

**MINUTES
BOARD OF VARIANCE
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL
JANUARY 21, 2015 AT 7:00 P.M.**

Members: H. Charania, D. Gunn, R. Gupta, 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 2015.

Moved by R. Riddett and Seconded by D. Gunn: "That H. Charania be nominated as Chair for 2015."

Mr. Charania accepted the nomination.
There being no other nominations, **the Motion was then Put and CARRIED**

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

The Board discussed the idea of considering applications to be incomplete when applicants do not clearly mark the work sites prior to the Board visiting. It was noted that the letter to applicants states that postponement may occur if sites are not marked and accessible.

Minutes: Moved by D. Gunn and Seconded by R. Riddett: "That the minutes of the Board of Variance meeting held December 10, 2014 be adopted as circulated."

CARRIED

Marcola Place Addition
BOV #00451
Applicant: Randall Recinos OBO Peter and Susan Barriscale
Property: 1556 Marcola Place
Variance: Relaxation of combined front and rear yard setback from 15.0 m to 13.5 m (addition to previously approved variance)

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

Applicants Peter Barriscale, owner, was present in support of the application and had nothing to add other than his builder is ready to work.

The Board noted that the error, which was not the fault of the applicant, is a very minor addition to the variance granted last month.

In Favour Nil

In Opposition Nil

MOTION: MOVED by D. Gunn and Seconded by R. Riddett: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Sections 210.4(a)(i) and 220.4(a)(i), further to the construction of # on Lot 15, Section 56, Victoria District, Plan 40299 (1556 Marcola Place):

a) relaxation of combined front and rear yard setback from 15.0 m to 13.5 m

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on January 21, 2017, if not acted upon."

CARRIED

Cordova Bay Road Accessory building addition

Applicant: John Kirkendale
Property: 5072 Cordova Bay Road
Variance: Relaxation of height from 3.75 m to 4.14 m

BOV #00455

The Notice of Meeting was read and the applicant’s letter received. Letters of support received from M. Harker, 995 Gloria Place and K. Smith, 5073 Cordova Bay Road.

Applicants

William Peereboom, Victoria Design Inc, and John and Lorraine Kirkendale, owners were present in support of the application and stated:

- There is an existing accessory building that functions as a carport/workshop; they would like to add to this building to facilitate boat storage.
- They do not want to attach the building to the house because of the Bylaw requirements regarding breezeways.
- They could flatten the roof, but they want it to fit in with the design of the existing structure.

The Zoning Officer provided clarification regarding the Bylaw requirements pertaining to breezeways.

Board members expressed concern that there were no apparent markings on the property to view on their site visit, and explained the importance of marking the site. The owner stated there was tape in the back yard showing the setback, however he did not indicate the height.

In response to questions regarding hardship, the designer stated that the alternative is to connect the accessory building to the house which would create a breezeway which requires living space to be constructed above. He also stated that this is an undersized RS-18 lot.

The Zoning Officer stated they would be required to apply for a rear yard setback if the accessory building is attached to the house.

In response to questions from the Board, the following was noted:

- A flat roof is an option, but a pitched roof is preferred to match the existing roof. If the accessory building was attached to the house, a height variance would not be needed.
- The highest peak will be about 13” above the highest point of the house.
- There is a bathroom in the studio plans.
- The storage container on the property will be removed after the addition is complete.
- They have owned this home since September; their family has lived in Cordova Bay area for over 100 years.
- The porch is located within the bylaw requirements.

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 295.4(b), further to the construction of an addition to an existing accessory building on Lot 1, Section 30, Lake District, Plan 15505 (5072 Cordova Bay Road):

- a) relaxation of height from 3.75 m to 4.14 m

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on January 21, 2017, if not acted upon.”

Board comments:

- The design is compatible with the existing house and fits in well with the neighbourhood.
- The height is not significantly different, and if the building was connected to the house, height would not be an issue.
- The owners have good intent to shield the boat on their property.
- The building does look like a second home with the studio and washroom.
- It could have been designed with a flat roof.
- The variance is minor and is an improvement of the existing structure.

The Motion was then Put and CARRIED

White Rock Street
Garage addition

BOV #00456

Applicant: Victoria Design Group OBO Barry Andruschak
Property: 4035 White Rock Street
Variance: Relaxation of front yard setback from 7.5 m to 1.5 m
Relaxation of combined side yard setback from 4.5 m to 3.0 m

The Notice of Meeting was read and the applicant’s letter received. Letter of support received from R. Scott, 4039 White Rock Street. Letter of objection received from K. and K. Shields, 4035 White Rock Street.

Applicants

William Peereboom, Victoria Design Group, John Considine, builder, and Barry Andruschak, owner were present in support of the application.

