# TOWN OF VIEW ROYAL

## BOARD OF VARIANCE MEETING
**WEDNESDAY, MARCH 10, 2021 AT 7:00PM**
VIEW ROYAL VIRTUAL MEETING

# A G E N D A

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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: 735 410 054#

**1. CALL TO ORDER**

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

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

Minutes of the Board of Variance meeting held August 12, 2020
*(motion to adopt)* Pg. 2-3

**4. APPLICATIONS**

**a) 42 Kingham Place** (Lot 6, Section 91, Esquimalt District, Plan VIP11125)
**Applicants: A & C Murray** Pg. 4-19

1. Comments from Municipal Staff
2. Comments from the Applicant
3. Comments from the Public
4. Correspondence

**5. CORRESPONDENCE**

**6. NEW BUSINESS**

**7. TERMINATION**

**Next scheduled Board of Variance Meeting April 14, 2021 – @ 7:00 pm**

# TOWN OF VIEW ROYAL

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

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**PRESENT WERE:** R. Tacoma
P. Devonshire
D. Adair
J. Davison, Planner
D. Miles, Committee Clerk
L. Chase, Director of Development Services

REGRETS: G. Faykes, Building Inspector

**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: P. Devonshire
SECONDED: D. Adair

THAT the agenda be approved as presented.

**CARRIED**

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

MOVED BY: P. Devonshire
SECONDED: R. Tacoma

THAT the minutes from February 12, 2020 be approved as presented.

**CARRIED**

**4. APPLICATIONS**

**a) 275 Plowright Rd** (Lot 1, Section 27, Esq Dist, Plan 31875)
**Applicants: T & E Thompson**

The Planner introduced the application.

The Applicants Tanya & Erik Thompson, of 275 Plowright Rd, offered that they decided to construct a structure as purchasing one during COVID was not an option due to availability. They stated that the structure was not intended to be permanent and would be removed when the children outgrew it. The reason for the construction was to provide a safe play space for their kids particularly during COVID.

R. Booth of 275 Plowright Rd spoke against the application.
A. ten Cate of 274 Plowright Rd Spoke against the application.

The Board discussed the application.

MOVED BY: R. Tacoma
SECONDED: P. Devonshire

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

*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.*

**CARRIED**

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

The Planner introduced the application.

The applicant F. McColl stated the reasoning for the application was because the property dropped off considerably from the street and that the fence height would make prevent deer from being able to jump the fence as it would be set back 30 feet from the road. He also stated that the design of the fence and gate had changed from submission. It would be constructed of stained fence panel rather than chain link fence.

The board discussed the application.

MOVED BY: P. Devonshire
SECONDED: D. Adair

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

*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.*

**CARRIED**

**5. CORRESPONDENCE**

**6. NEW BUSINESS**

**7. TERMINATION: 7:37 pm**

**CHAIR - R. Tacoma** **RECORDING SECRETARY – J. Davison**

**TOWN OF VIEW ROYAL**

# Board of Variance Report

| | | | |
|---|---|---|---|
| **TO:** | Board of Variance | **DATE:** | March 3, 2021 |
| **FROM:** | James Davison,<br>Community Planner | **MEETING:** | March 10, 2021 |
| | | **FILE NO:** | 3730-20-2021/01 |

## BOARD OF VARIANCE APPLICATION NO. 2021/01
## 42 Kingham Pl

**APPLICANT REQUESTED VARIANCE:**

*THAT the Board approve the issuance of the variance which would have the effect of relaxing the following regulation required Section 8.3.4 of Zoning Bylaw No. 900, 2014:*

- *variance of the maximum front lot line setback from 7.5 metres to 6.1 metres.*

to allow for the construction of an entranceway addition, as shown in the plans and elevations attached to the staff report dated March 3, 2021 for the property having a civic address of 42 Kingham Pl and more particularly described as:

**LOT 6, SECTION 91, ESQUIMALT DISTRICT, PLAN VIP11125.**

**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 8.3.4 R-1B: Detached Residential (Medium Lot) zone table.

ATTACHMENTS:

- Schedule 1 – Subject Property Map
- Schedule 2 – Applicant's Letter
- Schedule 3 – Plans
- Schedule 4 – Neighbour Letters

**DISCUdSSION:**

The owner wishes to build an entranceway (post and beam roof feature) on an existing dwelling, which requires a setback variance.

The variance requested is:

- *variance to the front yard setback from 7.5m to 6.1m.*

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.*

PUBLIC NOTIFICATION:

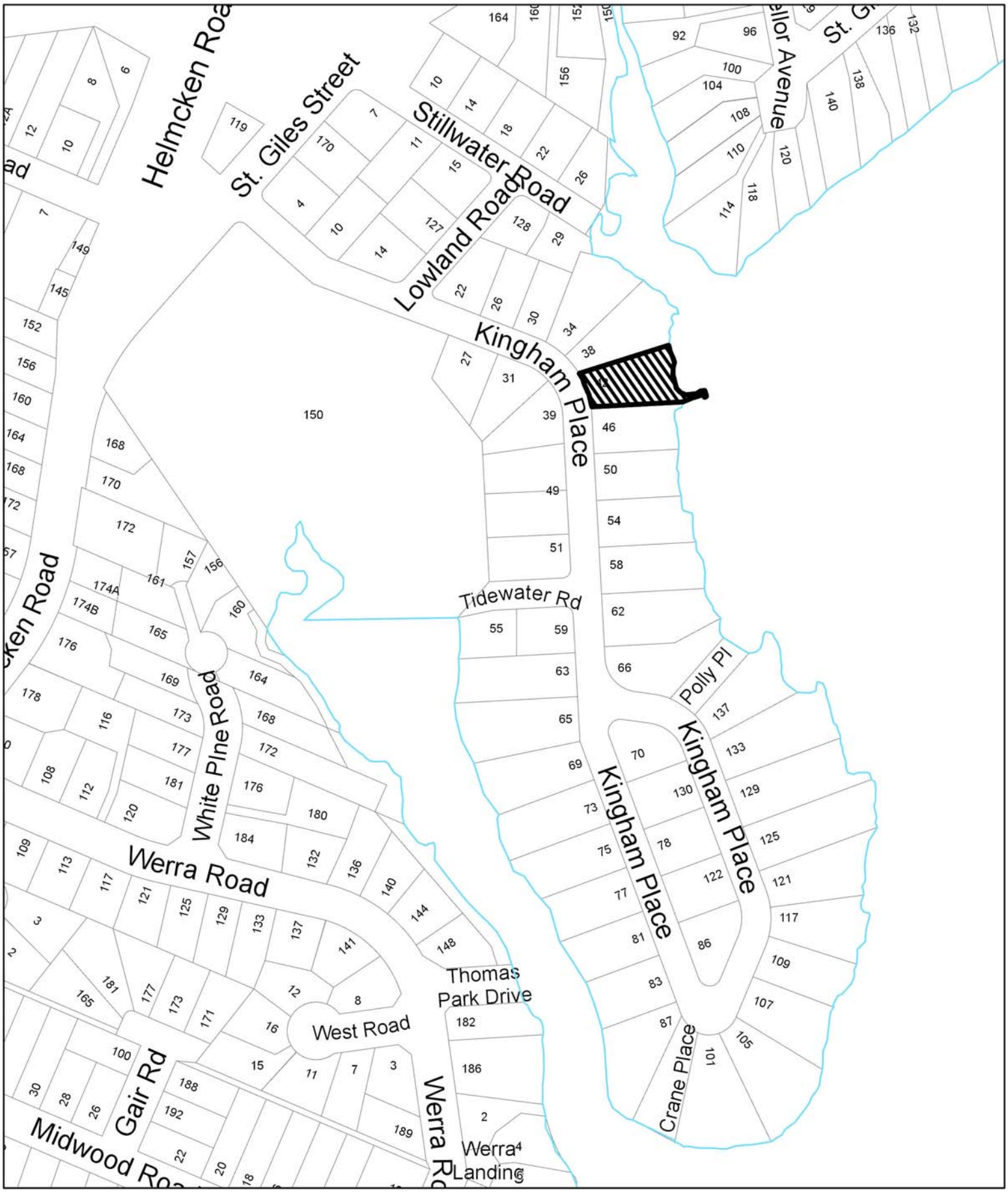
A notice of the Board's consideration of this variance application was delivered to 32 owners and occupants of properties within a radius of 100 metres (328 feet) of the subject parcel.

