

**MINUTES
BOARD OF VARIANCE
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL
DECEMBER 14, 2016 AT 7:00 P.M.**

Members: H. Charania, D. Gunn, R. Gupta (Chair), R. Riddett
Absent: R. Kelley
Staff: D. Blewett, Zoning Officer, T. Douglas, Senior Committee Clerk

Minutes: Moved by H. Charania and Seconded by D. Gunn: "That the minutes of the Board of Variance meeting held November 9, 2016 be adopted as circulated.
CARRIED

Carey Road	Applicant: Mae Tan
Fence height	Property: 3973 Carey Road
BOV #00579	Variance: Relaxation of height from 1.5 m to 1.76 m
	The Notice of Meeting was read and the applicant's letter received. Signature of no objection received from one residence. Submission of objection received from one residence.
Applicants	Mae Tan and Edgar Tan, applicants/owners, were present in support of the application. Mr. Tan described the slope on his property from the road and noted: <ul style="list-style-type: none">▪ The bylaw causes hardship for sloped properties.▪ It would cause them a hardship to have to reduce the fence height.▪ They did not erect the fence to cause a hardship for the neighbours on Baran Place.▪ The fence is needed for privacy.▪ They built their fence according to the pamphlet that Saanich produces; the pamphlet does not fully explain all of the regulations
In Favour	Nil
In Opposition	C. Navarrette/D. Lucas, 570 Baran Place: <ul style="list-style-type: none">▪ A condition of the applicant's home purchase was to have the fence repaired.▪ They had been working with the applicants on putting up a proper fence and then a neighbour interfered. They had intended on building the fence with the applicant.▪ They feel the applicant was aware of the regulations and caused their own hardship as they could have stopped building.▪ When doing their due diligence in May this year, a Saanich staff member provided a hand drawn document noting the allowable fence height.▪ They were denied building a six foot fence but the neighbours are allowed a six foot fence; they would like a level playing field. They spoke with staff three times and was told directly that they cannot build a fence to match the neighbours. It is confusing why it can be done by one person and not others.

In response to questions from the Board the applicants stated:

- The fence was there when they purchased the property.
- They have not had opportunity to investigate the cost of cutting the fence lower.
- The newer section of the fence that was done in August corrects an error that existed before the house was purchased; a survey was done and the property lines were adjusted.
- The portion of the fence closest to the house is 5' tall (1 inch overheight).

- About 80% of the length of the fence is overheight.
- The fence was professionally built.

M. Stebih, 3961 Carey Road:

- The purchase and sale was originally done by realtors, and the rotting fence was 4'9". A new fence was part of the sale.

The applicants responded that they did not ask the realtor to install a fence.

MOTION:

MOVED by R. Riddett and Seconded by H. Charania: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 6.2(f)(i), further to allowing an existing fence to remain as is on Lot 12, Section 50, Victoria District, Plan 11579 (3973 Carey Road):

- a) relaxation of height from 1.5 m to 1.76 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 variance so permitted by this Order will expire."

Board comments:

- This is a minor variance with the land being lower than the road, and was pre-existing. The dispute seems to be about other issues. The new portion of the fence fits in.
- Walked around the area during the site visit and can see the fence is historical.
- There are privacy concerns.
- Neighbour at Baran Place was concerned they couldn't build a similar fence; there are different rules for properties abutting a street. The neighbours can ask for a variance.
- This was an existing non-complying fence. The new portion matches the existing.
- Saanich should look at their fence brochure as could be misleading.

The Motion was then Put and CARRIED

Lockehaven Drive New house BOV #00587	Applicant: Lindsay Baker, Aspire Custom Designs Ltd. OBO Peter Smith & Carol-Ann Saari Property: 4070 Lockehaven Drive Variance: Relaxation of height from 7.5 m to 7.75 m for a sloped roof Relaxation of height from 6.5 m to 7.03 m for a flat roof Relaxation of single face height from 6.5 m to 7.39 m for a flat roof
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The Notice of Meeting was read and the applicant's letter received. Signatures of no objection received from three neighbours.

Applicants

Lindsay Baker, applicant and Peter Smith, owner, were present in support of the application. Mr. Smith submitted three letters of no objection from three neighbours; he attempted to contact all neighbours but a couple were away. He stated that about six weeks ago the contractor said there was a miscalculation on the grade, and if they were to dig as low as originally planned there could be flooding issues. They have now moved the house back ten feet and are using smaller joist system to help minimize the height.

