



TOWN OF VIEW ROYAL

BOARD OF VARIANCE MEETING **WEDNESDAY, AUGUST 12, 2020 AT 7:00PM** VIEW ROYAL MUNICIPAL OFFICE - COUNCIL CHAMBERS

A G E N D A

Please note, due to the COVID-19 pandemic, the Town Hall has limited access at this time and for the protection of the community, Board and staff, this meeting will be held without the public present under the Province's Ministerial Order No. M192. If you would like to participate in the meeting by phone, please see the information below:

Phone: **778-402-9227**
Conference ID: **152 727 508#**

1. CALL TO ORDER

2. APPROVAL OF AGENDA
(motion to approve)

3. MINUTES, RECEIPT & ADOPTION OF

Minutes of the Board of Variance meeting held February 8, 2020
(motion to adopt)

Pg. 2

4. APPLICATIONS

a) 275 Plowright Rd (Lot 1, Section 27, Esquimalt District, Plan 31875)
Applicants: T. Thompson

Pg. 4

b) 157 View Royal Ave (Lot A, Section 3, Esquimalt District, Plan VIP83337 & 32494 and Lot A, Seciton3, Esquimalt District, Plan 32494)
Applicants: F. McColl

Pg. 16

5. CORRESPONDENCE

6. NEW BUSINESS

7. TERMINATION

Next scheduled Board of Variance Meeting September 9, 2020 – @ 7:00 pm



TOWN OF VIEW ROYAL

MINUTES OF THE BOARD OF VARIANCE MEETING WEDNESDAY, FEBRUARY 12, 2020 AT 7:00PM VIEW ROYAL MUNICIPAL OFFICE – COUNCIL CHAMBERS

PRESENT WERE: R. Tacoma
P. Devonshire
D. Adair
J. Davison, Planner
G. Faykes, Building Official

REGRETS: D. Miles, Committee Clerk

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) **308 View Royal Avenue** (Lot 5, Block 2, Section 8, Esq Dist, Plan 1688)
Applicants: V. Freud

The Planner introduced the application.

MOVED BY: P. Devonshire
SECONDED: R. Tacoma

THAT the Board deny the issuance of the variance which would have the effect of relaxing the following regulation:

- *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

CARRIED

b) 1954 Riverside Drive (Lot 2, Section 1, Esq Dist, Plan VIP65453)
Applicants: C & V Reser

The Planner introduced the application.

MOVED BY: P. Devonshire
SECONDED: R. Tacoma

THAT the Board deny the issuance of the variance which would have the effect of relaxing the following regulation:

- 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.

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

DATE: July 29, 2020

FROM: Jeff Chow,
Senior Planner

MEETING: August 12, 2020

FILE NO: 3730-20-2020-02

BOARD OF VARIANCE APPLICATION NO. 2020/02 275 Plowright Road

APPLICANT REQUESTED VARIANCE:

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

- *Variance to permit the siting of an accessory structure within the front yard contained in Section 4.6.2 (c) of Zoning Bylaw No. 900, 2014*

to permit the construction of a play structure in the front yard.

PURPOSE OF REPORT:

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

BACKGROUND:

RELEVANT BYLAWS / POLICIES:

- Zoning Bylaw No. 900, 2014 – Section 4.6.2 (c).

ATTACHMENTS:

- Schedule 1 – Subject Property Map
- Schedule 2 – Applicant's correspondence
- Schedule 3 – Site Plan
- Schedule 4 – Plan View
- Schedule 5 – Elevation
- Schedule 6 -

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 permit the siting of an accessory structure within the front yard contained in Section 4.6.2 (c) of Zoning Bylaw No. 900, 2014*

to permit the construction of a play structure in the front yard.

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.

