

# **BOARD OF VARIANCE**

*Via MS Teams*

*February 9, 2022 at 6 p.m.*

In light of the COVID-19 pandemic and to ensure social distancing, Saanich Municipal Hall is closed to the public for this meeting.

Enquiries/comments may be submitted by email to **BOV@saanich.ca** and must be received no later than 12:00 pm noon, Wednesday, February 9, 2022. Alternatively, you may register to speak by telephone or electronically at the Hearing by sending an email (by the above deadline) to **BOV@saanich.ca** and noting the agenda item you wish to speak to. Instructions on how to join the meeting will be emailed to you.

<b>1</b>	<b>546 Normandy Road Lot B, Section 108, Lake District, Plan VIP53121</b>	To construct a deck Relaxation of the minimum front lot line setback from 7.5 m (24.6 ft) to 4.77 m (15.65 ft)
<b>2</b>	<b>5095 Santa Clara Avenue Lot 1, Sections 45 and 46, Lake District, Plan 24024</b>	To construct a fence Relaxation of the maximum height of a fence fronting a street from 1.5 m (4.9 ft) to 2.13 m (7.0 ft)
<b>3</b>	<b>1180 Hollis Road Lot 10, Section 62, Victoria District, Plan 1194</b>	To construct a fence Relaxation of the maximum height of a fence in a side yard from 1.9 m (6.2 ft) to 3.0 m (9.84 ft)
<b>4</b>	<b>4732 Treetop Heights Lot 1, Section 25, Lake District, Plan 22467</b>	To construct a new dwelling Relaxation of the maximum overall height for a sloped roof from 7.5 m (24.6 ft) to 8.33 m (27.33 ft) Relaxation of the maximum vertical portion of a dwelling within 5.0 m of a vertical plane extending from the outermost wall for a sloped roof (single face) from 7.5 m (24.6 ft) to 8.28 m (27.17 ft)
<b>5</b>	<b>4015 Hollyridge Place Lot 6, Section 55, Victoria District, Plan 40400</b>	To construct an addition Relaxation of the minimum front lot line setback from 6.0 m (19.7 ft) to 4.45 m (14.6 ft)

**MINUTES**  
**Board of Variance**  
**Via Microsoft Teams**  
**January 12, 2022 at 6:01 P.M.**

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Members: Melissa Horner, John Uliana, Kevin Zirul, Amandeep Gill

Staff: Kevin Kaiser, Planning Technician; Tara Da Silva, Senior Committee Clerk; Nancy Chaggar, Senior Committee Clerk

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Chair's Remarks: M. Horner, 2021 Board of Variance Chair, announced that Kevin Weir has resigned his position.

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Election of Chair: The Senior Committee Clerk called the meeting to order and asked for nominations for the Chair. M. Horner was nominated and accepted the nomination. Ms. Horner assumed the Chair.

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Minutes: **MOVED by J. Uliana and Seconded by K. Zirul: "That the minutes of the Board of Variance meeting held December 8, 2021 be adopted as circulated."**

**CARRIED**

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Camrose Cres.  
Existing deck

BOV #00951

**Applicant: Jay Violini**  
**Property: 1299 Camrose Crescent**  
**Variance: Relaxation of the minimum interior side lot line from 1.5 m to 0.15 m**  
**Relaxation of the minimum combined sideyard setback from 4.5 m to 1.35 m**

The Notice of Meeting was read and the applicant's letter and two letters from neighbours were received.

Applicants: Jay Violini, applicant and owner, was present in support of the application and stated:

- Approximately 10 neighbours signed a petition in support of the existing deck.

Discussions:

In reply to questions from the Board, the applicant stated:

- The building lot location certificate shows that the fence does not encroach on Saanich land.
- There was a previous variance approved from 2018.
- Home inspection in 2015 showed the deck was dilapidated and in need of repairs. Owner started repairs to the deck and replaced the stringers, treads, and railings. This was done in accordance with guidelines of Building Code but a permit was not obtained.
- Storm water right of way is moved and no longer exists in that location.
- Owners would like to sell the house and move to another community.
- Having a building lot location certificate now provides precise numbers.
- Owner will have to reposition the deck support posts to comply with Building Code.

