

MINUTES  
**BOARD OF VARIANCE**  
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL  
**OCTOBER 11, 2017 AT 7:00 P.M.**

---

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

---

Earlston Avenue **Applicant: Jasminster Bhandal OBO Manjit Singh Bains**  
Fence height **Property: 1513 Earlston Avenue**  
**Variance: Relaxation of height from 1.9 m to 2.51 m**

BOV #00648

The Notice of Meeting was read and the applicant's letter received. Letters not in support received from seven residences.

Applicants Jasminster Bhandal, applicant, Ron McNeil of McNeil Designs, and Mike Bains, owner's son, were present in support of the application.

Mr. McNeil stated that:

- Many houses in the neighbourhood have stone walls with fences on top.
- The necessity for this structure occurred when they were trying to level the grade around the house.
- He designed the house but not the fence.
- The ground is sloped and part of the area was blasted.

The Chair noted that the application is only for the eastern fence. The Zoning Officer pointed out that the fence sits higher than what the applicant is requesting based on the information provided by the neighbours.

In Favour Nil

In Opposition R. Wells, Earlston Avenue:  

- Submitted information about the original property grade and how the retaining wall and fence were constructed. He would like Saanich to investigate this and rectify any deficiencies.
- Expressed concern about poor drainage, possible fire hazard, encroachment onto his property, and poor engineering/construction.

D. and L. Gillespie, speaking on behalf of their mother on Ophir Street:

- Their mother is opposed to the fence.
- Suggested the fence height is to hide the amount of people living in the back building and that Saanich is losing out on tax revenue.

M. Bains responded by saying that the accessory building is not used for sleeping in; it is used as a media room and bar. The Chair noted that the Board is only considering the fence height for this application.

In response to questions from the Board Mr. Bhandal stated:

- He has built in most of the municipalities and has never had problems or complaints before.
- He did not build the fence, he built the house. Others were hired to build the retaining wall.
- The inspectors did not say anything to him about the fence when there to inspect the house. The fence only became an issue after a complaint was made.

In response to questions from the Board Mr. McNeil stated:

- It doesn't look like a survey was done to confirm the fence height.
- The fence is board built. It does not look like prefabricated fence panels.
- The hardship they are claiming is the fence is to keep a dog in the yard.

The Chair pointed out the application form described pre-fab fence panels and that is not what they witnessed on site.

A suggestion was made to have an enclosed dog run on the property or have a fence with a height which complied with the Bylaw.

**MOTION:                    MOVED by D. Gunn and Seconded by R. Kelley: "That the following request for variance from the requirements of Zoning Bylaw 2003, Section 6.2(f)(ii), further to allowing an existing fence to remain as is, at Lot 1, Section 40, Victoria District, Plan 9521 (1513 Earlston Avenue) be denied:**

- a) relaxation of height from 1.9 m to 2.51 m."**

Board comments:

- There is no apparent hardship.
- The actual height of the fence from grade is not known. If this application comes back, they need better measurements.
- Work was done after the stop work order.
- Concern was expressed about the fence stability.

**The Motion was then Put and CARRIED**

Majestic Drive  
Addition  
  
BOV #00651

**Applicant: Joshua Barnes**  
**Property: 4491 Majestic Drive**  
**Variance: Relaxation of allowable floor space in non-basement areas from 80% to 87.35%**

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

Applicants

David Lunt, T-Square Designs, and Josh and Kristin Barnes, owners, were present in support of the application. The Chair disclosed that he spoke with the applicants on the site visit.

In response to questions from the Board, the owners and designer stated:

- The applicant's would like to add space to the home for a growing family.
- The property is mis-zoned and is located in a good neighbourhood that the family would like to stay in.
- The plan for the lower floor includes a suite for a family member who is on the property Title.
- The existing 1970's era home has a cathedral style entry which will be changed to a level entry.
- The upstairs is only 1,100 square feet. They are not asking for a large variance.
- They will remove the retaining wall and create parking.
- Any additions done to the house in the past without permit will be brought up to Code.

