

MINUTES  
**BOARD OF VARIANCE**  
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL  
**AUGUST 12, 2015 AT 7:00 P.M.**

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

Minutes: The minutes of the June 10, 2015 and the July 8, 2015 meeting will be adopted at a future meeting when all Board members who were present at that meeting are in attendance.

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Durling Place **Applicant: Cox Taylor Lawyers OBO Donald and Valerie Copeland**  
Existing seawall **Property: 4521 Durling Place**  
**Variance: Relaxation of height from 0.6 m to 1.66 m**

BOV #00498

The Notice of Meeting was read and the applicant's letter received. Signatures of no objection received from E. Connolly, 4546 Eva Avenue; J. Wang, 4525 Durling Place.

Applicants Donald Copeland, owner, and Kathleen Birney of Cox Taylor Lawyers, applicant, were present in support of the application.

The Chair noted that only half of the Board members were able to access the property. The applicant's noted that the application included photos of the area because the area is not accessible from the property and is only visible from the beach. They also were not sure of how to mark the property in this case.

Ms. Birney summarized the application and the following was noted:

- They do not feel that the work that was done is a structure; they replaced the surface of a failing slope with a new surface.
- The height restriction in the Bylaw is likely for views, which is not applicable in this case.
- This is a very minor variance. The house sits on top of a slope which needs to be stabilized. Debris including trees, rocks and parts of the staircase have fallen onto the beach.
- The after photos show a stable bank; the work was done via the expertise of an engineer as well as a biologist who advised on appropriate vegetation for the area.
- The work included removing and replacing materials, installing ripwrap and plantings. The appearance of the original slope has changed since the work was completed and it cannot be undone; this is a hardship.

The Zoning Officer provided clarification on the intent of the Bylaw in terms of the definition of a structure, and the misconception that the Bylaw is there to protect views.

In Favour Maureen and Katherine Connolly, 4546 Eva Avenue:

- Are immediate neighbours and have no issues with the application.
- Any wall is better than no wall. The previous owner ruined the slope stability.

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

- Mr. Copeland investigated to see if the slope was stable. Earlier reports from C.N. Ryzuk & Associates could have been more informative. They found out later about engineering reports that had been done. The previous owner

made some changes that he shouldn't have (e.g. added concrete to the slope) which increased the rate of failure.

- No more work is planned for the area. The minimum work has been done to comply with the engineer's report. The biologist made a recommendation about irrigation and they are not sure if it will be removed or not
- There are a fair amount of people that visit the beach below. They do not contribute to the erosion at all.
- This is in the Environmental Development Permit Area (EDPA) and they are not removing any native species, they just stabilized the slope.

The Zoning Officer confirmed that this is in the EDPA and the Environmental Services department will need to be consulted.

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, Section 5.16(b), further to the retention of an existing retaining wall Lot A, Section 86, Victoria District except part in Plans 6374, 23153, 27555, & 27835 (4521 Durling Place):**

- a) relaxation of height from 0.6 m to 1.66 m**

**And further that the variance so permitted is in accordance with the work done on the site."**

Board comments:

- The work was done properly, with a comprehensive geotechnical report.
- This is not intrusive and was needed to stabilize the bank.
- This is technically a retaining wall but does not appear to be a wall from the ground level. Boulders are not much different from the existing erratics.
- There is no impact to the neighbours.
- The Bylaw causes a hardship; the owner is protecting their investment.
- It would be a hardship for all if the slope fails all along the beach. This wall will prevent future erosion.

**The Motion was then Put and CARRIED**

Cadboro Bay Road  
New house  
BOV #00499

**Applicant: Graeme Mann OBO Chad Verch**  
**Property: 3923 Cadboro Bay Road**  
**Variance: Relaxation of house height from 6.5 m to 8.21 m**  
**Relaxation of house single face height from 6.5 m to 8.62 m**  
**Relaxation of accessory building height from 3.75 m to 4.41 m**

The Notice of Meeting was read and the applicant's letter received. Letter not in support received from R. and T. Beaulieu, 3917 Cadboro Bay Road.

Applicants

Graeme Mann, GT Mann Contracting, applicant; Cybil Verch, owner; and Will Peereboom, Designer, Victoria Design Group, were present in support of the application. Mr. Peereboom stated that the Bylaw is unusual in this case with the roof slope measurement, and he explained the barrel roof design measurement compared to flat and pitched roof designs.

