

Simon Rd

CLW May 25/09

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11/5/09

**DISTRICT OF SAANICH**

Mayor  
Council Office  
Administrator CD  
Com. Assoc.  
Applicant  
Front Counter

**Report To:** MAYOR AND COUNCIL  
**Date:** MAY 1, 2009  
**From:** RUSS FUOCO, DIRECTOR OF PLANNING  
**Subject:** REZONING, SUBDIVISION & DEVELOPMENT VARIANCE PERMIT APPLICATIONS. REQUEST TO WAIVE THE 10% PERIMETER ROAD FRONTAGE REQUIREMENT  
FILES: SUB00588; REZ00433; DVP00267

**Project Details**

**Project Proposal:** The applicant proposes to rezone the site from A-1 to RS-8 for the purpose of subdivision to create two additional lots for single family dwelling use. The proposal includes an application for a lot depth variance and a request to waive the 10% road frontage requirement for proposed panhandle Lot 3.

**Address:** 1420 Simon Road

**Legal Description:** Lot A (DD 397286-I), Section 32, Victoria District, Plan 5609

**Owner:** May Helen Sobkowicz

**Applicant:** Matt Pye

**Application Received:** January 29, 2009

**Parcel Size:** 2698 m<sup>2</sup>

**Existing Use of Parcel:** Single Family Dwelling Residential

**Existing Use of Adjacent Parcels:**  
North: A-1 (Rural Zone)  
South: RS-6 (Single Family Dwelling Zone)  
East: A-1 (Rural Zone)  
West: A-1 (Rural Zone)

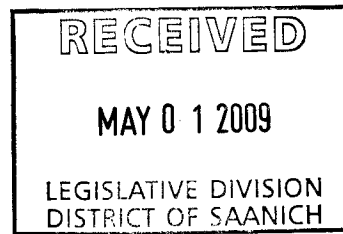
**Current Zoning:** A-1 (Rural Zone)

**Minimum Lot Size:** 2.0 ha

**Proposed Zoning:** RS-8 (Single Family Dwelling Zone)

**Proposed Minimum Lot Size:** Standard Lot – 675 m<sup>2</sup>; Panhandle Lot – 1091 m<sup>2</sup> excl. panhandle area

**Local Area Plan:** Gordon Head Local Area Plan and Braefoot Action Plan



**LAP Designation:** General Residential

**Community Assn Referral:** Gordon Head Residents Association – February 24, 2009.

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**Planning Policy**

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The relevant policies from the *Gordon Head Local Area Plan* are as follows:

- 4.1 Protect indigenous vegetation, wildlife habitats, and landscapes when considering applications for changes in land use.
- 5.1 Maintain single family housing as the principle form of development.
- 5.3 Consider applications to rezone to permit subdivision having due regard for the prevalent lot size in the area, site specific tree location information and preservation of environmentally significant areas.
- 5.12 Refer to the Braefoot Action Plan 2001 when considering rezoning and subdivision applications within the area bounded by Braefoot Road, Mount Douglas Cross Road, Malton Avenue and Simon Road.

The Braefoot Action Plan provides for subdivision of the subject parcels based on the lot requirements of the RS-8 zone. It identifies the Garry oak forest in this area as being of primary environmental importance. Environmental guidelines in the Braefoot Action Plan relate to minimizing the impacts on trees, minimizing solid board and chain link fencing between properties to provide for wildlife movement, and reducing impervious cover.

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**Comment & Analysis**

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**Proposal**

The applicant has applied to rezone the site from A-1 (Rural Zone) to RS-8 (Single Family Dwelling Zone) for the purpose of subdivision to create three lots for single family dwelling use as shown in Figure 1. Proposed Lots 1 and 2 would be identical in size at 675 m<sup>2</sup>. Proposed panhandle Lot 3 would be 1091 m<sup>2</sup>, excluding the access strip area. The existing dwelling, located roughly at the centre of the parcel, would be removed. A variance for reduced lot depth and a waiver of the 10% perimeter road frontage requirement are requested for proposed panhandle Lot 3.

