

MINUTES  
**BOARD OF VARIANCE**  
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL  
**JUNE 10, 2015 at 5:00 P.M.**

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

Appointment of Chair: The Secretary called the meeting to order and asked for a motion to select a member to sit as Acting Chair.

Moved by R. Gupta and Seconded by R. Kelley: "That D. Gunn be appointed as Acting Chair for the June 10, 2015 Board of Variance meeting."

CARRIED

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Minutes: Moved by R. Kelley and Seconded by R. Gupta: "That the minutes of the Board of Variance meeting held May 13, 2015 be adopted as circulated."

CARRIED

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Landeem Place Release of covenant: The Zoning Officer provided information on a request from a property owner to have a covenant removed at 993 Landeem Place. This property had been granted a siting variance in March 2005, with a recommendation that a protected covenant be established.

Moved by R. Kelley and Seconded by R. Gupta: "That the Board of Variance is not in the position to address matters involving releasing municipal covenants and has no formal opinion in the matter of releasing the covenant at 993 Landeem Place."

CARRIED

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Gladiola Avenue Deck addition  
BOV #00490  
**Applicant: John and Cassbreea Dewis**  
**Property: 840 Gladiola Avenue**  
**Variance: Relaxation of interior side lot line setback from 3.0 m to 1.52 m**

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

Applicants: There was no one present in support of this application. The Zoning Officer noted that this is a duplex, not a single family dwelling.

In Favour: Nil

In Opposition: Nil

**MOTION: MOVED by R. Kelley: "That the following variance from the requirements of Zoning Bylaw 2003, Section 301.4(a)(iii) to relax the interior side lot line setback from 3.0 m to 1.52 m, further to the construction of a deck addition to the house on Lot A, Section 78, Victoria District, Plan VIS223 (840 Gladiola Avenue) be DENIED."**

**The Motion FAILED due to lack of a seconder.  
Consideration of this item was automatically TABLED to a future meeting.**

Haliburton Road Addition  
**Applicant: Kirsten Doyle**  
**Property: 998 Haliburton Road**  
**Variance: Relaxation of rear lot line setback from 12.0 m to 1.5 m**

BOV #00491

The Notice of Meeting was read and the applicant's letter received. Signatures of support received from M. Windels, 996 Haliburton Road; P. and R. Stenecker, 994 Haliburton Road.

Applicants

Kirsten Doyle, owner, was present in support of the application and had nothing further to submit. She requested clarification as to why this application had been brought to the Board.

The Zoning Officer explained the rules determining the front and rear yard setbacks and he noted that the carport does not meet the setback requirements. It was noted that the plans on file are dated November 2014.

In response to questions from the Board, Ms. Doyle stated:

- The carport was originally constructed with a permit, then it was raised and extended by the previous owner without permit.
- The house was purchased in October 2014.
- They are happy to leave the carport the way it stands; Saanich has said that alterations are needed.
- She is not sure what triggered this; the Building department asked for alterations to be done, so based on this, plans were submitted and they applied for a permit.
- She assumes that the previous owner may have submitted plans to the Building department. They bought the house 'as is' and do not want to change the building in any way.
- It could be that her partner maybe thought the carport would need to be legalized, so maybe he submitted plans to the municipality shortly after they purchased the house.
- She confirmed that if the variance is granted, no changes are planned to be made to the carport.
- They have no plans to rezone the property.
- They spoke with neighbours at 994 and 996 Haliburton Road, and have their support.
- They just want to make things right with the municipality.

In response to a question, the Zoning Officer stated that the house does not meet the setback requirements; approximately half of the house is over the setback. He stressed that the decision of the Board will be based on the plans submitted and that the structure must be identical to the plans.

In Favour Nil

In Opposition Nil

**MOTION: MOVED by R. Kelley and Seconded by R. Gupta: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 295.3(a)(ii), to allow for alterations to the existing carport on Lot AM1, Section 29, Lake District, Plan 5171 (998 Haliburton Road):**

**a) relaxation of rear lot line setback from 12.0 m to 1.5 m**

**And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on June 10, 2017, if not acted upon."**

Board comments:

- Placement of the house is an existing issue.
- Approval is based upon the plans submitted to the Board, if any rebuilding is required, it must match the plans.
- It would be a hardship to remove the carport as it is tied into the house.
- The structure does not impede any neighbouring views. The lot line bordering the carport is beside the driveway next door, not the house.

**The Motion was then Put and CARRIED**

Majestic Drive  
Plan change

BOV #00448

**Applicant: Aminul Islam**  
**Property: 4327 Majestic Drive**  
**Variance: Previously granted: relaxation of allowable floor space in non-basement areas from 80% to 88%. Request for change in plan drawings only.**

Applicants

The Notice of Meeting was read and the applicant’s letter received. Signatures of support received from M. Laseur, 4328 Majestic Drive; Blanche P., 1615 Agnew Avenue; M. Klassen, 4324 Majestic Drive; G. Sun, 4321 Majestic Drive.

Aminul Islam, owner, and Lyndsay Baker, Aspire Custom Designs Inc., were present in support of the application and had nothing further to add. In response to questions from the Board, the owner and designer stated:

- The owner is not presently living at the house on Majestic Drive and he plans to live there in the future.
- The drawings changed as it was found that some ideas from the original plans did not work. A washroom was moved, the kitchen was moved and a bedroom was added, they found aligning the building would be more structurally sound, having a firewall was suggested by the municipality. Based upon all this they submitted a revised plan and were told they needed to be approved by the Board.
- They do not need a further variance. They intend to submit the plans from this evening to the Inspections department tomorrow if approved. A meeting with a Building Inspector is scheduled for tomorrow.

In Favour

Nil

In Opposition

Nil

**MOTION:**

**MOVED by R. Gupta and Seconded by R. Kelley: “That the request for approval of the revised plans for an addition to the house at Lot 3, Section 17, Victoria District, Plan VIP58888 (4327 Majestic Drive) be granted.”**

Board comments:

- The variance was previously approved, and the applicant understands that this approval is based upon the new plans as submitted.
- The changes are confusing, it is difficult to see a hardship.
- This looks like a duplex, it is not fair to people who have gone through the process, however the original variance was approved.
- The neighbourhood Community Association is concerned about dormitory houses in the area.
- The use must comply with the Bylaw and the owner must live on the premises.

**The Motion was then Put and CARRIED**

Adjournment      On a motion from R. Kelley, the meeting was adjourned at 6:22 p.m.

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D. Gunn, Acting Chair

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

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Recording Secretary