



# Late Items to Board of Variance

March 9, 2022

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Please include the following for the March 9, 2022 Agenda:

## 4. APPLICATIONS

### a) 1258 Burnside Road West

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|------|--|-----------|
| i)   | Letter dated March 5, 2022 from S. Carter                  | Pg. 2     |
| ii)  | Letter dated March 5, 2022 signed petition                 | Pg. 3     |
| iii) | Letter dated March 6, 2022 from D & J Screech              | Pg. 4-5   |
| iv)  | Letter dated March 8, 2022 from J. Adamson & E. Van Krugel | Pg. 6-8   |
| v)   | Letter dated March 9, 2022 from S & K Widdifield           | Pg. 9     |
| vi)  | Letter dated March 9, 2022 from applicant Kayla and Sean   | Pg. 10-21 |
| vii) | Letter dated March 8, 2022 from R. Parks                   | Pg. 22-23 |

Sue-Anne Carter  
8 Eaton Avenue  
Victoria, BC V8Z 5E1

March 5, 2022

View Royal Town Hall Development Services  
Attention: Board of Variance  
45 View Royal Avenue  
Victoria, BC, V9B 1A6

RE: Board of Variance Application for 1258 Burnside Rd W.  
Variance Requested: Retaining wall height from 1.2m to 4.8m

Board of Variance Committee,

As a neighbour in the community of 1258 Burnside Rd W. I'd like to voice my concern as to the dramatic amount of variance being asked for in their application. The purpose of going before the Board of Variance is to go before a panel of your peer citizens and ask for a very minor variance to your Residential Zoning. I am an old school Imperial measurement "thinker" and still think in feet and I think going from a 4ft retaining wall that their zoning allows to approving a 15  $\frac{3}{4}$  ft retaining wall would set a dangerous precedent for our neighbourhood and in View Royal, especially at the Board of Variance level.

If the applicant would like to explore an application of this magnitude, I'd suggest they would go through the more proper process which involves a development variance permit to Council. This is a more appropriate route for this "major" of an ask.

Please do not approve this application at the Board of Variance level as it sets a dangerous precedence for our neighbourhood and for View Royal as a whole.



Sue-Anne Carter



Town Of View Royal.

Board Of Variance.

March 6<sup>th</sup>/2022

To whom it may concern.

I write in regards to the proposed wall at 1258 Burnside Road. My wife and I reside at 1256 Burnside and have since 1998.

The thrust of my arguments are that this is not a matter for the Board Of Variance and I will outline the reasons below. The parameters for the board of variance are clear. There must be hardship involved and the variance requested must be minor. Along with that the variance requested must not result in inappropriate development of the site, nor can it affect the natural environment or substantially affect the use and enjoyment of adjacent land.

Hardship:

There is no hardship here that is caused specifically by the bylaw. Yes, their lot has a slope to it as does ours. One might expect that when one buys a home on the slopes of Knockan Hill. There are many alternatives if they simply want some more usable flat ground. For one they could terrace part of their property as was done with our property. Or they could have perhaps have less than the 6-8 motor vehicles that are regularly parked on their property which would undoubtedly free up more space for their son to play. In short I do not accept the argument of hardship. Successive families have lived there over the years and I have never heard any of them make that claim. The lot is a panhandle lot and with a panhandle lot come limitations that are reflected in the cost of that lot.

Minor Variance:

This is not in any way, shape or form a minor request. This is a major variance of 400% over what the bylaw stipulates. This would set an enormous and unfortunate precedent for our community if this enormous variance were ever to be classified as "minor".

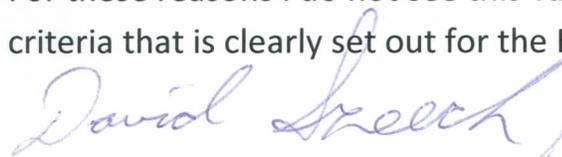
Environmental Impact:

There is no question that this variance will result in the construction of a wall that will impact the natural environment. I would estimate that at least 4-5 mature Douglas Fir Trees would have to come out or die as a direct result and others would be damaged by a change in watercourse and drainage patterns. Our property has multiple large Douglas Firs and we would be devastated to lose any of them.