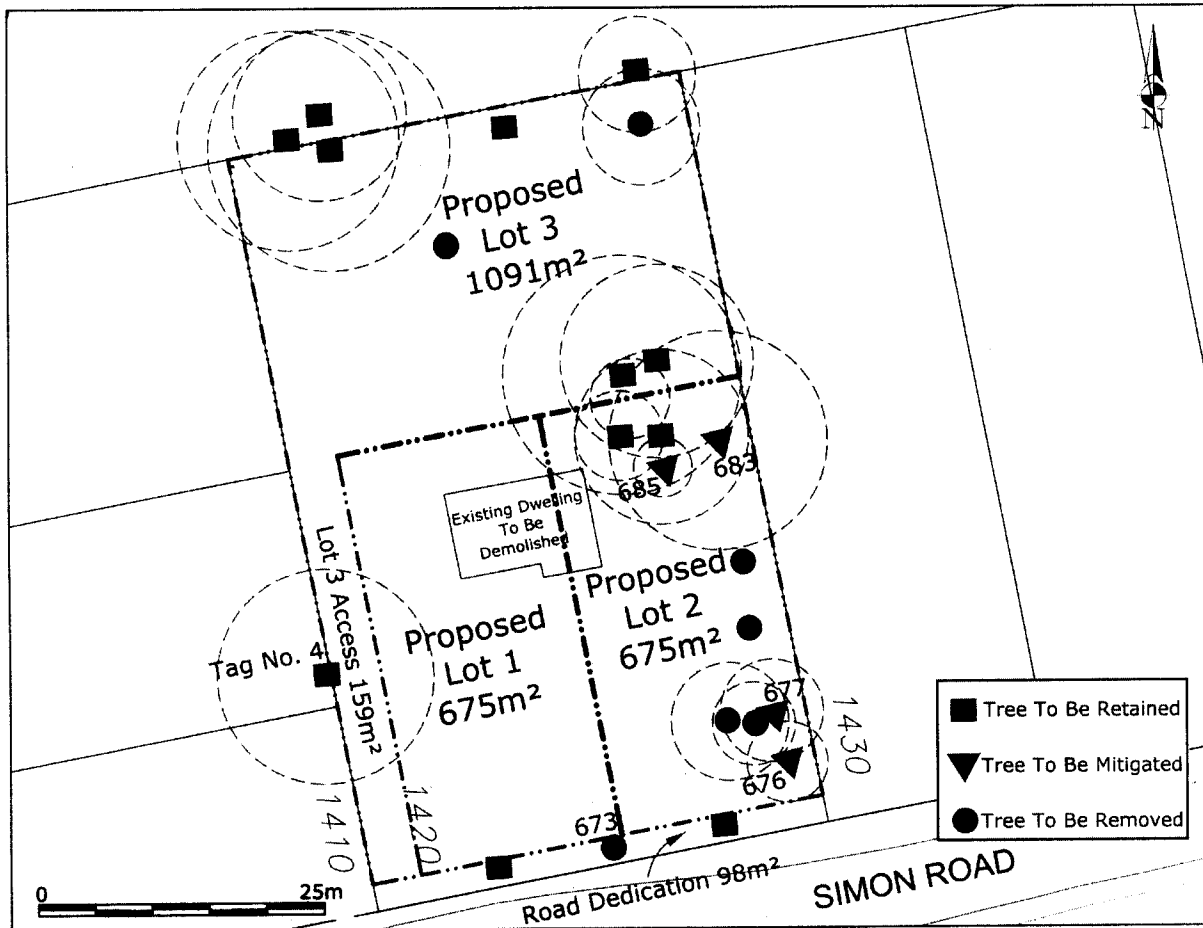


Figure 1. Proposed Site Plan

### Background / Neighbourhood Context

The 2698 m<sup>2</sup> site is located within the Urban Containment Boundary, on the north side of Simon Road just east of Braefoot Road. The land rises over 4 m from south to north and has numerous groves of Garry oak trees, and established lawn with landscaping around the existing dwelling. The single family dwelling would be removed in the course of development. As shown in Figure 2, the adjacent parcel to the north, east and west are zoned A-1. Across Simon Road to the south are RS-6 and RA-1 zoned single family and multi-family residential development. Council recently approved a similar rezoning for a six lot subdivision slightly to the east, at 1440/1444 Simon Road.

