

**MINUTES
BOARD OF VARIANCE
COMMITTEE ROOM NO. 2, SAANICH MUNICIPAL HALL
APRIL 11, 2018 AT 6:00 P.M.**

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

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

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

Moved by D. Gunn and Seconded by M. Horner: "That the minutes of the Special Board of Variance meeting held March 26, 2018 be adopted as circulated."
CARRIED

Paskin Way
Accessory
building
BOV #00690

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

MOVED by R. Gupta and Seconded by D. Gunn: "That the application for variance at 722 Paskin Way be lifted from the table."
CARRIED

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

Applicants: Duane Ensing, Villamar Construction, applicant, and Dave and Michelle Jeske, owners, were present in support of the application. Mr. Ensing summarized the request and illustrated the variance with some drawings. They are asking to keep 2' of roof overhand on an accessory building. The following was stated:

- They would like to reduce their view of the neighbour's property.
- They would like a functional indoor/outdoor space.
- They are prepared to reduce the gable by 2' at the end of their house roof in order to keep the look of the gazebo as designed. They would like to look at an aesthetically pleasing structure from inside their home.
- The retaining wall holds the landscape on the north and east sides. There will be posts and partial walls on top of the retaining walls.
- Hardships are mostly financial. The accessory structure could be smaller but the footings are in place, ready to go. Cutting the roof would be costly and would reduce the resale value of the home. It looks like a small project but it is costly every time changes are made.
- The intent of the bylaw isn't clear, and they feel this is also a hardship. When they asked staff about this particular part of the bylaw, nobody was able to explain the reason for it.
- Planning staff and the neighbours are in support.
- The neighbours will not see the structure, and it will maintain the quality of the neighbourhood.
- The rooflines are not close to each other; they are on different planes.
- There will be no plumbing. The structure will be built as submitted.

In response to a question the Zoning Officer stated he is not sure about the original intent of this part of the Bylaw. Wall separation can be a fire concern but he is not sure why overhang separation is an issue.

Public input: 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 5.29(ii), further to the construction of an accessory building on Lot 18, Section 9, Lake District, Plan 33934 (722 Paskin Way):**

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

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 not an inappropriate development of the site.
- The neighbours and the environment are not affected.
- There is support from the neighbours.
- There is vertical separation between the roof overhangs.
- This is a minimal ask.
- Although small, there is a hardship and the footings are in place already.
- The intent of the bylaw is unclear.

The Motion was then Put and CARRIED

Hibbens Close Addition

BOV #00693

Applicant: A. Willie Design OBO Pi-Yu Chen
Property: 2716 Hibbens Close
Variance: Relaxation of front lot line from 7.5 m to 4.56 m
Relaxation of exterior side lot line from 3.5 m to 2.00 m
Relaxation of height from 5.0 m to 7.06 m
Relaxation of single face height from 5.0 m to 8.63 m

The Notice of Meeting was read and the applicant’s letter received. One letter of support received. One letter not in support received.

Applicants:

Archie Willie, applicant, Kevin Chen, owner’s son, and Mike Deakin-Macey, contractor, were present in support of the application. A photo of the home with an overlay of the proposed addition was provided to illustrate the impact. They spoke to a variety of hardships and the following comments were noted:

- The house is already existing non-conforming. The original house was sited in this position with variances; it is not known why, but likely because of geotechnical issues on the property.
- The variances previously approved are for the front and exterior side.
- The height calculations have changed over the years. What they are proposing is no higher than the existing home.
- They looked at where to expand and the proposed was the best spot.
- The applicant’s family of five moved into the house after his father died, in order to assist his mother.
- His family of five are living in two bedrooms and they would like to have more space. It is preferable to have all family members on the same floor due to the young age of their children.
- They cannot expand toward the water as the geotechnical advice was to not build toward the bank.
- There is a Saanich right-of-way which also restricts the siting. The only option is the front yard.

- The design keeps the sides open, leaving the views intact for neighbours, and doesn't affect the storm drains that are along the side of the house.
- They are trying to keep within the footprint of the existing house and propose to dig out the front, expand the courtyard and add two bedrooms, two bathrooms and a utility room.
- Two sunrooms are to be replaced on the rear.
- A description and illustration of the drainage in and around the property was given. Municipal storm drains are connected to the house.
- All they want to do is put a room on top of the garage. This would be the least invasive. This is an archaeological site and they would like to avoid digging.

