CITY OF COLWOOD
NOTICE OF MEETING

BOARD OF VARIANCE

Tuesday, May 26, 2015 at 7:00 p.m.
3300 Wishart Road, Colwood, B.C. – Council Chambers

AGENDA

1. APPROVAL OF THE AGENDA

2. ADOPTION OF THE MINUTES
   a. Board of Variance Meeting – Tuesday, April 28, 2015

3. NEW BUSINESS
   Board of Variance Application
   RE: 3444 Hopwood (Lot 23, Section 63, Plan VIS7142)
   (3220-20-HOP-3444)

4. NEXT MEETING
   The next scheduled meeting is Tuesday, June 23, 2015 at 7:00 p.m., or at the Call of the Secretary to the Board.

5. ADJOURNMENT

This Notice is posted in accordance with “Council/Committee Procedure Bylaw No. 754, 2004” and the Community Charter.
1. **Motion to Amend Agenda**

The Secretary for the Board of Variance, Flo Pikula, proposed that references to the Board of Variance application and correspondence be changed from BV-01-15 to BV-15-01 to facilitate City of Colwood document filing system upgrades.

**MOVED BY:** Member Ken Silvester  
**SECONDED BY:** Member Dumitru Steza

That this restructuring amend today's application by changing the references from BV-01-15 to BV-15-01.

**CARRIED.**

2. **APPROVAL OF AGENDA**

**MOVED BY:** Member Ken Silvester  
**SECONDED BY:** Dumitru Steza

That the amended agenda be approved as presented.

**CARRIED.**
3. **ADOPTION OF MINUTES**

MOVED BY: Member Ken Silvester  
SECONDED BY: Member Dumitru Steza

That the July 22, 2014 Board of Variance minutes be adopted.  

CARRIED.

4. **NEW BUSINESS**

(a) **Application – 801 Bexhill Place**

**BV-15-01**  
801 Bexhill Place  
Lot 1, Section 73, Plan VIS2420

The Secretary for the Board of Variance, Flo Pikula, introduced the subject application, noting an appeal has been received from Christopher Burke requesting:

a. a relaxation of the side yard setback in the Land Use Bylaw #151 (Section 5.6.06.2a)), the minimum allowable side yard setback for this lot is 3.0 metres and the applicant would like to enclose an existing deck resulting in floor area which will encroach into the required setback by approximately 0.69 metres and,

b. a relaxation of the maximum projection into required yards in the Land Use Bylaw #151 (Section 2.1.04.1), the maximum projection into required yards is 1.0 m. The proposed roof overhang resulting from the enclosure of the existing deck will extend 1.14 metres into the required 3.0 metres setback.

**Correspondence**

Letters: One  
- 800 Bexhill Place, indicated they have absolutely no concerns with this proposal.

Faxes: None

Email: Three  
- 814 Bexhill Place, stating he has no objection to this request, and,
Applicant Input:
Mr. Burke outlined their reasons for enclosing their deck and the challenges in keeping their outdoor space clean from all the needles from all the tall trees in their area. Mr. Burke also asked the members of the Board of Variance if they had any questions for him.

Public Input:
No public input.

Consideration of Application No. BV-15-01 – 801 Bexhill Place

All members of the board attended the site prior to tonight’s meeting.

MOVED BY: Member Ken Silvester
SECONDED BY: Member Dumitru Steza

That: a relaxation of the side yard setback in the Land Use Bylaw #151 (Section 5.6.06.2a)), by approximately 0.69 metres,

And: a relaxation of the maximum projection into required yards in the Land Use Bylaw #151 (Section 2.1.04.1), from 1.0 metres to 1.14 metres into the required 3.0 metres setback.

CARRIED
5. **NEXT MEETING**

The next Board of Variance Meeting is scheduled for May 26, 2015 at 7:00 p.m. or at the Call of the Chair.

6. **ADJOURNMENT**

There being no further business, the meeting was adjourned at 7:13PM.

