



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Agenda - Final

Board of Variance

Municipal Hall
1229 Esquimalt Road
Esquimalt, B.C. V9A 3P1

Monday, November 23, 2020

4:45 PM

Applicant's Location

Ministerial Order No. M192 – June 17, 2020

Division 2 – Open meetings – municipalities 3. (2) A council or body is not required to allow members of the public to attend a meeting if, despite the best efforts of the council or body, the attendance of members of the public cannot be accommodated at a meeting that would otherwise be held in accordance with the applicable requirements or recommendations under the Public Health Act.

1. CALL TO ORDER

2. LATE ITEMS

3. APPROVAL OF THE AGENDA

4. MINUTES

- 1) [20-568](#) Minutes of the Board of Variance September 13, 2018.

Attachments: [Minutes of the Board of Variance September 13, 2018](#)

5. STAFF REPORTS

- 1) [20-565](#) Board of Variance Application - 815 Elrick Place, Staff Report No. BOV-20-001

Attachments: [Appendix A - Aerial Map and RS-1 Zone](#)
[Appendix B - Letters from Applicant](#)
[Appendix C - Architectural Drawings and Site Survey](#)

6. ADJOURNMENT



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

BOARD OF VARIANCE

MINUTES OF SPECIAL HEARING
HELD SEPTEMBER 13, 2018

Board Members: Doug Crowder, Chair
Jacob Helliwell

Secretary: Bill Brown, Director of Development Services
Staff: Janany Nagulan, Planner

Recording Secretary: Janany Nagulan

1. **CALL TO ORDER**

The meeting was called to order at 5:33 p.m. by Bill Brown, on site at 1217 Juno Street. Bill Brown introduced members of the Board of Variance and Staff.

2. **NOMINATION OF CHAIR FOR THE MEETING**

Doug Crowder was nominated and elected chair

3. **LATE ITEMS**

Not late items

4. **Board of Variance Application No. BOV00015**

On Site – 1217 Juno Street

Applicant: Graham Busch & Emma Day

Application to consider a variance to Section 34 (9) (a) (ii) of Zoning Bylaw 1992, Bylaw No. 2050 for relaxation of the side lot line from the required 3.0 metres to 2.1 metres; a variance of 0.9 metres, in order to install a door off the kitchen along with an exterior landing and steps to access the backyard of the house.

Applicants, Graham Busch & Emma Day were in attendance.

No Neighbours were in attendance.

Mr. Busch explained the relative location of the proposed door that would be off the kitchen and the location of the stairs and landing for access to the backyard. He also explained that the access way would act as an exit for the main floor.

Board of Variance Members had the following questions and comments (response in italics):

- Is there a second access off the main floor? *Applicants answered no*
- Member asked for an explanation of the Hardship. *Applicants answered that the front door of the home only leads in out of the home. The home is a split level therefore access out of the carport requires going down stairs to the exit and the carport can not be fenced off for safety.*
- Was there any input from the neighbours? *Applicants stated there were no negative comments from the neighbours*
- Member asked for clarification in regards to the property line. *There is a large hedge along the property line and the applicants clarified that property line is on the other side of the hedge.*

- Member asked for clarification of the proposed development. *Applicants explained that a door, a landing with stairs, and a railing would be constructed which would create access to the backyard.*
- Is there any encroachment on the other side of the house? *Bill Brown explained that the other side of the house is not encroaching into the side setback*
- Due to the house being a split level home, the main floor of home is raised therefore there was Member concern in regards to the neighbour's privacy. *Applicant has stated that the neighbour has no concerns and there are two windows higher on that side of the home which already looks into the neighbours property.*

RECOMMENDATION:

MOVED by Jacob Helliwell, seconded by Doug Crowder: That the Board of Variance **approve** the application for the relaxation of Section 34 (9) (a) (ii) of Zoning Bylaw 1992, Bylaw No. 2050 from required 3.0 metres to 2.1 metres; a variance of 0.9 metres, to install a door off the kitchen along with an exterior landing and steps to access the backyard of the house and for a second emergency exit. **CARRIED UNANIMOUSLY**

5. ADOPTION OF MINUTES OF APRIL 5, 2017

Moved by Jacob Helliwell, seconded by Doug Crowder, that the Minutes of the Special Hearing held April 5, 2017, be adopted as circulated. **CARRIED UNANIMOUSLY.**

6. ADJOURNMENT:

On motion the meeting adjourned at 5:45 p.m.