Public input:

Jack Angus, 2710 Hibbens Close:

- The house is already almost 5,000 square feet with five bedrooms and four bathrooms. They are proposing to add about 1,000 square feet.
- The project extends two feet further toward the road and is a Garrison style addition where the upper floor extends over the lower. The addition creates too much bulk.
- The views of the sea will be lost with the height increase. He provided a photo of the home with the proposed addition drawn on to show the loss of sea views.
- This home already has variances and the proposed addition is too bulky.

Marlene Schemitsch, 2715 Hibbens Close:

- Expressed concern that there are already variances on the property and the proposed addition will block their views and devalue their property.
- Wondered if some of the bedrooms are being used for offices or other purposes.

Henry Ravensdale, 2723 Hibbens Close:

- The house has five cars associated with it, with three parked on the road. The double car garage is not being used to store cars.
- There is a bedroom in the basement. Suggested that more space downstairs could maybe be used for a bedroom, but was not sure if this was possible.
- Asked if the applicant could build a bedroom downstairs with a window.

Fred Schemitsch, 2715 Hibbens Close:

- When they looked at building in the neighbourhood they designed a house that fit within the bylaw. They had opportunity to purchase the lot at 2716 Hibbens Close but did not buy it because of all the problems with the bank.
- Is shocked by the proposed size of the house. The proposed addition is a monstrosity on top of the garage.
- Is sympathetic to the situation but the applicant should know what is appropriate to the site. This impacts views.

The Zoning Officer explained the rules around gross floor area. The applicant proposes to fill in the basement area and make it into a crawl space in order to build an addition on the upper floor.

A brief discussion occurred about the RS12-A Zone, and it was suggested that this could have been a specific zone to protect water views.

In response to questions from the Board, the following was stated:

- They are unable to dig down in the basement area because of the suspected presence of a midden, as well as the need for egress. Deep window wells would be needed.
- The basement is also under a sunken living room, which further reduces the space.
- The family would like to be on the same floor. Having the children two levels down is not ideal.
- They have an archaeological permit application in for the proposed construction.
- Mr. Chen's father passed away and his mother, who owns the house, needs help. This is why his family has moved in.
- The house has big living rooms and not a lot of bedrooms. The existing bedrooms are only 11' x 12'.

In response to questions, the Zoning Officer stated that:

- If the lot was currently empty, they would need a variance to build a house.
- The single face height rule did not exist in 1989.
- The existing house as it stands would require the same overall height variance, if it were being built today.
- The approximate current square footage is 4,959 square feet. They propose to remove about 503 square feet and add about 972 square feet, making the final square footage of about 5,359 square feet.
- The right-of-way next door is an undeveloped road.

MOTION:

MOVED by D. Gunn and Seconded by R. Riddett: "That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 255.4(a)(i), 255.4(a)(iv), 255.4(b)(i) and 255.4(b)(ii), further to the construction of an addition to the house on Lot D, Section 44, Victoria District, Plan VIP44023 (2716 Hibbens Close):

- a) relaxation of front lot line from 7.5 m to 4.56 m
- b) relaxation of exterior side lot line from 3.5 m to 2.00 m
- c) relaxation of height from 5.0 m to 7.06 m
- d) relaxation of single face height from 5.0 m to 8.63 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 heights and setbacks already exist.
- The lot is restrictive and in an archaeological zone.
- The proposed changes will make the house more modern.
- This will not substantially affect neighbours' views as the sides are left open and the height ask is for the front, not on the ocean side.
- Two conflicting drawings were presented, the one submitted by the neighbour is taken from the road and is not the view from their own house.
- The applicant doesn't live there, they just moved in.
- This is already a big house that is non-conforming, and they are making the non-conformity bigger.
- This is a major variance for height. Cannot see a reason to compound the existing non-conformity.
- The hardship is difficult to see.

- Sees sympathy with the neighbours regarding views.
- The intent of the RS 12-A zone was likely to protect water views.