Board discussion:

- Comments from the Parks department were previously provided from the 2018 application and they did not have any objection.
- Deck does not encroach onto Saanich lands.

Public input: Nil

**MOTION:** **MOVED by K. Zirul and Seconded by J. Uliana: “That the following request to relax the minimum interior side lot line from 1.5 m to 0.15 m, and to relax the minimum combined sideyard setback from 4.5 m to 1.35 m from the requirements of Zoning Bylaw 2003, Section 210.4 (a) (ii), further to the construction of an existing deck on Lot 14, Block 2, Section 62, Victoria District, Plan 1321 (1299 Camrose Crescent) be APPROVED.**

**And further that if construction in accordance with the plans submitted to the Board in the application is not substantially started within two years from the date of this Order, the variances so permitted by this Order will expire.”**

**CARRIED**

Walema Avenue  
New construction

**Applicant: Pano Ghinis**  
**Property: 1025 Walema Avenue**  
**Variance: Relaxation of the minimum front lot line setback from 7.5 m to 3.5 m**  
**Relaxation of the minimum rear lot line setback from 12.0 m to 11.93 m**  
**Relaxation of the maximum non-basement floor area from 174 m<sup>2</sup> (75%) to 181.0 m<sup>2</sup> (78.08%)**

BOV #00952

The Notice of Meeting was read and the applicant’s letter and four emails from neighbours were received.

**Applicants:** Pano Ghinis, builder/applicant, and Linda Woo, owner, were present in support of the application.

**Discussions:** In reply to questions from the Board, the applicants stated:

- The proposed house is a new dwelling; the existing house will be demolished.
- The existing house is further to the back.
- Current lot zoning is non-conforming RS-18.
- House gross floor area is 1950 ft<sup>2</sup>. Neighbour at 1022 Walema Avenue has the same zoning and had to get same variances to build the home.
- The house footprint will remain but moving closer to Beryl Street and making rear yard slightly larger.
- The front entrance and access to the house will be on Walema Avenue.
- There is no basement in the current plans.
- It’s a small house and it’s hard to have a family sized home in such a small footprint because of the zoning.
- Applicant doesn’t have the inverts required to hook up to sewer and storm to get into basement area. In exploring a basement, applicants could go down about 1.2 m from lowest lot line.
- Applicant would have to excavate quite low to put in an 8 ft basement.

- When exploring rezoning to RS-4, the applicant would still require variances.
- The applicant visited some neighbours and the three that were available were in support of the proposal.
- The house is designed by Ken Mar and fits well with the character of the neighborhood and is more attractive than what currently exists.
- The proposed building doesn't impose on the neighbours.
- The deck is on the side looking onto Beryl Street and doesn't infringe on any neighbours.
- The owner wishes to retire in this home.
- The zoning is a blanket zone and applicants believe it is outdated.
- The variances requested are minor with a floor area increase of 21 ft<sup>2</sup>.

Board Discussion:

- Based on the fact that the blanket zone is restricting the minimum required setbacks and lot size, it makes sense what the applicants are asking for.
- The impact to creating a basement would be much greater than granting 21 ft<sup>2</sup> on the footprint of the house.
- This lot is out of place in terms of the existing zoning.
- If lot was in the RS-4 zone, applicants would still need a front lot line variance.
- The variance request is minor.
- It is not believed that a hardship of the relaxation of the non-basement floor area exists.

In reply to questions from the Board, the Planning Technician stated:

- Section 205.4 (c) of the Zoning Bylaw outlines floor space ratio numbers for each zone.

The Board can have various decisions on the variances requested if they're not related to each other.

