

MINUTES
BOARD OF VARIANCE
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL
SEPTEMBER 13, 2017 AT 7:00 P.M.

Members: H. Charania, D. Gunn, R. Gupta (Chair), R. Riddett
Regrets: R. Kelley
Staff: D. Blewett, Zoning Officer, T. Douglas, Senior Committee Clerk
Minutes: Moved by R. Riddett and Seconded by H. Charania: "That the minutes of the Board of Variance meeting held June 14, 2017 be adopted as circulated."
CARRIED

Moved by H. Charania and Seconded by R. Riddett: "That the minutes of the Board of Variance meeting held August 9, 2017 be adopted as amended."
CARRIED

PREVIOUSLY TABLED
Agate Lane Accessory building
BOV #00641
Applicant: John Knappett
Property: 5161 Agate Lane
Variance: Relaxation of height from 3.75 m to 4.20 m
Moved by H. Charania and Seconded by D. Gunn, "That the application for variance at 5161 Agate Lane be lifted from the table."
CARRIED

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

Applicants John and Betty Ann Knappett, owners, were present in support of the application and spoke to a drawing they provided which shows the actual grade. Mr. Knappett explained how they are trying to get out of the root zone and described the Building Code requirements for frost which would result in the tree roots being cut if they install a slab. Raising the garage will also help get the driveway out of the root zone.

In response to questions from the Board, the applicant noted that:

- The property to the south appears to show the original grade.
- This came back to the Board because the applicant did not have a survey they needed back in June.

In response to a question, the Zoning Officer stated that the property is very old (1920s), and measuring from original grade is somewhat open to interpretation.

In Favour Nil

In Opposition Nil

MOTION: MOVED by H. Charania and Seconded by D. Gunn: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 295.4(b), further to the construction of an accessory building at Lot 15, Section 31, Lake District, Plan 722 (5161 Agate Lane):

a) relaxation of height from 3.75 m to 4.20 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 vegetation on site causes a hardship as per the Arborist’s report.
- Determining grade is difficult. The site is significantly lower than the road and this warrants relief.
- This plan will retain trees and protect root systems, which is positive for the environment.

The Motion was then Put and CARRIED

***PREVIOUSLY
TABLED***
Claremont
Avenue
New house and
accessory
building

Applicant: Michael Giordano
Property: 780 Claremont Avenue
Variance: Relaxation of interior side lot line for a single family dwelling from 3.0 m to 1.50 m
Relaxation of rear lot line for an accessory building from 7.5 m to 1.50 m
Relaxation of interior side lot line for an accessory building from 3.0 m to 1.50 m

BOV #00626

Moved by D. Gunn and Seconded by H. Charania, “That the application for variance at 780 Claremont Avenue be lifted from the table.”

CARRIED

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

Applicants

Michael Giordano, owner, was present in support of the application and noted:

- He has changed the look of the accessory building.
- The house plans are ready and he has applied for a demolition permit.
- He would like to build both buildings at the same time.
- The neighbour to the east wants to do something similar with their property and the neighbour to the west has a similar accessory building.
- The garage is not living space and will not impact the neighbours.

The Zoning Officer confirmed that there is no combined setback requirement for an A-1 Zone, that the existing house is non-conforming, and that the height complies with the A-1 Zone. He disclosed that he had a conversation with the property owner located behind this property, who expressed support of the application.

In response to question from the Board, the owner stated:

- The accessory building is to be used for vehicle storage and as a workshop.
- There will not be a driveway to the accessory building.
- The proposed buildings do not exceed the guidelines for RS-12 properties.
- There are only three windows on the accessory building.
- The basement will be unfinished as it is too costly to complete at this time.

In Favour

Nil

In Opposition

Nil

MOTION:

MOVED by R. Riddett and Seconded by R. Gunn: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 101.5(a)(i) and 101.7(a)(i), further to the construction of a new house and accessory building on Lot 1, Section 31, Lake District, Plan EPP58199 (780 Claremont Avenue):

- a) relaxation of interior side lot line for a single family dwelling from 3.0 m to 1.50 m
- b) relaxation of rear lot line for an accessory building from 7.5 m to 1.50 m
- c) relaxation of interior side lot line for an accessory building from 3.0 m to 1.50 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 A-1 zoning imposes a hardship. This should be an RS zoned property.
- The applicant is commended for resubmitting the application as requested.
- The proposed plans meet the requirements of an RS-12 zone, which is acceptable.

The Motion was then Put and CARRIED

<p>Copperfield Lane Addition</p> <p>BOV #00650</p> <p>Applicants</p> <p>In Favour</p> <p>In Opposition</p> <p>MOTION:</p>	<p>Applicant: Norman Tashe</p> <p>Property: 4045 Copperfield Lane</p> <p>Variance: Relaxation of allowable floor space in non-basement areas from 80% to 86.44%</p> <p>The Notice of Meeting was read and the applicant’s letter received. Letter of no objection received from the Copperfield Strata and from one residence.</p> <p>Norman and Natalie Tashe, owners, were present in support of the application, and they submitted a handout of homes to help illustrate the look of their project.</p> <p>Two Board members disclosed that they had met the applicants during the on-site visit.</p> <p>In response to questions from the Board, the owners stated:</p> <ul style="list-style-type: none"> ▪ There is no basement in the home. ▪ The addition will improve the use and function of the home. ▪ They have been in their home for ten years; they have good neighbours and their children have good friendships in the area. ▪ Their children attend three different schools and the location of their home works well for this. ▪ If denied they will have to look for a home in a different neighbourhood. This is not ideal considering the current housing market and associated costs. <p>Nil</p> <p>Nil</p> <p>MOVED by H. Charania and Seconded by R. Riddett: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 210.4(c), further to the construction of an addition to the house on Lot 10, Section 49, Victoria District, Plan VIS6000 (4045 Copperfield Lane):</p> <ul style="list-style-type: none"> a) relaxation of allowable floor space in non-basement areas from 80% to 86.44%
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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.
- The need for space is justified and there is a lack of alternatives.
- There is no basement in the house, the massing is in keeping with the neighbouring properties.
- There is no negative impact, and there may actually be a positive impact.
- The Strata has no objection.