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

Lochside Drive
Addition

Applicant: Debrah Sherwood
Property: 4924 Lochside Drive
Variance: Relaxation of front lot line from 7.5 m to 6.12 m

BOV #00696

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

Applicants:

Debrah and Bruce Sherwood, applicant/owners, were present in support of their application. Mr. Gupta disclosed that he met with Mr. Sherwood on his site visit and stated that the markings were well done, showing a modest ask.

In response to questions from the Board, the Mr. and Ms. Sherwood stated:

- There is no other place on the site to build a garage.
- The driveway will have to be realigned so cars can swing in. The house sits at an odd angle to the property line.
- The last owners enclosed the carport and created the utility room. The room contains heat and water pumps.
- A portion of the wall will be removed and they will pour a new wall.
- The old stairs are made of slippery granite and they are breaking up. They will be realigned and replaced with more suitable material.

Public input:

Nil

MOTION:

MOVED by R. Gupta and Seconded by M. Horner: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 295.3(a)(i), further to the construction of a garage addition to the house on Lot A, Section 28, Lake District, Plan 23027 (4924 Lochside Drive):

a) relaxation of front lot line from 7.5 m to 6.12 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 modest request.
- There is a significant slope so this will not be highly visible from the street.
- This is appropriate to the neighbourhood and there is no impact to neighbours.
- There is a hardship with the existing house siting and the topography.

The Motion was then Put and CARRIED

Mortimer Street Addition
Applicant: Gregory Fiddick
Property: 1727 Mortimer Street
Variance: Relaxation of combined side yard setback from 4.5 m to 3.94m

BOV #00697

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

Applicants:

Greg Fiddick, applicant/owner, was present in support of the application. The following was noted:

- The property survey shows a legal non-conforming front and rear setback that they are not increasing.
- The house will have three bedrooms and an office with the proposed garage conversion.
- The attached garage is original to the home.

Board members commented that the drawings done by AJB Home Design and provided by the applicant are very difficult to read.

Public input:

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 210.4(a)(ii), further to the construction of an addition to the house on Lot 2, Section 40, Victoria District, Plan 15605 (1727 Mortimer Street):

a) relaxation of combined side yard setback from 4.5 m to 3.94 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 and the space is needed for a growing family.
- The house is existing non-confirming.
- There is hardship in bringing an old house into the modern age.
- There is no negative impact to the neighbourhood.

The Motion was then Put and CARRIED

Inez Drive Fence height
Applicant: Robert Wickson
Property: 2836 Inez Drive
Variance: Relaxation of height from 1.9 m to 2.39 m

BOV #00698

*** Mr. Charania cited a conflict of interest and excused himself at 7:38 pm.***

The Notice of Meeting was read and the applicant's letter received. One letter not in support received.

Applicants:

Rob and Claudia Wickson, applicant/owners, were present in support of the application. The following was noted:

- They have lived in the house for 30 years. They provided photos of what the yard looked like many years ago with trees, rose gardens, vines, daphne, etc.
- The raccoons would attack their dogs, so they cleared out the area in hopes of reducing the wildlife living in the shrubs.

- The neighbour adjusted the location of her fence years ago. Her area became unsightly so they asked if they could paint her house with a nice mural or something pleasing, but she said they could only paint it white to match the rest of her house.
- The land slopes about 3' from top to bottom and they wish to use their back yard space. They placed their own fence 6" inside their property line to help hide the neighbour's area.
- When levelling the land, they realized the fence would be short in some areas; they would like an attractive fence so they built it as level as they could.
- The fence is to have greenery growing up it to create a natural and private area.
- In terms of hardship, they do not want to have to rebuild the fence. They need something substantial enough to give privacy. They do not like the look of the neighbour's wall. She has a window on that side of her house that lights up their yard when her light is turned on. The neighbour can see into their yard and this impacts their privacy.
- The top part of the fence is the tallest and hides the garbage in the corner.

The Zoning Officer confirmed that lattice could not be substituted as this would be included in the overall height measurement, as do posts and caps.

