

MINUTES  
**SPECIAL BOARD OF VARIANCE**  
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL  
**MAY 18, 2016 AT 5:00 P.M.**

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Members: H. Charania, D. Gunn, R. Gupta, R. Kelley, R. Riddett

Staff: K. Gill, Zoning Officer, T. Douglas, Senior Committee Clerk

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Spring Bay Road  
Existing accessory  
building

**Applicants: Janet Dillabaugh and Jean Carlson**  
**Property: 3025 Spring Bay Road**  
**Variance: Relaxation of rear lot line from 1.5 m to 0.91 m**  
**Relaxation of interior side lot line from 1.5 m to 0.91 m**

BOV #00551

The Notice of Meeting was read and the applicant's letter received. Signatures of no objection from M. Gomes, 4010 White Rock Street; S. Bertoia, 4004 White Rock Street; L. Pye, 3034 Baynes Road; M. Pedersen, 3015 Spring Bay Road; S. Travis and C. Cook, 3021 Spring Bay Road; S. Goshko, 4018 White Rock Street; D. Kakoske, 4008 White Rock Street; J. Littlepage, 3030 Spring Bay Road. Letter not in support received from G. Payette, 3026 Baynes Road.

Applicants

Connor Blakesly, Contractor, Tom and Jean Carlson, and Janet Dillabaugh, owners/applicants, were present in support of the application and had nothing to add. They suggested that the complaint received by the adjacent neighbour is more about how the shed was built, and not the proximity to the fence.

In response to questions from the Board the Contractor stated:

- He had contacted Saanich on two different occasions to ensure he had the correct rules; both times he was told that they were able to build to a maximum of 107 square feet with no permit and could site it wherever he wanted on the property.
- The adjacent neighbour had come over while the building was being constructed, and never said a word of concern.
- The 6" concrete slab that the shed sits on, is on 3 cubic metres of rubble fill which was tamped down, not 40 cubic yards as the neighbour reported. It is very stable, about 75% sits on bedrock and the rest is on the filled area – there is no chance of movement.
- Moving the shed to the allowable distance will not improve the neighbour's view.
- A couple of attempts were recently made to contact the neighbour, but they did not come to the door.

Mr. Carlson admitted to the siting mistake, and stated that most of the complaint is about the foundation and possible structural defects. He stated that the engineering department advised that there are no guidelines or requirements for structures that are 10' x 10' or less.

The Zoning Officer stated that all buildings that are less than 107 square feet are subject to the siting requirements and nobody from Saanich would say that there are no guidelines. In response to a comment, he clarified information about special regulation 5.10 in the Zoning Bylaw which does not apply in this case.

Ms. Carlson stated that a couple of attempts were made to contact the neighbour.

Ms. Dillibaugh stated that she didn't think it was a requirement to talk to the neighbour, as the neighbour had built a fence between the properties without consulting them beforehand.

In response to further questions from the Board, the applicants and contractor stated:

- If the variance request is rejected they will move the building but this will be a big problem.
- The sale of the house is subject to this variance.
- The error was made due to misinformation being given by staff twice, and the correct information was very difficult to find on-line.
- The house was built in the 1960's and the shed cost about \$8,000 to build.

In Favour Nil

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, Section 290.4(a)(ii), further allowing the existing accessory building to remain as is on Lot 3, Section 44, Victoria District, Plan 1544 (3025 Spring Bay Road):**

- a) relaxation of rear lot line from 1.5 m to 0.91 m
- b) relaxation of interior side lot line from 1.5 m to 0.91 m

**And further that the variances so permitted be in accordance with the plans submitted to the Board, and expire on May 18, 2018."**

Board comments:

- The shed was constructed within the spirit of the Bylaw.
- There is hardship with the work involved in moving the shed, given the minor relief it would provide.
- Information was not readily apparent to the contractor. This was an honest error. It would be good to improve the online information.
- There are many similarly sited sheds in the neighbourhood.
- It is a very well-constructed shed.
- Professional contractors are expected to know the municipal requirements before building.
- To force the applicant to move the building such a small amount would be a hardship with regards to cost and the urgency with the sale.

**The Motion was then Put and CARRIED**

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Thunderbird Place New house  BOV #00552	<b>Applicant: Jeff Bishop OBO Norman Smith</b> <b>Property: 4959 Thunderbird Place</b> <b>Variance: Relaxation of overall height from 6.5 m to 7.82 m</b> <b>Relaxation of single face height from 6.5 m to 8.9 m</b>
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The Notice of Meeting was read and the applicant's letter received. Letter not in support received from J. and P. Partyka, 4955 Thunderbird Place.

Applicants Jeff Bishop, applicant, was present in support of the application. The Zoning Officer clarified that on drawing A-3, the elevation marked as east is actually mislabelled and should be marked as being south.

Mr. Bishop stated:

- He has spoken with the concerned neighbour.
- He feels the design and roof height is appropriate to the neighbourhood.
- He provided a history of the past variance which expired, and noted another designer was hired to draw up new plans. The new variance request is smaller than the previously approved request.
- The design respects the roof heights; the neighbours needed perspective so he provided a visual that shows that the roof height will only be about 28 inches above the road grade.
- He has received verbal support from 2966 and 2962 Thunderbird Place.
- He is the listing agent, and has put in an offer to purchase the lot; he would like to raise his family there in an appropriate house that will have future resale value.

Public comments

John Partyka, 4955 Thunderbird Place:

- He had sent in a letter of objection based on the information in the Notice.
- He had initially thought the roof would be higher, but since then he has spoken with the applicant, and they had a surveyor on site to show where the roofline will be.
- As long as the roof will be where the surveyor has indicated, he withdraws his objection.
- He clarified that the roof height he was given was relative to his house, and not absolute (ie. the surveyor's visit was not documented).

The Chair advised Mr. Partyka that approval given by the Board would be based on the plans submitted by the applicant.

A question was raised about the projected roofline and whether it would be approximately 10 cm above the main floor level of the home next door at 4961 Thunderbird Place. The Board noted difficulty in determining where the projected roofline would be as the applicant did not mark the height, and there was a no trespassing sign which did not give reasonable access to the site.

**MOTION:**

**MOVED by R. Riddett and Seconded by R. Gupta: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 250.4(b)(i) and (ii), further to the construction of a new house on Lot 2, Section 29, Lake District, Plan VIP89059 (4959 Thunderbird Place):**

- a) relaxation of overall height from 6.5 m to 7.82 m
- b) relaxation of single face height from 6.5 m to 8.9 m

**And further that the variances so permitted be in accordance with the plans submitted to the Board, and expire on May 18, 2018, if not acted upon."**

Board comments:

- There is a hardship with both the steeply sloped site, and the Saanich Bylaw calculation for height.

- The home is compatible with the neighbourhood.
- Topography adds to the hardship, it is assumed that engineers will be hired to look after the geotechnical issues and that the Tree Protection Bylaw will be adhered to.

**The Motion was then Put and CARRIED**

Adjournment            On a motion from R. Gupta, the meeting was adjourned at 6:00 pm

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Haji Charania, Chair

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

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Recording Secretary