The Braefoot Action Plan identifies conceptual development of lots along the north side of Simon Road based on RS-8 zoning (665 m<sup>2</sup> minimum lot size). The proposed rezoning from A-1 to RS-8 would result in two additional single family dwelling lots which would be consistent with the prevalent lot size in the area and generally meet the intent of policies found in the Braefoot Action Plan and Gordon Head Local Area Plan.

The site is well located, close to an elementary school, a municipal park and is relatively close to neighbourhood services at University Heights or McKenzie Quadra Street.

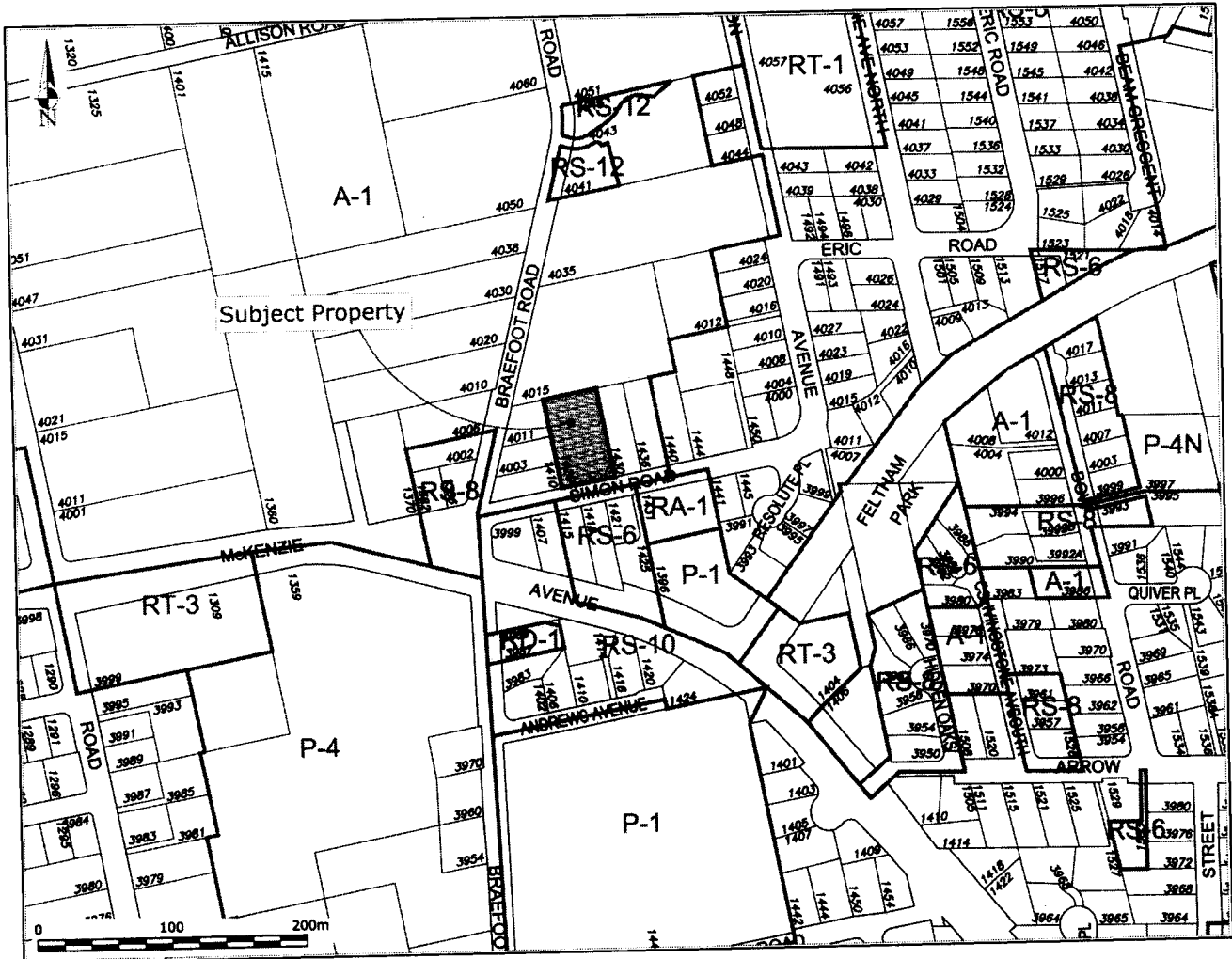


Figure 2. Location Plan

**Environmental Features**

This area of the Municipality, at the western edge of Gordon Head, contains an extensive Garry oak canopy. Talbot McKenzie & Associates provided a report dated February 3, 2009 on the trees, providing recommendations for retention, loss and suggestions for minimizing impact.

To optimize retention the report recommends using a “floating” driveway system over the root zone as well as relocating required servicing between proposed Lots 1 and 2 to minimize impacts on the large Garry oak #4 adjacent to the proposed panhandle lot. The report also recommends reducing the size of the potential building envelope of proposed Lot 2 to be outside the Critical Root Zone of Garry oak #683. This should also result in the retention of tree # 685.

The young Chestnut trees fronting the road will become boulevard trees and will be protected through the development process. Tree #673 will be removed to accommodate servicing and to preserve Tree # 4 because it is more worthy of retention.

Braefoot Action Plan Development Guideline G4 recommends decreasing the amount of impervious areas. Requiring proposed Lot 1 to access from the panhandle would eliminate one driveway. The driveway for Proposed Lot 2 should be located near the westerly lot boundary to avoid the root zones of Tree # 676 & 675 and consideration should be for a single width driveway within the boulevard area.

Storm water services will be in accordance with municipal requirements to meet Schedule H stormwater requirements for a Type 1 watershed area. Action Plan Guidelines suggest that environmental benefits, safety, and aesthetic considerations be balanced through the use of Best Management practices.

Other guidelines discuss restricting impermeable fencing and encouraging natural building materials and earthy colours.