**SUBMITTED BY:** _____

James Davison MCIP RPP
Community Planner

# Subject Property Map

# 42 Kingham Place




0 40 80 160 240 320 Meters

Dear Board members,

We ask that you consider a variance for our project on 42 Kingham Pl.

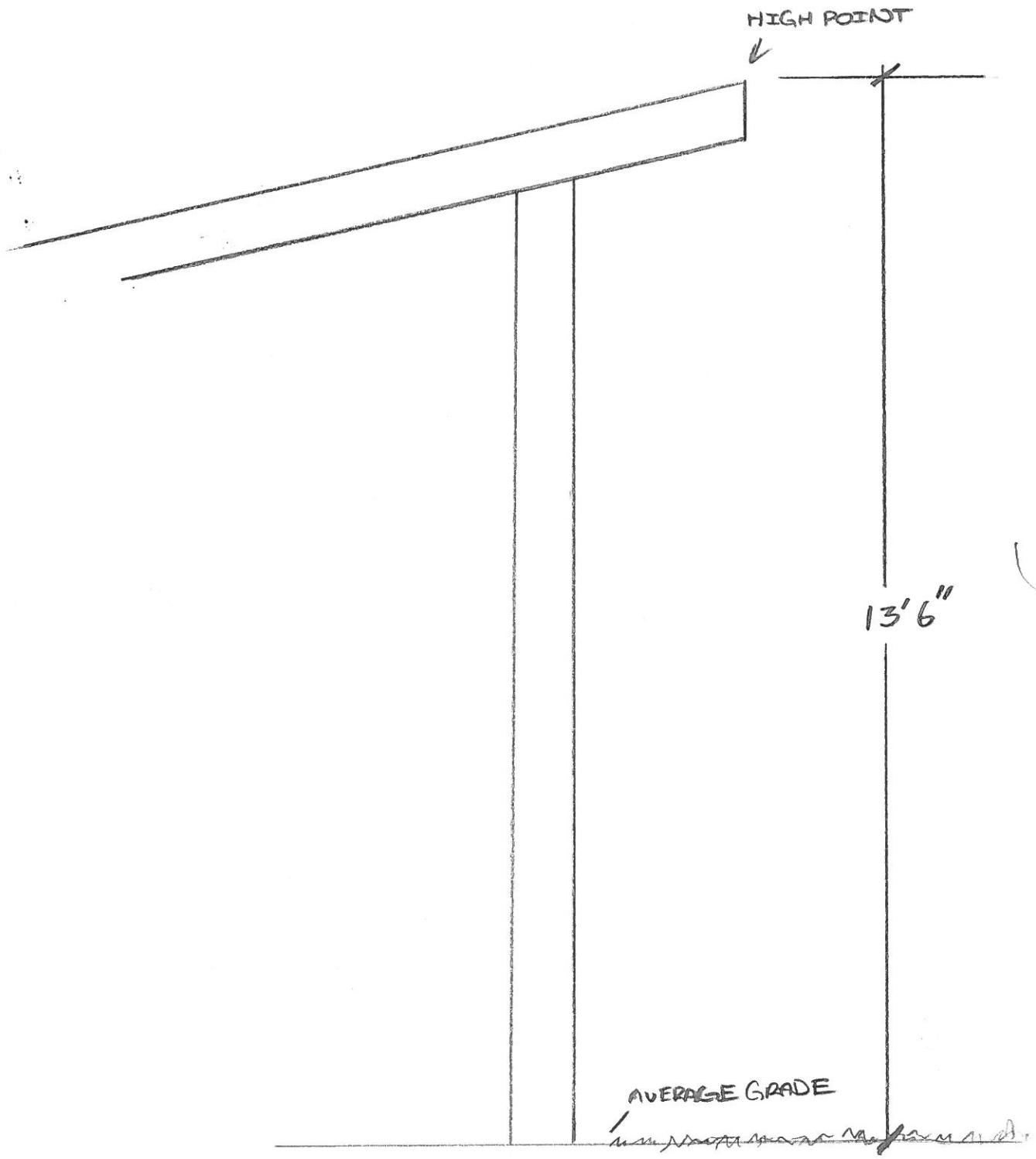
We are proposing a beautiful architectural post and beam roof feature covering the entrance way to the home. Unfortunately, what we are proposing encroaches the front line set back approximately 1.41 m.

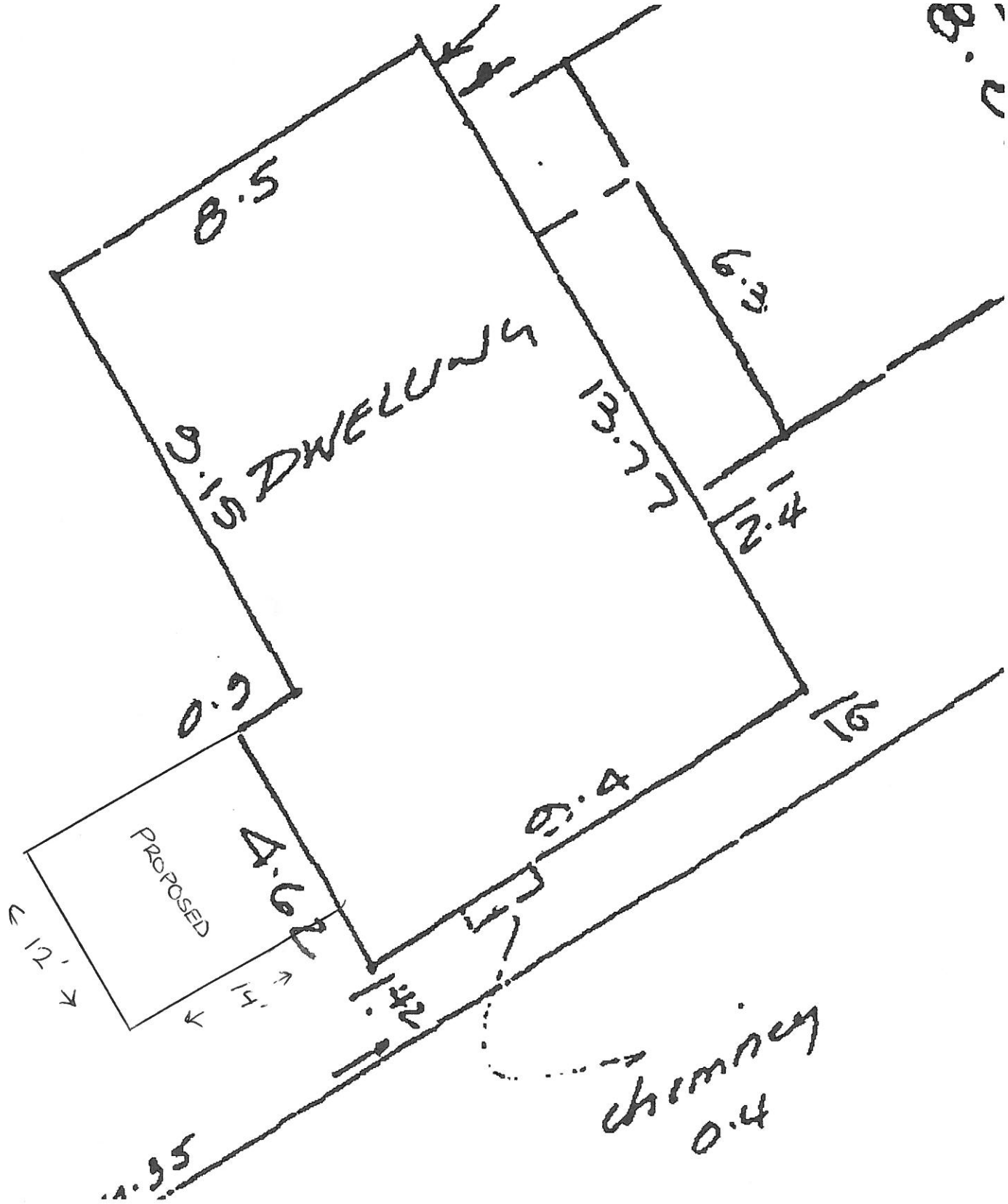
During the design stage we were unaware that the front set back is 7.5 m. We ask you to consider this variance, so we may have the freedom to build the structure to proper aesthetic proportions. Due to design, using large posts bearing on structural pier footings on either side of the existing 8ft wide entry stairs we will need to build the roof at a wide span approx. 10 FT. In order to follow the proportion designed we would need the variance.

