

MINUTES
BOARD OF VARIANCE
COMMITTEE ROOM NO. 1, SAANICH MUNICIPAL HALL
SEPTEMBER 9, 2015 AT 5:00 P.M.

Members: H. Charania, D. Gunn, R. Gupta, R. Kelley, R. Riddett
Staff: K. Gill, Zoning Officer, T. Douglas and P. Masse, Senior Committee Clerks

Minutes: Moved by D. Gunn and Seconded by R. Gupta: "That the minutes of the Board of Variance meeting held June 10, 2015 be adopted as amended."

Moved by R. Riddett and Seconded by R. Kelley: "That the minutes of the Board of Variance meeting held July 8, 2015 be adopted as circulated."

Moved by R. Gupta and Seconded by R. Riddett: "That the minutes of the Board of Variance meeting held August 12, 2015 be adopted as amended."

CARRIED

Previously tabled Cadboro Bay Rd 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.

Applicants Will Peereboom, Victoria Design Group, and Sybil Verch, owner, were present in support of the application. Ms. Verch stated:

- The barrel roof feature is more pleasing than the typical pitch roof.
- The variance sounds bigger with the barrel roof because the Bylaw measures it as a flat roof.
- They have talked to their neighbours about their application.
- If not approved, they will have to incur the costs of tearing up the existing foundation, concrete costs, blasting and removal costs, site prep, etc. They would also have to do an archaeological impact assessment, which is upwards of \$19,000. The BC Archaeology Branch, Ministry of Forests, Lands and Natural Resources have said that if they use the existing foundation, no monitoring will be needed.
- They are in an Environmental Development Permit Area (EDPA) and wish to minimize impact. The previous owner planted non-native species; these will be removed and replaced with native species.
- They are asking for a small variance and noted that a similar variance was granted in 2012 at a nearby property.

Mr. Peereboom circulated a drawing which showed what the roofline with a pitch (permitted without a variance) would look like versus the proposed barrel roof. He suggested that it is the same massing but a softer roof, and he confirmed that the foundation is an issue.

Public Comments Roland Beaulieu, 3917 Cadboro Bay Road:

- Has submitted a letter regarding the substantial loss of sunlight and views.
- Was surprised at the application; the wall facing his property is a seven foot variance. At the last meeting it was explained to him that it would be more like a six inch variance.
- The wall facing his house is overwhelming; the barrel is more appealing but the gable is less impactful.

- They are pleased with the architectural design of the proposed house and are not opposed to it, but they wish it was lower.

Ms. Verch suggested that Mr. Beaulieu has a full front view and noted that they designed their house to ensure the majority of height is away from his house and also set back to cause less impact. They could go with a peaked roof but there would be more impact.

The Chair advised that he has seen the view from Mr. Beaulieu's house and is aware of the visual impact. Mr. Peereboom stated that the area where the view is affected is in compliance with the Bylaw. The design is set back more and purposely kept low and back to help with neighbouring views.

In response to questions from the Board, Ms. Verch and Mr. Peereboom stated:

- The house was purchased in June 2015 and they knew about the lot constraints. Their builder talked to Saanich departments and they made sure that the 'subjects to' on purchase were not removed until the structural engineer signed off on the foundation.
- The pitch roof does not suit their modern home. The hardship is that the barrel roof is not considered pitched, it is measured as flat.
- A pitched roof would comply with the Zoning Bylaw.
- The oceanside part of the house foundation is being used. The garage foundation will be new and is not in the EDPA or archaeological area.
- They are not moving the foundation any further toward the ocean.
- The markings left on the roof were for the benefit of the neighbour to visualize where the walls will be.
- The measurements were clarified by Mr. Peereboom.

MOTION:

MOVED by R. Riddett and Seconded by D. Gunn: "That the following variances be granted 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):

- 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"

And further that the variances so permitted be in accordance with the plans submitted to the Board, and expire on September 9, 2017, if not acted upon."

Board comments:

- Agree that if the roof was a different shape it would comply with the Bylaw. They make a good case with using the existing foundation.
- There is unfortunately a perceived discrepancy with the bylaw, however they can comply by using a pitched roof. Using the existing foundation only affects a small portion of the house.
- In relation to the other houses in the neighbourhood this is not an inappropriate development. There are restrictions with the EDPA and bedrock. Sees the point in the different style of roof; feels the bylaw intent is not to dictate design.
- Aesthetic is good but the bylaw does not consider this. Feels like this is a design issue and not sure if this is a hardship.

- Using the existing foundation is good and the neighbour is now okay with it. If they build according to bylaw it would be a detriment to the neighbours, plus there are environmental restrictions. There is nothing to gain by forcing the applicant to comply with the Bylaw.

