



TOWN OF VIEW ROYAL
BOARD OF VARIANCE MEETING
WEDNESDAY, FEBRUARY 12, 2020 AT 7:00PM

VIEW ROYAL MUNICIPAL OFFICE – COUNCIL CHAMBERS

A G E N D A

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 15, 2020
(motion to adopt) Pg. 2
4. **APPLICATIONS**
 - a) **308 View Royal Avenue** (Lot 5, Block 2, Section 8, Esq Dist, Plan 1688)
Applicants: V. Freud Pg. 3-11
 - b) **1954 Riverside Drive** (Lot 2, Section 1, Esq Dist, Plan VIP65453)
Applicants: C & V Reser Pg. 12-24
5. **CORRESPONDENCE**
6. **NEW BUSINESS**
7. **TERMINATION**

Next scheduled Board of Variance Meeting March 11, 2020 – @ 7:00 pm



TOWN OF VIEW ROYAL

MINUTES OF THE BOARD OF VARIANCE MEETING WEDNESDAY, JANUARY 15, 2020 AT 7:00PM VIEW ROYAL MUNICIPAL OFFICE – COUNCIL CHAMBERS

PRESENT WERE: R. Tacoma
P. Devonshire
J. Davison, Planner

REGRETS: D. Miles, Committee Clerk
G. Faykes, Building Official
D. Adair

PRESENT ALSO: 3 Applicants

1. **CALL TO ORDER** - The Chair called to order at 7:00pm

2. **APPROVAL OF AGENDA**
(*motion to approve*)

MOVED BY: R. Tacoma
SECONDED: P. Devonshire

THAT the agenda be approved as presented.

CARRIED

3. **MINUTES, RECEIPT & ADOPTION OF**

MOVED BY: P. Devonshire
SECONDED: R. Tacoma

THAT the minutes from December 12, 2019 be approved as presented.

CARRIED

4. **APPLICATIONS**

a) **251 Woodbine Crt** (Lot 4, Section 2, Esq Dist, Plan VIS1075)
Applicants: S. Makin

The Planner introduced the application.

MOVED BY: P. Devonshire
SECONDED: R. Tacoma

THAT the Board approve the issuance of the variance which would have the effect of relaxing the following regulation required Section 4.8.3 of Zoning Bylaw No. 900, 2014:

- *variance to the maximum fence height in the front yard from 1.2m to 1.9m*

to allow for the construction of a fence.

CARRIED

5. **CORRESPONDENCE**

6. **NEW BUSINESS**

7. **TERMINATION: 7:02 pm**

CHAIR - R. Tacoma

RECORDING SECRETARY – J. Davison



TOWN OF VIEW ROYAL BOARD OF VARIANCE REPORT

TO: Board of Variance
FROM: James Davison,
Community Planner

DATE: February 5, 2020
MEETING: February 12, 2020
FILE NO: 3730-20-2020-01

BOARD OF VARIANCE APPLICATION NO. 2020/01 306 View Royal Ave

APPLICANT REQUESTED VARIANCE:

THAT the Board approve the issuance of the variance which would have the effect of relaxing the following regulations:

- *variance to the minimum setback to the side lot line from 2m to 0.5m contained in the Detached Residential (Large Lot): R-1 Zone Table of Zoning Bylaw No.900, 2014;*

to permit to permit the construction of a side-yard suite entry roof to limit weather damage and aid entry and exit to the suite.

PURPOSE OF REPORT:

To provide the Board with information related to the subject Board of Variance Application.

BACKGROUND:

RELEVANT BYLAWS / POLICIES:

- Zoning Bylaw 900, 2014 – Detached Residential (Large Lot): R-1 Zone.

ATTACHMENTS:

- Schedule 1 – Subject Property Map
- Schedule 2 – Applicant's correspondence - Applicant
- Schedule 3 – Proposal Rendering – Applicant
- Schedule 4 – Proposal Elevation – Applicant
- Schedule 5 – Photos
- Schedule 6 – Letter from Tenant

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*

(a) *has heard the applicant and any person notified under section 541,*

(b) *finds that undue hardship would be caused to the applicant if the bylaw or section 531 (1) is complied with, and*

(c) *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;*
- (vi) *vary the application of an applicable bylaw in relation to residential rental tenure.*

DISCUSSION:

The applicant is requesting the following variance:

THAT the Board approve the issuance of the variance which would have the effect of relaxing the following regulations:

- *variance to the minimum setback to the side lot line from 2m to 0.5m contained in the Detached Residential (Large Lot): R-1 Zone Table of Zoning Bylaw No.900, 2014;*

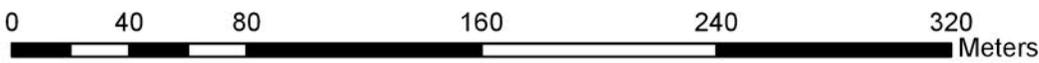
to permit to permit the construction of a side-yard suite entry roof to limit weather damage and aid entry and exit to the suite.