The roof we have designed for our client is to be truly the feature of the home. We hope this will be a valued addition to the neighborhood.

Best,

Graeme.
FAYZE CONTRACTING INC.


HIGH POINT
13'6"
AVERAGE GRADE


8.5
6.3
DWELLING
3.7
2.4
0.9
16
0.4
PROPOSED
4.6
12'
4'
.42
chimney
0.4
.35

24673

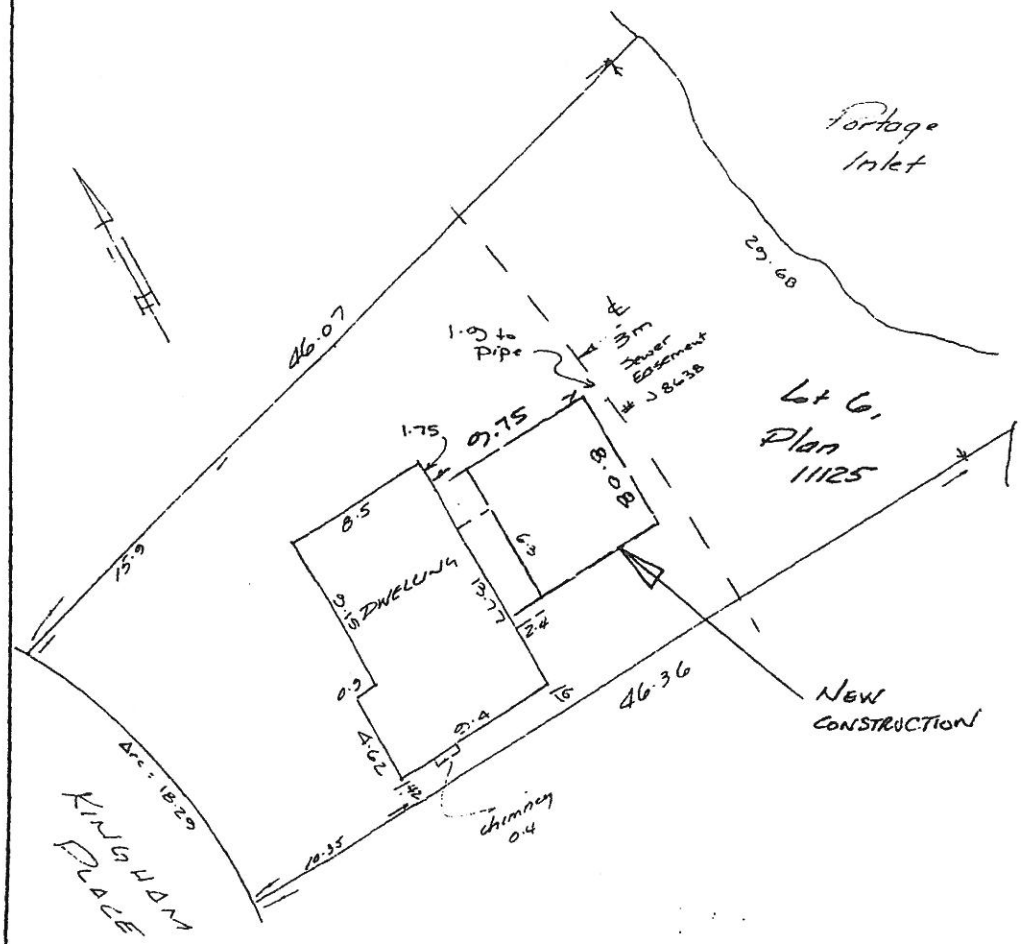
# SITE PLAN OF

## LOT 6, PLAN 11125, SECTION 91, ESQUIMALT DISTRICT

**Scale: 1 : 300**

**All distances are in metres**

CIVIC ADDRESS: 42 Kingham Place, Victoria. B.C.




Note: Lot corners not found, clearances based on other survey evidence and may vary if resurvey of lot carried out.

**THIS DOCUMENT FOR MORTGAGE PURPOSES ONLY**

I hereby certify that the dwelling shown on the above lot is wholly within the boundaries thereof and that the side, front and rear yards are as shown and no buildings encroach onto adjoining property.

Certified Correct.

May 30, 1984 B.C.L.S.


File: 84-3167

Michael E. Claxton
B.C. Land Surveyor
822 Sevenoaks Road
Victoria, B.C. V8X 3E7
Phone: 479-2258


51-

Addition added July 30, 1984 - MEC.

37.

