

MINUTES
SAANICH BOARD OF VARIANCE
 COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL
JANUARY 8, 2014 AT 7:00 P.M.

Members: D. Bartlett, H. Charania, D. Gunn, R. Kelley, R. Riddett
 Staff: K. Gill, Zoning Officer, T. Douglas, Senior Committee Clerk

Election of Chair: The Secretary called for nominations for the Chair for 2014.

Moved by D. Gunn and Seconded by R. Riddett: "That H. Charania be nominated as Chair for 2014."
 There being no other nominations, **the Motion was then Put and CARRIED**

Appointment of Vice-Chair: Mr. Charania assumed the Chair. Mr. Riddett was appointed as Vice-Chair.

Meeting schedule: At the request of the Zoning Officer, Board members were asked to consider holding meetings at an earlier time if four or fewer applications are received. To be decided at a future meeting.

Minutes: **Moved by D. Bartlett and Seconded by R. Riddett: "That the minutes of the Board of Variance meeting held December 11, 2013, be adopted as amended."**
CARRIED

Prospect Lake Road New house **Applicant: Brad Schaffer OBO Rob and Lisa Martin**
Property: 4034 Prospect Lake Road
Variance: Relaxation of overall height from 7.5 m to 7.93 m

BOV #00391 The Notice of Meeting was read and the applicant's letter received.

Applicants Brad Schaffer, applicant, was present in support of the application. He stated that neighbours were contacted and had no issues with the application.

In response to questions from the Board, Mr. Schaffer stated:

- The grade of the property is the issue and causes the hardship.
- The subdivision was approved six years ago and there were no relevant conditions attached to the subdivision approval.
- A mistake was made in determining the building height; Saanich's rubber band rule for determining overall height was not known at the time.
- The over-height portion is in the area where the garage connects to the house.
- The lot next door is presently vacant; parcels are two acres in size. The closest distance a future home on the vacant lot would be is about 16 metres from the Martin's house. The other neighbouring property is 30 acres and you cannot see their house.

In Favour Nil

In Opposition Nil

MOTION: MOVED by R. Riddett and Seconded by D. Gunn: "That the following variance from the requirements of Zoning Bylaw 2003, Sections 101.5(b)(i) and (ii), further to the construction of a new house at Lot 7, Section 3, Lake District, Plan VIS6495 (4034 Prospect Lake Road) be approved:

a) relaxation of overall height from 7.5 m to 7.93 m

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on January 8, 2016.”

Board comments:

- The variance is minor; and an honest error was made on a difficult site.
- The cost to fix the error would be excessive.
- There is no impact to the neighbours; it is nice to see that the height of the house was not maximized because the building was constructed on the lower part of the slope.

The Motion was then Put and CARRIED

Rolston
Crescent
Garage
conversion

Applicant: Eduardo Fainblum
Property: 3371 Rolston Crescent
Variance: Relaxation of allowable floor space in non-basement areas from 80% to 88.50%

BOV #00392

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

Applicants

Eduardo and Lina Fainblum, owners, were present in support of the application and had nothing further to add.

In response to questions from the Board, the applicants stated:

- The house had an existing suite when it was purchased; the suite had a kitchen, living room and bathroom. The partial garage was finished as a bedroom by the Fainblums.
- The house is within the secondary suite area and they are in the process of getting a permit.
- There is only one suite in the house.
- They have a son with disabilities and need the rental income to help pay for their son’s private school. They may also need to use the suite as accommodation for their son when he is an adult.

In Favour

Nil

In Opposition

Nil

MOTION:

MOVED by D. Gunn and Seconded by D. Bartlett: “That the following variance from the requirements of Zoning Bylaw 2003, Section 210.4 (c), further to the conversion of a garage into living space on Lot 9, Section 77, Victoria District, Plan 14316 (3371 Rolston Crescent) be granted:

a) relaxation of allowable floor space in non-basement areas from 80% to 88.50%

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on January 8, 2016.”

Board comments:

- There is no impact on the neighbourhood. The neighbours were canvassed by the applicants.
- The applicants are trying to make the existing situation legal.
- There is a clear hardship and the variance is minor; the house was built prior to the non-basement area bylaw.

The Motion was then Put and CARRIED

Prospect Avenue Addition **Applicant: Bruce Wilkin Design OBO Barry and Deborah Bowman**
Property: 4914 Prospect Avenue
Variance: Relaxation of interior side lot line setback from 3.0 m to 2.74 m

BOV #00393 The Notice of Meeting was read and the applicant's letter received. Letter of objection received by J. Coates and M. Innes, 4965 Prospect Lake Road.

Applicants Gerry Troesch, Bruce Wilkin Design, was present in support of the application and had nothing to add. Bruce Wilkin arrived at 7:37 p.m.

Board members commented that the site was not marked properly for their site visit.

In response to questions from the Board, the applicants stated:

- The original house plans show the house being parallel to the property line, but it is actually set crookedly on an angle and the front corner encroaches at the north end.
- If the second storey is set within the required setback, it would look awkward and unattractive.
- A shed located on the north side of the property is to be removed.
- If the variance is not granted the second storey will be an odd wedge-shape.
- In terms of due diligence in contacting neighbours, they were not able to reach the neighbour on the south side and they heard no word from the neighbour across the street

The Zoning Officer pointed out that there is no interior door marked in the studio on the plans, which is a Building Code issue. In response to a question from the Board, he stated that if the Board approves the variance, the existing non-conforming portion of the structure on the first floor will be approved as well.

In Favour Nil

In Opposition Rab Deol, 4918 Prospect Avenue:

- The setbacks required by the Zoning Bylaw create good space between neighbours. There is approximately 28 feet between the applicant's home and his home.
- The proposed addition would be situated closer to their home and they would lose the feeling of space.
- The property as a whole allows for 40% lot coverage, there is available space elsewhere to build.
- The construction noise and the loss of visual space will be stressful for his family.

MOTION: MOVED by D. Gunn and Seconded by R. Riddett: "That the following variance from the requirements of Zoning Bylaw 2003, Section 125.6(a)(ii), further to the construction of an addition at Lot 2, Section 89, Lake District, Plan 427 (4914 Prospect Avenue) be granted:

- a) relaxation of interior side lot line setback from 3.0 m to 2.74 m**

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on January 8, 2016."

Board comments:

- The variance is minor in terms of overall setback.

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- There is benefit to removing the shed that does not fit in.
 - The neighbours view will be affected and it is understandable they are not pleased however the proposed addition is within the height requirements.
 - There is hardship in the design restrictions; the aesthetic could be compromised with a different design. It is good engineering practice to build straight up rather than with a jog.

The Motion was then Put and CARRIED

Adjournment

On a motion from D. Bartlett, the meeting was adjourned at 7:55 p.m.

H. Charania, Chair

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

Recording Secretary