



**REPORT TO THE JUAN DE FUCA LAND USE COMMITTEE  
MEETING OF TUESDAY, JULY 21, 2015**

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**SUBJECT**     **Development Permit with Variance for Lot 11, Section 24, Highland District, Plan VIP14620**

**ISSUE**

A request has been made for a Development Permit with Variance in order to address the Steep Slopes and the Foreshore, Wetlands and Riparian Development Permit Area (DPA) guidelines for an addition and renovation to a dwelling, and to reduce the front yard setback for an existing deck and stairs, to reduce the exterior side yard setback for the existing dwelling and deck and proposed addition and to reduce the rear yard setback for an existing retaining wall and proposed deck.

**BACKGROUND**

The 0.05 ha property is located at 6800 Mark Lane in Willis Point and is zoned Community Residential One (CR-1) in the Willis Point Comprehensive Community Plan, Bylaw No. 3027. The property is bounded by a CR-1 zoned property to the north, an undeveloped road right-of-way to the south, Mark Lane to the east and Saanich Inlet to the west (Appendix A).

The property is designated as a Steep Slopes DP Area and a Foreshore, Wetlands and Riparian DP Area as established in Schedule A of Bylaw No. 3027; therefore, a development permit is required for the proposed construction.

There is an existing 33 m<sup>2</sup> dwelling on the property that predates building inspection records. The Board of Variance approved the reconstruction of a stairway, deck and retaining wall in 2011 (BOV-02-11). The applicant is now requesting a development permit with variance to renovate the existing dwelling and construct an 80.8 m<sup>2</sup> addition as well as construct exterior decks and stairways within the CR-1 setback requirements (Appendix B). The variances requested include: reducing the exterior side setback from 4.6 m to 2.57 m and the rear setback from 6 m to 0 m for the proposed renovation of the dwelling; reducing the exterior side setback from 4.6 m to 3.57 m for the proposed addition; reducing the exterior side setback from 4.6 m to 1.84 m for an existing deck; and reducing the front setback from 6 m to 1.83 m for the replacement of existing decks and stairs, as shown in Appendix C.

**ALTERNATIVES**

That the Land Use Committee recommends to the CRD Board:

- 1) That the Steep Slopes and Foreshore, Wetlands and Riparian Development Permit with Variance (DV000045) for Lot 11, Section 24, Highland District, Plan VIP14620, to vary Comprehensive Community Plan for Willis Point, Bylaw No. 1, 2002, Bylaw No. 3027, Schedule B, Part IV, Section 22(2)(d), to:
  - a) reduce the front setback from 6 m to 1.83 m for an existing deck and stairs;
  - b) reduce the exterior side setback from 4.6 m to 3.57 m for the proposed addition;
  - c) reduce the exterior side setback from 4.6 m to 2.57 m for the proposed renovation to the existing dwelling;
  - d) reduce the exterior side setback from 4.6 m to 1.84 m for an existing deck;

- e) reduce the rear setback from 6 m to 0 m for the proposed renovation over an existing seawall;

as shown on the attached site plan and building plans (Appendices B and C), be approved subject to the following:

- i) That the proposed development comply with the Steep Slopes, and Foreshore, Wetlands and Riparian Development Permit Guidelines outlined in the Willis Point Comprehensive Community Plan, Bylaw No. 3027;
  - ii) That the development comply with the recommendations in the report from Levelton Consultants Ltd., dated June 19, 2015, as shown in Appendix D, including site monitoring during construction and submission of a final report;
  - iii) That the Levelton Consultants Ltd. report dated June 19, 2015 be secured via a restrictive covenant registered on title as part of the building permit process.
- 2) That the Development Permit with Variance (DV000045) be denied and require the addition to comply with zoning requirements and that a Steep Slope and Foreshore, Wetlands and Riparian development permit be obtained.
- 3) That the application be referred back to staff for more information.

### **LEGISLATIVE IMPLICATIONS**

The Willis Point Comprehensive Community Plan, Bylaw No. 3027, outlines development permit guidelines. The property is designated as a Steep Slopes DPA, and subject to a Foreshore, Wetlands and Riparian DPA; therefore, a development permit is required.

Bylaw No. 3027 also specifies setback requirements for the CR-1 zone. To vary these requirements, a development variance permit is required.

### **PUBLIC CONSULTATION IMPLICATIONS**

Pursuant to the *Local Government Act*, Section 922(4), if a local government is proposing to pass a resolution to issue a development variance permit it must give notice to each resident/tenant within a given distance as specified by bylaw. Capital Regional District Bylaw No. 3110, Fees and Procedures Bylaw, states that the Board at any time may refer an application to an agency or organization for their comment. In addition, it states that a notice of intent must be mailed to adjacent property owners within a distance of not more than 500 metres. Any responses received from the public will be presented at the July 21, 2015 Land Use Committee meeting.