24673

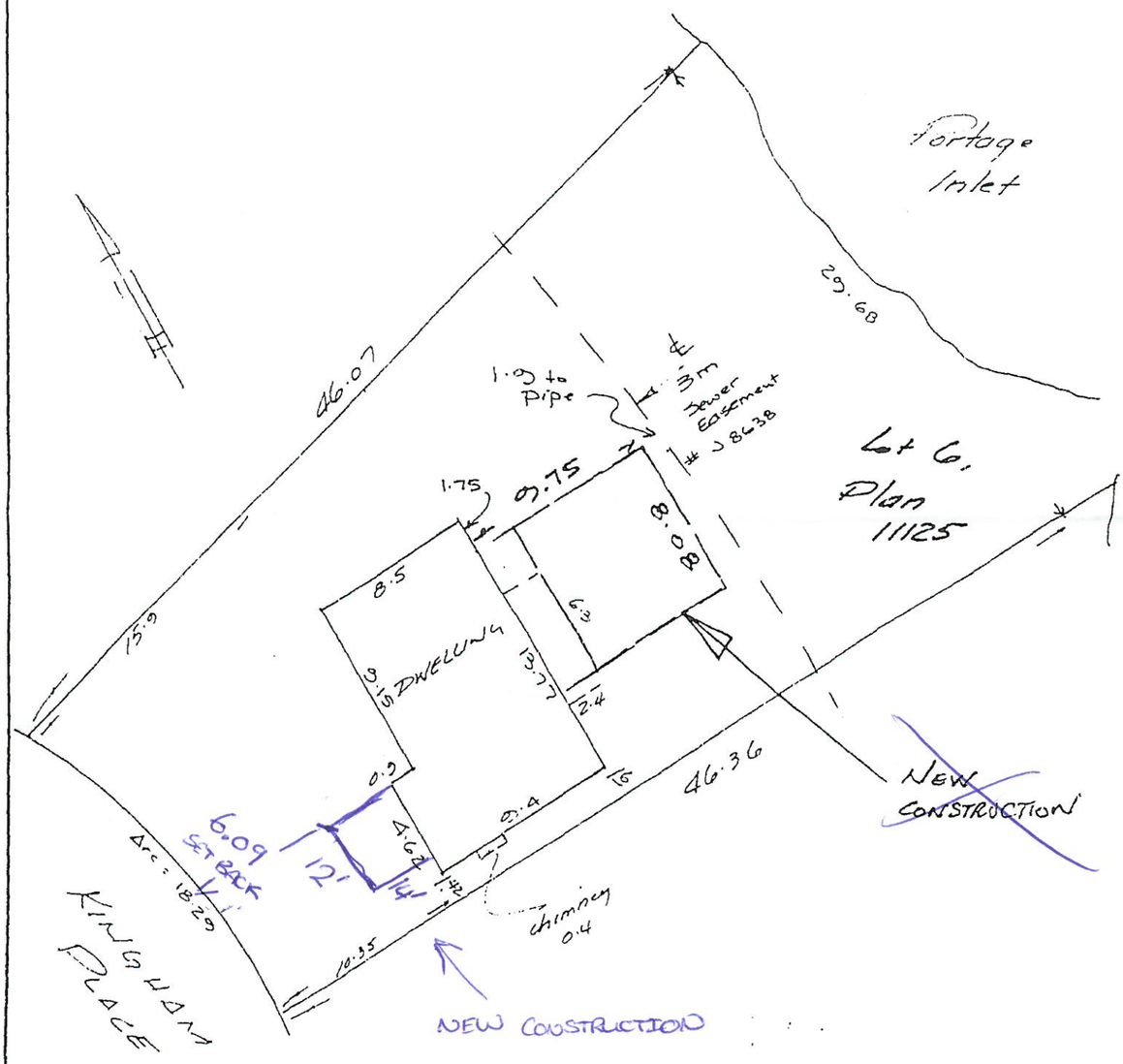
# SITE PLAN OF

## LOT 6, PLAN 11125, SECTION 91, ESQUIMALT DISTRICT

**Scale: 1 : 300**

All distances are in metres

CIVIC ADDRESS: 42 Kingham Place, Victoria. B.C.

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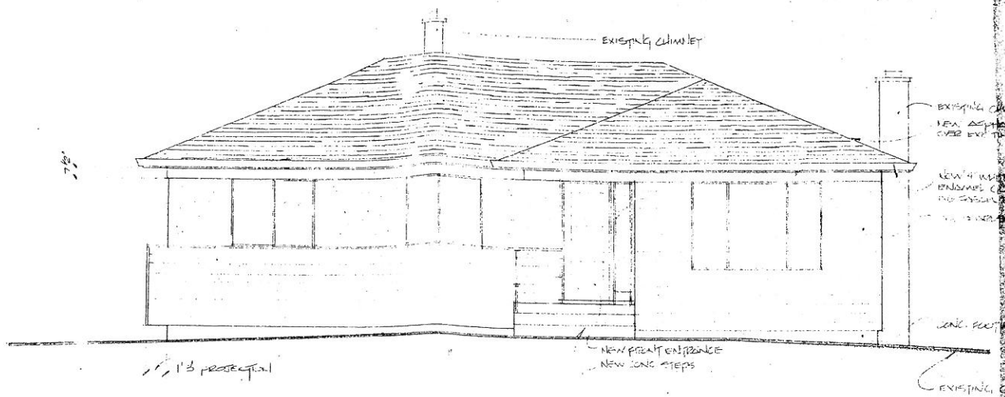
Phone: 479-2258


51-

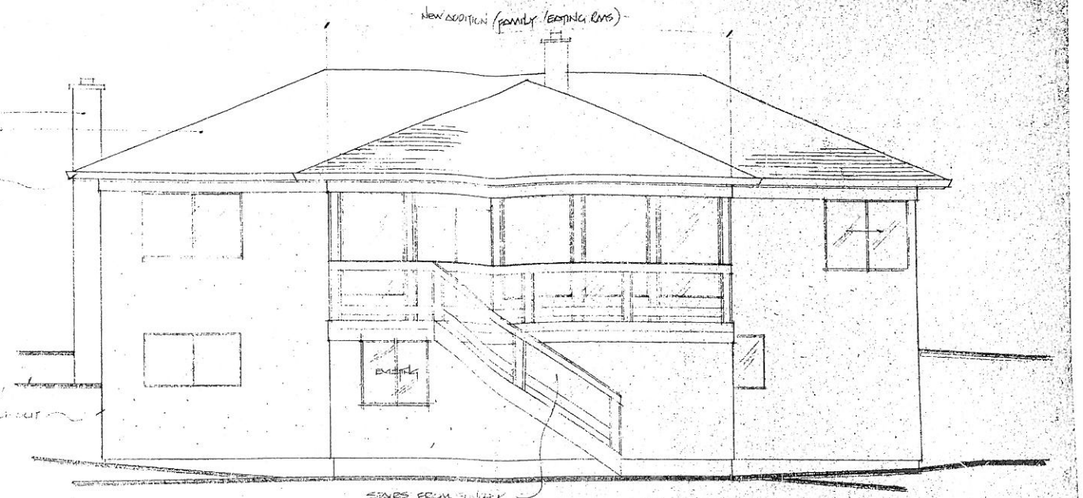
Addition added July 30, 1984 - M.E.C.

37.

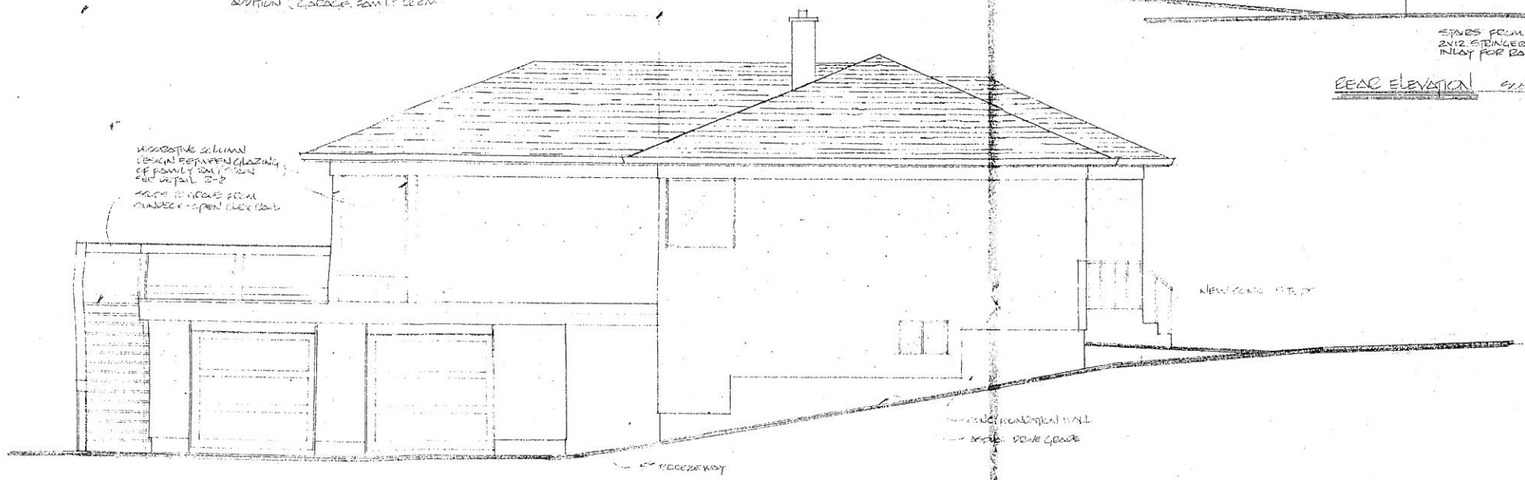



FRONT ELEVATION SCALE: 1/8" = 1'-0"

ADDITION (GARAGE, SAUNA & DECK)




REAR ELEVATION SCALE: 1/8" = 1'-0"




LEFT ELEVATION SCALE: 1/8" = 1'-0"

FAMILY ROOM GARAGE ADDITION

## GENERAL NOTES

NOTE: 1 THE PROPERTY LINE LOCATION OF THE REAR(S) OF THE PROPERTY SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR OR THE OWNER - NOT THE DESIGNER (ATTACHED IS ONLY A VIEW AS TO ITS LOCATION - IE THE PROPERTY OWNER, I AM RECOMMENDED THAT THE SERVICES OF A CERTIFIED B.C. LAND SURVEYOR BE ENGAGED AT THE OWNERS EXPENSE) AND AT LEAST 2 CORNERS OF THE PROPERTY OF THE PROPERTY BE STAKED TO THE PROMISES PURPOSE THE CONC SHALL BE REVISED.

