



**TOWN OF VIEW ROYAL**  
**BOARD OF VARIANCE MEETING**  
**WEDNESDAY, MAY 8, 2024, AT 7:00PM**  
VIEW ROYAL MUNICIPAL HALL – COUNCIL CHAMBERS

## **AGENDA**

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1. **CALL TO ORDER**
2. **APPROVAL OF AGENDA**  
*(motion to approve)*
3. **MINUTES, RECEIPT & ADOPTION OF**  
  
Minutes of the Board of Variance meeting held January 17, 2024,  
*(motion to adopt)* Pg. 2
4. **APPLICATIONS**  
  
**2024-01 316 JALAN PLACE** (Lot 27, Section 13, Esq Dist, Plan 37592) Pg.3-13  
Applicants: Edda Creative  
Variance: Reduce the rear yard setback from 7.5m to 6m for the construction of a deck.
5. **CORRESPONDENCE**
6. **NEW BUSINESS**
7. **TERMINATION**



# TOWN OF VIEW ROYAL

## Board of Variance Report

**TO:** Board of Variance

**DATE:** April 24, 2024

**FROM:** Leah Curtis  
Community Planner

**MEETING:** May 8, 2024

**FILE NO:** BOV 2024-01

### BOARD OF VARIANCE APPLICATION NO. 2024-01 316 JALAN PLACE

#### APPLICANT REQUESTED VARIANCE:

The applicant is requesting a variance to Zoning Bylaw No.900, 2014 Section 8.1.4 to:

- reduce the minimum rear yard setback of a principle building from 7.5 m to 6 m

to allow for the construction of a proposed deck that would be attached to the single-family dwelling located at the subject property of 316 Jalan Place and more particularly described as:

#### LOT 27, SECTION 13, ESQUIMALT DISTRICT, PLAN 37592

Figure 1: Location of Subject Property



**PURPOSE OF REPORT:**

To provide the Board with information related to the proposal to reduce the rear yard setback of a principle building from 7.5 metres to 6 metres to allow for the construction of a proposed deck that would be attached to the single-family dwelling.

**BACKGROUND:**

RELEVANT BYLAWS / POLICIES:

The requested variance is to Section 8.1.4 of Zoning Bylaw No.900, 2014. Apart from the noted setback variance, the applicant's proposal is consistent with the zoning provisions of the R1: Detached Residential (Large Lot) Zone. For clarity, the proposal complies with the maximum permitted floor area and floor space ratio (density) provisions of the R-1 zone.

The applicant's property is not located within a Development Permit Area; therefore, a development permit is not required. Should the Board grant a variance the applicant may apply for a building permit application.

ATTACHMENTS:

- Schedule 1 – Applicant's Letter to the Board
- Schedule 2 – Applicant's Survey
- Schedule 3 – Applicant's Plans

**DISCUSSION:**

Based on Town records for the subject property, the existing single-family dwelling was built in the early 80s, prior to the Town's incorporation. When this home was constructed, it was subject to different zoning regulations that were applicable at the time. The existing deck currently encroaches 1.5 metres into the rear yard setback and is considered non-confirming with the Town's Zoning Bylaw. However, any new construction must meet the current zoning provisions of the R-1 zone.

The applicant intends to demolish the existing deck and construct a new deck which would be attached to the single-family residence. However, to maintain access to the existing door, the applicant is requesting a variance of 1.5 metres, which would allow for 1.5 metre sq. area of the new deck to be located within the rear yard setback.