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:


James Davison MCIP RPP
Community Planner



Valerie Froud
306 View Royal Avenue
Victoria, BC V9B 1B4

January 20, 2020

Town of View Royal
45 View Royal Avenue
Victoria, BC V9B 1A6

Board of Variance Members,

I am writing to request a permit to build an awning over the door of the Suite at 306 View Royal Avenue to protect it from weather damage.

The door frame has been repaired 3x in 5 years, and continues to be impacted by weather in a negative way. The attached photos demonstrate the current degradation of the door frame. After consulting with several contractors, the conclusion was that only an awning would protect the door and door frame from weather damage.

The proposed awning would consist of a cedar post and beam shed-roof structure that would be covered with the clear polycarbonate corrugated roofing material. A gutter would be added to the underside of the low end of the awning and drain into a rain barrel. The awning would be situated 11ft up from the ground (beneath the window), and slope down to 7ft (the height of the neighbour's fence.) Please see attached diagram for clarification.

The reason for the proposed heights include the following:

- To allow height clearance for large pieces of furniture moving inside and outside of the suite
- To allow a ladder access underneath the awning to change the lightbulb of the outdoor light as well clean out the dryer vent
- To fully protect the stairwell drain (and keep it free of plant debris and snow) to prevent water from going inside the suite
- To fully protect the door and door frame which is being significantly impacted in a negative way by weather
- To allow height access for firefighters to access path along fence line if required during emergency.

The proposed awning would complement and improve conditions in the surrounding area. The cedar post & beam structure would match the neighbour's cedar fence, as well as the existing cedar pergola on the said property.

It would improve conditions for the tenant renting the suite, keeping the area dry and free of plant debris. Additionally, the Suite would regain some of its privacy that it had prior to the construction of the new house, by preventing people from being able to look down through the door window. It would also block out some of the light from the new house shining through the door.

The proposed awning would not require the removal of any natural landscape and trees. Not one leaf or branch would be harmed during the construction of this awning. Instead, the vegetation would benefit from being watered with rain water collected in the rain barrel

The effect on the immediate neighbours would be positive, as it would greatly improve their view. Rather than looking down at a weather-compromised doorframe requiring constant repairs, they would instead look down on a tastefully-built beautiful cedar post & beam structure that would complement the surrounding area.

Because it is such a small project, it would be completed from start to finish in 2 days, so there would be no noticeable increase in noise and activity-level.

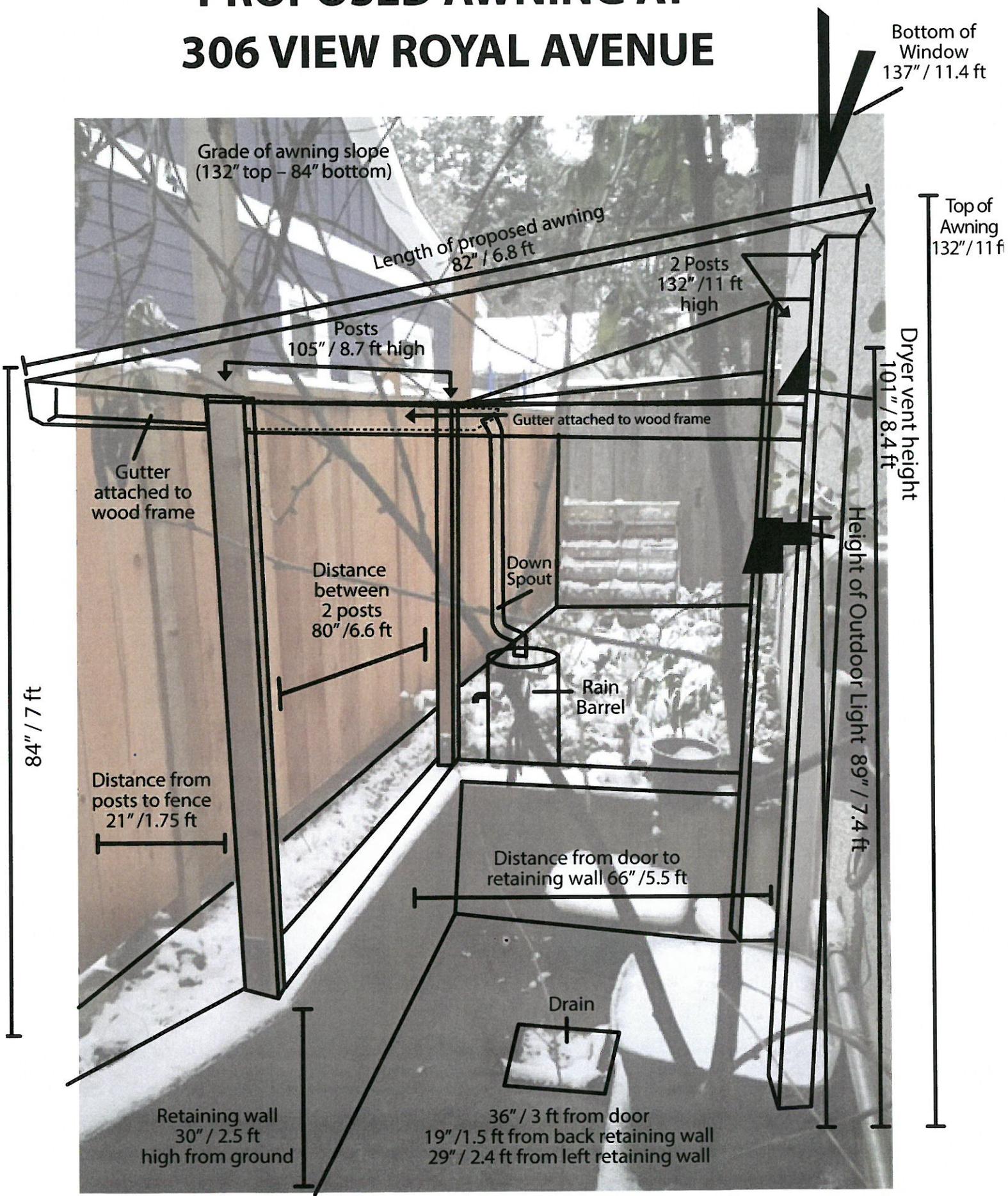
Thank you for your consideration.

