



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall, 1229 Esquimalt Road, Esquimalt, B.C. V9A 3P1
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Voice: (250) 414-7100
 Fax: (250) 414-7111

October 7, 2015

DEVELOPMENT VARIANCE PERMIT NOTICE

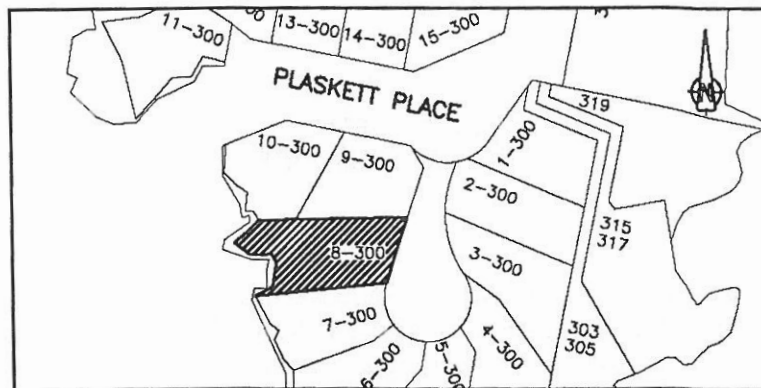
An application for a Development Variance Permit has been received from Teodora Kristof and Mathieu Lucien Lott, the registered owners of 8-300 Plaskett Place, PID 017-658-161, Strata Lot 8, Section 11, Esquimalt District, Strata Plan VIS2246, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1.

Purpose of the Application:

The applicant has constructed a balcony over an existing patio, located at the rear of the principal building without the benefit of a Building Permit. This application for a Development Variance Permit is required as the balcony does not comply with Zoning Bylaw, 1992, Bylaw No. 2050

Authorization of the following variance to Zoning Bylaw, 1992, Bylaw No. 2050 is required:

Zoning Bylaw, 1992, No. 2050, Section 34(9)(a)(iii) – Rear Setback: a 2.6 metre reduction to the required 7.5 metre rear setback [i.e. from 7.5 metres to 4.9 metres]

**Site Location:**

PID 017-658-161, Strata Lot 8, Section 11, Esquimalt District, Strata Plan VIS2246, together with an interest in the common property in proportion to the unit entitlement of the strata lot as shown on form 1 [8-300 Plaskett Place].

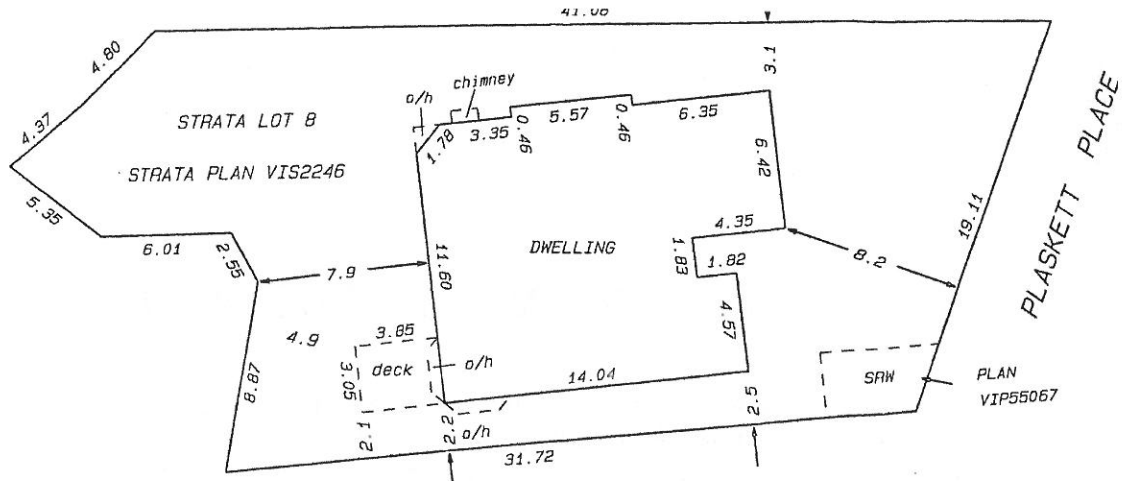


Figure: Dimensions and siting of balcony/ deck
(units in metres)

The Municipal Council will consider this application at the **Regular Meeting of Council commencing at 7:00 p.m., Monday, October 26, 2015, in the Council Chambers, Municipal Hall, 1229 Esquimalt Road, Esquimalt B.C.** Affected persons may make representations to Council at that meeting or submit a written submission prior to that date.

Information related to this application may be reviewed at the Development Services counter, Municipal Hall, 1229 Esquimalt Road, from 8:30 a.m. until 4:30 p.m., Monday to Friday until October 23, 2015.

ANJA NURVO,
CORPORATE OFFICER

Personal information contained in communications to Council and its Committees is collected under the authority of the Community Charter and Local Government Act and will be used to assist Council members in decision making. Please note that your comments relating to this matter will form part of the Township's public record and may be included in a public agenda and posted on our website.