Chair

Certified correct:

Secretary, Esquimalt Board of Variance



CORPORATION OF THE TOWNSHIP OF ESQUIMALT

Municipal Hall
1229 Esquimalt Road
Esquimalt, B.C. V9A 3P1

Staff Report

File #:20-565

REQUEST FOR DECISION

DATE: November 19, 2020

Report No. BOV-20-001

TO: Chair and Members of the Board of Variance

FROM: Alex Tang, Planner and Bill Brown, Director of Development Services

SUBJECT:

Board of Variance Application - 815 Elrick Place

ADDRESS:

815 Elrick Place

LEGAL DESCRIPTION:

Lot 18, Section 10, Esquimalt District, Plan VIP14024

BACKGROUND:

The applicant is proposing to construct a detached garage. The proposed accessory building is situated in front of the front face of the Principal Building as the Principal Building is sited in towards the rear of the lot. The proposed accessory building is also closer to the interior side lot line than prescribed by the RS-1 zone in the Zoning Bylaw, 1992, No. 2050.

PROPOSED VARIANCE AND APPLICANTS EXPLANATION OF HARDSHIP:

Zoning Bylaw, 1992, No. 2050, Section 34 (9)(b)(i) - Accessory Building - Front Setback: Exemption from the requirement that no accessory building shall be located in front of the front face of the Principal Building. Alternatively, no accessory building shall be located within 0.99 metres of the Front Lot Line.

Zoning Bylaw, 1992, No. 2050, Section 34 (9)(b)(ii) - Accessory Building - Side Setback: No Accessory Building shall be located within 0.83 metres (0.67 metres decrease from the currently allowed 1.5 metres) of an Interior Side Lot Line. Variance: Enter content here

Hardship:

The applicant states that she is experiencing hardship without a carport.

The siting of the house makes it difficult to locate an accessory building behind the front face of the house.

The applicant feels that the proposed siting of the accessory building is the optimal configuration

considering the curve and grade of the existing driveway.

CONTEXT:

Applicant: Adriane Pollard

Owner: Adriane Pollard

Designer: Atelier Carolvs

Property Size: Metric: 816 m² Imperial: 8792 ft²

OCP Land Use Designation: Low Density Residential

Zone: RS-1

Existing Land Use: Single Family Residential

Surrounding Land Uses:

North: Single Family Residential

South: Single Family Residential

East: Single Family Residential

West: Single Family Residential

ZONING ANALYSIS:

Siting Requirements: The proposed accessory building is sited in front of the front face of the Principal Building. Moreover, it is sited 0.99 metres from the Front Lot Line and 0.83 metres from the western Interior Side Lot Line. Within the RS-1 zone, no accessory buildings are allowed to be located in front of the front face of the Principal Building. The required side setback is 1.5 metres from an Interior Side Lot Line.

COMMENTS FROM OTHER DEPARTMENTS:

Community Safety Services (Building Inspection): Building to be constructed to requirements of BC Building Code 2018 and municipal bylaws. Applicant must address all issues contained within the Township Development Protocol should application be approved. Plans will be reviewed for compliance with BC Building Code upon submission of a Building Permit application. The Building Official initially had concerns with as the design was not compliant with the limiting distance requirements of the BC Building Code. Subsequently, the applicant provided amended drawings that are compliant with the limiting distance requirements.

Engineering Services: Engineering staff has no concerns with this application.

Parks Services: Parks Services staff has no concerns with this application.

Fire Services: Fire Services staff has no concerns with this application.

File #:20-565

PUBLIC NOTIFICATION:

As this is a Board of Variance application, notices have been mailed to tenants and owners of properties that are adjacent to the subject property.



DIVISION 1 - RESIDENTIAL ZONES

34. SINGLE FAMILY RESIDENTIAL [RS-1]

The intent of this Zone is to accommodate Single Family Dwellings on individual Parcels of land.

