

MINUTES
BOARD OF VARIANCE
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL
Wednesday, May 11, 2016 at 7:00 P.M.

Members: H. Charania, D. Gunn, R. Kelley (7:25 p.m.), R. Riddett
Absent R. Gupta,
Staff: K. Gill, Zoning Officer; D. Blewett, Zoning Officer; T. Douglas, Senior
Committee Clerk

Minutes: **Moved by R. Kelley and Seconded by D. Gunn: "That the minutes of the Board of Variance meeting held April 13, 2016 be adopted as amended."**

CARRIED

Grange Road **Applicant:** Balbir Kahlon
New house **Property:** 3937 Grange Road * PREVIOUSLY TABLED *
BOV #00547 **Variance:** Relaxation of front lot line from 6.0 m to 3.84 m
Relaxation of rear lot line from 7.5 m to 6.7 m
Relaxation of combined front and rear lot line from 15.0 m to 10.54 m

The Notice of Meeting was read and the applicant's letter received. Email of agreement received from G. and M. Betts, 993 Jasmine Avenue.

MOVED by R. Riddett and Seconded by D. Gunn, "That consideration of the application for variance at 3937 Grange Road be lifted from the table."

CARRIED

Applicants Raj and Balbir Kahlon, applicants/owners, were present in support of the application. They have spoken with the concerned neighbours who now agree with the change of moving the house 22' from the back and 12' to the front.

In response to a question, the Mr. Kahlon noted that the rock will be reduced by about 4' to even out the top.

In Favour Mr. and Mrs. Betts, 993 Jasmine Avenue, confirmed that they agree to the rear variance of 22' from the rear lot line.

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, Section 210.4(a)(i), further to the construction of a new house on Lot 1, Section 79, Victoria District, Plan 1328 (3937 Grange Road):**

- a) relaxation of front lot line from 6.0 m to 3.84 m
- b) relaxation of rear lot line from 7.5 m to 6.7 m
- c) relaxation of combined front and rear lot line from 15.0 m to 10.54 m

And further that the variances so permitted be in accordance with the plans submitted to the Board in the, and expire on May 11, 2018, if not acted upon."

The Motion was then Put and CARRIED

Sea View Road Addition
BOV #00546

Applicant: Nigel Banks, Banks Design OBO Lisa and Darvin Miller
Property: 2841 Sea View Road
Variance: Relaxation of combined interior side lot line from 4.5 m to 3.3 m

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

Applicants

Nigel Banks, Banks Design, applicant, and Darvin Miller, owner, were present in support of the application. They noted that they have spoken with the neighbours who have no concerns, and that the siting of the original house presents a hardship.

*** Mr. Kelley arrived at 7:25 p.m. ***

In response to a question, the secretary confirmed that no correspondence from neighbours was received for this application. The applicant responded to questions from the Board and the following was noted:

- The owner purchased the home in 2014.
- Other design options were considered, however this one has the least impact in terms of damaging trees and landscaping.
- The lot is narrow and the property also jogs in which creates a challenge.
- The staircase in the proposed garage goes up to an attic to be used for storage.
- The building meets the height requirements, the design does try to match the existing roofline.
- If the garage was brought further out, it would make the driveway too narrow and this would also destroy some of the landscaping.
- It is important for the owner to have an attached garage as part of their house.
- There is a non-conforming shed which will be reduced to meet the setback.
- The shed where the proposed garage is planned will be demolished.
- There is a large rock that will have to be removed; it is not sure at this time if this will be done by hoeram or blasting.

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 290.3(a)(iii), further to the construction of an addition to the house on Lot B, Section 44, Victoria District, Plan 17484 (2841 Sea View Road):**

a) relaxation of combined interior side lot line from 4.5 m to 3.3 m

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on May 11, 2018, if not acted upon."

Board comments:

- The siting of the original house on the lot presents a hardship for the intended addition.
- There is no impact to either the neighbours or the environment. This option may actually be an improvement for the neighbours.
- The option to move the garage elsewhere would result in loss of trees and a poorer turning radius.

- This is the best location given the physical layout of the property, and it adds functionality to the home.

The Motion was then Put and CARRIED

Valewood Trail
Existing addition

Applicant: Anh Son Phan
Property: 1080 Valewood Trail
Variance: Relaxation of rear lot line from 7.5 m to 5.10 m

BOV #00548

The Notice of Meeting was read and the applicant's letter received. Signatures of no objection received from J. Rong, 4370 Wildflower Lane, S. Humber, 4369 Wildflower Lane, and J. Skinner, 1084 Valewood Trail.

Applicants

Danny Nguyen and Anh Phan, applicant/owner, were present in support of the application and they submitted an additional signature of support. In response to questions from the Board, Ms. Phan stated:

- The larger deck is the one closest to the lot line and requires a variance.
- The deck was in need of repair; they did not know it was existing non-conforming or that it required a permit.
- Her family of three lives upstairs and there is one suite in the basement of the home.
- They received a stop work order; the decks are mostly complete and need to have railings installed.
- The back yard has no usable living space due to a large rock that takes up most of the area.

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, Sections 245.4(a)(i), further to allowing the existing deck addition to remain as is to the house on Lot 8, Section 8, Lake District, Plan VIP54798 (1080 Valewood Trail):

a) relaxation of rear lot line from 7.5 m to 5.10 m

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on May 11, 2018."

Board comments:

- The deck does not negatively affect the neighbours and is an improvement to what was there.
- The applicant was not aware that they needed a permit to repair their deck.
- There is no usable space in the back yard.
- The deck is very well built and provides a functional need.