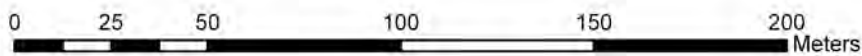
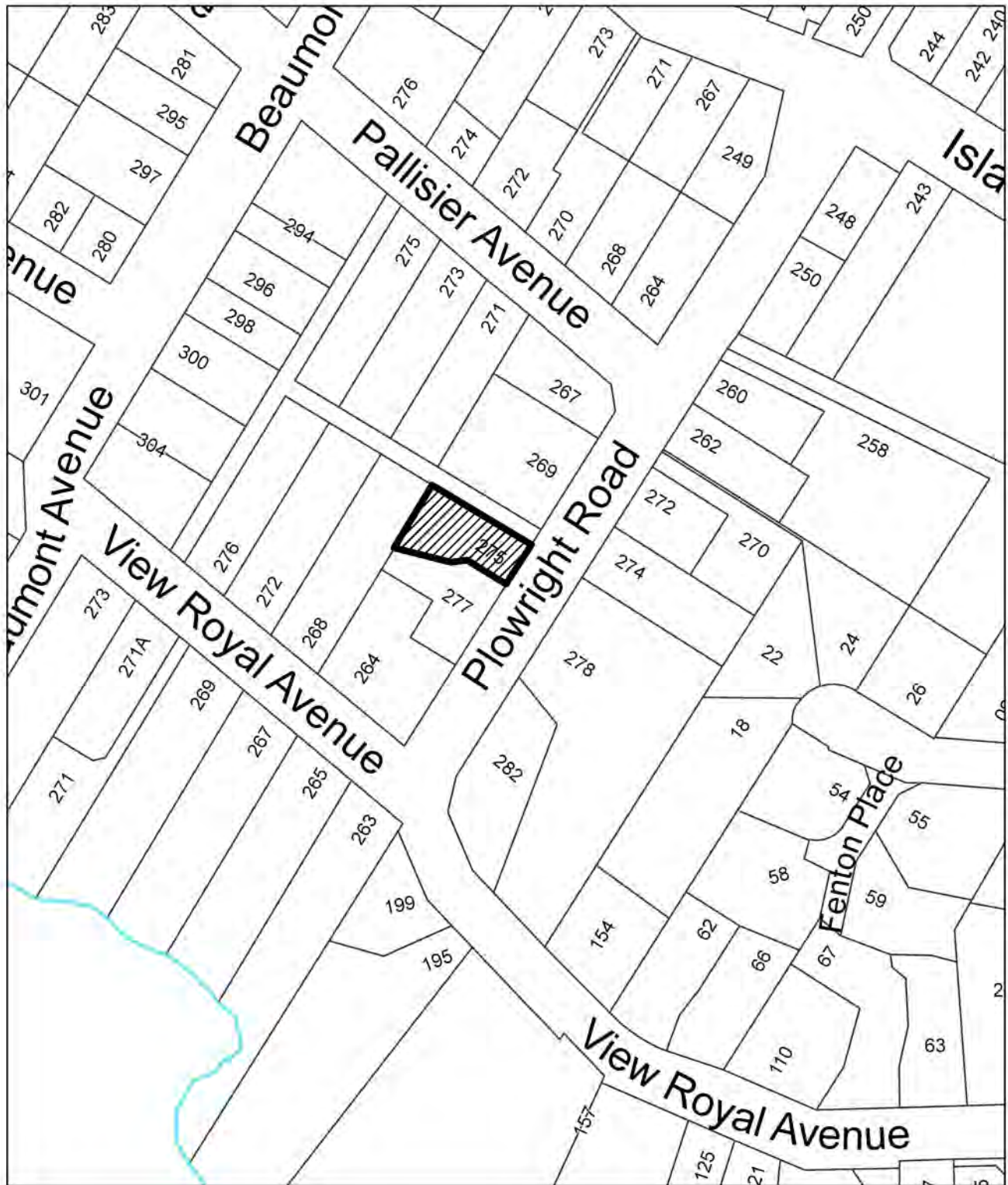
SUBMITTED BY:



Jeff Chow, MCIP, RPP
Senior Planner

Subject Property Map

275 Plowright Rd



Here are is a link to photos of our property.

https://www.dropbox.com/sh/wjgh04886ng08l6/AAAnt8yYf_VWlrsgcf5hpDzra?dl=0

We would like to build a play structure for our two boys; ages 4 and 5 years old. Our property does not have a backyard so we would need to locate this in our front yard. The structure would be built of pressure treated lumber and would fit into the natural environment. The vast majority of our front yard is concealed from the street by thick foliage.

