

DISTRICT OF METCHOSIN BOARD OF VARIANCE

AGENDA

**Tuesday, November 8, 2022 at 1pm
Metchosin Council Chambers**

1. Welcome Lee Johnston, Johnny Carline and Gary Smirfitt
2. Selection of Chair
3. Review and approve agenda and minutes
 - Minutes from January 29, 2020
4. Application by Raymond Campbell and Barbara Kennelly re: 4080 Dupree Drive
 - a. Presentation by applicants
 - b. Review of documents
 - c. Public participation, if any
 - d. Decision
5. Adjourn Meeting

**DISTRICT OF METCHOSIN
BOARD OF VARIANCE**

Minutes
Council Chambers
Metchosin Municipal Hall
January 29, 2020 at 5 p.m.

Present: Ken Farquharson, Chair
Michael Fischer
Melissa Kirk, Recording Secretary

Regrets: Hugh Statham

Also Present: Geoff Pearce, Troy Nelson (Northern Tropic Homes)

The meeting was called to order at 5:10 p.m.

1. Selection of Chair

The Committee selected Ken Farquharson as Chair.

2. Review and approve agenda and minutes

Moved and seconded by Michael Fischer and Ken Farquharson that the agenda and minutes of February 25, 2015 be approved.

Carried

3. Application BOV-19-01

**Troy Nelson (Northern Tropic Homes) on behalf of Geoff and Gay Pearce
15 Bradene Road, Victoria BC V9C 4B1**

Legally described as:

Lot 10, Section 45, Plan 12567, Esquimalt Land District (PID 001-638-203)

(a) The Chair read the summary into the record:

The applicants are requesting a relaxation to Section 57(6)(c)(i) of Land Use Bylaw #259 to permit a sunroom on top of an existing deck using the existing setback, foundation and foot print of the deck. The deck currently does not conform to the existing rear yard setback and encroaches approximately 1.8 m into the rear yard setback.

(b) Presentation by applicant – Troy Nelson (Northern Tropic Homes) on behalf of Geoff and Gay Pearce

The applicant is requesting a relaxation of the rear yard setback for the construction of a glass solarium to be constructed on an existing deck.

(c) Review of documents by Board members:

- The applicants were given time to read the Planner's report.

(d) Public Participation:

- Letter and email received from Hugh Stratham, 35 Bradene Road adjacent neighbour to 15 Bradene Road. No objections with the sunroom addition.
- Ken Farquharson, member on the Board of Variance, spoke on behalf of Ian Davis, 3945 Olympic View Drive. No objection to the application.

(e) Decision:

Board members discussed BOV-19-01 and decided that there was no objection to the application presented.

Moved and Seconded by Ken Farquharson and Michael Fischer that Application BOV-19-01 be approved.

Carried

4. **Moved and Seconded** by Michael Fischer and Ken Farquharson that the meeting be adjourned at 5:23 p.m.

Carried



CHAIRMAN



CORPORATE OFFICER



Report to Board of Variance

To: Board of Variance
From: Planner
Date: November 8, 2022 File No: 3015-22-01
Subject: **4080 Dupree Drive - Request to reduce the common wall from minimum dimension of 20.5ft to 10.5ft & reduce rear yard setback from 10m to 3m**

OBJECTIVE:

The owners of the property at 4080 Dupree Drive (P.I.D. 000-246-832) wish to construct an attached secondary suite for a family member who requires care. They are seeking two variances to facilitate this request: to reduce the minimum dimensions within the definition of 'Common Wall' which requires the common wall have a 'minimum horizontal dimension of 6.25m (20.5ft)' be reduced to (3.2m) 10.5ft.

The second variance requested is to reduce the rear yard setback from 10m to 3m. The property is located on a corner, and while the functional 'frontage' of the property is Dupree Drive, the Land Use bylaw defines Pears Road as the front lot line, necessitating a variance to the rear lot line setback.