### **LAND USE IMPLICATIONS**

#### **Variances**

Schedule “B”, Part IV, Section 22.0(2)(d) of Bylaw No. 3027 specifies that:

- a) *Except as otherwise specifically permitted in this bylaw, no building or structure shall be located within:*
  - i. 6 metres (20 ft) of a front parcel line;
  - ii. 1.5 metres (5 ft) of an interior side parcel line;
  - iii. 4.6 metres (15 ft) of an exterior side parcel line;
  - iv. 6 metres (20 ft) of a rear parcel line.

The site plan provided (Appendix B) indicates that the distance from the existing deck and stairs to the front property line is 1.83 m, the distance from the existing deck to the exterior side property line is 1.84 m, the distance from the proposed renovation to exterior side property line

is 2.57 m, the distance from the proposed addition to the exterior side property line is 3.57 m, and proposed deck over the existing septic tank enclosure and seawall will extend to the rear property line (Appendix C). The site plan indicates that the setback encroachments are primarily related to replacement of the existing structures on the site; however, this variance application will address all encroachments. The stairs, decks and seawall were repaired under an approval by the Board of Variance in 2011.

As the dwelling is located down a slope and will not be seen from Mark Lane this should have limited impact on the character of the neighbourhood. Also as the parcel is located next to an undeveloped road right-of-way to the south, the location of the addition may only impact the neighbour to the north. However, the dwelling will be modest in size (113.7 m<sup>2</sup>), will have a “green roof” and is much lower in elevation, which may limit the impact to the neighbour to the north. However, a notice regarding the proposed development permit with variance will be sent to adjacent land owners and tenants within 500 metres of the property to provide an opportunity for comment.

#### Development Permit

The subject property is designated as a Steep Slopes DP Area and subject to a Foreshore, Wetlands and Riparian DP Area. The applicant has submitted a geotechnical report, prepared by Levelton Consultants Ltd. on June 19, 2015 (Appendix D). The report indicates the property contains slopes of approximately 45 degrees over a length of 20 m; however, the engineer confirms that sound bedrock is intact throughout the slope. The area of the proposed addition has been partially developed with reinforced concrete retaining walls required to support the existing septic system. Rain water is currently draining from the existing house into the ocean immediately below the discharge point and the report indicates this practice can be continued for the addition without causing erosion or slope instability. Due to potential for loose rock ravelling, the engineer recommends that a catchment area be constructed on the upslope side of the addition location to allow for potential rockfall hazard to accumulate without impacting the structure. Further field reviews will need to be conducted by the professional engineer to ensure the land may be used safely.

Based on the initial site analysis by Levelton Consultants Ltd., no alterations to the development proposal are required; however, staff recommend that, as a condition of the development permit, monitoring be conducted by a professional engineer during construction. As there are no floodplain regulations in place for Willis Point, any concerns related to flooding will be addressed through the building permit process.

#### CONCLUSION

The applicant has requested a Steep Slopes, and a Foreshore, Wetlands and Riparian Development Permit with Variance to permit a renovation construction of an addition to an existing dwelling. A report prepared by a qualified professional has been submitted in support of the application and provides recommendations to ensure the site is safe for the use intended. Given that the addition is to an existing dwelling staff recommends approval of the development permit with variance subject to conditions and subject to public notification.

#### RECOMMENDATIONS

That the Land Use Committee recommends to the CRD Board:

That the Steep Slopes and Foreshore, Wetlands and Riparian Development Permit with Variance (DV000045) for Lot 11, Section 24, Highland District, Plan VIP14620, to vary Comprehensive Community Plan for Willis Point, Bylaw No. 1, 2002, Bylaw No. 3027, Schedule B, Part IV, Section 22(2)(d), to:

- a) reduce the front setback from 6 m to 1.83 m for replacement of the existing deck and stairs;
- b) reduce the exterior side setback from 4.6 m to 3.57 m for the proposed addition;
- c) reduce the exterior side setback from 4.6 m to 2.57 m for the proposed renovation;
- d) reduce the exterior side setback from 4.6 m to 1.84 m for an existing deck;
- e) reduce the rear setback from 6 m to 0 m for the proposed renovation over an existing seawall;

as shown on the attached site plan and building plans (Appendices B and C), be approved subject to the following:

- i) That the proposed development comply with the Steep Slopes, and Foreshore, Wetlands and Riparian Development Permit Guidelines outlined in the Willis Point Comprehensive Community Plan, Bylaw No. 3027;
- ii) That the development comply with the recommendations in the report from Levelton Consultants Ltd., dated June 19, 2015, as shown in Appendix D, including site monitoring during construction and submission of a final report;
- iii) That the Levelton Consultants Ltd. report dated June 19, 2015 be secured via a restrictive covenant registered on title as part of the building permit process.