Mr. Baker stated that there are a number of issues to work around; they have their building permits; they have shrunk the house since permits were issued.

In response to questions from the Board, Mr. Baker and Mr. Smith stated:

- The septic tank is as low as it can be for the gravity system to work, they ran into some bedrock which causes problems.
- The rising sea level is an issue. The CRD has a Regional Sea Level Adaptation Framework on this issue. Setbacks are being changed in some municipalities as a result.
- In discussion with the neighbour at 4090 Lockehaven, the main concern seemed to be that the trees remain to provide screening. They will not be cutting any of their trees on that side.
- If not granted, they will have to redesign the house. The issue is that there is limited space with being in the Environmental Development Permit area as well as an Archaeological zone. They do not want to increase their footprint.
- They have relocated the pool to the top of the garage instead of the back yard to reduce digging. The guardrails for the pool is causing the height issue, and they need a safety rail.
- They are hoping to have a living wall on one side of the house.
- Their building permit was issued three months ago.

The Zoning Officer advised that there is a covenant on the height of trees at 4090 Lockehaven Drive, and that property owner may have to reduce the height of the trees in the future. He also described the measurement of the outermost wall to the Board members.

In Favour Nil

In Opposition Nil

MOTION: **MOVED by H. Charania and Seconded by D. Gunn: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 290.3(b)(i) and (ii), further to the construction of a house on Lot 13, Section 44, Victoria District, Plan 5900 (4070 Lockehaven Drive):**

- a) relaxation of height from 7.5 m to 7.75 m for a sloped roof
- b) relaxation of height from 6.5 m to 7.03 m for a flat roof
- c) relaxation of single face height from 6.5 m to 7.39 m for a flat roof

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 applicant tried to comply with the Bylaw; the EDPA is restrictive; this has no impact on neighbours; neighbour consultation was done; ceiling heights are reasonable; they have lowered the height as best they can.
- This respects the neighbour's privacy. Please try to keep the trees intact on the side where neighbour expressed concern.
- There are flooding issues in the area; this is in an Archaeological and EDPA zone which is a hardship; they attempted to mitigate problems; this is not an inappropriate use and does not impact neighbours.

The Motion was then Put and CARRIED

Major Road New house BOV #00588	Applicant: Hui Min Tan and Gui Lian Zheng Property: 4821 Major Road Variance: <ul style="list-style-type: none"> Relaxation of height from 7.5 m to 9.58 m for a sloped roof Relaxation of height from 6.5 m to 8.58 m for a flat roof Relaxation of single face height from 6.5 m to 8.5 m for a flat roof Relaxation of allowable floor space in non-basement areas from 75% to 90.78%
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The Notice of Meeting was read and the applicant's letter received. Letters not in support received from three residences.

Applicants
Will Peereboom, Victoria Design, and Vivian Tan, applicant/owner, were present in support of the application. Mr. Peereboom noted that the property rises and drops, and in order to build the house to comply with the bylaw, they would have to blast two metres of rock. This is a two-storey house but because of the average grade measurements, a variance is needed.

In Favour Nil

In Opposition
L. Brack, 4797 Timber Place:

- Is concerned about the height and overall size of the proposed home.
- Is concerned that the proposed home will block out the evening sun.
- Noted that a large amount of rock is already being removed.

B. Schweitzer, 4825 Major Road:

- They were originally excited that a new house was being built as there have been good changes in the neighbourhood.
- There was no contact by the neighbours about the house plans; they were told they will have to remove their Oak tree as it leans over the applicant's property.
- The variances being requested are in excess of 30%
- Sees no hardship; two other houses were constructed in the neighbourhood this year and they both met the Bylaw. This house is too big.
- There will be privacy and sunlight loss if approved. This will affect the value of their own property.
- Asked if the applicant intends to live in the house and be part of the community, and for how long.

I. Donaldson, 1156 Timber Lane:

- The applicant is not asking for a minor variance and there is no hardship.
- The proposed is a huge home hanging over a cliff. It is not impossible to site and could be moved back as there is a good amount of land available.
- Suggested the applicant is looking at subdivision potential and maximizing monetary value; applicant is a developer/realtor in construction business.
- The proposed is not consistent with surrounding houses and will impede views on several locations. It looks like an apartment block in a residential area.
- This will negatively affect the value of properties and also the natural area.