(1) Permitted Uses

The following Uses and no others are permitted:

- (a) Single Family Residential
- (b) Home Occupation
- (c) Secondary Suite: subject to the requirements of Section 30.6
- (d) Boarding: subject to the requirements of Section 30.3
- (e) Urban Hens: subject to the requirements of Section 30.4 of this bylaw
- (f) Group Children's Day Care Centre, located at Lot 16, Section 10, Esquimalt District, Plan 3060 [PID 001-543-547] [846 Phoenix Street]. ***[Amendment, 2018, Bylaw No. 2938]***

(2) Parcel Size

The minimum Parcel Size for Parcels created by subdivision shall be 530.0 square metres.

(3) Minimum Lot Width

The minimum width of Parcels created by subdivision shall be 16 metres measured at the Front Building Line.

(4) Floor Area Ratio

(a) The Floor Area Ratio shall not exceed 0.35.

(b) Notwithstanding Section (4) (a) the Floor Area Ratio for the Group Children's Day Care Centre shall not exceed 0.50. ***[Amendment, 2018, Bylaw No. 2938]***

(5) Floor Area

The minimum Floor Area for the First Storey of a Principal Building shall be 88 square metres.

(6) Building Height

(a) No Principal Building shall exceed a Height of 7.3 metres.

(b) No Accessory Building shall exceed a Height of 3.6 metres.

(7) Building Width

The minimum width for any Single Family Dwelling shall be 7 metres.

(8) Lot Coverage

(a) All Principal Buildings, Accessory Buildings and Structures combined, shall not cover more than 30% of the Area of a Parcel.

- (b) All Accessory Buildings and Structures combined shall not exceed 10% of the Area of Parcel.

(9) **Siting Requirements**

(a) **Principal Building**

- (i) Front Setback: No Principal Building shall be located within 7.5 metres of the Front Lot Line.
- (ii) Side Setback: No Principal Building shall be located within 1.5 metres of an Interior Side Lot Line, with the total Setback of all Side Yards not to be less than 4.5 metres. In the case where a Parcel is not served by a rear lane, one (1) Side Yard shall not be less than 3 metres. In the case of a Corner Lot, no Principal Building shall be located within 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Principal Building shall be located within 7.5 metres of a Rear Lot Line.

(b) **Accessory Building**

- (i) Front Setback: No Accessory Building shall be located in front of the front face of the Principal Building.
- (ii) Side Setback: No Accessory Building shall be located within 1.5 metres of an Interior Side Lot Line nor 3.6 metres of an Exterior Side Lot Line.
- (iii) Rear Setback: No Accessory Building shall be located within 1.5 metres of a Rear Lot Line.
- (iv) Building Separation: No Accessory Building shall be located within 2.5 metres of a Principal Building.

(10) **Fencing**

Subject to Section 22, no fence shall exceed a Height of 1.2 metres in front of the front face of the Principal Building and 2 metres behind the front face of the Principal Building.

(11) **Off Street Parking**

- (a) Off-street parking shall be provided in accordance with the requirements of Parking Bylaw, 1992, No. 2011(as amended).
- (b) Notwithstanding Section 11(a) No parking space need be provided for a Group Children's Day Care Centre. **[Amendment, 2018, Bylaw No. 2938]**

Adriane Pollard
815 Elrick Place
Victoria BC V9A 4T2

July 6, 2020



RE: Explanatory Letter to the Board of Variance

I wish to construct a new carport in an existing driveway at my home and am seeking a few variances in order to do so. In particular, I am seeking variances to:

1. Locate the proposed Accessory Building in front of the front face of the Principal Building;
2. Locate the proposed Accessory Building 1.05 m from the Front Lot Line; and
3. Locate the proposed Accessory Building 0.31 m from an Interior Side Lot Line.