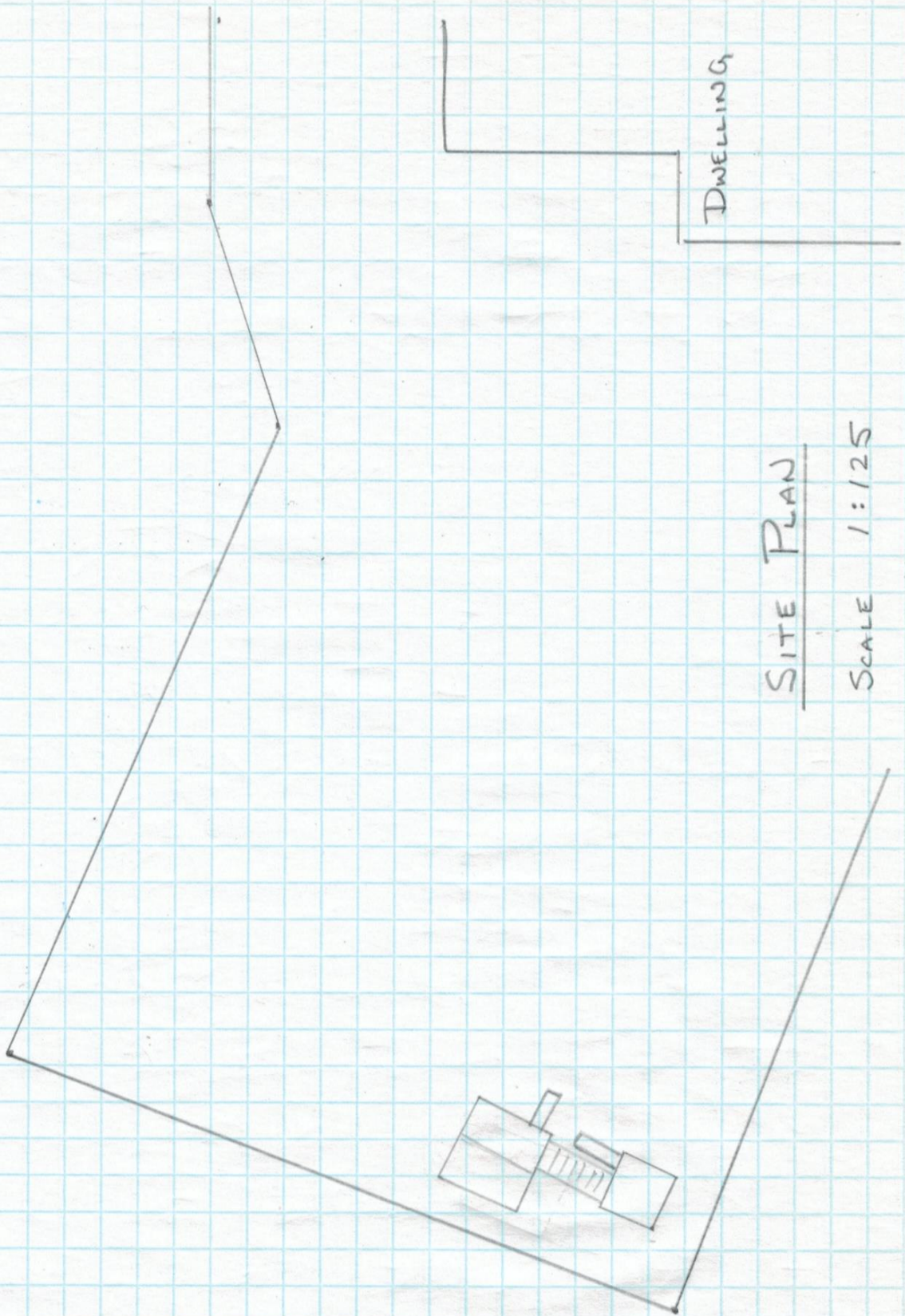
Our adjacent neighbours at 269 Plowright and 268 View Royal Ave fully support our desire to have a play structure for our kids in the front yard.

The neighbour across the street at 272 Plowright indicated she didn't have a problem with the structure as long as it wasn't colourful.

Having something on the property for our children to play with and help their physical fitness is especially important if schools and playgrounds could again be closed due to Covid-19.