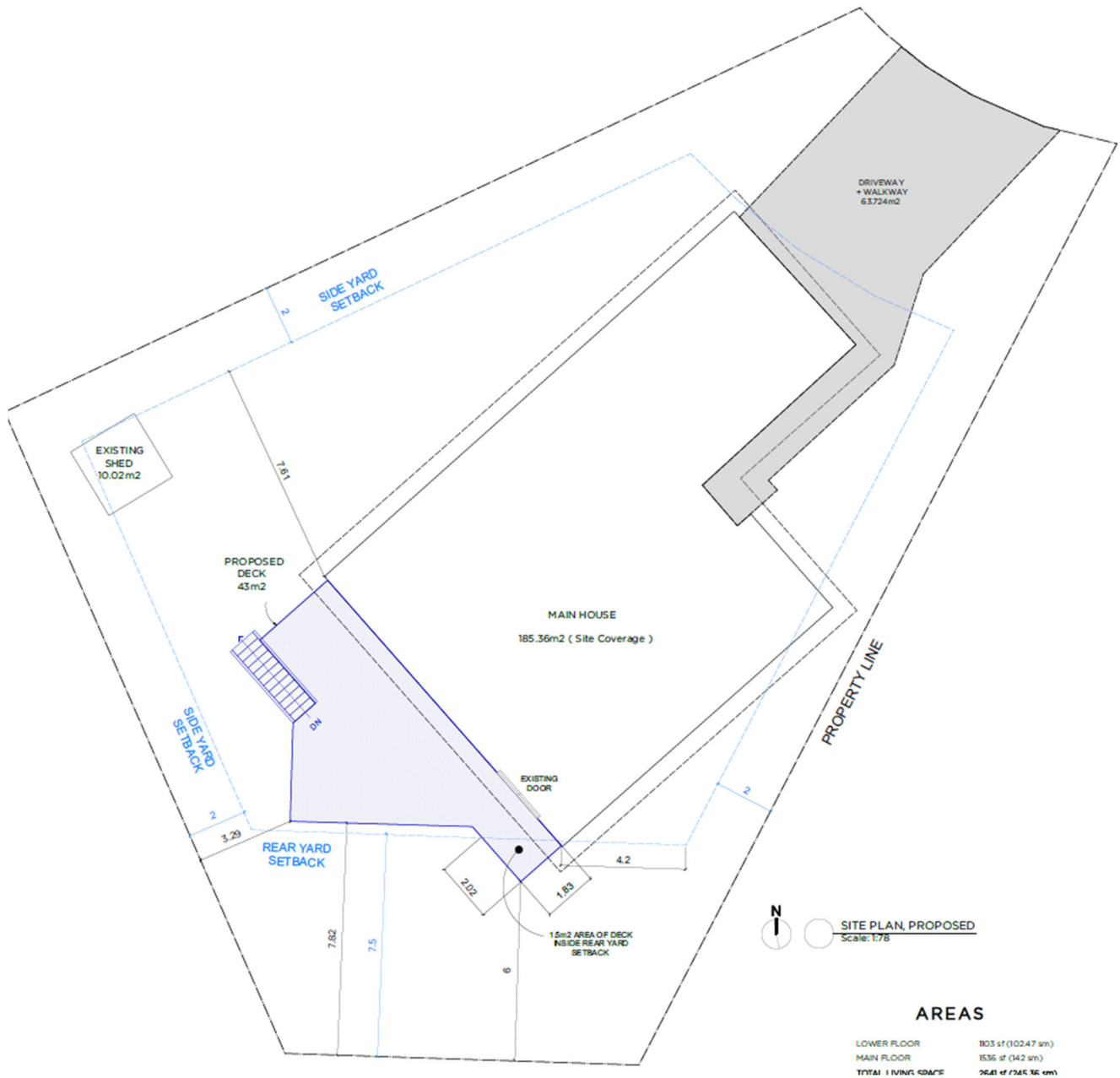


Figure 2: Site Plan of 316 Jalan Place

The Board is to consider the variance according to the following section within the Local Government Act:

*542 (1) On an application under section 540, the board of variance may order that a minor variance be permitted from the requirements of the applicable bylaw, or that the applicant be exempted from section 531 (1) [alteration or addition while non-conforming use continued], if the board of variance...is of the opinion that the variance or exemption does not do any of the following:*

- (i) result in inappropriate development of the site;*
- (ii) adversely affect the natural environment;*
- (iii) substantially affect the use and enjoyment of adjacent land;*
- (iv) vary permitted uses and densities under the applicable bylaw;*
- (v) defeat the intent of the bylaw.*

## **STAFF RECOMMENDATION**

It is staff's opinion that the requested variance is benefitting the subject property and the adjacent lot without defeating the intent of the bylaw or impacting other properties.

## **PUBLIC NOTIFICATION:**

A notice of the Board's consideration of this variance application was delivered to owners and occupants of properties within a radius of 100 metres (328 feet) of the subject parcel.

**SUBMITTED BY:**



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Leah Curtis  
Community Planner

01/16/2024

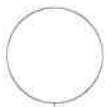
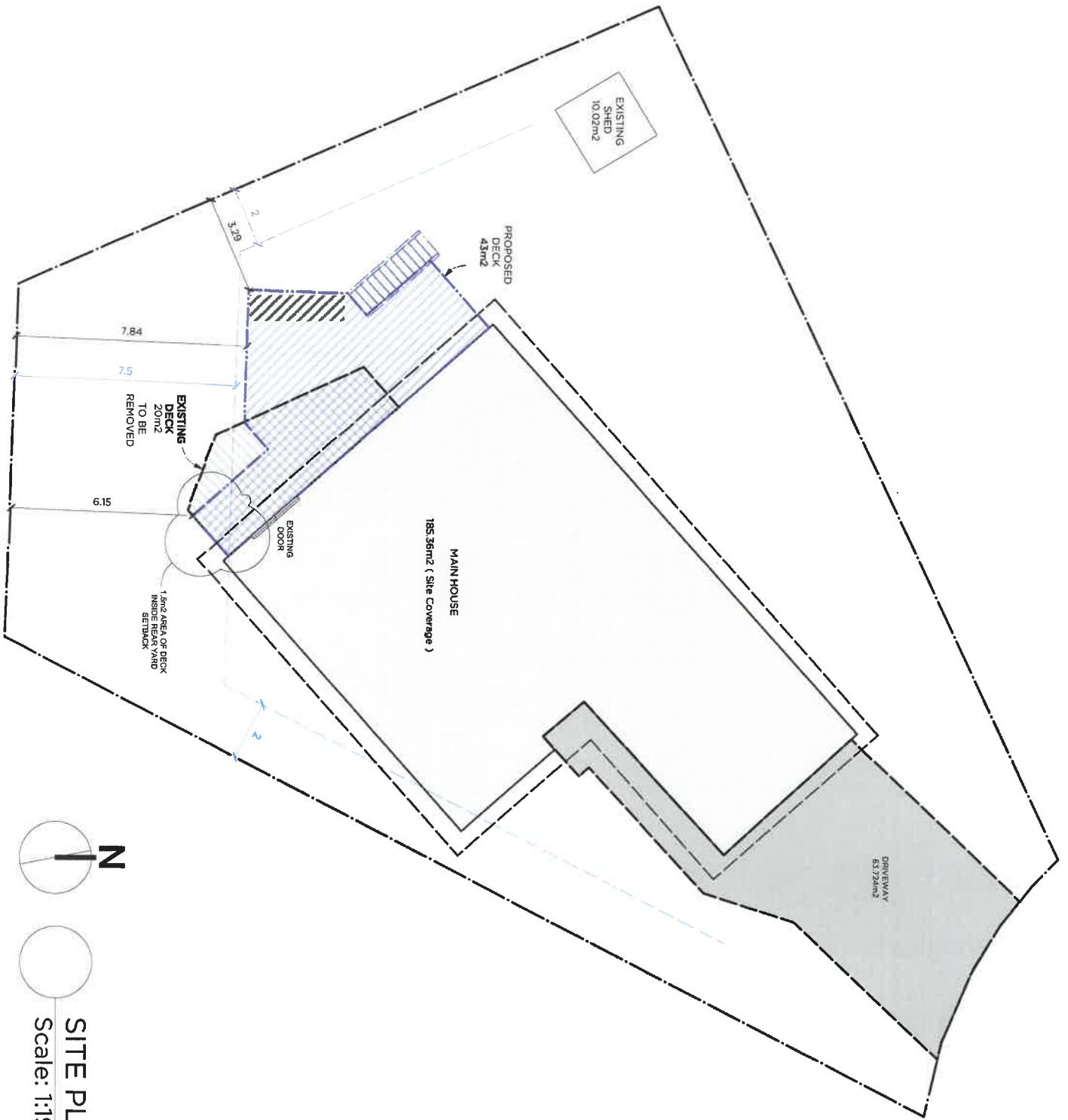
Attn. The Chair and members of the Board of Variance,