POLICY:

The 0.45 ac (0.18 ha) property is zoned and designated as Rural Residential 2. The owners would like to construct an attached suite to their residence to house their adult son who requires specialized care, as outlined in the rationale for hardship (Attachment 1). The proposed addition incorporates an existing detached garage located on the north side of the dwelling. The use is permitted under the zoning.

Variance 1:

Part 1 – Definitions of Bylaw 259 requires that a common wall have a minimum horizontal dimension of 6.25m (20.5ft). Due to extenuating circumstances related to hardship, the owner is requesting that the common wall dimension be reduced to 3.2m (10.5ft).

The common wall definition is as follows:

Common Wall means a wall with a minimum horizontal dimension of 6.25 m (20.5') and a minimum vertical dimension of 2.13 m (7'), common to the dwelling unit and the secondary suite in a dwelling unit containing a secondary suite, and for the purposes of this definition a garage or carport may not be considered a part of a dwelling unit.

Variance 2:

The proposed addition to the home requires that the setbacks of the principal building apply. The property is located at the corner of Dupree Drive and Pears Road, and although the address of the

property is along Dupree Drive, Pear Road is defined in the Land Use Bylaw as the 'front lot line'. The various lot lines are defined in the Metchosin Land use Bylaw as follows:

- (b) **Front Lot Line** means the lot line that divides the lot from the highway. In the case of a corner lot, the shorter lot line that abuts the highway shall be deemed to be the front lot line unless the highway is unconstructed in which case the lot line that divides the lot from the constructed highway will be the front lot line. In the case of a through lot, the lot lines abutting two parallel or approximately parallel highways shall be considered as front lot lines.
- (b) **Front Lot Line (Panhandle Lot)** means the lot line adjoining and approximately perpendicular to the access strip, produced to the full width of the lot.
- (c) **Side Lot Line** means a lot line other than a front or rear lot line.
- (d) **Rear Lot Line** means the lot line opposite to and most distant from the front lot line, or where the rear portion of the lot is bounded by intersecting side lot lines, it shall be the point of such intersection.

Since Pears Road is the front lot line, then the opposite lot line is considered the rear lot line, which means a variance for the rear yard setback is required from 10m to 3m in accordance with Section 58(6)(c)(i) of the Land Use Bylaw, Bylaw 259. If the front lot line was considered Dupree Road (which is the address and the functional access to the property), a 3m side yard setback would apply to this lot line rather than the 10m setback, and no variance would be required.

LEGISLATIVE CONSIDERATIONS:

The application is in compliance with the provisions of the *Local Government Act* (Section 540) which provides the Board of Variance the authority to consider issues of hardship regarding a bylaw respecting the dimensions and siting of a building.

After hearing from the applicant and any adjacent landowners, the Board can permit **minor variances** if it determines that **undue hardship would be caused** to the applicant if the requested variances are not permitted, **and is of the opinion that the variance does not:**

- **result in inappropriate development of the site,**
- **adversely affect the natural environment,**
- **substantially affect the use and enjoyment of adjacent land,**
- **vary permitted uses and densities under the applicable bylaw,**
- **defeat the intent of the bylaw, or**
- **vary the application of an applicable bylaw in relation to residential rental tenure.**

Staff confirms that the Board's decision in this matter would not affect permitted uses and density, defeat the intent of the bylaw, nor vary an application of a bylaw in relation to residential rental tenure. Furthermore, the property is not subject to floodplain specifications, development permits, land use contracts, phased development agreements or heritage designations that would prevent or limit a decision by the Board.

The notice provisions of the *Local Government Act* were also followed, and letters were sent to owners and tenants of the subject and adjacent properties on October 28, 2022 identifying the property, explaining subject matter and the time and place where the application would be heard.

DISCUSSION:

The property contains an existing dwelling unit, and the proposal is to add a secondary suite to the residence by way of a common wall. The property is located at the corner of Dupree Drive and Pears Road. The proposal meets all other requirements of the land use bylaw, including height, lot coverage and specific regulations for secondary suites. The applicant will require approval of the requested variances to proceed to Building Permit.

