

MINUTES
BOARD OF VARIANCE
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL
JUNE 11, 2014 AT 7:00 P.M.

Members: H. Charania, D. Gunn, R. Gupta, R. Kelley, R. Riddett
Staff: L. Gudavicius, Zoning Officer, A. Park, Senior Committee Clerk
Minutes: Moved by R. Riddett and Seconded by D. Gunn: "That the minutes of the Board of Variance meeting held May 14, 2014 be adopted as amended.
CARRIED

Karen Crescent Existing fence
BOV #00387
Applicant: Paul Dunning
Property: 993 Karen Crescent
Variance: Relaxation of fence height from 1.9 m to 2.35 m
Relaxation of fence/guard rail from 1.07 m to 1.92 m

The Notice of Meeting was read and the applicant's letter received. Letters of support received from J. and H. Hendry, owners, 996 Karen Crescent; J. and K. White, 994 Ridgeway Street; M. Freeman, 992 Karen Crescent; L. and J. Schaerer, 996 Karen Crescent; A. Pel and P. Bailey, 1001 Karen Crescent; A. and T. Hunt, 985 Karen Crescent.

Applicants Paul and Donna Dunning, applicants and owners, were present in support of the application and outlined the hardships of the rocky site with differences in grade which made it difficult to fence. Several fencing contractors were consulted as well as the Saanich Bylaw and Engineering departments before the fence was built. Neighbours were extensively consulted with all including the owner of 997 Karen Crescent agreeing with the design. The new fence does not interfere with the neighbour's use or enjoyment of their yard. They consulted with the Zoning Officer regarding possible drainage issues and were advised it is a matter to be resolved between neighbours. They are willing to plug the drainage pipes but do not have access to the neighbour's property in order to do so.

In Favour M. Freeman, 992 Karen Crescent:

- If the fence was lowered to meet the bylaw, it would become a safety hazard for children who would then be able to climb the fence, unaware of the steep drop on the other side.

Mr. Bailey, 1001 Karen Crescent:

- The backfill along the fence is not an issue.
- He witnessed the construction of the fence which was done with the agreement of the owner of 997 Karen Crescent.

J. Hendry-Shaerer, 996 Karen Crescent:

- If the fence were reduced in height, it would create a safety issue for her children.

D. Freeman, 992 Karen Crescent:

- The owner of 997 Karen Crescent no longer resides on the property.

J. White, 994 Ridgeway Street:

- She supports the request for the variance and is opposed to any lowering of the fence. The applicants consulted all neighbours during the design and construction phase and all agreed to the fence as built.

In Opposition

Mr. J. Psaila, on behalf of J. O'Neill, 997 Karen Crescent:

- The bylaw allows a fence up to 42 inches in height atop a retaining wall;
- The fence as built is approximately 10 feet high viewed from their property.
- The retaining wall was built first, then backfilled, then the fence erected on top.

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

- The drainage issue is not part of this variance application; however, the applicant is willing to plug the drain holes in the retaining wall if the neighbour agrees.
- Fencing contractors were consulted on the design of the fence and the best plan undertaken.
- No fill was brought into the property. Soil was placed between the fence and an uneven rock outcrop to level the land.
- There is some flow of water on the property but no eroded path was evident.
- The retaining wall was built properly using rebar drilled into the rock and is well anchored.
- The fence was built in November 2012 without complaint; neighbours were all in agreement that the fence was appropriate and acceptable.

The Zoning Officer clarified that a building permit is not required before building a fence.

MOTION:

MOVED by R. Riddett and Seconded by D. Gunn: "That the following variances be granted from the requirements of Zoning Bylaw 2003, No. 8200, Sections 6.2(e) and (f)(ii), further to the retention of an existing fence on Lot 12, Section 64, Victoria District, Plan 13900 (993 Karen Crescent):

- a) relaxation of fence height from 1.9 m to 2.35 m
- b) relaxation of fence/guard rail from 1.07 m to 1.92 m

And further that the variances so permitted be in accordance with the plans submitted to the Board."