Public input: Nil

MOTION: **MOVED by R. Gupta: "That the request for variance from the requirements of Zoning Bylaw 2003, Sections 6.2(f)(ii), to allow an existing fence to remain as is on Lot S 11, Section 15, Victoria District, Plan 1070 (2386 Inez Drive) be Denied."**

The Motion DIED due to lack of a Seconder

Board members discussed possible options for the applicant to consider.

MOTION: **MOVED by D. Gunn and Seconded by R. Gupta: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 6.3(f)(ii), to allow an existing fence to remain as is on Lot S 11, Section 15, Victoria District, Plan 1070 (2836 Inez Drive):**

a) relaxation of height from 1.9 m to 2.39 m."

Board comments:

- Overall this is a minor variance.
- Hardship is weak but privacy was stated.
- The neighbour is not negatively impacted.
- The neighbour's garage does not meet the minimum setback.
- The variance is only for the portion of fence that is hidden from the neighbour's view.
- There are other ways to create privacy.

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

*** H. Charania returned to the meeting at 8:00 pm ***

Sea View Road
Accessory
building **Applicant: Integral Designs OBO John and Victoria Simmons**
Property: 2941 Sea View Road
Variance: Relaxation of maximum lot coverage from 2.5% to 5.29%

BOV #00699 The Notice of Meeting was read and the applicant's letter received.

Applicants: Bob Ingram, Integral Designs, applicant, was present in support of the application. In response to questions from the Board, he stated that the large tree on the property will remain but a smaller pine tree will be removed, and the small pond will have to be filled in.

In response to a question, Zoning Officer confirmed that this is an undersized lot for the zone.

Public input: Nil

MOTION: MOVED by R. Riddett and Seconded by D. Gunn: "That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 290.4(c), further to the construction of an accessory building (garage) on Lot 2, Section 44, Victoria District, Plan VIP 43146 (2941 Sea View Road):

a) relaxation of maximum lot coverage from 2.5% to 5.29%

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:

- Saanich has caused this hardship by approving a lot in a subdivision, but not changing the zoning appropriately.
- Medical conditions were given as a reason for the need for a garage.
- The design is the same style as the house.
- There is no impact on the environment or the neighbourhood.
- The large tree is being preserved, there is no opposition and this is another example of legacy zoning.

In response to a question, the Zoning Officer stated that the intent of the Bylaw was likely to prevent future subdivision.

The Motion was then Put and CARRIED

Gordon Head
Road
New house **Applicant: Douglas Macaskill**
Property: 4355 Gordon Head Road
Variance: Relaxation of front lot line from 15.0 m to 11.20 m
Relaxation of the height from 6.5 m to 7.34 m
BOV #00700 **Relaxation of the single face height for a flat roof from 6.5 m to 8.25 m**

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

Applicants: Douglas and Brenda Macaskill, applicant/owners, were present in support of the application. They presented information showing the previous plans that had been approved and the newly proposed siting which slides the house to the rear. In response to questions from the Board the following was noted:

- The proposed siting sits below the road about 2.5 metres compared to the originally approved plan that was about 2.5 metres above the road.
- The original plan did not have a garage but this one does. The driveway is about 35% grade and 15% is the maximum allowed. By building a driveway with a switchback, they can get the grade down to 13%.
- They will now have a dedicated access instead of having a shared access.
- They would have liked to ask for a higher house but did not want to push their luck. This plan is more expensive because they have to dig/blast down.
- The terrain causes the need for the single face height variance.
- They were not going to use the existing foundation; it has been removed.
- They did have a Biologist look at the site and were told what they are proposing is acceptable.

Public input: Nil

MOTION: **MOVED by R. Gupta and Seconded by R. Riddett: “That the following variances be granted from the requirements of Zoning Bylaw 2003, Sections 290.3(a)(i), 290.3(a)(ii), 290.3(b)(i) and 290.3(b)(ii), further to the construction of a new house on Lot A, Section 45, Victoria District, Plan 15686 (4355 Gordon Head Road):**

- a) relaxation of front lot line from 15.0 m to 11.20 m
- b) relaxation of the height from 6.5 m to 7.34 m
- c) relaxation of the single face height for a flat roof from 6.5 m to 8.25 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 variances so permitted by this Order will expire.”