We need to replace the original deck on our house as it is rotting and not safe anymore. We would like to build the deck in the same location but the original construction is non conforming with current municipal setbacks and the access to the deck is through a door on the main floor that would be a hardship to move. At a minimum we need to retain 1.5m<sup>2</sup> of the original deck area to connect with the door. We are asking for a relaxation of 1.35m into the rear yard setback to maintain this access to our deck. Our yard is very private and the deck will not impact or conflict with any site lines of neighbouring properties. The shape of our lot is unusual and we have confirmed with planning as to which property lines are considered side and rear lot lines. The attached drawing will explain our physical layout and illustrate our hardship situation.

Thank you for your consideration of this matter,

Sincerely,

Ami Dagan + Tara Acheson



**SITE PLAN**  
Scale: 1:192

**WEY MAYENBURG  
LAND SURVEYING INC.**

www.weysurveys.com

#4-2227 James White Boulevard  
Sidney, B.C. V8L 1Z5  
Telephone (250) 656-5155

BC Land Surveyor's Building Location Certificate On:

**Lot 27, Section 13,  
Esquimalt District, Plan 37592.  
(P.I.D. No. 000-131-776)**

Civic Address: 316 Jalan Place.

This document was prepared for mortgage and municipal purposes  
and is for the exclusive use of our client, Edda Creative.

This document shows the relative location of the surveyed structures  
and features with respect to the boundaries of the parcel described above.  
This document shall not be used to define property lines or property corners.



Scale = 1:250

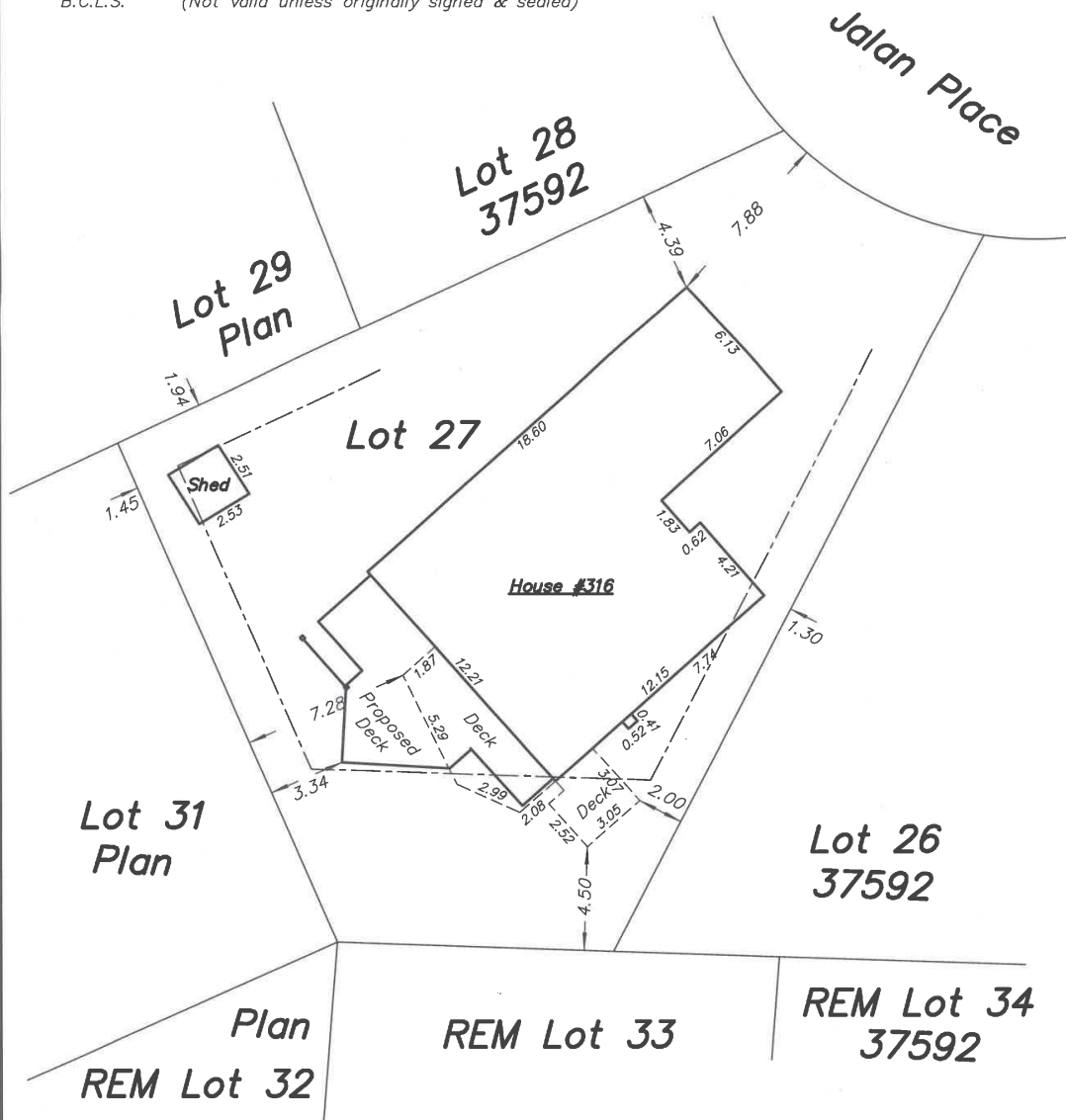
Distances shown are in metres.