In Favour

Nil

In Opposition Roland Beaulieu, 3917 Cadboro Bay Road, expressed difficulty with the application in that the roof would be increased by six feet and he feels this would be substantial in terms of his view.

Mr. Mann suggested that it would only be about six inches higher, not six feet.

The Zoning Officer provided Bylaw information regarding height of a flat roof and a peak roof.

In response to questions from the Board, the applicant, designer and owner stated:

- The hardship, besides not being able to lower the foundation, is that the Bylaw does not consider the shape of a barrel roof. It has the same massing as a sloped roof, it just has some architectural merit.
- To maintain the existing foundation is a hardship, they cannot dig lower as it will disturb the foreshore.
- The property is restrictive. They are not asking for a large variance.
- They are in the foreshore area and are keeping the existing exterior foundation walls for the house. The garage will be excavated but will be well away from the environmental area.
- To tear up the foundation and move the building would be a big hardship and would damage the environment unnecessarily.
- The house was purchased in June 2015; the owner did look at design options prior to purchase.

**MOTION:  
\*WITHDRAWN\***

**MOVED by D. Gunn and Seconded by R. Gupta: "That the following requests for variance from the requirements of Zoning Bylaw 2003, Sections 230.4(b)(i) and 230.5(b), further to the construction of a new house on Lot 1, Section 44, Victoria District, Plan VIP8567 (3923 Cadboro Bay Road) be denied:**

- a) relaxation of house height from 6.5 m to 8.21 m
- b) relaxation of house single face height from 6.5 m to 8.62 m
- c) relaxation of accessory building height from 3.75 m to 4.41 m."

**MOTION TO DENY WITHDRAWN**

Board comments:

- The variance is for design purposes not practical purposes.
- The narrow lot makes the height significant.
- The hardship is not clear.
- The biggest plus is that they are retaining the foundation and not further encroaching into the Oceanside.
- The Bylaw penalizes a barrel roof design, which is a hardship.

**MOVED by R. Riddett: "That the following requests for variance from the requirements of Zoning Bylaw 2003, Sections 230.4(b)(i) and 230.5(b), further to the construction of a new house on Lot 1, Section 44, Victoria District, Plan VIP8567 (3923 Cadboro Bay Road) be granted:**

- a) relaxation of house height from 6.5 m to 8.21 m
- b) relaxation of house single face height from 6.5 m to 8.62 m
- c) relaxation of accessory building height from 3.75 m to 4.41 m."

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

Gordon Head Road  
New house

**Applicant: Douglas MacAskill**  
**Property: 4355 Gordon Head Road**  
**Variance: Relaxation of front lot line from 15.0 m to 4.39 m**  
**Relaxation of height from 6.5 m to 7.34 m**

BOV #00502

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

Applicants

Doug and Brenda MacAskill, owners, and Will Peereboom and Natalie Thiffault, Victoria Design Group, were present in support of the application.

Mr. Peereboom explained the changes from their previously approved application to this amended version. The average grade changed because they enclosed the deck. They also changed the roof style to an arch and even though the roof is lowered it technically became higher according to the bylaw.

In Favour

Michael McEvoy, 4345 Gordon Head Road:

- Generally likes the design and is happy with the dome.
- Asked a question about the measuring of average grade.

Mr. Peereboom described how average grade is measured. In response to question from the Board, Mr. Peereboom and Ms. Thiffault stated:

- The roof re-design was for aesthetics and it brings down the overall height. The owners prefer the curved roof; after the February meeting the changes were made and it was felt that this was a reasonable change because it lowers the overall height.
- This is a more expensive design for the owners.
- If asked to meet the height requirement, they would have to eliminate or reduce the room under the deck to a size that is narrow and not usable.
- The average grade was correct originally, but now because of a post, the measurement has changed.
- This change does not affect the neighbours.
- Subterranean vehicle storage was added to take advantage of existing space.
- The stairs on the north elevation were part of the original application and are part of the landscaping.

The Zoning Officer stated that the stairs are part of the exterior setback and this may be an issue with the rear lot line. He quoted the Bylaw in this regard. After a brief discussion Mr. Peereboom stated that the staircase issue will be resolved without a variance.