MOVED by D. Gunn and Seconded by R. Gupta: “That consideration of the application for variance at 4035 White Rock Street be TABLED due to the site not being accessible or marked for the Board prior to this evening’s meeting.”

DEFEATED

OPPOSED: H. Charania, R. Kelley, and R. Riddett

In response to questions from the Board, the following was noted:

- They are asking to build a structure that is similar to one up the street.
- The existing structure on site will be removed; it is too small for vehicles.
- There is only room for boulevard parking and it is too difficult to build at the back of the house with the rock and the Environmental Development Permit area.
- The proposed structure will be further set back than the existing structure.
- A deck was included in the plans because of the structure’s flat roof and it was designed with glass railings for the benefit of the neighbours.
- The owner has owned the house since July 2014. They have been remodelling, and the garage was a late thought and considered only after they learned about the option to request a variance.

In Favour

Nil

In Opposition

Ken Shields, 4031 White Rock Street:

- Expressed concern that the diagram says the structure is 1.5 metres from the street, and feels that the existing structure is way back from the street.
- The height of the proposed deck blocks their view.
- The proposed structure will increase difficulty with sightlines when they back

out of their driveway.

Kathy Shields, 4031 White Rock Street:

- Suggested the proposed building will affect the ambiance of the area.
- Feels the proposed structure will take away their view when they step out of the front of the house.
- Noted the existing structure has been there for about 30 years.

The Board acknowledged the confusion that was expressed about where the street and property lines are located and noted that had the site been marked as required, the neighbour's anxiety may have been avoided. Consultation with the neighbours should have occurred. The Zoning Officer clarified that the setback is to the property line and not the road.

In response to questions, the designer and builder stated:

- The front of the existing garage is two feet ahead of where the proposed garage would be, so the neighbour's front view would actually improve.
- The proposed garage is wider.
- The proposed deck would be three steps lower than the existing deck.
- The railing portion of the deck is not necessary.
- The deck design was an afterthought.
- The existing structure is non-conforming.

In response to a question asking if they would consider building the structure without a deck, the builder and owner agreed to remove the deck and railings from the plans.

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)(i) and (iii), further to the construction of a garage addition to the house on Lot 2, Section 44, Victoria District, Plan 1544 (4035 White Rock Street):

- a) relaxation of front yard setback from 7.5 m to 1.5 m
- b) relaxation of combined side yard setback from 4.5 m to 3.0 m

And further that the variances so permitted be in accordance with the adjusted plans to be submitted to Saanich, showing the removal of the proposed deck and railings as discussed with the Board. This approval expires on January 21, 2017, if not acted upon."

Board comments:

- Having the deck and railings removed from the plans will be less of a visual problem and an improvement for the neighbour's view.
- There is hardship with the Environmental Development Permit area and the rock on the site as these both limit development.
- There was limited access to the site and there were no markings for the Board.
- The variance is major.
- The owner should try to conform to the bylaw; they are trying to perpetuate a non-conforming building.

**The Motion was then Put and CARRIED
OPPOSED: H. Charania and R. Gupta**

Timber Place Stair height	Applicant: Shoreline Design OBO Lorne and Marilyn Brack Property: 4797 Timber Place Variance: Relaxation of height from 0.6 m to 6.09 m
BOV #00457	The Notice of Meeting was read and the applicant's letter received.
Applicants	Peter Christensen, Shoreline Design, was present in support of the application and had nothing to add. The Zoning Officer stated that the proposed structure will be rebuilt on the same footprint, and will be the same height as the existing stairs; he also noted that Environmental Services has given an exemption to the property.
In Favour	L. Brooks, 4795 Timber Place, was present to observe and stated no objection to the variance request. Board members noted that they did not have safe access to view the site. In response to questions from the Board, the applicant stated: <ul style="list-style-type: none"> ▪ The pitch of the stairs will be reduced, as the current stairs are like a ladder. ▪ He does not know if the walls will be rebuilt. ▪ He has been building staircases for 15 years and just became involved in the projects in the last couple of months.
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, Section 5.16(b), further to the construction of a replacement set of stairs to the beach on Lot B, Section 121, Lake District, Plan 17293 (4797 Timber Place): <p style="text-align: center;">a) relaxation of height from 0.6 m to 6.09 m</p> And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on January 21, 2017, if not acted upon."
	Board comments: <ul style="list-style-type: none"> ▪ It is a large variance but there is severe hardship with the slope of the land. ▪ There is currently no safe access down to the beach. ▪ They are replacing an existing structure. ▪ They have received an exemption for the Environmental Development Permit Area. <p style="text-align: right;">The Motion was then Put and CARRIED</p>

Chelsea Place Addition	Applicant: PJF Construction OBO Ron and Isabel Hunsinger Property: 2527 Chelsea Place Variance: Relaxation of front yard setback from 7.5 m to 4.5 m
BOV #00458	The Notice of Meeting was read and the applicant's letter received. Letters of support received from J. Wolf, 2531 Chelsea Place and C. and F. Bechard, 2530 Chelsea Place
Applicants	Ron and Isabel Hunsinger, owners, were present in support of their application, and in response to questions from the Board, they stated: <ul style="list-style-type: none"> ▪ They are asking to build a small 12' x 16' deck. ▪ They bought the house in October and did not know the setbacks for

panhandle lots.

