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# TOWN OF SIDNEY

## Report to Committee of the Whole

**TO:** Chair & Committee Members  
**FROM:** Kevin Webber, Planning Technician  
**DATE:** February 25, 2020 Folder: 9335 Webster Pl. (Land)  
**SUBJECT:** Development Variance Permit Application No. DV100293  
 9335 Webster Place

### PURPOSE:

The purpose of this report is to address **Development Variance Permit Application No. DV100293**, for the property at 9335 Webster Place (*aerial photo attached as Appendix A*).

### BACKGROUND:

The property owner/applicant recently completed a large-scale renovation of the subject property without obtaining the necessary permits from the Town. The work included the construction of an attached garage in the south interior side yard, and a foyer addition in the front yard (*see Photos of Foyer Addition in Appendix C*). Town staff were alerted to the construction after it was completed, and have required the property owner to retroactively obtain permits for the work.

### OVERVIEW OF DEVELOPMENT PROPOSAL:

Upon review of the submitted building plans showing recently undertaken work, it was found that a small portion of the newly constructed foyer does not conform to the minimum front setback required by Zoning Bylaw No. 2015. The westernmost corner of the foyer projects 0.1 metres (4") into the required 7.5 metre minimum front setback. The foyer addition has a height of approximately 4.9 metres (16 feet), clad with naturally finished cedar tongue and groove horizontal siding, has a hipped roof and a small shed roof overhang projecting into the front yard (*see Drawing Set V1 in Appendix D*). As the foyer addition does not meet the minimum front setback requirement and the applicant is requesting to keep the addition in its current form, a Development Variance Permit is required to retroactively legalize the structure.

The required variance is as follows:

Zoning Bylaw 2015	Requirement	Proposed
Section 5.2.2: Minimum Front Setback	7.5 m	7.4 m

### OFFICIAL COMMUNITY PLAN BYLAW 1920:

The subject property is designated under the OCP as Neighbourhood Residential (RES-1). Staff have reviewed the Objectives and Policies outlined in the Official Community Plan and found that the proposal conforms.

**ZONING BYLAW 2015:**

The subject property is zoned Single- and Two-family Residential (R2), the intent of which is to provide for a mixture of low density single-family housing with the potential for a secondary suite and two-family housing.

Staff have reviewed the proposal and determined that was constructed is in full conformance with the Zoning Bylaw with the exception of the requested variance.

**DISCUSSION:**

As shown on the Site Plan within the attached Drawing Set V1, only the westernmost corner of the foyer projects into the required minimum front setback. The projection is 0.1 metres (4") into the front setback, leaving 7.4 metres (24.3 feet) between the corner of the foyer and the front property line.

The shed roof overhang which extends outwards from the front of the foyer projects 0.6 metres into the required minimum front setback. This projection into the required setback permitted by the Zoning Bylaw under Section 5.1.6 *Permitted Projections into Setback*, and does not require a variance.

Given the minor nature of the non-conformity and the fact that the foyer addition could largely be in the same location and scale as it is currently, staff have no concerns with the structure in its present form and are of the opinion that the Zoning Bylaw regulation for minimum front setback be relaxed to permit the applicant's foyer addition to remain.

**STAFF RECOMMENDATION:**

**That owners and tenants in occupation of property within 75m (246ft) of 9335 Webster Place be notified regarding Development Variance Permit Application No. DV100293 (to relax the minimum front yard setback) and that any written correspondence received be forwarded to Council at the time of consideration of approval of the variance.**

Respectfully submitted,

I concur,

I concur,



Kevin Webber,  
Planning Technician

Alison Verhagen, MCIP, RPP  
Senior Manager, Current Planning

Randy Humble, MCIP, RPP  
Chief Administrative Officer

**Attachments:**

- Appendix A: Aerial photo of subject property
- Appendix B: Letters of Rationale
- Appendix C: Photos of Proposed Foyer Addition
- Appendix D: Drawing Set V1

Presenter: James Haley-Browning, Applicant

**Appendix A: 2019 Aerial Photo of the Subject Property (9335 Webster Place), showing the OCP (red) and zoning (white) designations. The subject property is outlined in blue.**



## Letter of Rationale

Feb 17, 2020

To : The Mayor and Council of the Town of Sidney

Re : Variance Application for 9335 Webster Place

Please accept this letter in support of my request to Council to grant a variance for an encroachment of a front entry extension newly added to my home at 9335 Webster Place.

