



TOWN OF VIEW ROYAL
BOARD OF VARIANCE MEETING
WEDNESDAY, JANAUARY 17, 2024 AT 7:00PM
VIEW ROYAL VIRTUAL MEETING

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 December 13, 2023,
(motion to adopt) Pg. 2
4. **APPLICATIONS**
a) **2023-02 – 229 Helmcken Rd** (Lot 7, Block 2, Section 8, Esq Dist, Plan 4178) Pg. 3-7
Applicants: M. Gorovitch
Variance: Reduce front yard setback from 7.5m to 3.8m; and
Reduce required number of parking spaces from 3 to 2.
5. **CORRESPONDENCE**
6. **NEW BUSINESS**
7. **TERMINATION**



**TOWN OF VIEW ROYAL
MINUTES OF THE BOARD OF VARIANCE MEETING
WEDNESDAY, DECEMBER 13, 2023 AT 7:00PM
COUNCIL CHAMBERS**

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

PRESENT ALSO: 1 Applicants

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

2. APPROVAL OF AGENDA
(motion to approve)

MOVED BY: D. Adair
SECONDED: L. Pakos

THAT the Agenda be approved.

CARRIED

3. MINUTES, RECEIPT & ADOPTION OF

MOVED BY: D. Adair
SECONDED: L. Pakos

THAT the minutes from June 14, 2023, be approved as presented.

CARRIED

5. APPLICATIONS

a) 335 Damon Drive (Lot 17, Section 13, Esq Dist, Plan 37592)
Applicants: K. Schmitt

Pg. 4-7

The Planner introduced the application.

Taylor Mason, spoke on behalf of the applicant. He stated the intention of the enclosure originally was to create a treatment space for the owner to work from home as she will very shortly be a new mother. However, the original project requirements increased the budget beyond expected so the carport is intended to be enclosing and remain cold space.

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 1.6m of Zoning Bylaw No. 900, 2014 to permit a carport enclosure.

CARRIED

6. 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 22, 2023

FROM: Stirling Scory, RPP, MCIP
Community Planner

MEETING: January 17, 2024
FILE NO: BOV 2023-02

BOARD OF VARIANCE APPLICATION NO. 2023-02 FOR 229 Helmcken Road

APPLICANT REQUESTED VARIANCES:

The applicant is requesting two variances to Zoning Bylaw No. 900, 2014:

- Section 8.3.4 to reduce the front yard setback of a principle building from 7.5 metres to 3.8 metres; and
- Section 5.10 to reduce the required number of parking spaces from 3 to 2 for a single-family dwelling with a secondary suite as the parking space for a secondary suite cannot be in tandem with another required space.

Legal Description: LOT 7, BLOCK 2, SECTION 8, ESQUIMALT DISTRICT, PLAN 4178 EXCEPT THAT PART IN PLAN VIP53762

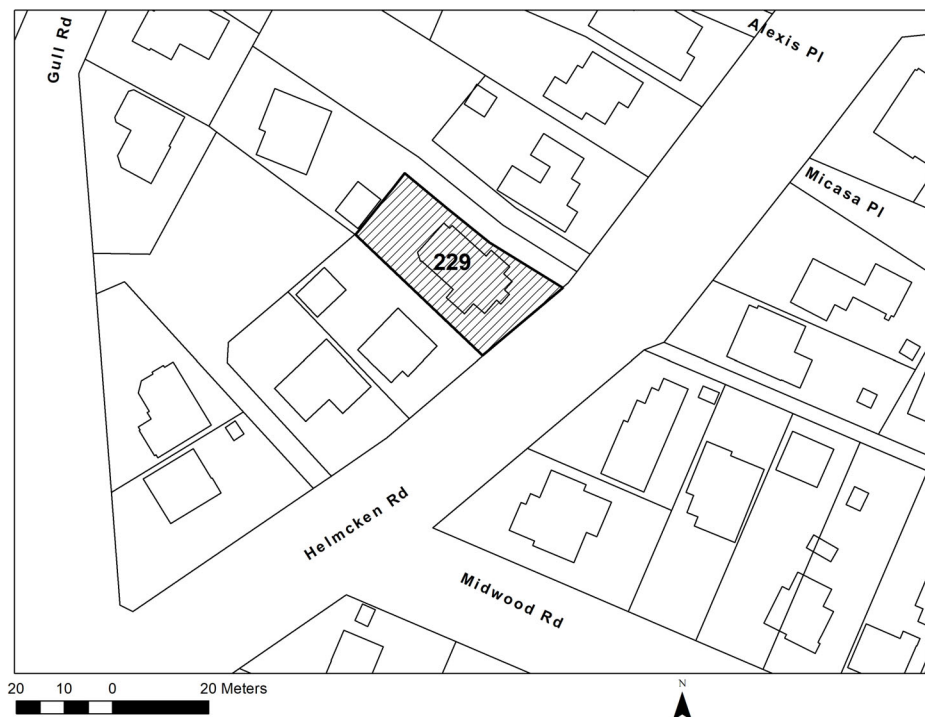


Figure 1 - Subject Property Map 229 Helmcken Road

PURPOSE OF REPORT:

To provide the Board of Variance with information related to the proposal to reduce the front yard setback of a principle building from 7.5 metres to 3.8 metres, and reduce the required number of parking spaces from three spaces to two spaces for a single-family dwelling with a secondary suite for a parking space that is provided in tandem.