- The proposed deck is at the kitchen/living end of the house.
- There is a protected environmental area (Mystic Vale) at the north end of their house.
- The only other option is to put a very small deck on the other side with a long set of stairs.
- The neighbours have no objection.
- The house is non-conforming already.

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 230.4(a)(i), further to the construction of a deck addition to the house on Lot A, Section 44, Victoria District, Plan 13245 (2527 Chelsea Place):

a) relaxation of front yard setback from 7.5 m to 4.5 m

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on January 21, 2017, if not acted upon.”

Board comments:

- The siting of the house on the lot is a hardship, as is the environmental protected area restrictions.
- The deck is modest and the neighbours are in support.
- The relaxation is required because the Bylaw calls the area a front yard, however, functionally this is a side yard.
- The non-conformity of the proposed deck is small compared to the main house non-conformity.

The Motion was then Put and CARRIED

Portage Road Addition(s)	Applicant: Nigel Banks
	Property: 1173 Portage Road
	Variance: Relaxation of front yard setback from 7.5 m to 4.6 m
BOV #00459	Relaxation of front yard setback from 7.5 m to 0.9 m

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

Applicants Nigel Banks and Shelly Holob, owners, were present in support of the application. They would like to clear the history of the non-conforming problems with the houses, and do not want to demolish what is currently there.

Mr. Banks clarified the ownership history of the buildings on site as well as the various construction done over the years with and without permits.

In response to Board questions he stated:

- He has spoken with neighbours and received no objection; neighbours welcome him fixing up the buildings.
- One building is to be removed as it sits on a roadway.
- The septic system was replaced in the 1970’s.
- If approved the buildings will be more non-conforming, but the use will not change, and he is not trying to expand the buildings.

- They would like their son to live in the upper house.

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 101.5(a)(i) and 101.7(a)(i), further to the construction of an addition to the northerly single family dwelling on Lot 1, Section 16, Victoria District, Plan 19836 (1173 Portage Road):

- a) relaxation of front yard setback from 7.5 m to 4.6 m (to northerly single family dwelling)

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on January 21, 2017, if not acted upon.”

Board comments:

- It is very difficult terrain, location and topography on the site.
- The buildings are existing non-conforming.
- The applicant is trying to improve the aesthetics of the property.
- There is no impact to the neighbours.
- This will be an improvement and meets with the intent of the Bylaw.

The Motion was then Put and CARRIED

MOVED by D. Gunn and **Seconded** by R. Gupta: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Sections 101.5(a)(i) and 101.7(a)(i), further to the construction of an addition to the existing accessory building on Lot 1, Section 16, Victoria District, Plan 19836 (1173 Portage Road):

- a) relaxation of front yard setback from 7.5 m to 0.9 m (to existing accessory building)

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on January 21, 2017, if not acted upon.”

Board comments:

- It seems like a major variance but the same reasons as above validate the approval.

The Motion was then Put and CARRIED

Dysart Road
Existing
accessory
building

Applicant: Len Jones
Property: 2860 Dysart Road
Variance: Relaxation of height from 3.75 m to 3.88 m

BOV #00462

The Notice of Meeting was read and the applicant’s letter received. Signatures of no objection received from R. Finley, 2884 Dysart Road; O. MacTavish, 2870 Dysart Road; C. Piercey, 2850 Dysart Road; R. Baptist, 2855 Austin Avenue.

Applicants Len Jones, owner, and Ken Robertson, builder, were present in support of the application and had nothing to add.

In response to a question from the Board, Mr. Robertson noted that an honest mistake was made. He had dug the hole, set up the levels and left the site. The surveyors went to the site and got an incorrect benchmark; this resulted in the footings being dug a foot deeper than intended.

In Favour Nil

In Opposition Nil

MOTION: MOVED by R. Gupta and Seconded by R. Riddett: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 210.5(b), further to the retention of an existing accessory building at Lot 15, Section 20, Victoria District, Plan 801 (2860 Dysart Road):

a) relaxation of height from 3.75 m to 3.88 m

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on January 21, 2017."

Board comments:

- This is a minor request and a genuine mistake was made.

The Motion was then Put and CARRIED

Adjournment On a motion from R. Riddett, the meeting was adjourned at 9:00 p.m.

Haji Charania, Chair

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

Recording Secretary