In Opposition

Nil

**MOTION:**

**MOVED by D. Gunn and Seconded by R. Riddett: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 290.3(a)(i) and (b)(i), further to the construction of a house on Lot A, Section 45, Victoria District, Plan 15686 (4355 Gordon Head Road):**

- a) relaxation of front lot line from 15.0 m to 4.39 m
- b) relaxation of height from 6.5 m to 7.34 m

**And further that the variances so permitted in accordance with the plans submitted to the Board, except the staircase details, and expire on August 12, 2017, if not acted upon."**

Board comments:

- This will not affect the neighbours.
- Allows an addition that is integral to the house.
- All the same hardships (slope, setbacks, environmental area, restricted building envelope) apply from the application in February.
- The street will not be compromised in any way.
- The change in average grade was due to a room addition.
- The stairway issue will have to be resolved between staff and the applicant.
- Concern that more could have been done with the design; hardship is not clear.
- The intent of the previous variance that was granted is still intact.

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

Cadboro Bay Road Existing accessory buildings

**Applicant: Warren Baker**  
**Property: 3720 Cadboro Bay Road**  
**Variance: Relaxation of interior side lot line from 1.5 m to 0.67 m**  
**Relaxation of interior side lot line from 1.5 m to 17.78 cm**

BOV #00503

The Notice of Meeting was read and the applicant's letter received. Letters of support received from T. G. Halsey, 2585 Vista Bay Road; C. and H. Duncan, 2591 Vista Bay Road; J. and H. Destrooper, 2595 Vista Bay Road.

Applicants

Warren Baker, owner, was present in support of the application and had nothing further to add other than there were three supportive letters indicating neighbouring views are not affected.

In response to questions from the Board, Mr. Baker stated:

- This has come to the Board because it is a bylaw issue. He is not sure who complained or what precipitated the complaint, but he had complained about a neighbouring building, which may have something to do with it.
- One shed interfered with the tree and he had the tree trimmed.
- The one shed is in good repair and there are no plans to replace it.

In Favour

Nil

In Opposition

Nil

**MOTION:**

**MOVED by R. Riddett and Seconded by R. Gupta: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Section 230.5(a)(ii), further to the retention of two existing accessory structures on Lot 1, Section 44, Victoria District, Plan 10590 (3720 Cadboro Bay Road):**

- a) relaxation of interior side lot line from 1.5 m to 0.67 m (building 1)
- b) relaxation of interior side lot line from 1.5 m to 17.78 cm (building 2)

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

Board comments:

- There is no alternative area; the lot is pie shaped.
- No neighbours object.
- The existing sheds are small, and this was an unintentional error.

**The Motion was then Put and CARRIED**

Mt. Douglas  
Cross Road  
Existing fence

**Applicant: Steve Rados**  
**Property: 1500 Mount Douglas Cross Road**  
**Variance: Relaxation of height from 1.5 m to 1.9 m**

BOV #00504

The Notice of Meeting was read and the applicant's letter received. Letter of objection received from L. Renwick and D. Low-Renwick, 4141 Glendenning Road. Signatures of support received from: B. McLellan, 1510 Mt. Doug X Road; T. and A. Stewart, 4111 Glendenning Road; M. Chen, 1468 Mt. Doug X Road; B. Bhangu, 1487 Mt. Doug X Road; Mr. Purewal, 4096 Braefoot Road; R. Van Raamsdank, 4091 Braefoot Road; K. and C. Smith, 4093 Braefoot Road; J. Li, 4099 Braefoot Road; R. and I. Stewart, 4099 Livingstone Ave. N.; K. Werrum, 4096 Livingstone Ave. N.; T. Kaneen, 4092 Livingstone Ave. N.; B. Brown, 4091 Livingstone Ave. N.; J. Johnston, 4087 Livingstone Ave. N.; J. Rippengale, 4082 Livingstone Ave. N.; C. McMillan, 1505 Mt. Doug X Road; S. Kilarski, 1511 Mt. Doug X Road; C. Pollard, 4086 Livingstone Ave.; R. and L. Dugaro, 1491 Mt. Doug X. Road; T. Cullen, 1489 Mt. Doug X. Road; I. Willey, 4201 Glendenning Road; Sarah H, 1504 Mt. Doug X. Road.

Applicants

Steve Rados, owner, was present in support of the application and stated:

- He is sorry that he broke the law, he did not know that different areas had different fence heights.
- He thought that six feet is a standard fence height in Canada.
- He needs the fence for privacy. They use the back yard and have grandchildren who play in the back yard. Also to keep the deer out.
- If you look in the neighbourhood you can see that there are many different higher fences.
- He wishes someone had stopped him before he had finished the project. He cannot return the panels.
- The lady who complained about trees did so in error. The trees belong to Saanich Parks.
- The fence does not block motorists' views. People just need to slow down.