BACKGROUND:

RELEVANT BYLAWS / POLICIES:

Despite the requested variances to Sections 8.3.4 and 5.10 of Zoning Bylaw No. 900, 2014, the information provided in the applicant's proposal appears to be consistent with the provisions of the R-1B: Detached Residential (Medium Lot). 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 located within the Mixed-Residential land use designation and Mixed-Residential Development Permit Area; however, a single-family dwelling is not subject to these requirements. A development permit is not required. Should the Board grant the applicant's requested variances to the front yard setback and parking reduction, the applicant would be able to proceed to a building permit application. Should further variances be identified in the building permit application process, the applicant will be required to make an application for a variance or to alter the design.

ATTACHMENTS:

- Schedule 1 – Applicant's Letter to the Board
- Schedule 2 – Applicant's Survey & Site Plan

DISCUSSION:

The property, 229 Helmcken Road, is zoned R-1B: Detached Residential and is a typical sized lot for this zone. The site is unique because it contains a natural rock outcropping feature at the rear of the property. The applicant has requested a variance to the front yard setback in order to locate the home away from the rock outcropping to minimize blasting and protect the existing trees at the top of the outcrop. The proposed setback shares a similar setback to the existing house on the property and consistent with houses on adjacent properties. The proposed home would be removed and a new house would be constructed.

The applicant's request to vary the required number of parking spaces from three to two spaces is because a required parking space for the dwelling cannot be in tandem with a secondary suite parking space. In Figure 1 above, the site plan shows three spaces; however, as per Section 5.10 of Zoning Bylaw No. 900, 2014, the parking space provided in tandem is not permitted and would not be counted in the total required parking. Therefore, a variance is required. The proposed parking area is similar to the existing parking configuration on the property. Due to the natural rock outcropping at the rear of the property, an existing registered covenant along the frontage, and the proposed size of the home, a variance is required to facilitate this development.

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 variances benefit the subject property, and meet the intent of the 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

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

December 7, 2023

RE: 229 Helmcken Road – Renovation to New Build

Dear Council member, Variance committee and Municipal Staff,

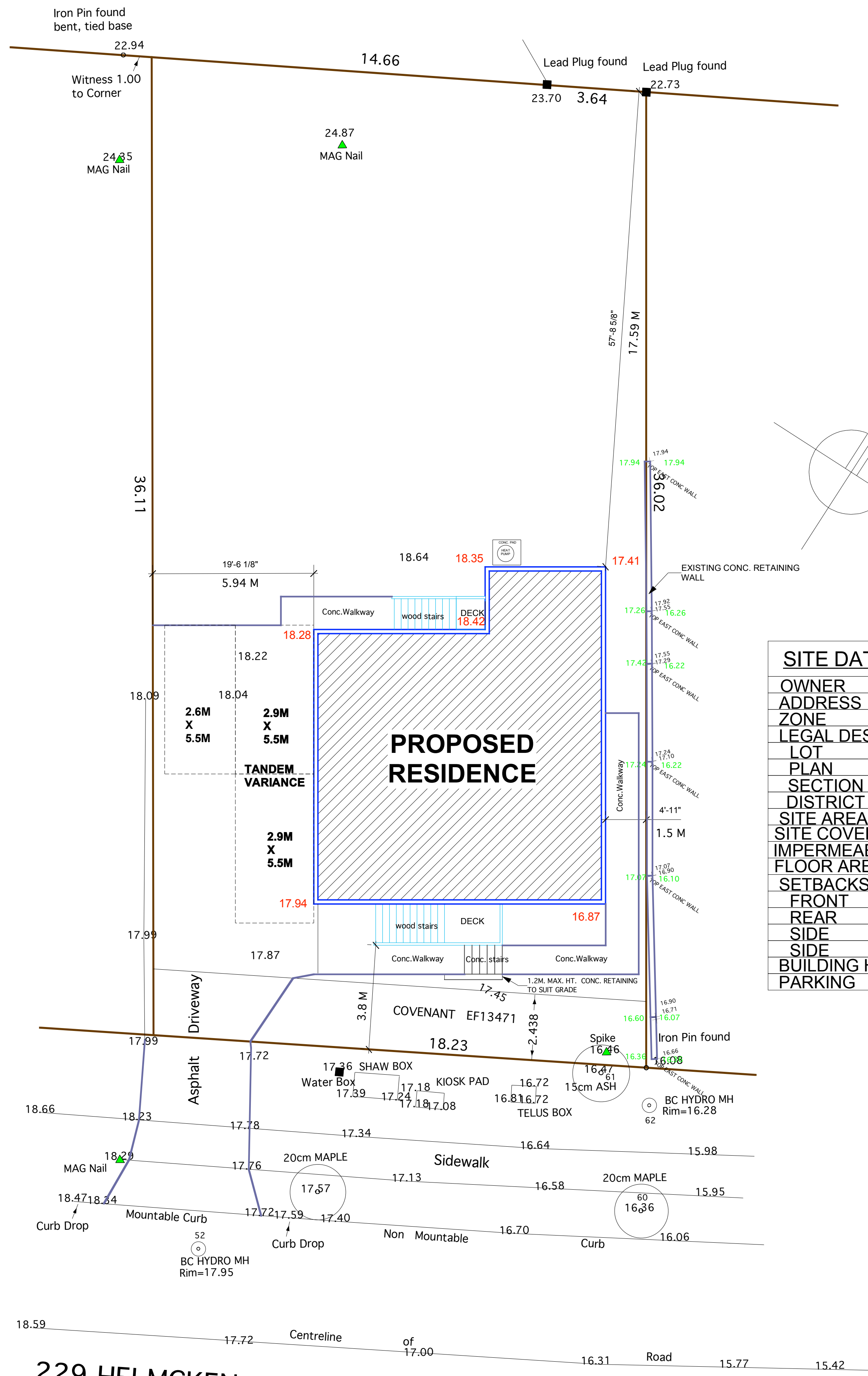
We are respectfully asking the variance committee to consider these two issues as hardships and consider waving any variances related to them.