The details related to tree retention and other issues discussed above can be addressed through the subdivision process.

#### **Development Variance Permit**

The Subdivision Bylaw requires that panhandle lots have a minimum depth of 30 m and the request is to vary the lot depth of proposed Lot 3 to 27.1m. The impact of this 3.0 m change is minimal on surrounding lots as setback requirements remain the same.

#### **Waiving of the 10% Frontage for Proposed Panhandle Lot 3**

Pursuant to Council's policy of June 12, 1999, all panhandle lots that do not provide a minimum frontage on a highway of 1/10th of the perimeter of the lot shall be referred to Council for consideration of an exemption from the statutory requirement under Section 944(2) of the *Local Government Act*. In the event that this application is approved, it would be necessary for Council to consider such a waiver prior to final reading of the amending bylaw.

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#### **Summary**

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The application to rezone and subdivide to create a total of three lots meets the Gordon Head Local Area Plan and Braefoot Action Plan policies. Implementation of the tree retention recommendations provides the opportunity to modify the subdivision construction to ensure that significant trees are retained.

The following items will be considered by the Approving Officer in the subdivision review process:

- Provision of suitable tree preservation covenants;
- Driveway construction in accordance with consulting arborist recommendations;
- Provision of suitable covenants and reciprocal easements to provide one shared access for proposed Lots 1 and 3.

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**RECOMMENDATION**

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1. That the application to rezone from A-1 (Rural Zone) to RS-8 (Single Family Dwelling Zone) be approved;
2. That Development Variance Permit No. DVP00267 be approved; and
3. That the request to waive the 10% perimeter road frontage requirement for proposed Lot 3 be approved.

Report prepared by:

*Jeff Chan*  
for Anne Topp, Manager of Community Planning

Report reviewed by:

*[Signature]*  
Russ Fuoco, Director of Planning

BH/JC/AT/sp

H:\Tempest\Prospero\Attachments\Sub\Sub00588\Report To Council.Doc

Attachment

cc: T. Wood, Municipal Administrator

**ADMINISTRATOR'S COMMENTS:**

I recommend a Public Hearing be called.