In Favour Nil

In Opposition Laurie Renwick, 4141 Glendenning Road, cited section 6.3(b) of the Zoning Bylaw and stated the reason for the provision is for traffic safety. He asked the Board to consider the spirit of the bylaw.

The Zoning Officer confirmed that the fence is at the exterior side lot line. The bylaw infraction was triggered by a complaint.

Mr. Rados stated:

- His property does not fall into that particular part of the Bylaw.
- The fence was installed about one and a half months ago.
- People drive too fast in the area; tracks seen in the dirt are old.
- He purchased pre-fab panels.
- He has been doing construction since 1976; this is the first time he has built a fence.
- Hardships are the cost of correcting the fence; he would have to either remove the lattice and lower the posts, or replace the panels. Panels cost about \$50 per panel and he would need ten or 11 panels.

**MOTION: MOVED by D. Gunn and Seconded by R. Gupta: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 6.2(f)(i), further to having an existing fence remain at its current height on**

**Lot 1, Section 54, Victoria District, Plan EPP24405 (1500 Mount Douglas Cross Road):**

- a) relaxation of height from 1.5 m to 1.9 m

**And further that the variance so permitted be in accordance with the plans submitted to the Board.”**

Board comments:

- The fence is only at the back of the lot; it does not surround the front.
- Use the intersection daily; the fence does not affect the sight line and it blends in well.
- The lot siting creates a hardship with privacy and car lights. Many fences in the area are similar.
- Complaints made about the intersection are about the intersection, and not about the fence.
- It would be a hardship to fix the fence; the error was unintentional.

**The Motion was then Put and CARRIED**

Wenman Drive  
Existing  
accessory bldg

**Applicant: Grant Parbery and Patrice Newman**  
**Property: 2160 Wenman Drive**  
**Variance: Relaxation of height from 3.75 m to 4.37 m**

BOV #00505

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

Applicants

Grant Parbery and Patrice Newman, owners, were present in support of the application. They stated that:

- The garage slab was ¼” higher than expected and the final measurement of the building was two inches too high.
- They thought the framing inspection had passed but the error was brought to their attention much later.
- Staff member K. Jackson put a stop work order for a rock wall for six weeks. He did a final inspection but did not hand in the building permit to L. Haldane so she did not know it has passed.
- They did not intentionally build higher.
- They run a home business out of there so are losing income. It would cost about \$30,000 to rebuild to comply.
- They have a note of support from a neighbour (C. Hall) and noted the structure does not look big.

The Zoning Officer provided information from the Building department which showed the sequence of events. Mr. Parbery stated that they had to have a final deficiency walkthrough to receive occupancy and provided the height certificate at that time.

The Chair noted that the list of deficiencies showed that a height survey was a requirement, but was not provided to the municipality until three years after the survey was taken. The survey certificate is always the owner’s responsibility and he does not accept that this was Saanich’s fault.

In response to questions from the Board, Mr. Parbery and Ms. Newman stated:

- The lot is sloped so was a little tricky for building. The building was built as per the drawings.

- The Architect they hired was from California, maybe it was an error on the Architect’s fault, they are not sure what happened.
- The garage was placed in that area due to a Garry Oak tree in the yard.
- There was a cottage on the property originally that was torn down.

A discussion occurred between staff, the applicant and the Board with regards to the process and the timelines with the application. The owners summarized by saying the plans were approved and the building is done. Saanich did not know where the building permit was, which caused a problem.

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, Sections 230.5(b), further to the retention of an existing accessory building on Lot C, Section 85, Victoria District, Plan 11670 (2160 Wenman Drive):**

**a) relaxation of height from 3.75 m to 4.37 m**

**And further that the variance so permitted be in accordance with the plans submitted to the Board.”**

Board comments:

- This history is vague, however the variance application fee was waived by Saanich.
- It is hard to establish who is at fault, but to correct this would be a hardship.
- Can clearly see the miscommunication, however Saanich is never responsible to check the height during an inspection.
- There was a delay of three years in submitting the height certificate. The applicant did make an honest error with the survey, and to correct this is a hardship.
- The existing garage is appropriate to the neighbourhood and does not look overheight.