- 1) Due to a considerable rock ridge running parallel to Helmcken road, our lot is mostly hard granite. The original footprint of the house was the logical and best place for the structure and therefore we are asking you to consider allowing our new build to stay at the set back submitted here. (New Plans attached)
- 2) The second issue relates to the first in that, due to the need for a suite we also have need to provide parking. Our second hardship ask is, that because of the restrictions placed on us by our lot, we would ask that committee look at the proposed parking lay out as presented in our plans as a viable parking option.

We would like to thank you all on the variance board for hearing our situation, to Steve Paterson and Leanne Taylor for the help in getting us this far and to Dawn and the front desk folks who are always accommodating.

Respectfully,

Miles Gorovich and Stephen Young



PROPOSED GRADE CALCULATIONS

$(18.35+17.41) \div 2 \times 14.58 = 260.69$
 $(17.41+16.87) \div 2 \times 40.83 = 699.82$
 $(16.87+17.94) \div 2 \times 35.33 = 614.91$
 $(17.94+18.28) \div 2 \times 33.25 = 602.15$
 $(18.28+18.42) \div 2 \times 20.75 = 380.76$
 $(18.42+18.35) \div 2 \times 7.58 = 139.35$

$2697.68 \div 152.32 = 17.71$
AVG. GRADE = 17.71

SITE DATA	PROPOSED	PERMITTED
OWNER		
ADDRESS	229 HELMCKEN ROAD	
ZONE	R-1B ZONING	
LEGAL DESCRIPTION		
LOT	7	
PLAN	4178	
SECTION	8	
DISTRICT	ESQUIMALT	
SITE AREA	7071.889 SQ.FT. 657 SQ.M.	
SITE COVERAGE	1406.09 SQ.FT. (130.63 SQ.M.) 19.8%	40% MAX
IMPERMEABLE COVERAGE	2776.935 SQ.FT. (257.98 SQ.M.) 39.26%	60% MAX
FLOOR AREA (F.S.R.)	2203.587 SQ.FT. (204.71 SQ.M.) 31.15%	42% MAX
SETBACKS		
FRONT	3.8 M	VARIANCE 7.5 M MIN
REAR	17.59 M	6.0 M MIN
SIDE	1.5 M	1.5 M MIN
SIDE	5.94 M	1.5 M MIN
BUILDING HEIGHT	19'-4 3/4" (5.91 M)	7.5 M MAX
PARKING	TANDEM	VARIANCE

SETBACK MEASUREMENTS TO NUDURA STYROFOAM INSULATION

229 HELMCKEN ROAD

SITE PLAN
Scale: 1:100

SITE PLAN BY J.E. ANDERSON & ASSOCIATES W/ CHANGES BY HARTMANN DESIGN

HARTMANN'S
DRAFTING & DESIGN

3484 MAPLEWOOD R.D. VICTORIA, B.C.
V8P 3N3 PHONE: 383-1295

SCALE 1/4" = 1'-0"
DATE OCT. 2023
DRAWN BY TMAR
CHK BY KMAR
PLAN # 336
REVISED DEC 05 2023

**PROPOSED RESIDENCE FOR
229 HELMCKEN ROAD**

SHEET