

**MINUTES
BOARD OF VARIANCE
COMMITTEE ROOM NO. 1, SAANICH MUNICIPAL HALL
OCTOBER 12, 2016 AT 5:00 P.M.**

Members: H. Charania, D. Gunn, R. Gupta, R. Kelley, R. Riddett
Staff: D. Blewett, Zoning Officer, T. Douglas, Senior Committee Clerk
Minutes: Moved by R. Kelley and Seconded by R. Gupta: "That the minutes of the Board of Variance meeting held September 14, 2016 be adopted as amended."
CARRIED

PREVIOUSLY TABLED
Cordova Bay Road Addition
BOV #00573
Applicant: Ryan Hoyt Designs OBO Ron and Annie Myers
Property: 5087 Cordova Bay Road
Variance: Relaxation of setback from the natural boundary of a watercourse from 7.5 m to 7.2 m
Relaxation of rear lot line setback from 12 m to 7.2 m
Relaxation of allowable floor space in non-basement areas from 80% to 89%

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

MOVED by R. Gupta and Seconded by D. Gunn, "That consideration of the application for variance at 5087 Cordova Bay Road be lifted from the table."

CARRIED

Applicants Ryan Hoyt, applicant, and Ron and Ann Myers, owners, were present in support of the application. Mr. Hoyt stated:

- Because of the slope of this site, they cannot take advantage of some basement area. There would be no issue if the site was flat.
- Hardships include that the site restricts a small footprint, and if not approved they will have an underutilized basement.
- The owners need more space and have had opportunity to reflect on the design and make changes before starting the project.

Mr. Myers stated that he took the time to canvas the neighbours and did not receive any negative feedback.

Board members commented and asked questions of the applicant, and the following was noted:

- They do not have a geotechnical report to submit to the Board.
- This design is comparable to other houses in the neighbourhood that have dug down for basements.
- The existing foundation is sinking at the corners.
- They would like to focus on the implications of the slope.
- They did not originally know that they required a variance for the natural boundary of a watercourse.
- There is zero change in both the massing and the exterior appearance.
- Right now this is an approved basement with a walkout area. If variance is approved, they will keep the existing basement and add a little area.
- The existing foundation has footings and is in terrible shape.

A discussion occurred about the request to have a geotechnical report for this meeting. The secretary advised that the letter she sent to the applicant did not require a geotechnical report, but it did say that the Board suggested a report would be helpful as evidence to support the variance request. The Zoning Officer pointed out that the request for a geotechnical report was requested by only two of the four members present at the September meeting.

In Favour Nil

In Opposition Nil

MOTION: MOVED by R. Gupta and Seconded by R. Kelley: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 5.19, and 295.3(a)(ii), further to the construction of an addition to the house on Lot 18, Section 30, Lake District Plan 4101 (5087 Cordova Bay Road):

- a) relaxation of setback from the natural boundary of a watercourse from 7.5 m to 7.2 m
- b) relaxation of rear lot line setback from 12 m to 7.2 m

And further that if construction in accordance with the plans submitted to the Board in the application is not substantially started within two years from the date of this Order, the variances so permitted by this Order will expire."

Board comments:

- The two variances already visited by the Board are approved and a building permit has been issued so it would be a hardship to not approve this request.

The Motion was then Put and CARRIED

MOTION: MOVED by R. Gunn and Seconded by R. Riddett: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 295.3(c), further to the construction of an addition to the house on Lot 18, Section 30, Lake District Plan 4101 (5087 Cordova Bay Road):

- c) relaxation of allowable floor space in non-basement areas from 80% to 89%

And further that if construction in accordance with the plans submitted to the Board in the application is not substantially started within two years from the date of this Order, the variances so permitted by this Order will expire."

Board comments:

- After the second visit to the site, seeing what is proposed makes sense.
- This is a minor floor area increase and is in keeping with adjacent homes.
- This is a minor variation and they are having trouble with the basement area because of the sloped site.
- It does not make sense to excavate the area only to add infill after.
- The extra space adds value to the house.
- There is no impact to the neighbours. The first design was not as complete as it could have been.
- Incurring the cost of a geotechnical report was not necessary.

- Applicants should supply the information needed to support their variance.
- A geotechnical report recommending a raft foundation was needed.
- Area requirement limitations are in place to avoid monster homes and avoid people taking advantage of the Bylaw.
- There is a concern that the only purpose of the application is to improve the monetary value of the home.