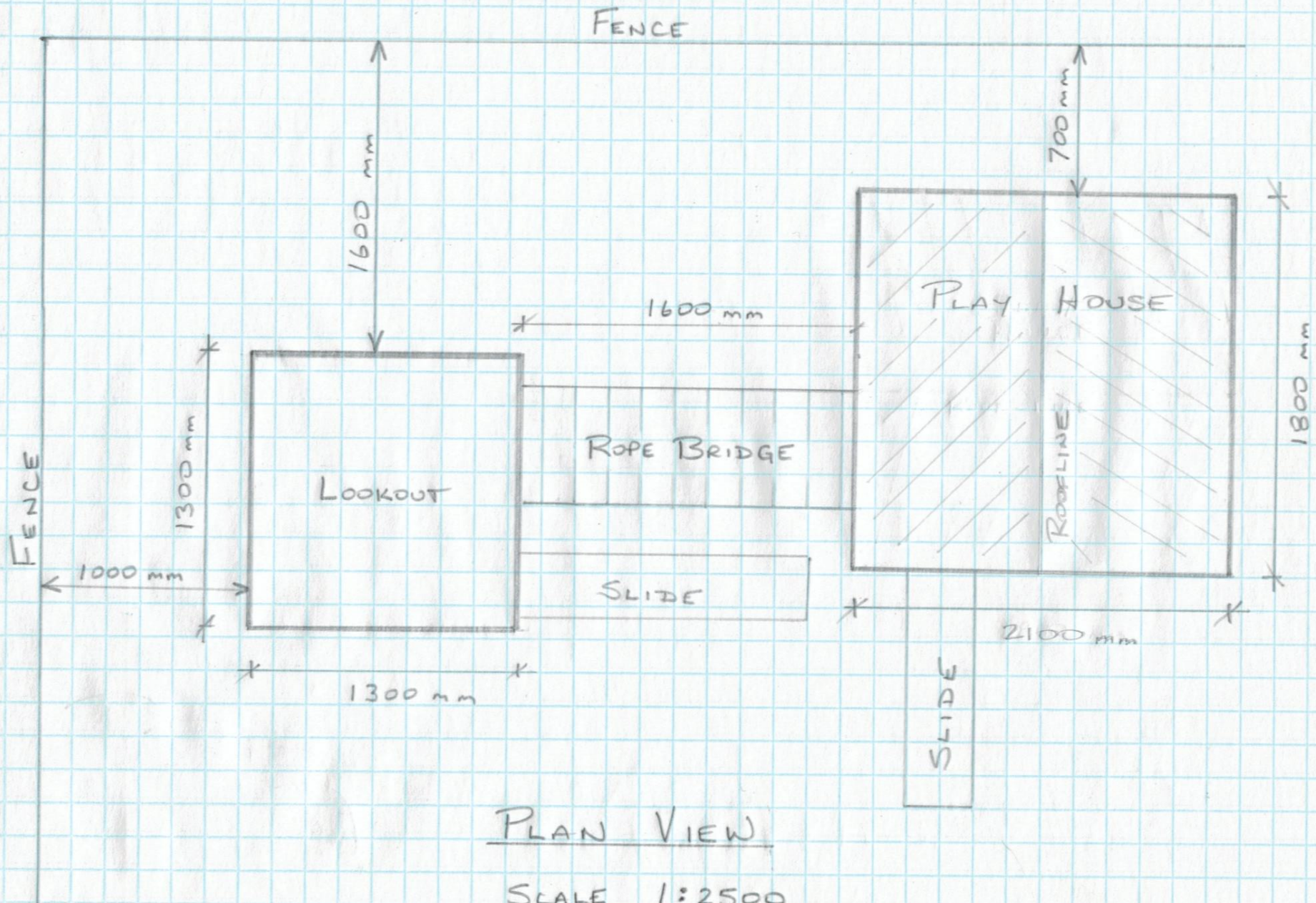
If it helps our application, I would be happy to provide a list of addresses within a kilometer radius that have children's play structures in their front or flanking yards.