Section 34.9(b)(i) of the Zoning Bylaw prohibits Accessory Buildings from being located in front of the front face of the Principal Building. This causes hardship to me in the following ways:

- I am currently experiencing hardship without a carport. For some reason, a garage or carport was not built for this house back in 1962. I think it is reasonable to have a carport to protect my new EV and have secure storage for my bicycle and seasonal tires. My car and bicycle will depreciate faster without a carport and will cause additional personal labour during snowfalls. The EV requires a supply of electricity and having it in a carport would keep it safe and dry.
- Due to the particular shape of this lot, with one long curved frontage, and the siting of the existing dwelling, it would be extremely difficult if not impossible to locate an Accessory Building behind the front face of the Principal Building.
- The original (since 1962) existing curb cut and driveway are located in this front area, and the proposed location of the carport would follow these existing conditions, necessitating variances for front and sideyard setbacks. It would be impossible to locate the proposed carport further into the site without the removal of the existing original retaining wall which could destabilize the house and be a very costly enterprise.

The location is not likely to be objectionable to the neighbours because of the vegetative screening and the car has always been parked in this location. I would be happy to plant additional vegetation.

Building a carport on the existing driveway makes sense. When the house and driveway were built, it was in compliance with the rules of the day. Unfortunately, a carport or garage was not built. Without an alternative location, a variance is needed so that I can have a carport to protect my assets.

Thank you for considering my application.

Sincerely,

A handwritten signature in blue ink, appearing to read "Adriane Pollard".

Adriane Pollard

Adriane Pollard
815 Elrick Place
Victoria BC V9A 4T2

August 24, 2020



RE: Explanatory Letter to the Board of Variance—Further Information

In my previous letter, I focused on the hardship of not having a carport or alternate location for it. I realize now I did not address the interior property line or front property line variance requests.

Due to the curve of the driveway and the steepness, the variances are requested in order to have the car parked as level as possible. The hardship of having the car parked on a slope is much like anyone's...safety for elderly parents or young children getting in and out of the car, and the ability to reach and close the hatchback of the car. The designer and survey tried several configurations and this was the only one that resulted in a symmetrical rectangle on the existing driveway.

I believe it is important to consider how my immediate neighbour feels about having the carport located in the proposed position. I spoke with Gail Arsenault today and she has no objections.

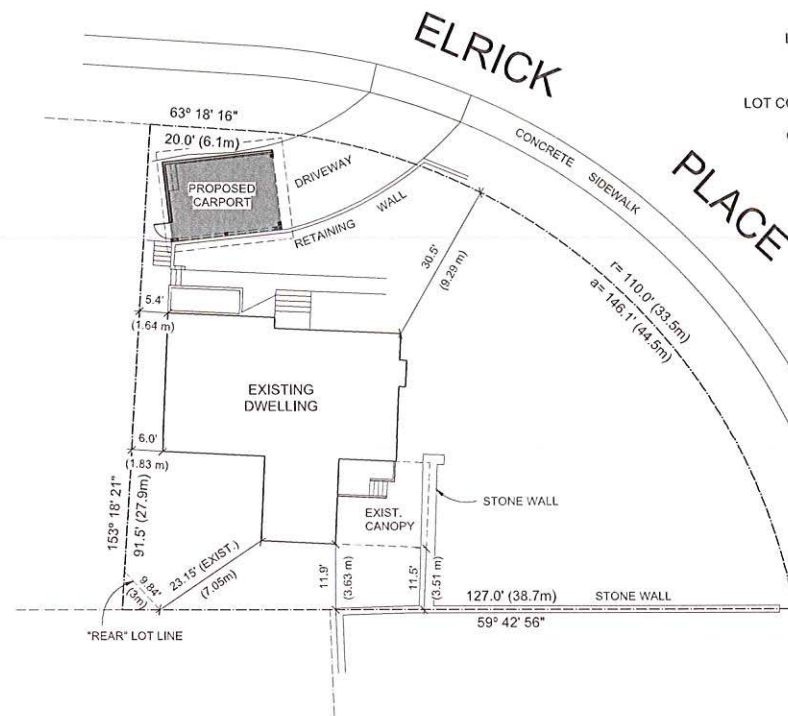
Thank you for considering this additional information.