Submitted by:	June Klassen, MCIP, RPP, Manager Local Area Planning
Concurrence:	Kevin Lorette, P.Eng., MBA, General Manager, Planning & Protective Services
Concurrence:	Robert Lapham, MCIP, RPP, Chief Administrative Officer

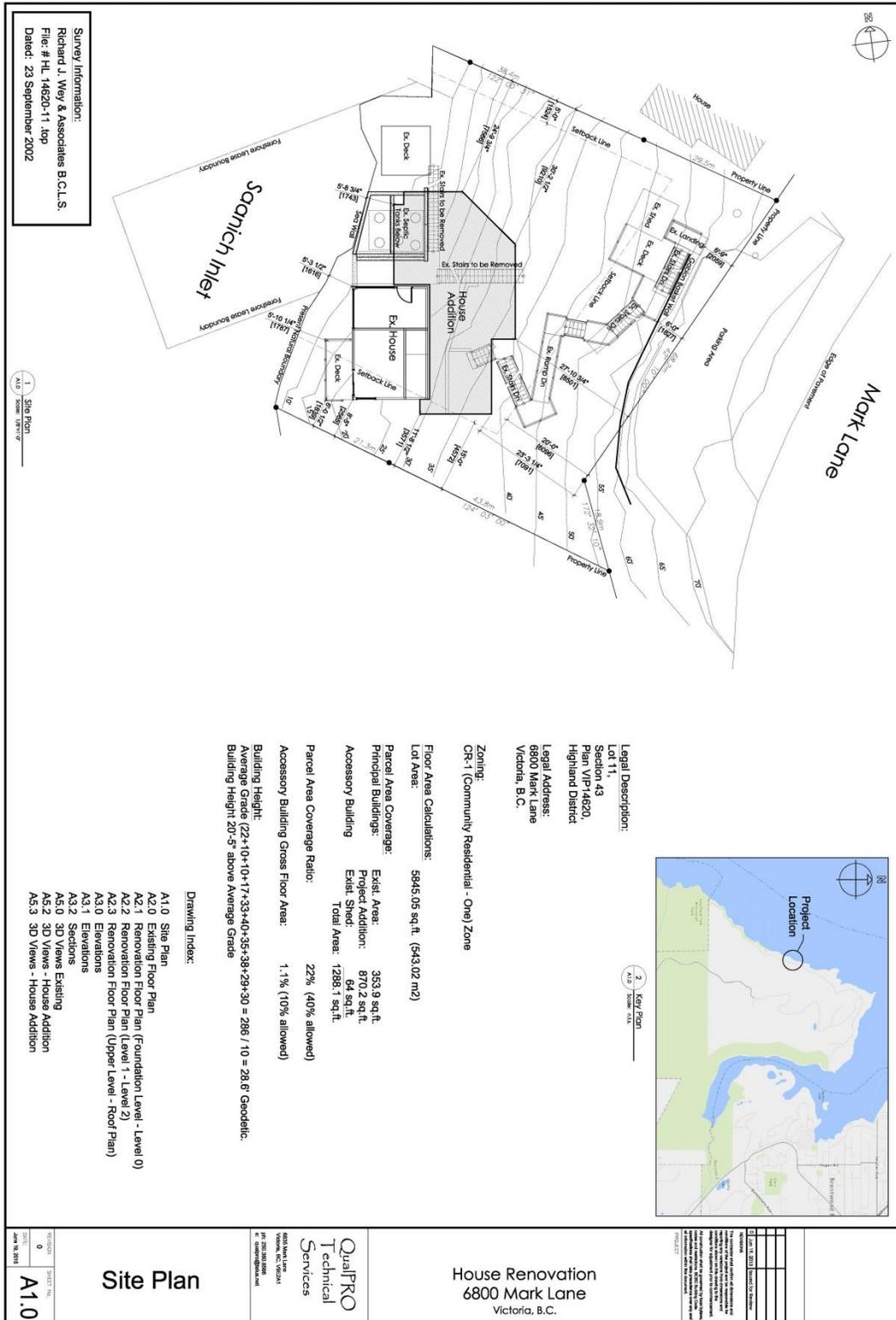
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Appendix A: Subject Property Map  
Appendix B: Site Plan  
Appendix C: Building Plans  
Appendix D: Geotechnical Report