NOTE: 2 DO NOT SCALE THE CONTRACTOR SHALL USE THESE DRAWINGS, BUT SHALL WORK TO DIMENSIONS ONLY (SUBJECT TO NOTE "3").

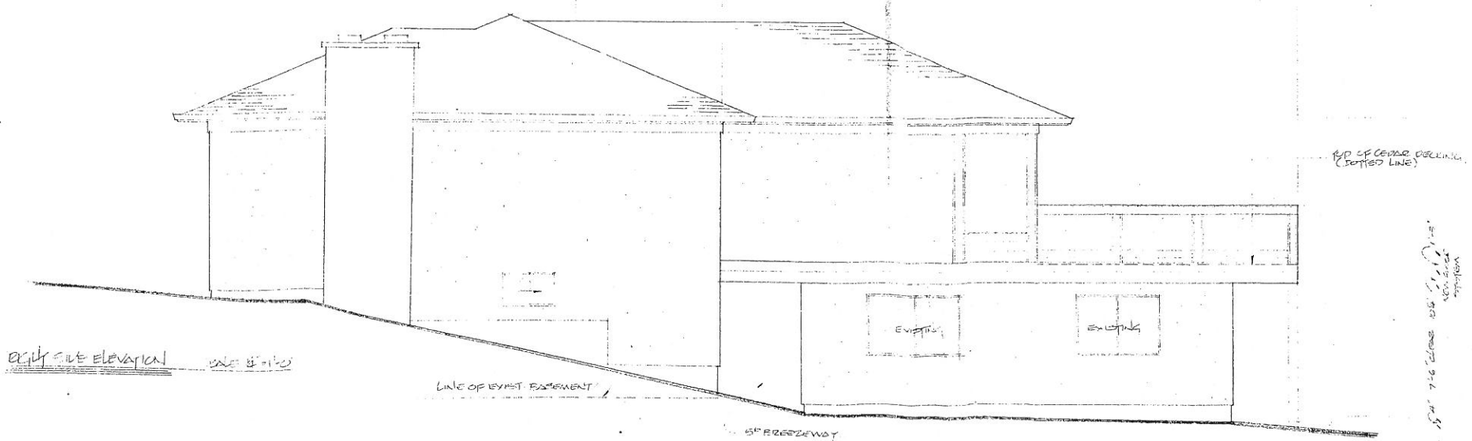
NOTE: 3 BEFORE STARTING CONSTRUCTION THE CONTRACTOR SHALL CHECK AND VERIFY ALL DIMENSIONS ON THESE DRAWINGS AND IF ANY DISCREPANCIES OR OMISSIONS ARE FOUND, SHALL REPORT THESE TO THE DESIGNER AS SOON AS POSSIBLE.

NOTE: 4 THE CONTRACTOR SHALL COMPLETE THE BUILDING(S) IN ACCORDANCE WITH THE CURRENT ISSUE OF THE NATIONAL BUILDING CODE OF CANADA, AND ALL APPLICABLE AMENDMENTS OR SUPPLEMENTS THERETO. ANY WORK WHICH FORMS PART OF THIS REQUIREMENT, BUT NOT SHOWN OR NOTED ON THESE DRAWINGS SHALL BE DEEMED TO BE THE CONTRACTORS RESPONSIBILITY EXPRESSLY.

NOTE: 5 THE CONTRACTOR SHALL PROPERLY FLASH, SEAL, CAULK, COAT, OR OTHERWISE EFFECTIVELY PROTECT ANY AND ALL AREAS OF THE BUILDING(S) (AND OTHER STRUCTURES) WHICH MAY BE SUBJECT TO DAMAGE BY WATER OR WEATHER.

NOTE: 6 ALL WORK SHALL BE PERFORMED AND COMPLETED IN ACCORDANCE WITH ESTABLISHED GOOD BUILDING PRACTICES, AND SHALL CONFORM TO ALL APPLICABLE BY-LAWS & CODES (WHETHER MUNICIPAL OR OTHERWISE).

NOTE: 7 ALL NEW STUCCO SHALL BE MATCHED TO EXISTING (EXISTING STUCCO TO BE PAINTED AS REQ'D TO MATCH COLOR.)




RIGHT SIDE ELEVATION SCALE: 1/8" = 1'-0"