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

Grandview Drive
Fence

Applicant: Jillian Bayne
Property: 1983 Grandview Drive
Variance: Relaxation of height from 1.9 m to 2.35 m

BOV #00578

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

Applicants

David Bayne, applicant’s son, was present in support of the application. He noted that the site is sloped and it is difficult to understand where to measure. In response to questions from the Board, Mr. Bayne stated:

- Eight panels will have an 18 inch lattice installed, and two panels will have a one foot lattice.
- The previous fence was about five feet tall and was around 40 years old.
- The fence was falling over so they put in standard six foot panels. His mother did not want to see underneath the adjacent neighbour’s deck and felt that vines growing through lattice would accommodate this.
- His mother also has a garden that deer like to visit.
- It would not be a high cost to cut the posts down and cap them if the Board rejected this request.
- They thought about planting cypress trees as vegetative screening, but the costs are too high.
- They wanted to build the fence properly and ask permission prior to doing the job. His mother likes the look of the lattice top.

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 6.2(f)(ii), further to the request to construct additional height to the fence on Lot 1, Section 85, Victoria District, Plan 9898 (1983 Grandview Drive):

- a) relaxation of height from 1.9 m to 2.35 m**

And further that if construction in accordance with the plans submitted to the Board in the application is not substantially started within two years from the date of this Order, the variances so permitted by this Order will expire.”

Board comments:

- Deer are a contributing factor, they are aggressive and this is an elderly safety concern.
- There is little visual impact; the lattice is not solid or intrusive looking and will be partially shielded by vegetation.
- The neighbours have no objection to this request.
- When visiting the site, did not see much visual impact with the fence.

- This was a good application and the Board appreciates that the applicant made the request before doing the job.
- Generally do not support fence height requests. Wonders why the neighbourhood does not ask Council to change the Bylaw. The applicant's age is a hardship with deer concerns and being able to maintain the garden.
- There is no financial hardship and other people may do the same.

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

McAnally Road
Addition

BOV #00580

Applicant: Deane Strongitharm OBO Dave and Jacqueline Wheaton
Property: 3019 McAnally Road
Variance: Relaxation of setback from the natural boundary of a watercourse from 7.5 m to 6.3 m

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

Applicants

- Deane Strongitharm, applicant, and Dave Wheaton, owner, were present in support of the application. Mr. Strongitharm described the proposed addition and noted the following:
- The main hardship is that the whole site is in the Environmental Development Permit Area (EDPA) and that the shoreline articulation is restrictive.
- The home is a slab on grade.
- They had a biologist create a mitigation plan.
- The addition must be done on hard surface areas.
- This is a coastal bluff area and development is very restrictive because they are so close to the water and because of the drop-offs to the shoreline.

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

- They will apply for an Environmental Development Permit.
- The house was purchased in August of 2015.
- This is a major renovation. There are already several existing non-conforming walls.
- They will keep the foundation and everything will be brought up to Code.
- The west patio will remain. It is presently non-conforming and works for the house.
- The total square footage will be approximately 5,000 square feet when completed.
- They are only asking for variance in areas where they are renovating.
- There will be no basement.
- The existing garage is tight and they need more space. They are adding about 10.8 square metres to the garage.

The Zoning Officer advised that the *Local Government Act* protects homeowners for previously approved structures. The applicant can have as large a garage as they want within the maximum permitted floor area.

In Favour Nil

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 5.19, further to the construction of an addition attaching the existing garage to the primary residence on Lot A, Section 44, Victoria District, Plan 30906 (3019 McAnally Road):

****RESCINDED****

- a) relaxation of setback from the natural boundary of a watercourse from 7.5 m to 6.3 m

And further that if construction in accordance with the plans submitted to the Board in the application is not substantially started within two years from the date of this Order, the variances so permitted by this Order will expire.”

Board comments:

- This is a straightforward application and they will go through the Environmental Development Permit application process.
- The hardship is evident and they have no storage with the lack of a basement.
- Other houses in the neighbourhood are non-compliant. The topography and being in the EDPA are hardships.
- There is no change in the footprint and this is a minor variance.
- This is a major existing non-conforming structure and not granting this would cause a hardship. This is a minor request.

The Motion was then Put and CARRIED

Due to an incorrect bylaw citation, the above Motion was RESCINDED. A different motion was made to approve this application at the March 15, 2017, Special BOV meeting.

Adjournment On a motion from R. Kelley, the meeting was adjourned at 6:30 p.m.

Haji Charania, Chair

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

Recording Secretary