

MINUTES  
**BOARD OF VARIANCE**  
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL  
**MARCH 12, 2014 AT 5:24 P.M.**

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Members: H. Charania, D. Gunn, R. Gupta, R. Kelley, R. Riddett

Staff: K. Gill, Zoning Officer, A. Park, Senior Committee Clerk

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Karen Crescent Fence  
BOV#00387

Moved by D. Gunn and Seconded by R. Riddett: "That, at the request of the applicant, consideration of the variance application at 993 Karen Crescent be postponed until the meeting of June 11, 2014."

**CARRIED**

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Minutes: Moved by D. Gunn and Seconded by R. Kelley: "That the minutes of the Board of Variance meeting held February 12, 2014, be adopted as circulated."

**CARRIED**

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Hibbens Close  
New House

**Applicant: Dixie Klaibert and Chris Stooksbury**  
**Property: 2722 Hibbens Close**  
**Variance: Relaxation of single face height from 5.0 metres to 5.6 metres**

BOV #00398

The Notice of Meeting was read and the applicant's letter received. Signatures of no objection were received from nine nearby residences.

Applicants

D. Klaibert and C. Stooksbury, applicants, were present in support of the application and stated:

- The new home will replace an existing derelict house.
- Site challenges include the waterfront location, grade changes, an easement and the archeologically sensitive nature of the lands; this severely limited the location of the new building.
- A stepped design with a flat roof was chosen to fit within the environment and meet the challenges of the site; they do not intend to dig deeper than the existing house which meant that one portion of the structure is above height.
- They have designed the home for a green roof.

In response to questions, the applicants advised:

- The existing garage will be renovated as a guest suite and/or playroom and will not have a kitchen.
- The proposed new home will have an in-law suite.
- A steel beam is required to support the weight of a green roof.
- Ceiling heights of 10 feet in the living room and 9 feet in the bedroom are proposed.

The Zoning Officer stated:

- No stoves are allowed in accessory buildings, although a fireplace may be permitted.
- There is a private covenant on the site with respect to height.
- The property is within a special zone that sets lower height limits.

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 255.4(b) further to the construction of a new house on Lot B, Section 44, Victoria District, Plan VIP44023 (2722 Hibbens Close):

- a) relaxation of single face height from 5.0 metres to 5.6 metres

and further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on March 12, 2016, if not acted upon.”

Board comments:

- the application offers an excellent use of the site without negatively impacting the neighbours interests.

**The Motion was then Put and CARRIED**

Cordova Bay Road  
New House  
  
BOV #00399

**Applicants:** Mike Dalton(Citta Group) on behalf of Dale and Janice Christenson  
**Property:** 5097 Cordova Bay Road  
**Variance:** Relaxation of front lot line setback from 7.5 metres to 6.35 metres  
Relaxation of overall height from 6.5 metres to 7.0 metres  
Relaxation of single face height from 6.5 metres to 7.2 metres

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

Applicants

Dale and Janice Christenson were present in support of the application. In response to questions from the Board they stated:

- The footprint of the new home was limited due to the setbacks required from the ocean and an adjacent park; the design has a second storey for needed living space.
- The flat roof design was chosen so as not to impact neighbours and the environment.
- The neighbours who could have concerns about impact on views are already screened from the new house by trees and hedges; they do not expect the restaurant deck views will be impacted as their house is set further back.
- If they were to excavate further into the site to reduce the height, there would be a stronger risk of flooding and additional expenses.
- They have already cleaned up the site to the delight of their future neighbours.
- They are aware of the cracked retaining wall which will be repaired during the building process.

The Zoning Officer advised that the site is within an Environmental Development Permit Area with stringent requirements. Any plans approved by the Board could not be varied.

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 295.3(a)(i) further to the construction of a new house on Lot 21, Section 30, Victoria District, Plan VIP4101 (5097 Cordova Bay Road):

**a) relaxation of front lot line setback from 7.5m to 6.35m**

**and further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on March 12, 2016, if not acted upon.”**

Board Comments:

- The applicants presented a good case for this variance given the disparity between initial and subsequent surveys and the stringent requirements for the rear setback.