*[Signature]*

for  
Tim Wood, Administrator

**DISTRICT OF SAANICH**  
**DEVELOPMENT VARIANCE PERMIT**

**NO. DVP00267**

**TO: May Helen Sobkowicz**  
**117 – 4062 Shelbourne Street**  
**Victoria, BC V8N 3E6**

*the owner of lands known and described as:*

**Lot A (DD 397286-I), Section 32, Victoria District**  
**Plan 5609**  
**1420 Simon Road**

*(herein called "the lands")*

1. This Development Variance Permit is issued subject to compliance with all of the Bylaws of the Municipality applicable thereto, except as specifically varied or supplemented by the Permit.
2. This Development Variance Permit applies to the lands.
3. The owner has submitted to the Approving Officer a tentative plan of subdivision to subdivide the lands into 3 lots as shown on the plan of subdivision prepared by Active Earth Engineering Limited, a copy of which is attached hereto. *(herein called "the subdivision")*
4. The Development Variance Permit varies the provisions of the Subdivision Bylaw, 1995, No. 7452, as follows:
  - (a) by varying the minimum panhandle lot depth provided by Section 5.1(b) in respect to proposed Lot 3 of the subdivision from 30.0 m to 27.1 m.
5. This Permit is not a Building Permit.

**AUTHORIZING RESOLUTION PASSED BY THE MUNICIPAL COUNCIL ON THE**

\_\_\_\_\_ DAY OF \_\_\_\_\_ 20 \_\_\_\_\_

**ISSUED THIS**

**DAY OF**

**20**

\_\_\_\_\_  
**Municipal Clerk**



**LEGEND**

- PROPOSED PROPERTY LINES
- EXISTING PROPERTY LINES
- MAXIMUM BUILDING ENVELOPE
- UTILITIES
- TREE
- EXISTING POLE
- EXISTING CATCH BASIN
- MANHOLE
- EDGE OF PAVEMENT
- WATER METER