The variance requested is required due to a small corner of the new front entrance being four inches over the towns' front setback requirements, noting the majority of the structure is within requirements. As can be seen in the included plans, the encroachment is not continuous and the entire area of the encroachment is less than 12 square inches, approximately.

We contracted to have a front entry addition and replacement of a failing carport with someone we believed to be a reputable builder, one who was registered as such with the BC Home Warranty Program. Sadly, our trust was badly misplaced. Despite his repeated assurances that a building permit was in process, and that he was in compliance with the building bylaws, and that he was in contact with the building department, this proved to part of a litany of lies, obfuscations and misrepresentations. I have contacted your building department and made them aware of the situation and I am doing my utmost to remedy the lack of a permit. Obtaining this requested variance in one of the necessary first steps to bring this project into compliance.

Notwithstanding having fallen victim to an unscrupulous contractor, I feel the following reasons also justify the variance request. First and foremost, the area of noncompliance is very minor. As mentioned, the corner of the front extension is only four inches over the curve of the front setback; the total area of noncompliance is as calculated above.

The majority of the house is much farther back than the required bylaws. The total distance from the road is actually quite far due to the large easement at the front of the property. The house's current placement is still within the sight line of the rest of the houses on the street, so it does not appear to be out of place. Optically, the house also appears to be further back than the newly constructed duplexes on Webster Place given its much smaller height than the new homes. In other words, the encroachment is not visually offensive. Our cost to fix this minor variance would, however, be financially onerous.

Our intent with this new construction was to keep the original 1960's house while updating the exterior consistent with the style of the newer homes on our street. We have talked to a number of neighbors and they are pleased with the changes made and, on balance, we feel we have enhanced the visual appeal of the neighborhood.

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Given that this encroachment is small and visually inoffensive, given that the overall look of the project is a much-improved house, and given neighborhood support, I beg Council's approval of my request.

I would also like to add that my intent always was to comply with the townships' building requirements as evidenced by my prompt voluntary disclosure of the work and my sincere efforts to date.

I would like to thank the Mayor and Council for their time in considering this application

James Haley-Browning



**Appendix C:**  
Photos of Proposed Foyer Addition

PROJECT ADDRESS

9335 Webster Place Sidney, BC

Lot 16, Section 7, Range 3 East North Saanich District, Plan 17139

PID 003-879-747

ZONE R-2

LOT AREA 10,742 ft2 / 998 m2

PROJECT DATA

FLOOR AREAS Existing Lower - 1005 ft2 / 93.37m2 Existing Upper - 945 ft2 / 87.79m2 New Foyer - 70 ft2 / 6.50m2 New Garage - 520 ft2 / 48.31m2

Total Proposed Floor Area = 2540 ft2 / 235.97 m2 FSR = 0.24/1

LOT COVERAGE Existing Residence - 1110 ft2 / 103.12 m2 Proposed Garage - 514 ft2 / 47.75 m2 Proposed Foyer - 70 ft2 / 6.50 m2

Total Proposed Lot Coverage = 1694 ft2 / 157.37 m2 / 15.8%

SETBACKS Front - 7.40m Rear - 12.20m Combined Front/Rear - 19.60m Side (E) - 2.60m Side (W) - 2.60m

NO PROPOSED CHANGE TO OVERALL HEIGHT

REVISION LIST

R1 - January 27, 2020 Issue for Permit

DRAWING LIST

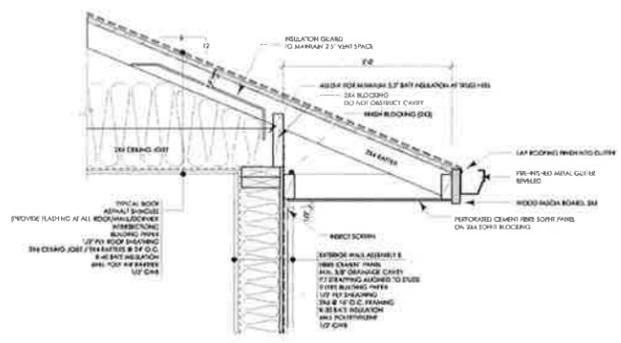
A1 Site Plan, General Notes, Details A2 Reno Plans, Sections, Elevations