24673

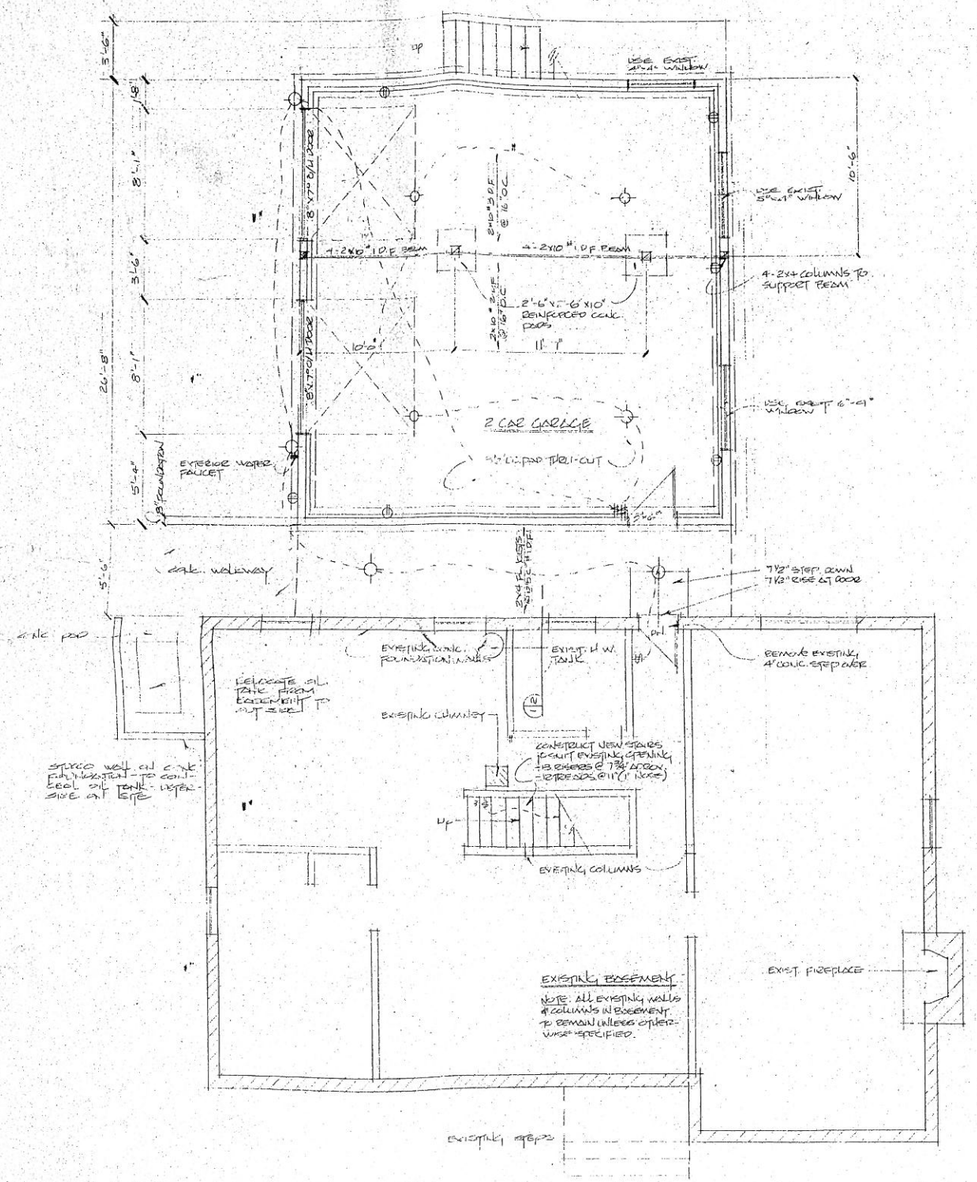


PROPOSED RENOVATION, 42 KINGHAM RD. VICTORIA, B.C. FOR MR. & MRS. FEERGRIFFER

V2 DESIGNS LTD.
526-C HEAD ST.,
VICTORIA, B.C.
PH. 383-8841

ELEVATIONS

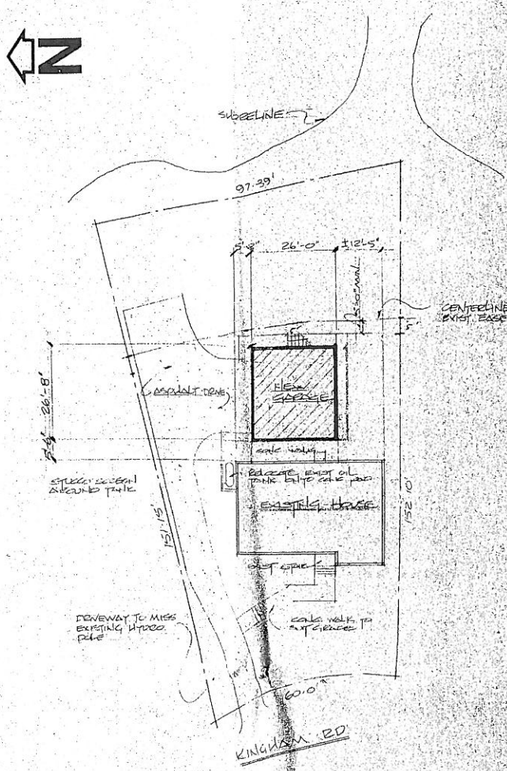
| | |
|---|---|
| DRAWN BY: D.J.V. | PLATE: 3 |
| DATE: JULY 94 | |
| SCALE: AS NOTED | |




BASEMENT/FOUNDATION PLAN SCALE: 1/4" = 1'-0"

LEGAL DESCRIPTION

LOT 6, PLAN 11125, SECTION 31, ESQUIMALT DISTRICT




PLOT PLAN SCALE: 1" = 20'-0"

APPROV

For Siting of Buildings Only

SETBACK DIMENSIONS

Setback measurements from PROPERTY LINE TO FOUNDATION WALL for this building not less than:

Front: Existing

Rear: 40'

Side: 20' / 5'

Height (maximum): 9 m

Special Requirements: NO ENCROACHMENT ONTO R/W WHICH HAS APPROVAL. SIGN OF THE LOT IS SOMEWHAT ON THE R/W

JUL 30 1984

Public Inspector, Capital Regional District

24673

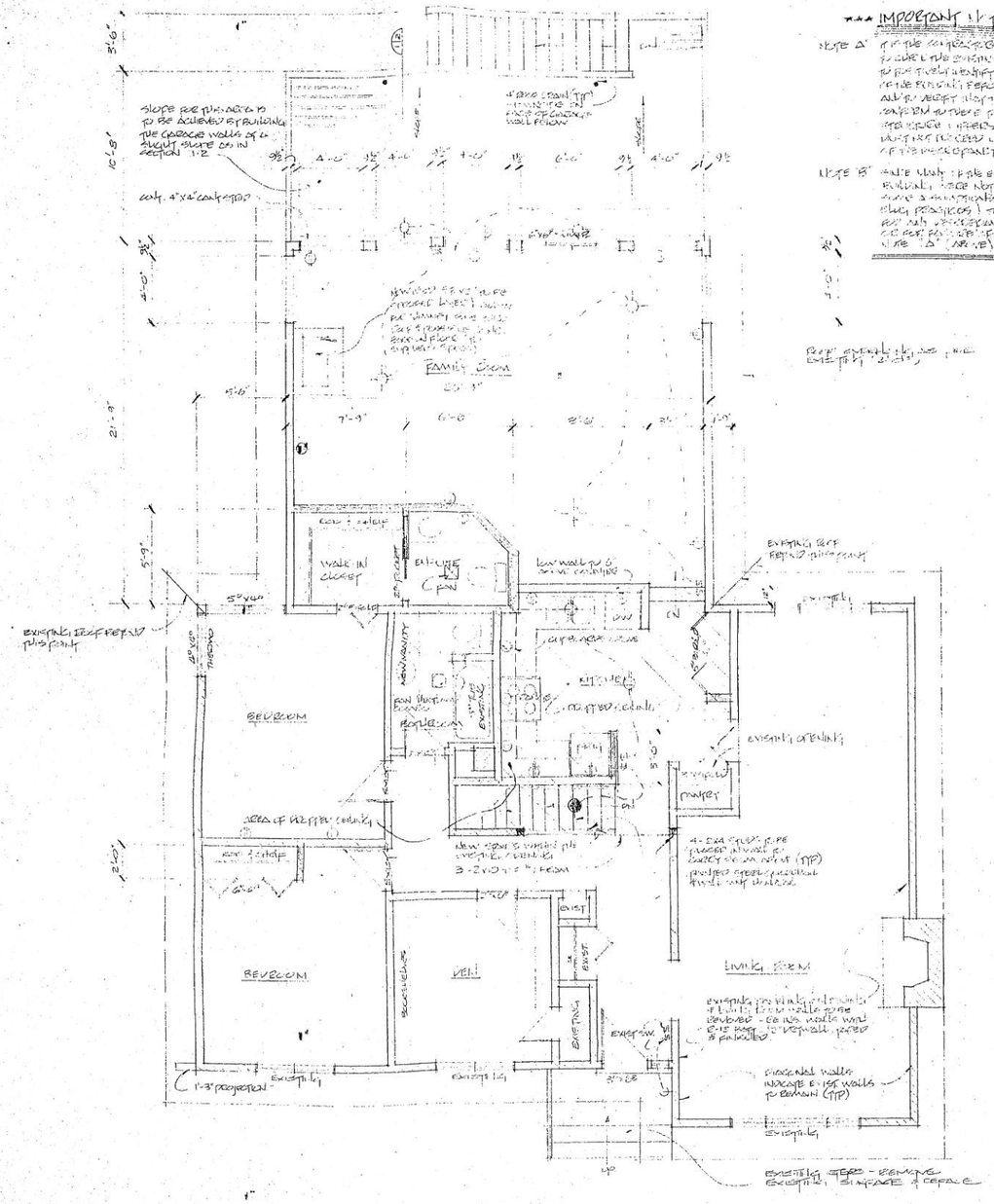
RECEIVED JUL 24 1984 CAPITAL REGIONAL DISTRICT Building Inspection