RECEIVED

JAN 29 2008  
PLANNING DEPT.  
CORP. OF SAANICH

**REFERENCE DRAWINGS**

REV.	DATE	DESCRIPTION	CHKD.
0		THESE PLANS FORM PART OF DEVELOPMENT VARIANCE PERMIT DVP 002757	
1			BT



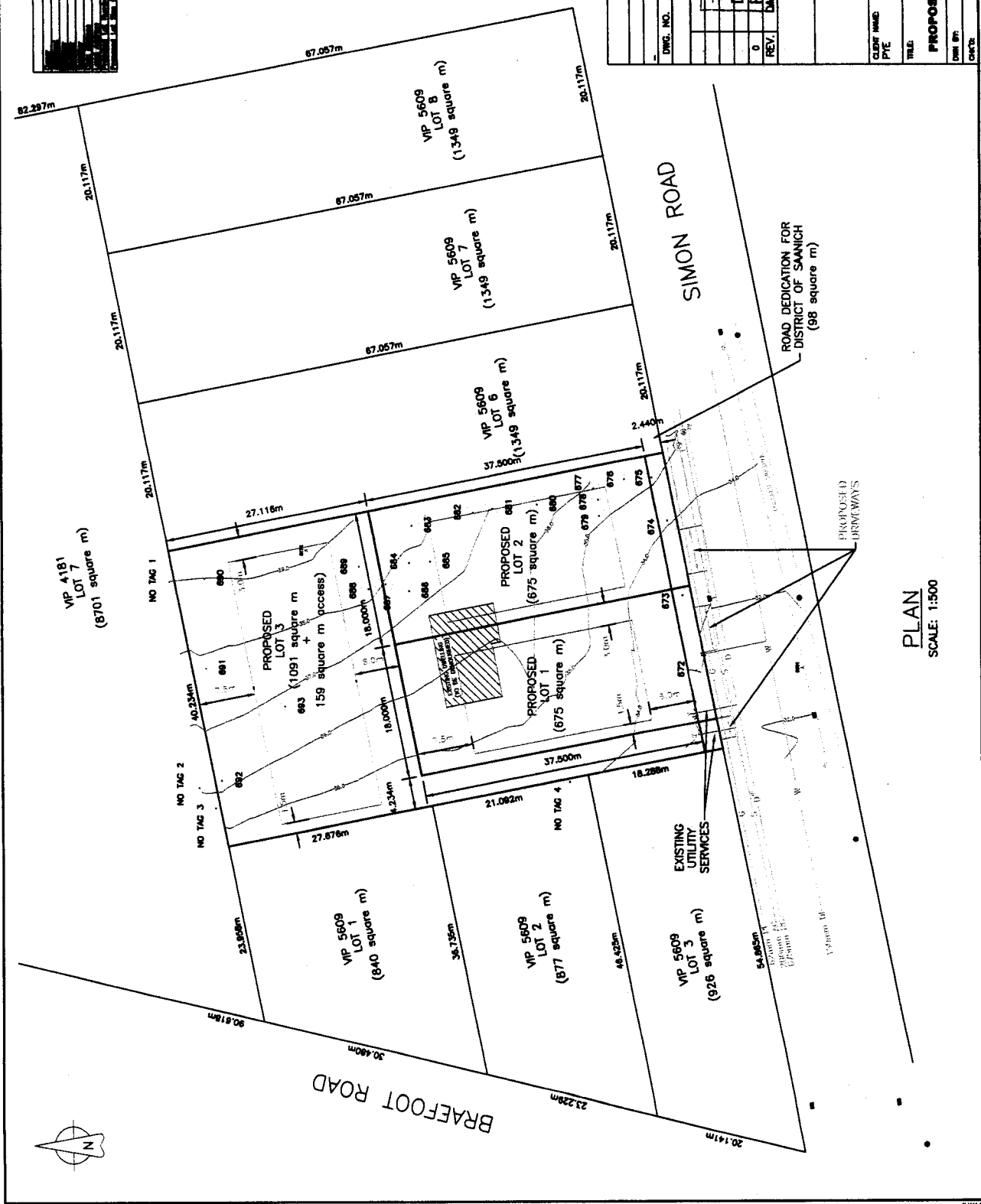
**Active Earth Engineering Inc.**

PROJECT LOCATION:  
1420 SIMON ROAD SAANICH, BC

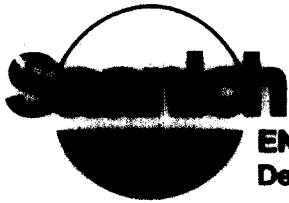
CLEAR WING:  
PTE

TITLE:  
**SITE PLAN - 1420 SIMON ROAD  
PROPOSED REZONING / SUBDIVISION APPLICATION**

DATE: 2008-01-28  
SCALE: 1:500  
DRAWN BY: [ ]  
CHECKED BY: [ ]  
DATE: [ ]  
SCALE: [ ]  
DRAWING NO.: [ ]  
REV: 0  
PLAT: [ ]  
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**PLAN**  
SCALE: 1:500



**ENGINEERING**  
Development

# Memo

To: Subdivision Office  
From: Jagtar Bains – Development Coordinator  
Date: March 17, 2009  
Subject: Servicing Requirements for Development

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**PROJECT: TO REZONE FROM A-1 TO RS-8 TO CREATE 2 ADDITIONAL LOTS FOR SINGLE FAMILY DWELLING USE**