**The Motion was then Put and CARRIED**

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Shorncliffe Road Existing house  BOV #00506	<b>Applicant: Kathryn Bush (exec.)</b> <b>Property: 3948 Shorncliffe Road</b> <b>Variance: Relaxation of interior side lot line from 1.5 m to 16 cm</b> <b>Relaxation of combined interior side lot line from 4.5 m to 1.74 m</b>
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The Notice of Meeting was read and the applicant’s letter received. Letters of objection received from H. and A. Gibbard, 1439 Wende Road; M. Devlin and M. Kennard, 1572 Athlone Drive. Signatures of support received from R. Brachen, 1538 Shorncliffe Heights; D. VanDyke, 3947 Shorncliffe Road N.; R. Melendez-Duke, 3946 Shorncliffe Road.

Applicants Kathryn Bush and Herb Bush, applicants, were present in support of the application, and submitted three signatures of support. They noted this variance is to correct an error made in 1982 and they have no plans to make any further changes to the existing carport. They are aware that this variance would apply only to this existing structure, and if the structure is removed, the variance will cease to exist.

In Favour Sandy McManus, realtor, stated she understands that if the variance is granted, it pertains only to the carport as it stands and will not affect the neighbours in the future.

In Opposition Anne Gibbard, 1439 Wende Road:

- Suggested that the people in support of the application wrongfully assume that her household is in support of the application.
- The only affected neighbours are ourselves and the Devlins who live at 1572 Athlone Drive.
- Provided a history of the original variance that was granted in 1982.
- They are happy that the portion of the carport roof that used to hang over their property has been removed.
- She has no objection to the carport as it stands. She is concerned that if the variance is granted, a future owner may be permitted to build another structure that close to the lot line.

The Chair informed Ms. Gibbard that if a variance is granted, it is only for the existing carport, and does not give a future owner the right to build that close to the lot line.

In response to the question about hardship, Mr. Bush noted that they are trying to correct this error before they sell the property. They want to avoid the possibility of the neighbour asking for the carport to be dismantled.

The Chair noted that it will need to be explained to the new owners that no changes may be made to the carport.

**MOTION: MOVED by R. Gupta and Seconded by R. Riddett: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Section 230.4(a)(ii), further to the siting of the existing house at Lot 1, Sections 41 & 57, Victoria District, Plan 16195 (3948 Shorncliffe Road):**

- a) relaxation of interior side lot line from 1.5 m to 16 cm
- b) relaxation of combined interior side lot line from 4.5 m to 1.74 m

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

Board comments:

- The existing carport has been there for a long time.
- The owner is trying to do due diligence prior to selling the property.
- No further changes can be made to the carport.
- The neighbour seemed satisfied that this will not set a precedent for future building in that spot.
- It would be a hardship to remove the structure; it has been there for 33 years.

**The Motion was then Put and CARRIED**

Parker Avenue  
New house

**Applicant: David and Lisa Stephens**  
**Property: 5441 Parker Avenue**  
**Variance: Relaxation of single face height from 7.5 m to 8.7 m**

BOV #00507

The Notice of Meeting was read and the applicant's letter received. Letters of no objection received from D. Stothard, 5435 Parker Avenue; R. Pomeroy, 5429 Parker Avenue. Submission (including 18 signatures) not in support from Robert

	Peterson, Dominion GovLaw LLP, obo Bob and Cathy Roper, 5447 Parker Avenue.
Applicants	<p>David and Lisa Stephens, owners, and David Yamamoto, Zebra Designs, were present in support of the application.</p> <p>The Zoning Officer advised the Board that all finials will be removed from the plans. Mr. Yamamoto confirmed this, and stated they were for traditional ornamentation.</p> <p>Mr. Yamamoto stated:</p> <ul style="list-style-type: none"> <li>▪ The house is designed to try to maintain a panoramic view. Both adjacent neighbours have a view and they want to align this house with the neighbouring houses.</li> <li>▪ The proposed design drops the house, and has lowered the upper floor ceiling height to 6'10" at the lower outer wall. The upper floor has a view; the main floor on the north side has vegetation.</li> <li>▪ They could advance the house 15 feet to the east toward the ocean and be fully compliant with the Bylaw, but this would affect both neighbours' view.</li> <li>▪ Most of the house conforms to the Bylaw; the only part where they are not compliant is where the land drops at the back/ocean side.</li> <li>▪ They will need to apply for an Environmental Development Permit and have spoken with planning staff in this regard.</li> </ul> <p>Mr. Stephens stated that their original plans, which would have required a height variance at both the front and the back, was not well received by their north neighbour so they compromised by lowering the house by 2'8".</p>
In Favour	Nil
In Opposition	<p>Robert Peterson, Dominion GovLaw LLP, representing Bob and Cathy Roper, 5447 Parker Avenue:</p> <ul style="list-style-type: none"> <li>▪ Requested that the Board deny the variance request.</li> <li>▪ The Ropers are in support of the alternate plan that complies with the Bylaw. This plan sets the house an additional 4.57 metres from the front property line. They also support additional excavations in order to lower the entire infill to avoid the need for a variance.</li> <li>▪ They wish to preserve their views; the proposed plans have a back deck with a roof which is in a critical viewpoint area.</li> <li>▪ The Ropers have talked to the applicant and the preservation of view seems to be their hardship.</li> <li>▪ Suggested there is no hardship in terms of geological issues, setbacks, etc., and the applicant could dig down as an alternative to lowering the structure.</li> <li>▪ The Ropers' use and enjoyment of their property will be compromised if approved. They built their house within the Bylaw and assumed the neighbours would build according to the Bylaw.</li> <li>▪ Suggested the design is contrary to the intent of the Official Community Plan, Local Area Plan and Zoning Bylaw.</li> </ul> <p>Bob Roper, 5447 Parker Avenue:</p> <ul style="list-style-type: none"> <li>▪ The proposed house will greatly impact the use and enjoyment of their own home.</li> <li>▪ They built their own home over five years and took everyone's concerns into consideration, they cut corners back, dropped the house down and did not take the height to the maximum allowed.</li> </ul>