**The Motion was then Put and CARRIED**

**MOVED by R. Riddett and Seconded by R. Kelley: “That the following variance be granted from the requirements of Zoning Bylaw, 2003, Section 295.3(b)(i) further to the construction of a new house as above:**

**b) relaxation of overall height from 6.5m to 7.0m**

**and further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on March 12, 2016, if not acted upon.”**

Board Comments:

- Because this is a depressed site, the new house will have no negative impact on the neighbours and minimal impact on views.
- The application lacked information on the costs associated with alternative design options.
- The height remains a concern.

**The Motion was then Put and CARRIED  
R. Gupta Opposed**

**MOVED by D. Gunn and Seconded by R. Riddett: “That the following variance be granted from the requirements of Zoning Bylaw, 2003, Section 295.3(b)(ii) further to the construction of a new house as stated above:**

**c) relaxation of single face height from 6.5m to 7.2m**

**and further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on March 12, 2016, if not acted upon.”**

Board Comments:

- This variance approval is tied to the approval of the overall height variance.
- It is a minor variance and there is a hardship due to the topography and changing elevations and the need to push the house closer to the road.
- There was no representation from neighbours with respect to impact on their properties.

**The Motion was then Put and CARRIED  
R. Gupta Opposed**

Epsom Drive  
Decks

**Applicant: Andrew Kollmar  
Property: 3836 & 3834 Epsom Drive  
Variance: Relaxation of interior side lot line from 3.0m to 1.53m  
Relaxation of combined side yard setback from 30% to 22%**

BOV #00400

The Notice of Meeting was read and the applicant's letter received. Neighbours from 3839 and 3838 Epsom Drive attended in support.

Applicants C. Kollmar and A. Kollmar, applicants, were present in support of the application and advised that they wish to fill in the area extending from the existing sunrooms to each exterior edge of the house, with decks.

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

- The neighbour to the south was consulted about the proposed decks and has no objection; it will not be in his view.
- They wish to extend on either side of the existing sunrooms which do not meet the bylaw requirements.
- They have no alternative plans should this variance be denied.

The Zoning Officer advised that the house was built as a duplex and is presently non-conforming with respect to the setback in question. The duplex Zone, RD-1, requires a combined interior side setback of not less than 30% of the lot width while the RS-6 Zone for single family homes is less stringent; these decks would meet the RS-6 requirements.

In Favour Nil

In Opposition Nil

**MOTION:** **MOVED by R. Riddett and Seconded by R. Kelley: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Section 301.4(a)(iii), further to the construction of two decks on Lot 3, Section 32, Victoria District, Plan 11874 (3386 & 3384 Epsom Drive):**

- a) relaxation of interior side lot line setback from 3.0 metres to 1.53 metres
- b) relaxation of combined side yard setback from 30% to 22%

**and further that the variances so permitted be in accordance with the plans submitted to the Board, and expire on March 12, 2016, if not acted upon."**

Board comments:

- The decks proposed can be considered an extension of an already existing wall and will not negatively affect neighbours.
- Because the house is a duplex, the decks do not meet the setback requirement; under single family zoning, they would comply.

**The Motion was then Put and CARRIED**

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Bow Road **Applicant: Joby Tayour on behalf of Chris Renton**  
Existing Deck **Property: 3992B Bow Road**  
**Variance: Relaxation of rear lot line setback from 7.5m to 7.0m**

BOV #00401

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

Applicants Joby Tayour, Ridgewood Renovations, applicant, on behalf of Chris Renton, was present in support of the application and noted:

- Although a building permit was issued for the deck renovation, a survey determined that the deck did not meet the setback requirement for the rear lot line.
- The proposed deck will be smaller than the existing deck.

- There is an accessory structure at the rear of the yard which is roofed.

In Favour Nil

In Opposition Nil

**MOTION: MOVED by R. Gupta and Seconded by D. Gunn: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Sections 220.4(a)(i), further to the construction of a deck on Lot A, Section 56, Victoria District, Plan 49717 (3992B Bow Road):**

- a) relaxation of rear lot line setback from 7.5 metres to 7.0 metres

**and further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on March 12, 2016, if not acted upon."**

Board comments:

- although the drawings were inadequate, it appears that the proposed deck is smaller than the existing deck and will use the original footings; it will be an improvement.

**The Motion was then Put and CARRIED**

Adjournment On a motion from R. Riddett, the meeting was adjourned at 6:50 p.m.

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Haji Charania, Chair

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

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Recording Secretary