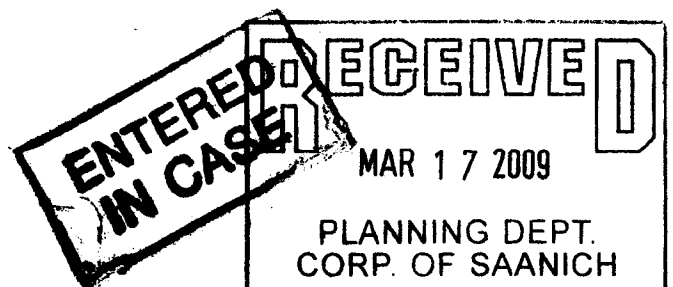
**SITE ADDRESS: 1420 SIMON RD**  
**PID: 005-986-346**  
**LEGAL: LOT A SECTION 32 VICTORIA LAND DISTRICT PLAN 5609 (DD 397286-I).**  
**DEV. SERVICING FILE: SVS01519**  
**PROJECT NO: PRJ2009-00053**

The intent of this application is to subdivide the above referenced parcel into three single family lots. Some of the more apparent Development Servicing requirements are as listed on the following pages(s).

A handwritten signature in black ink, appearing to read "Jagtar Bains".

Jagtar Bains  
DEVELOPMENT COORDINATOR

cc: Von Bishop, MANAGER OF DEVELOPMENT



# Development Servicing Requirements

Development File: SVS01519  
Civic Address: 1420 SIMON RD  
Page: 1

Date: Mar 17, 2009

## Drain

DRAIN - 1. THE EXISTING DRAIN CONNECTION IS TO BE EXTENDED TO THE NEW PROPERTY LINE TO SERVE PROPOSED LOT 1.

DRAIN - 2. STORM WATER MANAGEMENT MUST BE PROVIDED IN ACCORDANCE WITH THE REQUIREMENTS OF SCHEDULE H "ENGINEERING SPECIFICATIONS" OF SUBDIVISION BY-LAW. THIS SUBDIVISION/DEVELOPMENT IS WITHIN TYPE 1 WATERSHED AREA WHICH REQUIRES STORM WATER STORAGE, CONSTRUCTION OF WETLAND OR TREATMENT DRAIN AND SEDIMENT BASIN. FOR FURTHER DETAILS, REFER TO SECTION 3.5.16, STORM WATER MANAGEMENT AND EROSION CONTROL OF SCHEDULE H "ENGINEERING SPECIFICATIONS" OF SUBDIVISION BY-LAW.

DRAIN - 3. SUBSEQUENT DRAIN CONNECTIONS WILL BE REQUIRED FOR PROPOSED LOTS 2 AND 3 FROM THE EXISTING MAIN ON SIMON ROAD.

## Gen

GENERAL - 1. THIS PROPOSAL IS SUBJECT TO THE PREVAILING MUNICIPAL DEVELOPMENT COST CHARGES.

GENERAL - 2. THE EXISTING NON-COMFORMING BUILDING MUST BE REMOVED PRIOR TO SUBDIVISION APPROVAL.

## Hydro/el

HYDRO - 1. UNDERGROUND WIRING IS REQUIRED TO SERVE PROPOSED LOT 3.

## Road

ROAD - 1. 2.44 M WIDE PROPERTY DEDICATION IS REQUIRED ALONG THE ENTIRE FRONTAGE OF THE SUBDIVISION ON SIMON ROAD FOR ROAD ALLOWANCE.

ROAD - 2. STREET LIGHTING IS REQUIRED ON THE EXISTING POLE FRONTING 1419 SIMON ROAD.

ROAD - 3. THE EXISTING CONCRETE CURB AND GUTTER ON SIMON ROAD, NEAR THE SOUTHWEST CORNER, MUST BE EXTENDED ACROSS THE FRONTAGE OF THIS SUBDIVISION.