The Motion was then Put and CARRIED

McAnally Road
Existing
accessory
building

Applicant: Ryan Hoyt Designs OBO Adam and Daisy Orser
Property: 3049 McAnally Road
Variance: Relaxation of height from 3.75 m to 5.06 m

BOV #00549

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

- Applicants Ryan Hoyt of Ryan Hoyt Designs, applicant, and Dave McKenzie, Contractor, were present in support of the application. Mr. Hoyt stated that:
- As discussed at the last meeting, the goal is to decommission what was a principle residence and make it an accessory building. They will then apply for a building permit for an approved use building.
 - The building meets all zoning requirements except for height.
 - In terms of remedial work, they will remove the stove.
 - The building will be used as a garage with storage.
 - The building is a 3-car garage and is presently full of the owner's items.

In response to concerns that the space above the garage would be used as a vacation rental or suite, and a question about putting a timeline on the decommissioning, the applicant stated they would need to find out what their obligations are. He believes the owners are permitted to live in buildings on the property while building their principal residence. He cannot speak for the owner in this regard.

The Zoning Officers advised that having a suite or any type of accommodation above the garage is not permitted in this zone. In response to a question about placing a covenant on the property it was noted that the Zoning Bylaw regulates use and no covenants are needed. Prior to receiving final occupancy, the owner will have to remove the stove and provide a written agreement with the municipality with regard to use.

Further responses to questions were noted as follows:

- The owner purchased the property in March 2016; they were aware that there was an existing building on the property but they were not aware it was considered a principle residence. Their realtor had only advised that it was built with a permit.
- This structure was built to serve the owner of the adjacent property while they built their house. It was not meant as a long-term principle building.
- They cannot get a building permit until this building is addressed. This causes a hardship as they cannot move on the previously approved variance for construction of the main house while this building still stands without a variance.
- They cannot get a homeowner warranty until they can move on this; mortgages and approvals hinge upon this issue. Construction is scheduled to start soon and it is estimated to be a 13-14 month build.
- There are no cost estimates for remediating the height, however if it is a truss system, they will not be able to remove it; it would become a useless building.
- Any construction on this building would require an environmental development permit.

In Favour Nil

In Opposition Nil

MOTION: **MOVED by R. Riddett and Seconded by D. Gunn: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Sections 290.4(b), further to the allow an existing accessory building to remain as is on Lot 1, Section 44, Victoria District, Plan 18770 (3049 McAnally Road):**

- a) relaxation of height from 3.75 m to 5.06 m

And further that the variance so permitted be in accordance with the plans submitted to the Board, and expire on May 11, 2018.”

Board comments:

- The regulations present a problem in that the applicant cannot proceed with their new residence until this secondary building is addressed. Staff can ensure that this does not turn into a secondary suite.
- There are hardships with the binding legal/procedural concerns that affect timelines, and the Environmental Development Permit Area also creates a hardship. The variance as requested presents no negative impact on the neighbours or the environment.
- Modification to the existing building would be costly and would cause ecological impact. The issue is not the fault of the applicant, as the neighbour built the structure.
- At the time of purchase it was clear that the building did not meet the bylaw requirements. There is no hardship/urgency. Perhaps a conditional Building Permit could be issued.

The Motion was then Put and CARRIED with H. Charania OPPOSED

<p>Waring Place New house</p> <p>BOV #00550</p>	<p>Applicant: Andrew Tidman, Tidman Construction OBO Barbara and William Davis</p> <p>Property: 3761 Waring Place</p> <p>Variance: Relaxation of rear lot line from 10.5 m to 5.6 m Relaxation of combined interior side lot line from 4.5 m to 4.22 m</p>
<p>Applicants</p>	<p>The Notice of Meeting was read and the applicant’s letter received. Email of no objection received from M. McCullagh and K. McKernan, 3759 Waring Place.</p> <p>Andrew Tidman, Tidman Construction, applicant, was present in support of the application and stated:</p> <ul style="list-style-type: none"> ▪ The neighbours are in support of the application, and the proposed house is an exact replica of the existing house. ▪ The owners originally wanted to do some renovations however through the course of demolition it became apparent that patchwork renovations had been done. ▪ The owners want a well-built house to current Code. The house is very exposed to the weather and thermal points of entry. ▪ Due to the extensive amount of work needed, the cost of repairs is similar to demolishing/re-building the home. ▪ The hardship is that the home sits in the Environmental Development Permit Area, and they do not want to dig and pour a new foundation. ▪ The side yard is very small. <p>The Board noted that the EDPA takes up about half of the lot.</p>
<p>In Favour</p>	<p>Nil</p>

In Opposition Nil

MOTION: MOVED by D. Gunn and Seconded by R. Kelley: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 255.4(a)(ii) and (iii), further to the construction of a new house on Lot 2, Section 44, Victoria District, Plan VIP13254 (3761 Waring Place):

- a) relaxation of rear lot line from 10.5 m to 5.6 m
- b) relaxation of combined interior side lot line from 4.5 m to 4.22 m

And further that the variances so permitted be in accordance with the plans submitted to the Board, and expire on May 11, 2018, if not acted upon."

Board comments:

- It makes sense to build the house on the existing foundation; the EDPA is restrictive.
- The nature of the front and dual rear setbacks present a challenge.
- The shape of the lot provides a hardship that needs relief.
- It would be an extraordinary cost to remove the existing foundation.

The Motion was then Put and CARRIED

Other business: A brief discussion occurred regarding the wording for approved motions and the parameters set by legislation – specifically about the words "Acted Upon". The Secretary will provide the Board with a history of past discussion and legal advice received to date. If the Board wishes to present alternative wording for consideration, this will have to be vetted through the Legal Department and approved by the Director of Legislative Services.

Adjournment On a motion from R. Riddett, the meeting was adjourned at 8:30 p.m.

Haji Charania, Chair

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

Recording Secretary