Board comments:

- The fence as constructed appears to be the best alternative for this challenging, sloping site and should remain as it is.
- The applicant might consider offering to ameliorate the appearance of the wall and fence on 997 Karen Crescent through plantings.
- It is important that the applicant address the drainage concerns between 993 and 997 Karen Crescent.

The motion was then Put and CARRIED

Lavender Avenue Addition
 Applicant: Alex and Emily Nagelbach
 Property: 961 Lavender Avenue
 Variance: Relaxation of single face height from 7.5 m to 9.32 m
 Relaxation of allowable floor space in non-basement areas from 80% to 95%
 BOV #00407

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

Applicants Alex and Emily Nagelbach, and designer, Lindsey Baker, attended in support of the application. Letters of support for the variance were submitted from residents of 950, 960, 971 and 980 Lavender Avenue and from 950 and 954 Burnside Road West.

- The applicants confirmed that although the variance application has been revised, there has been no change to the design plans submitted.
- The basement level is accessed from the outside and has a narrow central aisle at full height with the remainder rocky and below usable height.
- The full area of the basement was included in the calculation of allowable floor space and resulted in the revised application.

In Favour Nil

In Opposition Nil

MOTION: MOVED by R. Gupta and Seconded by R. Riddett: “That the following variances be granted from the requirements of Zoning Bylaw 2003, No. 8200, Sections 210.4(b)(ii) and (c), further to the construction of an addition to the house on Lot B, Section 79, Victoria District, Plan 38163 (961 Lavender Avenue):

- a) relaxation of single face height from 7.5 m to 9.32 m
- b) relaxation of allowable floor space in non-basement areas from 80% to 95%

And further that the variances so permitted be in accordance with the plans submitted to the Board, and expire on June 11, 2016, if not acted upon.”

Board comments:

- The applicant has addressed the questions raised at the first meeting of the Board.
- The existing basement is not usable space and therefore the request for a variance is reasonable.

The motion was then Put and CARRIED

Synod Road Roof reconstruction / addition
 Applicant: Jelena Milojevic
 Property: 3821 Synod Road
 Variance: Relaxation of single face height from 7.5 m to 8.3 m

BOV #00410 The Notice of Meeting was read and the applicant’s letter received. Letters of support were received from 3817 and 3823 Synod Road.

Applicants Ms. Jelena Milojevic, owner and applicant, attended in support of the application and stated:

- The additional space is needed to accommodate rehearsals and music lessons as both she and her husband are musicians and work from home.
- The attic space proposed for the addition would not be usable without the additional height which is the subject of the variance; it will be accessed from inside the home.
- Neighbours support the application and their views will not be impacted as their property is a lower site.

- A shadow diagram was submitted to indicate the impact of their addition on neighbouring property.
- A new garage is also proposed which will require removal of trees under permit from Saanich Parks.

The Zoning Officer commented that the application appears to meet the allowable floor space in non-basement area requirement. She suggested that the applicant be made aware that assembly use is not permitted under the home occupation regulation.

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, No. 8200, Section 230.4(b)(ii), further to the reconstruction of the roof and an addition to the house on Lot 2, Section 40, Victoria District, Plan 42237 (3821 Synod Road):**

- a) relaxation of single face height from 7.5 m to 8.3 m

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on June 11, 2016, if not acted upon.”

Board comments:

- The variance will not negatively impact the neighbourhood; however, the home occupation use would be negatively impacted without the addition to the home.
- The extra space could have been added elsewhere and there is no real hardship.