Sincerely,

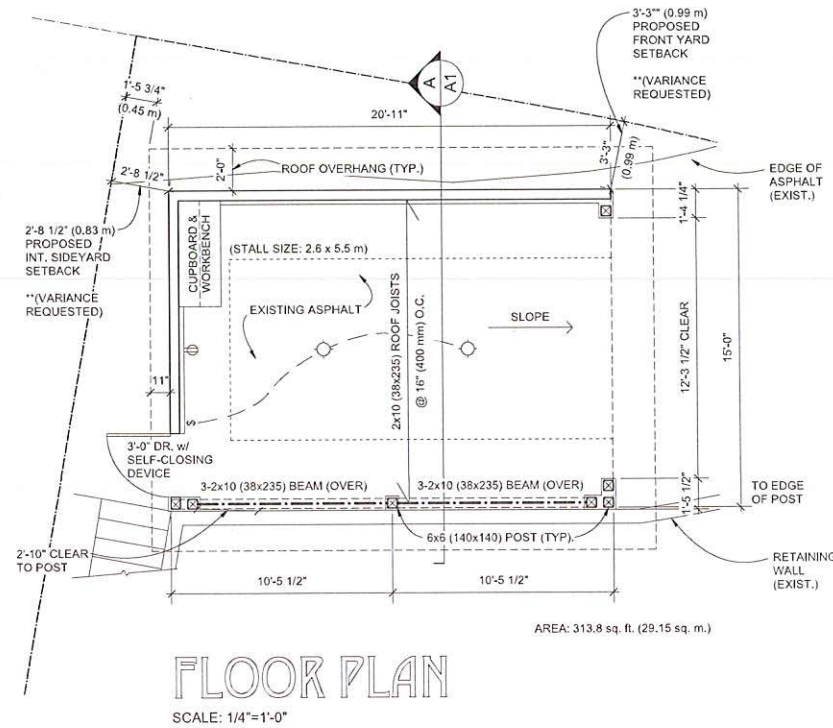
Adriane Pollard



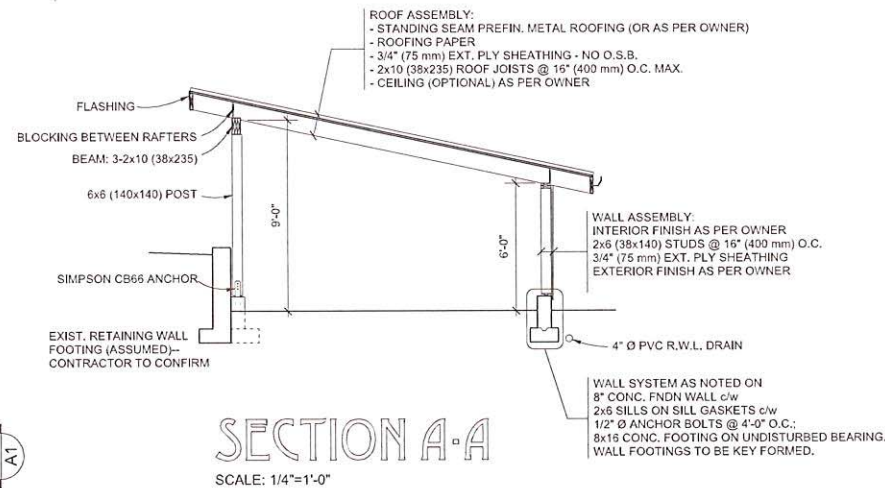
CIVIC ADDRESS: 815 ELRICK PLACE
LEGAL DESCRIPTION: LOT 18
SECTION 10
ESQUIMALT DISTRICT
PLAN 14024
P.I.D.: 004-464-982
LOT AREA: 8800 ft² (817.5 m²)
ZONING: RS-1
LOT COVERAGE:
EXISTING: 1544.64 ft² (143.5 m²)
CARPORT: 313.8 ft² (29.15 m²)
TOTAL: 1858.44 ft² (172.65 m²) = 21.12%