MOVED BY: Member Dave Jackson
SECONDED BY: Member Ken Silvester

Dave Jackson,
Chair

____________________________
Flo Pikula,
Secretary to the Board of Variance
**CITY OF COLWOOD**  
**APPLICATION FOR A BOARD OF VARIANCE**

**Civic Address:** 3444 Hopwood Place  
**Jurisdiction:**  
**Folio #**

<table>
<thead>
<tr>
<th>Legal Description</th>
<th>PID</th>
<th>Plan</th>
<th>Lot</th>
<th>Section</th>
<th>LD</th>
<th>Block</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>038.916.4716</td>
<td>N15 H42 23 6.3</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Registered Owner**  
Home #  
Work #  
Cell #

**Mailing Address**  
(if different)  
Email:

I, do hereby appeal to the City of Colwood, Board of Variance the following requirement of the City of Colwood’s Bylaw # 3, Section 5.6.002.

**REASON FOR APPEAL:**  
(Indicate hardship of conformance to Bylaw Requirements (Use back of page, if additional space is required)

As seen on my framing certificate, my posts are encroaching into my setback. Post #1 is encroaching by 14cm, post #2 by 2cm and post #3 by 7cm. Because of...

Notice: A plot plan or legal survey certificate 1:250 metric (1"-20") indicating location of all buildings and the setbacks from property lines along with any easements or right-of-ways must be included or application will be returned. The Board may request additional information upon review of your application.

The undersigned being the owner/agent for the owner of the property herein described hereby makes application for an appeal to undertake the work as set forth in this application. Upon issuance of the permit for which this application is made, I hereby agree to indemnity and save harmless the City of Colwood and its employees or agents, against all claims, liabilities, judgements or costs of any kind that may occur as a result of, or incidental to, the issuance of this permit and the work carried out there under. I further agree to conform to all requirements as may be specified by the City of Colwood Bylaws or Regulation in force in the City of Colwood. I further agree to honour and comply with any restrictions imposed by Easements or Restrictive Covenants affecting the property herein described.

Neither the issuance of this Permit nor the approval of the drawings and specifications submitted as part of this application, by the City of Colwood Building Department or designates thereof, shall, in any way relieve the applicant from the responsibility of ensuring the construction for which this permit issued, is carried out in conformity with the requirements of the Building Bylaw and any other applicable Bylaws and Regulations, nor prevent the Building Inspector, or his designate from requiring correction of any errors in construction or violation of the Building Bylaw or other applicable Bylaw or Regulations.

**Notice of Collection of Personal Information**

Personal information collected on this form is collected for the purposes of processing this application and for administration and enforcement. The personal information is collected under the authority of the Local Government Act (i.e. Section 895) and the City Bylaw No. 702. If you have any questions about this collection, please contact the Chief Administrative Officer or his designate at City of Colwood, 3300 Wishart Road, Colwood, B.C. V9C 1R1.

The undersigned owner/authorized agent of the owner makes an application as specified herein, and declares that the information submitted in support of the application is true and correct in all respects.

**$250.00 APPLICATION FEE**  
Date Paid: May 6/15  
Receipt #:  

**FOR OFFICE USE ONLY**

Notification Letter Date Sent:  
Agenda Package Date Sent:  

Bylaw #:  
Zone:  
Section #:  
Meeting Date:  

Comments:

Secretary to Board Signature:  
Date:
the engineering supporting the deck, it is impossible to move these posts without rebuilding the deck and unfortunately the deck is fully complete. I was however able to shave the deck itself to prevent the overhang from encroaching. I am hoping you can relax my setback to avoid a lot of cost and time for the homeowner. They gain no extra deck space because of it and neighbours have had the situation brought to their attention and have had no issues with it.
CIVIC ALLOCATION
3444 HOPWOOD PLACE
Lot 23, Section 63, Plan VIS7142

Subject Property = S
Notification Properties = N

VETERANS MEMORIAL PARKWAY
B.C. LAND SURVEYORS BUILDING LOCATION CERTIFICATE

File: 28847
Civic: 3444 Hopwood Place

Legal: Strata Lot 23, Section 63, Esquimalt District, Strata Plan VIS7142

Dimensions are in metres and are derived from Strata Plan VIS7142

This sketch does not constitute a redefinition of the legal boundaries hereon described and is not to be used in any manner which would assume same.