**The motion was then Put and CARRIED
Opposed: D. Gunn**

Burnley Close
Accessory
Building

Applicant: Nick and Nancy Lupkoski
Property: 4131 Burnley Close
Variance: Relaxation of front lot line from 7.5 m to 6.1 m
Relaxation of exterior side lot line from 3.5 m to 0.91 m

BOV #00411

The Notice of Meeting was read and the applicant’s letter received. Letters of no objection received from R. and J. Brunwald, 4130 Burnley Close; M. Tschanz, 1575 Burnley Place; A. and A. Tang, 1574 Burnley Place. Letter of objection received from D. Walls, 4127 Burnley Close.

- Applicants Mrs. Nancy Lupkoski, owner and applicant, and Mr. Rob Baxter, 4126 Burnley Close, architect designer, attended in support of the application and stated:
- Letters of support for the accessory building have been submitted from those residents most affected by the change.
 - The proposed building will be used for quiet hobby activities.
 - There is no area to build elsewhere on the lot.
 - They do not park on the street but in front of their garage; there is no space inside the home for a workshop.
 - The structure is well within allowable height; due to the grade, a cut will be necessary in order to make the building level with a walkway from the house and accessible by wheelchair.
 - Only one door is proposed but another will be added if required by Building Code.
 - The variance to the side lot line is calculated from the wall of the structure not the roof overhang.
 - Although the structure could be pushed back from the front lot line somewhat, the proposed location lines up well with the main house; plantings will be added to soften its appearance from the street.

In Favour Nil

In Opposition Nil

MOTIONS: **MOVED by D. Gunn and Seconded by R. Riddett: "That the following variance be granted from the requirements of Zoning Bylaw 2003, No. 8200, Sections 210.5(a)(i), further to the construction of an accessory building on Lot 17, Section 54, Victoria District, Plan 28508 (4131 Burnley Close):**

a) relaxation of front lot line from 7.5 m to 6.1 m

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on June 11, 2016, if not acted upon."

**The motion was then Put and CARRIED
Opposed: R. Gupta**

MOVED by D. Gunn and Seconded by R. Gupta: "That the following variance be granted from the requirements of Zoning Bylaw 2003, No. 8200, Sections 210.5(a)(iii), further to the construction of an accessory building on Lot 17, Section 54, Victoria District, Plan 28508 (4131 Burnley Close):

b) relaxation of exterior side lot line from 3.5 m to 0.91 m."

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on June 11, 2016, if not acted upon."

Board comments:

- The structure could have been sited outside the required setback from the front lot line.
- There is a significant hardship associated with the property due to the lot, its slope and mature trees.

- The additional door if required, should be situated on the south side of the structure thereby keeping the three foot side yard setback clear.
- The neighbourhood character will change somewhat due to this new structure.

The motion was then Put and CARRIED

Tristan Place
Garage
conversion

Applicant: Chau Trinh
Property: 1290 Tristan Place
Variance: Relaxation of allowable floor space in non-basement areas from 80% to 83%

BOV #00412

The Notice of Meeting was read and the applicant’s letter received. Signatures of no objection received from R. Sidhu and M. Hawes, 1294 Tristan Place; D. Farley, 1298 Tristan Place; M. Dhau and C. Doyle, 1293 Tristan Place. Letter of objection received from R. Thomas, 1289 Tristan Place.

Applicants

Chau Trinh and Nicholas Kruks, applicant and owners, attended in support of the application and advised:

- The home business has been operating for approximately one year.
- There is sufficient parking on their lot for family and customer cars.
- There is only one access door to the salon.
- There is no change necessary to the exterior of the building.
- They chose to locate the business in the former garage area, furthest from the family home.

In Favour

Nil

In Opposition

Nil

MOTION:

MOVED by D. Gunn and Seconded by R. Gupta: “That the following variance be granted from the requirements of Zoning Bylaw 2003, No. 8200, Section 210.4(c), further to the conversion of a garage to living space at Lot 3, Section 16, Victoria District, Plan VIP59458 (1290 Tristan Place):

a) relaxation of allowable floor space in non-basement areas from 80% to 83%

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on June 11, 2016, if not acted upon.”