Appendix A: Subject Property Map



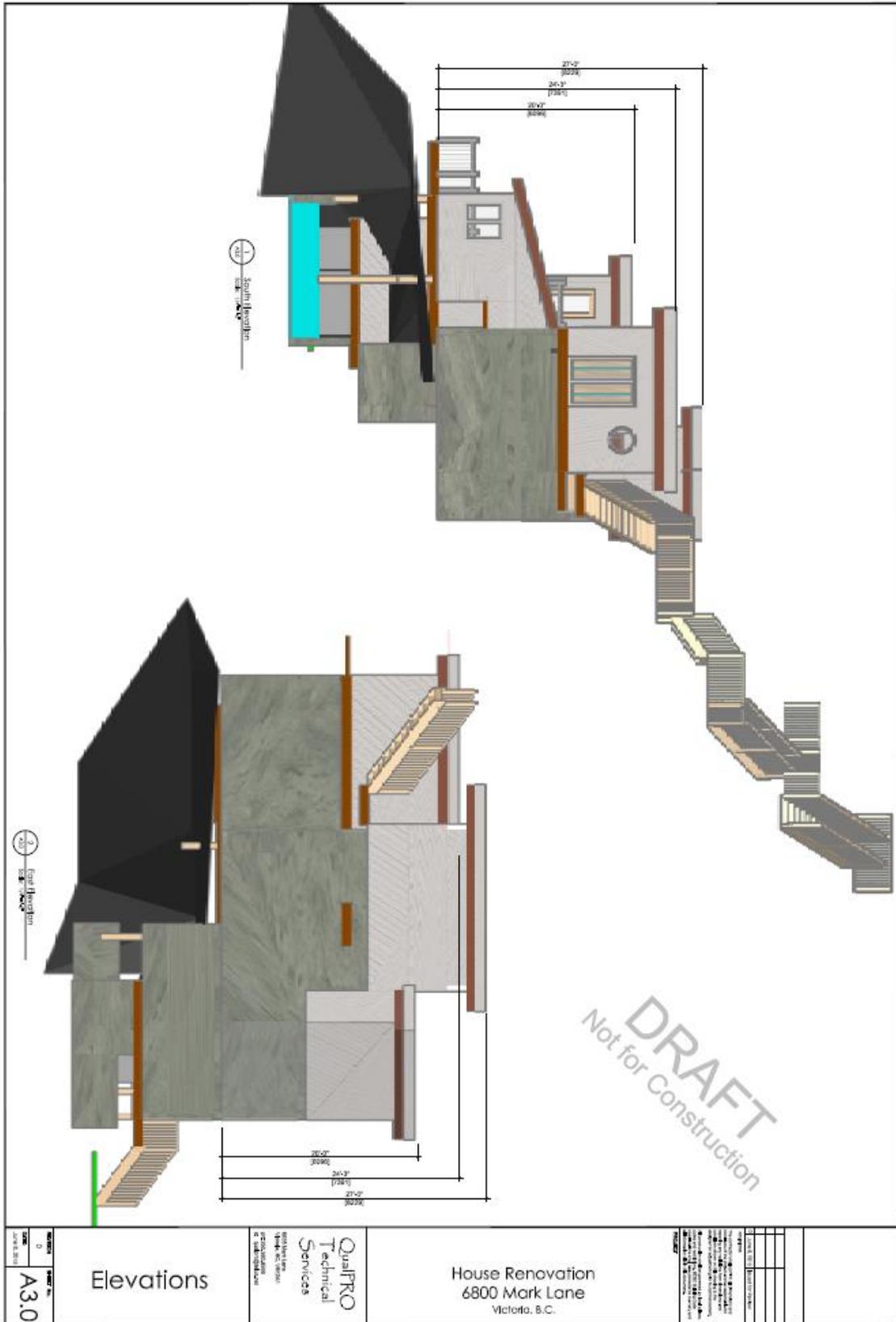
Appendix B: Site Plan

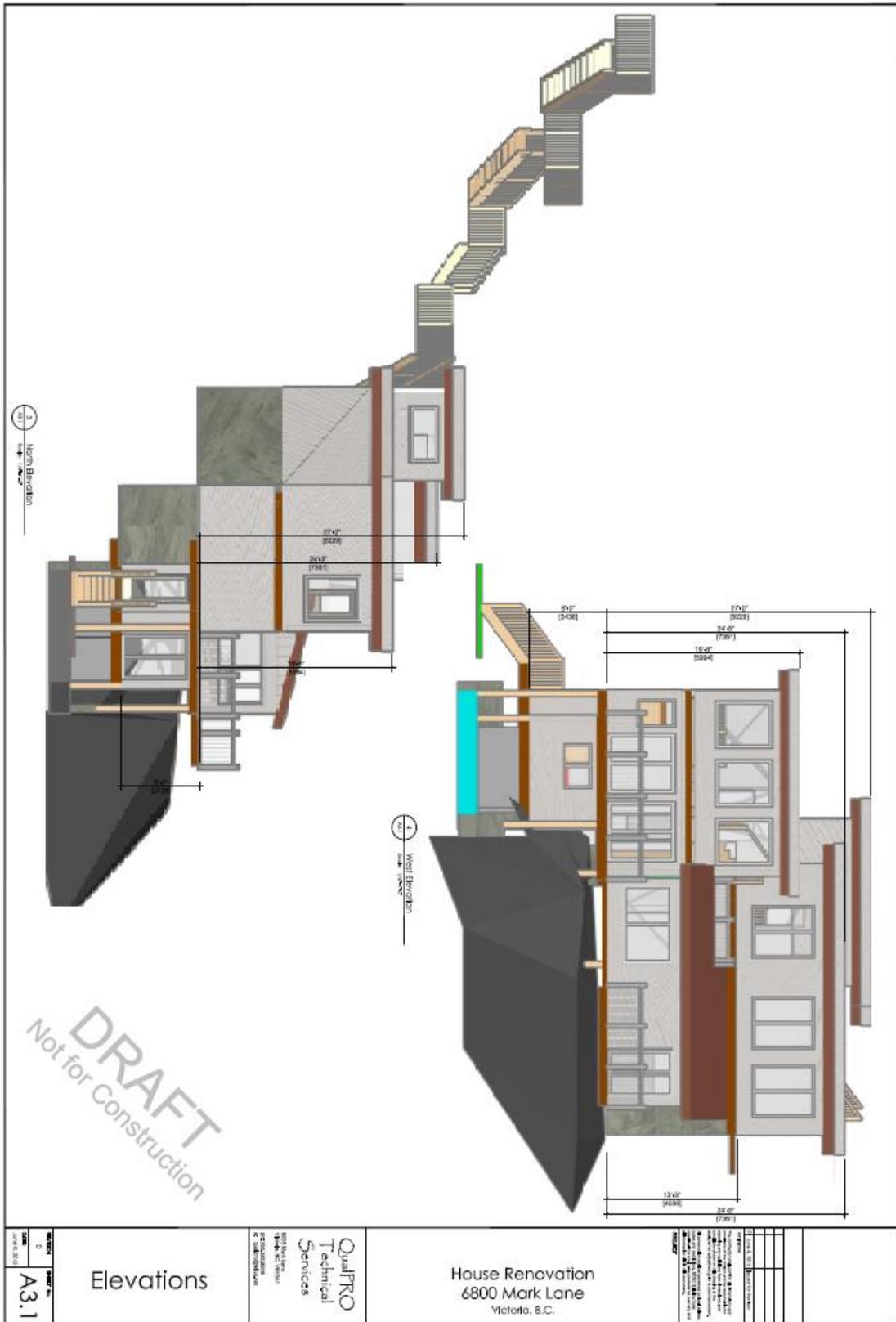


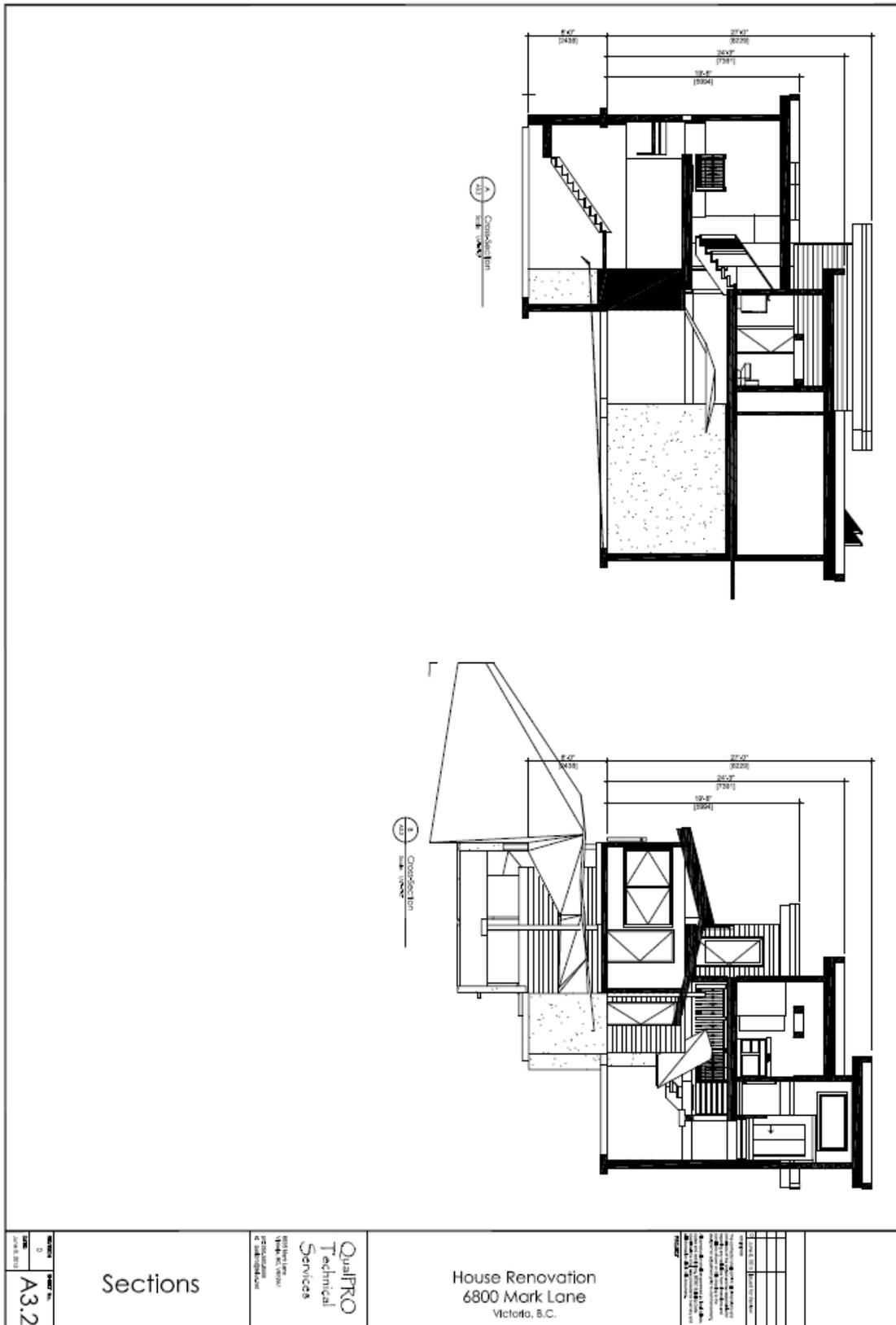












<p>SECTION 0 A3.2</p>	<p>Sections</p>	<p>QualPRO Technical Services</p> <p>1000 West 10th Avenue              Victoria, B.C. V8M 2C6              Tel: 250-383-7777              Fax: 250-383-7778</p>	<p>House Renovation              6800 Mark Lane              Victoria, B.C.</p>
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Appendix D: Geotechnical Report



**LEVELTON CONSULTANTS LTD.**

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June 19, 2015

Levelton File # R715-1054-00

6800 Mark Lane  
Victoria, BC  
V9E 2A1

**Attention:**

**Project: 6800 Mark Lane, Willis Point**  
**Subject: Geotechnical Considerations**

Dear

As requested by \_\_\_\_\_ (Owner), Levelton Consultants Ltd. (Levelton) has prepared this letter to confirm our site discussions and observations from the above-referenced site. Levelton has been involved in the re-development of the property since 2010, when improvements were made to the house access were made. It is understood that further development of the property is proposed by the Owner to construct an addition to the existing house. This letter is