Impact on adjacent properties:

This variance will result in the construction of a wall that will have a major impact on the use and enjoyment of adjacent land. It is very hard to even quantify this unless you stand on the neighbouring properties and envision a 16 foot high wall that would then have a fence on top. While it certainly impacts our property in a visual sense and a loss of privacy the impacts on our neighbours at 1260 and 1262 Burnside Road West are far more devastating. They would have this large wall looming over them and it would forever change the characteristics along with the enjoyment of their homes and potentially could affect their property value. It is completely unacceptable that one neighbour could look to impact another in such a negative way.

For these reasons I do not see this variance request as meeting the legislative criteria that is clearly set out for the Board Of Variance to consider.

  
David & Jean Screech. 

1256 Burnside Road West.

V8Z-1N8.

March 8<sup>th</sup>, 2022

Jack Adamson and Eva Van Krugel  
of 1262 Burnside Rd. W.  
Victoria BC V8Z 1P1

**Re: Application to the Board of Variance regarding 1258 Burnside Rd. W.**

We appreciate our neighbour's desire (of 1258) to have a level property to enjoy more outdoor space with family. That's why we have kept a very open mind to the 12-foot retaining wall that 1258 originally proposed to us. With the newly proposed plans, we have continued to invest considerable amounts of personal time to educate ourselves with expert counsel. As a result of such counsel, we offer the below concerns and perspectives.

As residents of 1262, we too have the right to enjoy our home and property to its fullest. Living directly next to a property (1258) that towers above our private lot, our greatest concerns regarding the proposed wall are as follows:

**A wall greater than 20ft. will impact the area's natural beauty and our property value.** The addition of a 32m long x 15m wide x 4.8m tall retaining wall, (or 104 ft. x 49ft x 15.7ft) does not include the required safety fence on top of the proposed wall, adding further height to the variance application, and will permanently alter the natural beauty of this rare location that we purchased and continue to pay taxes on, impacting the enjoyment of our property and its value.

\* Please see the below images to get a sense of what this wall might look like from our perspective.

**Legacy trees will be affected.** Given everyone's appreciation for the natural beauty that the mature trees add to this unique location, a structure of this magnitude will divert natural water flow. This can be enough to eventually kill the trees both on 1258's property, and neighbouring ones. Beyond aesthetics, the threat of a tall tree/s potentially falling on our home is a genuine concern for our household; one mature tree's root system on 1258's property has already been compromised due to prior excavation and is being monitored by the Town of View Royal for the next 3-5 years. Therefore, we recommend an arborist be consulted prior to considering the approval of this wall.

**Concerns around our short and long-term safety.** We understand that boulders as large as the ones proposed have no guarantees that they won't "slip away" from their operators during placement. This uncertainty puts our lives, our pets' lives, and our and neighbouring properties at considerable risk, not only during the build, but afterwards if the wall is not built and inspected properly throughout the construction to ensure the wall meets building and earthquake codes. Even so, there are no guarantees that the structure will survive a natural disaster. If approved, residents of 1258 would also need to make a commitment to maintain the wall's drainage system regularly to ensure water is not flowing onto and damaging

neighbouring properties, a genuine concern now that atmospheric rivers have become a regular occurrence.

**Our ability to generate income will be affected.** We both work from home and construction of this magnitude will negatively affect our businesses. Each of us have critical client Zoom meetings and audio/video production recordings happening throughout the weeks. Paying to rent office or studio space each time we encounter noise and/or vibratory disturbances is not a viable option for us. One of our businesses (the video production one) has already encountered this tricky situation when trying to set up and film a client speaking to camera during one of 1258's more recent excavations. With the request to stop excavation for 10-15 minutes denied, the shoot as a result was rescheduled last minute to a time later in the day when the excavator's job was complete.

**The neighborhood's serenity will be disturbed for months.** Our engineers estimate this wall build will take at least 3-4 months, and only if all materials for the build happen to be available and delivered at the time they are required. So, in a best-case scenario, we and neighbouring properties have the potential to lose yet another peaceful Spring and Summer as 1258 continue their home improvement projects at a critical time, coming up to two years into a pandemic, where peace, quiet and connecting with loved ones is so important to everyone's health and well-being.