From: Mary and Gerry [REDACTED]
Sent: September 3, 2015 9:53 AM
To: Darrell McLean
Cc: [REDACTED]
Subject: RE: Feedback from website for General Delivery

Hello Darrell:

As requested, attached are several photos taken of our neighbour's new deck from my phone this morning.

I am not a good photographer but hope I have captured the impact of this very unattractive deck from our various inside and outside spaces.

The first three photos are from the area in our living room where my wife and I sit to enjoy the water view of our new ocean front home. The deck is only approximately 20 to 25 feet away and is higher than the living room, so we are sharing our private inside living space with whomever is on the deck, and have an esthetically unattractive structure occupying a large portion of our view from the side window in the sitting area.

The 4th photo is taken from our front entry and patio eating/sitting area. Once again here, the deck occupies a significant portion of our view and interferes with the private use of our entry and patio table area. It also blocks the water side views from this area that contribute significantly to the very high price, value, and taxes of our home.

The last photo is taken from our lower ocean side patio. The deck looks down from directly above onto both the sitting patio and the eating table area on our ocean waterfront and significantly detracts from our property value and right to private use of our home and ocean front lot.

As background, I would add that we made our offer to buy this home in May 2015. The deck was not constructed at that time. It was built later, unbeknownst to us, until we closed on the sale at the end of July 2015. We understand that the District of Esquimalt issued a stop work order and posted it on the initial beam when the construction first began, but that the notice was removed and the deck was built notwithstanding the stop order. This indicates to us that the owner was fully aware that the deck construction violated Esquimalt law but decided to build it anyway in open defiance of the bylaws and of the District of Esquimalt.

In the circumstances, we sincerely hope that the District will take early action to ensure that the deck is removed quickly. There are strong community and private property value reasons for building setback bylaws, and, in this case, I believe that the photos help to demonstrate the reasons very clearly. The structure is incongruent with the architecture, value, and character of the strata waterfront community. It reduces our property value. It impinges on the ocean shore and public space setbacks. It also severely violates the privacy of our home and outside space because it extends many

feet beyond the allowable 16" juliet balcony that the bylaws would permit and overlooks our space from a higher level at a close distance.

Please keep us apprised and let us know if further information would assist you to conclude action on the violation.

Sincerely

Mary and Gerry Madden

> -----Original Message-----

> From [REDACTED]

> Sent: September 2, 2015 11:17 PM

> To: General Feedback

> Subject: Feedback from website for General Delivery

>

> This is information submitted via the Esquimalt website.

>

> * Please reply within 2 business days. *

>

> Gerald

> Madden
> [REDACTED]

> 7-300 Plaskett Place

> Esquimalt

> B.C.

> V9A 6G4

> I want to record our objection to a variance application by our neighbor at 8-300 Plaskett Place for a deck that was built without a planning permit and extends far beyond the permissible distance. Because it extends 8 or 10 feet beyond the permitted line, it is in our view and adversely affects our privacy and the non-conformity detracts from the value of our property and others in our strata. We request that no variance be granted and that the structure be required to be demolished in compliance with Esquimalt building and deck setback laws.

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Photos received from 7-800 Plaskett Place



Krystal Wilson

From: Sharen Glover [REDACTED]
Sent: October 18, 2015 12:53 PM
To: Krystal Wilson
Cc: General Feedback
Subject: Development Variance Permit Notice - #8 - 300 Plaskett Place

Krystal:

Thank you for taking the time to speak to us on Friday, October 9th, when we stopped by to enquire about the Development Variance Permit Notice we received regarding a deck constructed at #8, 300 Plaskett Place (PID 017-658-161, Strata lot 8, Section 11, Esquimalt District Strata Plan VIS2246).

My husband and I reside at #1 – 300 Plaskett Place and have done so for the past 22 years. We have several concerns regarding this Variance Permit request:

- (1) There is a Building Scheme on file at the Land Registry Office with restrictions pertaining to any exterior alterations to homes that are a part of Strata Plan VIS2246, yet the Strata Council was not contacted by the owners regarding the building of the deck until after the deck had been completed.
- (2) As outlined in the October 7, 2015 letter from the Municipality, regarding the Variance Request, this deck was built without the benefit of a building permit.
- (3) It is our understanding that a "Stop Work" order was issued by the Municipality once they were made aware of the deck being constructed, yet work continued by the owners and builder until the deck was completed.

Given that this deck was constructed with apparent disregard for the Corporation of the Township of Esquimalt Municipal Bylaws and the Strata Building Scheme, it is our hope that Council not allow this deck to remain.

Sincerely,

Bill and Sharen Glover
[REDACTED]



Gary Brennan
#10 300 Plaskett Place,
Victoria, BC
V9A 6G4



October 16, 2015

Re: PID 017-658-161, Strata Lot 8, Section 11, Strata Plan VIS2246.