being prepared as part of the application for a development permit through the CRD Building Department. Review of the Development Permit Guidelines of the Willis Point Comprehensive Community Plan, Bylaw No. 3027, Section 4.10.3 was carried out prior to preparation of this report. Our review was carried with regard to Provincial Regulation M297, which refers to the 2% in 50 year seismic event.

The site is predominantly bedrock-controlled terrain, with a relatively steep slope down from Mark Lane to the ocean. The bedrock in this area has been mapped as Wark Gneiss<sup>1</sup>, which was confirmed within the bedrock exposures on site. The slope down from Mark Lane has been measured to have an overall slope angle of approximately 45 degrees over a length of approx. 20 m. The surface of the slope consists of a relatively thin (<300 mm) veneer of soil and loose rock. Hand dug test pits indicate that sound bedrock is intact immediately below the surficial veneer throughout the slope.

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<sup>1</sup> Geological Survey of Canada, Greater Victoria, 1992

The existing house is founded directly atop bedrock at the base of the slope and it is proposed that the addition to the house will be within an area of bedrock immediately to the east of the existing house. The area of the proposed addition has been partially developed with reinforced concrete retaining walls required to provide level pads for support of the existing septic system.

As per the civil plan for Willis Point, disposal of stormwater to ground will be carried out onsite due to the lack of a municipal storm sewer. Rain water leaders from the existing house are being discharged onto the intact bedrock on the west side of the house and draining into the ocean immediately below the discharge point. It is considered appropriate to continue this practice for the proposed addition. If the rain water leaders cannot be fed towards the existing discharge location, Levelton should carry out review to verify that a new location will not cause erosion that could impact the proposed building site or site's slope stability.

Review of the site slope indicates that there is potential for loose rock raveling down towards the proposed addition location. It is recommended that a catchment area be constructed on the upslope side of the addition location to allow for potential rockfall hazard to accumulate without impacting the structure. Levelton will work with the Owner and Structural Engineer to develop an appropriate catchment area as part of the addition development.