**Requirement for uninterrupted access to our own property without**

**interruption.** Our engineers are skeptical that a structure such as the proposed can be entirely built from 1258's property without accessing the build from our property. We cannot grant 1258 access to complete any proposed wall structure from our property should they run into any issues once construction has begun, as we require full, uninterrupted access for ourselves, contractors, clients and for any potential emergency needs.

**Concerns that entrance and exit for vehicles of any size may be obstructed.** Should a permanent structure of any kind be built directly on 1258's newly surveyed property line, given that our driveway is already quite narrow at 15 ft wide with a sharp 90-degree turn needed to navigate onto or off our property, we are gravely concerned that vehicles of any size will have a difficult time entering or exiting the property safely, and swiftly if needed.

**Final thoughts.** Although we are not in favour of the proposed wall, we are optimistic that 1258 can still achieve the goals of their property. We simply ask that whatever home improvement plans 1258 choose to move forward with, that they factor in neighbouring concerns and keep an open mind to alternative solutions such as the one we have recently proposed (e.g. take advantage of the large front parking area by reconfiguring it to prioritize the desired enclosed yard space over parking).

Thank you for your time to review our concerns and perspectives.



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Board of Variance  
Town of View Royal

RECEIVED

MAR 09 2022

re application for Variance at 1258 Burnside Rd W.  
TOWN OF VIEW ROYAL

With regard to the variance being sought by the residents at 1258 Burnside Rd W there are concerns we have as residents of 1264 Burnside Rd W. First a 16 foot high rock wall seems a bit high, with the possibility of something happening and the collapsing which would send the rocks down the grade and possibly through the fence and into our yard where there is an oil tank and house that could end up getting damaged. Second concern is - what is going to happen to water from the property after the wall is built.

Please consider those concerns when making your decision on a wall that seems to be extreme in size

Thank you

SHARYN D WIDDIFIELD

Sharyn D. Widdifield

KEN WIDDIFIELD

Ken Widdifield

## BOV Application- 1258 Burnside Road West

We have submitted an application to the BOV to request to build a retaining wall greater than 1.2m in height. Although the request is substantial, the hardship it would eliminate would be far greater than the negatives it would impose on others and surrounding areas. After a great amount of consultation with immediate neighbours whose property lines the wall borders, we thought this proposal would best accommodate our neighbours' wishes. This would greatly increase the usage of our property as a green space rather than just a spot for our vehicles.

We would like to stress this is not the final design of the wall. This rendering was designed to show the integrity of the wall and the heights associated with the property and the wall itself. Any wall built, would have to be done in accordance with View Royal's tree and building bylaws. As well as the Geotechnical Engineer's satisfaction.

We have contracted Draycor Construction Ltd. to build the retaining wall. The company has provided us with a timeline of approximately 7-14 days for completing the wall and all necessary backfill.

Our proposed plan has taken into consideration of the cedar hedges that 1262 has planted on our property. With the value of property in the region, we believe this is a fair compromise between 1262 and ourselves. If we were only able to build a tiered wall, we would start the wall at the property line. This would be detrimental to our neighbours at 1262 as their driveway is already quite narrow.

Although the bylaw is intended to keep the grade as natural as possible, our property's grade was compromised from the original development. The mature fir trees in and around our property make the area what it is and by no means will they be compromised by our actions. Privacy will be gained by all properties bordering the proposed wall. Sound pollution from our property would be greatly reduced for these neighbours.

Below are photos of the area of our proposed plan for those who did not come see our property. We do not have a backyard as our home backs on to the property line. This is the only area on the property that would allow for an outdoor space.

Thank you for your careful and thoughtful decision regarding our variance request to gain greater access to our property. We look forward to working together on enhancing our property value and space.

