



TOWN OF VIEW ROYAL
BOARD OF VARIANCE MEETING
WEDNESDAY, DECEMBER 13, 2023, AT 7:00PM
VIEW ROYAL 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 June 14, 2023
(motion to adopt) Pg. 2-3
4. **APPLICATIONS**
 - a) **2023-03 – 335 Damon Drive** (Lot 17, Section 13, Esq Dist, Plan 37592) Pg. 4-7
Applicants: K. Schmitt
Variance: Reduce side yard setback from 2.0m to 1.6m to allow for a carport enclosure.
5. **CORRESPONDENCE**
6. **NEW BUSINESS**
7. **TERMINATION**



TOWN OF VIEW ROYAL

MINUTES OF THE BOARD OF VARIANCE MEETING WEDNESDAY, JUNE 14, 2023 AT 7:00PM COUNCIL CHAMBERS

PRESENT WERE: D. Adair
P. Devonshire
L. Pakos
S. Stirling, Planner
D. Miles, Committee Clerk

PRESENT ALSO: 2 Applicants

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

3. **WELCOME TO NEW MEMBERS**

a) Selection of Chair and Co-Chair

MOVED BY: L. Pakos

SECONDED: D. Adair

THAT P. Devonshire be selected as the Chair to the Board

CARRIED

MOVED BY: P. Devonshire

SECONDED: L. Pakos

THAT D. Adair be selected as Co-Chair to the Board.

CARRIED

3. **APPROVAL OF AGENDA**

(motion to approve)

MOVED BY: L. Pakos

SECONDED: D. Adair

THAT the Agenda be approved.

CARRIED

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

5. **APPLICATIONS**

a) **2814 Shoreline Drive** (Lot 22, Section 2, Esquimalt District, PlanVIP11919)
Applicants: C & D Wignall

The Planner introduced the application.

Lindsay Baker, of Aspire Custom Designs, stated the reason for the interior renovation was to accommodate the applicant's expanding family. The interior renovation to create more space required the roof area over the area to be raised slightly from a pitch of 3:12 to 2:12 which triggered the height measurement to be moved from the mid-point to the top as per the bylaw.

L. Baker submitted two letters of support from Paul Colella of 2816 Shoreline Dr and Patricia Robinson of 2812 Shoreline Dr.

MOVED BY: D. Adair
SECONDED: L. Pakos

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

Variance to the minimum side yard setback from 2m to 1.71m AND increase the permitted height from 7.5m to 8.4m contained in Section 8.1.4 of Zoning Bylaw No. 900, 2014

to permit the alteration to the roof over the renovation area.