9335 Webster Place Renovation to Existing Residence

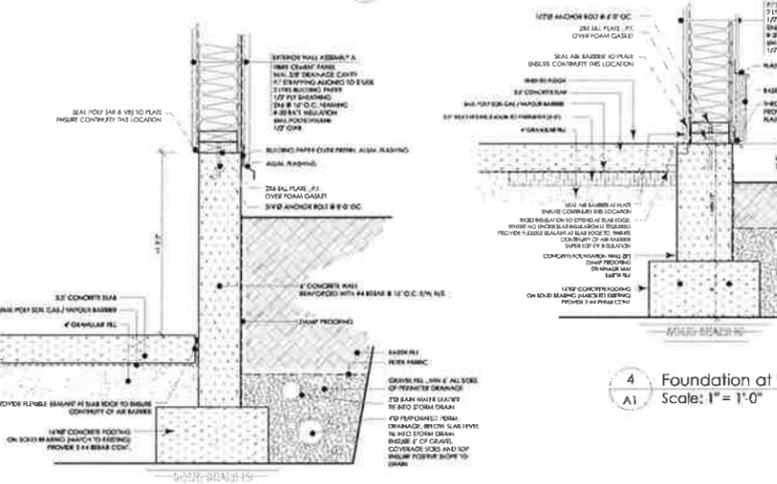
Table with drawing metadata: TITLE (Site Plan & General Notes), DATE (Jan 27, 2020), DRAWN BY (IDR), SHEET NO. (A1), ISSUE FOR (PERMIT), SCALE (As Noted).