Sincerely,

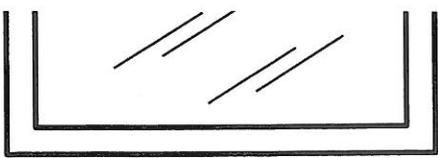
A handwritten signature in black ink, appearing to read 'Valerie Froud', with a stylized flourish at the end.

Valerie Froud

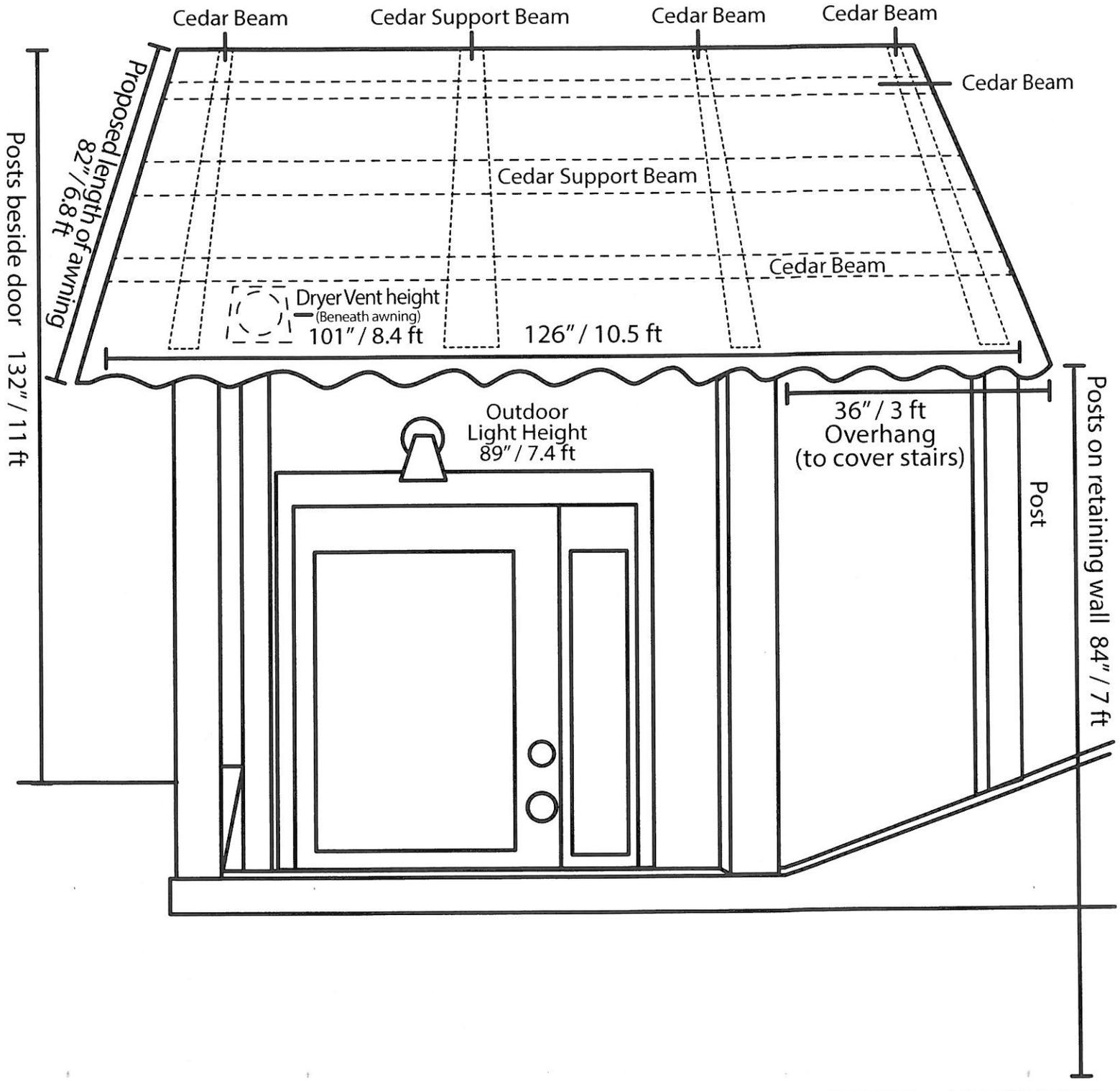
PROPOSED AWNING AT 306 VIEW ROYAL AVENUE