Certified Correct this 15th day of September, 2023.

**Lloyd Eakins**  
**E19F5Q**

Digitally signed by Lloyd Eakins E19F5Q  
DN: c=CA, cn=Lloyd Eakins E19F5Q,  
o=BC Land Surveyor, ou=Verify ID at  
www.juricert.com/LKUP.cfm?id=E19F5Q  
Date: 2023.09.25 12:32:27 -07'00'

B.C.L.S. (Not valid unless originally signed & sealed)

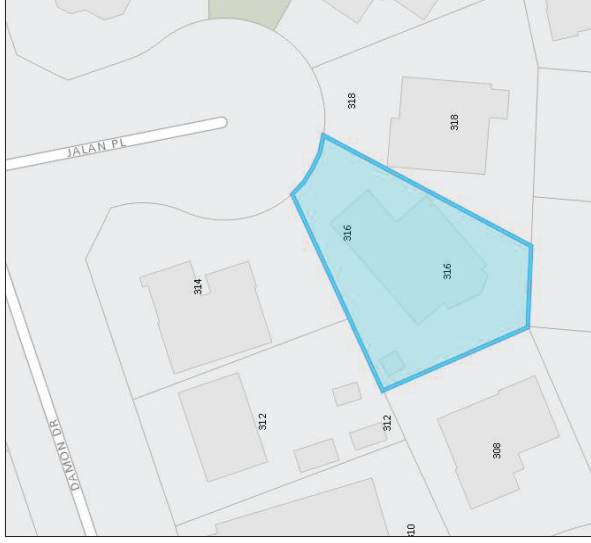




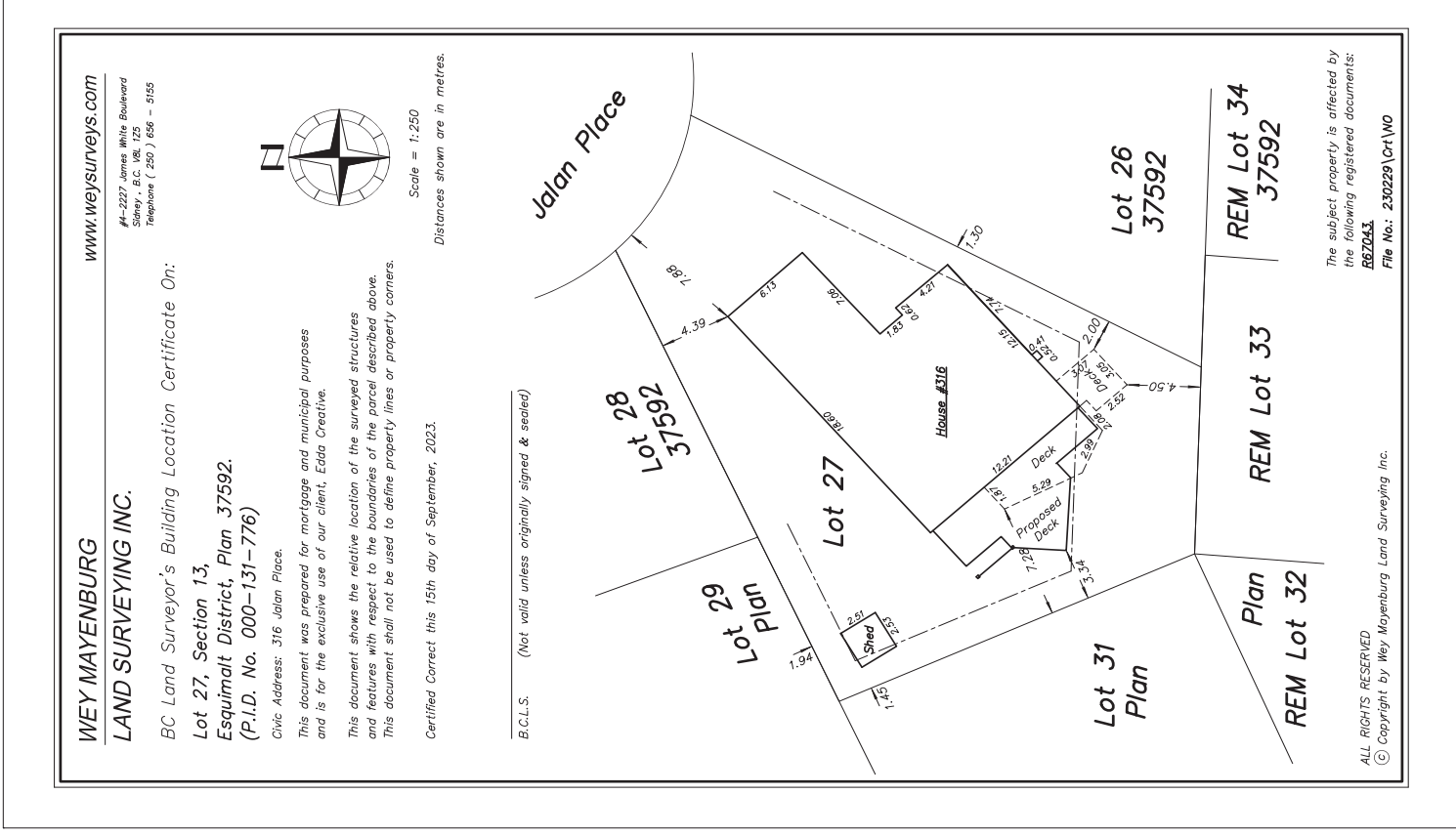