In Favour                    Nil  
In Opposition              Nil

**MOTION:** **MOVED** by R. Kelley and **Seconded** by D. Gunn: “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 1, Section 17, Victoria District, Plan 18433 (4491 Majestic Drive):

- a) relaxation of allowable floor space in non-basement areas from 80% to 87.35%

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 evident hardship to the applicants.
- This is a logical design that will be positive to the streetscape.
- No neighbours are opposed and the hedging will shield part of the addition.
- This is a zoning anomaly. The site is eligible for RS-8 zoning.

**The Motion was then Put and CARRIED**

Blair Avenue  
Addition  
  
BOV #00653

**Applicant:** Terry and Barb Mah  
**Property:** 1654 Blair Avenue  
**Variance:** Relaxation of allowable floor space in non-basement areas from 80% of 85.39%

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

Applicants

David Lunt, T-Square Designs, and Barb and Terry Mah, applicants, were present in support of the application.

In response to questions from the Board, the owners and designer stated:

- The hardship is the family needs a more functional home to accommodate extended family members with medical issues.
- The existing home is a typical 1970s built home with small rooms.
- The applicants are moving from a beautiful custom home and would like to live in an upgraded home with newer finishes because their parents are not able to live in their home due to their stairs. They are downsizing and sacrificing living in their present home for the betterment of the family.
- They are looking at a 180 square foot modest addition.
- The lot size is appropriate for RS-11 zoning.

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 210.4(c), further to the construction of an addition to the house on Lot F, Section 55, Victoria District, Plan 17365 (1654 Blair Avenue):

- a) relaxation of allowable floor space in non-basement areas from 80% of 85.39%

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 relatively minor variance.
- The house presently does not accommodate multi-generational use and needs to be renovated.
- The area of the addition does not impact the neighbours.
- The addition adds onto the existing foundation and leaves the carport open.

**The Motion was then Put and CARRIED**

Petworth Drive  
New house

**Applicant: Ryan Wyllie OBO Ron and Elaine Busch**  
**Property: 149 Petworth Drive**  
**Variance: Relaxation of height from 7.5 m to 8.30 m**

BOV #00657

The Notice of Meeting was read and the applicant’s letter received. Four letters of support were received.

Applicants

Ryan Wyllie, Designer, and Elaine Busch, owner, were present in support of the application.

The following responses to questions from the Board are noted:

- The idea of the design was to create the house low into the ground and have it blend into the environment.
- The house is designed for accessibility.
- The slope on the boulevard drops substantially in context to where the existing house is, which provides more privacy.
- A series of events led to the house being constructed over-height. The elevations changed after the blasting occurred.
- The contractor did build according to the plan; this was an unexpected mistake.

In Favour

Nil

In Opposition

Nil

**MOTION:**

**MOVED by R. Kelley and Seconded by D. Gunn: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 125.6(b)(i), further to the construction of a new house on Lot 6, Section 134, Lake District, Plan 36547 (149 Petworth Drive):**

- a) relaxation of height from 7.5 m to 8.30 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:

- It would be a significant hardship to correct the mistake; the explanation of the mistake was logical.
- The design causes less impact than before and the massing is controlled.
- There is a topographical hardship.
- The neighbours are in support.

**The Motion was then Put and CARRIED**

Blackberry Lane Accessory building  
**Applicant:** Yvonne and Simon Park  
**Property:** 4049 Blackberry Lane  
**Variance:** Relaxation of interior side lot line from 1.5 m to 0.00 m

BOV #00658 The Notice of Meeting was read and the applicant's letter received. Seven signatures of support were received.