Board comments:

- There will be no change to the exterior of the home as a result of this application and there is sufficient parking space on the property.

The motion was then Put and CARRIED

Service Street
Addition

Applicant: Peter and Kellie Hoppe
Property: 3150 Service Street
Variance: Relaxation of allowable floor space in non-basement areas from 80% to 92%

BOV #00413

The Notice of Meeting was read and the applicant’s letter received. Letters of support were submitted from residents of 3161, 3160, and 3151 Service Street.

The Board noted that some members had difficulty, or were unable, to access and evaluate the property due to the presence of a dog and other obstructions.

Applicants Peter and Kellie Hoppe, owners and applicants, and Mr. Ron McNeil, McNeil Building Designs Ltd., attended in support of the application and advised:

- The application is to modernize and rebuild an existing sunroom on a deck adding a bedroom below on the ground level.
- It was not practical to deepen the basement bedroom space in order to meet the bylaw requirements as the room was at a different level from the rest of the basement.
- There will be no access to the bedroom from the exterior of the house.
- The bedroom is for a family member who presently occupies the basement and does not have any private space; it made sense to enclose the area and put in a proper foundation.

In Favour Nil

In Opposition Nil

MOTION: **MOVED by R. Riddett and Seconded by D. Gunn: “That the following variance be granted from the requirements of Zoning Bylaw 2003, No. 8200, Section 210.4(c), further to the construction of an addition to the house on Lot 16, Section 27, Victoria District, Plan 1311 (3150 Service Street):**

a) relaxation of allowable floor space in non-basement areas from 80% to 92%

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on June 11, 2016, if not acted upon.”

Board comments:

- There will be no effect on the massing of the building if this variance is granted.
- There is a need to upgrade and rebuild the sunroom and create bedroom space for the family.
- It is an older building and would benefit from modernizing.
- The Board is disappointed that access to the property was not safely provided.

**The motion was then Put and CARRIED
With R. Gupta abstaining**

Tracksell Avenue Accessory building

Applicant: Mark and Kelly Wilson
Property: 1287 Tracksell Avenue
Variance: Relaxation of height from 3.75 m to 4.36 m

BOV #00414

The Notice of Meeting was read and the applicant’s letter received. Letters of support were submitted from residents of 1280, 1281, 1291, 1288 and 1286 Tracksell Avenue.

Applicants

Mark & Kelly Wilson, owners and applicants, and Mr. Lindsey Baker, designer, attended in support of the application and submitted a diagram illustrating the new structure in context with the house.

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

- A standard 6 foot 6 inch door is proposed.
- The topography of the lot with its steep slope and driveway and mature Garry oak trees limited the siting of the garage.
- They propose to use the same footprint and orientation as the existing garage although the structure will be higher to allow for storage and parking of vehicles below.
- Without a pitched roof, there would be deterioration due to debris and rot from trees.
- They do not have to remove any oak trees.
- The quaint garage structure will blend in well as the main house is 20 feet higher.

In Favour Nil

In Opposition Nil

MOTION: MOVED by R. Kelley and Seconded by R. Riddett: "That the following variance be granted from the requirements of Zoning Bylaw 2003, No. 8200, Section 210.5(b), further to the construction of an accessory building on Lot A, Section 62, Victoria District, Plan 17295 (1287 Tracksell Avenue):

a) relaxation of height from 3.75 m to 4.36 m

And further that the variances so permitted be in accordance with the plans submitted to the Board, and expire on June 11, 2016, if not acted upon."

Board comments:

- The design fits with the existing structure and the garage needs to be replaced. The lot is sloping and treed; views will not be impacted.
- The site chosen appears to be the only reasonable location for the garage.

The motion was then Put and CARRIED

Adjournment On a motion from R. Gupta, the meeting was adjourned at 9:30 p.m.

Haji Charania, Chair

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

Recording Secretary