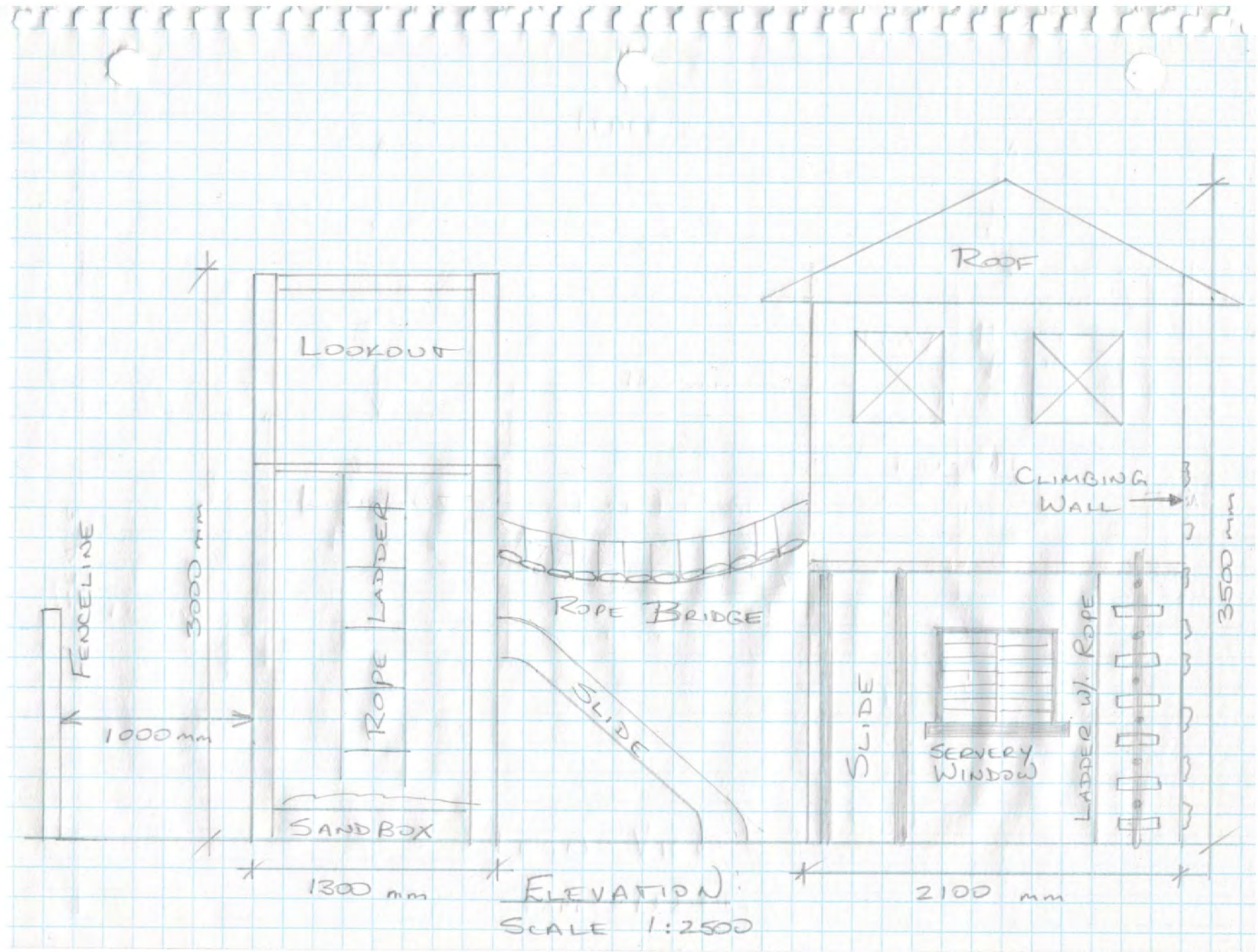
Best regards,
Erik Thompson



SITE PLAN

SCALE 1:125







View from Plowright Road

Posts showing
10 foot height of
structure

View from Plowright Road



View from Plowright Road at lane (east corner of property)



View from lane along side lot line

Ten foot tall posts -structure height

Structure to be in location of swing set and posts



TOWN OF VIEW ROYAL BOARD OF VARIANCE REPORT

TO: Board of Variance

DATE: July 29, 2020

FROM: Jeff Chow,
Senior Planner

MEETING: August 12, 2020

FILE NO: 3730-20-2020-03

BOARD OF VARIANCE APPLICATION NO. 2020/03 157 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 height of a fence in the front yard from 1.2m to 2.2m contained in section 4.8.3 of Zoning Bylaw No.900, 2014;*

to permit the construction of a fence and gate in the front 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 – Section 4.8 (Fences and Retaining Walls).