Thank you,

Kayla and Sean

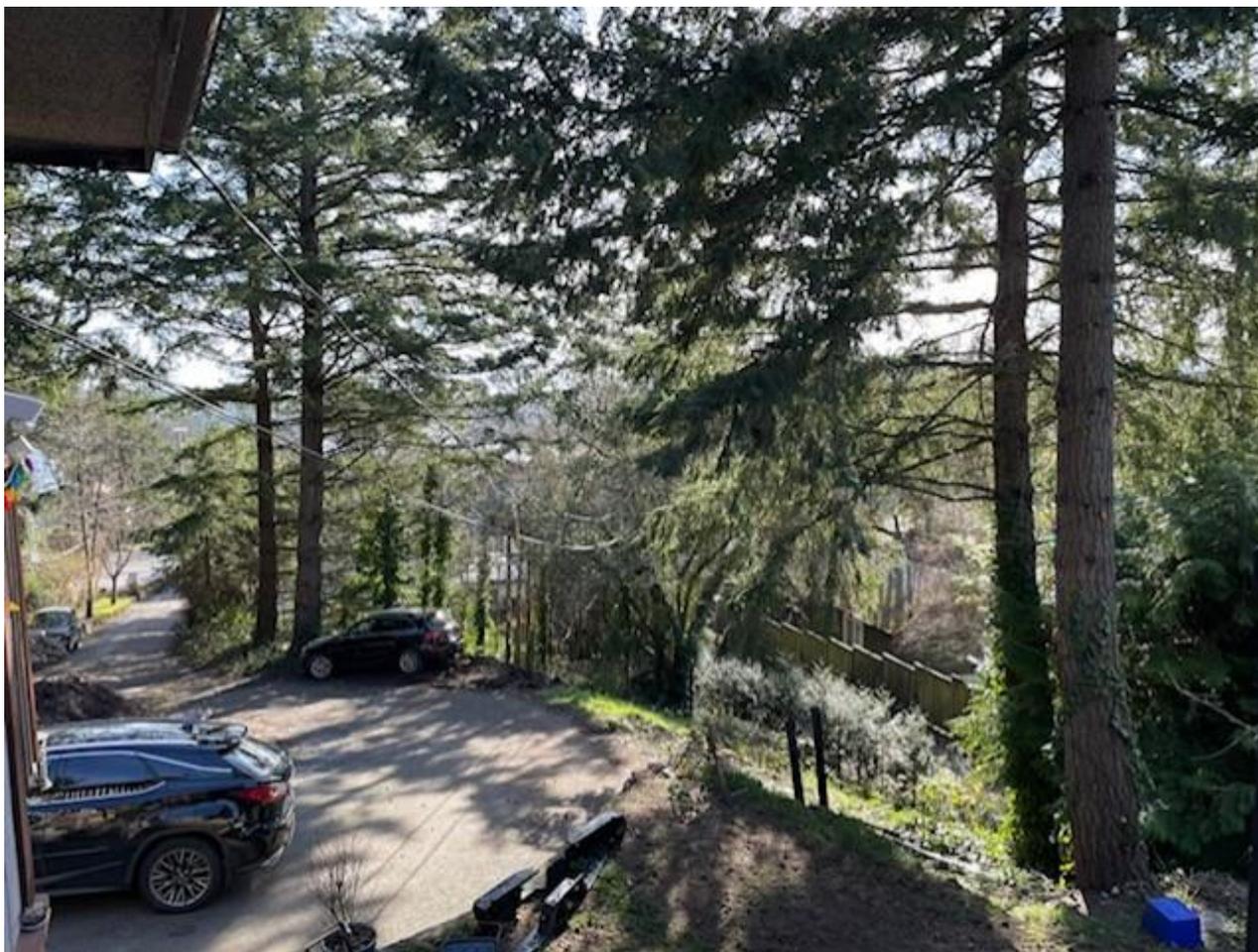


Figure 1: Area of purposed retaining wall, in the front of our home. As you can see this is unusable space. Our property is unique in nature and is unconforming in many ways. When it was snowing, a car almost slipped down the embankment. We would like it level with our driveway to have 2/3 green space and 1/3 space for parking.



