

MINUTES
BOARD OF VARIANCE
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL
JANUARY 20, 2016 AT 7:00 P.M.

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

Election of Chair: The Secretary called the meeting to order and asked for nominations to the Chair for 2016.

Moved by D. Gunn and Seconded by R. Riddett: "That H. Charania be nominated as Chair for 2016."

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 R. Riddett was appointed as Vice-Chair.

Mr. Charania suggested that other Board members be given opportunity to Chair meetings this year as follows:

March 2016 – R. Riddett in the chair

June 2016 – D. Gunn in the chair

September 2016 – R. Kelley in the chair

December 2016 – R. Gupta in the chair

Minutes: **Moved by D. Gunn and Seconded by R. Kelley: "That the minutes of the Board of Variance meeting held December 17, 2015 be adopted as amended."**

CARRIED

Wesley Road Addition
BOV #00523
Applicant: Michael and Shauna Lukaitis
Property: 5027 Wesley Road
Variance: Relaxation of height from 5.0 m to 5.26 m
Relaxation of single face height from 5.0 m to 6.04 m

Moved by D. Gunn and Seconded by R. Kelley, "That the application for Variance at 5027 Wesley Road be lifted from the table."

CARRIED

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

Applicants Shauna Lukaitis, owner, and Paul Heels, Designer, were present in support of the application. The Chair acknowledged receipt of further information provided by the Designer since the last meeting.

In Favour Nil

In Opposition Jon Hoyrup, 5025 Wesley Road:
▪ Objects to the application as his views/sightlines will be affected.

Mr. Heels requested that the item be tabled again as the concerns from the neighbour were received late. Mr. Heels and Ms. Lukaitis requested permission to see the view from the Hoyrup's house in order to provide more accurate information on the effect the proposed addition will have on their view.

The Board suggested that a pole marked with the variance be erected and that photos be taken from the neighbours deck if possible to show their views.

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

- He has applied for a permit for phase one of the renovations. The building permit drawings for this phase have not yet been submitted.
- He was previously given incorrect information from Planning. He found out late in the process the proper way to measure average grade.
- This renovation has been planned for three years.

MOTION:

MOVED by R. Riddett and Seconded by D. Gunn: “That consideration of the following variances from the requirements of Zoning Bylaw 2003, Sections 255.4(b)(i) and (ii), further to the construction of an addition to the house on Lot 2, Section 30, Victoria District, Plan 7315 (5027 Wesley Road) be TABLED to the February 10, 2016 meeting:

- a) relaxation of height from 5.0 m to 5.26 m
- b) relaxation of single face height from 5.0 m to 6.04 m.”

Board comments:

- The Board expect to see diagrams of the present and proposed roof slopes.
- A pole is to be erected in order to show the proposed and permitted height.

The Motion to Table was then Put and CARRIED

Leyns Road
Addition

Applicant: Jianyi You
Property: 4571 Leyns Road
Variance: Relaxation of height from 6.5 m to 8.75 m

BOV #00528

The Notice of Meeting was read and the applicant’s letter received. Letters of support received from N. and J. Smyth, 4528 Gordon Point Drive; R. and T. Jacobson, 4583 Leyns Road; L. Cheng, 4524 Gordon Point Drive; V. and E. Fitzgerald, 4526 Gordon Point Drive; T. Watchurst and I. Thompson, 4530 Gordon Point Drive. Two letters not in support received from G. Xiao, 4577 Leyns Road.

Applicants

Mike Edwardson and Dwayne Ensing, Vilimar Construction; Bruce Higginson, Designer, and Jianyi (Eric) You, owner, were present in support of the application. Aerial photos of the subject and adjacent properties were submitted. The following points were added:

- Mr. You purchased the home with the intent of doing a hazardous materials abatement and a renovation as the house in current form does not suit his needs.
- They discovered that the existing house is non-conforming in height and feel that this part of the structure should be grandfathered as all proposed additions conform to the current bylaws.
- The proposed addition will be lower than the existing structure and will not obstruct views of any neighbours.
- If denied, the only choice will be do demolish the current home and build a new one. They wish to avoid this as it would be costly and the environmental impact would be large, causing added disturbance for months.
- In response to the opposing neighbour, this is not a mega-house; it will be comparable in size and fitting to the neighbourhood, as shown by the aerial photos submitted.

The Zoning Officer stated that this would not be grandfathered, it is considered existing non-conforming. He confirmed that the existing flat roof is 8.75 metres and that all elements of the proposed addition meet the requirements of the Zoning Bylaw.

A discussion occurred about measuring average natural grade and the measurements for peaked and flat roofs.