Based on the local topography of the terrain and the presence of sound, intact, gneissic bedrock, the proposed addition site can be developed such that the land may be used safely for the use intended. Levelton will need to carry out field reviews during further foundation subgrade preparation and review for potential rockfall hazard. It is important that Levelton carry out site visits during construction of the addition on the site to confirm that development of the lot does not adversely affect the slope stability of the site. Levelton should be contacted when construction has been scheduled to arrange for the appropriate site visits.

This letter has been prepared by Levelton Consultants Ltd. exclusively for \_\_\_\_\_ and applies to the property at 6800 Mark Lane at Willis Point, BC. The letter has been prepared in accordance with the attached Terms of Reference for Geotechnical Reports. The Capital Regional District Building Dept. is considered an authorized user, subject the Terms of Engagement under which they were prepared.

We trust that this report meets your immediate requirements. If you have any questions or require further information, please contact our office at your convenience.

Yours truly,  
Levelton Consultants Ltd.



Reviewed by

Per:   
Alec Morse, P.Eng.

Per: Russell Scott, M.Sc., P.Eng.

Attachment(s): Terms of Reference for Geotechnical Reports





**TERMS OF REFERENCE FOR GEOTECHNICAL REPORTS  
ISSUED BY LEVELTON CONSULTANTS LTD.**

**1. STANDARD OF CARE**

Levelton Consultants Ltd. ("Levelton") prepared and issued this geotechnical report (the "Report") for its client (the "Client") in accordance with generally-accepted engineering consulting practices for the geotechnical discipline. No other warranty, expressed or implied, is made. Unless specifically stated in the Report, the Report does not address environmental issues.

The terms of reference for geotechnical reports issued by Levelton (the "Terms of Reference") contained in the present document provide additional information and caution related to standard of care and the use of the Report. The Client should read and familiarize itself with these Terms of Reference.

**2. COMPLETENESS OF THE REPORT**

All documents, records, drawings, correspondence, data, files and deliverables, whether hard copy, electronic or otherwise, generated as part of the services for the Client are inherent components of the Report and, collectively, form the instruments of professional services (the "Instruments of Professional Services"). The Report is of a summary nature and is not intended to stand alone without reference to the instructions given to Levelton by the Client, the communications between Levelton and the Client, and to any other reports, writings, proposals or documents prepared by Levelton for the Client relative to the specific site described in the Report, all of which constitute the Report.

TO PROPERLY UNDERSTAND THE INFORMATION, OBSERVATIONS, FINDINGS, SUGGESTIONS, RECOMMENDATIONS AND OPINIONS CONTAINED IN THE REPORT, REFERENCE MUST BE MADE TO THE WHOLE OF THE REPORT. LEVELTON CANNOT BE RESPONSIBLE FOR USE BY ANY PARTY OF PORTIONS OF THE REPORT WITHOUT REFERENCE TO THE WHOLE REPORT AND ITS VARIOUS COMPONENTS.

**3. BASIS OF THE REPORT**

Levelton prepared the Report for the Client for the specific site, development, building, design or building assessment objectives and purpose that the Client described to Levelton. The applicability and reliability of any of the information, observations, findings, suggestions, recommendations and opinions contained in the Report are only valid to the extent that there was no material alteration to or variation from any of the said descriptions provided by the Client to Levelton unless the Client specifically requested Levelton to review and revise the Report in light of such alteration or variation.

**4. USE OF THE REPORT**

The information, observations, findings, suggestions, recommendations and opinions contained in the Report, or any component forming the Report, are for the sole use and benefit of the Client and the team of consultants selected by the Client for the specific project that the Report was provided. NO OTHER PARTY MAY USE OR RELY UPON THE REPORT OR ANY PORTION OR COMPONENT WITHOUT THE WRITTEN CONSENT OF LEVELTON. Levelton will consent to any reasonable request by the Client to approve the use of this Report by other parties designated by the Client as the "Approved Users". As a condition for the consent of Levelton to approve the use of the Report by an Approved User, the Client must provide a copy of these Terms of Reference to that Approved User and the Client must obtain written confirmation from that Approved User that the Approved User will comply with these Terms of Reference, such written confirmation to be provided separately by each Approved User prior to beginning use of the Report. The Client will provide Levelton with a copy of the written confirmation from an Approved User when it becomes available to the Client, and in any case, within two weeks of the Client receiving such written confirmation.