This sketch was prepared for confirmation of the Colwood building bylaw and is for the exclusive use of our client: Frontiersman Developments

This building location certificate has been prepared in accordance with the Professional Reference Manual and is Certified Correct this 29th day of April, 2015.

This document is not valid unless originally signed and sealed

D.R. Carrier, B.C.L.S.

Copyright 2015 J.E. Anderson & Associates. All rights reserved. No person may copy, reproduce transmit or alter this document in whole or in part without the consent of the signatory.

The signatory accepts no responsibility or liability for any damages that may be suffered by a third party as a result of any decisions made, or actions taken based on this document.

Subject to charges, legal notations, and interests shown on: Title No. CA40GFC.1 (PID 028-916-474)

Scale: 1:200

NOTE: OFFSETS ARE SHOWN TO EXTERIOR OF CONCRETE FOUNDATION UNLESS OTHERWISE NOTED.

DENOTES 0.15 X 0.15 SUPPORT POST
Dear Property Owners and/or Occupier:

Re: Board of Variance Application BV-15-02
3444 Hopwood Place (Lot 23, Section 63, VIS7142)

This is to advise you that there will be a meeting of the Board of Variance on Tuesday, May 26, 2015 at 7:00 p.m. in the Council Chambers, City Hall, 3300 Wishart Road, to consider the following application:

An application by Ms. Barbara Sauve requesting:

a) a relaxation of the rear yard setback in the Land Use Bylaw #151 (Section 5.6.06.3) from the required 7.5 metres to 7.36 metres, to facilitate the deck support columns constructed within this required setback.

As owner/occupier of an adjacent property, the Board welcomes you to attend this meeting to express any objections you have to the proposal, or to give your support to the request. If you are unable to attend this meeting, a written submission will be accepted provided it is received no later than noon May 22, 2015.

The application is on file at the office should you wish to review it. If you have any questions, please contact myself or Barb Cordeiro at 478-5999.

Yours truly,

Flo Pikula
Secretary to the Board
Enclosures
Land Use Bylaw No. 515 Excerpts:

Section 2.1 General Provisions
2.1.04 Projections into Required Yards

The following features may project into a required front, side or rear yard:

1) Steps, eaves and gutters, cornices, sills, chimneys, or other similar features, provided that such projections do not project more than 1 m into the required yard or 0.65 m in the case of a side yard of less than 3 m in width.

2) Balconies and sun shades, provided that such projections do not project more than 1 m into the required yard.

SECTION 5.6 RESIDENTIAL 1 (R1) ZONE
5.6.06 Yard Requirements

1) A front yard shall be provided of not less that 7.5 m in depth.

2) a) Side yards shall be provided of not less than 1.5 m in width and the sum of the two side yards shall not be less than 4.5 m, provided, however, that:

i) where the residential building on the lot has a gross floor area of 280 m² or more, side yards shall be provided of not less than 3 m in width except that a permit may be issued increasing the gross floor area of the building to 280 m² or more notwithstanding that the building to which the addition is being made is sited less than 3 m from the side lot line, if every part of the building addition is sited at least 3 m from the side lot line.
ii) side yards of not less than 3 m in width shall be provided for a two-family dwelling use;

iii) side yards of not less than 3 m in width shall be provided for a dwelling unit on a panhandle lot.
b) On a corner lot, a side yard of not less than 6 m in width shall be provided adjoining a flanking street.
3) A rear yard shall be provided of not less than 7.5 m in depth.