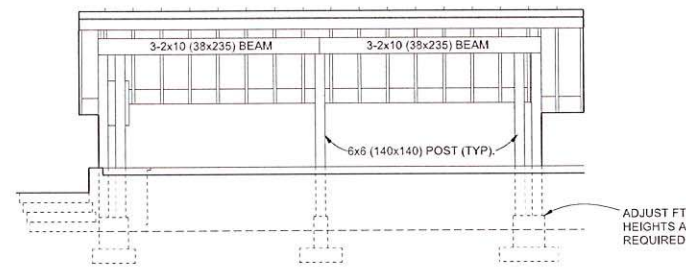
SITE PLAN
SCALE: 1/16" = 1'-0"



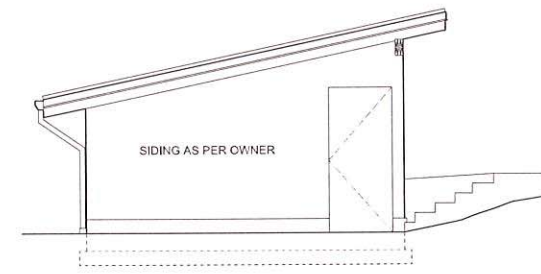
FLOOR PLAN
SCALE: 1/4" = 1'-0"



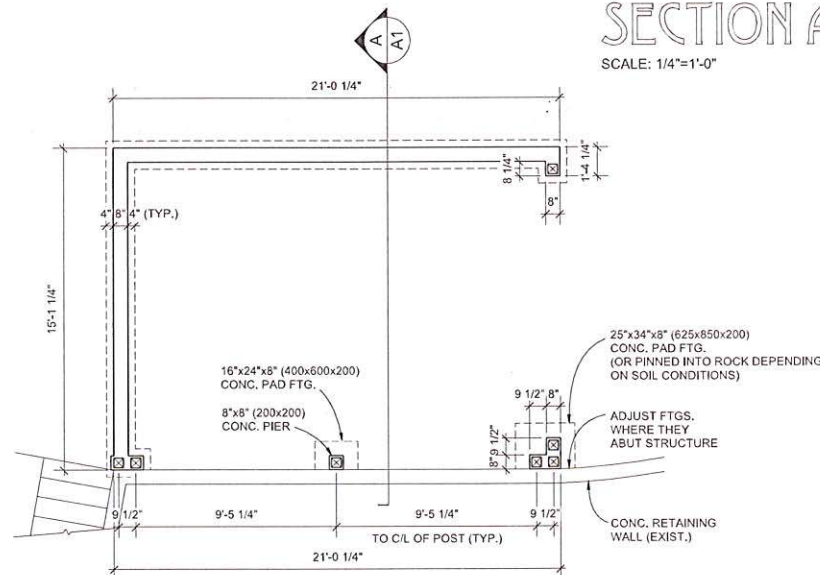
SECTION A-A
SCALE: 1/4" = 1'-0"



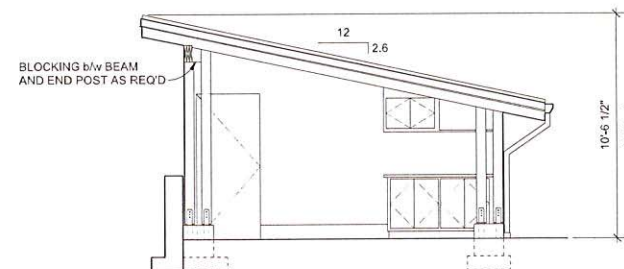
SOUTH ELEVATION
SCALE: 1/4" = 1'-0"



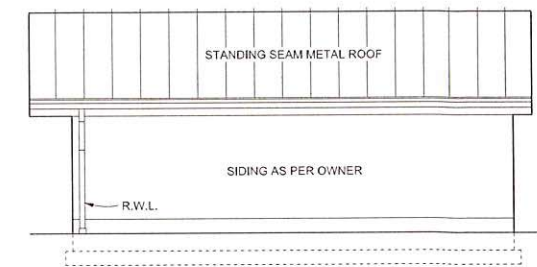
EAST ELEVATION
SCALE: 1/4" = 1'-0"



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



WEST ELEVATION
SCALE: 1/4" = 1'-0"



NORTH ELEVATION
SCALE: 1/4" = 1'-0"

