

**MINUTES
BOARD OF VARIANCE
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL
MARCH 14, 2018 AT 7:00 P.M.**

Members: H. Charania, D. Gunn, R. Gupta, M. Horner, R. Riddett (Chair)

Staff: D. Blewett, Zoning Officer, T. Douglas, Senior Committee Clerk

Minutes: Moved by H. Charania and Seconded by R. Gupta: "That the minutes of the Board of Variance meeting held February 14, 2018 be adopted as amended."
CARRIED

Erindale Place
Addition

Applicant: Daniel Rieb

Property: 1040 Erindale Place

Variance: Relaxation of rear lot line from 7.5 m to 5.93 m

BOV #00688

**Relaxation of combined front and rear setbacks from
15.0 m to 12.30 m (note: 12.30 m should read 10.73 m)**

The Notice of Meeting was read and the applicant's letter received. Letters of support received from three residences.

Applicants:

Dan Rieb, applicant, was present in support of the application. He noted that the neighbours he was able to get in touch with were supportive. He is proposing to build a suite in the house for his daughter who will be attending university. Mr. Rieb answered questions from Board members and the following was noted:

- They spent seven months looking for a home and were outbid on five offers, so the house they ended up purchasing is too small for their needs.
- Prior to purchasing the home they committed to a one year lease of the house they are currently living in, and are renting the home they plan to renovate. They plan to stay in the home long-term if they can renovate it.
- They need space for relatives who visit as well as a separate suite for their daughter. A description of the project was given.
- The location of a Garry oak and rock on the east side of the property is prohibitive. They do not want to build up and affect the neighbours' views.
- If not approved they will have to live as is until they can find a more suitable house.

A discussion occurred regarding the sunroom being converted to an open deck and it was pointed out that the request of the combined front and rear setback should read as 10.73 metres and not 12.30 metres. The following was noted:

- Concern was expressed that the corrected variance request is fairly large and the applicant may want to consider options to reduce the request.
- This is an irregular lot with an existing non-conforming home.
- The space under the deck is to be open space to store items.
- The variance is really a 42cm ask between the back lot line and the proposed deck corner.
- The siting of the existing house presents a hardship for the applicant.
- They are well under the allowable square footage.

The applicant was advised that adjacent properties will have to be re-notified with the correct ask of 10.73 metres. Consensus was that the Board will hold a special meeting as soon as possible to consider this matter. The applicant was given the option of returning to the Board with the same proposal, or to request a smaller variance after considering the comments made tonight.

Public input: Nil

MOTION: **MOVED by H. Charania and Seconded by R. Gupta: "That the requests for variance from the requirements of Zoning Bylaw 2003, Section 210.4(a)(i), further to the construction of an addition to the house on Lot A, Section 9, Victoria District, Plan 15321 (1040 Erindale Place) be TABLED for consideration as soon as possible."**

CARRIED

Aurora Way
Accessory
building

Applicant: Brian Coey
Property: 595 Aurora Way
Variance: Relaxation of rear lot line from 7.5 m to 1.50 m
Relaxation of exterior side lot line from 7.5 m to 3.50 m

BOV #00689

The Notice of Meeting was read and the applicant's letter received. Letters of support received from four residences.

Applicants:

Brian Coey, owner/applicant was present in support of the application and had nothing to add. Board members Charania, Gunn, Gupta and Horner disclosed that they met with the applicant during the site visit. Mr. Coey answered questions from the Board and the following was noted:

- He has spoken with and has the support of his neighbours.
- They put thought into the sightlines and how to be least disruptive.
- The Zoning does not match the lot size. The setbacks should be more in line with an RS-8 zoned lot.
- He needs a garage and has long term plans to live in the neighbourhood.
- They considered a single car garage but he does automotive work on his vintage vehicle, and also does wood and metal work. The building would be to accommodate the vehicle and be a hobby work space.
- The existing house is non-conforming. It would be a challenge to build a legally conforming house with the current zoning.
- This is the best area to have the building. A septic field and the need for some back yard space limits their choices.
- A variance would be needed no matter where the building is located.

Public input: Nil

MOTION: **MOVED by H. Charania and Seconded by M. Horner: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Section 101.7(a)(i), further to the construction of an accessory building on Lot 1, Section 64, Lake District, Plan 11221 (595 Aurora Way):**

- a) relaxation of rear lot line from 7.5 m to 1.50 m
- b) relaxation of exterior side lot line from 7.5 m to 3.50 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:

- This looks like a large variance request however the applicant is stuck with inappropriate legacy Zoning. If looking at this like it is an RS-8 lot, the variance is minor.
- The applicant will replace the tree that has to be removed.

- This is an awkward lot, with an existing non-conforming house, and the building does not negatively impact neighbours.
- Neighbours are supportive.
- One member questioned the hardship and felt that this increases an existing non-conformity.