# 316 Jalan Place

ISSUE FOR BP

Issue Date: 01/12/2024



1 KEY PLAN



EDDA CREATIVE  
417A Hillside Ave, Victoria, BC, V8T 1Y6  
victoria@eddacreative.ca  
250-590-9936

## ACHESON DAGAN DECK

316 Jalan Place

Scale: As Shown

Drawn By: John Shields

Revisions:

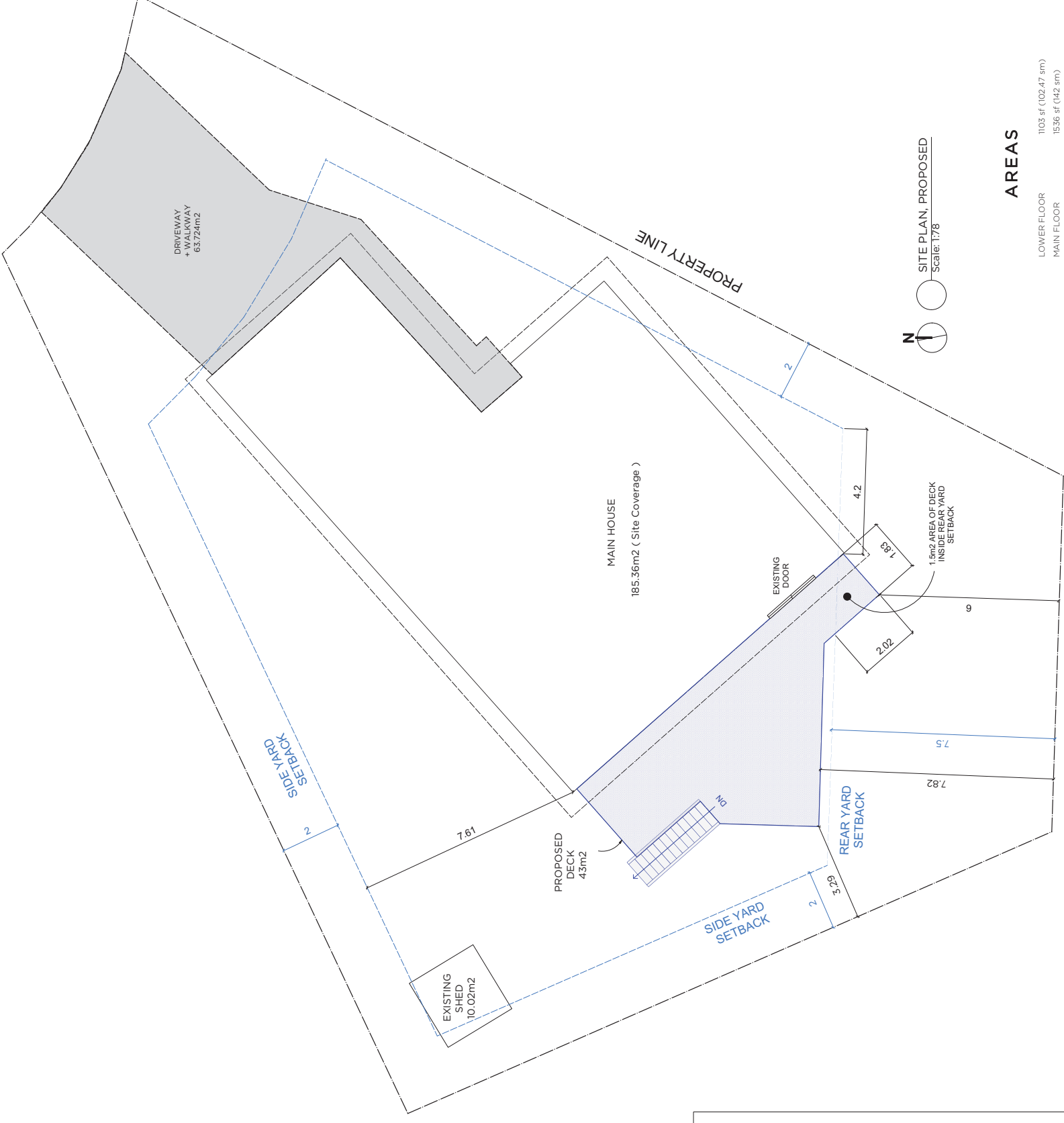
### COVER

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Sheet:

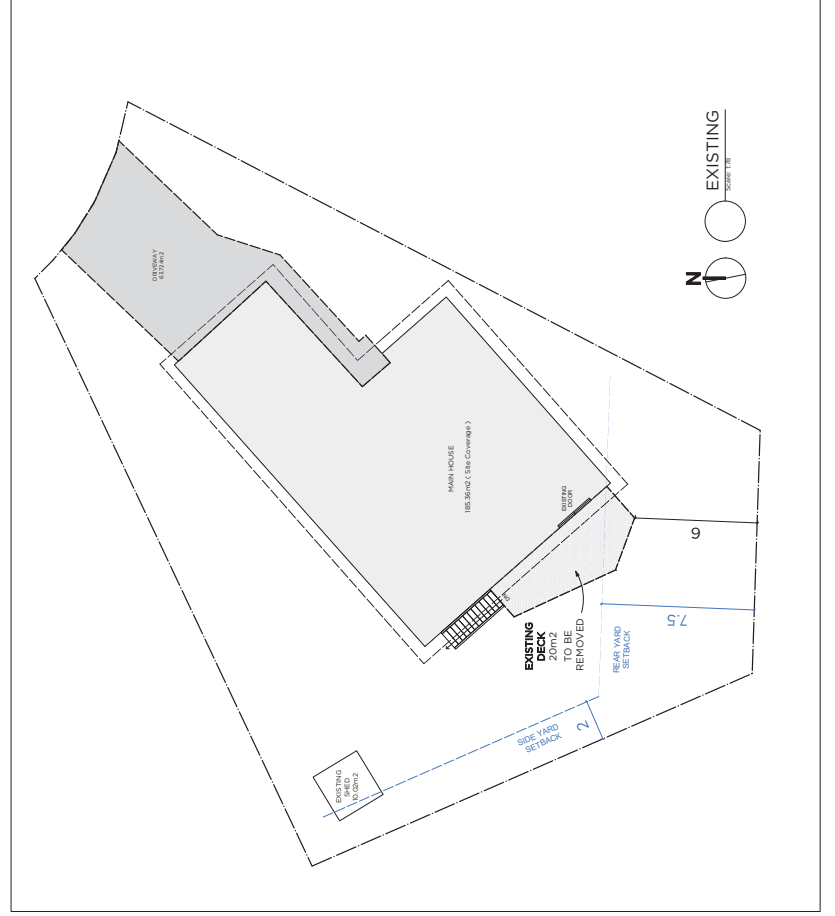
A000

| PROJECT INFORMATION TABLE                       |  |                   |
|---|--|-------------------|
|   | Permitted                              | Proposed          |
| Zone (existing)                                 | R-1 Detached Residential ( Large Lot ) |                   |
| Site area (m <sup>2</sup> )                     | 762m <sup>2</sup>                      |                   |
| Total floor area (m <sup>2</sup> )              | 245m <sup>2</sup>                      |                   |
| Commercial floor area (m <sup>2</sup> )         |  |                   |
| Floor space ratio                               | 0.42                                   | 0.32              |
| Site coverage %                                 | 40.00%                                 | 31.28%            |
| Open site space %                               |  |                   |
| Height of building (m)                          | 5.49m                                  |                   |
| Number of storeys                               | 2                                      |                   |
| Rear yard area ( m <sup>2</sup> )               |  |                   |
| Rear yard coverage %                            |  |                   |
| Parking stalls (number) on site                 |  |                   |
| Bicycle parking number (storage and rack )      |  |                   |
| <b>Building Setbacks (m)</b>                    |  |                   |
| Front yard                                      |  |                   |
| Rear yard                                       | 7.5m                                   | 6m                |
| Side yard ( West )                              | 2m                                     | 3.29m             |
| Side yard ( East )                              | 2m                                     | 4.2m              |
| Combined side yards                             |  |                   |
| Separation from accessory bldg and primary bldg |  |                   |
| <b>Residential Use Details</b>                  |  |                   |
| Total number of units                           | 2                                      |                   |
| Unit type, e.g., 1 bedroom                      |  |                   |
| Ground-orientated units                         |  |                   |
| Minimum unit floor area (m <sup>2</sup> )       |  |                   |
| Total residential floor area                    |  | 245m <sup>2</sup> |



### AREAS

|                           |                               |
|---------------------------|-------------------------------|
| LOWER FLOOR               | 1103 sf (102.47 sm)           |
| MAIN FLOOR                | 1536 sf (142 sm)              |
| <b>TOTAL LIVING SPACE</b> | <b>2641 sf (245.36 sm)</b>    |
| GARAGE                    | 463 sf (43.01 sm)             |
| TOTAL BUILDING            | 3572 sf (331.85 sm)           |
| PROPOSED DECK             | 462.85 sf (43 sm)             |
| EXISTING DECK             | 216 sf (20.07 sm)             |
| DRIVEWAY                  | 686 sf (63.72 sm)             |
| HOUSE FOOTPRINT           | 1973.67 sf (183.36 sm)        |
| PROPOSED VINYL DECK       | 462.85 sf (43 sm)             |
| <b>TOTAL IMPERMEABLE</b>  | <b>3722.52 sf (350.08 sm)</b> |

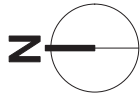


**GENERAL NOTES**

ALL DIMENSIONS TO FRAMING, UNLESS NOTED OTHERWISE.  
REFER TO SPECIFICATIONS SCHEDULES FOR FINISHES.