The Motion was then Put and CARRIED

<p>Grange Road New house & accessory bldg. BOV #00620</p>	<p>Applicant: Bill and Pat Day Property: 4065 Grange Road Variance: Relaxation of interior side lot line for a single family dwelling from 3.0 m to 2.29 m Relaxation of interior side lot line for an accessory building from 3.0 m to 1.52 m</p>
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The Notice of Meeting was read and the applicant’s letter received. Signatures of no objection received from four residences.

Applicants

Bill and Patricia Day, owners, were present in support of the application and had nothing to add. In response to questions from the Board, they noted:

- They purchased the property two years ago after being approached by the previous owner. They have lived next door at 4060 Grange Road for 28 years.
- The new lot is quieter and larger although it is narrow at being 50 feet wide, which is the challenge.
- They plan to tear down the house that is currently on the property and will rebuild. The current tenants are going to leave.
- They could move the garage to conform to the bylaw, but with the narrow lot the proposed plan works better aesthetically and will also be better for the neighbouring views.
- Their mother is going to move in and a wider house will help to accommodate a wheelchair/walker.
- If not granted they will have to re-think the design or sell the lot.

The Zoning Officer confirmed that the proposed size is less than the maximum allowable.

In Favour

Nil

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, Sections 101.5(a)(ii) and 101.7(a)(ii), further to the construction of a new house and accessory building on Lot 37, Section 12, Lake district, Plan 1393 (4065 Grange Road):

- a) relaxation of interior side lot line for a single family dwelling from 3.0 m to 2.29 m

- b) relaxation of interior side lot line for an accessory building from 3.0 m to 1.52 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:

- There is a hardship with the narrow lot and the inappropriate A-1 zoning. It is not reasonable to force people to build within the legacy zoning.
- It is appreciated that the design does not overly affect neighbouring views.
- The medical issues are recognized.
- They could have proposed a larger house.

The Motion was then Put and CARRIED

Kingsberry Cres.
Addition

BOV #00652

Applicant: Brian Ball
Property: 1728 Kingsberry Crescent
Variance: Relaxation of front lot line from 6.0 m to 5.70 m
Relaxation of rear lot line from 7.5 m to 2.70 m
Relaxation of combined front and rear lot lines from 15.0 m to 8.40 m

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

Applicants

Brian Ball and Jennifer Windsor-Ball, owners, were present in support of the application. One Board member disclosed that he met with the applicant on-site.

In response to a question from the Board, the applicant stated that they did not know that their son, who had applied to UVic, plans to stay in the family home while attending school. The extra body in the house was not anticipated. They consider this their forever home and if denied they will have to make do. One person in the house suffers from migraine headaches and having an extra room for quiet would be really helpful for this issue.

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, Section 210.4(a)(i), further to the construction of an addition to the house on Lot 2, Section 38, Victoria District, Plan 18994 (1728 Kingsberry Crescent):

- a) relaxation of front lot line from 6.0 m to 5.70 m
- b) relaxation of rear lot line from 7.5 m to 2.70 m
- c) relaxation of combined front and rear lot lines from 15.0m to 8.40m

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 need is clear for the family to accommodate an extra member in the house.
- There is a big rock at the back of the property so topography is limited. The design of the renovation makes sense.
- There is hardship with the small size of the lot for an RS-6. It is an odd shaped lot and the existing house siting leaves little room for other improvements.
- The plan mitigates the view and reduces the impact to the road with the three metre difference.

The Motion was then Put and CARRIED

Phyllis Street Addition BOV #00646	Applicant: Northern Tropic Homes, OBO James and Lynn Lui Property: 2970 Phyllis Street Variance: Relaxation of allowable floor space in non-basement area from 75% to 76.71%
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The Notice of Meeting was read and the applicant’s letter received.

Two Board members disclosed that they met with the applicant onsite.

Applicants

Troy Nelson, Northern Tropic Homes, applicant, was present in support of the application and he submitted two signatures of no objection. He explained the delays that his project faced and why the process was set in motion prior to obtaining the appropriate permits. Additionally, it was thought that because the property is so large, that the addition would not pose a problem.

In response to questions from the Board:

- He did apply for a permit but there were deficiencies, so it was not approved. The need for variance was discovered after this.
- They started building before the building permit was issued.
- There is a rehabilitative swim spa inside the room.

In Favour

Nil

In Opposition

Nil

MOTION:

MOVED by D. Gunn and Seconded by H. Charania: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 290.3(c) and 5.21, further to the construction of an addition to the house on Lot 1, Section 44, Victoria District, Plan VIP89254 (2970 Phyllis Street):

- a) relaxation of allowable floor space in non-basement area from 75% to 76.71%

And further that construction be in accordance with the plans submitted to the Board.”

Board comments:

- This is a minor variance of 161 square feet on an RS-16 lot.
- There is no impact to the neighbours due to the slope.
- The massing is not apparent and having no basement is a hardship.
- This is a health issue.

- Disappointment was expressed that work had been done prior to the issuance of the building permit.

The Motion was then Put and CARRIED

Adjournment On a motion from H. Charania, the meeting was adjourned at 8:40 p.m.

Rishi Gupta, Chair

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

Recording Secretary