

MINUTES
BOARD OF VARIANCE
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL
FEBRUARY 12, 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

Minutes: Moved by D. Gunn and Seconded by R. Riddett: "That the minutes of the Board of Variance meeting held January 8, 2014, be adopted as circulated."
CARRIED

Meeting schedule: Board members discussed meeting times: consensus was that if four or less simple applications are received, Board meetings will be held at 5:30 p.m. for a trial period of six months. This issue will be revisited in the future.

Whiteside Street Addition
BOV #00394

Applicant: Alfred Styan
Property: 587 Whiteside Street
Variance: Relaxation of allowable floor space in non-basement areas from 80% to 90%

The Notice of Meeting was read and the applicant's letter received. Signatures of no objection received from: W. Guptill, 3854 Tillicum Road; W. & W. Hopwo, 3884 Tillicum Road; K. & K. Jenson, 585 Whiteside Street; C. Chalmers, 588 Whiteside Street; A. Olsten, 3874 Tillicum Road; K. Armstrong, 581 Whiteside Street.

Applicants Lesley and Alf Styan, applicants, were present in support of the application and stated that their design is simplistic and conservative and altered to oblige staff concerns. In response to a question, they stated that the shed on the property was removed and the ash tree will not be affected.

In Favour Nil

In Opposition Nil

MOTION: MOVED by R. Riddett and Seconded by R. Kelley: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 210.4(c) further to the construction of an addition to the house Lot 7, Section 14, Victoria District, Plan 9878 (587 Whiteside Street):

a) relaxation of allowable floor space in non-basement areas from 80% to 90%

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on February 12, 2016, if a building permit for the proposed work has not been issued."

CARRIED

Cadboro View Road Addition
BOV #00395

Applicants: Jan Henry and Ian Cordon
Property: 3825 Cadboro View Road
Variance: Relaxation of rear yard setback from 11.0 metres to 8.80 metres

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

Applicants Jan Henry, applicant, was present in support of the application. In response to questions from the Board she stated:

- They have spoken with the neighbours and have their support; the new sunroom will not impede the neighbour’s views.
- They wish to enclose the existing deck because it is too cold and windy to enjoy.
- No new ground will be disturbed and the addition will not encroach any further than any other part of the house.
- The French doors will most likely be removed.
- The lower level sunroom is not often used, and the unheated gazebo is used only in the summer.
- The existing house and gazebo are non-compliant and predates the current owners.

In response to Board questions/comments the Zoning Officer stated:

- The request for relaxation is for the new construction.
- The rear lot line setback on waterfront property is the high water mark as determined by the surveyor.

In Favour Nil

In Opposition Nil

MOTION: MOVED by D. Gunn and Seconded by R. Kelley: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 290.3(a)(ii), further to the construction of a sunroom addition on Lot A, Section 44, Victoria District, Plan VIP86337 (3825 Cadboro View Road):

a) relaxation of rear yard setback from 11.0 metres to 8.80 metres

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on February 12, 2016, if a building permit for the proposed work has not been issued.”

CARRIED

Vincent Avenue Existing accessory building **Applicants: Theo and Kai Riecken**
Property: 440 Vincent Avenue
Variance: Relaxation of rear yard setback from 1.5 metres to 1.29 metres

BOV #00396 The Notice of Meeting was read and the applicant’s letter received. Signatures of no objection received from: J. Huse, 439 Walter Avenue; J. & K. Field, 434 Vincent Avenue; S. Sekhon, 444 Vincent Avenue.

Applicants Theodore Riecken, applicant, was present in support of the application and had nothing further to add.

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

- There was a previous application for Variance granted to the previous owners but it was not acted upon. There had been a garage on the property previously, and it was removed.
- He had been advised by staff that the site plan information he had provided for the garage under construction was adequate and he did not need a survey.

- He was later asked for a survey to pass inspection, and the survey indicated that they were encroaching onto the rear setback.
- The garage will be used for car and tool storage.
- The trench is being dug for electrical service as there will be an office in the garage; there will not be a washroom.

In Favour Nil

In Opposition Nil

MOTION: **MOVED by D. Bartlett and Seconded by D. Gunn: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 210.5(a)(ii), further to the retention of an existing accessory building under construction on Lot 13, Section 15, Victoria District, Plan 1070 (440 Vincent Avenue):**

a) relaxation of rear yard setback from 1.5 metres to 1.29 metres

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on February 12, 2016, if a building permit for the proposed work has not been issued.”

CARRIED

<p>Vantreight Drive New house BOV #00397</p>	<p>Applicant: Christine Lintott OBO David Price Property: 4661 Vantreight Drive Variance: Relaxation of rear yard setback from 11.0 metres to 1.5 metres Relaxation of overall height from 6.5 metres to 6.95 metres</p>
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The Notice of Meeting was read and the applicant’s letter received.

Applicants Christine Lintott, applicant, Noah Regelous, Lintott Architects, and David Price, owner, were present in support of the application and noted:

- The primary reason for this variance request is relevant to the western property line being classified as a rear setback when it acts more like a side setback.
- The lot is long and narrow, and the average grade works against the applicant relative to the topography.
- The design results in a visual corridor that is in favour of the adjacent properties.

In Favour Gordon Griffiths, 4569 Vantreight Drive:

- Expressed thanks for the information that was provided to them about the application and stated he has no objection.

Robert and Donelda Wilson, 4660 Vantreight Drive:

- Echoed the thanks of the previous speaker about the process, and stated they have no objection to the application.

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

- The height variance they are seeking is lower than the height of the existing home. The variance is required because of the flat roof design.
- The garage that is on the plans will not be constructed; the plans will be reconfigured to conform to the Zoning Bylaw.

- The house was purchased in November 2013. Due diligence was done by the owner in reviewing Bylaws with his lawyer and architect.
- Design alternatives were considered; the architect tried to design the home within the existing building context. Too many awkward angles affected living space; the design they came up with respects privacy and views of neighbours and preserves trees. The definition of the rear yard for this site seems peculiar.
- Rotating the house would create over-look issues and loss of privacy for the neighbours.
- They did consider renovating the existing house, however it is not economical; it is a 1930's house.
- The hardship is the definition of the west property line as the rear yard.

In Opposition

Nil

MOTION:

MOVED by R. Riddett and Seconded by D. Gunn: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 290.3(a)(ii) and 290.3(b)(i) and (ii), further to the construction of a new house on Lot 1, Section 85, Victoria District, Plan 2617 (4661 Vantreight Drive):

- a) relaxation of rear yard setback from 11.0 metres to 1.5 metres
- b) relaxation of overall height from 6.5 metres to 6.95 metres

And further that the variances so permitted be in accordance with the plans submitted to the Board, and expire on February 12, 2016, if a building permit for the proposed work has not been issued."

Board comments:

- The narrowness of the site is recognized; if the applicant rotated the house the setbacks would be acceptable. The variance seems major.
- The interpretation of the Bylaw with regards to side lot and rear lot creates a constraint and hardship for the applicant. The shape of the lot is difficult.
- The design as presented will not affect the neighbour's view and privacy; if the house was put elsewhere it would create a hardship for the neighbours.

**The Motion was then Put and CARRIED
Opposed: H. Charania**

Adjournment

On a motion from R. Riddett, the meeting was adjourned at 8:05 p.m.

Haji Charania, Chair

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

Recording Secretary