**AREAS**

|                           |                            |
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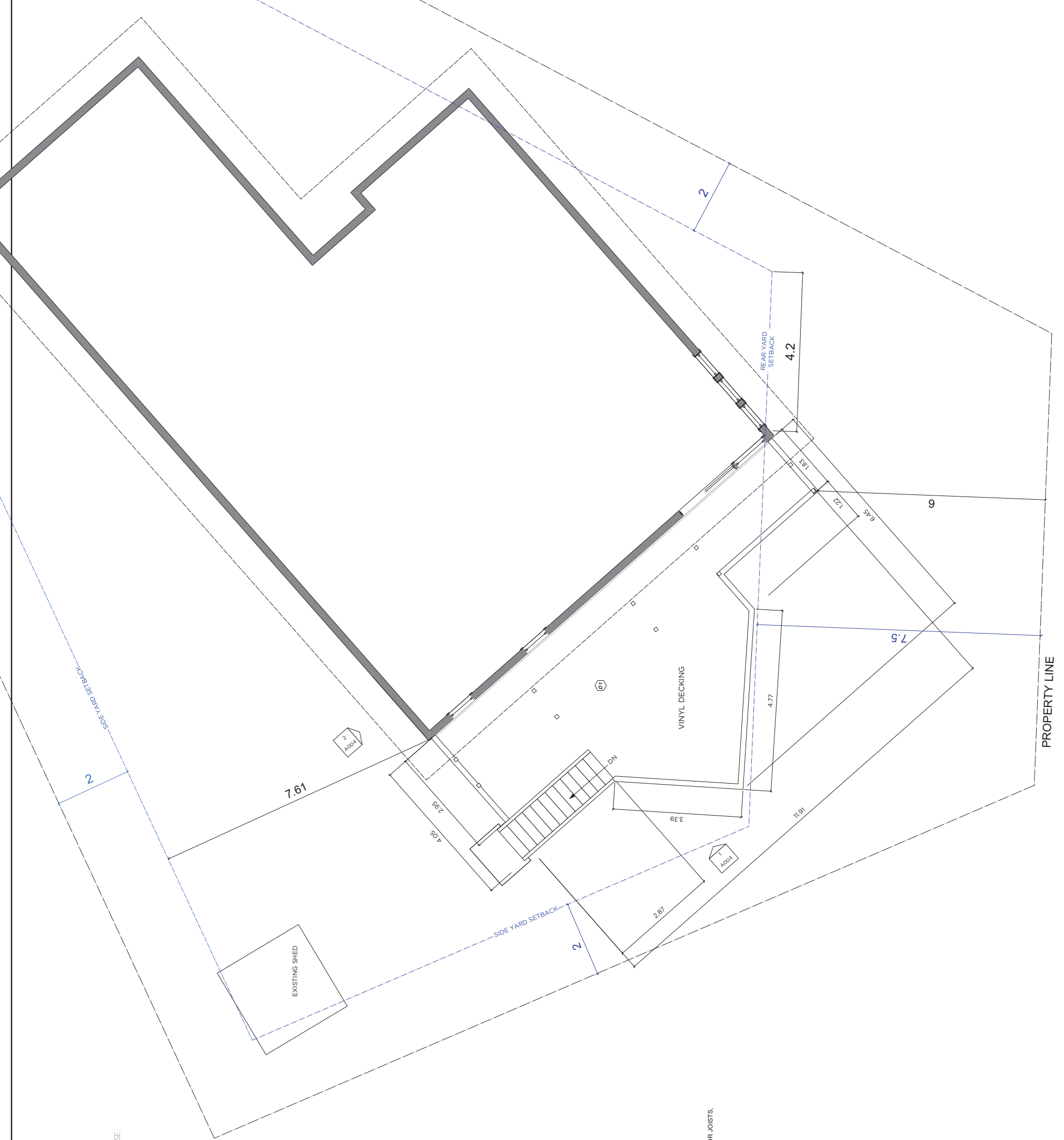


**WALL ASSEMBLIES**

Ⓛ11 HORIZONTAL SIDING TO MATCH EXISTING BUILDING.  
1/2" VERTICAL RAIN SCREEN + BUG SCREEN, CONT.  
BUILDING WRAP, 1/2" SHEATHING, 2x4 WOOD STUD  
FRAMING 16"OC, 1/2" SHEATHING, CONT. BUILDING  
WRAP, 1/2" VERTICAL RAIN SCREEN, BUG SCREEN,  
HORIZONTAL SIDING TO MATCH EXISTING BUILDING