In Favour

Nil

In Opposition

Guixian (Lisha) Xiao, 4577 Leyns Road:

- Is opposed to the proposed addition; feels it will create a mega-house.
- Does not feel that the applicant faces a hardship.
- Suggested this renovation is in order to flip the house for profit in the next few years.

Dallas Thompson, Blanshard Street, Victoria:

- Feels that pulling down a house is not a hardship.

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

- The house was purchased in October of 2015.
- Hardships include: the cost of demolishing and designing/building a new home; the current home does not suit Mr. You, as he is bringing family over; and, any renovations to this home will require a variance due to the existing non-conformity.
- There will be one deck on the south side, and the deck overlooking the neighbour will be removed.
- They have applied to Saanich in regards to the Environmental Development Permit Area. The Zoning Officer noted that if the EDPA application is not approved then plan changes may need to be made and come back to the Board for approval.
- Total square footage was given. They are not at the maximum allowable square footage.
- They have support letters from five neighbours.

The Board advised the neighbour that the problem is the existing house does not conform as it stands, and if the applicant wants to make any changes, they will have to come to the Board regardless of what the changes are. In response to a comment by Mr. Thompson about the square footage, the Board advised that they are here to consider height, not square footage.

MOTION:

MOVED by D. Gunn and Seconded by R. Riddett: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 290.3(b)(i), further to the construction of an addition to the house on Lot 7, Section 85, Victoria District, Plan 2617 (4571 Leyns Road):

a) relaxation of height from 6.5 m to 8.75 m

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on January 20, 2018, if not acted upon."

Board comments:

- The present home is non-conforming. Any additions/alterations to the home create a hardship.

- There is a significant slope on the property, the top floor would need to be removed to comply.
- This house is in keeping with the surrounding neighbourhood.
- A renovation would have less environmental impact than a demo/rebuild.
- The neighbour’s concern is about size; the Board is considering height.
- Concern was expressed that the site did not have access or markings.
- The applicant may need to come back to the Board for plan changes if the EDPA process is denied or requires some changes.

The Motion was then Put and CARRIED

Gordon Head
Road
Existing addition

Applicant: Judith D’Gal
Property: 4241 Gordon Head Road
Variance: Relaxation of rear lot line from 10.40 m to 1.70 m

BOV #00529

The Notice of Meeting was read and the applicant’s letter received. Signatures of support received from G. Farmer, 4240 Gordon Head Road; A. Piecuch, 2201 Arbutus Cove Lane; J. Roger, 4237 Gordon Head Road; A. Schnarr and A. Shubrook, 4231 Gordon Head Road. Letter not in support from S. Lee, 2205 Arbutus Cove Lane; B. and S. Atwal, 4242 Gordon Head Road.

Applicants

Judith D’Gal was present in support of her application, and the following was noted:

- She provided a printout of the surrounding homes and explained that she had contacted those who she thought were adjacent neighbours.
- The neighbours that had commented about not being consulted were notified by the Board of Variance Clerk, but Ms. D’Gal was not aware of all the properties that were included in the notification area.
- She had submitted a medical note for someone in the home and noted that they have deteriorated further. The guardrail is needed and this deck provides a safe, secure and private way to the back yard.
- She had hired and paid a contractor to do the job and thought that he had taken out the necessary permits. He is now in Ontario.
- The debris under the deck was there when they purchased the home, they are not sure what it is comprised of, it seems to be part rock and part dirt.
- There is a covenant protecting the majority of trees on the property. This is the only place for a deck.
- The only way to comply, according to Saanich staff, would be to detach the deck.

In Favour

Gail Farmer, 4240 Gordon Head Road:

- Supports the application. Ms. D’Gal and partner are good neighbours and they’ve never had any complaints with them.

Roberta Gray, 4167 Borden Street:

- Dog-sits for the applicant and was present in support of the application.

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 250.4(a)(ii), further to the request to have an existing deck addition remain as is on Lot 1, Section 45, Victoria District, Plan VIP75139 (4241 Gordon Head Road):

- a) relaxation of rear lot line from 10.40 m to 1.70 m**

And further that the variance so permitted be in accordance with the plans submitted to the Board, and as built currently.”

Board comments:

- There is a medical issue.
- The front lot is constrained with the tree covenant.
- There are no objections from affected neighbours.
- This faces on the side yard of the adjacent lot; if this was on the side yard there would be no need for a variance.
- The deck is close to the property line and it does cause massing. If the height was lower maybe could support the application. Was constructed without permit.
- The closest house is far away which means there is less massing, and they did not complain.
- The deck is well built in design and function, there was innocent error in trusting the contractor; there is a medical issue. With all the site constraints there is very little area for a deck.