ATTACHMENTS:

- Schedule 1 – Subject Property Map
- Schedule 2 – Applicant's correspondence
- Schedule 3 – Diagram of gate, posts and fence
- Schedule 4 – Site Survey
- Schedule 5 – Site photos (5 pages)

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 height of a fence in the front yard from 1.2m to 2.2m contained in section 4.8.3 of Zoning Bylaw No.900, 2014;*


to permit the construction of a 2.0m tall wood fence, and a 2.2m driveway gate on 2.2m posts in the front yard.

Note: the majority of the existing fence encroaches into the boulevard. New fencing being considered by the Board in this application will be located on the property. Likewise, the existing posts are not on the property, but the proposed posts would be located on the property (within the front yard).

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:



Jeff Chow, MCIP, RPP
Senior Planner



A. Fraser McColl
157 View Royal Avenue
Victoria, BC V9B 1A6

RECEIVED
JUL 22 2020
TOWN OF VIEW ROYAL

July 22, 2020

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

Dear Board of Variance Committee & Staff:

**RE: BOARD OF VARIANCE APPLICATION FOR A GATE AND FENCE OVER THE
CURRENT HEIGHT LIMIT FOR 157 VIEW ROYAL AVENUE**

I live with my family at 157 View Royal Avenue and have done so for over 25 years. The residence is set back a long way from View Royal Avenue. The property is heavily wooded and slopes down to the water at a fairly steep grade. I travel a great deal, which means my wife is frequently left alone. We have had four break-ins over the last ten years as well as several other incidents of petty vandalism and pilfering. In addition to the break-ins we have a lot of uninvited trespassers driving and walking down the driveway at will. We are also infested with a herd of deer that easily jump the existing fence plus a lot of cats that are decimating our bird population. We used to have quail and a much wider range of bird species than we have now. We also have young grandchildren who are getting very active and curious and are naturally drawn to the road. We are also hoping to get a new dog, an Alaska/German Shepard. One of the conditions of the shelter is that the dog will be housed in a location which has a properly fenced yard.

Since the property slopes so quickly away from View Royal Avenue and the property is so heavily treed the impact of a 2 meter fence and gate that at its crown (and the top of the gate posts) will be 2.1336 meters (7 feet) will be minimal. Please see illustration of the gate posts and gate. The front plane of the gate post is set back 9.144 meters (30 feet) from the edge of the road. The base of the gate post is .67 meters (2 feet 2 inches) below the grade of the edge of the road. The finished grade of the terrain to the west of the gate varies from 1.0668 (3 feet 6 inches) to 1.6764 (5 feet 6 inches) below the grade of the road. The finished grade of the terrain to the east of the gate is even more pronounced and varies from 1.2192 meters (4 feet) to 1.6764 (5 feet 6 inches) below the grade of the edge of the road. The fence would be a black chain linked fence set back a minimum of 3.6576 meters (12 feet from the edge of the road).

Very little foliage or trees will be impacted in installing the fence. The gate posts are located where the existing gate posts were located and in place for over 50 years. The actual gate was a construction pipe gate.

In summary the impact on the street will be extremely negligible. The fence will be set back in the trees and behind a lot of vegetation and will have no visual impact from the road. The gate posts and gate will be an improvement over the white gate posts (which were simply painted precast water pipe stood on end) and the pipe construction gate that existed in the same place for the entire time we have occupied the property.

I enclose a number of photographs that will help visualize the extent that the property slopes from the road and how heavily vegetated the area is. I am also enclosing a survey of the property locating the area of the gate and an illustration of the proposed gate which is designed to be as unobtrusive and simple as possible. I have spoken with the fire chief of View Royal and he has no problem with the installation of the gate. I will have the gate programmed to allow the fire department's standard code open the gate.

Thank you for your consideration of my request. I am a long standing resident of View Royal with a very strong attachment to the area. I would like to remain in our house as long as physically possible.