The Report and all its components remain the copyright property of Levelton and Levelton authorises only the Client and the Approved Users to make copies of the Report, but only in such quantities as are reasonably necessary for the use of the Report by the Client and the Approved Users. The Client and the Approved Users may not give, lend, sell or otherwise disseminate or make the Report, or any portion thereof, available to any party without the written permission of Levelton. Any use which a third party makes of the Report, or any portion of the Report, is the sole responsibility of such third parties. Levelton accepts no responsibility for damages suffered by any third party resulting from the use of the Report. The Client and the Approved Users acknowledge and agree to indemnify and hold harmless Levelton, its officers, directors, employees, agents, representatives or sub-consultants, or any or all of them, against any claim of any nature whatsoever brought against Levelton by any third parties, whether in contract or in tort, arising or related to the use of contents of the Report.



**TERMS OF REFERENCE FOR GEOTECHNICAL REPORTS  
ISSUED BY LEVELTON CONSULTANTS LTD. (continued)**

**5. INTERPRETATION OF THE REPORT**

- a. **Nature and Exactness of Descriptions:** The classification and identification of soils, rocks and geological units, as well as engineering assessments and estimates have been based on investigations performed in accordance with the standards set out in Paragraph 1 above. The classification and identification of these items are judgmental in nature and even comprehensive sampling and testing programs, implemented with the appropriate equipment by experienced personnel, may fail to locate some conditions. All investigations or assessments utilizing the standards of Paragraph 1 involve an inherent risk that some conditions will not be detected and all documents or records summarizing such investigations will be based on assumptions of what exists between the actual points sampled. Actual conditions may vary significantly between the points investigated and all persons making use of such documents or records should be aware of, and accept, this risk. Some conditions are subject to changes over time and the parties making use of the Report should be aware of this possibility and understand that the Report only presents the conditions at the sampled points at the time of sampling. Where special concerns exist, or when the Client has special considerations or requirements, the Client must disclose them to Levelton so that additional or special investigations may be undertaken, which would not otherwise be within the scope of investigations made by Levelton or the purposes of the Report.
- b. **Reliance on information:** The evaluation and conclusions contained in the Report have been prepared on the basis of conditions in evidence at the time of site investigation and field review and on the basis of information provided to Levelton. Levelton has relied in good faith upon representations, information and instructions provided by the Client and others concerning the site. Accordingly, Levelton cannot accept responsibility for any deficiency, misstatement or inaccuracy contained in the report as a result of misstatements, omissions, misrepresentations or fraudulent acts of persons providing information.
- c. **Additional Involvement by Levelton:** To avoid misunderstandings, Levelton should be retained to assist other professionals to explain relevant engineering findings and to review the geotechnical aspects of the plans, drawings and specifications of other professionals relative to the engineering issues pertaining to the geotechnical consulting services provided by Levelton. To ensure compliance and consistency with the applicable building codes, legislation, regulations, guidelines and generally-accepted practices, Levelton should also be retained to provide field review services during the performance of any related work. Where applicable, it is understood that such field review services must meet or exceed the minimum necessary requirements to ascertain that the work being carried out is in general conformity with the recommendations made by Levelton. Any reduction from the level of services recommended by Levelton will result in Levelton providing qualified opinions regarding adequacy of the work.

**6. ALTERNATE REPORT FORMAT**

When Levelton submits both electronic and hard copy versions of the Instruments of Professional Services, the Client agrees that only the signed and sealed hard copy versions shall be considered final and legally binding upon Levelton. The hard copy versions submitted by Levelton shall be the original documents for record and working purposes, and, in the event of a dispute or discrepancy, the hard copy versions shall govern over the electronic versions; furthermore, the Client agrees and waives all future right of dispute that the original hard copy signed and sealed versions of the Instruments of Professional Services maintained or retained, or both, by Levelton shall be deemed to be the overall originals for the Project.

The Client agrees that the electronic file and hard copy versions of Instruments of Professional Services shall not, under any circumstances, no matter who owns or uses them, be altered by any party except Levelton. The Client warrants that the Instruments of Professional Services will be used only and exactly as submitted by Levelton.

The Client recognizes and agrees that Levelton prepared and submitted electronic files using specific software or hardware systems, or both. Levelton makes no representation about the compatibility of these files with the current or future software and hardware systems of the Client, the Approved Users or any other party. The Client further agrees that Levelton is under no obligation, unless otherwise expressly specified, to provide the Client, the Approved Users and any other party, or any or all of them, with specific software and hardware systems that are compatible with any electronic submitted by Levelton. The Client further agrees that should the Client, an Approved User or a third party require Levelton to provide specific software or hardware systems, or both, compatible with the electronic files prepared and submitted by Levelton, for any reason whatsoever included but not restricted to an order from a court, then the Client will pay Levelton for all reasonable costs related to the provision of the specific software or hardware systems, or both. The Client further agrees to indemnify and hold harmless Levelton, its officers, directors, employees, agents, representative or sub-consultant, or any or all of them, against any claim or any nature whatsoever brought against Levelton, whether in contract or in tort, arising or related to the provision or use of any specific software or hardware provided by Levelton.