Figure 2: Area of purposed retaining wall. This will give more privacy to 1264 Burnside Road (home in photo). The steepest point is where the larger tree is. Therefore, this would be the highest part of our retaining wall. As the wall continues, it will gradually become shorter as shown from the drawings from Coast Geotechnical Engineers on pages 25-28 of the BOV agenda.



Figure 3: Property line is behind the cedar trees. If we did a stepping wall of a ratio of 1:1, we would start on our property line. 1262 Burnside Road West has requested they would really like to keep the cedars they have planted on our property.



Figure 4: The **ONLY** tree that **MIGHT** be removed is outlined in red. It is growing into the powerlines. It is NOT a protected tree. You can also see (blue arrow pointing to dead trees- one tree has been put across all the trees to hold them up and together) 1260 Burnside Road West has some dead trees they are using to give their backyard some privacy. A retaining wall would provide a private sanctuary for their property.



Figure 5: Large Douglas Fir tree will remain. A tree well will be built around the protected tree in accordance to the View Roya tree bylaws. Property line between 1258 & 1260 Burnside Road West. We would like to stress that we will not be removing any protected trees.



Figure 6: Steep embankment, unusable space.



Figure 7: Purposed area



Figure 8: The tree in the back yard of 205 Shadow Ridge Place. The tree is behind a fence and behind our home/the home of 1262 Burnside Road West. This tree is at a higher elevation of our purpose retaining wall. The retaining wall would provide more privacy for 1262. It would also provide a sound barrier for our neighbouring properties.



Figure 9: The tree in 205 Shadow Ridge Place is at higher elevation from our purposed retaining wall. Our wall would not change the natural flow of water away from the trees at 205 Shadow Ridge. Water will continue to naturally flow towards our property as we are at a lower elevation point than the property of 205 Shadow Ridge place.