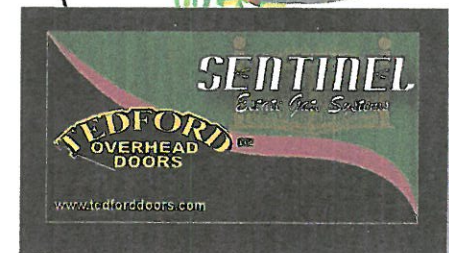
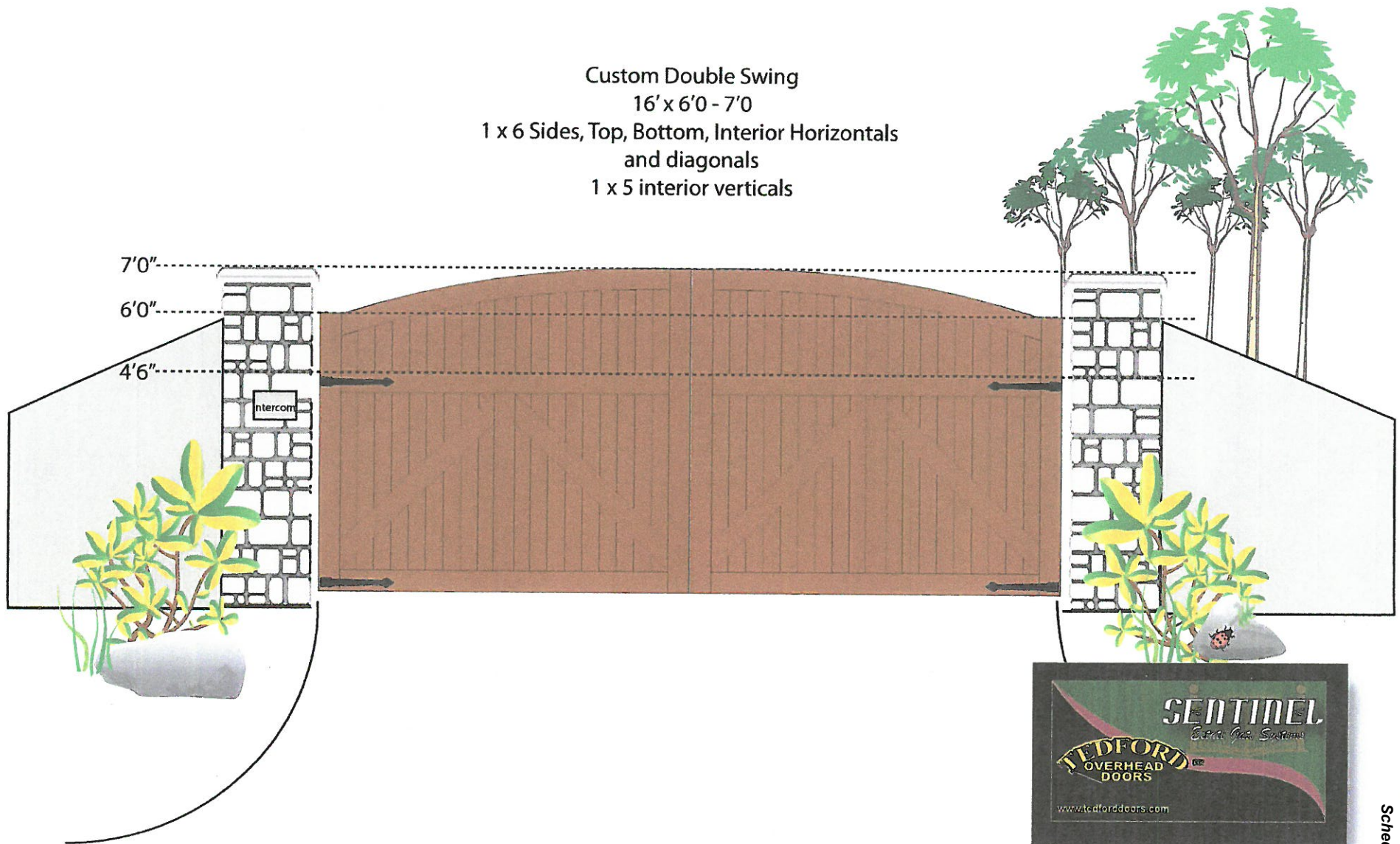
Yours truly,



Arthur Fraser McColl

CUSTOMER: MCCOLL
PROJECT: 157 VIEW ROYAL AVE

Custom Double Swing
16' x 6'0" - 7'0"
1 x 6 Sides, Top, Bottom, Interior Horizontals
and diagonals
1 x 5 interior verticals



BC LAND SURVEYORS SKETCH PLAN OF DRIVEWAY ENTRANCE AT:

157 View Royal Avenue

Prepared for: Fraser McColl

Scale 1:750 (11x17 sheet)