GENERAL NOTES

- 1. Contractor to review all plans, details and specifications contained within this set prior to commencement of work and shall notify the owner and designer of any errors and discrepancies.
2. Noted dimensions shall take precedence over scaled drawings. All dimension units are given as Feet and Inches (meters) eg 3'-0" (9.2m)
3. Exterior dimensioning is to the face of concrete/sheathing. Interior dimensioning is to face of stud. Unless otherwise noted, stud dimension omitted. Assume 2x4 (5.5) unless noted 2x6.
4. Structure noted as "engineered" shall be engineered by certified structural engineer. Where required, drawings shall be stamped with engineer's seal. Structural Engineering drawings shall take precedence over these plans.
5. All joists / beams sized herein, not noted "engineered by others" based on tables A1 - A18, BCBC 2018. All floor joists to be bridged mid span, size and spacing as noted on these plans or as determined by engineer.
6. All work shall be equal in all respects to good construction practice, and shall conform to current zoning bylaws of the authority having jurisdiction and the British Columbia Building Code 2018 (BCBC 2018). Designer must be notified of any changes which may be in conflict to bylaw requirements.
7. It is the responsibility of the owner and contractor to have site soil conditions inspected and advise designer of any soil conditions which may require special foundation design. Unless noted otherwise, site and location plans to be verified by certified BC Land Surveyor.
8. It is the responsibility of the owner and contractor to ensure building placement is done by certified land surveyor and to advise designer if there are any conflicts in regards to bylaw constraints, registered covenants or easements which may prevent construction.
9. Concrete shall conform to BCBC(2018) 9.3.1. Concrete compressive strength to be as follows: 15MPa concrete to be used for footing and foundation walls. 20MPa concrete min to be used for floor slabs excluding garage floor. 32MPa concrete to be used for garage floor / exterior steps (5-8% Air entrainment).
10. All load bearing wood framing to be spruce/pine/fir (SPF), graded #2 or better unless otherwise noted in these plans. Non-load bearing framing to be SPF#3 or better. Moisture content of all lumber to be max. 19% at time of installation. Structural wood elements to be pressure treated where they are within 6' of earth or exposed to precipitation. (BCBC 9.3.2)
11. Glass shall conform to CAN/CGSB-12.20-M (BCBC 9.6.1.3)
12. Safety glass to be used for all tub and shower enclosures, Safety glass to be used in all sliding doors, and entrance doors where shown on these plans.
13. All windows / doors / skylights to meet NA55-08 and A4403-09 with minimum 'R' rating (AAMA/WDMA/CSA 101/13.2/A440(2008). Installation to conform to manufacturer's instructions. Windows located within 2m of ground level must also be rated for resistance to forced entry. Seals, trim and flashing to conform to BCBC (2018) 9.7.6.2.
13.1. Installed windows and doors shall conform to: Window Performance Grade = 30 Water Test Pressure = 260 Pa
14. Stair, handrail and guards specified in these drawings shall conform to BCBC (2018) 9.8. Graspable handrails @ 36" above nosing, conform to BCBC 9.8.7 Typical guard height to be 42" AFF, conform to BCBC 9.8.8 Stairs to be built to support specified load of 1.9 kPa
15. Provide egress from bedrooms in conformance to BCBC 9.9.10 as detailed in these plans.
16. Glazed openings and exposing building face construction to conform to BCBC 9.10.15 as shown within these plans. Notify designer of any changes to window size / location from what is shown on these drawings.
17. Provide fire blocking in conformance with BCBC (2018) 9.10.16.
18. Garage door to have a surface flame-spread rating of not more than 200. Interior wall and ceiling finishes to have a flame-spread rating of not more than 150.
19. Provide smoke alarm (SA) where shown on these plans. Smoke alarm shall conform to CAN/ULC-S531. Install locations to conform to BCBC 9.10.19.3. Smoke alarms shall be permanently connected to electrical circuit, have battery backup (7day) and be interconnected. Smoke alarms to have silencing mechanism (10 minute reset). Minimum of 1 alarm per dwelling unit / suite shall be of the Photo-Electric type as per BCBC 2018 9.36.2.19.
20. Provide carbon monoxide alarm (CO) where shown on these plans. Carbon monoxide alarms shall conform to CAN/CSA 6.19. Install locations to conform to manufacturer's instructions or in conformance with BCBC 9.32.4.2.3. Permanently connect to electrical power, interconnect and provide battery backup.
22. Foundations shall be placed on undisturbed soil, excavation to conform to BCBC 9.12
23. Provide dampproofing, waterproofing and soil gas control as outlined in these drawings.
24. Provide floor drain in basement as shown on these plans if gravity lead to municipal drain is available. Omit otherwise.
25. Provide attic access as shown in these plans.
26. Wood frame construction to be in conformance with BCBC (2018) 9.23
27. Where spray applied rigid foam insulation is specified, product to conform to CAN/ULC-3705.1, and installed in conformance to CAN/ULC-3705.2.
28. Provide waterproof wall finish (interior locations) to 1.8m AFF @ shower stall, 1.2m above bathtubs equipped with showers and to 400mm above bathtubs.
29. If equipped, grab bars shall be capable of resisting a load not less than 1.3kN. Provide solid blocking.
30. Provide mechanical fixtures as shown on these plans or as provided by mechanical engineer. Fixtures to conform to BCBC 9.31
31. Mechanical ventilation to conform to CAN/CSA-F326-M or to be designed by mechanical engineer. Provide principal exhaust ventilation in conformance with BCBC 9.32.3.3 Provide bathroom and kitchen exhaust fans in conformance to BCBC 9.32.3 Provide make up air in conformance with BCBC 9.32.3.8
32. Provide heat source as noted in these plans and/or as per mechanical engineering drawings.
33. HVAC duct systems to conform to BCBC 9.33.6, piping as per BCBC 9.33.8
34. Electrical facilities to conform to BCBC 9.34 and be provided by an approved and certified contractor.
35. Structural engineering to be provided as required and as noted by a certified professional. Subsequent engineering drawings shall take precedence over these plans, and shall be read together with these drawings. Notify designer in case of any conflict.