Public input:

- Nil

**MOTION:**

**MOVED by A. Gill and Seconded by J. Uliana: "That the following request to relax the minimum front lot line setback from 7.5 m to 3.5 m, to relax the minimum rear lot line setback from 12.0 m to 11.93 m, and to relax the maximum non-basement floor area from 174 m<sup>2</sup> to 181 m<sup>2</sup> from the requirements of Zoning Bylaw 2003, Sections 295.3 (a) and (c), further to the construction of a single family dwelling on Lot 17, Block 1, Section 32, Lake District, Plan 1196A (1025 Walema Avenue) be APPROVED.**

**And further that if construction in accordance with the plans submitted to the Board in the application is not substantially started within two years from the date of this Order, the variances so permitted by this Order will expire."**

**The Motion was then Put and CARRIED**

Braefoot Road  
New construction

BOV #00954

**Applicant: Fang Tao Shen and Yan Wu**  
**Property: 4010 Braefoot Road**  
**Variance: Relaxation of the maximum overall height from 7.5 m to 7.58 m**

The Notice of Meeting was read and the applicant's letter and one email from a neighbour received.

Applicants: Yan Wu & Fang Tao, applicants, were present in support of the application.

Public input: Gary Coad stated:

- He is a neighbour and is in support of the application.
- The applicants are lovely, respectful people.
- It is unfortunate that the height of the structure turned out slightly higher than it should be during the build.

Discussions: In reply to questions from the Board, the applicants stated:

- The building permit was issued last March.
- There were no notes on the plans regarding height.
- Plans were approved as submitted by the designer.
- Once framing was completed, the applicants called a surveyor to perform final measurements and found they were 8 centimetres over the maximum allowable numbers.
- The contractor built according to the plans; the owners did not modify the height.
- The designer made a mistake on how it was calculated and municipal staff did not pick up on that mistake.
- The roof and shingles are already installed.
- The applicants appreciate the Board's understanding and insist this was a mistake.

Board Discussion:

- The Board believes this is a mistake and that this application can be approved because of the hardship.
- The discrepancy is not something that is going to be noticeable.

In reply to questions from the Board, the Planning Technician stated:

- Municipal staff verify numbers that are provided on the plans.
- This is a designer or construction error and didn't provide margins for error.

**MOTION: MOVED by J. Uliana and Seconded by K. Zirul: "That the following request to relax the maximum overall height from 7.5 m to 7.58 m from the requirements of Zoning Bylaw 2003, Section 101.5 (b) (i), further to the construction of a single family dwelling on Lot D, Section 32, Victoria District, Plan 5888 (4010 Braefoot Road) be APPROVED.**

**And further that if construction in accordance with the plans submitted to the Board in the application is not substantially started within two years from the date of this Order, the variances so permitted by this Order will expire."**

**CARRIED**

Cowper Street Addition  
BOV #00953

**Applicant: John Sparks**  
**Property: 880 Cowper Street**  
**Variance: Relaxation of the minimum combined front and rear setbacks from 15 m to 10.01 m**

The Notice of Meeting was read and the applicant's letter received.

**Applicants:** John Sparks, owner/applicant, Norah Holloway, Carma Design Group, and Crystal Leggett, Carma Design Group, were present in support of the application.

**Discussions:** In reply to questions from the Board, the applicants stated:

- To design the addition for the home in one big square rather than a wing shape would be much more invasive and expensive, and extensive interior re-design would be required. This would involve building walls and possibly de-commissioning the chimney. This is the hardship being faced.
- The purpose of this addition is to add two bedrooms to the house.
- Reducing this addition to only one bedroom doesn't make it a worthwhile investment.
- The house was built in 1948 and is 998 ft<sup>2</sup>.
- Applicants explored how setbacks are to be setup.
- The existing house has an existing non-conforming 1.79 m rear setback.
- There's a large apple tree a few metres outside the front living room window; it is estimated to be 70 years old. The applicants would likely have to lose the tree as well if the addition was to be built in a flat shape as opposed to a wing shape.
- The retaining wall on the site plan is the proposed design. There is an existing retaining wall in a tiered rectangle shape for the purpose of a garden bed.