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

Paskin Way
Accessory
building

Applicant: Villamar Construction Ltd OBO Dave and Michelle Jeske
Property: 722 Paskin Way
Variance: Relaxation of minimum distance between roof over-hangs from 60 cm to nil

BOV #00690

The Notice of Meeting was read and the applicant’s letter received. Letters of support received from four residences. Mr. Charania disclosed that he met with a worker on the site visit.

Applicants:

Duane Ensing, applicant, and JT Brown, also of Villamar Construction, were present in support of the application and had nothing to add. They apologized for not having the site marked and did note that the footings were there. In response to questions from the Board, Mr. Ensing stated:

- Proposed is a covered outdoor patio that complies with the Building Code.
- The structure is proposed to be 4’ from the house with the roof being 2’ from the house. The only issue is the overhang conflicts with the Zoning Bylaw.
- When you look up at the roof overhangs, there should be 2’ of space between the house and the covered patio. They discussed this issue with staff who recommended they apply to the Board of Variance.

Questions continued, and the applicant stated:

- The issue was discovered when they came in for a permit. They could build the structure with no overhang, but cutting the timbers would look bad.
- This structure does not affect neighbours and this is not a Fire or Building Code issue.
- If this is denied, they could move the posts back or have a smaller structure but the clients do not want to have any gaps between the structures in case of rain or bad weather.
- They did have an outdoor space that was not covered but construction nearby resulted in a loss of privacy so this is why they want a covered area.
- The covered area is right outside the living room; there is no suite potential for this structure. It has no plumbing and is a similar idea to a gazebo.
- There are no detailed drawings or a building permit because they were told to apply to the Board of Variance first.
- The retaining wall is for landscaping purposes and may form part of the construction of the structure.
- The posts are all 5’ from the property line and they meet all setbacks.

Public input:

Nil

MOTION:

MOVED by D. Gunn and Seconded by H. Charania: “That the following request for variance from the requirements of Zoning Bylaw 2003, Section 5.29(ii), further to the construction of an accessory building on Lot 18, Section 9, Lake District, Plan 33934 (722 Paskin Way) be DENIED:

- a) relaxation of minimum distance between roof over-hangs from 60 cm to nil.”

Board comments:

- The forming for the wall is there and the footings are substantial. It is not clear what is being built; the drawings do not provide enough detail.
- The hardship is questioned.
- The applicant gave evidence that they can remove the roof to comply.

**The Motion was then Put and DEFEATED
With R. Gupta, M. Horner, R. Riddett OPPOSED**

The majority of Board members felt that the applicant could be given the opportunity to improve and better explain their application.

MOVED by R. Gupta and Seconded by M. Horner: “That the request for variance from the requirements of Zoning Bylaw 2003, Section 5.29(ii), further to the construction of an accessory building on Lot 18, Section 9, Lake District, Plan 33934 (722 Paskin Way) be TABLED for up to three months, in order to give the applicant time to provide amended plans and drawings to better explain their request.”

The Motion was then Put and CARRIED

Parker Avenue Accessory building	Applicant: Shauna Makin, Redesign OBO Dr. Neil and Louise Solomons Property: 5553 Parker Avenue Variance: Relaxation of front lot line from 15.0 m to 7.5 m
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BOV #00691 The Notice of Meeting was read and the applicant’s letter received. Letters of support received from two residences. M. Horner and H. Charania disclosed that they met with the owner during their site visits.

Applicants: Shauna Makin, applicant and Neil and Louise Solomons, owners were present in support of the application. Ms. Makin stated that the main point they are trying to achieve is to create distance between the garage and the house, creating a courtyard between the two structures. The lot size is just over 2000 square metres and this determines the setback. The following responses to questions from the Board were noted:

- They have lived on the property for 7 years.
- There is a Hydro right-of-way on the property.
- Space is needed for cars to enter and exit the garage, and back out of the driveway.
- They do need a larger garage, they only have a crawlspace so this structure will be used for storage in addition to vehicle parking.
- Storms result in damage from debris at the back of the yard, so the proposed placement of this structure seemed the most logical.

Public input: Nil

MOTION: **MOVED by H. Charania and Seconded by M. Horner: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 295.4(a)(i), further to the construction of an accessory building on Lot AM25, Section 35, Lake District, Plan 8328 DD231827-I (5553 Parker Avenue):**

a) relaxation of front lot line from 15.0 m to 7.5 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 lot size is only slightly over the threshold which would trigger a larger setback.
- The two neighbours are not opposed to the application and there is no environmental impact.
- The closest fence is cement. The proposed building will suit the look and feel of the property.
- The explanation of the space needed for backing up vehicles was reasonable.
- The hardship is questionable, and this may change the streetscape.
- The proposed structure could be moved somewhere else.