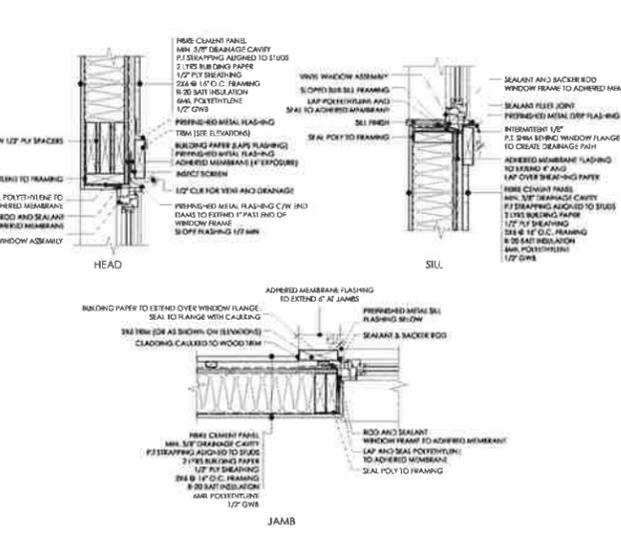


2 Typical New Eave Scale: 1" = 1'-0"

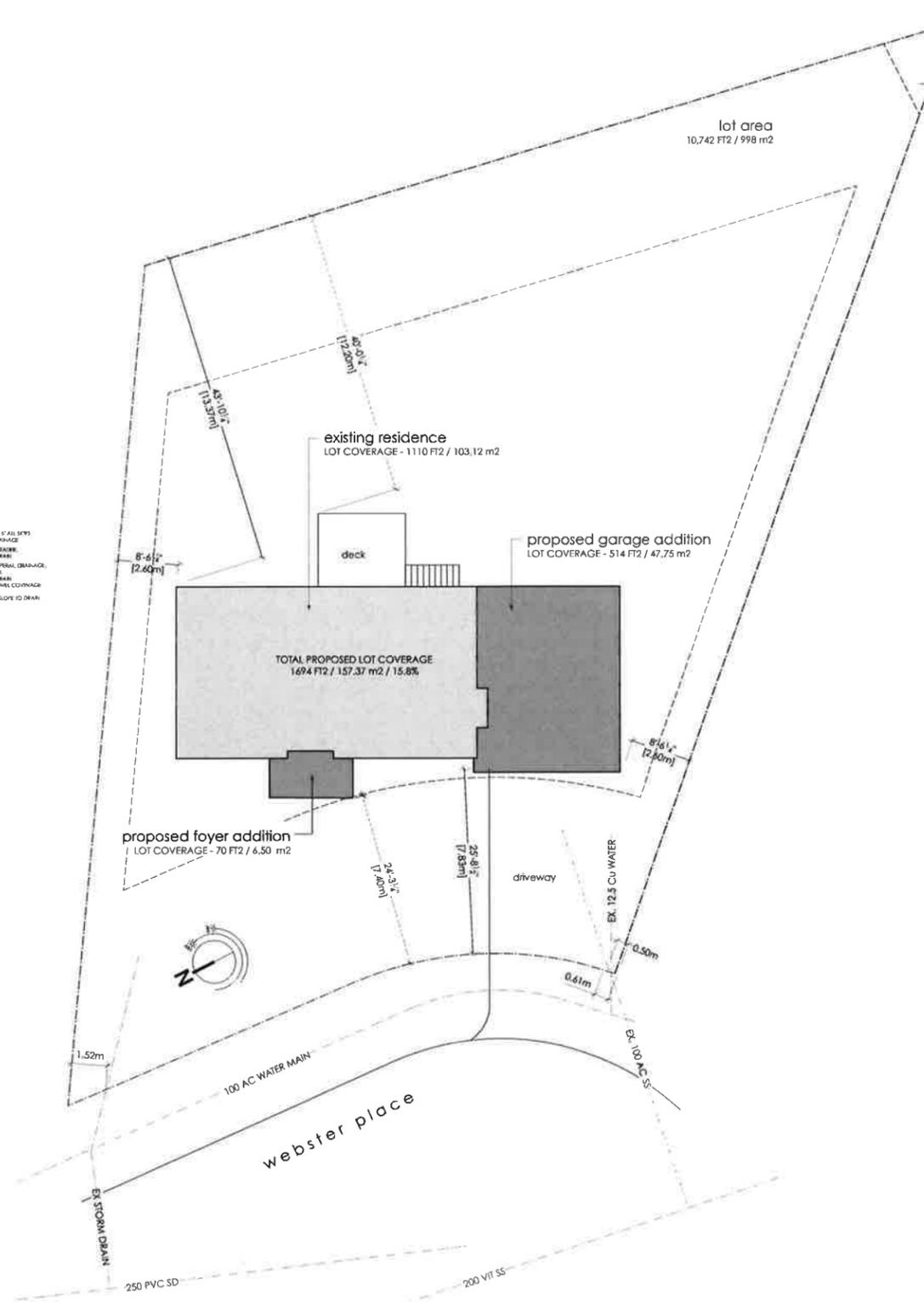


4 Foundation at Foyer Scale: 1" = 1'-0"

3 Foundation at Garage Scale: 1" = 1'-0"



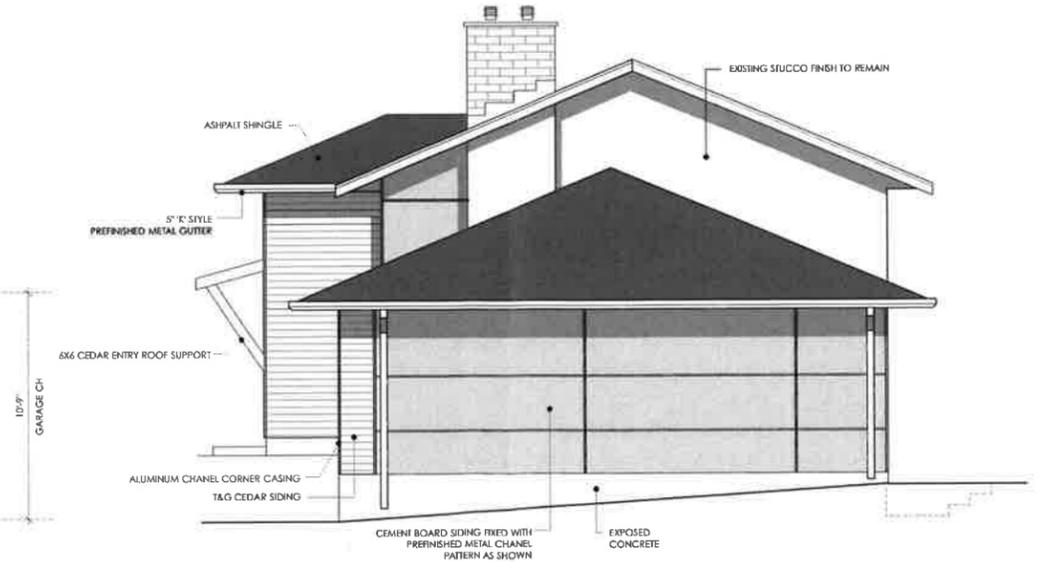
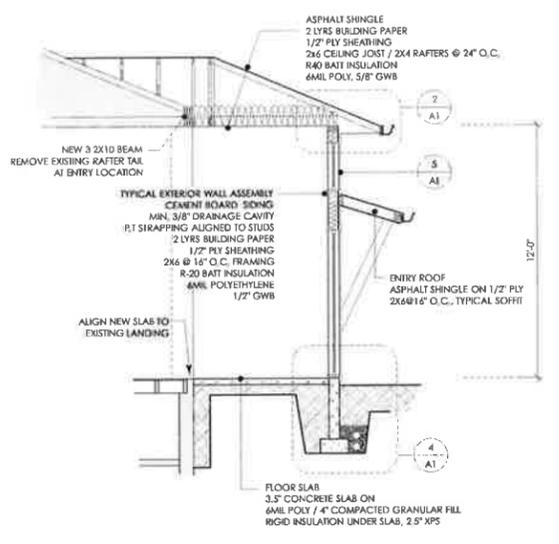
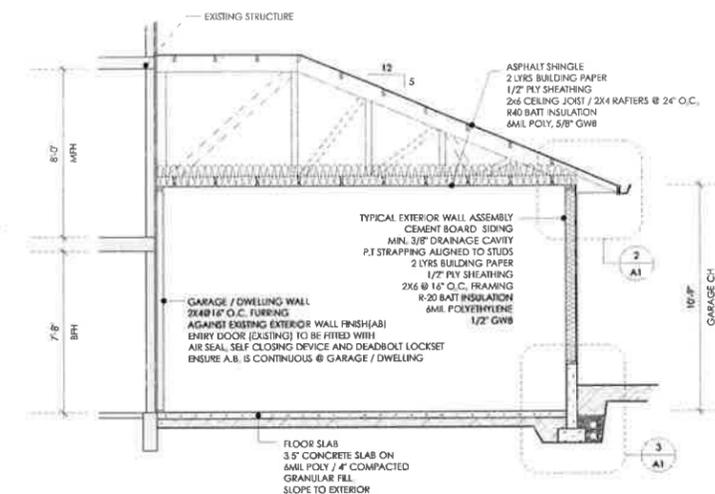