# BOV- 1258 Burnside Road West

## Purposed plan



cedar hedge



pavement



grass

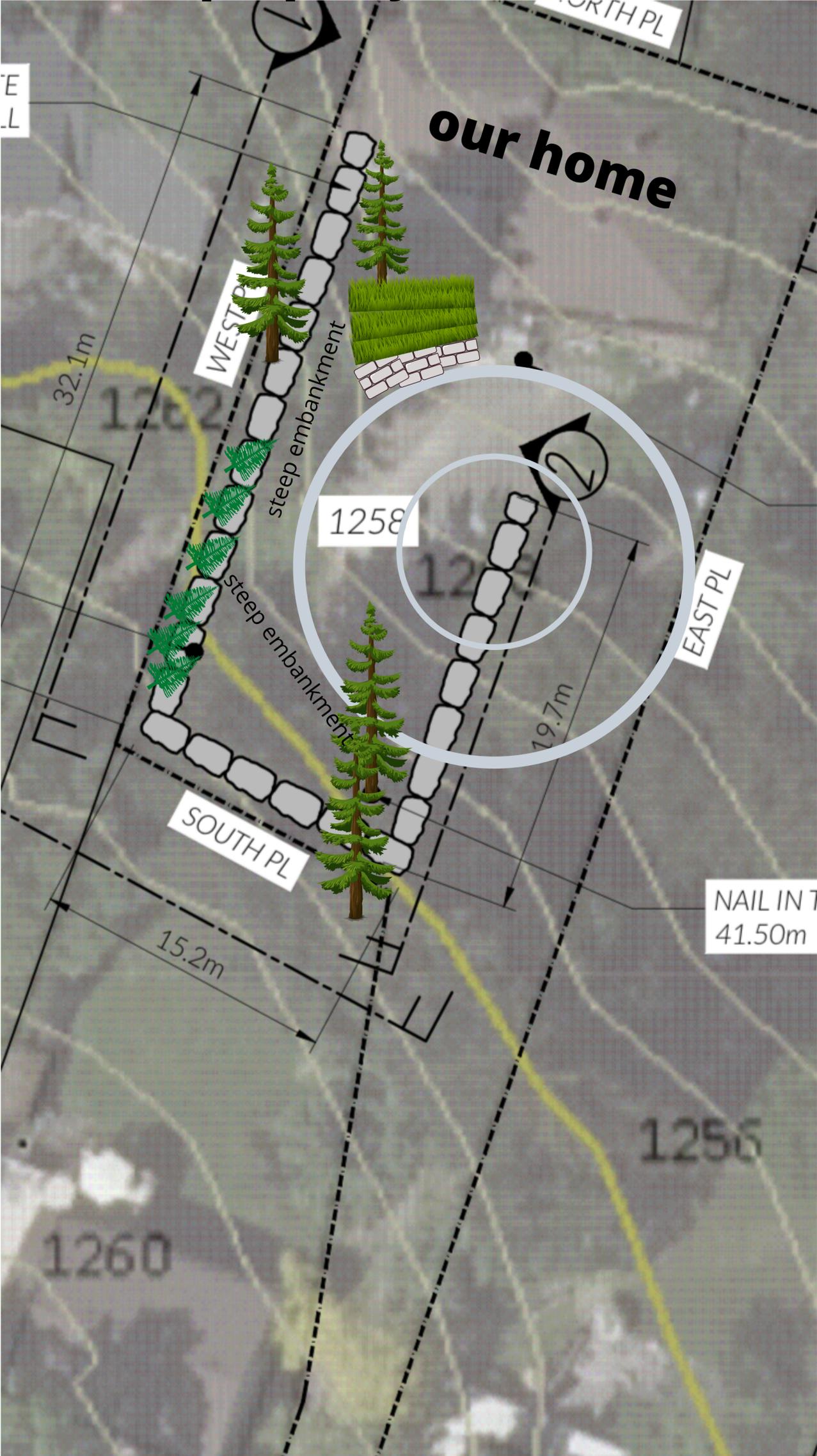


fir tree



retaining wall under  
1.2 m

# Current property



March 8, 2022

Dear City of View Royal Board of Variance Committee members.

I am writing in support of Kayla Chan of 1258 Burnside Road West in her request for a variance of a retaining wall.

As everyone knows property has become precious in this region making highest and best use of property more understandable than ever. In the above noted case the property will be made flat and will separate green space from vehicle circulation space. That separation will provide a discreet circulation space and a safe place for the owner's child to play. Safety is always a good thing!

The property slopes from approximately the north to the south. Common sense dictates the property probably was filled and should have enjoyed a retaining wall when first developed. This is an opportunity to correct that oversight.

The requested variance is for a wall that could be from 1.2 m or 3.9 ft to 4.8 m or 15.75 ft at the highest point. That is not high. The average height of the wall would be much less than the tallest portion. Look at the wall on the old Island Highway near the Four Mile Pub. It is much higher than this proposed wall and is fully exposed to the world.

If one walks the site, as I did, it is very difficult to imagine any negative impact:

1. Owners on Shadow Ridge cannot see the wall; none of it.
2. It is obscured from 1260 Burnside by a significant cedar hedge on the northside of 1260. This hedge should continue to grow.
3. It is also obscured from 1262 Burnside by a cedar hedge that is partially located on the subject property. This hedge is not yet mature and should grown significantly.
4. The owner at 1256 cannot see any of the wall from his house. That owner would need to walk about 100 feet north of the house into the forest to view the east side view of the wall.

Site lines are not an issue.

No existing trees in the area would need to be removed. The wall can easily be accommodated as described without any tree removal. An arborist report would clearly support this fact.

I don't believe there would be any negative impact on the local below grade water flow. A biologist could easily speak to the water flow issues. There are no issues now and the wall would not penetrate below grade and therefore not impact water flow. With no water flow issues there should be no negative impact on existing trees in the area.

If the project proceeds as requested the neighbourhood will gain an improved property with a safe play area, a renovated house and discreet vehicle circulation. Existing houses will have no impact to their properties. If anything, privacy may be increased for everyone.

I encourage the board to find a solution by supporting the variance request or something similar. Change for some is a challenge. Yet, change is inevitable and usually positive.

I heartily endorse the request as proposed.

Sincerely,

A handwritten signature in cursive script that reads "Ray Parks". The letters are fluid and connected, with a prominent loop on the 'R' and a long tail on the 's'.

Ray Parks