PROPOSED RENO'S TO HOME, 42 KINGHAM RD, VICTORIA, B.C. FOR MR & MRS. BEERCROFT

V.J. DESIGNS LTD
526 C HEAD ST
VICTORIA, B.C.
tel. 383-3841

BASEMENT/PLOT PLAN

| | |
|---|---|
| DRAWN BY: D.J.K. | PLATE: 1 |
| DATE: JULY 84 | |
| SCALE: AS NOTED | OF 3 |

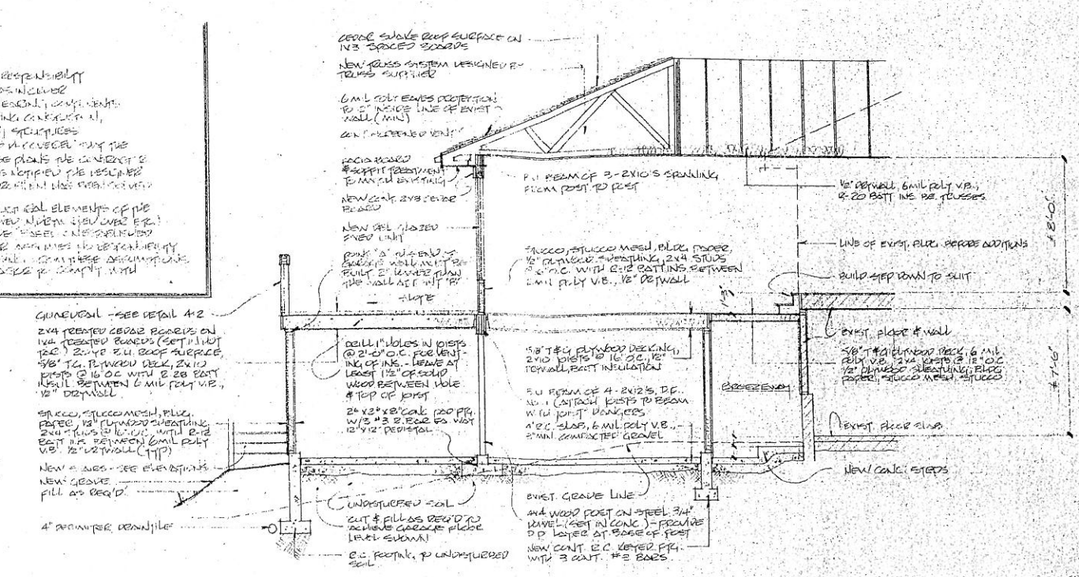



FLOOR PLAN SCALE: 1/4" = 1'-0"

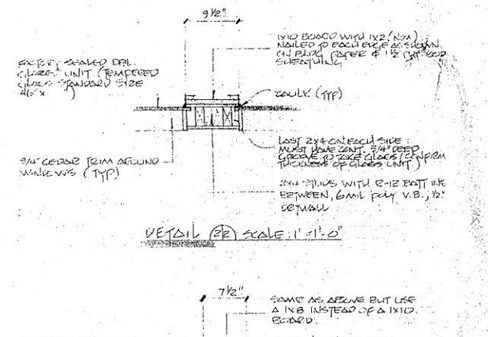
*** IMPORTANT NOTE ***

NOTE A: IF THE CONTRACTOR [illegible] THINK, KEEP IN MIND IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO FIX THEM AND NOT THE ARCHITECT. [illegible] ALL OF THESE ITEMS, ALSO THE CONTRACTOR MUST TAKE [illegible] THE ARCHITECT. [illegible] THESE PLANS ARE IN VIOLATION OF THE BUILDING CODE. [illegible] THE ARCHITECT [illegible] THE BUILDING CODE.

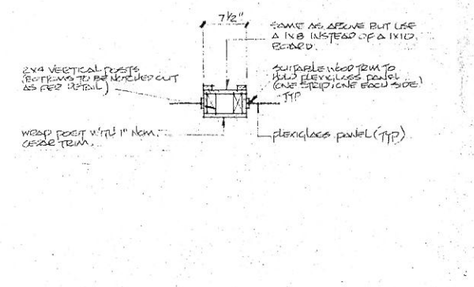
NOTE B: [illegible] ELEVATIONS OF THE BUILDING. [illegible] THE ARCHITECT [illegible] THESE PLANS [illegible] THE ARCHITECT [illegible] THE BUILDING CODE.

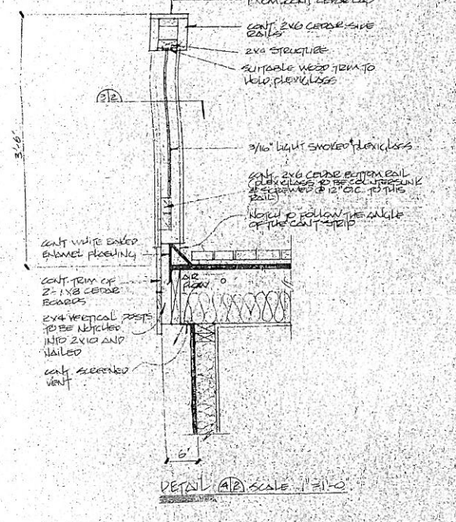



SECTION 1/2 SCALE: 1/4" = 1'-0"




DETAIL 4-2 SCALE: 1" = 1'-0"




DETAIL 4-2 SCALE: 1" = 1'-0"

24673



PROPOSED RENOVATION
42 KINGHAM ROAD
VICTORIA B.C. FOR
MR & MRS [illegible]

V2 DESIGNS LTD
[illegible] CODE ST.
VICTORIA B.C.
PH. 383-[illegible]

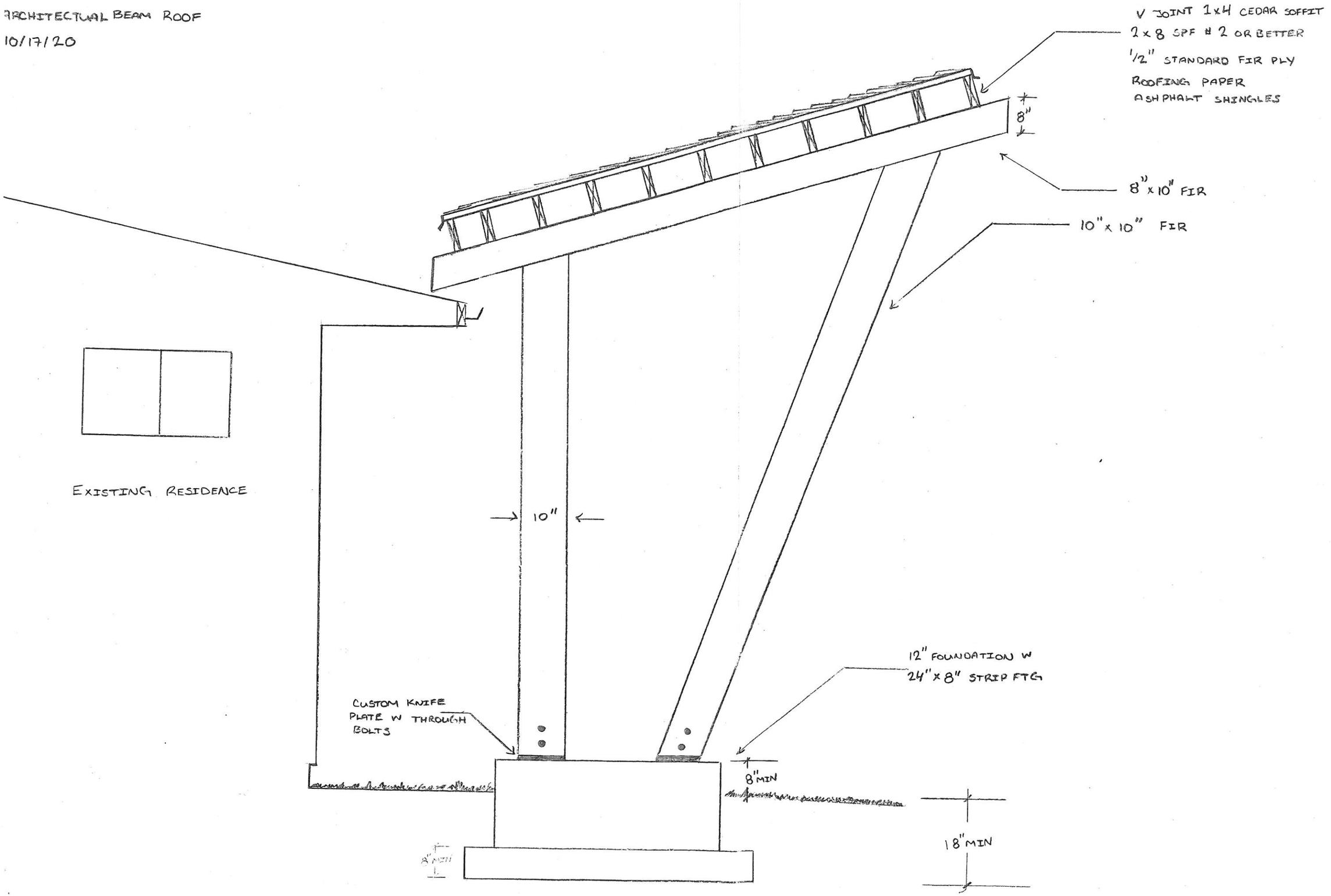
FLOOR PLAN, SECTIONS

| | |
|---|---|
| DRAWN BY: D. [illegible] | PLATE |
| DATE: JULY 84 | 2 |
| SCALE: [illegible] | |