FRONT VIEW FOR PROPOSED AWNING AT 306 VIEW ROYAL AVENUE



Bottom of Window 137" / 11.4 ft





Weather Damage to Door Frame



Area To Be Covered By Awning

Charlotte Cogen
306 View Royal Avenue
Victoria, BC V9B 1B4

January 20, 2020

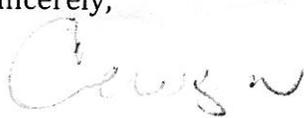
Town of View Royal
45 View Royal Avenue
Victoria, BC V9B 1A6

Board of Variance Members,

As the current tenant of the suite at 306 View Royal Avenue, I would support having an awning above my door to provide me with protection from the elements while entering and exiting the apartment, to keep my recycling dry and to keep the area free of plant debris.

Thank you.

Sincerely,

A handwritten signature in cursive script, appearing to read 'Charlotte Cogen', written in dark ink.

Charlotte Cogen



TOWN OF VIEW ROYAL BOARD OF VARIANCE REPORT

TO: Board of Variance
FROM: James Davison,
Community Planner

DATE: January 28, 2020
MEETING: February 12, 2020
FILE NO: 3730-20-2019-05

BOARD OF VARIANCE APPLICATION NO. 2019/05 1954 Riverside Dr

APPLICANT REQUESTED VARIANCE:

THAT the Board approve the issuance of the variance which would have the effect of relaxing the following regulations:

- *variance to the minimum setback to a lot line for accessory buildings from 1.2m to 0m contained in the Detached Residential (Medium Lot): R-1B Zone Table of Zoning Bylaw No.900, 2014; and*
- *variance to the minimum distance between an accessory building and a principal building from 3.0 metres to 0.4 metres contained in Section 4.6 Accessory Buildings and Other Structures of Zoning Bylaw No. 900, 2014*

to permit the existing accessory building in the side yard.

PURPOSE OF REPORT:

To provide the Board with information related to the subject Board of Variance Application.

BACKGROUND:

RELEVANT BYLAWS / POLICIES:

- Zoning Bylaw 900, 2014 – Detached Residential (Medium Lot): R-1B Zone Table

ATTACHMENTS:

- Schedule 1 – Subject Property Map
- Schedule 2 – Applicant's Correspondence
- Schedule 3 – Building Survey – Brad Cunnin Land Surveying

- Schedule 4 – Applicant’s Site Plan
- Schedule 5 – Letter of Opposition – 2296 Meadowvale Dr
- Schedule 6 – Letter from CAO

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*

(a) has heard the applicant and any person notified under section 541,

(b) finds that undue hardship would be caused to the applicant if the bylaw or section 531 (1) is complied with, and

(c) 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;*
- (vi) vary the application of an applicable bylaw in relation to residential rental tenure.*

DISCUSSION:

This application concerns the construction of a shed in the western side yard of the property, adjacent to 1962 Riverside Dr.