Renderings and a site plan of the proposed addition are provided by the applicant (Attachment 2).

OPTIONS:

Two options have been drafted for the Board of Variance's consideration:

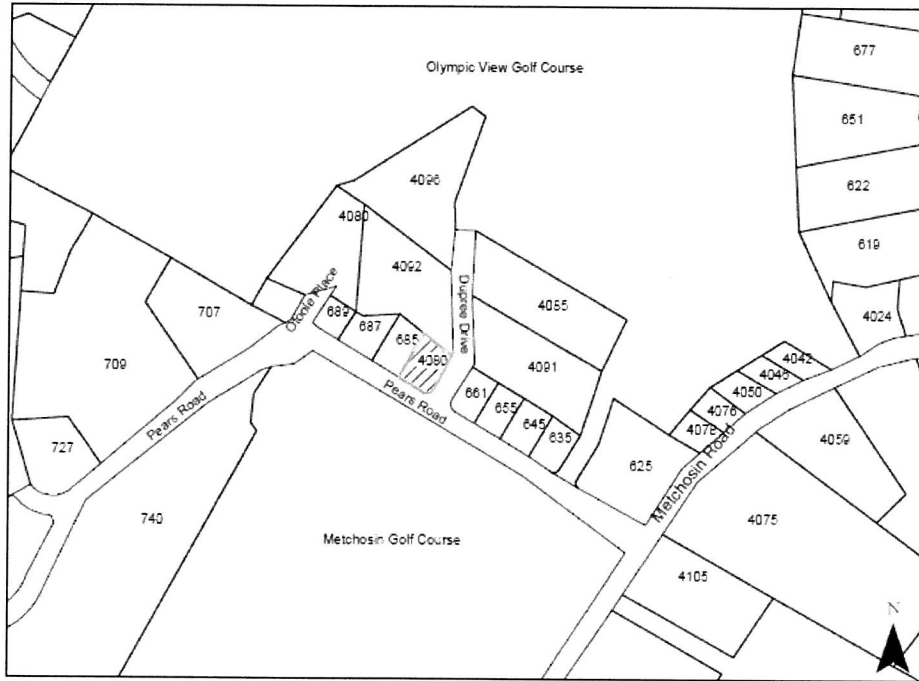
1. Having considered the matters set out in Section 540 of the *Local Government Act*, and having found that undue hardship would be caused, the Board of variance recommends approval of minor variances to the Metchosin Land Use Bylaw (Bylaw 259) as follows:
 - a. Part 1 – Definition of 'common wall' – reduce the minimum horizontal dimension of a common wall from 6.25m (20.5ft) to 3.2m (10.5ft); and
 - b. Section 58(6)(c)(i) of the Land Use Bylaw, Bylaw 259, to reduce the minimum rear yard setback of 10m to 3m.
2. The Board can deny the application.

Attachments:

Attachment 1 – Rationale for Hardship

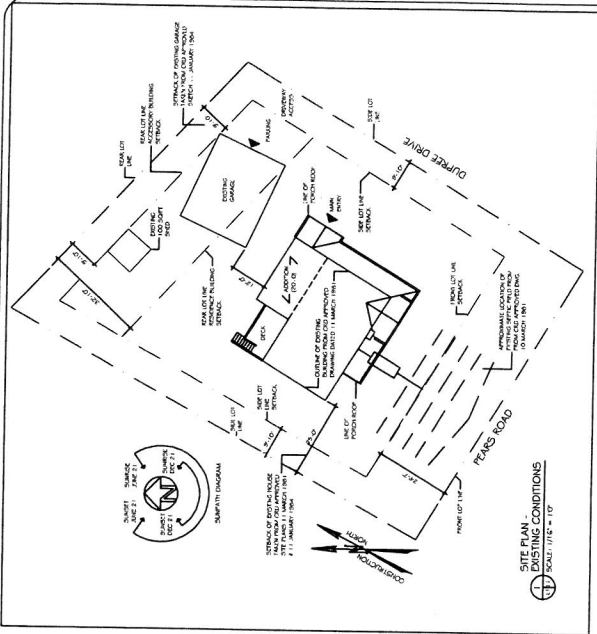
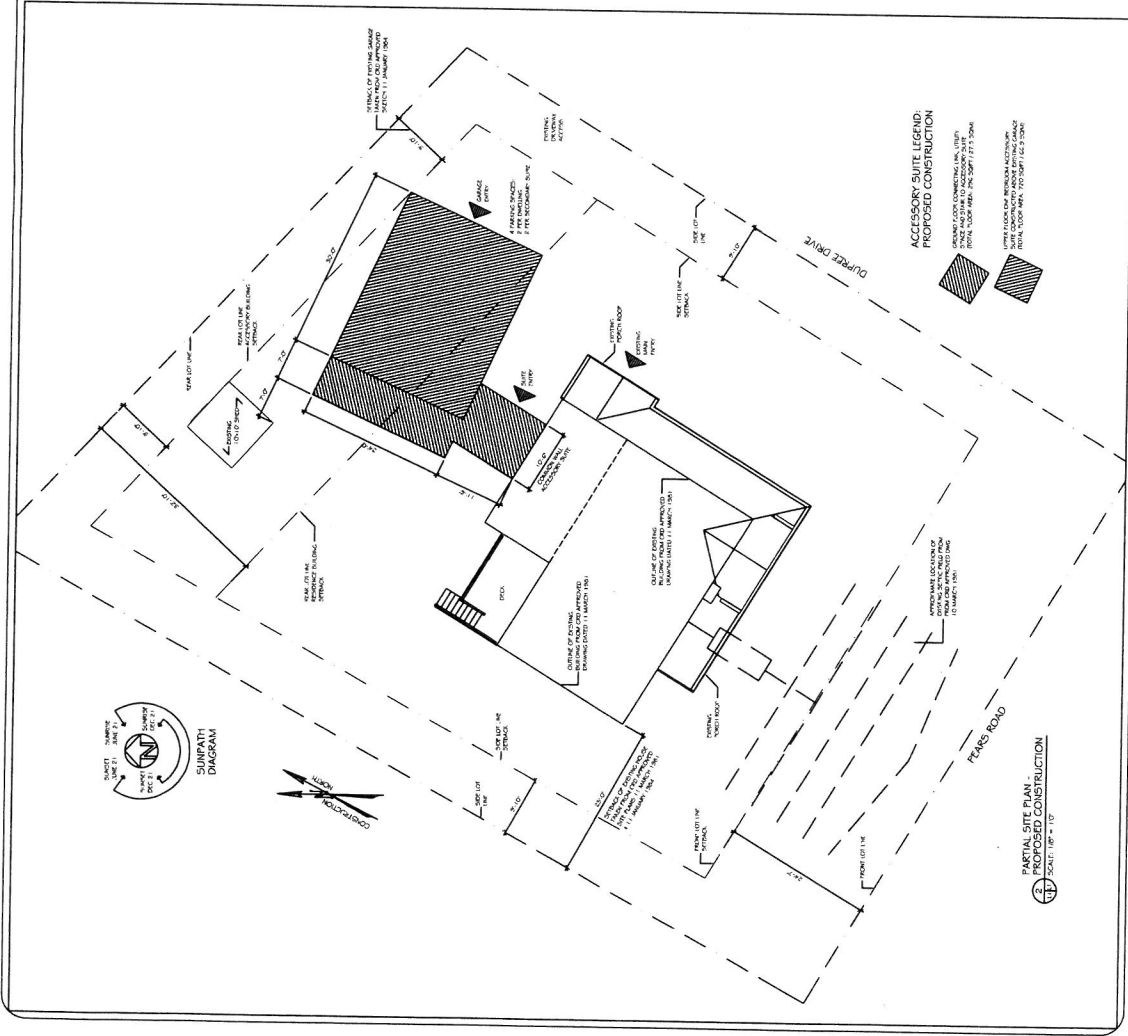
Attachment 2 – Site Plan and Building Renderings