R. Donaldson, 1156 Timber Lane:

- The idea that this is a two-lot parcel is not correct. In the past a subdivision was applied for but did not happen. There is lots of space on the property for a home.

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

- Only one storey will be seen because they will blast down following the grade. They will have to add another two metres of blasting on either side if they are not granted a variance.
- Acknowledged that no markings were done on site.
- The applicant purchased the property in August 2016.
- The original lot was RS-18 and it is now RS-12. With the proposed house plans, they will not be able to subdivide the property without rezoning.
- The hardship is they would like to save some trees and natural rock and limit blasting.
- The overall size conforms to the Bylaw but because they are pushing the house up this affects the basement measurement.
- They could have made a bigger one-storey home.
- Ceiling heights on each level are 9'.
- To reduce the effect on neighbours they placed the house in-between the other houses and they lowered the roof. On one side it looks like a one-storey home.

P. Csicsai, 4818 Major Road:

- Asked how the Board considers how a house fits into a neighbourhood, and noted seven houses similar to his in size could fit into the proposed house.

MOTION:

MOVED by H. Charania and Seconded by R. Riddett: "That the following requests for variance from the requirements of Zoning Bylaw 2003, Sections 250.4(b)(i) and (ii) and 250.4(c), further to the construction of a house on Lot A, Section 121, Lake District, Plan VIP83102 (4821 Major Road) be DENIED:

- a) relaxation of height from 7.5 m to 9.58 m for a sloped roof
- b) relaxation of height from 6.5 m to 8.58 m for a flat roof
- c) relaxation of single face height from 6.5 m to 8.5 m for a flat roof
- d) relaxation of allowable floor space in non-basement areas from 75% to 90.78%."

Board comments:

- There is no hardship, or if there are they are self-imposed.
- They are asking for major variances.
- This will impact the views and values of the surrounding properties, and the neighbours' concerns are justified about a proposed monster house.
- The design and location is out of character for the neighbourhood. A different design that is more sympathetic to the site would be better.
- There was no attempt to mitigate any issues with the Bylaw and this is an inappropriate development of an RS-12 lot.
- The site was not marked for the Board.

The Motion was then Put and CARRIED

Ashley Road
Addition

BOV #00589

**Applicant: Margaret Foreman
Property: 2898 Ashley Road
Variance: Relaxation of front lot line from 7.5 m to 4.4 m**

The Notice of Meeting was read and the applicant's letter received. Signatures of no objection received from three residences.

Applicants

Margaret and Michael Foreman, applicants, were present in support of the application and responded to questions of the Board as noted:

- They have a small house on an irregular shaped lot, and there are restrictions due to it being waterfront.
- They would like a small room at the back of the garage for Ms. Foreman to do her artwork; she is finding stairs difficult.
- There is no space in the main living area; this was thought to be the best solution.
- They did apply for a variance in 2007 but they were not able to construct the proposed renovations because it was too costly at that time.
- The car will fit outside of the garage with no impact.

In Favour Nil

In Opposition Nil

MOTION: **MOVED by H. Charania and Seconded by R. Riddett: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 265.4(a)(i), further to the construction of an addition to the house Lot 11, Section 21, Victoria District, Plan 4344 (2898 Ashley Road):**

a) relaxation of front lot line from 7.5 m to 4.4 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 variance so permitted by this Order will expire."

Board comments:

- There are three support letters from neighbours; this does not impact neighbours.
- The property lines cause a hardship. This is a reasonable solution.
- The bylaw for the front yard is to give separation from traffic and in this case there is no traffic.

The Motion was then Put and CARRIED

Meadowbrook Ridge New house	Applicant: Ariel Erez Property: 140 Meadowbrook Ridge Variance: Relaxation of height from 7.5 m to 8.83 m
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BOV #00590	The Notice of Meeting was read and the applicant's letter received. Signature of no objection received from one residence.
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Applicants	Ariel Erez, owner, was present in support of the application. He explained the problems with the excess water on the property and noted that they gain no benefit from the variance request other than to protect their house. In response to questions from the Board they noted:
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- The septic area percolates well; a gravity fed system was recommended.
- There is a covenant to protect trees; this restricts where they can build.
- They would like to have a garden and greenhouse in the sunny area of the property.
- In June when they purchased the property they just had good percolation results and there was just a trickle of water in the culvert. They hired a Geotech for a report after water issues began to occur.