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

Seaton Street Addition BOV #00694	Applicant: Latitude 48 Design Ltd OBO Nancy Dyer and Brian Money Property: 3766 Seaton Street Variance: Relaxation of height from 6.5 m to 7.5 m Relaxation of single face height from 6.5 m to 8.14 m Relaxation of allowable floor space in non-basement area from 80% to 81.87%
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The Notice of Meeting was read and the applicant’s letter received. Letters of support received from three residences. D. Gunn disclosed that he met with the owner onsite and received a tour inside.

Applicants:

- Ryan Wyllie, applicant, was present in support of the application. He noted that:
- His clients plan to retire and they would like to construct a suite for a future live-in caretaker.
 - They both share an office and could use more space, the proposal expands the existing office.
 - The 2 metre slope of the property affects the height, and they have designed a minimal roof.
 - There is substantial space around the properties in the area; this could be zoned as RS-8.
 - The house was built by Mr. Money’s father in 1954 and he has lived there since then.
 - The ceiling height of the bottom floor makes the basement not livable.

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

- If denied they will try to reconfigure things. The problem is the current bathroom and the restrictive ceiling height. They could redesign, but there would be an odd jog or they would lose a window.
- There is no basement in the house.
- The options were to put a bathroom upstairs or put in a suite below. The cost of a suite is prohibitive because of a drop beam and the low ceiling height.
- There is space upstairs that they can use by adding only 120 square feet.
- There are two rooms downstairs; one is storage and one is a work room.

Public input: Nil

MOTION: **MOVED** by R. Gupta and **Seconded** by D. Gunn: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 210.4(b)(i) and (ii) and 210.4(c), further to the construction of an addition to the house on Lot 9, Section 14, Victoria District, Plan 8700 (3766 Seaton Street):

- a) relaxation of height from 6.5 m to 7.5 m
- b) relaxation of single face height from 6.5 m to 8.14 m
- c) relaxation of allowable floor space in non-basement area from 80% to 81.87%

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:

- They are only adding minor floor space. The design is well thought out.
- The height looks big, but they are zoned as a smaller lot size and there is a large slope on the property.
- The owner has been there since 1954, and has the neighbours’ support.
- There is no visual increase to the existing height. The new roofline needs the variance.
- There is a hardship in renovating older bungalows.
- The hardship is questionable but this is minor and they are not creating an additional suite.

The Motion was then Put and CARRIED

Duke Street
Accessory
building

Applicant: Robert Johnston
Property: 1204 Duke Street
Variance: Relaxation of rear lot line from 1.5 m to 0.49 m
Relaxation of interior side lot line from 1.5 m to 0.27 m

BOV #00695

The Notice of Meeting was read and the applicant’s letter received. Letters of support received from two residences.

Applicants:

Rob Johnston, owner/applicant was present in support of the application. He stated he would like to build a garage on the foundation of the previous garage. He has inherited the footings which are non-conforming to the Bylaw.

Public input:

Tom Russell, 1206 Duke Street, provided a history of the house at 1204 Duke Street. He noted the last owner renovated the house and removed the garage and destroyed a couple cedar trees. He is sympathetic to the applicant’s request.

In response to Board questions, Mr. Johnston stated:

- He plans to use the garage as a garage.
- He would like to use the existing footings as they are solid and appropriate.
- He does not want a gravel floor and plans to pour a concrete floor.
- He described the setback measurements for the proposed structure.

MOTION: **MOVED** by R. Gupta and **Seconded** by M. Horner: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Section 210.5(a)(ii), further to the construction of an accessory building on Lot B, Section 32, Victoria District, Plan 7169 (1204 Duke Street):

- a) relaxation of rear lot line from 1.5 m to 0.49 m
- b) relaxation of interior side lot line from 1.5 m to 0.27 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 minor request and the structure is nicely tucked away.
- The neighbours are supportive.
- The house placement and the awkward lot limits the applicant’s options.

The Motion was then Put and CARRIED

**Other
business:**

Survey Certificate requirements:

Board members were informed that correspondence, dated February 20, 2018, regarding Survey Certificate Requirements was sent to the Director of Building, Bylaw, Licensing and Legal Services.

Site marking notice:

The Secretary has finished edits on the “Notice to Board of Variance Applicants: Marking your site” document. This will be sent to applicants along with the Notice of Application to the Board of Variance, in hopes that markings will be better for the Boards’ site visits.

Meeting times:

A discussion occurred about the high number of BOV applications that have been coming in. Board consensus was that all future BOV Hearings, regardless of the number of applications, will commence at 6:00 pm. Board members will endeavour to arrive for 5:50pm in order to review and adopt minutes before the Hearings.

Adjournment

On a motion from R. Gupta, the meeting was adjourned at 9:15 pm.

Robert Riddett, Chair

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

Recording Secretary