Board comments:

- This design/siting is better than the one approved back in 2015.
- The neighbours are in support.
- The low profile design is mindful of the community and the environment.
- There is a hardship with the lot shape, frontage on the road, topography and grade.

The Motion was then Put and CARRIED

<p>Ash Road New house BOV#00703</p>	<p>Applicant: Harjit Dulku Property: 1751 Ash Road Variance: Relaxation of single face height for a sloped roof from 7.5 m to 8.14 m</p>
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The Notice of Meeting was read and the applicant’s letter received. Letter with comments received from one residence.

Applicants: Harjit and Balwinder Dulku, applicant/owners, and Gurcharan and Harmin Budwal, were present in support of the application. The following was noted:

- At the foundation stage they got a benchmark and did the height calculation.
- The surveyor noted a variation on the single face calculation and an adjustment was made to the plans. The framers did not use the adjusted set of plans when framing.
- The error was found out when the height survey was done after the framing.
- The overall height complies but the single face height does not.
- Photographs were given to show how a roof portion is offset of about 1’.

- Public input:
- There are two different levels of the foundation. There is no basement.
- Kevin Britt, 1794 Brymea Lane:
- Asked if a general contractor was used for the job.

Gerald Tearoe, 1741 Ash Road:

- Expressed concern about drainage, was told a sump pump would be used.

The Zoning Officer noted that runoff is a problem and the applicant is responsible for this. The applicant stated there is a perforated line installed and hook-up is in the front. He has spoken with neighbours and will look after the drainage. The Chair suggested that the neighbours involved may want to get this promise in writing from the applicant.

MOTION: MOVED by R. Gupta and Seconded by M. Horner: “That the following variance be granted from the requirements of Zoning Bylaw 2003, Section 250.4(b)(ii), further to the construction of a house on Lot 13, Section 84, Victoria District, Plan 9874 (1751 Ash Road):

- a) relaxation of single face height for a sloped roof from 7.5 m to 8.14 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:

- Originally felt this may be a major ask but learning that if not for the horizontal distance of one foot they wouldn't be here, this seems minor.
- This would be a very expensive fix.
- The drainage has nothing to do with the variance request.
- The horizontal distance creates the problem; this could have been planned better.
- A problem was identified at the beginning and should have been adjusted.
- The Board is not happy that the applicant is coming for forgiveness after the fact.
- There is no impact to the neighbourhood.
- It is noted that they have presented drawings for an auxiliary building with a secondary/garden suite and this is illegal under the current bylaws. This building should be used only for storage, arts/crafts, as written on their plans.

The Zoning Officer clarified the two problems that occurred with this application. The permits were submitted, the problem was found, and they attempted to rectify it. At the framing stage the small overlap was found. They thought the issues had been resolved prior to the foundation being poured.

The Motion was then Put and CARRIED

Bonnieview Place
New house
BOV#00704

Applicant: Gurcharanjit Budwal
Property: 4580 Bonnieview Place
Variance: Relaxation of single face height for a sloped roof from 7.5 m to 7.76 m

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

Applicants: Gurcharan Budwal, applicant, and Harmin Budwal, were present in support of the application. They noted that due to a shallow underground storm drain they cannot dig lower so they need to add height to the foundation.

In response to questions from the Board, they noted:

- There is no basement in the plans. There is a basement in the present house and there is problems with drainage.
- Geodetic numbers are provided, this will be slab on grade.
- Saanich does not want to use the storm drain connection on Bonnieview because it is not deep enough.

Public input: 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 250.4(b)(ii), further to the construction of a new house on Lot 10, Section 84, Victoria District, Plan 10361 (4580 Bonnieview Place):

- a) relaxation of single face height for a sloped roof from 7.5 m to 7.76 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 and the hardship is evident with the shallow drains.
- They do not have a basement.
- The design of the roofline lessens the impact on neighbours.
- The proposed house is large, as are the other houses in the area. This will fit in well overall.

The Motion was then Put and CARRIED

Adjournment On a motion from R. Gupta, the meeting was adjourned at 9:05 pm.

Haji Charania, Chair

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

Recording Secretary