The variances requested are:

- *variance to the minimum setback to a lot line for accessory buildings from 1.2m to 0m contained in the Detached Residential (Medium Lot): R-1B Zone Table of Zoning Bylaw No.900, 2014; and*
- *variance to the minimum distance between an accessory building and a principal building from 3.0 metres to 0.4 metres contained in Section 4.6 Accessory Buildings and Other Structures of Zoning Bylaw No. 900, 2014*

The original building survey is included in the attachments, which shows between 2.05m and 2.14m of setback available within the side yard. The site plan provided by the applicants conflicts with the building survey, which was completed by a registered professional surveyor. Staff had requested a survey to accompany the application to determine the correct and accurate location of the accessory building; the applicant has refused to provide this.

The applicant’s site plan indicates that the shed stretches to 2.01m from the house and that there is an additional 1.1m to the property line. The building survey shows either 2.05m or 2.14m from the property line, depending on where the shed is located (it is not clear). In the

absence of an updated survey, staff must trust the professional survey and conclude that the applicant's site plan is in error. At best, staff estimates that the shed sits within 10cm of the property line, but equally it could be encroaching on the neighbouring property (especially as there may be eaves on the shed further projecting). Staff has indicated a 0m property line variance to account for error, as is common practise.

- The current position of the shed is unknown.
- The applicant has refused to verify the location of the shed with a survey.
- The resulting possibility is that the shed is encroaching on the neighbouring property.
- Under these circumstances staff do not support the application for a variance.

PUBLIC NOTIFICATION:

A notice of the Board's consideration of this variance application was delivered to 53 owners and occupants of properties within a radius of 100 metres (328 feet) of the subject parcel.

SUBMITTED BY:



James Davison MCIP RPP
Community Planner

1954 Riverside Drive

Clarence Reser

Wed 2019-10-16 10:24 AM

To: mgroulx@viewroyal.ca <mgroulx@viewroyal.ca>

Cc: bylawcompliance@viewroyal.ca <bylawcompliance@viewroyal.ca>

Mark Groulx

Bylaw Enforcement Officer

Town of View Royal

Sir:

Receipt of your letter, dated 30 September 2019, is hereby acknowledged.

I wish to advise and confirm the following matters:

1. We have erected a 5' x 10' metal garden/storage shed on the side patio of our house, on the west side of the property.
2. This structure is entirely on our property. It does not require a building permit due to it's 50 sq.ft. size and it's lack of electrical or plumbing fixtures.
3. This structure is necessary as we urgently require dry storage for valuable tools and equipment that are being damaged by the recent bad weather. No combustibles are involved. Our backyard is inaccessible making our situation a true hardship case: the back yard is a 45 degree rocky slope and is covered by blackberry bushes that invaded our property from adjoining lands.
4. The patio was constructed by the original contractor who received both a building permit and occupancy certificate from the Town of View Royal. As a result, we believed any required setbacks were provided for and also point out that the retaining wall for 1962 Riverside Drive, the adjoining property, is about 1 meter from our patio area. The neighbor's dry stacked retaining wall is about the same distance from our recently erected shed as it is from the neighbor's much larger storage shed which is perched on top of an unsecured rock wall where it could come over at any time if ground water caused a land slip.
5. I hasten to add that we have been the subject of continued harassment from the residents of 1962 Riverside Drive for reasons that escape us - as we do not know them at all. Moreover, they have obviously submitted numerous, continued, unreasonable and baseless complaints to View Royal about our efforts to clean up and improve our property.
6. While I refute and dispute the recent "boundary survey" by 1962 Riverside, and firmly believe that our garden shed is entirely on our property, with the required setbacks (since View Royal issued both building permit and occupancy certificates) I will, in a spirit of friendly cooperation submit a minor variance application to View Royal before the end of this week.

Please withhold any further enforcement action pending our variance application. I invite you to attend our property and see the situation for yourself. Leave a message at the number below so I can be sure to be home if you come to inspect. Thank you.

Clarence Reser

1954 Riverside Drive

RECEIVED

JAN 21 2020

Board of Variance
Town of View Royal
45 View Royal Avenue
Victoria, B.C. V9B 1A6

TOWN OF VIEW ROYAL

17 October 2019

By Hand

Dear Sir;

re: 1954 Riverside Drive

Further to advice and instructions from the View Royal By-law Enforcement Officer, we hereby submit an application for a minor variance to accommodate the erection of a small metal garden shed on the patio of our property's west side. Our application includes this letter, a completed BOV application form, a site plan, and a copy of an email to the View Royal By-law Enforcement department.

Application For A Minor Variance

1. Property Facts

- Date of construction: circa 1998.
- Building Permit issued by Town of View Royal.
- Occupancy Certificate issued by Town of View Royal.
- Date of purchase and owner occupancy: 1 April 1999.
- Property has been our principal residence.