Applicants Yvonne and Simon Park, owners, were present in support of the application and they submitted signatures of support from neighbours and the strata council. In response to questions from the Board, the following was noted:

- The hardship is the shape of the yard. It is very narrow and if they have to abide by the setbacks the shed will be in the centre of the yard.
- The shed is an 8' x 10' shed.
- There is no other place to position the shed as there is a stone wall in the back and trees in the way.
- They have not spoken with the neighbour directly affected.
- More than half the strata have sheds on their property.
- They would place the shed maybe 6" – 8" off the property line so it would not be placed right at zero.

The Zoning Officer confirmed that:

- A building permit is not required for a shed this size.
- The covenant does not affect the decision of the Board.
- There was a bylaw complaint, however there was nothing on the property to complain about.

Board comments:

- Concern was expressed about the zero lot line which would make it impossible to perform maintenance on the fence.
- The proposed placement would make a wall in front of the neighbours window. They may be impacted.
- The lot constraints are understood.

A discussion occurred about adjusting the request from between .50 metre and .20 metre. More room would allow for fence maintenance.

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 1310.5, further to the construction of an accessory building on Lot 14, Section 49, Victoria District, Plan VIS4158 (4049 Blackberry Lane):**

**a) relaxation of interior side lot line from 1.5 m to 0.50 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 variance so permitted by this Order will expire."**

Board comments:

- A .50 metre measurement would still provide relief and allow the applicant space in the general area.

- Correspondence was not received from neighbours, but there may be a reason why they did not write in.
- A zero impact variance is significant.
- This seems to be a fair request; would prefer a full Board present for consideration.

**The Motion was DEFEATED with H. Charania OPPOSED**

As Board members could not come to a consensus the application is **TABLED** until such time where a full Board can be present.

Malton Avenue  
New house  
  
BOV #00659

**Applicant: Tim Rodier OBO Steven Branyik**  
**Property: 4080 Malton Avenue**  
**Variance: Relaxation of height from 6.5 m to 7.50 m**  
**Relaxation of single face height from 6.5 m to 8.12 m**  
**Relaxation of allowable floor space in non-basement areas from 80% to 99.62%**

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

Applicants

Tim Roder, Designer, and Steven and Addy Branyik, parents of the owners, were present in support of the application. In response to questions from the Board it was noted that:

- The slope on the site is deceiving; the road is fairly high to the site and getting the floor height to the road is difficult.
- They need a level front entry to accommodate a wheelchair. The described the challenges that face the family member if they do not have a level entry.
- Safety is an issue.
- The lower suite will be for a future caregiver.
- The home has a full basement. They are going for the maximum gross floor area.
- The variances requested all relate to the slope of the land.
- After the survey was done, it was apparent that the house would sit quite low to the road. There is a six percent slope from the road to the garage.
- They could achieve what they want without a variance by digging down a metre, however they would lose all the windows and light downstairs.

Board discussion:

- The perception from the road level is that it is a 2 storey house.
- The impact would be on the rear neighbours; the side is not an issue.
- The massing is controlled.
- There is a walkway/wildlife corridor that separates the houses.
- The grade is significant.
- Question was raised about whether the request goes against the covenant.

In Favour

Nil

In Opposition

Nil

**MOTION:**

**MOVED by R. Kelley and Seconded by D. Gunn: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Section 220.4(b)(i) and (ii) and 220.4(c), further to the construction of an addition to the house on Lot A, Section 32, Victoria District, Plan EPP70463 (4080 Malton Avenue):**

- a) relaxation of height from 6.5 m to 7.50 m
- b) relaxation of single face height from 6.5 m to 8.12 m
- c) relaxation of allowable floor space in non-basement areas from 80% to 99.62%

**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:

- Although they are going for maximum square footage, an effort has been made to limit the massing of the building.
- There seems to be long-term intent to stay on the property.
- The topographical and personal hardships are evident.

**The Motion was then Put and CARRIED**

---

Adjournment      On a motion from D. Gunn, the meeting was adjourned at 9:55 p.m.

\_\_\_\_\_  
Haji Charania, Chair

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

\_\_\_\_\_  
Recording Secretary