In reply to questions from the Board, the Planning Technician stated:

- The house is existing non-conforming.
- The applicant would need a variance for any modifications to the house.
- The house was lawfully constructed in 1948; the applicants have the right to maintain the current setbacks.

**Board Discussion:**

- This is a unique situation.
- The applicants' proposal would be complying with setbacks that are in place in terms of where the proposed addition is going.
- The applicants' proposal meets parking requirements as well.
- Hardship comes down to affordability and the ability to build something more suited to the applicants' needs.
- The Board is supposed to be approving on hardships of the lot, not cost.
- There are other hardships listed in the documents such as existing non-conforming setback.
- The Board can consider the location of the house on the lot, and that it's an unusual lot.
- The applicant has spoken to some of the hardships.
- Given the impact to the tree, this design is ideal given all factors.

**Public input:** Nil

**MOTION:** **MOVED by A. Gill and Seconded by J. Uliana: "That the following request to relax the minimum combined front and rear setbacks from 15.0 m to**

**10.01 m from the requirements of Zoning Bylaw 2003, Section 210.4 (a) (i), further to the construction of an addition on Lot 2, Section 21, Victoria District, Plan 5849 (880 Cowper Street) be APPROVED.**

**And further that if construction in accordance with the plans submitted to the Board in the application is not substantially started within two years from the date of this Order, the variances so permitted by this Order will expire.”**

**CARRIED**

O’Connell Place  
Addition

BOV #00955

**Applicant: Kevin Crover**  
**Property: 577 O’Connell Place**  
**Variance: Relaxation of the minimum interior side lot line setback from 1.5 m to 1.45 m**  
**Relaxation of the maximum vertical portion of a dwelling within 5.0 m of a vertical plane extending from the lowest outermost wall from 7.5 m to 8.05 m for a sloped roof (single face)**  
**Relaxation of the maximum non-basement floor area from 80% to 89.55%**

The Notice of Meeting was read and the applicant’s letter and three letters from neighbours in support of the application received.

Applicants: Kevin Crover, applicant/owner, and Robert Jelly, KGino Homes, were present in support of the application.

Discussions: In reply to questions from the Board, the applicants stated:

- Challenges with the grade of the lot are causing issues with height and non-conforming basement area.
- The lot has a significant slope.
- Consultations between the applicant and designer determined that no portion of the basement is technically considered a basement.

In reply to questions from the Board, the Planning Technician stated:

- The drawings do not indicate that anything would qualify as basement under the Bylaw.
- The Bylaw stipulates that, from the floor inside to the grade outside, the grade has to be at least 4.9 ft deep underground to qualify as basement.
- A single faced rule was brought in to discourage large walls on the low side of sloped properties, specifically oceanfront; there are no exemptions for flat lots.

Board Discussion:

- The Board of Variance needs a lesson from staff on basement areas.
- The problem would be the single faced height.
- There were three letters of support from non-affected neighbours.
- The variances requested are not significant.

Public input: Nil

**MOTION: MOVED by K. Zirul and Seconded by A. Gill: “That the following request to relax the minimum interior side lot line setback from 1.5 m to 1.45 m, to relax the maximum vertical portion of a dwelling within 5 m of a vertical plan extending from the lowest outermost wall from 7.5 m to 8.05 m for a**

sloped roof (single face), to relax the maximum non-basement floor area from 80% to 89.55% from the requirements of Zoning Bylaw 2003, Sections 210.4 (a) (ii), (b) (ii), and (c), further to the construction of an addition on Lot 5, Section 50, Victoria District, Plan 12915 (577 O'Connell Place) be APPROVED.

And further that if construction in accordance with the plans submitted to the Board in the application is not substantially started within two years from the date of this Order, the variances so permitted by this Order will expire.”

**CARRIED**

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Adjournment            On a motion from A. Gill, the meeting was adjourned at 8:09 pm.

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Melissa Horner, Chair

I hereby certify that these Minutes are a true and accurate recording of the proceedings.

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Recording Secretary

DRAFT