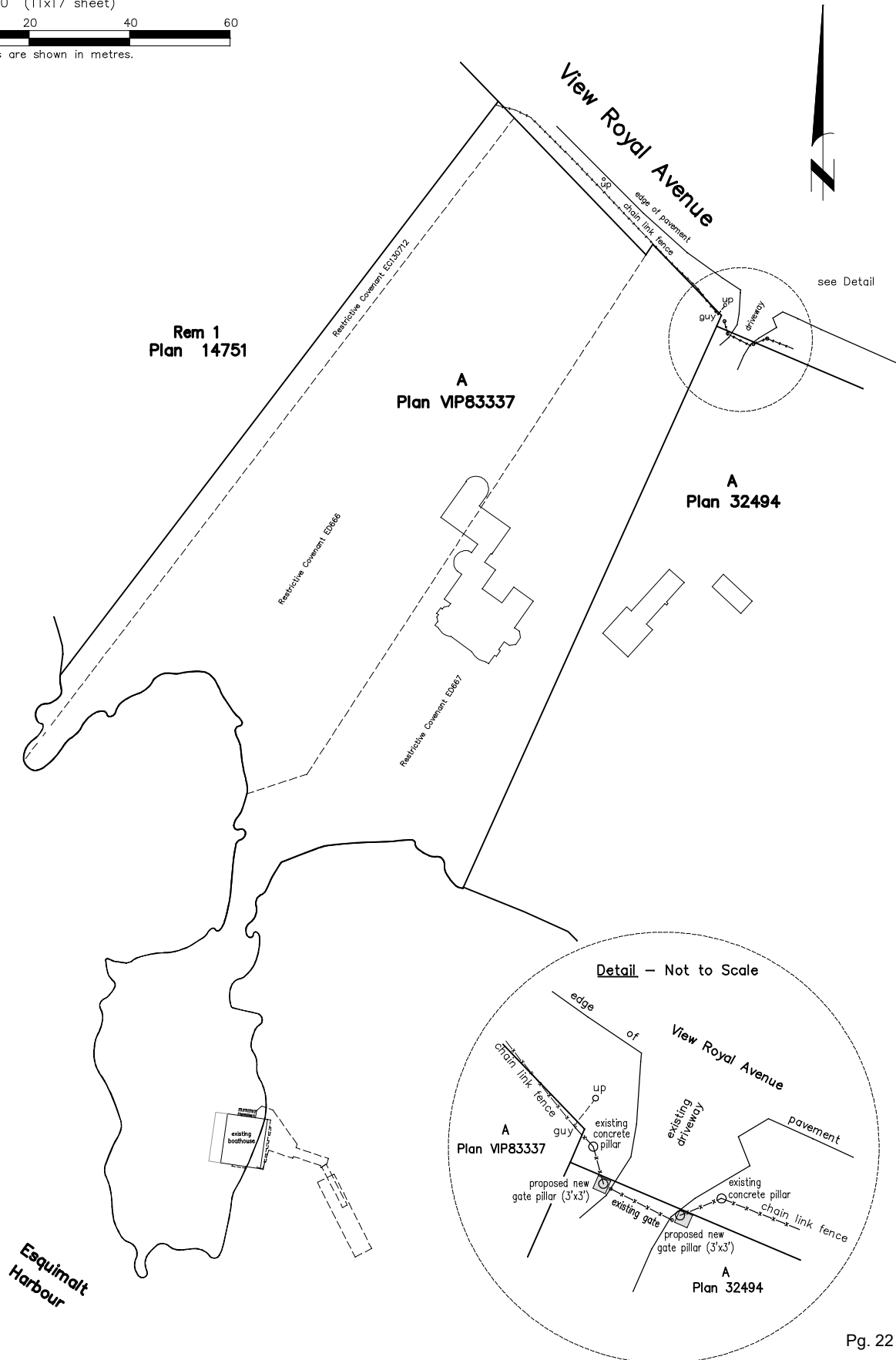
All distances are shown in metres.

Schedule 4

File : 8764-36

POWELL & ASSOCIATES
B C Land Surveyors
250-2950 Douglas Street
Victoria, BC V8T 4N4
phone (250) 382-8855

July 24, 2020



To the east
of the gate

To the
west of
the gate

to the west
of the gate

To the east
of gate



The photograph illustrates that the existing fence is 43 inches high (1.092 meters) from the grade inside the fence and 10 inches high (.254 meters) from outside grade of fence, the shoulder of the road.