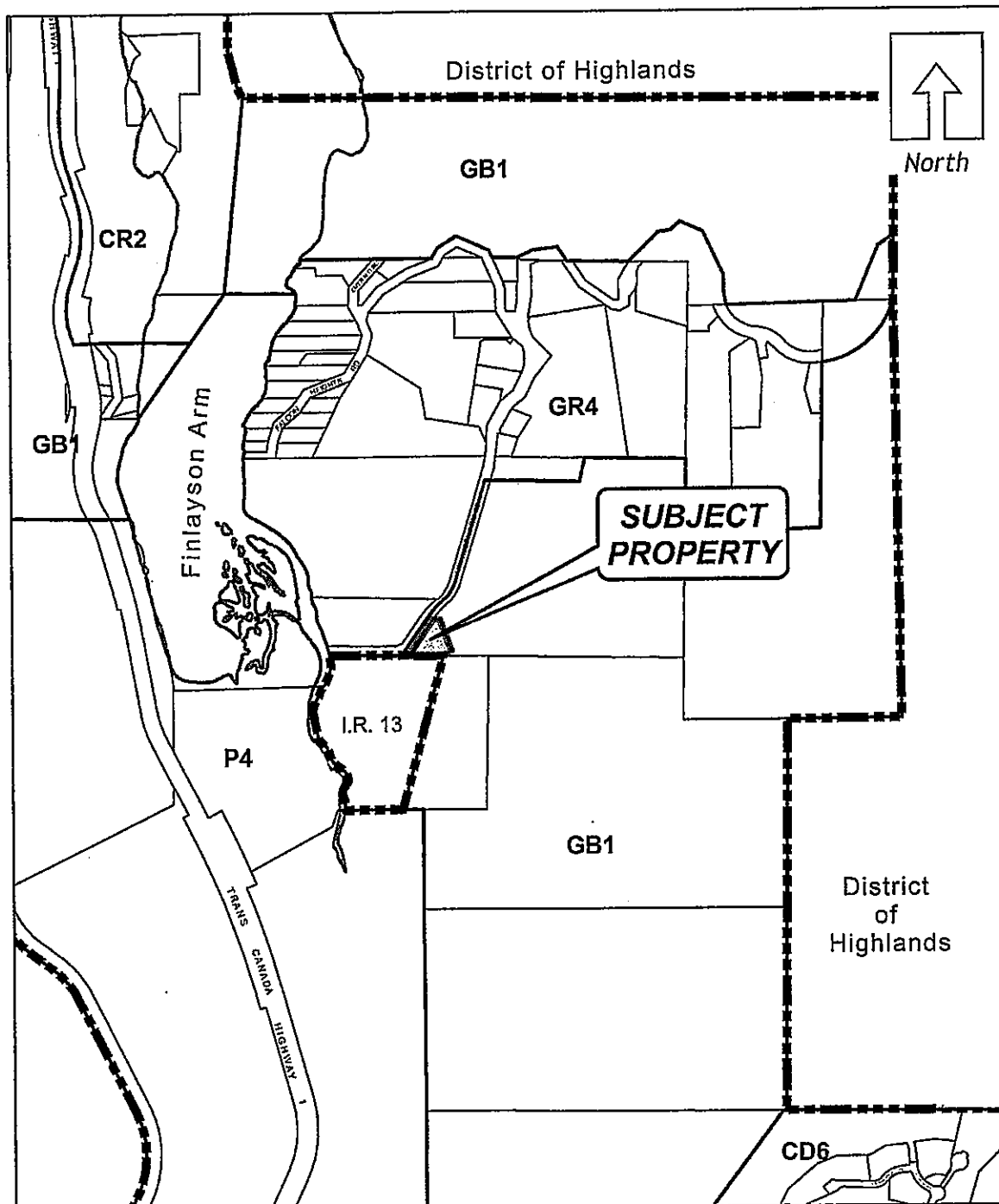
  
Steve Ternent  
Treasurer

  
Jim Bowden  
Administrator

  
Bob Beckett  
Fire Chief

:gl

**DEVELOPMENT VARIANCE PERMIT**  
**1167 Finlayson Arm Rd**  
**DVP11-0033**

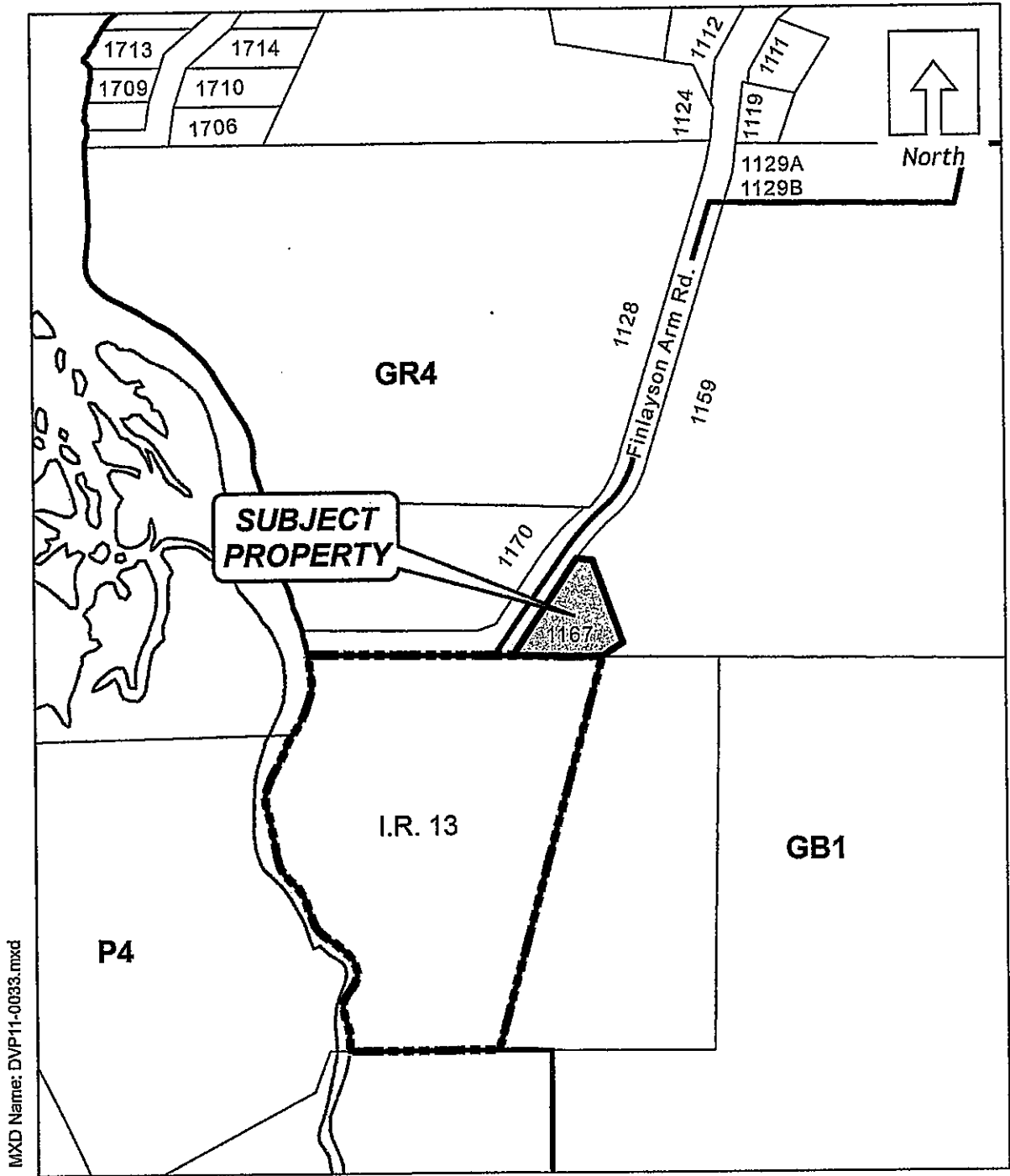


MXD Name: DVP11-0033.mxd

Scale: N.T.S.

Last Revised: November 21, 2011

**DEVELOPMENT VARIANCE PERMIT**  
**1167 Finlayson Arm Rd**  
**DVP11-0033**



MXD Name: DVP11-0033.mxd

Scale: N.T.S.

Last Revised: November 21, 2011

**Appendix A – Site plan showing the building area, proposed septic field and protected area**