- The proposed house will cause shade in his yard. He uses the pool in his yard every day and keeps the trees cut down to deck height. If you live on the ocean, you need the sun to keep warm with the ocean breeze.
- They walked around the neighbourhood and received many signatures not in support of the variance proposal.
- He did ask the applicant to come over to his house to see what the view would be and asked him to stay level with the other houses.
- Suggested the applicant's bedrooms to not have to be located upstairs.

Mr. Stephens, applicant:

- He is sorry to see Mr. Roper so upset; feels that the real issue is that they are building a larger house.
- They are only asking for about 3'8" and the home will be the same height as Mr. Ropers when completed.
- Is offended by comments that they did not design the house to fit into the neighbourhood. The design will fit in and it is very important to them that it does fit in.
- With or without a height variance, the new home will affect the neighbours.

The Chair advised that views are never considered to be a hardship.

In response to questions from the Board, the Designer and the owners stated:

- They would like to stay in line with the other houses. The alternate design that moves the house forward will make it feel more obstructive.
- In terms of hardship, they would have no back yard if they move the house back, and will block the view of the south neighbour which will upset them.
- If moved forward, they would have to lower the house and dig down. They will have to consult a soils engineer if this is to be further considered.
- The existing house will be torn down. The upper floor is 2,400 square feet, with an 800 square foot secondary suite above the garage. The main floor is 2,100 square feet and the basement is 990 square feet plus 435 non-basement area.
- They are not sure of the current square footage of the existing house.
- They cannot dig deeper in the proposed spot as this would affect the view and would result in an underground basement. They have three children who will use the basement; they do not want it to be underground.
- The proposed design gives a larger back yard, and maintains the most reasonable view without impacting the neighbours.

**MOTION:**

**MOVED by D. Gunn and Seconded by R. Gupta: "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 on Lot 7, Sections 34 & 35, Lake District, Plan 8328 (5441 Parker Avenue):**

**a) relaxation of single face height from 7.5 m to 8.7 m**

**And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on August 12, 2017, if not acted upon."**

Board comments:

- It is hard to see the hardship; the loss of a back yard doesn't seem a hardship given the beach further down. Recognize that digging down may create problems.

- Given the slope of the lot and the views, this appears to be the best possible option. The area is going through rejuvenation and the proposed house will basically be the same height as others in the area.
- There are numerous objections.
- Not convinced the alternate design is better. Applicants did try to mitigate views for all.
- Not fully convinced of hardship; however this location seems better than the one that complies with the Bylaw.
- Loss of view and backyard is not a hardship. The proposal results in tremendous loss of enjoyment to the neighbours. Just because it is RS-18, does not mean you have to build that big.
- An alternative design that is lower on the same footprint, or another solution can likely work within the bylaw.
- Suggest that the applicants discuss and come back with an alternate design.

**The Motion was the Put and DEFEATED  
R. Riddett and H. Charania OPPOSED**

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Adjournment      On a motion from R. Gupta, the meeting was adjourned at 11:30 p.m.

\_\_\_\_\_  
Haji Charania, Chair

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

\_\_\_\_\_  
Recording Secretary