**The Motion was then Put and CARRIED
R. Kelley and 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, Sections 230.4(b)(i) and 230.5(b), further to the construction of a new accessory building on Lot 1, Section 44, Victoria District, Plan VIP8567 (3923 Cadboro Bay Road):

- a) relaxation of accessory building height from 3.75 m to 4.41 m.”

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on September 9, 2017, if not acted upon.”

Board comments:

- The accessory building should be architecturally similar to the home.

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

Vista Bay Rd
Existing
accessory bldg

**Applicant: Ian and Lisa Hyde-Lay
Property: 2586 Vista Bay Road
Variance: Relaxation of interior side lot line from 1.5 m to 0.74 m**

BOV #00508

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

Applicants

Ian and Lisa Hyde-Lay were present in support of the application and had nothing further to add.

In Favour

Nil

In Opposition

Warren Baker, 3720 Cadboro Bay Road:

- Explained how the existing shed looks larger because it is set closer to the lot line than allowable.
- Has a laurel hedge planted so that he cannot see the shed at this time but is concerned if the hedge dies then he will be able to see the shed from his front window.
- Asked if the height of the shed can be lowered.

MOTION:

MOVED by D. Gunn and Seconded by R. Gupta: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 230.5(a)(i), further to a request to have an existing accessory building remain in its present location on Lot 2, Section 44, Victoria District, Plan 10590(2586 Vista Bay Road):

- a) relaxation of interior side lot line from 1.5 m to 0.74 m

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

Board comments:

- This is a minor variance. The trees limit shed placement and the shed has been placed as far up as it can be.
- Did consider the neighbour's sightline/concern, but it is minor and already shielded by foliage.
- It is the most suitable spot on the property for a shed.

The Motion was then Put and CARRIED

West Saanich Rd
Agricultural
building

Applicant: Carol Davidson
Property: 5058 West Saanich Road
Variance: Relaxation of front lot line from 7.5 m to 1.0 m

BOV #00509

The Notice of Meeting was read and the applicant's letter received. Letter of support received from C. and M. Hibbins, 420 Goward Road.

Applicants

Carol Davidson, owner, was present in support of the application and submitted a letter of support from S. Stallard, and L. Malmkvist, of Swell Environmental Consulting.

The Zoning Officer clarified that this is an agricultural building, not an accessory building. Presently there is no house on site.

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

- She intends to live on the property and has house plans underway. The intent is to build the agricultural building to put items safely away while building the house.
- This building will be part garage for the house, part tractor/trailer storage, as well as storage for hay etc. In addition, a friend would use part of the building for working on cars/motorbikes as a hobby. She would also like to maybe get back into pottery and maybe have a market garden to sell vegetables.
- There is limited area for location for the building; there is a lot of rock, an area set aside for a septic field, riparian area and protected trees. She has maybe two feet of wiggle room where it does not interfere with the road width needed for the fire department.
- She spoke with various departments at Saanich and thought she could go ahead with her project. It was JE Anderson that informed her of the siting problem as the trail is actually a road.

In response to a question about fill in the area, the Zoning Officer stated that the Development section would ensure no fill is dumped. If a base is needed that is okay as there is a distinction between fill versus material to build on.

In Favour

Nil

In Opposition

Nil

MOTION:

MOVED by R. Gupta and Seconded by R. Kelley: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 101.4(a)(i), further to the construction of an agricultural building on Lot 3, Section 74, Lake District, Plan EPP30427 (5058 West Saanich Road):

- a) relaxation of front lot line from 7.5 m to 1.0 m**

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on September 9, 2017, if not acted upon.”

Board comments:

- There is a major hardship. The applicant did her due diligence and tried to site the building considering the limiting conditions of trees, the EDPA, covenants, etc.
- The structure is not inappropriate to the site, is not varying the use or intent of the Bylaw, and does not affect neighbours.
- Applicant should consider the ultimate use of the road/trail when building.

The Motion was then Put and CARRIED

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- Other business:
- No discussion or action is required regarding a covenant at 993 Landene Avenue unless the Director of Planning advises otherwise.
 - All Board members understand the memorandum dated June 18, 2015 from the Municipal Solicitor which summarizes that there is no requirement for a variance if someone wishes to construct an addition or alteration that complies with the current zoning setbacks to a building that is partly non-conforming as to siting.
 - The Board Chair provided an update regarding a legal matter and confirmed that discussion of applications, unless in general terms only, should not occur after Board Hearings.
 - The Chair will send a request to the Director of Planning to consider amending the Zoning Bylaw in the area that relates to barrel or circular roofs.

Adjournment On a motion from R. Gupta, the meeting was adjourned at 7:20 p.m.

Haji Charania, Chair

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

Recording Secretary