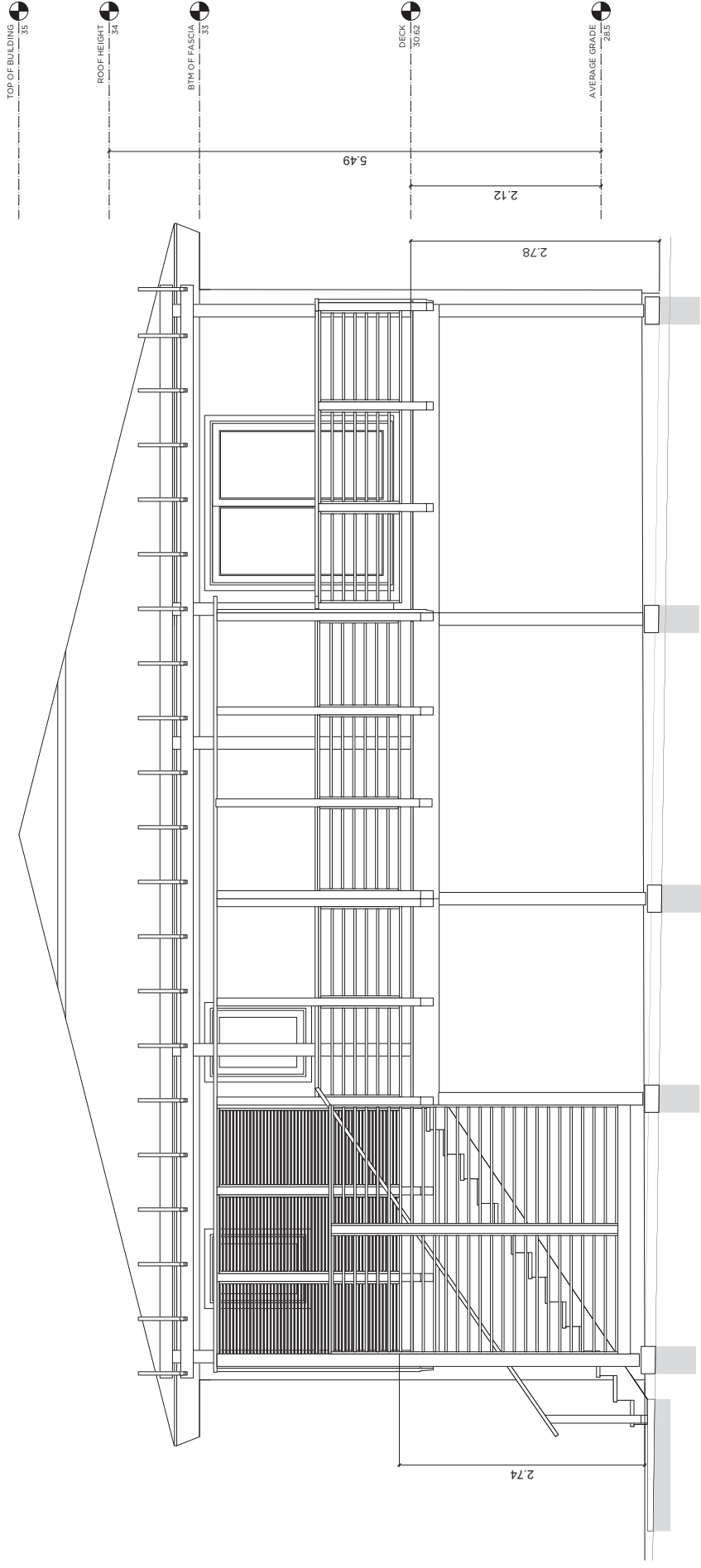
**DECK ASSEMBLIES**

Ⓛ11 VINYL DECKING, 5/8" T+G SHEATHING, 2x10" PT FLOOR JOISTS,

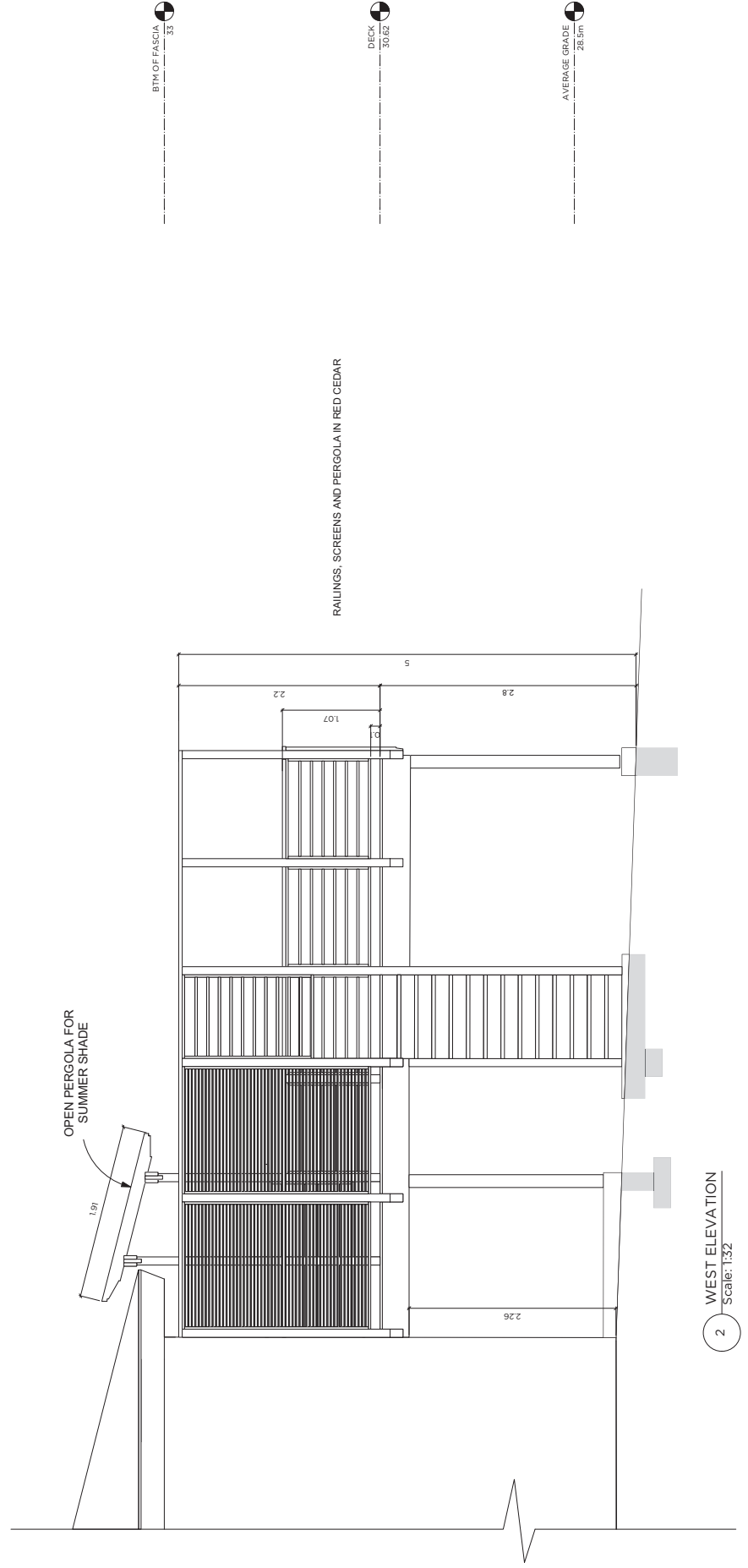


ELEVATIONS

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1 SOUTH ELEVATION  
Scale: 1:32



2 WEST ELEVATION  
Scale: 1:32