CARRIED

- 6. CORRESPONDENCE**
- 7. NEW BUSINESS**
- 8. TERMINATION: 7:10 pm**

CHAIR – P. Devonshire

RECORDING SECRETARY – D. Miles



TOWN OF VIEW ROYAL

Board of Variance Report

TO: Board of Variance

DATE: December 06, 2023

FROM: Stirling Scory, RPP, MCIP
Community Planner

MEETING: December 13, 2023
FILE NO: BOV 2023-03

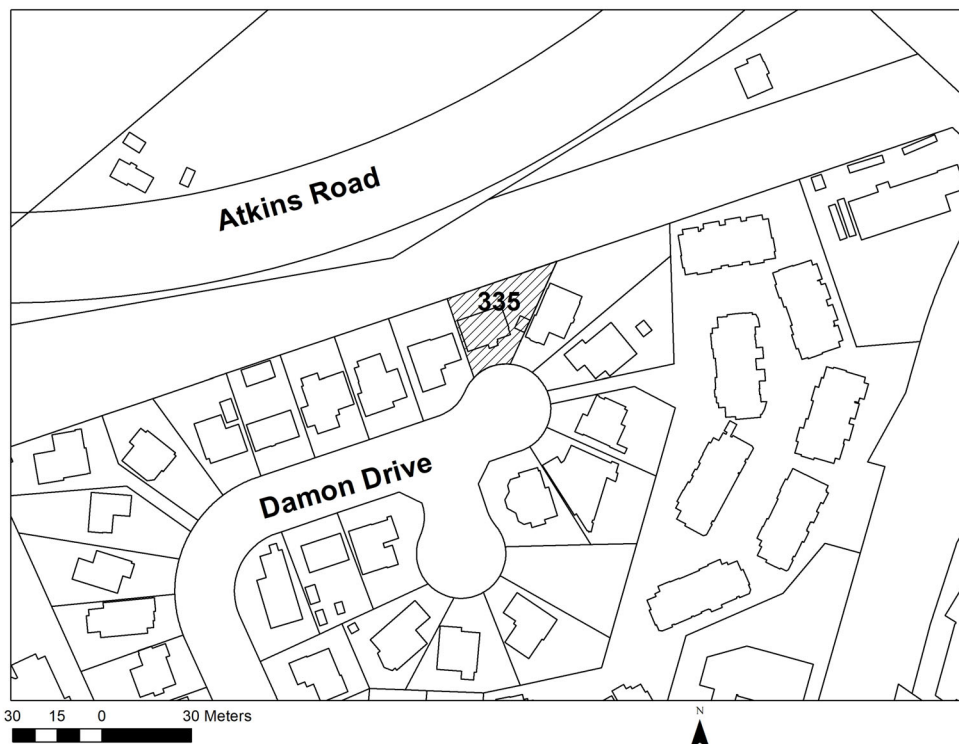
BOARD OF VARIANCE APPLICATION NO. 2023-03 FOR 335 DAMON DRIVE

APPLICANT REQUESTED VARIANCE:

The applicant is requesting a variance to Zoning Bylaw No. 900, 2014, Section 8.1.4 to reduce the side yard setback of a principle building from 2.0 metres to 1.6 metres to allow for the enclosure of an existing non-conforming carport that is attached to the single-family dwelling.

Legal Description: LOT 17, SECTION 13, ESQUIMALT DISTRICT, PLAN 37592

Figure 1 - Context Map 335 Damon Drive



PURPOSE OF REPORT:

To provide the Board of Variance with information related to the proposal to reduce the side yard setback of a principle building from 2.0 metres to 1.6 metres to allow for the enclosure of an existing non-conforming carport that is 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 in 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 late 1970s and 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. However, any new construction must meet the current zoning provisions of the R-1 zone. Therefore, the applicant is requesting a single setback variance to their existing carport that is attached to their home to allow for the enclosure of the carport for the purpose of adding additional storage in their home. The carport is located 1.6 metres from the side yard lot line, which is less than the permitted 2.0 metre setback required for the property's R-1: Detached Residential (Large Lot) zone.

The requested variance is required because the current location of the existing carport in relation to the property line is considered existing non-conforming. Given that the existing carport currently encroaches into the required setback, a variance is required to enclose the carport because this change is considered to be expanding the non-conformity. In addition, the build would be required to be code compliant with the current BC Building Code. The applicant's rationale for enclosing the carport is to add additional warm storage as the existing house and shed are not enough for their needs.