2. Background Information

- Extended out of town work assignments, until our recent retirement, have resulted in a large amount of household effects, equipment and tools.
- We experience an acute shortage of dry storage resulting in erection of storage tents on our driveway.
- Recently, due to bad weather, one of the driveway storage tents gave out creating the urgent need for secure storage on site. The only area available, due to a unusable back yard, was a concrete patio off the west side of the house. We have now erected a 10'x5' metal garden shed.
- Occupants of 1962 Riverside Drive have inserted themselves into our affairs despite the fact that we are investing our time and scarce resources to improve our property. They have made negative verbal comments to us on our efforts (which are entirely on our property) and have filed spurious and unfounded complaints to the Township – despite the fact that:
 - a) They have a large heavy storage shed perched near the property line on inherently unstable land, supported by a dry stacked rock retaining wall subject to water erosion from their nearby garden which has an automated sprinkler system,
 - b) The arbutus trees in their rear yard over hang onto our property and the shade has resulted in excessive moss accumulation on our roof with will necessitate expensive re-roofing on our part, and
 - c) They frequently blow their garden debris onto our rear upper yard.

To date, we have not filed complaints to the Township over any of the above matters.

3. Requirement & Request

- We have erected a 10' x 5' (50 sq. ft.-+/-5.5 sq. m) metal garden shed on our concrete kitchen patio. It sits about 1 meter from the adjoining property's dry stone retaining wall which has formed the boundary between the two property's for nearly 20 years. This shed will be used to store valuable shop and garden tools only.
- As a result of complaint driven by-law enforcement action, we have been advised and instructed to apply for a minor variance to address potential sets back issues.
- **We request the Town of View Royal grant a formal variance because:**
 - a) The shed is not unsightly nor will it be an inappropriate use of our private property.
 - b) There are no adverse environmental impacts.
 - c) This structure will not be permanent as we plan to relocate out of View Royal as we move into permanent retirement.
 - d) Our shed imposes **no negative impacts on any other property**. Our immediate neighbours have caused the matter to become an issue by virtue of their constant written and verbal complaints to the Township.

4. Justification

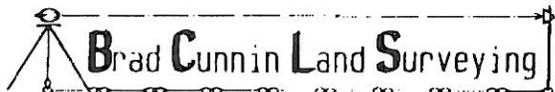
- We urgently require secure on-site storage of seasonal equipment and tools.
- Our backyard is totally unusable due to the extreme slope, rocky terrain, and the recent and extensive invasion of wild blackberry plants from adjacent lands.
- We are experiencing undue hardship on this matter, which has been made worse/untenable by hostile neighbours on our west side.
- Should we not receive a minor variance our only other option is to launch a civil action which would involve the complaining neighbours and View Royal given that valid building and occupancy permits were issued by the Township when the house was constructed. **We do not wish to pursue this course of action, unless we are forced to, but we will defend our constitutional right to the quiet enjoyment and use of our private property.**

We will appreciate favourable consideration of our application. We have endured a lot of stress and expense over this matter what with the recent bad weather and hostile neighbours. Thank you.

Sincerely,

Clarence L.W. Reser

encl/3



3823 Cardie Court
Victoria, BC V8Z 7G8
Phone: (250) 744-3984
Facsimile: 744-3985
File: 6928 - 52A

B. C. Land Surveyor's Certificate of Location for:
LOT 2, SECTION 1, RANGE 0, WEST HIGHLAND DISTRICT, PLAN VIP63453

Parcel Identifier: 023-442-433
In the Town of View Royal

Prepared For: **Jordan Mills**
Solicitors:
Mortgagee:

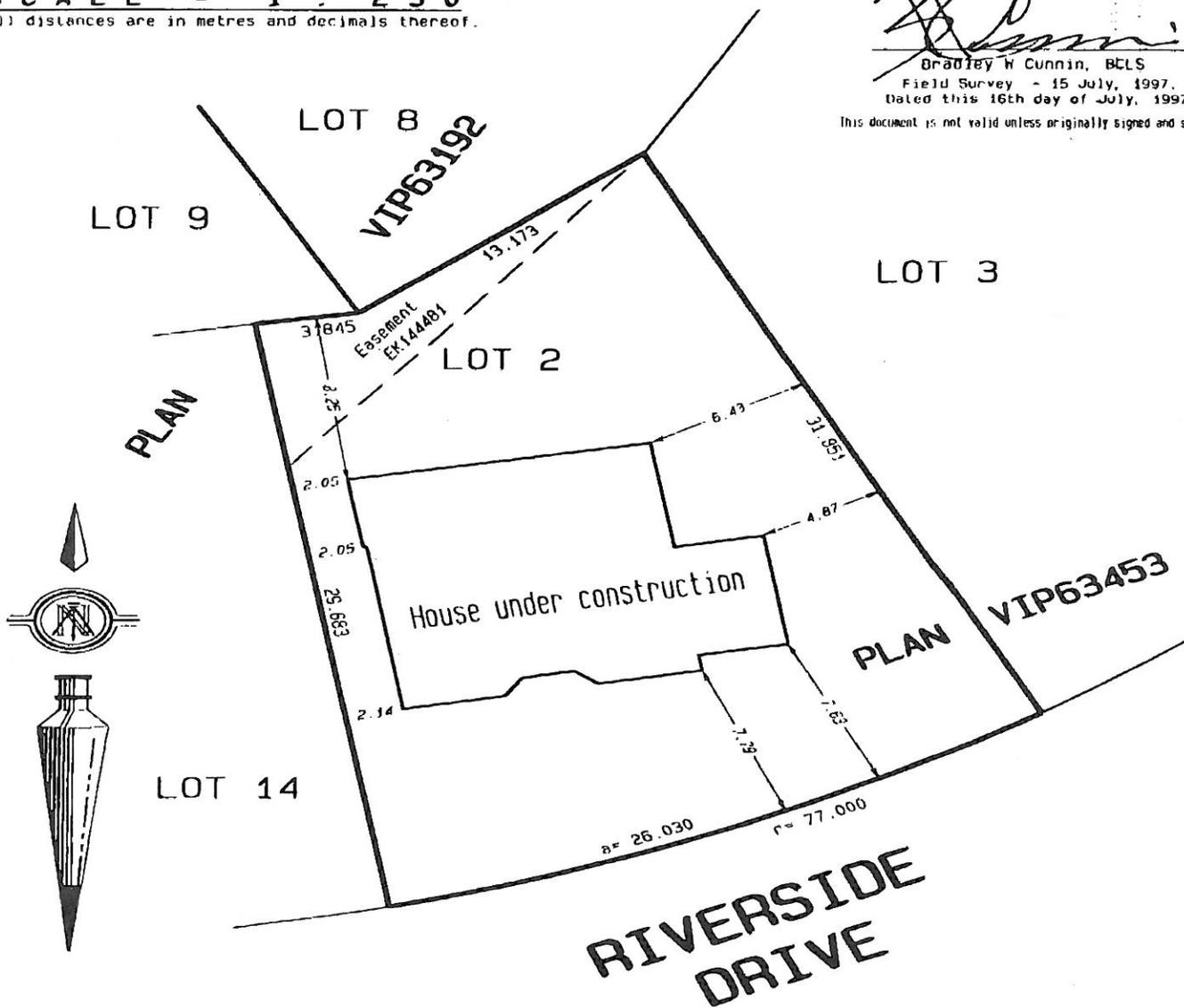
I have inspected the residential premises under construction shown and hereby certify that the said structure is situate with respect to nearby boundaries as shown on this sketch. This document is prepared for the use of the stated party and their interests, and is for inspection purposes only. This document does not represent any form of boundary or lot redefinition. There are no encroachments by the said improvements shown.

SCALE = 1 : 250

All distances are in metres and decimals thereof.


Bradley W. Cunnin, BCLS
Field Survey - 15 July, 1997.
Dated this 16th day of July, 1997.

This document is not valid unless originally signed and sealed.



1954 RIVERSIDE DRIVE - VICTORIA, B.C. V9B 6H9

LOT 2, SECTION 1, RANGE 0, WEST HIGHLANDS, PLAN VIP 63453

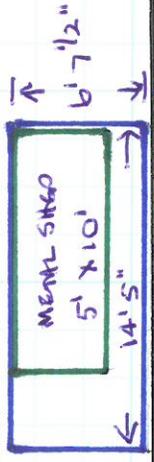
SITE PLAN: WEST SIDE YARD: PATIO AREA

N.B. PROPERTY LINES)
IN DISPUTE
(CONFLICTING SURVEYS)

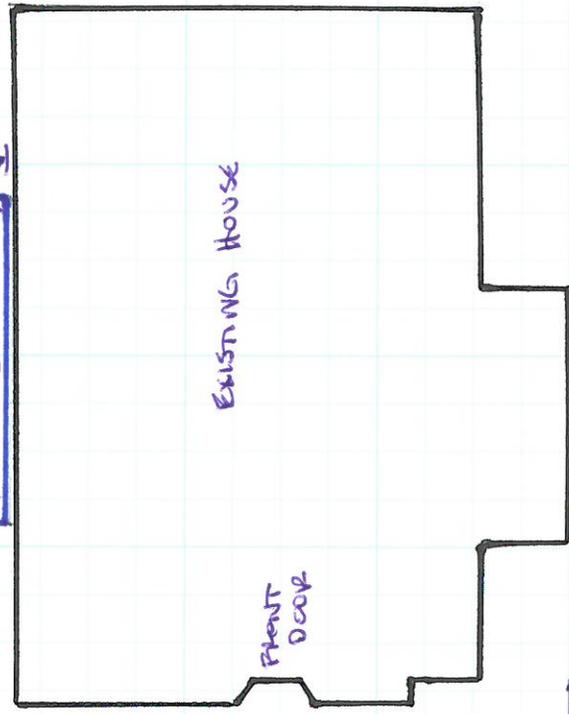
1962 RIVERSIDE DRIVE

PROPERTY LINE / STONE PARTITIONING WITH

WEST SIDE YARD



CONCRETE PATIO



NORTH BACK YARD
(EXTREME SLOPE:
150 + ROCKY)