4% KINGHAM PL

ARCHITECTUAL BEAM ROOF

10/17/20

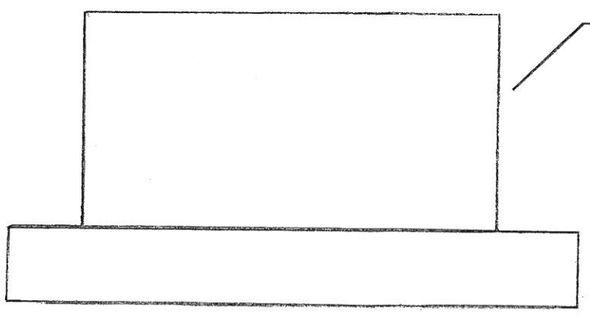


42 KINGHAM PL

ARCHITECTURAL BEAM ROOF

10/17/20

FOUNDATION DETAIL



12" FOUNDATION WALL

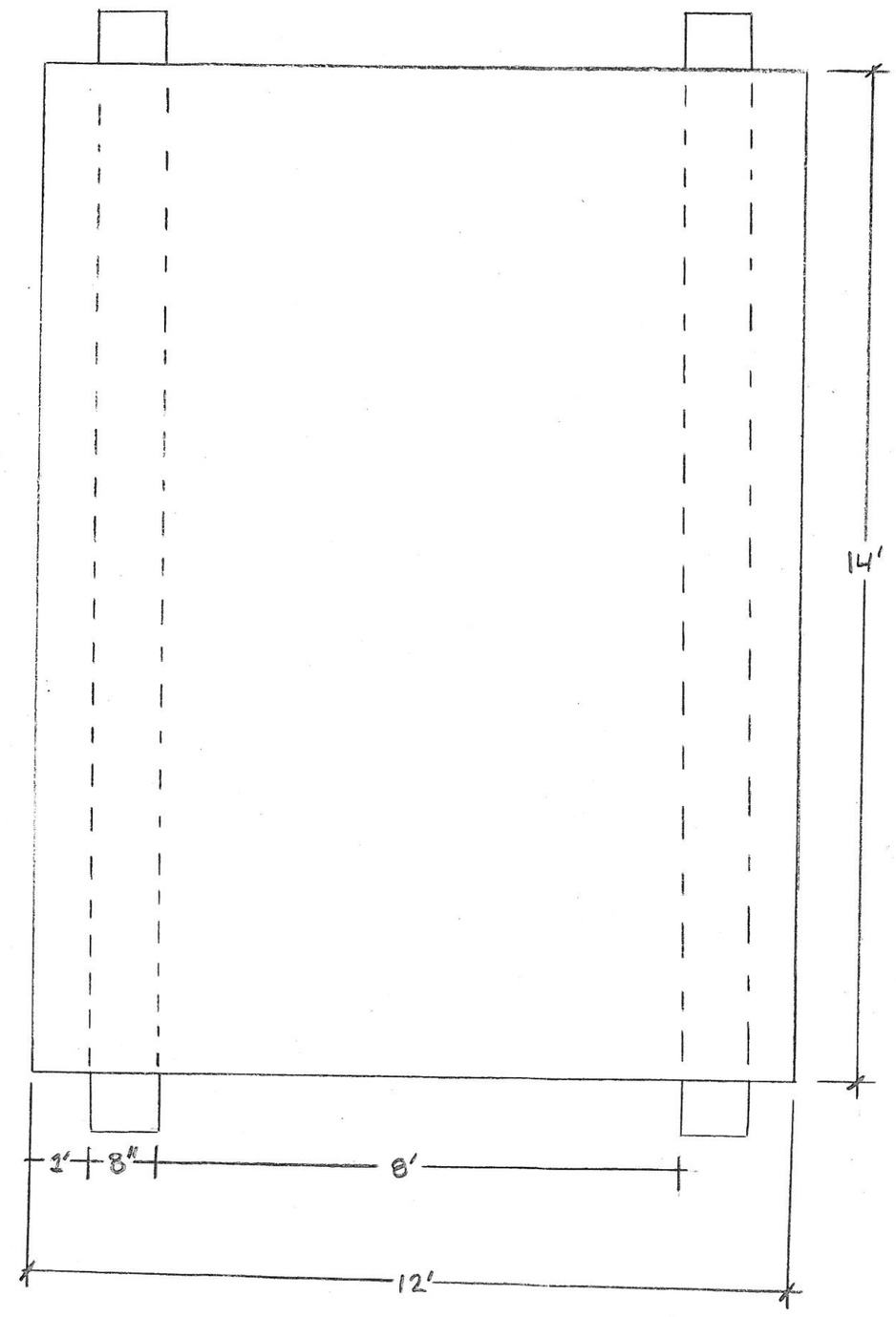
24" x 8" CONTINUOUS STRIP FOOTING

3 1/2 ø BARS EACH DIRECTION IN FOOTING

16" GRID IN FOUNDATION VERTS HOOKED TO FOOTING

28MPA OR BETTER ON SOLID BEARING

PLAN VIEW



# Fwd: Kingham Pl Variance - Aaron Murray

Thu 2021-01-28 11:00 AM

**To:** Graeme Connelly

Sent from my iPhone

Begin forwarded message:

> **From:** Anton Dedeluk
> **Date:** January 27, 2021 at 4:59:12 PM PST
> **To:** Aaron Murray
> **Subject: Kingham Pl Variance - Aaron Murray**
>
> I have discussed the plans to extend the front entrance of Aaron Murray's home at 42 Kingham Pl with the owner and I support the variance application.
>
> Thank you
> Anton Dedeluk
> 69 Kingham Pl

# Fwd: Variance Application

Thu 2021-01-28 11:00 AM

**To:** Graeme Connelly

Sent from my iPhone

Begin forwarded message:

> **From:** mike green
> **Date:** January 27, 2021 at 7:40:22 PM PST
> **To:** aaron.murray
> **Subject: Variance Application**
>
> To whom it may concern,
>
> We live across the road, at 39 Kingham Pl, from Aaron and Courtney who live at 42 Kingham Pl. We are aware of the variance application they have submitted and fully support it.
>
> Thank you
>
> Michael Greene and Kim Wurban

# Fwd: letter of support for 42 Kingham

Thu 2021-01-28 11:00 AM

**To:** Graeme Connelly

Sent from my iPhone

Begin forwarded message:

> **From:** john byrne
> **Date:** January 27, 2021 at 4:08:37 PM PST
> **To:** Aaron Murray
> **Subject: letter of support for 42 Kingham**
>
> This letter is to show support for the proposed covered entry way at 42 Kingham Place. With recent tasteful cosmetic updates, this home continues to support all our values in the neighbourhood and this further renovation will have no negative effect to any of the neighbours properties.
> Please don't hesitate to contact me for any further information,
>
> John Byrne
> 73 Kingham Place