SUBJECT PROPERTY MAP:



Orthophoto imagery of the Subject Property





CAMPBELL KENNELLY RESIDENCE
 LEGAL DESCRIPTION: SECTION 74, LAND DISTRICT 50
 REG. # 2000-2442-ASZ
 4000 DUPRE DRIVE, METCHOEN, BC, V0C 2S2

SITE SURVEY INFORMATION
 THE PLAN INFORMATION IS BASED ON THE SURVEY FOR PROPOSED BUILDING, WHICH WAS
 1. GARAGE SUBMITTED TO & APPROVED BY THE CAPITAL REGIONAL DISTRICT BUILDING DEPARTMENT
 2. ACCESSORY BUILDING LOCATION CHANGED BASED ON THE MEASUREMENTS PROVIDED BY OWNER
 DATED 24 JUNE 2019
 3. DRIVEWAY CHANGED WITH BUILDING FOOTPRINT APPLICATION ID 0188847 AND 000035
 4. 40 ACRES / 165 HA, 11617.900M² / 18,539 SQFT B.C. APPROXIMATION

DISTRICT OF METCHOEN LAND USE BYLAW 2559 (1995)
 PROPOSED CONSTRUCTION: 10,000 SQ. FT. GARAGE
 PROPOSED DRIVEWAY: 10,000 SQ. FT. DRIVEWAY
 PROPOSED DRIVEWAY: 10,000 SQ. FT. DRIVEWAY

PROPOSED CONSTRUCTION:
 - GARAGE: 10,000 SQ. FT. (10,000 SQ. FT. GARAGE)
 - DRIVEWAY: 10,000 SQ. FT. (10,000 SQ. FT. DRIVEWAY)
 - DRIVEWAY: 10,000 SQ. FT. (10,000 SQ. FT. DRIVEWAY)

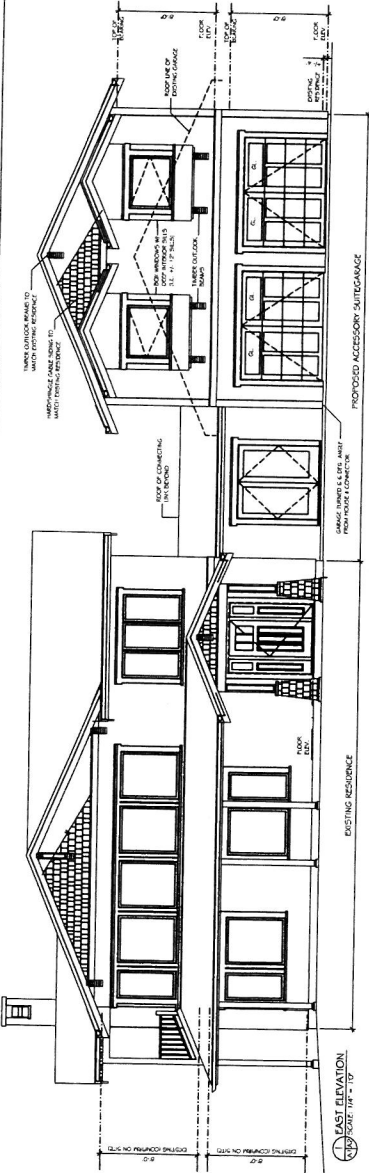
EXISTING CONSTRUCTION:
 - HOUSE: 10,000 SQ. FT. (10,000 SQ. FT. HOUSE)
 - DRIVEWAY: 10,000 SQ. FT. (10,000 SQ. FT. DRIVEWAY)
 - DRIVEWAY: 10,000 SQ. FT. (10,000 SQ. FT. DRIVEWAY)