To Whom It May Concern:

This letter is in response to your development variance permit notice of October 7, 2015.

The deck that was constructed at #8 300 Plaskett Place, was built without a building permit. This project proceeded despite having been issued a stop work order by the township. There appears to have been a blatant disregard for the way building projects are supposed to proceed.

When a structure is built, the footings are the first things that must be inspected. Unless this is done, the possibility of someone getting hurt by a deck falling, especially in an earthquake prone area with high winds, is very real. The posts were already in place, when the building inspector first appeared, and the concrete was hiding the base of their foundations. This made it impossible to confirm their soundness.

Also, the deck has been built too far back from the setback requirement. As neighbours, our views are affected by this. One neighbour in particular, now has their privacy reduced dramatically. It was built so close to their living room window that they feel that they have to close their blinds to screen themselves from people on this deck. When they do open their blinds, they now have to look at this deck instead of the gorgeous water view that they spent a lot of money to attain.

From my prospective, I now have to look at a deck that has the appearance of gallows. With the cross braces between pillars, you would think that there is about to be a hanging take place. The same appearance is evident from the water's view. The view is so nice in this area that Esquimalt chose it for the front page of its website. If a new picture was to be taken today, you would have to photo shop the deck out to make it look half decent. When you look at the bicycle racks at the Esquimalt Recreation Centre, you can see steel corner brackets that accomplish the same stabilizing function with a much nicer appearance. Concern for design and appearance were another missing part of this puzzle.

I feel badly that money has been spent by Teodora and Mathieu on this deck. However, I feel that the affect that it has on their neighbours, in terms of view and privacy, is just too great for it to stay.

Yours truly,

A handwritten signature in black ink, appearing to read 'Gary Brennan', with a long horizontal flourish extending to the right.

Gary Brennan



Krystal Wilson

From: Paul Croegaert [REDACTED]
Sent: October 19, 2015 4:11 PM
To: Krystal Wilson
Cc: Paul Croegaert

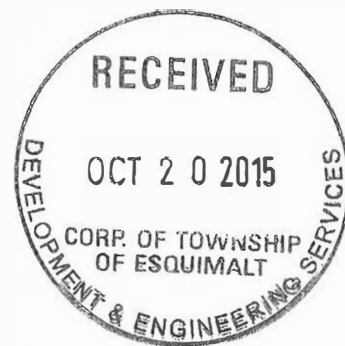
Re: Application for a Development Variance Permit from Teodora Kristof and Mathieu Lucien for 8-300 Plaskett Place, PID 017-658-161

I am president and owner of PAC Properties, LTD, the record owner of 11-300 Plaskett Place and wish to object to the granting of the Variance Permit. Like many other property owners in the strata we spent a long time considering many homes before purchasing this home in the strata.

We were impressed by the Zoning laws in other jurisdictions such as Oak Bay but after considering all the factor's (and ignoring the advice of broker's and others not to go over the Blue Bridge) we chose to purchase in Esquimalt. We of course reviewed and relied on the applicable laws adopted by the Township and the Strata and have never regretted our decision.

The 15 homes in the Strata pay a significant amount in real estate taxes and we do our best to keep the homes and the common land in an attractive and well maintained condition. Not only is the current nonconforming deck very unattractive but is a blatant violation of the Zoning Bylaw. I don't wish to cause a hardship to anyone but constructing such an addition without even contacting the Township to attempt to obtain a Variance prior to construction shows a willful disregard for the rules followed by everyone else. Granting a Variance after the fact would establish a very bad precedent and fly in the face of all the numerous reasons Zoning regulations are adopted in the first place. I believe residents should be able to rely on existing rules and regulations that were initially enacted for the benefit of the home owners and the Township. Thank you for considering my position.

Paul Croegaert, President
PAC Properties, Ltd.



Krystal Wilson

From: Lynn Taylor [REDACTED]
Sent: October 18, 2015 3:35 PM
To: Krystal Wilson
Subject: Development Variance 8-300 Plaskett Place

Re: PID 017 658 161, Strata Lot 8 Section 11, Esquimalt District Plan VIS2246

My husband and I purchased our home at 15 -300 Plaskett Place in July of 2007. We chose this particular property in this premium location with the full knowledge of the Strata and the Township and Municipality of Esquimalt bylaws, with the expectation that we would be part of a controlled development with the rules being strictly adhered to.

This does not seem to be the case with the above mentioned property having constructed a large deck without the benefit of a building permit and the owners now are asking for a Variance to the zoning bylaw, 1992 No 2050.

This Strata is prominently featured on the Esquimalt Municipality website as a showcase of our beautiful community.

By allowing this variance we believe that this would be encouraging other homeowners to adopt the attitude of build now and ask for permission later.

We love living in Esquimalt and are proud of our community and are committed to keeping it a special place to live.

Yours sincerely
Lynn and Gerald Tiefenbach
[REDACTED]