GENERAL NOTES

- ALL WORK TO BE IN ACCORDANCE WITH REQUIREMENTS OF THE CURRENT EDITION BC BUILDING CODE AS WELL AS ANY LOCAL BUILDING CODES OR BYLAWS WHICH MAY TAKE PRECEDENCE.
- VERIFY ALL DIMENSIONS BEFORE STARTING WORK; DO NOT SCALE FROM DRAWINGS. REPORT ANY DISCREPANCIES TO DESIGNER.
- ALL CONCRETE FOOTINGS TO HAVE SOLID BEARING ON FIRM UNDISTURBED INORGANIC ORIGINAL SOIL. CONTRACTOR TO CONFIRM ALL BEARING CONDITIONS BEFORE STARTING WORK.
- FOOTINGS SHALL BE 18" (450) MIN. BELOW FINISHED GRADE OR BELOW FROST LINE, WHICHEVER IS GREATER.
- FOUNDATION CONCRETE SHALL HAVE MIN. COMPRESSIVE STRENGTH OF 3,000 P.S.F. (20 MPa) AT 28 DAYS.
- PROVIDE GALVANIZED METAL CONNECTORS FOR ALL EXTERIOR BEAM / POST AND POST / FOUNDATION JUNCTIONS TO RESIST WIND INDUCED UPLIFT.
- ALL FRAMING MATERIAL TO BE NO. 2 OR BETTER (STANDARD & BETTER OR C&S) GRADE D FIR-LARCH OR HEM-FIR UNLESS SPECIFICALLY NOTED OTHERWISE, OR PRE-ENGINEERED MATERIALS SPECIFIED OR USED.
- USE ONLY APPROVED CORROSION-RESISTANT FASTENERS WITH EXPOSED OR PRESSURE TREATED ELEMENTS.
- ALL STRUCTURAL WOOD ELEMENTS WITHIN 18" OF GRADE SHALL BE PRESSURE-TREATED TO RESIST TERMITES.
- VERIFY ALL ELECTRICAL OUTLETS/LOCATIONS WITH OWNER BEFORE STARTING WORK. ALL WORK STRICTLY IN ACCORDANCE WITH REOMT'S OF ELECTRICAL SAFETY ACT
- PRE-WIRE TO OWNER'S DIRECTION FOR OUTLETS, EXTERIOR LIGHTING.
- FLASH ALL EXTERIOR HORIZONTAL TRIM & JOINTS.



REVISIONS		
NO.	DATE	DESCRIPTION
1	DEC 6, 2018	POSTS, SITING
2	JUL 12, 2020	REVISED SITING
2	OCT 7, 2020	EAST ELEVATION

DATE	ISSUED FOR	BY
OCT 7, 2020	BOARD OF VARIANCE	CWB
JUL 12, 2020	REVIEW	CWB
DEC 17, 2018	BOARD OF VARIANCE	CWB
DEC 04, 2018	REVIEW	CWB
OCT 31, 2018	PRELIMINARY	CWB

ISSUES



6-2157 Cubson Drive, Victoria, BC V8R 1R4 Telephone (250) 598-7681

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KEY PLAN

PROJECT TITLE

**PROPOSED CARPORT
FOR POLLARD
RESIDENCE**
815 ELRICK PLACE, ESQUIMALT, B.C.

DRAWING TITLE

**PLANS, ELEVATIONS
AND SECTIONS**

DRAWN BY: CHUCK BELL
DATE: OCT 31 2018
SCALE: AS SHOWN
PROJECT NO. DRAWING NO.

1832

A1

SKETCH PLAN OF PROPOSED CARPORT ON LOT 18, SECTION 10, ESQUIMALT DISTRICT, PLAN 14024



The intended plot size of this plan is 432mm in width by 280mm in height (B size), when plotted at a scale of 1:150.

Elrick Place



Lot 17
Plan VIP14024

Lot 18
Plan VIP14024

Lot 19
Plan VIP14024

Lot 20
Plan VIP14024

Proposed
Carport

Existing House
(position derived from
survey by others)

$\alpha=44.53$

38.72

27.90

1.63

0.83

6.10

6.41

4.60

4.60

6.41

0.96