EAST SIDE YARD

1954 RIVERSIDE DRIVE



SOUTH FRONT
YARD

Attention: James Davison
Community Planner
Town of View Royal

Re: Application to the Board of Variance – 1954 Riverside Dr (File # 3730-20-2019/05)

With regards to the applicant, C & V Reser of 1954 Riverside Drive, my husband and I are not entirely in agreement with the request for variances. This applicant, over the past 10 years, has tested the patience of many neighbours with his various “projects” being built and rebuilt (we call it the creep effect) and always looking a mess. This, I am sure, has a negative effect on the overall value of homes in the immediate area. Mr. Reser is not receptive of anyone wishing to discuss his “project building” with him. Mr. and Mrs. Reser are wishing for two variances, however, I notice that these projects are already in the process of being built. We are wondering what is next on the agenda for this applicant. I would hope that if these latest projects being built were to provide storage for the rest of the mess at the front of his property then we would be in agreement. However, if in fact, it is just to add to his collection of projects then we are not in agreement. Perhaps it would be prudent for the Resers to consider selling their home and investing in a more appropriately sized piece of property so that they can then satisfy their propensity for yard projects and storage.

Respectfully,

L. Takach
2296 Meadowvale Dr.

RECEIVED
NOV. 12 2019
TOWN OF VIEW ROYAL





TOWN OF VIEW ROYAL

45 View Royal Avenue, Victoria, BC, Canada V9B 1A6

Ph. 250-479-6800 · Fx. 250-727-9551 · E. info@viewroyal.ca · www.viewroyal.ca

October 25, 2019

Clarence L.W. Reser
1954 Riverside Drive,
Victoria B.C. V9B 6H9

Dear Sir:

Re: Your Letter of October 18, 2019 with Board of Variance Application

Thank you for your letter addressed to Mayor and Council requesting intervention and assistance with your application to the Board of Variance to allow the placement of a metal garden shed on the west side of your home in View Royal.

The Province of BC requires that a local government that has adopted a zoning bylaw establish one or more boards of variance to allow people to request relief from provisions of that bylaw.

The Board of Variance functions separately from Council and has its own authority under provincial law. The Board of Variance operates as a tribunal; its decisions may be assessed by the courts under the Judicial Review Procedure Act. Council of the Town of View Royal has no role in the decisions made by the Board of Variance.

The Board of Variance confines its work to considering variances that, in the Board's opinion, do not:

- result in inappropriate development of the site;
- substantially affect the use and enjoyment of adjacent properties;
- vary permitted uses or densities required within the Land Use Bylaw;
- defeat the intent of the Land Use Bylaw; or
- adversely affect the natural environment.

Staff have recommended to you that a Development Variance Application be made given the adjacent properties have already objected to and taken a position against the placement of your shed. As noted above, If the variance substantially affects the use and enjoyment of adjacent properties, the Board of Variance is not likely to support your application.

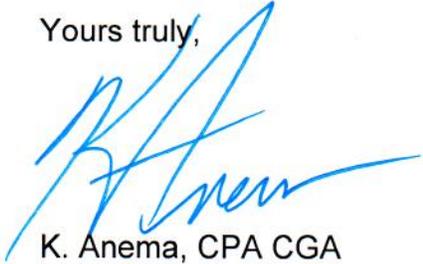
You continue to have the option of either make a Development Variance Permit application involving a decision by the Council of the Town of View Royal or you may proceed with an application to the Board of Variance at the exclusion of Council.



The Development Variance Permit process is more expensive than the Board of Variance process (\$550 vs \$300) but is often the fastest and least expensive option compared to a Board of Variance decision that is not to your favour. If you wish to appeal to Council's discretion in any manner (as you have done with your letter), a Development Variance Permit is the correct application for you.

We will continue to process your application to the Board of Variance, without Council involvement, unless you contact staff to change the process.

Yours truly,



K. Anema, CPA CGA
Chief Administrative Officer

cc. Mayor and Council, Town of View Royal
M. Groulx, Bylaw Enforcement Officer, Town of View Royal
J. Davison, Community Planner, Town of View Royal