PROPOSED DRIVEWAY:
 - DRIVEWAY: 10,000 SQ. FT. (10,000 SQ. FT. DRIVEWAY)
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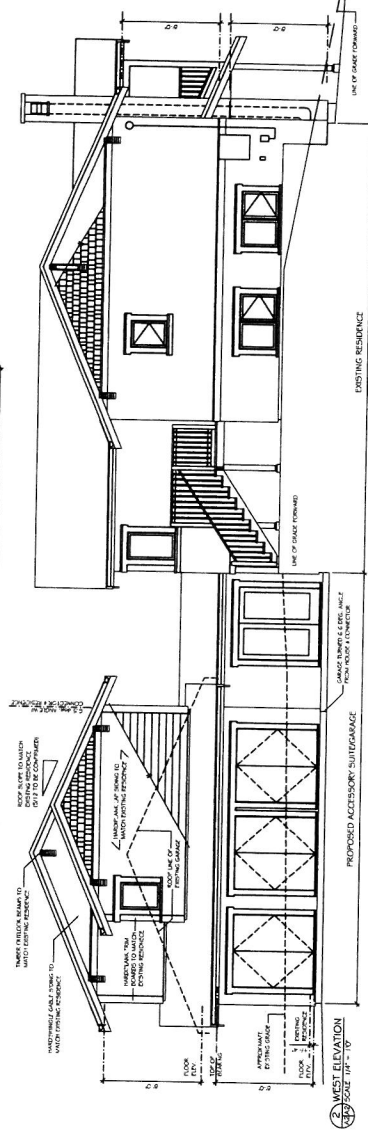
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IRVING PITCHER ARCHITECTS LTD 12345 MAIN STREET, VANCOUVER, BC V6X 1A1 TEL: (604) 123-4567 FAX: (604) 123-4568 WWW.IRVPITCHER.COM	
PROJECT: KENNELLY/CAMPBELL SECONDARY SUITE 2022-06-23	DRAWN BY: RAY CAMPBELL & BARBARA KENNELLY METCHOEN, BC
SHEET NO.: PROPOSED SITE PLAN - SECONDARY SUITE DATE: 21 SEPT 2022	SCALE: L-1 DRAWN BY: JRP