Figure 2 - Site Plan of 335 Damon Drive

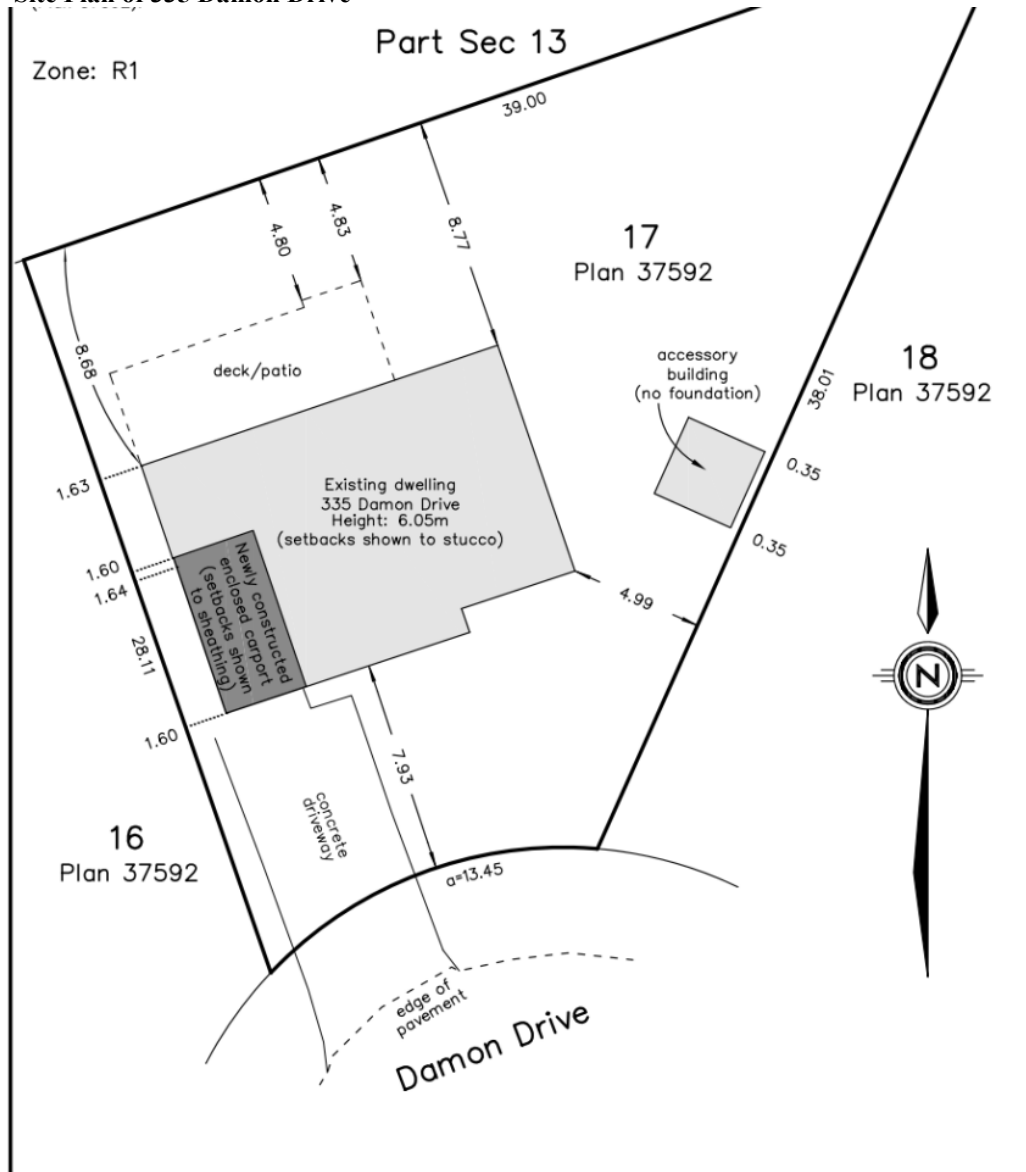
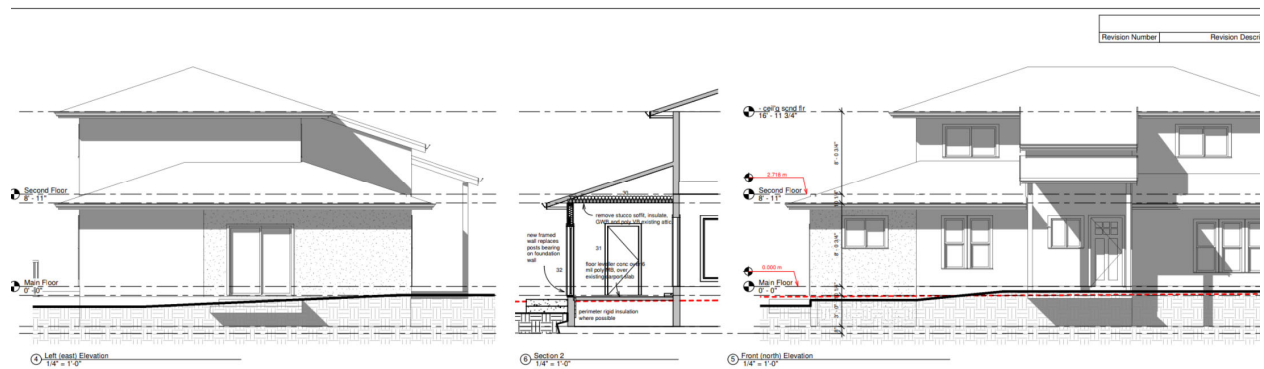


Figure 3 - Elevation Drawings of Proposed Construction Area



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 meets the intent of Zoning Bylaw No. 900, 2014 without negatively 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:

Stirling Scory, RPP, MCIP
Community Planner