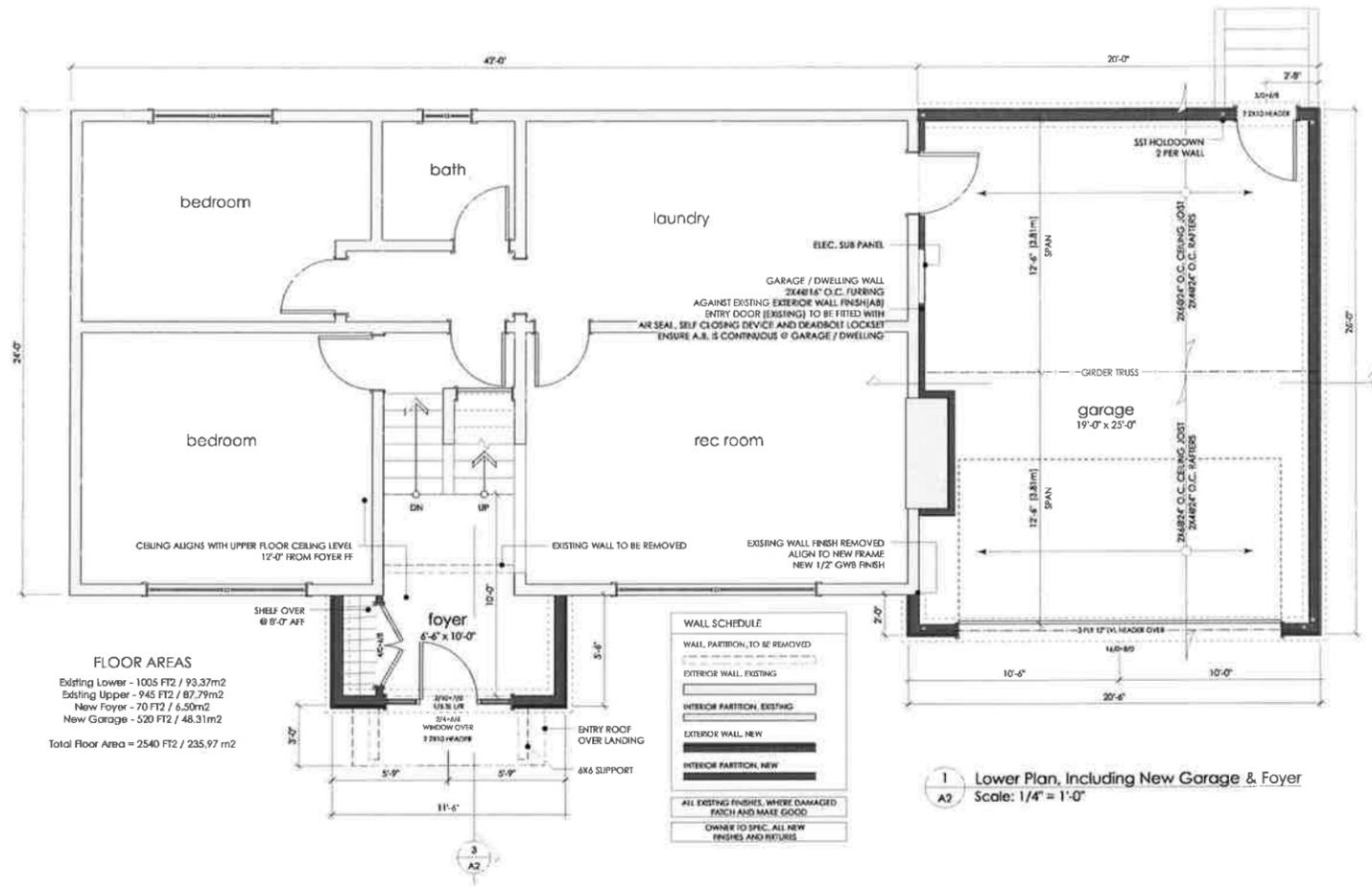
5 Typical Window / Envelope Details Scale: 1" = 1'-0"



1 Site Plan Scale: 1" = 10 ft

NEW CONSTRUCTION ASSEMBLIES

Table with 5 columns: RA1 (Roof Typical Truss), WC (Wall Cement Board Siding), WC (Wall Gypsum Drywall), FS1 (Floor - Slab on Grade), FS2 (Floor - Slab on Grade Profile). Each column contains a diagram and a list of components with RSI values.



9335 Webster Place			
Renovation To Existing Residence			
Plan, Sections and Elevations			
FILE	JAI2.20	SCALE	As Noted
PROJECT NO.	2003	DATE	Jan 27, 2020
DRAWN BY	TDR	SHEET NO.	A2
ISSUED FOR	PERMIT	REV.	