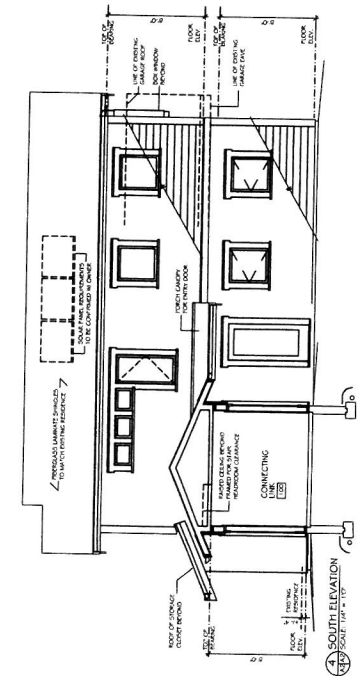


1 EAST ELEVATION
SCALE: 1/8" = 1'-0"

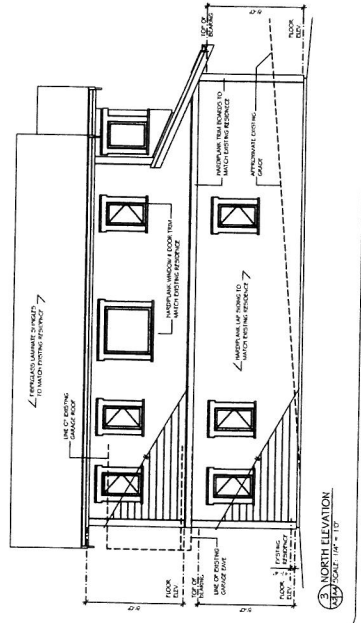


2 WEST ELEVATION
SCALE: 1/8" = 1'-0"

NOT FOR CONSTRUCTION
FOR DESIGN REVIEW ONLY



3 SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

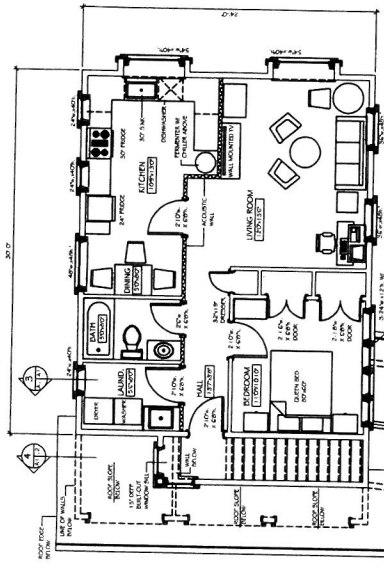


4 NORTH ELEVATION
SCALE: 1/8" = 1'-0"

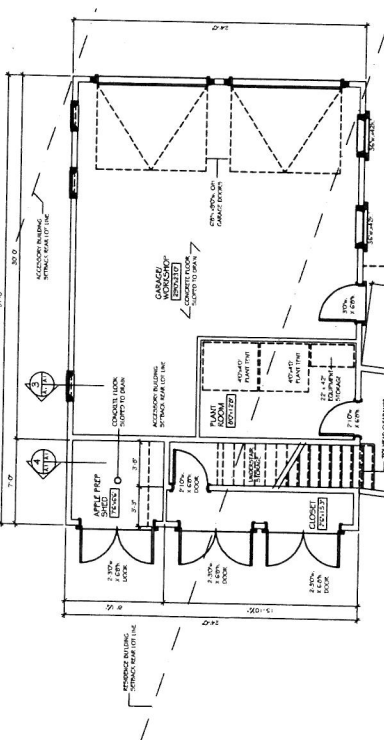
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 SCARBOROUGH, ONTARIO M1S 1T5
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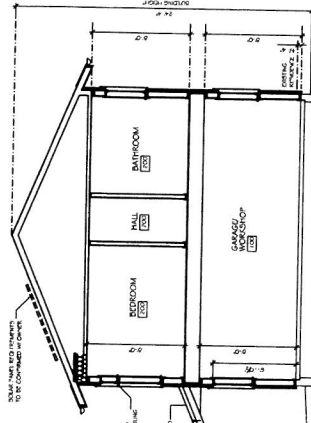
PROJECT: KENNELLY/CAMPBELL SECONDARY SUITE
 DRAWN BY: RAY CAMPBELL & BARD KENNELLY
 CHECKED BY: BUILDING ELEVATIONS
 DATE: 21 SEPT 2022
 SCALE: AS NOTED
 SHEET NO: A - 2
 DRAWN BY: JRF



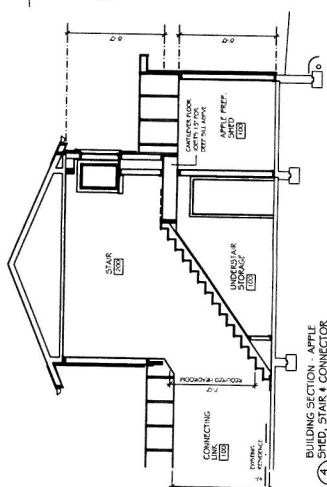
UPPER FLOOR PLAN - SECONDARY SUITE
 (1/4" = 1'-0")



GROUND FLOOR - GARAGE & EXISTING RESIDENCE
 (1/4" = 1'-0")



SECTION - SECONDARY SUITE & GARAGE
 (1/4" = 1'-0")



BUILDING SECTION - APPLE STAIRS & CONNECTOR
 (1/4" = 1'-0")

IRVING PITCHER ARCHITECTS LTD
 1000 WEST 10TH AVENUE, SUITE 100
 VANCOUVER, BC V6H 1T5
 TEL: 604-271-1111
 WWW.IRVPITCHERARCHITECTS.COM



PROJECT:	KENNELLY/CAMPBELL SECONDARY SUITE
OWNER:	RAY CAMPBELL & BARB KENNELLY
DATE:	21 SEPT 2022
SCALE:	AS NOTED
REVISED:	A - 1
DESIGNED BY:	JRP

NOT FOR CONSTRUCTION FOR DESIGN REVIEW ONLY