In Favour Nil

In Opposition Nil

MOTION: **MOVED by D. Gunn and Seconded by H. Charania: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 125.6(b)(i), further to the construction of a house on Strata Lot 5, Sections 131 & 132, Lake District, Plan EPS1601 (140 Meadowbrook Road):**

- a) relaxation of height from 7.5 m to 8.83 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 variance so permitted by this Order will expire."

Board comments:

- There is a hardship with the water problems; this is not inappropriate to the site and will not affect neighbours.
- Given the context of the land there is a significant hardship.
- The house is placed far back on the property and the height will not be noticeable.
- This is a remote site and the owners did their due diligence.

The Motion was then Put and CARRIED

Loretta Drive Fence height BOV #00591	Applicant: Jason LeBlanc OBO Christine Ek Property: 3888 Loretta Drive Variance: Relaxation of fence height abutting a street from 1.5 m to 1.83 m
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The Notice of Meeting was read and the applicant's letter received. Signature of no objection received from one residence.

Applicants	Jason LeBlanc, applicant, was present in support of the application and had nothing further to add. In response to questions from the Board, he noted: <ul style="list-style-type: none"> ▪ Security and privacy is a concern, and having a fence lower than the neighbouring ones is not desirable. ▪ The area is noisy and used as a trail. ▪ The existing fence has been in place for at least 15 years, is soundproof, and made of concrete; some boards are ready to come down which is a safety issue. ▪ The municipality affected the fence when they disturbed the soil and have offered to replace the fence.
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The Zoning Officer clarified that Saanich will pay up to a certain value to replace the fence; there was no agreement on the type or height of the replacement fence.

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)(i), further to the construction of a replacement fence on Lot 1, Section 77, Victoria District, Plan 11192 (3888 Loretta Drive):**

- a) relaxation of fence height abutting a street from 1.5 m to 1.83 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 variance so permitted by this Order will expire."

Board comments:

- There is a need to isolate the property from the busy road. The fence should be the same height as the adjacent fencing.
- Saanich caused the hardship; this is not the applicant's fault.
- The extra foot will not help with the noise but the height is needed.
- The new proposed fence is lower than the existing fence.
- There is a safety issue with the existing fence falling over.

The Motion was then Put and CARRIED

Taylor Street Addition BOV #00592	Applicant: James Grieve Design Ltd. OBO Anne and Chris Munson Property: 1710 Taylor Street Variance: Relaxation of front lot line from 6.0 m to 4.25 m
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The Notice of Meeting was read and the applicant's letter received.

Applicants James Grieve, applicant, and Anne and Chris Munson, owners, were present in support of the application. In response to questions from the Board, they noted:

- The proposed addition is to improve the use and enjoyment of the kitchen space. The present kitchen is not functional in a social scene.
- The existing posts are not in good shape; the roof is in good shape.
- The house was built in the early 1960's and the walkway was done in the 1970's. They have owned the house since 1997.
- There is no rational way to develop this space with the dining and living room behind. They want to avoid adding a radical addition at the back.
- The roofline will not change, and there is no impact to the street.
- There is not enough room in the present kitchen, the addition of an island improves the space and storage issues. It is not a big addition, but will be useful.
- The neighbours across the street are not opposed.

In Favour Nil

In Opposition Nil

MOTION: **MOVED by D. Gunn and Seconded by H. Charania: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 210.4(a)(i), further to the construction of an addition to the house on Lot 124, Section 27, Victoria District, Plan 11000 (1710 Taylor Street):**

a) relaxation of front lot line from 6.0 m to 4.25 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 variance so permitted by this Order will expire."

Board comments:

- The other setbacks are generous; the lot shape is irregular and the right-of-way constrains what can be done on the lot.

- The house is non-conforming already; the inside space is not functional.
- Building at the back is not practical.
- There is no impacts on the neighbours.

The Motion was then Put and CARRIED

Adjournment On a motion from R. Gupta, the meeting was adjourned at 10:00 p.m.

R. Gupta, Chair

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

Recording Secretary