**The Motion was then Put and CARRIED
with D. Gunn OPPOSED**

Perez Drive New house BOV #00530 Applicants	<p>Applicant: Kevin Dunic Property: 990 Perez Drive Variance: Relaxation of single face height from 6.5 m to 7.5 m</p> <p>The Notice of Meeting was read and the applicant’s letter received.</p> <p>Kevin and Skye Dunic, owners, and Lindsay Baker, designer, were present in support of the application.</p> <p>The Chair noted the site is rocky and a panhandle lot and asked if there are any subdivision preconditions. The Zoning Officer noted that there is no Development Variance Permit for this property.</p> <p>In response to a question why the site had not been marked, the owner stated it had been marked by the surveyor but the rain removed the markings. He did re-mark the area in orange. The Designer confirmed that the surveyor had been asked to mark the height and footprint of the project.</p> <p>Other responses to questions were noted as follows:</p> <ul style="list-style-type: none"> ▪ The Garry oaks will be protected where possible. Arborist has been to the site; replacement trees will be planted as required. ▪ The owner took possession of the property in December 2015. ▪ The slope of the ground is why a variance is needed. <p>In Favour Nil</p> <p>In Opposition Nil</p> <p>MOTION: MOVED by D. Gunn and Seconded by R. Kelley: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 245.4(b)(ii), further to the construction of a new house on Lot 23, Section 8, Lake District, Plan VIP57812 (990 Perez Drive):</p> <p style="text-align: center;">a) relaxation of single face height from 6.5 m to 7.5 m</p>
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And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on January 20, 2018, if not acted upon.”

Board comments:

- The slope of the ground causes the hardship.
- This is a restrictive building envelope; this is a two-storey house in a slope and does not affect the neighbours negatively.
- The applicant ensured the neighbours understood the variance request.
- A tree survey was done and replacement trees will be planted.
- Only a small portion of the roof does not comply.

The Motion was then Put and CARRIED

Judge Place
Existing addition

BOV #00531

Applicant: Jeff Ripley
Property: 1255 Judge Place
Variance: Relaxation of interior side lot line from 1.5 m to 1.4 m

The Notice of Meeting was read and the applicant’s letter received. Signatures of support received from B. Bergstrom, 3730 Blenkinsop Road; P. Dwyer, 1261 Judge Place; M. Cain, 3716 Blenkinsop Road; P. Hammer, 1249 Judge Place; D. Dewar, 1259 Judge Place; G. Shannan, 3730 Blenkinsop Road; S. Loor, 1260 Judge Place.

Applicants

Jeff Ripley and Alison Mason, owners, and Lindsay Baker, designer, were present in support of the application.

The Chair noted that the variance request is due to the existing alcove. The owners stated the basement was finished when they purchased the home. They kept finding rot and raised the house to repair the damage, and they then decided to keep the added height.

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 210.4(a)(ii), further to a request to have an existing house addition remain as is on Lot 7, Section 32, Victoria District, Plan 6136 (1255 Judge Place):

- a) relaxation of interior side lot line from 1.5 m to 1.4 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. No neighbours object and it is not practical to move the house or chop a piece off.
- Applying for building permits is not in the Board’s jurisdiction.
- They did need to renovate. The repairs needed a variance.
- The Board’s interpretation is that this is an existing non-conforming house. The applicant raised the house within the bylaw requirements.

The Motion was then Put and CARRIED

Savannah Avenue Existing addition **Applicant: Adam Szekely**
Property: 3595 Savannah Avenue
Variance: Relaxation of exterior side lot line from 3.57 m to 3.1 m

BOV #00532 The Notice of Meeting was read and the applicant's letter received. Signatures of support received from C. MacDonald, 3591 Savannah Avenue; C. Nash, 999 Tattersall Drive; J. Ilott, 1015 Tattersall Drive.

Applicants Adam Szekely, owner, was present in support of the application and confirmed that this is a bylaw enforcement issue. He confirmed that he did not have a building permit, he did have a survey done; and he is not sure who complained.

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, Section 210.4(a)(iii), further to request to have an existing house addition remain as is on Lot 18, Section 9, Victoria District, Plan 1270 (3595 Savannah Avenue):

a) relaxation of exterior side lot line from 3.57 m to 3.1 m

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

Board comments:

- Was built without a permit but this is a very minor variance that does not affect neighbours negatively.
- Was an existing carport that was enclosed to become a garage.

The Motion was then Put and CARRIED

Adjournment On a motion from D. Gunn, the meeting was adjourned at 9:10 p.m.

Haji Charania, Chair

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

Recording Secretary