## Sewer

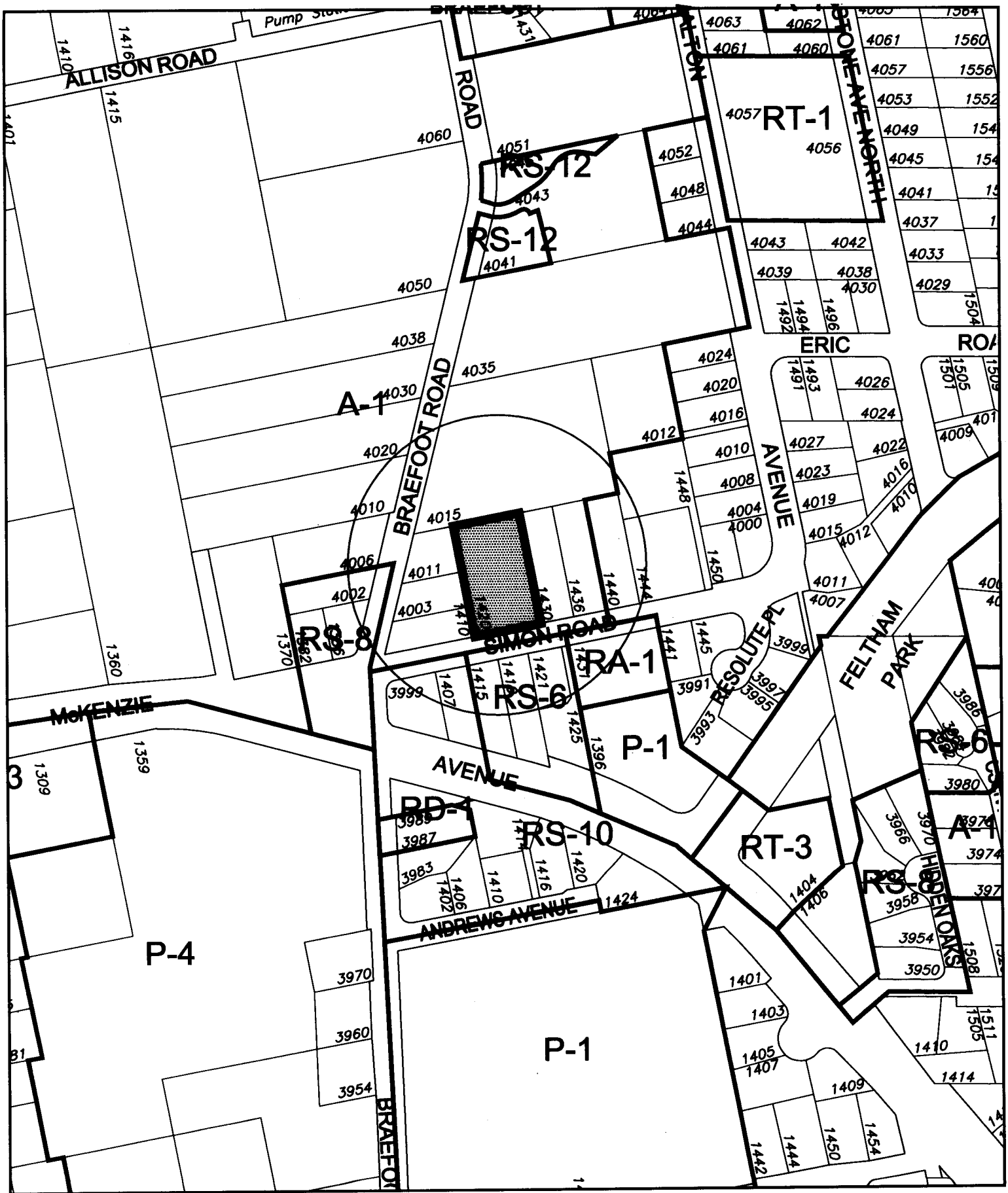
SEWER - 1. THE EXISTING SEWER CONNECTION ON SIMON ROAD MUST BE EXTENDED TO THE NEW PROPERTY LINE TO SERVE PROPOSED LOT 3.

SEWER - 2. SUBSEQUENT SEWER CONNECTIONS WILL BE REQUIRED FOR PROPOSED LOTS 1 AND 2 FROM THE EXISTING MAIN ON SIMON ROAD.

## Water

WATER - 1. PROVISIONAL WATER CONNECTIONS WILL BE REQUIRED FOR PROPOSED LOTS 2 AND 3..

WATER - 2. THE EXISTING 13MM WATER SERVICE TO PROPOSED LOT 1, MUST BE UPGRADED TO 19MM.



District of Saanich  
 Planning Department  
 Date: FEB 29, 2009